



# Combined Project Information Documents / Integrated Safeguards Datasheet (PID/ISDS)

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Appraisal Stage | Date Prepared/Updated: 12-Jan-2018 | Report No: PIDISDSA21473



**BASIC INFORMATION**

**A. Basic Project Data**

Country Cote d'Ivoire	Project ID P157206	Project Name Cote d'Ivoire Land Policy Improvement and Implementation Project	Parent Project ID (if any)
Region AFRICA	Estimated Appraisal Date 18-Dec-2017	Estimated Board Date 29-Mar-2018	Practice Area (Lead) Social, Urban, Rural and Resilience Global Practice
Financing Instrument Investment Project Financing	Borrower(s) Ministry of Economy and Finances	Implementing Agency National Rural Land Agency (AFOR), Ministry of Agriculture and Rural Development	

Proposed Development Objective(s)

The Project Development Objective is to build the capacities and institutions necessary to support implementation of the national rural land tenure security program and to register customary land rights in selected rural areas.

Components

- Component 1 – Strengthening Rural Land Institutions
- Component 2 – Support Implementation of the National Rural Land Tenure Security Program
- Component 3 – Training for Land Tenure Professionals
- Component 4 – Program Coordination, Monitoring and Knowledge Management

**Financing (in USD Million)**

Financing Source	Amount
Borrower	4.16
International Development Association (IDA)	50.00
<b>Total Project Cost</b>	<b>54.16</b>

Environmental Assessment Category

A - Full Assessment

Decision

The review did authorize the preparation to continue



Other Decision (as needed)

## B. Introduction and Context

### Country Context

- 1. For the first two decades following its independence in 1960, Côte d'Ivoire enjoyed levels of political stability, economic growth, and poverty reduction unique within the region.** Policies promoting land access and agricultural development and particularly investments into smallholder cocoa and coffee helped local farmers and migrants to capitalize on the ample arable lands in the country's southern belt. The country became the leading exporter of cocoa globally by 1980 and the leading African exporter of pineapples, palm oil, rubber, and bananas, and Gross Domestic Product (GDP) grew by an average 6 percent per year during this period. The agriculture sector was a primary contributor to GDP (23% in 1982) and helped Ivorians achieve the highest annual per capita income in the sub-region.
- 2. However, starting in the 1980s, these positive trends began to reverse as a result of rapid population growth and economic decline.** As a result of falling cocoa and coffee prices and fiscal mismanagement, annual GDP growth averaged -0.2 percent during the period of 1981-1992, and the country fell from middle to low income status. As the economy retracted, unemployed urban youth returned to their rural villages to seek alternative, land-based livelihoods and found that most arable land was already cultivated, often by migrants from other parts of the country or neighboring states who differ from the local communities in ethnicity and religion.
- 3. Starting in the 1990s, a new policy that privileged the rights of indigenous land owners over migrant land users led to increasing land conflicts, and the country soon descended into a period of prolonged political crises.** The Rural Land Law No. 98-750 of December 23, 1998 predicated land ownership on Ivorian citizenship, further increasing the potential for tensions between indigenous land owners ("autochthones") and foreign-born farmers. Shortly thereafter, a coup d'état in 1999 plunged the country into a protracted crisis that included a civil war from 2002-2004 and a post-election crisis and armed conflict from late 2010 until 2011 that contributed to increased poverty.
- 4. Nonetheless, Côte d'Ivoire has achieved impressive economic performance since the return of political stability in 2011.** Under President Alassane Ouattara's mandate, the Government has undertaken important structural reforms to improve the business climate and introduced a supportive fiscal policy that together enabled a strong rebound in economic activity. During the period from 2011 to 2015, economic activity grew by an average of 9 percent per year, which led to an increase in real per capita income of more than 20 percent. Over this same period, the poverty incidence declined slightly from an estimated 51 percent to 46 percent. However, other human development indicators, for example related to health and education, have been more difficult to improve and constitute significant challenges to eliminating poverty and reducing inequality across the country.
- 5. Despite recent achievements, the root causes of land conflicts remain fundamentally unaddressed and threaten to undermine the country's fragile transition toward peace and development.** Poverty continues



to be overwhelmingly concentrated in rural areas and among the young (51.4 percent of those under the age of 25 years are poor, compared to 35–39 percent among other age groups). To achieve the ambitious National Development Plan 2016–2020, which aims to accomplish strong and inclusive growth by halving poverty and facilitating structural transformation, the Government will need to address the underlying drivers of conflict and provide an enabling environment for agriculture-led economic growth and transformation. The Government recognizes that reforming the land sector will be critical to achieving these two important objectives.

### Sectoral and Institutional Context

6. **From the 1960s onwards, President Houphouët-Boigny promoted the development of cash crops in the forested areas of southern and western Côte d'Ivoire, encouraging the migration of farmers from the north of the country, Burkina Faso, and Mali.** At the time, migrants engaged in direct, verbal negotiations with the local communities to obtain various forms of access to the land. Agreements usually included mechanisms for sharing the benefits of the land to ensure good social and economic relations. Such agreements were sometimes witnessed, documented (*petit papiers*) and approved by community leaders but were rarely registered with local authorities. As land was abundant, coffee and cocoa plantations were able to develop and became the mainstay of economic growth until the 1990s. Migrants, depending on the area, may now represent up to 45% of rural households. Land arrangements between local people and migrants subsequently came under scrutiny for various reasons: (i) the economic success of the migrants due to the profitability of the plantations caused a degree of resentment amongst the local communities; (ii) young people returning home from the cities where they had failed to find jobs came into competition for land with migrants and disputed the allocations of land made by their relatives in their absence; and (iii) these tensions were exacerbated by national debates promoting Ivorian nationality as a precondition for ownership status, along with various other politically inspired manipulations. The violence in 2002 and 2010 caused massive population displacement into other rural regions, including classified forest areas and neighboring Liberia. The return of these displaced people could trigger further conflict. Pressure on rural land is rising due to growing interest in agricultural land for investment, population growth, and on-going migration, including as a result of drought and climate change in the Sahel. New cycles of violence may ensue if the rural land rights of both "*autochtones*" (locals) and migrants are not clarified and regularized.
7. **Recognizing the need to secure rural land rights, in 1998 the Government enacted a land law that provides for the regularization of customary land rights and the registration of rural property rights.** The Government of Côte d'Ivoire has shown genuine political will to improve land governance. In 1998, the Ivorian authorities overhauled the legal framework for rural land administration by adopting Law No. 98-750 of December 23, 1998. The law, whose implementation is overseen by the Ministry of Agriculture and Rural Development and involves numerous agencies and actors (see paragraphs 8 and 11 below), aims to transform customary land rights into formally recognized ownership rights across 24 million hectares (ha) of rural lands within ten years. According to the law, this transformation proceeds in two steps: (i) transitional land certificates (*certificat foncier* – CF) are issued to any applicant(s) (individual or group) that can prove continuous and uncontested use of the land and (ii) within three years of certificate registration, individual certificate holders who are Ivorian citizens may apply for land titles, whereas lands certified to non-Ivorians must first be registered to the State, who can then issue a long-term land lease to the applicant.
8. **Land registration is currently fractured across multiple laws and ministries.** Rural, urban, and forest lands are governed by different laws and ministries. Urban land rights are governed by the Urban Property Rights



Acquisition Law of July 2013 under the Ministry of Construction, Housing, and Urban Planning. Whereas, forest lands are governed by the Forest Code of July 2014, which is administered by the Ministry of Water and Forests. Given the multiplicity of actors and legal frameworks, this project will focus exclusively on rural lands governed by the Rural Land Law of 1998, which cover more than 71% of the national territory and fall under the authority of the Ministry of Agriculture and Rural Development. The Directorate of Rural Land Tenure (*Direction du Foncier Rural – DFR*) under the Ministry of Agriculture and Rural Development is currently charged with overseeing land certification, while the prefect, under the Ministry of the Interior, validates and signs land certificates. Although there is no official rural land registry, in practice some Regional Directorates of the Ministry of Agriculture maintain a registry of land certificates. Meanwhile, titles must be registered in the national cadastre (*la Direction du Cadastre*) under the Ministry of the Budget, although it includes fewer than 200 parcels nationwide.

9. **The implementation of the 1998 Rural Land Law has been complicated by the inherent inequalities in land ownership created by the law and subsequently strengthened by the new Constitution of 2016.** It was hoped that Law No. 98-750 would help to modernize agriculture and mitigate land disputes and tensions between migrants and locals. However, in contrast to President Houphouët-Boigny's dictum that "the land belongs to whoever brings it into production," the 1998 law distinguishes the terms of land ownership according to nationality. It stipulates that "only the State, public authorities and citizens of Côte d'Ivoire are permitted to own [land]." There are some who consider that this law favors the rights of local people (*autochtones*) to the detriment of the migrants who have nevertheless cultivated this land for decades. The 2016 Constitution confirms that the right of land ownership is restricted to Ivorian citizens, which may accentuate the doubts of migrants about the value of their land rights.
10. **Women's access to land also remains constrained by their lower levels of legal awareness and conservative customary norms that preclude women from owning land independently of their male relatives.** There are no legal restrictions on women's ability to own or transact in land (*1998 Rural Land Law*), and male and female heirs have equal rights to inheritance (*1964 Inheritance Law*). The Inheritance Law also requires that, in cases where property cannot be divided, the sole inheritor compensates the other would-be inheritors for their share of the value of the property. During marriage, husbands are responsible for administering marital property (*1964 Law on Marriage*), though spousal consent is required for major transactions. However, a combination of restrictive social norms and women's more limited control over economic assets has prevented women from accessing land. In particular, social norms in areas under customary land tenure require land to be passed through inheritance to male relatives only. Women therefore currently access land through one of three mechanisms: via a male relative (e.g., through their father and later their husband), through a gift, or by purchasing the land. As of 2014, nearly 40% of Village Land Tenure Committees did not include a single female member, and a further 55% included just one or two females among an average of thirteen members. Since these committees are responsible for identifying customary land rights in their village, it is troubling that the certification process, firstly, does not typically include female representation in the committee and, secondly, relies heavily on the committee's interpretation of who holds customary land rights without reference to the gender-neutral succession rights provided for under the Inheritance Law.
11. **Overall, the current sporadic land certification procedures are, on the one hand, complicated and costly, and, on the other, incomplete.** A number of analytical studies have highlighted the following bottlenecks in the existing sporadic certification procedures:
  - (a) **Numerous processing steps and multiple institutions and actors that are not coordinated:** Land certification itself involves more than 20 steps across various institutions under different ministries,



some of which depend on uncompensated time and travel costs for participants. Separate site visits are required by the private surveyor (*géomètre privé*) who maps the parcel boundaries and the local official designated with the responsibility of confirming the parcel's owners (*commissaire-enquêteur*), a service that is in addition to their normal duties at the Departmental Directorate of Agriculture (*Direction Départementale de l'Agriculture – DDA*) under the Ministry of Agriculture and Rural Development (*Ministère d'Agriculture et du Développement Rural – MINADER*). Multiple trips are often required to come to agreement among potentially multiple land owners and renters on the ownership and boundaries of individual plots. The certificates are validated by a Rural Land Tenure Committee (*Commissions de Gestion Foncière Rurale – CGFR*) constituted by the sub-prefect and, once validated, are finally signed by the prefect, whose authority derives from the Ministry of Interior.

- (b) **Outdated survey procedures and excessively high accuracy requirements are unnecessary, expensive, and difficult to implement, particularly in the absence of a strong geodetic network.** A large driver of the overall certification costs is the cost of the topographic survey, which requires sub-meter accuracy for rural parcels and the installation of a huge quantity of concrete boundary markers (every 30 meters on average) in remote areas. These standards are inconsistent with global fit-for-purpose principles and in general unnecessary and impractical for low-value rural lands. They are also costly to achieve given that there are only at most 43 first order geodetic control points out of an estimated 3,000 needed to achieve optimal density.
- (c) **Moreover, the conversion of land certificates into land titles could inadvertently undermine secondary rights, including for women.** The legal requirement that initial land certification – which can be completed for individual, joint, or group land holders of Ivoirian or non-Ivoirian citizenship – is followed within three years by titling of rural plots – which can only be issued to Ivoirian individuals – is extremely problematic, particularly given that the Rural Land Law and its implementing regulations do not provide for systematic registration of secondary land use rights as part of the certification process. This could undermine the land (use) rights held by migrants, women, and other vulnerable groups by formalizing land ownership rights without formalizing the other kinds of land rights that exist in rural Côte d'Ivoire. This unequal access to land ownership frustrates non-owner rights holders and has complicated implementation of certification by reigniting land conflicts. Migrants sometimes oppose land registration procedures by challenging boundary markers or refusing to sign records acknowledging boundaries because they feel that only the rights of *autochtones* are officially recognized and that their original land access agreements with the land owners may be weakened.
- (d) **The existing land information system (LIS) relies on outdated technologies, and there is no official physical (hard copy) registry of certificates, *petit papiers*, or leases to formally record or capture changes in land rights over time at the local level.** The existing electronic LIS is based on expensive commercial software and depends on outdated technologies for data capture, sharing, storage and backup. This has rendered the system essentially unfunctional and resulted in significant inefficiencies and a high risk of data loss (only 112 out of the roughly 4,000 certificates delivered are currently documented in the national LIS as a result of its server crashing during the political crisis). Furthermore, since the certificates were envisioned as a temporary rights recognition document under the 1998 law, no system for maintaining a hard copy of the LIS (register book) or registering any subsequent transactions was established. Moreover, there are no official procedures for registering and/or modifying *petit papiers* or formal leases. This complicates local authorities' ability



to resolve land conflicts and prevents the emergence of a more formal land market.

12. **As a result, Côte d'Ivoire has one of the most costly customary land certification processes in the region, and implementation of the 1998 Rural Land Law has been limited and largely dependent on donor support.** The average cost of certifying an individual plot is around \$421 as part of a systematic process and \$1,370 for on demand (sporadic) certification, well above both what rural landholders can afford to pay and what it costs to register parcels of comparable size in the region. Although average parcel sizes in Côte d'Ivoire (15 ha based on existing certificates) appear to be relatively larger than other sub-Saharan African countries that have undertaken large-scale land registration (e.g., average parcel sizes in Ethiopia, Madagascar, Rwanda, and Uganda are less than 5 ha), the average per parcel cost in Côte d'Ivoire is nonetheless one of the highest in the region. Several social, historical, and environmental factors unique to Côte d'Ivoire explain this high cost. In particular, the large-scale migration encouraged by President Houphouët-Boigny and incomplete assimilation of these migrants into the receiving communities has led to competition for land and complicates an inclusive, community-based land rights validation process. As such, additional conflict resolution support is often required from outside actors, including local government officials and private technical operators. In addition, group certification requires adjudication of the land rights of numerous owners and land users, and large areas of the country are covered by forests, tree plantations, and/or clouds, which precludes boundary demarcation using low cost satellite or aerial imagery.
13. Only about 4,000 land certificates had been issued as of September, 2017, out of an estimated 1 million rural plots (0.34%). Furthermore, there have been only 134 cases of certificates being transformed into title as required by the 1998 Rural Land Law, and no rural leases have yet been formalized on previously certified lands titled in the name of the state. These figures can be partly explained by the years of civil war, during which field work was impractical, but also by the bottlenecks highlighted above, which have prevented more recent donor-supported certification pilots from achieving their targeted results. In 2013, given extremely limited progress, the Government extended the deadline to obtain certificates by ten years (i.e., to 2023), and the new Land Policy envisions extending the period during which land certificates must be transformed into titles from three to ten years. Still, given the challenges, nationwide implementation of the 1998 law will remain difficult to achieve in the near future.
14. **Furthermore, although not required by law or statute, in practice land certification follows a village boundary demarcation process (*délimitation des territoires villageois* – DTV) that risks aggravating previously dormant boundary conflicts and can undermine the enabling environment for peaceful land certification.** Although the DTV process does not confer legal recognition of land ownership, this is often misunderstood by local stakeholders, and the process is often delayed as customary authorities contest village boundaries that historically have been subject to on-going (re-)negotiation. As a result, only some 700 village boundaries have so far been demarcated out of an estimated 8,500 villages in the country, although significant DTV progress is expected thanks to on-going donor support to some 5,000 villages. Nonetheless, donor support to the certification process is planned for only 400 villages, leaving over 90% of potentially demarcated villages without the certificates that actually recognize landholders' property rights.
15. **Rural land rights therefore remain unclear, and secure land access in Côte d'Ivoire remains a constraint on investment and development.** Numerous public and private development projects in various sectors, including agriculture, roads, and urban and industrial development, depend on secure access to land. In the absence of clearly recognized and recorded land rights, many projects are forced to spend time and resources attempting to resolve more or less complicated land issues prior to implementation. Importantly, by providing written recognition of existing rights through land certificates, the 1998 law has obvious potential



to clarify land rights and to provide the enabling conditions for improving social cohesion, enhancing private agricultural investment, and eventually raising agricultural yields and incomes.

16. **In 2016, the Government established a Rural Land Agency (*Agence Foncière Rurale – AFOR*) under the Ministry of Agriculture and Rural Development to entrust rural land registration to a single entity through a streamlined and simplified National Rural Land Tenure Security Program (*Programme National de Sécurisation du Foncier Rural – PNSFR*).** AFOR was established by decree as an independent agency under MINADER that is charged with overseeing the implementation of the rural land registration process by private technical operators and will have direct responsibility over all but the last step of the certification process (“A to Y”), which will continue to be the validation by and signature of the prefect. A strong, highly respected AFOR leadership team financed by the Government was appointed in August 2017,<sup>1</sup> and AFOR’s Steering Committee (*Conseil de Surveillance*), including representatives from the Prime Minister’s office and the various ministries involved in the rural land sector, was established in September 2017. Going forward, the Directorate of Rural Land Tenure (*Direction du Foncier Rural – DFR*) will continue to oversee implementation of the Land Policy, including reforms to the legal and regulatory framework. There is no hierarchical relationship between DFR and AFOR.
17. **The Government has demonstrated its commitment to accelerate rural land registration and has recently taken steps to enact regulatory reforms that streamline the process under AFOR and allow for the use of simplified and less costly procedures using simple technologies.** A Working Group was established in 2014 to propose procedural simplifications, and this Working Group has recently been reconstituted to update the regulatory framework to incorporate AFOR; drastically simplify and reduce the costs of land registration, including by allowing for the use of simple technologies for collecting and managing alpha-numeric and geographic data; and recognize the validity of rural land registries (*conservations foncières rurales*) to register transactions in land certificates and formalized land contracts. To encourage land owners and users to register their rights, the Government has indicated that no rural land taxes will be levied for at least a generation. Rather, through these institutional and regulatory reforms, the Government aims to facilitate a legal rural land market and thereby avoid and mitigate rural land conflicts.
18. **Following a national consultation process, the government also adopted a Land Policy aiming to update the overarching objectives and guidance for the land sector in January, 2017, which further underlines the government’s commitment to the necessary institutional and regulatory reforms.** As already noted, the Land Policy calls for an extension of the period during which land certificates must be transformed into titles from three to ten years. The Government has also established a “Monitoring and Analysis Unit” (*Cellule de Suivi et d’Analyse – CSA*) under the Prime Minister’s Office to identify and address challenges to the implementation of the 1998 Rural Land Law. Even prior to these simplifications, land certifications have lately been increasing: at the end of 2013, Côte d'Ivoire had only 306 land certificates, but this number increased thirteen-fold by 2017.
19. **Still, the necessary prerequisites to launch a systematic national land tenure security program are not yet in place.** To ensure Côte d'Ivoire has the capacity to meet the challenge of implementing a nationwide rural land registration program, (i) reforms to the legal framework (to extend the legal duration of land certificates from three to ten years, as called for in the Land Policy) and the regulatory framework (in particular to incorporate AFOR into the relevant texts) are needed to facilitate the PNSFR; (ii) AFOR’s institutional structure needs to be clarified and its procedures developed; (iii) a sufficiently dense and accurate geodetic

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<sup>1</sup> The Government has already begun financing AFOR, including its directors’ salaries, as of September, 2017.





network and modern land information system need to be developed; (iv) simplified, fit-for-purpose operational procedures using simple technologies, participatory processes involving local community members as para-surveyors and archivists, and land registries at the department level that will simultaneously register the rights of all land users (e.g., to allow for less costly survey methods, simultaneous registration of both land certificates and contracts/leases, a lower and standardized fee structure, etc.) need to be developed and tested through small-scale pilots; and (v) training programs to produce qualified land administration staff for both the public and private sector need to be designed and implemented. In addition, moving forward, it will be critical for all development partners to harmonize their support to the National Rural Land Tenure Security Program through the newly formed AFOR as the primary authority responsible for ensuring its implementation to avoid competing procedures and land information systems. Implementing the PNSFR nationwide is an ambitious legal, technical, and institutional effort for which the Government of Côte d'Ivoire has requested the support of the international community, and in particular the World Bank.

### C. Proposed Development Objective(s)

Development Objective(s) (From PAD)

20. The Project Development Objective is to build the capacities and institutions necessary to support implementation of the national rural land tenure security program and to register customary land rights in selected rural areas.

Key Results

21. **Proposed key results include:**

- (i) Target population with land tenure rights (ownership, joint-ownership, collective ownership, leaseholder/usage) recorded as a result of the project, **gender disaggregated** (core sector indicator);
- (ii) Land parcels with land tenure rights recorded as a result of the project, **gender disaggregated** (core sector indicator);
- (iii) Number of Village Land Tenure Committees (*Comités Villageois de Gestion Foncière Rurale – CVGFR*) established or reestablished by the project (number);
- (iv) Land sector professionals trained by the project, **gender disaggregated** (Number, of which female (%));
- (v) Share of target beneficiaries with rating 'Satisfied' or above on land tenure rights registration activities, **gender disaggregated** (% overall, % of females) (mandatory citizen engagement indicator).

### D. Project Description

#### Component 1 – Strengthening Rural Land Institutions (US\$ 18.39 million)

22. **The objective of Component 1 is to build the capacity of the institutions charged with implementation of the Land Policy and the 1998 Rural Land Law and to establish a viable Land Information System and geodetic network.** The component will primarily build the capacity of the Directorate of Rural Land Tenure (*Direction du Foncier Rural – DFR*) to oversee implementation of the Land Policy; support AFOR to establish and staff its headquarters and local offices with adequately trained professionals; support AFOR to develop a new digital Land Information System (LIS) to replace the current digital LIS and progressively replace existing



paper-based certificate registries; and build the capacity of the Geographic and Digital Information Center (*Centre d'Information Géographique et du Numérique – CIGN*) of the National Bureau of Technical and Development Studies (*Bureau National d'Études Techniques et de Développement – BNETD*) to oversee the establishment of and manage a new Continuously Operating Reference Stations (CORS) network.

**a) Sub-component 1.1: Support to institutions in charge of land policy**

23. Sub-component 1.1 will provide technical assistance, small-scale infrastructure, and equipment to build the capacity of the national and local institutions charged with overseeing implementation of the 2017 Land Policy. Support to the Directorate of Rural Land Tenure (*Direction du Foncier Rural – DFR*) will consist primarily of technical assistance to support the legal and regulatory reforms needed to facilitate implementation of the Land Policy, including the regulatory reforms needed to simplify the existing sporadic registration procedures; to introduce more cost-effective systematic registration procedures; to clarify the rights conferred by group and individual land certificates and land use contracts; and to ensure the sporadic and systematic registration procedures are compatible and feed into a single, comprehensive rural Land Information System.<sup>2</sup> The project will also support the monitoring of implementation of the Land Policy through a national M&E system. Support to prefects and sub-prefects will similarly consist primarily of technical assistance and trainings to facilitate their roles in rural land administration, as well as minor travel and incidental costs involved in their support to the land registration process. In addition, the project will support a small office building and basic equipment, such as paper record books, to pilot the establishment of Village Secretariats (*Secrétariats Villageois – SV*). The project will also support the establishment of a Land Observatory to conduct research on the implementation of the Land Policy, publicize the research findings and facilitate related stakeholder consultations, and provide evidence-based policy recommendations to the Government based on the research findings. Finally, this sub-component will provide technical assistance to build the capacity of civil society organizations (CSOs) involved in the sector to conduct independent monitoring, support the grievance redress mechanism, and contribute to public dialogue on the Land Policy.

**b) Sub-component 1.2: Support to the Rural Land Tenure Agency**

24. World Bank finance will support the competitive recruitment of qualified AFOR staff in the national office and in the regions and departments where Bank financing will support rural land registration. World Bank funds will also support the renovation of existing buildings for regional<sup>3</sup> and department-level<sup>4</sup> AFOR offices and the procurement of furniture and office equipment to implement local land registries at the department level (*conservation foncières locales*).<sup>5</sup> The project will also support the development of a PNSFR strategic implementation plan. Finally, this sub-component will support technical assistance to build the capacity of AFOR, such as to recruit qualified consultants and/or consulting firms to facilitate the effective functioning

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<sup>2</sup> It is hoped that this rural LIS could eventually form the basis of a national LIS. However, significant reforms to the legal and institutional frameworks would be required to harmonize rural and urban land administration, which are beyond the scope of this project.

<sup>3</sup> The five regions selected for implementation are Sud Comoe, N'Zi, Bafing, Indienne-Djuablin, Agneby-Tiassa.

<sup>4</sup> The Client has preliminarily identified a list of fourteen departments within these five regions where the project will be implemented: Bocanda, Dimbokro, Aboisso, Adiaké, Tiapoum, Abengourou, Agnibilékro, Ouaninou, Touba, and Sikensi.

<sup>5</sup> Based on local capacity and infrastructure in rural areas, it is expected that these land registries will (at least initially) be based on physical land register books that will be used to update the national SIF on a regular basis. The registry design and procedures will be determined through the Land Registration Operational Procedures and Economic Model Study being financed through the project advance.



of AFOR.

**c) Sub-component 1.3: Modernization of the Land Information System**

25. This sub-component will support the development of a modern Web-based land information system (LIS) (*Système d'Information Foncière – SIF*) to record the boundaries and land ownership and use rights (certificates and contracts) of parcels within the National Rural Land Domain (*Domaine Foncier Rural*).<sup>6</sup> The SIF will be developed using an incremental approach that initially produces first-phase applications equipped with simple functionalities, including field data collection and paper scanning for a pilot system, and a smooth transition from paper-based processes to digital land certificates. The new SIF will incorporate raster imagery that can be shared with other public and private entities through mobile devices and desktop applications, including to facilitate land registration operations. Under a technical assistance contract, AFOR will hire and closely oversee the work of a competitively selected firm to design the modernized SIF, populate the SIF with existing data, field test the SIF, and provide technical assistance to AFOR staff to manage the SIF. The IT department of AFOR will be strategically involved from the initial stage of system development to the final stage, including in planning, designing, development, functional test, integrated test, operation, and system handover, to reinforce their technical knowledge and skills and enable them to fully manage the sustainable operations, maintenance, expansion and advancement of the SIF. This sub-component will also support AFOR to procure georeferenced high resolution satellite imagery to facilitate field surveys and to incorporate this imagery into the SIF. The recent satellite imagery will be used to create vector layers of initial preliminary parcel boundary polygons generated using software processing and desk delineation. This base map will be made available to field registration teams through data downloads onto devices running mapping software. The new SIF will be designed to allow for data from the existing LIS to be incorporated and will be compliant with the national institutional and regulatory framework and international standards and best practices. Once the basic solution is proven through testing, additional functions will be developed. The project will then invest in proper equipment and the SIF roll-out. The AFOR will take over management of the SIF after thorough system commissioning<sup>7</sup> and capacity building.

**d) Sub-component 1.4: Support to establish a national geodetic infrastructure**

26. This sub-component will support the installation of Continuously Operating Reference Stations (CORS), associated infrastructure, and equipment to establish the geodetic infrastructure needed for accurate and economically feasible Global Navigation Satellite System (GNSS) surveying. It will also provide technical assistance to support the CIGN of the BNETD. The BNETD-CIGN will contribute to and closely supervise the work of a private firm to complete the design, site feasibility study, and the delivery, installation, and calibration of the equipment (e.g. CORs units and a control center), and initial maintenance of the GNSS CORS sites. The firm will also provide TA to support BNETD to manage the system for the first three years and training to enable BNETD-CIGN staff to fully take over management thereafter.

**Component 2 – Support Implementation of the National Rural Land Tenure Security Program (US\$ 23.34 mn)**

27. **The overarching objective of this component is to develop and test a streamlined, simplified, low-cost and**

<sup>6</sup> The 1998 Rural Land Law (Law No. 98-750 of 23 December 1998) and its implementing regulations only apply to the *Domaine Foncier Rural*, which explicitly excludes public lands, urban lands, classified forests, and other protected areas.

<sup>7</sup> A system commissioning is the process of assuring that all components of IT solution are designed, developed, tested, operated, and maintained according to the operational requirements of the final client.



**participatory systematic registration process that will provide each and every land owner and land user with a formal document that recognizes their customary land rights – whether a land certificate, lease agreement, or other formally recognized contractual arrangement.** This component will support AFOR to oversee the development and test the initial implementation of a new “4-in-1 package” for systematic land registration consisting of four activities (clarification, village boundary demarcation, land certification, and formalization of existing land use contracts) using simplified procedures<sup>8</sup>, simple technologies, and local land registries (linked to the national SIF) maintained by the AFOR offices at the department level. The new process draws both from global fit-for-purpose principles and the specific context in Côte d’Ivoire. The new land registration process will be implemented in selected areas of five regions<sup>9</sup> during this first 5-year project, starting with an initial small-scale pilot in one or two regions. It is expected that by the end of this first project, final procedures will be codified for nation-wide scaling up during the second phase of the program.

28. **Component 2 will introduce several innovative practices to the formal land registration process to safeguard the rights of all land holders, including migrants and women, through the addition of two new elements to the land registration process that build on NGO pilots: clarification and the formalization of land use contracts.** A participatory inventory of existing land rights as part of clarification and the systematic registration of land agreements (*petits papiers*) simultaneously with land certification will reduce the risk that existing legitimate land rights will be undermined during certification in the short term. Registering land use contracts will improve the functioning of existing alternative dispute resolution mechanisms at the levels of customary leaders and sub-prefects/prefects in the long term by providing customary and local officials with easy access to verified land rights documentation through the local land register book maintained by the local AFOR office at the department (prefect) level. The project will also support training for customary and local officials who engage in mediation and negotiation to improve their legal and social awareness, as well as basic administrative costs for these alternative dispute resolution mechanisms (e.g. travel costs and record keeping) to ensure any disputes that arise during implementation are resolved in a peaceful and inclusive manner through these existing alternative dispute resolution mechanisms, with the right of appeal to a first instance court. The project will also support targeted awareness-raising as part of clarification to ensure that all stakeholders understand their rights under the law and to promote women’s land rights. Finally, measures to enable the active engagement of women, migrants, youth, and other vulnerable groups, including as members of the CVGFRs, will be incorporated throughout the land registration process.

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<sup>8</sup> The specific procedures will be defined in the Operations Manual prior to project effectiveness, and the DFR with support from the Working Group will facilitate the necessary regulatory reforms under Sub-component 1.1.

<sup>9</sup> The five project regions selected by the Client are as follows: Bafing, Sud-Comoé, N’ZI, Indienne-Djuablin, and Agneby-Tiassa. Regions with past or on-going violent land conflicts were not selected. In addition, the Client has preliminarily identified a list of fourteen departments within these five regions where the project will be implemented: Bocanda, Dimbokro, Aboisso, Adiaké, Tiapoum, Abengourou, Agnibilékro, Ouaninou, Touba, and Sikensi. The project will test implementation in selected areas of each department subject to the available budget, and these areas will be determined by the Client at a later stage.



**a) Sub-component 2.1: Clarify existing rights and support CVGFRs**

29. The Clarification activities will lay the foundation for subsequent activities by (i) raising awareness of the registration process using gender-sensitive communications methods that are tailored to the local socio-cultural and political economy context; (ii) identifying local land tenure systems and issues that may affect land registration, including gender gaps; (iii) ensuring that all landholders – including women and migrants – are aware of their rights and can participate in the subsequent steps in the land registration process on an informed basis; (iv) establishing and/or strengthen village-level institutions (CVGFRs), including to ensure representation of women and migrants, potentially through the establishment of inter-village CVGFRs; and (v) training local para-surveyors and archivists, including women. Additional activities to promote women's land rights, such as gender norms discussions with family members and/or village leaders, will be implemented in at least a subset of project villages as part of a gender-sensitive impact evaluation. Exchange visits to enable village stakeholders to learn from the experiences of other villages would also be supported.

**b) Sub-component 2.2: Village Boundary Demarcation**

30. In villages where the DTV process has not been completed, the project will support a simplified<sup>10</sup> and more comprehensive approach to village boundary demarcation that builds on the clarification activities, lays the foundation for peaceful and inclusive certification and contract formalization, and incorporates lessons learned from NGO pilots. The process will adopt a participatory approach that relies on the CVGFR and the knowledge of local resource persons from the concerned village and neighboring villages to build shared understanding of the history and boundaries of the village. With support from the para-surveyors and archivists trained during clarification, the CVGFR and resource persons will sketch the village boundaries on high resolution satellite imagery supplemented by hand-held GPS where boundaries are unclear on the ground or due to canopy/cloud cover. The revised DTV process will include support for trainings, mediation, and dialogues among community leaders, prefect(s) and/or sub-prefect(s), and village members to facilitate negotiated agreements between (among) villages with contested boundaries. In addition, land access agreements with non-village members, for example to allow neighboring villages or pastoral herders to access a shared resource, such as grazing land, will be documented during this process.

**c) Sub-component 2.3: Certification of Collective and Individual Land Rights**

31. This sub-component will support the implementation of a low-cost, participatory, and systematic rural land certification process that includes the incorporation of parcel boundaries and land ownership and use rights into a digital LIS, as well as the establishment of paper-based land registry books at the department and village level to record changes to rights in selected areas. Certification will be implemented simultaneously with the formalization of land use agreements (*contractualisation*) (Sub-component 2.4) and will be accompanied by support for trainings and mediated dialogues among community leaders, prefect(s) and/or sub-prefect(s), and village members. Also, as part of the impact evaluation, financial incentives for property to be registered to legitimate female landholders may be tested in selected villages, for example by offering preferential fees (subsidies) for land certificate applications that include a female.

**d) Sub-component 2.4: Formalization of Land Use Agreements**

32. This sub-component will record existing written land sharing agreements in the paper-based village- and

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<sup>10</sup> Simplifications to the existing demarcation procedures will be needed to reduce the costs, for example by relieving the excessive accuracy and boundary marker requirements. DFR will lead the regulatory text revisions under Sub-component 1.1



department-level land registries and in the digital LIS. It will include mediation services to help land owners and land users resolve differences in understanding of the terms and/or nature of their existing agreements and will leverage improved contract templates that specify the key terms of the agreement (for example, the parties, length, payment in kind/cash, and remedies in case of violations).

**c) Component 3 – Training for Land Tenure Professionals (US\$ 8.41 million)**

33. The overall objective of this component is to help develop the human resources necessary for the implementation of land policy at the national level. To this end, the component will support the development of a Master's degree, technical diploma, and vocational training courses on rural land tenure in partnership with existing training institutions. Special effort will be made to include female trainees. A Land Training Master Plan sponsored by the project preparation facility and disseminated prior to the effectiveness of the World Bank financing will provide the necessary details for the three following sub-components:

**a) Sub-component 3.1: Graduate Training for Rural Land Tenure Engineers**

34. This sub-component will support the Graduate School of Agronomy (*Ecole Supérieure d'Agronomie – ESA*) of the Houphouët-Boigny National Polytechnic Institute of Yamoussoukro (*Institut National Polytechnique Félix Houphouët-Boigny – INP-HB*) to establish a two-year multidisciplinary Rural Land Tenure Master's Degree program that will prepare 25-50 graduates annually to contribute to rural land registration and administration. Project support will include acquisition of technical and office equipment, educational materials, study tours, and contribution to tuition<sup>11</sup> and teaching costs for the first five years of the program.

**b) Sub-component 3.2: Vocational Training for Rural Land Technicians**

35. This sub-component will support the National Institute of Agricultural Vocational Training (*Institut National de Formation Professionnelle Agricole – INFPA*) to develop a one-year multidisciplinary Rural Land Tenure Diploma program that will prepare graduates (50-70/year) to serve as field technicians for land registration operations. Project support will include equipment, minor rehabilitation of buildings, technical assistance in curriculum design, study tours, and limited support for recurrent costs.

**c) Sub-component 3.3: Continuing Education for Land Sector Professionals**

36. This sub-component will support a variety of short-term, non-degree learning opportunities for land sector professionals, such as civil society organization (CSO) representatives and magistrates. The project will support the development of curricula, procurement of equipment, and costs for hosting these training courses. Training modules will be developed in partnership with educational institutions, such as INP-HB.

**Component 4 – Program Coordination, Monitoring and Knowledge Management (US\$ 4.01 million)**

37. This component covers AFOR's investment and recurrent costs for the management of the World Bank finance, including (a) all aspects of project preparation, management and audit, including fiduciary management, procurement, and monitoring and mitigation measures related to safeguards; (b) communication, knowledge generation and management, and coordination across project partners; and (c) monitoring and evaluation (M&E). Specifically, the following activities are included: (i) operating costs for the project, including preparatory studies, field supervision, transport and information technology (IT) support; (ii) financial management, including external audits and accounting; (iii) safeguards compliance, including

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<sup>11</sup> World Bank funds can only be used to support tuition fees for students that are selected competitively according to clearly defined selection criteria agreed with the World Bank prior to the selection process.



completion of the Social Assessment (SA) and follow-up actions; (iv) communications and knowledge management, including national and international study tours to learn from relevant experiences; and (v) M&E, including the baseline survey, recurrent data collection, midterm review, and final evaluation, as described in Section IV B of the PAD. Building on the results of the SA, this sub-component will support the development of a strategic communications strategy to guide communication campaigns implemented by private technical operators (*Opérateurs Techniques Agréés* - OTAs) as part of the registration process. All AFOR staff costs are covered under Component 1, including the hiring of financial management, procurement, safeguards, and M&E specialists. AFOR will be considered as the PIU itself. As AFOR is a new institution that is still in the process of defining its procedural and operational (implementation) manuals and hiring its staff, the World Bank's early support to AFOR will ensure its systems are fully aligned with the World Bank's policies and requirements and that staff with prior experience with World Bank procedures can be recruited as appropriate.

## E. Implementation

### Institutional and Implementation Arrangements

38. **To ensure sustainability and build AFOR's capacity to serve as the comprehensive implementing agency for the 1998 Rural Land Law, the World Bank finance will be managed by AFOR using competitively-selected staff.**<sup>12</sup> The Government is implementing the PNSFR through a program approach. In accordance with the decree creating AFOR and following the needed regulatory reforms, implementation of rural land registration will now be streamlined under AFOR to promote coherent, coordinated, and standardized approaches for land registration nationwide. Since the 2016 decree that established AFOR provides it with full responsibility to manage public funding, the World Bank financing will be managed directly by AFOR rather than through a separate Project Implementation Unit to ensure that PNFSR implementation is streamlined under a single national institution. Other donors have also expressed their interest in directly financing AFOR to avoid a proliferation of Project Implementation Units and procedures. To fulfill its mandate, AFOR must oversee the implementation of a single program of land activities throughout rural Côte d'Ivoire in compliance with a single comprehensive operations manual that will be developed under the project. Also with support from the World Bank financing, AFOR will develop a single monitoring and evaluation system and a single reporting system. As long as the AFOR Director and Deputy Director continue to be financed through public funds, they will be eligible to authorize expenditures in accordance with the World Bank policies and procedures.
39. In accordance with the 2005 Paris Declaration on Aid Effectiveness, the Government of Côte d'Ivoire requested close coordination among the donors supporting the rural land sector. To avoid inconsistencies in procedures and implementation and the duplication of reporting and M&E systems, AFOR will have a single set of policies and procedures that are acceptable to the World Bank and other donors to the sector. As AFOR is a new institution whose effective establishment currently depends on the World Bank finance, the operational and procedural manuals, as well as the safeguards norms, will be aligned with the World Bank's usual requirements. Thus, AFOR will be considered as the project implementation unit (PIU) of the World Bank financing. AFOR will be responsible for procuring all goods and services under this project for all implementing partners and for providing overall monitoring and management of the use of the World Bank finance. To overcome the registration implementation challenges identified above, AFOR will be responsible

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<sup>12</sup> Any civil servants seconded to AFOR will be recruited competitively and will not receive civil servant salaries during their service to AFOR.



for overseeing the overall implementation of the new 4-in-1 systematic land registration process. AFOR will procure, monitor, and evaluate qualified multidisciplinary private service providers (OTA), who will conduct all of the field work, prepare the certification applications and improved contracts, and submit all documentation to AFOR. The *Préfet* will remain responsible for final validation and signature of all land certificates. To avoid gaps or inconsistencies and progressively build trust with communities during the implementation process, a single private service provider will be responsible for completing all relevant<sup>13</sup> activities in a given geographic area as a continuous process subject to continued satisfactory performance as determined by AFOR. AFOR will coordinate with other government institutions as needed through Memoranda of Understanding (MOUs), for example with BNETD-CIGN for the on-going maintenance of the CORS network (Sub-component 1.3) and with INP-HB and INFPA for their graduate (Sub-component 3.1) and vocational degree (Sub-component 3.2) programs, respectively. The AFOR Steering Committee (*Conseil de Surveillance*), which consists of representatives of all government institutions with authorities related to rural land, will act as the Steering Committee for the project by providing overall strategic guidance and coordination with all relevant government institutions.

40. AFOR will recruit and maintain the key implementation staff for its Project Implementation Unit composed of a Financial Management Specialist, a Procurement Specialist, and Social Development and Environmental Safeguards Specialists through the life of the project. These staff members will have experience with the World Bank's procedures and requirements as appropriate and will establish the necessary systems for *inter alia* fiduciary management, procurement, and safeguards. The implementing agency designated to manage the project advance (PA), *Fonds Inter-professionnel pour le Conseil et la Recherche Agricole* (FIRCA), will remain as the transitional PIU for the project until the human resources and systems of AFOR are assessed by the World Bank as being sufficient to take over management of the project. From effectiveness, it is expected that the Director General and Deputy Director General of AFOR will jointly manage the project, with key staff supported by the project funding streamlined within AFOR's organizational structure.

#### **F. Project location and Salient physical characteristics relevant to the safeguard analysis (if known)**

Five project areas were selected with the Client at the regional level, as follows: Bafing, Sud-Comoé, N'ZI, Indienne-Djuablin, Agneby-Tiassa. The project will invest in selected areas within selected Departments in each region. The Client has preliminarily identified a list of fourteen departments within these five regions where the project will be implemented: Bocanda, Dimbokro, Aboisso, Adiaké, Tiapoum, Abengourou, Agnibilékro, Ouaninou, Touba, and Sikensi. The specific areas within the selected Departments will be determined by the Client at a later stage. Regions exposed to past or on-going violence were not selected.

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<sup>13</sup> Where DTV has already been completed, the process will begin with a targeted clarification phase to support land certification and the formalization of land leases.





**G. Environmental and Social Safeguards Specialists on the Team**

Abdoul Wahabi Seini, Social Safeguards Specialist  
Abdoulaye Gadiere, Environmental Safeguards Specialist

**SAFEGUARD POLICIES THAT MIGHT APPLY**

Safeguard Policies	Triggered?	Explanation (Optional)
Environmental Assessment OP/BP 4.01	Yes	This operation is mainly technical assistance. However, some activities, such as infrastructure construction to support the establishment and maintenance of a national geodetic network by setting up Continuous Operating Reference Stations (CORS) around the country, are likely to induce potential adverse environmental impacts. The specific areas of these civil works are not yet known and will be determined later. Therefore, to comply with the World Bank and national environmental regulation, the Borrower prepared an Environmental and Social Management Framework (ESMF) that has been reviewed, consulted upon and disclosed in-country and at the World Bank website, respectively on November 14 and November 21, 2017. Due to potential social and socio-economic risks associated with land registration activities, a thorough social assessment (SA) will be prepared, not later than the end of year one of project implementation, to inform decision making and to help prevent, minimize, and mitigate adverse social impacts, especially those affecting poor and vulnerable groups. The Bank will review the terms of reference and clear the report.
Natural Habitats OP/BP 4.04	No	The policy is not triggered under the proposed project.
Forests OP/BP 4.36	No	The proposed project is not expected to have any impact on forests or tree cover.
Pest Management OP 4.09	No	The project will not purchase or use pesticides. The project does not involve pest management.
Physical Cultural Resources OP/BP 4.11	Yes	This policy is triggered because of the nature of civil works to be financed under the project, which will unquestionably induce excavation. To prevent any



		destruction due to excavation during civil works and to make sure all precautions have been taken to safeguard physical cultural resources, a chance find procedure has been included in the ESMF, and subsequently it will also be included in the ESIA's.
Indigenous Peoples OP/BP 4.10	No	There are no indigenous people in Cote d'Ivoire as defined by the World Bank. The policy is therefore not triggered.
Involuntary Resettlement OP/BP 4.12	Yes	Footnote 8 to OP 4.12 explicitly states that the policy does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups. In this project, OP 4.12 is triggered due to the potential for resettlement associated with minor civil works, such as office building renovation or construction. The Borrower has prepared, consulted upon, and disclosed a Resettlement Policy Framework (RPF) on December 4, 2017.
Safety of Dams OP/BP 4.37	No	The project will not finance any dam construction.
Projects on International Waterways OP/BP 7.50	No	The project will not finance any activities with impacts on international waterways.
Projects in Disputed Areas OP/BP 7.60	No	The project will not finance any activities in disputed areas.

**KEY SAFEGUARD POLICY ISSUES AND THEIR MANAGEMENT**

**A. Summary of Key Safeguard Issues**

1. Describe any safeguard issues and impacts associated with the proposed project. Identify and describe any potential large scale, significant and/or irreversible impacts:

The project is associated with positive environmental and social impacts, such as clarified land rights, fewer land disputes, and reduced vulnerability of land owners and users, leading to increased security of agricultural investments and an enabling environment for sustainable management of natural resources (soil, water, fauna and flora). The Project was rated as Environmental Assessment Category "A", requiring a full environmental assessment, because of significant potential social issues. Footnote 8 to OP 4.12 explicitly states that the policy does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups. In this project, OP 4.12 is triggered due to the potential for resettlement associated with minor civil works, such as office building renovation or construction. The Borrower has prepared, consulted upon, and disclosed a Resettlement Policy Framework (RPF) on December 4, 2017. The project has been designed to minimize



the risk of social conflicts between private parties and to safeguard the rights of vulnerable land holders, including migrants and women, through the introduction of three new elements to the formal land registration process: clarification (awareness-raising, communications, and consultation), formalization of existing customary land use agreements, and alternative dispute resolution throughout the entire registration process. In addition, the Borrower will prepare a Social Assessment to inform a communications strategy and grievance redress mechanism for the project and further reduce the risk of social conflicts.

The potential adverse environmental impacts are expected to be moderate and reversible under appropriate mitigation measures. Considering that the exact geographic locations of project-specific interventions are not yet determined, the Borrower developed an Environmental and Social Management Framework (ESMF) in compliance with the core requirements of the triggered environmental safeguards policies: OP 4.01 (Environmental Assessment) and OP 4.11 (Physical Cultural Resources).

2. Describe any potential indirect and/or long term impacts due to anticipated future activities in the project area:

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.

If not accompanied by thorough awareness-raising, inclusive communications, and consultation, first time registration of only land ownership rights could increase the vulnerability of women and young people, who may not be considered customary landowners. As such the project has been designed to incorporate a new "clarification" phase to inform all land users and owners about their rights and to strengthen the land rights of women and other vulnerable groups and a new "formalization of land use agreements" phase to be implemented in parallel to registration of ownership rights. Land registration may also lead to the increased commercialization of land, which is considered a social asset in many customary communities. However, the process of commercialization of land is already underway in the country, as informal (unregistered) rural land transactions are common, and the risk of conflict in the absence of project support to formally register these transactions is more significant. Finally, the process of formalizing these transactions may lead to a reconsideration of previous agreements, as well as risks of private conflict over agricultural land, inter-community conflict, and dislocation of family structures. As such, the project will incorporate an inclusive communications strategy, as well as alternative dispute resolution mechanisms to address any conflicts that may arise during implementation.

3. Describe any project alternatives (if relevant) considered to help avoid or minimize adverse impacts.

The only alternative considered but not adopted is the absence of the project. This alternative was discarded, given that land disputes are already common in Cote d'Ivoire in the absence of the project, and there is a risk that the rural land conflict situation could further deteriorate without the support to be provided by the project.

4. Describe measures taken by the borrower to address safeguard policy issues. Provide an assessment of borrower capacity to plan and implement the measures described.

The proposed project is rated as EA category "A" and triggers three safeguards policies, which are: Environmental Assessment (OP/BP 4.01); Physical Cultural Resources (OP/BP 4.11); and Involuntary Resettlement (OP/BP 4.12). Footnote 8 to OP 4.12 explicitly states that the policy does not apply to disputes between private parties in land titling



projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups. In this project, OP 4.12 is triggered due to the potential for resettlement associated with minor civil works, such as office building renovation or construction. The Borrower has prepared, consulted upon, and disclosed a Resettlement Policy Framework (RPF) on December 4, 2017. Considering that the exact geographic locations of project-specific interventions are not yet determined with certainty, the Borrower complied with these policies through the following safeguards instruments prepared by the Government of Côte d'Ivoire, approved by the World Bank, and disclosed in country: (i) an Environmental and Social Management Framework (ESMF) and (ii) a Resettlement Policy Framework (RPF). These instruments provide mitigation measures that will effectively manage the potential environmental and social impacts and support monitoring to ensure the effectiveness of these mitigation measures and to detect any unforeseen impact.

The ESMF outlines an environmental and social screening process, including institutional responsibilities for screening, review and clearance, and implementation of mitigation and monitoring measures for future investments. This screening process consists of: (i) an environmental and social screening form to determine potential adverse environmental and social impacts and record the outcome of consultations; (ii) an environmental and social checklist with generic mitigation measures to be adapted to the specific investment; (iii) a summary of the World Bank's safeguard policies; (iv) an Environmental and Social Management Plan (ESMP), including environmental monitoring indicators and capacity-building activities; (v) Environmental Guidelines for Contractors; and (vi) generic environmental impact assessment Terms of Reference. The ESMF is also designed to serve as a guide for developing Environmental and Social Impact Assessments (ESIAs), which include ESMPs.

The ESMF has also made provision to address the basic requirements of OP/BP 4.11 (Physical Cultural Resources). All safeguards documents (ESMF and RPF) were reviewed, consulted upon and cleared by the Bank and the Government before being disclosed in-country and at the World Bank website. The ESMF was disclosed both in-country on November 14, 2017 and on the World Bank's external website on November 21, 2017. The RPF was disclosed both in-country on December 4, 2017, and at the World Bank website on December 6, 2017.

In accordance with the triggering of OP/BP 4.12 (Involuntary Resettlement), the Borrower prepared an RPF. However, the ESMF and RPF found that the project activities will not result in direct land acquisition or expropriation.

The project has been designed to mitigate the risks of land conflict between private parties. Firstly, a new awareness-raising and consultation phase ("clarification") that builds on existing pilots in country will be implemented prior to the start of land registration activities to inform all land owners and users about their rights and the land registration process and to promote the rights of women and other vulnerable groups. Secondly, the project will register for the first time the existing customary land use agreements between customary land owners and customary land users, also building on existing pilots in country. Finally, the project will also support training for customary and local government officials who engage in private land dispute mediation to improve their legal and social awareness, as well as basic administrative costs for these alternative dispute resolution mechanisms to ensure any disputes that arise during implementation are resolved in a peaceful and inclusive manner through these alternative dispute resolution mechanisms, with the right of appeal to a first instance court. As a further precaution, the Borrower is in the process of recruiting a Social Development Specialist to lead the development of a Social Assessment and a related inclusive communication strategy that will be elaborated during the first year of implementation to identify and mitigate all possible social impacts related to the project.

The National Environment Agency (ANDE, Agence Nationale de l'Environnement), which is in charge of safeguards



compliance for all projects in the country, will oversee the compliance of project activities with the national legal and regulatory framework. The unit is well staffed and its capacities are acceptable.

To ensure that the safeguard instruments prepared in line with the policies triggered by the project are implemented properly, the Borrower is in the process of recruiting two safeguards specialists: a Social Development Specialist and an Environmental Safeguards Specialist. These specialists will be fully in charge of all aspects related to social and environmental safeguards, respectively, and will regularly monitor all safeguard requirements. World Bank supervision missions will also include these environmental and social safeguards specialists to ensure that all safeguard issues are addressed properly and in a timely manner. In addition, the project will support capacity building efforts to ensure project implementation follows the recommendations contained in the safeguards instruments prepared for the project. The project will also receive guidance from the World Bank’s environmental and social specialists during the implementation support missions with the aim of assisting the Borrower in being in full compliance with the safeguard policies triggered by the project.

The Financing Agreement will require the Government of Côte d’Ivoire to prepare and submit to the World Bank for prior approval and disclosure any required ESIA’s, including ESMPs, in accordance with the ESMF, for the activities proposed to be carried out under the ongoing operation. Prior to commencing any works, the government will take all actions required by the ESMP and obtain the World Bank’s confirmation that the works may commence. Finally, the PIU (AFOR) will report quarterly to the World Bank on the environmental safeguard measures taken through a specific Safeguards Monitoring Report. A summary of this specific report will be included in the periodic project progress reports.

5. Identify the key stakeholders and describe the mechanisms for consultation and disclosure on safeguard policies, with an emphasis on potentially affected people.

The key stakeholders are the beneficiaries of this operation, including landlords, farmers, the Ministries in charge of agriculture, livestock, and the environment, as well as their relevant agencies/departments, municipalities, and NGOs. One of the key principles of this project from the outset was to foster the participation of all relevant stakeholders. This approach will be sustained throughout the project implementation cycle. The preparation of the ESMF and the RPF were also carried out according to the same principle, using a broad-based public consultation approach involving the above stakeholder groups. The objective was to raise awareness of project activities and impacts and foster ownership on their part. All the relevant bodies have been adequately informed of the Project. The concerns of the beneficiaries and some details of the consultations have been taken into account in the body of the different reports and other results provided as Annexes. The key concerns raised during the consultation process included: (i) permanent information and sensitization of the beneficiaries, (ii) the promotion of dialogue, and (iii) the involvement of NGOs and state technical services during the project implementation phase. All these concerns have been addressed in the alternatives proposed through the developed safeguards instruments.

**B. Disclosure Requirements**

**Environmental Assessment/Audit/Management Plan/Other**

Date of receipt by the Bank	Date of submission for disclosure	For category A projects, date of distributing the Executive Summary of the EA to the Executive Directors
25-Oct-2017	21-Nov-2017	28-Nov-2017



**"In country" Disclosure**

Cote d'Ivoire

14-Nov-2017

Comments

**Resettlement Action Plan/Framework/Policy Process**

Date of receipt by the Bank

25-Oct-2017

Date of submission for disclosure

06-Dec-2017

**"In country" Disclosure**

Cote d'Ivoire

04-Dec-2017

Comments

**C. Compliance Monitoring Indicators at the Corporate Level (to be filled in when the ISDS is finalized by the project decision meeting)**

**OP/BP/GP 4.01 - Environment Assessment**

Does the project require a stand-alone EA (including EMP) report?

Yes

If yes, then did the Regional Environment Unit or Practice Manager (PM) review and approve the EA report?

Yes

Are the cost and the accountabilities for the EMP incorporated in the credit/loan?

Yes

**OP/BP 4.11 - Physical Cultural Resources**

Does the EA include adequate measures related to cultural property?

Yes

Does the credit/loan incorporate mechanisms to mitigate the potential adverse impacts on cultural property?

Yes

**OP/BP 4.12 - Involuntary Resettlement**

Has a resettlement plan/abbreviated plan/policy framework/process framework (as appropriate) been prepared?

Yes



If yes, then did the Regional unit responsible for safeguards or Practice Manager review the plan?

Yes

### **The World Bank Policy on Disclosure of Information**

Have relevant safeguard policies documents been sent to the World Bank for disclosure?

Yes

Have relevant documents been disclosed in-country in a public place in a form and language that are understandable and accessible to project-affected groups and local NGOs?

Yes

### **All Safeguard Policies**

Have satisfactory calendar, budget and clear institutional responsibilities been prepared for the implementation of measures related to safeguard policies?

Yes

Have costs related to safeguard policy measures been included in the project cost?

Yes

Does the Monitoring and Evaluation system of the project include the monitoring of safeguard impacts and measures related to safeguard policies?

Yes

Have satisfactory implementation arrangements been agreed with the borrower and the same been adequately reflected in the project legal documents?

Yes

## **CONTACT POINT**

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**APPROVAL**

Task Team Leader(s):	Andre Teyssier Meredith Mercedes Stickler
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**Approved By**

Safeguards Advisor:	Maman-Sani Issa	12-Jan-2018
Practice Manager/Manager:	Jorge A. Munoz	12-Jan-2018
Country Director:	Pierre Laporte	17-Jan-2018



