

REPUBLIC OF CÔTE D'IVOIRE

Union – Discipline – Travail



MINISTRY OF AGRICULTURE AND RURAL DEVELOPPEMENT

DIRECTORATE GENERAL OF PLANING,
STATISTICS AND PROJECTS

**Cote d'Ivoire-Land Policy Improvement and Implementation Project
(P157206)**

**Summary of safeguards documents
(ESMF and RPF)**

Novembre 2017

1. Introduction

In the framework of the **Cote d'Ivoire-Land Policy Improvement and Implementation Project (P157206)** preparation, three (03) safeguard policies were triggered. These are: OP 4.01 "Environmental Assessment", OP 4.11 "Physical Cultural Resources" and OP 4.12 "Involuntary Resettlement". Thus, two (02) safeguard instruments have been prepared, reviewed by the World Bank's specialists, consulted upon and disclosed within Cote d'Ivoire on November 14, 2017 and at the World Bank website on November 21, 2017. Those safeguard documents are:

- Environmental and Social Management Framework (ESMF).
- Resettlement Policy Framework (RPF).

2. Outputs

2.1. Environmental and Social Management Framework (ESMF)

With a view to the national deployment of its Land Policy, the Government of Côte d'Ivoire, in collaboration with the World Bank, has undertaken since November 2016, the preparation of the Land Policy Improvement and Implementation Project. The objective of the project is to (i) strengthen the Government's capacities for the implementation of its National Rural Land Tenure Security Program (NRLTSP – "PNSFR" in French); and (ii) register customary land rights in selected rural areas. The direct project beneficiaries are rural populations who currently own or use agricultural land and public and private land sector professionals, who will gain the skills needed to support rural land administration . To achieve this goal, the Project will be implemented through four (4) components that are:

- Component 1: Strengthening Rural Land Institutions.
 - ✓ Sub-component 1.1: Support to institutions in charge of land policy.
 - ✓ Sub-component 1.2: Support to the Rural Land Tenure Agency, AFOR.
 - ✓ Sub-component 1.3: Rehabilitation of the Land Information System.
 - ✓ Sub-component 1.4: Support to establish a national geodetic infrastructure.

- Component 2: Support Implementation of the National Rural Land Tenure Security Program.
 - ✓ Sub-component 2.1: Clarify existing rights and support CVGFRs (village land tenure committees).
 - ✓ Sub-component 2.2: Village boundary demarcation.
 - ✓ Sub-component 2.3: Certification of collective and individual land rights.
 - ✓ Sub-component 2.4: Formalization of land use agreements.

- Component 3: Training for Land Tenure Professionals.
 - ✓ Sub-component 3.1: Graduate training for rural land tenure engineers.
 - ✓ Sub-component 3.2: Vocational training for rural land technicians.
 - ✓ Sub-component 3.3: Continuing education for land sector professionals.

- Component 4: Program Coordination, Monitoring and Knowledge Management.

The Project will: (i) build the capacity of Government institutions responsible for overseeing implementation of the Land Policy and the PNSFR and support revisions to the 1998 law and its implementing decrees and the corresponding procedures; (ii) support AFOR to oversee the development and initial implementation of a new systematic land registration process that includes two new activities to (1) raise awareness of the land registration process among targeted beneficiaries and clarify existing customary land ownership and use rights prior to village boundary demarcation and certification and (2) register existing informal contracts between customary land owners and land users, including by scanning and archiving contracts and "small papers" that provide local evidence of land tenure arrangements in parallel to land certification; and (iii) support training programs through existing educational institutions.

The environmental issues in the project area (in the absence of the project) concern the practice of extensive agriculture, bush fires, high demand for firewood and charcoal, logging and overgrazing, the destruction and fragmentation of forest and savannah ecosystems, the conservation of sacred sites and their biodiversity (flora and fauna), the expansion of illegal gold panning, the respect of the public utility easements that are located on the sides of mountains and the banks and shores of rivers, the recent misuse of plant protection products, the pollution of resources (water, soil, fauna, flora etc.), and the pressure of agriculture on rural land. At the social level, we note vulnerability to rural poverty, numerical vulnerability (digital minority status of indigenous people), land vulnerability of female heads of households and unemployed youth, increased monetization of land and remittances, and the risk of expropriation of agricultural land, inter-community conflicts, and dislocation of family structures.

The political and legal context of the environmental sector and the areas of intervention of the PNSFR is marked by the existence of relevant policy documents, among which we can mention: the Côte d'Ivoire Rural Land Policy Declaration, the New Forest Policy (1999), the National Development Plan (2016-2020), the National Rural Land Tenure Security Program (PNSFR), the National Action Plan for the Environment (PNAE-CI), the Protected Areas Management Framework Program (PCGAP), the National Agricultural Investment Plan (PNIA) and the National Strategy for the Management of Living Natural Resources.

The implementation of these policies is subject to an institutional, legislative, and regulatory framework governing environmental impacts in Côte d'Ivoire. Thus, on the legislative level, Law No. 96-766 on the Environment Code was promulgated on October 3, 1996, and on the regulatory level, Decree No. 96-894 of November 8, 1996, determines the rules and procedures applicable to studies on the environmental impact of development projects. Other relevant laws reinforce this body of law, namely: Law No. 98-755 of December 23, 1998, on the Water Code; Law No. 2002-102 of February 11, 2002, on the establishment, management, and financing of national parks and nature reserves; Law No. 2014-138 of March 24, 2014, on the Mining Code; Law No. 2014- 427 of July 14, 2014, on the Forest Code; Law No. 98-750 of December 23, 1998, amended by the law of August 14, 2004, on Rural Land; and the regulations on expropriation for reasons of public utility; and also international texts, such as the conventions ratified by the country and especially the safeguards policies of the World Bank, in this case, those triggered by the Project.

Thus, three (3) operational policies of environmental and social safeguards are triggered, namely: (i) OP 4.01 "Environmental Assessment"; (ii) OP 4.11 "Physical Cultural Resources" and (v) OP 4.12 "Involuntary Resettlement", and the project was classified in category "A" according to the criteria of environmental categorization of the World Bank.

The activities envisaged in the framework of the project are likely to generate positive effects on both the socio-economic situation and the environment in the project area (targeted rural areas in five regions: Sud Comoe, Bafing, N’Zi, Indenie Djuablin, and Agneby Tiassa).

The activities planned under the PNSFR will bring environmental and social benefits to rural farm populations and their descendants from village communities in the project area, in particular, as a result of the improved Rural Land Administration system. These benefits will primarily manifest in terms of reducing the vulnerability of non-landowners, contributing to better securing smallholder on-farm investments in agriculture, reduction of village boundary conflicts, and clarified and more secure land rights, which are expected to lead to more sustainable and rational management of natural resources (soil, water, fauna and flora). In the longer term, the project may also support a more enabling environment for the protection of protected areas (national parks and reserves, classified forests) and sites that are sensitive or have an ecological interest and improvement of the overall social cohesion.

The project will only support registration activities within the National Rural Land Domain, which explicitly excludes public lands, urban lands, classified forests, and other protected areas. In the absence of complementary investments that are outside the scope of the present project, the project area may continue to encounter negative impacts on the biophysical and human environment in terms of risks of encroachment on classified and protected areas and sacred forests; conflict over natural resource management; increased pressure on land; and overexploitation of natural environments, particularly wetlands.

In any case, the project design, the organization of the activities, and the reinforcement of the technical capacities of the rural land sector actors will make it possible to minimize these impacts.

The environmental and social impacts and risks listed above call for different alternatives or measures to eliminate, reduce, or offset the potential negative impacts and enhance the positive impacts. In addition to the organization of the activities and the measures identified in the Environmental and Social Management Framework (ESMF – “CGES” in French), it is necessary to:

- (i) put in place a monitoring and evaluation system that ensures that project activities ensure the protection of the physical and social environment;
- (ii) implement training programs and communication strategies tailored to each level of the service delivery chain to improve the accountability of stakeholders and to reduce various types of pollution;
- (iii) implement measures to improve the positive environmental and social impacts of the project, such as good agroforestry practices, reforestation and the preservation of sacred forests and ecosystems of significant ecological interest; and
- (iv) include binding clauses in the Bidding Documents and require that the Hygiene-Safety-Environment Plan of the technical operators be approved before the actual start of any works.

The institutional framework for the implementation of the ESMF involves several actors and technical structures, the most significant of which are:

- The AFOR Steering Committee (SC): The AFOR Steering Committee will ensure the registration and

budgeting of environmental and social procedures in Annual Work Plans and Budgets (AWPB);

- Rural Land Tenure Agency (RLTA – “AFOR” in French): The Director General of AFOR, will ensure effective consideration of environmental and social aspects and issues in the execution of project activities;
- The National Environmental Agency (NEA – “ANDE” in French): ANDE will review and approve the environmental classification of sub-projects and the approval of Environmental and Social Impact Studies (ESIA). ANDE will also participate in external monitoring;
- Deconcentrated Technical Services (DTS – “STD” in French): STDs are constituted by the Regional and Departmental Departments of the Ministries of Agriculture and Rural Development (MARD – “MINADER” in French); Industry and Mines (MIM); Wholesomeness, Environment and Sustainable Development (MWESD – “MINSEDD” in French); and Water and Forests (MINEF); as well as the Forest Development Corporation (SODEFOR) and the Ivorian Office of Parks and Reserves (OIPR). These regional and departmental directorates of the project intervention zones are concerned and will be involved as appropriate in all the activities taking place in their fields and zones of action during and after the project;
- local authorities: They will participate in environmental and social monitoring through their municipal technical services;
- Village Land Management Committees (CVGFR): CVGFRs will also be involved in the implementation of the ESMF (sub-project identification, screening, etc.);
- contractors and private technical operators: They will be responsible, through their Expert in Environment, for the implementation of ESMF and for drafting implementation reports of said ESMP;
- Owner’s Engineers: With an Environmental Expert in their midst, they are in charge of the day-to-day monitoring of the implementation of the ESMP and the preparation of an environmental and social monitoring report to be sent to the Director General, AFOR;
- NGOs and community associations: In addition to project training, they will participate in the sensitization of the populations, in the screening and monitoring of the implementation of the ESMPs through engagement of the local actors of the PNSFR (monitoring of land registration activities at the community level).

The Environmental and Social Management Plan (ESMP) developed, includes the environmental screening procedure, the key elements of environmental and social management (institutional and technical strengthening measures, training and awareness-raising measures, good practices in the field of environmental and social management) environmental management, a provision for the implementation of full ESIA and / or simplified ESIA and the Monitoring / Evaluation of project activities) as well as the program for the implementation and monitoring of safeguards measures, institutional responsibilities, and the budget for safeguards implementation and monitoring.

The implementation of the activities will be ensured under the coordination of the control missions and under the supervision of the Environmental Safeguard Specialist (ESS) and the Social Development Specialist (SDS) of AFOR, with the involvement of the Environmental and Social Respondents (ESR) technical services, CVGFRs, NGOs and local beneficiary communities. The safeguards monitoring program will focus on ongoing monitoring, supervision, and annual assessment. External monitoring will be provided by ANDE through the establishment of a protocol between the AFOR and ANDE. The members of the AFOR Steering Committee and the World Bank will also participate in the supervision of

the project activities.

The table below summarizes the institutional arrangements for the implementation of the ESMP

No	Steps/Activites	Institution(s) Responsible	Institution(s) Supporting and/or Collaborating	Service Providers
1.	Identification of the location / site and principal technical characteristics of the sub-project	-CVGFR -Prefectures/Sub-prefectures -Beneficiaries	- Decentralized Technical Service -Beneficiaries	- AFOR
2.	Environmental selection (screening-filling out of forms) and determination of the type of specific safeguard instrument (ESIA, resettlement action plan (RAP), environmental and social audit, social audit, etc.)	Specialists in Environmental and Social Safeguard (ESS - SDS) of AFOR	- Beneficiaries -Prefectures/Sub-prefectures -CVGFR -Municipal Government - Regional Council - ESS - SDS of AFOR -Decentralized Technical Service	- Environmental and Social Safeguard Specialists (ESS - SDS) of the AFOR - Environmental and Social Respondents (ESR)
3.	Approval of the categorization by ANDE and World Bank	AFOR's Director General	ESS-SDS/AFOR	-ANDE -World Bank
Preparation of the specific E & S safeguard instrument for Category A and B subprojects				
4.	Preparation, approval and publication of the Terms of Reference for the safeguard instrument	Environmental and Social Safeguard Specialists (ESS-SDS) of AFOR	CVGFR	-World Bank -ANDE
	Completion of the safeguard instrument including public and project-affected population (PAP) consultation		-Procurement specialist/AFOR - ANDE - CVGFR	-Consultant
	Validation of the document and obtaining the environmental		-Procurement specialist	-ANDE -World Bank

No	Steps/Activites	Institution(s) Responsible	Institution(s) Supporting and/or Collaborating	Service Providers
	certificate		- Financial Management Specialist (FMS)	
	Publication of the safeguard instrument		AFOR 's General Director (Coordination)	-Media ; -World Bank
5.	(i) Integration within the Request for Proposal (RFP) file of the sub-project, in the environmental and social clauses; (ii) approval of the ESMP-construction site	Technical Head of the Activity (THA)	-ESS – SDS/AFOR -Procurement specialist /AFOR -Technical service	Environmental and Social Safeguard Specialists (ESS-SDS) of AFOR
6.	Execution / implementation of non-contractual measures with the construction company / private operator	ESS-SDS/AFOR	-Procurement specialist /AFOR - THA -Financial Management Specialist (FMS)/AFOR -Technical service -CVGFR	-Construction companies/ private operators -Consultants -NGO - Others
7.	Internal monitoring of the implementation of environmental and social measures	ESS-SDS/AFOR	- M & E Specialist, AFOR -Financial Management Specialist (FMS) of AFOR -CVGFR	Owner's Engineer
	Dissemination of the internal monitoring report	AFOR's Director General (Coordination)	ESS-SDS/AFOR	ESS -SDS/AFOR
	External monitoring of the implementation of environmental and social measures	ANDE	-ESS-SDS/AFOR -NGO -Beneficiaries -CVGFR	AFOR

No	Steps/Activites	Institution(s) Responsible	Institution(s) Supporting and/or Collaborating	Service Providers
8.	Social and environmental monitoring of field activities	ESS-SDS/AFOR	-ANDE -Beneficiaries -CVGFR -ESR Technical Service (OIPR, SODEFOR, DR MINSIEDD)	-Laboratories/ specialized centers -NGOs
9.	Capacity strengthening of actors for social and environmental safeguards implementation	ESS-SDS/AFOR	-Others ESS-SDS -Procurement Specialist/AFOR -FMS/AFOR -SODEFOR, OIPR - CVGFR	- Consultants/NGOs -Competent public structures
10.	Audit of the implementation of social and environmental measures	ESS-SDS/AFOR	-Others ESS-SDS -Procurement Specialist/AFOR -ANDE -CVGFR -Others Technical Service	Consultants

Roles and responsibilities as described above will be incorporated into the Project Implementation Manual (PIM).

Key indicators to follow will include:

- the number of sub-projects that have been the subject of environmental and social screening (Screening);
- the number of full ESIA/simplified ESIA completed and published,
- the number of sub-projects that have been subject to environmental monitoring and reporting;
- the number of actors trained / sensitized in environmental and social management;
- the number of awareness campaigns carried out.

The costs of environmental measures, amounting to 335,000,000 XOF (USD 670,000), are spread over the five (05) years of Land Policy Improvement and Implementation Project (LPIIP) Financing.

The table below outlines the cost composition of the project safeguards activities:

N°	Activities	Unity	Quantity	Unitary Cost (XOF)	Total Cost (XOF)
1	Institutional, technical and monitoring measures				180 000 000
2	Training				95 000 000
3	Sensitization measures				60 000 000
	TOTAL COST FCFA				335 000 000
	TOTAL COST Dollar US				670 000

As part of the preparation of the ESMF, stakeholder consultation sessions were conducted with stakeholders consisting of administrative managers, technical structures, farmers and populations in the project's intervention areas in the Sikensi localities, Aboisso, Abengourou and Bocanda from September 27 to October 18, 2017.

The objective was to inform stakeholders about the project (objective, components, impacts and mitigation and improvement measures), to gather their opinions and concerns and lay the foundations for concerted and sustainable implementation of the actions planned by the project with a view to their involvement in decision-making. Beyond the appraisal of the project, the general consensus was articulated around problems relating to rural land (conflict, litigation, certification process and issuance of land title¹, role of the CVGFR ...), women's access to customary land tenure, the management of natural resources and the preservation of sacred sites, the clarification of the limits of classified forests and the rural domain, the settlement of land disputes in the rural area, and the environmental and social issues related to land tenure security.

Ultimately, the environmental and social management of the project will be based on the implementation of the safeguards instruments, namely the Environmental and Social Management Framework (ESMF) and the Resettlement Policy Framework (RPF), as well as on the ESIA and RAP when specific activities and sites will be well known.

2.2. Resettlement Policy Framework (RPF)

In Côte d'Ivoire, the rural land issue remains a permanent concern for the populations. Côte d'Ivoire has prioritized the development of agriculture but has struggled to address conflicts over land, especially rural land. To overcome these challenges, the country passed law n°98-750 of 23 December 1998 (amended in 2004 and 2013) concerning rural land tenure. In addition, various other regulatory texts and provisions have been taken to clarify and implement this law. These include Article 12 of the Constitution of 2016, which relates to land access, the agricultural guidance law (LOACI), and the Declaration of Land Policy.

¹ The project will support land certification but not the issuance of land title.

Although the law on rural land tenure legally recognized customary land rights and provided for their registration through certification, more 98% of rural land has not yet been registered more than 15 years after its adoption and entry into force; this reflects the difficulties of implementing the current regulatory framework.

In the face of continued social conflict related to rural land tenure, the Government of the Côte d'Ivoire has benefited from the support of several technical and financial partners (European Union, AFD, AfDB, USAID) for the demarcation of village boundaries and the issuance of land certificates. Building on the lessons learned from this support, the World Bank has agreed to support Côte d'Ivoire in the implementation of the Rural Land Law of 1998 and contribute to securing customary land ownership and use rights in selected rural areas.

The project is expected to have positive impacts on the living conditions of the beneficiary populations and result in significant social benefits. However, the implementation of certain project activities could lead to negative socio-economic impacts, either individually or collectively, in the areas of influence of the project.

The project activities will not result in direct land acquisition. However, first time land registration may exacerbate latent social conflicts between customary landowners and migrant land users, which could potentially lead to land loss or access restrictions. Therefore, a Resettlement Policy Framework (RPF) was prepared according to Operational Policy 4.12 on Involuntary Resettlement as a precautionary measure and was consulted upon and disclosed prior to appraisal.

The RPF is a strategic instrument to mitigate the impacts of involuntary resettlement. It is used whenever (i) the location and content of projects are not precisely known and/or (ii) the social impact of projects on the population from the point of view of displacement of persons, loss of activities, socio-economic status, and/or property, or land acquisition is not known precisely.

The RPF aims to clarify the rules applicable in the event of resettlement, planned organization, and the criteria applicable for the different subcomponents by specifying the compensation procedure to be implemented to protect populations whose loss of cultural identity, traditional authority, and social cohesion could undermine their stability and social well-being.

As noted above, the legal and institutional framework relevant to the project is based on various texts, which include the Constitution, the law n°98-750 of December 23, 1998, concerning rural land tenure (as amended by Act No. 2004-412 of August 14, 2004), and related regulatory provisions. The 1998 Rural Land Law provides for the legal recognition of the customary land rights of both individuals and groups through the land certificate, and its implementing regulations provide the procedures for certification.

The project itself will not result in expropriation but is expected to provide a foundation for more just and equitable expropriation by supporting registration of customary land rights in selected rural areas. The Government of Côte d'Ivoire has defined procedures for expropriation in the public interest and for the benefit of all. These procedures include an administrative phase and a judicial phase. When the State uses this procedure, the holders of a right to land must receive fair compensation in advance. However, all those who cannot prove any right on the land they occupy will receive assistance. Though the project itself will not result in expropriation, the project will register customary land rights in selected rural areas, which could facilitate fair compensation in advance of future unrelated cases of expropriation.

If necessary, a Resettlement Action Plan (RAP) will be prepared by the Rural Land Tenure Agency (AFOR). The RPF, the Social Assessment, and the Communication strategy reports outline the general principles that will guide any social risk mitigation measures under the project. Specifically, for projects whose implementation requires land acquisition resulting or not from physical displacement of Project Affected Persons (PAPs), the AFOR develops a Resettlement Action Plan (RAP) in close collaboration with the administrations concerned and other executing agencies.

Also, this framework presents a comparative analysis of the Ivorian legislative and regulatory system and

the World Bank's OP 4.12 procedures for resettlement. It defines procedures for the prior recognition of expropriation and compensation rights. The expropriation procedure includes a declaration of public utility and a request for expropriation. Compensation mechanisms must be either in cash, in kind, or in the form of support and accompanying measures. It specifies the appeal mechanism and identifies the institutional set-up and capacity building for the implementation of the expropriation and appeal procedures. It gives a budget estimate corresponding to its implementation to consider in the overall budget of the project. This will be revised accordingly when preparing the RAP.

The consultations and participation of Project Affected Persons (PAPs) are essential components for the preparation of a RAP, and the Rural Land Tenure Agency (AFOR) will ensure that information and consultations are widely available and provide opportunities for PAPs to participate in all stages of the process in a participatory and constructive manner.

The project will include a clear and transparent mechanism for receiving and addressing complaints and includes support for alternative dispute resolution in the context of land registration activities through existing local informal (customary) mechanisms for amicable dispute resolution, referral to local authorities, and referral to the court system as a last resort.

In case of resettlement resulting directly from the project, monitoring and evaluation will be carried out to ensure that all PAPs are compensated, relocated, and reinstalled in the shortest possible deadline and without significant negative impact, before the starting of work.

An indicative budget of 752.000.000 XOF (1,504,000 USD) has been estimated to allow the project to take into account the Social Assessment Cost, the preparation and the implementation of the communication strategy, and the disclosure and the dissemination of all related initiatives which support the project initiative to attenuate the social impacts. In addition, it supports the recruitment of an expert in charge of social issues, the recruitment of assistants to the resettlement, awareness raising and training, the activities of monitoring and evaluation, and the final evaluation of all social risk attenuation activities at the national and field level.