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KEBBI STATE OF NIGERIA
EXECUTIVE ORDER NO: 04 OF 2023

ESTABLISHMENT, ADOPTION, AND IMPLEMENTATION OF
FRAMEWORK FOR RESPONSIBLE AND INCLUSIVE LAND-
INTENSIVE AGRICULTURAL INVESTMENTS (FRILIA)

PART I: PRELIMINARY

WHEREAS,

The Kebbi State Government (KBSG), in a bid to improve the investment climate, intends to develop a Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA). The framework ensures that land acquisition and resettlement for large-scale agribusiness investment are undertaken in line with established international good practices and guarantee shared benefits between private investors and surrounding communities.

Whereas

The government of Kebbi State aims to deepen agribusiness reforms, including a win-win approach to stakeholders on land and investment.

Whereas

FRILIA as a framework aims to improve access to large-scale investment, gainful employment on large-scale farms, sufficient income, and protection from the volatility of agricultural labour and product markets. The framework is designed to ensure adherence to principles that cover

overarching investment, recognition and protection of land rights, state land acquisition and resettlement, and environmental and social responsibility.

Whereas

To achieve the Government's objective of creating and enabling a responsible and inclusive business operating environment for large-scale agribusiness investments in Kebbi State, – there is a need for adoption of FRILLA principles.

ADOPTION OF FRILIA PRINCIPLES

Adherence to core principles that mainstream international best practices, such as those based on the Principles for Responsible Investment in Agriculture and Food Systems and related principles and guidance, into agribusiness development in the State for sustainable economic growth and development. These include, but are not limited to:

- a. The investment plan will consistently support the government's policy objective.
- b. The investment process will be conducted in a transparent manner, with the aim of avoiding or minimizing land acquisitions that require voluntary or involuntary resettlement. We will also strive to minimize any adverse effects that may arise from land acquisition. In addition, we will consider a range of inclusive investment and production models and subject the investment to consultation and participation with all potentially affected communities. We will ensure that the affected communities have the opportunity and responsibility to make informed decisions regarding land acquisition. Furthermore, we will foster gender equality and empowerment of women and youth. Lastly, the investment will be monitored to ensure that it meets the set standards.
- c. Acknowledge and uphold land rights in the state, encompassing customary, informal, and rights to communal resources. Ensure protection against unjust land dispossession or unfair treatment by

promptly offering sufficient compensation in cash, alternative land, or appropriate recompense, including sustaining livelihoods. Establish a strong and efficient grievance resolution system that offers accessible and cost-effective procedures for impartially settling disputes through third-party mediation. This system should also consider the availability of legal recourse, community, and traditional conflict resolution mechanisms.

d. Ensure fairness and transparency in the acquisition of state land and any resulting resettlement, it is important to disclose and consistently apply compensation standards. This includes identifying and addressing any economic and social impacts with adequate compensation, supplemental livelihood improvement or restoration, public infrastructure and community services, and the option of land replacement, as appropriate.

e. Ensure environmental and social sustainability, by taking measures to prevent any harm to the environment. Before any investment is approved or a final decision is made, an independent assessment will be conducted to evaluate the potential positive and negative impacts on various aspects such as tenure rights, food security, livelihood, environment, the rights and/or status of women and youth, and physical cultural property. The safety of the community, individuals, and workers will be protected, and they will be treated fairly and equally without any discrimination.

Whereas

There is a need establish a Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FIRILIA) for Kebbi State with a Steering and Technical Committee as follow as

ESTABLISHMENT, POWERS, AND FUNCTIONS OF THE FRILIA STEERING COMMITTEE

1. The constitution of a high-level Steering Committee is responsible for the overall coordination of the establishment, adoption, and implementation of the Kebbi State Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA).

The Governor shall chair the Steering Committee, while the members will include the commissioner for Agriculture ; Commissioner for Commerce and Industry, the Commissioner for Finance; Commissioner for Justice; Commissioner for Local Government and chieftaincy Affairs; Commissioner for Physical Planning and Urban Development; Commissioner for Women Affairs; Special Adviser on Land Matters; Chairman Kebbi Board of Internal Revenue Service; Director-General of Kebbi State and Investment Promotion Agency; Commissioner Budget and Economic Planning, Permanent Secretary, Ministry of Agriculture as the secretary to the Steering Committee.

2. The function and power of the Steering Committee shall be to:
 - a. Ensure that agri-business investments in the State are consistent with the FRILIA principles and international best practices, including, but not limited to:
 - i. Promote transparency in agri-business investment in the State.
 - ii. Promote the application of inclusive production models.
 - iii. Promote safeguards measures against dispossession of tenure rights holders.
 - iv. Monitor the impact of agri-business investment, including the application of compensation standards.
 - v. Promote environmental sustainability.
 - vi. Promote gender equality and empowerment of women and youth.
 - vii. Review land allocations made to investors on recommendations of the technical committee. viii. Approve for adoption a Grievance Redress Mechanism (GRM) and review GRM reports.
 - b. Approve for adoption and implementation of a Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA)

- c. Approve for adoption and dissemination of toolkits/guidelines/policies or equivalent to guide investors throughout the development of land-intensive agricultural projects in Kebbi State in a manner consistent with the FRILIA principles and international best practices.
- d. Co-opt such persons or create such a number of committees on the recommendation of the Technical Committee as may be necessary to execute its functions.
- e. Meet quarterly or as often as may be considered expedient for the effective discharge of its functions to review the progress of the projects, investments and to consider any specific issue(s) that may be directed by the Governor.
- f. Do such other things considered necessary or expedient for the performance of its functions.

ESTABLISHMENT, POWERS, AND FUNCTIONS OF THE FRILIA TECHNICAL COMMITTEE

4. The constitution of a Technical Committee to support the Steering Committee in performing its function and meeting the objective of this Order. The Committee shall include the Commissioner/Special Adviser on Land Matters as Chairman and two representatives (one not below the rank of a director and one principal officer) of the following Ministries, Departments and Agencies: Bureau of Land Services; Kebbi State Development and Investment Promotion Agency; Ministry of Industry, Trade and Investment; Ministry of Finance; Ministry of Environment; Ministry of Agriculture and Food Security; Ministry of Justice; Ministry of Local Government Affairs; Ministry of Physical Planning and Urban Development; Ministry of Women Affairs; Office of Surveyor General; Kebbi State Agricultural Development Project, Fadama Project, Representatives of the private sector and a Civil Society Organization with Land investment expertise; Directorate of Farms Settlement and Peasant Farmers Development, Forestry Commission, Kebbi State Internal Revenue Services, SABER Program Manager, Agribusiness Officers and Director of Agriculture Services (Secretary).

consistent with the FRILIA principles and international best practices. The Secretary of the Technical Committee shall also function as the desk officer for the Grievance Redress Mechanism (GRM) on FRILIA in Kebbi State. The GRM will be such that it consults and makes enquiries within the areas of grievance, deliberates on complaint(s)/appeal(s), appraises the complaint(s)/appeal(s) against relevant guidelines and procedures, and resolves all complaint(s)/appeal(s) within 30 days of receipt with the responsible authority within the concerned Ministry, Department or Agency. The Technical Committee as part of its monthly report to the Steering Committee, will include a briefing on issues/complaint(s)/appeal(s) resolved and those pending.

DEVELOPMENT AND ADOPTION OF FRILIA TOOL KITS/GUIDELINES/POLICIES OR EQUIVALENT

The Technical Committee is empowered by this order to develop a toolkit, guidelines, policies or equivalent for approval by the Steering Committee. These tools will assist investors in developing land-intensive agricultural projects in Kebbi State. They will ensure that investors and the responsible MDAs have access to adequate information to comply with FRILIA principles and international best practices.

The toolkit/guidelines/policies or equivalent will cover various aspects such as stakeholder engagement, environmental and social impact assessment and risk management, land access, easement, and involuntary resettlement management, gender equality and the empowerment of women and youth, valuation and compensation, Global Memorandum of Understanding, community needs assessment and development, out-growers and food security. Additionally, it will enable investors and responsible MDAs to consult with communities, including local land rights holders, effectively.

NOW THEREFORE, in the exercise of the powers conferred upon me by Section 5 (2) of the Constitution of the Federal Republic of Nigeria, 1999, (As Amended), Section 1 of the Land Use Act, 2004, (and without prejudice to the powers of the Federal Government under the constitution of the Federal Republic

of Nigeria 1999(as Amended) and all other powers enabling me in that behalf, I COMRADE DR. NASIR IDRIS, the Executive Governor of Kebbi State hereby make the following Order:

- I. That it shall be Government policy to accelerate large-scale agribusiness investments based on international best practices of land principles and guidelines to improve the business enabling environment for the state's economic development.
- II. FRILIA would address critical challenges in the agricultural value chains, financial sector regulatory reforms, and land reforms to facilitate investment opportunities in both agricultural and non-agricultural sectors.
- III. FRILIA shall specifically bridge the gap between investors and host communities by laying down investment procedures to ensure a win-win approach to all the stakeholders and environmental and social sustainability management.
- IV. To ensure the implementation and operationalisation of FRILIA in line with the Business Enabling Reform Action Plan (BERAP), the Government, Departments and Agencies shall collaborate to achieve the result area to remove obstacles to agribusiness investment opportunities.
 - (a) This order shall be implemented consistent with applicable Laws of Kebbi State.
 - (b) This order is not intended to, and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Government of Kebbi State, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

MADE AT BIRNIN KEBBI this 7th day of December, 2023.

COMRADE, DR. NASIR IDRIS

Executive Governor;
Kebbi State.