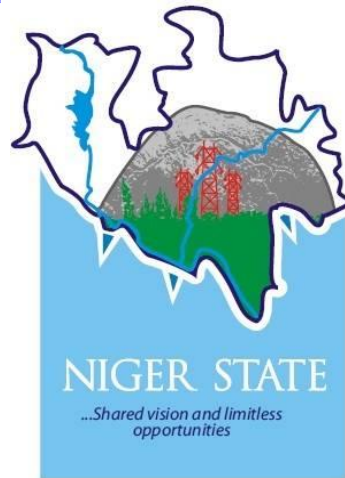




GMOU Toolkit for FRILIA- Niger State, Nigeria



GMOU Toolkit

Prepared for Niger State Government

Issued according to Executive Order No. 5 of 2023 titled: Establishment, Adoption, and Implementation of Framework for Responsible and Inclusive Land Intensive Agricultural Investment (FRILIA) Order issued on 20th December, 2023

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1 INTRODUCTION

The Global Memorandum of Understanding (GMOU) toolkit provides templates of agreements between communities, investors, government, and other development partners to ensure regulatory and legal compliance of FRILIA with the applicable National and State laws and international best practices. It also highlights the functions of the various regulatory bodies involved in large-scale agricultural investments. Furthermore, the GMOU toolkit for Niger State FRILIA has been drafted to facilitate the implementation of FRILIA principles which provide for the consistency of the project with all the prevailing laws, and identification and protection of all legitimate rights.

1.1 *Scope of the GMOU Toolkit*

The GMOU toolkit complements all the other FRILIA toolkits, including:

- Environmental and Social Risk Management Toolkit,
- Outgrowers and Food Security Toolkit,
- Land Access, Easement, and Involuntary Resettlement Management Strategies Toolkit
- Community Needs Assessment and Development Toolkit
- Grievance Redress Mechanism Toolkit.

1.2 *FRILIA Principles Applicable to the GMOU Toolkit*

1.2.1 *Overarching principles*

- OV1. Nothing in these principles shall be inconsistent with the provisions of any prevailing law.
- OV4. Responsible investment should protect against dispossession of legitimate, including derivative, tenure rights holders.
- OV6. Investments should contribute to policy objectives, including, but not limited to poverty reduction, food security, sustainable land use, employment creation and socio-economic support to local communities.
- OV9. Investment should include consultation with affected people and communities, including those that are disadvantaged or vulnerable, and they should be informed of their rights and assisted by government and/or others to develop their capacity to engage in consultations and negotiations.
- OV11. All existing legitimate rights, including customary and informal rights, and rights to common property resources, should be systematically and impartially identified.

1.2.2 *Land Acquisition and Resettlement Principles*

- L7. Economically displaced people with legal rights or claims should receive replacement property (e.g. agricultural or commercial sites) of equal or greater value, or, where appropriate, cash compensation, at replacement cost.
- L10. Displaced persons need to be engaged about their options and rights pertaining to involuntary resettlement, including processes on involuntary resettlement, and livelihood restoration should include options and alternatives from which project-affected persons may choose. Disclosure of relevant information and meaningful consultation should take place throughout the design and implementation phases of the resettlement process.
- L12. Particular attention should be paid to the engagement and needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, elderly, women and children, people with disabilities, or other displaced persons who may not be protected through national land compensation legislation.
- L14. Any action related to the displacement of people must comply with Federal and State laws and be conducted in a manner consistent with basic principles of due process (including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate or excessive force).

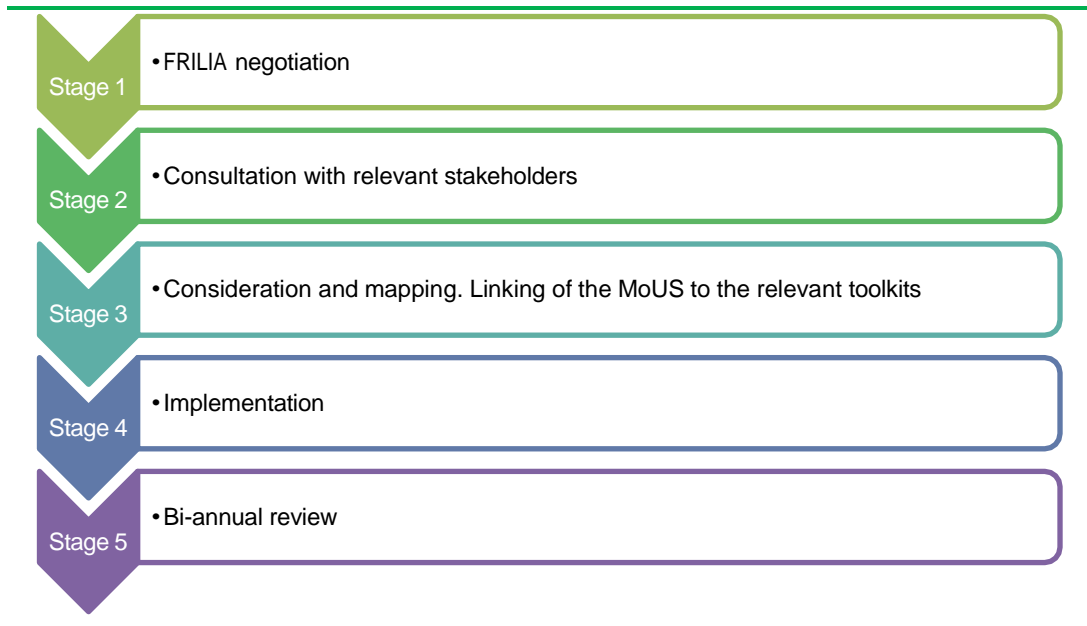
1.2.3 *Environmental and Social Sustainability Principles*

- E7. Investment should provide training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions.
- E8. Investments should promote fair treatment, non-discrimination and equal opportunity of workers and prevent the use of all forms of forced labor and child labor in accordance with national and state laws.

2 GMOU TOOLKIT PROCESS MAP

The figure below illustrates the process map to guide the investor in the application of the toolkit.

Figure 2.1 *GMOU Process Map*



2.1 *Stage 1: FRILIA negotiation*

Preliminary investigation about the investment and signing of the MOU between Niger State Government and FRILIA Investors [GMOU Template 1]. It is the duty of Niger State Ministry of Agriculture to explain the applicable FRILIA principles contained in the MOU to the investors.

Furthermore, Niger State Ministry of Agriculture will bring to the attention of the investor the list of the regulatory bodies [Template 2] and review the licence and permit compliance checklist [GMOU Template 3] of the investor.

2.2 *Stage 2: Consultation*

The investor will make consultation with the relevant stakeholders like the host communities, FRILIA project partners, Out-growers etc to establish relationships with the stakeholders and determine what is required by each stakeholder. At this stage the parties will negotiate on the terms of the MOU.

The outcome of the consultation will determine if additional terms are to be added to the MOU between Niger State Government and the FRILIA investor.

2.3 *Stage 3: Consideration and Mapping*

After consultation with the relevant stakeholders and preparation of the required management plans, the investor will link the specific MOUs with the relevant toolkits/documents mentioned in the Schedule of the MOU.

At this stage, all other MOUs will be signed subject to terms agreed by the parties **except** the Local Employment MOU, which will be signed at the implementation stage.

2.4 *Stage 4: Implementation*

This is the stage for the application of the terms of the MOU to the FRILIA approved project. At this stage, it is important that the project-affected persons and communities are compensated before the investor can commence work in the allocated area/community.

Furthermore, the investor will sign the Local Employment MOU [Template 5], to enable the required labour used in the implementation of FRILIA is compliant to prevent forced labour and child abuse.

2.5 *Stage 5: After care/Bi-annual review*

Niger State Ministry of Agriculture and the parties will determine if any of the terms of the MOU have been breached and whether the duration of the MOU should be extended. The parties will also consider the impacts of the implementation and consequent action plan.

3 TEMPLATES FOR THE GMOU TOOLKIT

Templates		Description
GMOU Template 1	MOU between Niger State Government and FRILIA Investors	To ensure that the investors comply with the provisions of the law and Niger State FRILIA principles.
GMOU Template 2	List of regulatory bodies	This is to provide the appropriate channel for the issuance of licenses for investors.
GMOU Template 3	Licence and permit compliance checklist	To ensure that the implementation of the project is consistent with the provisions of the law.
GMOU Template 4	MOU between Niger State Government, Investors and Host Community	The objective of this MOU it to give a general guidance on which community development projects will be implemented, how they will be implemented, when they will be implemented, what resources will be required for implementation and who will be responsible for and involved in the implementation in compliance with the Community Needs Assessment and Community Development Plan framework.
GMOU Template 5	Local Employment MOU	The objective of this MOU is to enhance economic development and eradication of poverty through job creation for indigenes and residents of Niger State. This will further protect the rights of the employers and the employees in accordance with the labour laws of Nigeria.
GMOU Template 6	MOU between Investors and Outgrowers	The objective of this MOU is to ensure that the investors and out-growers are guided by the required principles to facilitate compliance with the provisions of the law and Niger State FRILIA principles.
GMOU Template 7	Environmental Compliance MOU between Niger State Government,	This MOU is an agreement between the relevant parties to execute the projects in an environmentally sustainable manner in accordance with the appropriate national and international regulations.

Templates		Description
	Investors and Contractors	
GMOU Template 8	MOU on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement MOU between Niger State Government, Investors and Communities	The objective of this MOU is to protect the interest and the rights of persons and communities who are affected by land acquisition and displacement before the implementation of the project. This will be signed after the communities have consented to land acquisition and payment of compensation and associated support to affected persons before the execution of the project. To guide identification of the rights of the parties involved in the acquisition of Land.