Cross River State of Nigeria Gazette

Published by Authority

No. 4 CALABAR - 8TH MAY 2024 VOL. 4

CROSS RIVER STATE GOVERNMENT EXECUTIVE ORDER

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Printed and published by the Government Printer, Ministry of Information, Calabar
05/01/2024/600 Annual Subscription: Nigeria N4,240,000: Arrears N7,420,000 post free, present issue (including supplement) N2,000.00 a copy subscriber should apply for the Government Printer, Ministry of Information. P.M.B 1045, Calabar

EXECUTIVE ORDER
NO. 004 OF MAY 2024

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

WHEREAS,

Cross River State Government 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 investments are undertaken in line with established international good practices, reaffirming our commitment to reassurance and confidence and guaranteeing shared benefits between private investors and surrounding communities.

Whereas,

The Government of Cross River State is desirous of deepening its 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 investments, 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 the Cross River State Government's objective of creating an enabling, responsible and inclusive business operating environment for large-scale agribusiness investments in Cross River State, there is a 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 agribusiness development in Cross River State for sustainable economic growth and development. These include, but are not limited to:

a. That overarching investment will consistently contribute to the government's policy objective.

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 the 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 provide accessible and affordable protection for third-party settlement of dispute while considering the availability of judiciary recourse, community and traditional dispute resolution mechanisms.

d. Ensure transparent and fair State land acquisition and any resulting resettlement by disclosing and consistently applying 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, and the 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 worker safety will be protected, as will their fair, non- discriminatory, and equal treatment.

2. ESTABLISHMENT, POWERS AND FUNCTIONS OF THE FRILIA STEERING COMMITTEE

1. The constitution of a high-level Steering Committee is responsible for the overall coordination of the establishment, adoption and implementation of the Cross River State Framework for Responsible and Inclusive Land-Intensive Agricultural Investment (FRILIA). The Deputy Governor shall chair the Steering Committee, while members will include; Commissioner for Agriculture and Irrigation Development, Commissioner for Livestock, Aquaculture and Fisheries Development, Commissioner for Lands, Commissioner for Finance, Commissioner for Justice, Commissioner for Commerce, Commissioner for Environment, Commissioner for Local Government Affairs, Commissioner for Chieftaincy Affairs, Commissioner for Women Affairs, Commissioner for Rural Transformation, Commissioner for Industry, Director General Investment Promotion Bureau, Director General Geographic Information Agency, State Surveyor General, State Reform Champion, Permanent Secretary Ministry of Agriculture and Irrigation Development as Secretary

3. The function and powers of the Steering Committee shall be to:
   i. Ensure that Agri-Business investment in the State is 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 disposition 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 of Grievance Redress Mechanism (GRM) and review GRM reports.
   ii. Approve the adoption and implementation of the Framework for Responsible and Inclusive Land-Intensive Agricultural Investment (FRILIA).

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

iv. On the recommendation of the Technical Committee, co-opt such people or create several committees 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 and investments and to consider any specific issue(s) that the Governor may direct.

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 for Lands as chairman and two representatives (one not below the rank of a Director; and one Principal Officer) of the following Ministries, Departments and Agencies:Cross River State Ministry of Agriculture and Irrigation Development, Cross River State Ministry of Livestock, Aquaculture and Fisheries Development, Cross River State Ministry of Lands, Cross River State Ministry of Finance, Cross River State Ministry of Justice, Cross River State Ministry of Commerce, Cross River State Ministry of Environment, Cross River State Ministry of Local Government Affairs, Cross River State Ministry of Women Affairs, Cross River State Ministry of Rural Transformation, Cross River State Ministry of Industry, Cross River State Ministry of Chieftaincy Affairs, Cross River State Enabling Business Environment Council, Cross River State Investment Promotion Bureau, Cross River State Geographic Information Agency, Office of the State Surveyor General, Bureau of Public Private Partnership and Chairman Land Use Allocation Committee as Secretary.

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

a. Develop a Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA).

b. Prepare an implementation plan for FRILIA.

c. Develop toolkit/guidelines/policy or equivalent to guide investors throughout the development of land-intensive agricultural projects in Cross River State, consistent with the FRILIA principles and international best practices.

d. Conduct risk or benefit assessments that will assist the government in implementing agri-business projects, particularly land-based investment.
e. Advise and assist the government in creating sustainable land use and agri-business policies.
f. Monitor all land-based investment in the State and their compliance with FRILIA.
g. Assist the development of a land bank for agri-business investment in the State, in particular ensuring that land acquisition for the land bank is consistent with the FRILIA principles and international best practices.
h. Publish periodically information on agri-business investments.
i. Establish a framework for community and stakeholder consultations and engagement.
j. Provide a monthly report to the Steering Committee.
k. Meet at least every month to consider report from stakeholders, assigned tasks and any special issue(s) as may be directed by the Steering Committee.
l. Perform such other function as the Steering Committee may occasionally deem necessary to achieve its function.

DEVELOPMENT AND ADOPTION OF FRILIA TOOLKITS/GUIDELINES/POLICIES OR EQUIVALENT

6. The Technical Committee, as part of its responsibility, shall develop Toolkit/guidelines/policies or equivalent for approval by the Steering Committee. These will guide investors throughout the development of land-intensive agricultural projects in Cross River State, ensuring investors and the responsible MDAs have 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.

ESTABLISHMENT OFA GRIEVANCE REDRESS MECHANISM

7. The management and oversight of the FRILIA GRM toolkits and its accompanying templates shall be domicile within the Cross River State Ministry of Lands. The Ministry of Lands will appoint a FRILIA

Grievance Officer (FGO)/ Grievance Redress Desk Officer, who will manage and coordinate the GRM as related to Land-based Agricultural Investment in the State. This will help ensure ownership of the GRM process and its internalization in Cross River State and guarantee effective resolution, monitoring and reporting.

8. The Cross River State GRM institutional structure be established as follows:

a) FRILIA Unit/ Secretariat
b) Community Grievance Redress Committee
c) Local Government Grievance Redress Committee
d) Grievance Appeal Committee

9. Responsibility of the Grievance Unit/ Secretariat

I. Overall management of Grievance and appeals including defining specific process, procedure, channels and service standard for receiving, reviewing, resolving and reporting grievance and appeals.
II. Appointment of Greivance Social Officers at the various established uptake points including MDAs, LGA and the host communities for projects.
III. Collaborate with relevant stakeholders to ensure implementation of resolution plans.
IV. Maintain internal and external communication about grievances and appeals.
V. Monitor, evaluate and track performance of the GRM.

10. Functions of the Community/ Local Government Grievance Redress Committees

The GRC shall

· Document and investigate grievance/ appeal.
· Appraise complaints/ appeals using grievance guidelines.
· Deliberate and resolve complains/ appeals within specified timeline.
· Recommend and communicate remedial actions for implementation by stakeholders.
· Monitor compliance with resolutions by stakeholders and escalate non-compliance where necessary.
· Provide monthly briefings to the FRILIA GRM Unit on logged complaints, appeals, timelines, resolution status, resolution/ required action by stakeholders, recommendation for improvement.

11. Functions of the Grievance Appeal Committee

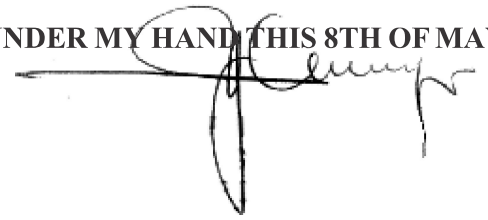
a. Receive grievance appeal from LG GRC or complainant.
b. Consult and make inquiries within the grievance areas
c. Invite aggrieved parties.

d. Deliberate on grievance and explore options for resolution, arbitration
e. Resolve all grievance within 50 days of receipt of grievance
f. Refer unresolved grievance to an alternative dispute resolution system through a multi-door courthouse.
g. Provide grievance feedback to the Cross River State Ministry of Lands

NOW THEREFORE, I, SENATOR PRINCE BASSEY OTU, EXECUTIVE GOVERNOR OF CROSS RIVER STATE. BY THE AUTHORITY VESTED IN ME BY THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) AND THE LAWS OF CROSS RIVER STATE, HEREBY ORDER AS FOLLOWS:

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

ISSUED UNDER MY HAND THIS 8TH OF MAY, 2024



SENATOR PRINCE BASSEY EDET OTU