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OFFICE OF THE GOVERNOR

Oke Bareke, GRA, Ado-Ekiti, Ekiti State, Nigeria.

EXECUTIVE ORDER No. 02 OF 2023

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

- WHEREAS, Ekiti State Government (EKSG) 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 Ekiti State is desirous of deepening the State's agribusiness reforms including delivering a win-win approach to all the relevant stakeholders on agricultural land matters and investment opportunities.
- Whereas, FRILIA will enhance 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 will ensure adherence to guiding principles covering overarching investment, recognition and protection of land rights, state land acquisition and resettlement, environmental and social responsibility.
- Whereas, In order to achieve Government's objective of creating and enabling, responsible and inclusive business operating environment for large-scale agribusiness investments in Ekiti State, there is need for:

ADOPTION OF FRILIA PRINCIPLES

1. 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 the development of agribusiness in the State for sustainable economic growth and development. These include, but are not limited to:
 - a. That overarching investment will be consistent with and contribute to the policy objective of the government;
 - b. The investment will be conducted transparently, avoid or minimize land acquisitions requiring voluntary or involuntary resettlement, minimize adverse effects from land acquisition, ensure a range of inclusive investment and production models are considered, subject the investment to consultation and participation with all potentially affected communities, ensure that the affected communities have opportunity and responsibility to make informed decisions regarding land acquisition, foster gender equality and empowerment of women and youth and lastly, the investment will be monitored.
 - c. Recognize and protect land rights (including customary, informal and rights to common property resources) by safeguarding against dispossession of legitimate tenure rights holders or partial treatment through: prompt payment of adequate compensation in cash, alternative land or other forms of compensation, including supplementation livelihood restoration; and a robust and effective grievance redress mechanism that provides accessible and affordable procedures for third-party settlement of dispute while considering the availability of judicial recourse, community, and traditional dispute resolution mechanisms.
 - d. Ensure transparent and fair State land acquisition and any resulting resettlement by disclosing and applying consistently, compensation standards as described above. Require that economic and social impacts be identified and addressed with adequate compensation, supplemental livelihood improvement/restoration, public infrastructure and community services, option of land replacement, as may be appropriate.
 - e. Ensure environmental and social sustainability by observing safeguards against environmental damage. Prior to approval or any final decision to proceed, investments will be subjected to independent assessments of

potential positive and negative impacts on tenure rights, food security, livelihood, environment, the rights and/or status of women and youth and physical cultural property. Community, individual and workers safety will be protected as well as ensuring their fair treatment, non-discriminatory and equal treatment.

ESTABLISHMENT, POWERS, AND FUNCTIONS OF THE FRILIA STEERING COMMITTEE

1. The constitution of a high-level Steering Committee responsible for the overall coordination of the establishment, adoption, and implementation of the Ekiti State Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA).
2. The Steering Committee shall be chaired by the Governor, while the members will include: Commissioner for Agriculture and Food Security; Commissioner for Industry, Trade and Investment; Commissioner for Finance and Economic Development; Attorney General & Commissioner for Justice; Commissioner for Local Government Affairs; Commissioner for Physical Planning and Urban Development; Commissioner for Women Affairs and Social Development; Special Adviser on Land Matters; Chairman Ekiti Internal Revenue Service; Director-General of Ekiti State Development and Investment Promotion Agency; Permanent Secretary, Ministry of Agriculture and Food Security as the secretary to the Steering Committee.
3. The functions and powers of the Steering Committee shall be to:
 - i. Ensure that agri-business investments in the State are consistent with the FRILIA principles and international best practices, including, but not limited to:
 - a. Promote transparency in agri-business investment in the State;
 - b. Promote the application of inclusive production models;
 - c. Promote safeguards measures against dispossession of tenure rights holders;
 - d. Monitor the impact of agri-business investment, including the application of compensation standards;
 - e. Promote environmental sustainability;
 - f. Promote gender equality and empowerment of women and youth;
 - g. Review land allocations made to investors on recommendations of the technical committee;

- h. Approve for adoption a Grievance Redress Mechanism (GRM) and review GRM reports;
- ii. Approve for adoption and implementation a Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA);
- iii. Approve for adoption and dissemination toolkits/guidelines/policies or equivalent to guide investors throughout the development of land-intensive agricultural projects in Ekiti State in a manner consistent with the FRILIA principles and international best practices.
- iv. Co-opt such persons or create such number of committees on the recommendation of the Technical Committee as may be necessary to execute its functions.
- v. 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.
- vi. 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; Ekiti 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; Ekiti 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, Ekiti State Internal Revenue Services, SABER Program Manager, Agribusiness Officers and Director of Agriculture Services (Secretary).

5. The function and powers of the Technical Committee shall be to:

- i. Identify the States's main concerns, priorities and principles related to land-based investments.
- ii. Conduct stakeholder mapping analysis that identifies all of the relevant stakeholders related to land-based investments.
- iii. Identify and classify relevant existing and required policies, laws and incentives related to land-based investments.
- iv. Develop a Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA).
- v. Prepare an implementation plan for FRILIA.
- vi. Establish a framework for community and stakeholder consultations and engagement.
- vii. Develop toolkit/guidelines/policies or equivalent to guide investors throughout the development of land-intensive agricultural projects in Ekiti State that are consistent with the FRILIA principles and international best practices.
- viii. Conduct risk or benefit assessment that will assist the government in the implementation of agri-business projects/initiatives particularly land-based investment.
- ix. Advise and assist the government in creating sustainable land-use and agri-business policy.
- x. Monitor all land-based investment in the State and their compliance with FRILIA.
- xi. Assist the development of a land bank for agri-business investment in the State, in particular seeking to ensure that acquisition of land for the land bank is done in a manner that is consistent with the FRILIA principles and international best practices.
- xii. Publish periodically information on agri-business investments.
- xiii. Provide a monthly report to the Steering Committee
- xiv. Meet at least every month to consider reports from stakeholders, assigned tasks and any special issue(s) as may be directed by the Steering Committee.
- xv. Perform such other function as the Steering Committee may from time to time deem necessary to achieve its function.

ESTABLISHMENT OF A GREIVANCE REDRESS MECHANISM

6. The Technical Committee shall develop effective grievance and dispute resolution processes with appropriate appeal mechanisms for claimants, landowners, host communities and investors. The mechanisms shall be 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 Ekiti State. The GRM will be such that it consults and make enquiries within the areas of grievance, deliberates on complaint(s)/appeal(s), appraises the complaint(s)/appeal(s) against relevant guidelines and procedures, and resolve all complaint(s)/appeal(s) within 30 – 60 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 TOOLKITS/GUIDELINES/POLICIES OR EQUIVALENT

7. The Technical Committee as part of its responsibility, shall develop toolkits/guidelines/policies or equivalent for approval by the Steering Committee. These will guide investors throughout the development of land-intensive agricultural projects in Ekiti State, ensuring investors and the responsible MDAs are provided with adequate information to comply with FRILIA principles and international best practices. This shall include, but not be limited to, enabling investors and responsible MDAs to effectively engage in consultations with communities, including local land rights holders. Among other things, the toolkit/guidelines/policies or equivalent will cover 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.

NOW THEREFORE I 'BIODUN ABAYOMI OYEBANJI, GOVERNOR OF EKITI STATE, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA AS AMENDED AND THE LAWS OF EKITI STATE INCLUDING BUT NOT

LIMITED TO THE LAND USE CHARGE LAW, 2012 HEREBY ORDER AS FOLLOWS:

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 business enabling environment for economic development of the State.

II. FRILIA would address critical challenges, reforms, and investment priorities required in the agricultural value chains, financial sector regulatory reforms, and land reforms to facilitate agricultural and non-agricultural investment opportunities.

III. FRILIA shall specifically bridge the gap between investors and host communities, to put in place laid down procedures for investments to ensure a win-win approach to all the stakeholders as well as management of environmental and social sustainability.

IV. To ensure the implementation and operationalization of FRILIA in line with the Ekiti State 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 Ekiti 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 Ekiti State, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

ISSUED UNDER MY HAND THIS ^{27TH} DAY OF ^{DEC}, 2023, EFFECTIVE IMMEDIATELY.



Mr Biodun Abayomi OYEBANJI
Governor
Ekiti State