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Resettlement Action Plan (RAP) for the Azura-Edo Independent Power Plant

Report

February 2012

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For and on behalf of
Environmental Resources Management
Limited

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Date: 13th February 2012

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GLOSSARY OF TERMS

Affected person / household / community	Any person / household/community who, as a result of the implementation of the Project, loses the right to own, use or otherwise benefit from an asset or a resource, either in full or in part and either permanently or temporarily.
Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by the Project at the time the asset needs to be replaced.
Cut-off date	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and wood-lots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
Economic displacement	Loss of income sources or means of livelihood resulting from Project induced land acquisition or obstructed access to natural resources (land, water or forest).
Eligibility	Entitlement to compensation due to subjection to economic displacement.
Host Population	People living in or around areas to which people physically displaced by a project will be resettled who, in turn, may be affected by the resettlement.
Full Replacement Cost	Full replacement cost is the market value of the land / assets plus transaction costs. It should be adhered to when assessing losses and providing compensation measures in resettlement procedures.
Involuntary resettlement	The occurrence of resettlement in instances where affected people do not have the right to refuse land acquisition. This occurs in cases of: (i) lawful expropriation or restrictions on land use based on state needs; and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with affected people fail.
Livelihood restoration	Restoration of wage-based or enterprise-based livelihoods.
OP 4.1.2	The World Bank Group Operational Directive on involuntary Resettlement. OD 4.1.2 embodies the basic principles and procedures that underlie IFC's approach to involuntary resettlement associated with its investment projects.

Physical displacement	Loss of shelter and associated assets resulting from Project-induced land acquisition, which necessitates affected people to move to another location.
Resettlement	The overarching process that describes physical and economic displacement, but also the subsequent rehabilitation activity, through which the welfare of affected people is improved, or at least restored, to pre-Project levels
Resettlement Assistance	Support provided to people who are physically displaced by a Project. Assistance may include transportation, food, shelter, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expense of transition to a new locale, such as moving expenses and lost work days.
Resettlement action plan	A document specifying the procedures that a resettlement should follow and the actions that will be taken to compensate affected people and communities.
Stakeholders	Any individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
Vulnerable groups	People who by virtue of sex, political or other option, social origin, property, birth or other status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

ACRONYMS

ACL	Amaya Capital Limited
APWA	Azura Power West Africa Limited
BID	Background Information Document
CBO	Community Based Organisation
CLO	Community Liaison Officers
CCGT	Combined Cycle Gas Turbine
CSR	Corporate Social Responsibility
DE	Department of Environment
DMRB	Highways Agency Design Manual for Roads and Bridges
DO	Salinity, Dissolved Oxygen
DR	Death Rate
EBI	Energy and Biodiversity Initiative
ECN	Energy Commission of Nigeria
ELPS	Escravos Lagos Pipeline System
EDSG	Edo State Government
EDSEPA	Edo State Environmental Protection Board
EDSWMB	Edo State Waste Management Board
EDSMEPU	Edo State Ministry of Environment and Public Utilities
EDSFL CAP 59	The Edo State Forestry Law CAP 59 (1976)
EHS	Environmental Health and Safety
EIA	Environmental Impact Assessment
EMP	Environnemental Management Plan
EMS	Environnemental Management System
ESMP	Environmental and Social Management Plan
ESMS	Environmental and Social Management System
EnvAccord	Environmental Accord
ERM	Environmental Resources Management Limited
EPC	Engineering, Procurement and Construction
ESIA	Environmental Social Impact Assessment
FAO	Food and Agriculture Organisation
FEPA	Federal Environmental Protection Agency
FMEnv	Federal Ministry of Environment
FA	The Factories Act 1990
FGDs	Focus Group Discussions
GHG	IFC Guidance for Greenhouses Gases
GIIP	Good International Industry Practice
Ha	Hectares
HSPG	Host Site Preparation Group
IAEA	International Atomic Energy Agency
IFC	International Finance Corporation
IFC PSs	International Finance Corporation Performance Standards
IFCGTPP	International Finance Corporation Guidelines on Thermal Power Plants.
IPP	Independent Power Producer
LGA	Local Government Area

LASEPA	Lagos State Environmental Protection Agency
LUA	The Land Use Act of 1978
LTSA	Long Term Service Agreement
LAPS	Lift Above Poverty Organisation
MoU	Memorandum of Understanding
MW	Megawatt
MEPU	Edo State Ministry of Environment and Public Utilities
MEPU	Ministry of Environment and Public Utilities
MIGA	Multilateral Investment Guarantee Association
NESREA	National Environmental Standards and Regulations Enforcement Agency
NGSEPCN	The National Guidelines and Standards for Environmental Pollution Control in Nigeria
NBET	Nigerian Bulk Electricity Trading PLC
NPE	National Policy on the Environment
NEP	National Environmental Policy
NGC	Nigerian Gas Company
NIPP	National Integrated Power Project
NCF	Nigerian Conservation Foundation
NERC	Nigerian Electricity Regulatory Commission
NESREA	The National Environmental Standards and Regulations Enforcement Agency
NGO	Non Governmental Organisation
OCGT	Open Cycle Gas Turbine
OEM	Original Equipment Manufacturers
OP	Operational Policy
PHCN	Power Holding Company of Nigeria
PPP	Public Private Partnership
PEC	Predicted Environmental Concentration
PLC	Programmable Logic controller
PPA	Power Purchase Agreement
PRGs	Partial Risk Guarantees
PRI	Political Risk Insurance
PNI	Pro-Natura International Nigeria
PRU	Project Resettlement Unit
RAP	Resettlement Action Plan
RPP	Resettlement Plan
RSC	Resettlement Steering Committee
RAC	Resettlement Assistance Committee
SEP	Stakeholder Engagement Plan
SL	Searchgate Laboratories Ltd
SME	Small and Medium Enterprise
STIs	Sexually Transmitted Infections
ToR	Terms of Reference
UN	United Nations
UNESCO	United Nations Education Science and Cultural Organisation
UNEP	United Nations Environment Programme
VOC	Volatile Organic Compounds
WB	World Bank

WBIDA	World Bank's International Development Association
WBMIGA	World Bank's Multilateral Investment Guarantee Agency
WB OP 4.01	World Bank's Operational Policy on Environmental Assessment
WB OP 4.12	World Bank's Operational Policy on Involuntary Resettlement.
WHO	World Health Organization

1. INTRODUCTION

1.1 NATURE AND OBJECTIVE OF THE RAP

This document is a Resettlement Action Plan (RAP) document for the Azura-Edo Independent Power Plant (hereinafter “the Project”), and has been prepared by *Environmental Resources Management (ERM)*.

When badly planned and managed, involuntary resettlement has the potential to result in long-term hardships for, and the impoverishment of, affected people and communities, as well as environmental damage and adverse socio-economic impacts in the areas to which affected people have been displaced. Such impacts are not only highly negative in and of themselves, but can also translate into severe Project risks, including:

- loss of access to international financing;
- schedule delays;
- cost escalations;
- reputational damage; and
- loss of social licence to operate.

This RAP constitutes part of the Project’s attempt to avoid such negative impacts and risks, and rather transform the resettlement process into an opportunity for social development. More specifically, the key aim of the RAP is to provide a comprehensive overview of how the Project’s resettlement process will be managed in order to facilitate compliance with:

- local, Nigerian legislative requirements; and
- international best practice; namely the 2011 World Bank Operational Policy (OP) 4.12 on *Involuntary Resettlement* and the 2012 International Finance Corporation (IFC) Environmental and Social Performance Standards (PSs).

The objectives of the RAP directly align with the requirements of the 2012 IFC PS 5: *Land Acquisition and Involuntary Resettlement* and include the following:

- Avoid or at least minimise displacement, wherever feasible, by exploring alternative project designs.
- Avoid forced eviction.
- Mitigate the adverse social and economic impacts of land acquisition or restrictions on land use by: (i) providing compensation for loss of assets at full replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation and the informed participation of those affected.

- Improve, or restore, the livelihoods and standards of living of displaced persons.
- Improve living conditions among physically displaced persons through the provision of adequate housing and security of tenure at resettlement sites.

In addition to setting out the procedures and actions that will be taken to achieve these objectives, the institutional arrangements, estimated costs and provisional schedule associated with RAP implementation are provided, as are plans for grievance management and monitoring and evaluation.

This RAP has been developed in consultation with relevant State Government Ministries and Departments, other local authorities and those to be affected by the Project (namely, displaced communities, host communities and remaining communities). The development of the RAP is the first step in the resettlement process. Once it has been finalised, it must be implemented. This RAP will be implemented by Azura Power West Africa Limited (“Azura”), in collaboration with the Edo State Government.

1.2 OVERVIEW OF THE PROJECT

Azura, a subsidiary of Amaya Capital Limited (“Amaya”), is proposing the construction of the Azura-Edo Independent Power Plant (IPP) in Edo State, Federal Republic of Nigeria.

The Project site is located to the north-east of Benin City, adjacent to the Ihovbor Power Plant, which is currently being constructed under the auspices of the National Integrated Power Project (NIPP).

The Project site will comprise of a total of 102 ha and will consist of a 450 MW (net) Open Cycle Gas Turbine (OCGT) power plant covering approximately 12.5 ha of the site (*Figure 1.1*). The OCGT power plant will be constructed in a way that allows for a conversion to a Combined Cycle Gas Turbine (CCGT) power plant, if and when such a conversion is deemed economically viable.

The proposed Project will thus encompass the following:

- Power generating facilities comprising an OCGT system.
- An above ground (with one pylon) 300 kV transmission line from the power plant to the Benin North substation, adjacent to the Project site.
- An underground gas pipeline spur (of c. 1 km in length), connecting the gas receiving station on the Project site to the Escravos Lagos Pipeline System (“ELPS”).

This RAP has been developed to cover the two communities, of Orior-Osemwende and Idunmwowina-Urho-Nisen, both of which are situated in the Omagbae South Ward Six, of the Uhumwonde Local Government Area (LGA) in Edo State. As *Figure 1.1* illustrates, these two communities are located on the outskirts of Benin City just outside of the built up area but within the Benin by-pass road. Thus, while the communities feel rural in nature (with most people engaging in farming), they are actually so close to Benin that they are almost peri-urban. A sizeable number of people from these villages live in Benin City but maintain very close ties with their families and visit often; sometimes weekly. This means that the villages are not culturally isolated. They are used to outsiders passing through, as traders, and more recently, as migrant workers for the National Independent Power Project (NIPP) being constructed nearby. Both communities will be subject to some physical and / or economic displacement and resettlement induced by the Project. A summary of the physical and economic displacement impacts is provided in *Table 1.1*.

Table 1.1 *Summary of Displacement and Resettlement Impacts*

Key Displacement Impacts		Displaced Community	
		Orior-Osemwende	Idunmwowina-Urho-Nisen
Loss of residential housing	Physical displacement	34 households	12 households
Loss of agricultural land	Economic displacement	322 individuals	68 individuals
Loss of crops / trees		332 individuals	71 individuals
Loss of business structures		1 business structure (1 pure water factory)	12 business structures (7 livestock farms, 1 chemist shop, 2 lock up shops, 1 welder workshop).
Owners of other (non-habitable) physical assets		350	114
Hired Employees		To be determined	To be determined
Loss of community resources / assets		7 community assets (3 community shrines / sacred sites / tombs, 2 church buildings, 1 community health centre, 1 Government approved traditional medical centre)	6 community assets (1 community borehole, 4 community shrines / sacred sites / tombs, 1 church building)

The affected land held by Orior-Osemwende and Idunmwowina-Urho-Nisen is currently being used for residential, commercial and agricultural purposes. Agriculture is the main livelihood activity in the Plot, with approximately 63

percent of households in the two communities relying on agriculture for some part of household income. Types of agricultural activities include crop cultivation, forestry and livestock rearing. The community land is partly held by people living within the Plot and partly by people residing in Benin City.

1.3.2 *Ihovbor-Evboeka*

A third community, of Ihovbor-Evboeka, was initially also to be covered by this RAP. However, during an early phase of consultation and engagement, an issue arose which has meant that the Project has, for the moment, altered the Project footprint to ensure that this community is not subject to displacement and resettlement impacts. The issue driving this decision concerns the existing National Integrated Power Project (NIPP). This power station was established by the Federal Government not far from the Project Plot and had a particularly negative impact on Ihovbor which, as a product of the NIPP, now lacks sufficient farmland according to some of its inhabitants. In light of this negative impact but also due to suspicions about how much compensation they might receive, stakeholders in Ihovbor were reluctant to participate in the census and asset inventory which was undertaken as part of the development of this RAP (see Section 1.3.4). This influenced the Project's decision to alter its footprint and thus avoid subjecting Ihovbor community members to further displacement and resettlement. Accordingly, the Project impacts on Ihovbor will *not* be analysed in this RAP, since these impacts are not related to displacement and resettlement. However, at certain points in the RAP, reference to early consultations with three (rather than two) communities will be made, reflecting the context outlined here.

1.3.3 *State Dimension of Land Acquisition Process*

The Edo State Government is partnering with Azura in the development of the Project. The Government's principal contribution is to make provision for the land upon which the power plant will be constructed. The transfer of this land to the Project Company commenced with the signing of a Memorandum of Understanding in 2010, between Azura and the Edo State Government; wherein the latter undertook to provide the Project land and associated easement rights. The second stage in the state land acquisition process took place in the second quarter of 2011, when the land was surveyed by the Edo State Ministry of Lands, Survey and Housing and the Project boundary was demarcated using beacons.

Subsequent to this exercise, the Edo State Government issued a formal public notice of the Government's intention to make use of the land, revoking all existing occupancy rights and interests in the land, and requesting the affected parties to register any claims. The registration of claims is required so that compensation payments can be made by the Edo State Government (in conjunction with Azura) in due course. The formal notice of revocation was published in the official Government Gazette on 16 June 2011 and in two Nigerian newspapers on 23 June 2011; namely the Vanguard Newspaper (with a national circulation) and the Observer Newspaper (with a local circulation).

As part of the formal regulatory process, the FMEnv will disclose the draft RAP (as well as the EIA) for the Project and invite public comments. Public stakeholders at both the state and LGA levels will be invited to provide their input. This notification is typically done through a newspaper announcement and is currently planned to be undertaken in February 2012.

The state dimension of the land acquisition process will be completed with the transfer of the title of the land to Azura, and by the associated issuance of a Certificate of Occupancy.

1.3.4 *International Standards Dimension of Land Acquisition Process*

The State dimension of the land acquisition process is being supplemented by the development and implementation of this RAP that seeks to adhere to the requirements of OP 4.12 and PS 5. The stakeholder engagement and socio-economic data collection required to develop this RAP took place through a series of site visits to Nigeria between June 2011 and September 2011. In light of clear synergies between the ESIA and the RAP development process, ERM adopted an integrated approach to stakeholder engagement, consultation and socio-economic data collection, using common tools especially during the early phase of the ESIA work. The Stakeholder Engagement Plan (SEP), which presents a detailed account of the process and outcomes of all of the engagement, consultation and socio-economic data collection that was undertaken, is provided in *Annex A (SEP)*. In summary though, the following activities took place:

RAP Training

In late July 2011, ERM organised a two day training session with the sub-consultants and relevant Government representatives in Benin, in order to clarify the land acquisition and resettlement requirements of Nigerian legislation and international standards and to reach a common understanding of the resettlement process that the Project will follow. More specifically, this training session aimed to: (i) discuss potential Project risks related to the resettlement process; (ii) outline the need for rigorous resettlement planning; (iii) provide an understanding of key international best practice resettlement principles, resettlement terminology etc.; (iv) provide an overview of the international best practice resettlement process, the need for a RAP, what this entails etc.; (v) carry out a comparative analysis and a gap assessment between Nigerian legislative requirements and international standards; (vi) provide a broad overview of eligibility criteria and the RAP entitlements matrix; and (vii) detail the importance of stakeholder engagement and consultation and how best to conduct this.

Key Informant Interviews, Village-Level Discussions and Focus Group Discussions (FGDs)

One-on-one key informant interviews, village-level discussions and FGDs were employed to explore the range of potential resettlement-related impacts

of the Project's land acquisition process, as well as other relevant issues. The outcomes of these consultations were used to fine tune the scope and strategy for the next stage of data collection.

More specifically, a total of seventeen key informant interviews were undertaken – with local leaders in the affected communities (including with traditional community leaders) and with a number of government officials and non-governmental organisations. In addition, a total of three village-level discussions were conducted, one in Ihovbor and one in each of the two communities that will ultimately experience physical and / or economic displacement (ie Orior-Osemwende and Idunmwowina-Urho-Nisen). Finally, a total of nine FGDs were conducted – with different affected community groups; namely three FGDs in each community. In each community, the FGDs were held with: (i) the traditional leadership; (ii) a group of women; and (iii) a group of farmers and sharecroppers.

Enumeration Survey

Following preliminary investigations, it was found that the scale and magnitude of the Project's resettlement operation was likely to be higher than was initially envisaged. As a result, the need for a detailed enumeration survey arose and this was then conducted from 22 and 29 August 2011, by a team that comprised four surveyors from the Ministry of Lands, Survey and Housing and four social specialists from the sub-contractor's social team. The survey was conducted in the two affected communities – Orior-Osemwende and Idunmwowina-Urho-Nisen – and also in Ihovbor. The ultimate aim was to obtain a quantitative description of the communities surrounding the proposed Project. The results of the enumeration survey were then used to plan the socio-economic fieldwork: census and asset inventory (see below). The end of the enumeration was selected as the cut-off date for eligibility. The Project and the Government agreed on this date – namely 29 August 2011 – and it was disseminated to the affected communities, through the traditional leadership who ensured that all affected families were informed of this date.

Socio-Economic Fieldwork: Census and Asset Inventory

As discussed above, a census and asset inventory was not conducted in Ihovbor. However, in Orior-Osemwende and Idunmwowina-Urho-Nisen, a census of 88 households was conducted. This included a 100 percent sample of those residing within the Plot (46 households) and approximately 90% of sample of those residing outside of the plot (community) but with an economic interest in the Plot (42 households). An asset survey was also conducted in Orior-Osemwende and Idunmwowina-Urho-Nisen, including affected built structures or other physical assets, common property resources, and businesses and cultural properties. The fieldwork team consisted of the six social specialists and five valuation experts and the fieldwork was conducted from 8 September to 20 September 2011.

In late January and early February 2012, the Project held a series of meetings with the State Government, community leaders, appointed community valuers and the community members to discuss and gain feedback on the entitlements matrix. These comments were taken into account in finalising the draft RAP for disclosure.

1.4 STATUS OF DRAFT RAP

The Draft RAP will be disclosed according to the formal regulatory process. At the same time the Draft RAP will be placed in the World Bank InfoShop for public disclosure. The Project will also continue to interact with those affected and their leadership to provide clarification, gain feedback and address concerns. All comments will be considered by the Project prior to finalising the RAP and moving towards implementation.

In addition a Physical Cultural Resource (PCR) Plan will be developed to address the cultural heritage resources identified in *Section 4.6.8* that may be displaced or otherwise impacted by the Project. An outline of the PCR is provided in *Annex C*.

2. *RESETTLEMENT DESCRIPTION*

2.1 *INTRODUCTION*

According to OP 4.12 and PS 5, the acquisition of land that results in the physical and / or economic displacement and resettlement of people should be avoided where possible. However, where such displacement and resettlement is unavoidable – that is – where suitable alternative project sites are not available or the cost of developing those sites is prohibitive – adverse resettlement impacts on affected individuals and communities should be minimised through sensitive project design, adjustments in the routing or siting of project facilities etc.

This section seeks to provide an overview of the Project that focuses on aspects that will unavoidably induce displacement and resettlement, and how this displacement and resettlement is being minimised in order to ensure adherence to the requirements of OP 4.12 / PS 5. Specifically, this section seeks to:

- provide a brief Project description;
- describe the scale and nature of the Project's resettlement dimension; and
- outline how the Project design plans are being influenced by the need to address the OP 4.12 / PS 5 requirement to minimise resettlement impacts.

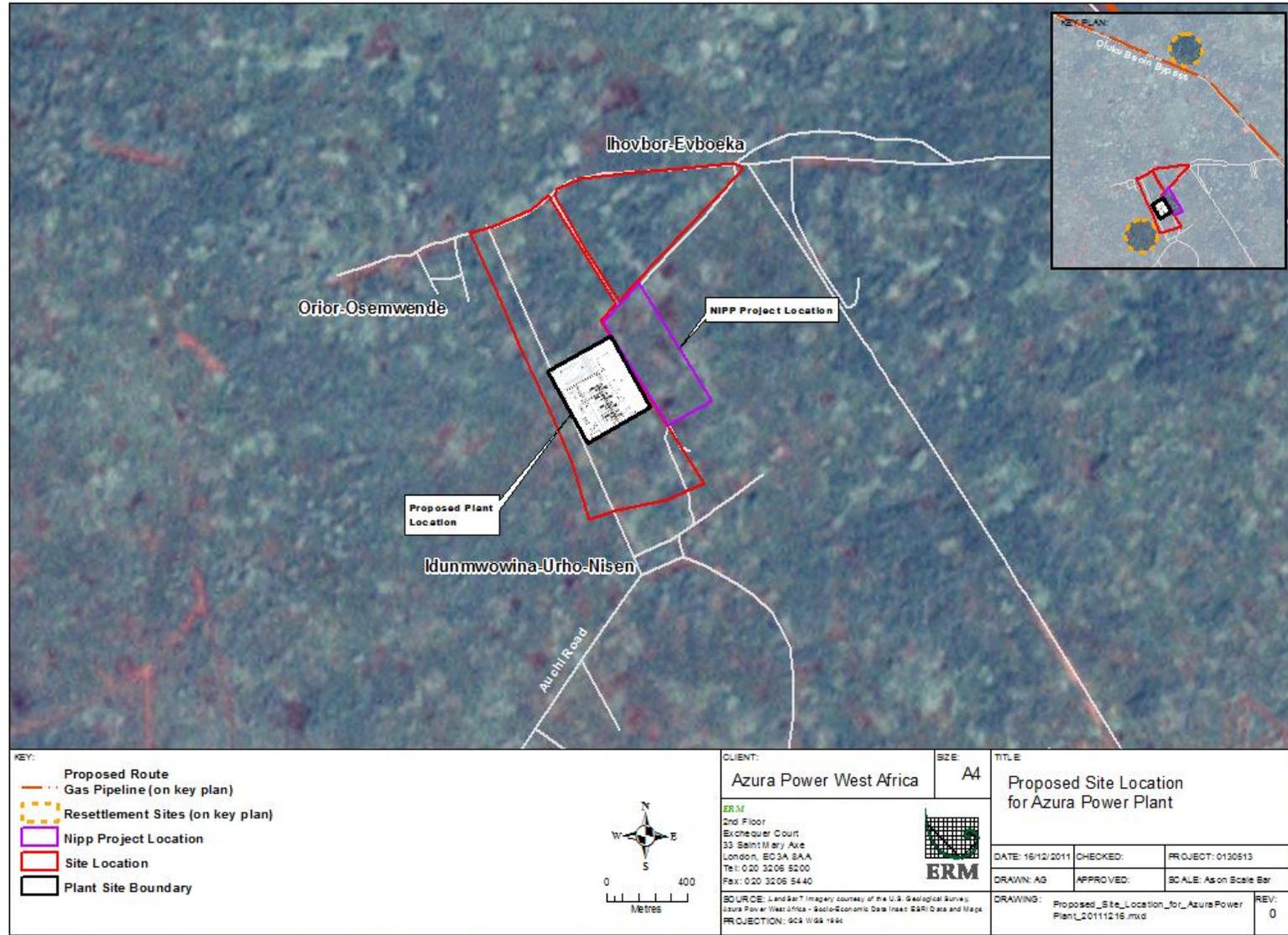
2.2 *PROJECT DESCRIPTION*

2.2.1 *Project Overview*

The Project Plot is located on the north-eastern outskirts of Benin City, Edo State, in the Federal Republic of Nigeria. It is situated adjacent to the Ihovbor Power Plant, which is currently in construction under the auspices of the NIPP.

The Plot will comprise a total of 72 ha and will consist of a 450 MW (net) Open Cycle Gas Turbine (OCGT) power plant covering approximately 12.5 ha of the site (*Figure 2.1*). The OCGT power plant will be constructed in a way that allows conversion to a Combined Cycle Gas Turbine (CCGT) power plant if and when such a conversion is deemed economically viable.

Figure 2.1 Map of Proposed Project



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2.2.2 *The Project Justification*

The Project will help to address Nigeria's urgent need for the provision of electricity. At 158 million, the country's population is the 7th largest in the world and accounts for nearly 15 percent of the entire African continent. Approximately 40 percent of its citizens are less than 15 years old and the total population is growing at 2.5 percent per annum (one of the highest growth rates in the world). On the current estimates produced by the United Nations, Nigeria's population will reach nearly 230 million within the next 20 years.

At present, the current power generated and wheeled across the national grid is less than 4,000 MW. By way of comparison, South Africa's per capita consumption of grid-based electricity is 35 times greater than Nigeria's. It is evident that there is a need to augment the power supplied by the Power Holding Company of Nigeria, and as such the Federal Government intends to stimulate the construction of new power plants and transmission lines to increase the supply of power. In accordance with this government strategy, Independent Power Producers (IPP), such as Azura are being encouraged to invest in the power sector.

Given the strong and inescapable link between electricity supply and economic development, the Project is expected to exert a substantial impact (direct and positive) on the country's productive and commercial industries.

2.2.3 *Project-Induced Resettlement*

The Project will acquire land from local communities for the power plant, transmission line and associated facilities. This will necessitate physical displacement and resettlement during the pre-construction phase, affecting the two communities of Orior-Osemwende and Idunmwowina-Urho-Nisen. More specifically, 46 households who are resident on the Plot will require physical displacement and resettlement. In addition, the Project will induce economic displacement and resettlement, affecting the same two communities of Orior-Osemwende and Idunmwowina-Urho-Nisen. In particular, a number of small scale enterprises including a pig farm, chicken farm, a welder workshop, a local chemist store and a small-scale pure water production enterprise will need to be moved. In addition, 390 people will lose agricultural land and certain community assets, including a community health centre and church buildings etc, will also be lost. Finally, 467 incomplete and unoccupied structures will be affected.

2.3 *RESETTLEMENT MINIMISATION*

2.3.1 *Site Selection Activities*

One of the key requirements of OP 4.12 and PS 5 is to avoid land acquisition that results in physical and / or economic displacement and resettlement. However, where such displacement and resettlement is unavoidable – that is, where suitable alternative project sites are not available or the cost of

developing those sites is prohibitive – OP 4.12 and PS 5 require that adverse resettlement impacts on affected individuals and communities are minimised through sensitive project design, adjustments in the routing or siting of project facilities, etc.

In the Azura context, five alternative site options were considered before the current option of siting the Project immediately west of the NIPP Facility was chosen. In considering all six options, the Project developers took into consideration the resettlement implications of each, and also held extensive consultations with key stakeholders including: local affected communities; the Public/Private Partnership Office of Edo State Government; and Edo State Ministry of Lands, Survey and Housing. Consultations began in the third quarter of 2010, and the final decision on land boundaries and land acquisition was reached in June 2011. *Table 2.1* highlights the alternative site locations that were considered for the Project and details why they were subsequently rejected.

Table 2.1 *Justification for the rejection of Project site alternatives*

Location from the NIPP Facility	Justification for rejection
North	<ul style="list-style-type: none"> Requires the construction of a long gas pipeline interconnection and a long transmission line, which would lead to considerable environmental impacts. Requires the acquisition of land and / or easement rights, which would lead to resettlement (both physical and economic) on a scale potentially greater than that associated with the current chosen Project site.
South	<ul style="list-style-type: none"> The population density is higher than the location immediately west of the NIPP Power Plant. Land ownership is more widely spread, with many more landowners in the location. Therefore any resultant resettlement process would have been more disruptive. Less land available for a potential host resettlement site in comparison with the community west of the NIPP Facility (Orior).
North West	<ul style="list-style-type: none"> Extensive consultation with Orior-Osemwende community, expressed preference for the Project to be located adjacent, as opposed to northwest, of the NIPP Facility.
North East	<ul style="list-style-type: none"> The land is owned by Ihovbor community, which are less enthusiastic about the Project than Orior-Osemwende and Idunmwowina-Urho-Nisen communities. Less land available for a potential host resettlement site in comparison with the community west of the NIPP Facility (Orior).
East	<ul style="list-style-type: none"> The Project would have interfered with the Benin North Substation, currently under construction. This site would leave the Substation boxed in on both its western side (by the NIPP Facility) and its eastern side (by the Project), creating problems for the Transmission Company of Nigeria in terms of its ability to string interconnections into the Substation.

2.3.2 *Final Site Selection: Resettlement Minimisation*

Ultimately, the site immediately west of the NIPP Facility was chosen. The need to minimise resettlement impacts played a key role in the final selection

of this site. In particular, this site has a lower population density than some of the other potential sites. In addition, the community set to experience the greatest resettlement impacts from this option – namely Orior-Osemwende – was more receptive to the Project than the other communities consulted, and more options were available to Orior-Osemwende in terms of possible host resettlement sites. Finally, the developers initially intended to purchase two plots of land: Plot A comprising land in Orior-Osemwende and Idunmwowina-Urho-Nisen communities; and Plot B comprising land in Ihovbor community. However, in the end, in order to further minimise resettlement impacts, and reduce the overall negative impacts on Ihovbor community (which had previously experienced greater impacts resulting from the development of the NIPP Facility), land acquisition was restricted to Plot A.

3. LEGAL FRAMEWORK

3.1 INTRODUCTION

Land use and ownership in Nigeria is governed by the Land Use Act of 1978. Prior to the promulgation of the Act, there was a multiplicity of land tenure systems in Nigeria with the Maliki Law system dominant in pre-colonial northern Nigeria until 1910 when an Ordinance conferred on the colonial governor control of all lands in that part of the country. In the rest of Nigeria, land was owned by extended families, lineages or whole communities with the head of the families or communities having custodial rights over land ⁽¹⁾.

Under the differing land tenure systems existing before the Land Use Act, particularly in southern Nigeria, individuals typically only had a right to use communal or family land, either for a definite or an indefinite period. Such usufruct rights could not translate into personal ownership of the land ⁽²⁾.

The land tenure system in existence before the Land Use Act encouraged multiple sales of the same parcel of land to different people because of the absence of a titling system or public record of extant land holdings. It also made it difficult for foreign entities and governments to acquire land for public infrastructure projects, due to the customary reluctance of communities to cede ownership of land to non natives.

With the promulgation of the Land Use Act, the ultimate title of all lands situated in Nigeria now vests in the Governor of each State, in trust and for the common benefit of all Nigerians ⁽³⁾. Ultimately, the Land Use Act was promulgated to support fair and equitable access to land, and to encourage its productive use through: (i) a system of registration of titles; (ii) placing a cap on tenure of rights over land; (iii) the issuance of paper titles (Certificates of Occupancy); and (iv) the institution of a regime of rents, fees and taxes ⁽⁴⁾.

This section provides a broad review of the Land Use Act, and a more general description of the land situation in the broad Benin area within which the Project land is to be acquired and this RAP implemented. Also in this section, the Nigerian legal regime for land acquisition is compared with international requirements / best practice; namely World Bank OP 4.12 and IFC PS 5.

Specifically, this section includes the following:

- An overview of aspects of the Land Use Act related to land ownership and use, the revocation of land rights and compensation provisions.

(1) "Land Reforms in Nigeria: Progress, Problems & Prospects" A paper presented by Professor Akin Mabogunje, Chairman Presidential Technical Committee for Land Reforms set up in April 2009.

(2) So held the Nigerian Supreme Court in the case of *Ogboni V. Ojah* (2003) 2NLLC pp 713-4.

(3) Edo State Policy. Available at: <http://website.edostate.gov.ng/policy> [Accessed 23.08.11].

(4) US AID. Nigeria Country Profile. 17 November 2010. Available at: <http://usaidlandtenure.net/usaidltpproducts/country-profiles/nigeria> [Accessed 25.08.11].

- A description of the land acquisition process in Edo State, within which the Project is situated.
- A summary of the necessary steps in an international best practice resettlement process, as laid out in OP 4.12 and PS 5.
- A gap analysis between local legislation and the requirements of OP 4.12 and PS 5, together with a description of planned and implemented Project strategies to fill such gaps.

3.2 *LAND USE ACT, 1978*

3.2.1 *Land Ownership and Use*

The Land Use Act came into force on 29 March 1978 and replaced all pre-existing land tenure systems throughout Nigeria. The Act essentially does three things:

- It places land into two categories: urban land and non-urban land, as designated by the Governor of a state wherein the land lies.
- It redefines title in land to be a right to occupy or use the land rather than to own it; namely:
 - a statutory right or a deemed statutory right of occupancy for land in urban areas; and
 - a customary right or a deemed customary right of occupancy for land in non-urban areas.
- It empowers the Governor of a state to revoke rights of occupancy.

In effect however, the Act has merely put the *control and management* of lands in the hands of Government. This is because the vesting of the ultimate title in the Governor in reality does not completely obliterate the underlying interests in, and “native title” to, the land, which still depends to a significant extent on customary practices ⁽¹⁾. Therefore, although section 1 of the Act vests legal title of all lands in the territory of a state in the Governor, and section 5(1)(a) and 6(1)(a) empower the Governor / Local Councils to issue statutory or customary rights of occupancy, rights of land owning families and communities existing before the promulgation of the Act were not abrogated. Section 34(2) and (5)(a) and section 36(2) and (4) preserved these rights, albeit under a new nomenclature, ie deemed statutory or deemed customary rights of occupancy. Therefore, persons, families and communities owning or occupying land prior to the Act automatically enjoy the status of deemed statutory or deemed customary occupancy rights holders, and may or may not apply for the issuance of a paper Certificate of Occupancy, or otherwise “perfect” / register their land holding (see section 34 (3) and 36(2)).

(1) As acknowledged by the Nigerian Supreme Court in the case of *Ogunola vs. Eiyekolo* (1990) 4 N.W.L.R. (Pt.146) 632 at 632 per Karibi - Whyte, JSC.

In the Project Plot, the land is presided over by the Enogie of Oror-Osemwende (traditional ruler and representative of the Oba of Benin). Under the Land Use Act, the Enogie has a deemed customary right of occupancy to that land. Conversely, under Edo State Government policy, this land has been designated as an urban area, as it falls within a 15 km radius of Benin City. Accordingly, under Edo State Government policy, the Enogie has a deemed statutory right of occupancy over the Plot. In addition though, as the Land Use Act still recognises the Enogie as having custodial rights over the land, and such rights continue to be exercised under customary law, every other landholder within the Plot still derives his or her title from the Enogie in the traditional way (either through gift or payment). Therefore, the title that they receive from the Enogie would, according to the Land Use Act, be a deemed customary right of occupancy, and under Edo State Government policy, their title would be a deemed statutory right of occupancy. Then, if the title holder chose to “perfect” / register their land holding, their title would become a customary or statutory right of occupancy, rather than a deemed customary or statutory right of occupancy. In practice though, whether or not a title is perfected, the Government recognises it.

In the remainder of this RAP, for simplicity, the occupancy right held by the Enogie will be termed a “deemed customary right of occupancy” and the occupancy right held by those receiving title from him will be termed a “customary right of occupancy”.

3.2.2 *Revocation of Land Rights and Compensation Provisions*

The most significant change in the land tenure system brought about by the Land Use Act was that it, for the first time, empowered the Governor of a state to revoke rights of occupancy compulsorily for public purpose. Section 28(1) makes it lawful for the Governor to revoke a right of occupancy for “overriding public interest”. Sections 28 (2)(b) and (3)(a) define “overriding public interest” to mean, among other things, “the requirement of the land by the Government of the state or a Local Government in the state, in either case for public purposes within the state...” The Courts have interpreted “public purpose” to include “for obtaining control over land required for or in connection with the development of telecommunications or provision of electricity”⁽¹⁾.

When rights of occupancy are subject to revocation in this way, holders of rights of occupancy are, under the Land Use Act, entitled to compensation for the value at the date of revocation of their unexhausted improvements (section 29). In other words, they are not entitled to compensation for the land itself, but rather only to compensation for improvements made to that land, such as standing crops, buildings, fences etc. In addition, depreciation is taken into account in assessing the value of these improvements. For individually-held land, the Act states that the compensation should be administered to the individual who holds the occupancy right. For

(1) See *Osho vs. Foreign Finance Corp.* per Obaseki J.S.C. [1991] 4 NWLR, p.195.

communally-held community land, where occupancy rights are not claimed by any one individual, the Act states that the recipient of the compensation may be: (a) the community; (b) 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; or (c) a community fund, to then be utilised for the benefit of the community (section 29(3)).

The Project Plot is deemed land required for public purpose and is being acquired by the Edo State Government pursuant to the powers of the Governor to revoke existing rights of occupancy in the land for overriding public interest. As a result, persons and families occupying the land will be eligible for compensation for the unexhausted improvements that have been made to their land. In addition, any communally-held improvements in the Plot will also be compensated by the State.

3.2.3 *Summary*

To summarise, three authorities essentially co-exist in the Project Plot; namely: (i) the Land Use Act; (ii) pre-existing customary land use practices; and (iii) the Edo State Government policy. Conversely, while these three authorities employ different, and in some instances seemingly competing nomenclature, the practical difference between the three authorities is limited. Ultimately, whatever the term used, the Enogie holds an occupancy right, but not an ownership right, to the affected land, and he has distributed occupancy rights to those that reside in and / or use the land required by the Project. The key point is that the land is not owned but rather occupied and accordingly, the Edo State Government is only obliged to provide compensation for improvements made to the land, rather than compensation for the land itself.

3.3 *LAND ACQUISITION PROCESS IN EDO STATE, NIGERIA*

In addition to employing the Land Use Act, Edo State also still operates the old Bendel State Law which delineates how land should be acquired for public purpose. The land acquisition process that is derived from this law is set out below.

Step 1: Preparation of a Survey Description

This is a preliminary survey / mapping of the property intended for acquisition. The survey description should be prepared by the Ministry of Lands and should contain the following information:

- Position and dimensions of the land parcel to be acquired;
- Spatial relation to other properties in the area; and
- A list of all the communities on the property.

The survey description provides the basis / information upon which approval for the chosen property to be acquired is provided and the property is thus surveyed or marked out with beacons (see Step 3).

Step 2: Publication of a Notice of Acquisition

This is usually prepared by the Ministry of Lands and is then published in two newspapers (one national and the other local) and the government gazette, in order to enable any claims or objections to the intended acquisition to be made. These claims have to be made within a six week period, which ends with the cut-off date.

The notice must also be approved and signed by the Governor, along with the survey description, before publication. Both documents are usually forwarded to the Governor with a covering memo prepared by the Permanent Secretary and signed by the Honourable Commissioner for Lands.

Claims are then usually forwarded in writing to the Ministry of Lands within six weeks of the publication of the notice, following which the processing of claims and the negotiation of compensation can begin.

Step 3: Surveying the Property

Surveying can be conducted immediately, and before the expiration of the six week notice period. The time that this takes to complete depends on the speed with which the survey fees are agreed and funds dispersed to the Ministry of Lands. It is understood that the Ministry of Lands has the sole right to do the surveying work when (in the case of this Project) it is the State that is acquiring the land. However this does not prevent independent surveyors from being employed simultaneously by the Project in order to ensure compliance with international standards.

Step 4: Assessment

This is essentially a State enumeration and valuation of unexhausted improvements on the land to be acquired to determine the compensation liability of government and for tax purposes (in cases involving private purchase of land). The compensation amounts arrived at are then discussed with the affected community or its attorney and or valuers etc. Once agreement is reached, the compensation is paid. In some cases, direct disbursement takes place to each household. In other cases, the compensation is provided to the attorney who is then responsible for onward distribution.

Step 5: Registration and Stamping

This process involves placing land sale agreements (including survey plans / maps clearly delineating the piece of land in the sale transaction) at the lands registry / records after they have been stamped at the office of Commissioner of Stamp Duties, upon the payment of a fee. The Certificate of Occupancy is also registered at the Lands Registry for records purposes, after stamping of

the documents. In the case of compulsory acquisition (as in the Project case) there are no sale documents for stamping or registration; however, the Certificate of Occupancy issued to the Project Company may be registered with the Lands Registry.

Step 6: Preparation of Certificate of Occupancy

The Certificate of Occupancy is then prepared by the Ministry of Lands and signed by the Governor, after which it is issued to the applicant. The overall land acquisition process may be concluded within approximately twelve to eighteen weeks.

3.4

INTERNATIONAL STANDARDS

In addition to the need to adhere to local legislative requirements, the Project will also seek to align with World Bank OP 4.12 and IFC PS 5. In the following sections, these two sets of international best practice standards are analysed and the gaps between them and Nigerian requirements are identified.

World Bank OP 4.12 was formulated in 2001 (and revised in 2011) in order to safeguard against, address and mitigate the impoverishment risks commonly associated with involuntary resettlement projects. Projects involving involuntary resettlement are only eligible for World Bank financing if they can demonstrate adherence to the requirements of OP 4.12. IFC PS 5 was developed in 2006 (and revised in 2011 / 12) in order to achieve a similar end for IFC-financed projects involving involuntary resettlement. As the similarity in their objectives suggest (see *Box 3.1*), OP 4.12 and PS 5 are largely aligned in the procedural steps and principles that they promote.

Objectives of OP 4.12

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative Project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the Project to share in Project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of Project implementation, whichever is higher.

Objectives of PS 5

- (a) To avoid, and where avoidance is not possible, minimize displacement by exploring alternative Project designs.
- (b) To avoid forced eviction.
- (c) To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by: (i) providing compensation for loss of assets at replacement cost; and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.
- (d) To improve, or restore, the livelihoods and standards of living of displaced persons.
- (e) To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.

3.4.1***International Standards: Key Procedural Steps***

The main steps in resettlement preparation and planning that are required to adhere to OP 4.12 and PS 5 are as follows.

Step 1: Land Acquisition Assessment

The first step entails a scoping process to establish the extent, location and current use of the land required for the Project, and to ascertain whether physical and / or economic resettlement may be necessary in light of the extent of the Project's potential area of influence.

Step 2: Avoid / Minimise Resettlement

The second step involves attempts to avoid, or if avoidance is not possible, attempts to minimise adverse resettlement impacts on the affected populations by exploring alternative Project designs, by making adjustments in the routing or siting of Project facilities etc. Any such changes made to

avoid resettlement or minimise the scope and magnitude of resettlement impacts should be clearly and comprehensively documented.

Step 3: Establish Institutional Framework

The third step entails the establishment of an institutional framework, which will have the responsibility to ensure that resources are in place to manage resettlement activities. A functioning and effective institutional framework through which the Project and other stakeholders (particularly the State) can work together, is crucial to the smooth preparation, implementation and monitoring of a resettlement process.

Step 4: Define Legal Framework

The fourth step involves defining the legal framework within which the resettlement process will be situated. This should clearly outline relevant local legislative requirements and international best practice standards and should be used as a key basis for later determining eligibility criteria and the nature and extent of compensation and livelihood restoration provisions.

Step 5: Conduct Household Census, Socioeconomic Survey and Disseminate Cut-Off Date

The fifth step involves engagement with affected people. This should begin with community meetings to inform the broader community about the Project, the need for resettlement and how the resettlement will be managed. The community meetings may also be used to disseminate the cut-off date, together with other cut-off dissemination methods such as leaflet distribution etc.

The main fieldwork should then commence. This should entail the following activities:

- **Focus groups:** with particular affected groups in order to ascertain their perspectives, perceptions, preferences and concerns. It is important that any potentially vulnerable groups which may be affected by the resettlement are engaged through focus groups. Vulnerable groups are those that may be disproportionately affected because of their disadvantaged status. This status may stem from an individual's or group's sex, political or other opinion, social origin, property, birth or other status.
- **A census and asset inventory:** for all those households that will be displaced. A census is a data acquisition method that enumerates and collects basic information on all members of the affected population and that registers this population by residence or locality. An asset inventory is a survey of all asset losses that will result from the Project's land acquisition.

- **A community survey:** of the communities from which people will be moved. This survey should include the collection of information on what the impacts of the resettlement might be on those remaining in their existing location. This information collection process may include key informant interviews, focus groups, a detailed site visit, the collection of secondary data etc. Depending on the availability of secondary data, a household survey may also be required.

Step 6: Conduct Stakeholder Consultation

Throughout the resettlement planning process, sensitive and regular engagement and consultation with a wide range of stakeholders is required. In terms of engagement with affected people, consultation helps to:

- provide Project information to affected communities;
- ascertain their perspectives;
- ensure that resettlement impacts are understood;
- ensure that avenues are found to minimise / mitigate negative resettlement impacts and facilitate social development;
- manage public expectations concerning the resettlement impacts (both positive and negative) of the Project; and
- facilitate affected community support of the Project and thereby diminish the Project's social and financial risks.

Additionally, consultation enables grievance procedures to be discussed, understood and agreed.

Consultation should be participatory and meaningful; namely free, prior and informed. More specifically, it should: (i) be free of intimidation or coercion; (ii) be based on the prior disclosure of relevant, comprehensive, accessible and understandable information; (iii) begin at an early stage; and (iv) be carried out on a regular and ongoing basis, as risks and impacts arise.

The consultation process should be undertaken in a manner that is inclusive, culturally appropriate and ensures the participation of vulnerable groups.

Step 7: Feasibility Study of Resettlement Sites

This seventh step involves determining the viability of potential resettlement sites in terms of receiving displaced people. It entails a host community assessment to evaluate the availability of appropriate facilities to accommodate displaced people (eg water, soil quality, topography etc) and a needs assessment to ascertain what the needs of both the displaced and the host community will be. This step may include key informant interviews,

focus groups, site visits and the collection of secondary data. Depending on the availability of secondary data, a household survey may also be required.

Step 8: Feasibility of Income Improvement Measures / Livelihood Restoration and Development Plans etc

This next step entails determining the technical, economic and financial feasibility of programmes proposed to improve, or at least restore, the means of income earning capacity, productivity levels and associated livelihoods of affected communities to pre-Project levels. It includes assessing training needs, vacancies, opportunities for job creation etc. It requires the formulation of plans to ensure that the resettlement is managed as a development initiative.

Step 9: Draft and Disclose RAP

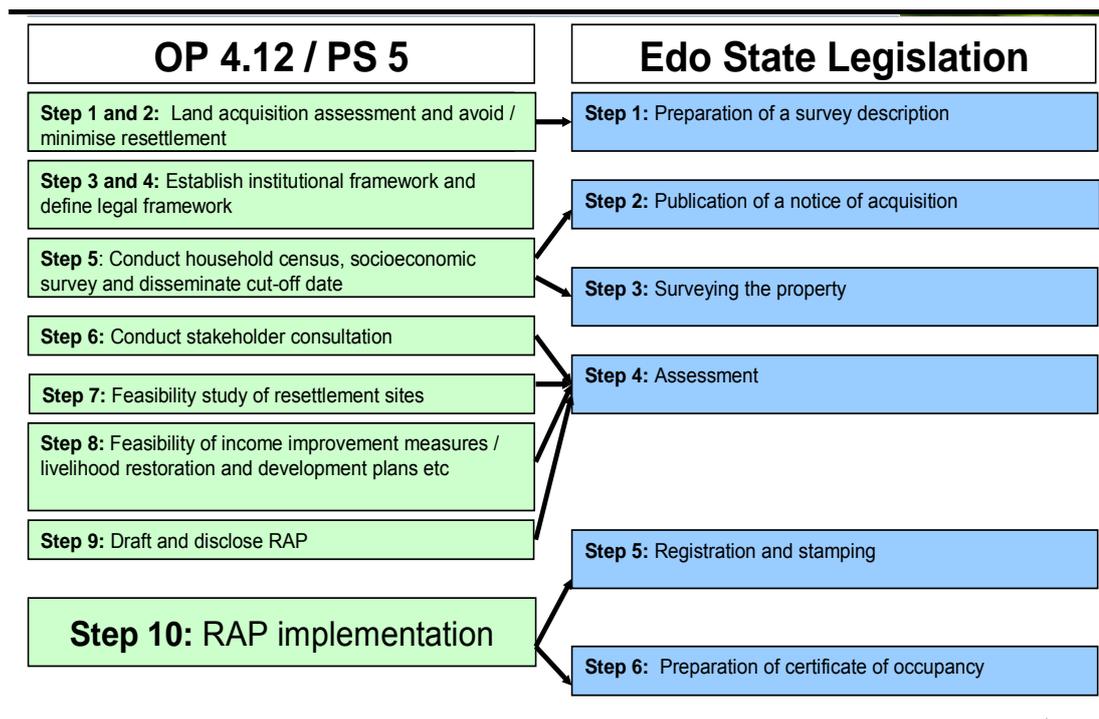
This next step involves drafting the RAP, which should include, most importantly: (i) identification of Project-specific eligible groups; (ii) identification of potential losses; and (iii) a detailed matrix that delineates entitlement, compensation and livelihood restoration provisions for each type of eligible group and potential loss identified. Having completed the draft RAP, it should be disclosed, consulted on and then finalised.

Step 10: RAP Implementation

The final step involves implementing the RAP. This is often an extremely complex process that involves engagement in household negotiations, the provision of compensation, the management of the physical relocation itself, the instigation of livelihood restoration and development measures and the running of a monitoring and evaluation system.

Figure 3.1 illustrates the intersection between international best practice and the Edo State land acquisition and resettlement process.

Figure 3.1 *Inter-linkages between International Best Practice and Edo State Land Acquisition and Resettlement Processes*



The following section aligns local legislation with OP 4.12 and PS 5, presents the gaps between them and describes planned and implemented Project strategies to fill such gaps.

3.5 GAPS BETWEEN LOCAL LEGISLATION AND INTERNATIONAL STANDARDS

The main gaps between the local legal requirements and international standards regarding involuntary resettlement can be summarised as follows:

- Under local law, there is no requirement for the payment of compensation for land *per se* by the acquiring authority (ie the State) because the rights being revoked are occupancy rather than ownership rights.
- Under local law, there is no requirement for public participation or consultation during the land acquisition and resettlement process.
- Local law does not set out clear and explicit guidelines for a systematic process of asset valuation. In addition, there does not appear to be a specific requirement for clear documentation and transparency around the calculation of compensation due to each individual etc.
- Under local law the default position is to pay cash compensation rather than prioritise in-kind provisions.

- Under local law, compensation is not provided on the basis of full replacement cost.
- Under local law, compensation does not have to be paid prior to the removal of assets.
- Under local law, there is no requirement for livelihood restoration / improvement. There is also no requirement to manage resettlement as a development initiative.
- Under local law, provision of compensation for inconveniences and transition costs suffered as a result of the land acquisition and resettlement process (eg temporary loss of use of resources, title charges, re-connection costs, legal costs etc) is not required.
- Under local law, there is no requirement for the provision of supplementary assistance for vulnerable individuals and groups.

Table 3.1 provides further details of the gaps between Nigerian law, OP 4.12 and IFC PS 5, together with a description of planned and implemented Project strategies to fill such gaps.

Note: Given that little guidance exists on the detail of how local legislation should be implemented and given that there is significant variation in the way that local legislation has been implemented in the past, the gap analysis draws only from what is known to have been carried out in this particular Project context.

Table 3.1 *Gap Analysis: OP 4.12, PS 5 and Local Requirements*

Issue	Summary of OP 4.12 and IFC PS 5 Requirements	Local Legislation	Gap / Status Update and Recommendation
Project Design	Feasible alternative Project designs to avoid or minimise physical and / or economic displacement, while balancing environmental, social and financial costs and benefits, will be considered.	Local legislation does not mention the need to avoid / minimise displacement. It requires the revocation of rights of occupancy if the land is required for overriding public interest.	Gap: Local law does not require the Project to avoid or minimise displacement by seeking alternative Project designs. Status Update and Recommendation: The ESIA being conducted for the Project will help to identify suitable Project designs that should minimise displacement impacts. Resultant Project decisions to minimise displacement are documented in <i>Section 2</i> .
Resettlement Plan / RAP / Livelihood Restoration Plan	In the case of involuntary resettlement, the Project will develop a Resettlement Plan / RAP / Livelihood Restoration Plan that covers, at a minimum, the applicable requirements of OP 4.12 / PS 5. This will include compensation at full replacement cost for land and other assets lost. The Plan will be designed to mitigate the negative impacts of displacement; identify development opportunities; develop a resettlement budget and schedule; and establish the entitlements of all categories of affected persons (including host communities) etc.	Local legislation does not require the development of a Resettlement Plan / RAP / Livelihood Restoration Plan.	Gap: Local law does not require the Project to prepare a Resettlement Plan / RAP / Livelihood Restoration Plan. Status Update and Recommendation: The Project is developing a Resettlement Plan / RAP in order to ensure that this international standards requirement is fulfilled in an appropriate manner.
Census and Asset Inventory	A census and asset inventory will be carried out in order to collect appropriate socio-economic baseline data to identify the persons who will be displaced by the Project, determine who will be eligible for compensation and assistance, and prevent ineligible persons, such as opportunistic settlers, from claiming benefits.	A survey is required to record the position and dimensions of the land parcel to be acquired, the spatial relation to properties in the area, and a list of all the communities on the property. The enumeration process is asset driven and not household driven. There is no particular format which is currently used by the Land Department. The process mostly comprises of generic questions that are administered orally, and on the basis of factual information and observations, the entitlement for the families is suggested.	Gap: The requirement for a census and asset inventory under international standards is more comprehensive than the requirement under local law. The level of detail of the information required under international standards is far greater than that required under local law. Status Update and Recommendation: A comprehensive census and asset inventory has been conducted for the two communities that will experience resettlement as a result of the Project.

Issue	Summary of OP 4.12 and IFC PS 5 Requirements	Local Legislation	Gap/ Status Update and Recommendation
Consultation and Participation	Ensure that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.	A notice of acquisition is usually prepared by the Ministry of Lands, in conjunction with the survey description. The notice is then published in two newspapers (one national and the other local) and the government gazette. This disclosure is not however supplemented by any proactive consultation or other participatory activities.	<p>Gap: Local law does not require the Project to undertake formal consultation with affected communities, or ensure their participation in the resettlement process.</p> <p>Status Update and Recommendation: The Project has been undertaking consultations with the local community on several aspects of the resettlement process. As soon as the notice for land expropriation was given, the ERM team facilitated information dissemination in the community about the proposed plan for resettlement. Regular consultation continued throughout the socio-economic fieldwork, when deciding upon potential resettlement site options etc. In the next stage of the process, the RAP will be disclosed and consulted on. The Project will need to take this engagement and consultation forward during the implementation phase of the resettlement process.</p>
Vulnerable Groups	Particular attention should be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.	Local law does not identify any need to address the concerns of vulnerable groups.	<p>Gap: Local law does not require the Project to pay particular attention to the needs of vulnerable groups.</p> <p>Status Update and Recommendation: Vulnerable groups were identified during the socio-economic fieldwork, including women and unemployed youth. Specific measures will need to be developed to address the particular needs of these groups, and specific funds should be allocated for this purpose.</p>

Issue	Summary of OP 4.12 and IFC PS 5 Requirements	Local Legislation	Gap/ Status Update and Recommendation
Compensation - Full Replacement Cost, In-Kind Provisions and Security of Tenure	<p>The rate of compensation for lost assets should be calculated at full replacement cost; that is, the market value of the assets plus transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account.</p> <p>Compensation in kind should be offered in lieu of cash compensation where feasible, and particularly for poor and vulnerable people.</p> <p>Security of tenure should be provided to all those displaced by the Project.</p>	<p>The compensation required under local legislation only covers “unexhausted improvements” made to the affected land in instances where occupancy rights are subject to removal. The required compensation amounts also take depreciation into account and market rates are not employed as a basis for valuation.</p> <p>Local legislation, while permitting in-kind replacements, remains largely focused on cash-based compensation.</p> <p>Security of tenure is not provided to affected people under local legislation.</p>	<p>Gap: The principle of full replacement cost is not employed under local legislation and there is less of an emphasis on the need for in-kind replacement. Security of tenure is also not a local legislative requirement.</p> <p>Status Update and Recommendation: The Project should top up compensation amounts to ensure compliance with the principle of full replacement cost and affected people should be encouraged to opt for in-kind compensation provisions. In addition, security of tenure should be facilitated through the provision of documents securing customary rights of occupancy at the relocation site.</p>

Issue	Summary of OP 4.12 and IFC PS 5 Requirements	Local Legislation	Gap/ Status Update and Recommendation
Eligibility and Entitlements	<p>A procedure should be developed for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. Displaced persons may be classified as:</p> <p>(a) those who have formal legal rights to land (including customary and traditional rights recognised under the laws of the country);</p> <p>(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 recognised under the laws of the country or become recognised through a process identified in the Resettlement Plan / RAP; and</p> <p>(c) those who have no recognisable legal right or claim to the land they are occupying.</p> <p>Groups a and b should be provided with compensation for loss of land and associated assets. Group c should be provided with resettlement assistance (which may consist of land, other assets, cash, employment, and so on, as appropriate) in lieu of compensation for the land they occupy, provided that they occupy the Project area prior to the cut-off date.</p>	<p>Under local legislation, all land rights constitute occupancy rights rather than ownership rights and accordingly eligibility for compensation for loss of land is non-existent. Anyone possessing a statutory or customary right of occupancy to affected land is only entitled to compensation for unexhausted improvements made to that land. Encroachers are not recognised as an eligible group, and are thus not entitled to any compensation provisions.</p>	<p>Gap: Eligibility criteria under local legislation is much narrower than that under international standards. In particular, while statutory and customary occupancy rights are recognised, as occupancy rights the land that is occupied is not deemed to be owned and accordingly compensation for it is not provided. Encroachers etc are also not recognised under local legislation, whereas under international standards such people constitute eligible groups.</p> <p>Status Update and Recommendation: The Project should take a broad and comprehensive approach to eligibility, delineating occupancy rights as ownership rights and compensating accordingly. It is also important that other groups such as encroachers are deemed an eligible group for the purposes of compensation provision.</p>

Issue	Summary of OP 4.12 and IFC PS 5 Requirements	Local Legislation	Gap/ Status Update and Recommendation
Cut-Off Date	In the absence of host government procedures, a cut-off date for eligibility should be established. Information regarding the cut-off date will be well documented and disseminated throughout the Project area. The Project is not required to compensate or assist those who encroach on the Project area after the cut-off date for eligibility, provided the cut-off date has been clearly established and made public.	Though a cut-off date is not written into local legislation, discussions with the Ministry of Lands suggest that there is a six week notice period given for land to be acquired by the Project. This is not however a cut-off date in the formal sense.	Gap: Under local legislation, there is no requirement to delineate a specific cut-off date. However, informally, it tends to be the end of the valuation process. Status Update and Recommendation: The end of the enumeration process has been constituted as the cut-off date for the Project.
Timing	Ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. These measures include the provision of compensation and of other assistance required for relocation, and the preparation and provision of resettlement sites with adequate facilities, where required. The removal of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.	Local legislation suggests that compensation should be paid within a reasonable time period.	Gap: While there is a suggestion in local legislation that compensation should be provided in a timely manner, there is no clarity as to what a timely manner actually means. Status Update and Recommendation: The Project must ensure that compensation provisions are provided prior to removing affected people's land and other assets.
Resettlement Assistance and Transition Allowances	Provide appropriate resettlement assistance and transitional support based on reasonable estimates of the time required to restore income earning capacity, productivity levels and associated livelihoods and standards of living.	Local legislation does not specify any provision for resettlement assistance and transition allowances.	Gap: Local law does not state that transition allowances or resettlement assistance should be provided to displaced persons. Status Update and Recommendation: The Project should ensure that appropriate resettlement assistance is provided to all, including vulnerable groups. Attempts should be made to ensure that relocation can take place with ease and the least possible disruption (eg truck provision, convenient times of day for removal etc) and that appropriate transition allowances etc are provided to affected people to enable them to restore their livelihoods and standards of living in the post-displacement context.

Issue	Summary of OP 4.12 and IFC PS 5 Requirements	Local Legislation	Gap/ Status Update and Recommendation
Livelihood Restoration	Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of Project implementation, whichever is higher.	Livelihood restoration is not a concept that is employed in the local legislation.	<p>Gap: Local law does not require livelihood restoration planning to be conducted for those experiencing displacement.</p> <p>Status Update and Recommendation: The Project should provide extensive livelihood restoration measures to affected people and continued support to affected communities to ensure that the livelihood restoration measures implemented are having the desired effect. Livelihood restoration can either be directly managed by the Project if it chooses to have a dedicated community relations team with the adequate skills, or the Project could hire the services of a local NGO with previous experience of working on livelihood restoration operations.</p>
Grievance Mechanism / Redress	Appropriate and accessible grievance mechanisms should be established. Some displaced persons will have complaints about aspects of their change in circumstances. Prior to the initiation of displacement, procedures should be in place for recording and processing grievances.	Local legislation is not particularly clear on the need to establish a specific grievance mechanism; however it suggests how the disputes specifically related to compensation should be resolved. If there is conflict around compensation provisions, the dispute must be referred to the appropriate Land Allocation Advisory Committee. There is also some mention that recourse to court may be possible, but there is a lack of real clarity around both these grievance redress processes.	<p>Gap: Local law does not require a grievance mechanism to be established so that issues regarding the Project or resettlement can be reported, recorded or addressed.</p> <p>Status Update and Recommendation: The Project should implement a suitable grievance mechanism so that all issues raised by those affected by the Project can be addressed. This will include both the displaced, remaining and host communities, and any others indirectly impacted by the Project.</p>

Issue	Summary of OP 4.12 and IFC PS 5 Requirements	Local Legislation	Gap/ Status Update and Recommendation
Monitoring and Evaluation	<p>The Project will responsible for adequate monitoring and evaluation of the activities set forth in the Resettlement Plan / RAP / Livelihood Restoration Plan. Upon completion of the Project, the Project will be required to undertake an assessment to determine whether the objectives of the Resettlement Plan / RAP / Livelihood Restoration Plan have been achieved. The assessment should take into account the baseline conditions and the results of resettlement operation. If the assessment reveals that the objectives of the Resettlement Plan / RAP / Livelihood Restoration Plan have not been realised, the Project should propose follow-up measures.</p>	<p>Local legislation does not have any monitoring and evaluation requirements.</p>	<p>Gap: Local law does not require monitoring and evaluation of resettlement.</p> <p>Status Update and Recommendation: The Project will need to establish systems for monitoring and evaluation as proposed in this RAP. The success of the Project will require rigorous evaluation and corrective actions will need to be implemented where required.</p>

4. BASELINE

4.1 INTRODUCTION

Fundamental to resettlement planning is an understanding of the socio-economic context of the communities subject to displacement as a result of the Project. This socio-economic information serves three key ends. Firstly, it provides the information needed to establish an entitlements matrix for household and community level compensation. Secondly, it yields basic economic and social information necessary to design appropriate livelihood restoration and development interventions. Thirdly, it provides quantifiable demographic, economic, educational, occupational and health indicators which can then be used to facilitate future monitoring and evaluation of RAP implementation.

This section presents the socio-economic baseline of the Project's affected communities, drawing from background information contained within the ESIA report, together with more detailed information gathered through the primary data collection process, which entailed key stakeholder interviews, focus groups, an enumeration exercise, an asset inventory, a census and socio-economic surveys. More specifically, this section includes the following:

- An overview of the main data collection activities upon which the RAP socio-economic baseline relies, and the limitations to the data collection process.
- A discussion of eight aspects of the affected communities; namely: (i) administrative structure; (ii) demographics; (iii) community networks and linkages; (iv) agriculture and animal husbandry; (v) other economic activities; (vi) infrastructure; (vii) education; and (viii) health.

4.1.1 Data Collection

The RAP baseline relies on a number of key data collection activities, carried out during a series of field visits between June and September 2011. These activities are described briefly below.

Key Informant Interviews

One-on-one interviews were held with key informants in each community. The purpose of these interviews was to gather information about systems and processes in the communities, as well as secondary quantitative data where available. The meetings were also intended to sensitise local leaders to the engagement process and the Project development plan, and to discuss appropriate techniques for future data gathering. In addition to conducting interviews with local leaders in the affected communities (including with traditional community leaders), interviews were also conducted with a series of government officials and non-governmental organisations, including the

Director of Lands, the Permanent Secretary of Lands, the Minister of Lands, the Director of Power, Pro-Natura International (PNI) and other stakeholders.

Focus Group Discussions (FGDs)

FGDs were held with representative social groups within the affected communities including youth groups, adult females and the elderly. The purpose of these discussions was to inform these groups about the engagement process, to understand their concerns and expectations and to clarify the scope and strategy for further socio-economic data collection. In addition to the focus groups, three village level consultations were carried out, one in Ihovbor and one in each of the two communities that will ultimately experience physical and / or economic displacement (ie Orior-Osemwende and Idunmwowina-Urho-Nisen). These discussions were used to disclose more widely the Project plans, potential impacts, mitigation strategies and plans for future engagement.

Enumeration Survey

Following preliminary investigations, it was found that the scale and magnitude of the Project's resettlement operation was likely to be higher than was initially envisaged. As a result, the need for a detailed enumeration survey arose and this was then conducted from 22 and 29 August 2011, by a team that comprised four surveyors from the Ministry of Lands, Survey and Housing and four social specialists from the sub-contractor's social team. The survey was conducted in the two affected communities – Orior-Osemwende and Idunmwowina-Urho-Nisen – and also in Ihovbor. The ultimate aim was to obtain a quantitative description of the communities surrounding the proposed Project. The results of the enumeration survey were then used to plan the socio-economic fieldwork: census and asset inventory (see below).

Socio-Economic Fieldwork: Census and Asset Inventory

As discussed in *Section 1.4*, a census and asset inventory was not conducted in Ihovbor. However, in Orior-Osemwende and Idunmwowina-Urho-Nisen, a census of 88 households was conducted. This included a 100 percent sample of those residing within the Plot (46 households) and a c. 25 percent sample of those residing outside the Plot but with an economic interest in the Plot (42 households). An asset survey was also conducted in Orior-Osemwende and Idunmwowina-Urho-Nisen, including built structures or other physical assets, common property resources, and businesses and cultural properties. The fieldwork team consisted of the six social specialists and five valuation experts and was conducted from 8 September to 20 September 2011.

In light of clear synergies between the ESIA and the RAP development process, ERM adopted an integrated approach to stakeholder engagement, consultation and socio-economic data collection, using common tools especially during the early phase of the ESIA work. The Stakeholder Engagement Plan (SEP), which presents a detailed account of the process and

outcomes of all of the engagement, consultation and socio-economic data collection that was undertaken, is provided in *Annex A (SEP)*.

4.1.2 *Survey Challenges and Limitations*

Primary data collection for the Project had to overcome a number of challenges. One of these related to the existing National Integrated Power Project (NIPP) referred to in *Section 1*. This power station was established by the Federal Government not far from the proposed Plot, in the vicinity of the affected communities, and has had an impact particularly with regard to the local availability of farmland (for Ihovbor) and relationships between Ihovbor, Orior-Osemwende and Idunmwowina-Urho-Nisen. The team found a significant level of tension associated with the NIPP station and the way in which that project was carried out. In particular, the community of Ihovbor is considered by Orior-Osemwende and Idunmwowina-Urho-Nisen to have benefitted disproportionately from the compensation paid by the government for land take and livelihood impacts ⁽¹⁾. As a consequence, there is some suspicion of the Federal Government ⁽²⁾ (and Federal Government-promoted initiatives) by many inhabitants of all three communities. This affected the social surveys in a number of ways:

- Stakeholders are highly aware of the land acquisition and compensation process, and in some cases have tried to manipulate the data collection process to enhance their eligibility for compensation provisions.
- As discussed in *Section 1*, stakeholders in Ihovbor refused to participate in the census and asset inventory, and as a consequence, the Project footprint has been altered in order to avoid displacement impacts on this community.
- Consultation fatigue within the communities, resulting from previous government surveys and local valuations, may have reduced the patience and attention span of some of the survey participants which, in turn, may have contributed to the differential response rate on some of the questions asked.

In addition to these NIPP issues, two further factors served to impede the speed of the data collection process:

- Initially, the field work was negatively affected by newspaper publications about the project by Edo State government that contained inaccurate information on the areas to be affected by the project. These stated that only Ihovbor would be affected by land acquisition. As a result, initially, the local inhabitants did not trust the survey team and

(1) During RAP consultation (May 2011), representatives of the two communities expressed their disappointment over the naming of the national independent power project after Ihovbor community, while the other two communities that also contributed land were not mentioned. They said this should not be repeated in the proposed IPP project. They further complained that most of the benefits from the NIPP are going to Ihovbor community (employment of unskilled labour, contracts, social benefits, schools, etc). They said they will not allow this to happen in the proposed project.

(2) Community relations with the state and local government by contrast appears to be good.

were reluctant to meet with them. However, once the survey team met with the government and obtained a commitment from them to re-issue the publications with the corrected information, the meetings in the communities proceeded more smoothly.

- Secondly, large family sizes and the greater than anticipated numbers of semi-completed newly built structures meant that the data collection process took longer than expected.

Notwithstanding the challenges outlined above, the primary data obtained from Orior-Osemwende and Idunmwowina-Urho-Nisen provides the Project with a comprehensive and detailed baseline from which to design appropriate compensation, livelihood restoration and development interventions.

Drawing from the primary data collected (and some additional secondary information), the following sections discuss eight key aspects of the two affected communities. This discussion provides the context for *Section 5* which sets out the specific Project impacts that Orior-Osemwende and Idunmwowina-Urho-Nisen may ultimately experience.

4.2 ADMINISTRATIVE STRUCTURE

4.2.1 Formal Administrative Structure

Edo State is one of 36 states in Nigeria. The centre of the capital city, Benin, is located approximately 13 kilometres from the Plot. Edo State is divided into 18 Local Government Areas (LGAs), and the Plot is located in Uhumwonde LGA.

At the State level, the following ministries have been actively engaged by the Project:

- Ministry of Environment and Public Utilities: responsible for environmental management in the State;
- Ministry of Energy and Water Resources: responsible for provision of energy and water to all areas of the State; and
- Ministry of Lands, Survey and Housing: responsible for land management in the State, including allocation of property for public projects.

4.2.2 Traditional Administrative Structure

Traditional leadership remains a strong and respected parallel administrative structure in Edo State. Although the powers of traditional leaders have declined in modern times, the rituals and respect that surround these positions remain strong, and these leaders retain significant influence over their people.

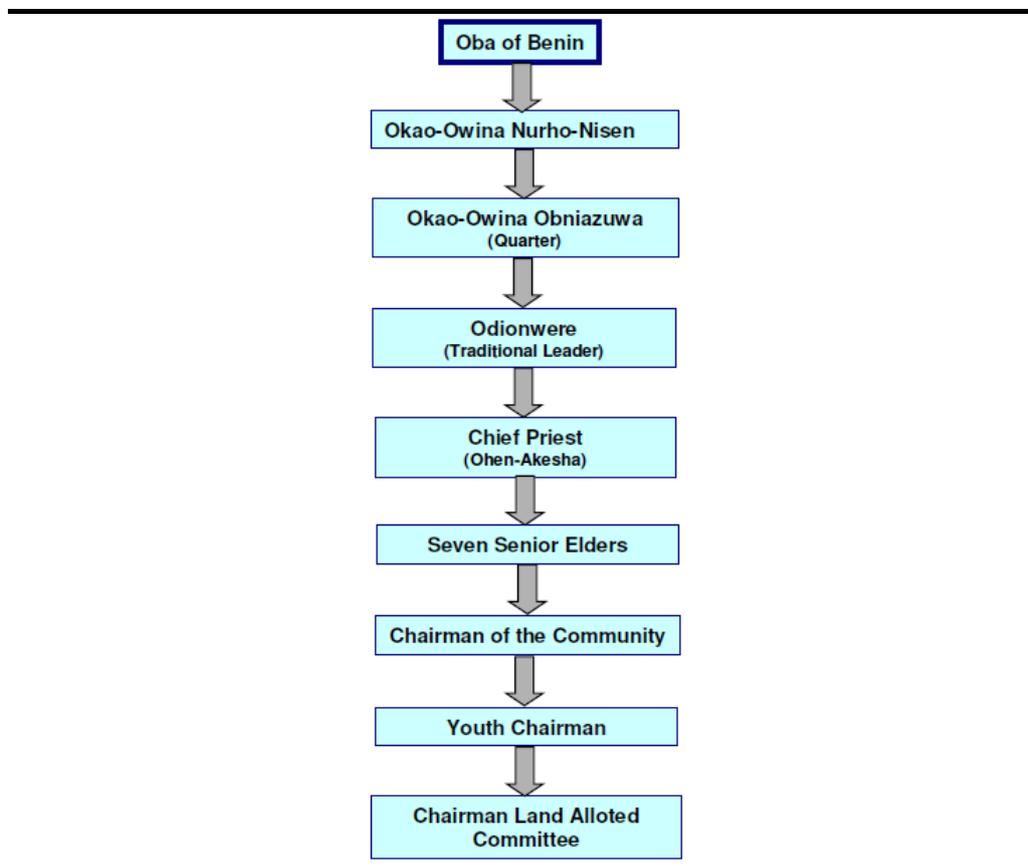
Traditional leadership is divided into kingdoms, and the Plot lies within the Kingdom of Benin. The Oba of Benin is the traditional head of the entire Benin Kingdom, and overall leader of the Edo people. Although some small differences in traditional power structures exist among the communities, both of the communities within the Plot identify the Oba of Benin as the traditional leader of highest authority. At the local level, the Enogie (also referred to as ‘His Royal Highness’) sits below the Oba of Benin and is appointed by him (as are all traditional leaders). Below the Enogie sits the Odiwere (traditional leader) of the community. Both communities also have a council of elders, which maintains major decision-making influence at the local level. Also significant are the Land Allocation Committees, which act under guidance of a chairman, and are responsible for distributing and supervising allocation of land in the communities.

The following Figures (*Figure 4.1 and Figure 4.2*) illustrate the traditional leadership structures in the affected communities.

Idunmwowina-Urho-Nisen

According to historical accounts, Idunmwowina-Urho-Nisen was originally established by the chief carver of the Oba of Benin. Currently, the position of traditional leader in this community is vacant. The eldest carver in the community is currently acting as local traditional leader until the position is filled by appointment from the Oba.

Figure 4.1 *Traditional Leadership Structure in Idunmwowina-Urho-Nisen*

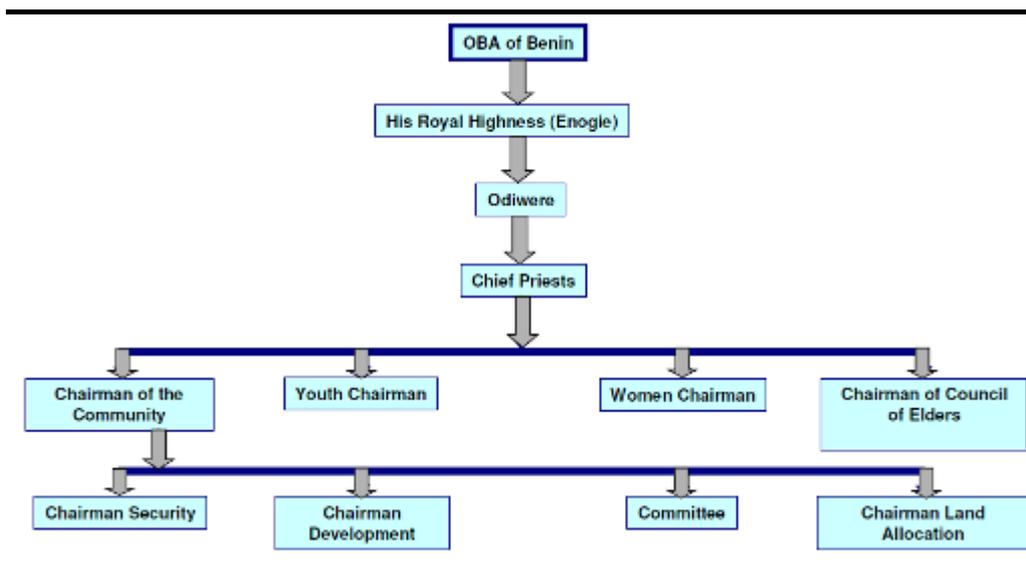


Orior-Osemwende

In Orior-Osemwende, the Enogie and his council of chiefs administer the community on a daily basis. The council of chiefs act as traditional advisors and are made up of the following clans:

- Aimogiemwinya;
- Ogiesughe;
- Ogieoyanevbo; and
- Ogiekhere.

Figure 4.2 Traditional Leadership Structure in Orior-Osemwende



The two figures above provide an overview of the relationship between the local leadership positions. It can be seen from these that all three communities recognise the Oba of Benin as their ultimate traditional leader. The following outlines the role of each of the levels of traditional leader.

- Oba of Benin: The overall traditional leader of all the Benin Kingdom and of all Edo people
- Enogie: The Enogie is the traditional leader of a specific community within the Benin Kingdom. All Enogies are appointed by the Oba and act on his behalf. The Enogie oversees the allocation of land through a land allocation committee (also called “bush inspectors”). The Enogie gives his approval to key decisions made on behalf of the community on any issue after due consultation with all members of the community including other opinion leaders.
- Chief Priests: Responsible for managing religious and cultural aspects of the community and reports to the Enogie.

- Youth Chairman: Represents the interests of the youth (anyone between the ages of 18 and 40) – often heads the Community Development Committee and also sits on the Chief’ Council.
- Women Chairman: Represents the interests of the women and sits on the Chief’s Council headed by the Enogie.
- Chairman of Council of Elders: Represents the interests of vulnerable members of the community
- Chairman of Land Allocation Committee: Responsible for allocating plots based on the instructions of the Enogie and also responsible for managing the community’s land records.

4.3 *DEMOGRAPHICS*

4.3.1 *Introduction*

The following section presents a demographic profile of the affected population. This profile includes total population, gender and age profile, and ethnicity, language and religion.

4.3.2 *Population*

Idunmwowina-Urho-Nisen has approximately 1,500 residents (approximately 214 households), while Orior-Osemwende has approximately 1,000 residents (approximately 142 households). Of this population, around 46 households will be affected by physical resettlement impacts, including 12 households from Idunmwowina-Urho-Nisen and 34 from Orior- -Osemwende.

Large families are common within the Plot, and multiple generations often constitute one household. Among the households covered by the socio-economic survey, 36 percent consisted of households of more than ten people, while only 13 percent had fewer than five household members. However, these figures may be somewhat exaggerated, as a physical count of household members was not conducted and certain respondents may have been of the belief that the apparent size of their household would be proportional to the level of compensation that they would receive.

4.3.3 *Gender*

Overview

Overall, the census revealed that 45 percent of the individuals from the affected communities were female, slightly below the national average of 50 percent female ⁽¹⁾. This however conflicts with stakeholder reports which suggested that men are leaving the affected communities in search of job

(1) National data sourced from the World Bank, 2010.

opportunities elsewhere. The household survey data indicated that there are 12 female headed households within the surveyed area equating to approximately 12.8 percent of the total number of households.

Marital Status

The majority of the inhabitants are married and there are more men than women in Ihovbor and Idunmwowina-Urho-Nisen, while women are more than men in Orior-Osemwende community. This does not necessarily reflect the extent of female-headed households, since it is culturally held that a man is the head of the household, even if he is not permanently resident with his family. However, according to the EIA report of the National Integrated Power Plant (NIPP) there are a disproportionately large number of married males in the area reflecting those who have migrated into the area in search of salaried employment while their wives and children live elsewhere. At the same time, there are numerous cases of people who have their family home or farms in the communities, yet they live elsewhere, notably Benin.

According to stakeholders surveyed, polygamy is common in the communities, accounting for the very large families. However, these relationships are less likely to be recorded as marriages. Polygamous relationships are reinforced by traditional gender roles in the region which require that a man must be the head of a household, even if the man is a non-resident. Divorce is uncommon in the area, and none of the survey participants were divorced; only four percent of respondents were widowed.

4.3.4 *Age Profile in Affected Households*

In keeping with age trends at the national and state levels, the affected community population is quite young. 32 percent of residents are between the ages of 6-18 years, with a further 16 percent below the age of five. The working age population (19-50 years) constitutes 41 percent of the affected community population.

As noted previously, stakeholders in Idunmwowina-Urho-Nisen and Orior-Osemwende reported that young men have been leaving the communities in search of work and training opportunities elsewhere. However, this does not seem to be reflected in the age breakdown of the region, which demonstrates an age profile similar to that of the national and state levels. It is also not supported by the gender breakdown of the age brackets, which remain broadly consistent (60 percent male among 0-5 year olds, 57 percent male among 19-50 year olds, and 50 percent male among those aged 51+).

It was observed during the field study that Idunmwowina community is more densely populated compared to Orior community. The total population is comprised of more youth followed by young children, adults and the elderly. Informants believe that there have been changes in age composition in the last 10 years. Informants in Orior community said that their youth had been moving to urban areas in search of jobs, vocational training and schooling.

However, the residents in Idunmwowina communities said that there have been increases in population density and in the number of youths in the community due to opportunities for construction work at the NIPP site. Today, the youth form the largest category of people in the two communities.

The high number of youths in the affected communities carries particular socio-economic implications. In addition to pressures on social infrastructure, such as education and housing facilities, this young population also increases competition for jobs. It may also exacerbate existing pressure on available land for cultivation, which has traditionally been a fall back option in the absence of other viable employment. Accordingly, the youth are increasingly suffering from lack of opportunity to establish a steady income.

4.3.5 *Ethnicity, Language and Religion*

The main ethnic groups in Edo State are Bini (also referred to interchangeably as Edo), Afemai, Esan, Owan and Akoko Edo. There are numerous ethnic groups under what is known as Edo-speaking people of Nigeria. These include the Bini, Esan, Etsako, Owan, Isoko, Urhobo, Itsekiri, Akoko-Edo, Aniocha, Ouru, Izone and Ika.

Although Edo State is the home of several ethnic groups, it is considered one of the most homogeneous states in Nigeria, as many of the communities in the state trace their roots to the ancient kingdom of Benin, which was centred on present-day Benin City. As a result, customs, burial rites, diet and traditional modes of dress tend to be similar throughout the state. Non-indigenous peoples living in the Plot being acquired include Urobos, Ishan, Ora, Efik, Ijaws, Hausas, Ibos and Yorubas, as well as a small number of Ghanaians and Togolese.

Within the communities surveyed, 65 percent identified themselves as Bini. Ishan was the second largest group, at 16 percent, with smaller numbers of people identifying themselves as Kalabari, Ijaw, Igbo and others.

The major languages spoken in the state are Ebira, Edo, Esan and Okpamheri, with dialects varying according to distance from the city ⁽¹⁾

Traditional religion is widely practiced in the study area. Observance includes visiting and presenting sacrifices at sacred sites in and around the communities. Christianity and Islam are also widely practiced, often alongside traditional religious practices. Within the affected communities, the significant majority of residents are practicing Christians, with 86 percent of those interviewed attending church on a regular basis (compared with four percent who visit a mosque). Only five percent report that they visit traditional shrines on a regular basis: of these respondents, 68 percent are men and 47 percent are over the age of 18. This low level of traditional religious observance could be due to the fact that many residents do not visit shrines on

(1) Edo State Government website: <http://www.edostate.gov.ng/people.php>.

a regular basis, but instead do this on special occasions or when considered necessary.

There are no reports of tension between religious groups in the Plot.

4.4 *COMMUNITY NETWORKS AND LINKAGES*

4.4.1 *Community Support Networks*

In Nigeria, the extended family is first and most important support institution for any individual. The majority of Nigerian families are large by western standards. It is not uncommon for Nigerian men to have more than one wife and family sizes of up to 9 and 10 or more. In a polygamous family, each wife is responsible for feeding and caring for her own children, though the wives often help each other when needed. Men are the heads of the household. While men dominate in society, women play an important role in family life. All men and women, have close ties to their mother's families, which may often be in a different village to the one they live in.

Due to rapid urbanisation, the family system in Nigeria is slowly moving a nuclear model. However, there is a still strong sense of a larger extended family, including married siblings and their families. The family is the first recourse for support in times of crisis ie provision of emergency financial support, medical assistance, provision of additional labour on the farm etc.

Community groups are important in Nigeria, providing social, livelihood, financial and religious support. Most communities in the country typically have a variety of associations, including livelihood-based groups, savings groups, religious groups and other community-based organisations that play an important role in the management of the community. Most groups have open membership, and people may belong to more than one group; however, others have restricted participation, such as the Elders Forums and Traditional Cultural Groups.

Within the communities of the Plot, the most common social group attended by stakeholders was a religious one, with 13 percent of residents attending on a regular basis. Nearly seven percent of respondents regularly attend other types of social groups. In all cases, men are more likely to be regular members, comprising 63 percent of religious group participants and 58 percent of other social group members.

Relatively few residents belong to informal work exchange groups, which are more common in areas that have a higher proportion of farmers and processors. Informal savings and credit groups also have a relatively low level of patronage in the affected communities; this may be due to the high numbers of people who are employed outside the community, in places such as Benin City.

There is very little report of conflict within the communities. One of the reasons for this apparent social harmony may be the relatively homogeneous nature of the population.

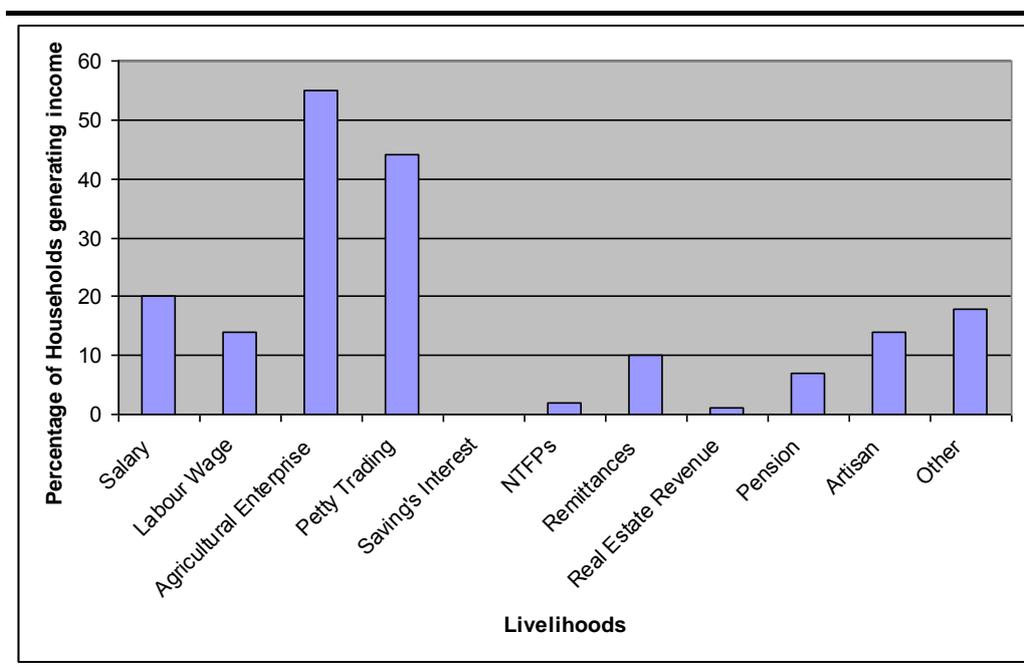
There is however, some resentment within Orior-Osemwende and Idunmwowina-Urho-Nisen, against the community of Ihovbor, over the Government's management of the land acquisition, resettlement and compensation process for the NIPP power plant. Many of the respondents surveyed in Orior-Osemwende and Idunmwowina-Urho-Nisen said that they felt Ihovbor was unfairly favoured in the distribution of benefits from the NIPP project, despite the fact that all three communities were required to cede land to the project. According to one of the local leaders, the people had been 'cheated', and would not be willing to tolerate land take for a project again without adequate compensation. Another stakeholder noted that this tension could become a problem in the future "if our land is acquired without compensation duly paid to the owners of the land".

4.5

INCOME GENERATING ACTIVITIES AND LIVELIHOODS

Based on the results of the household survey the most common sources of income amongst survey respondents are agriculture (62.5 percent) and petty trading (50 percent). Figure 4.3 demonstrates the distribution of sources of household income.

Figure 4.3 *Sources of Household Income*



The household survey allowed respondents to indicate that residents within their household generated income from more than one source. Therefore

Figure 4.3 shows not only the primary, but also alternative sources of income for surveyed households. Figure 4.4 demonstrates a comparison between household survey respondent's primary sources of household income and other sources of household income.

Figure 4.4 Primary Source of Household Income

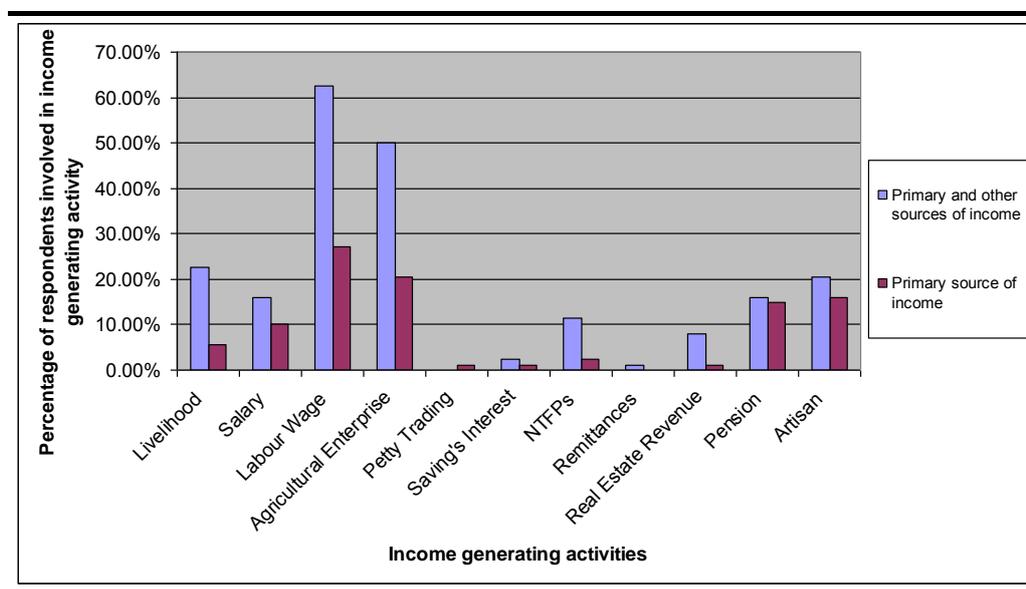
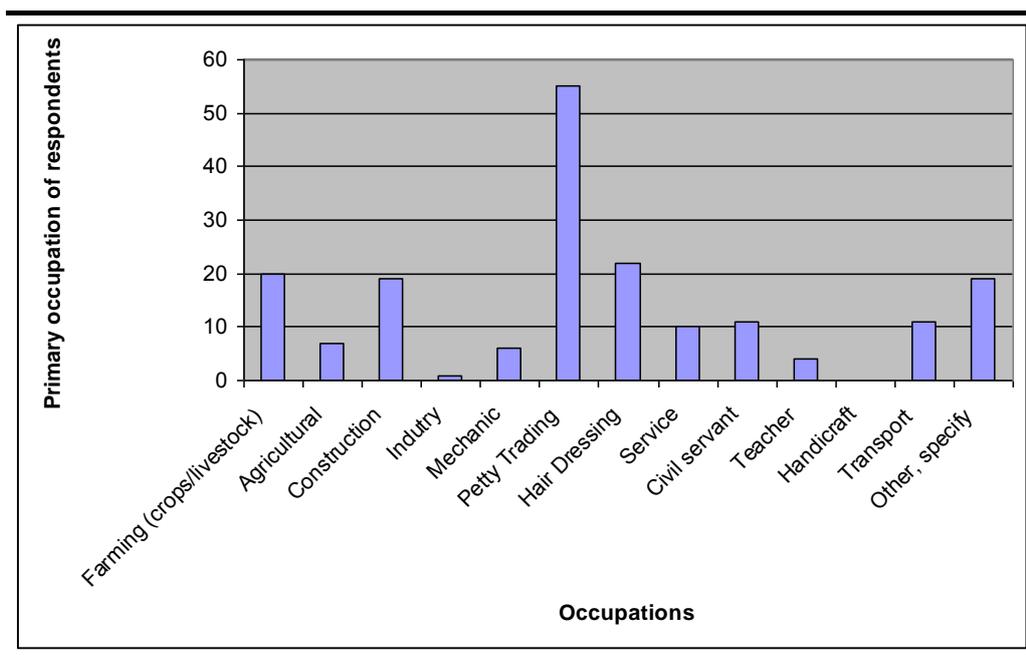


Figure 4.4 demonstrates that while 62.5 percent of households indicate they generate some money from agriculture, it is only the primary source of income for 27.3 percent of respondents. Similarly while 50 percent of respondents indicated that some of their household income is generated by paid labour, only 10.2 percent of the respondents indicated it was the primary source of income. This may indicate that these income-generating activities are the most widespread primary source of income, but they are also a significant secondary source of income for households.

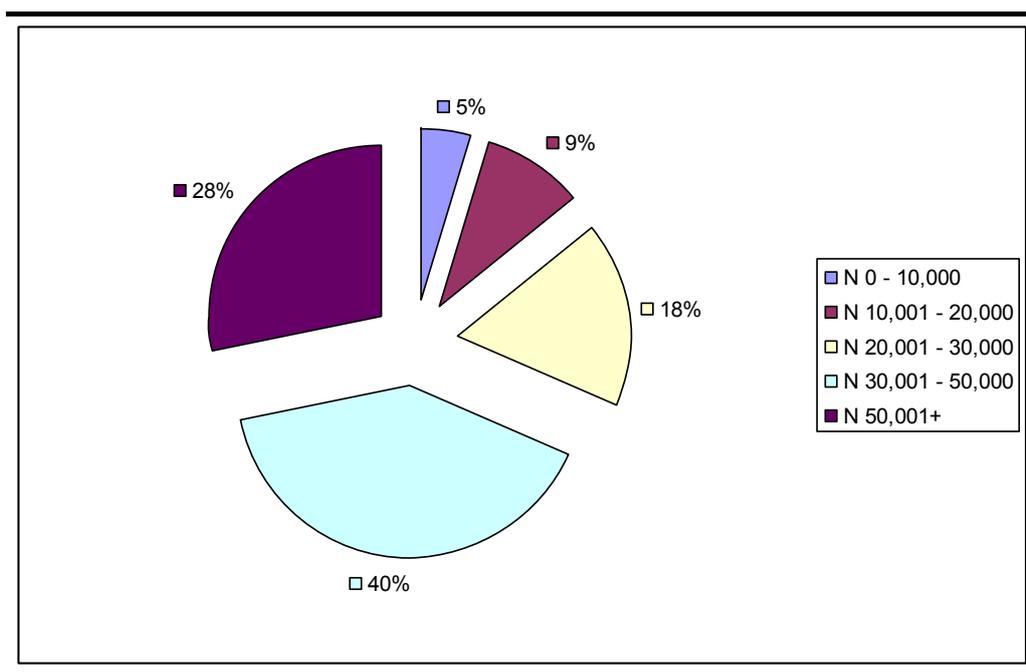
The household survey collected data regarding residents' occupation. This indicated that the most common occupation was petty trading (29.7 percent). Figure 4.5 shows the distribution of these responses; it should be noted that 502 residents were indicated to have no occupation or did not choose to respond.

Figure 4.5 *Distribution of occupations*



The household survey also considered levels of monthly income and expenditure for households and for individual residents. *Figure 4.6* shows that the most common monthly household income was indicated to be between Naira (N) 30,001 and N 50,000 (US\$186 and US\$310)¹. However, a significant number of households indicated they earn either more than N 50,000 (US\$ 310) per month (27.3 percent) or less than N 30,000 (US\$186) per month (32 percent).

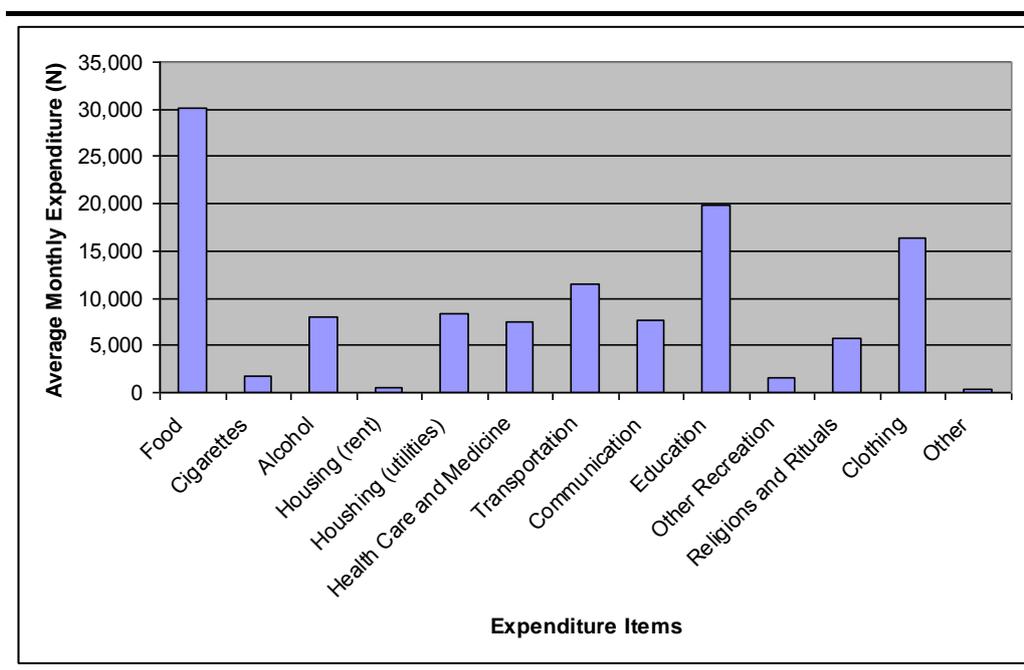
Figure 4.6 *Distribution of total monthly household income*



¹ Based on a currency conversion of N1.00 = US\$ 0.0062 as of 16/12/11

According to the household survey monthly household expenditure data varies, and typically is higher than indicated responses for monthly household income. *Figure 4.7* shows the distribution of indicated household expenditure.

Figure 4.7 *Monthly Household Expenditure*



The largest average spend was demonstrated to be food (N 30,125 ~ US\$ 187), clothing (N 16,408 ~ US\$102), education (N 19,851 ~ US\$123) and transport (N11,540 ~ US\$72). Based on a sum of the items indicated the average total monthly spend was indicated to be N 1,356 (US\$8.41), however based on the survey results respondents indicated that the average monthly expenditure was N117,490 (US\$728), substantially higher than the most households indicated for their monthly household income (see *Figure 4.6*).

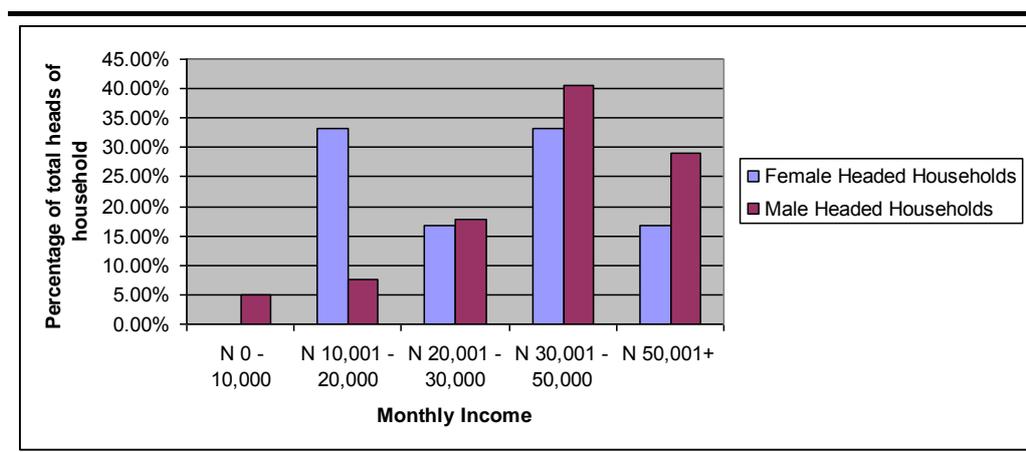
Evidence suggests that income may have been underreported within the household survey where 494 residents did not respond or were indicated to be earning no income. This is despite the household survey showing that the population under the age of 18 numbers only 359. This may indicate a hesitancy to discuss income levels, potentially due to perceived risk from crime. In addition data collected regarding income and expenditure is notoriously unreliable as respondents may feel uncomfortable openly discussing or accurately estimating numbers due to socio-cultural expectations and taboos associated.

4.5.1 *Income Generation and Gender*

The household survey indicated there were 12 female headed households which equates to approximately 12.8 percent of the total heads of households. Although this is a limited sample of data the household survey indicated that female headed households typically generate less monthly income than is

typical of male headed households. *Figure 4.8* shows a comparison of reported monthly household income for male and female headed households.

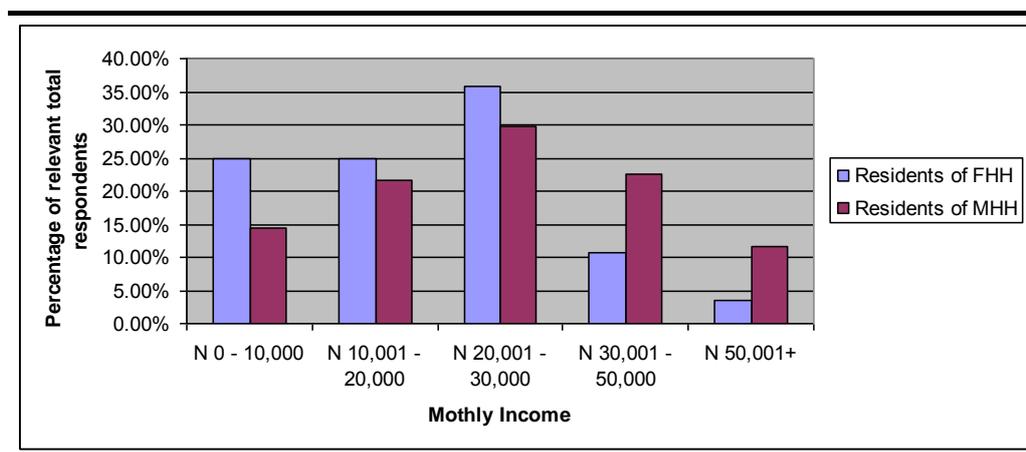
Figure 4.8 *Comparison of monthly household income distribution*



Female headed households (FHH) appear to report less monthly income more frequently than male headed households (MHH) and only 16.7 percent of FHH reported earning in excess of N 50,000 (US\$310) compared to 29.1 percent of MHH.

In addition to this data those residents of FHH, whether male or female also typically reported less monthly income than their counterparts in MHH. *Figure 4.9* shows this comparison.

Figure 4.9 *Comparison of personal income distribution*



Residents of FHH reported lower incomes more commonly and only 14.3 percent of respondents indicated income in excess of N 30,000 (US\$185) compared to 34.2 percent of residents of MHH.

4.5.2 *Agriculture and Animal Husbandry*

Based on Project plans for approximately 72 ha of land acquisition, and experience from development of the NIPP project, agricultural activities are likely to be significantly affected by the Project.

Agriculture is reportedly the main livelihood activity in Edo State and in the Plot, according to stakeholders. Among survey respondents, only 16 percent of households do not practice some form of agricultural cultivation, and approximately 30.9 percent of households earn income from agricultural activities. Types of agricultural activity include crop cultivation and livestock rearing.

Table 4.1 delineates the agricultural activities practiced by affected people in the Plot. These activities are described in more detail below.

Table 4.1 *Agricultural Activity by Affected Individuals*

Activity	No. of Affected Households
<i>Crop Cultivation</i>	
Arable crops	74
Cash crops	73
Subsistence crops	70
Animal husbandry	57

4.5.3 *Land Cultivation*

There are four weather seasons in the Plot ⁽¹⁾:

- *Early / mid December to mid / late March* – Long dry season with few days of rain.
- *Early April to the end of July* – Long wet season in which it rains 20 to 24 days in the month.
- *Late July to late August* – Short dry season in which it rains for only a few days.
- *September to November / early December* – Short wet season when it rains for approximately the same amount or more as in June/July, and then the rain decreases in frequency in the build up to the long dry season that starts in December.

Box 4.1 is the seasonal calendar which outlines some of the key agricultural activities throughout the year, based on the weather seasons.

(1) NIPP EIA Final Report 451MW Ihovbor Power Plant, p. 94.

- **January** - Land clearing; planting of cocoyam; weeding of cassava farm.
- **February** - Land clearing for the rainy season; harvesting of cassava and processing of cassava.
- **March** - Bush burning; weeding of cassava farm; planting of vegetables at the stream side; planting of yam and plantain.
- **April** - Planting of cassava, corn, cocoyam, plantain and pepper; planting of yam and pineapple.
- **May** - Weeding of farm; harvesting of vegetables.
- **June** - Harvesting of corn; harvesting of cassava.
- **July** - Harvesting of corn continues as does harvesting of cassava planted the previous year.
- **August** - Weeding of farm Plots and selling of farm produce; planting of maize.
- **September** - Harvesting of cassava and planting of cassava.
- **October** - Weeding of cassava Plots and harvesting of cassava.
- **November** - Harvesting of late maize.
- **December** - No activity; resting period.

4.5.4

Land Tenure and Ownership

As discussed in more detail in *Section 3*, the promulgation of the Land Use Act has altered the notion of land ownership at least in law, if not in fact or in the minds of the people, who still hold traditional rules of land ownership and use sacrosanct. Pursuant to the Act, the Enogie in law now holds a deemed customary right of occupancy to the Plot. In addition though, and in adherence with custom, he can still validly transfer title to members of his community or to non-indigenes. Therefore, all transferees of title to land in the community, whether by gift or purchase off the Enogie, have recognised customary occupancy rights over the land.

The field study revealed that nearly 57 percent of households report holding legal land title for their cultivated land (which in legislative terms would essentially mean that they hold customary occupancy rights over their land, derived from the Enogie); 28 percent rent their agricultural land and 15 percent hold no agricultural land.

Land sizes in the Project Plot tend to be fairly small – up to five hectares. A small number of households reportedly hold farmland of up to ten hectares, but these are the significant minority. Most households own multiple disparate plots with different crops (e.g. one plot may have mostly cassava on it while another may have plantain for example). It is normal for some of the plots belonging to a household to be lying fallow in order to recover their fertility after being farmed for a number of years. The Enogie and the land allocation committee will reallocate land to other in the community if it is seen to have been abandoned by an individual.

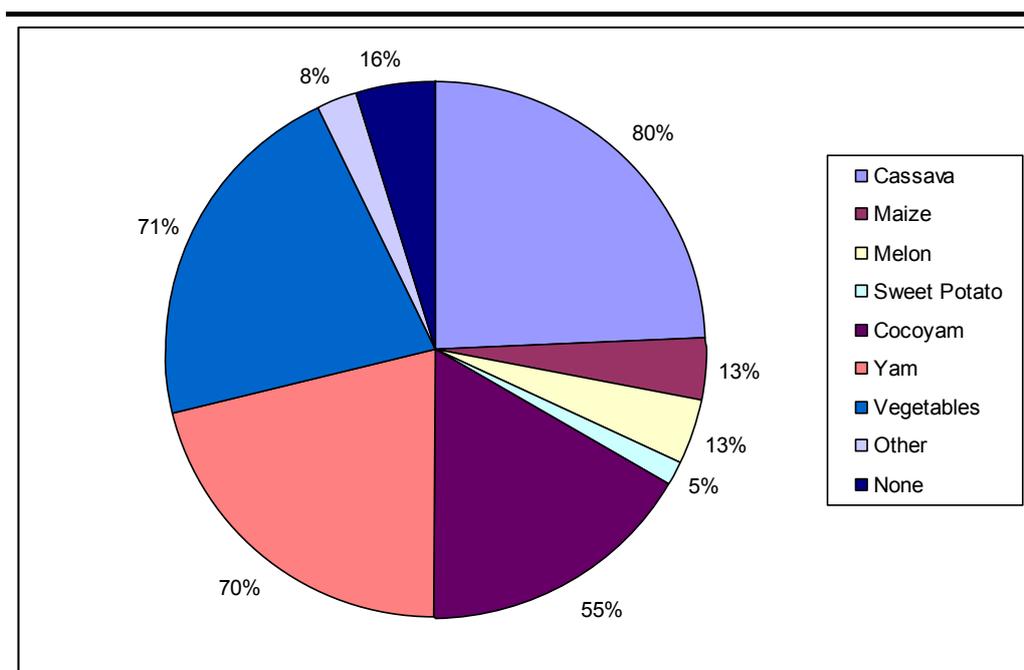
In most of the Project area, men inherit land from their fathers. Although legally, women have a legal right to inheritance in Nigeria, in practice they often receive nothing. After the death of a man, land and property are usually

passed on to sons, if they are old enough, or to other male relatives, such as brothers or uncles. This allows land to remain within the family.

4.5.5 Crops

The most common type of arable crop in the Project Plot is cassava, followed by vegetables and yams. *Figure 4.10* sets out the key crops in the area by percentage of households surveyed.

Figure 4.10 *Arable Crop Cultivation*



Note that many households cultivate multiple crops, which is why the total percentage is over 100 percent.

Subsistence Crops

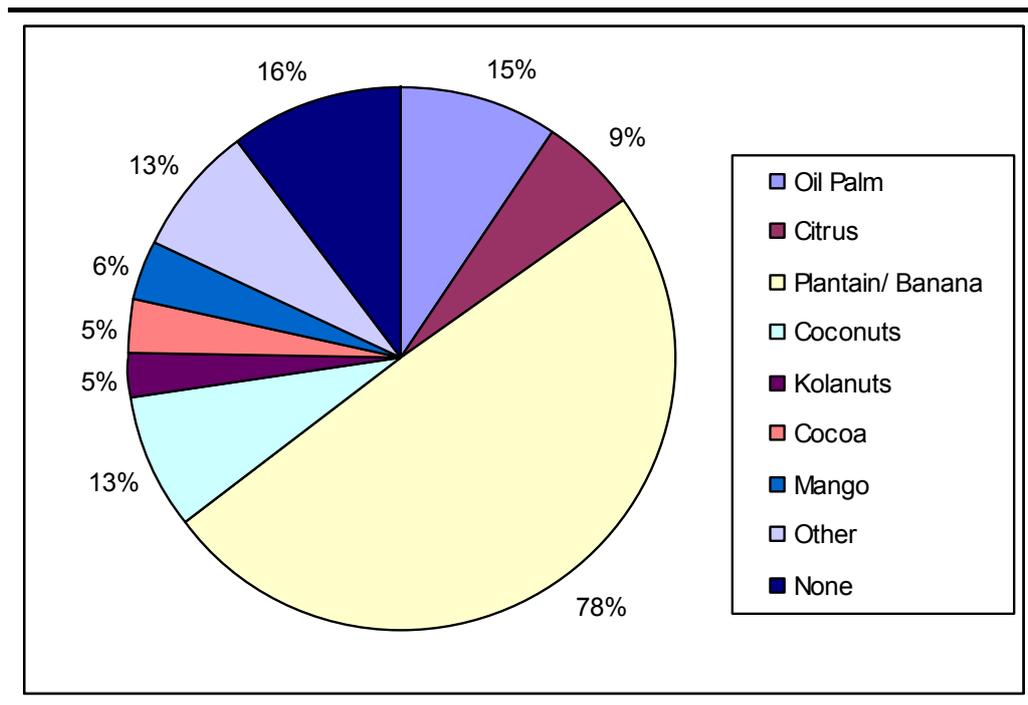
Cassava is the most important crop grown for household subsistence, reported by nearly 75 percent of surveyed households. Following this are yams and vegetables, at 48 percent and 44 percent, respectively ⁽¹⁾. Nearly 20 percent of households provided no response, or do not grow crops for subsistence purposes.

Cash Crops

Plantains / bananas are by far the most popular cash crop cultivated in the Plot (see *Figure 4.11*), followed by oil palm and coconuts. Other types of cash crops reported by stakeholders include sugar cane and rubber.

(1) Note that many households cultivate multiple crops, which is why the total percentage is over 100 percent.

Figure 4.11 Cash Crop Cultivation



Note that many families cultivate multiple crops, which is why the total percentage is over 100 percent.

4.5.6 Income from Agricultural Activities

As noted in Section 4.5.2, nearly 31 percent of households earn an income from agricultural activities.

Income is earned primarily through the sale of crops, either to middle men or directly to consumers and 85 percent of surveyed households sell their crops either directly or indirectly. Revenues are restricted by the poor quality of transport connections to larger towns, and the limited clientele available within the local area. The majority of households (48 percent) sell their crops in Benin City, followed by 23 percent who travel to Ehor town on market days. Approximately 22 percent of households sell their crops in the villages. Only 11 percent of households report selling products through middle men.

4.5.7 Animal Husbandry

Livestock rearing is also significant within the affected communities, though primarily on a smaller scale. Many residents keep poultry, sheep, goats and some pigs for livelihood and subsistence purposes. There are however a few larger scale, intensive livestock operations in the communities (see Figure 4.12); these are primarily run by wealthier residents.

Figure 4.12 Large-Scale Poultry Enterprise



Goats and poultry are the most common types of livestock kept within the Project Plot, and are kept for both subsistence and sale of animal products. Approximately 57 percent of surveyed households report keeping poultry in some quantities, while 47 percent of households have at least one goat. Sheep and pigs are kept by two percent of household respondents, while 33 percent of households do not keep any type of livestock ⁽¹⁾

4.5.8 Entrepreneurial Activity

Entrepreneurial activity is a significant source of income among affected households, providing income for roughly 16 percent of affected households. This may be in part due to the lack of formal employment opportunities, as well as the reduced viability of, and the lack of youth interest in, agricultural activities. The main types of entrepreneurial activity reported in the Plot are listed in *Table 4.2*, below.

Table 4.2 Entrepreneurial Activity

Activity	No. of Affected Households	Percent of Affected Households
Mechanic	6	0.8 percent
Petty Trading	68	9.4 percent
Hair Dressing	33	3.1 percent
Handicrafts	2	0.2 percent
Transport	18	2.5 percent

Note that the occupational data shown in the table above should be viewed in light of the high number of non-responses (68 percent) to the relevant questions amongst those who participated in the survey.

(1) Note that some households keep more than one type of livestock, which is why the total percentage is over 100 percent.

The most popular of these entrepreneurial activities is petty trading. According to FGDs, some residents act as 'middle-men,' taking farm produce to towns on market days, where they make a mark up on the goods sold. Many also sell goods obtained from the towns to the affected communities, also with a mark up. This provides an important service, as there are no markets in the affected villages themselves. Stakeholders have reported that these petty trading activities have benefited the local economy, and that this benefit would increase further if the roads linking the affected villages to the towns were improved.

Artisanal work, such as carving, also provides a source of income for some households. This work is practiced primarily by women in Idunmwowina community, and constitutes a small but important income source for potentially vulnerable groups.

4.5.9 *Employment and Unemployment*

Roughly 27 percent of respondents report being employed on a full time basis, and about four percent report being employed part time. Among those with permanent employment, the significant majority (83 percent) are engaged in full-time work, followed by 12 percent who are full-time employed, but on a temporary basis. Among the part-time employed, the majority of jobs (69 percent) are temporary jobs. Only 19 percent of part-time positions are permanent.

This indicates an overall low level of employment in the Plot. However, only three percent of respondents reported being unemployed but seeking employment; among this group, almost all had been seeking employment for over a year.

The low number of job seekers, in spite of high unemployment and underemployment, indicates a low level of expectation regarding job prospects in the area. This appears to be confirmed by the long duration of job hunting among those actively seeking work.

4.5.10 *Other Sources of Income*

Aside from entrepreneurial and employment activities, certain households receive income from other sources, including:

- Remittances (money received from family members outside of the village) provide a source of income for six percent of affected households;
- Pensions (received from past employment) provide a source of income for four percent of households; and

No households reported receiving income from savings, which reinforces reports that banks are inaccessible and rarely used by stakeholders.

4.6 *INFRASTRUCTURE*

4.6.1 *Introduction*

Overall, quality of infrastructure in the affected communities is poor. Electricity supply is sporadic or, in the case of Orior-Osemwende, non-existent, while access to water for drinking and irrigation is a challenge for many families. The roads within the communities, and those linking them to the wider region, are poorly maintained, and are especially difficult to traverse during the rainy season. Stakeholders have reported that this is an impediment to economic growth.

During stakeholder consultation exercises conducted during June and August 2011 by the University of Ibadan (a sub-consultant of ERM), infrastructure was identified as a key area of concern. Community members expressed a desire to see road improvements and enhanced access to electricity and clean water as a result of the Project.

4.6.2 *Power*

In the study area, Orior-Osemwende does not have a supply of electricity. Idunmwowina-Urho-Nisen has access to a public electricity supply from the Power Holding Company of Nigeria (PHCN); however, this supply is unreliable and nearly all residents complained about its irregularity. Part of the reason for this poor supply, according to community stakeholders, is that the transformers servicing the community are too small, which leads to low supply or frequent cut-offs. Nevertheless, in Idunmwowina-Urho-Nisen, electricity is used by 31 percent of survey respondents for lighting.

Kerosene is the most popular fuel for both lighting and cooking, used by 32 percent of survey respondents. Electricity generators are also popular: 82 percent of households own at least one generator and 32 percent of respondents use generators for their lighting needs.

Perhaps because of the reduced availability of wood fuel, only five percent of respondents report using firewood as cooking fuel ⁽¹⁾

4.6.3 *Telecommunications*

Residents in the affected communities have access to mobile phones and all national networks are available for use. Stakeholders reported that mobile communications are affordable to most residents; this is reinforced by the fact that 92 percent of residents own at least one mobile phone.

Radio appears to be a popular communication tool in the Plot, and 86 percent of households own at least one. Nearly all homes (92 percent) own a television.

(1) Survey results for sources of cooking fuel were marked by a high non-response rate, at nearly 30 percent.

4.6.4

Housing

There are 46 houses situated on the Plot and all will require physical relocation. These constitute the primary dwellings of those that occupy them. These houses are made of concrete brick (90 percent), while eight percent are made from mud. Houses generally have corrugated iron or zinc roofing. The houses made of concrete brick with corrugated roofing tend to belong to better off (higher economic status) families while those made of mud belong to poorer families. Pictures of these two types of housing are reflected in *Figure 4.13* and *Figure 4.14* below. Most residents (73 percent) were found to own their homes, compared with 15 percent who rent.

Figure 4.13 Occupied House within the Project Area Type 1



Figure 4.14 Occupied House within the Project Area Type 2



Figure 4.15 Non-habitable Physical Asset within the Project Area



Figure 4.15 shows a typical non-habitable physical asset constructed before the cut-off date (the end date of the enumeration). These structures are all made

of concrete brick. Many of the builders of these non-habitable physical assets hurriedly obtained customary certificates from their Enogie for the customary right to the land which these structures were built. In all cases, individuals who have built non-habitable physical assets do not reside on this land, or use it in any way for any form of livelihood sustenance. Rather, this group tends to live and work in Benin City or elsewhere outside the affected communities.

The table below shows the distribution and level of construction of other non-habitable physical assets within the project area based on data from the enumeration carried out.

Table 4.3 *Table Describing the Breakdown of Other (non-habitable) Physical Assets within Project Area*

Description	Orior-Osemwende	Idunmwowina-Urho-Nisen
Physical properties at foundation level	278	97
Physical properties at window level	069	13
Physical properties at lintel/ roofed level	003	04
Total	350	114

4.6.5 *Transport*

The two communities are served by two unpaved roads that link them to the Lagos and Benin highway. The condition of these roads is generally considered to be 'poor', or unsatisfactory, according to 63 percent of residents. Since commercial buses do not service the local area, transport of goods and people out of the communities is either by private car, motorcycle or bicycle.

Motorcycles are the most common form of transportation in the Plot, and 55 percent of households own at least one. These are used by residents to get to the main express road to Benin City, particularly when the roads become impassable for cars during the rainy season. Because of the poor condition of local roads, cars and bicycles tend to be less common, owned by 43 percent and 27 percent of households, respectively. Bicycles tend to be restricted to the community roadways, which are also used by pedestrians.

4.6.6 *Water*

Access to water is an issue in the affected communities. According to feedback from stakeholders and first hand observations, there are no wells available for public use. Only two percent of residents have piped water source inside their homes, and three percent have a piped water supply outside their home, but on their property.

It is accepted within the community that those with water sources on their land may allow others to use them, usually for a fee. However, most surveyed residents source their water from water vendors or tankers (43 percent) who charge for water delivery.

4.6.7 *Sanitation Facilities and Waste Management*

National statistics indicate that standards of sanitation are higher in Edo State than elsewhere in Nigeria. Within the Plot, 23 percent of residents have access to individual water born sewage systems, while 70 percent use individual dry pit latrines. Four percent use community toilet facilities. In terms of household waste, there are several ways in which this is disposed of by the affected communities, including through burning or dumping it in improvised landfills.

4.6.8 *Cultural Infrastructure*

Sacred forest areas:

As noted in Section 4.3.5, traditional religious worship remains important in the Plot, and is often practiced alongside other formal religions (namely Christianity and, to a much lesser extent, Islam). Among stakeholders in the affected communities, men are more likely to visit traditional shrines than women.

Traditional worship involves making sacrifices or offering gifts at sacred sites and shrines to traditional deities. While some of these sacred sites are located within the communities, many are located in small patches of forests elsewhere on community land including on the plot to be acquired. These sacred forest areas are important to the communities and all economic activity of any sort (eg logging, hunting or the collection of any non-timber forest products) is expressly forbidden. The only activity that is permitted in these sacred areas is worship of the traditional gods.

Table 4.4 and Table 4.5 list some of the sacred sites within and around Orior-Osemwende and Idunmwowina-Urho-Nisen with their location, the offerings made at these sites, when and how often such worship takes place.

Table 4.4 *Selected Cultural Sites in Orior-Osemwende*

Name of sacred site	Location	Offerings for worship	Time of year / frequency of worship
Erhinmwini Idu	Royal palace	Cow	February / annually
Owegie	Opposite the palace	Cow	March / annually
Edion	Opposite the palace	Pounded yam, antelope	All men, in March / annually
Ovia	Outside the centre of the community	Dog, chicken, male goat	March / annually
Osa	Close to the Priest's house	Pounded yam, antelope	April / annually

Source: NIPP, 2010

The most significant shrines in Orior - Osemwende, are the ones located opposite the Palace of Enogie and its adjoining grounds as listed in Table 4.4.

Table 4.5 *Selected Cultural Sites in Idunmwowina-Urho-Nisen*

Name of sacred site	Location	Offerings for worship	Time of year / frequency of worship
Ugbenowewe	Beside the Edion shrine	Goats, dogs, tortoise	Irregular / annually
Egua Edion	Road junction	Goats, chicken	May / annually
Okhuae	Near the Edion shrine	Male goat, dog, chicken	September / annually
Isakpana	Community centre	Chicken, yam, native herbs	July / annually
Enigie	Outside the centre of the community	Fish, antelope, okra	May / annually

Source: NIPP, 2010

Historically, Idunmwowina-Urho-Nisen community were the carvers and carpenters for the Oba of Benin’s Palace. The three shrines/sacred sites of greatest significance to the community are:

- Egua Edion (literally meaning Elders meeting place)
- Shrine to the Guild of carvers
- The Sacred Groove – Ugbo”Ebo

Figure 4.16 *Chief Kennedy Aiworo beside the Osun Iviakhure shrine, Orior*



In Nigeria, the cultural significance of these sites varies depending on who uses them. While some might be significant at a national or state level and thus are well known across the state, others are important at a community level (i.e. the entire community worships at these), or at a family or individual level. The tables and text above list the most significant sacred sites for the

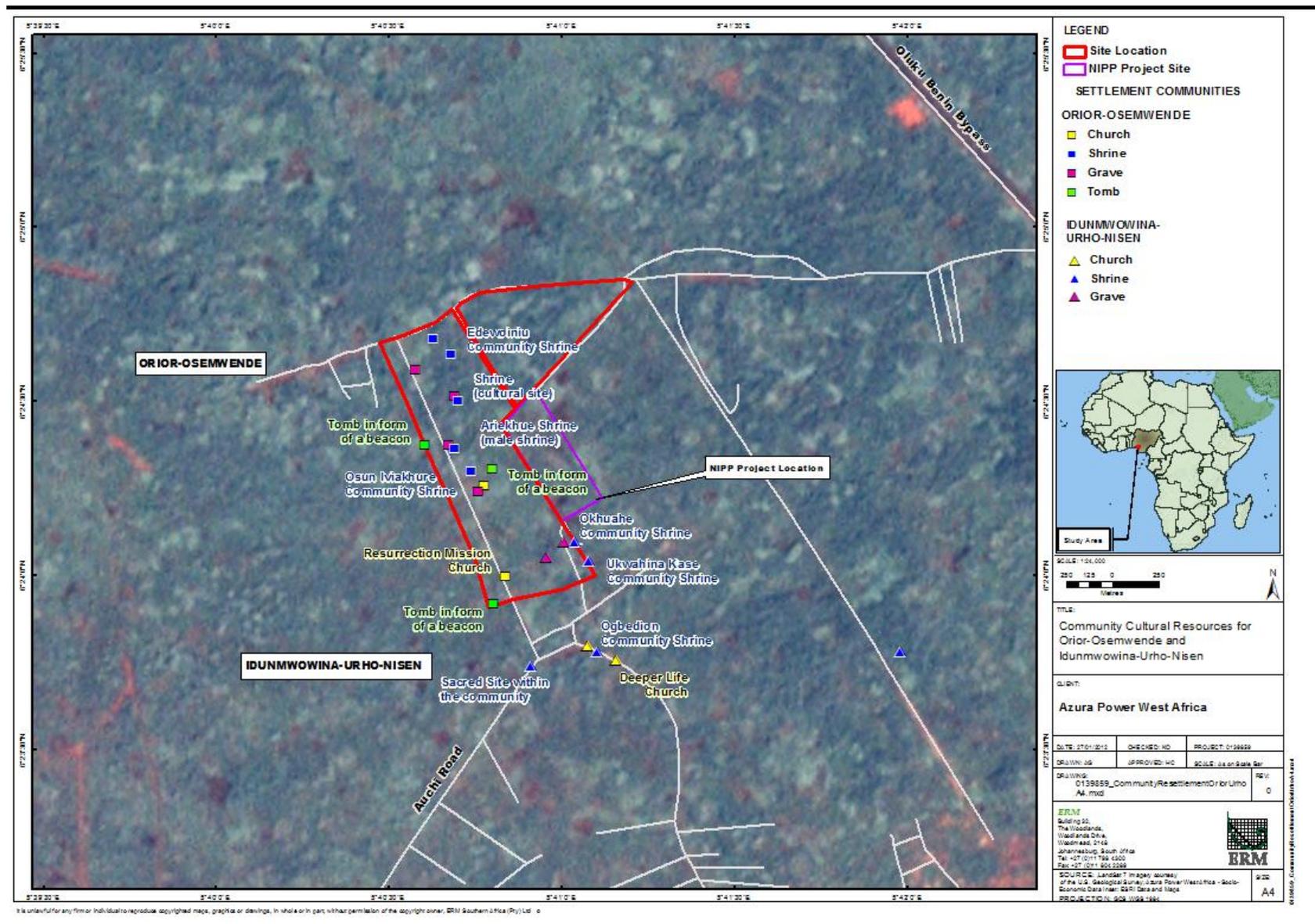
communities as a whole. In the project area, these tend to be those found in the centre of the communities or close-by.

In addition to the cultural sites mentioned in the text above, there are a number of other sacred/religious sites that are found on the plot to be acquired. *Table 4.6* lists these sites, while *Figure 4.7* is a map indicating where these sites are located on the Project Plot.

Table 4.6 *Cultural Sites Found within the Project Area*

Community	Type	Name	Details
Idunmwowina	Community shrine	Isapana	Further data to be collected
	Community shrine	Ogbedion	Further data to be collected
	Community shrine	Okhuahe	Under the care of Chief Jolly Omorogbe, Chief Priest of Idunmwowina community.
	Community shrine	Ukwahina Kase	Under the care of Chief Jolly Omorogbe, Chief Priest of Idunmwowina community. Community relies on shrine for worship and cleansing of the land from bad spirits.
	Sacred site	-	Further data to be collected
	Church	Deeper Life Church	Further data to be collected
Orior	Shrine (cultural site)	-	Under the care of Florence N. Omoregbe. Located on Ohenzuwa Road.
	Community shrine	Ariekhue	Male shrine under the care of Iyewui Stephen. Located on Ohenzuwa Road.
	Community shrine	Osun Iviakhure	Under the care of Chief Kennedy Aiworo, a senior priest in the Orior Community. Shrine is used for celebrations at New Yam Festivals and New Year. The community believe it provides a source of protection and connection with their ancestors.
	Community shrine	Edewoiniu	Under the care of Chief Osayende Iduriase, a senior priest. Community relies on shrine for worship of traditional gods.
	Tomb	-	Located on Ohenzuwa Road.
	Church	Misson church	Under the care of Pastor Gideon Ekuwogbe.
	Church	-	Under the care of Pastor Ikponmwosa Orhue.
Government approved traditional medical centre	-	Located on Ohenzuwa Road.	

Figure 4.17 Map showing the locations of cultural sites on the project land



The families and priests consulted cautioned against disturbing these sacred sites unnecessarily. However they recognised that in some cases these sites were on the land required for the Project. Stakeholders said it was possible to move the sacred sites, but stressed that this must be carried out in close consultation with local religious leaders, and should involve appropriate compensation to pay for the appropriate ceremonies required.

Benin Moats

The project site is also located close to the Benin Moats or earthworks. These are amongst the largest ancient earthworks in the world and are scattered across the state. These earthworks are a complex linear system of 16,000 km of moats and ramparts (some up to 18 metres high) spread over some 6,500 square kilometres. The Benin City Walls consist of a set of inner and outer interlocking rings originally built to delineate the royal precinct of the Oba, or king, from the surrounding area. Following their construction, numerous other walls were erected in the surrounding countryside (including those around Orior-Osemwende and Idunmwowina-Urho-Nisen) to mark the agricultural boundaries around distinct settlements. These earthworks attest the development of urbanization and rise of state societies in sub-Saharan Africa, a process that began in the seventh century A.D. and culminated in the founding of the Benin Kingdom of Bronze and Ivory in the fourteenth century.

Figure 4.18 *Picture of a typical moat in the Benin area*



(Source: School of Conservation Sciences, Bournemouth University website)

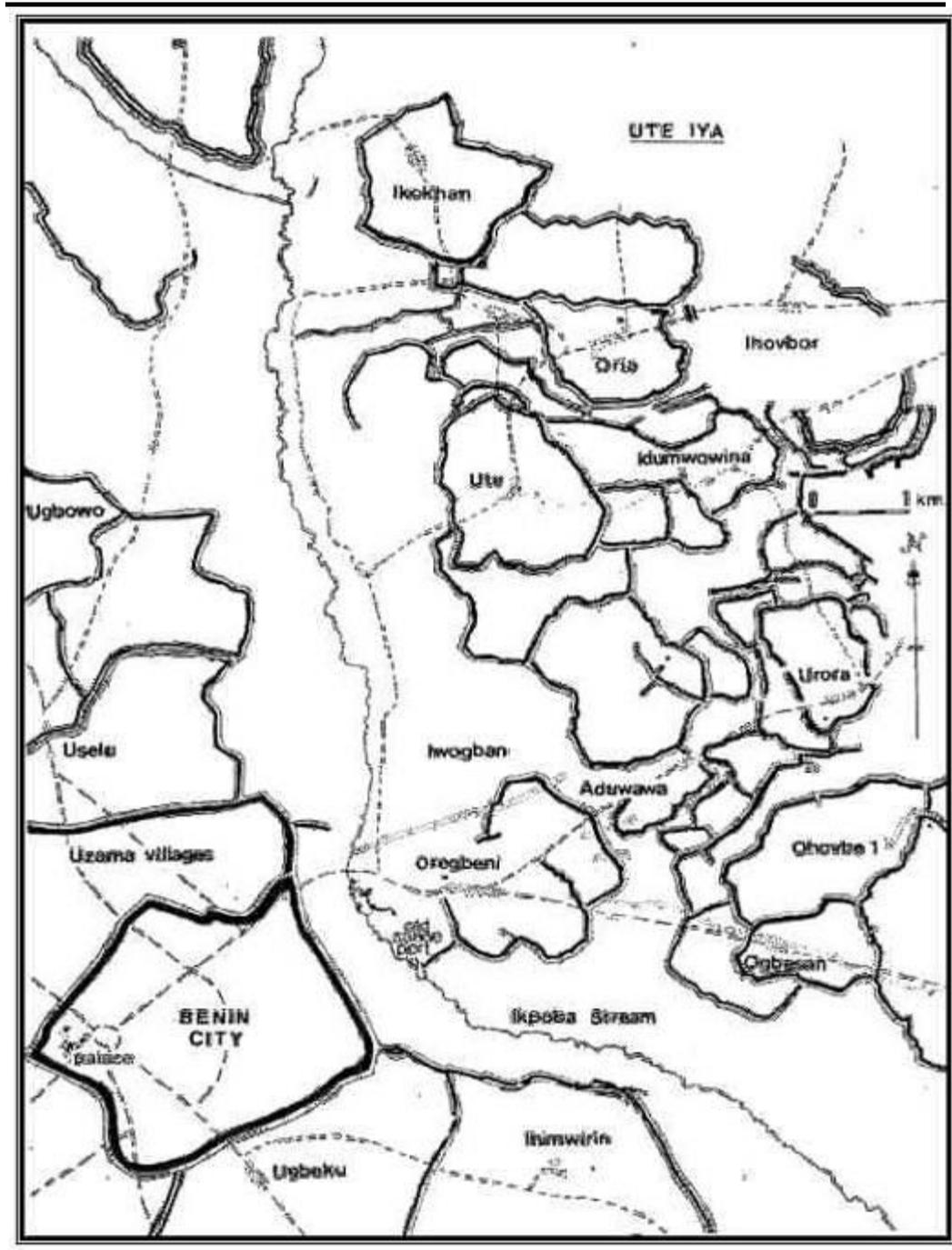
Since the walls and moats were constructed, portions of these have gradually vanished in the wake of modernization. Large segments have been cannibalized for the construction of other buildings, however, significant stretches of the walls and moats remain. Though the walls and moats have been protected by national legislation since 1961, no conservation plan exists

and it is recognised by the government that the earthworks need to be mapped and assessed, a public awareness campaign launched, and a plan for long-term management developed. The earthworks are of national and international significance and are listed on the UNESCO website as one of Nigeria's tentative World Heritage Sites. This means that Nigeria has nominated them as tentative sites but the country has not yet submitted a formal application to UNESCO for their consideration.

In the project area, the locations of the moats are well known to the local people. A map/diagram of the walls and moats around Benin Kingdom is attached ⁽¹⁾.

(1) Unpublished work of the Foundation for the Protection of the Benin Heritage and Relics.

Figure 4.19 Map showing the Benin Kingdom Earthworks.



(http://whc.unesco.org/en/tentative_list/488)

Figure 4.19 shows the three project affected communities located to the north-east of Benin City and the system of moats traversing each one.

4.7 **EDUCATION**

4.7.1 **Facilities**

Idunmwowina-Urho-Nisen has a nursery school while Orior-Osemwende has a primary school. Thus children from these communities have to travel to Benin to go to secondary school.

4.7.2 **Education Levels**

Literacy levels in the Plot are much lower than the state average, possibly because there is very little in the way of educational infrastructure in the area. 61 percent of those over the age of 19 have completed secondary school (including 14 percent with college or university degrees), while approximately 31 percent of those over the age of 19 have only primary education or less.

Professional or technical training levels in the region are also low. Among applicable survey respondents (aged 19+), only 28 percent reported having received some kind of professional training, compared with 72 percent who had not. Stakeholders in the Plot explained that this is due in part to the lack of training opportunities available in the area, along with a lack of work opportunities where professional training could be applied.

4.8 **HEALTH**

4.8.1 **Health Status**

Among the affected communities, the general health status in the area is perceived to be typical of that in Edo State, which in turn is similar to the rest of Nigeria. Within the Plot, 15 percent of residents had been ill in the previous month and, of these, the most common ailments mentioned included malaria, typhoid fever, heart disease / hypertension and injury / accident. Other illnesses frequently mentioned included rheumatism, arthritis, fever and cough. In addition, ailments such as skin conditions, diarrhoea, pneumonia and respiratory tract infections are commonly experienced. While during FGDs, participants indicated that there was no incidence of HIV and AIDS in the locality, it is recognised that this may be inaccurate due to the social stigma associated with HIV / AIDS.

Table 4.7 lists the common diseases in the Plot and their common causes.

Table 4. Common Diseases in the Plot

Diseases	Predisposing Factors
Malaria	<ul style="list-style-type: none"> • Refuse dumped in bushes and road sides provide breeding sites for mosquitoes. • Surrounding bushes provide breeding sites for mosquitoes. • Stagnant water provides breeding sites for mosquitoes.
Typhoid	<ul style="list-style-type: none"> • Faecal contamination of source of drinking water. • Poor sanitary conditions that contribute to faecal contamination.
Skin conditions	<ul style="list-style-type: none"> • Poor sanitation and personal hygiene practices that contribute to the spread of infection.
Diarrhoea	<ul style="list-style-type: none"> • Poor sanitary conditions and personal hygiene practices that contribute to contamination.
Pneumonia	<ul style="list-style-type: none"> • Poor sanitation and personal hygiene practices that contribute to the spread of infection. • Inadequate clothing and poor housing that contribute to incubation.
Respiratory track infection	<ul style="list-style-type: none"> • Over crowding and poor sanitation. • Indoor air pollution.
Physical deformities (polio)	<ul style="list-style-type: none"> • Absence of immunisation.

4.8.2 *Facilities*

None of the communities in the study area have good primary health centres. It was found, for example, that there is a primary health centre in Orior-Osemwende community with two nurses but no doctor. In addition, the centre is not well equipped. For serious illnesses, people have to travel to the hospitals in Benin City for treatment. Among survey respondents in the Plot, 76 percent felt that medical services in the region are unsatisfactory.

Among survey respondents in the Plot, over 18 percent reported that they generally do not consult a health care provider when ill or injured. 11 percent of residents will usually consult a private hospital, and do so because of accessibility and effectiveness. Only three percent of respondents refer regularly to the public hospital. Just less than one percent of residents reported consulting traditional healers on a regular basis – those who did also cited accessibility and effectiveness as factors in that decision. In consultations with local residents, many also reported that they go to informal medicine shops, run by people who have no formal medical training.

5. RESETTLEMENT IMPACTS

5.1 INTRODUCTION

A crucial aspect of the resettlement planning process is to obtain a detailed understanding of the likely impacts that the Project will have on those that will be subject to physical and / or economic displacement as a consequence of it. Knowledge of likely displacement impacts enables appropriately targeted compensation and livelihood restoration plans to be formulated, which in turn ensure that affected people are provided with the best possible means through which to re-establish their homes, lives and means of existence in the post-relocation context.

This section draws upon: (i) the affected community baseline outlined in *Section 4*; (ii) additional information gathered through the socio-economic fieldwork, engagement and consultation process to date (see *Annex A*); and (iii) the affected asset valuation work conducted in order to inform the entitlement requirements of each eligible group (see *Section 7*). This material is used to identify and describe the key displacement impacts that the affected people will likely experience, the predicted scale of these impacts, and the sorts of measures that World Bank OP 4.12 and IFC PS 5 would expect the Project to put into place in order to mitigate these impacts and ensure that the resettlement process is transformed into a mechanism for social development. More specifically, this section includes the following:

- An overview of the Project's key displacement impacts and the relative magnitude of these impacts.
- A more detailed elaboration of each of these displacement impacts, together with an indication, in each case, of the general form that appropriate compensation / mitigation / livelihood restoration measures should take, in order to ensure Project adherence to the requirements of international best practice.

5.2 OVERVIEW OF KEY DISPLACEMENT IMPACTS

As discussed in previous sections, a proportion of both Orior-Osemwende and Idunmwowina-Urho-Nisen are set to experience displacement impacts as a product of the Project's land acquisition process. *Table 5.1* provides a brief overview of the displacement impacts that these two communities are expected to face, and the predicted scale of these impacts.

Table 5.1 Key Displacement Impacts and Associated Magnitude

Key Displacement Impacts		Displaced Community	
		Orior-Osemwende	Idunmwowina-Urho-Nisen
Loss of residential housing	Physical displacement	34 households	12 households
Loss of agricultural land	Economic displacement	322 individuals	68 individuals
Loss of crops / trees		332 individuals	71 individuals
Loss of business structures		1 business structure (1 pure water factory)	12 business structures (7 livestock farms, 1 chemist shop, 2 lock up shops, 1 welder workshop).
Owners of other (non-habitable) physical assets: non-occupier of land.		350	114
Hired employees		To be determined	To be determined
Loss of community resources / assets		7 community assets (3 community shrines / sacred sites / tombs, 2 church buildings, 1 community health centre, 1 Government approved traditional medical centre)	6 community assets (1 community borehole, 4 community shrines / sacred sites / tombs , 1 church building)
Key host community impacts		<ul style="list-style-type: none"> There may be increased tensions due to greater pressure on infrastructure and land 	

In the following sections, each of these key displacement impacts are examined in more detailed and an indication is given of the sorts of compensation, mitigation and livelihood restoration measures that the Project will be required to provide for each type of displacement impact identified.

5.3 KEY DISPLACEMENT IMPACTS: DETAIL

5.3.1 Loss of Residential Housing

As Table 5.1 makes clear, there are 46 houses situated on the Plot (34 in Orior-Osemwende and 12 in Idunmwowina-Urho-Nisen) and these will require

physical relocation. Most of these houses are made from mud or brick, with corrugated iron or zinc roofing and they largely constitute the primary dwellings of those that occupy them. The loss of these houses is thus likely to cause a significant impact, including: (i) a practical upheaval related to the need to pack up house contents and move to a new location; and (ii) an emotional upheaval associated with the loss of a “sense of place”, and all the feelings of security and familiarity that go with feeling “at home” in a particular physical context.

International Best Practice: Appropriate Project Interventions

According to OP 4.12 and PS 5, it is fundamental that those experiencing physical displacement are given the capacity to re-establish their homes in a new location. Decades of research has shown that resettlement operations frequently result in the impoverishment of affected people, and that “homelessness” tends to be a common facet of such impoverishment. However, research has also shown that “homelessness” is not the inevitable consequence of resettlement. Accordingly, OP 4.12 and PS 5 require that projects actively support those experiencing physical displacement in a way that enables standards of living to be restored in the post-relocation context. Furthermore, OP 4.12 and PS 5 require that the opportunity is given for affected people to improve their living conditions, such that the resettlement process ultimately contributes to the long-term development objectives of the affected people themselves.

To achieve this end, OP 4.12 and PS 5 recommend that an in-kind replacement (ie a house) that equates to the full replacement value (see *Section 7*) of the house being lost is provided to each household experiencing physical displacement, and that such replacement houses are designed, constructed and located with significant input from the affected people who will ultimately live in them, as well as architects, local NGOs etc.

In addition, OP 4.12 and PS 5 emphasise that security of tenure must be provided to all those experiencing physical displacement. Security of tenure means that displaced people are relocated to a site that they can legally occupy and from which they are protected from the risk of eviction. Finally, in order to alleviate the emotional disturbance that physical relocation may cause, OP 4.12 and PS 5 recommend that communities are relocated together, in order to retain, as far as possible, social cohesion, and established community networks.

In practice, however, the full application of the recommendation to provide in-kind replacements is not possible in the peri-urban environment in which the Azura-Edo IPP is located. Throughout the consultation exercises conducted with the local community, those owning homes on the Project Site made it clear that they would strongly resist any attempt to provide the bulk of the compensation via *in-kind* rather than *cash* compensation. More specifically, they emphasised that they wished to retain the freedom to build replacement homes in disparate locations of their own choosing.

Faced with this community sentiment, the Project will ensure that the owners of the 46 completed and inhabited homes on the Project Land (as at the cut-off date of 29 August 2011) are provided with all of the following:

- a cash sum equivalent to the full replacement value of the *properties* being lost;
- the full replacement value of the *land* on which the properties are situated;
- the right to spend (should they so wish) this latter sum in acquiring land on site(s) within Orior and Idunmwowina Communities; said right to be secured via a Memorandum of Understanding (MoU) with the leadership of one or both Communities;
- the provision (free of charge) of the foundations for the replacement houses should the eligible householders choose to build their replacement properties on the acquisition site(s) referred to above;
- an additional financial bonus to eligible householders who subsequently succeed in constructing replacement houses on the afore described foundations.

Moreover, for any eligible householder who so desires, the Project will also provide him/her with the option to request the Project to retain the bulk of the cash compensation and spend the sum on the householder's behalf (in building the full replacement house on top of the foundations).

5.3.2 *Loss of Agricultural Land*

As *Table 5.1* also outlines, 390 individuals will lose agricultural plots as a result of the Project's land acquisition process; that is, an agricultural land area of approximately 380,188 square metres (66,886 square metres in Idunmwowina-Urho-Nisen and 313,302 square metres in Orior-Osemwende). 18 percent of this land is held by those that reside in Idunmwowina-Urho-Nisen, while 82 percent is held by those that reside in Orior-Osemwende. The affected agricultural land is largely arable, and is used to cultivate a range of crops for both subsistence use and sale. Arable agriculture is the dominant source of livelihood in the area, accounting for 54 percent of the total income of those experiencing displacement. In addition, for 16 percent of affected households, it is their main source of income.

International Best Practice: Appropriate Project Interventions

According to international best practice, one of the major challenges associated with rural resettlement is restoring livelihoods based on land. Achieving this is however a key requirement of OP 4.12 and PS 5. Fundamental to fulfilling this requirement is to provide appropriate replacement land to those losing their land-based livelihood, again underpinned by the principle of full replacement value. It should be ensured

that such replacement land is identified in consultation with affected people, and that productive potential, locational advantages, etc, are properly considered in this process. In addition, according to international best practice, some other key ways in which projects can ensure that land-based livelihoods are at least restored and at best improved beyond pre-Project levels include: (i) the provision of assistance in the physical preparation of farm land (eg clearing, soil stabilisation etc); (ii) the provision of fencing for pasture or cropland; (iii) the provision of agricultural inputs (eg fertiliser, irrigation etc); and (iv) the provision of small-scale credit.

However, in line with the sentiments expressed by householders (discussed in Section 5.3.1 above), occupiers of agricultural land made it very clear to the Project's developers that they will strongly resist any attempt to provide the bulk of the compensation via *in-kind* rather than *cash* compensation. As with householders on the Project Site they wish to retain the option to acquire replacement land in disparate locations of their own choosing.

Faced with this community sentiment, the Project will ensure that agricultural land occupiers are paid a cash sum that is sufficient to allow them to acquire a replacement plot of agricultural land that has a combination of productive potential, locational advantages and other factors at least equivalent to the agricultural land being lost. This sum will also cover the soil preparation costs to ensure that the replacement land is ready for cultivation. In addition, the Project will sign an MoU with the leadership of the Orior and Idunmwowina Communities, under the terms of which those affected by the loss of agricultural land will be secured the right to acquire land at a rate that is less than the compensation (for loss of land) than is paid to them by the Project.

Moreover, for those who choose to acquire land under the terms of this MoU, access to at least equivalent water sources, fodder sources etc will also be provided and the Project will support the land owner to clear and prepare the land for planting. As described in the following chapter, relocation assistance (or an allowance therefor) and a disturbance allowance will also be provided to eligible land occupiers.

5.3.3 *Loss of Crops / Trees*

In addition to the agricultural land itself, standing crops and trees situated on that land will also be lost as a product of the Project's land acquisition process. Indeed, there were 403 claims made for crop / tree losses on the Plot, suggesting that the impact of this loss will be significant. Such losses are to be experienced not only by those holding customary occupancy rights to agricultural land on the Plot, but also sharecroppers working on the fields of those customary occupancy rights holders.

International Best Practice: Appropriate Project Interventions

According to international best practice, providing sufficient compensation for land improvements, including standing crops and trees, is key to ensuring

that resettlement operations take place with the least possible disturbance to those experiencing it. The principle of full replacement should underlie provisions for loss of crops and trees, and in-kind replacements such as seeds and seedlings should be provided, rather than merely cash. OP 4.12 and PS 5 also require that a transition allowance is provided to cover the crop and tree related income losses that will be incurred over the period of time that it takes for equivalent crops / trees to be re-cultivated to a comparable volume of harvest in the post-relocation setting.

5.3.4 *Loss of Non-Agricultural Income/Livelihood Sources*

Arable agriculture is not the sole livelihood source on the Plot. Indeed, business activities and petty trading activities are common and provide income for 52 percent of affected households. 13 business structures will need to be moved as a product of the Project's land acquisition process, with resultant practical upheaval-related impacts for business owners and possible losses in wages for hired employees during the period in which the physical move takes place. *Table 5.2* provides further detail of the business structures that will need to be moved.

Table 5.2 *Affected Business Structures*

Business Structure	Name of community	Details
1 pure water plant	Orior-Osemwende	Life Dew Water Factory owned by Antipat Global Resources.
7 livestock farms	Idunmwowina-Urho-Nisen	Piggery farm owned by Maria Okundaye. It has 1 pen, 14 rooms and over 100 pigs. Piggery farm owned by Monday Enearu. It has 2 pens of 16 rooms each. It has over 100 pigs. Piggery farm owned by Oseghale Isaac. It has 1 pen, 12 rooms and approximately 42 pigs. Piggery Farm owned by Akindayo Oqundipe. It has 1 pen, 4 rooms and approximately 22 pigs. Piggery Farm with two pens owned by Rita Irele-Ifijeh (Biri Farm Services). It has approximately 500 pigs. Poultry farm owned by Rita Irele-Ifijeh (Biri Farm Services). It has approximately 10,000 layers of poultry. Poultry farm with approximately 6,000 layers of poultry. It has approximately 6,000 layers of poultry.
1 chemist shop	Idunmwowina-Urho-Nisen	Provides pharmacy services for the community.
2 lock up shops	Idunmwowina-Urho-Nisen	Both lock-up shops have five stores.
1 welder workshop	Idunmwowina-Urho-Nisen	Provides services both inside and outside the community.

Conversely, other livelihood sources evident in the Plot, such as carpentry, brick laying and welding, which provide income for 26 percent of affected

households, may be supplemented as a result of the Project. While the structures in which some of these activities take place will need to be moved, the Project will itself enhance demand for such skills, with potential positive implications for those possessing them.

International Best Practice: Appropriate Project Interventions

OP 4.12 and PS 5 are clear that all livelihood losses should be fully addressed, and that attention should be given to ensuring that sources of livelihood are either replaced in the post-relocation context, or that sustainable alternative sources of livelihood are provided to ensure that income levels are at least sustained and at best improved beyond pre-project levels. Replacement business structures should be provided where appropriate, and the principle of full replacement value should underlie this provision. In addition, wages lost in the transition period should be compensated for in full, while alternative sources of income should be identified and adequate attention given to ensure that affected people have the capacity to tap such income sources in a sustainable manner. More specifically, international best practice suggests that affected wage earners may benefit from skills training and job placement, provisions made in contracts with project sub-contractors for employment of qualified local workers and small-scale credit to finance start-up enterprises. In addition, already established entrepreneurs may benefit from credit, or training to expand their businesses in the post-relocation context. Projects are also encouraged to promote local enterprise by procuring goods and services for their projects from local suppliers in affected communities.

5.3.5 *Loss of Community Resources / Assets*

The Project's land acquisition will result in the loss of a number of community assets. *Table 5.3* provides further detail of the affected community resources / assets that will be affected. These community assets play an important role in the community and their loss will be felt.

Table 5.3 *Affected Community Resources / Assets*

Community Resources / Assets	Name of Community	Details
7 community shrines / sacred sites / tombs	Idunmwowina-	Isapana community shrine.
	Urho-Nisen	
	Idunmwowina-	Ogbedion community shrine.
	Urho-Nisen	
	Idunmwowina-	Community shrine located in Okhuahe. It is
	Urho-Nisen	under the care of Jolly Omorogbe.
	Idunmwowina-	Sacred site.
	Urho-Nisen	
	Orior-	Shrine (cultural site) under the care of Florence
	Osemwende	N. Omoregbe. Located on Ohenzuwa Road.
Orior-	Ariekhue shire (male shrine) under the care of	
Osemwende	Iyewui Stephen. Located on Ohenzuwa Road.	
Orior-	Beacon in the form of a tomb. Located on	
Osemwende	Ohenzuwa Road.	

Community Resources/ Assets	Name of Community	Details
3 church buildings	Idunmwowina- Urho-Nisen	Deeper Life Church.
	Orior- Osemwende	Church under the care of Pastor Gideon Ekuwogbe.
	Orior- Osemwende	Church under the care of Pastor Ikponmwosa Orhue.
1 community health centre	Orior- Osemwende	Located on Ohenzuwa Road.
1 Government approved traditional medical centre	Orior- Osemwende	Located on Ohenzuwa Road.
1 community borehole	Idunmwowina- Urho-Nisen	Provides water to the community.

International Best Practice: Appropriate Project Interventions

In-kind replacements should, according to international best practice, be prioritised in situations where community resources / assets are lost. It is fundamental that all those previously reliant on the community resource / asset have comparable access to an equivalent resource / asset in the post-relocation context, and that this equivalent resource / asset is equally if not more productive. It is also particularly important that an inclusive consultation process is undertaken to understand emotional / cultural dependence on community resources / assets, as these forms of dependence are often difficult to ascertain from quantitative research methods alone.

5.3.6

Host Community Impacts

One of the two proposed resettlement sites is unoccupied, while the other is occupied by members of the Orior-Osemwende community who are not being subject to Project-induced displacement. Discussions with members of this potential host community revealed that they were not expecting many negative impacts as a result of the arrival of the displaced people. However they did intimate that: (a) additional infrastructure would be required to accommodate the displaced people; and that: (b) there may be increased pressure on land.

International Best Practice: Appropriate Project Interventions

According to international best practice, projects should not just attend to the needs of displaced communities; rather, host communities should also be actively engaged in the resettlement process. Projects are required to ensure that the concerns of host communities are meaningfully addressed, and that host communities have the opportunity to share in resettlement benefits and gain access to associated resettlement-related development and livelihood improvement schemes.

This section has sought to outline some of the key displacement impacts that the Project's land acquisition process looks set to induce. It has also sought to provide an overview of international best practice guidance on how such displacement impacts should be addressed. The specifics of how this international best practice guidance is being applied in the particular Project context in order to: (i) compensate for / mitigate the Project's adverse displacement impacts; and (ii) transform the Project's resettlement process into a development initiative, are provided in *Sections 7 and 8*.

6. *RESETTLEMENT SITES*

6.1 *INTRODUCTION*

This section describes the process used for the identification and selection of possible resettlement sites for the communities pending economic and / or physical displacement from the Project Plot. More specifically, this section includes the following:

- A brief description of the consultation process that has thus far been conducted in order to seek affected communities' perspectives on where they should relocate to.
- A detailed analysis of the two resettlement sites that were identified through the community consultation process.
- A brief synopsis of views on the two resettlement sites, from the perspective of both the displaced and the host communities.
- A description of how each resettlement site will facilitate the requirements of OP 4.12 and PS 5.
- An overarching summary evaluation of each resettlement site.
- An update on the present status of the resettlement site selection process.

6.2 *CONSULTATION PROCESS*

In line with international best practice, a participatory approach was used to identify resettlement sites for the affected communities (see *Figure 6.1*). This method actively incorporates affected groups into the decision-making process and ensures that their preferences are taken into account. Active consultation with affected people increases the likelihood that the resettlement site/s ultimately chosen will be acceptable to all, and will provide a sustainable context within which to ensure that living conditions and livelihoods are at least restored to, and preferably improved beyond, pre-Project levels.

Figure 6.1 *The Participatory Resettlement Site Selection Process*



Consultation about possible resettlement sites took place as part of initial Project stakeholder engagement activities, as well as during the more detailed socio-economic fieldwork that followed. Both the communities pending physical and / or economic displacement were consulted, as was the host community that neighbours Resettlement Site 1 (See *Sections 6.4* and *6.5*). Further details on the specificities of this consultation process are provided in the Stakeholder Engagement Plan (see *Annex A*).

6.3 *TWO POTENTIAL RESETTLEMENT SITES*

Based on the consultations conducted, two potential resettlement sites were selected for further consideration and more detailed analysis:

- **Resettlement Site 1:** Situated to the west of Orior-Osemwende, close to the Orior-Osemwende primary school (see *Figure 6.2* and *Figure 6.3*).
- **Resettlement Site 2:** Situated to the north of Orior-Osemwende, close to Oluku on the Benin – Lagos highway (see *Figure 6.2* and *Figure 6.4*).

Figure 6.2 Location of Resettlement Sites 1 and 2

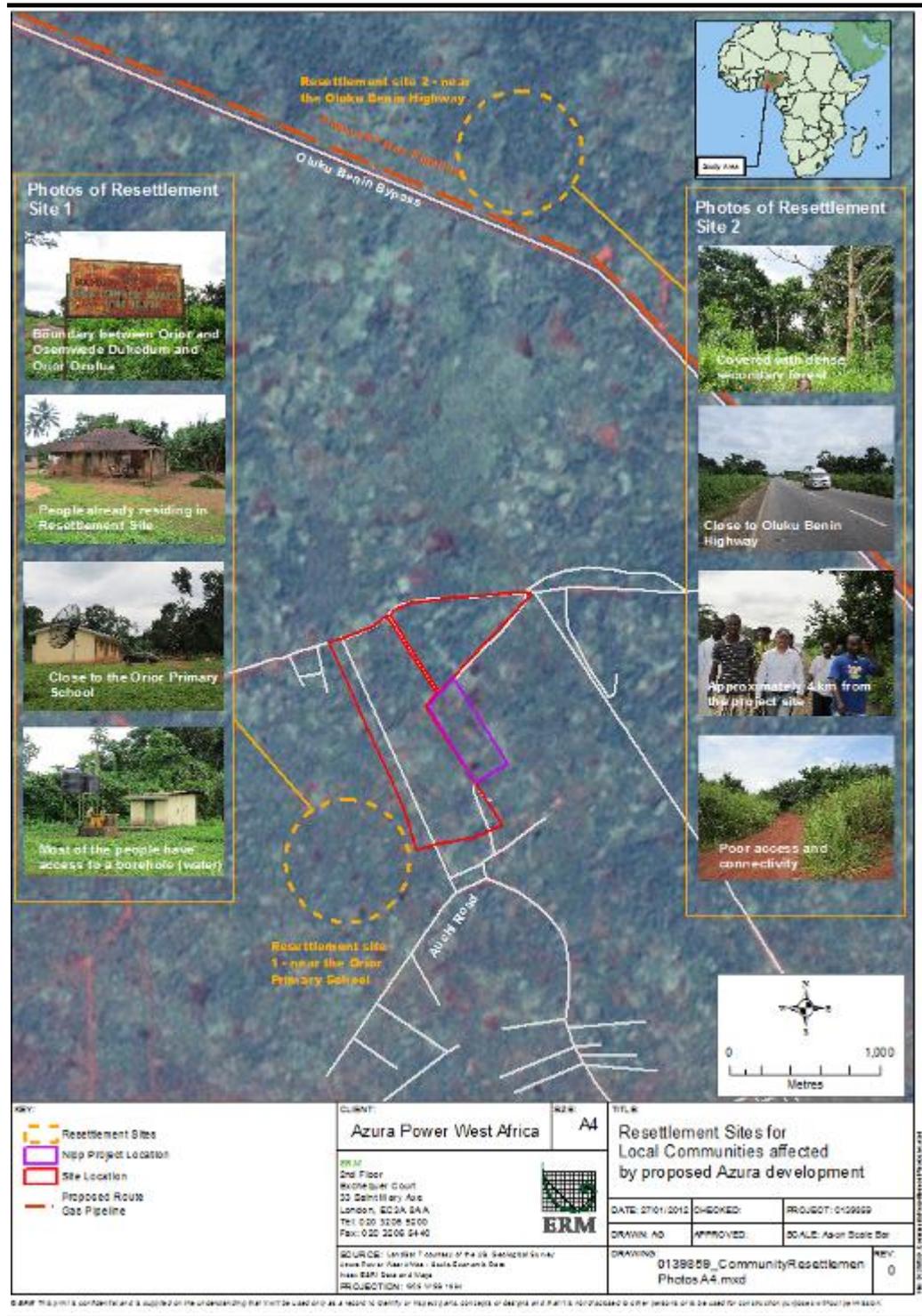


Figure 6.3 Resettlement Site 1



Figure 6.4 Resettlement Site 2



6.3.1 Resettlement Sites: Detailed Analysis

Table 6.1 presents the results of the analysis of Resettlement Site 1.

Table 6.1 Resettlement Site 1: Detailed Analysis

Name	Resettlement Site
Location of the resettlement site	<ul style="list-style-type: none"> This resettlement site is situated to the west of Orior-Osemwende, close to the Orior-Osemwende primary school. There are no issues of conflicting land ownership but it may be that the site cannot provide sufficient agricultural land for the displaced community, and rather will only be able to accommodate those experiencing physical displacement.
Distance from the main activity centres	<ul style="list-style-type: none"> The centre of Benin City is 10 km away.
Geographical description	<ul style="list-style-type: none"> To the west: the area mainly comprises of secondary forest. To the north: heading toward Resettlement Site 2. To the east: Orior-Osemwende. To the south: Idunmwowina-Urho-Nisen.
Land details	<ul style="list-style-type: none"> There are some farms, houses and agricultural land.
Land terrain and suitability for living	<ul style="list-style-type: none"> The land is flat and suitable for the extension of the settlement.
Present land use	<ul style="list-style-type: none"> 80% area is having some cultivation.
Current status	<ul style="list-style-type: none"> Some existing households have land allotted in that area.
Infrastructure / Access to Services:	
Connectivity to main town or urban centre	<ul style="list-style-type: none"> The site is a further 4km from the by pass connecting the area to Benin City than Resettlement Site 2.
Drinking water	<ul style="list-style-type: none"> There is some local access to boreholes. There are two existing drinking water schemes which serve the nearby community. An additional water scheme will require construction to meet the needs of the displaced community.
Health centre	<ul style="list-style-type: none"> There is a primary health centre nearby.
Primary education	<ul style="list-style-type: none"> There is one government-owned primary school in the area.
Secondary education	<ul style="list-style-type: none"> There is no secondary school in the area.
Electricity	<ul style="list-style-type: none"> There is no existing access to electricity; however a power line is in the process of being laid. The host community is bearing the cost of this development.
Sanitation	<ul style="list-style-type: none"> 90 percent of households have individual toilets, but open defecation practices also take place.

Name	Resettlement Site
Market	<ul style="list-style-type: none"> There is a local market in the area, as well as some small shops.
Transportation facility	<ul style="list-style-type: none"> There is limited access to public transport in the area. The majority of the roads are un-surfaced and the Benin – Lagos highway is further from this site than Resettlement Site 2.
Religious places	<ul style="list-style-type: none"> There are some traditional shrines and churches but no mosque.
Solid waste disposal site	<ul style="list-style-type: none"> There is no major solid waste disposal site in the area. Individual households manage their own solid waste.
Service delivery centres	<ul style="list-style-type: none"> The major service delivery centre is Eyaen which is 3 km away.
Proximity to Government institutions	<ul style="list-style-type: none"> The Uhumwonde LGA headquarters is in Ehor town. This headquarters is 20 km from the site.
Employment related/ business enterprises	<ul style="list-style-type: none"> People mostly find jobs and employment opportunities in Benin City.
Recreational facilities	<ul style="list-style-type: none"> None.
Key Challenges at Site:	<ul style="list-style-type: none"> The amount of land available may not be sufficient to provide replacement agricultural land to all the affected households.
Additional Remarks:	<ul style="list-style-type: none"> Some people displayed a preference to move here as it is closer to their existing homes than Resettlement Site 2. The site preparation time and cost would be significantly lower than it would be for Resettlement Site 2, since the area is already inhabited and already has some infrastructure.

Table 6.2 presents the results of the analysis of Resettlement Site 2.

Table 6.2 *Resettlement Site 2: Detailed Analysis*

Name	Resettlement Site
Location of the resettlement site	<ul style="list-style-type: none"> This resettlement site is situated to the north of Orior-Osemwende, close to Oluku, on the Benin – Lagos highway. There are no issues of non availability of land or issues of conflicting land ownership.
Distance from the main activity centres	<ul style="list-style-type: none"> The centre of Benin City is 14 km away.
Geographical description	<ul style="list-style-type: none"> To the west: the area mainly comprises secondary forest. To the north: Oluku, on the Benin - Lagos highway.

Name	Resettlement Site
	<ul style="list-style-type: none"> To the east: a market place. To the south: heading toward Resettlement Site 1.
Land details	<ul style="list-style-type: none"> The site is densely covered with forest.
Land terrain and suitability for living	<ul style="list-style-type: none"> The land is flat and suitable for the development of a settlement.
Present land use	<ul style="list-style-type: none"> Dense secondary forest with limited cultivation.
Current status	<ul style="list-style-type: none"> Only a few scattered forest households residing in the area.
Infrastructure / Access to Services: Connectivity to main town or urban centre	<ul style="list-style-type: none"> The site is next to a bypass that connects it to Benin City.
Drinking water	<ul style="list-style-type: none"> The few households currently residing in the area have limited access to water.
Health centre	<ul style="list-style-type: none"> There is no health centre in the area.
Primary education	<ul style="list-style-type: none"> There is no primary school in the area.
Secondary education	<ul style="list-style-type: none"> There is no secondary school in the area.
Electricity	<ul style="list-style-type: none"> There is no access to electricity in the area.
Sanitation	<ul style="list-style-type: none"> There is no access to a sanitation system in the area.
Market	<ul style="list-style-type: none"> There is no market in the area, but there is one to the east of the project site.
Transportation facility	<ul style="list-style-type: none"> There is no access to public transport in the area. While the majority of the roads are un-surfaced, the Benin – Lagos highway is right next it.
Solid waste disposal site	<ul style="list-style-type: none"> There is no major solid waste disposal site in the area.
Service delivery centres	<ul style="list-style-type: none"> The major service delivery centre is in Ute (small town) which is 2 km away.
Proximity to Government institutions	<ul style="list-style-type: none"> The Uhumwonde LGA headquarters is in Ehor town. This is 25 km from the site.
Recreational facilities	<ul style="list-style-type: none"> There are no recreational facilities in the area.
Key Challenges at Site:	<ul style="list-style-type: none"> The site has no access road and is not clearly demarcated. The site is 4 km from Orior-Osemwende Community centre. The site is covered with dense secondary forest. There is no social and community infrastructure on the site.
Additional Remarks:	<ul style="list-style-type: none"> This site presents various logistical constraints given its lack of infrastructure and in light of the dense forest that covers it.

Name	Resettlement Site
	<ul style="list-style-type: none"> The site preparation time and cost for this site would be significantly higher than that for Resettlement Site 1.

In the following sections, the perspectives of the displaced community and the host community are summarised.

6.4

PERSPECTIVES OF THE DISPLACED COMMUNITY

Some of the key issues raised during stakeholder consultation with the community facing physical and / or economic displacement are as follows:

- The principal consideration that conditions that the preferences of the displaced community is how to improve current living conditions and accommodation standards.
- If the living conditions in Resettlement Site 2 were perceived to be good enough, this option might be acceptable to some. However, most members of the displaced community would prefer to stay close by and integrate with existing households in the host community of Resettlement Site 1.
- The host community of Resettlement Site 1 tend to have similar traditions and lifestyles to the displaced community and thus there should be no problems of integration.
- In order to sustain farming livelihoods, agricultural land may require development at both Resettlement Site 1 and 2.
- The priorities in terms of infrastructure development at both of the resettlement sites are roads and electricity.
- Members of the displaced community feel strongly that they should be allowed to make their own *individual* choices about the sites to which they relocate; and there is deep resistance to the suggestion that individuals should be “told” where they should acquire (or otherwise obtain) replacement land. For example, members of the community who might prefer to acquire land outside of the local community are insistent that they should not be “forced” to relocate to either Resettlement Site 1 or Resettlement 2 but should be paid the full replacement cost of their land and left free to acquire land in disparate locations of their own choosing.

6.5

PERSPECTIVES OF THE HOST COMMUNITY IN RESETTLEMENT SITE 1

Some of the key issues raised during stakeholder consultation with the host community already residing in Resettlement Site 1 are as follows:

- It is unlikely that there will be integration issues as those facing displacement are known to the host community.
- While the host community will not have any problem sharing their facilities with those facing displacement, additional infrastructure will also be required.
- Members of the host community stressed that “there is no *free* land in Nigeria” and that individual members of the displaced community will need to *acquire* land in the host community - using their compensation monies (for loss of land).
- There may not be sufficient land available for the displaced community at the host site and this may cause tensions.
- In case of any conflict, the Enogie will be required to address the problem and find a solution.

6.6 *INTERNATIONAL BEST PRACTICE REQUIREMENTS*

6.6.1 *Productive Resources, Employment and Business Opportunities*

In order to adhere to international best practice, the resettlement sites must ensure the restoration of livelihoods to a level at least equivalent to, if not better than, pre-Project levels. Resettlement sites must therefore ensure adequate access to productive resources (arable and grazing lands, water and woodlands), employment and business opportunities.

Land suitable for agricultural use is available in both resettlement sites. This land has the potential to be developed in a way that would ensure that its ultimate standard is equivalent to the standard of that being lost in terms of productive potential and locational advantage, while access to water and fodder sources would be ensured by the Project. Resettlement Site 1 is flatter and is to that extent preferable for agriculture; however there may not be sufficient land available in Resettlement Site 1 to accommodate all those requiring replacement agricultural land. The distance between resettlement site 1 and resettlement site 2 is approximately 3.5km. Irrespective of the site ultimately chosen, an intensive agricultural development programme will be implemented by the Project to enhance existing resources. This may include:

- (i) the provision of access to credit for farming inputs such as seeds etc; and
- (ii) the provision of training (perhaps through the employment of an Agricultural Extension Officer) to enhance farming skills and to encourage the use of innovative farming methods.

The recently developed NIPP power plant located approximately 1 km from Resettlement Site 1 and 4 km from Resettlement Site 2 may provide some

employment opportunities for displaced people in both resettlement sites. Project employment opportunities are also expected to become available from the Azura power plant once it is operational. Skills training will be provided by the Project that should help to facilitate employment by either Azura Power West Africa Ltd or NIPP. This training will be part of a wider vocational skills training programme provided by the Project, which is aimed at restoring or improving livelihoods through wage-based labour. Further detail regarding livelihood restoration activities is provided in Section 8.

6.6.2 *Housing and Infrastructure*

Neither resettlement site currently contains sufficient housing infrastructure to serve displaced households. Consequently, new houses will need to be built and infrastructure improved.

The Benin – Lagos highway provides Resettlement Site 2 with access to a good road network, while Resettlement Site 1 already has a primary school and a local market place. Additional infrastructure (eg piped water supply, lighting, drainage and waste management) and community assets (eg health centre, improved religious structures etc) will, however, need to be provided by the Project based on the priorities and preferences of the affected people. More detail regarding this is discussed in Section 8.

6.6.3 *Land Preparation*

Both resettlement sites currently lack land that is suitable for agriculture. Accordingly, the Project will be required to facilitate land preparation for those that wish to re-establish agricultural activities at either of the resettlement sites.

6.7 *COMPARATIVE EVALUATION OF RESETTLEMENT SITE OPTIONS*

Resettlement Site 1

Key Advantages:

- *Existing infrastructure and cleared area:* easier and cheaper to develop further.
- *Location:* close to where the displaced community is currently living and therefore easier to maintain community ties.

Key Disadvantages:

- *Size:* potentially not large enough to accommodate the agricultural land requirements of all those experiencing displacement.

Resettlement Site 2

Key Advantages:

- *Close proximity to the Benin - Lagos highway:* a preferable location for business development opportunities.
- *Large:* space available for developing housing, community infrastructure and fields.

Key Disadvantages:

- *Covered in dense secondary forest:* would require intensive clearing which has time, cost and environmental implications.
- *Location:* comparatively far from the displaced community's current location.

6.8

PRESENT STATUS

In accordance with the strong desires of affected households, individual households will have the choice of using their compensation funds to purchase new land for house construction or for agriculture on resettlement sites 1 or 2 or elsewhere. The choices of individual households will be better understood by the Project as individual agreements at the household level are finalised.

The Project will facilitate the purchase of land at resettlement sites 1 or 2 through the establishment of a MoU with the leadership of the Orior and Idunmwowina Communities, under the terms of which those affected by the loss of land will be secured the right to acquire land at a rate that is less than the compensation (for loss of land) that is paid to them by the Project.

7. ELIGIBILITY AND ENTITLEMENTS

7.1 INTRODUCTION

The Land Use Act of 1978 states that both statutory and customary rights of land occupancy can be revoked by the State “for overriding public interest” (section 28(1)). As discussed in more detail in *Section 3*, the Project is deemed to be in the public interest and thus existing rights of occupancy on the Project Plot have been revoked by the State. As a result, the Land Use Act states that “the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements” (section 29).

At the same time, OP 4.12 and PS 5 require that the Project: (i) compensates affected people for the loss of physical assets, revenue and income resulting from economic or physical displacement, regardless of whether these losses are temporary or permanent; and (ii) engages in livelihood restoration activities that ultimately improve or at least restore the livelihoods and standards of living of displaced persons. OP 4.12 and PS 5 also require that those populations considered vulnerable are provided with extra assistance to ensure that their vulnerability is not exacerbated. This section provides a description of the eligibility, entitlements, compensation and livelihood restoration framework that the Project is working within, in order to adhere to local legislative requirements, as well as those of OP 4.12 and PS 5. Specifically, this section includes the following:

- A description of the criteria that are being used to identify those who will be eligible for compensation and other resettlement assistance, and how these eligibility and entitlement criteria align with local legislation and the requirements of OP 4.12 and PS 5.
- An identification of the specific eligible group categories that are evident on the Plot.
- A description of the compensation requirements delineated by local legislation, OP 4.12 and PS 5 and how the Project is adhering to these requirements.
- A description of the livelihood restoration requirements delineated by OP 4.12 and PS 5 and how the Project will adhere to these requirements.
- An entitlements matrix that lays out the types of loss which will result from the displacement induced by the Project, and the entitlement, compensation and livelihood restoration measures that will be provided for each type of loss identified.

- An explanation of the methods of valuation that are being employed to ascertain the exact levels of compensation and other resettlement assistance necessitating provision.

7.2 *ELIGIBILITY AND ENTITLEMENT CRITERIA*

Eligibility for compensation as a result of the Project's land acquisition process is grounded in local legislation and the requirements of OP 4.12 and PS 5.

7.2.1 *Local Criteria*

Local legislation delineates two forms of land right: (i) statutory rights of occupancy; and (ii) customary rights of occupancy, and recognises that both these rights of occupancy can be held either by individuals or communities. In other words, both statutory rights of occupancy and customary rights of occupancy are recognised, but no individual, household or community has the capacity to own the land that they occupy. Accordingly, when this land is subject to removal for overriding public interest, compensation is not required for the loss of the land itself, but rather only for unexhausted improvements made to that land. In addition, other forms of land occupancy, such as encroachment, are not recognised at all under local legislation, and thus when encroached land is removed for overriding public interest, no compensation is provided to the encroacher.

7.2.2 *International Standards Criteria*

OP 4.12 and PS 5 provide much broader eligibility and entitlement criteria than those delineated by local legislation. Firstly, statutory and customary rights of occupancy are understood as ownership rights for the purposes of compensation provision. In other words, the absence of statutory or customary ownership rights is not in itself a bar to the provision of compensation for land loss, assuming that some form of occupancy right is held for that land. In addition, under OP 4.12 and PS 5, and unlike under local legislation, encroachers, "squatters" or people who are residing on or otherwise using or occupying land in violation of local or national laws are also deemed as eligible groups in the context of compensation provision. They are not entitled to compensation for the loss of the land itself, but they are entitled to compensation for any improvements made to that land, as well as to resettlement assistance if they occupied the Plot before the established cut-off date.

7.2.3 *Summary*

Table 7.1 provides a summary of the differences in eligibility and entitlement criteria between local legislation on the one hand, and OP 4.12 and PS 5 on the other.

Table 7.1 Eligibility and Entitlement Criteria: Local Legislation Compared with OP 4.12 and PS 5.

Group	Local Legislation	OP 4.12/ PS 5
Holder of a statutory right of occupancy	~ Eligible as a land occupier but not as a land owner	✓ Eligible as a land owner
Holder of a customary right of occupancy	~ Eligible as a land occupier but not as a land owner	✓ Eligible as a land owner
Encroacher	✘ Not eligible	~ Eligible as a land occupier but not as a land owner

In order for the Project to adhere to both local legislation and the requirements of OP 4.12 and PS 5, the more comprehensive eligibility and entitlement criteria delineated by the latter are being adopted, as outlined in more detail in the following sections.

7.3 CATEGORIES OF AFFECTED PEOPLE

Drawing from the socio-economic fieldwork that was conducted as part of this RAP development process, there are seven categories of affected people who will be exposed to losses as a consequence of the Project’s land acquisition process, and who will thus be eligible for some form of compensation and other resettlement assistance. These categories are outlined below.

Note: In some cases one individual / household may fall into more than one category. For instance one individual may: (i) own and reside in a house on the Plot; (ii) hold a customary right of occupancy over agricultural land on the Plot; and (iii) cultivate crops on that land. Accordingly, they would fall into three categories: (i) house owner: customary right of land occupancy; (ii) agricultural land occupier: customary right of land occupancy; and (iii) crop / tree cultivator.

7.3.1 House Owner: Customary Right of Land Occupancy

Members of this group inhabit the Plot in houses that they are formally recognised as owning. However, according to local law, members of this group do not own the land that their houses occupy, but rather hold a customary occupancy right over that land. The most common form of house that this group resides in is made from mud or brick, with corrugated iron or zinc roofing.

7.3.2 Agricultural Land Occupier: Customary Right of Land Occupancy

Members of this group are formally recognised as holding a customary right of occupancy over agricultural land on the Plot. The land that this group occupies is largely arable, and is used to cultivate a range of crops for both subsistence use and sale.

7.3.3 *Crop/Tree Cultivator*

Members of this group cultivate crops / trees on the Plot, including yam, cassava, plantain, maize, coco yams etc. They may either be farmers who work land over which they hold a customary right of occupancy, or they may be sharecroppers who work land over which another individual owns the customary right of occupancy. These sharecroppers tend to work the land according to an agreement under which they are able to keep a certain percentage of the crops ultimately harvested.

7.3.4 *Business Owner: Customary Right of Land Occupancy*

Members of this group are formally recognised as owning a business on the Plot. However, according to local law, members of this group do not own the land that their businesses occupy, but rather hold a customary occupancy right over that land. Typical businesses on the Plot tend to be small scale, and include an enterprise that produces potable water in sachets, a chemist shop, a welder workshop and some livestock farms.

7.3.5 *Owners of Other (Non-Habitable) Physical Assets: Non-Occupier of Land*

Members of this group are individuals who, in the interests of receiving compensation, have built structures (eg fences and walls) on the Plot in order to become eligible for compensation. Members of this group do not reside on this land, or use it for any form of livelihood sustenance. They rather tend to live and work in Benin City or elsewhere.

7.3.6 *Hired Employee*

Members of this group are employed by others to work in a business on the Plot, in return for wages. They may for example be employed to assist with livestock on one of the small livestock farms on the Plot.

7.3.7 *Community Members Dependent on Communally Held Resources / Assets*

There are a small number of communally held resources / assets situated on the Plot, including a community health centre. Accordingly, the final eligible group constitutes the two affected communities, as entities in and of themselves.

7.4 *COMPENSATION REQUIREMENTS*

7.4.1 *Local Requirements*

The Land Use Act provides the legal basis for the revocation of land rights and the associated requirements for compensation provision. According to the Act, both statutory and customary rights of occupancy can be revoked by the State “for overriding public interest” (section 28 (1)). If this is required, “the holder and the occupier shall be entitled to compensation for the value at the

date of revocation of their unexhausted improvements” (section 29). In other words, the holder and occupier are not entitled to compensation for the land itself, but rather only to compensation for improvements made to that land, such as standing crops, buildings, fences etc.

For individually-held land, the Act states that the compensation should be administered to the individual who holds the occupancy right. For communally-held community land, where occupancy rights are not claimed by any one individual, the Act states that the recipient of the compensation may be: (a) the community; (b) 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; or (c) a community fund, to then be utilised for the benefit of the community (section 29 (3)).

In Edo State, the value of unexhausted improvements is assessed through a valuation process conducted by the Edo State Government (EDSG). This assessment employs, for crops and trees, the “Harmonised Compensation Rates for Economic Trees and Crops in the South-South Geo-Political Zone”, effective as of December 2006. These rates: (a) take depreciation into account; and (b) do not employ market rates as a basis for valuation (for further details see *Section 7.7.1*). All other improvements are assessed using the rates determined by the estate valuers in the Ministry of Works. These also take depreciation into account, and while they do not employ market rates as a basis for valuation, the ultimate figures tend to be much closer to market rates than the Harmonised Compensation Rates mentioned above.

The Project’s land acquisition process is being led by the State, and has been deemed to be for overriding public interest. As a result, those that have customary rights of occupancy to land on the Plot will be eligible for State-provided compensation for the unexhausted improvements that have been made to their land. In addition, any communally-held improvements on the Plot will also be compensated by the State.

These local, State-provided compensation provisions are however less extensive than those required by OP 4.12 and PS 5, as outlined below.

7.4.2 *International Standards Requirements*

The two most relevant additional compensation requirements that OP 4.12 and PS 5 require are as follows:

- **Compensation for loss of land.** For those holding customary rights of land occupancy, the provision of compensation for improvements made to that land should be supplemented by the provision of compensation for the loss of the land itself.
- **Full replacement cost.** The principle of full replacement cost should be adhered to in assessing losses and providing appropriate compensation measures. This principle can be defined as the market value of the land /

assets plus transaction costs. When employing this method of valuation, depreciation should not be taken into account.

7.4.3 *Project Approach to Compensation*

In order for the Project to adhere to both local legislation and the requirements of OP 4.12 and PS 5, the more comprehensive approach offered by international standards is being employed in the context of compensation provisions (for further details see *Section 7.6*). In other words: (i) provisions for land loss will be afforded for holders of customary rights of occupancy, in addition to provisions covering the improvements made to that land; and (ii) land / asset valuation will be conducted employing a methodology that calculates full replacement cost and then compensates accordingly (for further details see *Section 7.7.2*).

In terms of providing the compensation, the State will afford the compensation required under local law, while the Project will afford the top-up provisions. However, the way in which the Project will afford the top-up provisions must be sensitive to the danger of precedent setting in the context of future State-led land acquisition and resettlement projects. In light of this, the Project provisions are referred to as “replacement” and “rehabilitation”, rather than “compensation”.

In addition to adhering to the two key additions that OP 4.12 and PS 5 necessitate (see above), the Project’s compensation provisions are also being guided by the following themes which international standards identify as crucial:

Choice

The affected communities will be able to choose how to use the compensation that they receive. Whilst the Project is seeking to facilitate and encourage the use of compensation to re-establish homes, agricultural activities and businesses in the local area, the Project has respected the strong demand of those being displaced to select where they buy alternative homes, land, or indeed use the money for other activities. The Project will provide financial planning advice to all those receiving compensation to support them in making informed choices to re-establish their livelihoods and the quality of life of their households.

The types of livelihood restoration programmes to be provided by the Project (see *Section 7.5.2*) will be developed in consultation with the affected community in order that they continue to be influenced by affected community perspectives and articulated needs.

Emphasis on Re-Building Housing and Businesses and In-Kind Land Replacements

As outlined in more detail in *Section 7.6*, the Project is providing incentives to those experiencing physical displacement to ensure that they use the cash

compensation which they receive to re-build their houses at the resettlement site. More specifically, the Project is putting aside a budget to be allocated to those experiencing physical displacement in the following way:

- i) The Project will provide those experiencing physical displacement with advice and support with financial planning, to enable them to employ their cash compensation to construct a good quality new dwelling.
- ii) The Project will provide an additional financial bonus to those physically displaced households, if they elect to invest their cash compensation in the construction of a new house.
- iii) The Project will provide the foundations of houses at the resettlement site, to enable those experiencing physical displacement to construct their houses with ease and with less use of their compensation money.
- iv) House owners will be allowed to dismantle and remove materials from their properties.

As also detailed in *Section 7.6*, the Project is planning a comparable approach for business owners, to incentivise them to re-build their business structures at the resettlement site.

In addition (as already described in *Section 5.3.2*), the Project will ensure that agricultural land occupiers are paid a cash sum sufficient to allow them to acquire a replacement plot of agricultural land that has a combination of productive potential, locational advantages and other factors at least equivalent to the agricultural land being lost. The Project will also sign an MoU with the leadership of the Orior and Idunmwowina Communities, to ensure that those affected by the loss of agricultural land will be secured the right to acquire land at a rate that is less than the compensation (for loss of land) that is paid to them by the Project. The land that will be the subject of this MoU is currently under the control of the Enogie of Orior, and thus further discussions with him will be required in order to ensure that it can be set aside for those persons displaced from the Project Site (who choose to use their compensation to acquire replacement land under the terms of the MoU).

The Project will furthermore support agricultural land occupiers to clear and prepare land ready for planting should they select to purchase replacement land in either of the two resettlement sites.

Physical and Cultural Property

As outlined in *Section 4*, there are two major types of cultural properties to be found in the Project area. These are sacred sites (sacred forest areas, tombs, and churches) and the earthworks / moats. The moats cannot be moved and so the mitigation to be put in place will be avoidance of any disturbance to these. Further details on the mitigation measures to be put in place in this

regard are set out in the outline plan to deal with Physical and Cultural Resources (PCRs) (an annex to the ESIA).

Section 4 contains a map showing all sacred / religious sites found on the Plot. Wherever possible, disturbance to these sites will be avoided and community access to these sites will be permitted, when it is required. It is probable however, that there may be some sites that have to be moved before construction commences. In these cases, the Project will carry out careful consultation with the relevant families and priests in order to understand the ceremonies that are required to move the sites and the compensation that will need to be paid for these. This will then be paid to the stakeholders to enable the ceremonies to move these sites to take place. Construction will not commence until these ceremonies have been completed. Further details on the processes that the Project will employ to relocate these sites, and the associated compensation that will be provided, are laid out in the PCR Plan.

Relocation Assistance or Allowance

Based on consultation with the affected people, physical assistance with the relocation process itself will also be provided, if required. For instance, the Project might need to supply trucks to move the affected people's belongings, additional vehicles to transport the affected people themselves and appropriate cages, ramps and other facilities to ensure that livestock is transported safely and appropriately. Alternatively, a cash amount to cover physical relocation costs will be provided.

Disturbance Allowance

In addition to the other compensation provisions, a disturbance allowance will be provided to all affected people, other than those who, in the interests of receiving compensation, have built structures (eg fences and walls) on the Plot in order to become eligible for compensation.

Vulnerable Groups

Finally, particular attention is being given to the needs of vulnerable groups in the context of compensation provisions.

The socio-economic fieldwork that was conducted facilitated the identification of a number of vulnerable groups among the affected population; namely:

- **Women.** Situated within a patriarchal society, women tend to be prevented from participating in local decision-making. They also tend to lack access to independent means of income generation.
- **Disabled and / or elderly people.** Physical or mental disability and / or old age tends to inhibit access to independent means of income generation.

- **Unemployed youth.** Unemployment, particularly among the youth, is a central problem among the affected communities, and is serving to create both financial and emotional vulnerability.

Those households that are identified as vulnerable will be offered additional compensation to ensure that their vulnerable status is not exacerbated. The vulnerability of a household will be determined on a case-by-case basis, and in consultation with the affected community. Factors that will help to guide the vulnerability identification process are as follows:

- Household head is female; or
- Household head is disabled; or
- Household head is more than 60 years old ⁽¹⁾ and lives alone; or
- Household monthly income is less than 160 naira per day ⁽²⁾; or
- Household head is less than 55 years old and is unemployed; that is, the household head has no regular means through which to generate income.

Based on further consultation with those households identified as vulnerable, an appropriate additional allowance will arrived at, and administered to these households, in monthly instalments, over a six month period. In addition, priority will be given to such vulnerable households in terms of providing them with suitable livelihood restoration provisions, as outlined in more detail below.

7.5 *LIVELIHOOD RESTORATION REQUIREMENTS*

7.5.1 *International Standards Requirements*

In addition to compensation provisions, the Project will be guided by the OP 4.12 and PS 5 requirement for the improvement / restoration of means of income earning capacity, productivity levels and associated livelihoods. According to OP 4.12 and PS 5, compensation alone does not guarantee the restoration or improvement of the economic conditions of displaced persons and communities. A major challenge associated with resettlement is: (i) the restoration of incomes based on land or natural resources; and (ii) the restoration of wage-based or enterprise-based livelihoods that are often tied to location (such as proximity to jobs, customers and markets). International standards thus encourage projects to manage resettlement as a development initiative, and in doing so, to focus on such livelihood improvement / restoration challenges, as well as compensation.

7.5.2 *Project Approach to Livelihood Restoration / Improvement*

In order for the Project to adhere to international standards, the need to at least restore, and preferably improve, means of income earning capacity, productivity levels and associated livelihoods will be prioritised. Specific

(1) This is the official retirement age in Nigeria.

(2) This equates the official poverty line in Nigeria.

livelihood restoration strategies are being formulated, in close consultation with affected people. These will include the following:

- **Land-based schemes.** An intensive agricultural development programme. This may include: (i) the provision of access to credit for farming inputs such as seeds etc; and (ii) the provision of training (perhaps through the employment of an Agricultural Extension Officer) to enhance farming skills and to encourage the use of more productive farming methods.
- **Wage-based schemes.** A vocational skills training programme will be provided to help increase the local population's access to employment opportunities provided by Azura Power West Africa Ltd and their access to other local employment opportunities. The Project will also ensure that local expectations about Project employment are carefully managed and not raised in an unrealistic way.
- **Enterprise-based schemes.** An intensive business skills development and entrepreneurship training programme will be provided. This may include: (i) the provision of guidance on the establishment and management of small businesses; and (ii) the provision of access to microfinance schemes.
- **Community infrastructure schemes.** The Project will address community infrastructure needs, including the provision of internal roads within the resettlement site, the provision of electricity connections from displaced houses and business structures, the provision of drinking water facilities at the resettlement site etc. Other schemes yet to be finalised may include improved healthcare facilities and improved school facilities. Coordination with the Local Government Authorities will be important to ensure that these facilities are staffed and maintained after an initial investment by the Project.

Particular attention will be given to attending to the livelihood restoration needs of vulnerable households. In particular, these households will be prioritised in relation to the provision of: (i) credit; (ii) skills training; and (iii) Project employment.

In addition, it must be made clear that all of these livelihood restoration provisions will not only be made available to the displaced sections of the community, but also to the broader community.

In the following section, a matrix is provided that summarises the types of losses that will result from the physical or economic displacement induced by the Project, and the entitlement, compensation and livelihood restoration measures that will be provided for each type of loss identified. This matrix is followed by a more detailed elaboration of how losses are being valued and thus how compensation and other provisions are being determined.

7.6 ENTITLEMENTS MATRIX

Eligible Group	Type of Loss	Nigerian Government Compensation Provision	Azura Power West Africa Ltd Replacement and Rehabilitation Assistance
House owner: customary right of land occupancy.	Housing.	The cash value of the affected house will be provided, as per the EDSG assessment and valuation process.	<p>AND</p> <p>Top up to achieve full replacement cost: The principle of full replacement (without taking depreciation into account) will underlie the provisions for loss of housing. The Project will supplement, where necessary, the Government-provided compensation amount with an additional provision to ensure that the total amount of cash received by the affected house owner is equivalent to the full replacement value of the affected house. In addition, the Project will provide those experiencing physical displacement with: (i) advice and support with financial planning, to enable them to employ their cash compensation to construct a good quality new dwelling; (ii) an additional financial bonus to those physically displaced households, if they elect to invest their cash compensation in the construction of a new house; and (iii) the foundations of houses at the resettlement site, to enable those experiencing physical displacement to construct their houses with ease and with less use of their compensation money.</p> <p>Relocation assistance or allowance: Physical assistance with the relocation process or a cash amount to cover the cost of the relocation process will be provided. House owners will be allowed to dismantle and transport parts of their buildings prior to demolition by the Project.</p> <p>Disturbance allowance: A cash amount will be provided in light of the disturbance caused.</p>
Agricultural land occupier: customary right of land occupancy.	Agricultural land.	Nothing will be provided to compensate for the loss of the affected agricultural land itself.	<p>AND</p> <p>Full replacement cost: The principle of full replacement (without taking depreciation into account) will underlie the provisions for loss of agricultural land. The project will ensure that agricultural land occupiers are paid a cash sum that is sufficient to allow them to acquire a plot of agricultural land that has a combination of productive potential, locational advantages and other factors at least equivalent to the agricultural land being lost. This sum will also cover the soil preparation costs to ensure that the replacement land is ready for cultivation. The Project will provide those losing agricultural land with advice and support with financial planning, to enable them to employ their cash compensation to re-establish their livelihoods. In addition, the Project will sign an MoU with the leadership of the Orior and Idunmwowina Communities, under the terms of which those affected by the loss of agricultural land will be ensured the right to acquire land at a rate that is less than the compensation (for loss of land) that is paid to them by the Project. Moreover, for those who choose to acquire land under the terms of this MoU, access to at least equivalent water sources, fodder sources etc will also be provided and the Project will support the clearance and preparation of the land for planting.</p> <p>Relocation assistance or allowance: Physical assistance with the relocation process or a cash amount to cover the cost of the relocation process will be provided.</p> <p>Disturbance allowance: A cash amount will be provided in light of the disturbance caused.</p> <p>Note: If the affected person that has lost agricultural land has also lost a non-habitable physical asset / partially-built structure on their agricultural land, they will not receive an additional disturbance allowance for this loss of non-habitable physical asset / partially-built structure.</p> <p>Livelihood restoration and development programmes: The Project will provide an intensive agricultural development programme to those that seek to re-establish agricultural activities in the local area. This may include: (i) the provision of access to credit for farming inputs such as seeds etc; and (ii) the provision of training (perhaps through the employment of an Agricultural Extension Officer) to enhance farming skills and to encourage the use of more productive farming methods. In addition, alternative vocational skills training will be provided. A specific needs assessment will be carried out to ensure that relevant and useful livelihood restoration and development programmes are established. The livelihood restoration and development programmes established will be open to the broader community as well as the displaced community.</p>

Eligible Group	Type of Loss	Nigerian Government Compensation Provision	Azura Power West Africa Ltd Replacement and Rehabilitation Assistance
Crop / tree cultivator (i.e. either a sharecropper or a farmer who cultivates crops on agricultural land over which he holds a customary right of occupancy).	Crops / trees (e.g. cassava, yam etc).	The cash value of the standing crops / trees will be provided, as per the EDSG assessment and valuation process.	<p>AND</p> <p>Top up to achieve full replacement cost: The principle of full replacement (without taking depreciation into account) will underlie the provisions for loss of standing crops / trees. The Project will supplement, where necessary, the Government-provided compensation amount with an additional provision to ensure that the total amount of cash received is equivalent to the full replacement value of the affected standing crops / trees. Crop / tree cultivators will be allowed to clear any standing crops prior to land clearance by the Project.</p> <p>Relocation assistance or allowance: Physical assistance with the relocation process or a cash amount to cover the cost of the relocation process will be provided.</p> <p>Disturbance allowance: A cash amount will be provided in light of the disturbance caused. <u>Note:</u> If the affected person that has lost crops has also lost agricultural land, they will not receive an additional disturbance allowance for the loss of crops.</p>
Business owner: customary right of land occupancy.	Business structure (eg small-scale chemist shop etc).	The cash value of the business structure will be provided, as per the EDSG assessment and valuation process.	<p>AND</p> <p>Top up to achieve full replacement cost: The principle of full replacement (without taking depreciation into account) will underlie the provisions for loss of business structures. The Project will supplement, where necessary, the Government-provided compensation amount with an additional provision to ensure that the total amount of cash received by the affected business owner is equivalent to the full replacement value of the affected business structure. In addition, the Project will provide affected business owners with: (i) advice and support with financial planning, to enable them to employ their cash compensation to construct a good quality new business structure; (ii) an additional financial bonus to affected business owners, if they elect to invest their cash compensation in the construction of a new business structure and retain their employees; and (iii) the foundations of business structures at the resettlement site, to enable those affected business owners to construct their business structures with ease and with less use of their compensation money.</p> <p>Relocation assistance or allowance: Physical assistance with the relocation process or a cash amount to cover the cost of the relocation process will be provided.</p> <p>Disturbance allowance: A cash amount will be provided in light of the disturbance caused.</p> <p>Livelihood restoration and development programmes: An intensive business skill development, entrepreneurship and training programme will be provided. In addition, guidance will be provided on how to set up small businesses, and access to microfinance schemes will be facilitated, for both men and women. A specific needs assessment will be carried out to ensure that relevant and useful livelihood restoration and development programmes are established. The livelihood restoration and development programmes established will be open to the broader community as well as the displaced community.</p>

Eligible Group	Type of Loss	Nigerian Government Compensation Provision	Azura Power West Africa Ltd Replacement and Rehabilitation Assistance
Owners of other (non-habitable) physical assets: non-occupier of land.	Immovable (non-habitable) asset/s (e.g. fences, walls, partially constructed buildings).	The cash value of the physical asset/s will be provided, as per the EDSG assessment and valuation process.	<p>AND</p> <p>Top up to achieve full replacement cost: The principle of full replacement (without taking depreciation into account) will underlie the provisions for loss of (non-habitable) physical assets owned by non-occupiers of the land. A top-up cash amount will be provided that covers: (i) the difference, if any, between the Government-provided compensation provision and the full replacement value of these asset/s; and (ii) the full replacement value of the land on which these assets are located.</p> <p>Relocation assistance or allowance: Physical assistance with the relocation process or a cash amount to cover the cost of the relocation process will be provided.</p>
Hired employee.	Wages.	Nothing will be provided to compensate for lost wages.	<p>AND</p> <p>Relocation assistance or allowance: Physical assistance with the relocation process or a cash amount to cover the cost of the relocation process will be provided.</p> <p>Disturbance allowance: A cash amount will be provided in light of the disturbance caused and the possible need for the employee to change his / her job location. Payment of the disturbance allowance will be tied to the employee attending a Skills Acquisition Training programme accredited by the Project. Payment of the disturbance allowance will also be restricted to the small number of hired employees who currently work for businesses that were physically located on the Project site prior to the cut-off date. The owners of these businesses will be asked to provide detailed job records of all their employees and payment of the disturbance allowance will be restricted to those individuals whose job tenure is documented and evidenced sufficiently.</p> <p>Employment assistance: Assistance in the identification of similar jobs in alternative locations will be provided on a case-by-case basis, if relevant.</p>
Community members dependent on communally held resources / assets.	Communal resources / assets	The cash value of the communal resource / asset will be provided to the Enogie or to a community fund, as per the EDSG assessment and valuation process.	<p>AND</p> <p>Full replacement: The principle of full replacement (without taking depreciation into account) will underlie the provisions for loss of communal assets. Replacement communal assets will be provided that have a combination of productive potential, practical, locational etc advantages and other factors at least equivalent to the assets being lost.</p> <p>The replacement communal assets that will be provided are the following:</p> <ul style="list-style-type: none"> • Internal roads within the resettlement site. • One community health centre. • Access to electricity connections from the houses and business structures at the resettlement site, subject to affected people capacity to pay for their own electricity consumption. • Drinking water facilities at the resettlement site.

Meetings, to which all affected stakeholders were invited, were held in the two affected communities before the asset valuation process began. During these meetings, issues concerning the methods of assessment, the duration of assessment, the classes of assets to be enumerated and the asset valuation approach to be used were discussed and agreed upon. In addition, the two communities appointed community representatives to oversee the field-based valuation process. Then, during the field-based valuation process itself, the valuation experts had one-on-one discussions with each claimant, to clearly explain the valuation process to them and ensure their comprehension of it.

The field-based valuation process followed, which took place from 26 September 2011 to 14 October 2011, is summarised in the following bullets:

- With regards to trees, head counts were conducted for each class of tree type.
- With regards to crops and land plot sizes, tape measurements were used to determine the area to be valued.
- With regards to buildings and other ancillary facilities, tape measurements were taken, construction details were recorded, and state of repair and level of completion was also recorded.
- Still camera pictures of both the claimant and the assets were taken.
- The GPS coordinates of each asset were taken.
- All of this data was recorded in individual Assessment / Field Inspection Sheets.
- Each Sheet was then individually endorsed by the relevant claimant, the assessment officer and the representative of Azura Power West Africa Ltd. This endorsement was, in each case, witnessed by the Chief Representatives.

7.7.1

Calculating EDSG Compensation Amounts

As previously mentioned, the EDSG compensation amounts have relied upon, for crops and trees, the “Harmonised Compensation Rates for Economic Trees and Crops in the South-South Geo-Political Zone”, effective as of December 2006. EDSG compensation amounts for all other improvements were established using the rates determined by the EDSG Department of Lands and Survey (see *Table 7.2*).

Table 7.2 EDSG Compensation Rates for Improvements (Excluding Crops and Trees)

S/No	Description	Amount (Naira)			SUM
		(M ²)	(M ³)	(M)	
1.	Bungalows: sandcrete blocks, corrugated iron sheets roof, cement screeded floor.	35,000			
2	Bungalows: mud / earth blocks, thatch roof, cement screeded floor.	22,500			
3	Perimeter fence: sandcrete blocks.			6000	
4.	Wells: manually dug, concrete casting.				85,000
5	Wells: manually dug, no concrete casting.				35,000
6	Boreholes complete with ancillary plumbing and mechanical / electrical fittings.				65,000,000

For each asset, the rate of depreciation was based upon the professional judgment of the valuation experts while they were on site. This judgement took into consideration the level of completion, the level of dilapidation etc of each asset.

7.7.2 *Calculating International Standards Compensation Amounts*

Having ascertained the EDSG compensation amounts, the valuation experts then made the necessary adjustments to ensure that the final valuation adhered to the requirements of OP 4.12 and PS 5. The key basis for this valuation is full replacement. Full replacement is defined by PS 5 as “the market value of the assets plus transaction costs. In applying this method of valuation, depreciation of assets should not be taken into account. Market value is defined as the value required to allow affected communities and persons to replace lost assets with assets of similar value”.

The current market value of affected improvements (excluding crops and trees) are the same as the rates provided by the estate valuers in the Ministry of Works (see above and *Table 7.2*). This is because these rates have recently been adjusted to reflect current reproduction and inflation costs. The rates were adjusted in 2011, during the assessment of the right of way for the dualisation of the Benin International Airport Road. The current market value of affected land was ascertained with reference to precedent land sales (over the last 12 months) in areas of comparable distance to Benin City and of comparable productivity to the affected land.

Transaction costs were then added to the current market value of affected improvements (excluding crops and trees) and to the current market value of affected land. The transaction costs for affected improvements (excluding

crops and trees) and for affected land were calculated at 17 percent ⁽¹⁾ of the current market value of these affected assets, reflecting the fact that: (i) estate / search fees tend to be approximately five percent of current market value; (ii) survey and beaconing fees tend to be approximately seven percent of current market value; and (iii) lawyers fees tend, according to the Nigerian Bar Association, to be approximately five percent of current market value.

To ascertain the current market value of the affected crops and trees, the “direct market comparison” approach was used. This method involves the determination of the opportunity cost of the rights of the claimants to the incomes from their individual farms and plantations throughout the resettlement period. To arrive at the rates for each of the identified crops / trees the following process was followed:

- Determine the total yield of product per tree / crop type.
- Establish the market price of the product.
- Factor in outgoings such as labour, transport and marketing costs at 35 percent to arrive at net loss in annual income.
- Establish the gestation period for replanting and reproduction per tree / crop type.
- Adopt a premium market rate of return for agricultural investments; namely seven percent.
- Calculate the amount of one naira, compounded at seven percent per annum for the gestation period of each tree / crop type, and multiply this by the net income (loss).
- Establish the market costs of seedlings and add this to the total loss.
- Multiply the resulting total by the number of crops / trees assessed for each claimant.

The valuation experts also categorised each crop / tree into mature, immature and seedling. Mature were those that were about to or had started bearing fruits, while immature were those that had not started bearing fruits but were older than seedlings. These categories were then subject to consideration as follows:

- Matured tree: 100 percent of the market value.
- Immature tree: 50 percent of the market value.
- Seedling: 25 percent of the market value.

(1) In addition, for affected assets (excluding crops and trees) and affected land owned / occupied by those who had not built assets in order to receive compensation, the transaction costs also included a flat rate of 12,500 naira to cover the community development levy that would require payment at the resettlement site.

Supplementing the above values, the following figures were used as the basis for the provision of additional allowances to each relevant eligible group.

- **Relocation Allowance.** Discussions with the affected communities revealed that packing up their belongings and travelling from the Plot to the furthest point in Edo state would cost approximately 5,000 naira. Accordingly, this amount will be allocated to each claimant, or alternatively, the Project itself will provide appropriate physical assistance to enable affected people to move.
- **Disturbance Allowance.** For each eligible claimant, this amount will equate to approximately six months wages.
- **Incentives to Encourage House / Business Structure Re-Building.** It is anticipated that these incentives will equate to approximately 25 percent of the full replacement cost of the affected houses / business structures.

8. *LIVELIHOOD RESTORATION AND DEVELOPMENT SUPPORT*

8.1 *INTRODUCTION*

OP 4.12 and PS 5 state that compensation alone does not guarantee the restoration or improvement of the economic conditions of displaced persons and communities. Indeed, a major challenge associated with rural resettlement is the restoration of incomes based on land or natural resources, while a major challenge associated with urban resettlement is the restoration of wage-based or enterprise-based livelihoods that are often tied to location (such as proximity to jobs, customers and markets). Accordingly, OP 4.12 and PS 5 require that projects manage resettlement as a development initiative and in doing so, focus on the need to at least restore and preferably improve the means of income earning capacity, productivity levels and associated livelihoods of displaced people and communities in their new locations. In light of this requirement, and as briefly discussed in *Section 7*, the Project will provide a range of livelihood restoration and development support options to the affected people of Orior-Osemwende and Idunmwowina-Urho-Nisen, as well as to the broader community of which they are part. This section provides further details of the Project's proposed livelihood restoration and development support options. More specifically, this section includes the following:

- An outline of the two key types of livelihood restoration programme; namely land based programmes and non-land based programmes.
- Some of the key principles that have guided the Project's livelihood restoration and development planning to date.
- The relationship between the baseline conditions in the affected communities and the livelihood restoration and development needs of those affected communities.
- A tentative description of the Project's current plans for livelihood restoration and development support.
- A brief account of one of the NGO partner organisations which the Project could potentially engage as a partner for the implementation of the livelihood restoration and development plans.

- An outline of the remaining steps that the Project will take in order to refine its plans for livelihood restoration and development support, and then implement these plans.

8.2 *TYPES OF LIVELIHOOD RESTORATION*

Livelihood restoration programmes that aim to prevent impoverishment, sustain incomes and build viable and sustainable livelihoods can be divided into two main categories:

- **Land based livelihood restoration programmes:** provide affected people with a sufficient size and quality of land to enable them to develop farms and sustain their incomes through land-based agricultural activities.
- **Non-land based livelihood restoration programmes:** provide affected people with wage and enterprise based means through which to sustain / improve their livelihoods, including occupational training, targeted credit, business development support etc.

8.3 *KEY PRINCIPLES GUIDING THE PROJECT'S LIVELIHOOD RESTORATION PLANNING*

Some of the main principles that underpin the Project's livelihood restoration planning are as follows:

Evidence Based Planning

The types of livelihood restoration activities which the Project will implement have been informed by the outcomes of the RAP socio-economic fieldwork. The surveys conducted and the consultation carried out sought to ascertain the livelihood losses that the resettlement would cause, and the sorts of livelihood activities the affected people preferred in the post-relocation context. This evidence based approach will continue through the next phase of livelihood restoration and development support planning and will involve a further round of community consultation.

Full Replacement Value

As discussed in more detail in *Section 7*, the Project is ensuring that all of those economic assets that are being lost as a result of the resettlement operation will be replaced on the basis of their full replacement value.

Vulnerable Groups

The Project is paying particular attention to the needs of women and other vulnerable groups in the planning of its livelihood restoration and development programme. It is known for example that in the Project context, women have different needs to men in terms of skill development etc, while the prevalence of unemployed youth will require considerable focus.

Technical and Institutional Capacity

The Project is ensuring that it has sufficient technical and institutional capacity and expertise to plan and implement its livelihood restoration and development programme in an efficient and sustainable manner. This may necessitate some internal recruitment, and will necessitate partnership with experienced, technically qualified, development NGOs.

Budget

The Project is exploring the financial implications of its livelihood restoration programme and as the details of this livelihood restoration programme become clearer, the Project will ensure that sufficient budget is allocated for this purpose. In addition, a contingency budget will be put aside, in the event that costs increase during the implementation of the livelihood restoration programme.

8.4

BASELINE AND LIVELIHOOD RESTORATION NEEDS

Before finalising the livelihood restoration plans for the Project as they currently stand, the relationship between the baseline situation in the affected communities and the livelihood restoration needs of those affected communities needs to be understood. This is summarised in the following paragraphs.

Livelihood sources in the Plot largely revolve around agriculture, together with petty trading, wage based labour and salaried jobs. Indeed, 54 percent of affected households rely on agriculture as an income source, and for 16 percent

of households, this is the primary income source upon which they depend. In terms of education, only four percent of individuals have not received any formal education, while 30 percent have studied up to primary level. The remaining 66 percent have received a secondary education and / or have had some professional training, including driving, sewing and carpentry training. Qualitative discussions with the affected communities further confirmed the reality that agriculture is a key income source, particularly arable agriculture, and that many community members lack the skills that enable them to obtain jobs in other sectors, or even to enhance their existing agricultural income.

In light of this baseline situation, it appears that the provision of agricultural training, as well as other skills training in the non-agricultural domain, should constitute a significant part of the Project's livelihood restoration and development measures. In terms of the more specific skills training that the affected people appeared interested in, key preferences included training in information technology, driving, sewing, hairdressing and carpentry. Finally, women (particularly female headed households) and unemployed youth were found to be two particularly vulnerable groups in terms of their current capacity to sustain their livelihoods. Ascertaining the specific development needs of these groups will be important in the next round of consultation to inform the Project's plans for livelihood restoration and development support.

8.5

TENTATIVE PLANS FOR LIVELIHOOD RESTORATION AND DEVELOPMENT SUPPORT

While a more detailed needs assessment is required before Project plans for livelihood restoration and development support can be finalised, plans informed by current survey information indicate that the four main areas for such support will include:

- **Land-based schemes.** An intensive agricultural development programme including: (i) the provision of access to credit for farming inputs such as seeds etc; and (ii) the provision of training (perhaps through the employment of an Agricultural Extension Officer) to enhance farming skills and to encourage the use of innovative farming methods. Other key forms of support will focus on agricultural intensification, better storage techniques and adding value to agricultural produce.
- **Wage-based schemes.** A vocational skills training programme will be provided to help increase the local population's access to employment opportunities provided by Azura Power West Africa Ltd and their access to other local employment opportunities. The project will also ensure that

local expectations about Project employment are carefully managed and not raised in an unrealistic way.

- **Enterprise-based schemes.** An intensive business skills development and entrepreneurship training programme will be provided. This will include the provision of guidance on the establishment and management of small businesses and the provision of access to microfinance schemes.
- **Community infrastructure schemes.** The Project will address infrastructure needs that will include the provision of transformers to facilitate local access to electricity (that will benefit small businesses). Other schemes yet to be finalised may include improved roads, improved healthcare facilities and improved school facilities. Coordination with the Local Government Authorities will be important to ensure that these facilities are staffed and maintained after an initial investment by Azura.

As mentioned above, particular attention will be given to attending to the livelihood restoration and development needs of vulnerable households. In particular, these households will be prioritised for the provision of: (i) credit; (ii) skills training; and (iii) Project employment.

These livelihood restoration and development provisions will be made available to the displaced sections of the communities as well as to the broader community to help minimise any community tensions over compensation provided by the Project.

Finally, the Project will ensure that all livelihood restoration and development provisions implemented by the Project are done in consultation with the Local and State Government, so that any Project schemes complement rather than duplicate Government ones.

8.6

NGO PARTNERS

In order to further progress the livelihood restoration and development plans outlined above (through additional consultation, needs assessment and also feasibility studies), the Project plans to partner with NGOs that have considerable experience in engaging communities and in livelihood restoration and development planning and implementation in the region. One potential NGO is called Pro-Natura International Nigeria (PNI) and on 5 October 2011, preliminary discussions were held with members of this NGO to discuss their experience and capacity and their interest in working with the Project. *Box 8.1*

provides a brief overview of PNI and the relevance of its work to the Project's livelihood restoration and development plans.

Box 8.1 *Pro-Natura International (Nigeria) - PNI*

PNI works to achieve long-lasting solutions for community development Nigeria. Since 1997, PNI has pioneered and successfully demonstrated participatory development with rural communities; strengthening existing institutions and creating community capacity to assess, plan, manage, monitor and evaluate their own developmental needs.

By establishing trusted and transparent Community Foundations, PNI helps communities to lead their own development process. PNI builds community institutions, strengthens their capacity, thereby building trust and confidence within the community. Through this process, PNI is redefining community-led development in Nigeria. PNI works across the Niger Delta as well as in Akwa Ibom State, Ogun, Osun and Ondo States.

The Community Foundations that have been established address a range of development issues including education, adult literacy, agriculture and primary healthcare. PNI is implementing social investment programmes for a number of companies in Nigeria including BG Group, Statoil, Total, Shell and Frontier Oil Limited.

Other NGOs that might deliver specific components of the livelihoods restoration and development programme include the Lift Above Poverty Organisation (LAPO) Microfinance Bank that is based in Benin City and has a strong track record in the successful delivery of microfinance services to small businesses in Nigeria.

8.7 *REMAINING STEPS*

Once the Project has confirmed the NGOs it will partner with in the resettlement process, the following will be taken to finalise the livelihood restoration and development aspect of this resettlement process.

- A detailed needs-assessment will be conducted to further inform and target the Project's livelihood restoration and development plans. Intensive consultation with the affected communities and also the broader community / host community will form an important part of this needs assessment.
- A feasibility analysis will be conducted, consisting of financial, market, technical and institutional dimensions to further refine and streamline the programme to be implemented.

- The programme to be implemented will be refined in consultation with the affected communities to ensure it is practical and workable.
- The programme will then be implemented by the Project, in partnership with technically qualified NGOs.
- Finally, the programme will be subject to regular monitoring and evaluation (see also *Section 10*), and any possibilities for improvement will inform subsequent correction actions.

9. *INSTITUTIONAL ARRANGEMENTS*

9.1 *OVERVIEW*

A functioning and effective institutional framework is central to the smooth preparation, implementation and monitoring of a RAP, and more generally to achieving an efficient land acquisition and resettlement process. Accordingly, to facilitate the implementation of this Resettlement Action Plan (RAP), the Project will be required to establish an institutional framework where the roles and responsibilities of all involved are clearly defined. This institutional framework will be the interface for all stakeholders involved in RAP implementation, allowing for close cooperation between Azura Power West Africa Limited, Edo State Government, traditional leaders, NGOs and affected communities. The institutional framework will be established in line with OP 4.12 and PS 5 guidelines and local legislation, but will also be orientated to the particular Project context and the specific challenges that this local context presents.

This section provides an overview of the Project's institutional framework. More specifically it includes the following:

- A description of the two-tier management system that underlies the Project's institutional framework, and why this two-tier structure is fundamental to success.
- A diagram that summarises the Project's institutional framework in a visual form.
- An analysis of the key roles and responsibilities of each of the different groups that make up the Project's institutional framework.
- A summary of the capacity building requirements necessary to equip the Project's institutional framework for its important role.
- A brief elaboration on the importance of NGO participation in the Project's institutional framework, as well as the resettlement process more generally.
- A brief discussion of the importance of having a grievance mechanism in the resettlement context, and a reference to the Stakeholder Engagement Plan (Annex A) which provides further detail of the grievance mechanism that the Project is in the process of implementing.

Fundamental to the success of a RAP institutional framework is a management system that consists of two levels. These levels of management are often referred to as:

- **Resettlement Steering Committee (RSC):** the higher level advisory/supervisory, strategic body which enables the crucial involvement of senior Project management and Government figures to steer the overall process, ensure governance checks and balances and resolve key problems.
- **Project Resettlement Unit (PRU):** the lower level, hands-on implementing body which facilitates the intense involvement of implementers, including on the ground Project staff to action the process and ensure that practical progress is made.

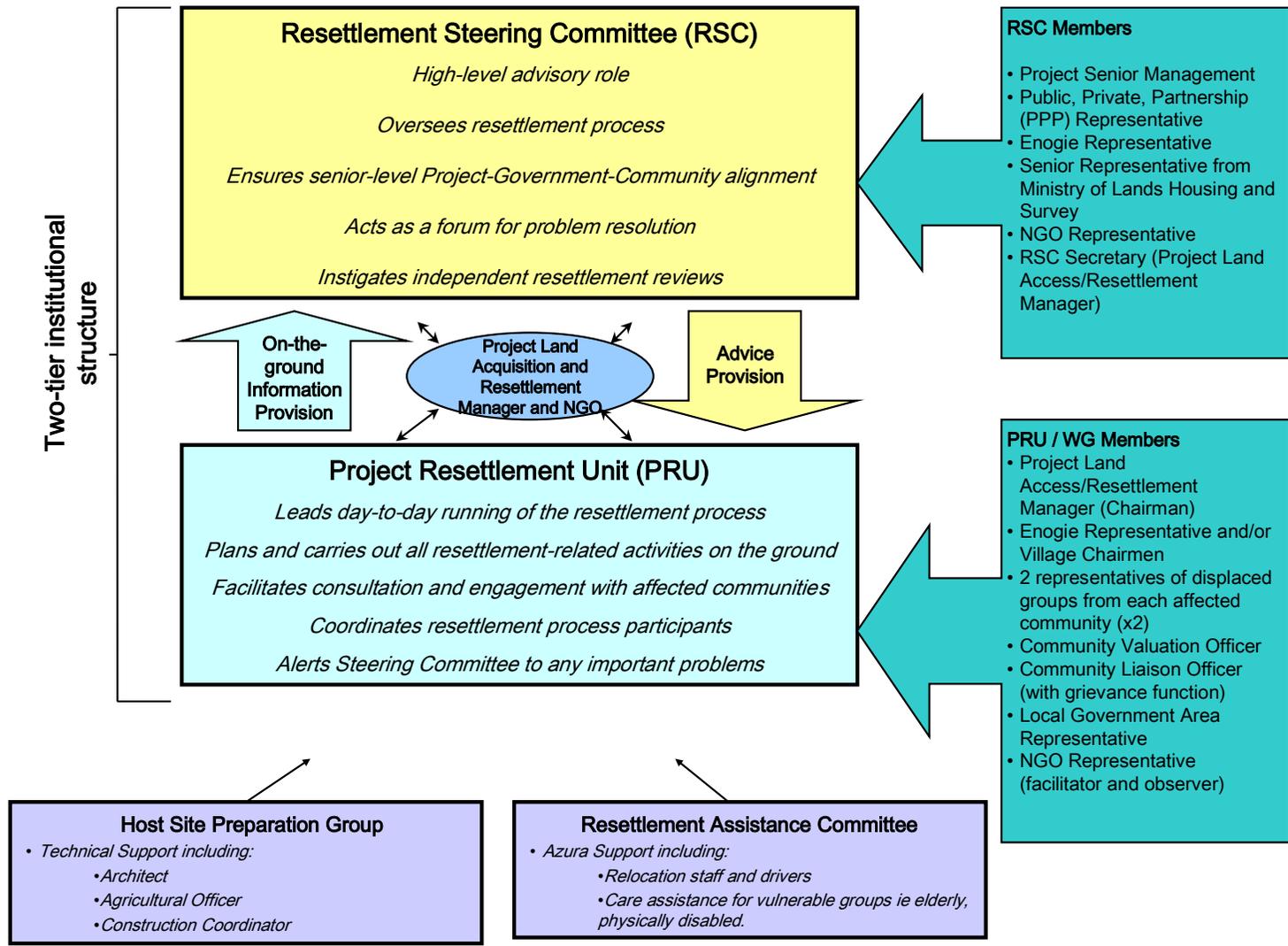
This two-tier management system is preferable because, in terms of governance, the bodies are separate from one another, but also interdependent. This form of governance is conducive to reciprocal monitoring, and accordingly tends to result in quality delivery and mutual attentiveness to operational and other issues and concerns, as and when these arise.

Ultimate responsibility for overseeing the resettlement process will be vested in the RSC, under which the PRU will be responsible for day to day implementation of the RAP. This two-tier structure will be responsible for:

- planning resettlement measures;
- information sharing,
- engagement and consultation with local communities;
- grievance resolution; and
- monitoring and evaluation.

Critically, these institutions will help to ensure that measures identified in the RAP are acceptable to stakeholders and that implementation of the resettlement is undertaken in a transparent, responsible and sustainable manner. In the following section, the Project's institutional structure is summarised diagrammatically, after which each element of it is discussed in more detail.

Figure 9.1 A Diagrammatic Summary of the Project's Institutional Framework



The RSC has a management function in resettlement planning, implementation, monitoring and funding and represents all the agencies responsible for facilitating the RAP process. It is the forum where particularly strategic, high-level issues needing resolution (including financial, schedule-related and reputational risk issues) should be raised and dealt with. The RSC is also responsible for making policy-related decisions based on the legal framework contained in the RAP, the Project's internal standards and operating procedures, and international best practice.

In light of the RSC's strategic and decision making power, it is vital that three key elements are clarified before any resettlement process gets under way, namely:

- How will members of the RSC be selected?
- How will the RSC ensure transparency so that the process resulting in important decisions is clear and that these decisions are communicated to the PRU and affected communities?
- How will Azura Power West Africa Limited / Government / affected people provide feedback on the performance of the RSC?

These issues should be discussed at an early stage. Aligning Project, Government and community understanding on such issues will be critical to smooth subsequent RAP implementation.

9.3.1

Key Roles and Responsibilities

Key responsibilities of the RSC include:

- ensuring alignment between Azura Power West Africa Limited, the Government, traditional leaders and community members;
- providing an advisory role to the PRU, which includes resolving internal and external resettlement issues, monitoring the budget etc;
- overseeing ethics compliance and governance issues and ensuring that the resettlement process is managed fairly and transparently and is free of corruption or bribery etc;
- overseeing compensation allocation and disbursement mechanisms;
- monitoring the development / progress of the resettlement, from Project construction through to operation, so that any resettlement issues are addressed in an efficient and effective manner;
- instigating independent external resettlement reviews, when necessary;

- responding to implementation problems identified in internal and external monitoring reports;
- ensuring adequate consultations with all displaced persons affected by the Project and other stakeholders; and
- ensuring adequate information sharing with the RPU on processes and decisions taken.

9.3.2 *Composition*

The RSC will be composed of Project senior management, a Public-Private Partnership (PPP) representative and a relevant member of the Edo State Ministry of Lands. In addition, a representative of the Enogie should sit on the RSC in order to instigate an official connection to the affected communities. To foster further transparency, representativeness and accountability, a NGO representative will also sit on the RSC (as a full member) and be responsible for ensuring that the needs and opinions of affected community members are meaningfully considered during any decision making process. This NGO representative will be part of the NGO which will be appointed by Azura Power West Africa Limited in order to help facilitate the RAP. The NGO representative, together with the Project Land Acquisition and Resettlement Manager (see *Section 9.4.6*), both of whom will sit on the RSC and the PRU, should ensure adequate information sharing between the two management groups.

In summary, the RSC will comprise the following six members:

- Project senior management (Azura Power West Africa Limited);
- PPP representative;
- Senior representative, Edo State Ministry of Lands;
- Enogie representative;
- NGO representative; and
- RSC secretary (Project Land Acquisition and Resettlement Manager from Azura Power West Africa Limited – see below).

It is recommended that the RSC meets quarterly with an option of holding emergency meetings if required. A record of meetings and minutes should be prepared, held and distributed to the PRU by the RSC secretary.

9.3.3 *Recommendations for the RSC*

It is crucial that the Project senior management sits on the RSC for two key reasons, as outlined below:

- **To maintain control.** Senior management involvement in the RSC will provide an element of control over the Azura Power West Africa Limited response to resettlement issues. This involvement will also ensure that issues receive a unified senior management response rather than

numerous responses from different members of the company. Control of the budget is another reason for close senior management involvement in the RSC. As issues arise that may need a change to the budget, rather than waiting for the request to feed into Azura's control mechanisms, the involved senior management person can expedite the request as required.

- **To keep informed.** If a senior manager is involved in the RSC, senior management will be informed of issues as they arise. This will give senior management an insight into how the resettlement is going, as well as areas to improve upon. Moreover, senior management tends to be more responsive to issues in which it is closely involved.

9.4 *PROJECT RESETTLEMENT UNIT*

The PRU will, to an extent, be the face of the resettlement process for the affected people and communities and will be primarily responsible for ground level coordination of the RAP implementation.

The resettlement process is a complex one for a number of reasons, including the following:

- There are intricate traditional leadership structures in the areas to be affected by resettlement and a number of challenges from previous resettlements in nearby regions.
- Opportunists are present, who have tactically built structures on the Plot in order to gain eligibility for compensation provisions.
- A significant amount of the affected land is used for subsistence farming and thus a set of intensive and potentially complicated livelihood restoration programmes will require implementation.
- A number of vulnerable groups, who will require particular assistance, are evident among the affected population.

For these reasons, it is particularly important to have a PRU team possessing a diverse range of skills that will enable the effective on-the-ground management of grievances, technical issues such as land allocation and land quality, logistical issues etc. It is also important that local affected people such as the Enogie and representatives of vulnerable groups, including women and youth, are included in the PRU, as outlined in more detail below.

9.4.1 *Key Roles and Responsibilities*

Key responsibilities of the PRU include:

- coordinating and overseeing the resettlement process and all those participating in it;

- interfacing with the Project in relation to engineering options, the timing / phasing of the resettlement process etc;
- facilitating all consultation and engagement activities with affected communities;
- finalising the resettlement package;
- budget control and formulating and operating compensation disbursement mechanisms;
- ensuring conflict resolution, addressing grievances and alerting the RSC to any additional problems;
- confirming host sites for relocation and replacement agricultural land and liaising with the Host Site Preparation Group (HSPG) (see below);
- providing particular support and assistance to vulnerable groups;
- facilitating resettlement assistance provisions and livelihood restoration programmes to ensure that local needs are met;
- guiding the resettlement monitoring and evaluation process; and
- reporting to the RSC.

9.4.2

Composition

The PRU will be composed of the following members:

- Project Land Acquisition and Resettlement Manager (Chair of the PRU and representing Azura Power West Africa Limited);
- Enogie representative (different from the Enogie representative sitting on the PRU);
- two representatives from each affected community;
- Community Valuation Officer (who handles all community valuation and survey work);
- Azura Power West Africa Limited Community Liaison Officer (who will also deal with grievance issues and monitoring);
- Local Government Area representative; and
- NGO representative (same NGO representative as the one sitting on the RSC) as a facilitator and observer.

It is recommended that the PRU meets once a month for the first six months of the resettlement process. After this period, it is advised that meetings are held on a bi-monthly basis for another six months, and then quarterly depending on the effectiveness of implementation and the scale of outstanding resettlement issues. A record of meetings and minutes should be prepared, held and distributed by the PRU member designated as PRU secretary.

9.4.3 *Community Representation*

Community representation from the affected communities should include not only men, but also women and youth members. There should also be a clear and transparent election process for community representatives. Community members should be encouraged to elect candidates that meet the following criteria:

- They must be resident, reasonably educated and well known in the community.
- They must be affected by the resettlement process.
- They must be well respected.

A mechanism should also be established to enable community representatives to be replaced if they prove unable to fulfil their role in an adequate manner.

Each community representative should be provided with: (i) a daily cash allowance for assistance with the resettlement process; (ii) training on their role and responsibilities; and (iii) specific minimum targets / requirements against which they will be assessed. Finally, community representatives shall be required to sign and adhere to a *Code of Conduct*, which sets out criteria for integrity, transparency, objectivity, openness and accountability.

9.4.4 *NGO Role*

The NGO representative sitting on the RSC and the PRU, supported by other members of this NGO, should not only facilitate clear and transparent information provision and communication between these two tiers of resettlement management, but should also play a key role in affected community support. In particular, the NGO should facilitate the community representative election process, lead affected community capacity building, build trust with the affected communities and play a central role in the implementation of the livelihood restoration and development programmes committed to in the RAP. The NGO will be selected by Azura and will have a strong track record of delivering effective community development programmes.

9.4.5 *Traditional Leadership*

The role of traditional leadership is critical to the success of the resettlement process. The Enogie is the most powerful administrative unit in the village

and is legally recognised as the official spokesman for the communities. As the senior community representative, the Enogie, supported by the Odionwere (eldest man indigenous to, and resident in, the community) and council of elders, has the responsibility to ensure that community members understand the resettlement process and are kept informed.

As an arbitrator, the Enogie is also approached when grievances occur. Therefore the Enogie (or his representatives) may play an important role in the grievance process with Azura Power West Africa Limited.

Traditional leadership also plays an important role in conflict resolution, which may be important for the interaction between community members and the Project.

Traditional leadership will receive some orientation in the RAP process – issues that may arise, the role expected of them etc. This orientation will be facilitated by the NGO.

9.4.6 Selected PRU Committee Roles

Project Land Acquisition and Resettlement Manager

The Project Land Acquisition and Resettlement Manager will be employed by Azura Power West Africa Limited and will be responsible for the following:

- Overseeing and coordinating all resettlement activities;
- supervising all those (including Project staff, government officials, contractors etc) contributing to the process;
- providing technical knowledge to the PRU where necessary;
- operating as the main interface between the Project and the RAP process;
- reporting directly to Project Senior Management;
- chairing the PRU;
- promoting the participation of all stakeholders and information sharing in a relaxed atmosphere conducive to collaboration;
- ensuring information sharing between the RSC and the PRU, as well as wider information dissemination;
- evaluating PRU performance and providing constructive feedback; and
- acting as the “face” of the resettlement process, being perceived to be accessible and promoting trust and confidence as the “go-to” person for any resettlement-related issues and concerns.

Project Community Liaison Officer

The Community Liaison Officer will also be employed by Project and will be responsible for direct engagements with the community, dealing with day-to-day community-related issues and concerns, running the grievance mechanism (see *Section 9.8*) and also monitoring the resettlement process on the ground.

Community Valuation Officer

The Community Valuation Officer is appointed by the community to oversee all land valuation and survey work. More specifically, the Community Valuation Officer will be responsible for:

- offering advice on and explaining the valuation process to the affected communities;
- providing valuable local knowledge on land tenure and property rights to the affected communities;
- ensuring the community has meaningful representation on the PRU; and
- interfacing with any community legal representatives, as necessary.

9.5

ADDITIONAL DIMENSIONS OF THE INSTITUTIONAL FRAMEWORK

In addition to the two-tier management system, the Project's institutional framework should also consist of a Host Site Preparation Group (HSPG) and a Resettlement Assistance Committee (RAC), as summarised in *Section 9.2*. In the following sections, these two dimensions of the institutional framework are further discussed.

9.5.1

Host Site Preparation Group

At an early stage in the resettlement planning process, it is recommended that a HSPG be established to ensure that the necessary resources are available to design, construct and manage all of the logistical and practical arrangements required for the preparation of the host sites. The HSPG will be required to ensure that the perspectives of the displaced and host communities have been considered and factored into the host site design process, that the capacity of water supplies and sewage networks has been increased to a sufficient degree, that enough replacement land for housing and livelihood sustenance is available, that public services will be able to accommodate the influx of affected people and so forth.

The HSPG may comprise an architect, an agricultural officer, a construction coordinator, GIS support and any other technical support staff as required. The HSPG will need to work closely with the PRU in order to ensure that the

requirements of host sites are met and that relevant information and progress reports are provided to the PRU and the RSC, when required.

9.5.2 *Resettlement Assistance Committee*

It is also recommended that a RAC be established to ensure that the physical relocation itself takes place in a smooth and efficient manner. Resettlement assistance will need to be provided to all those that require it, and particularly vulnerable groups. This support may include the hiring of removal contractors to shift household belongings to the relocation site, as well as the provision of manpower to assist with packing, the transportation of livestock and so forth. The RAC will need to work closely with the PRU in order to ensure the delivery of appropriate resettlement assistance in a timely and sensitive manner.

9.6 *CAPACITY BUILDING*

Capacity building, particularly for the RSC and PRU, will be crucial to the effective delivery of the resettlement process. Training will need to be provided to all members of this two-tier management system in order to ensure that they fully understand the measures committed to in the RAP (particularly in terms of OP 4.12 and PS 5 requirements), as well as the institutional set up and the various roles and responsibilities of all of the stakeholders involved in the process.

As mentioned earlier, additional capacity building will also likely be required for the community representatives sitting on the PRU, in order to ensure that they are able to:

- deal appropriately with many of the standard, expected tasks / issues, as well as more unexpected or complex ones;
- use relevant computer programmes and maintain relevant databases for monitoring purposes etc; and
- effectively employ communications media and other methods to disseminate information to, and interact with, the communities that they represent.

9.7 *IMPORTANCE OF NGOS*

In addition to community representatives, NGOs presence is fundamental to the success of a resettlement process. As touched upon above, the Project should specifically employ an NGO to contribute to the resettlement process and ensure its effective delivery. NGOs are particularly effective in:

- gathering and sharing information, which may help to avoid potential problems;
- providing information that may be useful for monitoring and evaluation purposes;
- developing information dissemination materials and promoting effective community participation;
- strengthening local institutions;
- delivering services to hard-to-reach communities and vulnerable groups in a cost effective manner; and
- planning and implementing livelihood restoration and development plans in a sustainable way.

The NGO selected by the Project for these purposes should:

- have a good track record in terms of project planning and implementation;
- possess an understanding of vulnerability, gender issues, the environment and meaningful community participation;
- have experience in the local area / region and sufficient staff capacity; and
- be officially registered with the Corporate Affairs Commission.

9.8

GRIEVANCE MECHANISM

A final aspect of a Project's institutional arrangements should be a grievance mechanism. Both OP 4.12 and PS 5 require that projects implement this in order to accommodate any grievances, complaints or other concerns that stakeholders may have through the duration of the resettlement process. An effective grievance mechanism is fundamental not only to facilitating an effective and sensitive resettlement process, but also to ensuring that projects can proceed on schedule, without delays induced by affected community disaffection.

A detailed elaboration of the grievance mechanism that the Project is in the process of implementing is provided as part of the Stakeholder Engagement Plan – see *Annex A*. In the resettlement context, it is also important to note that the Community Liaison Officer referred to above will also have a grievance role. As part of this role, the Community Liaison Officer will be responsible for:

- liaising with both the affected people and the host community;

- recording grievances, both written and oral, of the affected people, categorising and prioritising them, and providing solutions within an agreed timeframe;
- discussing the grievances on a regular basis with the PRU and identifying decisions / actions for issues that can be resolved at that level;
- informing the RSC of any more serious issues; and
- reporting to the aggrieved parties about the developments regarding their grievances and the decisions of the RSC and PRU.

10. MONITORING AND IMPLEMENTATION PLAN

10.1 INTRODUCTION

This final section of the RAP starts by providing an overview of the monitoring strategy that the Project will implement. It then goes on to develop a simple implementation plan which, drawing from the previous nine sections, (i) lays out the key steps that the Project will take in order to carry out the remainder of its resettlement operation; and (ii) attaches provisional times to each of these key steps. Finally, this section provides a tentative resettlement budget and a guide on implementation costs.

10.2 MONITORING

To adhere to OP 4.12 and PS 5, the Project will be required to monitor and report on the effectiveness of RAP implementation, including the physical progress of its resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities and the sustainability of the Project's livelihood restoration and development efforts. Inspections and audits will be used, where relevant, to verify compliance and progress toward the desired outcomes. Qualified and experienced external experts will be retained to verify the Project's monitoring information. Finally, the Project will document monitoring results, implement corrective and preventive actions where necessary and follow up on these actions to ensure their effectiveness.

10.2.1 Key Monitoring Objectives

The key objectives of the Project's resettlement monitoring are as follows:

- To provide the Project with feedback on RAP implementation and to identify problems and successes as early as possible to allow the timely adjustment of implementation arrangements.
- To enable the Project to demonstrate that the resettlement process is being managed in line with the Project's objectives and desired outcomes, as well as with the requirements of Project stakeholders.

In short, RAP monitoring activities are integral to the success of the Project's resettlement process and will help to demonstrate this. These monitoring activities will be fully integrated into the overall Project management process.

10.2.2

Project Monitoring Plan

Monitoring will be initiated at an early stage in the resettlement process and will cover the affected people in Orior-Osemwende and Idunmwowina-Urho-Nisen, and the host / broader community. Monitoring will continue for approximately three years but, during this period, the intensity of the process will vary. For example, before and immediately after the physical move, monitoring will be fairly intense, while two years later the frequency of the monitoring will have diminished.

The Project's monitoring plan will have three key components; namely: (i) performance monitoring; (ii) impact monitoring; and (iii) external audits. These three components will constitute two parallel aspects:

- **An internal monitoring aspect:** consisting of performance monitoring and impact monitoring, operated by the Project.
- **An external monitoring aspect:** consisting of external audits, carried out by an independent third party.

Further details of the three components of this bipartite monitoring plan, namely performance monitoring, impact monitoring and external audits are provided below.

Key Components of a Monitoring Plan

1. Performance Monitoring. Performance monitoring is an internal management function which will allow the Project to measure physical progress against milestones established in the RAP. Progress will be reported against a schedule of required actions. The Project's performance milestones will include, but will not be limited to:

- public meetings held;
- grievance redress procedures in place and functioning to an agreed timeframe;
- compensation payments disbursed;
- houses completed;
- relocation of people completed;
- livelihood restoration activities initiated; and
- monitoring and evaluation reports submitted.

Performance monitoring of the RAP will be integrated into the overall Project management system in order to ensure that RAP activities are synchronised with other Project implementation activities. Performance monitoring reports will be prepared at regular intervals (eg monthly, quarterly, bi-annually, and annually), beginning with the commencement of implementation activities related to resettlement.

2. Impact Monitoring. Impact monitoring, like performance monitoring, is an internal Project task. It gauges the effectiveness of the RAP and its implementation in meeting the needs of the affected communities. The purpose of impact monitoring is to provide the Project with an assessment of the effects of resettlement, to verify performance monitoring and to identify adjustments in the implementation of the RAP, as required.

The effects of the RAP will be tracked against the baseline conditions of the affected communities prior to resettlement. Objectively verifiable indicators for measuring the impact of resettlement on the socio-economic welfare of the affected people and the effectiveness of impact mitigation measures (including livelihood restoration and development initiatives) will be established. These impact indicators will be relevant to the priorities of the affected people and will include indicators that measure vulnerability and changes in vulnerability over time. The indicators will be derived from consultations with the affected communities and from a review of common concerns raised through the Project's grievance redress process. The Project's impact indicators will include, but will not be limited to:

- changes in quality and quantity of agricultural production;
- changes in employment rates;
- changes in the number of working household members versus the total number of household members (ie dependency ratios);
- changes in household income levels;
- changes in household expenditure patterns;
- changes in access to (eg time spent travelling to) particular services;
- changes in the availability and quality of particular infrastructure and services;
- changes in asset ownership / quality / size; and
- changes in disease incidence.

Impact monitoring, based upon sample surveys of the affected communities, will facilitate the regular ⁽¹⁾ preparation of impact monitoring reports and will continue far beyond the completion of the RAP, to ensure that the Project's livelihood restoration efforts and development initiatives have succeeded and that the affected communities have successfully re-established themselves in their new settings. In addition, the quantitative indicators described above will be supplemented by the use of qualitative indicators, in order to assess the satisfaction of affected people with the resettlement initiatives and thus the adequacy of those initiatives. Regular meetings, focus group discussions and other direct consultations with the affected communities will help to facilitate the qualitative impact monitoring process.

External Audits. Finally, the Project will commission external resettlement evaluations to be conducted by an independent third party. The key objective of these external audits is to determine whether Project efforts to restore / improve the living standards and livelihoods of the affected people have been properly conceived and executed. The audits will verify that all physical inputs committed in this RAP have been delivered and that all associated and livelihood restoration facilities have been provided. In addition, the audits will evaluate whether the mitigation measures prescribed in this RAP have had the desired effect. The socio-economic status of the affected households will be measured against the baseline conditions of the affected households before resettlement, using a sample survey of c. 25 percent of the affected population. Corrective actions will then be prescribed if necessary. The external audits will be commissioned after six months, one year and three years.

Monitoring Roles and Responsibilities

As mentioned, the Project's external audits will be conducted by an independent third party, while the performance monitoring and impact monitoring dimensions of the process will be managed by the Project, as outlined below.

Project Resettlement Unit (PRU) Responsibilities: With reference to the Project's institutional framework outlined in *Section 9*, it is recommended that the PRU plays the key role in the Project's resettlement monitoring process. The Community Liaison Officer will lead the monitoring process, supported by the remainder of the PRU, and in particular, the Project Land Acquisition and Resettlement Manager and the community representatives.

More specifically, the Community Liaison Officer will be responsible for implementing the performance and impact monitoring process; that is, for: (i) proposing relevant performance milestones and impact indicators; (ii) collecting data and other evidence to verify progress against such

(1) Impact monitoring reports will be prepared more regularly (eg quarterly) initially, and then less regularly (eg bi-annually or annually) later.

performance milestones and impact indicators; (iii) recording this data and other evidence; (iv) subjecting the data and other evidence to assessment; and (v) proposing corrective or additional measures, if necessary.

The Community Liaison Officer will maintain a monitoring database in which all relevant information will be entered, and will then be responsible for producing regular performance monitoring reports and impact monitoring reports for submission to the remainder of the PRU. These reports will form the basis upon which specific additional interventions and associated implementation plans (including deadlines, responsibilities and resource requirements) will be agreed by the PRU and implemented by the Community Liaison Officer, with appropriate wider PRU support. Such interventions and associated implementation plans will then be added to the monitoring database, for subsequent regular review.

Resettlement Steering Committee (RSC) Responsibilities: The RSC will play a more supervisory role in the monitoring process. It will be responsible for: (i) signing off on the performance milestones and impact indicators to be used as the basis for the monitoring process; (ii) reviewing performance monitoring reports and impact monitoring reports when necessary; (iii) signing off on additional interventions and associated implementation plans; (iv) making higher-level strategic decisions, as and when problems associated with the monitoring process might arise; and (v) commissioning external audits.

10.3

IMPLEMENTATION PLAN

In addition to facilitating detailed and transparent monitoring and evaluation processes, careful planning of the timings associated with the implementation of the Project's resettlement process will be key to its success. *Table 10.1* provides an outline of the implementation plan that will guide the next stages of the Project's resettlement process. This plan outlines key activities that will take place, associated responsibilities and prospective timings.

Table 10.1 Implementation Plan

Task	Responsibility	Month	Year	Year											
		1	2	3	4	5	6	7	8	9	10	11	12	2	3
Disclose and consult on draft RAP	ERM / Project	█													
Establish institutional framework	Project	█	█	█	█										
Establish grievance mechanism	Project	█	█	█	█										
Community consultation and engagement	ERM / Project	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Recruit NGO partner	Project	█	█	█	█										
Confirm resettlement site/s	Project / NGO			█	█										
Revise and finalise RAP	ERM			█	█										
Government issues Certificate of Occupancy to Project					█	█									
Plan livelihood restoration	Project / NGO	█	█	█	█	█	█	█	█	█	█	█	█		
Draft household level entitlements	Project / NGO			█	█	█									
Household level sign off on entitlements	Project / NGO			█	█	█									
Construct model houses and finalise design	Project / NGO		█	█	█	█									
Government/Project pays cash aspect of compensation provisions	State Government / Project						█	█							
Project pays disturbance and transition allowances	Project											█	█		
Construct foundations, other structures and community facilities	Project / Contractor					█	█	█	█	█	█	█	█		
Provide assistance with physical relocation	Project / NGO												█	█	
Clear Plot, including old dwellings	Project													█	█
Implement livelihood restoration and development programme	Project / NGO												█	█	█
Undertake monitoring of affected people	Project / NGO												█	█	█
Undertake external audits	Third Party (TBC)												█	█	█

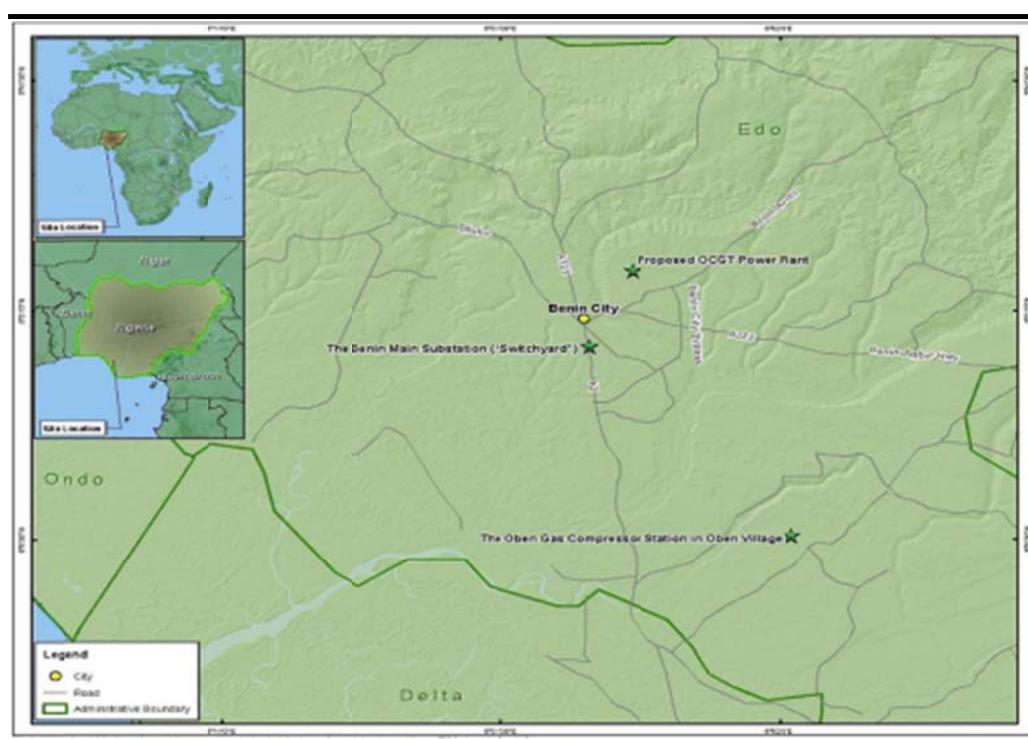
Annex A

Stakeholder Engagement Plan

A1.1 BACKGROUND TO THIS DOCUMENT

Environmental Management Resources (ERM) has been appointed to prepare an Environmental Impact Assessment (EIA) and a Resettlement Action Plan (RAP) on behalf of Azura Power West Africa Ltd ('Azura'), for the construction of an independent power plant (IPP) and associated transmission line in the north-eastern outskirts of Benin City in Edo State, Nigeria. The following Stakeholder Engagement Plan (SEP) is a part of this process as required by Nigerian legislation.

Figure A1.1 Location of the project



This SEP defines the overarching strategy for consultation and engagement throughout the ESIA and RAP process with those directly affected by the Project, including local communities, the Government, NGOs and other identified stakeholder groups (a detailed description of stakeholder groups is outlined in *Section 3*).

The SEP also sets out the strategy for the consultation required as part of the resettlement process.

The key objectives of this SEP are to:

- ensure that adequate and timely information is provided to identified stakeholders;

- provide sufficient opportunity to stakeholders to voice their opinions and concerns, and to ensure that these concerns influence project decisions.

A1.2 *STAKEHOLDER CONSULTATION AND DISCLOSURE*

Stakeholder engagement refers to a process of sharing information and knowledge, seeking to understand and respond to the concerns of others and building relationships based on collaboration. As such, stakeholder consultation and disclosure form key elements of engagement and are essential for the successful delivery of this project.

In this SEP, consultation is understood to be an inclusive and culturally appropriate process aimed at providing stakeholders with opportunities to express their views, so that these can be considered and incorporated into the decision making process. Effective consultation requires the prior disclosure of relevant and adequate project information to enable stakeholders to understand the risks, impacts, and opportunities of the project.

This SEP concentrates on consultation and disclosure activities during the Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) process, which are being undertaken to inform investment and design decisions. It will also include reference to consultation activities that will be undertaken by Azura as part of the later stages of stakeholder engagement during detailed design, construction and operation of the project.

A1.3 *PURPOSE OF THIS PLAN*

Azura is committed to undertaking stakeholder engagement in a manner which is consistent with international good practice, a summary of which is presented in *Section 2*.

In line with current international best practice, the engagement activities outlined within this SEP will ensure '*free, prior and informed consultation of the affected communities*'⁽¹⁾ and conducted on the basis of timely, relevant, understandable and accessible information, in a culturally appropriate format.

The primary goals of the SEP are:

- to define a consistent, comprehensive, coordinated and culturally appropriate approach to stakeholder engagement throughout the development of the Project;
- to generate a good understanding of the project by ensuring that adequate, appropriate and timely information is provided to stakeholders;

(1) IFC Performance Standard 1 on Social and Environmental Assessment and Management Systems, 2006. Page 5.

to ensure stakeholders understand the potentially significant environmental and social impacts of the Project;

- to understand local opinion, expectations and concerns about the Project;
- to manage expectations and possible misconceptions about the Project;
- to assist in developing effective mitigation measures and management plans for these impacts;
- to optimise any local benefits that can be delivered throughout the Project;
- where possible , to enable affected communities to have an influence on and be involved in project design, construction and operation; and
- to lay a good foundation for future stakeholder engagement.

In addition the SEP is designed to:

- identify and include additional stakeholders that were not identified during previous engagement activities;
- document previous engagement activities that have occurred;
- devise a plan for engagement activities going forward taking into account activities that have occurred; and
- provide an overview of the high level Grievance Mechanism being developed.

The SEP is a 'live' document, which will be updated and adjusted as the EIA and the RAP progress and project planning evolves. It has thus provided, and continues to provide, a framework to facilitate and manage effective and meaningful engagement with key stakeholders.

A1.4

STRUCTURE

This SEP is organised in the following subsequent sections:

- **Section A2:** National and International Regulations and Requirements for Stakeholder Engagement;
- **Section A3:** Stakeholder Identification and Analysis;
- **Section A4:** Stakeholder Engagement Strategy and Key Issues Raised To-Date;
- **Section A5:** Photograph Log;
- **Section A6:** Grievance Mechanism;
- **Section A7:** Resources and Responsibilities; and

- *Section A8: Monitoring and Reporting on Stakeholder Engagement Activities.*
- *Exhibit A1: Example of a Grievance Mechanism*
- *Exhibit A2: Meeting Minutes*

A2 NATIONAL AND INTERNATIONAL REGULATIONS AND REQUIREMENTS FOR STAKEHOLDER ENGAGEMENT

A2.1 INTRODUCTION

Actions to be taken within the framework of Stakeholder Engagement and information disclosure will comply with the requirements of:

- relevant Nigerian legislation applicable to the project;
- principles and procedures specified by the World Bank in their Performance Standards and safeguard policies; and
- any policies adopted by Azura.

A2.2 NIGERIAN LEGISLATIVE REQUIREMENTS FOR STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE

In Nigeria, public authorities hold the main responsibility for informing the public about developments that might affect the environment.

The Federal Ministry of Environment (FMEnv) issues guidelines for environmental impact assessments for different industries. It also provides publications to inform the public of applicable effluent emission levels and other standards in place to prevent environmental pollution. FMEnv is the approving authority for EIAs in Nigeria.

Section 55 of the EIA Act provides for the maintenance of a Public Registry for the purpose of facilitating public access to records relating to environmental assessments. Public hearings to which interested members of the public are invited are a key part of the approval process for EIA reports by the FMEnv.

Section 6(b) of the Federal Environmental Protection Agency (FEPA) Act stipulates that FEPA has the authority collect EIA information and make it available through publications and other appropriate means.

The public authorities, in cooperation with public or private organisations, are also responsible for making information available pertaining to pollution and environmental protection regulations. Members of the public and persons requiring clarifications on environmental issues can visit the offices of the FMEnv or the relevant State environmental agency for environment-related information.

A2.3 WORLD BANK REQUIREMENTS FOR STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE

The project will endeavour to meet standards and requirements set out by the World Bank safeguard policies as defined below:

A2.3.1 World Bank OP 4.01 - Environmental Assessment

If there are risks or adverse impacts from the Project, engagement must be inclusive and culturally appropriate and provide stakeholders with opportunities to express their views. In line with current guidance from the IFC, engagement should ensure 'free, prior and informed engagement of the affected communities ⁽¹⁾.' OP 4.01 requires at least one round of engagement early in the ESIA process, and again one on the draft ESIA report before decision-making. In other words, effective engagement requires the prior disclosure of relevant and adequate project information to enable stakeholders to understand the risks, impacts, and opportunities.

A2.3.2 World Bank OP 4.12 - Involuntary Resettlement

In addition the safeguard policy on involuntary resettlement, physical and economic dislocation, OP 4.12, states that World Bank funded developmental projects should avoid or minimise displacement as much as possible. Unavoidable displacement should involve the preparation and implementation of a Resettlement Action Plan (RAP) or an Abbreviated Resettlement Plan (ARP) to address the direct economic and social impacts resulting from the resettlement. The nature and scale of the proposed project requires the development of an RAP.

OP 4.12 stipulates the following minimum requirements for a RAP with regard to stakeholder engagement:

- a census survey of displaced persons and valuation assets;
- description of compensation and other resettlement assistance to be provided;
- engagement with displaced people about acceptable alternatives;
- institutional responsibility for implementation and procedures for grievance redress;
- arrangements for monitoring and implementation; and
- a timetable and budget.

(1) IFC, 2006: p. 5

The WB Operational policy 4.12 on involuntary resettlement states, as a policy objective, that 'displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programmes (para 2 [b]). The OP further requires that the resettlement plan or resettlement framework includes measures to ensure that 'the displaced persons are.....consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives' (para 6 [a]).

The OP provides additional guidance that 'displaced persons and their communities, and any host communities receiving them, are provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for those groups' (para. 13 [a]).

OP 4.12 provides a detailed outline of the elements of a participation plan: Involvement of resettled and host communities, including

- (a) a description of the strategy for consultation with and participation of resettled and host communities in the design and implementation of the 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 individuals, families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (eg places of worship, pilgrimage centres, 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, the landless, and women are adequately represented.

A3 *STAKEHOLDER IDENTIFICATION AND ANALYSIS*

A3.1 *INTRODUCTION*

For the purposes of this plan, a stakeholder is defined as any individual or group who is potentially affected by the project or who has an interest in the project and its potential impacts ⁽¹⁾. The objective of stakeholder identification is therefore to establish which organizations and individuals may be directly or indirectly affected (positively and negatively), or have an interest in the project. Stakeholder identification is an on-going process, requiring regular review and updating as the project proceeds.

A3.2 *STAKEHOLDER IDENTIFICATION AND MAPPING*

In order to develop an effective Stakeholder Engagement Plan it is necessary to determine:

- who is likely to be affected (both directly and indirectly) by the project; and
- who may have an interest in the project.

As part of the stakeholder identification process it is also important to identify individuals and groups that may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status.

Different issues are likely to concern different stakeholders and so stakeholders have been grouped based on their potential connections to the project in *Table A3.1*. Having an understanding of the connections of a stakeholder group to the project helps identify the key objectives for and best approaches to engagement for differing groups and individuals.

Deciding on which mechanism to use is dependent on the level of feedback required, as well as on the ease with which participants can be involved in the engagement activity. One-on-one meetings and village meetings may be more appropriate for directly affected stakeholders where a two-way information flow is required to understand opinions and concerns. Press releases might be more appropriate for the general public (not directly impacted) where the engagement is more about information dissemination as opposed to seeking opinions and concerns.

(1) This is considered to be equivalent to the definition of 'the public concerned' as discussed in the 2000 Implementation Guide to the Aarhus Convention (UN/ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (see <http://www.unece.org/env/pp/acig.pdf>))

A list of the organisations identified to date is provided in *Section 4*, together with a plan for their involvement in the various phases of engagement. This list will be kept up to date as new stakeholders are identified or express an interest in the project. Contact details of the majority of the individuals/ institutional stakeholders have also been compiled by the EIA team to enable the project to readily communicate with each stakeholder. This information may be kept on a database for ease of use, but will not be shared with any third party.

Table A3.1 Stakeholder Groups and Connections to the Project

Stakeholder Groups and Types	Connections to the Project
Government and Community Leadership	
Government – National	National and regional government individuals are of primary political importance to the project with permitting requirements that must be met by the project.
Government – Provisional	
Government – District	
Local Leaders (eg Chief, elders)	Local community leaders and religious or educational leaders, acting as representatives of their local community.
Communities	
Communities in the vicinity of the proposed power plant site	Households and communities that will receive impacts (positive or negative) as a result of the project.
Community Based Organisations (CBOs)	
Vulnerable groups such as women, youth and elderly	Vulnerable groups may be affected by the project by virtue of their physical disability, social or economic standing, limited education, lack of employment or housing. They may also have difficulty in engaging with the stakeholder consultation process and thus may not be able fully express their concerns regarding the project.
Private Sector	
Business organisations	Individuals or organisation with direct economic interest in the project. This may be through gaining contracts with the project or due to economic impacts caused by the project. They may also be potential business partners.
Companies - potential suppliers and contractors	
Financial Lenders	
International financial institutions.	Multilateral, bilateral and private sectors financial institutions providing project finance for construction of the project
Nongovernmental Organisations	
Local NGOs	Organisations with direct interest in the project and that are able to influence the project directly or through public opinion. Such organisations may also have useful data and insight and may be able to become partners to the project in areas of common interest.
Other	
Research/ Academic Institutions	Other international, regional and local groups with direct interest in the project.

A3.2.1 *Regulators*

Regulators are mainly government authorities or organisations who have the power to influence the Project in terms of the approvals' process, ensuring compliance with Nigerian Law throughout all stages of the project life-cycle including planning, construction, and operation and decommissioning. It is therefore also important to engage with all appropriate regulators from an early stage and to maintain relationships with these groups.

The following regulatory groups were identified in the scoping phase:

- The Federal Ministry of Environment (FMEnv), Abuja;
- The Federal Ministry of Power;
- Nigerian Electricity Regulatory Commission (NERC);
- The Edo State Ministry of Environment and Public Utilities (MEPU); and
- The Department of Petroleum Resources (DPR) offices in Edo State.

The Project will continue to communicate closely with these agencies as the Project progresses, in the context of formal applications for relevant licences and through one-on-one meetings.

A3.2.2 *Other Government Agencies*

Local Government Area (LGA) Councils

The Project will be located in the area of the Unhumnwonde Local Government Area (LGA). All relevant departments of this LGA council will require ongoing engagement throughout all stages of the Project. This will ensure that they understand what is happening in their area, thereby enabling them to consider Project activities in their wider planning and work.

State Government

The Edo State Government will also need to be engaged on a continuous basis to ensure it understands what is happening in the State, so as to be in a position to consider the Project activities in their wider planning and activities. Particular agencies within the State Government that will be engaged include:

- The Governor's office;
- Ministry of Environment and Public Utilities;
- Ministry of Lands, Surveys and Housing; and
- Ministry of Energy and Water Resources.

National Government

The National Government and relevant ministries (as listed above) shall be provided with information about the Project as relevant.

Community

Community Leaders

Traditional Leaders, their councils and the leaders of other social groups in the communities, such as women and local farmers, health workers and teacher groups, should all be engaged on a continuous basis about all aspects of the Project that may impact on their community, lands and other assets.

Meetings with these groups need to follow local practices and norms and be held prior to any wider communication in the villages in order to respect traditional structures.

Communities, Community Based Organisations (CBOs) and Vulnerable Groups

The communities identified during the Scoping Phase as affected by the Project are Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen. These are communities located within one kilometre of the power plant site. Stakeholder groups identified within these communities include chiefs, farmers, religious priest, traditional leaders, land allocation members, village chairmen, community valuer, Enogie, women, teachers, health workers and other groups.

Specific community based organizations (CBOs) were identified as important for engagement, both as representatives of the local community, and as effective means of disseminating Project information to their members. These groups include women's groups, youth groups and elderly groups in each of the three communities.

Based on the characteristics of the affected area, communication with local stakeholders, including advertisement of the grievance mechanism, will be conducted through community meetings. These will be held with all members of the communities at specific project milestones, for example at the end of the construction phase and beginning of the operational phase, to ensure that all voices in the community are heard. Communication with the communities will also include use of local media.

In addition, it is important to consult with groups classified by the World Bank as potentially marginalised or vulnerable. These groups need to be consulted separately since they may need particular attention and they may not necessarily be adequately represented through the traditional leadership structure. These targeted engagement measures ensure that vulnerable groups are also fully aware of the Project and are able to provide comments and concerns. The main stakeholder group identified as vulnerable by the study is women, by virtue of their economic vulnerability and their lack of opportunity to participate in decision making systems within the local cultural context. Women may not always be able to attend or speak freely at open meetings and/or may have household restrictions on when they are able to attend such meetings.

To ensure adequate representation of women, the Project will hold women's meetings at times and places that suit the women in each community. These meetings will be led by a female member of the Project team, where possible. Where appropriate, these meetings will be organised through women-focused Community Based Organisations (CBOs).

Elderly and youth have also been identified as potentially vulnerable, also because of their economic marginalisation and limited input in local decision-making. As such, engagement activities will also specifically target groups of these stakeholders, to ensure that their views are accurately represented and that they are provided with full information about the Project and potential impacts that affect them.

A3.2.4 **NGOs**

NGOs can be important to engage with for a number of reasons. They may hold information of use to the Project, they may have concerns or actively campaign against the Project, or they may be potential partners (eg for social investment, monitoring etc).

The Project identified the Nigerian Conservation Foundation (NCF) as a key stakeholder. Other NGOs include Pro-Natura International Nigeria (PNI) and the Lift above Poverty Organisations Microfinance Bank (LAPO). The main mechanism for engagement with NCF and other relevant NGOs is through face-to-face meetings at key stages of project development (eg at the onset of construction).

This section of the SEP provides an overview of the stakeholder engagement strategy for the proposed project. In light of clear synergies between the ESIA and the RAP development process, ERM adopted an integrated approach to stakeholder engagement, consultation and socio-economic data collection, using common tools especially during the early phase of the ESIA work.

This section therefore summarises the key issues raised by stakeholders to date during the Scoping, EIA Study and RAP stages of engagement. The information provided in this section will aid the identification of proposed mitigation measures for the Project, which will be announced during Stage 3 of engagement – EIA and RAP Disclosure.

A4.1**STAKEHOLDER EIA AND RAP ENGAGEMENT STRATEGY**

The EIA and RAP Engagement Strategy has been divided into four stages, each having slightly different objectives for engagement as presented in *Table A4.1*. Stage 2 was the latest stage of engagement and was held between June and October 2011. In addition particular attention has been given to the need to engage with vulnerable groups in the context of the stakeholder engagement strategy. Vulnerable groups can be defined as those who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others, and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

The socio-economic fieldwork that was conducted facilitated the identification of a number of vulnerable groups among the affected population; namely:

- **Women.** Situated within a patriarchal society, women tend to be prevented from participating in local decision-making. They also tend to lack access to independent means of income generation.
- **Disabled and / or elderly people.** Physical or mental disability and / or old age tend to inhibit access to independent means of income generation.
- **Unemployed youth.** Unemployment, particularly among the youth, is a central problem among the affected communities, and is serving to create both financial and emotional vulnerability.

Table A4.1 Stages of Consultation

Stage	Objective	Progress
1. Scoping	Set out the process of engagement throughout the lifecycle of the project and preliminary stakeholder identification.	Completed (October 2010)
2. EIA and RAP Study	Inform local stakeholders about project design, to obtain their key concerns and high level issues and to inform the development of mitigation for the Project.	Completed (June-July 2011)
	Train sub-consultants and the local government authority regarding the consultation during the EISA Phase and the resettlement process.	Completed (June-July 2011)
	Detailed Enumeration Study using participatory planning methods.	Completed (August 2011)
	Asset Census Survey using qualitative and quantitative questionnaires	Completed (October 2011)
	Disclosure of the Entitlements Matrix for Household and Community Level Compensation	Completed (Jan/Feb 2012)
3. EIA and RAP Disclosure	Public notice of the opportunity for information and comment on the draft EIA and RAP report for the Project.	Planned (February 2012)
4. Project Execution (construction and operation)	On-going engagement after submission of the EIA and RAP to monitor the success of mitigation measures.	To be planned in future

The stages of consultation consist of the following elements:

Stage 1: Scoping:

- Stakeholder identification and mapping; and
- Initial engagement with Government Authorities to inform them about the Project.

Stage 2: EIA and RAP Study

Stage 2A: Inform local stakeholders about project design, to obtain their key concerns and high level issues and to inform the development of mitigation for the Project

- Further engagement with the stakeholders consulted during scoping as well as with additional groups. The outcomes of these consultations were used to fine tune the scope and strategy for the next stage of data collection.
- Local community leaders and groups of key stakeholders in Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen were consulted further to provide them with an overview of the proposed EIA and RAP process, potential project impacts and likely mitigation measures. This was carried out at the same time as the collection of further baseline data

using qualitative and consultative processes to better understand the stakeholders and their perceptions of the Project.

- One-on-one key informant interviews, village-level discussions and FGDs were also employed to explore the range of resettlement-related impacts of the Project's land acquisition process and other relevant issues.
- NGOs, private sector, research institutions and the general public/media were also engaged through one-on-one meetings, letters and a press release.

Stage 2B: Training and Capacity Building

A training workshop was organised by ERM for the local EIA consultants and local Government Authorities and aimed to:

- Discuss Project risks and the importance of stakeholder consultation as well as key 'dos and don'ts' of stakeholder consultation;
- Outline and explain the need for resettlement and a Resettlement Action Plan (RAP), including explaining the land acquisition and resettlement requirements of Nigerian legislation and international standards (specifically, World Bank OP 4.12);
- Define and provide an understanding of resettlement and key resettlement terms, including an overview of World Bank Policy OP 4.12 and key resettlement principles;
- Provide an overview of the resettlement process and an understanding of the processes involved in a RAP;
- Carry out a comparative analysis and gap assessment between the RAP process followed by the state government and that set out by the World Bank Operational Policy 4.12; and
- Facilitate an understanding of eligibility and entitlement for a RAP.

The training also served as an opportunity to finalise the socio-economic baseline survey and asset valuation questionnaires. The training workshop was concluded in July 2011.

Following the training workshop, stakeholder consultation and meetings were held with various government departments including:

- Edo State Ministry of Environment and Public Utilities (MEPU)
- Edo State Rural Electrification Board

- Edo State Ministry of Lands, Surveys and Housing; and
- Edo State Ministry of Energy and Water Resources
- Edo State PPP office
- Edo State Lands Survey Department
- Unhumnwonde LGA

Exhibit 2 contains the minutes of the meetings held with these stakeholders.

Stage 2C: Detailed Enumeration Study for RAP

Following preliminary investigations it was found that resettlement of certain communities was required and would thus require an enumeration survey. Although this enumeration survey is required for the RAP, the results of the survey was also used to augment the socio-economic study and, as such, the associated consultation activities are also described below.

The socio-economic enumeration survey was conducted from the 22nd-27th August 2011 by a team that was composed of four surveyors from the Ministry of Lands, Survey and Housing and the four social specialists from the University of Ibadan. The survey covered the three key communities of Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen, with the aim of obtaining baseline socio-economic data and a quantitative description of the communities surrounding the proposed project, to inform the preparation of the RAP. The survey focussed on identifying all households, graves and shrines within these three communities.

The collection of additional data on the existing land users in the area also provided an opportunity to inform the community about the Project, obtain community approval for the forthcoming asset census survey and to define the cut-off date for this survey. The results of the survey are being used to plan an asset census survey which will assess the direct economic and social impacts resulting from the proposed resettlement.

The detailed outcome of the survey will be further discussed in the RAP, which is being produced alongside the EIA. Further details of meetings held as part of the enumeration survey can be found in *Exhibit 2*.

Stage 2D: Asset Census Survey for RAP

As part of the requirements for an international standard RAP, an asset census survey was carried out in the Project-affected communities Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen. The census made use of detailed questionnaires and census forms to develop a detailed understanding of the socio-economic profile of the affected communities, including property, livelihoods, housing and income/ savings.

In addition to being used to calculate compensation as part of the RAP, the information gathered during the asset census survey will be used to inform

the social baseline, impact assessment and development of management measures.

The asset census survey was completed in October 2011.

Stage 2E: Disclosure of the Entitlements Matrix for Household and Community Level Compensation

The disclosure of the entitlements matrix for household and community level compensation took place during the last week of January 2012. It commenced with a pre-disclosure meeting held with the leaders of the Orior and Idunmwowina Community and community appointed valuers on Friday, 27 January 2011 followed the day afterwards by successive disclosures to the full membership of both these communities (in their respective community centres). A week was then allowed for households to hold discussions in the home, and within their communities, prior to Project representatives reconvening meeting in both communities on 3 February 2012 to receive and discuss comments and queries. Individuals have also been able to email their comments and concerns separately to the Project.

Detailed minutes of the pre-disclosure meeting and the subsequent (full community) disclosures and consultation meetings were taken are included as part of Exhibit 2 of this Annex. The set of disclosures was also videographed.

A number of modifications to the entitlements matrix have been made taking into account the points raised at the disclosure and subsequent consultation meetings held with both Orior and Idunmwowina Communities. Comments received via email have also been taken into consideration. Most importantly, the land for land replacement compensation that had previously been considered for agricultural land owners has now been amended, in line with sentiments expressed by householders, such that agricultural land owners will receive a cash sum that is sufficient to allow them to acquire a replacement plot of land that has a combination of productive potential, locational advantages and other factors at least equivalent to the land being lost. The Project will sign an MoU with the leadership of the Orior and Idunmwowina Communities, under the terms of which those affected by the loss of land will be secured the right to acquire land at a rate that is less than the compensation (for loss of land) that is paid to them by the Project.

Stage 3: EIA and RAP Disclosure:

As part of the formal regulatory process, the FMEnv will disclose the draft EIA report and RAP for the Project and invite public comments. Public stakeholders at both the state and LGA levels will be invited to provide their input. This notification is typically done through a newspaper announcement and is currently planned to be undertaken in February 2012.

Stage 4: Project Execution:

This stage involves ongoing engagement after submission of the EIA and RAP. RAP implementation will begin and engagement activities will be carried out to monitor implementation and effectiveness of other mitigation measures. This stage will also be designed to build on positive stakeholder relationships established during the EIA and RAP process and carry these forward through Project implementation and operation.

Stakeholder engagement activities and specific discussion areas for Stages 1 and 2 of the engagement strategy are detailed in *Table A4.2* below. Activities for Stages 3 and 4 will be detailed in the subsequent version of this SEP.

Table A4.2 Stakeholder Engagement Activities to Date

Consultation Stage	Engagement Activity	Stakeholders	Specific Discussion Areas	Timing
Stage 1: Scoping				
Government Authorities: National, state and local authorities whose support is needed for political and regulatory approval of the Project	• Meeting with State Government Officials	• Edo Ministry of Energy and Water Resources	<ul style="list-style-type: none"> • Consultation with affected communities: continuous consultation with stakeholders is needed throughout Project implementation; • Potential positive impacts: reduction of gas flaring, employment opportunities, and improvement in electricity supply; • Compensation for affected farmland. 	December 2010
		• Edo Ministry of Lands, Surveys and Housing	<ul style="list-style-type: none"> • None: The Permanent Secretary declined to comment on the Project until his Ministry had conducted a visit to the proposed Project site at Ihovbor 	December 2010
		• Edo Ministry of Environment and Public Utilities	<ul style="list-style-type: none"> • Consultation with affected communities: continuous consultation with stakeholders is needed throughout Project implementation; • Compensation for affected farmland: Concern that a poor inventory of assets would lead to inadequate compensation of affected communities; • Risk of accidents for people living near the plant: The power plant should be built in line with the highest safety standards. • Potential positive impacts: reduction of gas flaring, employment opportunities 	December 2010
		• Meeting with Local Government Officials.	• Uhumwonde Local Government Area Council.	<ul style="list-style-type: none"> • Consultation with affected communities; • Compensation for affected farm land; • Potential positive impacts: employment opportunities for local people and provision of electricity to local people.

Consultation Stage	Engagement Activity	Stakeholders	Specific Discussion Areas	Timing
Stage 2: EIA & RAP Study				
Community Engagement, engagement with local groups and traditional leaders, as well as further engagement with government authorities.	<ul style="list-style-type: none"> Meeting with Edo State Land Department. 	<ul style="list-style-type: none"> Lands Officials Public Private Partnership (PPP) Representatives; ERM Representatives; Local Community Liaison Officer (CLO). 	<ul style="list-style-type: none"> Cut-off date for enumeration and asset census. No legislative concept of a cut-off date which can be followed by the land department; Issue of new graves and other construction activities, as compensation only given for improvements to land; Once compensation money allocated, people will go to the Enogie and pay a fee to gain permission to settle into new communities; The enumeration process is asset, not household driven, and no format exists at present for use by the land department; The acquisition process- steps; Common understanding of issues between ERM and the land department. 	May-July 2011
	<ul style="list-style-type: none"> Meeting with Edo State Ministry of Lands, Survey & Housing. 	<ul style="list-style-type: none"> Government Officials; Azura Representatives. 	<ul style="list-style-type: none"> The ministry has previously worked on projects funded by the World Bank (WB) and its requirements for resettlement; The ministry has no objections to working with ERM and to the standards set by the WB and suggested that the land department work with ERM on the resettlement process; The asset census form used by the government will be shared with ERM, and ERM's census survey and social baseline will be used to achieve WB standards; Power is vested in the state and Edo State governor, who has the authority to make decisions with respect to land; Land exploration is first approved by the governor and published in the gazette. Field surveys are then conducted and final compensation payments are allocated on approval of the governor. 	May-July 2011
	<ul style="list-style-type: none"> Meeting with Edo State Ministry Office Public Private Partnership (PPP) Office. 	<ul style="list-style-type: none"> Government Officials; Azura Representatives; PPP Office. 	<ul style="list-style-type: none"> Update on the EIA and RAP Process; Key Concerns of the Ministry; Request for support in conducting the EIA and RAP process. 	May-July 2011

Consultation Stage	Engagement Activity	Stakeholders	Specific Discussion Areas	Timing
	<ul style="list-style-type: none"> Meeting with Local Stakeholders. 	<ul style="list-style-type: none"> Local Councillors; Local People including youth and women ; Azura Representatives. 	<ul style="list-style-type: none"> Enogies are the traditional leaders of the communities; Institutional clarity between the LGA and Councillors and traditional leadership; The need for a grievance mechanism throughout the Project. 	May-July 2011
	<ul style="list-style-type: none"> Key informant interviews and Focus Group Discussions 	<ul style="list-style-type: none"> Local leaders Traditional community leader Local people Womens' groups Business Women Director of Land Permanent Secretary of Land Director of Power NGO representatives 	<ul style="list-style-type: none"> Consultation of potential resettlement-related impacts of the Project's land acquisition process 	May-July 2011
	<ul style="list-style-type: none"> Training for local government officials and local sub-consultants 	<ul style="list-style-type: none"> Sub-consultants Government Departments 	<ul style="list-style-type: none"> Key Project risks; Need for resettlement and a RAP Define and clarify key resettlement terms and principles including World Bank OP 4.12 Criteria around resettlement, including Nigerian and WB standards and process; Procedures for stakeholder engagement; Eligibility and entitlement for compensation as part of the RAP Gap analysis between state government RAP process and process set out by World Bank OP 4.12 	July 2011

Consultation Stage	Engagement Activity	Stakeholders	Specific Discussion Areas	Timing
	<ul style="list-style-type: none"> Detailed Enumeration Survey for RAP 	<ul style="list-style-type: none"> Team of surveyors from Ministry of Lands, Surveys and Housing, and specialists from sub-contractor's social team. Communities of Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen 	<ul style="list-style-type: none"> Collection of socio-economic baseline data; Enumeration of physical & cultural community resources; Description of Project and EIA; Upcoming asset census survey; Cut-off date for census survey. 	August 2011
	<ul style="list-style-type: none"> Socio-economic and Asset Census Survey for RAP 	<ul style="list-style-type: none"> Communities of Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen 	<ul style="list-style-type: none"> Household & community socio-economic conditions; Enumeration & valuation of household assets; Enumeration & valuation of land & livelihood assets; Public perceptions regarding the Project 	September 2011
	<ul style="list-style-type: none"> Disclosure of the Entitlements Matrix for Household and Community Level Compensation 	<ul style="list-style-type: none"> State Govt Community representatives and community valuers Communities of Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen 	<ul style="list-style-type: none"> The groups eligible for compensation and the nature of the compensation, rehabilitation and livelihood restoration that is to be provided to each of these groups. 	January and February 2012
Stage 3: EIA and RAP Disclosure				
Government Authorities and the General Public	<ul style="list-style-type: none"> Public disclosure of the EIA and RAP 	<ul style="list-style-type: none"> FMEnv General Public 	<ul style="list-style-type: none"> All issues addressed in the EIA and RAP 	To be undertaken in February 2012
Stage 4: Project Execution and RAP implementation				
<i>Activities to be carried forward by the Project promoter</i>				2012 onwards

Table A4.3 provides an overview of the key issues raised by stakeholder during Stages 1-2. This will be updated as the Project progresses so that issues can be assessed and managed as part of Project development.

In order to assess the importance of issues raised, the following broad criteria have been used:

- **High:** The issue is considered critical by the stakeholder and is one that would result in the individual or group being against the Project. It is likely that many individuals consider the issue of high importance and may campaign to influence others to be against the Project should the issue remain unresolved.
- **Medium:** The issue is considered important to stakeholders and they would expect a response by the Project indicating how their views have been taken into account. However, it is unlikely to result in concerted opposition against the Project. The issue is likely to be restricted to few individuals or a specific interest group.
- **Low:** Issue provides useful data or insight but does not require specific consideration by the Project. The issue raised by the stakeholder are targeted towards wider community needs and also with keeping future welfare and well-being in mind.

It is noted that the application of these criteria is complex and the rating provided are based on professional judgment based on their interactions with various interest groups. Ratings may need to be changed as a result of further engagement as the Project progresses.

Table A4.3 Key Issues

Key Issue	Description	Additional Comments	Importance
Project Concerns			
Consultation	<ul style="list-style-type: none"> Continuous consultation with stakeholders is needed throughout Project implementation. Who will be primary responsible for the consultation? All the consultation should be held with all accredited members of the executive council and chiefs of the community. Respect and recognition of the community leader; chiefs; and tradition and customs of the people. Formal complaint lodged regarding omission of Orior-Osemwende and Idunmwowina-Urho-Nisen from the revocation of right of occupancy and compensation notice published in newspapers. No further consultation was permitted until correction was made Request a post-survey meeting of all 3 communities, with representation from the Government and the Project, to confirm land contribution 	<ul style="list-style-type: none"> Consistently raised by all the groups Consistently raised by all the groups Consistently raised by all the groups Consistently raised by all the groups in Orior and Idunmwowina Orior and Idunmwowina Community (Meetings on 21st June and 4th October 2011) Preliminary community consultations June 22nd-24th 2011 	<ul style="list-style-type: none"> Medium

Key Issue	Description	Additional Comments	Importance
Compensation	<ul style="list-style-type: none"> Concern that a poor inventory of assets would lead to inadequate compensation of affected communities. Who leads the acquisition process? Are we going to be paid compensation by Government? 	<ul style="list-style-type: none"> Orior and Idunmwowina Community (Meetings on 21st June and 4th October 2011) By both the community leaders Government (27th May 2010 and 27th July 2010) 	<ul style="list-style-type: none"> High
Legacy Issues	<ul style="list-style-type: none"> Following experience of last NIPP project, Orion and Idunmwowina-Urho-Nisen worry about unfair distribution of compensation Orior-Osemwende and Idunmwowina-Urho-Nisen were unhappy that the previous NIPP project was named after Ihovbor, although all three communities gave up land. They don't want to see the same happen this time. Orior-Osemwende and Idunmwowina-Urho-Nisen were unhappy that Ihovbor received the benefits of the NIPP (jobs, infrastructure, etc) and worry that the same could happen again. Boundary disputes between Orior-Osemwende and Ihovbor community 	<ul style="list-style-type: none"> Orior and Idunmwowina Community Meetings on 21st June and 4th October 2011 – concern shared by all participants FGDs 22nd / 23rd June 2011 and 4th October 2011 – concern shared by all participants FGDs 22nd/23rd June and 4th October 2011 – concern shared by all participants Valuation exercise in Orior-Osemwende community 4th October 2011 	<ul style="list-style-type: none"> Medium

Key Issue	Description	Additional Comments	Importance
Social infrastructure and standard of living:	<ul style="list-style-type: none"> Concern about the provision of basic social infrastructure and amenities such as schools, hospitals, potable water. 	<ul style="list-style-type: none"> Paired needs priority ranking assessment undertaken with men, women and youth focus groups in each community 3rd/4th October 2011 	<ul style="list-style-type: none"> Medium
	<ul style="list-style-type: none"> Improved road 	<ul style="list-style-type: none"> Highest priority need raised by women - FGDs 3rd/4th Oct 2011. Also high priority for residents of Orior and Idunmwowina communities 	
	<ul style="list-style-type: none"> Rehabilitation of dirt road into community. Residents alleged deterioration due to Company's vehicles 	<ul style="list-style-type: none"> Orior & Idunmwowina Community (3rd Feb 2012). Project response: Rehabilitation will begin once company has taken possession of the project plot. To be discussed further in negotiation of MoU. 	
	<ul style="list-style-type: none"> Demand that company develops and discloses design of road network to be built in community. 	<ul style="list-style-type: none"> Orior Community (3rd Feb 2012). Project response: To be discussed further in MoU. 	
	<ul style="list-style-type: none"> Concerns over lack of food productivity due to reduced access to land 	<ul style="list-style-type: none"> FGDs October 2011 	
	<ul style="list-style-type: none"> Concerns over increased cost of living due to influx of workers and increased spending power in communities, leading to decreased standards of living for those whose incomes remain the same 	<ul style="list-style-type: none"> FGDs October 2011 	
	<ul style="list-style-type: none"> Concern about electrification project that is suffering delays due to government acquisition and delays in relocation. 	<ul style="list-style-type: none"> Orior Community (3rd Feb 2012). Project response: Community may continue with electrification project as the company will relocate any distribution line / electric poles erected & will also provide electric transformers. To be discussed further in MoU. 	

Key Issue	Description	Additional Comments	Importance
Health & Safety	<ul style="list-style-type: none"> Concerns over increased incidence of theft due to influx of migrants Fear of 'heat' from buried gas pipelines to nearby communities. Risk of accidents for people living near the plant: The power plant should be built in line with the highest safety standards. As far as possible community should operate with the minimum disruption of their means of livelihood of the people by adopting measures to mitigate any adverse impact on the environment. All road traffic regulations and speed limits should be obeyed to prevent accidents, loss of lives and property, during the different stages of Project. 	<ul style="list-style-type: none"> Government (27th May 2010 and 27th July 2010) and residents in project affected communities (October 2011 FGDs) FGDs in villages, including woman's FGD 3rd/4th Oct 2011 Consistently raised by all the groups. Consistently raised by all the groups Consistently raised by all the groups 	<ul style="list-style-type: none"> Medium

Key Issue	Description	Additional Comments	Importance
RAP Impacts			
General comments	<ul style="list-style-type: none"> • Idunmwowina-Urho-Nisen community does not have its own land to resettle displaced people • Orior-Osemwende community has enough land to resettle all displaced people and is willing to do so • The customary right to land ownership in the proposed resettlement lies with the Enogie, who allocates land in consultation with the community elders • Some issues identified by potentially displaced people concern lack of access to adequate street light; lack of access to a good road network; population explosion; security issues related to the influx of people • Issues considered in choosing resettlement sites include security, improving current living conditions, and improving accommodation standards • Concerns around displacement of public and private shrines, though willingness to move shrines was shown 	<ul style="list-style-type: none"> • Government (27th May 2010 and 27th July 2010) • Secretary and Enogie of Orior • By both the community leaders • By both the community leaders • Consistently raised by all the groups • By both the community leaders 	<ul style="list-style-type: none"> • High
Feedback on Entitlements Matrix	<ul style="list-style-type: none"> • Nature and cost burden of building foundations for house owners. 	<ul style="list-style-type: none"> • Orior Community (3rd Feb 2012). Project response: Foundations will be built at no cost to house owners who agree to build replacement 	<ul style="list-style-type: none"> • High

Key Issue	Description	Additional Comments	Importance
		houses at the selected relocation site(s). Size/type of foundation will be like-for-like.	
	<ul style="list-style-type: none"> Demand that money is not deducted from compensation to pay valuer. Hope by community that the company pay the valuer 10% of the total compensation for the community from its own sources. 	<ul style="list-style-type: none"> Orior Community (3rd Feb 2012). Valuations for all assets already include a 17% margin to cover the cost of such fees. 	
	<ul style="list-style-type: none"> Demand for 500% upward review of valuation numbers in view of removal of fuel subsidy by Nigerian government. 	<ul style="list-style-type: none"> Orior Community (3rd Feb 2012). Project response: Review might not be possible at this stage due to compensation sums based on government rates and valuation exercise. Community demand will be discussed with the government. However, likelihood of review is slim. 	
	<ul style="list-style-type: none"> How compensation will be managed for the internal roads in the acquired part of Idunmwowina community. 	<ul style="list-style-type: none"> Valuer, Idunmwowina Community (3rd Feb 2012). Project response: Preference of the company is to replace roads where practicable i.e. in-kind compensation, where was not practicable the calculated and agreed cash value of the community asset will be paid to the community. 	
	<ul style="list-style-type: none"> Permission for house owners to remove structures eg windows or doors from houses. 	<ul style="list-style-type: none"> Email (2nd Feb 2012). Project response: Additional measures added into the entitlements matrix allowing house owners to dismantle structures prior to moving. 	
	<ul style="list-style-type: none"> Ability to harvest crops prior to land removal. 	<ul style="list-style-type: none"> Email (31st Jan 2012). Project response: Additional measures added into the entitlements matrix allowing crop growers to harvest prior to land clearance. 	

Key Issue	Description	Additional Comments	Importance
	<ul style="list-style-type: none"> Additional support for widows. Support for individuals renting home. 	<ul style="list-style-type: none"> Email (2nd Feb 2012). Project response: Additional measures will be considered for vulnerable families on a case-by-case basis. Email (31st Jan 2012). Project response: Any renters will be identified during implementation of the RAP and Project will consider targeted relocation support. 	
Timing of compensation	<ul style="list-style-type: none"> Community would like a time lag of at least 5 months between the payment of compensation and the date on which persons would have to evacuate the land. As of June 2011 (Notice of Revocation) persons on Project Land have been prohibited (de facto) from making improvements to or selling their assets. Hopes for compensation to be paid within 30 days of meeting. Why compensation has not been paid to date. 	<ul style="list-style-type: none"> Community valuer (27 Jan 2012). Project Response: An acceptable time frame will be agreed through further discussion with the community. Community valuer (27 Jan 2012). Project Response: The compensation process must first be initiated by the Edo State Govt. Strenuous efforts are being made to encourage the timely release and payment of compensation (by EDSC). It is only thereafter that Azura will be free to provide the additional compensations and rehabilitations outlined in the Entitlements Matrix. Orior Community (3rd Feb 2012) & emails (30th Jan & 1st Feb 2012). Project response: Compensation will not be paid in 30 days. Further consultation is required. Payment dependent upon government completion of budgeting and disbursement of compensation sums. Idunmwowina Community (3rd Feb 2012). Project response: Government processes need to be followed before financial appropriation and expenditure can be made. Compensation is due to be paid shortly. 	

Key Issue	Description	Additional Comments	Importance
	<ul style="list-style-type: none"> Why different dates exist for compensation payment. 	<ul style="list-style-type: none"> Idunmwowina Community (3rd Feb 2012). Project response: Going forward compensation may not be paid on different dates. The company will pay the top up on the same date (or soon after) the government pays for the improvements. Later payments include financial bonus for house owners building replacement houses due to compliance needing to be obvious and proven before the financial bonus will accrue. 	
	<ul style="list-style-type: none"> When compensation processes and relocation would be completed. 	<ul style="list-style-type: none"> Idunmwowina Community (3rd February 2012). Project response: Apologise for inconvenience caused. Compensation and resettlement process will be completed shortly. 	

Potential Positive Impacts			
Employment	<ul style="list-style-type: none"> Hopes that the Project will provide employment opportunities for the local community. Preferential employment for the people who are likely to lose their land. Spending power of residents and Increased trading activities Enhanced skills acquisition increasing employability Demand that local indigenes are included in employment if possess necessary qualifications. 	<ul style="list-style-type: none"> Government (27th May 2010 and 27th July 2010) and youth focus group 3rd/4th Oct 2011 Government (June 2011) Local traders in project affected communities, October 3rd/4th 2011 Youth FGD 3rd/4th October 2011 Orior Community (3rd Feb 2012). Project response: Local labour will be employed. To be discussed further in MoU. 	<ul style="list-style-type: none"> High

Key Issue	Description	Additional Comments	Importance
Provision of Electricity	<ul style="list-style-type: none"> Hopes that the Project will allow improved access to electricity. 	<ul style="list-style-type: none"> Paired needs priority ranking assessment undertaken with men, women and youth focus groups in each community 3 rd /4 th October 2011	<ul style="list-style-type: none"> Low
Reduction of gas flaring	<ul style="list-style-type: none"> Hopes that the Project will reduce gas flaring. 	<ul style="list-style-type: none"> By both the community leaders 	<ul style="list-style-type: none"> Low

It is important that issues raised throughout the Project cycle are recorded in a logical and systematic way. Issues that have been raised during the consultation process will therefore continue to be logged in order to monitor and manage stakeholder concerns. Azura will be responsible for managing the stakeholder engagement log or issue register. Azura will also be responsible for disclosing it periodically. During the construction phase, Azura will update the log bi-monthly; and during the operational phase Azura will update it bi-annually. The updated log should be disclosed in the Edo State Ministry of Land, Surveys and Housing and on the Azura website. In addition to that, it should also be disclosed in the Azura Project office for ease of access by the local communities.

Azura will need to open a project office to undertake ongoing engagement with the communities in close vicinity to the Project area - to ensure a good relationship is established and maintained with these communities.

A4.3

HOST SITE IDENTIFICATION AND RELOCATION

In line with international best practice, a participatory approach was used to identify resettlement sites for the affected communities (see *Table A4.1*). This method actively incorporates affected groups into the decision-making process and ensures that their preferences are taken into account. Active consultation with affected people increases the likelihood that the resettlement site/s ultimately chosen will be acceptable to all, and will provide a sustainable context within which to ensure that living conditions and livelihoods are at least restored to, and preferably improved beyond, pre-Project levels.

The communities were engaged in discussion on possible resettlement areas during the household survey, as a part of the initial stakeholder consultations, and also in consultations during the final stages of the valuation. The communities have also been regularly consulted by Azura through discussions with the Enogie, in order to understand their expectations regarding resettlement options and preferences for any specific resettlement site option.

Figure A4.1 The Participatory Resettlement Site Selection Process



Consultation about possible resettlement sites took place as part of initial Project stakeholder engagement activities, as well as during the more detailed socio-economic fieldwork that followed. Both the communities pending physical and / or economic displacement were consulted, as was the host community that currently resides in Resettlement Site 2 (see below).

Figure A5.1 Consultation with the permanent Secretary for Edo State Ministry of Lands



Figure A5.2 Social team in consultation with the Edo State Public Private Partnership



Figure A5.3 Consultation with Minister of Land, Survey and Housing



Figure A5.4 Consultation with Minister of Edo-State



Figure A5.5 Community Engagement- Ihovbor-Evboeka Community



Figure A5.6 Community Engagement Orior-Osemwende Communities



Figure A5.7 Community Consultation Idummwowa-Urho-Nisen Communities



Figure A5.8 Sensitization meeting in Orior Community



Figure A5.9 Consulting community on process for valuation and socio-economic survey



Figure A5.10 Valuation of economic assets in Idunmwowina community



Figure A5.11 Meeting with the Enogie of Orior prior to undertaking the valuation and socio-economic survey



Figure A5.12 Verification of enumeration data by community leader and community valuer



Figure A5.13 Interview with a poultry farm owner on project site



Figure A5.14 Household survey with female headed household



Figure A5.15 Identification of potential relocation sites using participatory site selection



Figure A5.16 Team members meeting with ERM Staff and Azura Project Manager



A6 GRIEVANCE MECHANISM

A6.1 OVERVIEW

Grievances are any complaints or suggestions about the way a project is being implemented. They may take the form of specific complaints for damages/injury, concerns about routine project activities, or perceived incidents or impacts. Identifying and responding to grievances supports the development of positive relationships between projects and the communities, and other stakeholders they may affect. Grievance mechanisms therefore provide a formal and ongoing avenue for stakeholders to engage with the company, whilst the monitoring of grievances provides signals of any escalating conflicts or disputes.

A6.2 BEST PRACTICE PRINCIPLES

The IFC Performance Standards outline requirements for grievance mechanisms for some projects. Grievance mechanisms should receive and facilitate resolution of the affected communities' concerns and grievances. The IFC states the concerns should be addressed promptly using an understandable and transparent process that is culturally appropriate and readily acceptable to all segments of affected communities, at no cost and without retribution. Mechanisms should be appropriate to the scale of impacts and risks presented by a project.

If the grievance system fails to provide a satisfactory result, complainants can still seek legal redress. The grievance system should be accessible to all affected parties.

A6.3 KEY OBJECTIVES OF THE GRIEVANCE MECHANISM

The primary objectives of a grievance management are to:

- build and maintain trust with community stakeholders;
- prevent the negative consequences of failure to adequately address grievances; and
- identify and manage stakeholder concerns and thus support effective risk management.

An effective grievance management process should include the components described in *Table A6.1*.

Table A6.1 *Key components of an effective grievance mechanism*

Component	Description
Simple Process	<p>It should be convenient to submit complaints. There should be several, appropriate channels through which community stakeholders can submit complaints free of charge (eg, no travel costs, free phone number) as well as the informal identification of complaints (eg when the Azura employees (or subcontractors) are approached at meetings with the community).</p> <p>The grievance management process should be communicated and disclosed so that community stakeholders are aware of the avenues available to them to submit complaints.</p>
Simple Internal Procedure	<p>A simple and consistent procedure is required to record grievances, identify those responsible for addressing them and ensure that they are resolved.</p> <p>The procedure must maintain the confidentiality of the complainant and ensure fairness (fair to the stakeholder, fair to Azura, and consistent). Transparency in how the grievance management process works; and involvement of stakeholders in developing resolutions, can help.</p> <p>Responses should seek to address all issues in a grievance and be clearly justified.</p>
Staff Arrangements	<p>Roles and responsibilities in the grievance management process need to be defined and agreed.</p> <p>For example, an Azura Grievance Officer (GO) will be assigned and responsible for the coordination of the grievance management process, from receiving a complaint to reporting back the response.</p> <p>Once received, complaints should be directed to an appropriate staff member/ department for investigation and resolution, to ensure an effective response.</p> <p>Even where a formal system has been established, staff not associated with the grievance management process will receive complaints from stakeholders. Systems for managing and forwarding these should be established and all staff trained on how to respond to stakeholders and to feed into the grievance management process.</p>
Training	<p>The launch or modification of the grievance management process should include internal induction and/or training for operational staff and Community Liaison Officers.</p> <p>Training should outline key components, commitments and lines of communication in the process, and roles and responsibilities.</p>
A Set Timeframe	<p>The grievance process should set a timeframe within which complainants can expect:</p> <ul style="list-style-type: none"> a) acknowledgement of receipt of grievance; and b) response and/or resolution of grievance. <p>The timeframe should be feasible, whilst respecting community stakeholders' need for a swift response and resolution. Where complaints are urgent, tighter timeframes may need to be considered.</p>
Sign-Off	<p>Actions planned to resolve grievances considered to be of significant concern by the GO should be signed off by a member of the senior management, suitably qualified to assess the effectiveness of the response.</p> <p>This will help to ensure standards are met and that there is accountability in the grievance management process.</p>

Component	Description
System of Response	A clear system of response is required to identify who should respond to the complainant and how.
Monitoring Effectiveness	Mechanisms should be set in place for monitoring the effectiveness with which complaints are being recorded and resolved. Reporting locally on the volume and nature of complaints received, and on key performance indicators helps to maintain transparency and trust.

The aim of the grievance procedure is to ensure that all grievances that are received are acknowledged and logged and that the complainant knows what to expect in terms of response and when.

The grievance mechanism will be advertised and announced to affected stakeholders so that they are aware of the process, know they have the right to submit a grievance, and understand how the mechanism will work and how their grievance will be addressed. In most cases, a grievance or complaint will be submitted by a stakeholder or community member by phoning, writing to or speaking with one of the company's Community Liaison Officers (CLOs).

A6.4

PROCESS FOR MANAGING GRIEVANCES

There are 10 steps that complete the grievance process. This process is summarised in *Figure A6.1*, and each step is described below.

Step 1: Identification of grievance through personal communication with Azura, phone, letter, during meeting, other.

Step 2: Grievance is recorded in the 'Grievance Log' (written and electronic) within one day of identification. The grievance log will be held at Azura's office. The significance of the grievance will then be assessed within five to seven days using the criteria outlined in *Box A6.1*.

Box A6.1

Significance criteria

Level 1 Complaint: A complaint that is isolated or 'one-off' (within a given reporting period - one year) and essentially local in nature.

Note: Some one-off complaints may be significant enough to be assessed as a Level 3 complaint eg, when a national or international law is broken (see Level 3).

Level 2 Complaint: A complaint which is widespread and repeated (eg, dust from construction vehicles).

Level 3 Complaint: A one-off complaint, or one which is widespread and/or repeated that, in addition, has resulted in a serious breach of Azura's policies or National law and/or has led to negative national/international media attention, or is judged to have the potential to generate negative comment from the media or other key stakeholders (eg, non-payment of compensation).

Step 3: Grievance is acknowledged through a personal meeting, phone call, or letter as appropriate, within a target of 10-14 working days after submission. If the grievance is not well understood or if additional information is required, clarification should be sought from the complainant during this step.

Step 4: The Grievance Officer (GO) is notified of Level 1, 2 or 3 grievances and the Project Manager/Director is notified of all Level 3 grievances. The senior management will, as appropriate, support the GM in deciding who should deal with the grievance, and determine whether additional support into the response is necessary.

Step 5: The GO delegates the grievance within five to seven days via e-mail to relevant department(s)/ personnel to ensure an effective response is developed eg, HR, Community Liaison Officer, Contractors etc.

Step 6: A response is developed by the delegated team and GO within 14 days, with input from senior management and others, as necessary.

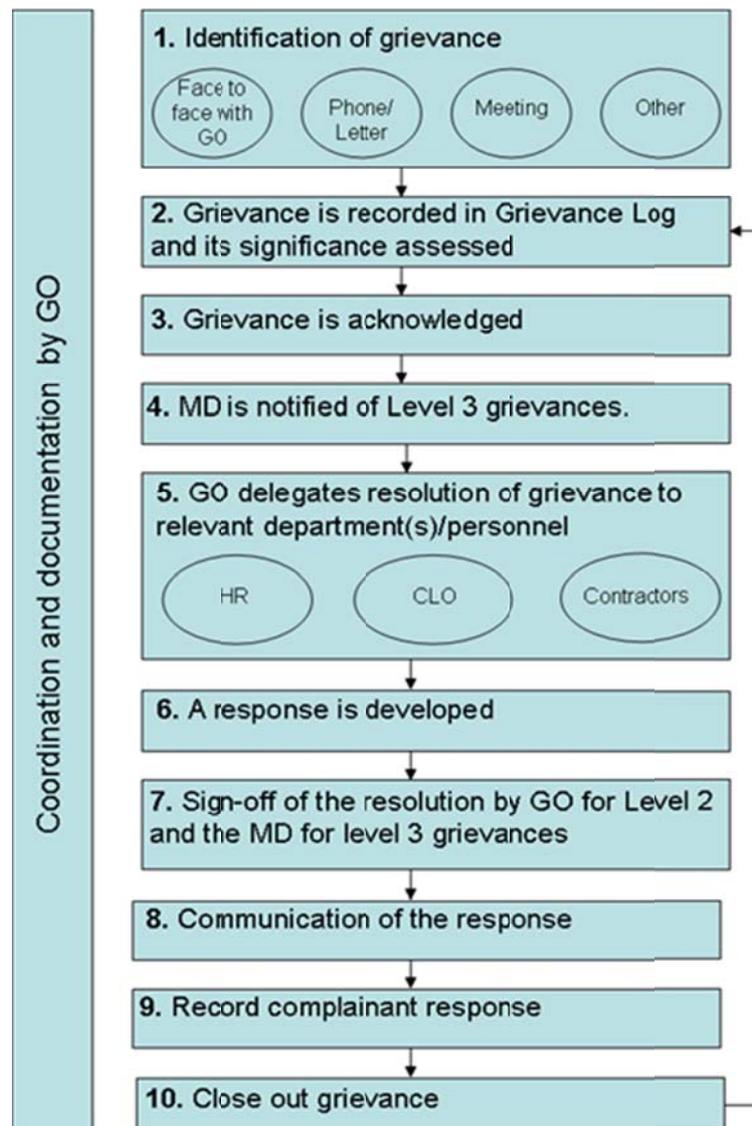
Step 7: The response is signed-off by the senior manager for level 3 grievances, the GO for Level 2 and Level 1 grievances within 14 days. The sign-off may be a signature on the grievance log or an e-mail which indicates agreement, which should be filed by the GO and referred to in the grievance log.

Step 8: Communication of the response should be carefully coordinated. The GO ensures that an approach to communicating the response is agreed and implemented.

Step 9: Record the response of the complainant to help assess whether the grievance is closed or whether further action is needed. The GO should use appropriate communication channels, most likely telephone or face to face meeting, to confirm whether the complainant has understood and is satisfied with the response. The complainant's response should be recorded in the grievance log.

Step 10: Close the grievance with sign-off from the GO. The GO assesses whether a grievance can be closed or whether further attention is required. If further attention is required the GO should return to Step 2 to re-assess the grievance. Once the GO has assessed whether the grievance can be closed, he/she will sign off or seek agreement from MD for level 3 grievances, to approve closure of the grievance. The agreement may be a signature on the grievance log or an equivalent e-mail, which should be filed by the GO and referred to in the grievance log.

Figure A6.1 Grievance process



To facilitate the implementation of the RAP, Azura will be required to engage the requisite staff (as set out in the institutional framework of Section 9 of this document where the roles and responsibilities of all involved are clearly defined).

The institutional framework will be the interface for stakeholders involved in the RAP implementation, allowing for close cooperation between Azura, the Edo State Government, traditional leaders, NGOs and affected communities.

MONITORING AND REPORTING ON STAKEHOLDER ENGAGEMENT ACTIVITIES

Azura will develop a stakeholder engagement database, which will be used to store, analyze and report on stakeholder engagement activities. It will be populated with information based on the meetings held and the information collected to date by Azura through the EIA and RAP process as well as the experience and knowledge of the social consulting team in the field.

The list of stakeholder groups to be consulted on an on-going basis will be continually revised and updated as additional stakeholders are identified and will include (but will not be restricted to) the following:

- regulatory authorities pertinent to all stages of the project lifecycle;
- national, state and local government;
- local community leaders including chiefs and leaders of women's groups, etc;
- representatives of local community members including farmers, health workers and teachers. It will also include vulnerable sub-groups such as women, young people and the elderly;
- local businesses/cooperatives and associations; and
- international, national and local environmental and social non-governmental organizations (NGOs and CBOs).

Minutes of all engagement activities will be uploaded onto the stakeholder database so that they can be referred to by the project team for consideration if needed.

The database will be interrogated on a regular basis by the social consulting team to identify any trends in grievances and corrective actions that are required. These trends will be provided to the core social team as well as the lead social specialist.

Exhibit A1

Example of a Grievance log

EXAMPLE OF A GRIEVANCE LOG

SECTION 1: COMPLAINANT DETAILS			
Complaint Reference Number	Date Received	Recipient of Complaint	Manner in which Complaint was Identified Submitted by Complainant
Name of Complainant / Organisation Registering Complaint (if not anonymous)			
Contact Details	Telephone Number	Physical and/or Postal Address	
SECTION 2: DETAILS OF COMPLAINT			
Company Manager Responsible for Addressing the Complaint			
Time and Date Complaint Refers to			
Description of Complaint and / or Evidence of the Issue			
SECTION 3: ACTION TAKEN / REQUIRED			
Acknowledgement of Complaint Sent to Complainant? (Y / N)	Date When Acknowledgment Provided	Date Set for Resolution of Complaint	
Description of Subsequent Action Taken (divide into Immediate Action and Subsequent Investigation, if applicable)			
Action Carried Out By Whom	Date of Completion	Method of feedback to Complainant	
Stakeholder Response to Action			
SECTION 4: EFFECTIVENESS REVIEW			
How was the Actions Verified to be Effective at Resolving the Complaint?			
Approved By		Date	

Exhibit A2

Meeting Minutes

<i>Basic details</i>	
Location :Edo State Ministry of Lands, Edo State Private Public Office, <i>Orior-Osenwende, Ihovbor-Evboeka and Idunmwowina-Urho-Nisen villages</i>	Date: 20-24th June 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time : 2:00 PM
<p>Purpose of the visit: Preliminary consultative meetings with government officials and project affected communities to</p> <ol style="list-style-type: none"> 1.Planning for future data collection and community engagement 2. Briefing on the project and purpose of the ESIA and RAP <p>understand the communities' preliminary opinions and concerns on the proposed project and its potential impacts.</p>	

Important Notice: This document, intended for internal use of ERM, provides a working summary of the main facts captured during the meetings held, not formal minutes. It is therefore deliberately not exhaustive or chronological and, being provided for information, is not intended for official review or approval.

<i>Key points Discussed :</i>
Clarification of project details and
Amendment of publication about rights of occupancy and compensation in national newspapers

<i>Data collected :</i>	
1	Qualitative
2	
3	

<i>Any further follow up decided :</i>
Regular meetings and updates on the census Survey and the resettlement site along with sharing of the necessary information.

<i>Detailed note of discussion :</i>
<ul style="list-style-type: none"> • Orior and Idunmwowina communities expressed their grievances on the revocation of right of occupancy and compensation publication in Daily Observer and Vanguard Newspapers of Saturday 18th June 2011, that the names of their communities were not included in the publication, while Ihovbor community was the only community mentioned in the publication • Representatives of the communities with their lawyers came to lodge complaints officially in the State Ministry of Lands, Survey and Housing. The Permanent Secretary and other officials of the Ministry including Azura project manager promised to make necessary amendments within the next few days and republish it in the two newspapers. • The social team assisted in providing information that no matter how small the size of land a community is contributing to the proposed project, the name of the community should be included. • The two communities said that they will not allow the surveyors to continue their work until the necessary amendments are made. By the close of work on 21st June the necessary amendments had been made in government gazette and the 2 newspapers published the revised article on Wednesday 22nd June 2011 • Representatives of the two communities also expressed their disappointment over the naming of the on-going national independent power project after Ihovbor community, while the other two communities that also contributed land were not mentioned. They said this should not be repeated in the proposed IPP project. • They further complained that all benefits from the NIPP are going to Ihovbor community (employment of unskilled labour, contracts, social benefits, schools, etc). They said they will not allow this to happen in the proposed project.

Meeting Attended By :

- ERM study team
 - Azura Project Manager
 - Permanent Secretary Edo State Ministry of Lands
 - State Surveyor
 - Executive Director Edo State Public Private Partnership
 - Representative state of ministry of lands, survey and housing
 - Residents of Orior, Idunmwowina and Ihovbor communities:
 - Focus Group Discussion for men, women, youth and elders were held in each community, with between 12-25 participants in each group.
 - Key Informant interview with community leaders, women leader, youth leader and community chairman
-

<i>Basic details</i>	
Location : Edo State Ministry of Lands, Survey and Housing	Date: 27 th July 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time : 2:00 PM
Purpose of the visit: Status update on ERM's work with regard to RAP and support required from Ministry for taking the process forward.	

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<i>Key points Discussed :</i>
ERM's proposed approach for RAP
Ministry Support required in taking the RAP forward

<i>Data collected :</i>	
1	None
2	
3	

<i>Any further follow up decided :</i>
Regular meetings and updates on the census Survey and the resettlement site along with sharing of the necessary information.

<i>Detailed note of discussion :</i>
<p><u>Ministry of Lands, Survey and Housing</u></p> <ul style="list-style-type: none"> • The Ministry has already worked in some of the projects funded by the World Bank (WB) and appreciates the requirements of the WB with regards to Resettlement and ensuing entitlement framework and matrix. • The ministry has no objection to working with ERM as per the standards of WB. Ministry recognizes that WB standards encompass requirements are way above the local requirements, and hence more beneficial for the local population. • The Ministry would guide the land department to work in coordination with ERM on the resettlement process and all the requisite support will be provided. • Power of the land is vested in the state and Governor is in the capacity to take decisions with respect to the land. • Even the notice for the land expropriation is first signed by the Governor and is then released in the Gazette. This is followed by the rest of the processes at the filed level. Once the complete enumeration and survey process is completed, it is submitted to the Governor and the compensation is distributed. • The Asset census form used by the Government would be shared with the ERM and ERM's census survey form and social baseline survey form, and asset census form will build up on the extra requirements laid down under WB standards.

Meeting Attended By :

NAME	DESIGNATION	SIGNATURE
1. Manish Singh	CONSULTANT, ERM.	
2. Karen Opfe	Consultant, ERM	
3. Ose Akekanwe	PPP Office	
4. Engr Ehiguetu	Ag Cm Rep	
5. Nick Abokuti	AZURA	
6. Sharon Ryan	Consultant, ERM	
7. Didi Adodo	Hon Commissioner	

<i>Basic details</i>	
Location : Edo State Land Department	Date: 27 th July 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time : 3:00 PM
Purpose of the visit: Meeting and Discussion with the Land Department on the progress of the Resettlement process for Azura Power and support required	

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<i>Key points Discussed :</i>
Process of Enumeration; Enumeration to be done with ERM team
Asset valuation process
Cut Off date for the Project

<i>Data collected :</i>	
1	Typical Asset Valuation Report
2	Schedule of Rates
3	Organogram of the Land Department
4	

<i>Any further follow up decided :</i>
Regular meetings and updates on the census Survey and the resettlement site along with sharing of the necessary information.

<i>Detailed note of discussion :</i>
<p><u>Key Points Discussed</u></p> <ul style="list-style-type: none"> • There is no concept of Cut off date which can be followed by the land department. • The issues of new graves and rapid construction of assets in the areas being notified for land expropriation has been reported from other project sites as well. This is likely to happen as the compensation is given only for the improvements on the land and not for the land itself. • Once the compensation money is distributed, the people go to the Enogie of other community and submit a part of the money there and request permission from the Enogie to settle down in the new community. • The enumeration process is asset driven and not household driven. There is no particular format which is presently used by the land department. It mostly comprises of the generic questions that are administered orally, and on the basis of the factual information and observations, the entitlement for the families is suggested. <p><u>Acquisition Process:</u></p> <ul style="list-style-type: none"> • First of all the survey plan is approved for the project. • The land department officials visit the community site. • Tentative approval is given for survey. • The perimeter is finalised. • Meeting with the Enogie and estate valuers of the community to finalise the entitlement <p><u>Common Understanding:</u></p> <p>The land department will coordinate with ERM on the following :</p> <ul style="list-style-type: none"> • The enumeration date for Azura project is likely to be finalised in the meeting of the land department with community representatives of the proposed affected villages.

- Land Department will suggest the finalization of the dates in the last week of August which will overlap with the presence of the Team from University of Ibadan (Local Partner of ERM for the project). This will facilitate easy coverage of the affected HHs and the valuation of the assets.
- The ERM local partner will accompany the government team while the land enumeration is going on.

Meeting Attended By :

Name	Designation	Tel. number	Signature
Karen Opliz	ERM	+27743183780	
Oze Aredunwa	PPP Office	+234 7033129966	
Blavin Vyas	ERM	+447971148886	
Mamideh Egh	ERM		
Joseph Aghamose - Director of Lands		08034725736	
Austin J.E Remison (ADL)		08067686922	
Jolly Ogsomen (Lands officer)		08026116708	

<i>Basic details</i>	
Location : Edo State Ministry Office	Date: 27 th May 2010
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time : 10:00 AM
Purpose of the visit: Briefing and discussion on the ESIA and RAP. Requesting support and information for the proposed ESIA and RAP.	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Update on the ESIA and RAP progress • Key concerns of the Ministry towards the project • Request for support in conducting the ESIA and RAP process.

<i>Data collected :</i>	
1	None
2	
3	
4	
5	
6	

<i>Any further follow up decided :</i>

<i>Detailed note of discussion :</i>
<p><u>Briefing on the EIA</u></p> <ul style="list-style-type: none"> • Whether the briefing will cover the entire Edo state or immediate project area? <ul style="list-style-type: none"> • The Impact assessment will look into the primary area of influence, secondary area of influence and wider area of influence. The area of influence will be decided in the course of impact assessment. • Impact will be mainly based on keeping in mind the nature of developments during the operations and construction phase. • The impact will also cover any ancillary facility that will be developed as a part of the project. • Does the Change in the inflation also account for the impact assessment? <ul style="list-style-type: none"> • The Impact assessment will not directly look in to the inflation issues; however it is something that will be captured in the financial feasibility, something which ERM is not doing for the project. • Why is Azura looking at this investment from WB? <ul style="list-style-type: none"> • Azura is possibly looking at a bank guarantee in case the Power Purchase agreement with the Government fails. • Are there any local partners involved in the ESIA and Rap process? <ul style="list-style-type: none"> • University of Ibadan and Environmental accord are local partners involved with ERM team in taking forward the ESIA and RAP work. <p><u>Key Concerns of the Government</u></p> <ul style="list-style-type: none"> • The population (immigrants or population involved in illegal activities) may possibly

increase and hence the security concerns may increase in the area.

- The incidents of violence are likely to see an increase in the coming future with the increase in the opportunities here.
- The issues of land will become more important.
- The people from other states and elsewhere will come and play with the currently informal land tenure system.
- Urban rural migration may actually see a reverse with migration being rural bound.
- Commercial agriculture is likely to come with the availability of power.
- The issues of land reforms system will need to look into some of the key issues:
 - Land acquisition process has to be specifically laid down by the Government.
 - Compensation terms need to be agreed upon.
 - There is new act enacted in 2010, which gives guidelines on environment and pollution issues and the impact mitigation measures.

Meeting Attended By :

<u>Name</u>	<u>Designation</u>
1. Bhavish Vyas Social Consultant	ERM.
2. Kaun Opfe	ERM
3. G. O. OKOJIE	DF (Mgt)
4. J. G. AKHIMEN	DF (Law)
5. EGBE (Sen) G. M. EJEMAI	Dir. of ENVIRONMENT.
6. OTOIGHILE P. E (MRS)	D (A & S)
7. Nicholas Aboladeji	AZURA
8. Manish Singh social consultant	ERM.
9. Oze Aredesime	PPP office

<i>Basic details</i>	
Location : Edo State Public Private Partnership (PPP) Office	Date : 27 July 2010
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time : 11: 00 AM
Purpose of the visit: Discussion on the working of the resettlement committee and its role in the finalization of the list of the genuine squatters.	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Role of the LGA and Councillors • Local understanding • Key issues to be considered while moving ahead with the RAP preparation.

<i>Data collected :</i>
1 None

<i>Any further follow up decided :</i>
None

<i>Detailed note of discussion :</i>
<p><u>Stressed upon the following points:</u></p> <ul style="list-style-type: none"> • Enogies are the heads at the community level. Head of the Benin is the main authority and the Enogies are responsible to them. The LGA does not get into this agreement. • In case of land acquisition, it is the government which does the census and is the final authority. <p><u>Determining the Ownership of land in the communities:</u></p> <ul style="list-style-type: none"> • Support of the Enogie is crucial. • In the villages either the actual ownership needs to be established through relevant documentation or Enogie as the head of all land. • In all these process however the council needs to be represented very well. • While doing enumeration, it has to be considered some of the claims of the people may be true however irrational cases may also be encountered. <p><u>LGA and Councillors institutional clarity:</u></p> <ul style="list-style-type: none"> • Nigeria has 774 Local Government Areas (LGAs). • Each local government area is administered by a Local Government Council consisting of a chairman who is the Chief Executive of the LGA, and other elected members who are referred to as Councillors. • Each LGA will have 18-19 villages (community). Further the villages combine to form wards, and wards combine to form councils, which in turn combine to form LGAs. <p><u>Grievance Redressal System:</u></p> <ul style="list-style-type: none"> • Councillor representing the ward and Physical Planning Department should be involved in the grievance redress system.

Meeting Attended By :

No.	Name	Contact No.	Designation
1.	Bhimin Vyas	ERM +44 77 9511 8149	
2.	Karen O'Leary	ERM 027743183780	ERM
3.	Manuel Lopez		ERM.
4.	Nicholas Ado-tedi	AZURA	
5.	AGISAMAN NAPOLEON EHOH		
6.	Peter PETER OLANJOLE HEAD OF SERVICE.		

<i>Basic details</i>	
Location : Constantial Hotel, Airport Road, Benin City	Date : 26 th Sept 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time :
Purpose of the visit: Review previous work undertaken on proposed Azura Power Project and plan for socio-economic survey.	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Enumeration data • Social team experience • Relationship between socio economic and evaluation data • Survey methodology • Assessment of questionnaire survey

<i>Data collected :</i>
1 None

<i>Any further follow up decided :</i>
<ul style="list-style-type: none"> • Meeting to be held with officials from State Government 27/10/2011. • Socio-economic team to await outcome of validation exercise before validating enumeration data collected to date. • Mobile telephone numbers of the team to be collected to ensure easy access when required. • Three security officers to be attached to the team.

<i>Detailed note of discussion :</i>
<ul style="list-style-type: none"> • A GPS map of the Project site was assessed. Mr. Bhavin Vyas confirmed that it is confidential and should not be publicly shared. • The initial scoping was not carried out well and has resulted in an excess of enumeration data. • Mr Bhavin Vyas stressed the importance of the proper correlation between the socio-economic survey and valuation data in the RAP research. • Bhavin Vyas raised the idea of compensation being awarded on a household, as opposed to individual level. This was opposed by the socio-economic team. The majority of properties within the Project area are purchased by individuals within the community and ownership titles are never held on a household level. • The questionnaire survey was reviewed to ensure previously agreed corrections had been made. Mr. Bhavin Vyas emphasised the need to follow the coding when completing the questionnaire. • ERM standards are to be strictly followed throughout field process, with particular attention to respectful and professional communication and health and safety.

Meeting Attended By :

- Dr. J.O Oladeji- Social team
- Dr. O.B Oyesola –Social team
- Dr. K.A Thomas- Social team
- Mr. S.A Oyegbile- Social Team
- Mr. Nicolas Abolo-Tedi- Azura Project Manager
- Mr. Adamu- Estate Valuer Team Leader
- Mr. Isiaku- Valuer
- Mr. Seyi- Valuer
- Mr Bhavin Vyas - ERM UK
- Mr Manish –ERM India

<i>Basic details</i>	
Location : Project affected communities Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen	Date : 26 th Sept 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time :
Purpose of the visit: Preliminary community engagement exercise prior to socio-economic and valuation survey.	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Proposed asset valuation and socio-economic survey process • Verification and endorsement by community leaders of enumeration data previously collected

<i>Data collected :</i>
1 None

<i>Any further follow up decided :</i>
None

<i>Detailed note of discussion :</i>
<ul style="list-style-type: none"> • The chairman of Idunmwowina-Urho-Nisen community was informed of the proposed valuation of the physical assets and the socio-economic survey. The enumeration data previously sent to the community was verified and endorsed by the community leaders. • A visit was made to the palace of Enogie of the Orior-Osemwende community in order to pay homage and provide information of activities. The team were received by Enogie's kinsmen and were given the verified and endorsed by enumeration data.

<i>Meeting Attended By :</i>
<ul style="list-style-type: none"> • Enogie of Orior-Osemwende • Youth Chairman of Idunmwowina-Urho-Nisen • Dr. J.O Oladeji • Dr. O.B Oyesola • Dr. K.A Thomas • Mr. S.A Oyegbile • Mr. Nicolas • Mr. Adamu • Mr. Isiaku • Mr. Seyi • Mr Bhavin • Mr Manish

<i>Basic details</i>	
Location : Meeting with the State Commissioner for Lands, Housing and Survey	Date : 27 th Sept 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time :
Purpose of the visit: Discussion of valuation and socio-economic survey methodology	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Assigning of the officials from Lands Department to go to the field with the team. • Allocation of people from the ministry to supervise the activities. • Orior-Osemwende conflict with the Ihovbor to be resolved in the course of the week. • Assessment should commence and where there is dispute, the payment of entitlement will be placed on hold.

<i>Data collected :</i>
1 None

<i>Any further follow up decided :</i>
None

<i>Detailed note of discussion :</i>

n/a

<i>Meeting Attended By:</i>
<ul style="list-style-type: none"> • The State Commissioner for Ministry of Lands, Housing and Survey • Director of Lands • Permanent Secretary in the Ministry • Dr. J.O Oladeji • Dr. O.B Oyesola • Dr. K.A Thomas • Mr. S.A Oyegbile • Mr. Nicolas • Mr. Adamu • Mr. Isiaku • Mr. Seyi • Mr Bhavin • Mr Manish

<i>Basic details</i>	
Location : Project affected communities: Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen	Date : 1 st October – 6 th October 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time :
Purpose of the visit: Socio-economic and valuation survey of physical and economic properties	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Explanation of valuation and social survey process to communities and answers to any questions about the process

<i>Data collected :</i>	
1	<ul style="list-style-type: none"> • Data for social-economic survey. • Data for valuation of physical and economic properties.

<i>Any further follow up decided :</i>
<ul style="list-style-type: none"> • Project Manager to speak to the Enogie’s brother to explore how the conflict can be resolved.

<i>Detailed note of discussion :</i>
<ul style="list-style-type: none"> • Mr. Adamu led the valuation team and Dr. Oyesola led the social team. • 1st October: Courtesy call to community leader and chiefs made before commencement of valuation and social survey. • 2nd October: Collation and harmonisation of collected data. Team met to review week’s activities. • 3rd October: Team met with community leaders and members to re-explain valuation and social survey process. • 4th October: Work was interrupted in Orior-Osemwende community when a gunshot was fired in the area. Meeting was held to discuss the day’s events. The shot was fired in the air by a group from Ihovbor community, led by the Enogie’s brother, in relation to boundary disputes between the two communities. The shot was taken as evidence that conflict within the community is more serious than previously thought. Feelings of resentment about inadequate compensation for land taken for the NIPP were again expressed by community residents • Concerns were raised during FGDs about increased incidence of stealing, as was noted following the influx of workers for the NIPP project • Youth FGD expressed disappointment about unrealised expectations about employment opportunities with the NIPP • Paired Needs Priority Rankings were carried out with groups of men, women and youth separately in the three communities in order to identify and rank priority of needs facing communities

<i>Meeting Attended By :</i>
<p>Residents of Orior, Idunmwowina and Ihovbor communities:</p> <ul style="list-style-type: none"> ○ Focus Group Discussion for men, women, youth and elders were held in each community, with between 12-25 participants in each group. ○ Key Informant interview with community leaders, women leader, youth leader and community chairman

<i>Basic details</i>	
Location : Constantial Hotel, Airport Road, Benin City	Date : 6 th October 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time :
Purpose of the visit: Review of data collection and agree future activities.	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Thank team • Review of Orior-Osemwende and Idunmwowina-Urho-Nisen data collection. • Experience of the socio-economic and valuation teams. • Safety • Plan for the next week

<i>Data collected :</i>
1 None

<i>Any further follow up decided :</i>
Await court and community resolutions before further work is undertaken in the Ihoovor community.

<i>Detailed note of discussion :</i>
<p>Socio-economic team:</p> <ul style="list-style-type: none"> • ERM staff efforts were commended especially in regards to ensuring the comfort and safety for the data collection team. The conflict over the boundary dispute in the Ihoovor community was reviewed. For health and safety reasons it was decided that the court and community resolution should be awaited for before work was undertaken in the community. It as also agreed that resolutions should be backed up with a written letter duly signed by parties involved. • The socio-economic team requested to leave for Ibadan on Friday. <p>Valuation team:</p> <ul style="list-style-type: none"> • The work of the socio-economic team was praised and a correlation between the numeration and valuation list was confirmed. It was also observed that the Nigerian and World Bank standards were strictly followed during the data collection. • A request was made by the valuation team to collapse the valuation from prepared by ERM into a single form for the future RAP project. • The team requested five extra days to conclude the data collection in the Orior-Osemwende. • Two types of shrine (private and communal) were identified during data collection. Concern centred on communal shrines due to potential agitation that may accompany their displacement however, it was reported that the community has showed readiness to move them. • Alhaji Adamu responded to questions relation to unclaimed property, roles of the community valuers and community/association property.

<i>Meeting Attended By :</i>
<ul style="list-style-type: none"> • Dr. J.O Oladeji • Dr. O.B Oyesola • Dr. K.A Thomas • Mr. S.A Oyegbile • Mr. Nicolas • Mr. Adamu • Mr. Isiaku • Mr. Seyi • Mr Bhavin • Mr Manish

<i>Basic details</i>	
Location :Community Centre Orior	Date : 20 June 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time : 2-4 pm afternoon
Purpose of the visit: <ul style="list-style-type: none"> • To carry out separate consultations with vulnerable groups i.e women and youth. • To understand their concerns and apprehension about the project. • To provide project update to them. 	

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<i>Key points Discussed :</i> <ul style="list-style-type: none"> • • The consultation were done separate in two groups. • Their daily activities, their main livelihood. • Women were asked about their income and expenditure. • Youth were asked about their spending and key challenges faced managing income and expenditure. • Women were asked to provide their detail role description (at home and at work) • The issue of higher level needs was also discussed with both the groups. • Seasonality diagram was made to understand agriculture as a livelihood.

<i>Data collected :</i>	<p>1</p>  <ul style="list-style-type: none"> • Seasonality Diagram • Higher level community needs assessment <p><i>FGD with Women group 1</i></p>
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FGD with Youth 1

Any further follow up decided :

- Requested them to present all the forthcoming meetings
- Requested them to actively participate in the household and asset census survey.

Detailed note of discussion :

n/a

Meeting Attended By :

- Dr. J.O Oladeji- Social team
- Dr. O.B Oyesola –Social team
- Dr. K.A Thomas- Social team
- Mr. S.A Oyegbile- Social Team
- Madam Atiti Uwameri
- Agbonlahor Sunday
- Iviewurare Eric
- Pa Ohenhen Patrick

<i>Basic details</i>	
Location : Project affected communities Orior-Osemwende, Ihovbor and Idunmwowina-Urho-Nisen	Date : 26 th Sept 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time :
Purpose of the visit: Preliminary community engagement exercise prior to socio-economic and valuation survey.	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Proposed asset valuation and socio-economic survey process • Verification and endorsement by community leaders of enumeration data previously collected

<i>Data collected :</i>
1 None

<i>Any further follow up decided :</i>
None

<i>Detailed note of discussion :</i>
<ul style="list-style-type: none"> • The chairman of Idunmwowina-Urho-Nisen community was informed of the proposed valuation of the physical assets and the socio-economic survey. The enumeration data previously sent to the community was verified and endorsed by the community leaders. • A visit was made to the palace of Enogie of the Orior-Osemwende community in order to pay homage and provide information of activities. The team were received by Enogie's kinsmen and were given the verified and endorsed by enumeration data.

<i>Meeting Attended By :</i>
<ul style="list-style-type: none"> • Enogie of Orior-Osemwende • Youth Chairman of Idunmwowina-Urho-Nisen • Dr. J.O Oladeji • Dr. O.B Oyesola • Dr. K.A Thomas • Mr. S.A Oyegbile • Mr. Nicolas • Mr. Adamu • Mr. Isiaku • Mr. Seyi • Mr Bhavin • Mr Manish

<i>Basic details</i>	
Location : Meeting with the State Commissioner for Lands, Housing and Survey	Date : 27 th Sept 2011
Project : 0130513 and 0139859- ESIA & RAP Azura Edo	Time :
Purpose of the visit: Discussion of valuation and socio-economic survey methodology	

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<i>Key points Discussed :</i>
<ul style="list-style-type: none"> • Assigning of the officials from Lands Department to go to the field with the team. • Allocation of people from the ministry to supervise the activities. • Orior-Osemwende conflict with the Ihovbor to be resolved in the course of the week. • Assessment should commence and where there is dispute, the payment of entitlement will be placed on hold.

<i>Data collected :</i>
1 None

<i>Any further follow up decided :</i>
None

<i>Basic details</i>	
Location: Edo State Economic Management Team Office, Government House, Benin City, Nigeria	Date: 27 January 2012
Project/Subject: Azura-Edo IPP RAP Disclosure/Presentation	Time: 16.30 to 19.00
Presenter: Azura Project Manager	
Agenda of Meeting: Pre-disclosure of compensation and entitlement matrix to the Enogie and leaders of Orior-Osemwende and Idunmwowina-Urho-Nisen Communities, the Edo State Government and other stakeholders in the acquisition of the Azura - Edo IPP project plot.	

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<i>Key points Discussed:</i>
Objectives of the disclosure
Categories of compensation beneficiaries and cut-off dates
Next steps

<i>Data collected:</i>
Verbal feedback

<i>Any further follow up decided:</i>
It was agreed that the follow up activities would consist of an initial disclosure of the Entitlements Matrix ("EM Disclosure") to the wider community on 28 January 2012 and a subsequent follow up meeting on Friday, 3rd February to address/respond to questions and comments arising from the initial RAP/Entitlement matrix disclosure meeting.

<i>Detailed note of discussion:</i>
<p>Mr. Nicholas Abolo-Tedi (Azura's Project Manager) opened the meeting with an introduction of the Azura and EDSG PPP office teams and thereafter invited each person present to introduce themselves to the wider audience.</p> <p>Once these introductions had been completed, Mr Abolo-Tedi called on the Enogie of Orior to give the opening prayer. In turn, the Enogie passed this honour on to Chief Norenegbe Adorin</p> <p>Mr Abolo-Tedi then explained the need for the attendance sheet to be signed by all present. He also stressed that each person must sign "in their own name" and must not sign on someone else's behalf.</p> <p>Mr Abolo-Tedi then explained the purpose of the meeting was to: ensure that the key members of the community understood the information that would be disclosed on the following day; and to obtain guidance and feedback thereon before the main disclosure in the communities.</p> <p>Mr Abolo-Tedi then went through each of the slides contained in the attached presentation entitled "Azura_RAP_Disclosure Presentation 27 Jan2012.pdf".</p> <p>When Mr Abolo-Tedi was talking on the 4th Slide, the sixth picture of which is labelled "Possible Relocation Sites", an interjection was made by Mr Solomon Agbonlahor of Idunmwowina Community. Mr. Agbonlahor said: "You are talking of relocation sites. I don't understand". Mr Abolo-Tedi explained that he would elaborate, in more detail, on that point later in the presentation.</p> <p>Mr Abolo-Tedi then moved on to Slide 5 (on the Objectives of the EM Disclosure). He noted that some of those present were wondering why the enumeration, valuation and compensation process was taking so long. And he explained that the nature of the project requires that the whole compensation and relocation process be handled according to international standards.</p> <p>Mr Abolo-Tedi also stressed that:</p>

- During the EM Disclosure there would be no discussion of individual entitlements;
- Community members would not be required to give instant feedback on the Entitlements Matrix because Azura would return the following week to host a follow-up meeting with each community.

On Slide 6 (“Who Will be Compensated”), MR Abolo-Tedi emphasised the importance of the cut-off date and stressed that anybody with a claim to property, land or other assets on the Project Site whose claim had not been registered as at the date of the enumeration conducted by Azura’s assessors (which ended on 29 August 2011) will not be included in the compensation scheme prepared by Azura. He further explained that this cut-off date was 3 weeks after the statutory cut-off date (said date being 6 weeks after the 23 June 2011 when the Revocation Notice was published in the press).

This point was accepted and concurred with by all present.

On Slide 7 (“House Owners”), Mr Abolo-Tedi stressed that:

- Although the cash payment made available by the Edo State Government would only compensate for improvements to the land (and not the land itself), Azura would compensate house owners for the land itself.
- Although the cash payment made available by the Edo State Government would only compensate for depreciated replacement cost, Azura would compensate house owners at full replacement cost (no matter what the depreciated state of these fully completed and inhabited buildings as at 29 August 2011) but that this commitment is subject to the following caveats:
 - Only the relatively small number of persons whose structures that were fully completed and inhabited as at the completion of the enumeration exercised (which ended on 29 August) fall into the category of “house owners” and it is only this category of persons who will be in receipt of a “replacement value” compensation component sufficient to rebuild a completed building.
 - Those claimants who had only built up to window or lintel level (as at 29 August 2011) would also receive the full replacement value of their assets but this value would only be up to the level that the structure had reached at the time of the enumeration. In other words, if they had built up to window level, the valuers have calculated what it would cost to rebuild, *from new*, up to window level. These claimants fall into the category of owners of “non-habitable assets”.
 - The aforementioned point is extremely important because the majority of claims on Project Land pertain to structures that were uncompleted and uninhabited as at 29 August 2011. And it is important to be clear from the beginning that the owners of these structures do not fall into the same category as “house owners” and cannot therefore expect to receive a replacement value equivalent to the cost of a fully finished building.
- Replacement values will not be the cost of replacing houses (or partially completed structures) in the GRA area of Benin or in an expensive part of Lagos. On the contrary, these replacement values have been calculated by reference to the cost of building in the same community.

Mr Abolo-Tedi also stressed that support in building foundations would only be made available to those home owners who choose to: build their houses in the same vicinity (i.e. if the home owner wishes to build a replacement property in another location, e.g. the centre of Benin then no support for the building of foundations will be offered).

Mr Abolo-Tedi further stressed that support in building foundations would be dependent upon the Enogie of Orior (in consultation with the leadership of Idunmwowina) agreeing to provide a central location in which claimants could obtain land upon which to build their replacement properties.

He elaborated on the aforementioned point by explaining that it would not be possible for Azura’s EPC Contractors to start building foundations in lots of widely differing locations.

At this juncture, Mr Melody Odumah the Community Valuer for Orior Community advised Mr Abolo-Tedi that it would be wise to reassure community members in the meeting on the following day (28th January) that they were going to receive actual cash compensation and not just in-kind compensation.

Mr Abolo-Tedi assured Mr. Odumah that Azura had no intention of forcing people to choose a particular location in which to acquire replacement land and build replacement houses. Azura recognises that any attempt to do so would be deeply unwelcome in the communities affected. However, Mr Abolo-Tedi also stressed that Azura is keen to ensure recipients of compensation spend their compensation money as advised by the World bank and wisely, and, to that end, Azura is offering to provide significant incentives to those homeowners (living in homes that were fully completed as at 29 August 2011) who proceed to acquire land on the plot provided by the Enogie of Orior and request help from Azura in the building of foundations.

Mr Abolo-Tedi then explained that any person who asks Azura for help in the building of foundations and subsequently succeeds in building on those foundations (within the maximum time period set by the company) will also be eligible for a financial bonus equivalent to 10% of the cash compensation they received at the outset.

At this juncture, Mr Eric Iyiewuare of Orior Community stressed that it would be better for Azura to restrict itself to giving claimants cash compensation instead of trying to dictate to people where they should or not start acquiring replacement land.

In response to Mr Iyiewuare comment, Mr Abolo-Tedi emphasised that Azura was not restricting to dictate to people where they should or should not acquire replacement land or build replacement properties. It was merely trying to provide additional incentives to people to spend their money wisely.

Mr Abolo-Tedi then went on to present Slide 8 (on compensation for “Landowners”) and Slide 9 (on compensation for “Farmers”). The information was received without comment by those present. However, Mr Adamu Kasimu (of Adamu Kasimu & Associates, the firm which conducted the asset valuation on Azura’s behalf) took the opportunity to point out that the valuation sums for all assets comprise a 17% margin to cover the cost of surveyors’ fees etc.

On Slide 10 (on compensation for “Business Owners”), Mr Melody Odumah asked whether the valuation was done on a “going concern” basis. In response to this question, Mr Kasimu explained that had the valuation been done on a “going concern” basis, the total value would simply equate to the depreciated replacement cost. However, in line with Azura’s wishes, his firm has factored in loss of income on top of the depreciated replacement cost and made additional provisions for the cost of moving goods and livestock.

Mr Melody Odumah indicated his approbation of this valuation approach.

Mr Kasimu then stressed that it was only those, very few, businesses that were enumerated as at 29 August 2011 that will be included in the Azura compensation scheme.

Mr Abolo-Tedi then moved on to Slide 11 (on compensation for “Workers”) and stressed that the compensation elements shown in the slide would only be provided to those workers who:

- Were actually working in one of the businesses registered during the enumeration exercise as at 29 August 2011;
- Can show evidence of proof of employment in said businesses.

Mr Abolo-Tedi then moved on to Slide 12 (on compensation for “Non-habitable Assets”) and explained that this category includes shrines, fences, walls, bricks, shallow foundations, and structures that were not completed and inhabited as at 29 August 2011 (e.g. structures that were only built up to window level or lintel level). He emphasised that the vast majority of claims on the Project Land fall into this category.

Mr Abolo-Tedi then moved on to Slide 13 (on compensation for “Community Assets”) and stressed that Azura would not just be seeking to replace Community Assets but where possible, to replace and improve said assets.

Mr Abolo-Tedi then moved on to Slide 14 (on "Next Steps") and explained that after the disclosure meeting on Saturday, 28 January, Azura would be returning in the following week for a follow up meeting. And that, thereafter, Azura would start the process of agreeing individual level entitlements.

After the close of Mr Abolo-Tedi's presentation, a long discussion ensued with regard to the timing of compensation payments.

Mr Melody Odumah opened the discussions by asking about the time frame between the payment of compensation and the date on which persons would have to evacuate the Project Land. He stressed that the community would like a time lag of at least 5 months and that if the Project was seeking to commence construction at the end of the year then compensation would have to be paid at least five months prior to that.

Mr Melody Odumah also stressed that ever since the publication of the Notice of Revocation (in June 2011) persons on the Project Land have effectively been prohibited from making any improvements to their property or selling their assets. And he stressed that if the compensation payments are not made in a timely fashion (this year) then there will be dissatisfaction in the community.

He also stressed that if compensation were to be unduly delayed then some form of interest payment would be demanded by the community to offset the losses and inconvenience incurred as a consequence of the delay.

Mr Jolly Ogbomon a Senior Lands Officer at the Edo State Ministry of Lands (undertook valuation for EDSG) supported the observations made by Mr Melody Odumah.

Mr. Eric Iyiewuare added his voice to the chorus by stating that: "We have done our part, why are you delaying us?"

Mr. Eric Erhunwomnmwuse, the Chairman of Idunmwowina, supported the observations of his namesake by observing that: "The Government has finished its survey, what is the delay?"

Mrs. Helen Ohenzuwa the wife of the Enogie and a women leader also raised her dissatisfaction when Mr Abolo-Tedi indicated that Azura would seek to encourage the Government to commence the compensation payments no later than September, Mrs. Helen Ohenuwa indicated that she was not satisfied with this time frame.

Mr Abolo-Tedi then asked if there were any additional questions. There being no such, Mr Abolo-Tedi then asked Dr David Ladipo, one of the directors of Azura, to say a few words.

Dr Ladipo thanked all present for their participation in the pre-disclosure meeting and called on the Enogie to give the closing prayer, which the Enogie obliged.

Meeting Attended By:

- 1) Dr. David Ladipo Director, Azura Power West Africa Ltd
- 2) Nicholas Abolo-Tedi.....Project Manager, Azura Power West Africa Ltd
- 3) H.R.H V.N. Ohenzuwa - Enogie of Orior - Osemwende community
- 4) O. M. Odumah - Community Valuer/ Principal Partner O.M. Odumah & Co.
- 5) Honesty Odumah - Manager O.M. Odumah & Co.
- 6) Vero Adorin - Trader and member of Orior - Osemwende community
- 7) Osaretin Osakwe - Trader and member of Orior - Osemwende community
- 8) Eric Iyiewuare - Secretary Orior -Osemwende community CDC
- 9) Chief Charles Osakwe - Ihama/Elder of Orior - Osemwende community
- 10) Chief Norenegbe Adorin - Elder of Orior - Osemwende community
- 11) Austin Aigbekan - Estate Valuer (Austin Aigbokan & Associates)
- 12) Udwkhai Faith - Estate Valuer (Austin Aigbokan & Associates)
- 13) Alohan Ernest - Estate Valuer (Austin Aigbokan & Associates)
- 14) Adebayo Emmanuel - Estate Surveyor (O.S. Boroni & Associates)
- 15) Jolly Ogbomon - Senior Lands Officer, Ministry of Lands, Benin
- 16) Adamu Kasimu - Estate Valuer for ERM/ Azura (Adamu Kasimu & Assocs.)
- 17) Seyi Johnson - Estate Valuer for ERM/ Azura (Adamu Kasimu & Assocs.)
- 18) Odiase Nosa - Analyst EDSG PPP office
- 19) Eric Erhunwomnmwuse - Chairman Idunmwowina community
- 20) Clifford Igbineweka - Member Idunmwowina community
- 21) Solomon Agbonlahor - CLO Idunmwowina community
- 22) Helen Ohenzuwa - Womens' leader and wife of Enogie of Orior -Osemwende

<i>Basic details</i>	
Location: Idunmwowina Community	Date: 28 January 2012
Project/Subject: Azura-Edo IPP RAP Disclosure/Presentation	Time: 14:00 to 16:00
Presenter: Azura Project Manager	
Agenda of Meeting: Disclosure of compensation and entitlement matrix to the Odionwere, Okao, chiefs, claimants/property owners including farmers and people of Idunmwowina Community.	

Important Notice: This document, intended for internal use of ERM, provides a working summary of the main facts captured during the meetings held, not formal minutes. It is therefore deliberately not exhaustive or chronological and, being provided for information, is not intended for official review or approval.

Key points Discussed:

Objectives of the disclosure
Categories of compensation beneficiaries and cut-off dates
Next steps

Data collected:

Verbal feedback

Any further follow up decided:

It was agreed that a five day period be allowed for questions and comments to be received after the initial disclosure meeting and that the second leg of the disclosure meetings (to answer questions and address comments) be held on Friday, 3 February 2012 in the community.

Detailed note of discussion:

The disclosure team made up of Azura and ERM's local partners/valuers (Adamu Kasimu & Associates) upon arriving the community first paid customary courtesy visit on the Okao, Odionwere and elders of Idunmwowina at the community hall and respectfully requested that the entitlement matrix disclosure meeting/presentation be held in another venue to accommodate a larger number of persons and claimants because of the relative small size of the community hall. The Okao and the elders graciously agreed and the meeting moved to an open space adjacent to the Odionwere's residence.

The meeting opened with a prayer said by the Okao of Idunmwowina, Mr. Aigbuza Uyigue over breaking of kola - nuts and serving of gin. The Valuer for the community, Mr. Melody Oduma thereafter introduced the team formally and offered to interpret into the local dialect the entitlement presentation.

The Azura Project Manager Mr. Nicholas Abolo-Tedi began with greetings to the Okao, chiefs, men, women and youths of the community present and a brief introduction of one of the Directors of Azura Dr. David Ladipo who was attending a meeting with the community for the first time and appealed to the community to welcome the Director and allow him say a word. Mr. Abolo-Tedi noted that the director's attendance was in appreciation of the cooperation of the community so far extended to the project and to underscore the importance of paying adequate compensation to people to be displaced from their property and farm lands. Mr. Abolo-Tedi further noted that the disclosure meeting was being video recorded because of the seriousness of purpose attached to the compensation calculation and payment process and a commitment to deliver on promises.

Dr. David Ladipo in his remarks thanked the community for their cooperation and support for the project and for the Project Manager in particular, noting that not all communities or even states in Nigeria were that cooperative. He thereafter implored the community to continue to stand on the side of the project.

Mr. Nicholas Abolo - Tedi explained that the meeting was convened not to make payments but disclose the compensation matrix to the community as a whole and to certain owners of properties and structures and farmers on the Project Plot in the community. He further explained that the meeting would consist of a presentation rendered in fifteen slides printed in large format posters and each slide or poster presented and discussed individually.

Mr. Abolo - Tedi thereafter began the presentation first with a discussion of slides 1 to 4, giving a background to the compensation process/project and updating the community on activities of the company/EDSG in the community leading up to the stage of evaluating and paying compensation including a description of the size and type of power plant proposed to be built, recounting the consultations with the various groups within the community and focused group discussions, social - economic survey, assets valuation exercise and identification of two possible relocation sites.

On slide 5, Mr Abolo -Tedi discussed the objective and purpose of the disclosure meetings. He explained that the aim of the current disclosure meeting (first), was essentially to share information with concerned property owners/farmers and the community on the strategy for dealing with compensation for loss of property and farm lands and to provide them a platform to ask questions and get answers and to generally express their views.

On slide 6 to 12 Mr. Abolo -Tedi discussed the question of who will and will not receive compensation, and the nature and extent of compensation available to the named categories. He explained the categories of beneficiaries to include: House owners, Farmers, Non - habitable assets owners, Landowners, Business owners and Workers. On nature and extent of compensation: a combination of in - kind and cash compensation will be adopted, for example for House owners, the replacement value in cash of each completed house will be paid; free professional advice and support will be provided; upon request foundations for replacement houses would be built by Azura free of charge for House owners who agree to apply the compensation as advised and towards building a replacement house in the relocation site; additional financial bonus would be paid to House owners who actually build replacement houses; relocation assistance in the form of payment of a flat rate to cover the cost of relocation, and a cash sum paid as disturbance allowance. Mr. Abolo - Tedi noted that most of these benefits would be available to the other categories of beneficiaries. He explained further that because it is the Edo State Government that is actually acquiring the land, compensation for houses would be based on the applicable land laws and only for the improvements thereon however, that Azura would top up the value to reflect market values and also pay for the land on which the house is standing.

Mr. Abolo -Tedi stressed that the additional benefits i.e. allowances and bonus are not entitlements known to Nigerian law but benefits voluntarily included by Azura to make the situation of claimants better than it was before the government acquired the project plot. Also noted that although slide 8 on Land owner states that "replacement land" would be provided, what will actually be provided is the financial cost of purchasing a replacement land in the same community. Regarding community assets contained in slide 13, Mr. Abolo-Tedi explained that the priority and emphasis would be on replacing and relocating these assets as opposed to cash compensation wherever practicable. On slide 14, dealing with next steps post disclosure of the entitlement matrix, Mr. Abolo-tedi explained that at a later date individual entitlements would be disclosed and sign-off on the individual entitlements would be the basis of paying compensation. He clarified that compensation would be paid before possession of the Project Plot or construction activity on the plot will begin. And lastly, on slide 15, contact information for all questions, comments and advice was disclosed.

In his closing remarks Mr. Abolo-Tedi stressed the importance of the cut off date to the entire compensation matrix and process. He noted that only House owners, farmers, claimants and persons who had properties, crops or other structures on the Project Plot as of August 29 2011 when valuation exercise was concluded would be compensated and that the compensation/entitlement matrix disclosure meeting do not concern persons or claimants who acquired properties after August of last year on the Project Plot.

The people responded to the disclosure with approval and agreed that the disclosure meeting adjourn to Friday, 3rd February for responses and answers to their questions, and worries, and a closing prayer was said by Mr. Samson Agbonlahor (Elder and Secretary Edion/Elders Council)

The meeting closed at about 16:00.

Meeting Attended By:

The meeting was attended by under listed and many more members of the community.

1) Dr. David Ladipo - Director, Azura Power West Africa Ltd

- 2) Mr Nicholas Abolo-Tedi - Project Manager, Azura Power West Africa Ltd
- 3) Aigbuza Uyigüe - Okao/traditional ruler of Idunmwowina community
- 4) Elder Samson Agbonlahor- Secretary Edion/Elders Council
- 5) O. M. Odumah - Community Valuer/ Principal Partner O.M. Odumah & Co.
- 6) Honesty Odumah - Manager O.M. Odumah & Co.
- 7) Jolly Ogbomon - Senior Lands Officer, Ministry of Lands, Benin
- 8) Adamu Kasimu - Estate Valuer for ERM/ Azura (Adamu Kasimu & Assocs.)
- 9) Seyi Johnson - Estate Valuer for ERM/ Azura (Adamu Kasimu & Assocs.)
- 10) Odiase Nosa - Analyst EDSG PPP office
- 11) Eric Erhunwomnmwuse - Chairman Idunmwowina community
- 12) Clifford Igbineweka - Member Idunmwowina community
- 13) Solomon Agbonlahor - CLO Idunmwowina community

<i>Basic details</i>	
Location: Orior Osemwende Community Palace Grounds	Date: 28 January 2012
Project/Subject: Azura-Edo IPP RAP Disclosure/Presentation	Time: 11:00 to 13:30
Presenter: Azura Project Manager	
Agenda of Meeting: Disclosure of compensation and entitlement matrix to the Enogie, chiefs, claimants/property owners including farmers and people of Orior-Osemwende Community.	

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Key points Discussed:

Objectives of the disclosure
Categories of compensation beneficiaries and cut-off dates
Next steps

Data collected:

Verbal feedback

Any further follow up decided:

It was agreed that a five day period be allowed for questions and comments to be received after the initial disclosure meeting and that the second leg of the disclosure meetings (to answer questions and address comments) be held on Friday, 3 February 2012 in the community.

Detailed note of discussion:

The disclosure team made up of Azura and ERM's local partners/valuers (Adamu Kasimu & Associates) upon arriving the community first paid customary courtesy visit on the Enogie in his palace to seek royal blessings and consent to carry on with the disclosure exercise.

The meeting opened with a call for prayer by the Secretary of the community Mr. Eric Iyiewuare, which was said by the Odionwere of Orior - Osemwende, Mr. Steven Iyiewuare. The Secretary thereafter observed that the Azura team and in particular Mr. Nicholas Abolotedi had previously visited the community on several occasions to carry out certain activities including valuation of crops and properties in the community. The Secretary also noted that the community is full of expectation and would like to know if the company had come to pay compensation and if not that Azura Project Manager should inform the gathering the reason for the visit.

The Azura Project Manager Mr. Nicholas Abolo-Tedi began with greetings to the Enogie, chiefs, men, women and youths of the community present and a brief introduction of one of the Directors of Azura Dr. David Ladipo who was attending a meeting with the community for the first time and appealed to the community to welcome the Director and allow him say a word. Mr. Abolo-Tedi noted that the director's attendance was in appreciation of the cooperation of the community so far extended to the project and to underscore the importance of paying adequate compensation to people to be displaced from their property and farm lands. Mr. Abolo-Tedi further noted that the disclosure meeting was being video recorded because of the seriousness of purpose attached to the compensation calculation and payment process and a commitment to deliver on promises.

Dr. David Ladipo in his remarks thanked the community for coming out in numbers to the disclosure meeting and their cooperation and support for the project and for the Project Manager in particular, noting that the Project Manager is the most important person in the project with regard to the communities and implored the community to continue to stand on the side of the project.

Mr. Nicholas Abolo - Tedi explained that the meeting was convened not to make payments but disclose the compensation matrix to the community as a whole and to certain owners of properties and structures and farmers on the Project Plot in the community. He further explained that the meeting would consist of a presentation rendered in fifteen slides printed

in large format posters and each slide or poster presented and discussed individually.

Mr. Abolo – Tedi thereafter began the presentation first with a discussion of slides 1 to 4, giving a background to the compensation process/project and updating the community on activities of the company/EDSG in the community leading up to the stage of evaluating and paying compensation including a description of the size and type of power plant proposed to be built, recounting the consultations with the various groups within the community and focused group discussions, social – economic survey, assets valuation exercise and identification of two possible relocation sites.

On slide 5, Mr Abolo –Tedi discussed the objective and purpose of the disclosure meetings. He explained that the aim of the current disclosure meeting (first), was essentially to share information with concerned property owners/farmers and the community on the strategy for dealing with compensation for loss of property and farm lands and to provide them a platform to ask questions and get answers and to generally express their views.

On slide 6 to 12 Mr. Abolo –Tedi discussed the question of who will and will not receive compensation, and the nature and extent of compensation available to the named categories. He explained the categories of beneficiaries to include: House owners, Farmers, Non – habitable assets owners, Landowners, Business owners and Workers. On nature and extent of compensation: a combination of in – kind and cash compensation will be adopted, for example for House owners, the replacement value in cash of each completed house will be paid; free professional advice and support will be provided; upon request foundations for replacement houses would be built by Azura free of charge for House owners who agree to apply the compensation as advised and towards building a replacement house in the relocation site; additional financial bonus would be paid to House owners who actually build replacement houses; relocation assistance in the form of payment of a flat rate to cover the cost of relocation, and a cash sum paid as disturbance allowance. Mr. Abolo - Tedi noted that most of these benefits would be available to the other categories of beneficiaries. He explained further that because it is the Edo State Government that is actually acquiring the land, compensation for houses would be based on the applicable land laws and only for the improvements thereon however, that Azura would top up the value to reflect market values and also pay for the land on which the house is standing.

Mr. Abolo –Tedi stressed that the additional benefits i.e. allowances and bonus are not entitlements known to Nigerian law but benefits voluntarily included by Azura to make the situation of claimants better than it was before the government acquired the project plot. Also noted that although slide 8 on Land owner states that “replacement land” would be provided, what will actually be provided is the financial cost of purchasing a replacement land in the same community. Regarding community assets contained in slide 13, Mr. Abolo-Tedi explained that the priority and emphasis would be on replacing and relocating these assets as opposed to cash compensation wherever practicable. On slide 14, dealing with next steps post disclosure of the entitlement matrix, Mr. Abolo-tedi explained that at a later date individual entitlements would be disclosed and sign-off on the individual entitlements would be the basis of paying compensation. He clarified that compensation would be paid before possession of the Project Plot or construction activity on the plot will begin. And lastly, on slide 15, contact information for all questions, comments and advice was disclosed.

In his closing remarks Mr. Abolo-Tedi stressed the importance of the cut off date to the entire compensation matrix and process. He noted that only House owners, farmers, claimants and persons who had properties, crops or other structures on the Project Plot as of August 29 2011 when valuation exercise was concluded would be compensated and that the compensation/entitlement matrix disclosure meeting do not concern persons or claimants who acquired properties after August of last year on the Project Plot.

The people responded to the disclosure with approval and agreed that the disclosure meeting adjourn to Friday, 3rd February for responses and answers to their questions and worries, and a closing prayer was said by Chief Charles Osakwe (The Ihama of Orior-Osemwende).

The meeting closed at about 13:30.

Meeting Attended By:

The meeting was attended by under listed and many more members of the community.

- 1) Dr. David Ladipo - Director, Azura Power West Africa Ltd
- 2) Mr Nicolas Abolo-Tedi - Project Manager, Azura Power West Africa Ltd
- 3) H.R.H V.N. Ohenzuwa - Enogie of Orior - Osemwende community
- 4) O. M. Odumah - Community Valuer/ Principal Partner O.M. Odumah & Co.
- 5) Honesty Odumah - Manager O.M. Odumah & Co.
- 6) Vero Adorin - Trader and member of Orior - Osemwende community
- 7) Osaretin Osakwe - Trader and member of Orior - Osemwende community
- 8) Eric Iyiewuare - Secretary Orior -Osemwende community CDC
- 9) Chief Charles Osakwe - Ihama/Elder of Orior - Osemwende community
- 10) Chief Norenegbe Adorin - Elder of Orior - Osemwende community
- 11) Austin Aigbekan - Estate Valuer (Austin Aigbokan & Associates)
- 12) Udwxhai Faith - Estate Valuer (Austin Aigbokan & Associates)
- 13) Alohan Ernest - Estate Valuer (Austin Aigbokan & Associates)
- 14) Adebayo Emmanuel - Estate Surveyor (O.S. Boroni & Associates)
- 15) Jolly Ogbomon - Senior Lands Officer, Ministry of Lands, Benin
- 16) Adamu Kasimu - Estate Valuer for ERM/ Azura (Adamu Kasimu & Assocs.)
- 17) Seyi Johnson - Estate Valuer for ERM/ Azura (Adamu Kasimu & Assocs.)
- 18) Helen Ohenzuwa - Women leader and wife of Enogie of Orior -Osemwende

<i>Basic details</i>	
Location: Orior Osemwende Community Palace Grounds	Date: 03 February 2012
Project/Subject: Azura-Edo IPP RAP Disclosure	Time: 10:30 to 12:30
Presenter: Azura Project Manager	
Agenda of Meeting: Take and Provide Responses/ Answers to Questions & Comments from Claimants/Community on the Compensation and Entitlement Matrix Disclosed on 28 January.	

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Key points Discussed:

Amount and Time Frame for Compensation Payment
Nature of Building Foundations Being Offered and on which Party is Cost Burden
Local Content Issues in Labour Hire.

Data collected:

Verbal feedback

Any further follow up decided:

It was agreed that the company go back and consider the possibility of speeding up the compensation process and to continue the dialogue and consultations with the community and claimants on an ongoing basis.

Detailed note of discussion:

The disclosure team made up of Dr. David Ladipo, Dr. Paula Lytle and Nicholas Abolo - Tedi, upon arriving the community first paid customary courtesy visit on the Enogie in his palace to seek royal blessings and consent to carry on with the disclosure exercise.

The meeting opened with a call for prayer by the Secretary of the community Mr. Eric Iyiewuare, which was said by the Odionwere of Orior - Osemwende, Mr. Steven Iyiewuare. The Community Secretary thereafter welcomed the disclosure team and also informed the team that the community had appointed three persons to ask the questions on their behalf, namely Barrister Kelvin Aigbe, Deacon Godwin Oriakhi, and Chris Akhimien.

Mr. Nicholas Abolo -Tedi at this point greeted the Enogie, elders, chiefs, men, women and youths of the community for the attendance, patience and welcome and support extended to the disclosure delegation last time it was in the community and the project so far. A brief introduction of the delegation followed and Dr. Ladipo and Dr Lytle also thanked the community. The delegation thereafter invited the community and claimants to ask questions and come up with their comments.

Deacon Oriakhi speaking for the community and claimants put the following questions and demands to the disclosure delegation:

- 1, The community wanted to know whether the cost of foundations for house owners who agree to build replacement houses on the selected relocation sites would be deducted from the compensation sum.
- 2, Further to the first question, whether house owners could ask for foundation for a bigger house than the one the house owner originally had.
- 3, What the time lines are for the payment of compensation.
- 4, Demand for a 500% upward review of the valuation numbers/sums in view of the fuel subsidy removal by the Nigerian government that have affected the cost of everything.
- 5, Demand for payment of compensation within thirty days of this meeting (i.e. from today). The community claimed that the deadline was necessary to allow people get on with their lives because the community was in suspended animation and they were losing patience.

6, Demand that no amount be deducted from claimant's compensation sum to pay the valuer appointed by the community, instead that the company should pay the valuer 10% of the total compensation due to the community from its own resources.

7, Demand the implementation of local content policies in employment, provided indigenes of the community possess the basic qualification for the job/role or position to be filled.

8, Demand immediate rehabilitation work/grading of the dirt road leading into the community, which the community alleged deteriorated because of the company's vehicles that ply the road during site visits and that donors were no longer willing to assist because of government acquisition of the site.

9, Demand that the company put together and disclose the design of road network to be built in the community.

10, What to do about the ongoing electrification project in the community that is suffering delays because of the government acquisition and delay in relocating people, individual and community assets on the acquired site.

Mr. Nicholas Abolo - Tedi responding for the disclosure delegation thanked the community for the questions and demands; and commended the organised and eloquent manner in which the feedback had been presented. He then asked for a few minutes in which to consult with other members of the disclosure delegation.

The community obliged the disclosure delegation's request to consult on their demands and questions before responding. Mr. Nicholas Abolo - Tedi presented the responses in the order the questions were asked and demands made.

On questions 1 to 3, Mr. Abolo - Tedi explained that the foundations will be built free of charge and at no cost to house owners who agree to build replacement houses at the selected relocation site (s), and that the size/type of foundation will be like - for - like. Also that the time frame for paying compensation would be determined by when the Edo State Government completes the process for budgeting and disbursing compensation sums, expected to happen very soon.

On questions 4 to 6, Mr. Abolo -Tedi explained that compensation amounts are based on government rates/policies which at this time have been determined based on the valuation exercise conducted last year by the government and Azura and a review might not be possible at this stage. The community spokesmen reacted angrily to this position saying that the government rates were miserly and would not ensure adequate compensation to claimants. Further to this the community appointed valuer Mr. Melody Oduma also raised objection to the observation that it might well be too late for any review of compensation sums, arguing that the Edo State Government only has rates for crops and not for property. He alleged that the EDSG only came out with a policy during a road expansion project that used the sum of thirty-five thousand naira per square metre as compensation index for that project alone, and that it was not meant to be a rate applicable for all time for all future projects. He therefore insisted that the amount not be used in determining compensation amount for the Azura - Edo IPP project. The Community lawyer, Barrister Kelvin Aigbe also reacted. He started by acknowledging that the Project Manager is a senior colleague of his and restated the support of the community for the project. He thereafter asked if the EDSG have a stake in the project, how much stake it had and whether the total compensation sum the government intends to pay is equal to the percentage stake in the project.

There then followed several minutes of multiple, (loud and heated) side discussions. This eventually subsided and Mr. Abolo -Tedi was invited to respond to the comments made by the community spokesman, valuer and lawyer and thereafter to continue with his answers and comments on the issues earlier itemized by the community. Taking the last first, Mr. Abolo -Tedi confirmed to the community that the EDSG have a stake which may go up to 10% in the project and that whether the compensation to be paid by government is or is not equivalent to its stake in the project is a matter of detail which can be addressed at a later date. On the question of how to determine compensation sums with regards to houses, Mr. Abolo -Tedi reiterated the point that the government of Edo state was not an adjunct of

Azura and is therefore free to determine how to go about paying compensation and that Azura will top up government's figures to make the final outcome more reasonable and fairer to everyone. Furthermore and in response to the first comment by the community spokesman, Mr. Abolo - Tedi explained that in addition to the sum to be paid by EDSG, Azura will pay for land which the government does not do and pay disturbance and relocation allowances all of which payment will bring the cumulative compensation nearer the expectation of the people, as the government is to pay only the base rate and Azura top to it up to bring the compensation sums to achieve a realization of the full replacement value of houses and other properties. This clarification made those present much happier and the convivial atmosphere of the meeting returned.

Continuing with community questions and demands 5 & 6, Mr. Abolo -Tedi explained that the demand for review of the compensation sums will be discussed with the government and other project partners and that though the likelihood of a review of the sums was slim, it was not impossible and as such the disclosure delegation be allowed time for further consultations. Following from this is the fact that demand number 6 cannot be met, because consultations will take more than thirty days from today, as such compensation cannot be paid within thirty days. The community conceded that payment could not happen in thirty days.

On questions 7 to 10, Mr. Abolo - Tedi explained that the demands contained therein were more suited for discussion during negotiation of the terms of a memorandum of understanding between the company and the community as is common in Nigeria. Having said that, Mr. Abolo -Tedi stressed that employment of local labour particularly qualified manpower should be taken for granted and it is not a matter for debate. The project aims to improve the lives of people of the local community and one way of doing that is by employing local people who can contribute to get the job done. Regarding rehabilitation of roads in the community, Mr. Abolo -Tedi explained that the appropriate time for it is after the company have taken possession of the project plot, which cannot happen until compensation is paid to claimants and the community. The company will in conjunction with the community determine the immediate needs of the community and what the company can do including the design of road network if that is what the community absolutely needs. This discussion as indicated earlier is better had during negotiation of the MOU, so as not to confuse compensation with community development assistance programmes. Lastly, the community may continue with the electrification project in the interim period as the company will relocate the distribution line/electric poles erected in the main earth road in the community in addition to providing electric transformers to ensure people in the community can connect to electric sources.

Dr. David Ladipo rounded off the responses with a summary and assured the community that they shall receive compensation that is reasonable and adequate.

The second disclosure meeting ended with a prayer said by Pastor Gideon at about 12:30.

Meeting Attended By:

The meeting was attended by under listed and many more members of the community.

- 1) Dr. David Ladipo - Director, Azura Power West Africa
- 2) Mr Nicholas Abolo-Tedi - Project Manager, Azura Power West Africa Ltd
- 3) Dr Paula Lytle - Independent Observer
- 4) H.R.H V.N. Ohenzuwa - Enogie of Orior - Osemwende community
- 5) O. M. Odumah - Community Valuer/ Principal Partner O.M. Odumah & Co.
- 6) Honesty Odumah - Manager O.M. Odumah & Co.
- 7) Vero Adorin - Trader and member of Orior - Osemwende community
- 8) Osaretin Osakwe - Trader and member of Orior - Osemwende community
- 9) Eric Iyiewuare - Secretary Orior -Osemwende community CDC
- 10) Chief Charles Osakwe - Ihama/Elder of Orior - Osemwende community
- 11) Chief Norenegbe Adorin - Elder of Orior - Osemwende community
- 12) Helen Ohenzuwa - Women leader and wife of Enogie of Orior -Osemwende

<i>Basic details:</i>	
Location: Location: Idunmwowina Community	Date: 03 February 2012
Project/Subject: Azura-Edo IPP RAP Disclosure	Time: 13:00 to 14:30
Presenter: Azura Project Manager	
Agenda of Meeting: Take and Provide Responses/ Answers to Questions & Comments from Claimants/ Community on the Compensation and Entitlement Matrix Disclosed on 28 January.	

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<i>Key points Discussed:</i>
Amount and Time Frame for Compensation Payment Nature of Building Foundations Being Offered and on which Party is Cost Burden Local Content Issues in Labour Hire.

<i>Data collected:</i>
Verbal feedback

<i>Any further follow up decided:</i>
It was agreed that the company go back and consider the possibility of speeding up the compensation process and to continue the dialogue and consultations with the community and claimants on an ongoing basis.

<i>Detailed note of discussion:</i>
<p>The disclosure team made up of Dr. David Ladipo, Dr. Paula Lytle and Nicholas Abolo – Tedi, upon arriving the community first gave customary greetings and gifts of kola-nuts and gin to the Okao (prime minister), elders, Chairman and people of Idunmwowina community. Thereafter, the opening prayer was said by the Okao breaking of Kola nuts.</p> <p>Mr. Nicholas Abolo –Tedi at this point greeted the Okao, chairman, elders, chiefs, men women and youths of the community for their attendance, patience, welcome and support extended to the disclosure delegation last time it was in the community and the project so far. A brief introduction of the delegation followed, with notice of departure of Dr. Ladipo to attend to other issues. Dr. Ladipo thereafter thanked the community in person. The delegation at this point invited the community and claimants to ask questions and come up with their comments.</p> <p>The community valuer Mr. Melody Oduma informed the disclosure delegation that two persons have been nominated to speak for the community namely himself and elder Samson Agbonlahor. Mr. Abolo –Tedi then urged the community to include a female member of the community in the number of persons to speak for it and the request was gracefully obliged and Mrs. Okundaye was nominated on the spot.</p> <p>First, elder Samson Agbonlahor asked:</p> <ol style="list-style-type: none"> 1, Why compensation have not been paid up till this moment despite the speed and efficiency with which the enumeration and asset valuation exercises were conducted. 2, Why the roads leading into the community have not been rehabilitated 3, And why the different dates for paying compensation. <p>Second, Mrs. Okundaye a retiree, property owner and farmer asked:</p> <ol style="list-style-type: none"> 4, When compensation processes and relocation would be completed. She noted that farmers and piggery owners could not expand their farms and piggeries for close to six months after completion of valuation and that the lack of movement was affecting her business and her ability to take care of her children in the university <p>The community valuer asked the last main question:</p>

5, How the company intended to manage compensation for the internal roads between the plots of land in the acquired part of Idunmwowina community. He noted that the question is important because of the company's apparent preference for in-kind compensation or replacement of community assets instead of cash payouts.

Mr. Nicholas Abolo - Tedi responding for the disclosure delegation thanked the community for the questions and demands; and commended the organised and eloquent manner in which the feedback had been presented.

Mr. Nicholas Abolo - Tedi then presented his responses in the order the questions were asked and demands made.

On questions 1 to 3, Mr. Abolo - Tedi explained compensation has not been paid till date because of certain government processes that must be followed before financial appropriation and expenditure can be made. Specifically, after valuation, it does take some time for the figures to be computed by the appropriate government department, and these figures must then be included in the budget for the expenditure year, 2012 and defended by the department of government in the Edo State House of Assembly for approval before assent of the governor. Happily the governor signed the budget into law only two weeks ago. The Secretary to the Edions (elders council) and one of the spokesmen for the community, elder Samson Agbonlahor confirmed hearing the news of the signing of the budget by the governor only two weeks ago. Mr. Abolo -Tedi stressed that the period of waiting for compensation would soon be over and clearly shorter than the period already spent waiting, as the process of release of funds is near and every reasonable means would be used to get the government to release the funds for compensation as quickly as possible. On the part of the company money would be made available as soon as government acted.

Regarding rehabilitation of roads in the community, Mr. Abolo -Tedi explained that the appropriate time for it, is after title to the land have been formally transferred to the project company by issuance of a C of O which is yet to happen, and the company takes possession of the project plot, which cannot happen until compensation is paid to claimants and the community. Mr. Abolo -Tedi stressed that going forward the company will in conjunction with the community determine the immediate needs of the community and what the company can do and the discussion is better had during negotiation of the MOU, so as not to confuse compensation with community development assistance programmes.

On the question of different dates, Mr. Abolo -Tedi explained that the compensation would not be paid necessarily on different dates as thought. He stressed that the actual compensation included payments for the full replacement value of crops, houses and structures, which would be paid en bloc. The company will pay the top up on the same date that the government pays for the improvements or soon thereafter. The payments that will come later necessarily will be the financial bonus for house owners that agree and actually commence building replacement houses in the chosen relocation site(s). This is because compliance must be obvious and proven before the financial bonus will accrue. The other payments forming part of the main compensation will include payment for land, relocation and disturbance allowance and all will be paid at or nearly the same time as the government payments. The community then suggested strongly that the company consider doing a joint payment exercise with the government. Mr. Abolo -Tedi noted the suggestion and promised to take the message back to the company and its partners.

On question 4, Mr. Abolo -Tedi apologised for the inconvenience caused by the time lag between valuation and compensation payment. He noted that some inconvenience was and will continue to result from the acquisition process as the project goes along, and that it is this realization that informed the provision of a disturbance allowance by the company. He assured the community that the compensation process would soon come to an end and every affected person settled adequately.

Lastly on question 5, Mr. Abolo -Tedi explained that although the preference of the company was to actually replace all community assets affected by the acquisition including roads where practicable i.e. in-kind compensation, where replacement was not practicable the calculated and agreed cash value of the community asset would be paid to the community.

The second disclosure meeting ended with a prayer said by the Okao, Aigbuza Uyigüe at

about 14:30.

Meeting Attended By:

The meeting was attended by under listed and many more members of the community.

- 1) Dr. David Ladipo - Director, Azura Power West Africa Ltd
- 2) Mr Nicholas Abolo-Tedi - Project Manager, Azura Power West Africa Ltd
- 3) Dr Paula Lytle - Independent Observer
- 4) Aigbuza Uyigwe - Okao/traditional ruler of Idunmwowina community
- 5) Eric Erhunwomnmwuse - Chairman Idunmwowina community
- 6) Elder Samson Agbonlahor- Secretary Edion/Elders Council
- 7) O. M. Odumah - Community Valuer/ Principal Partner O.M. Odumah & Co.
- 8) Clifford Igbineweka - Member Idunmwowina community
- 9) Solomon Agbonlahor - CLO Idunmwowina community

Annex B

Socio-economic Survey and
Asset Census Valuation
Questionnaire

Serial No.

Neighbourhood:

**Social Study of
Household HH Questionnaire
Azura Edo IPP RAP**

Name of Respondent:	Name of Data Entry Person:
Address:	Name of Approver:
Name of Interviewer:	Date of Entry: / 09 / 2011
Date: / 09/ 2011	

Section 1: Population and Demographic Characteristics

Total Number of HH members _____

1.01	1.02	1.03	1.04	1.05	1.06	1.07	1.08	1.09	1.10	1.11	1.12
No.	Name	Sex	Relation to head of HH	Residence status in the house	Age	Place of birth	What is your country of origin?	Reason for moving here	Duration of residence in village	Marital status	Ethnicity
	Full names of all HH members beginning with the head of household (HoH)	1) Male 2) Female	1) Head of household 2) Spouse 3) Child 4) Parent 5) Other relation 6) Non-relative	1) Current resident 2) Absent resident 3) Non-resident (if 3 go to next member)	(Please determine age range) 1) 0 to 5 2) 6 to 18 3) 19-50 4) 51 and above	Where were you born? 1) This village 2) Elsewhere in the LGA 3) Elsewhere in this state 4) Other (Specify)	1) Nigeria 2) Togo 3) Ghana 4) Cameroon 5) other (please specify)	If you were not born in this village, why did you move here? 1) Marriage 2) Work 3) Family 4) No reason/don't know 5) Other (please specify)	How many years have you lived in the village? (Please provide date range) 1) 0-5 yrs 2) 6-15 yrs 3) 15+ yrs	1) Single 2) Married 3) Divorced 4) Widowed	1) Bini 2) Ishan 3) Urobo 4) Ora 5) Efik 6) Kalaba 7) Ijaw 8) Igbo 9) Hausa 10) Fulani 11) Yourba 12) Other, specify 13) Don't know
1			1								

Section 2: Education

	2.01	2.02	2.03	2.04	2.05	2.06	2.07
Code of family member	Formal schooling	Informal education	Level of education	Location of Schooling	Professional training & skills	Type of training possessed	Type of training needed
	Have the members of the HH received any formal education?	Have the members of the HH received any informal education?	What was the highest level of education completed?	Where was schooling attended?	Have you completed any professional training/ skills?	(see list below)	(see list below)
	1) No, none 2) Yes, not completed 3) Yes, currently studying 4) Yes, completed	1) No, none 2) Yes, not completed 3) Yes, currently studying 4) Yes, completed	1) No Formal Education 2) Primary (1-6) 3) Secondary 4) Vocational training 5) College / University 6) Any other please specify	1) In the village 2) In the LGA 3) In the state 4) Elsewhere (please specify)	1) Yes 2) No (move to 2.06)		
1							

1) Computer/ typing 2) Administrative 3) Security 4) Brick Laying 5) Mechanics 6) Welding/ metals 7) Carpentry 8) Driving 9) Sewing/ Tailoring 10) Hair dressing/ Barber 11) Other 12) None

Section 3: Economic Characteristics (Note: Petty trading includes video renting, parlours etc.)

	3.01	3.02	3.03	3.04	3.05	3.06	3.07	3.08
Code of family member	Current Employment Status 1) Full-time employed 2) Part-time employed 3) Unemployed, seeking employment 4) Student 5) Dependent 6) Other please specify	Type of Employment 1) Permanent 2) Temporary 3) Seasonal 4) Occasional 5) N/A	Occupation (Please list all per household) 1) Farming (crops/ livestock) 2) Agricultural Processing 3) Construction; carpentry/brick layer/welding 4) Industry 5) Mechanic 6) Petty Trading 7) Hair Dressing 8) Service 9) Civil servant 10) Teacher 11) Handicraft 12) Transport	Location of Employment 1) Village 2) LGA 3) State 4) Other, specify	Type of Work 1) Self employed/independent 2) Salaried/skilled 3) Salaried/unskilled 4) Family business 5) Other	Payment Frequency How often are you paid? 1) Daily 2) Weekly 3) Monthly 4) Piece Rate 5) It varies	Estimated wage per month in Naira Please provide a range 1) 0- 10,000 2) 10,000- 20,000 3) 20,000- 30,000 4) 40,00 - 500,000 5) 500,000 +	Duration of unemployment For those who answered 3 for question 3.01, how long have you been looking for work? 1) 1-4 weeks 2) 1-5 mos 3) 6-12 mos 4) 1 yr +
1								
2 If you had the choice to change your livelihood, what would you change it to, and why?								
.....								
.....								
.....								
.....								
.....								

Section 4: Economic status, household income and expenditure

4.01	4.02	4.03
<p>HH income sources</p> <p>Please list all sources from which the household receives income</p>	<p>Main income source</p> <p>What is the household's MAIN source of income? (Use codes from previous column - list one source)</p>	<p>Total HH monthly income</p> <p>What is the average monthly income for the household, combining all income sources? (Please select range)</p>
<p>1) Salary (</p> <p>2) Labour wages)</p> <p>3) Agricultural enterprise (</p> <p>4) Petty trading)</p> <p>5) Savings' interests (</p> <p>6) Non Timber Forest Produce (NTFP) -)</p> <p>Mushroom, Snails Etc. (</p> <p>7) Remittance)</p> <p>8) Real estate revenues (</p> <p>9) Pension)</p> <p>10) Artisan (</p> <p>11) Other, specify)</p> <p>(</p> <p>)</p> <p>(</p> <p>)</p> <p>(</p> <p>)</p> <p>(</p> <p>)</p>		<p>1) 0- 10,000</p> <p>2) 10,000- 20,000</p> <p>3) 20,000- 30,000</p> <p>4) 40,00 -500,000</p> <p>5) 500,000 +</p>

Household Expenditure

	4.04	4.05
Item	Monthly expenditure	Annual expenditure
1) Food		
2) Cigarettes		
3) Alcohol		
4) Housing (rent)		
5) Housing (utilities; water, electricity, etc...)		
6) Health care and medicines		
7) Transportation		
8) Communication (mobile phone, internet, etc)		
9) Education (School fees)		
10) Other Recreation		
11) Religion and rituals		
12) Clothing (including shoes, accessories, etc)		
13) Other, specify		
Total Expenditures		

NOTE: For data entry, these totals should be broken into ranges

Section 5: Health Conditions & Health Care

	5.01	5.02	5.03	5.04	5.05	5.06	5.07
Code of family member	Have you been sick during the last month	Type of illness	Duration of illness	What medical provider do you usually consult?	Why is this medical provider used?	Disability in the family	Child vaccination
	1) Yes 2) No (go to 5.04)	1) Malaria 2) Cold/flu 3) Rheumatism 4) Arthritis 5) Heart disease/ hypertension 6) Eye Related infection/ diseases 7) Diarrhoea 8) Typhoid Fever 9) Back pain 10) Asthma 11) Diabetes 12) Liver Disease 13) Measles 14) Other	Please provide range 1) 1-3 days 2) 4-7 days 3) 8- 14 days 4) ongoing	1) Public Hospital 2) Private hospital 3) Traditional medicine 4) NGOs 5) Pharmacist 6) None	1) Accessibility 2) Cost 3) Distance 4) Religious Beliefs 5) Effectiveness 6) Other, specify	1) Sight 2) Hearing 3) Speaking 4) Mobility 5) Mental 6) Other specify	Have any children under 2 yrs received vaccinations? 1- Yes, partially 2- Yes, totally 3- No, not at all (a) Smallpox, (b) Bacillus Calmette-Guérin, (BCG)(c) Meningitis, (d) Yellow Fever, (e) Measles, (f) Polio, (g) TB, (h) Hep B (a) (b) (c) (d) (e) (f) (g) (h)
1							

	5.08	5.09	5.10	5.11
Code of Family Member	Did any member of your household give birth in the last 12 months? 1) Yes 2) No	Did the member receive anti-natal care during the pregnancy? 1) Yes 2) No 3) N/A	What type of anti-natal care did person receive? 1) Traditional Midwife 2) Hospital / clinic 3) Other 4) Unknown 5) None, N/A	Were there any complications in the pregnancy? 1) Yes 2) No 3) N/A
1				

Section 6: Cultural and religious practices

	6.01	6.02	6.03	6.04	6.05
	Who in your household regularly participates in the following:				
Code of Family Member	Attends mosque	Attends church	Worships at a traditional shrine	Participates in a religious group	Attends a social club
1					
13					

Section 7: Agricultural activities of the Household

7.01	7.02	7.03	7.04	7.05	7.06	7.07	7.08	7.09	7.10	7.11	7.12
What arable crops do you cultivate? 1) Cassava 2) Maize 3) Melon 4) Sweet Potato 5) Cocoyam 6) Yam 7) Vegetables 8) Other, specify 9) None	What cash crops do you cultivate? 1) Oil Palm 2) Citrus 3) Plantain/Banana 4) Coconuts 5) Kolanuts 6) Cocoa 7) Mangoes 8) Other, specify 9) None	Is the land that you cultivate 1) Owned by you with legal title 2) Owned by you but without legal title 3) Rented 4) Shared 5) Other, specify 6) No land, n/a	Size of farm land 1) 0-5 ha 2) 5-10 ha 3) 10-15 ha 4) 15-20 ha 5) 20-25 ha 6) >25 ha	Location of farm land 1) In the village 2) In the surrounding area 3) Other (please specify) 3) N/A	From where do you get irrigation water? 1) private well/borehole on your property 2) pay for use of another private well/borehole 3) public well/borehole 4) river/stream 5) Other, specify 6) N/A	What % of your crop is for subsistence/ food for the family? 1) 0-10% 2) 10-25% 3) 25-50% 4) 50-75% 5) 75-100%	Which crops are most important for HH subsistence? Please provide top three 1) Cassava 2) Maize 3) Melon 4) Sweet Potato 5) Cocoyam 6) Yam 7) Vegetables 8) Other, specify 9) None	What % of your crops do you sell? 1) 0-10% 2) 10-25% 3) 25-50% 4) 50-75% 5) 75-100%	Which crops are most important for sale? Please provide top three 1) Oil Palm 2) Citrus 3) Plantain/Banana 4) Coconuts 5) Kolanuts 6) Cocoa 7) Mangoes 8) Other, specify 9) None	Where do you sell your crops? 1) In village 2) Ehor town 3) Middle men 4) Benin city 5) Other (please specify) 6) N/A	How much do you spend on average on farming costs (rent of land, pesticides, equipments, labour, etc.) per month? Please provide range (Naira) 1) 0-2000 2) 2000-4000 3) 4000-6000 4) 6000-8000 5) 8000-10,000 6) 10,000 +

7.13	7.14	7.15
<p>Animals</p> <p>How many of the following does your household own?</p>	<p>What do you raise these animals for?</p> <p>1) Subsistence 2) Sale of products 3) Both subsistence & sale 4) N/A</p>	<p>How much do you spend on average on your livestock?</p> <p>Please provide range (Naira)</p> <p>1) 0-2000 2) 2000-4000 3) 4000-6000 4) 6000-8000 5) 8000-10,000 6) 10,000 and above</p>
1) Cow		
2) Sheep		
3) Goat		
4) Pig		
5) Poultry		
6) Rabbits/ Cane rats		
7) Other, specify		

Section 8: House Ownership Status

8.01	8.02	8.03	8.04	8.05	8.06	8.07
Type of dwelling	Tenure status	Water supply	Toilet facility	Cooking fuel	Lighting	Facilities owned by the HH
(Interviewer respond)	What is the tenure status of your house?	Where do you get your water from?	What kind of toilet facilities do you have?	What do you use for cooking?	What do you use to light your home?	How many of each of the following does your HH own?
1) Mud House 2) Brick house 3) Other, specify	1) Owned 2) Rented 3) Occupied rent free 4) Other, specify	1) Piped water inside dwelling (Individual) 2) Piped water outside dwelling 3) Borehole or well on property 4) Tanker supply/water vendor 5) Deep Well 6) Rain water harvesting	1) Individual Pit latrine (Dry Pit) 2) Individual Water borne system (WC) 3) Community Toilet (Dry Pit) 4) Community Toilet (Water borne system) 5) Other	1) Electricity 2) Gas 3) Kerosene 4) Fire wood 5) Other, specify	1) Electricity 2) Gas 3) Kerosene 4) Torch/oil lamp/candle 5) Genset 6) Other, specify	1) Television () 2) Refrigerator () 3) Stove () 4) Bicycle () 5) Cell phone () 6) Car () 7) Radio () 8) Motorcycle () 9) Furniture () 10) Genset ()

Section 10: Residents` Expectations

10.01	10.02	10.03	10.04	10.05
<p>Which types of media would be most effective to communicate information about a proposed project?</p> <p>1) Local newspapers 2) Local radio/TV 3) Community leaders 4) Public Address System (through Govt) 5) NGOs/CBOs 6) Local Councils 7) Religious Places 8) Schools 9) Cooperatives/ Informal groups/ Self Help Groups 10) Other, specify</p> <p>Rank in order of preference (1, 2, 3)</p>		<p>Which community leaders should be involved in discussions around a proposed project?</p> <p>1) Government representatives 2) Traditional leaders 3) Religious leaders 4) Teachers 5) NGOs/CBOs 6) Cooperatives 7) Elders 8) Other, specify</p>		<p>Are there any groups that should be given particular attention as they may be disadvantaged in some way?</p> <p>1) Female Headed households 2) Disabled 3) Families without a regular income 4) Families receiving Government Support 5) Low income farmers 6) Elderly 7) Unemployed 8) Youth 9) Migrant farmers 10) Others, specify</p>

Azura Edo IPP

INDEPENDENT VALUER: Adamu Kasimu & Associates

ASSESSMENT/FIELD INSPECTION SHEET (Crops, Economic Trees)

3.0 General Information:

- 3.1 Name of village
- 3.2 Name of Respondent:
- 3.3 Occupation of Respondent:
- 3.4 Is the Respondent the Primary Land User? (Y/ N)
If no, what is the relation to the Land User?
- Reason Land User not interviewed
- 3.5 Number of persons in the Household
- 3.6 Household ID code:
- 3.7 Household Address:
- 3.8 Respondent Telephone Number:
- 3.9 Name of Interviewer:
- 3.10 Date of Completion of Inspection:

3.11 Crops Information:

3.12.1 Crop ID	3.12.2 Crop Type (including fallow)	3.12.3 Maturity of crop (years)	3.12.4 Dimensions of crop area (m ²)	3.12.5 Value / m ² (FCDA)	3.12.6 Open Market Value / m ² (IFC)	Assessed Value		3.12.9 Ownership Status (owned, rented, long term lease, sharecrop, other)	3.12.10 Field location (coordinates)
						3.12.7 RV (FCDA) 3.6.4x3.6 .5	3.12.8 MV (IFC) 3.6.4x3.6 .6		
a									
b									
c									
d									
e									
f									
g									
h									
i									
j									

Total area cultivated including fallow land m²

Total RV Land Value Total MV Land Value

3.13 Trees Information:

3.13.1 Species ID	3.13.2 Tree Type	3.13.3 Maturity of trees (years)	3.13.4 Area planted (m ²)	3.13.5 No. of trees / m ²	3.13.6 Value/unit (FCDA)	3.13.7 Open Market Value (IFC)	Assessed Value		3.13.10 Ownership Status (owned, rented, long term lease, sharecro p, other)	3.13.11 Area location (coordinate s)
							3.13.8 RV (FCDA)	3.13.9 MV (IFC)		
a										
b										
c										
d										
e										
f										
g										
h										
i										
j										
k										
l										
m										

Total number of trees

Total RV Value of Trees

Total MV Value of Trees

3.14 Livestock Information:

3.14.1 Species ID	3.14.2 Type of animal	Number of:			3.14.6 Total number	Number of:		3.14.9 Ownership Status (owned, leased, other)
		3.14.3 Immature	3.14.4 Mature	3.14.5 Old		3.14.7 Males	3.14.8 Females	
a								
b								
c								
d								
e								
f								
g								
h								
i								

Total number of livestock

Total RV Value of livestock

Total MV Value of livestock

3.15 Coordinates (GPS UTM)

Point	Coordinates		Elevation
	Northings	Eastings	

3.16 Endorsements:

I/we certify that this is the correct account of crops and/or trees on my/our land:

3.17 Claimant signature/Thumbprint

Date

3.18 Assessment Officer

Date

3.19 Client Representative.....

Date

3.20 Witnessing Authority:

Name

Designation

Signature/Date

Azura Edo IPP

Independent Valuer: Adamu Kasimu & Associates, Estate Surveyors & Valuers

ASSESSMENT/FIELD INSPECTION SHEET (BUILDINGS & OTHER STRUCTURES)

2.0 General Information:

- 2.1 Name of village
- 2.2 Name of Respondent:
- 2.3 Occupation of Respondent:
- 2.4 Is the Respondent the Primary Land User? (Y/ N)
 If no, what is the relation to the Land User?
- Reason Land User not interviewed
- 2.5 Number of persons in the Household
- 2.6 Household ID code:
- 2.7 Household Address:
- 2.8 Respondent Telephone Number:
- 2.9 Name of Interviewer:
- 2.10 Date of Completion of Inspection:

2.11 Plot Information

2.11.1 How did you acquire this plot? (circle one)	2.11.2 Dimensions of plot area, inc. house & land (m ²)	2.11.3 Value/ m ² (FCDA)	2.11.4 Open Market Value/ m ² (IFC)	Assessed Value		2.11.7 Plot location (coordinates)
				2.11.5 RV (FCDA)	2.11.6 MV (IFC)	
a) allocated by local chief b) purchased c) inherited d) gift e) rented f) other, specify						

2.12 Building Information:

2.12.1 Building ID	2.12.2 Building Type	2.12.3 Building Use	2.12.4 % Complete	Construction Materials			2.12.8 Exterior Dimensions (m)	2.12.9 Total Area (m ²)
				2.12.5 Walls	2.12.6 Roof	2.12.7 Floor		
a								
b								
c								
d								
e								
f								
g								

Building ID	2.12.10 Value/ m ² (FCDA)	2.12.11 Open Market Value/ m ² (IFC)	Assessed Value		2.12.14 How was construction financed? a) self b) family/ friend loans c) bank loan d) coop loan e) other, specify
			2.12.12 RV (FCDA)	2.12.13 MV (IFC)	
a					
b					
c					
d					
e					
f					
g					

2.13 Complimentary buildings/facilities/installations:

Type	2.13.1 Quantity	2.13.2 Use	2.13.3 Size	2.13.4 Condition	2.13.5 Reconstruction/ Relocation Cost	2.13.6 Location (coordinates)
Wells/boreholes						
Granary						
Sport facilities						
Outdoor Cooking Facility						
Toilet/Bathroom facility						
Tombs						
Fence walls only						
Others (specify)						

2.14 Coordinates (GPS UTM)

Point	Coordinates		Elevation
	Northings	Eastings	

2.15 Endorsements:

I/we certify that this is the correct account of buildings, installations/structures on my/our land:

2.16 Claimant signature/ThumbprintDate

2.17 Assessment Officer Date

2.18 Client Representative Date

2.19 Witnessing Authority: Name

.....

Designation

.....

Signature/Date

.....

Insert any other comment/pictures and/or additional assets

Annex C

Physical Cultural Resources Plan

C1 PHYSICAL CULTURAL RESOURCES PLAN

C1.1 INTRODUCTION

This Management Plan has been developed in order to ensure that the management of Physical Cultural Resources (PCR):

- complies with World Bank Operation procedure 4.11 and complies with Nigerian law;
- mitigates where possible any negative impacts that might occur as a result of construction, operation or decommissioning.

This Plan seeks to achieve the above objectives through clear and manageable plans and procedures, underpinned by the explicit guiding principles detailed in *Section C1.2* below.

C1.2 PCR GUIDING PRINCIPLES

This plan aims to follow the principles of the World Bank Operational Policy 4.11 Physical Cultural Resources which promotes the preservation of and avoidance of elimination of PCR. The definition of PCR under OP 4.11 is quite broad, with PCR defined as:

“movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance” ⁽¹⁾

The OP 4.11 aims to avoid or mitigate adverse impacts on physical cultural resources resulting from project activities

C1.3 BASELINE

PCR currently identified include sacred forests, community shrines and Benin moats. The sites currently identified within close proximity to the project site are discussed below.

C1.3.1 Sacred forest areas

Table C1.1 identifies the most significant sacred sites for the communities as a whole within and around Orior-Osemwende and Idunmwowina-Urho-Nisen with their location, the offerings made at these sites, when and how often such worship takes place.

(1) World Bank Operational Policy 4.11 Physical Cultural Resources, Available at: <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20970737~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

Table C1.1 Selected Cultural Sites

Name of sacred site	Location	Offerings for worship	Time of year / frequency of worship
Selected Cultural Sites in Orior-Osemwende			
Erhinmwin Idu	Royal palace	Cow	February / annually
Owegie	Opposite the palace	Cow	March / annually
Edion	Opposite the palace	Pounded yam, antelope	All men, in March / annually
Ovia	Outside the centre of the community	Dog, chicken, male goat	March / annually
Osa	Close to the Priest's house	Pounded yam, antelope	April / annually
Selected Cultural Sites in Idunmwowina-Urho-Nisen			
Ugbenowewe	Beside the Edion shrine	Goats, dogs, tortoise	Irregular / annually
Egua Edion	Road junction	Goats, chicken	May / annually
Okhuae	Near the Edion shrine	Male goat, dog, chicken	September / annually
Isakpana	Community centre	Chicken, yam, native herbs	July / annually
Enigie	Outside the centre of the community	Fish, antelope, okra	May / annually

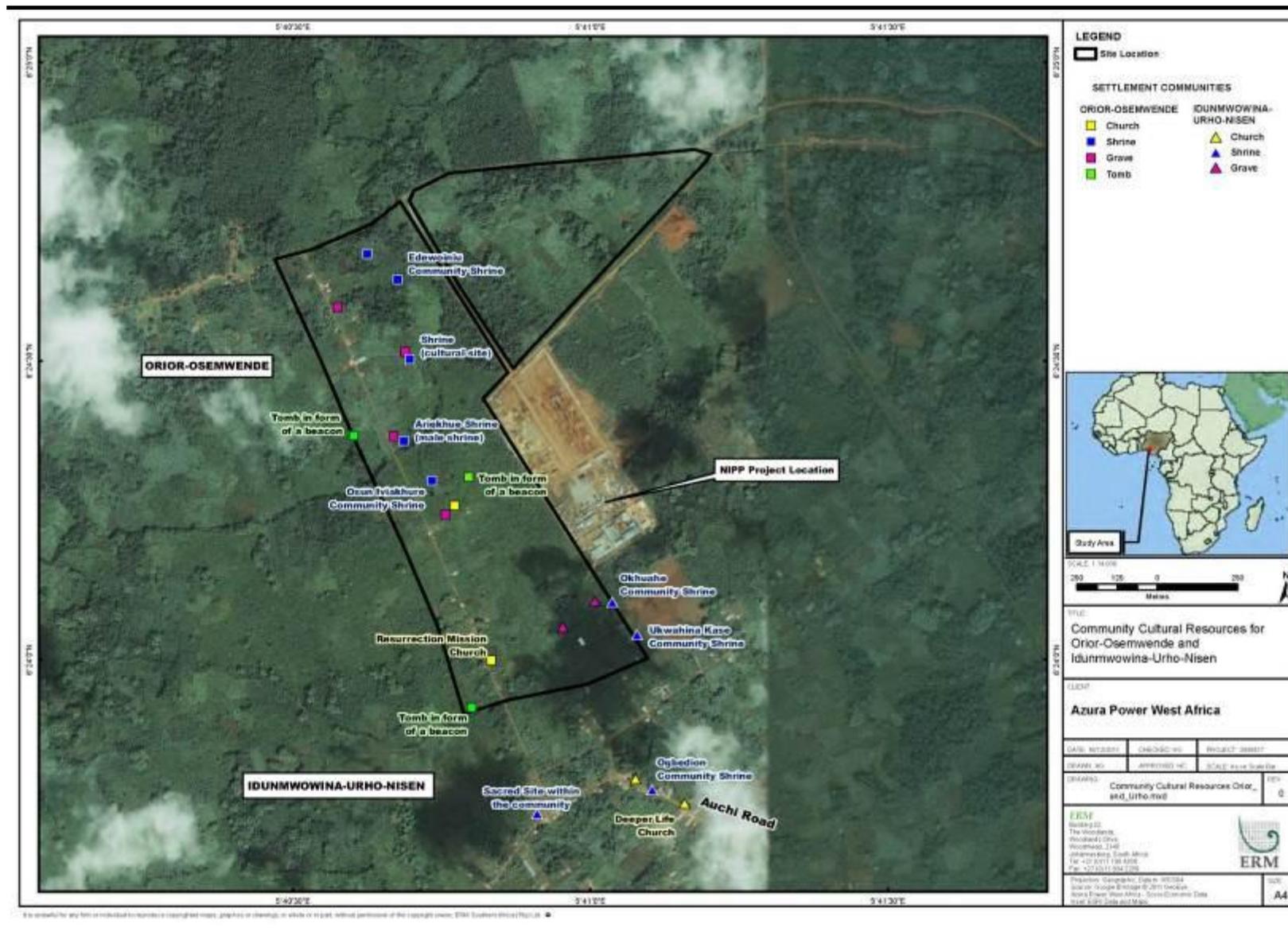
Source: NIPP, 2010

In addition to the cultural sites mentioned in the above table, there are a number of other sacred/religious sites that are found on the plot to be acquired. *Table C1.2* below lists these sites, while *Figure C1.1* overleaf is a map indicating where these sites are located on the project plot.

Table C1.2 Cultural Sites Found within the Project Area

Community	Type	Name	Details
Idunmwowina	Community shrine	Isapana	Further data to be collected
	Community shrine	Ogbedion	Further data to be collected
	Community shrine	Okhuahe	Under the care of Chief Jolly Omorogbe, Chief Priest of Idunmwowina community.
	Community shrine	Ukwahina Kase	Under the care of Chief Jolly Omorugbe, Chief Priest of Idunmwowina community. Community relies on shrine for worship and cleansing of the land from bad spirits.
	Sacred site	-	Further data to be collected
Orior	Church	Deeper Life Church	Further data to be collected
	Shrine (cultural site)	-	Under the care of Florence N. Omoregbe. Located on Ohenzuwa Road.
	Community shrine	Ariekhue	Male shrine under the care of Iyewui Stephen. Located on Ohenzuwa Road.
	Community shrine	Osun Iviakhure	Under the care of Chief Kennedy Aiworo, a senior priest in the Orior Community. Shrine is used for celebrations at New Yam Festivals and New Year. The community believe it provides a source of protection and connection with their ancestors.
	Community shrine	Edewoiniu	Under the care of Chief Osayende Iduriase, a senior priest. Community relies on shrine for worship of traditional gods.
	Tomb	-	Located on Ohenzuwa Road.
	Church	Misson church	Under the care of Pastor Gideon Ekuwogbe.
	Church	-	Under the care of Pastor Ikponmwosa Orhue.
	Government approved traditional medical centre	-	Located on Ohenzuwa Road.

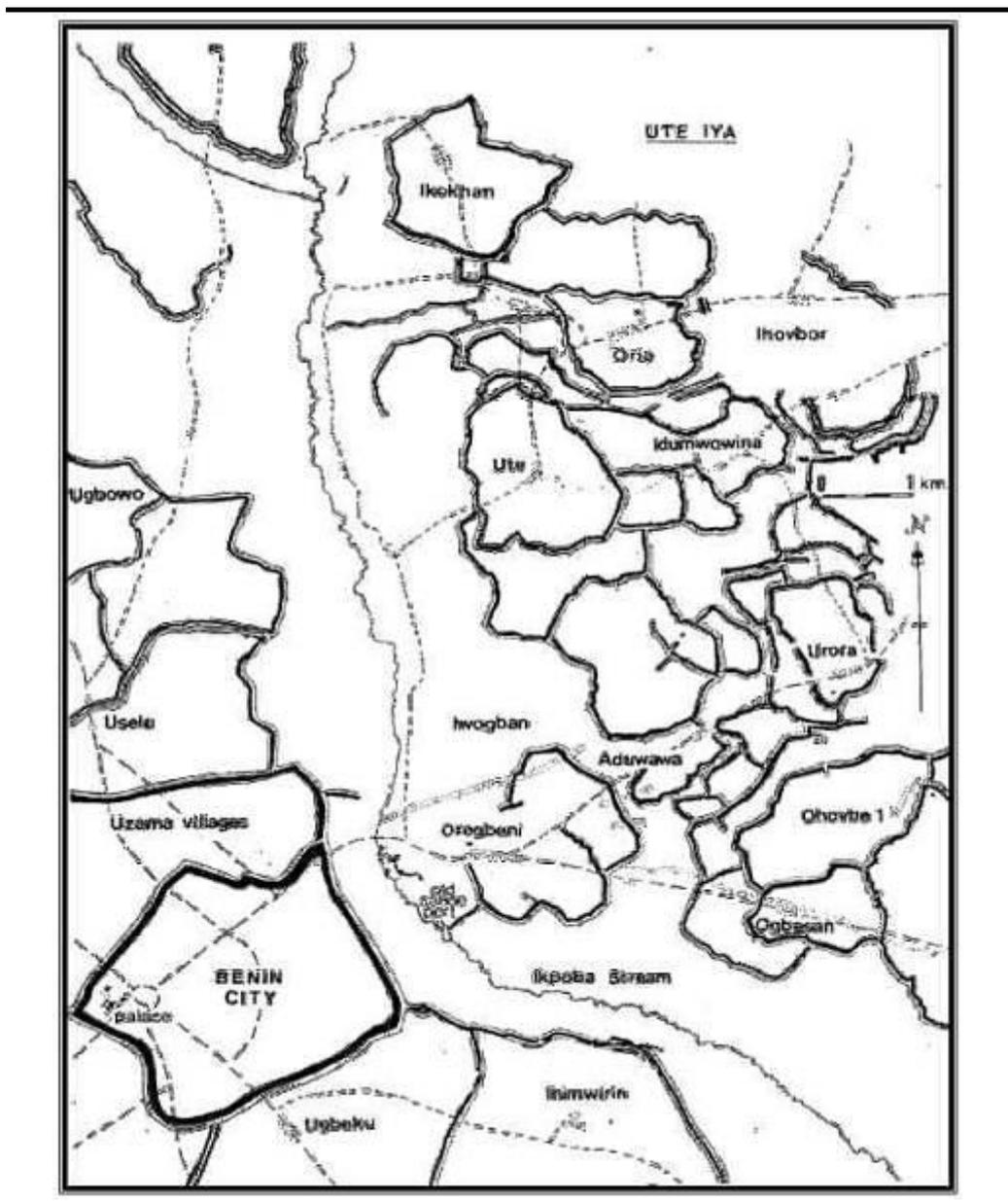
Figure C1.1 Map showing the locations of cultural sites on the project land



C1.3.2 *Benin Moats*

The three project affected communities are located to the north-east of Benin City close to the Benin Moats or earthworks. These are the largest ancient earthworks in the world and are scattered across the state. They are of national and international significance and are listed on the UNESCO website as one of Nigeria's tentative World Heritage Sites. A map/diagram of the walls and moats around Benin Kingdom is below ⁽¹⁾.

Figure C1.2 *Map showing the Benin Kingdom Earthworks.*



http://whc.unesco.org/en/tentative_list/488

(1) Unpublished work of the Foundation for the Protection of the Benin Heritage and Relics.

C1.4

PCR PLAN

The objective of the PCR Plan is for Azura Power supported by ERM to minimize any adverse impacts on PCR.

Table C1.3 Construction Phase: PCR Plan

Issue	Desired outcome	Mitigating/Monitoring Activity	ID No.	Responsibility	Cost (\$)	Timing
Influx of outsiders could disrupt traditional customs in local communities	Minimisation of disruption due to influx of outsiders	<ul style="list-style-type: none"> Develop and implement a Local Employment Strategy to maximize local employment during the construction phase. Develop camp and workforce management protocols. Ensure that these are clearly communicated to all workforce (both Azura and contractors). Establish a grievance mechanism for communities. 				
Formal approval and development process of the Project may sideline traditional leaders, and disrupt existing authority systems	Ensure that traditional leaders are not sidelined and existing authority systems are not disrupted	<ul style="list-style-type: none"> Ensure that traditional leaders are formally involved in the Project development process 				
The removal of sacred sites would disrupt local worship practices and could significant tension with the communities. Removal of: <ul style="list-style-type: none"> 7 community shrines / sacred sites / tombs; church buildings; 1 community health centre; 1 Government approved traditional medical centre; and 1 community borehole. 	Minimise the disruption as a result of the relocation and removal of sacred sites	<ul style="list-style-type: none"> Ensure sacred sites are identified well in advance of construction and are relocated and re-established in close consultation with traditional religious leaders making sure that religious leaders are fully engaged throughout the process. There shall be appropriate monitoring Implementation of an international standard RAP. 				

Table C1.4 Operational Phase: PCR Plan

Issue	Mitigating/Monitoring Activity	Mitigating/Monitoring Activity	ID No.	Responsibility	Cost (\$)	Timing
Ongoing disruption of traditional religious observance associated with removal/relocation of sacred sites	Minimisation of any ongoing disruption to traditional religious observance	<ul style="list-style-type: none"> • Implementation of an international standard RAP. 				
Increased number of outsiders in the region, affecting the ethnic structure and associated customs, rites, language, etc.	Minimisation of disruption due to influx of outsiders	<ul style="list-style-type: none"> • Ensure that traditional leaders are formally involved in the Project operations, including monitoring and evaluation of management plans • Maintain a grievance mechanism for communities that allows residents to communicate concerns and have them addressed in a timely and effective manner. • Implementation of Local Employment Strategy. • Implementation of camp and workforce management protocols. • 				

Table C1.5 Decommissioning Phase: PCR Plan

Issue	Mitigating/Monitoring Activity	ID No.	Responsibility	Cost (\$)	Timing
Any ongoing impacts associated with the permanent removal of sacred sites/ shrines	Minimisation of any ongoing disruption to traditional religious observance				
			<ul style="list-style-type: none"> • Implementation of an international standard RAP. • Ensure effective completion and, where appropriate, handover of responsibilities identified through the RAP 		
Any ongoing or unresolved issues between resettled and host communities	Minimisation of/ resolution of any ongoing issues				
			<ul style="list-style-type: none"> • Ensure effective completion and, where appropriate, handover of responsibilities identified through the RAP 		
Project closure may remove a source of authority and influence for local and regional traditional leaders	Ensure that sources of authority and influence of local and traditional leaders remain following Project closure				
			<ul style="list-style-type: none"> • Continue to work with traditional leadership structures during the decommissioning process 		
Departure of foreign workers, who may have affected the cultural profile of the region	Minimisation of disruption due to influx of outsiders				
			<ul style="list-style-type: none"> • Ensure that Project plans and decommissioning activities are clearly communicated to local and regional stakeholders 		