



**Land Acquisition and Resettlement Framework
for Large-scale Agribusiness Investments
in
Jigawa State**

4th April 2016

Definition of Terms

Term	Meaning
Involuntary resettlement	“Involuntary Resettlement” refers to both physical displacement (relocation or loss of shelters) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihoods) because of land acquisitions undertaken specifically for an investment. Resettlement is involuntary when affected individuals or communities do not have the right to refuse land acquisition, which results in their physical and/or economic displacement. This occurs in cases of expropriation and negotiated settlements in which the buyer can resort to expropriation. All resettlement losses are compensated in-kind or in-cash, depending on the context.
Land acquisition	Land acquisition covers both full purchases of property as well as the permanent purchase of rights other than full property rights, such as rights-of way, easement and usufruct rights. Land acquisition can be permanent or temporary.
Physical displacement	Loss of dwelling or business as a result of project-related land acquisition, which requires the affected person(s) to move to another location. Physical displacement of businesses typically entails economic displacement too.
Economic displacement	Loss of assets (including land) or access to assets that leads to loss of income sources or means of livelihood as a result of project-related land acquisition or restriction of access to natural resources. People or enterprises may be economically displaced with or without experiencing physical displacement.
Stakeholder	Persons or groups with interests in the investment/project and who may be able to influence its outcome either positively or negatively.
PAP	Project Affected Person: Person or enterprise experiencing either physical or economic displacement or both.
Household	A person or a group of persons who share at least one meal a day. In Jigawa a household is generally the group of people that live in a compound that can contain one or more houses. A household does not necessarily correspond to a nuclear family: it may consist of one nuclear family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share cooking arrangements. Polygamous families – two or more wives – are considered as one household even if they live in different dwellings. The household is the basic eligibility unit considered in this LAR FRAMEWORK and entitlements are allocated to households rather than to individuals or extended families.
Land categories	<p>Residential Land:</p> <ul style="list-style-type: none"> • Private Residential Land: Land used for residential purposes (the resident might be an individual, a household or a group of people (church congregation etc.). • Communal Residential Land: Land used for communal purposes (markets, local roads/footpaths, communal schools etc.). • Public Residential land: Land acquired by the state for public schools, public roads, health centers etc. <p>Agricultural Land (households by custom own and legally have perpetual user rights to this land):</p> <ul style="list-style-type: none"> • Rain fed agricultural land <ul style="list-style-type: none"> • Food Crop Farm: Mostly located in or close to settlement. • Cash Crop Farm: Mostly located at some distance from settlements and includes land under cultivation and land that is left uncultivated for soil recovery; • Fadama land (floodplain & irrigated land). This is mostly located along the rivers and consists of natural floodplains as well as irrigated land. While the floodplain land is mostly privately owned, the irrigated land is mostly owned by the state and rented out to households <p>Grazing land:</p> <ul style="list-style-type: none"> • Grazing reserves: There are 452 grazing reserves (55 of them gazetted) in Jigawa that are formally owned by the state and administered by the Ministry of Agriculture, but used and maintained by nearby Fulani settlements. • Community grazing zones: There is an unknown number of community grazing zones in Jigawa that are formally administered by the LGAs, but used and maintained by nearby Fulani settlements. • Cattle roads. These mostly non-demarcated paths follow roads or paths and are used to move cattle from one grazing area to another and/or to the slaughterhouses in the larger villages and cities. There is an initiative by the Ministry of Agriculture and Livestock to declare the road reserve on both sides of roads as cattle roads. <p>Undeveloped Land is formally owned by the state, but by custom owned and administered by the villages.</p> <p>Forest reserves, other protected areas and forest plantations. These are formally owned and managed by the Ministry of Environment, but customary owned and de-facto used by the local communities.</p>
Orchards: fruit trees and firewood	The most common fruit trees are: oranges, banana’s and mango. Firewood plantations are rather uncommon and mostly deadwood, scrub and remains of natural forest used.

Term	Meaning
Land tenure	<p>Traditionally all land is by custom owned and administered by villages under the supervision of the Emirates. Within this communal land, individual households have been provided with land for agricultural and residential purposes, have improved this land through their own labor and investments, perceive themselves and are perceived by others as the owners of this residential and agricultural land even if they have no formal title, are the sole decision maker of this developed land: thus, have what one calls the “permanent user rights”. Under the national legislation (Land Use Act 1978), they can obtain a Certificate of Occupancy (CofO), but until very recently hardly anybody obtained such a document and transactions were mostly conducted verbally and registered with the village land committee under the supervision of the Emir. Recently, the process of CofO has been professionalized and the Government of Jigawa has committed to provide every citizen with his CofO within the next two years.</p> <p>This LAR FRAMEWORK recognizes four categories of use right holders: Permanent user right holders (those that have CofOs & those that could obtain it):</p> <ul style="list-style-type: none"> ▪ Peasant-owner is a permanent right holder, who cultivates the whole or the major part of his agricultural land holdings. The peasant-owner is in most cases the household; • Resident is a permanent right holder to a plot of residential land that in most cases includes a house that is occupied by the resident’s household; • Landlords are non-cultivating or non-resident permanent right holders, who get their proprietary holding tilled by another person and/or have rented out residential land and receives rent in cash, in kind or in the form of services; • Local Communities by custom own residential land as well as all undeveloped land within the village territory mutually demarcated with the neighboring villages. • Fulani follow traditionally a mobile lifestyle, but many have settled down over time and transformed into small transhumant pastoralists and/or small-scale farmers. • Temporary user rights holders • Migrant farmers are people that established farms and houses on land that by custom belongs to a community and generally pay rent/royalties for this land use; • Tenants do not own land, but cultivate a rented holding. The rent can be paid in cash, in kind (sharecropper) or in the form of services to the landlord. The temporary use agreement can be formal, but seems to be in most cases informal; • Informal occupants: This category includes landless agricultural labourers and others. <p>All undeveloped land, i.e. all land that is not used for agriculture, residential purposes, grazing and/or orchards, is entirely controlled by the village. It is the village/community that decides to grant parts of it to households to establish new residents or farmland and it is the community that recovers unused agricultural and residential land when it has been not used for several years.</p>
Informal right holder	<p>Person or group of persons recognized by customary rules, or other socially accepted processes, as having certain ownership or usufruct rights over an asset or resource, although these usufruct rights are neither formalized in a legal document such as a title nor officially registered. Typical situations where informal right holders are encountered include:</p> <ul style="list-style-type: none"> • Slum dwellers in urban settings, where neither landlords nor occupants have formal ownership or occupation rights; • Road side or street side businesses established on a public space (a contradiction typical of such businesses is that while their occupation of the public domain is not recognised, their existence as a business is recognised through registration or payment of taxes).
Vulnerable groups	<p>Vulnerable or “at-risk” groups include people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. The LAR FRAMEWORK therefore provides for supplemental assistance to assist each category of vulnerable persons during resettlement.</p>
Cut-Off Date	<p>The date that establishes eligibility for compensation and other benefits related to land acquisition. Best practice suggests using the date on which the census and assets inventory is started in a particular community or area. In order for the Cut-Off Date to be valid, PAPs are notified. The census conducted at a declared Cut-Off Date is normally considered valid for a period of two years and needs then to be updated or redone (after 5 years).</p>
Compensation	<p>Payment in cash or in kind for loss of an immoveable asset or a resource that is acquired/affected.</p>
Allowance	<p>Cash paid to defray resettlement related expenses other than losses of immoveable assets. For example, tenants can be provided with a cash <i>allowance</i> to support their effort to secure alternative housing. A moving <i>allowance</i> can be paid to people who have to relocate as a result of Project land acquisition. An <i>allowance</i> is distinguished from compensation, which reimburses the loss of an immoveable asset.</p>

Term	Meaning
Livelihood	A livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stress and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base.
Livelihood restoration	Specific activities intended to support displaced peoples' efforts to restore their livelihoods to pre-project levels. Livelihood restoration is distinguished from compensation. Livelihood restoration measures typically include a combination of cash or other allowances and support activities such as training, agricultural assistance or business enhancement. Livelihood restoration is often referred to as economic rehabilitation.
Replacement value	<p>The current market value of the asset plus transaction costs (e.g. taxes, stamp duties, legal and notarization fees, registration fees, travel costs and any other such costs as may be incurred as a result of the transaction or transfer of property). In applying this method of valuation, depreciation of structures and assets is not taken into account. For losses that cannot easily be valued or compensated for in monetary terms, in-kind compensation may be appropriate. However, this compensation should be made in goods or resources that are of equivalent or greater value and that are culturally appropriate. With regard to land, structures and crops, replacement costs are defined as follows:</p> <ul style="list-style-type: none"> • Agricultural, pasture and forest land—the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes. • Residential Land—the market value of land of equivalent area and use, with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes. • Houses and other structures—the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors' fees and transaction costs such as registration and transfer taxes. • Other infrastructure: as above, with the proviso that linear infrastructure (e.g., fencing, wells) are valued at the unit cost of replacing the existing infrastructure times the number of linear feet (or well depth). • Annual crops — the market value of the produce midway between harvest periods for the crop multiplied by the expected yield. In the case of prices experiencing significant seasonal fluctuations, a reasonably robust average should be calculated based on price monitoring or existing statistics and periodically updated. In the case of crops experiencing significant yield variations, similarly a robust average should be calculated based on local measurements or existing agricultural statistics. • Perennial crops – (1) the market value of the produce midway between harvest periods multiplied by the yield for the period until replacement trees come into production PLUS (2) the cost of re-establishing the crop at a similar level of production. (2) is typically calculated as the sum of (a) the cost of replanting the tree (including seedling and labour), (b) the cost of maintaining the tree during the re-establishment period (fertilisers and labour), and (c) the cumulated loss of production during the re-establishment period.
Adequate housing	Adequate housing or shelter can be measured by quality, safety, affordability, habitability, cultural appropriateness, accessibility, and locational characteristics. Adequate housing should allow access to employment options, markets, and basic infrastructure and services, such as water, electricity, sanitation, health-care, and education. International standards afford adequate housing and security of tenure to displaced persons at resettlement sites.

Abbreviations

ADR	Alternative Dispute Resolution
CLC	Community Law Centre
CDA	Community Development Agreement
CofO	Certificate of Occupancy
EIA	Environmental Impact Assessment
ESMP	Environmental and Social Management Plan
GoJ	Government of Jigawa
GRM	Grievance Redress Mechanism
HCC	Host Community Committee
LAR Framework	Land Acquisition and Resettlement Framework
LGA	Local Government Authority
LUA	Land Use Act
NGO	Non Government Organisation
PAP	Project Affected Person
RAI	Responsible Agricultural Investment
RAP	Resettlement Action Plan
RC	Resettlement Committee
RSC	Resettlement Supervision Committee
SLTR	Systematic Land Titling and Registration

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1 INTRODUCTION

1.1 Context

As a general policy the Government of Jigawa welcomes new investors in the Agricultural sector who also add value to the products grown through the establishment of processing and packaging operations in the State. The government also recognises that with a fast growing population, in common with many states, Jigawa has to husband its land resources and ensure that not only they are used productively for the benefit of all citizens but that transfer of large tracts to industrial farmers is kept to a minimum. Wherever possible the State encourages the development of contract farming, out-grower schemes and the creation of buffer zones around large settlements in order to minimise displacement and enable an equitable sharing of the benefits of large scale farming.

1.2 Purpose and Scope of this Land Acquisition and Resettlement Framework

This Land Acquisition and Resettlement Framework (LAR FRAMEWORK) sets out principles, procedures, entitlements and organizational arrangements that govern the land acquisition process for large scale agribusiness investments in Jigawa State. It combines the provisions of the legal framework in place in particular the Land Use Act 1978, the Jigawa State Fast Track Procedure for Allocation of Land to Investors (SSG/AF/S/A/79/V.II/256) and the Principles of Responsible Agriculture Investments (RAI).

The LAR FRAMEWORK applies to all lands acquired by either the government and/or investors for large scale agribusiness development in Jigawa State with a total surface area of 100 ha or more and details the steps required to

- a) Identify suitable land,
- b) Identify affected people,
- c) Engage with stakeholders,
- d) Approval of entitlements,
- e) Deliver compensation
- f) Redress grievances,
- g) Implement all processes
- h) Share benefits with the people affected by this land acquisition.

In line with international best practice this LAR FRAMEWORK covers the following groups of affected people:

- Physically Displaced People, those who are only physically displaced (i.e. who will lose their residence), but whose livelihoods are not affected (not economically displaced).
- Economically Displaced People, those whose livelihoods are affected, and include people who lose access to agricultural land, transhumant herders who lose access to traditional seasonal pastures and people who run a business whose activity is affected by the investments. This category of Project Affected People (PAP) may also include agricultural labourers.
- Physically and Economically Displaced People, those that experience loss of both shelter and livelihoods as a result of the agribusiness related land acquisition.

Furthermore, this LAR FRAMEWORK addresses the following impacts insofar as they are triggered by land acquisitions for large-scale agribusiness investments:

- Loss of residential housing resulting in physical displacement;
- Loss of other private infrastructure (wells, shades, graves);
- Loss of communal infrastructure (roads, shrines, mosques);
- Loss of public infrastructure (public schools, health centers);
- Loss of agricultural land;
- Loss of business income;
- Loss of land and resources utilized for grazing, gathering, fishing, hunting etc.
- Loss of land that is presently not used.

1.3 Background

The Government of Jigawa State (GoJ) aims to attract large agriculture investments to utilize presently unused and/or underused land to generate wealth and create jobs.

To coordinate State efforts to attract and facilitate such investments, in 2013 the Governor Sule Lamido set up the “Jigawa State Advisory Council on Economic Management & Investment Promotion”. The Council was asked to ‘develop a comprehensive road map for economic development and advise Government on its implementation to achieve an equitable society full of opportunities where people are empowered to participate in processes and decisions that affect them and benefit from an enabling environment for sustainable growth and development’.

To date the State has attracted significant investor interest for the cultivation and processing of Sugar, Rice, Fruits, Vegetables and Fodder. While all crops flourish best on high quality, irrigated or floodplain land (fadama), this land is limited in Jigawa to the Hadejia valley with a total surface area of around 400,000 ha, while ‘rain-fed’ land is estimated to cover 1,900,000 ha. Floodplain/irrigated land, even with traditional methods already produces yields that are 5 times greater than rain-fed land alone as it allows for two harvests a year. The opportunity to increase production by irrigating rain-fed lands with groundwater or through irrigation channels combined with the mechanization of production is estimated to offer a 10-fold yield increase. This can provide satisfactory rates of return for the investors, the opportunity to reduce food imports and the chance to reduce rural poverty. Research shows that a 10% increase in agricultural productivity decreases the likelihood of being poor by 2.5 to 3%

1.4 Land and resource needs

Land is considered by custom to belong to villages, but unfortunately no maps exist that identify these boundaries. Customary ownership is recognized to some extent by the Land Use Act of 1978 as the “customary right of occupancy”. This enshrines the right of a person or community to lawfully use or occupy land in accordance with customary law and includes a customary right of occupancy granted by a local government under this Act (Article 51). However, it does not clarify in detail how customary rights of occupancy of undeveloped land are treated in case of expropriations. In common practice, the state doesn’t provide compensation for the land itself, but compensates only for the economic trees and orchards located on this land.

Within the customary land of a community, land is allocated to households for residential and agricultural purposes by the community and considered to be owned and inherited by these households. Customary ownership can be affirmed and secured under the Land Use Act through a Certificate of Occupancy (CofO). Achieving CofO can be costly and take several years and many

applications fail. As a consequence, almost all rural land holdings are unregistered and vulnerable to expropriation.

Equally significant is the threat to common areas and *profits a prendre*¹, which are never protected by formal registration under the LUA. Grazing reserves, forest reserves and riparian rights are often shared by communities. Expropriation of these areas poses a significant risk to livelihoods over and above any compensation granted in respect of personal real estate.

Note: An opportunity now exists in Jigawa State to achieve CofO through a recently introduced programme of Systematic Land Title Registration (SLTR), which can speed up this process significantly (e.g. reduction the time needed from 4 years to 2 months). This has made obtaining a CofO much more affordable while meeting federal and state laws as well as complying with international standards such as the Voluntary Guidelines on the Responsible Governance of Tenure of the United Nations Food and Agriculture Organization (FAO). The Government of Jigawa has recently committed to provide everybody with a CofO for residential and agricultural land within the next two years. The value of 'personal' CofOs lies in the ability to simplify acts of inheritance, sale or access to finance but such personal CofOs do little to protect the broader, shared value of community land.

In addition, communities by custom own undeveloped land that can be allocated and/or rented to new/additional households to accommodate the growing population and its need for sufficient farmland based on mutual consent. While undeveloped land can also be recognized under the Land Use Act, this is hardly ever done and can be the source of frequent disagreements between the local populations and the state administration that perceives this land as state land.

It is generally agreed that women inherit farmland and/or can request farmland from their community for free, but in most cases the customary rights and CofOs are vested with the men.

Pastoralist is a livelihood that is essentially practiced by the Fulani settlement and conducted in the 452 official grazing reserves (of which of 55 are presently gazetted) as well as an unknown number of community grazing reserves. The grazing reserves are state land, but used by nearby Fulani settlements. Presently there is no process in place to formally recognize the user rights of the Fulani that traditionally use these reserves and protect them against mobile or outside users but traditional leaders support, and communities acknowledge, nomadic rights.

Finally, there are an unknown number of forest reserves and forest plantations in Jigawa that are state owned and state managed. In reality many reserves no longer have any trees and are often used by the local population for agriculture, residency and grazing.

1.5 Lessons learned from earlier investments

Experience worldwide, including many projects in Nigeria, document that land acquisition for large-scale agribusiness investments, if conducted relying only on the existing national legal framework, often gives rise to severe economic, social, and environmental impacts. The most relevant examples for Jigawa are:

- The Bakolori Irrigation Project of 1974 – 1980: Based on a masterplan drafted together with the FAO, the Federal Government and the old Sokoto State invested N 200m at that time into this pilot irrigation project in northern Nigeria to establish command areas with a total surface area of

¹ *profit-à-prendre (right to benefit)* in the law of real property, is a non-possessory interest in land similar to the better-known easement, which gives the holder the right to take natural resources such as petroleum, minerals, timber, and wild game from the land of another.

25,000 ha. 13,000 households were physically and 60,000 people economically displaced. While the investment looked promising on paper, it triggered large-scale protests that resulted in the killing of local farmers whose land was acquired for the irrigation scheme. Some of the key issues that led to the failure of Bakolori project were:

- No comprehensive survey of land ownership/land use before expropriation,
 - Land was expropriated long before compensation was paid,
 - No compensation was paid for economic trees,
 - Farmers, who were perceived to belong to opposition parties were denied compensation,
 - No agreements amongst/between the parties on local participation in the project benefits,
 - Failure to adequately resettle the affected farmers,
 - Failure to consult the farmers on key aspects of the project,
 - Poor technical implementation: The use of canal irrigation, which was used for 23,000 ha lead to large scale flooding as the land leveling was poorly planned and implemented,
 - Disparity in employment terms, payment and health care between the 500 Italian, 600 Portuguese and 5,500 Nigerian workers.
- Dominion Farms (Taraba State). The acquisition of 30,000 ha for the investor resulted in the displacement of 45,000 people with little or no compensation and no participation in the project benefits.
 - Shonga Farms Project (Kwara State). The state guaranteed investment of N650m that acquired 13,000 ha displaced 1,289 farmers from 28 communities with little or no compensation and no participation in the project benefits.
 - Valsolar Project (Kwara State). The state acquired 20,000 ha for rice production, but didn't pay adequate compensation to the customary owners and users of this land nor did they provide avenues for the local people to participate in the project benefits through employment etc.

As a lesson learned from these and many other projects, Jigawa State Government has decided to endorsed the Principles for Responsible Agricultural Investment (RAI) to avoid, mitigate and compensate the risk of poverty resulting from large-scale land acquisitions and to ensure that fair and adequate compensation is paid to the affected people before land is taken and that benefits flowing from the modernization of agriculture in Jigawa are equitably shared with customary owners and users of the land.

2 OBJECTIVES GOVERNING THE LAND ACQUISITION PROCESS

The poverty risks associated with land acquisition and resettlement of large agribusiness development are significant and, if unmitigated, commonly trigger local resistance that may delay or even block investments from implementation. To avoid these problems, all stakeholders have agreed that all large-scale agricultural projects must comply with Responsible Agricultural Investment Principles² outlined below:

- RAI 1 *Land and Resource Rights*: Existing rights to land and natural resources are recognized and respected.
- RAI 2 *Food Security*: Investments do not jeopardize food security, but rather strengthen it.
- RAI 3 *Transparency, Good Governance and Enabling Environment*: Processes for accessing land and making associated investments are transparent, monitored, and ensure accountability.
- RAI 4 *Consultation and Participation*: Those materially affected are consulted and agreements from consultations are recorded and enforced.
- RAI 5 *Economic viability and responsible agro-enterprise investing*: Projects are viable in every sense, respect the rule of law, reflect industry best practice, and result in durable shared value.
- RAI 6 *Social Sustainability*: Investments generate desirable social and distributional impacts and do not increase vulnerability.
- RAI 7 *Environmental Sustainability*: Environmental impacts are quantified and measures taken to encourage sustainable resource use, while minimizing and mitigating them negative impact.

From the perspective of land acquisition this means that:

- The state facilitates land acquisitions only for investments that do “not jeopardize food security but rather strengthen it” (RAI 2), “result in durable shared value” (RAI 5) and “generate desirable social and distributional impacts” (RAI 6).
- The magnitude of displacement shall be minimized as much as possible through a screening and land identification process in close consultation with those affected (RAI 4) to:
 - Avoid settlements, food crop farms, grazing areas, forest reserves etc.
 - Recognize and respect existing land rights (RAI 1) and critical habitats (RAI 7)
 - Not jeopardize the food security of people in the area (RAI 2) as well as
 - Not harm important natural environments (RAI 7).
- People can engage in the planning/implementation of activities that affects them and a comprehensive grievance mechanism to enable them to voice concerns is easily accessible (RAI 4).
- All existing land use rights in the area impacted by the investment are identified and registered (RAI 1).
- Resettlement Action Plans (RAP) based on a complete census and comprehensive inventory of all affected assets are established and used to obtain the social license to operate (RAI 3 & 4).
- Compensation is calculated and disbursed at replacement value for lost assets prior to expropriation (RAI 2,5&6).
- Livelihoods disrupted by the project are restored and living standards improved (RAI 2, 5 & 6).
- People affected by the project have priority access to the benefits of the investment (RAI 6).
- An Environmental Impact Assessment (EIA) and subsequent Environmental and Social Management Plan (ESMP) avoids and mitigates potential negative environmental impacts (RAI 7).

² Developed jointly by WB, UNCTAD, FAO, IFAD

3 LAND IDENTIFICATION AND ACQUISITION PROCESS

The following steps and procedures shall guide land acquisitions for large-scale agricultural investments (> 100 ha) in Jigawa as described in Table 1 below;

Table 1
Jigawa State Land Acquisition Process for Large Scale Investments

1. Screening	<ul style="list-style-type: none"> ▪ Investor submits business plan, farming model and draft map ▪ GOJ screens against RAI principles and identifies suitable land ▪ If investment complies with RAI principles & suitable land is available, MOL issues 6 month LOI reserving land for 6 months 	Investment Appraisal Committee
2. Preparation	<ul style="list-style-type: none"> ▪ Investor conducts socio-economic survey in conjunction with GOJ 	MOL/ InvestJigawa
	<ul style="list-style-type: none"> ▪ GOJ identifies and registers all land use rights in areas impacted by the proposed investment 	LUA Committee
	<ul style="list-style-type: none"> ▪ GOJ instructs Community Law Centres to handle Grievance Redress mechanism ▪ GOJ instructs LGA's to conduct a comprehensive sensitisation of people in the area of the investment ▪ A joint sensitization campaign is embarked upon by GOJ and the Investor based on agreed responsibilities of each party 	RAI Committee
3. Planning	<ul style="list-style-type: none"> ▪ Investor prepares: <ul style="list-style-type: none"> a) Compensation survey b) Draft Out-grower Agreement and a Community Development Agreement (CDA)³ where applicable c) An Environmental Impact Assessment (EIA) • Government of Jigawa prepares: <ul style="list-style-type: none"> d) A Resettlement Action Plan (RAP) e) A Livelihood Restoration Plan (LRP) 	LUA Committee Livelihood Restoration Committee
4. Land Acquisition	<ul style="list-style-type: none"> ▪ MOL notifies population that land acquisition has started ▪ Investor pays compensation to affected people ▪ GOJ implements the RAP ▪ Upon completion of RAP, MOL issues CoFo for investor 	Jigawa Emergency Management Agency or other appropriate body
5. Follow-up	<ul style="list-style-type: none"> ▪ GoJ implements livelihood restoration programme ▪ When completion audit commissioned by the RAI Committee confirms that LAR FRAMEWORK objectives 	

³ See Annex 3

	are met, process is declared to be closed and GoJ protects investor against further claims	
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3.1 Screening

To obtain the support of Jigawa State in the land acquisition process an investment should comply with RAI Principles. To ensure that this is the case, the Investment Appraisal Committee will screen the investors proposed business plan, farming model and if available the draft project map against the RAI Principles.

Physical displacement shall be avoided where feasible by excluding larger settlements of more than 20 214 houses (or settlements covering >6ha or having a minimum population of 1,500 people) from the land acquisition process taking into account local preferences and present land use by allowing communities sufficient ‘buffer zones’ that include their food crop farms plus sufficient grazing and development land for future growth (RAI 1 & 2).

Compliance with this principle is assured through a screening and land identification process that defines - in consultation with those affected - the boundaries for the project land, which is earmarked for acquisition for or by the investor, as well as the boundaries of the impact area, which includes village enclaves as well as all lands between the project land and the nearest physical boundary (roads, rivers etc.) (RAI 1, 4 & 7).

It is planned that eventually a screening and land identification process shall be conducted for all agricultural land in Jigawa through a comprehensive mapping exercise to enable the GoJ to pro-actively offer suitable land to potential investors. Until such mapping is completed, the process will be triggered by an investor request for land in a certain area.

The process is conducted by the Land Use & Allocation Committee. that comprises as permanent members a) The Surveyor General (chair), b) Ministry of Agriculture and Natural Resources, c) Ministry of Environment, d) Ministry of Water Resources, e) Ministry of Local Governments and Chieftaincy, f) InvestJigawa, g) the Farmer – Farmers and Herdsman Board and as temporary members a) the investor, b) the Secretary of the relevant LGAs, c) the head of the land committee of the LGA, d) the affected Emirs, e) the head of the relevant Community Law Centres, and f) a representative of the Fulanis in that area.

An investor, whose proposal and request has been successfully screened will be provided with a Letter of Intent (LOI) that reserves the project land for the investor for 6 months and requests him to submit within this period a) a socio-economic survey, b) a final draft Out-grower Agreement that is agreed between the investor and the communities participating in the out-grower scheme c) a compensation survey, and d) an EIA in compliance with national rules and regulations.

3.2 Preparation

The GoJ has committed itself to establish CofO’s for the entire state through the SLTR process over the next three years. When this process is finished the households and communities affected by an acquisition of project land can be identified within minutes. The investor and/or the public shall pay a nominal fee for this service.

However, in the meantime, upon receipt of an LOI, the investor is required to conduct and submit a socio-economic survey of the affected project area. The investor is required to work with the GOJ to establish the scope of the socio-economic survey. Appendix 3 provides the benchmark for a socio-economic survey. The survey will provide the basis for the development of Resettlement Action Plan (RAP).

Based on existing provisions of the Community Law Centres and the Alternative Dispute Resolution Committees that exist in most Local Government Areas (LGAs), the GoJ will establish a transparent and accountable grievance redress mechanism in compliance with the provisions in the LAR FRAMEWORK to provide people with a chance to voice potential grievances.

The GoJ will through the LGAs and in close coordination with the investor conduct a comprehensive sensitization of the affected people in order to earn the free, prior and informed consent of the affected people to the investment.

3.3 Planning

GOJ would establish, as part of the process, a Resettlement Action Plan (RAP)⁴ which complies with the laws of Nigeria and this LAR Framework and applies the more rigorous standard, where requirements differ. This includes but is not limited to the following steps:

- Engage PAP and hosts of potential resettlement sites into the planning and implementation process;
- Calculate cash compensations and plan and budget for other entitlements (resettlement sites) based on the entitlement matrix (table 2 below) for all people affected at the Cut-Off Date (i.e. the time of the census and asset inventory) including informal users;
- Calculate compensation, allowances, and/or livelihood restoration for both permanent as well as temporary impacts;
- Pay particular attention to vulnerable groups (transhumant, mobile, settlers, female headed households, old people etc.);
- Plan to compensate for residential houses in kind (resettlement house of better standard), or, if the affected people prefer in cash based on the full replacement value;
- Design resettlement sites, new homes, related infrastructure, public services in close consultation with the PAPs and in line with national housing standards;
- Outline provisions for internal monitoring and accountability;
- Document that the funds needed for the implementation of the RAP incl. all compensations are available.

The Investor is required to undertake a comprehensive compensation survey that that would, at the minimum, complete a census of the people living in the impact zone and provide an inventory of plots and assets in the project area based on the provisions and processes outlined in the LAR FRAMEWORK. Since an Economic and Social Survey is required to complete the RAP;

The investor is also required to deliver a final draft **EIA** in compliance with national rules and regulations as provided in the EIA Act of 1995.

The Ministry of Land, the LGA and InvestJigawa are tasked to assure the quality of this process and confirm compliance with the provisions of this LAR Framework.

3.4 Land acquisition and RAP Implementation

After the RAP has been completed, the compensation survey cleared by the Ministry of Land, the EIA cleared by EPA and the CDA and out-grower Agreement by the Investment Appraisal Committee, GOJ will notify the affected people and the public that:

- a) The state is authorising the acquisition of the project land for the overall development of Jigawa as defined in the RAP,

⁴ See Annex 1 for an outline of the contents of the RAP

- b) The state has authorized the disbursement of the compensation as outlined in the RAP and
- c) Any grievance shall be voiced through the grievance redress mechanism;

3.5 Payment of Compensation

In the context of its mandate for compensation management, the Land Use and Allocation Committee has prepared a transparent compensation process map that is in line with the provisions of the land use act.

The compensation process is outlined below:

- 1) Investor completes compensation survey and submits to Ministry of Land
- 2) The compensation survey is verified and approved by the Ministry of Land
- 3) A town hall meeting is organized where the names of the beneficiaries the size of their plots and the amount of compensation due is publicly displayed
- 4) Complaints received (if any) are dealt with in the traditional manner through the dispute resolution mechanism documented in the Jigawa Land Allocation and Resettlement Framework
- 5) Identification cards for the beneficiaries are made and distributed to the Beneficiaries (the picture, the name, address of the beneficiary will be on the cards).
- 6) The investor pays the approved compensation amount into either a government account or an escrow account. The investor may choose into which account the money is deposited since the Land Use Act provides for the use of escrow account. In the case of the escrow account a double signature system (Investor and Government) operates for all disbursements.
- 7) Bank Drafts are raised for every Beneficiary issued with an ID card
- 8) A second town hall meeting is held for the issuance of drafts to beneficiaries.
- 9) The beneficiaries use the identification cards and drafts to collect their money from the bank.
- 10) The disbursing bank/financial institution must be located within the Local Government area of the beneficiaries

The LUA Committee as well as representatives from the office of the Secretary to the State Government and the relevant security agencies within the State will oversee the compensation payment process.

30 days after the entitlement has been disbursed, the LGA Secretariat invites the affected person to surrender the land including CofO (if any) and existing assets on the land which have been compensated. If the former owner/user does not comply with this provision the LGA Secretariat will send the police to enforce the handing over of the acquired assets. When all land/assets have been taken, the Notary writes a completion report and submits it to the Ministry of Land and sends a copy to InvestJigawa.

Within 5 days of reception of this report, the Ministry of Land together with the LGA, the Community Law Centre and InvestJigawa conduct an audit to verify whether due process has been followed and establishes a completion report.

5 days after the completion report the investor is provided with the CofO for the project land and allowed to access the land, demolish houses etc.

3.6 Follow up

Immediately after the resettlement process is completed, GOJ begins implementation of the Livelihood Restoration programme. The Responsible Agricultural Investment (RAI) committee through the Livelihood Restoration sub-committee will be responsible for this.

6 months after the completion report, the RAI Committee will commission a RAP Completion Audit that verifies that due process has been followed and all entitlements disbursed.

- If this Completion Audit is favourable, no further action is required and the public informed that no further claims can be made.
- If the audit identifies outstanding issues, the RAI Committee will establish a corrective action plan and supervise its implementation until all issues are resolved.
- InvestJigawa and the LGA continue to monitor that all parties respect the terms and conditions of the RAP and CDA

4 ELIGIBILITY AND ENTITLEMENTS

Displaced persons can be classified into one of the following three groups:

1. Those who have formal legal rights i.e. CofO or similar titles.
2. Those who do not have formal legal rights at the time the compensation survey begins, but have recognizable rights or claims to the land (user rights), improvements (preparation for agricultural) and/or the assets on the land (buildings, trees). These are a) the customary owners of undeveloped land and communal residential land (i.e. the local communities), b) customary owners of residential and/or agricultural land, c) Fulani that have been using and living in the area for several years, d) the GoJ for grazing reserves, forest reserves and forest plantations e) leaseholders and settlers that have paid rent/royalties to the local communities (they are not recognized as permanent use right holders as category a, b, c and d, but as *temporary use right holders*).
3. Those who have no recognizable legal right or claim to the land, improvement or assets they are occupying i.e. "squatters".

Persons covered under (1) and (2) are entitled to compensation for land and improvements they lose, allowances for associated costs and livelihood restoration assistance if applicable.

Persons covered under (3) are entitled to resettlement assistance rather than compensation for the land they occupy, compensation for improvements and assets, allowances for associated costs and livelihood restoration assistance, if applicable and if they have occupied the land prior to the cut-off date i.e. the time of the compensation survey. Persons who encroach on the area after the cut-off date are usually not entitled to compensation for assets they do not own formally or informally.

Entitlements include the following categories:

- Compensation is provided in compliance with Nigerian law and international standards to offset loss of recognized or recognizable land, improvements and assets. Compensation may be provided either in cash or in kind (provision of a resettlement house to offset the loss of a house or a similar amount and quantity of land to replace productive land lost).
- Allowances are generally provided in cash to offset disturbances, inconveniences and costs associated with the displacement and resettlement process.
- Livelihood restoration assistance is provided to support PAPs to restore affected livelihoods. Livelihood restoration is generally delivered in kind and/or in the form of various services, including training and capacity building.
- Supplemental assistance to different categories of vulnerable people so they can restore their pre-project standard of living and livelihood.

Suggested entitlements for each type of impact are presented in Table 2 below:

Table 2
Eligibility and Entitlements Matrix

Affected asset or right	Eligibility Conditions	Entitlements		
		Compensation	Allowances	Livelihood Restoration
LAND				
Agricultural land	At the time of the census (cut-off date), hold formal land use title (CofO etc.) OR be recognized by local community and/or resettlement committee as customary owner of affected land or having permanent user rights to affected land	Cash compensation according to the rates established by GOJ provided to household and the members of the affected household between 16 and 40 years will be provided with priority access to become contract farmers. OR Replacement land of similar size and quality provided to households. If land of better quality is provided (irrigated land instead of rain fed land) the size can be smaller, but should be able to produce equal or higher incomes.	Regardless of whether compensation is in-kind or in-cash: • <u>Land Transfer Allowance</u> 10% of compensation rate in cash • <u>Replacement land preparation allowance</u> 10% of compensation rate in cash to cover costs of preparing the replacement agricultural land	N/A
Residential land or Commercial land	At the time of the census (cut-off date), hold CofO etc. OR be recognized by local community and/or resettlement committee as having permanent user rights to affected land.	Replacement plot of similar size and characteristics at a location acceptable to PAP. OR Cash compensation at the official rate established by GOJ	Regardless of whether compensation is in-kind or in-cash: <u>Land Transfer Allowance</u> 10% of compensation rate in cash	N/A
Customary ownership of undeveloped land	At the time of census mutually recognized as customary owner of undeveloped land	Cash compensation for undeveloped land at compensation rate paid into community treasury	N/A	N/A
Grazing reserves, forest reserves, cattle roads etc.	The State of Jigawa or the LGA	Cash compensation at compensation rate	<u>N/A</u>	N/A
Land Use				
Peasant owner & Peasant – permanent right holder of agricultural land	At the time of the census (cut-off date), hold CofO etc. OR At the time of the census be recognized by local community and/or resettlement	N/A	<u>Peasant Transition Allowance</u> 6 months of average income of the lost plot considering the most valuable crop has been planted and average yields achieved.	

Affected asset or right	Eligibility Conditions	Entitlements		
		Compensation	Allowances	Livelihood Restoration
	committee as peasant-owner/peasant-permanent right holder			
Tenant of agricultural land	At the time of the census (cut-off date), be recognized by local community and/or resettlement committee as the tenant of an affected agricultural land Tenants from the same households as the peasant-owner/permanent right holder of the land they are renting are not entitled	N/A	<u>Land tenancy replacement allowance</u> The tenant is expected to find himself replacement land. After a new plot has been identified, one year of average rental fee is paid directly to the tenant, with the LUAC witnessing the transaction	<ul style="list-style-type: none"> • Training in agriculture for each person between 16 and 40 in household • Seeds for one year • Priority access to out grower opportunities
Pastoralists	At the time of the census be recognized by local community and/or resettlement committee as resident, transhumant or mobile pastoralist	Access to land of similar size and quality provided with appropriate access routes	<u>Transition Allowance</u> Based on the value of physical assets identified during the survey	<ul style="list-style-type: none"> • Training in modern range management for each person between 16 and 40 in household
Crops				
Annual crops	At the time of the census, be recognized by local community and/or LUAC committee as the owner or permanent right holder of an affected annual crop, regardless of land ownership status i.e. if the land is leased to a tenant, the tenant is entitled to compensation	<u>Compensation for annual crops</u> at local market value at the time of survey, if crop cannot be harvested before the land is required for development -- For crops in association, percentages of each crop in the mix to be estimated on a case-by-case basis by sampling crop densities in at least three different locations within the affected plot and averaged to establish the overall proportions of the different crops in the mix, which are further applied to the relevant rate to establish an average rate for the mix -- A share of the crop compensation may be allocated to the land owner/landlord/permanent user right holder based on distribution percentages agreed on in the lease agreement	N/A	N/A
Perennial crops	At the time of the census, be recognized by local community and/or resettlement committee as the owner or permanent right holder of an affected perennial crop, regardless of land ownership status	<u>Compensation for perennial crops</u> at existing compensation rates. Trees are categorized as: - Saplings - Mature productive. - Old	N/A	N/A

Affected asset or right	Eligibility Conditions	Entitlements		
		Compensation	Allowances	Livelihood Restoration
Structures, buildings, houses.				
Residential House: Titled owner or recognized permanent right holder	Household that at the time of the census (cut-off date) holds formal title to house OR be recognized by local community, and/or resettlement committee as owner or permanent right holder of house. Note: Polygamous families are considered as one household even if they live separated, but as all other households they receive a compensation for each house they lose. So if they have 3 houses for three wives, they will receive compensation for three houses	Each house is compensated in-kind by a replacement house on a serviced residential plot of similar size, similar area with equal or better construction materials + compensation in cash for any additional infrastructure (e.g. separate kitchen, storage rooms, fences, well on property) + Salvaging of materials of affected structure OR Cash compensation at replacement value for inhabitable structures, if the household wishes to relocate on his own and after presenting a rent agreement or preliminary ownership title, if the household loses less than 25% of his house/compound and can renovate the not affected part, if the household can demonstrate that he just shifts the house out of the way of linear infrastructure but has sufficient land to stay in-situ	<u>Connection Allowance</u> per house for electric and other utility hook-ups, administrative registration fees at rate to be established in RAP For house owners renting out part or all of the house to people outside their household: <u>Allowance for lost rental income</u> equivalent to six months rent	N/A
Tenancy or free-of-charge occupation of a residential house	Be found at the time of the census to be renting or occupying free of charge a residential house owned by somebody from a distinct household. Intra-household tenancy or intra-household free-of-charge occupation is not eligible (e.g., somebody declaring their children or other household members as free tenants while such children belong to the same household – refer to definition of household)	N/A	<u>Rental re-establishment allowance</u> equal to 6 months of rent of the number of rooms occupied in the affected house by the affected household based on the average community rental value at the time of the survey AND <u>Moving allowance</u> to be determined in RAP AND <u>Transition allowance</u> to be determined in RAP regardless of compensation option selected	N/A
Ownership/permanent rights holder over a commercial (non-residential) building	At the time of the census, have title or be recognized by local community and/or resettlement committee as owner of a commercial structure or as permanent right holder of this structure	Replacement Structure on a serviced residential plot of similar size, similar area with equal or better construction materials OR Cash compensation at replacement value for non-residential buildings and/or other infrastructure	- For owners/permanent right holders renting out part or all of the non-residential building: <u>Allowance for lost rental income</u> equivalent to 6 months of rent	N/A

Affected asset or right	Eligibility Conditions	Entitlements		
		Compensation	Allowances	Livelihood Restoration
and/or other infrastructure				
Communal building (shrines, guest house, school, meeting place, communal distribute network for water or electricity, solar panels, cemetery)	Be the recognized formal or in-formal owner of communal building	Either reconstruction based on an agreement with the community using the communal building, or compensation in cash based either on the categorization applicable to structures or on case-by-case valuation, plus bonus 20%.	Allowances for any ceremonies needed to relocate of infrastructure with living cultural value (graves), based on a reasonable request from the community, group or individual associated to building.	N/A
Vulnerable People	Meet at least one of the criteria (gender, age, handicapped)	N/A		Other categories as to be defined in the RAP and as determined by the Livelihoods Restoration Committee

5 LAND ACQUISITION PROCEDURE UNDER THE LAND USE ACT

The Land Use Act foresees two ways by which land can be acquired:

- Anybody can purchase land outright from the owner and apply for a Certificate of Occupancy at the Ministry of Lands. Although simple in legal terms, this solution does not protect the purchaser from competing claims that may arise after the purchase has taken place and might therefore result in a situation where some parcels need to be purchased twice.
- To address this risk, it is quite common, that the State Government expropriates the land and rents it to an investor for up to 99 years. All liabilities are in this case with the Government, while the investor can enjoy his leased or purchased land without risk.

According to the existing national legislation, compulsory land acquisition should follow the steps outlined below:

- The investor requests land from the State Governor, who in turn instructs the Commissioner of Land to obtain the land through compulsory land acquisition.
- The Commissioner of Land instructs the Surveyor General to demarcate the land and conduct a land survey i.e. identifies the owner and establishes the compensation entitled under national legislation.
- After the Commissioner of Land has reviewed and approved the survey results, the Director of Land issues a public announcement to the concerned communities inviting all rights holders to identify themselves to the authorities.
- After the end of the public disclosure period (normally how long?) a final survey is conducted to confirm and validate the findings of the land survey and/or to register any changes.
- After the survey results have been either accepted by the rights holders or confirmed by the Director of Lands, compensation is paid and the land becomes the possession of the State government, which then in turn can issue a certificate of occupancy to the investor.

To conduct this process, the State Government is required to establish a Land Use and Allocation Committee that reviews and resolves disputes related to the compensation amounts. In addition, the State Government is required to set up a Land Allocation Advisory Committee to advise the Local Governments on how to identify and allocate replacement land, when customary rights of occupancy on agriculture land are expropriated. The State Government has further the right to take over the process, if the Local Government doesn't solve this issue in a reasonable time.

As the land is held in trust by the State Government, there is no compensation foreseen for the land as such, but for the "unexhausted improvement", which is defined as *"anything of any quality permanently attached to the land directly resulting from the expenditure of capital or labor 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."* Consequently, developed land is defined in section 50(1) as *"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"*.

In summary, the provisions of the Land Use Act on compensation are as follows:

- Compensation is not paid for fallow or undeveloped land i.e. with no physical improvements resulting from expenditure, capital or labour.
- Compensation is calculated based on the value of improvements.
- The provision of Section 6(5) of the Act, which defines that the “holder” and the “occupier” of customary right of occupancy are entitled to this compensation, is rather confusing and vague as it fails to acknowledge that the holder of the certificate of occupancy might be different from the occupier/user of the land, just as the user of an improvement on land (eg. house) may be a tenant rather than the owner, who is the holder of certificate of occupancy.
- When the right of occupancy is revoked 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 to the 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. When there are buildings, improvements or crops on the portion revoked, the compensation amount shall follow the principle outlined above.

The Act makes no clear description of how the public or the PAPs will be consulted in the process of involuntary resettlement and again remains rather vague by saying “*there shall be a public notice so that those who have interest in the affected land will indicate their interest*”.

5.1 International requirements for land acquisition and resettlement

Based on lessons learned from early investments that caused significant resistance, public and private actors in Nigeria are gradually starting to use international standards and approaches to access land and easements for large-scale investments and the Government of Jigawa has committed itself to comply with the requirements of the RAI Principles.

Consequently, the RAI Principles apply to all large-scale agribusiness investments (>100 ha based on the LUA) that result in involuntary resettlement as well as to associated facilities resulting in involuntary resettlement that are:

- a) Directly related to the investment (access roads, warehouses etc.),
- b) Necessary to achieve its objectives of the investment (power plants, water, gas or oil pipelines, transmission lines etc.) and
- c) Carried out, or planned to be carried out, contemporaneously with the investments.

The RAI Principles cover direct economic and social impacts caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. To address these impacts a LAR Framework and subsequent RAPs are prepared to ensure that the displaced persons are (i) informed about their options and rights pertaining to resettlement, (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives, and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the investment.

If the impacts include physical relocation, the LAR FRAMEWORK and RAPs include measures to ensure that the displaced persons are (i) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site. Where necessary, the LAR FRAMEWORK and RAPs shall also include measures to ensure that displaced persons are (i) offered support after displacement, for a transition

period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living and (ii) provided with development assistance in addition to compensation measures outlined above (iii) such as land preparation, credit facilities, training, or job opportunities. Particular attention should be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

The implementation of the land acquisition and resettlement activities shall be linked to the implementation of the investments to ensure that displacement does not occur before necessary measures for resettlement are in place. These measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets shall take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.

As indicated for displaced people whose livelihoods are land-based, preference should be given to land-based resettlement strategies and resettlers provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented.

Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

Displaced persons may be classified in one of the following three groups:

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

Persons covered under (a) and (b) above are provided compensation for the land they lose, and other assistance. Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons are provided compensation for loss of assets other than land.

5.2 GAP analysis between national and international standards and gap filling measures implemented in Jigawa

Table 3 below provides recommendations on the manner by which international standards can be used to enhance existing Nigerian legal requirements

Table 3

International standards for provision of adequate compensation

Category	Nigerian Law	International standards	Measures to Filling the Gaps
Information and Consultation	Its lawful to revoke or acquire land by the governor after issuance of notice (no consultation)	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 place 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 the livelihoods of all PAPs are rehabilitated to pre-displacement levels	Livelihood restoration measures will be put in place and their outcome measured
Grievance Process	The land use and allocation committee appointed by the Governor is tasked 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 <i>market value</i> 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	Land for land compensation	Land for land compensation
Fallow land	No compensation	Land for land compensation	Land for land compensation
Statutory and customary right Land Owners	Cash compensation equal to the rent paid by the occupier during the year in which the right of occupancy was revoked	Recommends land-for-land compensation or other form of compensation at full replacement cost.	Recommends land-for-land compensation or other form of compensation at full replacement cost.
Land Tenants	Entitled to compensation based upon the amount of rights they hold upon land.	Are entitled to some form (such as?) of compensation whatever the legal recognition of their occupancy.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.
Squatters including	Not entitled to compensation for land, but	Are to be provided resettlement assistance in addition to	Are to be provided resettlement assistance in addition to

settlers or migrants	entitled to compensation for crops.	compensation for affected assets; but no compensation for land	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.

5.3 Methods of valuing affected assets

As highlighted above, this LAR Framework distinguishes between compensation for expropriated assets and rehabilitation measures to help improve incomes or standards of living. To ensure that fair compensation is provided, the Framework requires actual replacement of expropriated assets, or, if requested with good reason, compensation at replacement cost and alternative rehabilitation measures acceptable to the PAPs.

Key principles of replacement costs include:

- Immovable properties only;
- All administrative fees;
- A provision for inflation if payments are delayed.

Potential benefits are not counted toward replacement cost (i.e. the potential to benefit from becoming a contract farmer cannot be deducted from the replacement cost of the land acquired).

Determining replacement cost of affected land is fairly easy where active land markets exist as it is possible to engage private and independent real estate agencies, banks, or mortgage firms to determine market prices or evaluate the adequacy of administratively set compensation.

A comparative assessment of recommended valuation techniques is summarized in Table 4 below:

Table 4

Recommended Valuation techniques for Jigawa

TYPE OF LAND	DESCRIPTION	RECOMMENDED VALUATION METHOD
Undeveloped Land <i>Unused land without any development or improvement on it</i>	Areas with an active vacant land market e.g. in peripheral areas	Market value of land of equal size, with equivalent public infrastructure facilities and services and located in the vicinity of the acquired land, plus the cost of any registration and transfer taxes. The market value of the land acquired is deemed to be the amount which the land might have been expected to realize if sold in the open market by a willing seller at the date of the declaration of the acquired land. This value can be derived from sales comparison approach.
	Areas with an active developed property market	Residual value of land calculated by deducting the cost of a typical development in the vicinity of the acquired land - including the market cost of the materials to develop a property with an area and quality similar to those located nearby the acquired structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes, minus depreciation - to the gross

TYPE OF LAND	DESCRIPTION	RECOMMENDED VALUATION METHOD
		development value of the property determined either by sales comparison approach or by income capitalization method.
	Areas with inactive land and property markets	Value should be derived from good faith negotiation between the owner of the acquired land and acquiring entity, and should not be less than the amount paid - if any - by the owner of the acquired land to acquire the land in the first place with the appertaining costs of perfecting the title.
Agricultural land <i>Land with crops and/or economic trees</i>	Areas with an active agricultural property market	Market value of land of equal productivity or use, with equivalent public infrastructure facilities and services, and located in the vicinity of the acquired land, plus the cost of any registration and transfer taxes. The market value of the land acquired is deemed to be the amount that the land might have been expected to realize if sold in the open market by a willing seller at the date of the declaration of the acquisition. This value can be derived from comparable sales data.
	<u>Recommended approach:</u> Sales comparison	
	Areas with inactive agricultural property market	Capitalized income value of the acquired land, plus the cost of any registration and transfer taxes. Capitalized income value is the net annual income - that is either generated by the sale of the land-derived products in the open market, or that would have been generated if such land-derived products were sold at their open market price at the date of declaration of the acquired land - capitalized at a yield rate an investor would expect from a secure, practically risk free investment (typically government bonds)
Residential land <i>Land with structures and improvement built on it</i>	Areas with an active same-use property sales market	Market value of land of equal size and use, with equivalent public infrastructure facilities and services and located in the vicinity of the acquired land, plus the cost of any registration and transfer taxes. The market value of the land acquired is deemed to be the amount which the land might have been expected to realize if sold in the open market by a willing seller at the date of the declaration of the acquired land. This value can be derived from comparable sales data.
	Areas with an active same-use property rental market	Capitalized income value of the acquired land, plus the cost of any registration and transfer taxes. Capitalized income value is the net annual income either generated by the rent of the land and premises built on the land, or that would be expected if such land and premises were to be rented at an open market rent, capitalized at a yield rate an investor would expect from a secure, practically risk free investment (typically government bonds)
	Areas with inactive same-use property sales and rental markets (e.g. school, clinic, warehouse, factory, etc.) therefore lacking comparable sales evidence	Value is formed by the value of the land "as if vacant" (see section on vacant land above), plus the market cost of the materials to build a replacement structure as if new (i.e. without taking into account the acquired property depreciation) with an area and quality similar to those of the acquired structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.
Land allocated to non-productive use.	<ul style="list-style-type: none"> • <i>Conservation areas</i> • <i>Non-productive forest areas</i> • <i>Recreational areas</i> • <i>Religious land</i> <i>Cemeteries</i> 	Value of the non-productive use land as determined by a contingent valuation method. The contingent valuation method involves directly asking people, in a survey, the amount of compensation they would be willing to accept to give up specific environmental or social services. It is called "contingent" valuation, because people are asked to state their willingness to pay, contingent on a specific hypothetical scenario and description of the environmental or social service.

The decision on which method to be used is vested by the Land Use Act with the Governor, but in practice taken by the Commissioner of Land.

6 ORGANIZATIONAL & INSTITUTIONAL DELIVERY MECHANISMS

The organizational framework outlines the roles and responsibilities of the GoJ structure in the delivery of land allocation, investment appraisal, resettlement measures, provision of services; arrangements to ensure appropriate coordination between agencies involved; and any measures needed to strengthen the agencies' capacity to design and carry out resettlement activities.

6.1 Responsible Agricultural Investment (RAI) Committee

The RAI Committee is a high level inter-ministerial standing committee, chaired by the Deputy Governor of the State, with the overall responsibility of establishing policies, processes and programmes related to large scale agricultural investment in Jigawa State. The RAI committee shall have sub-committees looking at specific aspects of large scale agricultural investment.

Jigawa RAI Standing Committee Members

Permanent Members

1. Deputy Governor
2. Hon. Commissioner – Ministry of Land
3. Perm Sec – Ministry of Land
4. Hon. Commissioner – Ministry of Agriculture
5. Perm sec – Ministry of Agriculture
6. Hon. Commissioner – Ministry of Environment
7. Perm Sec – Ministry of Environment
8. Hon. Commissioner – Ministry of Water Resource
9. Perm Sec – Ministry of Water Resources
10. Hon. Commissioner – Ministry of Commerce
11. Perm Sec – Ministry of Commerce
12. Hon. Commissioner – Ministry of Local Government
13. Perm Sec – Ministry of Local Government
14. Hon. Commissioner – Ministry of Justice
15. Hon. Commissioner – Ministry of Women Affairs
16. Director General – InvestJigawa
17. Perm Sec – Budget & Planning
18. Representative of Traditional Council of Chiefs
19. Legal Adviser InvestJigawa as Secretary to the Committee

Ad-Hoc Members

1. Investor
2. LGA Chairman (Affected LGA)
3. Traditional Leader (Affected LGA)
4. Community Representatives (2) (From affected Communities)

RAI Committee Sub-Committees

- a. Land Use & Allocation Committee (LUAC)
 - i. Land management
 - ii. Resettlement
 - iii. Compensation and Dispute Resolution
- b. Investment Appraisal Sub-Committee

c. Livelihood restoration Sub-Committee

6.2 Investment Appraisal Sub-Committee

The economic and social impact of a project is a key consideration for any government in terms of gauging and assessing its contribution to economic growth and development. A project that is economically viable generates products or services that are valuable to society and contribute to improving productivity and growth for the economy. A sound project results in the creation and generation of jobs and employment that are sustainable over the long term. By contrast, poor investments may result in dire consequences such as economic distortion, loss of jobs, environmental degradation and a host of other negative issues.

In many cases, the revenues generated by an investment project measure the value that the output of the project generates for its promoters, while the costs (investment size) of the project measure the value (or opportunity cost) of resources used in producing the output. However, these projects may have a negative impact in terms of the wider benefits and value to society. That is, estimated project profitability does not measure the total benefits and costs to stakeholders resulting from the activities of the promoter. Instead, it measures the additional or incremental benefits and costs to the promoter, over and above the value to the wider society.

Therefore, conducting sound appraisals for proposed investments not only determines the kind of support a government needs to provide for a project but also ensures that the projects avoid negative social and economic impacts on the economy and society.

In general terms, project appraisals seek to determine the following:

6.2.1 Relevance:

- Consistent with the policy of government in the project sector;
- Within the institutional capacity of the project sponsor to implement
- Addressing key problems of the sector or stakeholders
- Takes account of key crosscutting issues such as gender, local content, environment etc;
- Complements or is consistent with other ongoing and planned projects, programmes or recurrent activities

6.2.2 Feasibility:

- Strategy adopted by the project is realistic and within government policy (e.g. does not conflict with a private sector driven growth strategy)
- The project objectives make sense and are logical (purpose, results and activities);
- Cost estimates are sound
- Assumptions made by the project are justified
- The project promoter has the management, technical and financial resources in place with which to implement the project

6.2.3 Sustainability:

- There is adequate ownership of the project by project promoters
- Technology is appropriate
- Environmental and social concerns have been addressed
- The project financial or economic projections are realistic (e.g. a cost benefit analysis)

Application Checklist

The checklist in Table 5 below outlines the minimum information required for the assessment of any application for the provision of land for agribusiness investments.

Table 5
Application Checklist

	Requirement
1	Organization
1a.	CAC Registration
1b.	Audited Accounts (3 years)
1c.	Tax Clearance Certificate
1d.	Technical capacity/Experience
2	Business Plan/Feasibility Report or Pre-feasibility Report
2a	Business concept/model
2b.	Proposed location
2c.	Project development plans
2d.	Employment plans
2e.	ESIA regulatory compliance plans
2f.	Resource utilisation plans
2g.	Financing plans
3	Letter of Authority
3a.	Letter of authority to conduct due diligence

Appraisal Checklist

The appraisal Checklist is show in Table 6 below:

Table 6
Appraisal Checklist

	Criteria	Comments
1	Development objectives against which the proposed project conforms	Sector policy, resource and product promotion policies
2	Policy and regulatory framework guiding investment	Identifying regulatory framework that would guide and regulate project
3	Technical soundness of the project	HR capacity, technology considerations, etc
4	Administrative feasibility of the project	Organisational capacity, project sequencing, etc
5	The economic and financial viability of the project proposal	Cost-benefit analysis
6	Demand for the project products or services	Market assessment
7	Considerations of customs and traditions of project host communities, issues of compatibility	Religious, cultural and societal considerations e.g. alcohol sale, etc
8	Gender considerations	Project wide gender considerations ensure opportunities for women are clearly identified
9	Project wide local content considerations	Local supplier development opportunities identified
10	Environmental impact considerations	Degradation, emission, effluent`, etc. considered
11	Social impact considerations	Community dislocation, re-settlements, livelihood considerations, etc
12	Resource utilisation plans	Water, land and other natural resource utilization plans are sustainable

Committee Membership

Membership of the committee is proposed in Table 7 below:

Table 7

Appraisal Committee Membership

1. Director General – InvestJigawa (Chair)
2. Legal Adviser – InvestJigawa (secretary)
3. Surveyor General – Ministry of Land
4. Director- Agriculture Services- Ministry of Agriculture
5. Director Planning – Ministry of Environment
6. Director Hydrology – Ministry of Water Resources
7. Director Legal Drafting – Ministry of Justice
8. Director Industry – Ministry of Commerce
9. Special Adviser Revenue and Investment
10. Director Local Government Inspection – Ministry of Local Government

6.3 Land Use & Allocation Committee

The first stage in the process of preparing individual RAPs is the screening process, which identifies the activities that causes economic and/or physical displacements and an assessment of alternative boundaries to avoid and/or reduce its magnitude in particular of any physical displacement. The RAP will contain the analysis of alternatives undertaken during the screening process and need to demonstrate why less severe options were considered. This screening process results in a detailed map visualizing the footprint of the investment and the existing land use and land rights in this parameter.

The computation of adequate compensation and ensuring equitable and transparent disbursement of compensation to PAPs is very critical to the success of any project.

It is to be expected that there would be some grievance arising from any process. Dispute resolution through an effective Grievance Redress Mechanism is also a critical component of any project.

To ensure all of the above, there shall be established a *Land Use & Allocation Committee* under the RAI Committee which shall be responsible for the following:

- Land management
 - Identification of suitable land for investment
 - Supervising the finalization of the land registration process in the footprint of the investment and a reasonable 'buffer-zone' s (RAP)
 - Resettlement plans which entails-alternative land for land or infrastructure can be provided (like roads etc).
 - Supervision of resettlement.
- Compensation and dispute resolution
 - Review, update and design compensation policies for the state
 - Review compensation rates
 - Determining compensation survey approach
 - Conduct the engagement with the affected communities to obtain their free, prior and informed consent to the boundaries of the investment.
 - Structure a policy for ADR regarding land investment
 - Design the policy
 - Recommend the structure
 - Define the process

- Witness compensation payment
- Receiving & conveying grievances
- Monitor ADR in the state

Permanent Members:

1. Commissioner Land – Chairman
2. Director General – InvestJigawa
3. Permanent Secretary – Ministry of Land
4. Surveyor General – Ministry of Land
5. Director Land - Ministry of Land
6. Director Regional Planning – Ministry of Land
7. Permanent Secretary – Ministry of Agriculture
8. Director Agricultural Services – Ministry of Agriculture
9. Director Irrigation – Ministry of Agriculture
10. Solicitor General – Ministry of Justice
11. Director Forestry – Ministry of Environment
12. Director Hydrology – Ministry of Water Resources
13. Director Agricultural Services – Ministry of Local Government
14. Director Community Services – Ministry of Local Government
15. Secretary of the LUA Committee

Temporary members relevant to the individual investment

- The Investor
- The Secretaries of the relevant LGA
- The Heads of the land committee of the relevant LGA
- The Emirate(s) in which the investment will take place
- The heads of the Community Law Centers in the area
- A representative of the Fulani in that area

6.4 Capacity enhancement and backstopping

The Government of Jigawa acknowledges that acquiring land in line with international standards requires continuous training. Experience show that on-the-job training is able to overcome these challenges over time and this might include study tours to other states to give the relevant staff an opportunity to not only see field conditions of another investment, but also speak with colleagues elsewhere about implementation issues.

Training makes an important contribution to institutional capacity. Training activities should complement and support each other. The training should be appropriate for the intended audience. Senior managers are concerned with policy issues and have little interest in field problems, whereas staff are consumed by implementation issues but believe they have little influence on policy concerns. One recurring mistake is to provide policy training to field staff, but no operational training. Another is to provide policy orientation to senior managers, while giving no training to staff tasked with actual implementation.

An effective training program emphasizes policy training for senior management and operational training for staff. In many instances, grants or technical assistance funds from donors can be used to pay for training. Sending staff to similar projects in the country can be an inexpensive yet effective way of building capacity. Such interactions are particularly useful, because practitioners are involved in the exchanges, and the context, problems, and issues are likely to be similar.

7 GRIEVANCE REDRESS MECHANISM

7.1 Community Grievance Management System

The Grievance Redress Mechanism (GRM) is part of the broader process of stakeholder engagement, accountability, quality and compliance assurance. This section describes the avenues made available to local communities, individuals and other third parties for logging grievances related to activities performed by the State Government, the Local Government, the Investors and their Contractors and/or Subcontractors and/or to land and resource used related conflicts between PAPs. This section also describes roles and responsibilities of the people involved in grievance management. The objectives of this mechanism are to:

- Minimize the need for judicial or administrative proceedings;
- Provide communities, individuals and other stakeholders with a straightforward, prompt, culturally appropriate and readily accessible process for voicing, logging and redressing grievances;
- Provide communities, individuals and other stakeholders with predictable, transparent and credible processes resulting in fair, effective and lasting outcomes at no cost and without retribution to themselves drawing upon customary systems of conflict and dispute resolution, such as mediation, conciliation and arbitration;
- Create outcomes that are considered by all parties as realistic, fair, effective, and sustainable.
- Promote and establish open and clear lines of community engagement around grievances.
- Ensure that feedback is provided to the complainant in a timely manner, that appropriate corrective actions are effectively implemented and that fair compensation for experienced hardship are provided in due time.
- Manage and reduce community and investor risks by effectively addressing grievances so that they can be resolved before they escalate into larger conflicts.

In instances where solutions cannot be reached by the GRM either party may apply to the competent Judicial Court to resolve disputes in line with applicable legislation. In disputes with local community members the government structure involved as well as the investors restrain from applying to courts first unless all amicable complaint resolution mechanisms are exhausted. Parties to a dispute are in any event free to resort to judicial proceedings to raise or resolve a grievance, regardless of whether or how the GMS or the IMC might be engaged.

The means and opportunities provided by this mechanism will be communicated on regular basis to all affected communities, individuals and other third parties in the course of general stakeholder engagement activities, a brochure on the grievance redress mechanism distributed to local stakeholders as part of regular information campaigns and made available at the LGA Secretariat and at the Community Law Centres and disclosed on the webpage of the GoJ, the Investor and the LGA if any. The results of its implementation will be monitored at least once a year by the panel of experts and the monitoring report publicly disclosed.

7.2 Management of the GRM

The GRM will be managed by the Community Law Centers (CLC) in close collaboration with the traditional authorities. The task of the CLC with regard to the GRM is to:

- Inform affected people and other stakeholders about the GRM⁵;
- Register grievances;
- Assess grievances and their merits;

⁵ Not normally a task undertaken by the CLC's but it can be organised if necessary.

- Document agreements reached by the parties including signed MOU's between the parties⁶
- Communicate the decisions to the Claimants;
- Ensure that all notices, forms, and other documentation required by the claimants are made available in local language understood by people and
- Ensure documentation of all received complaints and the progress of remediation.

If the proposed solution is not accepted by the complainant, he or she (or a group of people, if it involves more than one person) can take their grievance to the Alternative Dispute Resolution Committee of the relevant LGA, which seeks to analyse the case and propose its solution within a further 60 days. Table 8 below outlines the key steps:

Table 8
Key steps of the Grievance Management Process

Step	Description	Timeline
1	Receipt of the grievance	1 Day
2	Completion of the grievance form (see Annex 2)	
3	Entry of the complaint into the grievance database	
4	Sending an invitation letter to the respondent	
5	Opening a file	
6	Discussion and resolution of grievance	1 week
7	Signing of MOU between the parties and/or preparation of a referral letter to the court in the event the dispute is not resolved	1 week
Note	At any stage in the process, the parties can withdraw	

Source: Barr. Zakiyyu Muhammad, Senior State Council, Justice Sector Law Reform Commission

7.3 Alternative Dispute Resolution

The ADR is a mechanism for which CLC's have been established by the Justice Sector & Law Reform Commission to independently and impartially resolve grievances through mediation or any other available dispute resolution mechanism (negotiation, conciliation or arbitration).

In line with international best practice, the GoJ commits to assure a consultation process that is free of intimidation or coercion and provides timely disclosure of information that is relevant, understandable and accessible. It endeavors to assure that consultations are undertaken in ways that give affected communities, households and individuals opportunities to express their views, and to consider and respond to these views, to the extent possible.

7.4 Key Consultation Avenues

7.4.1 Host Community Committees

A Host Community Committee (HCC) shall be established in each community that is affected by physical and/or economic displacement at the time of preparing the specific RAPs. The HCC shall be comprised of representatives from different segments of the community. While the ultimate decision on selection and appointment of committee members will lie with the affected community, best practice suggests that the Committee should include:

- Traditional authorities (village, ward, district, Emir)

⁶ Note that these MOU's are registered with the court and thus become legally enforceable.

- Elders
- Youth representative
- Women representative

The HCC and/or its members are requested to assist the RAI Committee, its sub-committees and the investor in the following tasks:

- Conducting household census and asset inventory, particularly identifying and verifying ownership, particularly customary land owners/users;
- Helping in publicizing the existence of restrictions once the Cut-Off Date is established;
- Discussing potential resettlement site locations and visiting them during the RAP preparation period to advise on selection;
- Participating in the allocation of land at resettlement sites;
- Advise on resettlement site planning and resettlement housing design;
- Witnessing compensation payments;
- Identifying vulnerable households in the community; and
- Receiving and conveying grievances.

The HCC can be drafted as Ad-Hoc members to the RAI Committee or any of its sub-committees.

7.5 Documentation and Reporting for Stakeholder Engagement

The HCC is the primary bridge between the RAI Committee and its sub-committees and the communities. The HCC should coordinate meetings and ensure that information is transmitted to the communities and vice versa. All meetings, engagements, correspondences, etc. with the communities should be documented by the party so engaged with the community. All parties present at the meetings/engagements should sign an attendance sheet, and proceedings of all formal consultations, resolutions made and agreements reached should be recorded.

Consolidated records of all consultations in the form of a matrix that includes, at a minimum: dates of key meetings, categories (and if available, names) of attendees, responsible parties, key issues and concerns, outcomes, commitments or follow-up should be filed with InvestJigawa.

7.6 Community Participation

Participation is conventionally divided into two dimensions; information exchange and decision making, each of which in turn has two component activities. Information exchange conventionally comprises dissemination and consultation. Decision making comprises collaboration and direct extension of choice to affected individuals, households, or communities. Participation includes, on this view, four levels or types of activities:

- “Dissemination” refers to the one-way transfer of information, in this case, from the consultants to the affected population. Providing early and accurate information to PAPs allays fears, dispels misconceptions, and builds trust, providing a foundation for collaboration between PAPs and the implementing partners.
- “Consultation” refers to two-way transfer of information or joint discussions. Systematic consultation implies a sharing of ideas. Experience shows that consultation often yields the best resettlement alternatives, fruitful procedures for continued participation, and independent information on actual conditions or implementation.

- “Collaboration” refers to joint decision making through membership in committees, tribunals, or other formal or informal bodies. The PAPs and their representatives not only are consulted but also have a voice in decision making.
- “Extension of choice” refers to the transfer of decision making power to the people affected (for example, providing PAPs with options for their relocation and livelihood rehabilitation, from among which they choose).

7.7 Plan for Future Consultations and Communication

Consultation will continue before, during and after implementation of an investment. The State and Local Government committed to provide and assure that the investors provide relevant materials in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted.

The requirements and phasing of consultations are as follow:

- Consultation on the finalization of LAR Framework – to include:
 - Circulation of the draft LAR FRAMEWORK for comments toll relevant institutions
 - Organization of public stakeholder workshops and comments incorporated in the final LAR FRAMEWORK document
 - Public disclosure of Final RFP to the public including a summary in Hausa and Fulfulde.
- During the preparation of individual RAPs
 - PAPs, groups and communities will be consulted and informed about their rights and entitlements with respect to their range of impacts
 - Cut-off date should be announced to the community at the end of the census exercise to avoid opportunistic entrants into the land.
 - Consultation on important issues such as replacement value, livelihood restoration measures, vulnerable group, etc.
- During the Implementation of RAPs
 - PAPs will be informed about the date/schedule of resettlement/compensation
 - They should be involved in site selection, screening and planning for land and housing compensation
 - PAPs should be notified on the start off time of construction to enable them relocate their assets early and without losses
- During completion audit of the RAP
 - PAPs will be consulted to assess the condition of their livelihood prior and after the implementation of the RAPs. This will take place 6 months after the taking of land.

Two or more ways are suggested for meaningful engagements with the PAPs. The first is to use the existing recognized traditional structure in which consultations are conducted through the village/community leadership. This form of engagement is widely acceptable and an easy way to reach a community based on the existing traditional governance structure. The use of social gatherings such as mosques will also be important for dissemination of information to PAPs, and to conduct targeted consultations on specific topics such as gender. This also allows room to give a voice to migrant farmers, Fulani and landless farmworkers. To do this effectively, the attendance records of the various groups having phone numbers and contacts will be used to call or reach out to PAPs, including coordinating them for group meetings as and when necessary.

8 RESETTLEMENT SITES DEVELOPMENT

In case the investment requires the physical relocation of houses, the GOJ acquires the land and develops resettlement sites in line with applicable national standards for residential areas and international good practice. Sufficient space is allocated to streets, public squares, buildings and other public infrastructure (about 20% of the total residential and commercial space). Infrastructure such as roads, water, electricity, waste management and telephone systems that might exist prior to resettlement in the project-affected communities are appraised as part of the compensation process and will be re-established based on compensation payments defined in the relevant RAP.

8.1 Roads and Streets

Transportation infrastructure on resettlement sites are subject to national regulations and are expected to have the following characteristics:

- Access roads: laterite roads passable in all seasons, at least 10m wide.
- Internal streets: laterite roads passable in all seasons, at least 6m wide.
- Run-off water collection and erosion control to be accorded high attention, particularly during the first years after resettlement.

8.2 Utilities and Waste Management

An adequate potable water supply is established in resettlement communities, based on either a piped scheme with stand taps, or drilled boreholes with hand pumps. The design for drinking water supply is based on an average consumption per individual of 50 liters per day in line with international minimum standards and in line with WHO quality standards⁷. Water access points are located no farther than 0.5km to the houses they serve, to the extent practical. The best-suited option is outlined in the site-specific RAP that is developed for each project-affected community. Consideration is given to the following in designing water supply systems:

- Outcomes of community consultation processes.
- Service at original site.
- Population and consumption requirements of the community.
- Ground water availability at resettlement site.

Good practice requests that the GOJ (re)establishes the water infrastructure in the resettlement site but the resettled PAPs have to cover the cost of operating and maintaining these facilities. This message is disseminated clearly from the very beginning of the resettlement process so that communities can organize themselves in this regard. This organization is usually best done through the establishment of a Water Users' Committee, which is the formal custodian of the facility on behalf of its owner, the community as a whole.

Sanitation facilities at resettlement sites include:

- Ventilated Improved Pit latrines
- A run-off water collection system, with erosion control devices and sediment traps if needed.

In respect of solid waste, residents are encouraged to set up a committee to manage the cleaning of public spaces in the resettlement site, the establishment of a designated dump, the establishment of

⁷ http://www.who.int/water_sanitation_health/publications/dwq_guidelines/en/

intermediary collection points if necessary, and the management of the whole system. The committee should be encouraged to collect a small fee to be able to perform its duties.

8.3 Public Structures

Schools, health facilities markets, communal buildings are built in resettlement communities in compliance with applicable national standards and if existing neighboring schools or health centers cannot absorb the additional population moving into the neighborhood as a result of the resettlement.

The GOJ can also enhance the capacity of existing facilities rather than creating new ones, if this is possible. Any new facilities are planned through consultations with community members and LGAs to meet the needs and development objectives of the community. GoJ and the LGAs ensures that resettled people have equal or improved access to public services, and that relevant service standards are met and that a new facility is only built when the relevant authorities committed to provide staff and operating costs for such facility.

8.4 Cost of Logistics

Based on the total compensation agreed, the investor pays an additional 2.3% to cover resettlement and logistics costs. This amount is placed in an escrow account controlled by InvestJigawa, MOL and the Investor. Payments are disbursed for expenses approved by the LUA Committee.

9 LIVELIHOOD RESTORATION

Livelihood restoration programs are implemented by the GOJ for people and households who are economically displaced by the investment to ensure that their livelihoods are improved or at least restored. The main livelihood restoration program is obviously the provision of replacement land either as Contract Farmer or as independent farmer as well as training in irrigation agriculture.

The LSC and the panel of experts monitor livelihood restoration programs and makes changes as necessary in order to ensure that the programs provide the expected benefits. Livelihood restoration packages are available to each economically displaced household, including:

- An agricultural enhancement package incl. agricultural training,
- An income generation package to be selected from four different options.
 - Animal production and modern range management methods
 - Vegetable production and marketing
 - Income generating activities (more intended for women) such as food-processing, catering or sewing
 - Vocational training/scholarships.

9.1 Eligibility

Each economically displaced household (including households that are both physically and economically displaced) is eligible to income generation packages for each household member between 15 and 50, retirement allowance for people above 50 years and scholarships for household members below 15 years. For all programs, eligibility is subject to formal voluntary enrolment. Households who neglect to enroll are not eligible. Eligibility is subject to additional conditions, as follows:

- Sustained attendance on the courses;
- Use of allocated benefits (such as equipment or fertilizers) for the intended purpose;
- Participation in a group, particularly for the income generation, where some benefits (training) will be delivered only to groups.

Households, who do not meet these conditions from eligibility may therefore be excluded, subject to adequate notice and consultation with the household themselves and the relevant Resettlement Committee.

9.2 Agricultural Enhancement Package

The agricultural enhancement package is provided by the investor to restore or improve those household income streams that are based on subsistence agriculture and to provide the affected people with access to benefits from enhanced land productivity whether they have opted to become Contract Farmers or remain independent farmers on replacement land. The livelihoods of the overwhelming majority of economically displaced households are dependent upon agriculture and transhumant in varying proportions. Therefore, all economically displaced households are eligible for this package. The agricultural enhancement package include:

- Support to land replacement per provisions in the Entitlement Matrix.
- A practical training course on irrigated agricultural techniques, which includes the use of water management, improved seed varieties, fertilization, small-scale irrigation, animal traction, other equipment, and post-harvest grain storage and conservation.

- Eligibility for micro-finance funds to invest in farm equipment, with final selection based on fulfilment of selection criteria established by a participating bank or NGO.
- Facilitation of access to farming inputs, including fertilizers and improved seeds.
- Extension services and related monitoring until the panel of experts determines that livelihoods have been sustainably restored.

9.3 Income Generation Packages

9.3.1 Vegetable Production

Eligibility is subject to voluntary enrolment and participation in a group of beneficiaries, whether formal or informal. Other conditions include:

- Sustained attendance to training courses;
- Use of the allocated benefits for the intended purpose;
- Preparation of gardens including identification of a suitable piece of land, soil preparation, construction of a basic water supply and storage facility, and of a fence, with agronomist's guidance.

Benefits are allocated to individuals meeting eligibility conditions, as follows:

- Fence (based on one hectare per household);
- Facilitation of access to farming inputs, including fertilizers, improved seeds and treatment products.
- Training course and periodic refreshers over three years, including both technical (use of improved techniques, spacing, plant protection, water needs and irrigation, processing and marketing) and business aspects (business planning, keeping records, marketing);
- Small equipment, including for example mesh fence in reasonable quantity, hoes, spades and similar small equipment.

9.3.2 Food Processing/Catering and Sewing/Tailoring

Eligibility is subject to voluntary enrolment and participation in a group of beneficiaries, whether formal or informal. Other conditions include:

- Sustained attendance to training courses;
- Use of the allocated benefits for the intended purpose.

Benefits are allocated to individuals meeting eligibility conditions, as follows:

- Food processing:
 - Grinding, milling, or drying equipment (at group level), to be determined according to the type of production intended by the group;
 - Cooking equipment (at individual level);
 - Consumables for three months;
 - Training courses, including hygiene, food processing techniques, business planning, marketing;
 - Periodic technical assistance and assistance to marketing for three years;
 - Monitoring of livelihood restoration.
- Sewing/Tailoring:
 - One sewing machine per beneficiary;
 - Consumables (fabric) for three months;

- Training courses, including technical aspects, business planning, marketing;
- Periodic technical assistance and assistance to marketing for three years;
- Monitoring of livelihood restoration.

9.3.3 Vocational Training/Scholarships

Eligibility is subject to voluntary enrolment and sustained attendance to the selected curriculum for its whole duration. Scholarships are intended to cover the cost of training (tuition fees and any equipment to be provided by the trainee) and part of the cost of accommodation during the training if the training is held in a location different from the usual residence of the trainee.

Eligible curricula are determined in liaison with training institutions. Five to eight curricula are available, between 6 and 12 months in duration, at reputable training institutions in the region. Tuition fees are paid directly the investor to the training institution, according to a mutually agreeable schedule of payment. The accommodation allowance is preferably paid directly by the investor to the person or business providing accommodation, or directly to the trainee in instances where the latter proves impractical. Irregular attendance or disciplinary issues may result in the discontinuation of the support.

Eligible curricula will vary, but may include (tentative list):

- Construction related training: carpentry, masonry, electricity, plumbing;
- Welding;
- Catering and hospitality;
- Sewing and tailoring;
- Agricultural training.

9.4 Linkage with Broader Social Development Activities

Restoration of livelihoods per activities described above is a commitment to all PAPs and to PAPs only. PAPs will in addition be able to participate in other social and economic benefits of the investment, particularly the following:

- Sublease a farm to work as Contract Farmer for the investors
- Micro-credit and small enterprise development.
- Income-generating activities, including agriculture improvement programs.
- Health services, outreach and education.
- Capacity building and education.

Livelihood Restoration Sub-Committee

The Livelihood Restoration sub-committee under the RAI Committee would have the responsibility of ensuring delivery of livelihood restoration. Based on the description of the livelihood restoration programme provided above, the broad mandate of the committee would be the following:

- Minimize the economic dislocation of the project affected persons.
- Assess the impact of resettlement on the livelihood of the affected persons.
- Streamline the empowerment programs of MDAs to support the affected persons after relocation.
- Coordinate programmes of donor agencies and CSR of investors to support livelihood restoration programmes for the affected persons

Membership

1. Director General – InvestJigawa
2. Surveyor General – Ministry of Land
3. Director Land- Ministry of Land
4. Director Regional Planning – Ministry of Land
5. Director Irrigation - Ministry of Agriculture
6. Director Forestry – Ministry of Environment
7. Director Legal Drafting – Ministry of Justice
8. Director Industry – Ministry of Commerce
9. Director Women’s Affairs – Ministry of Women’s Affairs
10. Director Planning – Budget and Planning Directorate
11. Director Community Development – Ministry of Local Government

10 IDENTIFICATION AND SUPPORT TO VULNERABLE HOUSEHOLDS

10.1 Identification of Vulnerable Households

Studies suggest that the following vulnerable groups can be found in the project region:

Fulani: The Fulani are traditionally nomadic, pastoralist trading people. They herd cattle, goats and sheep across the vast dry hinterlands of their domain, keeping somewhat separate from the local agricultural populations. They follow a code of behavior known as pulaaku, which consists of patience, self-control, discipline, prudence, modesty, respect for others, wisdom, forethought, personal responsibility, hospitality, courage and hard work. The Fulani in Nigeria have often requested the development of exclusive grazing reserves, to curb conflicts. Discussions among government officials, traditional rulers, and Fulani leaders on the welfare of the pastoralists have always centered on requests and pledges for protecting grazing spaces and cattle passages.

Households with low income: Low income households have fewer resources to cope with change, they are less likely to have savings and access to credit and more likely to have lower education levels. This category also includes orphans, who on the basis of their circumstances lack financial and moral support of their parent(s).

Physical /mental health and disability: Disabled people are vulnerable in terms of participation in decision-making and access to employment opportunities. Disabled people may also experience varying levels of social exclusion and community marginalization. Commonly rural societies have found a way to integrate them into their daily routines, but tend to neglect the specific needs of people with special challenges in situations of stress such as physical and economical displacement.

People with no legalisable land titles: In the project area those could include households who are affected by the project but whose ownership or usufruct rights are not recognized under the customary system, thereby putting them at risk of not receiving compensation (this may include mobile Fulani, informal tenants and sharecroppers, and other bona fide occupiers with no legal recognition/squatters).

Eldery: Experience shows that elderly people commonly face problems in coping with involuntary changes and/or adapting to new situations. They often require special care and support in adapting to new environments and livelihood patterns.

10.2 Potential Assistance Activities to Vulnerable Households

Assistance to vulnerable households affected by land acquisition and resettlement includes the following measures:

- Identification of vulnerable households and identification of the cause and impacts of their vulnerability, either through direct interviews by the investor, social worker of the LGA together with the Resettlement Committee.
- Identification of required additional assistance at the various stages of the process: negotiation, compensation, moving.
- Monitoring and continuation of assistance after resettlement and/or additional compensation, if required.
- Other specialized assistance, depending upon vulnerable households' requests and needs.

Specifically, identified vulnerable people are assisted in the moving process by providing them with transport services (their personal belongings are transported in vehicles to the resettlement site). Vulnerable people are also specifically assisted through the impact identification (census) and

compensation processes. Experience has shown that cooperation with Resettlement Committees was key.

10.3 Monitoring of Vulnerable Households

The Livelihoods Restoration Committee will assess the progress of assistance to vulnerable households during the resettlement process. Key information that is to be gathered and reported internally includes the following:

- Total number of identified vulnerable households per RAP
- Case-by-case census of vulnerable households
- Type(s) of vulnerability
- Type(s) of assistance provided
- Efforts to restore livelihoods, social networks and standards of living
- Vulnerable households who have been unable to restore livelihoods, social networks and/or standard of living

10.4 Gender Issues

The GoJ and the LGAs are committed to ensure gender equity in entitlements and benefit sharing in line with international standards and religious provisions. The RAPs must incorporate measures to ensure that women and men receive equitable compensation for assets and share equitably in the related livelihood support programs. The issue will be addressed in full detail in the RAPs and will comprise the following:

- Including women in the planning, decision-making, and compensation process during the resettlement of communities.
- Promoting women's and girls' economic rights and opportunities through programs that build their capabilities and help them to build their livelihoods.
- Ensuring that essential public services like health and education benefit women, men, girls and boys equitably.
- Supporting vulnerable households, particularly female-headed households and widows, throughout the resettlement process.
- Collecting and analysing gender-disaggregated data in the Impact Zone.
- Ensuring that women's rights are protected in particular with regard to compensation for assets and ownership of property.

The following steps will be implemented by the **Ministry of Women's Affairs** to ensure gender equity in compensation and resettlement processes include the following:

- Consult separately with women when making decisions about where resettlement communities will be located, how houses will be designed (especially kitchens) and how the location meets needs like access to resources (such as water or fuel), which might be particularly important for women.
- Ensure that women are represented on all decision-making committees if acceptable.
- Ascertain ownership of affected assets in a manner that is sensitive to the rights of women if this is acceptable.

- In situations where the inventoried head of household would decess between the census and the actual compensation, restrict eligibility to those household members that were identified at the Cut-Off Date, review the situation following traditional succession rules, involve the relevant resettlement committees, and ensure that the outcome is not disproportionately detrimental to female members of the household
- Take account of gender in livelihood restoration packages.
- Categorize female-headed households as vulnerable.

11 MONITORING AND EVALUATION

Monitoring of land acquisition, resettlement and compensation activities is conducted both internally and externally.

- Internal monitoring focuses on inputs and outputs. Internal monitoring uses indicators built in the management systems of the various action (particularly progress indicators) and replicate socio-economic surveys conducted in preparation of the investment specific RAPs.
- External monitoring focuses on processes and outcomes. It uses the findings of internal monitoring and is also based on separate, external investigations. External monitoring consists of periodic monitoring, and completion audits for each successive phase of land acquisition, resettlement and/or compensation. Best practice suggests that external monitoring findings are disclosed to external stakeholders.

11.1 Internal Monitoring

The internal monitoring conducted by the M&E Unit of the Ministry of Land⁸ addresses a range of input and output indicators pertaining to the following aspects:

- Progress monitoring (compensation, land acquisition, construction, livelihood restoration activities);
- Technical monitoring of resettlement sites: supervision of plant, infrastructure and housing construction where relevant, commissioning and testing of the technical components of resettlement housing, monitoring of the effectiveness of water supply, waste management, power supply, erosion, and condition of houses and infrastructure;
- Social and economic monitoring:
- Cost of housing and agricultural land, potential land speculation, etc,
- Percentage of compensation spent on productive assets, environmental and health standards, livelihood restoration including agriculture, small businesses, employment and other activities.
- Monitoring of Vulnerable People,
- Grievance Monitoring: Monitoring of the effectiveness of the grievance management system as well as using an ongoing analysis of grievances as a form of feedback on the social performance, in an effort to detect and prevent the development of grievances into broader or more acute problems or conflicts.

11.1.1 Indicators and Frequency of Internal Monitoring and Reporting

During the active phase of land acquisition, the Ministry of Land monitors and reports internally on several indicators on a biennial basis. Findings are benchmarked against baseline studies done before the land acquisition of the individual investments as part of the RAP. Key progress indicators are measured internally and the data collected are reported in an annual monitoring report, and can be reported internally on a more frequent basis if warranted.

Progress Indicators:

- Amount of land affected.
- Numbers of households and individuals economically and/or physically displaced.
- Number of farmers who have requested replacement land and number of farmers that want to become Contract Farmers.

⁸ To be created

- Number of resettlement houses completed, sites acquired, house designs accepted, construction completed, titles provided, houses taken possession of by resettled people.
- Grievances (open, pending, closed).
- Number of grievances by severity; average number of days for resolution.
- Amounts of compensation paid per category (structures, land, crops, others).
- Inflation rates (via monthly market survey).
- Stakeholder engagement activities designed to ensure that the population is consulted.

Repeat socio-economic surveys are undertaken as determined by the panel of experts to provide data for the completion audit. These surveys capture socio-economic quality of life indicators (see below) and livelihood restoration indicators. Questionnaires used in replicate surveys are consistent with those used to describe the baseline situation during the elaboration of the investment specific RAP to allow for comparisons.

At a minimum the baseline studies and monitoring shall include the indicators outlined in the Table 6 below:

Table 9
Project Monitoring Indicators

Category	Impacts	Monitoring indicators
Land	<ul style="list-style-type: none"> • Land owners losing permanent land • Tenants losing land • Squatters losing land for agriculture • Disputes over land compensation 	<ul style="list-style-type: none"> • Proportion of PAPs with registered land title • % of land owners that received land for land compensation • No. of landless PAPs • No of grievances received on account of land acquisition • No of people economically worse-off due to land take
Improvements on Land	<ul style="list-style-type: none"> • Residential building • Business building • Economic trees 	<ul style="list-style-type: none"> • No. and % of PAPs received compensation for economic trees • No. and % of PAPs that received moving assistance • No. of complaints from compensation or omission • Change in the standard of housing and living condition • % of PAPs that received compensation prior to displacement
Livelihood	<ul style="list-style-type: none"> • Loss of farm/agricultural crops • Loss of pastoral ground and income • Loss of ground for hunting, fishing, logging and artisanal mining • Loss of employment • Loss of land-based wage • Loss of business/trading • Restriction to common natural resources 	<ul style="list-style-type: none"> • % of PAPs that are Contract Farmers • % of PAPs that changed livelihoods • % of PAPs in new livelihoods that have improved living condition • % of PAPs that received disturbance allowance • % of vulnerable PAPs that were rehabilitated
Sensitive cultural preserves	<ul style="list-style-type: none"> • Loss of shrines/sacred places, grave yards • Loss of historic cultural grounds and forest reserves 	<ul style="list-style-type: none"> • No of shrines/sacred places, grave yards displaced • No of shrines/sacred places, grave yards relocated or compensated for • No of complaints received on the account of displaced shrines, grave yards, sensitive cultural grounds

11.2 External Monitoring

The RAI Committee shall ensure that an annual review assessment of compliance and impact is carried out by external experts based on this LAR FRAMEWORK. The Objectives of these reviews are:

- To assess overall compliance with the investment specific RAP, this LAR FRAMEWORK and other commitments related to mitigation of physical and economic displacement.
- To assess the extent to which the quality of life and livelihoods of affected communities are restored and enhanced.
- To provide recommendations to improve RAP implementation and address any gaps.
- To determine when the Completion Audit will take place.

Any outstanding issues, shortcomings or oversights identified in these external monitoring reports are fed into follow-up actions and, if longer term in nature, the following year's Work Plan of the investor. As these activities are follow up actions to the land acquisition for specific investments, all costs shall be covered by the relevant investor.

11.3 Completion Audit

The purpose of the Completion Audit is to verify whether the individual investor has complied with the commitments defined in the investment specific RAP, LAR FRAMEWORK and more generally with the RAI Principles. The Completion Audit ascertains if livelihood restoration as well as restoration of housing is complete for physically and economically displaced communities and whether for the majority of Contract Farmers the decision to give up their private landholdings to become sub-lease farmers worked out economically. The audit is undertaken after all RAP mitigation measures and inputs – including compensation and development initiatives – are complete. The timing of the audit should allow time for corrective actions, if any, as recommended by the auditors and repeated until the findings suggest that the investor has complied with all commitments made in the investment specific RAP. Completion audits typically take place three years after resettlement impacts and might need to be repeated to inform whether the suggested corrective actions were successful.

12 ANNEX 1: RESETTLEMENT ACTION PLANNING

The LAR Framework addresses the displacement risks of large scale agribusiness investments at a generic level, while the detailed impacts of each investment will be identified and addressed through a separate RAP to be prepared by the investor. These individual RAPs must be consistent with this LAR FRAMEWORK and validated by the affected people and the Jigawa State Government and implemented before the commencement of any civil works.

In preparation of the RAP the investor shall conduct a socio-economic survey for the land earmarked for investment including the buffer zone i.e. the project land as well as the impact land. The purpose of the socio-economic study is to collect baseline data (census and asset inventory) from the owners and users of all affected fields, grazing areas and other affected lands and resources as well as of the owners and users of all buildings and improvements in the footprint of the investment and its buffer zone. It shall be conducted along with the EIA. The socio-economic study is based on stakeholder engagement and provides baseline information on the number of affected people and households as well as their livelihoods and income streams incl. an assessment of all affected assets and access to assets). The socio-economic survey need to be conducted for each affected household in the impact zone and should provide the following information:

The RAP shall cover the elements below

12.1 Project Description

Contains a detailed description of the component and identification of the project area.

- The project land and other subcomponent or activities that give rise to resettlement;
- The impact zone of the project;

12.2 Identification of Impacts

The intention is to identify and minimize potential impacts and disruptions. Impacts may include: residential relocation, business relocation, business loss, agricultural loss, crops, trees) by component area, with assessment of severity of loss on family income

The alternatives considered to avoid or minimize resettlement are detailed and the mechanisms established to minimize resettlement, to the extent possible, during project implementation are described

12.3 Resettlement measures

A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced person to achieve the objectives of this LAR Framework. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them. The resettlement measures will cover both physical relocation and economic dislocation. In the latter case, the presentation will detail the measures and associated support that will be put in place to restore PAP livelihoods to at least their pre-project levels.

Site selection, site preparation, and relocation:

When physical relocation is involved, alternative relocation sites are to be considered and an explanation of those selected provided, including:

- Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other

factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- Measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- Legal arrangements for regularizing tenure and transferring titles to resettlers.

Housing, infrastructure, and social services:

When physical relocation is involved, plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

12.4 Community participation

Involvement of resettlers and host communities

- A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries).

12.5 Integration with host populations

Where physical relocation to new communities is required, measures to mitigate the impact of resettlement on any host communities, including

- Consultations with host communities and local governments;
- Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
- Arrangements for addressing any conflict that may arise between resettlers and host communities; and
- Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

12.6 Implementation schedule

An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project, specifically how resettlement activities will be completed (and certified as completed) before the civil works are initiated.

12.7 Costs and budget

Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement.

13 ANNEX 2: SOCIO-ECONOMIC STUDIES

Socioeconomic studies

The findings of socioeconomic studies to be conducted during project preparation and with the involvement of potentially displaced people, including the results of a census survey covering:

- Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance
- Standard characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- The magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;
- Information on vulnerable groups or persons for whom special provisions may have to be made; and
- Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- Public and communal infrastructure and social services that will be affected; and
- Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Socioeconomic Studies Sample Questionnaire:

JIGAWA RESPONSIBLE AGRICULTURE INVESTMENT SOCIO – ECONOMIC SURVEY

Household Questionnaire

Time started.....Date.....

SECTION A: GENERAL INFORMATION

1. Name of Household HeadAge.....
2. Phone No:.....
3. Gender: Male; Female
4. LGA.....
5. Village/Community:.....
6. Type of Location: Urban; Rural
7. Distance to LGA Headquarters (Kms):.....
8. Group(s) affiliated:.....Group Phone no.....
9. How many people are in the Hhd?
10. How many adults? Total.....Males.....Females.....
11. How many children? Total.....Males.....Females.....
12. Respondent’s economic activities: 1= Crop production 2= Dairy production 3= Traditional sedentary livestock production 4= traditional poultry production 5= Nomadic livestock production 6= Agricultural processing 7= Agricultural marketing 8= Non-agricultural trading 9= Fishery/capture fisheries 10= Hunting & gathering 11= Handicrafts
12= other (specify) 13= No economic activity

SECTION B: INFORMATION ON FARMING ACTIVITIES

Section B1: Livestock Production

13. If respondent breeds livestock/animals indicate which of the following(tick)

	Number	Number sold past year	Average Price (N)
Cattle			
Sheep			
Goat			
Chickens			
Guinea fowl			
Ducks			
Pigeons			

Section B2:: Crop Production

14. If crop farmer, indicate type of farming (tick): Rainfed; Irrigation
15. If irrigation, what method?(tick) Shadoof; Wash-bore pumping; Surface water pumping; Other (specify)
16. Method of land preparation (tick): Manual; Animal power; Mechanical

17. Where do you carry out your farming?

Farm	Size (ha)	How much is cultivated(ha)	Distance from home (km)
Own farmland			
Borrowed farmland			
Hired farmland			
Others (specify)			

18. If farmland is owned, by what means did you own it? Inheritance; Purchase; Allocated by Community; Allocated by LGA; Allocated by State Government; Other (specify)

19. For the owned land, what title do you hold for it? State C of O; Local Government R of O; Community/Traditional title; No title; Other (specify)

20. If (respondent is) crop producer, indicate crops normally grown from this list: (tick)

Grains:	Rice	Maize	Sorghum	Millet			
Land size (ha)?							
Qty produced (100-kg-bags)?							
Legumes:	Cowpea	Groundnut	Soyabeans	Seasame			
Land size (ha)?							
Qty produced (100-kg-bags)?							
Tubers:	Sweet Potato	Cassava	Irish Potato	Yam	Cocoyam		
Land size (ha)?							
Qty produced (baskets)?		(Heaps)		(Heaps)			
Fruits:	Dates	Mango	Guava	Citrus	Pawpaw	Cashew	Banana
Land size (ha)							
Qty produced (100 fruits)?							(bundles)
Vegetables:	Tomato	Pepper	Okra	Onions	Garden Egg	Water Melon	Egusi
Land size (ha)?							
Qty produced (baskets)?						(Heaps)	
	Lettuce	Carrot	Cabbage	Zobo	Alleyefu		
Land size (ha)							
Qty produced (baskets)?				(100kgbags)			

21. Method of cropping?(tick) Mono-cropping; Mixed-cropping

22. If Mixed-cropping, state crops and pattern:

23. Total sales value of crops in the past year? (Naira)

24. Who controls the income obtained from the sale of farm produce? Husband; Wife; Husband and wife; Son; Daughter; Other (specify)

Section B3: Three Most Important Crops Cultivated. Note that if respondent indicated Rice among the crops he grows then it (Rice) will automatically be the Crop 1 in Q25 – Q35 and only 2 (two) other most important crops will be asked for. If he does not grow Rice, then in Q25 – Q35 he should indicate his 3 (three) most important crops among all the crops he grows.

25. What are the three crops that you cultivated this past year that you consider most important?

S/n	Crop
1.	
2.	
3.	

26. What seeds did you use in the most recent past season? (tick)

Crop 1:

Seed Type	Improved variety	Local variety	Hybrid
Seed Qty (kg)			
Seed Price/kg			
Source	Government Seed Company Seed Retailer Farmer Group Own Harvest	Government Seed Company Seed Retailer Farmer Group Own Harvest	Government Seed Company Seed Retailer Farmer Group Own Harvest

Crop 2:

Seed Type	Improved variety	Local variety	Hybrid
Seed Qty			
Seed Price			
Source	Government Seed Company Seed Retailer Farmer Group Own Harvest	Government Seed Company Seed Retailer Farmer Group Own Harvest	Government Seed Company Seed Retailer Farmer Group Own Harvest

Crop 3:

Seed Type	Improved variety	Local variety	Hybrid
Seed Qty			
Seed Price			
Source	Government Seed Company Seed Retailer Farmer Group Own Harvest	Government Seed Company Seed Retailer Farmer Group Own Harvest	Government Seed Company Seed Retailer Farmer Group Own Harvest

27. Do you use manure on your farm(s)? Yes; No

28. If yes, what quantity?

29. What type of other inputs did you use?

Crop 1:

Input	Source	Qty (kg)	Unit Price (N)
Fertiliser: NPK (bag)			
Urea (bag)			
Herbicides (ltr)			
Field Pesticide (ltr)			
Storage Pesticide (ltr)			

Crop 2:

Input type	Source	Qty	Unit Price
Fertiliser: NPK (bag)			
Urea (bag)			
Herbicides (ltr)			
Field Pesticide (ltr)			
Storage Pesticide (ltr)			

Crop 3:

Input type	Source	Qty	Unit Price
Fertiliser: NPK (bag)			
Urea (bag)			
Herbicides (ltr)			
Field Pesticide (ltr)			
Storage Pesticide (ltr)			

30. How do you carry out your farming activities'?

Crop 1:

Activity	Hired labour			Family labour		Social Group	
	No.	Days	Rate/man/day (N)	No.	Days	No.	Days
Land Clearing 1 st							
2 nd							
3 rd							
Tilling 1 st							
2 nd							
3 rd							
Planting							
Fertilizer appl.							
Spraying							
Weeding 1 st							
2 nd							
3 rd							
Hrvestng/Threshg							
Drying							
Bagging							
Transporting							
Storage							

Crop 2:

Activity	Hired labour			Family labour		Social Group	
	No.	Days	Rate/man/day (N)	No.	Days	No.	Days
Land Clearing 1 st							
2 nd							
3 rd							
Tilling 1 st							
2 nd							
3 rd							
Planting							
Fertilizer appl.							
Spraying							

Weeding 1 st							
2 nd							
3 rd							
Hrvestng/Threshg							
Drying							
Bagging							
Transporting							
Storage							

Crop 3:

Activity	Hired labour			Family labour		Social Group	
	No.	Days	Rate /man/day(N)	No.	Days	No.	Days
Land Clearing 1 st							
2 nd							
3 rd							
Tilling 1 st							
2 nd							
3 rd							
Planting							
Fertilizer appl.							
Spraying							
Weeding 1 st							
2 nd							
3 rd							
Hrvestng/Threshg							
Drying							
Bagging							
Transporting							
Storage							

31. To what extent is your need for support in the following aspects of your farming activities? (Rank the need = 1 if at highest and rank the need = 5 if at lowest)

	1	2	3	4	5
Inputs supply					
Production Technologies					
Storage/Handling					
Processing					
Marketing					

32. Have you received any extension services and/or training in the past 12 months? Yes; No

33. If yes, from who? Government Agency; Research Institute; IDP project; NGO;
Other (Specify)

34. If yes, do the extension services address your needs? Yes; No

35. How do you perceive the importance of the following problems with respect to your farming activities?

	Unimportant	Important	Very important
Inadequate extension services			
Lack of credit			
Inadequate infrastructure			
Inputs supply			
Lack of market access			

36. Do you think big commercial crop production activity in your area will be beneficial? Yes; No

37. If no, why?

38. If yes, what benefits do you expect to accrue to your community? Jobs; Ready market for farm products; Improved infrastructure; Improved methods/Technologies; Other (specify)

39. How do you think your area is suitable for commercial farming activity? Abundant land; Potential for irrigation; Available farm labour; Peace and security; Other (specify)

Section B4: Trade and Marketing Information

40. Do you sell produce before harvest? Yes; No

41. If yes, provide quantity and price of produce sold before harvest this past year in the table below:

	Qty (100-kg bags)	Unit Price (N/100-kg bag)
Crop 1		
Crop 2		
Crop 3		

42. Do you sell your produce after harvest? Yes; No?

43. Provide information on produce you consumed and/or sold in the past year:

	Qty Consumed (100-kg bags)	Qty sold (100-kg bags)		Where marketed		Unit Price (N)	Distance to market (km)	Transport price / 100-kg bag
		Peak harvest	Off-peak harvest	On-farm	Off-farm			
Crop 1								
Crop 2								
Crop 3								

44. If you sell your farm produce off-farm, who do you sell to?

	Agent	Retailer	Wholesaler	Processors	Exporter	Others (specify)	State place of sale
Crop 1							
Crop 2							
Crop 3							

45. Who determines the price of the farm produce you sell?

Person	Crop 1	Crop 2	Crop 3
Myself			
Spouse (if married)			
Farmer Group			
Local Council			
Agent			
Rural /urban Traders			
Processors			
Others (specify)			

46. Do you think the prices are fair?

	Yes	No
Crop 1		
Crop 2		
Crop 3		

47. How do you transport your produce?

Transport	On-farm (store at home)	Off-farm (market)
Head		
Own Bicycle		
Own Push-cart		
Own Vehicle		
Hiring vehicle		
Hiring people		
Others – specify		

48. Do you improve on the quality of your produce before you market it? Yes; No

49. If yes how? Drying; Cleaning; Other(specify)

50. How are you paid? a) Cash; b) Credit; c) Both; d) Others (specify)

51. What kind of scales or measures do the buyers use in buying your produce? 100-kg scale; Below 100-kg scale; Above 100-kg scale; Mudu; Other (specify)

52. Do you feel this is appropriate? Yes; No

53. Are you a member of a cooperative group or society? Yes; No

54. Are you willing to market your produce collectively? Yes; No

55. What benefits do you perceive from collective marketing? Better Prices; Lower cost of transaction; Ease of Transportation and Handling; Other (specify)

56. Are there any institutions supporting you in farm produce marketing? Yes; No?

57. If yes specify who: Government Agency ; NGO; IDP Project; Private Company; Other (specify)

58. If yes, what form of marketing support do you receive? Market information/linkage; Price support; Standards/Grading; Other (specify)

59. What form of marketing support do you prefer most? Market information/linkage; Price support; Standards/Grading; Other (specify)

60. What are your sources of information for the purposes of marketing your produce?

Type of Information	Source of information
About Market	
About Buyers	
About Price	
Others – specify	

61. If your produce is not bought what do you do? Store up until eventually bought; Reduce price and sell; Keep to feed the family; Other (specify)

SECTION C: STORAGE AND PROCESSING INFORMATION

62. How do you store your farm produce? Traditional produce barn (rumbu); Prefabricated mini-silo; Dump space at home; Purpose built store-room; Other (specify)

63. What is the estimated (%) storage loss per year?

64. Does processing of farm produce take place in your community? Yes; No

65. If yes, what do you process it for? Consumption only, Consumption and sell; Sell only

66. If yes, who is doing the processing in the community? Myself; Someone else; Both

67. What method of processing is used? Manual; Mechanical; Both

68. If answer to Q62 is yes, what are the by-product(s) produced from the processing?

	Product 1	Product 2	Product 3
Crop 1			
Crop 2			
Crop 3			

69. What cost price do people pay to process their farm produce into different by-products?

	Product 1	Product 2	Product 3
Crop 1			
Crop 2			
Crop 3			

70. If you do not process your farm produce in your community, how far away do you go to process it (km)?

SECTION D: NON-FARM ACTIVITIES

71. Do you undertake non-farm activities? Yes; No

72. If yes, which type? (specify)

73. How much did you earn this past year from your non-farm activity(ies)? N.....

SECTION E: NATURAL RESOURCES AND CONFLICTS

74. What are the major natural resources available in your community? Common forests; Common woodland; Fadama (lowland floodplains); Common Grazing land; Irrigation water; Water for animals; Potable water; Other (specify)

75. Who are the major beneficiaries of these natural resources? All; Men; Women; Youth; The Rich, The Poor; People with disabilities; Other (specify)

76. Who are the least beneficiaries of these natural resources? All; Men; Women; Youth; The Rich, The Poor; People with disabilities; Other (specify)

77. What are the general trends in the condition of natural resources in the past 5 years?

	Declining	The same	Improving
Rainfall quantity			
Rainfall variability			
Soil quality			
Potable water quality			
Forests			
Rivers/streams			
Desertification			

78. Do conflicts arise among users of these natural resources? Yes; No

79. If yes, how many conflicts occurred in the last 12 months?

80. What are chief causes of conflicts on these natural resources? Unauthorised
 encroachment; Elite capture; Overuse; Other (specify)

81. How many conflicts were resolved in the past 12 months?.....How many conflicts that
 occurred in the last 12 months remain unresolved ?.....

82. Of those resolved, what method was used? Legal Courts; Non-legal Official intervention;
 Police; Traditional/Communal mechanism; NGO; Other (specify)

Thank you very much.

Time Finished.....

14 ANNEX 3: OUT-GROWER SCHEME MODELING

In pursuance of its commercial agricultural agenda, the Government of Jigawa State recognizes that large scale agricultural projects, where large tracts of land are allocated to investors, may have negative impacts especially on host communities. This is because;

1. Land is a finite resource
2. Local communities can suffer socio-economic deflections where displacements are made
3. The land rights of communities is threatened
4. Displacements can give rise to increased rural – urban migration
5. Displacements have the potential of causing local social unrest

In view of the above, the Government, while recognizing that large agricultural investors require security of land for commercial production, is also encouraging investors to use out-grower models side by side with their commercial projects.

In this regard, the Government has developed a process for out-grower schemes in the state outlined below:.

14.1 Out-Grower Scheme Process

	Step	Details
1	Determination of land use for agric production by investor	<ul style="list-style-type: none"> - Location and delineation of site - How many hectares to be used - Production size, etc
2	Determination of farmers within location	<ul style="list-style-type: none"> - Number of communities within site (socio-economic data) - Number of farmers within communities - Agric production within communities (type of crop and production size) - Determination of population growth and development - Identification of buffer zones
3	Modeling of out-grower scheme	<ul style="list-style-type: none"> - Developing the legal framework in consultation with various stakeholders - Modeling the out-grower scheme in consultation with all stakeholders
4	Sensitization of farming community	<ul style="list-style-type: none"> - Sensitization campaign to explain process, benefits, requirements, etc - Facilitating the creation of registered groups
5	Signing of Agreement between investor and registered groups	<ul style="list-style-type: none"> - Drafting of agreement - Negotiations with registered groups - Signing of agreement
6	Signing of Community Development Agreement (CDA) with communities	<ul style="list-style-type: none"> - Drafting agreement - Negotiations with communities - Signing of CDAs
7	Monitoring & Evaluation	<ul style="list-style-type: none"> - Continuous process

14.2 Elements of an Out-grower Scheme Agreement

1. Interpretations
2. Obligations of the grower
3. Obligations of the investor
4. Assistance to the grower
5. Crop verification
6. Rotation
7. Annual return
8. Contracted hectares
9. Contract price and payments
10. Harvesting
11. Post harvest transportation and logistics
12. Consignment weight
13. Sampling
14. Monitoring of sampling
15. Actual tonnage
16. Agro-chemical use and monitoring
17. Unauthorized use of agro-chemicals
18. Complaints
19. Force majeure
20. Duration
21. Re-negotiation
22. Assignment
23. Breach
24. Step-in rights
25. Arbitration
26. Addresses for legal processes and notices
27. General

14.3 Elements of a Community Development Agreement (CDA)

An investor shall be required to negotiate with each qualified community the terms of a community development agreement, and such agreements shall include at least the following provisions:

- (a) the person, persons, board, committee, foundation, trust, forum, body or other entity which shall manage the agreement;
- (b) the person or body that represents the qualified community for the purposes of the agreement;
- (c) the means by which a registry of persons comprising the community will be developed, maintained and updated;
- (d) the means by which members of a qualified community will participate in the community's agreement related decision-making processes;
- (e) the means by which the interests of women, youth, minority and marginalized groups and sub-communities of the qualified community will be represented in the community's agreement related decision-making processes and implementation;
- (f) the goals and objectives of the community development agreement;
- (g) a community development program plan which shall include at least the following:
 - (i) objectives,

- (ii) milestones;
- (iii) implementation timetable;
- (iv) schedule of anticipated expenditures;
- (v) metrics by which to measure progress;
- (vi) periodic reporting including actual expenditures;
- (vii) how the plan works in coordination with government plans, services, infrastructure and activities provided to or affecting the community;
- (viii) how the provision of any service provided by the investor to the community will be terminated or transferred to the community, government or other entity;
- (ix) how and when the plan will be periodically updated;

For all agreements to be signed between the investor and communities, the Ministry of Justice shall cause the Community Law Centres to provide free legal services to the communities. This service shall include, but is not limited to;

- Advice during consultations/negotiations
- Interpretation/translation of agreements
- Serve as Notary to the communities
- Witness the signing of agreements