

NIGER STATE
EXECUTIVE ORDER
No. 5 OF 2023

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

WHEREAS, Niger State Government (hereinafter referred to as “the State”) in a bid to attract investment for its agri-business value chain the investment climate and optimally harness the potential in its arable land mass, intends to develop a Framework for Responsible and Inclusive Land-Intensive Agricultural investment (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 State is desirous of diversifying from a mono-product economy and deepen the State’s agribusiness reforms including delivering a win-win approach to all the relevant stakeholders on agricultural land matters and investment opportunities. The State intends to achieve this through green economy initiatives such as responsible investment in agriculture and food systems that guarantee food security and nutrition, recognition, and respect for human rights. 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, The State intends to create an enabling, responsible and inclusive business operating environment for large-scale agribusiness investments.

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 State.
 - 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 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. There shall be constituted a high-level Steering Committee responsible for the overall coordination of the establishment, adoption, and implementation of the Niger State Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA).
2. The Steering Committee shall include the following: -
 - a. The Executive Governor of the State as the Chairman;
 - b. The Commissioners of the following Ministries:
 - i. Agriculture;
 - ii. Justice;
 - iii. Industries, Trade and Investment;
 - iv. Finance;
 - v. Budget and Planning;
 - vi. Local Government and Chieftaincy Affairs;
 - vii. Nomadic and Pastoral Affairs;
 - viii. Environment and Climate Change;
 - ix. Lands and Survey; and
 - x. Housing and Urban Renewal.
 - c. Chief Executive Officer, Niger State Investment Promotion Agency;
 - d. Executive Chairman, Niger State Internal Revenue Service;
 - e. Director General of Niger State Agricultural Mechanization Development Agency as the Secretary of the Committee.

3. The function and power of the Steering Committee shall be to:

(1) Ensure that agri-business investments in the State are consistent with the FRILIA principles and international best practices, including, but not limited to:

- a. promoting transparency in agri-business investment in the State;
- b. promoting the application of inclusive production models;
- c. promoting safeguards measures against dispossession of tenure rights holders;
- d. monitoring the impact of agri-business investment, including the application of compensation standards;
- e. promoting environmental sustainability;
- f. promoting gender equality and empowerment of women and youth;
- g. reviewing land allocations made to investors on recommendations of the technical committee; and
- h. approving for adoption a Grievance Redress Mechanism (GRM) and review GRM reports.

(2) Approve for adoption and implementation a Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA)

(3) Approve for adoption and dissemination toolkits/guidelines/policies or equivalent to guide investors throughout the development of land-intensive agricultural projects in Niger State in a manner consistent with the FRILIA principles and international best practices.

(4) 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.

(5) 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 Executive Governor of the State.

(6) Do such other things considered necessary or expedient for the performance of its functions.

ESTABLISHMENT, POWERS, AND FUNCTIONS OF THE FRILIA TECHNICAL COMMITTEE

4. (1) There shall be constituted a Technical Committee to support the Steering Committee in performing its function and meeting the objective of this Order.

(2) The Committee shall be constituted as follows: -

- a. The Commissioner of Lands and Survey as the Chairman;
- b. The Permanent Secretary and a representative not below the rank of a Director from the following Ministries, Departments and Agencies:
 - i. Ministry of Lands and Survey;
 - ii. Ministry of Environment and Climate Change
 - iii. Ministry of Industries, Trade and Investment;
 - iv. Ministry of Finance;
 - v. Ministry of Budget and Planning;
 - vi. Ministry of Agriculture as the Secretary of the Committee;

- vii. Ministry of Justice;
- viii. Ministry of Local Government and Chieftaincy Affairs;
- ix. Ministry of Housing and Urban Renewal;
- x. Ministry of Women Affairs;
- xi. Niger State Investment Promotion Agency;
- xii. Niger State Housing Corporation;
- xiii. Niger State Internal Revenue Service;
- xiv. Niger State Agricultural Mechanization Development Agency;
- c. Niger State ALGON;
- d. Representatives of the private sector and a Civil Society Organization with Land investment expertise;
- e. Niger State SABER Program Manager;

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

- i. Identify the State'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 Niger 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 Niger 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 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 Niger 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 'UMARU MOHAMMED BAGO, GOVERNOR OF NIGER STATE, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA AS AMENDED 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 Niger 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 Niger 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 Niger State, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

ISSUED UNDER MY HAND THIS 21ST DAY OF DEC., 2023,
EFFECTIVE IMMEDIATELY.



RT. HON. UMARU MOHAMMED BAGO
Governor, Niger State