LAGOS STATE GOVERNMENT

Resettlement Policy Framework

- Final Report -

Lagos Metropolitan Development Project (LMDP)

May 2005
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<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<td>ARAP</td>
<td>Abbreviated Resettlement Action Plan</td>
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<td>CDA</td>
<td>Community Development Association</td>
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<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
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<td>FGN</td>
<td>Federal Government of Nigeria</td>
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<td>GIS</td>
<td>Geographical Information Systems</td>
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<td>LASEPA</td>
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<td>LG</td>
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<td>Land Sites Identification Team</td>
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<td>National Action Committee on AIDS</td>
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<td>SW</td>
<td>Solid Waste</td>
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Glossary of Terms

- **Cut-off Date**: Refers to a day on and beyond which any person who occupies land required for project use, will not be eligible for compensation. The date is often the day when the assessment of persons and their property in the project area commences.

- **Market rate**: Is defined as the highest rate over the last three to five years based on commercial terms.

- **Project Affected Person**: A person that loses assets and/or usage rights and/or income generation capacities (e.g., land, structure, crops, businesses) because these assets/rights/capacities are located in land to be acquired for needs of the project. Not all PAPs are displaced due to the Project, but all are potentially affected in the maintenance of their livelihood.

- **Host Communities**: Communities receiving resettled people as a result of involuntary resettlement activities.

- **Resettlement and Compensation Plan (RAP)**: Also known as a Resettlement Action Plan or Resettlement Plan – is a resettlement instrument to be prepared when project activities are identified, that require land acquisition that leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. The RAP is prepared by the party impacting people and livelihoods in this manner and contains specific and legal binding requirements to be taken by that party to resettle and compensate the affected party before project activities causing this adverse impact are implemented.

- **Resettlement Policy Framework (RPF)**: This a resettlement instrument (this document) that is prepared by the borrower (in this case by the Lagos State Government of Nigeria) when project activities that require land acquisition that leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources, are not identified at the project preparation stage. The RPF is therefore prepared before the proposed project is appraised setting out the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project, when project activities are identified. The RAP is prepared consistent with the provisions of the RPF.
1. INTRODUCTION

Lagos is home to almost 18% of Nigeria's urban population today. Its population has been growing at around 6% annually since the 1980s, and growth rates are projected to be between 5% to 6% till 2015. With a current estimated population of between 12 – 15 million persons, Lagos is expected to be home to over 17 million by 2015.

It is the premier manufacturing city in W Africa, most important sea port, node for telecommunications with the largest concentration of multinationals, and home to 250 of Nigeria’s financial institutions. More than 60% of Nigeria’s non-oil economy is located in Lagos. Despite its dominant position in Nigeria’s non-oil economy, Lagos remains a “poor city” with an annual budget of about US$650 million.

However, Lagos’ urban productivity is severely compromised by nearly three decades of neglect - every sector in Lagos demands urgent and immediate attention. In a complex institutional environment that includes inter-governmental and fiscal decentralization issues (whose impacts are exacerbated since the move of Nigeria’s capital from Lagos to Abuja), the city-state faces overwhelming challenges. Inadequate resources, inadequate knowledge, the lack of reliable data for decision-making, the lack of urban management tools necessary for planning, and unprecedented population growth – together these factors have overwhelmed the capacity of the public sector to manage growth and deliver services to its large and growing population. It is estimated that about two-thirds of the city’s population currently lives in slums.

With refuse and raw sewage being swept in; floods in these slums are on an average knee deep both inside and outside the house, are said to last over five hours, cause immense economic hardship, and are a severe health hazard. Given the high incidence of flooding, drainage was the community’s top priority, especially in the slums along coastal areas, followed by roads. Reducing flooding in such slums would require that the primary drains and channels to which on-site connect, be functional.

The Lagos Metropolitan Development Project is a major investment in improving the quality of life of Lagos State inhabitants, especially those in the slums. The project’s development objectives are (i) to improve living conditions in Lagos through investments in critical basic infrastructure; and (ii) enhance capacity for urban management.

LMDP will improve basic services for one million direct beneficiaries in nine slums, and contribute to human development through a reduction in the threat of disease by reducing the incidence and severity of flooding in the metropolitan area. This will also contribute to more effective functioning of the road network, thereby contributing to productivity enhancement of the firms and households in Lagos.

In addition, LMDP will improve transparency and accountability for better governance, through institutional reform in key infrastructure sectors; through support for the application of data driven urban management tools, LMDP will facilitate results based budgeting, targeting, expenditure and impact monitoring, and feedback mechanisms to the public. The Lagos State has requested World Bank support for the project. In order to proceed with clearance of the project, the government is required to prepare a Resettlement Policy Framework (RPF) consistent with World Bank Safeguard Operational Policy (OP) 4.12 Involuntary Resettlement.

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

1 By contrast, Delhi with a population of 13.8 million people, has a budget of US$ 2.6 billion; and Jakarta with a population of 11 million, has a budget of US$ 1.0 billion.
The RPF is valid for all project activities that are funded by the World Bank or any other activities that are essential to the completion of project activities funded by the World Bank. The operational objective of the RPF is to provide guidelines to stakeholders participating in the resettlement and related rehabilitation in order to ensure that Project Affected Persons (PAPs) will not be adversely affected by the social impacts of the projects. The basic principles imply that PAPs should be compensated for loss of assets at replacement costs; given opportunities to share project benefits; and be assisted in case of relocation or resettlement. This RPF governs all activities funded under the LMDP, and is to be used in conjunction with the ESIA that has also been prepared for this project as a separate and stand alone document.

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

* Involuntary resettlement will be avoided through project site planning processes to avoid and minimize social impacts of the project.

* Where resettlement is unavoidable, resettlement activities will be seek to provide offsetting mitigation measures that give the persons displaced by the project meaningful opportunity to share in the project benefits.

* Displaced persons will be assisted in their efforts to improve livelihoods and standards of living or at least to restore them to levels equivalent to those prior to the project.

In compliance with international standards and practices, the Lagos State Government presents this Resettlement Policy Framework which will be used to guide management of resettlement aspect the project. The World Bank’s Operational Policy (OP) 4.01 requires that the RPF report be disclosed as a separate and stand alone document by the Lagos State Government and the World Bank, as a condition for Bank Appraisal of the LMDP. The disclosure should be both in Lagos where can be accessible by the general public (including at the local government councils) as well as the Infoshop at the World Bank and the date of disclosure must precede the date for appraisal of the project.

Where differences are found between the World Bank Policies and Nigerian laws and policies, the World Bank Policies will be followed.
2. PROJECT DESCRIPTION

The Lagos State Government (LASG) has requested World Bank support for the Lagos Metropolitan Development Project (LMDP). The LMDP will improve basic services for one million direct beneficiaries in nine slums, and contribute to human development through a reduction in the threat of disease by reducing the incidence and severity of flooding in the metropolitan area. This will also contribute to more effective functioning of the road network, thereby contributing to productivity enhancement of households and firms in Lagos.

The Lagos Metropolitan Development Project is organized into six components:

Component 1. Urban Upgrading – (US$ 37.75 million)

This component will finance upgrading in the following slums: Agege, Ajegunle, Amukoko, Badia, Iwaya, Makoko, Ijae, Bariga, Ijeshatedo/I tire. These slums were selected because they were the largest slums identified in last comprehensive study— they cover an area of 760 hectares and have a current population estimated to be over 1 million people. Tertiary infrastructure and services will be developed and delivered to appropriate standards, to allow greater coverage with limited resources, while at the same time, using high quality materials to offset poor maintenance. Multisectoral investment packages developed in response to the expressed demand of the beneficiaries, include: streets, footpaths, foot bridges and walkways; water supply; drainage; schools; health centers; public sanitation facilities; market stalls; electricity transformers; street lighting; community centers; postal stations; fish smoking facilities; floating jetty with petrol station; and box culverts.

Component 2. Drainage – (US$ 61.1 million)

The project will support the design and engineering of a comprehensive program which would provide for a rehabilitation, reconstruction, new construction, and routine maintenance program for the city-wide drainage network. It will also support development of a long-term technical solution to flooding, and the highest priority civil works investments to mitigate flooding, will be financed under the project. During the first year of the project, while the engineering designs are being developed, the cleaning of 25 km to 50 km of drainage channels directly impacting downstream the nine slum areas slated for upgrading will be contracted out. As a part of the institutional reforms needed to sustain the investments in drainage infrastructure, a Drainage Board is in the process of being formed. Through the project, the shaping of the Drainage Board can be positively influenced such that adequate financing for routine maintenance of the drainage network is formalized.

Component 3. Solid Waste Management - (US$ 23.20 million)

This component will: i) Support to LAWMA to develop concession contracts for 3 sanitary landfill facilities to competent operators, ii) Establish a performance based management contract for LAWMA for improved waste collection and revenue mobilization, iii) Support to other institutions namely, MOE, LASEPA, to enable them carry out their statutory mandated responsibilities regarding policy formulation, regulation, monitoring and enforcement mechanisms, iv) Solid waste coverage in unserved areas and increased participation of the private sector, v) construction of 6 SW transfer stations on existing SWM services sites; rehabilitation and upgrading of the existing dumpsite, rehabilitation of equipment; vi) procurement of monitoring and communication equipment to support the establishment of a sustainable waste management system.

Flooding is a persistent and costly problem in Lagos, but cannot be addressed in the absence of a well managed and functioning solid waste sector, because uncollected garbage finds its way into open channels and drains. The expected outcome is that there will be an increase in the amount and regularity of refuse collected and disposed of in an environmentally sustainable manner. The target group is the residents of Lagos, and coverage will particularly be extended to unserved and low-income areas. The population residing or working near the present refuse dumps will benefit from better environmental conditions. Through the Global Carbon Fund, support will be given to capture methane gases and explore the opportunity to sell reductions to the global carbon market.

This component will finance consulting services and goods/equipment for training, analysis, as well as knowledge acquisition and dissemination. Initially the project will finance project-related training to build capacity through the acquisition of skills to enable project staff to competently perform his/her duties in support of the project development objectives.

The project will finance 90% of the costs of the purchase of office equipment and vehicles, to assist in the establishment of the PMU and PUs, and 90% of the operating costs of the units at State and LG levels.

Support will include, but not be limited the following areas: basic computer applications, project management, procurement, financial management, civil works contract management, monitoring and quality control of civil works, infrastructure planning for sustainability, O&M planning, revenue improvement, environmental management and planning, participatory and community-based planning techniques, auditing, data collection, statistical analysis and the use of shared statistics for investment planning; management practices and effective leadership; staff exchange programs; comprehensive hydraulic modeling and GIS; results based budgeting; development of performance indicators; performance monitoring; establishment of feedback mechanisms to the public; and metropolitan communications for strategic metropolitan policy making and implementation.

In addition, the LMDP will support the development and execution of an appropriate AIDS Education, Information and Communication Campaign in the project areas. The campaign will be conducted within the framework of activities determined by the National Action Committee on AIDS (NACA) and the State Action Committee on AIDS (SACA). The campaign will be implemented on upgrading construction sites, and along the drainage, and solid waste collection, transport, and disposal networks.
3. POTENTIAL IMPACTS OF PROJECT ACTIVITIES

The project, as currently designed, is not expected to have adverse impact of the environment. On the contrary, it is expected to improve the well-being, health and sanitary conditions in the targeted areas. Major benefits of the project will be the reduction of flooding of houses and businesses, reduced deterioration of roads, elimination of unsightly accumulation of garbage in drains and the reduction in health hazards due to flooding by sewage.

However, the project has the potential to generate the following categories of resettlement impacts:

- **Upgrading of Access Roads in the Slums**: Multisectoral investment packages developed in response to demand of beneficiaries in the slums upgrading areas could include rehabilitating/upgrading of access roads and/or walkways. The major temporary impacts relate to disruptions caused by rehabilitation/construction activities, and could be in the form of:
  - Temporary displacement or loss of access due to construction detours
  - Disruption to mobile roadside vendors during re-paving of the roads; especially concerning separation from established customers and/or separation from usual source of goods and materials to trade.

- **Construction Impacts**: The building and/or rehabilitation of health centers, schools, community centers, and public sanitation centers could have local site impacts that need to be mitigated and managed in conjunction with construction contracts. These impacts could take the form of:
  - Temporary displacement or loss of access or livelihood due to construction activities
  - School children experiencing difficulties reaching their schools daily as a result of obstruction of their normal route due to construction/rehabilitation related activities.

In summary, under the Lagos Metropolitan Development Project (LMDP), land might be needed for the construction of the following project related infrastructure facilities:

- Sanitation: construction of public and school latrines in the 9 slums destined for upgrading;
- Lining of drains and erosion control;
- Access roads to the slums: upgrading of roads, drains, street lighting, relocation of
- water connections/water reticulation

The environmental and social impacts of the project have been treated extensively in the Environmental and Social Impact Assessment (ESIA) document. However, the socio-economic impacts of the project would include:

- **Transportation**
  With improved roads and other facilities, there will be increased access to public transportation

- **Population Structure Effects**
  The project potentially offers employment opportunities for both skilled and unskilled labour and may bring financial benefits to members of the communities in the project areas. It is anticipated that job seekers will migrate into the project areas.

Other population impact sources include the fact that the upgraded slums will become more attractive for people to live in. As such, people who are currently hard-pressed for accommodation will relocate into the area and thus, in addition to population structure alteration, the proposed project could lead to an increase in population density in the targeted areas.

- **Local Economy**
  The impacts of a project on the local economy will be both positive and negative. On the positive side, project activities typically stimulate the economy through cash injections, which come from the following sources:

  i. Purchase/lease of landed property on which project is to be built
Typically, the land on which project activities are to be carried out belongs to either individuals, families or the community. Such land will have to be acquired and monetary injection into the system will generally buoy up the economy;

ii. Rental/Lease of landed Property

Improved infrastructure would result in increased demand for accommodation. This would improve the local economy as the prices of rent/lease of buildings, apartments and rooming structures would appreciate significantly. Thus, upon the completion of the project, there is a slight likelihood that the house rents in the targeted areas may appreciate.

iii. Patronage of Traders

For traders who deal in household items such as food, drugs, clothing, furniture, etc., there is a possibility of increased patronage from project workers.

iv. Employment Opportunities

The implementation of sub project activities may offer some respite to unemployed youths. Even though most of the labour to be employed will be unskilled and semi-skilled, the fact that they have been removed from the labour market (albeit temporarily) would generally be welcomed.

3.1 Individuals and Households Potentially Affected

At this stage, it is not possible to estimate the likely number of people who may be affected since the locations of the sub projects for subsequent years drainage investments are not yet known.

However, the likely displaced persons can be categorized into three groups, namely;

(i) Affected Individual – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economical resources as a result of the project activities and to whom compensation is due.

(ii) Affected Household – A household is affected if one or more of its members is affected by sub project activities, either by loss of property, loss of access, restriction to sources of livelihood or otherwise affected in any way by project activities. This provides for:

(a) any members in the households, men, women, children, dependent relatives and friends, tenants
(b) vulnerable individuals who may be too old or ill to work.
(c) members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence
(d) members of households who may not eat together but provide housekeeping, or reproductive services critical to the family's maintenance, and
(e) other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately.

Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the “household”. For example, among polygamous settings, each wife has her own home.

(iii) Vulnerable Households – Vulnerable households could be owners of compound walls or shops/rooms that will be partially demolished during sub project activities. Partial demolition of houses will lead to congestion and possible voluntary termination of tenancy. These negative impacts of partial demolition will deprive landlords of important rent income. Other vulnerable groups are:
(a) Internally Displaced Peoples – these are people who had to flee their homes during recent civil unrests/riots/armed robberies and are virtually refugees in their own country and have not returned. They may be dependent on the NGO community and others for support.

(b) Elderly – With age limiting them in terms of productivity, they will have cash or in-kind replacements to exchange. For future production they need access to only a small parcel of land. What would damage their economic viability is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.

(c) Women – may depend on husbands, sons, brothers or others for support. In many cases too, women are the main breadwinners in their household. They need relatively easy access to health service facilities, as mothers and wives. Some women live in a polygamous situation in Nigeria and this requires special attention, as women are central to the stability of the household. For example, where the land being acquired is used by a woman with no formal rights to it or a woman who is dependent on a man other than her husband for her primary income. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.

(d) Income related poverty – that is the poorest households are also vulnerable.

Special attention would be paid to these groups by identifying their needs from the socio-economic and baseline study so that (i) they are individually consulted and given the opportunity (i.e. not left out) to participate in the project activities, (ii) that their resettlement and compensation is designed to improve their pre-project livelihood (iii) special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project and (v) decisions concerning them are made in the shortest possible time.
4. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT

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

The World Bank resettlement policy OP 4.12, could be triggered in instances where excavation for the drainage works could cause temporary disruption of utility services such as electricity and water, and this might affect businesses that use these utilities thereby disrupting sources of livelihood to some persons. In addition, sub project activities could result in loss of structures (houses, fences etc..) and possibly incomes (rents for landlords, office/business premises). Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which, in most cases the former is preferred.

Therefore, the objectives of this policy are the following:

(i) Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, exploring all viable alternatives.

(ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share project benefits. Displaced and compensated persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement and compensation programs.

(iii) Displaced and compensated persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.

Affected people, according to the Bank Safeguard Policy OP 4.12, refers to people who are directly affected socially and economically by Bank-assisted investment projects caused by:

(a) the involuntary taking of land and other assets resulting in:
   a. Relocation or loss of shelter
   b. Loss of assets or access to assets
   c. Loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

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

The Bank Safeguard Policy OP 4.12 applies to all components under the project, whether or not they are directly funded in whole or in part by the Bank. The policy applies to all components under the project, whether or not they are directly funded in whole or in part by the Bank.

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

In particular for LMDP, the policy also requires that the implementation of individual resettlement and compensation plans are a prerequisite for the commencement of project activities causing resettlement, such as land acquisition, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place.
It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites (if necessary) with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to displaced persons.

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

Under the LMDP, project activities are expected to have overall positive social and economic benefits. These could summarized as:

- Reduced flood damage-cleaning and road maintenance
- Reduced income loss due to sickness and medical expenses
- Increased economic growth
- Improved flow of traffic on streets (traffic speed in km/hr; before and after)
- Travel time saving during storm water flooding of road network (time loss due to flooding)
- Savings in road assets (road network, investment per km, maintenance per km)

However, there are considerable risks to the success of the project as a whole if the negative social impacts on some of the targeted beneficiaries are left unmitigated. These negative social impacts could be destruction of compound walls, partial demolition of shops and rooms. These negative impacts of partial demolition will deprive landlords of rent income. When this occurs, people will be affected, and the World Bank Safeguard Policy OP 4.12 will be triggered even though they may not have to move to another location.

This may also lead to considerable conflicts between those affected in this way and the project. The project activities and local government level officials may aggravate these tensions by requiring or subtly implying (implicitly or explicitly) that a few should sacrifice for the benefit of the many. It is therefore, particularly important to neutralize to the extent possible any socio-economic pressures in the communities that are likely to be exacerbated by involuntary resettlement, by facilitating the consultation and participation of those impacted by the project activities.

Therefore, offering affected people the opportunity to continue to participate in the planning process that would lead to the preparation of Resettlement Plans is mandatory. Chapter 9 of this framework document deals with this requirement. A major objective of this RPF is to ensure that project affected persons are meaningfully, consulted, have participated in the planning process, are adequately compensated to the extent that at least their per-displacement incomes have been restored and that the process had been a fair and transparent one.
5. DESCRIPTION OF THE PROCESS FOR PREPARING AND APPROVING RESETTLEMENT AND COMPENSATION PLANS.

As stated earlier, the World Bank policy on Involuntary Resettlement OP4.12 is triggered because the LMDP project will finance productive infrastructure investments that may lead to loss, denial or restriction of access to economic resources. Since the location of these areas was not known at the time of the preparation of the project, the preparation and disclosure of this RPF by the FGN is a conditionality for appraisal of this project.

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

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

(a) informed about their options and rights pertaining to resettlement and compensation.

(b) consulted on, offered choices among, and provided with technically and economically feasible resettlement and compensation alternatives.

(c) provided prompt and effective compensation at full replacement cost for losses of assets and access, attributable to the project.

(d) Enabled to restore but preferably, to improve upon their pre-project living standards and conditions.

The first stage in the process of preparing the individual resettlement and compensation plans is the screening process to identify the land/areas that are causing this impact (i.e. resettlement). The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the screening process.

5.1 Screening Process

This screening process would lead to the creation of a list identifying a number of infrastructure investment sub-project that will have to be rehabilitated, upon demand by LGAs/communities and which may potentially involve resettlement issues. In pursuance thereof, the Project Management Unit (PMU) established under the office of the Executive Governor and Local Government Level Project Units (PUs) will establish an adhoc team, namely the Land Sites Identification Team (LSIT) comprising the following:

- The Local Government Chairperson
- The Baale or traditional chief
- Environmental specialist at the PMU
- LG Community Development Officer
- Representative from the Community Development Association (CDA)
- The PMU Coordinator and Head of PU

The members of the LSIT will benefit from training and technical assistance to build the required capacities that would enable them to carry out their tasks, professionally and competently.

The list of sub projects of infrastructure investments that have potential resettlement issues will be subjected to a comprehensive sensitization and consultation process with the potentially impacted communities and the outcome of this process would be documented for each site/location.

The list and outcome of the consultative process for each site would then be sent to the respective local government council in the jurisdiction mandated to confirm, approve, disapprove, refer for further consultation and/or take a final decision on each proposed site/sub project. Once sub projects have been approved using this consultative, the chosen locations or sites will be a subject of a study and the preparation of a document as follows:
Lagos Metropolitan Development Project – Final RPF

- A socio-economic study (this study will include determination of impacts
- Preparation of individual resettlement and compensation plans

The purpose of the socio-economic study is to collect baseline data within the chosen sites thereby enabling the social assessment of potentially affected populations/communities. The socio-economic study would focus on the identification stakeholders, the participation process, identification of affected people (including owners and users of land) and baseline information on livelihoods and income, in addition to landholding.

5.2 Preparation of Resettlement Plans

The World Bank policies provide for Abbreviated Resettlement Plans and full Resettlement Plans. Where the impact of the entire displaced population are minor (i.e. if affected people are not physically displaced and less than 10% of their productive assets lost, or fewer than 200 people are displaced economically and physically) for the entire project, then the Bank may approve the preparation of an Abbreviated Resettlement Plan (ARAP). The contents of the ARAP are to be:

(a) A census survey of displaced persons and valuation of assets.
(b) Description of compensation and other resettlement assistance to be provided.
(c) Consultation with displaced people about acceptable alternatives.
(d) Institutional responsibility for implementation and procedures for grievance redress.
(e) Arrangements for monitoring and implementation, and
(f) A time table and budget.

For impacts that are not considered minor, the preparation of a Resettlement Plan (RAP) is required for each site. World Bank OP 4.12 article 25 sets out the requirements of the RAP to include:

(a) Description of the project
(b) Potential Impacts
(c) Objectives
(d) Socioeconomic Studies
(e) Legal Framework
(f) Institutional Framework.
(g) Eligibility
(h) Valuation of and compensation for losses
(i) Resettlement measures
(j) Site selection, site preparation, and relocation
(k) Housing, infrastructure, and social services
(l) Environmental protection and management
(m) Community participation and consultations with affected persons
(n) Integration with host populations
(o) Grievance procedures
(p) Organizational responsibilities
(q) Implementation schedule
(r) Detailed costs estimates and budget
(s) Monitoring and evaluation

The RAPs cover the elements above, as relevant. When any element is not relevant to circumstances relating to the site, it should be noted in the RAP.

For sites or locations that trigger the resettlement policy, the RAP will be prepared by the PMU in consultation with the PU and LSIT and must be approved by the Executive Governor of Lagos State, following notification of the Lagos State Environmental Protection Agency (LASEPA) and by the World Bank for final approval.

This process of identifying sites, consulting people and carrying socio-economic studies may be an iterative one. If the respective PUs Land Sites Identification Teams (LSIT), in close consultation with their respective local government areas determines that the mitigation measures (i.e. compensation
levels) are too costly in terms of compensation amounts and the overall number of people, the LSITs can propose and investigate alternative sites. However, irrespective of whether the process of identifying potential sites is pursued iteratively or whether a number of sites are examined simultaneously, the selection process must be as described above.

The final list of approved sites by the Executive Governor, the process of selection of the sites, and the RAP would all be subject to final review and approval by the World Bank to ensure compliance with Bank safeguards.

Capacity will be built at the level of Local Government Areas, Land Sites Identification Teams, Project Units, the PMU, and communities through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.
6. CRITERIA AND ELIGIBILITY FOR COMPENSATION OF PROJECT AFFECTED PERSONS

The Bank's OP4.12 suggests the following three criteria for eligibility:

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

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

c) Those who have no recognizable legal right or claim to the land they are occupying.

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

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

The sub projects likely impacts and their mitigating measures has been discussed extensively in the ESIA. For instance, the drains rehabilitation may impact on peoples' livelihood due to the realignment needed, which may involve dredging, widening or narrowing of drains, and the provision of maintenance access reserve along the drains. Temporary access during construction may require the temporary demolition or displacement of structures. Kiosk operators may loose some land.

Mitigation measures that should be taken should involve the following:

- Compensation for damage to structures; and
- Payment for temporary loss of land use/utility

Within the context of the LMDP, the eligibility matrix below reflects sub project activities likely to trigger OP 4.12.

Table 1: Eligibility Matrix

<table>
<thead>
<tr>
<th>Activity</th>
<th>Nature of Impact</th>
<th>Resettlement Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feeder/Access road Rehabilitation</td>
<td>limited linear taking in industrial or agricultural areas</td>
<td>There will be no taking of land, since civil works are based on existing roads. Compensate for other assets taken or lost</td>
</tr>
<tr>
<td>Drainage systems (drains, culverts, earth drains etc.)</td>
<td>Limited linear impact, along existing roads</td>
<td>Pay compensation, if not in public right of way</td>
</tr>
<tr>
<td>Solid waste collection and disposal</td>
<td>Plot (sites) for waste disposal</td>
<td>Transfer station sites are already in possession. Therefore, there is no taking of land with respect to the 6 transfer stations</td>
</tr>
<tr>
<td>Other (e.g. market stalls, lorry/car/ recreation parks etc)</td>
<td>Area required</td>
<td>pay compensation; compensate for other assets taken or lost</td>
</tr>
</tbody>
</table>
6.1 Eligibility for Community Compensation

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

6.2 Method to Determine the Cut-Off Dates

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, i.e. the time when the LSIT have identified the sites they would need and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials will be piled at the site so that the cut-off survey can estimate investment, which should be compensated for in lieu of expenses (including labor) incurred until the cut-off date.

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

This date is to be chosen in close consultation with the State Environmental Agency and the participating local government Project Units (PUs) and must be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential PAP's and surrounding local communities. The PUs and the local administrative heads such as the chiefs, Baales, oba's etc, will play a crucial role in identifying users of land.
7. LEGAL FRAMEWORK OF NIGERIAN LAW AND BANK POLICIES

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

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

The Legal basis for land acquisition and resettlement in Nigeria is the [Land Use Act 1978 (modified in 1990)](https://www.nigeria.gov.ng/laws/laws/Land_Use_Act_1978.pdf). The following are selected relevant sections:

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

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

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

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

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

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

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

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

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

Section 29 (3) If the holder or occupier entitled to compensation under this section is a community the Governor may direct that any compensation payable to it shall be paid (a) to the community or (b) to the chief or leader of the community to be disposed of by him for the benefit of the community in accordance with the applicable customary law (c) into some fund specified by the Governor for the purpose for being utilized or applied for the benefit of the community.
Section 29 (4) Compensation under subsection (1) of this section shall be, (a) the land, for the amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked, (b) buildings, installation or improvements thereon, for the amount of the replacement cost of the building, installation or improvement, that is to say, such cost as may be assessed on the basis of the prescribed method of assessment as determined by the appropriate officer less any depreciation, together with interests at the bank rate for delayed payment of compensation and in respect of any improvement in the nature of reclamation works, being such cost thereof as may be sustained by documentary evidence and proof to the satisfaction of the appropriate officer, (c) crops on land apart from any building, installation or improvement thereon, for an amount equal to the value as prescribed and determined by the appropriate officer.

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

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

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

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

Comparison between Land Law in the Federal Government of Nigeria and Bank OP4.12

Whereas the law relating to land administration in Nigeria is wide and varied, entitlements for payment of compensation are essentially based on right of ownership. The Bank's OP4.12 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut-off date.

Therefore, as this is a Bank funded project, the principles of OP 4.12 are not negotiable, the Bank's OP.4.12 must be adhered to. As a result, all land to be acquired by the government for this project would be so acquired subject to the Laws of Nigeria and the Bank OP4.12. Where, there is conflict, the Bank OP 4.12 must take precedence if the Bank is to fund this project.

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

<table>
<thead>
<tr>
<th>Category of PAPS / Type of Lost Assets</th>
<th>Nigerian Law</th>
<th>World Bank OP4.12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value.</td>
<td>Recommends land-for-land compensation. Other compensation is at replacement cost.</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation based upon the amount of rights they hold upon land.</td>
<td>Are entitled to some form of compensation whatever the legal recognition of their</td>
</tr>
<tr>
<td>Land Users</td>
<td>Not entitled to compensation for land, entitled to compensation for crops.</td>
<td>Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Owners of “Non permanent” Buildings</td>
<td>Cash compensation based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Owners of “Permanent” buildings</td>
<td>Cash Compensation is based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
</tbody>
</table>

Based on this comparison, entitlement matrix presented in the next page is so designed to assist the process by bridging the gaps between requirements under Nigeria Law and the World Bank OP4.12. The higher of the two standards is followed in this entitlement matrix, since this procedure also satisfies the requirements of the lesser standard. The missing values in the entitlement matrix will be determined at the time the resettlement plans (RAPs) are being negotiated and prepared.
### TABLE 3: THE ENTITLEMENT MATRIX FOR VARIOUS CATEGORIES OF PAPS

<table>
<thead>
<tr>
<th>Category of PAP</th>
<th>Type of Loss</th>
<th>ENTITLEMENTS</th>
<th>Compensation for Loss of Structures</th>
<th>Compensation for Loss of Land and other Assets</th>
<th>Compensatio for Loss of Income</th>
<th>Moving Allowance</th>
<th>Other Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owners</td>
<td>Loss of Land</td>
<td>Full Replacement Costs.</td>
<td>Land replacement at new site, plus land clearing by the project. The replacement value for tree crops to take into account the species and time lag for maturity. For ornamental trees, it should be replaced by same, as no income is associated with their loss.</td>
<td>None</td>
<td>Moving to be done free by project.</td>
<td>Disturbance Allowance to be determined by PMU.</td>
<td></td>
</tr>
<tr>
<td>Loss of Structure or Business</td>
<td>Compensation at full replacement value not depreciated.</td>
<td>Lump sum payment of 6 months rent per tenant.</td>
<td>For lost rental income, Lump sum cash payment of 6 months rent per tenant.</td>
<td>No loss of income.</td>
<td>Free moving if notification before deadline.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Residential Tenant:</td>
<td>Loss of rental accommodation</td>
<td>No loss of structure, no entitlement to housing at new site.</td>
<td>Replacement costs for non-movable if installation was agreed with owner.</td>
<td>No loss of income.</td>
<td>Free moving if notification before deadline.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Business Tenant</td>
<td>Loss of Premises</td>
<td>No Loss</td>
<td>Replacement cost for facilities that cannot be moved.</td>
<td>For loss of business income, payment of half of turnover for 6 months.</td>
<td>Free moving if notification before deadline.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Encroachers (using Land)</td>
<td>Loss of Land</td>
<td>None</td>
<td>Where possible assistance in securing other access to land for crops growing subject to approval of local authorities/communities.</td>
<td>crops at market rates in scarce season. For street vendors on right of ways possible access to other sites/locations</td>
<td>None</td>
<td>Possible employment with civil works contractors, etc. and/or amount to be determined by PMU.</td>
<td></td>
</tr>
<tr>
<td>Squatters (living on Site)</td>
<td>Loss of Shelter</td>
<td>Compensation at full replacement value for structure, relocation to resettlement site, with payment of site rent.</td>
<td>None</td>
<td>Payments in lieu of wages while rebuilding.</td>
<td>None</td>
<td>Amount to be determined by PMU.</td>
<td></td>
</tr>
</tbody>
</table>
8. METHODS OF VALUING AFFECTED ASSETS.

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

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

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

However, according to Nigeria law, assets held under customary rights are in the Local Government jurisdictions only and would have to be valued according to the following method and compensation paid for. The project would compensate for assets and investments, including labor, buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided. Compensation would not be made after the entitlement cut-off date in compliance with this policy. Under customary law land belongs to chiefdoms, towns and villages. The permanent loss of any such land will be covered by community compensation, which will be in-kind, only. However, because the Bank's policy on resettlement (OP4.12), makes no distinction between statute and customary rights, not only assets and investments will be compensated for, but also land. Thus, a customary land owner or land user on state owned land, will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss.

8.1 Compensation Payments and Related Considerations.

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

Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments needs to be addressed by the Lagos State Government. Local banks and micro finance institutions should work closely with the State and the participating local governments at this level to encourage the use of their facilities, which will positively impact the growth of the local economies.

8.2 Compensation for Land

Compensation for land is aimed at providing a landlord or owner of land whose land is acquired and used for project purposes with compensation. For this reason, and for transparency, "Land" is defined as an area:

- Covered with structures (building, kiosk, shop, fence/wall)
- Where a structure is about to be erected.
- In cultivation or being prepared for cultivation or cultivated during last season agricultural season

Compensation relating to land will cover the market price of labor invested as well as the market price of the land lost.
For purposes of measuring land, the unit of measurement would be that which is used and understood by the affected landowners. Therefore, if a traditional unit of measurement exists, that unit should be used. If a traditional unit of measurement does not exist, then it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers or landlord and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc. as immovable pegs. The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement for him/herself, the size of land that is being lost. Ensuring that this occurs maintains transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas.

8.2.1 Compensation for Buildings and Structures.

Compensation will be paid by replacing structures such as huts, houses, latrines and fences. Any homes lost will be rebuilt on acquired replacement land, however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost, that are not the main house or house in which someone is living.

Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.

Compensation will be made for structures that are:

- Abandoned because of relocation or resettlement of an individual or household, or
- Directly damaged by construction activities.

Replacement values will be based on:

- Drawings of individual’s house and all its related structures and support services,
- Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, bundles of straw, doors etc.),
- Prices of these items collected in different local markets,
- Costs for transportation and delivery of these items to acquired/replacement land or building site,
- Estimates of construction of new buildings including labor required.

Table 4: Compensation for Buildings and Structures

<table>
<thead>
<tr>
<th>Item</th>
<th>Example</th>
<th>---</th>
<th>---</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>Raw or Baked brick, Straw or tin roof, Varying sizes (small, medium large)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kitchen</td>
<td>Open, closed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stables/sheds/pens</td>
<td>Cattle, goat, sheep, other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence</td>
<td>Straw/poles (per unit poles &amp; mat), raw and/or baked brick/cement blocks (per 1-m length)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Latrine</td>
<td>Replacement latrines will be similar to those currently operational and financed by the bank or other donor agencies at health centers, schools or similar structures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open well</td>
<td>Internally lined with concrete rings and provided with a hand driven pump.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage building</td>
<td>Cement/sand block walls with thatched roof on z-profiled metal sheets.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sun Screen open huts/shades</td>
<td>Similar to those replaced, on thatched roof on wood poles.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
9. ARRANGEMENTS FOR COMPENSATION

Compensation (and resettlement) will be funded like any other activity eligible under the projects' administrative and financial management rules and manuals.

Funding would be processed and effected through the PMU with intensive collaboration of the LG project units (PUs) in each of the participating local government councils, and will comply with the financial arrangements agreed upon at project negotiations.

The compensation process, which will involve several steps, would be in accordance with the individual project resettlement and compensation plans, significantly:

- **Public Participation** with the PAPs would initiate the compensation process as part of an ongoing process that would have started at the land selection/screening/ stage and at the time the socio-economic assessment is being carried out. This would ensure that no affected individual/household is simply “notified” one day that they are affected in this way. Instead, this process seeks their involvement and wishes to involve PAPs and the communities in a participatory approach with the project, from the beginning as outlined in item k. of this report.

- **Notification** of land resource holders – the respective municipal leaders or chiefs (Baales) having been involved in identifying the land it requires, will notify the community inhabitants who will help to identify and locate the land users. These local community leaders will also be charged with the responsibility to notify their community members about the established cut-off date and its significance. The user(s) will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the Baale (or chief) or his representative.

- **Documentation** of Holdings and Assets – township/municipal and state officials to arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the project officials completes a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by the state environmental agency and community (or municipal) officials. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.

- **Agreement on Compensation and Preparation of Contracts** – All types of compensation are to be clearly explained to the individual or household involved. The PMU draws up a contract, listing all property and/or land being surrendered, and the types of compensation (cash and/or in-kind). A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the representative of the state environment agency, the local government chairman (or his/her representative), the project officials and other community leaders prior to signing.

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

9.1 Community Compensation Payments

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard to that being built by LMDP on the area to serve the same function. Examples of community compensation include;

- School Building (public or religious)
- Public Toilets
Community compensation may in itself require land take and people may be affected, thus a change of impacts which will be compensated for.

9.2 Description of the Implementation Process

The environmental specialist (who will also be responsible for social concerns) attached to the PMU will be responsible for the implementation of the RPF in close collaboration with LASEPA and MOE.

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

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

When communities present their RAPS to the PMU and LASEPA for approval, part of the screening process that would be used to approve recommended sites would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced due to civil works activity before compensation is paid. Once the resettlement plan is approved by the PMU, LASEPA and MOE, the resettlement plan should be sent to the World Bank for final review and approval.

9.3 Grievance Redress Mechanisms.

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals would have been informed of the process for expressing dissatisfaction and to seek redress.

The grievance procedure will be simple, administered as far as possible at the local and State levels to facilitate access, flexible and open to various proofs taking into cognizance the fact most people are illiterate requiring a speedy, just and fair resolution of their grievances.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their ward head (or Baale) and the administrative head of their respective local government. These officials will consult with the PU, the state environmental agency, community elders and other records to determine claims validity. If valid, the community chief (or ward head/Baale) and the PMU through the PU will notify the complainant and s/he will be settled.

If the complainants’ claim is rejected, then the matter will be brought before the local courts for settlement. The decision of the state high courts would be final and all such decisions must be reached within a short period of time after the complaint is lodged. If a complaint pattern emerges, the PMU and the state environmental agency with local community leaders will discuss possible remediation in close consultation with the State Environmental Protection Agency, who will only act as observers in this case. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. The Baales and other community leaders will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.
In addition, during the implementation of the LMDP, an alternative dispute resolution mechanism in the structure of the Directorate for Citizen's Rights (CRD) created by Lagos state ministry of justice can be also explored for the grievance redress mechanism. The CRD is conceived as a department to collaborate with civil society, the private bar and other interested parties, it implements policies designed to provide greater access to justice for the financially and otherwise disadvantaged and vulnerable groups in society.

The Citizen's Mediation Centre (CMC) sub-unit of the CRD has since its establishment in 1999 mediated 32,000 disputes within and between communities, inter-ethnic disputes, government/private citizen disputes, commercial disputes, family disputes, individual disputes, landlord and tenant disputes, and institutional disputes. No formal process would have been able to achieve such a high degree of success. The protocols are less stringent, the process more fluid allowing for self-representation, use of native dialects, and most importantly, the outcome is usually a win-win one, based on mutuality and consensus. With thirty six trained and certified mediators located in six offices in Lagos, the CMC has built public trust with its free services and impartial management of disputes. Its greatest attractions for the public are its impartiality, even in disputes involving the individuals and the government, and the speed of resolution. During project implementation, the PMU might want to explore the use of the CMC in addressing grievances that could arise from the implementation of this RPF.

9.4 Resettlement, Cost Estimates and Contingencies

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

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

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

9.5 Mechanism for Consultation and Participation of Displaced Persons

Public consultation and participation are essential because they afford PAPS the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and the Project Units (PUs). The socio-economic situation prevailing in Nigeria as discussed earlier, makes public consultation with the communities, indispensable. Furthermore, it is the local urban, semi-urban and the rural areas that are to claim ownership of this project and are the intended beneficiaries ultimately. For this project to be successfully meaningful, effective and close consultation with local communities is a pre-requisite. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households.

9.5.1 Identifying Stakeholders

Stakeholders for the purpose of this project shall be defined as all those people and institutions that have an interest in the successful planning and execution of the project. This includes those positively and negatively affected by the project. To identify the key stakeholders, the table below was developed.
Table 5: The Stakeholder Identification Matrix

<table>
<thead>
<tr>
<th>Those who may be affected by the project:</th>
<th>How to identify them</th>
</tr>
</thead>
<tbody>
<tr>
<td>These may include</td>
<td></td>
</tr>
<tr>
<td>People living in the vicinity of the proposed works.</td>
<td>- Identify the local government area(s) that falls within 1 km radius of the proposed sites.</td>
</tr>
<tr>
<td></td>
<td>- Review available data to determine the stakeholder profile of the whole stakeholder or relevant group.</td>
</tr>
<tr>
<td></td>
<td>- Use identified groups and individuals to tap into stakeholder networks to identify others.</td>
</tr>
<tr>
<td>Special interest groups.</td>
<td>- Identify key individuals or groups through organised groups, local clubs, community halls and religious places.</td>
</tr>
<tr>
<td></td>
<td>- Organisations such as environmental groups would be aware of similar local groups or individuals.</td>
</tr>
<tr>
<td>Individual people who own properties that will be directly or indirectly affected.</td>
<td>- Advertise in local newspapers, telling people that they may be affected and asking them to register interest in attending meetings or receiving further information.</td>
</tr>
<tr>
<td>Business (owners and employees).</td>
<td>- Council lists or property registers.</td>
</tr>
</tbody>
</table>

9.5.2 Consultation Strategies

The consultation process shall ensure that all those identified as stakeholders are consulted. Subject to PMU's approval, information about the project will be shared with the public, to enable meaningfully contribution, and enhance the success of the LMDP.

Public consultation should take place through workshops, seminars, meetings, radio programs, request for written proposals/comments, questionnaire administration, public reading and explanation of project ideas and requirements. The consultation plan would be monitored by LASEPA and MOE who will set their own verifiable indicators to assess the degree of participation of the key stakeholder during all the phases of LMDP implementation.

9.5.2.1 Level of Engagement

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

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

Table 6: Consultation Plan at Project Phases

<table>
<thead>
<tr>
<th>Project Stage</th>
<th>Activities</th>
<th>Institutional Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation</td>
<td>Preparation of compensation packages, RAP review</td>
<td>LASEPA/MOE, PMU</td>
</tr>
<tr>
<td>Monitoring</td>
<td>Review of verifiable indicators</td>
<td>LASEPA/MOE</td>
</tr>
</tbody>
</table>
Figure 1: Spectrum of Engagement

<table>
<thead>
<tr>
<th>Inform</th>
<th>Consult</th>
<th>Involve</th>
<th>Collaborate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective</strong></td>
<td><strong>Objective</strong></td>
<td><strong>Objective</strong></td>
<td><strong>Objective</strong></td>
</tr>
<tr>
<td>Provide public with objective information to assist them in understanding the issue.</td>
<td>Obtain public feedback on analysis, alternative, or decision.</td>
<td>Work with the public to ensure concerns are understood and considered.</td>
<td>Partner with the public in identification of preferred solution.</td>
</tr>
<tr>
<td><strong>Tools</strong></td>
<td><strong>Tools</strong></td>
<td><strong>Tools</strong></td>
<td><strong>Tools</strong></td>
</tr>
<tr>
<td>Meetings</td>
<td>Questionnaires</td>
<td>Networking</td>
<td>Meetings</td>
</tr>
<tr>
<td>Public Notice</td>
<td>Surveys</td>
<td>Questionnaires</td>
<td>Public Notice</td>
</tr>
<tr>
<td>Exhibition</td>
<td>Focus Group</td>
<td>Notice Exhibition</td>
<td>Exhibition</td>
</tr>
</tbody>
</table>

Through these engagement strategies, the PMU would be able to:

- clarify the project's objectives in terms of stakeholders' needs and concerns
- identify feasible alternatives (in particular alternative locations) and examine their relative merits in terms of environmental, social and economic factors
- identify and prioritise environmental and resettlement issues and establish the scope of future studies
- identify processes for continued stakeholders' involvement.
10. MONITORING AND EVALUATION ARRANGEMENTS

The arrangements for monitoring would fit the overall monitoring plan of the entire Lagos Metropolitan Development Project (LMDP) which, would be through the PMU that is under the office of the Executive Governor of Lagos State.

The LMDP will institute an administrative reporting system that:

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

10.1 Monitoring Plan Procedure

The Environmental specialist of the PMU will prepare a long term monitoring strategy and this will encompass clear and definitive criteria and parameters to be monitored for each specific site and in each community. The monitoring plan will take into consideration the scope of development, environmental and social sensitivity and the financial and technical means available for the monitoring it. The plan will identify and describe the indicators to be used, the frequency of monitoring and the standard (baseline) against which the indicators will be measured for compliance with the EMP.

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

10.2 Evaluation

Consistent with the Environmental and Social Impact Assessment, the Environmental Resource Person in the PMU and his/her counterpart in LASEPA would be responsible for periodically transferring the information compiled at the local government level through the PUs to the PMU so that it is alerted in a timely manner to any difficulties arising at the local level.

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

(i) if affected people have been paid in full and before implementation of the sub projects activities,
(ii) if the people who were affected by the project have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before.

A number of indicators would be used in order to determine the status of affected people (standard of house/wall/veranda compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation action plans will contain indicators and benchmarks for achievement of the objectives under the resettlement program. These indicators and benchmarks should be of three kinds:

- Process indicators, indicating project inputs, expenditures, staff deployment, etc
- output indicators, indicating results in terms of numbers of affected people compensated and resettled, training held, credit disbursed, etc.
- impact indicators, related to the longer term effect of the project on people’s lives.
The benchmarks and indicators should be limited in number, and combined quantitative and qualitative types of data. The first two types of indicators, related to process and immediate outputs and results, will be monitored internally by the project. This information will serve to inform project management about progress and results, and to adjust the work program where necessary if delays or problems arise. The results of this monitoring will be summarized in reports, which will be submitted to authorities and the World Bank on a regular basis.

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

It is normal that some compensation procedures and rates may require revision at some time during the project cycle. The PUs, local government councils, the PMU and State environmental agency will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project, which will require feedback from:

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

This framework is suggesting that LASEPA is structured into the whole M&E component of the project. This would take the form of giving the agency and the respective PUs the mandate to carry out independent monitoring of the implementation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their joint report would then be sent to the PMU and will become part of the official documents of the project.
ANNEXES

A: TEMPLATE FOR PREPARING RESETTLEMENT AND COMPENSATION PLANS (RAPS).

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

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

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

Potential Impacts: Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

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

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

(b) Other studies describing the following:
   (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area.
   (ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub project
   (iii) Public infrastructure and social services that will be affected; and
   (iv) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non governmental organizations (NGO’s) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
Legal Framework: The findings of an analysis of the legal framework, covering,

(a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,
(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,
(c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation,
(d) laws and regulations relating to the agencies responsible for implementing resettlement activities,
(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank’s resettlement policy, and the mechanisms to bridge such gaps, and,
(f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage.

Institutional Framework: The findings of any analysis of the institutional framework covering;

(a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
(b) an assessment of the institutional capacity of such agencies and NGOs; and
(c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

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

Valuation of and compensation for losses: The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

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

Site selection, site preparation, and relocation: Alternative relocation sites considered and explanation of those selected, covering,

(a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources,
(b) any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,
(c) procedure for physical relocation under the project, including timetables for site preparation and transfer; and
(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

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

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

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

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

(b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan,

(c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

(d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, landless, and women are adequately represented.

**Integration with host populations:** Measures to mitigate the impact of resettlement on any host communities, including,

(a) consultations with host communities and local governments,

(b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers,

(c) arrangements for addressing any conflict that may arise between resettlers and host communities, and

(d) any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

**Grievance procedures:** Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

**Organizational responsibilities:** The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

**Implementation Schedule:** An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

**Costs and budget:** Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

**Monitoring and evaluation:** Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.