

# Environmental and Social Management System for Community Energy Social Enterprises Limited (CESEL)

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Environmental and Social  
Management System Manual

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## **Abbreviation**

CBO	Community-Based Organization
E&S	Environmental and Social
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESMS	Environmental and Social Management System
GRM	Grievance Redress Mechanism
LRP	Livelihood Restoration Plan
NGO	Non-Government Organization
RAP	Resettlement Action Plan
REA	Rural Electrification Agency (Nigeria)
SIA	Social Impact Assessment

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## **Introduction**

The Environmental & Social Management System (ESMS) is a set of principles, requirements, processes, and tools that help integrate environmental and social risk management into a CESEL's core business processes. It is a set of actions and procedures that are implemented with the CESEL's existing risk management procedures.

The ESMS ensures that the CESEL's activities are in compliance with CESEL's own environmental and social commitments, national regulations of Nigeria and environmental and social standards of international lenders and investors. It helps CESEL to avoid and manage projects with potential environmental and social risks by conducting due diligence during design, construction, and operation of mini grids and adequate monitoring of projects during construction and operation.

In order to ascertain and document the environmental status of the various sites and thus develop and facilitate management control of environmental practices vis-à-vis safeguarding the immediate host environment in particular and the global environment in general as well as comply with relevant regulatory requirements and policies, this Environmental & Social Management System policy for Mini Grid was drafted by Community Energy Social Enterprises Limited (CESEL)

The activities considered in the drafting of this policy includes the installation and operation of the Solar Mini Grid with a view to putting in place management measures to ensure the sustainability of both the host environment and the facility.

This policy document will also relate to the sustainable business operating process to be engaged by CESEL and its clients with respect to management of environmental concerns and compliance with relevant global, national and local regulations and international protocols to which Nigeria is signatory.

## **I. Institutional Environmental & Social Policy Statement**

### **1.0 Policy, administrative and legal framework**

It is instructive to appreciate that duty and responsibility for environmental and social protection and management related to projects in various sectors of Nigerian economy are mandated under:

- ✓ Current Federal, State and Local and relevant acts, rules, regulations and standards, and the common law of the Federal Republic of Nigeria (FRN)
- ✓ International environmental agreements and treaties ratified by the Federal Republic of Nigeria
- ✓ Development Partners (such as World Bank (WB)'s) safeguard Policies

To this end, all Environmental and social impact assessment on solar minigrid prepared by CESEL are based on international best practice. Specifically, for comprehensiveness and inclusiveness of the relevant local and international laws and policies with relevance, the Environmental and Social Impact Assessment shall be prepared in **conformance to:**

- The legal requirements of the Republic of Nigeria and the respective legal provisions of States, as the case may be;
- The relevant IFC Environmental and Social Performance Standards and EHS Guidelines;
- The relevant international conventions and treaties to which Nigeria is party.

### **1.1 Strategic Objectives**

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED have the obligation to recognize that it is responsible for the health, safety and security of its employees, clients, subcontractors, suppliers, and visitors when they are on company's business and is committed to maintaining the highest health, safety, and security standards that are reasonably possible to maintain.

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED recognizes its moral and legal responsibility for the protection and enhancement of the environment and is

committed to performing environment protection and enhancing activities on the construction site and on those areas affected by its activities.

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED is committed to maintaining cordial and mutually beneficial relations with its Clients and the people and communities that are affected by its operations and as such came up with the statement of intent below.

## **Laws & Regulations of Nigeria & areas of construction/operation**

### **1.2 Community Affairs, Health, Safety, Environment and Security (CASHES) Policy**

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED considers the Health, Safety and Environmental aspects of its operations of paramount importance. CESEL's operations are planned and executed in such a manner as to:

- Prevent fatalities, lost time injury hours, accidents and injuries
- Ensure the health, safety and security of its employees, third parties and CESEL staff during the project
- Comply with all statutory provisions and requirements of government and its clients
- Ensure community approval and protection during its operations
- Take any additional measure deemed fit in the pursuance of safety

CESEL shall in the execution of its operations:

- Minimize adverse impact on the environment based on sound environmental principles
- Work towards a sustainable development of the environment
- Support and maintain the ecosystems in the environment
- Co-operate fully and support the communities in which we operate by respecting property and, wherever practical, providing business opportunities and jobs to local citizens.
- We do these because we believe it is right and good business practice

### **1.3 Environmental and Social Policy**

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED carries out all her activities within the scope of the regulation of World Bank, Federal Ministry of Environment and local legislations. Activities are always carried out in a manner that ensures all environmental and social impact of a project is identified. adverse impact on the environment will be minimal and insignificant. Project execution plans/programs will be tailored meet international, national and CESEL's environmental standards.

The strategy will be as follows:

- ✓ The environmental impact of each of the CESEL activity shall be routinely monitored and controlled and where necessary corrective action applied.
- ✓ All practical measures shall be taken to minimize the generation of waste and to manage and dispose of unavoidable waste in an environmentally acceptable manner.
- ✓ Wastes generated as a result of CESEL activities shall be managed in accordance with the Waste Management Procedure and waste streams shall be monitored and a recorded, with efforts taken, to reduce emission or discharge of waste known to have negative impact on the environment.
- ✓ Noise, air, soil and water pollution shall be monitored and mitigated in accordance with the E.I.A Report.
- ✓ All chemicals shall be transported, stored, used and disposed of in an environmentally acceptable manner. No chemicals shall be ordered or be accepted from a supplier without being accompanied by the appropriate MSDS.
- ✓ Resources shall be provided and contingency plans developed to respond to spills or any other environmental incident in a timely manner, in accordance with the Hazard ID and Risk Assessment.

### **1.4 Biodiversity Policy**

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED recognizes the importance of biodiversity and is therefore committed to:

- ✓ Work with others to maintain the ecosystems.
- ✓ Respect the basic concept of protected areas.
- ✓ Partner with others to make positive contributions toward the conservation of biodiversity in our areas of operation.
- ✓ Conduct environmental assessments with increased focus on impacts on biodiversity.
- ✓ Engage and collaborate with other stakeholders to manage biodiversity responsibly especially in sensitive environments

### **1.5 Waste Management Policy**

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED is committed to executing all operations with minimal adverse impact of waste on the environment. COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED is also committed towards maintaining the ecosystem in the environment.

In so doing, CESEL believes in and shall adopt:

- ✓ The best methods of waste accumulation in appropriate specified containers to assure the sound health of staff in camp and office.
- ✓ A procedure for proper segregation of wastes before disposal as regards to the policy that guides every component used during the decommissioning of the project.
- ✓ The best waste disposal system available for the various categories of wastes (Producer buy back policy).
- ✓ Training its staff on environmental awareness and proper waste management.

This policy is subject to amendment based on changes of environmental statute and improvement on techniques for effective waste management.

### **1.6 Capacity and Resource Enhancement Policy:**

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED is committed to employing the best of hands from time to time on full time and contract basis for the execution of every environmental and social impact related jobs. The company is committed to

training both its full and contract staff on contemporary environmental related skills and trainings

## **1.7 Quality Policy**

COMMUNITY ENERGY SOCIAL ENTERPRISES LIMITED is dedicated to the provision of a specialized service for the provision of both offshore and onshore Survey and Environmental and social management consultancy services including energy auditing and cost-effective survey.

Our Quality Policy is geared towards meeting our customers' expectations in full. We shall provide and manage resources necessary to deliver Objectives, and to provide safe and suitable conditions for all our employees and for the members of the public and other stakeholders affected by our operations.

We shall use monitoring and measuring techniques to assess on an ongoing basis, how the services we provide meet the expectations of our customers, also how well our own internal processes are operating. This information will be analysed and used to continually improve the business where possible.

CESEL will comply with all statutory and regulatory requirements and is committed to continual improvement of the Quality Management System. This shall be demonstrably achieved by the setting, monitoring and fulfilling of measurable quality objectives and a regular process of management review.

We shall make this Policy and the resultant Objectives known to our employees and will demonstrate our belief in it through our own personal commitment and involvement. It is also freely available to all interested parties.

## **Exclusion List**

### **Exclusion List for Mini grid Site Selection**

This Mini grid Site Selection Exclusion List defines the types of situations in which mini grid construction shall not be undertaken. If any of these issues arises after the site has been identified or is somehow overlooked initially, the construction shall stop immediately, pending either site change or until the issue has been resolved.

CESEL does not support mini grid construction on sites that of any of the following:

1. Sites that do not comply with relevant environmental and social national or state regulations of Nigeria
2. Sites located in legally protected areas (e.g. national parks, conservation areas, forests)
3. Sites located in internationally recognized areas
4. Sites located in critical natural habitats
5. Sites where mini grid construction and operation will cause significant degradation of natural habitats (e.g. mangroves)
6. Sites in flood-prone zones
7. Sites located on land from which government agencies or builders have removed / involuntarily resettled local communities, including squatters or encroachers, without proper compensation
8. Sites located on land associated with illegal forced evictions of previous owners or occupants
9. Sites in locations and / or developed in a manner that involves significant adverse impacts on physical cultural property

## **E&S standards of lenders, investors and shareholders**

### **1.8 The Environmental and Social Assessment Criteria**

An essential step in performing an environmental and Social Impact Assessment is the development of a set of criteria from which to gauge its success or failure. Documenting the criteria for auditing eliminates miscommunication and errors in interpretation. These criteria shall be specific, measurable, reliable, acceptable, timely and coherent.

The different criteria for the proposed audit shall include:

- National Laws (regulations, guidelines and standards).
- Relevant project safeguard instruments such as the ESMS, EMP and other relevant reports generated in the course of the operation life of the sites
- Permits and concessions

CESEL has absolute Commitment to dedicate capacity and resources to implement and maintain the ESMS, these include:

- Establish dedicated environmental department, headed by E&S Manager
- Senior management is deeply involved and committed to E&S compliance
- Quarterly internal training and other capacity building exercises on E&S issues to staff such as engineers, site managers, construction managers, etc., on the following issues among others:

- Screening of investments for potential environmental and social impacts, scoping assessments, planning mitigation options, public consultation to assess feasibility and acceptability options; steps 1-7 to implement the environmental and social screening process for projects;
- Environment: site selection to minimize environmental impacts and social disruption; mitigation measures for CESEL and subcontractors (through adequate language in contracts); management of impacts during construction; monitoring of effectiveness of measures;
- Monitoring and grievance redress: transparency and supervision responsibilities.

CESEL as a company is also committed to maintain good track record on E&S compliance, including:

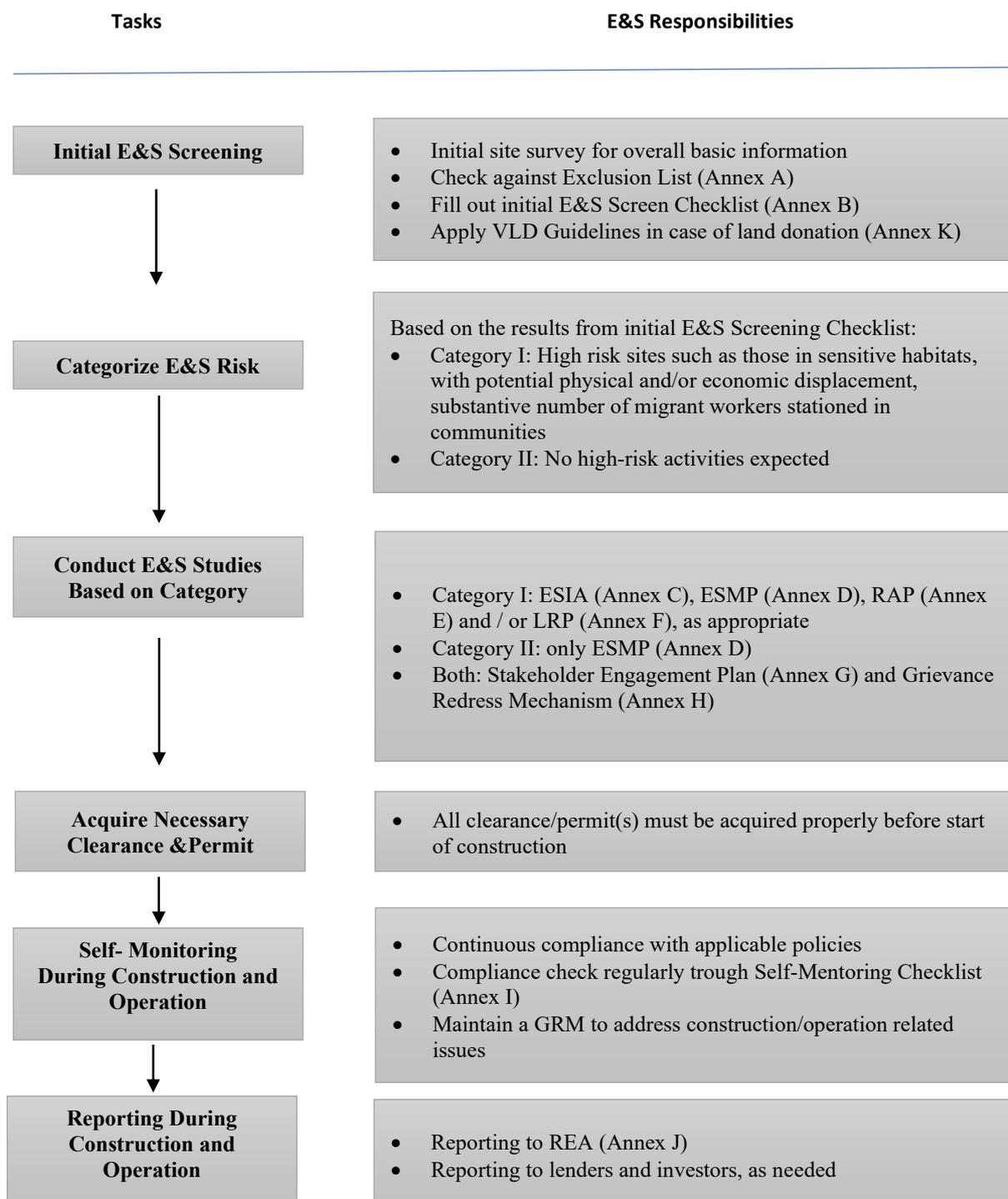
- Establishment and maintenance of Grievance Redress Mechanisms
- Proper records of complaints received and resolutions are kept on an individualistic basis.
- Good record keeping for any incidents of legal E&S non-compliance, fines, or complains
- Reporting to relevant government agencies (such as Rural Electrification Agency), lenders, investors, including prompt reporting of any incidents or accidents

## II. Environmental & Social Procedures

### 2.1 Overall Work Flow

The work flow chart below demonstrates the steps and E&S roles during the mini grid design, development, construction, and operation cycle.

#### Overall Workflow for Mini grid Development



## **2.2 Initial E&S Screening**

Before any construction or preparation of construction can start, CESEL will 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 A); and (2) identify any E&S issues and mitigation opportunities. CESEL carries out its initial E&S screening using the template attached in Annex B. This ensures that the projects are not on the exclusion list. This activity covers construction, installation.

### **PURPOSE**

The objectives of environmental and social screening are to (a) evaluate the environmental and social risks associated with the project; (b) establish the likely environmental and social risk category of the project; (c) identify opportunities to improve the environmental and social outcomes of the project; (d) determine the extent and depth of environmental and social due diligence that will be undertaken and the appropriate environmental and social safeguards instruments.

### **PROCEDURE**

1. CESEL will assign the risk category of proposed activities.
2. The risk category will be proportional to the nature, scale and location of the activity, the associated environmental and social risks and impacts, and the vulnerability of the receiving environments and communities.
3. The risks and impacts are reviewed at the pre-mitigation stage, and CESEL will consider the most serious potential impacts of all activities.
4. If the project is composed of several component subprojects, CESEL will assign the highest risk category of the component subproject as the overall risk category of the activity.
5. In assigning the risk categories of projects, CESEL will undertake an integrated view of the combined environmental and social risks and impacts, as well as the nature, magnitude, and complexity of these risks and impacts and specific

characteristics of the influence area that includes environmental, social and legal contexts.

6. CESEL assigns the environmental and social risk categories to all activities in a manner consistent with the accreditation framework of the REA, such as Categories I and II.
7. If the project falls in category II, CESEL provides safeguarding instruments and ensures the ESMP is followed
8. If the project falls in category 1, full ESIA, LRP and Assessment action plan are carried out or CESEL stops the project at this point.

## RESPONSIBILITIES

1. The environmental and social screening is the responsibility of CESEL.
2. CESEL hires consultants to work with E&S Manager to carry out E&S screening.
3. CESEL's E&S Manager and hired consultants may draw advice from technical and project staff and colleagues, and local and subject matter experts as necessary.
4. In undertaking the environmental and social screening, the hired consultant is responsible for gathering all the relevant information and where there have been assessments already completed, review the consistency of the assessments to the requirements of CESEL's ESMS.

## REFERENCE DOCUMENTS

CESEL makes reference to the following documents: ESMP, EIA Act, World bank regulations, IFC's EHS guidelines

## RECORDS

The following records are kept by CESEL on E&S compliance: E&S Check list (Annex B), E&S Action plan (Annex C), evidences of grievance redress

### **2.3 E&S Impacts Categorization**

Based on the results of the initial E&S Screening, all mini grid projects 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: No high-risk activities expected, overall medium or low E&S impacts.

#### **PROCEDURE**

The proposed project that have tendency of having adverse environmental impacts on human population or environmentally important areas – including wetlands, forests, grasslands, or other natural habitats but with a lesser adverse impact than those of Category I projects. These impacts are site specific; few if any of them are irreversible; and in most cases mitigation measures can be designed more readily than Category I projects. If a category II project were to be later during the planning stage considered to have significant E&S impact, a full ESIA will be carried out, or CESEL moves on to other projects.

### **2.4 E&S Risk Management Instruments for Category I Mini grids**

Projects under this category are expected to have significant E&S impacts, such as

- 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

Projects in category I are not of interest to CESEL. Therefore, if any project is considered to be in category I, CESEL stops the project at the screening stage.

## REFERENCE DOCUMENTS

CESEL makes reference to the following documents: CESEL's ESMP, EIA Act, World bank regulations, IFC's EHS guidelines

## RECORDS

The following records are kept: Check list, E&S Action plan (Annex D) ESHS, E&S Screening

## **2.5 E&S Risk Management Instruments for Category II Mini grids**

### PURPOSE

For constructions with perceived medium or low E&S adverse impacts, only the ESMP is needed.

### PROCEDURE

Before any actual construction can begin, CESEL obtains all necessary government and non-governmental clearance and permit(s) be acquired properly and timely. In addition, stakeholder engagements, townhall meetings and other activities are carried out within the community. In addition, building permits, NERC minigrid permits, are secured. Furthermore, DISCOs, relevant agencies in State and Local Governments are consulted and carried along. These are always represented at CESEL's townhall meetings with beneficiary communities.

Furthermore, land lease agreements are signed between CESEL and the host community and/or influential individual stakeholders in the host community.

Projects in category I are not of interest to CESEL. Therefore, if any project is considered to be in category I, CESEL discontinues the project.

Were there to be disagreements at the stakeholder's meeting, CESEL's grievances redress mechanism is applied.

The full procedure is stated in Annex D

Responsibility

1. CESEL hires consultants to work with E&S Manager to carry out E&S Risk Management.
2. CESEL's E&S Manager and hired consultants may draw advice from technical and project staff and colleagues, and local and subject matter experts as necessary.
3. In undertaking the environmental and social risk management, the hired consultant is responsible for gathering all the relevant information and review the consistency of the assessments to the requirements of CESEL's ESMS.
4. CESEL's community engagements officer with the hired consultants are responsible for community engagement and ensuring concerns and grievances raised at the town hall meetings are addressed.
5. A full list of other responsibilities are stated in Annex D.

#### REFERENCE DOCUMENTS

1. ESMP, E&S Check list,
2. The National Environmental Standards and Regulations Enforcement Agency (NESREA) Act No 25 of 2007
3. The National Guidelines and Standards for Environmental Pollution control in Nigeria (March, 1991)
4. The Land Use Act of 1978
5. The National Environmental Protection (Effluent Limitation) Regulations S.I.8 of 1991
6. The National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations S.I.9 of 1991
7. The National Environmental Protection (Waste Management) Regulations S.I.15 of 1991
8. Statutory Limits for Effluents and Gaseous Emissions FEPA, 1991
9. Noise Limitations NESREA REGULATION 2009
10. Harmful Waste (Special Criminal Provisions etc.) Act. Cap 165, LFN 1990
11. States and Local Government Environmental Laws

Records

stakeholder engagement evidence, grievance redress

## **2.6 Self-Monitoring Activities**

Once the construction has started, and throughout construction and operation, CESEL is committed to continuous compliance to its ESMP and all applicable E&S policies and requirement. To achieve this, CESEL is committed to conduct regular self-monitoring activities, using the self-monitor checklist attached in Annex E.

**PURPOSE:** To ensure construction activities are in compliance with E&S risk management policies and the ESMP requirements

**APPLICABILITY:** This is carried out on a quarterly basis

**Records:** ESMP, Self-monitor checklist (Annex E)

## **2.7 Grievance Redress Mechanism**

CESEL has set up a 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.

**PURPOSE**

The mechanism will amongst 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 and stakeholders and create productive relationships between the parties. 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.

## PROCEDURE

CESEL has dedicated person or unit 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.

CESEL's comprehensive GRM procedures, responsibilities, reference documents and records are stated and explained in Annex F

### **2.8 Reporting to REA during Construction and Implementation**

It is CESEL's responsibility to submit timely and factual reports to the Rural Electrification Agency (REA) based on the mandatory and/or agreed-upon reporting requirements. CESEL's reporting duties include (Annex H):

- ✓ Progress on implementation of the ESMS, including categorization of all projects and ESMP
- ✓ Regular periodic E&S reports as specified in the Operating Guidelines;
- ✓ Prompt reporting – within three days if 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, CESEL may be requested to:

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

- ✓ Participate, if needed, in discussions with the PMU, REA and any investor (if applicable) throughout the project.

## **Annex A: Exclusion List for Mini grid Site Selection**

This Mini grid Site Selection Exclusion List defines the types of situations in which mini grid construction shall not be undertaken. If any of these issues arises after the site has been identified or is somehow overlooked initially, the construction shall stop immediately, pending either site change or until the issue has been resolved.

CESEL does not support mini grid construction on sites that of any of the following:

1. Sites that do not comply with relevant environmental and social national or state regulations of Nigeria
2. Sites located in legally protected areas (e.g. national parks, conservation areas, forests)
3. Sites located in internationally recognized areas
4. Sites located in critical natural habitats
5. Sites where mini grid construction and operation will cause significant degradation of natural habitats (e.g. mangroves)
6. Sites in flood-prone zones
7. Sites located on land from which government agencies or builders have removed / involuntarily resettled local communities, including squatters or encroachers, without proper compensation
8. Sites located on land associated with illegal forced evictions of previous owners or occupants
9. Sites in locations and / or developed in a manner that involves significant adverse impacts on physical cultural property

## **Annex B: CESEL 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.	Project objectives	
4.	Brief description of the project	
5.	Capacity or size of the project	
6.	Number of Solar Panels	
7.	Capacity per solar panel	
8.	Powerhouse area, m <sup>2</sup>	
9.	Distribution length, m	

### **(B) Project selection criteria**

<b>Sl. No</b>	<b>Screening Question</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b> (In the case select "yes", provide detailed information)
1.	Are there any activities on the REA <b>Exclusion Criteria for Mini-Gird and Power Generation Sites?</b>			
2.	Is there indication of: <ul style="list-style-type: none"> <li>a. Significant adverse impacts on ecologically sensitive areas<sup>1</sup></li> <li>b. Involuntary resettlement or economic displacement</li> <li>c. Significant adverse impacts on cultural heritage</li> </ul>			
3.	If yes, can these impacts be eliminated or reduced to acceptable levels through adequate application of mitigation measures?			

<sup>1</sup>Significant adverse impacts on ecologically sensitive areas will be determined using international best practice and tools, as well as based on the outcomes of relevant studies within the ESIA.

**(C) Environmental and Social Screening**

<b>Sl. No</b>	<b>Screening Questions</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b> (In the case select "yes", provide detailed information)
<b>Project's siting</b>				
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 <sup>2</sup> ?			
	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			
	vii. Is the proposed site located nearby airport			
	viii. Is the proposed site located in migratory route of birds			

<sup>2</sup> Critical habitat is defined based on global good practice as a subset of both natural and modified habitat that deserves particular attention. Critical habitat includes areas with high biodiversity value that meet the criteria of the World Conservation Union (IUCN) classification, including habitats of significant importance for required for critically endangered or endangered species as defined by the IUCN Red List of Threatened Species; habitats of significant importance for endemic or restricted-range species; habitats supporting globally significant concentrations of migratory species and /or congregatory species; areas with unique assemblages of species or which are associated with key evolutionary processes. Primary Forests or forests of High Conservation Value shall be considered Critical Habitats. This includes HCV forests. HCV areas do not directly correspond with definitions for modified, natural, and critical habitat. The HCV Resource Network, an internationally recognized group, provides information and support on the evolving usage of HCV to ensure a consistent approach. <https://www.hcvnetwork.org/>.

Sl. No	Screening Questions	Yes	No	Comments (In the case select "yes", provide detailed information)
<b>Potential Environmental Impacts</b>				
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?			
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			
<b>Potential Community and Occupational Health and Safety Impacts</b>				
1.	Will the construction works disturb other commercial/community/residential activities?			
2.	Will the project create major noise/vibration?			
3.	Closest residence to the solar panel			
4.	Will it create dust problem around the sites?			
5.	Will project's construction cause disturbance to the transportation in the project's site?			
6.	Will batteries be removed/disposed (lead-acid or nickel-cadmium batteries) from			

<b>Sl. No</b>	<b>Screening Questions</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b> (In the case select "yes", provide detailed information)
	battery-powered or battery-backup items?			
7.	Will there be social conflict in case of workers hired from other region?			
<b>Potential Social Impacts</b>				
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) <sup>3</sup> Involuntary acquisition Negotiation			
12.	Loss of productive land			
13.	Impacts on livelihoods/ economic displacement?			
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?			

<sup>3</sup> 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.

<b>Sl. No</b>	<b>Screening Questions</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b> (In the case select "yes", provide detailed information)
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 including economic and safety concerns			
23.	Possible conflicts with and/or disruption to local communities			
24.	Significant issues raised by the stakeholders during consultation			
25.	Uncontrolled human migration into the area, made possibly by the subproject activities			
26.	Disproportionate impacts on the poor, children and other vulnerable groups			
27.	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			
28.	Risks to community safety due to both accidental and natural hazards during project construction and operation			

ANNEX C: CESEL E&S Action Plan

Summary of risks	Mitigation measures	Risk significance	Responsible party/person	Schedule	Expected results	Cost/Budget
<i>This contains the description of risks and can be derived from the responses to the screening questions in Part B2.</i>	<i>Options to avoid, reduce, mitigate risks and impacts. This may also indicate additional due diligence and specific management plans</i>	<i>This contains a description of the overall level of risk</i>	<i>Individual person, unit, or entity tasked to carry out the mitigation measures</i>	<i>Timing of implementation of measures including any additional due diligence and management plans and may depend on the stage of implementation</i>	<i>Expected outputs of the measures</i>	<i>Estimated cost of carrying out the measures</i>

## Annex D: CESEL 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 table below provides mitigation measures for various identified impacts.

### Environmental Mitigation Measures in ESMP

Issue	Key Principle/Mitigation Standard	Mitigation Measures
<b>General Issues:</b>		
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.
<b>Labor Issues:</b>		
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

Issue	Key Principle/Mitigation Standard	Mitigation Measures
		male and female employees non-discriminatingly.
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 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.
<b>General Construction Issues:</b>		
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.

<b>Issue</b>	<b>Key Principle/Mitigation Standard</b>	<b>Mitigation Measures</b>
		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.
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 CESEL 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	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.

Issue	Key Principle/Mitigation Standard	Mitigation Measures
	indirectly to any water course (whether flowing or not).	
<b>Excavation and Blasting:</b>		
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 CESEL in agreement with villages). Blasting to occur at the same time each day, and / or a warning siren should sound prior to blasting.
Vibration disturbance of local populations	Vibration shall not unreasonably intrude on traditional village life.	Keep current lists of all vibration producing machinery This machinery operation to occur only during designated hours (to be confirmed by CESEL in agreement with villages). Blasting to occur at the same time each day, and / or a warning siren should sound prior to blasting
<b>Material Stockpiling:</b>		
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.	No direct discharge of sediment laden water without treatment. Stockpiles should be compacted as much as practical and not be exposed for extended periods. Storm water should be diverted around stockpiles.
Dust generation from stockpiles	Dust shall not cause a hazard or nuisance to village life.	Stockpiles should be compacted and not exposed for extended periods. Stockpiles should be reused as soon as practicable.
<b>Soil / Overburden Removal and Placement:</b>		
Generation of suspended solids from bare ground	Development activities should not give rise to storm water containing	No direct discharge of sediment laden water without treatment. Earthworks and land clearance should be minimized and phased.

<b>Issue</b>	<b>Key Principle/Mitigation Standard</b>	<b>Mitigation Measures</b>
and runoff into watercourses	elevated suspended solids. Provide treatment to achieve 75% reduction in suspended solids.	Any discharges to watercourses should occur during high flow and / or discharged as close to the outfall as possible to maximize mixing. Stockpiling should occur at least 10m from a water course. Re-vegetation of exposed areas as soon as practicable. Timing of works around the drier seasons where possible. Provision of storm water cut off drains wherever 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.
<b>Works in and near Rivers:</b>		
Sediment discharges arising from working in and near the river. For blasting in or near the river, refer	Work in the wetted area of the riverbed should be minimized, and only in relation to the construction of the power house, weir and intake structure	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.

Issue	Key Principle/Mitigation Standard	Mitigation Measures
to the blasting issues, above.	or to insert culverts for stream crossings.	
<b>Community impacts:</b>		
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 CESEL and the villagers and the state PCUs built on recognized negotiation structures</p> <p>CESEL has 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 - are included in the CESEL'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> <p>Villagers shall be adequately informed of all potential hazards to health and safety with regards to increased traffic, blasting, machinery operation</p>
Labor influx and gender-based violence, sexual exploitation	Specific measures in place for migrant workers	<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>

<b>Issue</b>	<b>Key Principle/Mitigation Standard</b>	<b>Mitigation Measures</b>
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 CESEL Management 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 typically would present the association between project activities, their impacts, the specified mitigation measures, institutional arrangements and costs for their implementation.

#### **CESEL ESMP Responsibilities and Costs**

<b>Project Activity</b>	<b>Potential Impacts</b>	<b>Proposed Mitigation Measures</b>	<b>Institutional Responsibility</b>	<b>Estimated Costs</b>
Use of land within mini grid construction area and along the transmission line route	Damage to vegetation	Appropriate clearing techniques (hand clearing, not mechanized clearing) will be utilized. Any trees of protected species will be relocated. In case relocation is not possible, CESEL will pay a special fee to the local environmental fund.	CESEL	
Use of land within mini grid construction area and along the	Loss of fertile topsoil and soil erosion	Fertile topsoil will be removed, stored in an isolated area away from construction activities, and covered with plastic to prevent	CESEL	

<b>Project Activity</b>	<b>Potential Impacts</b>	<b>Proposed Mitigation Measures</b>	<b>Institutional Responsibility</b>	<b>Estimated Costs</b>
transmission line route		runoff/erosion. Upon construction completion, topsoil will be returned and the area revegetated with plants similar to the original vegetation/native to the area.		
Construction works	Air pollution by dust	When necessary, construction site will be sprayed with water, particularly during hot, dry, windy conditions.	CESEL	
Construction works	Noise from construction works	Construction will be confined to normal work-hours (8AM to 6PM). If construction needs to be conducted before/after these hours, local public will be notified at least one week in advance.	CESEL	—

### ANNEX E: CESEL Self-Monitor Checklist

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

## **Annex F: CESEL's Grievance Redress Mechanism**

CESEL sets up project-specific Grievance Redress Mechanisms (GRM) for people to report concerns or complaints, if they feel unfairly treated or are affected by any of the subprojects.

The mechanism will amongst 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 and stakeholders and create productive relationships between the parties. 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.

CESEL dedicates the Customer Engagement Officer as the officer 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 also records and consolidates complaints and their follow-up. CESEL GRM is 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.

The GRM is communicated to all stakeholders in the course of CESEL's community engagement activities, and makes public available a record documenting the responses to all grievances received. The GRM remains available throughout the project cycle. It addresses concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project affected parties, at no cost and without retribution. It also allows for anonymous complains to be raise and addressed.

The GRM includes the following elements.

- Different ways in which users can submit their grievances, which may include submission in person, by phone, text message, mail, email or via a website;
- A lot where grievances are registered in writing and maintained as a database;
- Publicly advertised procedures, setting out the length of time users can expect to wait for acknowledgement, response, and resolution of their grievances;
- Transparency about the grievance procedure, governing structure and decision makers; and
- An appeals process to which unsatisfied grievances may be referred when resolution of grievance has not been achieved.

## Grievance Management Process

Process	Description	Time Frame	Other Information
Identification of grievance	<p>Face to face; phone; letter; mail; e-mail; website; recorded during public/ community interaction; others</p> <p>Customer Engagement Officer receives the complaints</p> <p>The grievance can also be passed through other parties, such as the chief or king's office because the public are more conversant with this office.</p> <p>The grievance receiver would then pass the complaint to CESEL Management</p>	1 Day	Email address; <a href="mailto:info@cesel.com.ng">info@cesel.com.ng</a> hotline number 07019281017
Grievance assessed and logged	Significance assessed and grievance recorded or logged (i.e. in a log book)	3-6 Days	Significance criteria: Level 1 –one off event; Level 2 – complaint is widespread or repeated; Level 3- any complaint (one off or repeated) that indicates breach of law/ policy or this ESMS provisions
Grievance is acknowledged	Acknowledgement of grievance through the medium grievance was sent	3 Days	
Development of response	Grievance assigned to appropriate department for resolution Response development with input from CESEL management and/or relevant stakeholders	4-8 Days	
Response signed off	Redress action approved by CESEL Vice President, Operations	8-15 Days	
Implementation	Redress action implemented and	5-9	

/communication of response	update of progress on resolution communicated to complainant	Days	
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If complainants are not satisfied with the grievance process, REA will be contacted. If complainants are then not satisfied even after arbitration, the affected persons will still have the right to present their complaint through the court system.

## **Annex G: CESEL Stakeholder Engagement Plan**

The stakeholder engagement will:

- 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 CESEL's ESMS.

The scope and level of detail of the plan are scaled to fit the needs of the project.

### **1. Introduction**

Brief description of the project, including design elements and potential social and environmental issues. Maps of the project site and surrounding area are included.

### **2. Regulations and Requirements**

Summary of 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 CESEL 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
- CESEL's 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**

Key stakeholder groups are listed, informed and consulted about the project. These 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**

- Summary of the project purpose and goals.
- Brief description of information to be disclosed, in what formats, and the types of methods that will be used to communicate this information to each group
- Brief description of the methods that will be used to consult with each group
- Description of how the views of women and other relevant sub-groups will be taken into account during the process
- Description of any other engagement activities that will be undertaken

## **6. Timetable**

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 CESEL's ESMS.

## **7. Resources and Responsibilities**

## **8. Grievance Mechanism**

## **9. Monitoring and Reporting**

## **10. Management Functions**

## Annex H: Regular E&S Report to REA

Company Name and Address		
Completed by		
Contact Person Phone #:		Email:
Role:		Date:
Reporting Covering From:		To:

### 1. Portfolio & Pipeline Operations:

Mini grid Location & Phase	E&S Category (I or II)	Category justification	E&S Instruments Prepared	Key E&S Risks	Compliance with Laws & Regulations (list clearances obtained and dates)	Sites fall under E&S Exclusion criteria for mini grid and power generation sites (Y/N?) <i>If yes, provide details</i>

### 3. Land Acquisition Details

Mini grid 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 (m2)	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 CESEL encounter 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 CESEL got warning and/or fines?		
Has there been any complains 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 CESEL conducted E&S monitoring for projects? Please describe process and outcomes.		
Have there been any updates to CESEL's E&S Policy?		

<b>Compliance</b>	<b>Yes/No</b>	<b>If yes, please provide details</b>
Is there any E&S personnel (staff or consultant) change?		
Is there any E&S staff training?		
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		

Signature \_\_\_\_\_

Date \_\_\_\_\_

## **Annex I: 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.<sup>4</sup> 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 CESEL, 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); mini-grids can be sited in any location within a community so long the location meets the technical criteria for the investment
- The proportion of land that may be donated cannot exceed 15 m<sup>2</sup> per kW of the proposed generation capacity plus an additional 7.5m<sup>2</sup> per kW for future generation capacity expansion

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<sup>4</sup> 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.

- Land donation for a single mini-grid or power generation system shall not exceed 10% of the land donor's holdings in cases where land ownership is individual or family
- Land required above 1,500 m<sup>2</sup>, 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 power plant construction and future expansion and be fenced off accordingly
- Shall the donated land not be used for power plant 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 CESEL, 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)
- CESEL establishes 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, CESEL 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: CESEL 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 re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

### ***Step 6: Establishing Informed Consent***

CESEL, 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.]*

CESEL 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 \_\_\_\_\_