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Kano- Maradi *Railway Project*

Environmental and Social Management System Manual

Abbreviation

AfDB	African Development Bank
CBO	Community-Based Organization
CSO	Civil Society Organization
CBD	Convention on Biological Diversity
DNB	Development Bank of Nigeria
EPC	Engineering Procurement and Construction
E&S	Environmental and Social
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESHS	Environment, Safety, Health and Security
ESMS	Environmental and Social Management System
ESS	Environmental and Social Standards
ESRM	Environmental and Social Risks Management
ESMP	Environmental and Social Management Plan
FMEnv	Federal Ministry of Environment
FGN	Federal Government of Nigeria
FEC	Federal Executive Council
FPIC	Free, Prior and Informed Consent
FMoT	Federal Ministry of Transportation
GBV	Gender-Based Violence
GRC	Grievance Redress Committees
GM	Grievance Manager
GRM	Grievance Redress Mechanism
HRL	High Risk List
HSE	Health Safety and Environment
IA	Implementing Agency
ICP	Informed Consultation and Participation
IDA	International Development Association
ILO	International Labour Organization
IFC	International Finance Corporation
ISO	International Organization for Standardization
IPF	Investment Project Financing
KMRL	Kano-Maradi Railway Line
LMP	Labour Management Procedure
LRP	Livelihood Restoration Plan
MDAs	Ministry Departments and Agencies
MEN	Mota Engil Nigeria
M & E	Monitoring and Evaluation
MSMEs	Micro, Small and Medium Enterprises

NGO	Non-Governmental Organization
OBF	Output Based Fund
OHS	Occupational Health and Safety
OHSAS	Occupational Health and Safety Assessment Series
PAPs	Projects Affected Persons
PAYG	Pay as You Go
PBG	Performance Based Grant
PFIs	Participating Financial Institutions
PSRP	Power Sector Reform Program
PDO	Program Development Objective
PIU	Project Implementation Unit
PUE	Productive Use Equipment
RAP	Resettlement Action Plan
SEA	Sexual Exploitation and Abuse
SIA	Social Impact Assessment
SH	Sexual Harassment
SHS	Solar Home System
STDs/STIs	Sexually Transmitted Diseases/Sexually Transmitted Infections
TA	Technical Assistance
UNOPS	United Nations Office for Project Services
USAID	United States Agency for International Development
WB	World Bank
VLD	Voluntary Land Donation

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1. 1. INTRODUCTION: BACKGROUND AND CONTEXT

1.1 Introduction

The Federal Ministry of Transport (FMoT) of the Federal Government of Nigeria (“FGN”) is developing a new single-track, standard-gauge railway with 13 stations that will run from Kano State in the North-western region of Nigeria to Maradi in the south of Niger Republic (the “Project”). As part of the development, a branch line with five (5) stations will be built connecting the new railway to the city of Dutse in Jigawa State. The line will give Niger Republic access to Nigeria’s rail network and to Nigerian ports. The line is part of a plan to boost economic growth in the country especially in the northern region that suffers insecurity. The Project is estimated to cost \$1.96bn to execute including but not limited to preliminary studies, owner costs, EPC related costs and VAT.

Additional funding for the project is being arranged and is expected to comprise of a combination of financed debts supported by a Sovereign Guarantee issued by FGN. Financing is likely to include a combination of Nigerian banks, international banks, Export Credit Agencies (ECA), and Development Finance Institutions (DFI). Financing is being arranged by KFW-IPEX Bank, the Africa Finance Corporation and Credit Suisse.

The FMoT has appointed Mota-Engil Engenharia e Construção Africa (MEA) to build the Project under an Engineering, Procurement, and Construction (EPC) contract. MEA belongs to a diversified and multinational business group consisting of more than 250 legal entities involved in construction and infrastructure management.

1.2 Project Location

The Project site traverses three States in the northwestern region of Nigeria (Kano, Jigawa and Katsina States) and runs through the Maradi Region in the southern part of Niger republic. The total length of the Project's RoW is 393 km which comprises the main line that runs from Kano, the capital city of Kano State, through Katsina State to Maradi, the administrative centre of Maradi Region in Niger republic and a branch line from Kano to Dutse, the capital of Jigawa State.

The main line covers a distance of 285 km from Kano, the capital city of Kano State, through Katsina State in the northern region of Nigeria, to Maradi, the administrative centre of Maradi

region in Niger as shown in figure 1.1.

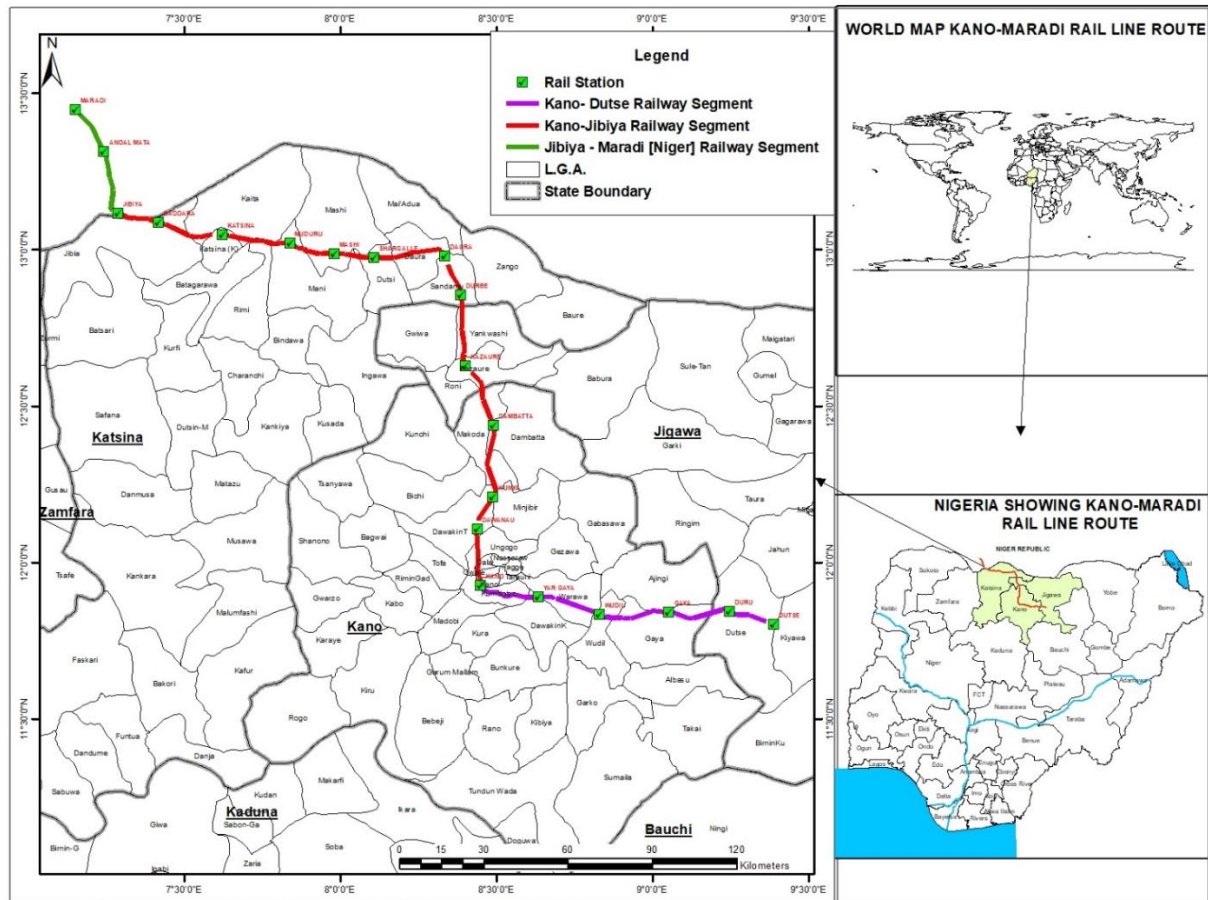


Figure 1.1. Map of the proposed Kano-Maradi Rail Line Route

The main line route begins on the western side of the city of Kano, connecting with the existing Lagos-Kaduna railway line and runs north. It then turns eastwards and terminates at the Mallam Aminu Kano International Airport. The rail line further commences at the airport and turns northwards until it reaches Dambatta in Kano State. Near the city of Dambatta, the route first crosses the A2 road and then continues northwards until it reaches the town of Daura, crossing the town of Kazaure in Katsina State. The line then turns westwards and, after crossing the Katsina-Daura Road, it runs parallel to the road until it reaches Jibiya, crossing the cities of Mashi and Katsina. The route then curves northwards from the town of Jibiya, running parallel to the existing road, to reach Maradi, where it finally terminates. The major cities/towns to be served by the main line include Kano, Dambatta, Kazaure, Daura, Mashi, Shargalle, Katsina, and Jibiya in Nigeria and Maradi in Niger. A 108 km branch line from Kano State to Jigawa State has been designed to connect Dutse in Jigawa State with the main line (i.e., Kano - Maradi) and connect the railway line route to Lekki Port, Lagos Nigeria. The

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branch line runs from south-east Kano to the town of Wudil, then Gaya and finally to Dutse. The entire 393 km is broken down into nine (9) sections as presented in Table 1.1 and Fig

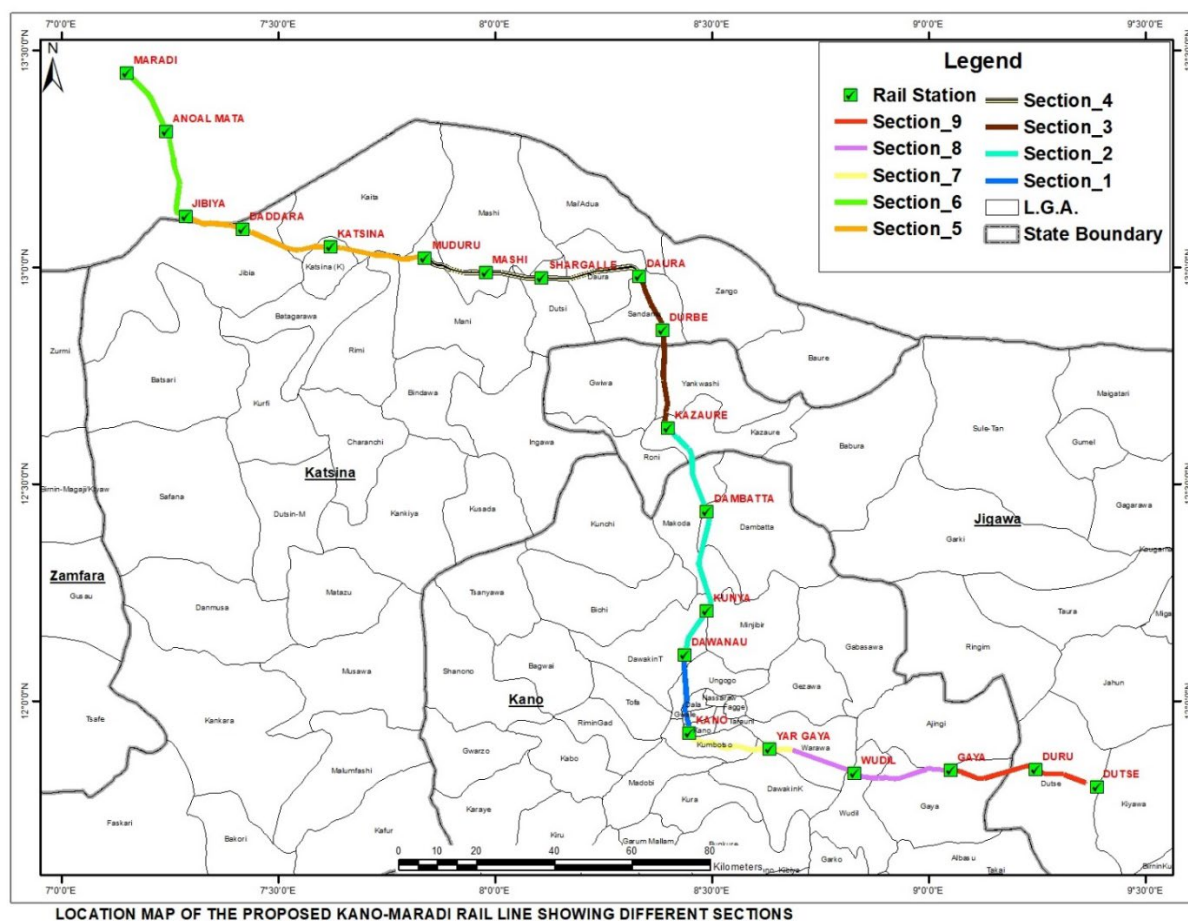


Figure 1.2. Proposed Kano-Maradi rail line showing different sections

Table 1.1. Project sections for the entire right of way. (Source: KMRL, 2024)

Project Design	Engineering	Project boundaries	Distance of RoW (km)
Section one		Kano to Dawanau	19.9
Section two		Dawanau to Kazaure	63.3
Section three		Kazaure to Daura	40.4
Section four		Daura to Maduru	56.3
Section five		Maduru to Jibiya	62.0
Section six		Jibiya to Maradi	42.5
Section seven		Kano to Yar Gaya	24.1
Section eight		Yar Gaya to Gaya	44.7

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Section nine	Gaya to Dutse	39.2
Total		392.4

1.2 Train Stations

Based on the project design, the project has 19 stations, but as of the time of this audit, 13 stations have been approved by FMoT in all for immediate take-off: 10 stations along the Kano - Maradi rail line and three (3) stations along the Kano - Dutse branch line (Table 1.2). The stations will be constructed at an average distance of 20.2 km between them. Three (3) different categories of train stations will be built along the railway line according to the location and peak hour passengers.

The three train station categories include:

- **Standard Station Type A (SSA):** This includes stations in capital cities or large centres with over 300,000 inhabitants. At peak hours, they are expected to serve 1,500 passengers.
- **Standard Station Type B1 (SSB):** This includes stations in the LGAs/communities, headquarters, cities or centers with over 100,000 inhabitants. They are expected to serve 300 passengers at peak hours.
- **Minor Stations Type B2:** These include stations that do not fall in the previously listed categories. At peak times, they are expected to serve 100 passengers.

Table 1.2. Kano-Maradi Rail Stations and Locations

S/ N	Station	Type	Coordinates		Station	Freight Yard	Maintenance Center	Loco Depot and Light Maintenance	Washing Station and Coach Servicing	Refuelling Point for Locos
			Latitude	Longitude						
1	DAWANAU	Type B2	12°6'23,67"N	8°26'18,02"E	X	X	-	-	-	-
2	KUNYA	Type B2	12°12'28,44"N	8°29'17,19"E	-	-	-	-	-	-
3	DAMBATTA	Type B1	12°26'15,75"N	8°29'19,96"E	X		-	-	-	-
4	KAZAURE	Type B1	12°37'45,30"N	8°23'59,82"E	X	X	X			
5	DURBE	Type B2	12°51'13,87"N	8°23'10,55"E	-	-	-	-	-	-
6	DAURA	Type B1	12°58'42,88"N	8°20'0,50"E	X	X	-	-	-	-
7	SHARGALLE	Type B2	12°58'31,73"N	8°6'29,27"E	X	-	-	-	-	-
8	MASHI	Type B2	12°59'15,86"N	7°58'46,10"E	X	-	-	-	-	-
9	MUDURU	Type B2	13°1'17,36"N	7°50'18,46"E	-	-	-	-	-	-

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S/ N	Station	Type	Coordinates		Station	Freight Yard	Maintenance Center	Loco Depot and Light Maintenance	Washing Station and Coach Servicing	Refuelling Point for Locos
			Latitude	Longitude						
10	KATSINA	Type A	13°2'46,72"N	7°37'16,62"E	X	X	X	X	X	X
11	DADDARA	Type B2	13°5'15,39"N	7°25'5,98"E	-	-	-	-	-	-
12	JIBIYA	Type B2	13°7'0,75"N	7°17'12,96"E	X	X	-	-	-	-
13	ANOAL MATA	Type B2	13°18'43,87"N	7°14'33,83"E		-	-	-	-	-
14	MARADI	Type B2	13°26'52,26"N	7°9'6,12"E	X	-	-	-	-	-
15	YAR GAYA	Type B2	11°53'22,53"N	8°38'1,14"E	X	-	-	-	-	-
16	WUDIL	Type B2	11°50'4,14"N	8°49'43,16"E	X	-	-	-	-	-
17	GAYA	Type B2	11°50'26,07"N	9°3'4,42"E	X	-	-	-	-	-
18	DURU	Type B2	11°50'36,33"N	9°14'47,93"E	-	-	-	-	-	-
19	DUTSE	Type A	11°48'7,05"N	9°23'15,95"E	X	X	X	X	X	X

NB: Those highlighted in yellow were not approved for immediate take-off by FMoT

2.0 LEGAL AND ADMINISTRATIVE FRAMEWORK

The legal framework relating to displacement and involuntary resettlement issues consists of the various Nigerian legislations and AfDB Integrated Safeguard System (ISS) 2023.

The legal basis for resettlement in Nigeria is the Land Use Act of 1978, modified in 2004. According to the Act, all land in Nigeria is vested in the Governor of each State, to be held in trust for the use and common benefit of all people. The administration of urban land is directly under the control and management of the Governor, whereas non-urban land is under the control and management of the Local Government Authority. The Governor has the right to grant statutory rights of occupancy to land while the Local Government has the right to grant customary rights of occupancy. Since the Land use Act gives ownership of all land to the State, compensation by projects and sub-projects is restricted to structures, installations, and improvements on the land, not the land itself.

2.1 Land Use Act, CAP L5 LFN 2004

The law establishes the legal framework for government expropriation of land from individuals and communities, when it is required for “overriding public interest/good”. It prescribes the circumstances under which the State can revoke rights of occupancy to the land and the compensation provisions that are required.

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

- i. It places land into two categories: urban land and non-urban land, as designated by the Governor of a State wherein the land lies.
- ii. 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.
- iii. It empowers the Governor of a State to revoke rights of occupancy.

There are several key repercussions as a result of the Act:

- There is now a common Land Tenure System throughout the country;
- Control and management of land is in the hands of government;
- A system of registration of titles has been introduced and paper titles (Certificates of Occupancy) are issued; and
- The process of acquiring land is deemed to have been simplified for Contractor.

The most significant change in the land tenure system, brought about by the Land Use Act is the empowerment of 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 this to mean, among other things, “...*the requirement of the land by the state for public purposes within the state*”. This means that a governor can revoke the right of occupancy to land (i.e. expropriate) for use either by the State, Local or Federal authority for overriding public interests. As per the provisions of the Land Use Act, this can include telecommunication, power projects, hospitals, market places, mining activities or agricultural use etc. 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.

However, this compensation is for the value of land improvements (“*unexhausted improvements*”) at the date of revocation (section 29). Depreciation is considered when assessing the value of these improvements based on the national process of land-taking. The term “*unexhausted improvement*” is defined in Section 51 of the Land Use Act as:

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

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)).

All rights of occupancy whether granted by the State or Local authority are typically for a fixed tenure and not usually more than 99 years. A person may not be entitled to compensation if the leasehold has expired.

The Land Use Act has provisions for compensation in kind, rather than cash, through the provision of Resettlement Land. Section 33 of the Land Use Act stipulates that, when alternative land has been given, compensation will be deemed to have been made. The concerned party is thereby prevented by law from demanding further financial compensation.

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The provision of Section 43 of the Constitution affirms the fundamental rights of persons and communities to own and hold land or property. It stipulates that any authority taking such land must do so in accordance with a law made in that regard. Importantly, such authority is required to pay the affected party compensation. Additionally, they must afford the right of access to the relevant adjudicatory forum, where any grievances regarding the amount of compensation to be paid and/or interest to the land in question, can be raised and resolved.

2.2 National Legislation

2.2.1 National Policy on Environment

Environmental management in Nigeria is based on the National Policy on the Environment (1988), revised in 1999 and 2017. The Policy states that Nigeria is committed to safeguarding the country's natural and built environment for the use of present and future generations. This commitment demands that efficient resource use and the reduction of environmental impacts be a core requirement of all developmental activities. The National Policy on the Environment aims to achieve sustainable development in Nigeria, and in particular to:

- Secure a quality of environment adequate for good health and well-being;
- Conserve and use the environment and natural resources for the benefit of present and future generations;
- Restore, maintain and enhance the ecosystem and ecological processes essential for the functioning of the biosphere to preserve biological diversity, and the principle of optimum sustainable yield in the use of living natural resources and ecosystems;
- Raise public awareness and public understanding between the environment and development and encourage individual and community participation in environmental improvement efforts.

2.2.2 Environmental Impact Assessment Act No. 86, 1992 (Codified as EIA Act CAP E12 LFN 2004)

The Act makes EIA mandatory for all new major public and private projects in Nigeria. It sets out to:

- Consider the likely impacts and the extent of these impacts on the environment before embarking on any project or activity.
- Promote the implementation of appropriate policies in all federal lands consistent with all laws and decision -making processes through which the goal of this Act may be realized; and
- Encourage the development of procedures for information exchange, notification and consultation between organizations and persons when the proposed activities are likely to have significant environmental effects.

2.2.3 National Environmental Standards and Regulation Enforcement Agency (NESREA) 2007

The National Environmental Standards and Regulations Enforcement Agency (NESREA) was established in 2007 by the FGN as an agency of the FMEnv. The Agency is charged with the responsibility of enforcing the environmental laws, guidelines, standards and regulations in Nigeria, specifically during the operational phase of developmental projects.

2.2.4 Labour Act CAP L1 LFN, 2004

The Labour Act is the primary law protecting the employment rights of individual workers. The Act covers protection of wages, contracts, employment terms and conditions, and recruitment. It also classifies workers and special workers' types. The Trade Union Amendment Act (1995) governs union membership. A 1999 constitution includes stipulation of equal pay for equal work without discrimination on account of sex, or any other ground whatever. Labour shall be sourced from national and local scale depending on project requirements during the rehabilitation and reconstruction of the road. The Labour Act will guide all labour engagement in line with this.

2.2.5 Nigerian Urban and Regional Planning Act CAP N138 LFN 2004

This Act establishes a Development Control Department (DCD) charged with the responsibility for matters relating to development control and implementation of physical development plans at Federal, State and Local Government levels within their respective jurisdiction.

2.2.6 Harmful Waste (Special Criminal Provisions) Act, CAP H1 LFN, 2004

Activities relating to the purchase, sale, importation, transit, transportation, deposit and storage of harmful wastes are prohibited and declared unlawful under this Act. From the commencement of this Act, any person who without lawful authority:

- i. Carries, deposits, dumps or causes to be carried, deposited or dumped, or is in possession for the purpose of carrying, depositing, or dumping any harmful waste on any land or in any territorial waters or contiguous zone or Exclusive Economic Zone of Nigeria or its inland waterways, or
- ii. Transports or causes to be transported or is in possession for purpose of transporting any harmful waste, or
- iii. Imports or causes to be imported or negotiates for importing any harmful waste, shall be guilty of a crime under this Act.

2.3 State Government

Nigeria is a federal republic comprised of 36 states and a Federal Capital Territory in Abuja. The executive powers of each state are vested in the governor, who exercises these powers directly or through the deputy governor, commissioners or other designated state officials. The legislative powers of a state are vested in the House of Assembly. The House of Assembly has power to make laws for the peace, order and good government of the state.

In light of the fact that the Land Use Act (1978) prohibits challenge to the acquisition of land and gives the Governor of the State/Local Councils authority to issue (or revoke) statutory or traditional rights of occupancy, the main focus of government engagement for land acquisition and resettlement is at the State and

The ministries and parastatals at the state level that will have some input into or provide some

oversight regarding land acquisition, land-take and resettlement planning include the Ministry of Land; Ministry of Agriculture; Ministry of Environment; Ministry of Water Resources; Ministry of Local Government; Ministry of Justice and Ministry of Women Affairs.

2.4 Local Government

At the local level, projects and sub projects fall within a particular Local Government. A typical LGA is headed by an Executive Chairman, and has a Vice Chairman, Secretary to the Local Government, Treasurer and a Council Manager who, together with the department supervisors, form the Executive Committee. Key departments at the local government level which are likely to be of relevance to this Project include: Women's Affairs and Poverty Alleviation; Education (specifically the Local Government Education Authority); Agriculture and Rural Development (including Culture and Tourism, and Community Development Associations); Works and Housing; and Health (Medical Officer of Health).

2.5 Traditional Leadership

The traditional leaders are the custodians of the land who oversee day to day activities in the various communities. They are relevant for the engagement with affected persons and information dissemination. They also have local knowledge which could be relevant to the project and are key in achieving community buy in. Their role is to facilitate stakeholder engagement at the community level, manage disputes and grievances, and provide information on community preferences and livelihood restoration options.

2.6. International Polices, Procedures and Guidelines

2.6.1 IFC Performance Standards

International Finance Corporation (IFC) Performance Standards on Social and Environmental Sustainability. The International Finance Corporation adopted new Performance Standards on Social and Environmental Sustainability in April 2006. The outcome-based Performance Standards (PS) updated existing IFC safeguard policies, strengthening social and environmental policy, and prescribing more comprehensive and integrated impact assessments. The IFC approved updated Performance Standards on Social and Environmental Sustainability in May 2011, effective January 2012.

Performance Standard 1 Social and Environmental Assessment and Management System, and **Performance Standard 5** Land Acquisition and Involuntary Resettlement, are most directly relevant to this Resettlement Action Plan.

The Performance Standard 1 structures the way in which environmental and social issues are to be handled and serves as the core around which the other Standards are framed. Performance Standard 1 requires that affected communities be appropriately engaged on issues that could potentially affect them. Key requirements include:

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- Ensuring free, prior and informed consultation and facilitating informed participation,
- Obtaining broad community support,
- Focusing on risks and adverse impacts, and proposed measures and actions to address these
- Undertaking consultation in an inclusive and culturally appropriate manner
- Tailoring the process to address the needs of disadvantaged or vulnerable groups.

The IFC's Performance Standard 5: Land Acquisition and Involuntary Resettlement

recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land and has the following key objectives:

- To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs
- To avoid forced eviction
- 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 (market value of the asset plus transaction costs) and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected
- To improve, or restore, the livelihoods and standards of living of displaced persons
- To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure (i.e. resettled to a site that they can legally occupy and where they are protected from the risk of eviction at resettlement sites).
- Requires that the project proponent identify, via a census, those persons who be displaced and establish a cut-off date to establish eligibility for compensation
- Requires project proponent to offer land-based compensation, where feasible, where livelihoods of displaced persons are land-based, or where land is collectively owned
- Suggests application of the Performance Standard in situations where displacement unrelated to land acquisition has occurred because of the adverse economic, social or environmental impacts of project activities
- Introduces the concept of negotiated settlements to avoid forcible removal of people
- Requires preparation of a Resettlement Action Plan, which demonstrates how displacement will be managed in accordance with the Performance Standard.

- Requires that standards for compensation be transparent and consistent within a project, and established with the participation of those impacted.

Involuntary resettlement in IFC PS 5 refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition which results in displacement. Where it is unavoidable, appropriate measures to mitigate adverse impacts on displaced persons and host communities must be carefully planned and implemented.

Project proponents must, according to the Performance Standard, offer displaced persons and communities' compensation for loss of assets at full replacement cost and other assistance to help them improve or at least restore their standards of living or livelihoods.

Replacement value is defined as follows:

Agricultural Land - The market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes.

Land in Urban Areas - The market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

Household and Public Structures: The cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labor and contractors' fees and any registration and transfer taxes.

In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Where national law or policy does not provide for compensation at full replacement cost, or where other gaps exist between national law or policy and the requirements with respect to displaced people, the Performance Standard advises that project proponents consider alternative measures to achieve outcomes consistent with the objectives of Performance Standard (e.g. supplementary allowances in cash or in kind).

In the case of physically displaced persons, the Performance Standard requires that project proponents offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location, and security of tenure, or cash compensation at full replacement value where appropriate.

If land acquisition for the project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, project proponents are required to:

Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost.

Description	
E&S OS 1 (OS1): Assessment and Management of Environmental and Social Risks and Impacts	OS 1 emphasises the importance of managing environmental and social performance throughout the project life cycle by addressing the risks and impacts of the project
E&S OS 2 (OS2): Labour and Working Conditions	OS 2 establishes that the workforce is a valuable asset in any project and a sound worker-management relationship is key to the sustainability of a company. Hence the provision of a suitable work environment and protection of the fundamental rights of workers must not be overlooked.
E&S OS 3 (OS3): Resource Efficiency and Pollution Prevention and Management	OS 3 recognises that threat to people, society, and the environment is often a result of pollution of air, water, and land, which is directly linked to urbanisation and increased economic activities, and therefore advises that resource efficiency and pollution prevention and control measures and technologies should be considered and adopted in development projects.
E&S OS 4 (OS4): Community Health, Safety and Security	OS 4 states the importance of safeguarding the health and safety of project affected communities and their assets as project activities, equipment, and infrastructure can increase community exposure to risks and impacts.
E&S OS 5 (OS5): Land Acquisition, Restrictions on Access to Land and Land Use, and Involuntary Resettlement	OS 5 recognizes that project-related land acquisition, restrictions on land access or land use, and loss of property/assets can have adverse impacts on communities and persons. Project-related land acquisition and restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both.
E&S OS 6 (OS6): Habitat and Biodiversity Conservation and Sustainable Management of Living Natural Resources	OS 6 highlights the importance of maintaining the ecosystem services and protecting and conserving biodiversity.
E&S Operational Safeguard 7 (OS7): Vulnerable Groups	OS 7 recognises that some individuals and/or groups may be less resilient to risks and adverse impacts than others. Such individuals and/or groups who are at a higher risk of being unable to anticipate, cope with, resist, and recover from project-related risks and/or adverse impacts are considered vulnerable.
E&S Operational Safeguard 8 (OS8): Cultural Heritage	OS 8 emphasises the need to protect and preserve cultural heritage from the adverse impacts of project activities and for current and future generations.

E&S Operational Safeguard 9 (OS9): Financial Intermediaries.	OS 9 recognizes that strong domestic capital and financial markets, and access to finance are important for economic development, growth, and poverty reduction. This OS addresses the environmental and social (E&S) requirements associated with intermediated financing through financial and non-financial institutions
E&S Operational Safeguard 10 (OS10): Stakeholder Engagement and Information Disclosure.	OS 10 recognizes the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice. Stakeholder engagement is an inclusive process conducted throughout the project life cycle. When properly designed and implemented, it supports the development of strong, constructive, and responsive relationships that are important for the successful management of a project's E&S risks.

In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment.

Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the national laws

Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost.

Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected.

Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

2.6.2 The African Development Bank Group's (AfDB) Integrated Safeguard System (ISS) 2023

In 2023, the African Development Bank Group updated their policy to improve clarity, coherence and consistency as well as overall operational effectiveness regarding E&S sustainability by adopting 10 OSs. The ten E&S OSs establish the standards that Borrowers shall meet, as appropriate, in projects, activities, and initiatives supported through Bank financing throughout the life cycle of operations. Table 2.1 outlines the ten (10) OS and those triggered by this project are highlighted in green.

Table 2.1. Status of the project with respect to the updated ISS 2023. (Source: Updated AfDB ISS 2023)

2.7. Benchmarking of Relevant Legislation and the AfDB Integrated Safeguard

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System

The primary difference between national legislation and AfDB's resettlement standards is that Nigerian law concentrates on compensation for lost assets, whereas the AfDB Safeguards have an additional focus on livelihood enhancement (or, as a minimum, restoration). Emphasis is not only on compensation for lost assets but also on assisting people to improve (or at least restore) standards of living, incomes, and livelihoods. This includes providing access to income-earning opportunities such as agricultural production or to natural resources deemed critical for subsistence.

Nigerian legislation does not provide any compensation for the value of lost land (except for reimbursement of any rent paid by the occupier during the year in which the right of occupancy was revoked). **The AfDB policy stipulates that affected people are compensated for all their losses at full replacement costs before their actual move; before land and related assets are taken; and, if the project is implemented in phases, before project activities begin for each particular phase.**

With regard to loss of access to commonly held resources, Nigerian legislation provides that, where a right of occupancy of land owned by the community is revoked for public purposes, compensation for unexhausted improvements on the land, taking account of depreciation, may be paid to the community at the relevant governor's discretion and such payment may be to the relevant chief on behalf of the community or into a specially designated fund for the benefit of the community. AfDB on the other hand provides for compensation to offset restrictions on access to communal resources. Assistance measures may include initiatives to enhance the productivity of the remaining resources, to which the community will continue to have access, in-kind or cash compensation for the loss of access, or access to alternative sources of the lost resource. Table 2.2 compares the AfDB policy and the National Law as it affects project displaced persons

Table 2.2. Benchmarking of Nigerian Law and Principles of the AfDB on involuntary displacement

Indices	Nigerian Legislation (Land Use Act)	AfDB Policy requirement
Minimise land Take and Involuntary Displacement	Explore all viable alternative project design options to ensure minimisation of impacts (Land Use Act of 2004)	Project proponent to consider feasible alternative project designs, including re-routing, to avoid or minimise physical or economic displacement.
Consultation and Disclosure	A notice of acquisition is usually prepared by the Ministry of Lands, in	Open, inclusive and effective consultation with local communities is required.

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Indices	Nigerian Legislation (Land Use Act)	AfDB Policy requirement
	conjunction with the survey description. This notice is then published in two newspapers (one national and one local and the government gazette	Appropriate participation by the affected people and their communities should be promoted in planning, implementation and monitoring of involuntary resettlement plans and measures taken against the loss of their means of livelihood.
Eligibility	Under Nigerian legislation, all land rights constitute occupancy rights rather than ownership rights and accordingly eligibility for compensation for loss of land is not provided for. Anyone possessing a statutory or customary right of occupancy to affected land is 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>AfDB identifies three groups of displaced people that shall be entitled to compensation or resettlement assistance for loss of land or other assets taken for project purposes:</p> <ul style="list-style-type: none"> • Those who have formal legal rights to land or other assets recognised under the laws of the country concerned. • Those who may not have formal legal rights to land or other assets at the time of the census / asset survey but can prove that they have a claim that would be recognised under the customary laws of the country. • Those who have no recognisable legal right or claim to the land they are occupying in the project area of influence, and who do not fall into either of the two categories described above, but are entitled to resettlement assistance in lieu of compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, improvements (structures and crops) etc.), provided that they themselves or witnesses can demonstrate that they occupied the project area of influence for a reasonable time (at least six months) prior to a cut-off date established by the borrower or client and acceptable to the Bank.
Census and Asset Inventory	A survey to record the dimensions of the affected land parcels needs to be carried out. The enumeration process is asset driven and not household driven. There is no particular format which is	A census, asset inventory and comprehensive socioeconomic survey is required with gender disaggregated information.

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Indices	Nigerian Legislation (Land Use Act)	AfDB Policy requirement
	currently used by the Land Department. The process mostly comprises of generic questions that are administered orally.	
Livelihood	No provisions	Strategies to improve livelihoods of PAPs are required. Living standards, income opportunities, and production levels of project affected people should be improved or at least restored to their pre-project levels
Gender	No provisions	<p>Special consideration has to be paid to the needs and rights of women. In the context of gender vulnerability, the client must give careful consideration to actively facilitating consultation with both women and men in ways that are sensitive to the social and political constraints and barriers that women and men may face.</p> <p>The land-taking report (RAP or LRF/LRP) must include a specific protocol specifying safeguards for the quality and quantity of LRP to be allocated to women, especially widows and divorcees, to ensure their means to generate income and achieve food security.</p> <p>Specifically, applicable to resettlement, land titles at the resettlement site are to be in the name of both spouses or of single heads of household, regardless of gender, if this does not conflict with the borrower or client's own laws and legislation. Compensation payments to families are made to both husbands and wives when this is technically feasible and socially acceptable.</p>
Cut-off date	Though a cut-off date is not defined by Nigerian legislation, there is a six-week notice period given for land to be acquired by a Project. This is not, however, a formal cut-off date.	There is a requirement to establish a cut-off date for eligibility that is acceptable to project financiers/lenders. The borrower or client documents the cut-off date and disseminates information about it throughout the project area of influence in a culturally appropriate and accessible manner, before taking any action on clearing land or restricting

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Indices	Nigerian Legislation (Land Use Act)	AfDB Policy requirement
		local community access to land.
Timing of Compensation	Once the compensation amounts have been discussed with the affected people.	Compensation is to be made before land and related assets are taken; and, if the project is implemented in phases, before project activities begin for each particular phase.
Compensation	Cash compensation is generally made based upon government rate as well as depreciation value. Whilst in principle there is allowance for in-kind compensation or replacement of assets, cash compensation is common practice	PAPs are compensated for all their losses at reasonably negotiated cost. PAPs can be offered a range of different compensation packages, resettlement assistance, and livelihood improvement options. Engagement is key to determine the appropriate compensation packages.
Communal resources	Section 29 sub section 3 only provides for compensation where the holder or the occupier of land entitled to compensation is a community	the ISS mentions compensation for the loss of communal resources.
Livelihood Assistance	No provisions	Displaced people are provided with targeted assistance with the aim of ensuring that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels.
Vulnerable People	Many Nigerian policies address the needs of vulnerable people, such as the Gender Policy, Child Act or NEEDS framework. However, there are no specific provisions related to physical or economic displacement.	Special attention needs to be paid to vulnerable groups and special provisions required in the livelihood restoration process.
Grievances	Section 30 of the Land Use Act 1990 6 v: "Where there arises any dispute as to the amount of compensation calculated in accordance with the provisions of section 29, such dispute shall be referred to the appropriate Land Use and Allocation Committee."	Requires the establishment of a culturally appropriate and accessible grievance redress mechanism to resolve, in an impartial and timely manner, any disputes arising from the resettlement process and compensation procedure as early as possible in the resettlement process. The borrower or client is required to work with informally constituted local committees made up of representatives from key stakeholder groups and, in particular, vulnerable communities to establish the grievance and redress

Indices	Nigerian Legislation (Land Use Act)	AfDB Policy requirement
		mechanism. The grievance redress mechanism, which should be monitored by an independent third party.
Monitoring	No provisions	An independent third party (NGO) is required to monitor the implementation of large-scale or complicated resettlement or livelihood restoration plans, with regular feedback from PAPs. For largescale displacement operations quarterly reviews are recommended, and in-depth reviews of 6 months progress, consistent with the overall project scheduling, are critical.

KMRL is designed and implemented under the World Bank / AfDB's Environmental and Social Framework (ESF) and Environmental and Social Standards (ESSs). In order to promote adequate socio- environmental performance during the design and implementation of KMRL, FMoT – PIU as the implementing agency has developed this Environmental and Social Management System (ESMS) consistent with the ESF and triggered ESSs to avoid, minimize, reduce or mitigate the adverse environmental and social risks and impacts associated with the proposed subprojects under KMRL. The ESMS therefore, is designed to go beyond the traditional “do no harm” approach to avoiding, minimizing, and managing environmental and social (E&S) risks, and maximizing developmental gains under KMRL.

The ESMS highlights FMoT policy and ESMS principles for managing the probable Environmental and Social Risk Management required to monitor and control in line with the World Bank ESS / AfDB's OSs and relevant national and state regulatory requirements. The ESMS is prepared to provide a systematic procedure to assess whether these projects will lead to any potential adverse environmental and social impacts. As such, the ESMS aims to ensure that negative impacts are avoided, minimized or compensated for, to the extent possible while positive impacts are stimulated. The FMoT-PIU is tasked with its implementation, planning, regulation, grievance redressal, and oversight as applicable.

The FMoT-PIU in coordination with regulatory agencies are tasked with its implementation, planning, regulation, grievance redressal, and oversight as applicable.

2.8. Purpose and Objective

2.8.1 ESMS Purpose

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In line with the requirements of ESS 9 Financial Intermediaries FMoT recognizes Environmental and Social Risk Management as serious issues that require systems to monitor and control in line with legal requirements in the sector. FMoT practices an Environmental and Social Management System (ESMS) and Environmental and Social Management Framework (ESMF) to constitute FMoT's Environmental and Social (E & S) Policy. FMoT prepared this risk-grade Environmental and Social Management System (ESMS) in order to improve the management of the environmental and social implications of its proposed Kano-Maradi Railway Line project. The ESMS highlights a systematic procedure to assess whether the subprojects will lead to potential adverse environmental and social impacts. As such, the ESMS aims to ensure that negative impacts are avoided, minimized, or compensated to the extent possible while positive impacts are stimulated. This ESMS outlines the FMoT's MRL Policy and approach to the implementation of appropriate Environmental and Social Risks Management (ESRM) that aims to reduce Environmental and Social (E&S) risks and impacts likely to be triggered in its portfolio. The Policy and approach align with **the World Bank / AfDB Environmental and Social Standards (ESS)**.

The FMoT is committed to operationalizing and promoting an appropriate **Environmental and Social Management System (ESMS)** for itself, as well as for the participating Contractor in order to effectively assess and manage the E&S risk exposure associated with KMRL activities. The ESMS is a framework that integrates ESRM into participating Contractor with overall procedures for our operation and core business process. It is a set of actions and procedures that the KMRL project will implement with the Contractor. The Core components of the ESMS are as follows (Annex 1).

- **ESRM policy** with clearly specified applicable E&S requirements and standards.
- **ESRM procedures** for screening, identification, assessment, mitigation, monitoring and reporting of E&S risks; these procedures include record keeping, disclosure, and reporting.
- **Reporting** to internal and external stakeholders on implementation.
- **Roles and responsibilities** within the organizational structure for managing and monitoring E&S risks;
- **Resources** for implementation such as organizational capacity, budget, training.
- **Guidance and tools:** Practical resource materials for implementing ESRM provisions internally by FMoT and among participating Contractor; these tools are developed and improved on an ongoing basis.

The ESMS ensures that the KMRL project and intended Contractor's activities are in

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compliance with its own environmental and social commitments, national regulations of the country and with the Environmental and Social Standards (ESS) of the World Bank (ESS). The ESMS helps both the FMoT and Contractor's to avoid and manage projects with potential environmental and social risks by conducting due diligence during design, construction, and operation of railway and adequate monitoring of projects during construction and operation.

2.8.2 ESMS Objectives

The ESMS is set out to identify, assess, manage, and monitor the environmental and social risks and impacts of proposed sub-projects on an ongoing basis under FMoT, taking into account the national and local laws and the requirements of the World Bank triggered ESS. As such the key objectives are:

- To integrate E&S considerations into the lifecycle of sub-loans to eligible MSMEs (Contractor) to ensure that E&S risks and impacts are consistently identified, screened, and managed;
- To set out the responsibilities for E&S risk and impact identification, assessment, decision- making, as well as monitoring and escalation; and
- To work with our clients or the sub-borrowers to manage E&S risks and impacts and support ongoing capacity building in the implementation of the Project.

3.0 ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEM PRINCIPLES

The ESMS is guided by six principles rooted in FMOT policy statement that provides high-level governance and necessary directions for implementation of the operational framework of FMOT projects and shall be implemented to effectively assess and manage the E&S risk exposure in the design and implementation of KMRL project. The policy statements are highlighted below. FMOT is committed to:

- A systematic approach to the management of relevant social and environmental issues, and the risks inherent with the KMRL business processes and operations.
- Ensuring that adequate financial and human resources needed to implement this Policy are made available within the institution.
- Deliberately give increasing attention to climate change considerations where possible in KMRL operations,
- Ensuring all operational activities are carried out safely with no harm to any individual or group of persons
- Respecting human rights and promoting gender inclusion
- Regularly report progress in implementing all stated policies and principles and require Contractor to also make appropriate disclosures on their E&S issues.

3.1. Policy Implementation Approach

The role of the ESMS is to assess the adherence of the design of FMOT projects to these principles. The principles also guide the implementation of ESMS activities such as the impact assessment processes.

Several of the principles are: Environmental and Social Risks & Impacts Assessment and Management; Environmental Health & Safety; Biodiversity Conservation; Conservation of World Heritage; Resettlement; Gender Equality and Social Inclusion; Vulnerable and Ethnic Communities and Stakeholder Engagement. These are described in the sections below:

1. Through this Policy, FMOT-PIU puts in practice its commitment to integrating environmental and social considerations into decision-making processes relating to its business activities to avoid, minimize, reduce, or compensate for / offset risks and negative impacts.
2. FMOT-PIU, in the course of implementing the KMRL, will strive for positive development outcomes in the activities it supports.
3. FMOT-PIU believes that an important component of achieving positive development outcomes is the environmental and social sustainability of these activities, which FMOT-PIU expects to achieve through the application of this Policy.
4. FMOT-PIU recognizes that in the delivery of her activities, may be exposed – through

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the Contractor – to the E&S risks associated with their business activities. Managing such risks means that FMOt and the Contractor must develop and maintain adequate systems, procedures, and capacity for identifying, managing, and monitoring risks and impacts of their-projects commensurate with the types, scope, and nature of activities

5. FMOt, therefore, supports the capacity development of the Contractor to manage environmental and social risks and Contractor is obligated to adhere to FMOt policy in the use of FMO's fund. This is achieved primarily through the development and implementation of an Environmental and Social Management System (ESMS), as defined in this document.

6. The policy also addresses Health and Safety Risk, Climate Risk as well as International Labour Organization (ILO) Laws and other relevant Conventions.

FMOt-PIU shall be responsible for implementing the social and environmental requirements of the KMRL as documented in this ESMS. This means that senior management of FMOt and participating firms/Contractor must deal with the ethics, fair labour practices, and environmental assurance policies of KMRL sub-projects and must sign and commit to all documented policies and procedures.

3.2 Objectives

Specific objectives of the ESRM Policy are to:

- Integrate ESRM considerations into the FMOt activities including decision-making processes.
- Fully implement and comply with both national and World Bank requirements for E&S risk management.
- Set out requirements for the Contractor for assessment and management of environmental and social risks
- Promote greater transparency and accountability on E&S issues internally and externally through disclosure and reporting.

3.3 FMOt ESMS Principles Application

Environmental and Social Risks & Impacts Assessment and Management Procedures

As set out in the World Bank ESS 1 / AfDB's OS 1 on Assessment and Management of Environmental and Social Risks and Impacts, risks and impacts assessment and management are among the prime principles of the ESMS. The principal entails:

- To identify and evaluate environmental and social risks and impacts of the project;
- To adopt a mitigation hierarchy to anticipate and avoid, or where avoidance is not possible, minimize, and, where residual impacts remain, compensate/offset for risks and impacts to workers, affected communities, and the environment;
- To promote improved environmental and social performance of project proponent

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through the effective use of management systems;

- To ensure that grievances from affected communities and external communications from other stakeholders are responded to and managed appropriately;
- To promote and provide means for adequate engagement with affected communities throughout the project cycle on issues that could potentially affect them and to ensure that relevant environmental and social information is disclosed and disseminated.

▪ **Principle on Environmental Health and Safety**

Environmental health and safety is one of the most important principles of the ESMS. It emphasizes maintaining compliance with the relevant environment laws and acts of the Federal Republic of Nigeria and also rules set by the World Bank (ESS 4 – Community Health and Safety) which includes the following:

- Environmental degradation is to be avoided and/or (if not avoided) minimized to the minimal extent;
- The availability and use of personal protective equipment is to be ensured and be closely monitored document continuously;
- Personal protective equipment is to be made readily available and all defective equipment is to be replaced promptly;
- Presence of safety equipment and training to the project sites on fire safety plan is to be ensured;
- ISO 14001:2004 (Environmental Management Standard) and OHSAS 18001:2007 (Occupational Health Safety Standard) compliance for all workers/ staff involved in the project.
- Environmental Health & Safety (EHS) compliance is to be monitored regularly;
- Awareness raising programs and training for the staff of the project are to be arranged.

▪ **Principle on Biodiversity Conservation**

The ESMS is guided by the application of the World Bank ESS 6 / AfDB's OS on biodiversity conservation and sustainable management of living natural resources and United Nation Convention on Biological Diversity (CBD) including the CBD's Strategic Plan for Biodiversity 2011–2020. As emphasized by the Biodiversity for Development Program of the CBD, biodiversity loss can result in critical reductions in the goods and services provided by the earth's ecosystems all of which contribute to economic prosperity and human development. This is especially relevant in developing countries with rich natural resource base like Nigeria.

FMoT shall ensure biodiversity conservation and sustainable management of living natural resources is established during the social and environmental risks and impacts identification process and therefore, a detailed assessment of relevant risks and impacts must be included in the ESA where applicable, including alternative options for project design and addressed

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through the ESMS.

3.4 Principle on Conservation of World Heritage

Critical cultural heritage consists of (i) the internationally recognized heritage of communities who use, or have used within living memory the cultural heritage for longstanding cultural purposes and (ii) legally protected cultural heritage areas including those proposed by host governments for such designation. Examples include world heritage sites and nationally protected areas.

FMoT shall ensure impacts on cultural heritage are avoided when selecting project sites according to the applicable World Bank ESS 8 / AfDB's OS document on Cultural Heritage sites, the project shall not be designed in a way that would envision removal, significantly alter, or damage critical cultural heritage. In exceptional circumstances when impacts on critical cultural heritage are unavoidable, the project proponent/Contractor shall meet key applicable requirements. During environmental and social due diligence process, the project proponent shall be responsible for:

- Verifying the conclusions of the ESA on whether or not critical cultural heritage is present in the proposed project area and, if so, promptly notify FMoT;
- FMoT in coordination with relevant stakeholders will determine – in exceptional circumstances - that a project involving impacts on critical cultural heritage (based on FMoT's internal E&S risk management capacity), ascertaining that adequate risk and impact management measures are included in proponent'/Contractor action plans and incorporated in legal documentation for project financing;
- Implementation monitoring of the projects will be done by FMoT.

3.5 Principle on Resettlement

Principles on Resettlement aim to resettle and rehabilitate the affected persons on account of this project in a manner that they do not suffer from adverse impacts and shall improve or at the minimum retain their previous standard of living, earning capacity and production levels. Resettlement issues shall minimize dependency and be sustainable socially, economically and institutionally. Special attention will be paid to the improvement of living standards of marginalized and vulnerable groups. The rules of the Resettlement and Rehabilitation which are to be followed are given below in line with the World Bank ESS 5 / AfDB's OS document on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.

- All negative impacts including displacement should be avoided or minimized wherever feasible by exploring all viable alternative project designs;
- Where negative impacts are unavoidable, efforts should be made either to improve the standard of living of the affected persons or at least assist them in restoring their previous standard of living at no cost to them;
- All information related to resettlement preparation and implementation will be disclosed to all concerned and community participation will be ensured in planning and implementation;
- The principles of mutual consent and negotiated settlement will also be used for land acquisition as required;
- The persons affected by the project who do not own land or other properties but who have an economic interest or lost their livelihoods will be assisted;
- Before taking possession of the acquired lands and properties, compensation and R&R assistance will be made to those who are available and willing to receive the entitlements;
- There would be no/minimum adverse social, economic and environmental effects of displacement on the host communities but if needed specific measures would be provided;
- Broad entitlement framework of different categories of project-affected people has been assessed and is given in the entitlement matrix. Provision will be kept in the budget. However, anyone moving into the project area after the cut-off date will not be entitled to assistance;
- Grievance redress mechanism has been established at the project level to ensure speedy resolution of disputes;
- All activities related to resettlement planning, implementation, and monitoring would ensure involvement of women. Efforts will also be made to ensure that vulnerable groups are included;
- All consultations with projects affected persons (PAPs) shall be documented. Consultations will continue during the implementation of resettlement and rehabilitation works;
- A Resettlement Action Plan will be prepared including a fully itemized budget and an implementation schedule;
- Ensure people's participation during the project cycle;
- Effort should be made towards the enhancement of the positive impact of the projects.

3.6 Principle on Gender Equality & Social Inclusion

Mainstreaming gender equity and empowerment shall always be a focus area for FMoT in KMRL subproject design in line with World Bank / AfDB Good Practice Note on Gender and other triggered ESSs / OSs. In the activities related to livelihood and restoration, women's needs shall be especially addressed. Gender analysis shall be a part of the social assessment and the basis of the analysis will be findings from gender specific queries during the primary data collection process and available secondary data in the Environmental and Social Assessment (ESA) preparation. The quantitative and qualitative

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analysis are supposed to bring out sex disaggregated data and issues related to gender disparity, needs, constraints, and priorities as well as understanding whether there is potential for gender based inequitable risks, benefits and opportunities. Based on the analysis, the specific interventions are to be designed and if required, gender action plan need to be prepared. The overall monitoring needs inclusion of sex disaggregated indicators and gender relevant indicators. The participation of beneficiaries and focus on poverty reduction are two other key determinants of the effectiveness and sustainability of any project. Any project must address the constraints on women's participation in project design, construction and monitoring and evaluation (M&E).

Three major tools are to be used to identify and deal with gender issues in the project cycle: gender analysis, project design, and policy dialogue. Gender analysis must be an integral part of the initial social assessment at the screening stage itself. The issues identified need to be scaled up during the feasibility and detailed analysis should be carried out during the project preparation stage. The project designs shall be gender responsive based on the gender analysis and should be included in the ESA. The findings and recommendations from the gender analysis during project planning and feedback from beneficiaries during implementation must be discussed thoroughly to determine the need for further action.

3.7 Principle on Ethnic Minority Communities

Public sector projects can create opportunities for ethnic communities enabling these groups to participate in and benefit from project-related activities that may help them fulfill their objective for economic and social development. Furthermore, these groups may play a role in sustainable development by promoting and managing activities and enterprises as partners in development. During environment and social due diligence process:

- the project proponents will be responsible for verifying the conclusions of the ESA on whether or not tribal peoples and/or small ethnic communities are present in the proposed project area;
- the project proponents will be responsible for promptly notifying FMoT when these communities are present in the project area;
- FMoT will determine that a project involving impacts on tribal peoples and/or small ethnic communities can be financed (based on FMoT's internal environmental and social risk management capacity), ascertaining that adequate risks and impacts management measures are incorporated in the legal documentation for project financing. More specifically:
- Verifying broad community support of these groups to the project that should be the outcome of good faith Negotiations and Informed Consultation and Participation (ICP)

as conducted by project proponent and stakeholder engagement.

- In specific circumstances requiring Free, Prior and Informed Consent (FPIC), verifying the due process and adequate outcome, as conducted/achieved by the project proponent and stakeholder engagement.
- Monitoring implementation (with assistance/recommendation from FMoT).

3.8 Environmental and Social Due Diligence and Supervision Overall Work Flow:

The workflow chart (figure 3.1) demonstrates the steps and E&S roles during the project design, development, construction, and operation cycle.

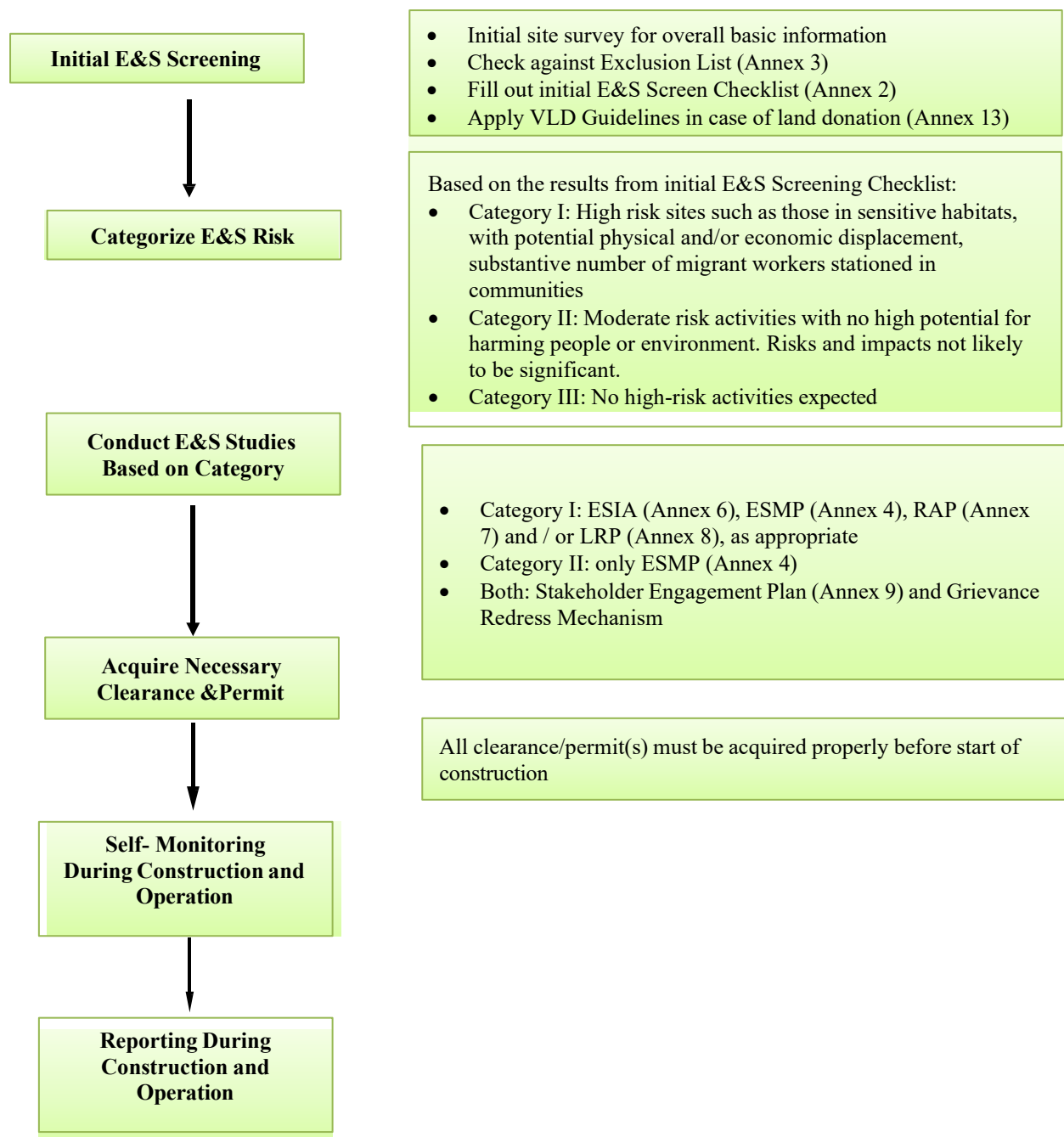
Overall Workflow for KMRL**Tasks****E&S Responsibilities**

Figure 3.1. Steps and E&S roles



- Continuous compliance with applicable policies
- Compliance check regularly through Self-Mentoring Checklist (Annex 2)
- Maintain a GRM to address construction/operation related issues

- Reporting to FMOT (Annex 12)
- Reporting to lenders and investors, as needed

3.9 Applicable Standards and Guidelines

During the project implementation, all candidate sub-projects will be screened against the project's exclusion list of this ESMS, categorized and assessed for their E&S risks and impacts prior to financing under the project. Since the KMRL subprojects are likely to cause minimal or no adverse environmental or social risks or impacts, but all subprojects need to meet the national environmental, labor and social laws and regulations regardless of risk level.

FMoT-PIU has assigned both a senior management representative to have overall accountability for environmental and social performance plus a staff member or consultant as E&S focal point to manage the day-to-day implementation of ESMS. The project required information will be disclosed during project preparation and implementation to promote transparency and accountability on the use of the project's funds. Highlighted below are the applicable requirements to be implemented:

- This ESMS was developed in compliance with the World Bank ESS / AfDB's OSs where the Contractor can demonstrate that it already has an ESMS at the time of FMoT-PMUs due diligence, adequate documented evidence is expected to that effect. As a condition for eligibility to receive financing, FMoT shall put in place and maintain an Environmental and Social Management System (ESMS) to identify, assess, manage, and monitor environmental and social risks and impacts associated with activities within the KMRL project are, as commensurate with the nature and magnitude of such risks and impacts at the individual project and portfolio level.

- The Contractor's ESMS shall include the following elements: (i) environmental and social policy, (ii) clearly defined environmental and social risk identification, assessment, and management procedures, (iii) organizational capacity and competency, (iv) monitoring and review of E&S risks of individual transactions and the portfolio, and (v) external communications mechanism including GRM and potentials to mitigate GBV. The Contractor's senior management endorsed the ESMS and have adequate resources dedicated to its implementation and will endorse the ESMS.

- The Contractor's ESMS must include an E&S risk categorization system. The Contractor's categorization procedures will incorporate the requirements of the World Bank Environmental and Social Standards and national authorities (Annex 2; 3), and will consider type, size, and the nature of activities. As part of this procedure, the Contractor will be required to categorize sites on the List of E&S Sensitive Activities (Annex 2), if any, as High Risk

- The Contractor's ESMS, as part of the requirements for E&S policy, will clearly outline the following applicable requirements, depending on the level of risk associated with their sites:

- a. The FMoT-PIU will require that the Contractor will follow relevant environmental and social laws of the World Bank and national regulations.

- b. The Contractor will comply with the requirements of the World Bank ESF as

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contained in the ESMF.

- c. The FMoT-PIU will not support activities on the Exclusion List (Annex 3) including E&S sensitive activities.
- d. Where FMoT-PIU, as a result of its E&S due diligence process, is not satisfied that adequate capacity exists in Contractor for identifying, assessing, and managing risks and impacts, FMoT-PIU may also exclude such Contractor until FMoT is able to confirm that the Contractor has developed adequate capacity over time.
- e. All sub-sites categorized by the Contractor as *High Risk*, in accordance with the Contractor's E&S categorization system as outlined in the ESMF for the KMRL, will be excluded from Contractor portfolio for the KMRL project. Where there are affected communities, these will include Environmental and Social Impact Assessment, grievance redress mechanism prepared and implemented and Livelihood restoration plan in accordance with the provisions of the World Bank ESS / AfDB's OSs.
 - Where necessary, FMoT-PIU will require the Contractor to strengthen their ESMS as well as organizational capacity, responsibilities, and accountability for implementing the ESMS.
 - FMoT-PIU will require Contractor to maintain labor management procedures in line with national laws, the KMRL and ILO Core Labor Standards (Annex 5).
 - FMoT-PIU will encourage Contractor to have Grievance Redress Mechanism (GRM) in their branch locations and/or website.
 - The Contractor will prepare and submit to the FMoT an Annual E&S Report on the implementation of its ESMS (Annex that will include information on environmental and social risk profile of its portfolio with grants through FMoT. The Contractor will promptly notify FMoT of any significant accidents or incidents associated with the project.

3.10 Communications and Disclosure

FMoT-PIU shall communicate the provisions of this Policy internally at all levels of the institution and externally to all stakeholders. FMoT will also maintain a process for external communications to manage public inquiries and concerns related to E&S matters, which can be lodged anonymously. FMoT can be reached through any of the following FMoT Internal Channels:

- Toll free: 080020202020
- E-mail: bbb@mmm.com
- <https://.gov.ng>

FMoT-PIU is committed to reporting on its ESRM activities in accordance with the World Bank ESS / AfDB's OSs and the National requirements. FMoT-PIU will put in place a system for internal reporting to senior management on implementation of its ESMS. In addition, FMoT-

PIU will also seek to incorporate such reporting into its annual external publications.

FMoT-PIU will require Contractor to publicly disclose summaries of E&S assessment reports for the KMRL project FMoT-PIU and classified as High risk, in the risk categorization system unless prohibited by relevant national laws and regulations.

3.11 Changes to the ESRM Policy and New Policy Development

- FMoT ESRM policies and procedures are reviewed and approved by senior management.
- FMoT-PIU shall review the ESRM Policy on an annual basis to ensure its adequacy in line with any changes in FMoT operations, compliance with relevant national laws and alignment with the World Bank or multilateral lender and investor requirements, as relevant. The review will also ensure that the overall approach to assessing and managing E&S risk remains relevant and aligns with ESRM national and international best practices and standards.
- FMoT may, as necessary, also develop complementary E&S policies, procedures and tools to address specific risks more comprehensively. Examples include detailed measures to address sector-specific or issue-specific (e.g. child and forced labor, sexual exploitation and harassment) risks.
- The PIU Environmental and Social unit have the responsibility for proposing changes as needed to the ESRM policies and procedures or creating new policies and presenting these to the FMoT's senior management and the World Bank for approvals.

4.0 IDENTIFICATION OF RISKS AND IMPACTS

This chapter highlights all the potential risks and impacts of the proposed KMRL project. The matrix following describes the different parameters for the quantification of the different identification parameters.

PROBABILITY

DEFINITIVE RISK / OPPORTUNITY = 3

The effectuation of the risk/opportunity is almost certain and may occur several times throughout the activity/operation.

EXPECTABLE RISK / OPPORTUNITY = 2

Risk/opportunity is expected to be affected or, at least, there's a possibility to do so. If it happens, it may be twice or more throughout the activity/operation.

REMOTE RISK / OPPORTUNITY = 1

Risk/opportunity not expected. If it happens, it will be less than twice throughout the activity/operation.

LEVEL

LEVEL 3 RISK

Review the Risk/Opportunities Baseline in order to decrease risk level >> If this is not possible, the operation / process should be replaced / abandoned (end of process) >> If it is not possible or feasible to replace or abandon the process / operation, the activities in question can only be carried out if submitted to a specific work permit. If the risk is considered Critical for the ME Group, this shall be escalated for the hierarchy and communicated to the ME Group Head Risk and the Board.

LEVEL 3 OPPORTUNITY

Whenever possible and advantageous, the opportunity(s) should be immediately integrated into the process/operation or at the next re-evaluation. Opportunity(s) shall be recorded and reported for integration into the management system

LEVEL 2 RISK

Review the Risk/Opportunities Baseline in order to decrease risk level >> If it is not possible the decrease of risk level, the activities in question can only be carried out if submitted to a specific work permit.

LEVEL 2 OPPORTUNITY

If possible, the process/operation shall be re-assessed with the integration of opportunity(ies) inputs. If after reassessment, the level remains, the opportunity(ies) may be integrated into

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the processed/operation. The opportunity(ies) shall be recorded and reported.

LEVEL 1 RISK

Review the Risk/Opportunities Baseline in order to eliminate the risk source (characteristics that may result in adverse effects/risks) >> If this is not possible, the usual mitigation / prevention measures for the process or operation shall be implemented.

LEVEL 1 OPPORTUNITY

Opportunity(ies) should be recorded for later reporting.

EFFECT

CAPITAL RISK / OPPORTUNITY = 3

Irreversible or large-scale effects on the environment; personal injury leading to Permanent incapacity for work, or death; improvement in the process/operation to be carried throughout the organization.

SIGNIFICANT RISK / OPPORTUNITY = 2

Significant effects on the environment; personal injury resulting in incapacity for work; improvement with impact on the efficiency of the process/operation.

LIGHT RISK / OPPORTUNITY = 1

Superficial effects. Adversities or benefits are not significant (no significant damage to the environment; no personal injury leading to incapacity for work; improvement without significant impact on efficiency).

Table 4.1: Identification of risk and impacts

Ref.	Activity	Source (Root/Hazard/Environmental Aspect)	Identification of Risk/Opportunity	Risk/Opportunities Assessment Baseline	PROBABILITY	EFFECT	RISK / OPPORTUNITY LEVEL	COMPLEMENTARY NOTES	RESPONSIBLE FOR IMPLEMENTATION	WHERE AND WHEN ACTION'S EFFICIENCY IS EVALUATED
7	Installation and Demobilization of Camps Site/ Quarry	Dust emission	Annoyance Air quality degradation	10001-NIG.KAMA- MENG-EM-PLN-1038- DUST MANAGEMENT PLAN 10001-NIG.KAMA-MENG-SU-PRO-000859- GRIEVANCE MANAGEMENT PROCEDURE Training and Toolbox Vehicle speed limit- 20 km/h Training, Toolbox and Campaigns Reviews of all construction vehicle routings shall consider proximity of sensitive receptors (i.e. local communities and sensible receptors). Provide water for dust suppression at the site preparation and construction work sites.	2	2	4	2 Water suppression monitoring Application of measures shall be continuously reviewed by site teams to ensure their effectiveness. Periodic inspections, where receptors are nearby, to visually monitor dust for soiling at the site boundary and/or checks of surfaces on personal property such as houses and vehicles in the vicinity of the ROW	E&S Manager/ Foremen	Checklists Weekly follow up (or as required).Grievance Records.
8	Installation and Demobilization of Camps Site/ Quarry	Emission of atmospheric pollutants resulting from combustion (mobile equipment)	Annoyance. Degradation of ambient air quality	Kano-Maradi Rail Project AIR QUALITY MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-1037- TRAFFIC MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-000858- PROJECT ENVIRONMENTAL PLAN Energy consumption/ Fuel consumption monitoring (Sustainability Report) Efficiency of fixed and mobile equipment- Equipment/ Vehicles Maintenance Procedure	1	1	1	1 IMM- Monthly Air Quality monitoring/ IMM Traffic count . Awareness training on safe driving Periodic checks against applicable road transport regulations to ensure compliance Periodic checks on driver training to identify when refresher trainings are required. Periodic checks on driving permits to ensure validity at all times. Periodic vehicle inspections to ensure roadworthiness at all times.	E&S Manager/ Equipment Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations or if there were identified related situations. IMM Quarterly Report.
9	Installation and Demobilization of Camps Site/ Quarry	Allocation of Cultural Heritage assets	Degradation of heritage elements.	10001-NIG.KAMA-MENG-SU-PRO-0001543- CHANCE FINDS PROCEDURE 10001-NIG.KAMA-MENG-SU-PLN-0001544- CULTURAL HERITAGE MANAGEMENT PLAN 10001-NIG.KAMA- MENG-SU-PLN-000857- STAKEHOLDER ENGAGEMENT PLAN 10001-NIG.KAMA-MENG-SU-PRO-000859- GRIEVANCE MANAGEMENT PROCEDURE 10001-NIG.KAMA- MENG-SU-PLN-000015- SOCIAL AND COMMUNITY SUSTAINABILITY PLAN Training and Toolbox If identify some cultural heritage and archological stop the activity and report to the entities	1	1	1	1 Stakeholder Engagement activities	E&S Manager/ Community Liasion Coordinator	Quarterly Progress Stakeholder Engagement Reports. Grievance Records.
10	Support services Offices and Social Camp (including Quarry)	Water use	consumption of natural resources	10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN Training and Toolbox 10001-NIG.KAMA- MENG-EM-PLN-000858- PROJECT ENVIRONMENTAL PLAN 10001-NIG.KAMA- MENG-SU-PLN-000015-SOCIAL AND COMMUNITY SUSTAINABILITY PLAN Water consumption monitoring (Sustainability Report) Ensure all flow meters or other measures devices have been installed correctly at all abstraction and discharge points in accordance with the National Regulations	2	2	4	2 IMM, Biannual Water Quality monitoring . Awareness campaign on water use efficiency/ / Tool box talks Licensed Water sources records Signage Monthly monitoring of water consumption	E&S Manager/ Community Liasion Coordinator	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations or if there were identified related. Annual Sustainability Report. IMM Quarterly Report.
11	Support services Offices and Social Camp (including Quarry)	Water use	Rainwater collection and storage. WWTP treated water storage.	10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN Training and Toolbox 10001-NIG.KAMA- MENG-EM-PLN-000858- PROJECT ENVIRONMENTAL PLAN	1	2	2	1 Factories-500 m3 + Workshop- 500m3 + Canteen- 500 m3. WWTP Storage Tank 10 m3.	E&S Manager/ Foremen	Water saved/ reused.
11	Support services Offices and Social Camp (including Quarry)	Water use	Water supply for the community	10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN Training and Toolbox 10001-NIG.KAMA- MENG-EM-PLN-000858- PROJECT ENVIRONMENTAL PLAN 10001-NIG.KAMA- MENG-SU-PLN-000015-SOCIAL AND COMMUNITY SUSTAINABILITY PLAN	3	2	6	3 Annual water analysis	E&S Manager/ SR Manager	Annual Sustainability Report. Annual Corporate Social Responsibility Report
12	Support services Offices and Social Camp (including Quarry)	Energy use	Consumption of natural resources	10001-NIG.KAMA- MENG-EM-PLN-000858- PROJECT ENVIRONMENTAL PLAN Energy consumption monitoring (Sustainability Report) Consumption of other forms of renewable energy. Efficiency of fixed and mobile equipment- Equipment Maintenance Procedure	1	2	2	1 Awareness Campaigns reducing energy/ / Tool box talks. Consumption. Monthly Energy consumption monitoring.	E&S Manager/ Equipment Manager/ Camp Manager	Annual sustainability report.
13	Support services Offices and Social Camp (Kasaure)	Energy use	Solar Panels Park	10001-NIG.KAMA- MENG-EM-PLN-000858- PROJECT ENVIRONMENTAL PLAN Energy consumption monitoring (Sustainability Report) Consumption of other forms of renewable energy	2	2	4	2 date for submitting the proposal is COB (close of business) Thursday, May 30th, 2024.	E&S Manager/ Equipment Manager/ Camp Manager	Annual sustainability report. Verification of energy consumption reduction.
14	Support services Offices and Social Camp (including Quarry)	Use of refrigerating agents (in refrigeration equipment)	Degradation of the ozone layer Contribution to Greenhouse effect	10001-NIG.KAMA- MENG-EM-PLN-000858- PROJECT ENVIRONMENTAL PLAN Emissions Inventory for Site Camp Facilities Equipment (Sustainability Report) Training and Toolbox	1	2	2	1 Equipment Inventory record. Equipment Maintenance Procedure	E&S Manager/ Equipment Manager/ Camp Manager	Verify monthly the occurrence of related incidents, nonconformities, emergency situations or if there were identified related. Annual Sustainability Report. Equipment Maintenance Records

Re	Activity	Source (Root/Hazard/Environmental Aspect)	Identification of Risk/Opportunity	Risk/Opportunities Assessment Baseline	PROBABIL ITY	EFFECT	RISK / OPORTU LEVEL	COMPLEMENTARY NOTES	RESPONSIBLE FOR IMPLEMENTATION	WHERE AND WHEN ACTION's EFFICENCY IS EVALUATED
15	Support services Offices and Social Camp (including Quarry)	Use of fuels and other chemicals	consumption of natural resources	10001-NIG.KAMA- MENG-EM-PLN-1033 HAZARDOUS MATERIALS MANAGEMENT PLAN Training, Toolbox and Campaigns Spill Kits On place Storage of fuels and hazardous materials should be done in designated areas with appropriate containment including impermeable surfaces, bunding and drip trays.	2	2	4	2 All fuels and hazardous materials will be stored with appropriate containment including impermeable areas, bunding and drip trays Site Inspections Campaigns awareness	E&S Manager/ Equipment Manager/ Camp Manager/ H&S Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations.
16	Support services Offices and Social Camp (including Quarry)	Spills of diesel, fuel, oils, chemicals or other hazardous substances	Contamination of soils and/or water lines	10001-NIG.KAMA- MENG-EM-PLN-1033 HAZARDOUS MATERIALS MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-1511 SPILL RESPONSE PLAN 10001-NIG.KAMA- MENG-EM-PLN-1032 WASTE MANAGEMENT PLAN PROCEDURE EMERGENCY, INCIDENT, INVESTIGATION AND REPORTING (MEECA-IS-PRO-006) Training, Toolbox and Campaigns Spill Kits On place Storage of fuels and hazardous materials should be done in designated areas with appropriate containment including	2	2	4	2 Exercises based on chemical accident scenarios shall be regularly organized, depending on the level of risk associated with activities conducted by personnel (ex: Spill Drills)- twice a year Site Inspections Campaigns awareness	E&S Manager/ Equipment Manager/ Camp Manager/ H&S Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations. Immediately after a related severe incident. Emergency Drill Report.
17	Support services Offices and Social Camp (including Quarry)	Domestic wastewater production	Contamination of soils and/or water lines	10001-NIG.KAMA- MENG-EM-PLN-0001467- WASTEWATER MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN Ensure that wastewater discharged from the various facilities is in compliance with the limits prescribed in the National Environment (Standards for treated waste water discharge)- WWTP Put in place measures to ensure that both surface and underground water resources are protected against contamination and/or pollution from the activities in accordance with the National Environmental law	2	1	2	1 Guarantee all the wastewater activities are licensed. Annual wastewater analysis	E&S Manager/ Camp Manager	Checklists Weekly follow up (or as required).
18	Support services Offices and Social Camp (including Quarry)	Domestic wastewater production	Contamination of soils and/or water lines	10001-NIG.KAMA- MENG-EM-PLN-0001467- WASTEWATER MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN Ensure that wastewater discharged from the various facilities is in compliance with the limits prescribed in the National Environment (Standards for discharge of effluent into water or on land)- WWTP Put in place measures to ensure that both surface and underground water resources are protected against contamination and/or pollution from the activities in accordance with the National Environmental law PROCEDURE EMERGENCY, INCIDENT, INVESTIGATION AND REPORTING (MEECA-IS-PRO-006) 10001-NIG.KAMA- MENG-EM-PLN-1511- SPILL RESPONSE PLAN	2	2	4	2 All infrastructure including drainage channels, culverts, interceptors, and silt traps and oil separators shall be routinely maintained to be free of sediment at all times The drainage system of any bunded area should be sealed to prevent discharge of potentially contaminated water.	E&S Manager/ Camp Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations or if there were identified
19	Support services Offices and Social Camp (including Quarry)	Waste production (domestic and industrial)	Visual impact; Potential soil degradation; Land occupation (landfill)	10001-NIG.KAMA- MENG-EM-PLN-1032- WASTE MANAGEMENT PLAN Training and awareness of all workers and subcontractors on waste management practices should be done Color Code bins for segregation of waste A licensed waste management company shall be contracted to properly collect, transport, and dispose waste at approved waste facilities. .	1	1	1	1 IMM- Monthly Sample collection. All waste store infrastructure shall be routinely maintained (cleanliness, signage, etc.) Licensed Waste Management Companies records Waste Records Campaign of awareness on waste management/ Tool box talks	E&S Manager/ Camp Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations or if there were identified. Annual Sustainability Report.

20	Support services Offices and Social Camp (including Quarry)	Waste production (biodegradable)	Valorization of organic waste Production of natural fertilizer	<div>10001-NIG.KAMA- MENG-EM-PLN-1032- WASTE MANAGEMENT PLAN</div> <div>Training and awareness of canteen and kitchen workers on waste management practices should be done</div> <div>Labeled bin for segregation of organic waste</div> <div>A licensed waste management company shall be contracted to properly collect, transport, and dispose organic waste at approved waste facilities and compost the biodegradable waste</div>	3	2	6	3	The quality of the natural fertilizer must be monitored to ensure its applicability as a soil fertilizer (humidity, mixing level, odors, etc.).	E&S Manager	Annual Sustainability Report. Annual Corporate Social Responsibility Report
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Ref.	Activity	Source (Root/Hazard/Environmental Aspect)	Identification of Risk/Opportunity	Risk/Opportunities Assessment Baseline	RESIDUAL RISK/OPPORTUNITY ASSESSMENT				COMPLEMENTARY NOTES	RESPONSIBLE FOR IMPLEMENTATION	WHERE AND WHEN ACTION's EFFICIENCY IS EVALUATED
					PROBABILITY	EFFECT	RISK / OPPORTUNITY	LEVEL			
21	Support Services (including Quarry) Handling and Storage of hazardous products (oils, solvents, paints, others)	Hazards Waste production (used oil, batteries, contaminated tissue waste, filter)	Visual impact; Potential soil degradation; Land occupation (landfill) Contamination of soils and/or water lines	10001-NIG.KAMA- MENG-EM-PLN-1033 HAZARDOUS MATERIALS MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-1511 SPILL RESPONSE PLAN 10001-NIG.KAMA- MENG-EM-PLN-1032 WASTE MANAGEMENT PLAN PROCEDURE EMERGENCY, INCIDENT, INVESTIGATION AND REPORTING (MEECA-IS-PRO-006) Training, Toolbox and Campaigns Spill Kits On place	2	2	4	2	IMM- Monthly Sample collection. All hazardous waste will be stored with appropriate containment including impermeable areas, bunding and drip trays with proper signage Waste Records Awareness Campaigns on waste management/ / Tool box talks.	E&S Manager/ Camp Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations or if there were identified. Annual Sustainability Report.
22	Fuel Supply/Maintenance of equipment on construction sites	Spills of diesel, fuel, oils, chemicals or other hazardous substances	Contamination of soils and/or water lines	10001-NIG.KAMA- MENG-EM-PLN-1033 HAZARDOUS MATERIALS MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-1511 SPILL RESPONSE PLAN 10001-NIG.KAMA- MENG-EM-PLN-1032 WASTE MANAGEMENT PLAN PROCEDURE EMERGENCY, INCIDENT, INVESTIGATION AND REPORTING (MEECA-IS-PRO-006) 10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN Training, Toolbox and Campaigns Spill Kits On place Storage of fuels and hazardous materials should be done in designated areas with appropriate containment including impermeable surfaces, bunding and drip trays.	2	2	4	2	Exercises based on chemical accident scenarios shall be regularly organized, depending on the level of risk associated with activities conducted by personnel (ex: Spill Drills)- twice a year Site Inspections Campaigns awareness	E&S Manager/ Equipment Manager/ Camp Manager/ H&S Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations. Immediately after a related severe incident. Emergency Drill Report.
23	Fuel Supply/Maintenance of equipment on construction sites	Hazards Waste production (used oil, batteries, contaminated tissue waste, filter)	Visual impact; Potential soil degradation; Land occupation (landfill) Contamination of soils and/or water lines	10001-NIG.KAMA- MENG-EM-PLN-1033 HAZARDOUS MATERIALS MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-1032 WASTE MANAGEMENT PLAN Training, Toolbox and Campaigns Spill Kits On place Storage of fuels and hazardous materials should be done in designated areas with appropriate containment including impermeable surfaces, bunding and drip trays.	2	2	4	2	IMM- Monthly Sample collection. All hazardous waste will be stored with appropriate containment including impermeable areas, bunding and drip trays with proper signage Waste Records Awareness Campaigns on waste management/ / Tool box talks.	E&S Manager/ Camp Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations or if there were identified. Annual Sustainability Report.
24	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Water use	consumption of natural resources	10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-000858- PROJECT ENVIRONMENTAL PLAN 10001-NIG.KAMA- MENG-SU-PLN-000015-SOCIAL AND COMUMMUNITY SUSTAINABILITY PLAN Training and Toolbox Water consumption monitoring (Sustainability Report) Ensure all flow meters or other measures devices have been installed correctly at all abstraction and discharge points in accordance with the National Regulations	2	2	4	2	IMM- Monthly Water Quality monitoring. Awareness campaign on water use efficiency/ / Tool box talks Licensed Water sources records Signage Monthly monitoring of water consumption	E&S Manager/ Community Liaison Coordinator	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations or if there were identified related. Annual Sustainability Report. MM Quarterly Report.
25	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Use of fuels and other chemicals	Consumption of natural resources	10001-NIG.KAMA- MENG-EM-PLN-1033 HAZARDOUS MATERIALS MANAGEMENT PLAN Training, Toolbox and Campaigns Spill Kits On place Storage of fuels and hazardous materials should be done in designated areas with appropriate containment including	2	2	4	2	All fuels and hazardous materials will be stored with appropriate containment including impermeable areas, bunding and drip trays Site Inspections Campaigns awareness	E&S Manager/ Equipment Manager/ Foremen/ H&S Manager	Checklists Weekly follow up (or as required). Verify monthly the occurrence of related incidents, nonconformities, emergency situations.

				impermeable surfaces, bunding and drip trays.							
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				<div>NIG.KAMA- MENG-EM-PLN-1033- HAZARDOUS MATERIALS MANAGEMENT PLAN</div>							
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Ref.	Activity	Source (Root/Hazard/Environmental Aspect)	Identification of Risk/Opportunity	Risk/Opportunities Assessment Baseline	PROBABILITY	EFFECT	RISK / OPPORTUNITY LEVEL	COMPLEMENTARY NOTES	RESPONSIBLE FOR IMPLEMENTATION	WHERE AND WHEN ACTION's EFFICIENCY IS EVALUATED	
31	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Hazards Waste production (used oil, batteries, contaminated tissue waste, filter)	Visual impact; Potential soil degradation; Land occupation (landfill)	10001-NIG.KAMA- MENG-EM-PLN-1033 HAZARDOUS MATERIALS MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-1511 SPILL RESPONSE PLAN 10001-NIG.KAMA- MENG-EM-PLN-1032 WASTE MANAGEMENT PLAN PROCEDURE EMERGENCY, INCIDENT, INVESTIGATION AND REPORTING (MEECA-IS-PRO-006) Training, Toolbox and Campaigns Spill Kits On place Storage of fuels and hazardous materials should be done in designated areas with appropriate containment including impermeable surfaces, kerbing, bunding and drip trays.	2	2	4	2	IMM- Monthly Sample collection. All hazardous waste will be stored with appropriate containment including impermeable areas, bunding and drip trays with proper signage Waste Records Awareness Campaigns on waste management/ / Tool box talks.	E&S Manager/ Foremen	Monthly Waste Disposal Records, including waste tracking in each quarter/semester verify the occurrence of related incidents, nonconformities, emergency situations or if there were identified related ill held situations. Immediately after a related severe incident
32	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Allocation of Cultural Heritage assets	Degradation of heritage elements.	10001-NIG.KAMA-MENG-SU-PRO-0001543- CHANCE FINDS PROCEDURE 10001-NIG.KAMA-MENG-SU-PLN-0001544- CULTURAL HERITAGE MANAGEMENT PLAN 10001-NIG.KAMA- MENG-SU-PLN-000857- STAKEHOLDER ENGAGEMENT PLAN 10001-NIG.KAMA-MENG-SU-PRO-000859- GRIEVANCE MANAGEMENT PROCEDURE 10001-NIG.KAMA- MENG-SU-PLN-000015- SOCIAL AND COMMUNITY SUSTAINABILITY PLAN Training and Toolbox If identify some cultural heritage and archeological stop the activity and report to the entities	1	1	1	1	Stakeholder Engagement activities	E&S Manager/ Community Liaison Coordinator	Quarterly Progress Stakeholder Engagement Reports. Grievance Records.
33	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Affectation of fauna and flora	Ecosystem degradation.	10001-NIG.KAMA-MENG-EM-PLN-0000154 -BIODIVERSITY MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-1038 DUST MANAGEMENT PLAN Kano-Maradi Rail Project NOISE MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-1032- WASTE MANAGEMENT PLAN Training and Toolbox talk stop de activity, inform, report and restore	1	2	2	1	IMM- Quarterly Sample collection and analysis. Awareness training on biodiversity/ Tool box talks.	E&S Manager	Checklists Weekly follow up (or as required). IMM Quarterly Report.
33	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Affectation of land and accesses	Soil dumping and road damage	10001-NIG.KAMA- MENG-SU-PLN-000857- STAKEHOLDER ENGAGEMENT PLAN 10001-NIG.KAMA-MENG-SU-PRO-000859- GRIEVANCE MANAGEMENT PROCEDURE 10001-NIG.KAMA- MENG-SU-PLN-000015- SOCIAL AND COMMUNITY SUSTAINABILITY PLAN Training and Toolbox If identify some cultural heritage and archeological stop the activity and report to the entities 10001-NIG.KAMA- MENG-EM-PLN-1037- TRAFFIC MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-0001036- SOIL MANAGEMENT PLAN Training and Toolbox talk stop de activity, inform, report and restore	2	2	4	2	Periodic checks of grievance logs related to road damage and non-authorized soil dumping. Awareness training on the production team and subcontractors.	E&S Manager/ Foremen	Grievance Mechanism Register analysis.
33	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Affectation of soils and terrain orography	Soils degradation/ Ecosystem degradation.	10001-NIG.KAMA-MENG-EM-PLN-0000154 -BIODIVERSITY MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-0001036- SOIL MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-0001035- BORROW PIT MANAGEMENT PLAN Training and Toolbox talk stop de activity, inform, report and restore	1	2	2	1	IMM- Monthly Sample collection and analysis. Periodic checks of grievance logs related to bad soil management. Awareness training on soil management/ Tool box talks.	E&S Manager/ Foremen	Checklists Weekly follow up (or as required). Grievance Records. IMM Quarterly Report.
34	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Affectation of soils/land and terrain orography	Flooding	10001-NIG.KAMA- MENG-SU-PLN-000857- STAKEHOLDER ENGAGEMENT PLAN 10001-NIG.KAMA-MENG-SU-PRO-000859- GRIEVANCE MANAGEMENT PROCEDURE 10001-NIG.KAMA- MENG-EM-PLN-0001494- WATER MANAGEMENT PLAN 10001-NIG.KAMA- MENG-EM-PLN-0001036- SOIL MANAGEMENT PLAN Training and Toolbox talk stop de activity, inform, report and restore	2	3	6	3	Periodic checks of grievance logs related to road damage and non-authorized soil dumping. Awareness training on the production team and subcontractors.	E&S Manager/ Foremen	Grievance Mechanism Register analysis.
34	EARTHWORKS and PAVEMENT LAYERS (CLEARING AND GRUBBING/ REMOVAL OF STRUCTURES AND OBSTRUCTIONS/ EXCAVATION AND EMBANKMENTEXTRA HAULAGE)	Affectation of soils and terrain orography	Borrow pit Restoration for community use of borrow pits as temporary water storage for cattle, agricultural, or other use for the nearby community, if applicable (10001-NIG.KAMA- MENG-EM-PLN-0001035- BORROW PIT MANAGEMENT PLAN Community meetings with the adjacent communities and stakeholders in relation to options for closure and rehabilitation of borrow pits.	2	2	4	2	-	E&S Manager/ Foremen	Number of Restored Borrow pits/ Number of Total Borrow pits

Table 4.

4.1 MANAGEMENT PROCEDURES

This section highlights the strategy employed by the FMoT (Figure 4.2) to implement all the various management programs of the KMRL. These include, air quality, noise, borrow pit, stakeholders, waste, construction worker camp, wastewater, biodiversity, traffic, cultural heritage, demolition, dust management, hazardous materials, soil, water, spill, resettlement action, livelihood restoration plans and chance find procedure.

•

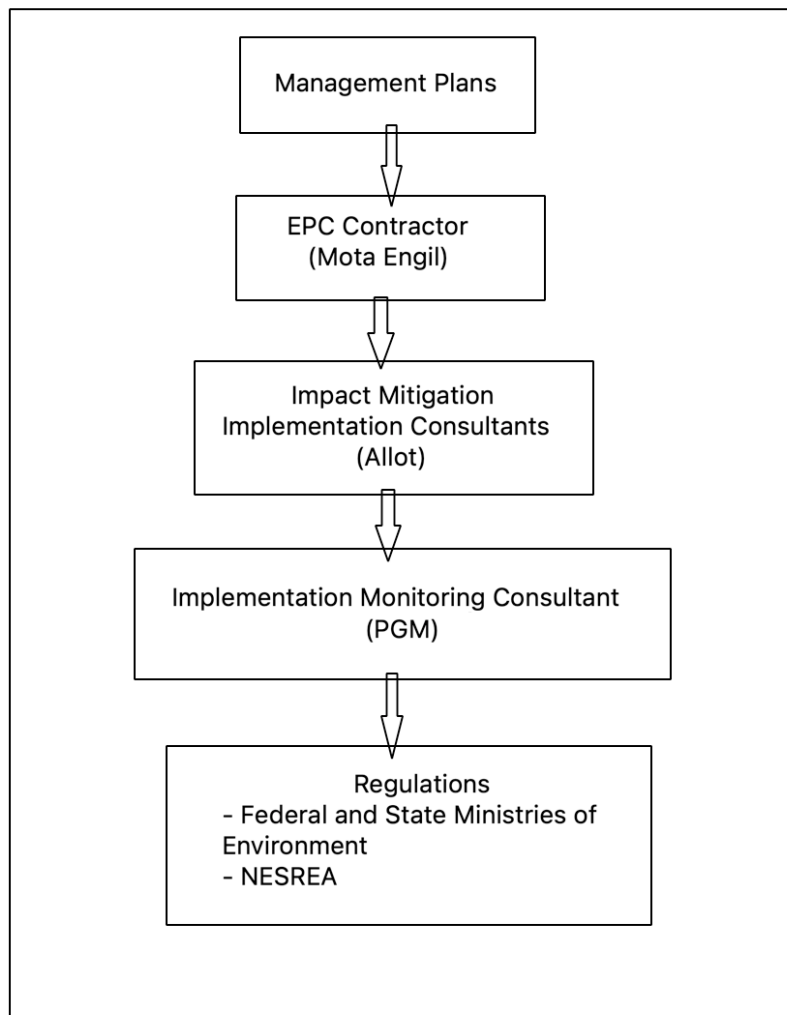


Figure 4.2: Management Structure

4.2 INSTITUTIONAL CAPACITY

This flow diagram following outlines the skilled and appropriate staffing for FMoT's KMRL project commensurate to the E&S challenges and their reporting lines.

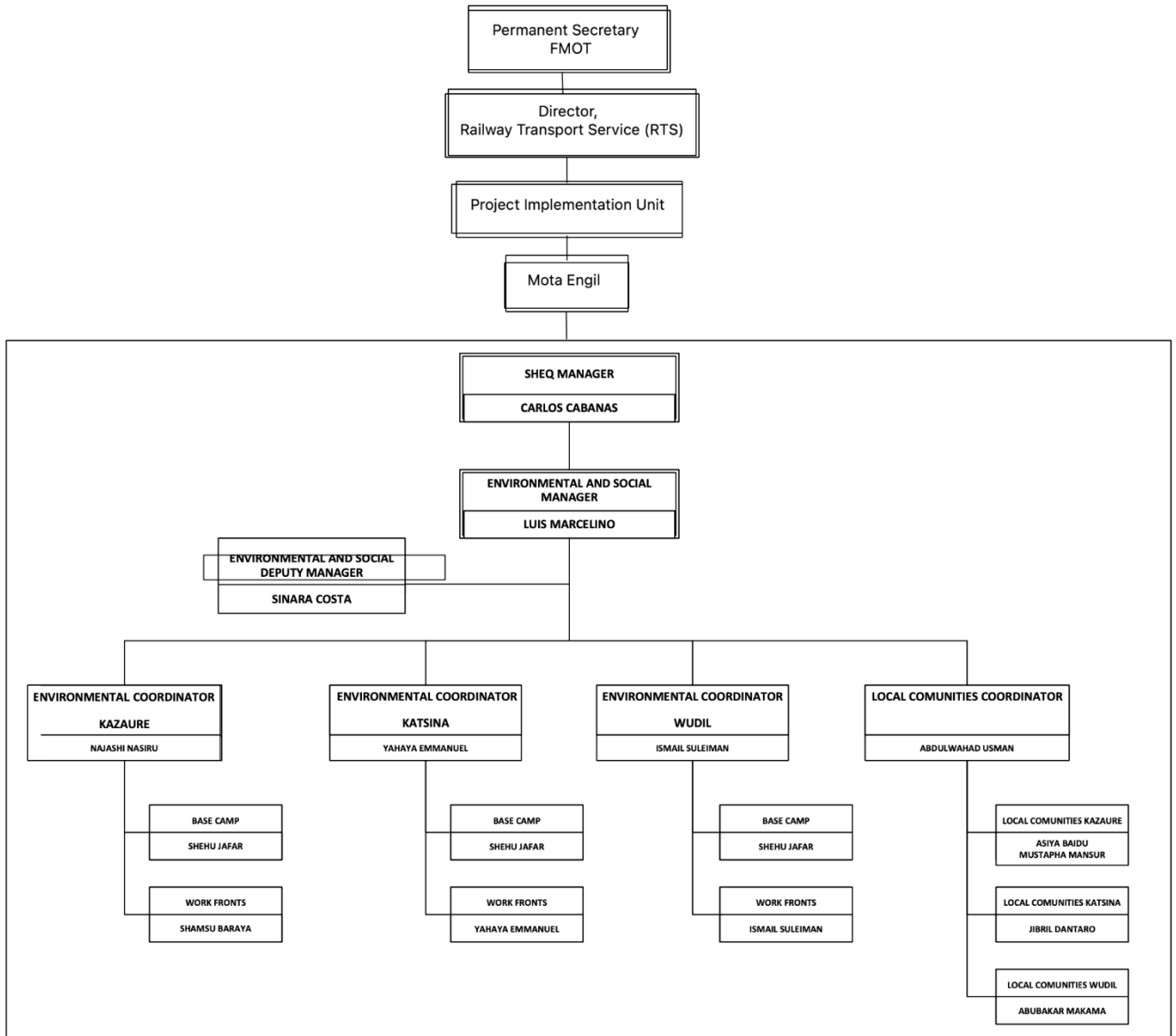


Figure 4.3: Institutional Organogram for the KMRL Project

4.3 ENVIRONMENTAL AND SOCIAL RISK MANAGEMENT PROCEDURES

4.3.1 Structure of the ESRM Procedures

The ESRM Procedures are comprised of five distinct components, with each component representing a critical step of MEN's integrated ESRM approach (Figure 4.4). The structure of the procedures follows in chronological order of events in project cycle.

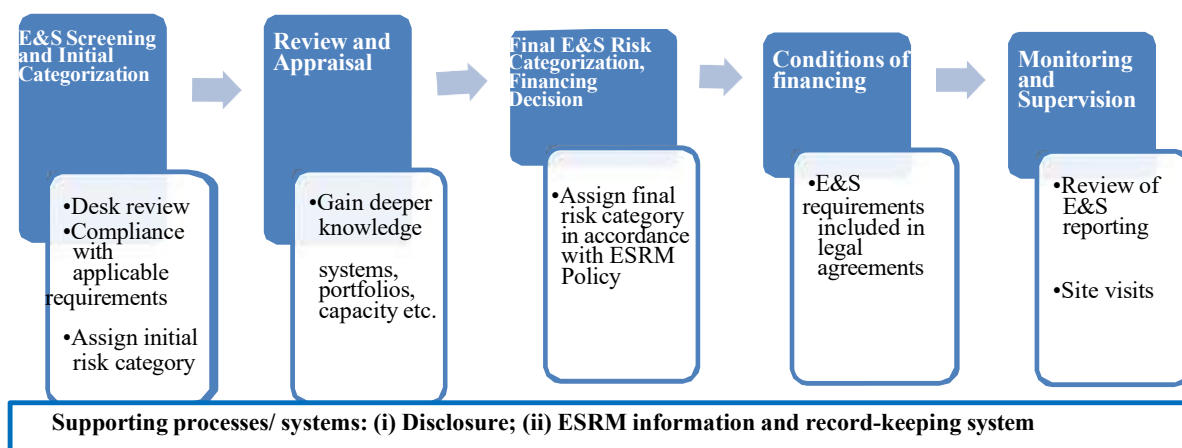


Figure 4.4. KMRL's ESRM Process

4.4. Environmental & Social Procedures

4.4.1 Initial E&S Screening

Before any construction or preparation of construction can start, the institution should conduct an initial E&S screening before or during project design stage, to (1) ensure the proposed construction site is not under any situation in the Exclusion List (Annex 3&4); and (2) identify any E&S issues and mitigation opportunities.

4.4.2 Environmental and Social Risk Screening

This procedure outlines steps required for initial transaction screening for E&S risks. The screening process begins with the identification of a potential new Contractor.

The initial screening involves the following steps:

- E&S Screening (Annex 2), in order to assess the Contractor's sites against the Exclusion List and List of E&S Sensitive Activities.
- Contractor submits the completed E&S screening checklist in line with other documents to the E&S Risk unit of the FMOT-PIU for evaluation.
- E&S Risk unit assesses the results of screening checklist and requests additional information, as appropriate.
- E&S Risk unit will participate in all relevant investment review meetings at the early stages of decision-making and provide inputs and recommendations with regard to E&S issues.
- E&S Risk unit using the filled checklist assigns an initial E&S risk category to the contractor taking into account various considerations detailed in Table 1 below. These considerations should be used together in each categorization decision and will require exercising reasonable judgment. E&S risk categorization will take into account type, and specific E&S risks and impacts associated with a contractor's portfolio.
- In determining E&S categorization, E&S unit will follow this ESMS Policy, and take into account relevant requirements of the World Bank and the National laws
- E&S unit documents the summary of the initial risk screening and risk categorization in the E&S Risk Screening, Assessment, and Categorization

4.4.3 Review and Appraisal

This procedure outlines the steps to assess E&S risks and identify mitigation measures and actions, where deemed necessary in compliance with the applicable E&S laws and regulations of Nigeria, as well as the requirements of the World Bank ESS / AfDB's OSs.

Upon completion of the initial screening, if the Contractor is eligible, an E&S risk assessment is conducted to evaluate the level of risk associated with a Contractor's portfolio. Where necessary, FMOT- PIU conducts further E&S due diligence commensurate with the risks under assessment. In complex or high-risk circumstances, the Contractor will be required to develop Environmental and Social Impact Assessment (ESIA), followed by Livelihood Restoration Plan (LRP).

E&S unit of the FMOT-PIU is responsible for E&S review and assessment, and completes the following steps:

- E&S Risk unit requests and reviews detailed Contractor existing and proposed portfolio information to determine the level and nature of E&S risks associated with the project. The portfolio review will include exposure to Excluded Activities and E&S Sensitive Activities

and high-risk exposures.

- E&S unit shall request and obtain evidence of the Contractor ESMS and capacity for its implementation. The review will include the following aspects of the Contractor portfolio and capacity commensurate with the nature of the activities supported:
 - E&S policy and senior management approval thereof.
 - Procedures and tools to identify and avoid, and if avoidance is not possible, mitigate E&S risks and potential impacts.
 - E&S provisions in legal documentation of the project; Performance monitoring procedure and records, as relevant to E&S risk management.
 - Adequacy and quality of ESMS implementation to-date.
 - The current organizational structure and capacity as relevant to E&S risk management.
 - Commitment of the client to undertake E&S risk management requirements.
- E&S unit of the PIU requests and obtains information about the Contractor compliance with national labor laws.
- Contractor provides screening checklist to the E&S unit to get a final site categorization based on the detailed information and due diligence actions as carried out by the Contractor.
- E&S unit updates the E&S Risk Screening, Assessment, (Annex 2) with the results of E&S review and appraisal.
- E&S Risk Screening, Assessment, and Categorization Memorandum for the project are filed in FMoT-PIU designated platform

Based on the results of the initial E&S Screening, the railway project should be divided into two E&S Impacts Categories:

- Category I: with significant E&S impacts. High risk sites such as those in sensitive habitats, with potential physical and/or economic displacement, substantive number of migrant workers stationed in communities
- Category II: Moderate risk activities with no high potential for harming people or

environment. Risks and impacts not likely to be significant.

- Category III: No high-risk activities expected

4.4.4 High-Risk Listing

FMoT-PIU will maintain the environmental and social (E&S) High-Risk List (HRL). HRL is a group of transactions that require closer scrutiny and supervision due either to highly significant E&S risks or because the Contractor project sites have attracted the attention of third parties, such as Civil Society Organizations, project-affected people, and/or media for alleged E&S shortcomings, impacts, and associated reasons. All such HRL areas shall be subjected to restriction and excluded from the KMRL.

The E&S unit is responsible for periodic monitoring (quarterly at a minimum) of project sites under the KMRL. However, it is expected that Contractor will have resident E&S safeguard experts who will liaise with E&S unit of the PIU in the event that any of their project sites falls within the above categories, the local E&S officer is responsible for notifying the E&S unit of the PIU of this development.

E&S unit:

- 4.4.4.1 Makes the final decision about placement of an area on the High-Risk List.
- 4.4.4.2 Periodically updates the HRL data in consultation with Contractor E&S officers.

4.4.5 E&S Risk Management Instruments for Category I Projects

Projects under this category are expected to have significant E&S impacts, such as (this list is not exhaustive and a combination of all project impacts should be considered based on their likelihood and magnitude):

- Any physical and/or economic displacement
- Significant adverse impacts on ecologically sensitive areas
- Significant adverse impacts on cultural heritage
- Significant number of migrant workers/ labor camps within host communities
- Biodiversity loss from land preparation
- Poor labor and unsafe working condition
- Poor engagement of Indigenous Peoples/Sub-Saharan African Historically Underserved
- Increase in community health and safety traffic risk from construction equipment and

material movement

- Risk related to voluntary land donation in case of public / community buildings
- Consumer /user health and safety
- Loss of land / and other physical assets
- Site preparation impact leading to soil erosion and alteration of natural drainage;
- Land and water pollution due to indiscriminate disposal of electronic waste, chemical pollution waste disposal
- Construction activity risk such as dust, noise and occupational health and safety
- Loss of residential/ commercial structures to non-titled holders

Due to the potential significant adverse E&S impacts, construction under this category will have to complete the following E&S studies during the preparation stage:

- ESIA (Annex 6)
- ESMP (Annex 4)
- Resettlement Action Plan (RAP) (Annex 7) and / or Livelihood Restoration Plan (LRP) (Annex 8), where physical and/ or economic displacement may be involved
- Stakeholder Engagement Plan (Annex 10)

The ESIA describes possible adverse effects that the project may pose to the environment. It recommends mitigation measures and how they will be implemented. The ESMP – either as an accompanying chapter of the ESIA, or as a stand-alone document, provides details on how the recommended mitigation measures will be implemented and outlines requirements, institutional arrangements/responsibilities, timelines, estimated costs and sources of funds for management and monitoring of both positive and negative effects of the project.

The key environmental and social concerns related to railway construction and operation include the following and special care needs to be taken for preparing an ESIA and ESMP:

- Ambient Air Pollution
- Surface and groundwater water quality
- Noise pollution
- Traffic management
- Labor management (labor camps, worker accommodation, community impacts of

migrant workforce)

- Occupational health and safety issues for workers
- Interactions between workers and communities (e.g. HIV/AIDS issues)
- Community engagement, benefits sharing
- Drainage
- River bank erosion
- Wetland or other sensitive habitats deterioration
- Land degradation
- Loss of land/ structures/assets/crops
- Displacement of people or economic / livelihood activities
- Sexual Abuse and Exploitation and Sexual Harassment (SEA/SH)
- Electronic and hazardous waste,
- Use of non-energy and non-efficient machinery

In case the project requires land acquisition, restriction of access to assets or loss of livelihood or shelter, the company shall ensure that a satisfactory RAP and/or LRP has been prepared and consulted upon with the affected persons / local community, approved and disclosed. The institution shall not start the works until compensation and resettlement assistance has been made available in accordance with RAP and/ or LRP.

RAP/LRP document provides a link between the impacts identified and proposed mitigation measures to realize the objectives of involuntary resettlement. The RAP/LRP will take into account magnitude of impacts and accordingly prepare a resettlement plan that is consistent with national and local standards and requirements.

The RAP/LRP also needs to be disclosed and consulted during timely stakeholder engagement. Stakeholder engagement is about building and maintaining constructive relationships over time. It is an ongoing process between a company and its project stakeholders that extends throughout the life of the project and encompasses a range of activities and approaches, from information sharing and consultation, to participation, negotiation, and partnerships. The goal is to ensure the timely provision of relevant and understandable information. It is also to create a process that provides opportunities for

stakeholders to express their views and concerns and allows the company to consider and respond to them.

Before any actual construction can begin, all necessary government and non-governmental clearance and permit(s) must be acquired properly and timely. For the SHS an abridged ESMS is required see Annex 10.

4.5 Record Keeping

This procedure describes FMoT-PIU's approach to systematically capturing Contractor information and analyzing E&S performance at the portfolio level. FMoT-PIU maintains a centralized E&S Performance System (ESPS), using the designated platform that captures E&S information of each Contractor as follows:

- Information about each Contractor's ESMS, GRM, stakeholders' engagement, etc.
- Information about each Contractor portfolio supported by KMRL.
- Results of E&S screening, Stakeholders engagement and site-specific GRM
- Results of E&S review and assessment.
- Legal E&S covenants.
- High Risk List flag that triggers ESIA, LRP
- E&S performance records of monitoring and supervision, including information obtained through regular Contractor reporting and site visits.
- Any relevant documents provided by the Contractor, such as research outputs, due diligence reports, environmental and social impacts assessment reports (if required), relevant third-party assessment reports and other documentation related to E&S Action Plan, relevant environmental and social authorizations and permits.

4.6 Monitoring and Supervision

Once the construction has started, and throughout construction and operation, the FMoT-PIU is committed to continuous compliance to its ESMP and all applicable E&S policies including GBV/SEA and requirements. To achieve that, FMoT-PIU is committed to conducting regular self-monitoring activities. See Annex 10 and 11 for sample self-monitoring checklist.

Severe incidents will be notified to the Bank within 24 - 48 hours after learning of the incident or accident using World Bank /AfDB Environmental and Social Incident Reporting Template

(ESIRT). A detailed report of the incident will be provided within fifteen (15) days of occurrence of the accident. In the event of an occupational fatality or serious injury, the IA / contractor shall report to FMoT/PIU and consequently escalate to the Bank as soon as becoming aware of such incidents. Relevant government authorities shall be informed as applicable. Corrective actions shall be implemented in response to project related incidents or accidents. FMoT – PIU in collaboration relevant IA or contractor as applicable, will be required to conduct a root cause analysis for designing and implementing further corrective actions with the support of the Bank.

FMoT will monitor the E&S performance of all subprojects during implementation. The monitoring will focus on: (i) implementation of the ESMS; (ii) compliance with E&S requirements including E&S covenants in legal documentation; and (iii) E&S performance in terms of OHS incidents, waste management, HR policies, and grievance mechanism. To this effect, all participating firms/Contractor shall provide an incident report immediately after occurrence (in case of an incident as defined in FMoT's ESMS). FMoT shall submit a monthly E&S monitoring report to the Bank along with supporting documentation as applicable. FMoT shall conduct scheduled site visits as part of its monitoring & supervision.

4.7 Reporting to FMoT during Construction and Implementation

It is the Contractor's responsibility to submit timely and factual reports to the Federal Ministry of Transportation (FMoT) based on the mandatory and/or agreed-upon reporting requirements. Its reporting duties include (see Annex 11, 12 for Sample Regular E&S Report to FMoT): Such report will include:

- Progress on implementation of the ESMS, including categorization of all projects and any ESIAs, ESMP and RAP and/or LRP prepared over the reporting period (where required);
- Regular periodic E&S reports as specified in the Operating Guidelines;
- Prompt reporting – within three days of occurrence, of any social, labor, health and safety, security or environmental incident, accident or circumstance which may have any material impact on the compliance of the applicable E&S requirements.

In addition, Contractor may be requested to:

- Provide feedback when requested by FMoT through questionnaires, evaluation workshops, etc.;

- Participate, if needed, in discussions with the PIU, FMOT and any investor (if applicable) throughout the project.

4.8 EMERGENCY PREPAREDNESS

This procedure establishes standard lines of communication and practices in the case of an emergency at site. It creates a framework that anticipates and averts the escalation of onsite incidents, equipping workers with the necessary tools and knowledge to respond effectively, preventing minor issues from spiraling into major crises. Some of these potential emergency situations that may arise may be one or more of the following:

- Medical emergencies (injury to personnel)
- Fire
- Explosion
- Natural disasters (e.g. flood)
- Equipment failure
- Community unrest/ Riot

4.8.1 Emergency Response Contact

The following parties should be contacted/ notified where applicable as quickly as possible in the case an emergency.

Table 4.2: Emergency Response Contact

S/N	TYPE OF EMERGENCY	CONTACT PHONE NUMBER	RESPONSE PARTY
1.	Environmental Coordinator		All Emergencies
2.	Project Implementation Unit (PIU)		Equipment Outbreak
3.	Fire Service		Fire Outbreak
4.	Community Head		Community Unrest
5.	Primary Healthcare Centre		Medical Emergency
6.	Site Security Officer		Security Issues
7.	Nigerian Police		Security Issues, Community Unrest, Explosion Emergency
8.	Nigeria Security and Civil Defense Corps		Security Issues
9.	National Emergency Management Agency (NEMA)		Natural Disasters

What every personnel on site should know:

- FMOT's Engil's procedures for various types of emergencies

- Locations of all exit routes/ muster points
- Locations of fire alarm pull stations
- Locations of fire extinguishers and first aid kits
- Phone numbers to notify the Environmental Co-ordinator in the case of an emergency
- The designated assembly area (muster point).

4.8.2 Emergency Protocols

The basic steps to responding to an emergency include:

Stay calm: Do not panic in the face of danger/ emergency as this may be the most unsafe thing to do, leading to more harm.

Assess the situation: Find out what the situation is as swiftly and assertively as possible

Take command of the situation if you are trained to do so (e.g. in the case of a fire warden in the face of a fire situation at incipient stage or first aider in a medical situation). If not contact the Environmental Co-ordinator/ on-scene commander/ designate.

Maintain contacts with both the Environmental Co-ordinator/ on-scene commander/ designate response party until arrival

Guide the emergency services: offer help to the response party (e.g directions)

It is important to note that in the case of an emergency, the environmental coordinator must first be notified before subsequent response parties are alerted by the eye-witness.

Communication and Awareness

Regular training sessions and drills are pivotal in embedding the emergency response planning for construction accidents into the daily routines of the workforce. These practices serve as rehearsals for potential crises, allowing workers to become familiar with their roles and the necessary actions they need to take during an actual emergency. Awareness sessions in the form of trainings, toolbox meetings, safety meeting, signages around the site will be conducted periodically to keep personnel abreast with the laid down procedures on FMoT's emergency response plan. Additionally, emergency drills shall be held periodically to test personnel's preparedness, to assess the readiness and response time of the team, ensuring that when every second counts, everyone knows how to act effectively and efficiently.

5.0 STAKEHOLDERS' ENGAGEMENT AND GRIEVANCE REDRESS MECHANISM

Recognizing the importance of effective stakeholder engagement, FMoT with MENG, has developed this Stakeholder Engagement Plan (SEP) to guide communication with all relevant stakeholders throughout the project's lifecycle. The key principles include transparency, accountability, inclusivity, responsiveness, and collaboration. The objectives are to identify relevant stakeholders, distribute accurate project information, promote constructive interactions, record and address public concerns, manage expectations, and ensure compliance with Nigerian, Nigerien, and international standards.

5.1 Stakeholders Identification

The objective of stakeholder identification is to establish which organizations and individuals may be directly or indirectly affected (positively and negatively) by, or have an interest in, the Project. Stakeholder identification is an on-going process, involving regular review and the updating of the stakeholder register as the Project proceeds.

Stakeholders identified to date for inclusion in engagement activities meet one of the following criteria:

- ☐ Have an interest in the Project;
- ☐ Would potentially be impacted by or have an influence on the Project (negatively or positively); or
- ☐ Could provide commentary on issues and concerns related to the Project.

Table 5-1 provides an overview of stakeholder groups that were identified during the development of the ESIA.

5.2 Stakeholder Groups

Table 5-1: Stakeholders Identified, Disaggregated by Level and Group

Group	Stakeholders	Country	
		Nigeria	Niger
National governmental authorities and representatives	Federal Ministry of the Environment (FMEnv)	<input type="checkbox"/>	
	National Environmental Standards and Regulations Enforcement Agency (NESREA)	<input type="checkbox"/>	
	Federal Ministry of Transport	<input type="checkbox"/>	
	Federal Ministry of Works and Housing	<input type="checkbox"/>	
	Federal Ministry of Agriculture and Food Security	<input type="checkbox"/>	
	Federal Ministry of Water Resources, in particular the Nigeria Hydrological Services Agency	<input type="checkbox"/>	
	Federal Ministry of Lands, Housing and Urban Development	<input type="checkbox"/>	
	Federal Ministry of Interior, in particular the Nigeria Immigration Service	<input type="checkbox"/>	
	State Security Service	<input type="checkbox"/>	
	Nigeria Police	<input type="checkbox"/>	
	Federal Road Safety Corp	<input type="checkbox"/>	
	Federal Inland Revenue Service	<input type="checkbox"/>	
	Bureau of Public Enterprises	<input type="checkbox"/>	
	Ministry of Environment		<input type="checkbox"/>
	National Environmental Assessment Office (NEAO)		<input type="checkbox"/>
	Ministry of Transport, including Directorate of Traffic and Road Safety		<input type="checkbox"/>
	Ministry of Agriculture and Rural Development		<input type="checkbox"/>
	Ministry of Land and Housing		<input type="checkbox"/>
	Ministry of Equipment		<input type="checkbox"/>
	National Guard of Niger		<input type="checkbox"/>
	National Gendarmerie		<input type="checkbox"/>
State / regional governmental authorities and representatives	State Ministries of the Environment in Kano, Katsina and Jigawa	<input type="checkbox"/>	
	State Ministries of Transport in Kano, Katsina and Jigawa	<input type="checkbox"/>	
	State Ministry of Agriculture and Rural Development in Kano, Katsina and Jigawa	<input type="checkbox"/>	
	Kano State Stock Route Demarcation Committee	<input type="checkbox"/>	
	State Ministry of Land, Housing and Urban Development in Kano, Katsina and Jigawa	<input type="checkbox"/>	
	Department of State Security in Kano, Katsina and	<input type="checkbox"/>	

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Group	Stakeholders	Country	
		Nigeria	Niger
	Jigawa		
	Division of the Nigeria Police Force in Kano, Katsina and Jigawa	<input type="checkbox"/>	
	Division of the Federal Road Safety Corp in Kano, Katsina and Jigawa	<input type="checkbox"/>	
	Regional Council of Maradi		<input type="checkbox"/>
	Regional Directorate of Environment		<input type="checkbox"/>
	Regional Directorate of Transport, including Regional Directorate of Traffic and Road Safety		<input type="checkbox"/>
	Regional Directorate of Agriculture and Rural Development		<input type="checkbox"/>
	Regional Directorate of Land and Housing		<input type="checkbox"/>
	National Guard of Niger – Sub-Division of Maradi Region		<input type="checkbox"/>
	National Gendarmerie – Sub-Division of Maradi Region		<input type="checkbox"/>
Local and traditional governmental authorities and representatives	Local government councils for each of the Project-affected Local Government Areas (LGAs), including Local Government Chairmen and their support staff	<input type="checkbox"/>	
	Traditional leaders in each of the Project-affected LGAs, including members of emirate councils (e.g. emirs), district heads, village heads and ward heads	<input type="checkbox"/>	
	Local government for each of the Project-affected municipalities, including Mayors and their support staff		<input type="checkbox"/>
	Traditional leaders in each of the Project-affected municipalities, including chiefs		<input type="checkbox"/>
Project-affected communities	Project-affected communities (PACs) as a whole (Affected Communities tables below)		
	People affected by physical or economic displacement – Project-affected persons (PAPs) – from the PACs		
	Livelihood groups within the PACs (e.g. pastoralists and others engaged in livestock rearing, crop farmers, business owners and individual traders)		
	Religious leaders of the PACs		
	Women's groups/associations in the PACs		

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Group	Stakeholders	Country	
		Nigeria	Niger
	Youth groups/associations in the PACs		
	Associations in the PACs which represent vulnerable persons, including women, youths, people with disabilities, those who are Fulani or Tuareg by ethnicity etc.		
Civil society, including national non-governmental organizations and trade unions	Green Nigeria Foundation	<input type="checkbox"/>	
	Life and Peace Development Organization (LAPDO)	<input type="checkbox"/>	
	Society for Women's Development and Empowerment of Nigeria (SWODEN)	<input type="checkbox"/>	
	Youth and Environmental Development Association (YEDA)	<input type="checkbox"/>	
	All Farmers Association of Nigeria (AFAN)	<input type="checkbox"/>	
	Miyetti Allah Cattle Breeders Association (MACBAN)	<input type="checkbox"/>	
	National Union of Road Transport Workers (NURTW)	<input type="checkbox"/>	
	Organization for the Protection of the Environment and Well-Being (Aghirin'man)		<input type="checkbox"/>
	Life and Development Association (AVD)		<input type="checkbox"/>
	Women, Actions and Development (FAD)		<input type="checkbox"/>
	Young Volunteers for the Environment (JVE)		<input type="checkbox"/>
	Federation of Cooperatives of Peasant Groups from Niger (MOORIBEN)		<input type="checkbox"/>
Local public services	Representatives of health facilities within the PACs	<input type="checkbox"/>	<input type="checkbox"/>
	Representatives of educational facilities within the PACs	<input type="checkbox"/>	<input type="checkbox"/>
Local enterprises	Businesses engaged in sale of goods such as aggregates and other construction materials (e.g. quarrying companies, steel manufacturers), equipment, food, cleaning products, drugs and other medical supplies	<input type="checkbox"/>	<input type="checkbox"/>
	Businesses engaged in the provision of services such as construction (e.g. earthworks), transport/logistics, catering, cleaning and laundry	<input type="checkbox"/>	<input type="checkbox"/>
Research institutes /academia	Agricultural Research Council of Nigeria	<input type="checkbox"/>	
	National Agricultural Research Institute of Niger (INRAN)		<input type="checkbox"/>
International		<input type="checkbox"/>	<input type="checkbox"/>

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A member of Mota-Engil Group

Group	Stakeholders	Country	
		Nigeria	Niger
organizations	United Nations Children's Fund (UNICEF) – Country Offices		
Media Group	Nigerian Television Authority (NTA)	<input type="checkbox"/>	
	Radio Jigawa	<input type="checkbox"/>	
	Radio Kano	<input type="checkbox"/>	
	Vision FM Katsina	<input type="checkbox"/>	
	Télé Sahel		<input type="checkbox"/>
	The Voice of the Sahel Maradi		<input type="checkbox"/>

Table 5-2: Tables of the Project Affected Communities (PACs) by State and Section.

Jigawa State (Kazaure-Daura)		Jigawa State (Yargaya- Dutse)	
S/N	Community	S/No.	Community
1	Agangaro 2	1	Balan
2	Badori	2	Danlassan
3	Bandutse	3	Dundubus
4	Bengel	4	Duru
5	Chadi	5	Fanidau
6	Fago	6	Fanisau Bayan Camp
7	Firji	7	Gamoji
8	Fitare	8	Garidau
9	Furtawa	9	Gurum
10	Gamji	10	Jemagu
11	Gurjiya Bojo	11	Kara
12	Jiba	12	Karnaya
13	Kanti Yamma	13	Kausani
14	Katogi	14	Maimakawa
15	Kwarare	15	Shagogo
16	Sabuwar Jawo	16	Warawa
17	Sabuwar Yola	17	Wudilawa
18	Takwasa	18	Yandalla
19	Wailare	19	Yargaya
20	Yadaganmu	20	Zabuwa

Katsina State (Daura-Jibia)			
S/N	Community		
1	Daddara	12	Katsina
2	Durbi Takusheyi	13	Kayawa
3	Gurjiya	14	Kusa
4	Kayauki	15	Makurda
5	Magajin Zaure	16	Mashi
6	Magama	17	Mazoji
7	Muduru	18	Shargalle Sirika
8	Qarau	19	Shargalle Yamel

Katsina State (Daura-Jibia)			
S/N	Community		
9	Rimin Guza	20	Shinkafi
10	Tambu	21	Yandaki
11	Danheji		

Kano State (Yargaya-Dawanau)				Kano State (Dawanau-	
S/No.	Community	S/No.	Community	S/No.	Community
1	Kuyan Tainna	11	Limawa	1	Bichi
2	Behun	12	Rigafada	2	Dambatta
3	Danbare	13	Rimin Gata	3	Dawakin Tofa
4	Danfami	14	Rimin Zakara	4	Makoda
5	Dangwauro	15	Ungwar Duniya	5	Minjibir
6	Dausayi	16	Waratala	6	Kazaure
7	Dawanau Kasuwa	17	Yankusa	7	Roni
8	Fagenkawo	18	Yansango		
9	Gadama	19	Yargaya		
10	Kudun Dufawa	20	Zawachicki		

Republic of Niger

S/No	Community
1	Djiratawa
2	Safo
3	Dan Issa

5.3 Vulnerable Groups

Within a community, there may be individuals or groups of people who – by virtue of their race, age, gender, ethnicity, language, level of education, sickness, physical or mental disability, religion, political or other opinion, nationality, economic circumstances or dependence on unique natural resources – may be less able to cope with or adapt to the adverse impacts and risks caused by the Project, or less able to take advantage of Project-related benefits and opportunities.

During the social baseline surveys undertaken as part of the preparation of the Project's ESIA, a number of groups in the PACs were identified as vulnerable. Table 5-3: Vulnerable Groups Identified in the PACs presents the vulnerable groups identified, alongside a summary explanation of the reasons for their vulnerability. Further details about the groups outlined in the Table are available in Project's ESIA Report.

Table 5-3: Vulnerable Groups Identified in the PACs

Group	Reasons for Vulnerability
Women	Women in the PACs face several challenges including a limited role in politics and decision-making, low levels of school attendance, limited access to maternity services, rape and other forms of gender-based violence (GBV), differential access to land as a result of religious inheritance practices, competition and conflicts in polygamous household settings and the burden of fulfilling multiple responsibilities on behalf of the household (both domestic- and work-related). Certain categories of women, namely female heads of households, may be particularly vulnerable, owing to additional challenges surrounding access to rental property, discrimination and so forth.
Youths	Youths in the PACs face a number of challenges including high levels of unemployment, low levels of literacy and, in the context of some communities, a limited role in politics and decision-making. Unemployment is a particularly significant concern, which underpins a number of other issues including frustration, substance abuse and involvement in crime.
Persons with disabilities	Such persons may experience difficulties in terms of accessing health services, education and employment, and may also be subject to disability-based discrimination and stigmatization.
The elderly	Such persons may be subject to negative stereotypes and age-based discrimination (65 and above), experience feelings of isolation and loneliness and lack social security support.
Members of the Fulani and Tuareg ethnic groups	The livelihoods of the Fulani predominantly revolve around cattle rearing and thus their income is highly dependent upon access to land, much of which is owned by members of the Hausa ethnic group. Tuareg are typically regarded as settlers and thus they may encounter challenges in seeking access compensation for land and/or other assets affected by the Project by those who regard themselves as the original inhabitants of the Project area. In addition to the above, is important to note that the lifestyles of the Fulani, though increasingly sedentary, are traditionally nomadic or semi-nomadic and thus they may encounter difficulties in accessing information about developments affecting their community (such as the Project) and participating in community decision- making.

Additional measures will be implemented to ensure that the stakeholder engagement activities undertaken by the Project are inclusive, help to ensure that information is adequately disclosed to vulnerable individuals and groups and enable such stakeholders to participate in the Project-related stakeholder engagement activities equal to other members of the PACs. These measures are further elaborated

5.4 External Grievance Mechanism

There is no ideal model or one-size-fits-all approach to grievance resolution. The best solutions to conflicts are generally achieved through localized mechanisms that take account of the specific issues, cultural context, local customs, and project conditions and scale.

In its simplest form, grievance mechanisms can be broken down into the following primary components:

- Receiving and registering a complaint.
- Screening and assessing the complaint.
- Formulating a response.
- Selecting a resolution approach.
- Implementing the approach.
- Announcing the result.
- Tracking and evaluating the results.
- Learning from the experience and communicate back to all parties involved.
- Preparing a timely report to management on the nature and resolution of grievances.

The best solutions to conflicts are generally achieved through localized mechanisms that take account of the specific issues, cultural context, local customs, and project conditions and scale. For the Kano-Maradi Railway project, all the grievances will be channeled via the CLO. It is recognized that the formal legal mechanisms for grievance redress tend to be lengthy and acrimonious procedures, and thus an informal grievance redress mechanism through the contractor will be established. This unit will work with a committee comprising administrative head of local governments; community/village chiefs, NGOs/CBOs and other relevant Government organs that will be set-up to address complaints.

Three levels of grievance redress channels have been identified and will be operationalized for the transmission line project:

5.4.1 **First Level GRM: at the Community Level** (Community Resettlement Committee (CRC))

Complaints regarding project implementation and activities arising from the project area shall be channeled to the Village head, who shall convene the CLO at that level to review and address the complaint. The Village head shall head this committee while membership of the committee will consist of those outlined in the table 5-4;

Table 5-4 : Membership of Community Level

S/N	Membership	No of Persons	Designation
1	Community Leader	1	Chairman
2	CLO	1	Secretary

S/N	Membership	No of Persons	Designation
3	Representative of LGA	1	Member
4	2 Representatives of PAPs (male and Female)	2	Member

This committee will be expected to report to the contractor. In addition, complaint box will be placed in the Community leader's palace, where complaints from PAPs can be dropped without retribution. The complaints are received (in written, verbal or electronic form) at designated points at community Level.

After registering the complaint in the Grievance Redressal Registration and Monitoring Sheet, the Chairman of the committee would study the complaint made in detail and issue an acknowledgement letter within five working days, including an outline of the complaint review and appeal process. A written response shall be issued within two weeks. The chairman shall coordinate a meeting with the aggrieved party to address such issues. The deliberations of the meetings and decisions taken are recorded.

The resolution at the first tier will be normally done within 14 working days and notified to the concerned through a disclosure form. Should the Grievance not be solved within this period, this would be referred to the next level of Grievance Redressal. However, if the village head/chief feels that adequate solutions are being worked out and it would require a few more days for actions to be taken, he can decide on retaining the issue at the first level by informing the complainant accordingly. However, if the complainant requests an immediate transfer of the issue to the next level, it would be accepted, and the issue would be taken to the next channel. But in any case, if the issue is not addressed within 21 days, it needs to be taken to the next level.

5.4.2 Second Level GRM: State Level (Resettlement Management Committee (RMC))

The Resettlement Management Committee (RMC) shall receive, hear and address complaints arising from the project implementation. The Director of Lands shall head this committee while membership of the committee shall be as outlined in table 5-5.

Table 5-5: Membership of the 2nd Level GRC

S/N	Membership	No of Persons	Designation
1	Director of Lands	1	Chairman
	Contractor	1	Member
3	RAP Implementation Consultant	1	Member
4	CLO	1	Secretary
5	Representative of the Emir	1	Member
6	Security Representative (NSCDC, DSS or Police)	2	Member
7	2 Representatives of PAPs (Male and Female)	2	Members
8	Witness NGO	1	Member

If the complainant is not satisfied by the first level response nor has a complaint regarding their decision-making process, they can directly write to the 2nd GRC. All complaints submitted to the GRC shall be logged with a unique ID code. Complainants shall receive an acknowledgement letter within 5 working days, including an outline of the complaint review

and appeal process. The complaint shall be filed according to a tracking system, so that complaints are classified, and responded to consistently. Furthermore, the complaint shall be discussed within the committee and responded to in writing within 2 weeks. The committee shall also convene a meeting of the aggrieved parties if required. The GRC shall undertake a six-monthly internal review of the complaint handling mechanism, and make necessary corrections, if need be.

The committee will hold the necessary meetings with the complainant and the concerned officers and attempt to find a solution acceptable at all levels. CLO would record the minutes of the meeting. The decisions of the committee are communicated to the complainant formally and if he accepts the resolutions, the complainant's acceptance is obtained on a disclosure form.

If the complainant does not accept the solution offered by the committee, then the complaint is passed on to the next level / or the complainant can reach the next level. The Chairman of the committee would be required to forward the issue to the next level through the Secretary of the GRC to facilitate in exploring a solution to this at this level before transferring it to the next level. In any case, the case should be forwarded to the next level if no solution is reached within 14 days of the case reaching the second level and, in a case(s), nearing the required solution, it can be retained to an extent of 21 days.

The decisions of the 2nd level GRC level would be final from the Project side and the Complainant may decide to take a legal or any other recourse if he /she is not satisfied with the resolutions due to the deliberations of the Second Level GRC. If affected person is not satisfied with the decision received, he/she can, as a last resort, appeal to a court of competent jurisdiction.

5.4.3 Third **Level GRM**: National Level (Resettlement Steering Committee (RSC))

This committee shall receive, hear and address complaints arising from the project implementation. The Permanent Secretary, FMOT shall head this committee while membership of the committee shall be as outlined in table 5-6.

Table 5-6: Membership of the 3rd Level GRC

S/N	Membership	No of Persons	Designation
2	Permanent Secretary, FMOT	1	Chairman
	Contractor (CEO)	1	Member
9	RAP Implementation Consultant (CEO)	1	Member
1	CLO	1	Secretary
1	Director of Lands (FMWH)	1	Member
1	Security Representative (NSCDC, DSS or Police)	2	Member
1	2 Representatives of PAPs (Male and Female)	2	Members
1	Witness NGO	1	Member

If the complainant is not satisfied by the second level response nor has a complaint regarding their decision-making process, they can directly write to the 3rd level GRC, the RSC. All complaints submitted to the RSC shall be logged with a unique ID code. Complainants shall receive an acknowledgement letter within 5 working days, including an outline of the complaint review and appeal process. The complaint shall be filed according to a tracking

system, so that complaints are classified, and responded to consistently. Furthermore, the complaint shall be discussed within the committee and responded to in writing within 2 weeks. The committee shall also convene a meeting of the aggrieved parties if required. The RSC shall undertake a six-monthly internal review of the complaint handling mechanism, and make necessary corrections, if need be.

The committee will hold the necessary meetings with the complainant and the concerned officers and attempt to find a solution acceptable at all levels. CLO would record the minutes of the meeting. The decisions of the RSC are communicated to the complainant formally and if he accepts the resolutions, the complainant's acceptance is obtained on a disclosure form.

The decisions of the 3rd level GRC level would be final from the Project side and the Complainant may decide to take a legal or any other recourse if he /she is not satisfied with the resolutions due to the deliberations of the Second Level GRC. If affected person is not satisfied with the decision received, he/she can, as a last resort, appeal to a court of competent jurisdiction.

Grievance Mechanisms

During implementation of the project activities, it is possible that disputes/disagreements between the contractor and the PAPs /communities will occur especially regarding employment of host communities, compensation, boundaries, destruction of crops or land, etc. There are great challenges associated with grievance redress especially in a project of this magnitude.

The practice of grievance arbitration over resettlement issues in Nigeria is conducted within the framework of the Land Use Act (LUA) of 1978, reviewed under CAP 202, 1990. Two stages have been identified, and shall apply, in the grievance procedure: customary mediation and judiciary hearings.

Customary Mediation

Procedures for grievances will be clearly explained during community meetings. At the village levels, a series of customary avenues exists to deal with dispute resolutions. Those avenues shall be employed, when and where it is relevant as a "court of first appeal".

Such customary avenues shall provide a first culturally and amicable grievance procedure that will facilitate formal and/or informal grievance resolution for grievances such as:

- i. Wrongly recorded personal or community details;
- ii. Wrongly recorded assets including land details and/or affected acreage;
- iii. Change of recipient due to recent death or disability;
- iv. Recent change of asset ownership;
- v. Wrong computation of compensation; and
- vi. Name missed out of register, etc.

Court of Law

The judicial process in accordance with applicable laws will be followed and the law courts will pass binding judgment on the matter.

Grievance Resolution Procedures

The first level is the Village/District Heads or the contractor: The aggrieved person shall first report the matter to the community chief for resolution. Issues that can be resolved at this level include, employment issues, ownership tussle, management of deceased property, boundary issues, etc. If the issue is not resolved at this stage, it can then be escalated to customary mediation described and if still no acceptable resolution is achieved, the parties may choose to go to court in accordance with laws of the Federal Republic of Nigeria.

Figure 5.1 illustrates this mechanism.

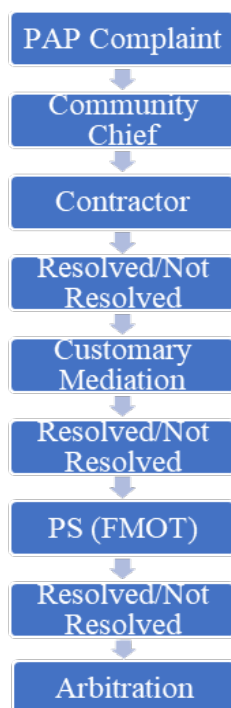


Figure 5-1: Grievance Resolution Procedure

5.5 Monitoring, Evaluation and Reporting

In order to record activities and assess the effectiveness of this SEP and associated community dialogue activities, MENG will implement a data management and monitoring process as outlined below.

In addition, this section includes mechanisms for reporting to external stakeholders as an integral step in building relationships with stakeholders and promoting understanding between MENG, FMOT and stakeholders.

5.5.1 Data manager

Stakeholder engagement activities will be documented and filed in order to track and

refer to records when required and ensure delivery of commitments made to stakeholders. The following stakeholder community dialogue records and documentation will be used and maintained by Stakeholder engagement activities will be documented and filed in order to track and refer to records when required and ensure delivery of commitments made to stakeholders. The following stakeholder community dialogue records and documentation will be used and maintained by the Project:

- ☐ Attendance List- Used to collect the meeting attending stakeholder contact details
- ☐ Meeting minute template: Used to collect meeting minutes to be filed within the stakeholder database.
- ☐ Stakeholder engagement register: On-going updates to the stakeholder register, including key contacts and contact details (telephone number, email address etc.) as additional stakeholders are identified.

MENG will develop log documentation used to record, store and analyse the Stakeholder Engagement activities, including the grievances, and used to track frequency of meetings. A commitment register will be used to track of the commitments made to the stakeholders when needed.

Records will be reviewed on a quarterly basis to ensure that information is being recorded accurately and information maintained. Commitments and actions recorded during community interaction activities will also be regularly reviewed to ensure they are taken forward.

5.5.2 Internal reporting

The following internal reports will be developed:

- ☐ Red Flag Reports: Weekly or daily reports for urgent items or incidents of significant nature. These red flag reports will be prepared by MENG's CLO Team lead and sent to the Project Manager, which will act and/or escalate if necessary.
- ☐ Quarterly Progress Reports: Internal quarterly progress reports will be prepared by MENG's CLO Team lead. These reports will summarise:
 - Engagement activities undertaken to date: stakeholders met, key topics discussed, main concerns and expectations, positioning towards Project activities;
 - Grievance mechanism: participation, main grievances received, progress
 - summary (actions to be taken and status);
 - Limitations (e.g. resources, internal alignment); and
 - Priorities for next quarter.

These reports will be discussed at quarterly meetings involving MENG and FMoT Project Managers, the hierarchy and representatives of the relevant departments. The progress reports will be circulated internally as required.

5.5.3 External reporting

Once consultation with stakeholders has taken place, stakeholders generally want to know which of their suggestions have been taken on board, what risk or impact mitigation measures will be put in place to address their concerns, and how, for example, projects impacts are being monitored.

MENG will keep track of commitments made (through the meeting minute) and will communicate progress made against these commitments on a regular basis (for instance during regular meetings with the community representatives). The meeting minute will be the starting base.

MENG will also report to lenders periodically providing updates on project progress, risks and mitigation measures implemented, resettlement and livelihood restoration programmes and stakeholder feedback, amongst other issues. The FMoT-PIU will develop a KMRL project-specific Grievance Redress Mechanism for people to report concerns or complaints, if they feel unfairly treated or are affected by any of the subprojects.

The mechanism will among other things: (a) provide information about project implementation; (b) provide a forum for resolving grievances and disputes at the lowest level; (c) resolve disputes relatively quickly before they escalate to an unmanageable level; (d) facilitate effective communication between the project and affected persons; (e) win the trust and confidence of project beneficiaries including GBV survivors and stakeholders and create productive relationships between the parties; (f) include reporting mechanisms through community consultations with women and girls will define reporting mechanisms that they feel are safe and are accessible; (g) train GRM operators on survivor centered approach and how to respond to incidents; (h) provide survivors with timely quality care; and (i) ensure there is a clear accountability framework for who will be responsible for what, and what repercussions to the perpetrator may be.

The GRM will not investigate or hold the perpetrator accountable but they will be responsible for monitoring the Contractor's response and ensuring it is appropriate and aligned with the Code of Conduct (CoC). The mechanism is envisaged to be at multiple levels and will address such complaints, including logging, tracking, and resolving grievances promptly during and after the implementation of the Project. In the resolution of GBV complaints, all applicable laws and policies will be followed, including any labor laws and agreements, and any legal requirements for mandatory reporting (e.g., to the police) of cases involving children or women.

The E&S unit of the FMoT PIU will have dedicated person to be responsible for setting up and maintaining the GRM that allows general public in the project area and affected

communities or individuals to file complaints and to receive responses in a timely manner. The system will also record and consolidate complaints and their follow-up. This system will be designed for handling complaints perceived to be generated by the project or its personnel. It may also include disagreements about compensation and other related matters such as gender-based violence, sexual harassment and sexual exploitation and abuse.

5.5 Project Level GBV / SEA Risk Factors, Prevention And Response

A GBV risk assessment will be conducted for the project using World Bank's GBV risk assessment tool. Some identified risk factors can be linked to the following:

- i. Labor Influx in communities with low absorption capacity: the different components of the project have different levels of labor associated with them. For component 1, there might be significant labor influx associated with the development of the rail line in rural communities where absorption capacity might be low. Labor influx in an area with low absorption capacity can result in an increase in GBV risk.
- ii. Use of security personnel: armed police and military personnel may be engaged to provide protection for the infrastructure that is being set up in some locations under component 1 of the project. These security men although not direct employees of the project, will be present at project locations and will interact with local communities where project activities are taking place. Private security personnel will be engaged to complement security management activities by conducting patrols, observing and reporting security activities within an assigned beat, this could include access control.
- iii. Project in hard-to-supervise areas: parts of the project are in geographically very hard to reach areas & areas that can be considered to be of low absorption capacity for labour influx. Some of the project locations are very rural areas that are isolated. These are locations that are averagely 1.5 hours' drive from the nearest urban centre.

Conflict and humanitarian setting in Vulnerable States: Project activities will take place in States affected by the Boko Haram insurgency which has caused deaths, trauma and mass displacement of people from different locations. There is a large population of displaced and vulnerable people in these states. These vulnerable people who are experiencing hunger, trauma and breakdown in protection structures may interact with project staff who are buoyant and this may cause some paygap exploitation.

Actions for Prevention

- i. Standard Bidding Document to include requirements for Management Strategies and Implementation Plans (MSIP) to manage key environmental social, health and safety (ESHS) risk including GBV action plan and Code of Conduct.
- ii. Engage a variety of stakeholders (political, cultural or religious leaders, health teams,

local councils, social workers, women's organizations and groups working with communities.

- iii. GBV training for EPC contractor workers (including dedicated session on code of conduct).
- iv. Site inspection to verify and ensure existence of separate shower and toilet facilities are available for male and female.
- v. Provide technical support and capacity building for service providers where necessary.

Response to incidents of GBV

The response of the project to any incident of GBV will be guided by the following principles:

- i. **Survivor-centered approach:** A survivor-centered approach creates a supportive environment in which the survivor's rights and wishes are respected, their safety is ensured, and they are treated with dignity and respect. A survivor-centered approach is based on the following guiding principles
- ii. **Safety and Security:** Ensure the safety of the survivor, child and family at all times. Remember that s/he may be frightened and needs assurance that s/he is safe. In all types of cases, ensure that s/he is not placed at risk of further harm by the assailant. If necessary, undertake a safety assessment and ask for assistance from security, police, elders, community leaders or others who can provide security with the consent of the survivor. Maintain awareness of safety and security of people who are helping the survivor, such as family, friends, counselors, health care workers, etc.
- iii. **Confidentiality:** Respect the confidentiality of the survivor, child and their family at all times. If the survivor gives his/her informed consent, share only relevant information with others for the purpose of helping the survivor, such as referring for services. All written information about survivors must be maintained in secure, locked files. All identifying personal information (name, address, etc.) will be withheld in the reporting, compilation and sharing of data. Encourage other community members and actors to respect the confidentiality of the survivor and not gossip about a case which may increase the stigma of the survivor and discourage other survivors from seeking help in future. When relating to children make sure they understand that in some instances you may have to share the information with their caretakers or other appointed legal guardian to ensure the safety and security of the child.
- iv. **Informed Consent:** All actors must receive informed consent from the survivor, or legal guardian if working with a minor, prior to any response service or sharing of information. If the survivor cannot read and write an informed consent statement will be read up to the survivor and a verbal consent will be obtained. The survivor should have the option to provide limited consent where they can choose which information is released and which is kept confidential. The objective of informed consent is that the survivor understands what s/he is consenting and agreeing to. Children must be consulted and given all the information needed to make an informed decision using child-friendly techniques that encourage them to express themselves. Their ability to

provide consent on the use of the information and the credibility of the information will depend on their age, maturity and ability to express themselves freely.

- v. **Respect:** Offer information about available support services and respect the choice of the survivor concerning which services s/he wishes to access. Maintain a non-judgmental manner; do not judge the person or her/his behaviour or decision. Be patient; do not press for more information if s/he is not ready to speak about it. Ensure that children are participating in the decision-making process of services they can access, and are involved in all decision-making processes regarding referral and access to services.
- vi. **Non-Discrimination and Impartiality:** Ensure non-discrimination and impartiality in all interactions with survivors and in all service provision. All actors should provide services without discrimination based on age, sex, religion, clan, ethnicity, wealth, language, nationality, status, political opinion, culture, etc. All actors must be impartial.
- vii. **Do No Harm:** When documenting, reporting, monitoring or providing a service to a survivor, ensure that risks are not greater than the benefits to the survivor. Best Interest of the Child: In all cases concerning a child, the best interest of the child should be the primary consideration. Apply all the listed guiding principles to children, including their right to participate in decisions that will affect them. A child should be listened to and believed in, and their concerns should be taken seriously. If a decision is taken on behalf of the child, the best interests of the child shall be the overriding guide and the appropriate procedures should be followed. Best interest determination guidelines can also be consulted.

SEA/SH Grievance Mechanism

The project will establish a project level Grievance Redress Mechanism (GRM) specific to GBV incidents reporting. The Grievance Mechanism (GM) will include:

1. **Model:** The SEA/SH GM model to be utilized will be determined by the GBV NGO.
2. **Entry points:** Details of entry points where survivors feel safe and encouraged to come forward, which may serve as channels for reporting will be identified by the GBV NGO during community/stakeholder engagement as part of contract obligations for the mapping of GBV service providers.
3. **Service provider referrals and resources:** The GBV NGO will carry out mapping of GBV service providers and develop a pathway to refer survivors to GBV service providers and also explain how the referral pathway will be used by GM operators to make referrals.
4. **Operating protocol or procedures for SEA/SH GM model:** The GBV NGO with support from the GBV specialist will develop a standalone protocol for handling SEA/SH allegations. The protocol will cover what will happen if an

SEA/SH allegation is raised with the GM, how survivors will be provided with complete information about their options and referrals, and the plan for ethically collecting, sharing and storing data. The protocol will also outline how the GM will notify the PIU if the survivor chooses to report the allegation to the project and the contractor for potential action. This is anticipated to happen in December 2021.

5. **Training of SEA/SH GM actors:** The GBV NGO will identify and provide specialized training for all actors involved in the SEA/SH GM while the GBV specialist will provide ongoing support to enable them (i) to interact with survivors in an empathetic, non-judgmental way that prioritizes confidentiality and survivor choice; and (ii) to address the allegations in accordance with the protocols for SEA/SH cases.
6. **Communication:** The project Communications strategy will be reviewed and revised by the GBV NGO, the Communications, GBV and Social Specialists respectively to include key GBV messages, the requirements of Codes of Conduct and the behavioral standards they impose on project workers including a protocol to help communities understand (i) where to seek help and the GM channels available, (ii) what to expect if a complaint is raised, and what the GM and project will—and will not—be able to do and (iii) expectations for confidentiality. The protocol for these communications will also be outlined in the Stakeholder Engagement Plan to be developed by the Communications Specialist with support from the GBV Specialist and the Social Specialist.
7. **Timeline and budgets:** The time frame for finalizing the GM structure, the development of protocols, training of SEA/SH GM actors and other related tasks, as well as the budget will be finalized after contract negotiations with the GBV Specialist and GBV NGO. However, a tentative budget of \$190,000 has been approved in the project procurement plan.

Referral Pathways and GBV Service Providers

The project is yet to map service providers within the project's area of influence. However, there are some information collected from other projects in the shared database of the WB. The GBV Specialist and GBV NGO for this exercise will review the information prior to the mapping and include this information before finalizing the A&R framework.

Project-Level Incident Response (Actions by PIU and Contractor)

We have noted that any investigation that takes place by the contractor into an employee's allegedly wrongful will be in line with the Contractor's policies and with local labour law, which typically has a lower standard of evidence than criminal law. Thus, it is possible for an employee to be disciplined or terminated, even if the survivor does not choose to report to the police.

The SEA/SH GM, will link the project grievance mechanism to an existing service

provider to handle SEA/SH allegations. If a SEA/SH allegation report is received through the formal grievance mechanism, the GM operator refers the matter to the intermediary. The intermediary will provide immediate support services in its sphere of competencies, such as health or psychological support, and then refer the survivor to other relevant GBV service providers and coordinate with the project GM operator on the survivor's behalf with the survivor's consent.

5.6 Occupational Health and Safety

FMOT occupational health and safety (OHS) measures will be designed and implemented to address issues relating to that of Mota-Engil. In addition, Contractor shall be encouraged to include the following in their OHS management plan:

- Identification of potential hazards to project workers, particularly those that may be life threatening.
- Provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances.
- Training of project workers and maintenance of training records.
- Documentation and reporting of occupational accidents, diseases and incidents.
- Emergency prevention and preparedness as well as response arrangements to emergency situations.
- Remedies for adverse impacts such as occupational injuries, deaths, disability and disease.

5.7 Continuous Improvement

FMOT is committed to continuously improve the effectiveness of its ERSMS Policies and Procedures. To achieve this objective, FMOT will employ a systematic approach using the Deming (PDCA) cycle to monitor and review the progress of the ESMS.

The PDCA cycle is an active and a continuous circle which starts from the "Plan" stage and only ends on the achievement of the desired goal. At the end of the first cycle, the process would have garnered better instructions, standards and goals, proceeding to the next cycle with a better baseline and inevitably a better outcome. This is illustrated in Figure 5.2 following.

Deming Cycle

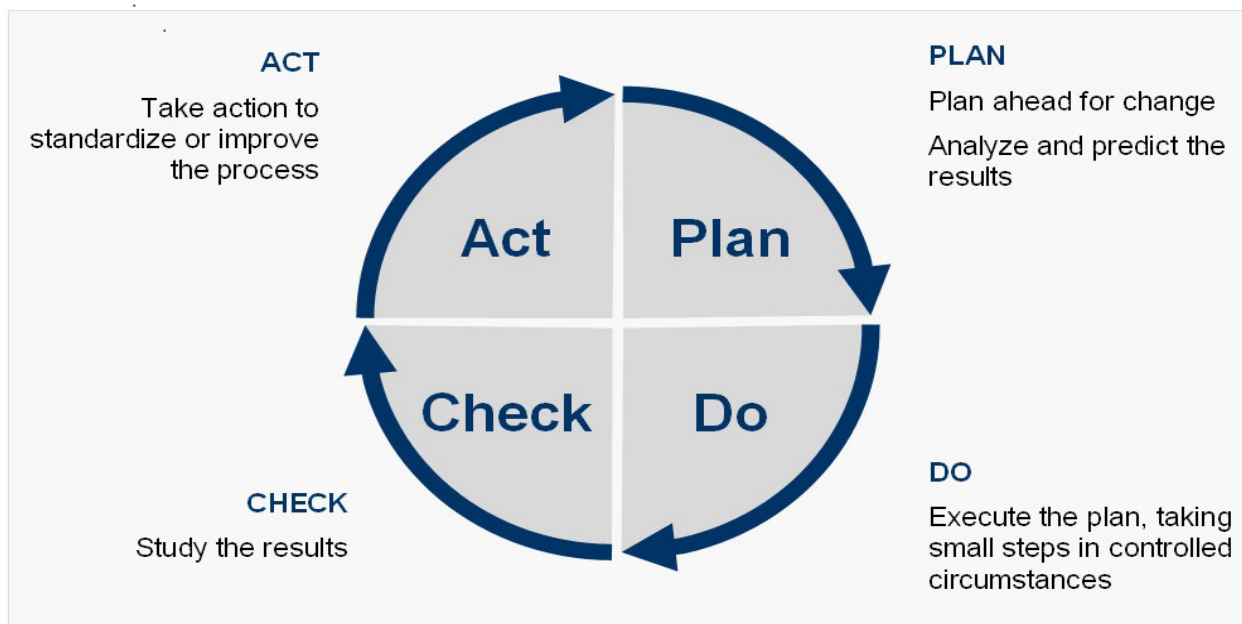


Figure 5.2: PDCA Cycle

PLAN: FMoT will create a roadmap that aims to ensure that all negative impacts that may emanate from the project are either avoided, minimized or compensated for, bringing negative impacts to as low as reasonably practicable while amplifying the positive impacts.

DO: FMoT will conduct periodic interviews and surveys with communities and employees, inspections and testing of railway constructions. Also, regular meetings with Senior Management (organized by the E&S unit) to review:

5.8 Budget and Training

FMoT-PIU will allocate resources to prepare and distribute ESMS documentation and materials, to train FMoT staffs including regional staffs on ESMS procedures, and to account for staff time to perform their ESMS responsibilities in their day-to-day duties to ensure effective ESMS implementation across the organization and by the Contractor.

FMoT Senior management is responsible for allocating and approving the budget for developing and maintaining the ESMS, including: (i) staff time for development of guidelines and procedures; (ii) staff time for appraisal and supervision, (iii) training, (iv) consultants, (v) logistics for site visits when required.

The E&S unit of the FMoT-PIU will be responsible for:

- Assessing internal capacity and track the progress and development of employees and skills with regard to ESMS understanding and performance and undertake training need identification exercise at regular periodic intervals in consultation with the employees and senior management.
- Assessing capacity of the Contractor to implement their ESMS on a regular basis, including quality and consistency of implementation based on Contractor reporting, as well as regular monitoring and supervision activities.
- Preparing and implementing a Capacity Building and Training Plan addressing skills and training gaps identified, future training needs defined and training to be rolled out.
- Liaising with the FMEnv and the World Bank and other shareholders in order to identify and leverage efficiencies in providing training and capacity building for Contractor on E&S issues.

The Capacity Building and Training Plan for E&S risk management, including budget, as contained in the ESMF, would be reviewed and approved by Senior Management to ensure that it is integrated as part of FMOT overall project delivery framework.

Annex 1: Core Components of an Environmental and Social Management System

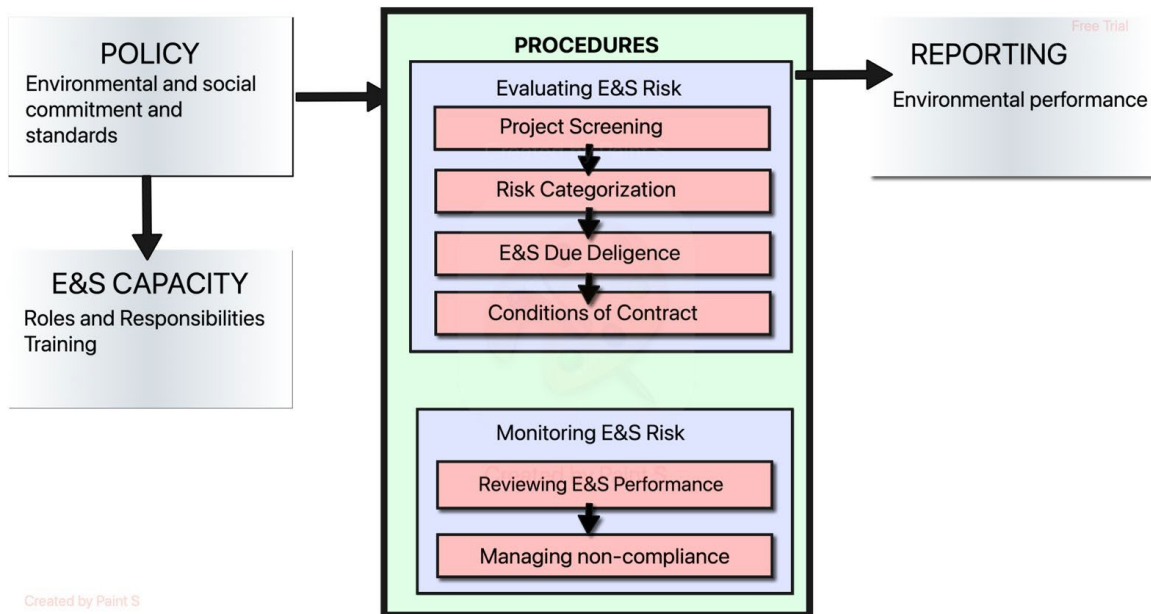


Figure 4. Core component of an Environmental and Social Management Plan

Annex 2: Sample Checklist for Initial Environmental and Social Screening

The purpose of this checklist is to identify potential environment and social issues related to project development, construction and operation.

(A) Project Background

1.	Name of Proposed Project	
2.	Location	
3.	Size of the Community (Population)	
4.	Project objectives	
5.	Brief description of the project	
6.	Total Length of the corridor	
7.	Number of Stations	
8.	Capacity per station	
9.	Stations area, m ²	

(B) Project selection criteria

Sl. No	Screening Question	Yes	No	Comments (In the case select "yes", provide detailed information)
1.	Are there any activities on the FMoT Exclusion Criteria for railway line and stations?			
2.	Is there indication of: a. Significant adverse impacts on ecologically sensitive areas ⁸ b. Involuntary resettlement or economic displacement c. Significant adverse impacts on cultural heritage			

3.	If yes, can these impacts be eliminated or reduced to acceptable levels through adequate application of mitigation measures?			
----	--	--	--	--

(C) Environmental and Social Screening

Sl. No	Screening Questions	Yes	No	Comments (In the case select "yes", provide detailed information)
Project's siting				
1.	Define project's boundaries and area of influence			
2.	Is the project site adjacent to or within any of the following sensitive receptors?			
	i. Natural habitats and/ or legally protected areas (wetlands, forests, estuary, buffer zones, nature reserves); if yes, is there possibility of a critical habitat present?			
	ii. Cultural heritage site			
	iii. Fragmentation of habitat of flora and fauna (Avifauna and mammalian fauna)?			
	iv. Is the proposed site located on agricultural land?			
	v. Is the proposed site located on area used by vulnerable groups			
	vi. Unique or aesthetically valuable land			
	ii. Is the proposed site located nearby airport			
	iii. Is the proposed site located in migratory route of birds			
Potential Environmental Impacts				
1.	Impacts on natural resources that constitute livelihoods of community (e.g. grazing or hunting grounds)?			
2.	Disfiguration of landscape?			
3.	Is there potential for landslide and soil erosion impacts?			

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Sl. No	Screening Questions	Yes	No	Comments (In the case select "yes", provide detailed information)
4.	Increase in waste generation?			
5.	Waste water from camping sites to be directly discharged to the surface water resources or not?			
6.	Construction waste directly discharged to the surface water?			
7.	Other potential biodiversity impacts (specify)?			
8.	Loss or destruction of unique or aesthetically valuable land			
9.	Disturbance of large areas due to material quarrying			
10.	Disposal of large quantities of construction spoils			
Potential Community and Occupational Health and Safety Impacts				
1.	Will the construction works disturb other commercial/community/residential activities?			
2.	Will the project create major noise/vibration?			
3.	Closest residence to the project			
4.	Will it create dust problem around the sites?			
5.	Will project's construction cause disturbance to the transportation in the project's site?			
7.	Will there be social conflict in case of workers hired from other region?			
Potential Social Impacts				
8.	Permanent land acquisition			
9.	Temporary land acquisition			
10.	Type of land Private land Public land Government land Leasehold land			
11.	Type of land procurement Voluntary land donation (VLD) Involuntary acquisition Negotiation			
12.	Loss of productive land			
13.	Impacts on livelihoods/ economic displacement?			

Sl. No	Screening Questions	Yes	No	Comments (In the case select "yes", provide detailed information)
14.	Is there any household need to be relocated?			
15.	Is the resettlement site environmentally and/or culturally sensitive?			
16.	Project's construction will cause any damage to the existing local roads system?			
17.	Will soil excavation during project's construction cause soil erosion?			
18.	Will project need to open new access roads?			
19.	Will project cause encroachment on historical/cultural/religious areas?			
20.	Acquisition of private land leading to loss of shelter and livelihood			
21.	Involuntary land taking resulting in loss of income, livelihood, sources of livelihood, loss of access to common property resources and/or private residential and/or property resources			
22.	Adverse impact to women and girls including economic and safety concerns			
23.	Cultural, gender, and social norms and practices, particularly those which are harmful to women and girls that would be exacerbated as a result of project implementation.			
24.	Possible conflicts with and/or disruption to local communities			
25.	Any significant issues raised by the stakeholders during consultation including potential impacts of GBV/SEA			
26.	Uncontrolled human migration into the area, made possibly by the subproject activities and risk of GBV/SEA			
27.	Disproportionate impacts on the poor, children and other vulnerable groups			

Sl. No	Screening Questions	Yes	No	Comments (In the case select "yes", provide detailed information)
28.	Community health and safety risks due to the transport, storage, and use and/or disposal of materials likely to create physical, chemical and biological hazards			
29.	Risks to community safety due to both accidental and natural hazards during project construction and operation			

Annex 3: Sample Environmental and Social Management Plans (ESMP)

The Environmental and Social Management Plan (ESMP) clearly laid out: (a) the measures to be taken during both construction and operation phases of the project to eliminate or offset adverse environmental impacts, or reduce them to acceptable levels; (b) the actions needed to implement these measures; and (c) a monitoring plan to assess the effectiveness of the mitigation measures employed.

The following table provides generic examples of common mitigation measures for various identified impacts which would be found in a typical ESMP. The table should be considered as generic guidance only; actual mitigations and management measures will need to be confirmed on a subproject basis as part of the ESIA process.

Table 3. Generic Examples of Environmental Mitigation Measures in ESMP

Issue	Key Principle/Mitigation Standard	Mitigation Measures
General Issues:		
Water supply affecting ecology or neighboring community water supply.	Camp to provide its own water supply that does not affect village water supply.	Any water supply sources should be located so that it does not adversely affect the villages supply. The intake of water from streams for water supplies should leave residual flows in the watercourses. Storage tanks should be used to buffer water supplies.
Wastewater discharges affecting water quality	Wastewater to be treated prior to discharge.	Sewerage disposal methods should be designed to the standards outlined by the government
Solid waste polluting the environment and causing health hazards	No waste to be burnt or buried on site.	All solid wastes shall be removed from site and disposed of at a landfill.
Affected community health & safety	Avoid adverse impacts from both routine and non-routine circumstances	Evaluate the risks and impacts during project life-cycle; establish preventive and control measures; prepare emergency preparedness and response.
Labor Issues:		
Fairness of employment	Promote the fair treatment, non-discrimination, and equal opportunity	It will not make employment decisions on the basis of personal characteristics unrelated to inherent job requirements. The same employment treatment and career opportunities will be offered to both male and female employees non-discriminatingly.

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Issue	Key Principle/Mitigation Standard	Mitigation Measures
Terms of employment	Establish, maintain, and improve the worker-management relationship	Adopt proper HR policies and procedures; provide workers with documented information that is clear and understandable, regarding their rights under national law. Provide and inform workers of an internal grievance process for workplace concerns.
Force labor and/or child labor	Not employ forced labor or child labor.	All work of persons under the age of 18 will be subject to an appropriate risk assessment and regular monitoring on health, working conditions and hours.
Employment of migrant vs. local labor	Compliance & fair treatment	Comply with national and local migrant worker regulation; employ only legal migrant workers; fair treatment to all workers.
Management of migrant labor	Ensure safety and fair treatment	Prevent labor camps, provide decent workers accommodation, and prepare measures to gender- based violence /sexual exploitation and HIV/AIDS issues
Occupational health & safety	Promote safe and health working conditions, and the health of workers	Provide a safe and healthy work environment, consider inherent risks, hazards, and specific threats to women. Take steps to prevent accidents, injury, and disease arising from, associated with, or occurring in the course of work.
General Construction Issues:		
Noise of machinery associated with construction activities	Noise shall not unreasonably intrude on traditional village life.	Keep a current list of all noise producing machinery and noisy activities; Operate machinery only during designated hours in agreement with local communities; Adopt a grievance mechanism that will enable capturing and addressing issues upfront
		Work to be carried out in daylight, in typical working hours. Concrete batching plants and other noisy equipment to be located as far as practical from settlements
Dust generation from construction activities	Dust shall not cause a hazard or nuisance to village life.	Dusty operations to occur only during designated hours. Adopt a grievance mechanism. Concrete batching plants and other dusty equipment to be located as far as practical from settlements.

Issue	Key Principle/Mitigation Standard	Mitigation Measures
Vibration disturbance from construction activities	Vibration shall not unreasonably intrude on traditional village life.	Keeps a list of all vibration producing machinery and activities causing vibration. This machinery operation to occur only during designated hours (to be confirmed by contractor in agreement with villages). Use of complaints register and procedures to address issues as they arise.
Increased utilization of roads by traffic associated with construction activities	There should be no significant increased risk to local populations from traffic associated with the development.	Road upgrades, including signage, speed humps, re- grading. Training of locals regarding the hazards of traffic. Training of vehicle drivers regarding the driving risks through villages and along remote roads. Use of complaints register and procedures to address issues as they arise.
Pollution risk activities occurring on site	Develop appropriate storage, transport and use practices for storage and handling of mixed classes of dangerous goods in packages and intermediate bulk containers. There shall be no solid or liquid waste disposal directly or indirectly to any water course (whether flowing or not).	Keeps a current list of all potentially contaminating materials used on site. Develop and implement appropriate storage, transport and use practices to recognized standards. Solid waste disposal shall be taken off site.
Excavation and Blasting:		
Noise disturbance of local populations	Noise shall not unreasonably intrude on traditional village life.	Keep lists of all noise producing equipment. This machinery operation to occur only during designated hours (to be confirmed by contractor in agreement with villages). Blasting to occur at the same time each day, and / or a warning siren should sound prior to blasting.

Issue	Key Principle/Mitigation Standard	Mitigation Measures
Vibration disturbance of local populations	Vibration shall not unreasonably intrude on traditional village life.	<p>Keep current lists of all vibration producing machinery</p> <p>This machinery operation to occur only during designated hours (to be confirmed by contractor in agreement with villages).</p> <p>Blasting to occur at the same time each day, and / or a warning siren should sound prior to blasting</p>
Material Stockpiling:		
Runoff of suspended sediments from stockpiles	Stockpiling activities should not give rise to storm water containing elevated suspended solids. Provide treatment to achieve 75% reduction in suspended solids.	<p>No direct discharge of sediment laden water without treatment.</p> <p>Stockpiles should be compacted as much as practical and not be exposed for extended periods. Storm water should be diverted around stockpiles.</p>
Dust generation from stockpiles	Dust shall not cause a hazard or nuisance to village life.	<p>Stockpiles should be compacted and not exposed for extended periods.</p> <p>Stockpiles should be reused as soon as practicable.</p>
Soil / Overburden Removal and Placement:		
Generation of suspended solids from bare ground and runoff into watercourses	Development activities should not give rise to storm water containing elevated suspended solids. Provide treatment to achieve 75% reduction in suspended solids.	<p>No direct discharge of sediment laden water without treatment.</p> <p>Earthworks and land clearance should be minimized and phased.</p> <p>Any discharges to watercourses should occur during high flow and / or discharged as close to the outfall as possible to maximize mixing.</p> <p>Stockpiling should occur at least 10m from a water course.</p> <p>Re-vegetation of exposed areas as soon as practicable.</p> <p>Timing of works around the drier seasons where possible.</p> <p>Provision of storm water cut off drains wherever</p>

Issue	Key Principle/Mitigation Standard	Mitigation Measures
		possible.
Introduction of invasive species	Fill material should not contain invasive species.	The use of imported fill shall be minimized. Machinery should be cleaned prior to working on site to reduce the opportunity of the spread of weed seeds.
Disturbance of natural habitats for spoil / alluvial material.	Soils should be reused where possible in the development – to reduce the need for spoil sites and the need to import fill.	Stockpile and reuse soils before excavating new soils / alluvium.
Efficiency of control measures over time	Control measures should continue to work appropriately throughout the construction period.	Earthworks control measures should be inspected and maintained in efficient operating condition over the construction period.
Community nuisances.	Noise and dust shall not unreasonably intrude on traditional village life.	Concrete batching plants and other noisy / dusty equipment to be located as far as practical from villages.
Works in and near Rivers:		
Sediment discharges arising from working in and near the river. For blasting in or near the river, refer to the blasting issues, above.	Work in the wetted area of the riverbed should be minimized, and only in relation to the construction works, weir and intake structure or to insert culverts for stream crossings.	Stabilize works at the end of each working day and prior to storm events. Do the work during low flow periods. Works shall be minimized. Diversion of the river around the work area where possible.
Community impacts:		

Issue	Key Principle/Mitigation Standard	Mitigation Measures
Key Considerations for a Communication Strategy to avoid deterioration of current quality of life and traditional livelihoods	Communication channels are established between Villagers, Construction Supervisors, and state PCUs to facilitate information flow and easier process for lodging complaints	<p>Set up a communication network for discussing issues between contractors and the villagers and the state PCUs built on recognized negotiation structures.</p> <p>Contractors will have an Environmental Specialist, OHS Specialist, and Social Specialist on site to ensure conformance with environmental health and safety guidelines and to respond to complaints</p> <p>A Health Program - as well as measures for prevention of gender-based violence, sexual exploitation, and HIV/AIDS - to be included in the Contractor's Construction and Workers Camp Management Plan. This will be made available to the communities.</p> <p>Education and orientation of outside workers to local culture and social norms before the start of work.</p> <p>Camps to be self-sufficient in resources and services. (refer to the workers camp table below)</p>
		Villagers shall be adequately informed of all potential hazards to health and safety with regards to increased traffic, blasting, machinery operation
Labor influx and gender-based violence, sexual exploitation	Labour influx management plans to ensure that SEA/SH risks are managed.	<p>Sensitization campaigns for workers and communities, with special emphasis on vulnerable groups (such of women)</p> <p>Code of conduct and training for workers and managers on the construction sites</p> <p>Locations of labor camps away from sensitive receptors in communities (e.g. schools)</p>

Issue	Key Principle/Mitigation Standard	Mitigation Measures
Traffic causing safety risks to road users	Construction traffic will be managed to minimize the impact on existing road users.	Signage to be used to identify current risks to road users. Construction Supervision consultancy and Contractors to discuss major traffic issues with village representatives prior to the event to discuss course of action. Heavy traffic to avoid the hours when school children walk to and from school.
Sediment affecting river water uses.	Sediment discharges to the river shall be minimized.	Refer to the sections above discussing erosion and sediment control.

The table below provides another example of how an ESMP with the specific environmental & social management plans typically would present the association between project activities, their impacts, the specified mitigation measures, institutional arrangements and costs for their implementation.

Table 4. Sample ESMP Responsibilities and Costs

Implementation Items	Description	Timing	Responsible	Costing
All specific environmental & social management plans	Air Quality Management Plan	At the beginning of project implementation phase	Contractor	All costs are embedded in the respective management plans
	Noise Management Plan			
	Borrow Pit Management Plan			
	Stakeholders Engagement Plan			
	Waste Management Plan			
	Construction and Worker Camp Management Plan			
	Wastewater Management Plan			
	Biodiversity Management Plan			
	Traffic Management Plan			
	Chance Finds Procedure			
	Cultural Heritage Management Plan			
	Demolition Management Plan			
	Dust Management Plan			
	Hazardous Materials Management			

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Implementation Items	Description	Timing	Responsible	Costing
	Plan			
	Soil Management Plan			
	Water Management Plan			
	Spill Management Plan			
	Resettlement Action Plan			
	Livelihood Restoration Plan			
Training	Perform A Training Plan Outlining Training;	During the construction phase	Contractor	
	Requirements, Topics and Areas of Capacity Building			
	Identified Courses/Seminars;			
	Identify Staff Requiring Training			
	Implement Training Plan			

Annex 4: ILO Occupational Safety and Health Requirement

The ILO Constitution sets forth the principle that workers must be protected from sickness, disease and injury arising from their employment.

Key instruments on occupational safety and health

1. Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)- [ratifications] As an instrument setting out a promotional framework, this Convention is designed to provide for coherent and systematic treatment of occupational safety and health issues and to promote recognition of existing Conventions on occupational safety and health. The Convention is aimed at establishing and implementing coherent national policies on occupational safety and health through dialogue between government, workers' and employers' organizations and to promote a national preventive safety and health culture.

2. Occupational Safety and Health Convention, 1981 (No. 155) - [ratifications] and its Protocol of 2002 - [ratifications]

The convention provides for the adoption of a coherent national occupational safety and health policy, as well as action to be taken by governments and within enterprises to promote occupational safety and health and to improve working conditions. This policy shall be developed by taking into consideration national conditions and practice. The Protocol calls for the establishment and the periodic review of requirements and procedures for the recording and notification of occupational accidents and diseases, and for the publication of related annual statistics.

3. (Occupational Health Services Convention, 1985 (No. 161) - [ratifications]

This convention provides for the establishment of enterprise-level occupational health services which are entrusted with essentially preventive functions and which are responsible for advising the employer, the workers and their representatives in the enterprise on maintaining a safe and healthy working environment.

Annex 5: Sample Environmental and Social Impact Assessment (ESIA)

Executive Summary

This section shall describe the project activities, critical environmental and social issues, significant findings and recommended actions.

1. Introduction

- i. Background of the project
- ii. Scope and objectives of the ESIA study
- iii. Study methodology in details
- iv. Limitations of the study
- v. Composition of study team

2. Policy, Legal and Administrative Framework

- i. National and local requirements and relevant legislation
- ii. FMoT's requirements and guidelines
- iii. Investors requirements and guidelines (if applicable)

3. Description of the project

- i. Background and Rational of the Project
- ii. Project Site and Location
 - Description of the location of the proposed project with maps
 - Project area of influence
 - Nearby communities, environmentally sensitive areas, and heritage sites
- iv. Technical Aspects
 - Description of the project components, permanent and temporary facilities
 - Project equipment and civil works
 - Project ownership
 - Summary of project structures and operating regime
 - Construction activities
 - Operation and maintenance
 - Manpower requirements (including local and migrant workforce)
 - Construction machinery, materials and other supplies (including estimated numbers/quantities)
 - Land filling activities (if any)
 - Power supply arrangements

- Waste generation and disposal (including estimated quantities)

4. Baseline Environmental Conditions

4.1 Physical Environment

- i. Topography
- ii. Geological Condition
- iii. Meteorological Condition (rainfall, temperature, humidity, wind speed)
- iv. Air Quality
- v. Noise Quality
- vi. Surface and Ground water quality
 - Surface:(testing of: pH, TDS, DO, COD, BOD)
 - Ground:(testing of: pH, Arsenic, TDS, alkalinity, Cl, Fe)
- vii. Project location from flood level
- viii. Soil Quality
- ix. Water resources
- x. Agro-ecological zones within project area of influence
- xi. Seismicity
- xii. Climate change and natural disasters
- xiii. Land use

4.2 Biological Environment

- i. Bio-ecological environment
 - ii. Flora and Fauna
 - iii. Protected areas
 - iv. Terrestrial Ecosystem, Protected areas and IUCN Red List of Threatened Species
 - v. Vulnerability to Climate Change and Natural hazard
 - Explain in detail about how the project will be affected by the climate change impact
 - Explain how the project is vulnerable to various natural calamities including flood, earthquake, drought, cyclone and so on

5. Social Impact Assessment

5.1 Baseline Socio-economic Conditions

- i. Distribution of population in the project area in terms of religion, age, sex, ethnicity, income, household size, occupational patterns and their relevance with the project, poverty
- ii. Project land

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- iii. Land use and ownership (including traditional use and ownership)
- iv. Cropping and/or grazing patterns
- v. Vulnerability of the Affected Peoples (APs)
- vi. Employment
- vii. Livelihood
- viii. Physical and cultural resources (school, health post/ hospital, college, temple, monasteries etc.) in the project area
- ix. Communication facility
- x. Local amenities
- xi. Access to electricity
- xii. ethnicity,
- xiii. Gender inclusion/exclusion,
- xiv. Conflict management

5.2 Potential Social Impacts²²

- i. Overview of stakeholder and institutional analyses and a description of the data and information gathered
- ii. Description of potential adverse impacts on communities
- iii. Description of potential adverse impacts specifically on women and girls
- iv. Analysis of SEA/SH risks and resources
- v. Description of the legal and institutional context pertaining to vulnerable groups in the country including SEA/SH
- vi. Description of potential benefits for communities, especially vulnerable groups
- vii. Recommendations for project design and implementation, including recommendations to ensure that project benefits are culturally appropriate and sustainable, and recommendation for appropriate mitigation measures for any adverse impacts.
- viii. Recommendation for capacity building and institutional strengthening of local communities

6. Analysis of Project Alternatives

- i. Reason to choose the technology
- ii. Without project alternative
- iii. Site Alternative
- iv. Distribution line routes
- v. Other temporary and permanent facilities

7. Stakeholder engagement including Grievance Redress Mechanism

Stakeholder engagement process shall be conducted with the community and other stakeholders, and especially take into account modalities where vulnerable groups may be

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involved. The consultation shall include prior disclosure of information in a manner accessible and understandable to communities, key informant interviews, focus group discussion (male & female, youth) and public consultation. The consultation shall be documented with required facts, figures and evidence including participant list with contact details, photographs. Information shall be disclosed as per the requirement of National Regulations and relevant requirements of FMoT. This section shall describe the grievance redress mechanism.

8. Anticipated Environmental and Social Impacts and Mitigation Measures

- i. General
- ii. Area of Influence (AoI)
- iii. Pre-construction Phase
 - Land taking/Land use / land filling
 - Flood Hazards
- iv. Construction Phase, Operational Phase and Decommissioning Phase
 - Visual Amenity
 - Birds and Bats Mortality
 - Air Quality
 - Noise
 - Soil
 - Water Resources
 - Terrestrial Ecology
 - Waste Generation
 - Occupational Health and Safety
 - Community Health and Safety
 - Vulnerable Community
 - SEA/SH
 - Employment Opportunities
 - Traffic Management
 - Archaeology and Cultural Resources
 - Cumulative and induced impacts
- v. Summary of Anticipated Impacts

9. Environmental and Social Management Plan (ESMP)

This section deals with the set of mitigation management measures to be taken to avoid, reduce, mitigate or compensate for adverse environmental, occupational and social impacts with the

institutional arrangement, monitoring schedule, parameters to be monitored and soon including tentative monitoring budget. It would include the following aspects:

- Types of impacts and their mitigations
- Mitigation measures
- Environmental Code of Practices (to be attached to bidding documents and/ or contracts)
- Monitoring Plan
- Communication and documentation
- Cost of ESMP
- Integration with Project (contract clauses, others)
- Grievance resolution process
- Plan for stakeholder/ community engagement during pre-construction, construction, and operation phases; the plan should include community mobilization approach from both social and commercial perspectives.

10. Resettlement Action Plan (RAP) and Livelihood Restoration Plan (LRP)

This section deals with potential project activities involving land acquisition and/or restrictions on land use resulting in involuntary resettlement or economic displacement. A detailed RAP and/or LRP will be required in case of any displacement.

11. Environmental and Social Benefits

This section will summarize how the project will provide benefits in environmental sector and social life, directly and/or indirectly.

12. Conclusion

This section shall provide the conclusion drawn from the assessment and provides recommendation.

Annex 6: Sample of Outline of a Resettlement Action Plan (RAP)

1. *Description of the project:* General description of the project and identification of the project area.
2. *Potential impacts:* Identification of
 - (a) the project component or activities that give rise to resettlement.
 - (b) the zone of impact of such component or activities;
 - (c) the alternatives considered to avoid or minimize resettlement; and
 - (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.
3. *Objectives and studies undertaken:* The main objectives of the resettlement program and a summary of studies undertaken in support of resettlement planning / implementation, e.g., census surveys, socio-economic studies, meetings, site selection studies etc.

4. *Regulatory framework*: Relevant laws of the country, policies and procedures, performance standards.
5. *Institutional framework*: Political structure, NGOs.
6. *Stakeholder engagement*: Summary of public consultation and disclosure associated with resettlement planning, including engagement with affected households, local and/or national authorities, relevant CBOs and NGOs and other identified stakeholders, including host communities.
7. *Socioeconomic characteristics*: The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people.
8. *Eligibility*: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
9. *Valuation of and compensation for losses*: The methodology used in valuing losses to determine their replacement cost²³; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.
10. *Magnitude of displacement*: Summary of the numbers of persons, households, structures, public buildings, businesses, croplands, churches, etc., to be affected.
11. *Entitlement framework*: Showing all categories of affected persons and what options they were/are being offered, preferably summarized in tabular form.
12. *Livelihood restoration measures*: The various measures to be used to improve or restore livelihoods of displaced people.
13. *Resettlement sites*: Including site selection, site preparation, and relocation, alternative relocation sites considered and explanation of those selected, impacts on host communities.
14. *Housing, infrastructure, and social services*: Detailed plans to provide or to finance housing, infrastructure, and social services to resettlers and comparable services to host population.
15. *SEA/SH mitigation and response measures*: Detailed plans to mitigate and respond to SEA/SH risks during and after resettlement. Keeping in mind when women lack land rights, risk for SEA/SH are further heightened.
16. *Grievance procedures*: A description of the project's grievance mechanism, including an affordable and accessible third-party settlement procedure for resettlement related disputes.
17. *Organizational responsibilities*: The organizational framework for implementing resettlement.
18. *Implementation schedule and budget*: A detailed implementation schedule and budget.

Monitoring, evaluation and reporting: A description of plans for resettlement monitoring and evaluation.

²³ Replacement cost defined as the market value of the assets plus transaction costs.

Annex 7: Sample of an Outline of a Livelihood Restoration Plan (LRP)

1. *Description of the project:* A brief description of the project components for which land acquisition and resettlement are required.
2. *Legal and Institutional Framework:* A description of the legal context within which the displacement operation will take place, including an analysis of local legislation, international standards requirements, the gaps between the two and how the project should fill such gaps.
3. *Socio-Economic Environment & Baseline Survey Findings of the affected area:* A socio-economic baseline of the affected communities, drawing from the census, the asset inventory and the socio-economic survey. An assessment of the various relocation sites considered and the justifications for the final site/s selected.
4. *Identification of Project Impacts:* An outline of the project's economic displacement impacts and how the project's design plans are being influenced by the important need to avoid / minimize such resettlement impacts. Consideration for how displacement will specifically impact women and girls must be included.
5. *Eligibility:* A definition of the criteria to be used to determine eligibility for compensation and other resettlement assistance.
6. *Entitlement:* A tentative entitlements matrix, a summary of which will be disclosed to the affected communities.
7. *Valuation and Compensation:* Methodology in evaluating level economic displacement and a description of the compensation package options and the livelihood restoration options that affected people will be asked to choose between.
8. *Livelihood Restoration and Enhancement:* The various measures to be used to restore, and improve whenever is feasible, the livelihoods of economically displaced people.
9. *Vulnerable Assessment and Assistance:* A description of dedicated assistance to vulnerable groups, such as women, elderly population etc.
10. *Stakeholder Engagement:* A description of the consultation and engagement strategy that is, and will be, used in the design and implementation of the livelihood restoration activities. A summary of the local views thus far expressed in the consultation and engagement process, and how these views have been taken into account in LRP development.
11. *Institutional Arrangements:* An analysis of the project's existing institutional framework, including the identification of responsible agencies, an assessment of institutional capacity and proposed capacity enhancement measures to be carried out to enable the institutional framework to implement the resettlement operation effectively.

12. Grievance Mechanism: A description of the project's grievance mechanism and its relevance to livelihood restoration.

13. Monitoring and Evaluation: A description of plans for livelihood monitoring and evaluation.

14. Implementation Schedule and Compensation Budget: A detailed implementation schedule and budget.

Annex 8: Outline for a Stakeholder Engagement Plan

A good Stakeholder Engagement Plan should:

- Describe regulatory, lender, company, and/or other requirements for consultation and disclosure.
- Identify and prioritize key stakeholder groups, focusing on Affected Communities.
- Provide a strategy and timetable for sharing information and consulting with each of these groups.
- Describe resources and responsibilities for implementing stakeholder engagement activities.
- Describe how stakeholder engagement activities will be incorporated into a company's management system. The scope and level of detail of the plan should be scaled to fit the needs of the project.

1. Introduction

Briefly describe the project, including design elements and potential social and environmental issues. Where possible, include maps of the project site and surrounding area.

2. Regulations and Requirements

Summarize any legal, regulatory, lender, or company requirements pertaining to stakeholder engagement applicable to the project operations. This may involve public consultation and disclosure requirements related to the social and environmental assessment process.

3. Summary of any Previous Stakeholder Engagement Activities

If the company has undertaken any activities to date, including information disclosure and/or consultation, provide the following details:

- Type of information disclosed, in what forms, and how it was disseminated
- The locations and dates of any meetings undertaken to date
- Individuals, groups, and/or organizations that have been consulted
- Key issues discussed, and key concerns raised
- Company response to issues raised, including any commitments or follow-up actions
- Process undertaken for documenting these activities and reporting back to stakeholders

4. Project Stakeholders

List the key stakeholder groups who will be informed and consulted about the project. These should include persons or groups who:

- are directly and/or indirectly affected by the project
- have "interests" in the project that determine them as stakeholders
- have the potential to influence project outcomes or company operations

5. Stakeholder Engagement Program

- Summarize the purpose and goals of the program
- Briefly describe what information will be disclosed, in what formats, and the types of methods that will be used to communicate this information to each group
- Briefly describe the methods that will be used to consult with each group
- Describe how the views of women, girls and other relevant sub-groups will be taken into account during the process in a safe and enabling environment.
- Describe any other engagement activities that will be undertaken

6. Timetable

Provide a schedule outlining dates and locations when various stakeholder engagement activities, including consultation, disclosure, and partnerships will take place and the date by which such activities will be incorporated into the company's management system.

7. Resources and Responsibilities

Who within the company will be responsible for carrying out these activities? What budget has been allocated toward these activities? Indicate what staff and resources will be devoted to managing and implementing the Stakeholder Engagement Program. Integration of the community liaison function with other core business functions is also important, as is management involvement and oversight.

8. Grievance Mechanism

Describe the process by which people affected by the project can bring their grievances to the company for consideration and redress. Who will receive public grievances, how and by whom will they be resolved, and how will the response be communicated back to the complainant?

9. Monitoring and Reporting

Describe any plans to involve project stakeholders (including affected communities) or third-party monitors in the monitoring of project impacts and mitigation programs. Describe how and when the results of stakeholder engagement activities will be reported back to affected stakeholders as well as broader stakeholder groups?

10. Management Functions

How will stakeholder engagement activities be integrated into the company's environmental and social management system and with other core business functions?

- Who will have management oversight for the program?
- What are the plans for hiring, training, and deploying staff to undertake stakeholder engagement work?
- What will be the reporting lines between community liaison staff and senior management?
- How will the company's stakeholder engagement strategy be communicated internally?
- What management tools will be used to document, track, and manage the process?

For projects or company operations involving contractors, how will the interaction between contractors and local stakeholders be managed to ensure good relations

Annex 9: Sample Self-Monitoring Checklist

Issues/aspects	Location	Mitigation measure	Key verifiable indicator	Person responsible	Remarks	Cost (Nigerian naira)
Construction						
1.						
2.						
Etc.						
Operation						
1.						
2.						
Etc.						

Annex 10: Sample Regular E&S Report to FMoT

Name & Address of Contractor (the Company)			
Completed by (staff name, E&S manager/ coordinator):			
Contact Person Phone #:		Email:	
Position in Company:		Date:	
Reporting Covering From:		To:	

Land Acquisition Details

Project Location	Is involuntary resettlement or economic displacement needed? (Y/N)	Has RAP/ LRP been prepared ? (Y/N)	Has community donated land to the project? (Y/N)	Type of ownership (individual/ family or community) and amount of land donated (m ²)	Has additional land been purchased? (Y/N)	Has additional land been leased? (Y/N)

3. Progress on ESMS Implementation

Compliance	Yes/No	If yes, please provide details
Has the contractor encountered any difficulties and/or constraints related to the implementation of the ESMS?		
Has there been any incident or accident related to resettlement (physical and/or economic)?		
Has the company got warning and/or fines?		
Has there been any complaints from affected person and communities? If yes, describe nature of complains and proposed or agreed resolution?		
Has the budget/resources to implement the proposed E&S change(s) been committed?		
Has the company conducted E&S monitoring for projects? Please describe process and outcomes.		
Have there been any updates to the company's E&S Policy?		
Is there any E&S personnel (staff or consultant) change?		
Is there any E&S staff training including training on GBV and staff code of conduct?		
Is there an internal process to report on E&S issues to senior management?		
Is there any new public communication and/or stakeholder engagement on E&S issues? <i>Describe specific activities during reporting period</i>		
Other E&S issues/concerns		
Is there any internal confidential reporting with safe and ethical documenting of GBV cases and referral to appropriate GBV service provider?		

Signature _____

Date _____

Annex 11: Voluntary Land Donation Guidelines

Voluntary land donation is strictly defined in international practice as the ceding of a property by an owner who is: a) fully informed; and b) can exercise free will, i.e., can refuse to sell or to donate. —Fully informed means that the owner has complete information regarding the proposed activity and its impacts, its land requirements and its alternate activity sites, as well as his or her rights to compensation. The owner has also been provided with sufficient time to consider his or her disposition of the property, and the owner has knowingly rejected the right to renege on his or her initial decision. —Free will means that the owner can reject the possibility of giving up his or her land.

VLD should only be authorized if they (a) have affected people as direct beneficiaries; (b) clearly document Informed Consent; (c) clearly document Power of Choice (option of refusal or to sell at prevailing market rate); and (d) meet the VLD guidelines of the project. The guidelines have been put into place to ensure that donations are indeed voluntary, that the donor is the legitimate owner of such lands, and that the donor is fully informed of the purpose of the donation and of the implications of donating the property.³⁰ If the land is donated on a conditional basis, the terms and conditions for the temporary use of the property must be clearly documented.

The following principles should be complied with when VLD is carried out:

Core principles:

- The land required to meet technical project criteria must be identified by the affected community through a participatory approach and not by the Contractor, line agencies or project authorities (nonetheless, technical authorities can help ensure that the land is appropriate for project purposes and that the project will produce no health or environmental safety hazards).
 - Land donation for a single rail line component shall not exceed 10% of the land donor's holdings in cases where land ownership is individual or family.
 - Land required above 1,500 m², whether for initial construction or future generation capacity expansion, can be either leased using leasehold agreement (using ground rent scale set by each state in Nigeria) or bought on willing-buyer, willing-seller basis at current local market price in the community.
 - Donated land can only be used for rail line construction and future expansion and be fenced off accordingly
- ³⁰ Voluntary land donation is strictly defined in international practice as the ceding of a property by an owner who is: a) fully informed; and b) can exercise free will, i.e., can refuse to sell or to donate. —Fully informed means that the owner has complete information regarding the proposed activity and its impacts, its land requirements and its alternate activity sites, as well as his or her rights to compensation. The owner has also been

provided with sufficient time to consider his or her disposition of the property, and the owner has knowingly rejected the right to renege on his or her initial decision. —Free willll means that the owner can reject the possibility of giving up his or her land.

- Shall the donated land not be used for rail line construction within three years, the unused land shall be returned to the donor.

Additional requirements:

- Impacts of proposed activities on donated land must be fully explained to the donor
- The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of the Contractor, the public or traditional authorities
- The donor may request monetary or non-monetary benefits or incentives as a condition for donation

- Donation of land cannot occur if it requires any household relocation
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land
- Verification must be obtained from each person/ family donating land (either through proper documentation or through confirmation by at least two witnesses)
- The implementing agency or contractors establish that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry
- Any portion of donated land that is not used for its agreed purpose is returned to the donor
- The land in question must be free of squatters, encroachers, or other claims or encumbrances
- Land thus donated is free from any dispute on ownership, squatters, encroachers, or other claims or any other encumbrances.

Procedure:

Step 1: Determining and Documenting the Appropriateness of VLD for the Subproject

In considering the relevance of VLD for the specific subproject, the contractor will document:

- How much land the subproject would require on both a permanent and temporary basis
- What the land would be used for
- What alternatives to donation exist (e.g. right of use, right of way, lease or purchase)
- The proposed terms of any donation of land
- Any other details that are relevant to why donation of land may be appropriate.

Step 2: Official Notification to Landowners regarding the Option for VLD

If it is determined that VLD could be relevant for a subproject, the local authority (e.g. village head) will provide landowners with official written notification of the proposed construction of electricity infrastructure within their area and the associated opportunity for voluntary donation of land.

Step 3: Briefing to Interested Landowners of the Process of VLD

If the landowner indicates to the village head or similar authority that he or she is interested in VLD, they should brief the landowner/village about the process of VLD and explain the VLD form that would be required to be completed and signed by the landowner/villager and his/her spouse, as relevant. Prior to briefing the interested landowner, the village head should confirm that:

- The interested landholder/villager would not lose more than 10% of his/her total productive assets
- No physical relocation of the interested landowner/villager and/or his/her family would

be necessary.

Step 4: Due Diligence Verification Process to Confirm Land Ownership and Use

If the interested landowner and his/her spouse confirm that they would like to proceed with VLD, the next step is to verify the ownership and use of the land proposed to be donated.

The verification process should review available information and documentation regarding: Contractor should:

- The owner or owners of the land
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land)
- Any competing claims of ownership or use
- Structures and assets on the land
- Trees or crops on the land
- Any encumbrances on the land.

It is important to: (i) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the donor actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbors.

Step 5: Public Consultations and Disclosure

The decision to voluntarily donate land must be taken on the basis of a full understanding of the specific subproject and the consequences of agreeing to donate land. Accordingly, the parties that will be affected by the donation (the owners and users of the land, and the neighbors to the land as appropriate) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation may have on them and their families. Prior written notification indicating the location and amount of land that is sought must be provided and its intended use must be disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else, within direct and extended families, should be consulted about the proposed donation of land in advance of

it taking place; for example, older children.

Further to this, there should be a clear agreement as to which party/ies will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of remeasuring/re-titling the transferee's remaining land and any new documentation relating to it.

Step 6: Establishing Informed Consent

Contractor, in coordination with the village administration, would verify the informed consent or power of choice by landholders who had selected to donate land. In particular, the following would be verified and documented in the voluntary land donation form:

- That the donor has a right to refuse to donate or an option to sell at prevailing market rate
- What the land is going to be used for, by whom and for how long
- That the landowner donating the land would be deprived of the ownership or right to use the land, and what this really means
- That the landowner has a right to refuse to donate the land
- Whether there are alternatives to using the land
- The process that would need to be followed to donate the land (e.g., execute documents, get spousal consents, pay taxes)
- The effect of the donation on the land donor's family, and what they can do if they (or their family or heirs) decide they want the land back.

The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.

Step 7: Preparation of Clear and Appropriate Documentation

While it is important to have evidence of an intention and agreement to donate land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. *[In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community*

relations.]

Contractor should:

- Identify the appropriate documentation, including the agreement to make the land transfer and any legal documentation that may be required
- Ensure that the agreement:
 - Refers to the consultation has taken place;
 - Sets out the terms of the transfer; - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
 - Attaches an accurate map of the land being transferred (boundaries, coordinates);
 - Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documents the residual land rights
- Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children of legal age
- Ensure that the transfer and title is registered or recorded; and
- Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed. Such documents could include the following:

- The notification indicating the location and amount of land that was sought and its intended use for the project, with a record of when and where this was made public
- Records of the consultations that were held and what was discussed
- A copy of the due diligence that was conducted
- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved
- Copies of all documents, registrations or records evidencing the legal transfer of the land
- A map, showing each parcel of land
- Appropriate documentation for reverting the land to the donor upon decommissioning from the site.

Step 8: Grievance redress arrangements

The project specifies the means by which donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. The grievance process includes participation of reviewers not directly affiliated with the village administration. The grievance process

imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

VOLUNTARY LAND DONATION (OR LAND LEASE) FORM

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

Consent Form for Voluntary Donation

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

Village _____

Island _____

Province _____

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

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

_____ for the purpose
of: (specify activity)

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

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

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

Signed:

Male household head _____/Female household head _____

Chief or Local Custom Authority

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