

ZAMFARA STATE REGULATION FOR THE APPROVAL AND OVERSIGHT OF LARGE-SCALE AGRICULTURAL INVESTMENTS

11th, February, 2025.

PREAMBLE

ENACTED by the authority vested in the Zamfara State Ministry of Agriculture and Natural Resources (“the Ministry”), pursuant to the Zamfara Investment Promotion Agency Law (ZIPA Law) and other relevant State enactments, and in furtherance of the Framework for Responsible and Inclusive Land-Intensive Agricultural Investments (FRILIA) domesticated via Executive Order, these Regulations provide a transparent, inclusive, and results-oriented framework for approving, coordinating, and overseeing large-scale agricultural investments in Zamfara State.

PART I: PRELIMINARY

Article 1: Citation and Commencement

1. These Regulations may be cited as the Zamfara State Large-Scale Agricultural Investment Approval Regulations, 2025.
2. They shall come into operation on the 11th day of February, 2025, and apply throughout Zamfara State.

Article 2: Interpretation

In these Regulations, Unless the context otherwise requires:

- “**Agency/ZIPA**” means the Zamfara Investment Promotion Agency.
- “**Ministry**” means the Zamfara State Ministry of Agriculture and Natural Resources.
- “**Environmental Authority**” means the competent State environmental protection body or other designated authority responsible for ESIA/ESMP review and compliance.
- “**Stakeholders**” include host communities, traditional authorities, cooperatives, producer associations, Local Government Areas (LGAs), civil society, women and youth groups, vulnerable persons, investors, and public agencies.
- “**FRILIA Principles**” include (i) inclusive participation and gender-responsive consultation; (ii) responsible land access and tenure security; (iii) environmental & social risk management; and (iv) shared benefits, food security, transparency, and grievance redress.
- “**Large-scale agricultural Investment (LSAI)**” means an investment classified under Article 11 of these Regulations.
- “**ESIA/ESMP**” refers to Environmental and Social Impact Assessment/Environmental and Social Management Plan.

- “**CBA/MoU**” means a Community Benefit Agreement / Memorandum of Understanding executed among investor(s), host community(ies), and Government.
- “**Outgrower Scheme**” means an arrangement linking smallholders to the investor’s value chain with defined support, off-take terms, and safeguards.
- “**IAP**” means the Investment Approval Process prescribed in these Regulations.

Article 3: Objectives

These Regulations aim to:

1. Attract responsible, inclusive, and climate-smart agricultural investments.
2. Protect community rights and livelihoods while ensuring food security.
3. Integrate FRILIA tools into due diligence, screening, and approval.
4. Provide a one-stop, timely, and predictable process with clear SLAs.
5. Ensure transparency, effective grievance redress, and continuous monitoring.

Article 4: Scope and Exemptions

1. These Regulations apply to all persons and entities seeking approval for LSAI in Zamfara State.
2. Micro/smallholder projects below the threshold in Article 11 are exempt from ZIPA-led IAP but remain subject to applicable sectoral laws.
3. Nothing herein overrides Federal or State laws, including environmental, land administration, labour, and public health laws.

Article 5: Digital Transparency and Records

1. ZIPA shall maintain a public portal for applications, approvals, MoU summaries, monitoring reports, and sanctions (subject to confidentiality).
2. All records shall be retained for a minimum of 10 years and made available for audit, SABER verification, or lawful requests.

PART II: INSTITUTIONAL ARRANGEMENTS

Article 6: Lead Authorities

ZIPA, in collaboration with the Ministry, leads facilitation, coordination, approval, and oversight of LSAI, supported by the Environmental Authority and relevant MDAs (lands, planning, water, livestock, commerce, justice, gender, youth, LGAs).

Article 7: State FRILIA Steering Committee (SFSC)

1. Establishment: A SFSC is hereby established to guide FRILIA implementation.
2. Composition (indicative): Deputy Governor (Chair) or Commissioner (Agriculture) as Chair; Commissioners/Heads of Lands, Environment, Finance, Investment/ZIPA, Justice, LG Affairs, Urban/Regional Planning, Women Affairs, Youth, and others as may be designated; two CSO reps; two traditional/community reps; and one private sector agribusiness rep.

3. Functions: Policy direction, resolution of escalated issues, approval of FRILIA guidelines and updates, performance review, and publication directives.

Article 8: FRILIA Technical Committee (FTC)

1. Establishment: A multi-disciplinary FTC reports to the SFSC.
2. Functions: Technical screening, review of ESIA/ESMP, MoU/CBA quality checks, valuation oversight, monitoring templates, audits, and capacity building.

Article 9: Investment Facilitation & Compliance Unit (IFCU) within ZIPA

1. Mandate: One-stop shop for IAP intake, guidance, tracking, coordination, investor/community help desk, and compliance inspections.
2. Deliverables: SLA tracker, case files, inspection schedules, compliance scorecards, and quarterly disclosures.

PART III: INVESTMENT CLASSIFICATION, ELIGIBILITY & PROCESS

Article 10: Prohibited/Restricted Activities

1. Prohibited: Activities contravening law or causing irreversible harm to critical habitats, cultural sites, or protected areas.
2. Restricted: Water-intensive crops or irrigation in water-stressed basins, livestock densities above carrying capacity, or GMO use where restricted—subject to specific safeguards and permits.

Article 11: Classification & Thresholds

- Tier A (Large): ≥ 200 ha or Capex ≥ ₦2,000,000,000
- Tier B (Very Large): ≥ 1,000 ha or Capex ≥ ₦5,000,000,000
- Tier C (Mega): ≥ 5,000 ha or Capex ≥ ₦15,000,000,000

Article 12: Eligibility Criteria

Applicants must demonstrate:

1. Legal status and tax compliance;
2. Evidence of financial capacity and credible business plan;
3. Land access route consistent with law and FRILIA (no involuntary displacement without due process and fair compensation);
4. Climate-smart, water-efficient, and food-security-conscious project design;
5. GRM design and community engagement plan compliant with FRILIA;
6. Labour, OHS, and child-labour safeguards.

Article 13: Documentation (Minimum)

1. Application Form (Schedule 1) and fees (Schedule 2).
2. Corporate documents; proof of funds; preliminary feasibility.

3. Land interest documentation (letter of intent, cadastral maps, LGA endorsement where applicable, evidence of consultations).
4. Stakeholder Engagement Plan and initial socio-economic baseline.
5. ESIA Terms of Reference approval (where required) and subsequent ESIA/ESMP.
6. Draft MoU/CBA outline; benefit-sharing and outgrower concept.
7. Water abstraction/irrigation plan (if applicable).
8. Biosecurity and animal health plan (if applicable).
9. Waste, effluent, and emissions management plan.

Article 14: Investment Approval Process (IAP) and SLAs

Stage	Timeline	Description
Stage 1: Pre-Application Advisory	5 working days	IFCU clarifies requirements and thresholds.
Stage 2: Submission & Completeness Check	5 working days	Acknowledgment and checklist issuance.
Stage 3: Screening & Risk Categorization	15 working days	FRILIA tools applied; site visits as needed.
Stage 4: Stakeholder Consultations	30–60 days	Inclusive, gender-responsive engagements per toolkit.
Stage 5: ESIA/ESMP Review	30–60 days	Conducted by Environmental Authority; parallel MoU negotiation.
Stage 6: MoU/CBA Execution	Within ESIA window	Execution of agreements with minimum clauses per Article 19.
Stage 7: Approval Decision	10 working days	SFSC/ZIPA sign-off with conditions and performance bond (Article 21).
Stage 8: Disclosure & Registration	5 working days	Public portal summary; conditions precedent listed.

Article 15: Screening & Risk Categorization

1. Category: High/Moderate/Low based on FRILIA and ES risk.
2. Risk determines intensity of consultation, ESIA scope, monitoring frequency, and bond size.

Article 16: Stakeholder Engagement

1. Early, continuous, and inclusive; translated materials; disability-inclusive formats.

2. Evidence: attendance sheets disaggregated by gender/age, minutes, visuals, locations, and issues log.
3. Affected persons must have safe channels to voice concerns without retaliation.

Article 17: ESIA/ESMP and Climate Safeguards

1. ESIA consistent with Federal/State law and FRILIA.
2. ESMP shall include mitigation measures, budget, responsible parties, timelines, and indicators; climate risk assessment and adaptation measures are mandatory for irrigation and water-dependent projects.

Article 18: Land Access, Valuation, and Compensation

1. Land access must follow applicable law; no displacement without lawful process.
2. Valuation uses transparent methods, replacement cost, livelihood restoration, and gender-equitable compensation.
3. Independent valuers may be appointed; community witnesses sign valuation summaries.

Article 19: MoU/CBA Minimum Clauses

1. Parties, land description, tenure terms, duration, and renewal.
2. Benefit-sharing (royalties/levies/in-kind), local employment & gender targets, procurement of local goods/services.
3. Outgrower scheme design (inputs, TA, pricing formula, off-take, floor/ceiling, dispute resolution).
4. Social investments (water points, clinics, training) linked to measurable outcomes.
5. GRM architecture, timelines, escalation ladder, and reporting.
6. Monitoring, audit access, data disclosures, sanctions, and termination clauses.

Article 20: Outgrower & Food Security

1. Priority to smallholders and women/youth farmers; minimum 10–30% of annual raw material volume sourced locally (State may set the exact figure by Gazette, crop-specific).
2. Off-take pricing formula must be disclosed; side-selling deterrents must be fair and legal.
3. Food security safeguards (no net negative effect on staple availability in vulnerable LGAs).

Article 21: Financial Close, Bonds, and Insurance

1. Performance Bond: sized by risk (see Schedule 2 note).
2. Insurance: OHS, environmental liability, and crop/livestock risks as applicable.
3. Community Development Bond or Escrow (optional, based on CBA commitments).

Article 22: Approval, Conditions & Variations

1. Approval specifies scope, area, tenure, conditions precedent/subsequent, MoU/CBA, monitoring frequency, and reporting duties.
2. Variations require ZIPA approval and updated safeguards/consultations.

Article 23: Publication and Disclosure

ZIPA publishes non-confidential summaries of approvals, MoU/CBA key terms, monitoring scores, sanctions, and GRM statistics.

Article 24: Integrated Permitting

Where feasible, the IAP integrates or sequences allied permits (land administration, irrigation/water use, planning, animal health, storage/processing, transport).

Article 25: Data Protection

Personal and commercially sensitive information is protected per applicable law; disclosures balance transparency with lawful confidentiality.

PART IV: MONITORING, ENFORCEMENT, APPEALS

Article 26: Monitoring & Reporting

1. Investor submits reports using Schedule 3 templates (Quarterly, Annual).
2. ZIPA conducts risk-based inspections; independent audits may be commissioned.

Article 27: Grievance Redress Mechanism (GRM)

1. Investors must operate a tiered GRM consistent with FRILIA, with multiple intake channels (in-person, toll-free, SMS/USSD, WhatsApp, email, suggestion boxes), response SLAs, and anonymity options.
2. Unresolved cases escalate to ZIPA/FTC and ultimately to SFSC or competent courts.
3. Quarterly GRM statistics must be disclosed (Schedule 3).

Article 28: Inspections and Audits

ZIPA/FTC may conduct scheduled or unannounced inspections; obstruction is an offence.

Article 29: Offences and Sanctions

1. Offences include: misrepresentation, operating without approval, environmental breaches, labour/OHS violations, non-compliance with MoU/ESMP/GRM, or retaliation against complainants.
2. Sanctions (graduated): warnings, corrective orders, administrative fines, suspension, bond draw-down, revocation, blacklisting, and referral for prosecution.

Article 30: Suspension/Revocation

Material breach or imminent risk to life/environment may trigger immediate suspension; revocation follows due process.

Article 31: Appeals

Aggrieved parties may appeal to the SFSC within 30 days of decision, and further to the courts as provided by law.

Article 32: Transitional Provisions

Existing projects shall, within 6 months, submit a compliance plan to align with FRILIA and these Regulations.

Article 33: Periodic Review

The SFSC shall review these Regulations and Schedule 2 Fees annually and may amend via Gazette.

Article 34: Severability

Invalidity of any provision does not affect the remainder.

SCHEDULE 1 — APPLICATION FORM (LSAI)

Section A: Applicant Details

- Registered Name & RC No.:
- Trading Name (if different):
- Country of Incorporation:
- Tax Identification Number:
- Contact Person (Name/Title/Email/Phone):
- Registered Address:

Section B: Project Overview

- Project Title:
- Commodity(ies)/Value Chain Stage(s):
- Project Location(s): LGA(s)/Ward(s)/Coordinates:
- Land Area Required (ha): Irrigated? (Yes/No) If yes, water source & estimated abstraction (m³/season):
- Proposed Tenure (lease/permit/other) & Duration (years):
- Capital Expenditure (₦): Working Capital (₦): Financing Sources (equity/debt/grants):
- Project Phasing (Years 1–5):
- Expected Commissioning Date:

Section C: Employment & Inclusion

- Direct Jobs (Yr 1 / Stabilized): Female %: Youth %: Local %:
- Indirect Jobs:
- Skills Development Plan (summary):
- Gender & Disability Inclusion Measures:

Section D: Outgrower & Local Sourcing

- Target # Smallholders: Women %: Youth %:
- Support Package (inputs, TA, credit guarantees):
- Off-take Terms & Pricing Formula (summary):
- Annual Local Sourcing Target (% of raw material):

Section E: Community & Land

- Land Access Route (State/LGA/Community/Private):
- Evidence of preliminary consultations (attach minutes, attendance, photos):
- Socio-economic baseline (summary):
- Potential physical/economic displacement? (Yes/No) If yes, expected households:

Section F: Environmental & Social

- Anticipated Risk Category (High/Moderate/Low):
- Key Risks (top 5) & Mitigation Summary:
- Waste/Effluent/Manure Plan (summary):
- Biodiversity/Critical Habitat screening (summary):
- Health & Safety Plan (workers/community):

Section G: GRM

- GRM Channels (list): Languages covered: Response SLA days:
- Confidentiality/Anti-retaliation measures:

Section H: Attachments Checklist(tick ✓)

- ☐ Certificate of Incorporation, Form CAC docs
- ☐ Board Resolution/Power of Attorney
- ☐ Tax Clearance / TIN evidence
- ☐ Feasibility Study & Business Plan
- ☐ Proof of funds/Term sheets
- ☐ Maps (cadastral, land use, hydrology if relevant)
- ☐ Stakeholder Engagement Plan + Evidence of meetings
- ☐ ESIA ToR approval (if required) / ESIA & ESMP (when completed)
- ☐ Draft MoU/CBA Outline
- ☐ Outgrower Concept Note
- ☐ Irrigation/Water Abstraction Plan (if any)
- ☐ Biosecurity/Animal Health Plan (if livestock)
- ☐ OHS Plan
- ☐ Any other permits obtained/to be obtained

Declaration

I/We certify that the information provided is true and complete, and agree to comply with the Regulations, FRILIA, and all conditions of approval.

Name/Title/Signature/Date.

SCHEDULE 2 — FEES & CHARGES

Principles: (i) Cost recovery, (ii) Predictability, (iii) Pro-poor & MSME-friendly waivers, (iv) Transparency.

Indexation: Figures below are 2025 baseline and may be adjusted annually by Gazette (C

Tiers: Use Tier A/B/C from Article 11 or set a single rate structure.

A. One-Time Fees (payable at specific stages)

Item	When Payable	Tier A	Tier B	Tier C	Notes
Application Processing Fee	On submission	₦ 250,000	₦ 400,000	₦ 600,000	Covers completeness check & docketing
Screening & Site Verification	Before Stage 3	₦ 150,000 + ₦ 2,500/ha	₦ 300,000 + ₦ 2,000/ha	₦ 500,000 + ₦ 1,500/ha	Field visits & FRILIA tools
ESIA Admin Review Fee*	Stage 5	₦ 300,000	₦ 500,000	₦ 750,000	*Excludes consultant costs; payable to Environmental Authority/State Treasury per policy
MoU/CBA Registration	Prior to Stage 7	₦ 200,000	₦ 300,000	₦ 400,000	Legal vetting, indexing, disclosure prep
Approval & Documentation	On approval	₦ 250,000	₦ 350,000	₦ 500,000	Issuance, conditions, gazette summary
Performance Bond (refundable)	On approval	1.0% of Yr-1 Capex (cap: ₦ 25m)	1.25% (cap: ₦ 40m)	1.5% (cap: ₦ 60m)	Callable for non-compliance; bank guarantee acceptable

B. Annual Regulatory Charges (payable each year after approval)

Item	Tier A	Tier B	Tier C	Notes
Annual Oversight & Inspection	₦ 350,000	₦ 600,000	₦ 900,000	Funds monitoring visits & audits

Environmental Monitoring Admin	₦200,000	₦300,000	₦400,000	Coordinates ESMP tracking
Data & Transparency Levy	₦100,000	₦150,000	₦200,000	Portal maintenance, disclosures

C. Variable/Performance-Linked Charges (optional—choose if desired)

Item	Rate	Notes
Area-Based Charge	₦1,000/ha/year	Replace or supplement Annual Oversight; consider waiving for rain-fed low-impact projects
Water Abstraction Admin	₦2,000/m ³ (admin)	If State operates such charge; ensure no double-charging with basin authority
Food Security Levy	0.05% of annual revenue	Apply only to export-heavy crops; exempt if local sourcing/outgrower ≥ target
Social Investment Credit	Up to 50% offset	Offset Annual Oversight if investor meets MoU social KPIs

D. Waivers & Concessions

1. MSME/Cooperative Waiver: Projects aggregating smallholders without land acquisition may have 50–100% fee waivers (case-by-case).
2. Priority LGAs: Reduced charges for investments in underserved LGAs aligned to State food security or climate resilience priorities.
3. Performance Rebate: Two consecutive “Compliant” annual audits → 25% reduction in next year’s oversight fee.
4. GRM Access: Filing a grievance is free for all community members.

E. Payments & Refunds

1. All payments via the State Treasury Single Account; receipts auto-generated by portal.
2. Refunds: ESIA Admin Fee refundable if application is withdrawn before ESIA ToR approval; otherwise non-refundable.
3. Bond release upon (i) commissioning, (ii) first-year compliant audit, and (iii) no outstanding corrective orders.

SCHEDULE 3 — REPORTING & TEMPLATES

Use these forms for Quarterly and Annual submissions. Upload via portal; keep signed hard copies for inspection.

3.1 Quarterly Compliance Report (QCR)

A. Project Snapshot (Quarter/Year):

- Reporting Period: Q__ 20__
- Approved Scope (ha/commodities/locations):
- Activities this Quarter (brief):
- Production/Processing Volumes:

B. Compliance Checklist (tick ✓ / brief notes / attach evidence)

- ☐ Operations within approved boundaries and phasing
- ☐ Community consultations conducted as scheduled
- ☐ ESMP actions implemented (waste, effluent, OHS)
- ☐ Outgrower support delivered per plan
- ☐ Local employment & gender targets on track
- ☐ GRM functional (see 3.3)
- ☐ No critical incidents; if any, complete Incident Form (3.6)

C. KPIs (fill numbers)

- Direct Jobs (F/M/Youth/Persons with Disabilities):
- Outgrowers active (total; % women; % youth):
- Local procurement spend (K; % of total):
- Hectares cultivated/irrigated this quarter:
- Water abstracted (m³) & efficiency notes:
- GHG/energy notes (if monitored):

D. Compliance Score (self-assessment 0–100) and narrative on risks/mitigation.

Authorized Signatory/Date

3.2 Stakeholder Engagement Register (SER)

Date	LGA/Ward	Group (women/youth/traditional/etc.)	Purpose	Attendance (F/M)	Issues Raised	Commitments/Actions	Evidence Ref

3.4 Land Access & Compensation Status (LACS)

Parcel ID	Coordinates	Area (ha)	Rights Affected	HH Affected (F/M)	Valuation Method	Compensation Type (cash/in-kind)	Amount/Package	Paid? (Y/N)	Evidence Ref

Livelihood Restoration Activities: summary & outcomes.

3.5 Outgrower Programme Performance (OPP)

LGA	# Farmers	% Women	% Youth	Inputs Provided	TA Sessions	Off-take Volume (t)	Price Formula Applied? (Y/N)	Payment Delay (days)

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Narrative: challenges, side-selling, climate shocks, remedial actions.

3.6 Incident Notification Form (INF) — Submit within 48 hours for major incidents

- Incident Type (Environmental / OHS / Social / Security / Other):
- Date/Time/Location (GPS):
- Description & immediate impact:
- Injuries/Fatalities (if any):
- Immediate Response Taken:
- Authorities Informed (who/when):
- Preventive/Corrective Actions with timelines:
- Point of Contact:
- Attach photos/maps/reports.

3.7 Annual Environmental & Social Performance Checklist (AESPC)

ESMP Measure	Target	Achieved	Variance	Budget (₦)	Spent (₦)	Evidence	Next-Year Plan

Auditor/Verifier (if independent):

Name:

Signature:

Date.

3.8 Approval Conditions Tracker

Condition	Type (Precedent/Subsequent)	Due Date	Status	Evidence	Responsible