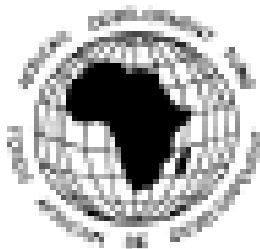


**AFRICAN DEVELOPMENT BANK  
AFRICAN DEVELOPMENT FUND**



**FEDERAL GOVERNMENT OF NIGERIA**

**CAMEROON/NIGERIA: TRANSPORT FACILITATION PROGRAM ON  
THE BAMENDA-MAMFE-EKOK-MFUM-OGOJA JUNCTION-  
ABAKALIKI-ENUGU CORRIDOR**

**SUMMARY OF THE RESETTLEMENT PLAN FOR THE MFUM-OGOJA  
JUNCTION-ABAKALIKI ROAD SEGMENT ON THE NIGERIAN SIDE**

**INFRASTRUCTURE DEPARTMENT (OINF)**

**JULY 2007**

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## 1. INTRODUCTION

1.1 ~~The present program concerns the rehabilitation/reconstruction of the Highway from Enugu-Abakaliki- Ogoja Junction- Ikom Mfum in Nigeria to Ekok- Mamfe- Batibo in Cameroon and Transport facilitation between Enugu and Bamenda. The Program will have four components, namely the Reconstruction and/or Rehabilitation of the Corridor Road, Ancillary Works, Transport and Transit Facilitation Measures, and Program Management. Given its magnitude, the program is planned for implementation in two phases. The present program, in its first phase, concerns the rehabilitation and widening of the Mfum Ikom road segment (25 km), the rehabilitation of the Ikom Ogoja Junction road (50 km) and the reconstruction of the Ogoja Junction Abakaliki segment (85 km) and the construction of a new 230 m bridge on the Cross River between Nigeria and Cameroon. In a second phase the construction of a dual carriage way between Abakaliki and Enugu (80 km) would be considered.~~

1.2 The program sector goal is to promote trade and enhance cooperation between CEMAC and ECOWAS countries, in general, and between Cameroon and Nigeria, in particular. Specifically, the program will improve transport services along the Bamenda- Enugu corridor.

1.3 From the environmental perspective, the program is classified in the category 1, taking into account the types of work to be undertaken (asphalting of an earth road), its size and scale and the potential direct and indirect impacts which it can induce. In conformity with the Bank's Environmental and Social Assessment Procedures and the Nigeria's Environmental Protection Act, an Environmental and Social Impact Assessments (ESIA) is required and undertaken.

1.4 The implementation of this program will entail compulsory acquisition of houses, social and economic infrastructures, land, crops and trees along the right of way. In conformity with the Banks policy on involuntary displacement and the Nigerian laws and regulations to this effect, a Resettlement Plan (RP) is required. The objective of this RP is to inventory the amount and types of property to be acquired, the number of persons who would be affected, the value of the property, the economic activities of the Project Affected People (PAP) and their social conditions, the types of compensation proposed, the institutional set up for implementation of the plan. The present report is a summary of the RP.

## 2. DESCRIPTION OF THE PROGRAM, ITS ZONE AND ZONE OF INFLUENCE

2.1 The overall program components in the two countries (Cameroon and Nigeria) are summarized as follows:

### A. RECONSTRUCTION AND/OR REHABILITATION OF THE CORRIDOR ROAD

- A.1 - Periodical maintenance of Bamenda - Batibo in Cameroon (42 km) and Bachuo Akagbé – Mamfè of 7.0 m wide and standard shoulders (21 km), an overlay for Ikom-Ogoja Junction (50 km) section in Nigeria

- A.2 - Widening to 7.3 m width with standard shoulders and with an overlay for the Mfum-Ikom section (25 km)
- A.3 - Rehabilitation of Batibo-Numba (20 km) and Mamfé-Ekok (70 km) sections in Cameroon and reconstruction of the section Ogoja Junction – Abakaliki (85 km) in Nigeria
- A.4 - Construction of a two lane bridge with a length of 100 m on Munaya in Cameroon and a 2 lane 230 m long bridge on the Cross - River at the border between the two countries,
- A.5 - Dualization of the Abakaliki - Enugu section in Nigeria (80 km)
- A.6 - Environmental Mitigation Measures
- A.7 - Sensitization on STI-HIV/Aids, Malaria and road safety, etc
- A.8 - Monitoring and supervision of works

#### A - ANCILLARY WORKS

- B.1 - Rehabilitation of feeder roads in Cameroon
- B.2 - Construction/ Rehabilitation of socio-economic infrastructures in Cameroon and Nigeria
- B.3 - Construction of drying platforms for agricultural products
- B.4 - Provision of boreholes and resting points for drivers along the corridor
- B.5 - Monitoring and supervision of works

#### B - TRANSPORT AND TRANSIT FACILITATION MEASURES

- C.1 - Transport Studies
- C.2 - Technical Studies on the joint border post
- C.3 - Construction and equipping of the joint border post
- C.4 - Procurement and installation of axle load controls (weight bridges) on the corridor
- C.5 - Monitoring and supervision of works
- C.6 - Training/workshops/ Study trips / Sensitization

#### C - PROGRAM MANAGEMENT

- D.1 - Program Coordination by the CSEP-BAD in Cameroon, the Project Implementation Unit (PIU) on the Nigeria side, the Steering Committee and the Joint Technical Committee
- D.2 - Equipment for the CSEP-BAD and for the Nigerian PIU
- D.3 - Monitoring-Evaluation of the impact of the program
- D.4 - Equipment for the DTT/CEMAC and the two countries Road and Transport Departments which are in charge of the program implementation
- D.5 - Audit.

2.2\_—————The program is planned for implementation in two phases. The first phase of the program on the Nigerian side will include the following components: (i) the reconstruction of the Ogoja Junction-Abakaliki section (85 km); (ii) the rehabilitation/periodical maintenance of the Mfum-Ogoja-Junction section (75 km); (iii) the transport and transit facilitation measures; (iv) ancillary works to improve the living conditions of the population; and (v) program management. The Second Phase of the program will comprise: (vi) the construction of two new bridges, one

(100 m) on the Munaya River in Cameroon and the other (230 m) on the Cross River at the border between the Nigeria and Cameroon; (vii) the construction of the Batibo – Numba section and the periodic maintenance of the Bamenda-Batibo and Bachuo Akagbé - Mamfé sections in Cameroon. Under the second phase, the construction of a dual carriage way between Abakaliki and Enugu (80 km) would be considered.

~~The first phase of the program in the Nigerian side will include the following components: (i) the reconstruction of the Ogoja Junction-Abakaliki section (85 km); (ii) the rehabilitation/periodical maintenance of the Mfum-Ogoja Junction section (75 km); (iii) the transport and transit facilitation measures; (iv) ancillary works to improve the living conditions of the population; and (v) program management. The Second Phase of the program will comprise: (vi) the construction of two new bridges, one (100 m) on the Munaya River in Cameroon and the other (230 m) on the Cross River at the border between the Nigeria and Cameroon; (vii) the dualization of the Abakaliki-Enugu road section.~~

2.3 The overall program covers the three South Eastern States of Enugu, Ebonyi ~~& and~~ Cross River States of Nigeria. ~~But, but~~ for the first phase only Cross River and Ebonyi States would be considered. The program covers the corridor between the town of Bamenda in Cameroon and Enugu in Nigeria. It consists of the rehabilitation and upgrading of the road linking Batibo – Numba – Mamfé – Ekok in Cameroon to Mfum – Ikom – Ogoja Junction – Abakaliki – Enugu in Nigeria including transport facilitation. This axe forms part of the NEPAD Lagos-Mombassa TransAfrican Highway and crosses two provinces, in Cameroon (Nord-Ouest et South-West Provinces) and also 3 States in Nigeria (Cross-River, Ebonyi et Enugu). The direct influence zone of the program (DIZP) would concern these 5 administrative regions. The DIZP covers an area of about 78,431 km<sup>2</sup>, that is 42,710 km<sup>2</sup> in Cameroon and 35,721 km<sup>2</sup> in Nigeria. This represents 6 % of the land of the two countries. The scope of the program is important because it will create and improve road connection between two countries, belonging to two different Regional Economic Communities (RECs), the CEMAC for Cameroon and the ECOWAS for Nigeria. The Extended Influence Zone of the Programme comprises the two RECs (ECOWAS and CEMAC).

2.4 The DIZP is characterized by an equatorial humid and hot climate, with heavy rainfall, between 3400 mm and 2500 mm annually, spread over 7 to 8 months) with a small dry period between December and February and heavy rainy period during the rest of the year. Because of this, the soil is fragile and subjected to serious erosion. Consequently, a large number of drains and bridges are required for major road projects in this zone. Besides, the topography of the terrain and the drainage network in the Cameroonian side render travelling difficult. The topography is rolling, the altitude varying between 100 m and more than 1400 m. The road segment between Batibo-Numba, which is 20 km long, traverses mountainous area and that of Mamfé- Ekok crosses a near-flat plain with distinct thalwegs, sometimes poorly drained by some perennial water courses. The hydrographic network is rather dense and belongs to the Cross River drainage system. The main river is Manyu that forms the natural and political boundary

between Cameroon and Nigeria. In the Nigerian side, the land between the boundary cities of Mfum and Ikom is marshy, crossed by numerous streams (25), influent of the Cross River. The rest of the DIZP (between Ikom and Enugu) is wooded savannah.

2.5 The 2006 household survey in the DIZP for the Cross River, Ebonyi and Enugu States reveals a low level of human development, comparable to that of Cameroon. Only 34 % of the household have access to potable water and around 30 % have adequate sanitary facilities. The problem of access to socioeconomic infrastructures is very poor. The sanitary coverage is not adequate: 38 % of the household are located at less than 30 mins from a health center. There is a large disparity in the access to the health services. It varies between 17.3% (Ebonyi) and 56.3 % (Cross-Rivers). Besides, only a small percentage of the household use these health centers. The reasons given are the long distance to access to these centers, the bad conditions of the sanitary evacuations and the high cost of transport and the treatment. The results also indicate the health ~~ravage-problems~~ that this vulnerable section of the Nigerian population is ~~facingundergoing~~. Because of the ever increasing pauperization of the population, the ~~child mortality rate is rate~~ has deteriorated in the past years to attain in 2005, 110 for 1000 inhabitants ~~(child mortality)~~. Malaria, disease related to diarrhea and respiratory complication are ~~most-very~~ common. Concerning HIV, the 3 States of the DIZP have a relatively high prevalence rate compared to that of the national rate average (5 %), (4.5 % for Ebonyi, ~~(6.5%)~~ for Enugu and ~~(6.1 %)~~ for Cross Rivers), but less than that of the adjacent South-West ~~provinceern-areas~~ of Cameroon. Concerning education, the problem of physical accessibility is a major issue on the Nigerian side. The time taken to go to school is very long. For the Ebonyi State, for example, only 32 % of the children reach their school in less than 30 ~~minsminutes~~. This poses a serious handicap for the children to complete their schooling. For the primary school, only 20% of the children complete their schooling.

### 3. POTENTIAL IMPACTS

3.1 The two sections, Abakaliki-Ogoja junction and Ogoja junction-Ikom-Mfum are to be rehabilitated through the widening (in places) and improving the pavement of the present roadways by grading and paving with asphalt surfacing. Small portions may be built on new alignments to bypass areas where significant disturbance to village properties and people would otherwise occur.

3.2 Alternative alignment options would be prohibitively expensive and more disruptive, and could lead to loss of revenues from diverted traffic. It would also entail very high costs for property acquisition and compensation claims, lost employment, a decreased tax base, and reduced access. This alternative is not acceptable as it would be prohibitively expensive.

3.3 The project construction and operation will require permanent land take of 81.5 hectares, as follows:

Abakaliki – Ogoja Junction Segment:

- Permanent Land Take: 42.5 hectares:

Ogoja Junction – Ikom Segment:

- Permanent Land Take: 39 hectares:

3.4 It is estimated that the number of affected plots is about 152. Physically Displaced People are people whose residence has to be displaced because it is located within the Project land acquisition area. It is estimated that about 896 people for Abakaliki-Ogoja Junction and 300 for the Ogoja Junction to Mfumu) will have to be physically displaced as a result of the program.

3.5 No grave was encountered along the program Right of Way during the valuation exercise. However, by the social disposition of the people of the program area, it is not uncommon that graves might be built after the conduct of this revalidation. For this purpose an amount has been set aside to cater for compensation (exhumation, inhumation, expenses for ceremony, appeasement, etc.).

3.6 No shrine was observed in the program ROW. In view of the cultural setting of the area, where shrines and cultural features are revered with utmost respect, it is unlikely that Shrines or other Cultural features will be built along the corridor after the revalidation exercise.

#### **4. ORGANIZATIONAL RESPONSIBILITY**

4.1 The Federal Ministry of Works (Federal Ministry of Transportation (Works Sector)) is responsible for the planning, design, construction and maintenance of all Federal Highways in Nigeria. Also the Ministries of Works and Transport in all the 36 States of the Federation as well as the Works Departments in the 774 Local Government Areas of Nigeria, have similar responsibilities for the State roads and the Local Government roads, respectively.

4.2 The Land Use Act 1978 (modified in 1990) is the legal basis for land acquisition and resettlement in Nigeria. Selected relevant sections stipulate as follows: (i) subject to the provision of this Act, all land comprised in the territory of each state in the Federation are hereby vested in the Governor of each state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in the accordance of this Act; (ii) all land in urban areas shall be under the control and management of the Governor of each state; and (d) all other land shall be under the control and management of Local Government within the area of jurisdiction in which the land is situated; (iii) it shall be lawful for the Governor in respect of land, whether or not in an urban area (a) to grant statutory rights of occupancy to any person for all purposes; (iv) it shall be lawful for a Local Government in respect of land not in an urban area (a) to grant customary right of occupancy to any person or organization for the use of land in the Local Government Area for agricultural, residential and other purposes; (b) to grant customary rights of occupancy to any person or organization for use of land for grazing purposes or may be customary in the Local Government Area concerned; (v) if the holder or occupier entitled to compensation under this section is a community the Governor may direct that any compensation payable to it shall be paid (a) to the community or (b) to the chief or leader of the community to be disposed of by him for the benefit of the community in accordance with the applicable

customary law (c) into some fund specified by the Governor for the purpose for being utilized or applied for the benefit of the community.

4.3 Concerning compensation to be paid, the relevant sections of this act stipulate the following: the land, for the amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked; building, installation or improvement, that is to say, such cost as may be assessed on the basis of the prescribed method of assessment as determined by the appropriate officer less any depreciation, together with interest at the bank rate for delayed payment of compensation and in respect of any improvement in the nature of reclamation works, being such cost there of as may be sustained by documentary evidence and proof to the satisfaction of the appropriate officer; crops on land apart from any building, installation or improvement thereon, for any amount equal to the value as prescribed and determined by the appropriate officer. Section 33 (1) where a right of occupancy in respect of any developed land on which a residential building had been erected is revoked under this Act, the Governor or the Local Government, as the case may be, may in his or its discretion offer in lieu of compensation payable in accordance with the provisions of this Act, resettlement in any other place or area by way of a reasonable alternative accommodation (if appropriate in the circumstances). The Act specifies that the State or Local Government should pay compensation to the current holder or occupier with equal value.

4.4 As a first stage of disclosure, meetings will be organized at Local Government Council level with **LCIs** of all affected villages. The principles of compensation for the various types of loss and of land transfer will be detailed. The list of plots to be acquired will be disclosed at Local Councils and Parish Land Committee offices with surfaces, locations, and landowners' names. Meetings at the village level will allow for the same information to be disclosed. Additionally, at this level, timeframes for consultation meetings with each affected individual will be published (lists). The importance of amicable transactions will be stressed, and the dispute settlement procedures will be presented.

4.5 Meetings will be held on an individual basis, with each affected head of household. This could take place either in the affected landowner's house or at sub-county offices. **Program affected people (PAP)** may be assisted by whoever they wish, including **LCs**, family members, lawyers and legal counselors. For physically or economically displaced people, past experience has shown that cash compensation impacted badly on the household's long-term economic sustainability. This proves particularly detrimental to women and children in the household. Special consideration has been given to them in this plan to this effect.

## **5. COMMUNITY PARTICIPATION**

5.1 For this program, consultation was carried out at two main levels - public and institutional consultation. Public consultation was conducted at major towns/villages all along the project road as many are to be affected by the project. Key stakeholders along the route were identified during the reconnaissance visit. The primary stakeholders of the projects identified are the important towns and settlements (about 80,000 people residing on both sides of the roads) transected by the road or within 200 m on both sides of the road, 29 on the Abakaliki-Ogoja junction route, and 15 on Ogoja ~~junction~~-Ikom-Mfum road, while the secondary stakeholders



are Federal Ministry Of Transportation (Works Sector), Federal and State Ministries of Environment of the affected states, State Ministries of Works and Housing, Local Governments (11), major Highway users such as the Union of Road Transport Workers. In compliance with government regulation, a series of public meetings was held on the program in four different main communities located in each of 6 Local Government Areas (LGAs) along the entire route. Consultations were held with the following stakeholders between August 9 - 21, 2004 and June 2007.

5.2 Some communities along the Abakaliki–~~Mfon~~Mfum- Ogoja Junction, prefer the establishment of community based developmental projects, such as schools, health centers, water schemes etc, as against actual cash compensations for loss of economic crops and lands, as most of the landed property in those axis are community owned. The road right of way (ROW) does not infringe on cultural and archeological sites in the project area, as most sites are far removed from the road corridor.

5.3 Federal Ministry of Transportation (Works Sector) will put in place a dedicated unit for the implementation of this Resettlement Plan (RP), under the leadership of a RP Coordinator. This unit, which will be established for a period of 24 months, will include the following sub-units:

- Survey identification and valuation
- Resettlement,
- Cash compensation,
- Database management,
- Livelihood Restoration,
- Vulnerable people,
- Community development

5.4 Other parties will be involved in the implementation of the RP, particularly representatives of local Government Councils. Lastly, a Mediation Committee will be established at District level to review and mediate claims and disputes. Federal Ministry of Transportation (Works Sector) will establish a register of grievances, which will be available at several locations along the route to be determined.

## 6. INTEGRATION IN THE HOST COMMUNITY

The PAP will have the opportunity to stay in the immediate vicinity of their actual residential areas as they would be displaced about 75 m from their actual site. This option is preferred by one and all. In this way they will maintain their mode of living and their economic and social activities. Consequently, the question of the integration to the host community will not arise as they will still in the same area and will be their own host.

## 7. SOCIO-ECONOMIC STUDIES

7.1 The main purpose of the socio-economic study is to establish a baseline data of existing socio-economic conditions in the project area and to assess proactively the potential health and

socio-economic impact of the proposed rehabilitation/improvement of specified highways. Social data were collected on the cultural, archaeological, economic resources and health of the communities. All communities in and within 5 km radius were identified, and sampled for study.

7.2 Consultative meetings were held with representatives of all communities along the target highways. Officials of target Local Government Areas played prominent roles in this process. At various stages, consultative meetings were held with leaders and representatives of various social groups (including women and youth leaders) in all the local communities. The consultative meetings helped to build rapport, and also to allow a participatory process in project design.

7.3 The common traditional political structure in all the communities studied has some similarities. There is a paramount ruler, whose administration is supported by a council/committee of elders. In many of the Ibo communities, this paramount ruler is referred to as the IGWE. Members of the paramount rulers' council relate with village heads, who in turn relates with clan heads. The clan heads then relates with the heads of families.

7.4 There are some differences in this structure from one community to the other. In Abakaliki and Enugu, the eldest man in the community is the most senior and given much recognition and respect. The traditional ruler is next to him in rank. The president of the town council is the next in rank to the traditional ruler while the village heads are next to this. The youth leader belongs to the town council while the women leader also relates with the town council. All the respondents in Ikom however expressed that the clan head is the most senior in the village.

7.5 There are a few women in the traditional ruling councils of Ikom and Ajassor communities (Cross River State). These women relate to other women the decisions of the Council. In Abakaliki and Enugu however, the women have their own separate councils headed by women. They do not seem to have specific roles in the affairs of the communities. The FGD Male Youths of Ezillo and Nike communities expressed that '*women are not allowed to rule in their communities*'.

7.6 Youths in all the communities surveyed are actively involved in the implementation of decisions taken by the elders. They are not often members of the Town Council, as they have their own Council. In Ajassor however, the youths have their representatives in the Town Council. The youths also serve as community police and/or members of vigilante groups. The youths in all the communities are also involved in political mobilization. Female youths are rarely involved in these activities.

7.7 In the rural communities, there is a very strong emphasis on the extended family ties, while this is less in the urban communities. Large size families seem to be the norm. There are more polygynous families than monogamous families in all the communities. ~~Christianity is generally seen as a moderator in matter relating to harmful traditional practices against women as 'wives'~~. FGDs and IDIs conducted in the urban communities tends to express that there are now

changes in the cultural roles of women. ~~Still F~~few women ~~now~~ take on more the economic roles in the home in addition to their cultural roles of managing the home. Notably, more women in the urban communities, have greater access to farmlands, compared to women in the rural communities. Children give helping hands in the family. They help in running errands at home, and to do farm work and /or petty trading. The level of involvement of children in all these activities differs from one community to the other.

7.8 The percentage of school - age children out of school varies across the communities. Some of the **FGD** sessions in Ajassor reported that about 80% of school – age children are out of school. There is also variation in the factors responsible for having school-age children out of school. The factors vary from **“lack of will power on the part of the children”** to **“the poverty levels of parents”**. Some **FGD** sessions in Ezillo expressed that many youths prefer the Okada (motorcycle) transport business as well as pushing wheel barrows to being in school.

7.9 Farming is the most popular occupation in the region; similarities were reported in the crops planted by both men and women. However, ~~more~~ men tend to plant more of cash crops (cocoa and palm trees), while ~~the~~ women tend to plant more food crops (vegetables, cassava, maize, pineapple and oranges). A few women (especially in Ikom) have cocoa farms.

7.10 Farmlands generally belong to men. Access to farmlands is usually by inheritance. Women are however freer in the urban setting than in the rural setting in their access to farmlands. In the urban communities, farmlands are available for sale and/or lease to ‘strangers’ and/or women. This is not done in any of the rural communities. Few men and women are in the civil service in the 3 urban communities and fewer still in the rural communities. Fishing is another economic activity in all the three states. Other popular occupations are trading and tailoring.

7.11 A high level of unemployment was reported across the target communities. However, it was acknowledged that unemployment is a national problem that cuts across all the States of Nigeria. In Ikom and Abakaliki, participants also complained of underemployment: It was stated, *“most ‘okada’ riders are university diploma certificate holders”* – Ikom Adult FGD. In Abakaliki, the statement was made - *‘we have adult men engaging in pushing wheel barrow, to make ends meet’*. A way out of unemployment seems to be self-employment.

7.12 Age is a critical variable in poverty assessment. Having a high rate of unemployment among economically active age groups, compounded with large family size, are factors which can directly affect individual poverty status. Both boys and girls ~~now frequently~~ drop out of school due to because of poverty in homes. ~~However, the school drop-out rate among girls is hidden, because such girls go into marriage relationship easily.~~

7.13. The 2007 demographic figures support a higher number of females’ infants/ children in homes (compared to males). Yet, there are many negatives cultural treatment against the girl child, meaning that a large pool of human resource (especially in rural area) is side-tracked in the process of development. At the community level, land is available to both men and women through family ties, although women only have access through “especially arrangements”. In

many of the urban centers, women and migrants could now buy land. In the rural sites, land is generally not available for sale.

7.14 The first phase of the program, expropriation of property on the two road segments would concern as follows:

(i) Abakaliki – Ogoja junction Section: 112 dwellings mostly constructed with semi-permanent materials occupied by 896 individuals, 42.5 ha of land; 1280 trees; 7 filling stations; 3 school classrooms, 3 school bore holes, 3 school pit latrines and 3 school fences; 5 market fences; 5 market fences and 6 market pit latrines; 6 market bore holes; 5 hand dug wells; 40 stalls; 3 churches.

(ii) Ogoja Junction - Mfum Section: 40 dwellings mostly constructed with semi-permanent materials and occupied by 300 individuals; 39 ha of food/cash crops; 350 trees; 4 filling stations; 2 school classrooms, 1 school bore holes, 1 school pit latrine and 1 school fence; 2 market fences; 2 market bore holes and 2 market pit latrines; 25 stalls.

## 8. LEGAL FRAMEWORK, INCLUDING MECHANISMS FOR CONFLICT RESOLUTION AND APPEAL

8.1 As mentioned in paragraph 4.2, the Land Use Act 1978 (modified in 1990) is the legal basis for land acquisition and resettlement in Nigeria. Land in Nigeria can be classified into the following:

- community land, which is owned by all the people in a particular community.
- clans and families own family or clan land;
- Individual land is land acquired by an individual which may be either inherited by the immediate family or purchased;
- no individual owns communal land. These lands may either be a forested or undeveloped land;
- institutional lands are land allocated to traditional institution such as traditional authorities and chiefs. ~~The Land Use Act 1978 (modified in 1990) is the legal basis for land acquisition and resettlement in Nigeria. Selected relevant sections stipulate as follows: (i) subject to the provision of this Act, all land comprised in the territory of each state in the Federation are hereby vested in the Governor of each state and such land shall be held in trust and administered for the use and common benefit of all Nigerian in the accordance of this Act; (ii) all land in urban areas shall be under the control and management of the Governor of each state; and (d) all other land shall be under the control and management of Local Government within the area of jurisdiction in which the land is situated; (iii) it shall be lawful for the Governor in respect of land, whether or not in an urban area (a) to grant statutory rights of occupancy to any person for all purposes; (iv) it shall be lawful for a Local Government in respect of land not in an urban area (a) to grant customary right of occupancy to any person or organization for the use of land in the Local Government Area for agricultural, residential and other purposes; (b) to grant customary rights of occupancy to any person or organization for use of land for grazing purposes or~~

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

8.2 Concerning compensation to be paid, the relevant sections of this act stipulate the following: the land, for the amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked; building, installation or improvement, that is to say, such cost as may be assessed on the basis of the prescribed method of assessment as determined by the appropriate officer less any depreciation, together with interest at the bank rate for delayed payment of compensation and in respect of any improvement in the nature of reclamation works, being such cost there of as may be sustained by documentary evidence and proof to the satisfaction of the appropriate officer; crops on land apart from any building, installation or improvement thereon, for any amount equal to the value as prescribed and determined by the appropriate officer. Section 33 (1) where a right of occupancy in respect of any developed land on which a residential building had been erected is revoked under this Act, the Governor or the Local Government, as the case may be, may in his or its discretion offer in lieu of compensation payable in accordance with the provisions of this Act, resettlement in any other place or area by way of a reasonable alternative accommodation (if appropriate in the circumstances). The Act specifies that the State or Local Government should pay compensation to the current holder or occupier with equal value.

### Grievance Management

8.3 Several laws provide for the establishment of land tribunals headed by High Court Judges that have powers to give adjudication on land issues. Appeals can also be explored through the Nations judicial system to the Apex Court which is the Supreme Court of the Federal Republic of Nigeria. Applicable laws that govern the issue of land appropriation, evaluation and compensation in Nigeria is guided by various steps. The power of compulsory acquisition of land in Nigeria is derived from the following four sources.

- Customary Law
- Constitutional Law
- Statute Law
- Military Decree (All decrees are now Acts of parliament by the 1999 Constitution).

8.4 The program will put in place an amicable, extra-judicial mechanism for managing grievances and disputes based on explanation and mediation by third parties. Each of the affected persons will be able to trigger this mechanism, while still being able to resort to the judicial system. In the event where the complainant is not satisfied with action taken by Federal Ministry

of Transportation (Works Sector) as a result of the complaint, an amicable mediation can be triggered involving a mediation committee independent from the program.

8.5 For each grievance, a grievance file will be opened. Other parties will be involved in the implementation of the RP, particularly representatives of local Government Councils. Lastly, a Mediation Committee will be established at District level to review and mediate claims and disputes. Federal Ministry of Transportation (Works Sector) will establish a register of grievances, which will be available at several locations along the route to be determined.

~~For each grievance, a grievance file will be opened.~~

### **Mediation Committee – Amicable Resolution Mechanism**

8.6 Complaints that cannot be settled to the complainant's satisfaction will be handed over to a mediation committee established at District level. The mediation committee will meet as needed, depending on registered complaints and disputes.

### **Processing**

8.7 After a complaint or dispute has been registered, the Federal Ministry of Transportation (Works Sector) will prepare the technical background to the complaint for consideration by the mediation committee. The complainant(s) will be invited before the mediation committee, which will mediate and attempt to propose a solution acceptable to both parties (Federal Ministry of Transportation (Works Sector) and complainant). If need be, other meetings will be held and the committee may resort to one of its members to arbitrate in a less formal framework than meetings, if appropriate.

## **9. ELIGIBILITY**

9.1 There are three groups entitled for compensation for loss of land or other assets that would be taken for the purposes of the project.

- those who have formal right to land or other assets that is recognized under the law of the Federal Republic of Nigeria. That includes customary land rights, traditionally recognized under the Federal State or Local Government Laws or Nigeria. This group of displaced people includes those physically residing at the project site and those who will be displaced or may loss access or suffer a loss in their livelihood as a result of the project activities;
- those who do not have formal right to land or other asset at the time of the census but can prove that they have claims such as land or asset that can be recognized under the Customary Laws of Nigeria. This category includes those who may not physically reside at the project site but who have spiritual and/or ancestral ties with the land. Examples concern graveyards, sacred forest, places of worships etc.;

- those groups of displaced persons who have no recognizable legal right or claim to the land they are occupying in the project area and who do not fall in any of the two categories described above. These displaced persons will be entitled to resettlement assistance in lieu of compensation for land to improve their former living stands, provided they occupied the project area prior to a cut-off date established. The cut-off date would clearly be communicated to the project affected population.

9.2 All the **PAP** would be compensated, in one form or the other and the rate and amount of compensation would be agreed upon by them and the relevant authorities. The entitlement cut-off date is the time when the assessment of persons and their property in the designated project area has been accomplished. No new cases of affected people will be considered thereafter to avoid opportunistic invasions / rush migration into the chosen land thereby posing a major financial risk to the project. The cut-off dates shall be chosen in full compliance with the conflict resolution mechanisms in this RPF and this would be communicated extensively to the potential PAPs and surrounding local communities.

9.3 Vulnerable people include:

- Disabled people or people suffering from serious illnesses,
- Orphans, widows and the elderly,
- Women and children at risk of being dispossessed of their productive assets – land– as a result of the land compensation process that may solely benefit the male household head.

Assistance shall take the following forms, depending upon vulnerable peoples’ requests and needs:

- Assistance in the compensation payment procedure (going to the bank with the person to cash the cheque);
- Assistance in the post payment period to secure the compensation money;
- Assistance in moving: providing vehicle, driver and facilitation at the moving stage, providing ambulance services for disabled persons during moving;
- Assistance in building: providing materials, workforce, or building houses;
- Health care if required at critical periods:

## 10. VALUATION OF AND COMPENSATION FOR LOSSES

10.1 To the extent possible, expropriation of properties has been minimized taking into consideration optimal alignment alternatives. At some places, some trees crops that grow within the road reserve and burrow areas could be destroyed during the site clearance and quarrying. Concerning crops, those proprietors would be allowed to harvest their crops prior to site clearing. The construction works would be planned after harvesting. The area that would be affected is estimated at 81.5 ha, comprising the **ROW**. Besides the following properties would be acquired:

(i) Abakaliki – Ogoja junction Section: 112 dwellings mostly constructed with semi-permanent materials occupied by 896 individuals, 42.5 ha of land; 1280 trees; 7 filling stations; 3 school classrooms, 3 school bore holes, 3 school pit latrines and 3 school fences; 5 market fences; 5

market fences and 6 market pit latrines; 6 market bore holes; 5 hand dug wells; 40 stalls; 3 churches.

(ii) Ogoja Junction - Mfum Section: 40 dwellings mostly constructed with semi-permanent materials and occupied by 300 individuals; 39 ha of food/cash crops; 350 trees; 4 filling stations; 2 school classrooms, 1 school bore holes, 1 school pit latrine and 1 school fence; 2 market fences; 2 market bore holes and 2 market pit latrines; 25 stalls.

10.2 The costs of these compensations are as follows:

(A) Section Abakaliki-Ogoja Junction: dwellings, 4,664 US \$; other buildings and other accessories, 705,860 US \$; crops and trees, 763 US \$. This comes to a total of 711,287 US \$. By adding 25% for contingencies (price contingency, identification of other properties to be expropriated during the program implementation, resettlement plan monitoring, training and guidance for disadvantaged groups, etc.), the cost of the expropriation and compensation plan is around 882,325 US \$.

(B) Section Ogoja Junction-Mfum: dwellings, 1340 US \$; other buildings and other accessories, 327060 US \$; crops and trees, 920 US \$. This comes to a total of 329,320 US \$. By adding 25% for contingencies (price contingency, identification of other properties to be expropriated during the program implementation, resettlement plan monitoring, training and guidance for disadvantaged groups, etc.), the cost of the expropriation and compensation plan is around 411,620 US \$.

10.3 Where affected community members do not have land titles, cadastral surveys would have to be carried out to establish the basis for compensation and then regularize and recognize claims to land. Comprehensive documentation of individuals or household affected shall be carried out. This document shall contain personal information, total land holdings and an inventory of assets affected.

10.4 Cash, in kind or through assistance, would be paid to individuals and households but the option would be chosen by the **PAP**. However due to inflation and considering other socio-economic reality, in kind compensation may be encouraged. Security will be provided by the State Governments to those who may be compensated in cash. Banks, non-governmental agencies (NGOs) and micro-finance institutions shall be encouraged to closely work with State and other participating Local Government Authorities for the use of their services to ensure sustainability and socio-economic development of the communities. In case of cash payment, affected households shall be provided counselling to ensure that that compensation is used wisely.

10.5 All properties affected shall be compensated for. This includes areas covering tangible structures such as buildings, fences, shops, shrines, etc. It will also include cultivated lands or lands about to be cultivated. Compensation shall depend on labour cost invested on the current or the current price of land. These categories of land would include land acquired for Right of Way and land temporarily acquired for the duration of the project activities.



10.6 Residential structures touched during project activities shall be rebuilt or compensation paid in cash including for houses lost through project activities. The PAP will decide on the type and mode of compensation. The criteria for estimating replacement values including land, housing and other property will be standardized and transparent.

## **11. IDENTIFICATION OF THE RELOCATION SITE**

11.1 All the PAP have expressed their wish to stay in their immediate vicinity. They would, consequently be move less that 100 m from their present site. The standard resettlement residential plot will be a minimum of 600 square meters (0.15 acre) in surface area. As detailed below, this does not include agricultural land, which will be provided separately in the majority of situations. All plots will be served by a road. All houses will have their own pit latrine. Water supply will be by drilled wells equipped with a hand pump (based on the usual Nigerian standard of one hand pump for 250 individuals), and by a roof rainwater catchments system built-in for every house.

11.2 All resettled households will be provided with a land title for their residential plot on the resettlement site. This will be either a long-term lease or a freehold title. While a majority of affected people are peasant farmers, there are a significant proportion of them who are engaged in small business activities particularly in the suburban areas around Abakaliki, Mfuem II, Yahe etc. Livelihood restoration program will therefore target two areas: improved agriculture; small business development. The PAP who are either physically displaced or economically displaced are eligible to one of the two livelihood restoration packages proposed, in reason of one such package per household.

11.3 Training and extension services will be delivered by an experienced organization with permanent presence in the area. Women will be targeted as a specific group of interest, with specific engagement methodologies. Training and further technical assistance will be delivered by an experienced organization with a permanent presence in the area. In this program too, women will be targeted specifically group of interest, with specific engagement methods and specific activities and small business areas.

## **12. IMPLEMENTATION SCHEDULES**

12.1 For the road and Right-Of-Way, compensation will be paid when all transactions are agreed upon for the whole section of the road route. This will be in all cases prior to the first disbursement of the loan proceeds.

12.2 When options have been selected by the affected household for the compensation of lost assets, all parties involved will sign a compensation agreement. These compensations agreements will clearly separate the compensation term paid for under Nigerian law requirements, and the term resulting from the specific Federal Ministry of Transportation (Works Sector).

12.3 A tentative implementation schedule proposed is as follows:

Mobilization of resources for the compensation process	3 months
Payment of compensation to the PAP	6 months
Resolution of conflict	3 months
Follow up of the construction of residences if required	6 months
Impact monitoring on the resettlement in compliance with the indicators set	24 months

### 13. ENVIRONMENTAL PROTECTION

13.1 As usual, expropriation of properties always has some significant socio-economic impacts on the PAP. The RP has catered for mitigating these impacts through the provision of supervision of the resettlement, monitoring of the reinstatement of the standard of living of the concerned PAP and some other initiatives such as giving a small preference for employment during the construction and operation/maintenance phase. The RP has made a small provision in the 25 % contingency amount for such close follow up and supervision.

13.2 Identified potential impacts would include:

#### Positive Impacts

- Improved employment opportunities for locals and rural economy from phases of project implementation
- Better access to neighboring towns and cities
- Employment in the construction sites
- Improved trading activities
- Better transport system for transporting farm products

#### Negative Impacts

- Land take and involuntary displacement of farmers and property owners
- ~~L~~oss of agricultural resource base
- Discomforting noise nuisance to workers and inhabitants from construction equipment and vehicle operation
- Interference with traffic and economic activities and increased safety risk to local road users due to increased traffic during construction and project operation

- Contamination of surface and groundwater used by people from construction sites effluents and construction camp solid waste and domestic sewage discharge
- Probable increase in social vices (drug abuse, commercial sex workers, teenage pregnancies, etc) and increased pressure on existing infrastructure and health care facilities (housing, educational and recreational facilities) from influx of people (job seekers)
- Health impairment from equipment (air pollutants) gaseous emissions inhalation
- Social & health problems (new communicable diseases, sexually transmitted infections (STIs), HIV/AIDS) from influx of job seekers & post-construction demobilization of large contingent of workers

### Mitigation of Impacts from Identified Resettlement Program

13.3 In order to mitigate the impacts of the identified resettlement projects, action on the natural resources, the following minimum term must be met:

- Rehabilitation aimed at restoring any portion of the impacted land and vegetation;
- All the wastes generated from the operation of the facilities must be disposed of in accordance with Federal Ministry of Environment (FME) guidelines;
- Pollution and damage to land and potable water must be mitigated through the specified contingency plan.

13.4 The existing health problems in the program area will be alleviated by the implementation of primary health care measures and monitoring subsequent to the construction phase. Increased resources should be allocated for local health care over a longer term. Provision of potable water supply for domestic use and proper disposal of human waste are mitigation measures that are most likely to reduce the incidence of water-borne diseases and improve the quality of health in the area.

13.5 The following measures will be of great benefits in facing the challenges of poverty in the studied communities:

- Improving employment opportunities of the poor;
- Investment in human capital i.e. quality education, health, nutrition and family planning
- Increase access to productive assets i.e. land, labor, capital, and entrepreneurial training among others;
- Women empowerment;
- Development of rural areas;
- Strengthening safety nets
- Participation of the poor in local institutions e.g. governance in local communities

13.6 Gender responsive poverty alleviation measures that will meet the specific needs of the concerned communities are as follows:

- Improvement of women's access to education, and training;

- Improvement of women's access to employment;
- Training imparted to women on time use and time allocation skills;
- Access to food and good nutrition for women and the girl child;
- Promotion of income generating activity among the poor; and especially for women and children
- Improving access to education, and health services

### **Mitigating Direct Effects of the Program**

13.6 Specific activities for mitigating the direct effect of the program include:

- Building a rapport with the local communities on this project;
- Educating and enlightening local communities on the program work schedule and time table
- Enlightening the local communities (pedestrian and motorists) on the use of highway and traffic lights.
- Paying appropriate compensation to the right people. All the respondents across the communities however suggested that there should be enough financial compensation to those who may lose their properties to the proposed project.
- Establishing well equipped health facilities around the construction areas
- Ensuring that construction is solid enough to withstand erosion for many years, so that the local communities can proudly identify with the project.
- Employ members of communities for construction work.
- Federal Ministry of Transportation (Works Sector) should supervise the construction company handling the project, for quality control, and to ensure that quality job is done.

## **14. COST AND BUDGET**

14.1 The RP, including its implementation and monitoring would cost:

(A) Section Abakaliki-Ogoja Junction: dwellings, 4,664 US \$; other buildings and other accessories, 705,860 US \$; crops and trees, 763 US \$. This comes to a total of 711,287 US \$. By adding 25% for contingencies (price contingency, identification of other properties to be expropriated during the program implementation, resettlement plan monitoring, training and guidance for disadvantaged groups, etc., the cost of the expropriation and compensation plan is around 882,325 US \$.

(B) Section Ogoja Junction-Mfum: dwellings, 1340 US \$; other buildings and other accessories, 327060 US \$; crops and trees, 920 US \$. This comes to a total of 329,320 US \$. By adding 25% for contingencies (price contingency, identification of other properties to be expropriated during the program implementation, resettlement plan monitoring, training and guidance for disadvantaged groups, etc., the cost of the expropriation and compensation plan is around 411,620 US \$.

14.2 As one of the loan conditions prior to first disbursement, the Government will have to submit to the Bank evidence that sufficient funds have been set aside and deposited in an Escrow

Account in a commercial bank acceptable to the Fund, dedicated to compensate project affected people (PAP) for the land, other properties acquired and crop damages. As another loan condition, the Government will have to submit to the Bank evidence that compensation for the land and other properties acquired for the implementation of the program by the two concerned States (Cross River and Ebonyi) as well as for crop damages have been fully paid to all project affected people before commencement of works.

## 15. MONITORING AND EVALUATION

15.1 Monitoring, evaluation and auditing are key components of the Resettlement Plan and are an integral parts of Federal Ministry of Transportation (Works Sector)'s responsibility and obligations. It has the following general objectives:

- **Internal progress (or Input/Output) monitoring:** Measures whether inputs are delivered on schedule and as defined in the RP, and their direct measurable results, for instance:
  - o amounts of compensation paid in a given month,
  - o progress of construction of resettlement houses,
  - o people completing livelihood restoration training courses, etc...

15.2 Monitoring will also seek to document and investigate specific conflict or hardship situations arising from the implementation of the resettlement and compensation program. Monitoring keeps track of project implementation efficiency, and indicates whether changes need to be made to make the program operate more efficiently. Progress monitoring is done internally by the Project at a frequency determined by the RP for every indicator (in general say every 3 months).

- **Audit of compliance and completion:** Defines whether the RP and applicable requirements have been complied with, and if the implementation can be deemed complete. An external entity ("Witness NGO") shall independently monitor the implementation of the RP

**Outcome evaluation:** Defines the extent to which the project is achieving or is likely to achieve the objectives of a program. Resettle businesses established and earning acceptable returns over a reasonable period is an example of an outcome. Outcome evaluation, coupled with output monitoring results, indicate whether the program is genuinely working and should continue to be implemented as is, or whether some fundamental changes need to be made.

### INTERNAL PROGRESS MONITORING

15.3 During the active phase of resettlement and compensation, the following key progress indicators will be measured internally By Federal Ministry of Transportation (Works Sector) on a quarterly basis:

- Percentage of the Right-Of-Way compensated for;
- Numbers of households and individuals affected by program activities;

- Numbers of households and individuals physically displaced as a result of program activities;
- Numbers of households and individuals economically displaced as a result of program activities;
- Numbers of households and individuals resettled by the program;
- Numbers of resettlement houses built;
- Numbers of resettlement houses taken possession of by resettlers;
- Grievances (open, closed); and
- Amounts of compensation paid for each category of lost assets (structures, land, crops, others).

15.4 A brief quarterly internal monitoring report will be prepared on this basis. It may be publicly released depending on lenders' requirements. Progress monitoring will be carried out internally by Federal Ministry of Transportation (Works Sector) resettlement and compensation unit.

#### **COMPLIANCE AND COMPLETION AUDITS**

15.5 The independent compliance and completion audit will focus on the assessment of compliance with requirements contained in this RP, in the Nigerian legislation, and in the AfDB policies. These will be based on the involvement of an independent Nigerian entity ("Witness NGO").

#### **Compliance Reviews**

15.6 Objectives of these quarterly reviews are as follows:

- To assess overall compliance with the RP and applicable legislation and requirements,
- To verify that measures to restore or enhance Project-Affected Peoples' quality of life and livelihood are being implemented and to assess their effectiveness,
- To assess the extent to which the quality of life and livelihoods of affected communities are being restored in an appropriate manner, based on results of the outcome evaluation mentioned above.

External monitoring reports will be prepared independently by the reviewer and released to the lenders and to the public after review by Federal Ministry of Transportation (Works Sector) for factual accuracy.

#### **Completion Audit**

15.7 The purpose of the Completion Audit is to establish whether Federal Ministry of Transportation (Works Sector) has implemented all activities needed to ensure compliance with resettlement commitments defined by the RP and applicable policies, and whether resettlement and compensation can be deemed complete.

15.8 A key objective of the RP is that resettlement, compensation and other mitigation measures should lead to sustainable restoration or enhancement of affected peoples' quality of

life and income levels. At such time as affected peoples' quality of life and livelihood can be demonstrated to have been restored, the resettlement and compensation process can be deemed "complete". The completion audit will be carried out by the same auditor as the compliance audit mentioned in the section above ("Witness NGO").

### **Implementation of Outcome Evaluation**

15.9 Federal Ministry of Transportation (Works Sector) will hire a suitably qualified external evaluator with significant experience in resettlement to carry out two evaluation reviews based on indicators measured by the internal team:

- One review will take place at mid-term of RP implementation (about one and a half year after commencement of implementation);
- The second review will take place two years after the end of RP implementation, when livelihoods are likely to be restored or about to be restored.

## **16. CONCLUSION AND RECOMMENDATION**

16.1 The social, economic, environmental and legal analyses of all the major issues related to compulsory acquisition of properties resulted in the elaboration of a practical and comprehensive document, which could be implemented easily. The vulnerable people were not left behind in this development. In fact, transparency and communication are the preferred routes for improving the living condition of the population, particularly the poor. The implementation of this RP will alleviate the hardship caused by this expropriation

16.2 It is recommended that the competent authority responsible for the implementation of this program put in place a monitoring mechanism to minimize displacement, follow up the payment of compensation in time and to explore ways and means to incorporate the PAP in the implementation of the program, during construction and maintenance phases.