



KOGI STATE GOVERNMENT OF NIGERIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY

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

AUGUST 25TH, 2025

ENACTED by the authority vested in the Kogi State Ministry of Agriculture by the Kogi State Governor drawn from Decree No 37 of 1991 (States Creation and Transitional Provision) which established Kogi as a State to be manned by an Executive Governor, and in furtherance of the provisions articulated in the Kogi State FRILIA Executive Order/State Agricultural Development Policy 2023, and by all other powers enabling it in that behalf, the following Regulations are hereby made:

PART I: PRELIMINARY

Article 1: Citation and Commencement

1. These Regulations may be cited as the Large-Scale Agricultural Investment Approval Regulations Year 2025.

These Regulations shall come into operation on the 1st day of September, 2025, and shall apply throughout the territorial jurisdiction of Kogi State.

Article 2: Interpretation

In these Regulations, unless the context otherwise requires:

- a. "Ministry/Department/Agency" shall denote the Ministry of Agriculture and Food Security established by the authority of Kogi State Governor;
- b. "Stakeholder" shall denote the identified persons, group, or organization that has a vested interest
- c. "FRILIA Principles" shall be construed in accordance with the framework of FRILIA as promulgated by Kogi State under FRILIA Executive Order 2023 available at <https://kogistate.gov.ng/wp-content/uploads/KOGI-STATE-EXECUTIVE-ORDER-ON-FRILIA-2023.pdf>;
- d. "Large-scale agricultural investment" shall mean and include any agricultural enterprise exceeding 20 hectares in land area or requiring capital investment above \$USD 1million monetary units;
- e. "ESIA" shall refer to a comprehensive Environmental and Social Impact Assessment or such other environmental and social analysis required by and conducted in accordance with [State Environmental Protection Act].
- f. "FRILIA Toolkits/Guidelines" shall refer to toolkits or guidelines developed by the Kogi State FRILIA Technical Committee and approved by the Kogi state FRILIA steering committee as established by the Kogi State FRILIA Executive Order

Article 3: Application and Scope

1. The provisions contained herein shall apply to:

- a) All natural persons, corporate entities, and consortia seeking to undertake large-scale agricultural investments within the territorial boundaries of Kogi State;
- b) All large-scale agricultural investment transactions involving land use, water rights, or natural resource exploitation for agricultural purposes;
- c) All phases of project development from conception through implementation to decommissioning.

2. Nothing in these Regulations shall be construed as limiting or abrogating any existing rights, obligations, or remedies available under any other enactment.

PART II: APPROVAL MECHANISM

Article 4: General Provisions

The Kogi State Ministry of Agriculture and Food Security shall serve as the authority responsible for the administration, oversight, and enforcement of these Regulations

Article 5: Approval Conditions

In furtherance of enhancing the efficiency, transparency, and accountability of the State's Investment Approval Process, the following toolkits, which incorporate FRILIA principles, shall be mainstreamed into the Investment Approval Process (IAP) established by this Regulation.

Stakeholder	Engagement:	Toolkit/Guideline
(https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf)		

Objectives: The Toolkit captures a range of approaches and methodologies to identify and proactively enable the participation of all stakeholders towards empowering them to make an informed decision throughout FRILIA implementation

Environmental and Social Risk Management	Toolkit/Guideline
[https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf]	

Objective: The toolkit provides a guide for the investor on implementing the various safeguards for environmental and social sustainability, including the health and safety of its stakeholders

Land Access, Easement and Involuntary Resettlement Management	Toolkit/Guideline
[https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf]	

Objective: The toolkit supports the consultative process of physically and/or economically displaced Project Affected Entities (PAEs) and Project Affected Communities (PACs) to help ensure improved livelihoods post-displacement

Valuation and Compensation	Toolkit/Guideline
[https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf]	

Objective: The toolkit describes processes to objectively identify, enumerate, and assess replacement values, assign eligibility, and undertake gender-sensitive

valuations of immovable assets, loss of access to natural resources, and any other forms of valuable unexhausted improvements within and around a defined project area

Global Memorandum of Understanding Toolkit/Guideline
[<https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf>]

Objective: The toolkit provides a range of culturally appropriate and user-friendly agreements that are inclusive and explanatory for all the parties involved in a varied range of agreements between stakeholders

Grievance Redress Mechanism (GRM) Toolkit/Guideline
[<https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf>]

Objective: The toolkit provides an avenue for stakeholders to understand the concept of grievances, capturing grievances, responding to grievances, monitoring, aggregation of grievances, including the grievance escalation procedure, and exploration of alternative dispute resolution medium or the open court systems

Community Needs Assessment and Development Toolkit/Guideline
[<https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf>]

Objective – This toolkit supports the commitment of investors to Community Social Responsibility (focus on women and youth empowerment, utilization of local content, minority and vulnerable groups, knowledge transfer, and improved community infrastructure) and helps investors to identify and analyze the needs of the community that will be affected by the investment

Out-growers and Food Security Toolkit/Guideline
[<https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf>]

Objective: The toolkit presents a series of process models that would support the expanded growth of investors and economically empower local communities to participate in large-scale agribusiness development. Additionally, it includes a food security framework for participating communities.

Article 6: Stakeholder Engagement

Stakeholder engagement shall be in accordance with the procedures and processes set out in the approved FRILIA stakeholder engagement toolkit /Guideline [<https://kosippppa.kogistate.gov.ng/wp-content/uploads/KOGI-STATE-FRILIA-FRAMEWORK-FINAL-VERSION.pdf>]

Article 7: The approval process for large-scale agricultural investments shall comprise 6 (six) distinct stages as hereinafter prescribed.

Stage One - Preliminary Application and Due Diligence

1. Prospective investors shall submit to the Ministry of Agriculture and Food Security;
 - a) A duly executed application form;

- b) Certified copies of constitutional documents, including but not limited to certificates of incorporation and memorandum of association;
 - c) Audited financial statements demonstrating financial capacity;
 - d) A comprehensive project concept note detailing:
 - i. Project objectives and scope;
 - ii. Proposed land requirements;
 - iii. Anticipated employment creation;
 - iv. Proposed value chain integration.
 - v. Potential risks and benefits for the affected community.
 - e) Such other information as may reasonably be required by the Ministry of Agriculture and Food Security for the processing of the application.
2. The Kogi State Ministry of Agriculture and food Security shall, within 14 working days of receipt of a complete application:
- a) Conduct thorough screening and due diligence on the applicant and investment using the Kogi State screening toolkit, including but not limited to:
 - i. Verification of corporate standing;
 - ii. Assessment of financial viability;
 - iii. Examination of previous investment track record;
 - b) Initiate preliminary community engagement where the proposed project area has been identified.
 - c) Determine preliminarily whether the proposed investment is reasonably likely to comply with all applicable FRILIA principles.
3. Failure to submit complete documentation as prescribed shall render the application null and void.

The Kogi State Ministry of Agriculture and Food Security may invite other identified stakeholders, including but not limited to Kogi State Investment Promotion and Public-Private Partnership Agency (KoSIPPPA, Ministry of Commerce, Kogi State Bureau of lands, Kogi State Ministry of Livestock Development, local Government Officials, Traditional rulers, Host communities involved to participate at this stage. The participating stakeholders shall collaborate and share responsibilities as follows:

Shared Responsibilities:

- KoSIPPPA shall review investment proposal and provide support inline regulations.
- Ministry of Commerce shall provide guidance on fee and levies and other support.
- Kogi State Bureau of Lands shall handle land acquisition matters.
- Kogi State Ministry of Livestock Development shall provide technical support on livestock projects.
- Local Government officials and traditional rulers shall be consulted on land acquisition matters.
- Host Communities shall be engaged on land requests.

Stage Two - Site Identification and Community Consultation

Upon satisfactory completion of Stage One, the Kogi State Ministry of Agriculture and Food Security shall:

- A. Continue to provide information and resources that the potential investor may need to proceed with the investment.

- B. Coordinate the investor's interaction with other government agencies and help the investor locate service providers.
- C. Arrange for site visits for the investor after notifying local officials and communities of investor interest.
- D. Notify local government officials, wards and community stakeholders to engage in internal consultations and then to respond preliminarily whether they might welcome the investment.

The Ministry of Agriculture and Food Security may invite other identified stakeholders, including but not limited to KoSSIPPPA, Kogi State Bureau of lands, Local Government Officials, Traditional rulers, Host communities involved, Civil society organizations with interest, Kogi State Chamber of Commerce to participate at this stage. The participating stakeholders shall collaborate and share responsibilities as follows:

Shared Responsibilities:

- KoSSIPPPA shall further review the investment proposal in line with extant laws and regulation and provide necessary support.
- Kogi State Bureau of lands will facilitate land acquisition and documentation.
- Kogi State Ministry of Livestock development will provide technical support for all livestock projects.
- Local Government Officials and traditional rulers will be consulted on land acquisition for the project.
- Host communities involved will be engaged on land, environmental and opportunities within the project.
- Civil society organizations with interest will provide guidance on the rights of the host communities and environment issues.

Stage Three: Potential Investor Proceeds or Withdraws

Upon satisfactory completion of Stage two:

- A. The investor reacts to the community's initial response to the potential investment and the investor's assessment of the viability of the investment and potential site. If the investor decides to withdraw, the process stops. If the investor wishes to consider a different location within the State, the process reverts to Stage 2. The process also ends if the community decides not to proceed.
- B. If the potential investor decides to proceed and the community is supportive, the investor should engage further, build relationships with the community, and get them fully involved. The investor and the community (with legal assistance provided by Kogi State Ministry of Justice should begin to discuss a community engagement plan to guide the ongoing consultations.

The Ministry of Agriculture and Food Security may invite other identified stakeholders, including but not limited to KoSSIPPPA, Kogi State Bureau of lands, Kogi State Ministry of Justice, Local Government Officials, Traditional rulers, Host communities involved, Civil society organizations with interest to participate at this stage. The participating stakeholders shall collaborate and share responsibilities as follows:

Shared Responsibilities:

- KoSIPPPPA shall further review the investment proposal in line with extant laws and regulation and provide necessary support.
- Kogi State Bureau of lands will facilitate land acquisition and documentation.
- Kogi State Ministry of Livestock development will provide technical support for all livestock projects.
- Kogi State Ministry of Justice shall provide guidance on legal matters
- Local Government Officials and traditional rulers will be consulted on land acquisition for the project.
- Host communities involved will be engaged on land, environmental and opportunities within the project.
- Civil society organizations with interest will provide guidance on the rights of the host communities and environment issues.

Stage Four: Investor Enters into a Memorandum of Understanding (“MoU”) with the Ministry of Agriculture and Food Security and Representatives of the Affected Communities

- A. The Ministry of Agriculture and food Security does more in-depth due diligence on the investor and shares additional due diligence findings with other stakeholders.
- B. Consultations with the community continue, and a community engagement plan may be agreed to at this point.
- C. If all parties continue to be supportive of the proposed investment, they attempt to agree on an MoU that covers the framework of the investment, how much land is required, benefits that may accrue to the community, commitments to ongoing consultation, preparation of an ESIA, etc. The MoU does not legally commit any party to enter into a final agreement on the proposed investment.

The Ministry of Agriculture and Food Security may invite other identified stakeholders, including but not limited to KoSIPPPPA, Kogi State Bureau of lands, Kogi State Ministry of Justice, Secretary to the Government of Kogi State, Kogi State Ministry of Commerce, Local Government Officials, Traditional rulers, Host communities involved, Civil society organizations with interest.

to participate at this stage. The participating stakeholders shall collaborate and share responsibilities as follows:

Shared Responsibilities:

- KoSIPPPPA shall review and witness the signing of the proposed Memorandum of Understanding and makes its inputs if necessary.
- Kogi State Bureau of lands will make its input to the MoU for proper land documentation.
- Kogi State Ministry of Livestock development will be a party in the MoU if it is a livestock project.
- Kogi State Ministry of Justice shall review the Mou and make its legal inputs.
- Local Government Officials and traditional rulers will be parties in the MoU as may be appropriate.

- Host communities involved will be parties in the MoU as critical stakeholders.
- Civil society organizations with interest will provide guidance on the rights of the host communities and environment issues.
- The Secretary to the Government of Kogi State will sign the MoU on behalf of the Government.

Stage Five: Investor Completes and Shares a Feasibility Study, Business Plan, and an Independent Environmental and Social Impact Assessment (ESIA)

- A. The Ministry of Agriculture and Food Security makes its determination whether the ESIA is acceptable and notifies the investor within 14 days of receiving it.
- B. If not already completed, a community engagement plan should be finished in this stage.
- C. Land lease discussions can continue, be finalized and signed in Stage 6 of the Investment Approval Process (IAP).

The Ministry of Agriculture and Food Security may invite other identified stakeholders, including but not limited to Kogi State Ministry of Environment, KOSIPPPPA, Kogi State Internal Revenue Service (KGIRS), Kogi State Ministry of Commerce, Host Community(ies) to participate at this stage. The participating stakeholders shall collaborate and share responsibilities as follows:

Shared Responsibilities:

- Kogi State Ministry of Environment will review, assess and approve the ESIA.
- KOSIPPPPA will review and make inputs to the business plan if necessary.
- KGIRS will educate the investor on all legal taxes and levies.
- Kogi State Ministry of Commerce will make inputs on necessary registrations and collaboration with KoCCIMA
- Host Community(ies) will review and make inputs to the ESIA document.

Stage Six: The parties enter into the Final Agreement

- A. The final agreement could be contained in several individual agreements or could be combined into one document. The approved investment may likely include some or all of the following:
 1. Land lease agreement
 2. Outgrower contract(s)
 3. Community impact and benefit agreement
 4. Community engagement plan
 5. Environmental and Social Compliance
 6. Monitoring plan
 7. Inclusive, accessible, and equitable dispute resolution mechanisms

The Ministry of Agriculture and food security shall review the final agreement(s) and determine whether it and the investment as a whole complies with all applicable FRILIA principles.

The Ministry of Agriculture and Food Security may invite other identified stakeholders, including but not limited to Kogi State Ministry of Environment, Kogi State Ministry of Justice, Kogi State Ministry of Livestock Development, Secretary to the Government of Kogi State, Kogi State Bureau of Lands, KOSIPPPPA, KGIRS, Host Community(ies), Traditional rulers, Local Government Officials, to participate at this stage. The participating stakeholders shall collaborate and share responsibilities as follows:

Shared Responsibilities:

- Secretary to the Government of Kogi State signs the agreement on behalf of the Kogi State Government
- Kogi State Ministry of Agriculture and Food Security is party in the agreement.
- Kogi State Ministry of Livestock Development is a party in the agreement for livestock projects.
- Kogi State Ministry of Environment witnesses the signing
- Kogi State Ministry of Justice witnesses the signing
- Kogi State Bureau of Lands witnesses the signing
- KOSIPPPPA witnesses the signing
- KGIRS witnesses the signing
- Local Government Officials and Traditional rulers are parties in the agreement
- Host Community(ies) are parties in the agreement

Article 8: INVESTMENT SCREENING

The Ministry of Agriculture and Food Security shall conduct investment screening throughout the approval process described in Article 7 in accordance with the FRILIA investment screening toolkit to assess the potential impacts of investments approved under this Regulation.

The Ministry of Agriculture and Food Security shall ensure that the investment screening process is transparent and based on a thorough assessment of potential risks and opportunities

Article: 9 Grievance Redress Mechanism (GRM)

The investor shall establish a GRM pursuant to an agreement with the affected community which shall be in accordance with the FRILIA GRM toolkit to address complaints and grievances related to investments under this Regulation.

The GRM shall:

- Provide accessible channels for stakeholders to submit grievances, as outlined in the FRILIA GRM Toolkit
- Ensure timely and effective response in accordance with the procedures set out in the FRILIA GRM Toolkit
- Investigate grievances and work towards resolving them, using the guidelines provided in the FRILIA GRM Toolkit

Monitor and evaluate the effectiveness of the GRM, using metrics and indicators specified in the FRILIA GRM Toolkit.

PART III: FINAL PROVISIONS

Article 10: Offenses and Penalties

1. Any person who:

- a) Wilfully provides false or misleading information in any application;
- b) Fails to comply with any condition of approval;
- c) Undertakes any agricultural investment without proper authorization;

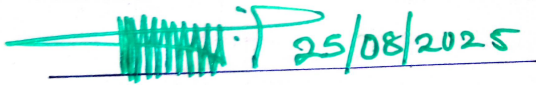
shall be guilty of an offense and liable on conviction to:

- i. A fine not exceeding **Two Million Naira only** or imprisonment for a term not exceeding **Six (6) months**, or both;
- ii. Suspension or revocation of investment approval;
- iii. Disqualification from future investment opportunities for a period not exceeding **Two (2) years**.

Article 11: Severability

If any provision of this regulation is held invalid, the remaining provisions shall remain in effect.

Signed this 25th Day of August, 2025.

A handwritten signature in blue ink, consisting of a stylized name followed by the date 25/08/2025.

Hon. Commissioner (Ministry of Agriculture & Food Security)