

Executive Summary
Resettlement Policy Framework
Inclusive Connectivity and Rural Infrastructure Project
Cote d'Ivoire

Abbreviations

ESS	Environmental and Social Standard
IU	Implementation Unit
MC	Monitoring Committee
NGO	Non-governmental Organizations
PAP	Project Affected Person
PMU	Project Management Unit
RF	Resettlement Framework
RP	Resettlement Plan

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EXECUTIVE SUMMARY

A. Context and Justification for the Resettlement Framework (RF)

Despite the growth recorded in Côte d'Ivoire in recent years, and the reduction in the poverty rate from 55% in 2011 to 39% in 2018, regional disparities persist, with higher levels of poverty in the northern regions. This level of poverty is the result of difficulties in accessing economic opportunities, digital coverage and basic socio-economic infrastructure such as roads, schools, health centers, etc.

To address this shortcoming, the Government of Côte d'Ivoire has requested technical and financial support from the World Bank for the implementation of the Inclusive Connectivity and Rural Infrastructure Project in Northern Côte d'Ivoire (Project). The areas of intervention of the Project are notably the six (06) border regions of the country (Bagoue, Bounkani, Folon, Kabadougou, Poro and Tchologo) and a possible opening later on to the five (05) other regions (Bafing, Bere, Gontoungo, Hambol, and Worodougou).

In view of the nature of certain activities (construction of infrastructure) planned within the framework of the Project, its implementation could lead to impacts on the properties located on the sites that will be retained. Thus, the implementation of the Project has the potential to result in the loss land or property (trees, crops, buildings, commercial activities, cultural heritage, etc.) with the consequence of physical and/or economic displacement of the people affected.

In order to minimize these negative social impacts, the Government of Côte d'Ivoire has undertaken the elaboration of a RF, in accordance with national regulations and the requirements of the World Bank's Environmental and Social Standard (ESS) number 5.

B. Description of the Project

The overall objective of the Project is to reduce poverty and fragility in rural areas and to improve the management of rural roads. The project is articulated around four (4) components:

- Component 1: Rural connectivity
- Component 2: Rural Infrastructure
- Component 3: Institutional support, assistance in the implementation of the project and capacity building of actors in the construction sector
- Component 4: Contingent Emergency Response Component

C. Principles, Rules and Objectives Governing the Preparation and Implementation of Involuntary Resettlement

Project implementation may require land acquisition or restrictions on land use, economic displacement, physical displacement, or both. In this regard, its negative social impacts will be addressed in accordance with Ivorian law and the requirements of the World Bank's Environmental and Social Framework and ESS. Where differences arise in the implementation of these two frameworks, the one that is most advantageous to Project Affected Person (PAP) will be applied. During the implementation of each sub-project in the beneficiary communities and on the basis of the probable implementation schedule of the sub-project, a deadline for eligibility will be determined in accordance with ESS5 and the impacts will be minimized from the project design phase. This minimization of impacts requires that provisions be made to avoid or minimize potential impacts identified during the implementation phase. If compensation is required, it will be paid prior to displacement or occupation of the land and paid at full replacement value prior to displacement and must include construction, land, and transaction costs.

The Project will ensure that fair and equitable compensation is provided for losses incurred and compensation will take into account the value of infrastructure and superstructure (buildings, fences, latrines, wells, etc.) as well as loss of crops and forest species; loss of access rights; and loss of any resources (businesses and other formal or informal income-generating activities) To this end, the project will ensure that women and girls are consulted to ensure that their rights are taken into account in all aspects of resettlement planning and implementation, including the identification of the project's impact on their livelihoods and their equal treatment in relation to land and displacement issues related to project implementation.

D. Description of Potential Impacts of the Project

A review of the planned investments suggests that the project will generate positive impacts through, among other things, the rehabilitation of water supply points/systems and sections of the distribution network, the connection of households to water, the equipping and repair of public lighting, the rehabilitation of electricity distribution, the improvement of access to basic services and the creation of jobs, particularly for women, youth and vulnerable groups.

With regard to negative impacts, we can note, among others, the probable loss of land, the occupation of private and/or public land by construction machinery and equipment, the probable destruction of crops, nuisances, the risk of degradation of cultural remains during excavations, involuntary resettlement/economic displacement (possibly linked to the risk of expropriation of land and destruction of crops, displacement of commercial and artisanal activities during the implementation of certain sub-components.), risks of accidents, risks of disruption of social cohesion, etc.

E. Review of the Legal and Regulatory Framework at the National Level

The objective of the Ivorian legislation on resettlement is to allow the execution, under good conditions, of major infrastructure projects, while ensuring the protection of the environment and the well-being of the population. To achieve this objective, Côte d'Ivoire has adopted a set of legal texts, the most important of which, in the context of this RF, are

- Law No. 2016-886 of November 8, 2016 on the Constitution of the Republic of Côte d'Ivoire;
- The Law No. 62-253 of July 31, 1962 relating to urban plans;
- Act No. 2019-868 of October 14, 2019, amending Act No. 98-750 of December 23, 1998, on rural land, as amended by Acts No. 2004-412 of August 14, 2004, and No. 2013-655 of September 13, 2013;
- Law No. 2003-308 of July 7, 2003 on the transfer and distribution of competences from the State to the Territorial Collectivities;
- Decree No. 2016-788 of October 12, 2016 on the terms of application of Ordinance No. 2016-588 of August 3, 2016 on the title of occupation of the public domain;
- Decree No. 2014-25 of January 22, 2014, amending Decree No. 2013-224 of March 22, 2013, regulating the purging of customary land rights for public interest;
- Decree No. 2005-261 of July 21, 2005, setting out the terms and conditions of application in terms of urban planning and housing;
- the Decree of November 25, 1930 regulating expropriation for public utility;
- Inter-ministerial Order No. 453/ MINAGRI/ MIS/ MIRAH/ MEF/ MCLUMMG/
- Ministry of Equipment and Road Maintenance/ MPEER/ SEPMBPE of August 1, 2018, and in accordance with Decree No. 95827 of September 29, 1995, establishing the rules for compensation for destruction or proposed destruction of crops and other investments in rural areas.

F. World Bank ESS No. 5 "Land Acquisition, Land Use Restriction and Involuntary Resettlement"

In addition to Ivorian legislation, the World Bank's Environmental and Social Framework will be used as a reference, in particular the World Bank's ESS5 "Land Acquisition, Land Use Restriction and Involuntary Resettlement".

From the perspective of land acquisition and income valuation, ESS5 emphasizes the importance of full and timely compensation for all assets lost as a result of land acquisition for a World Bank-financed development project. According to ESS5, the objectives of resettlement are: (i) avoid involuntary resettlement or, where unavoidable, minimize it by considering alternatives during project design, (ii) avoid forced eviction, (iii) mitigate the adverse social and economic effects of land acquisition or restrictions on land use, (iv) improve the living conditions of poor or vulnerable people who are physically displaced by ensuring adequate housing, access to services and facilities (v) design and implement involuntary resettlement activities as a sustainable development program, providing sufficient investment resources to enable displaced persons to benefit directly from the project, depending on the nature of the project, (vi) ensure that information is disseminated, that meaningful consultations take place, and that affected persons participate in an informed manner in the planning and implementation of resettlement activities.

G. Comparative Analysis of Ivorian National Legislation Applicable to Expropriations and Compensation Related to the ESS5

The comparative analysis of Ivorian national legislation applicable to expropriation and compensation in relation to the World Bank's ESS5 "Land Acquisition, Land Use Restriction and Involuntary Resettlement" highlights points of convergence as well as divergence between the two procedures. Where there is a conflict of interpretation between Ivorian national legislation and the World Bank's ESS5, the World Bank's ESS5 will apply.

The most significant points of divergence concern the following elements:

- categories of persons eligible for compensation: informal or illegal occupants are not recognized as eligible for compensation by Ivorian law;
- eligibility for community compensation;
- the criteria and procedures for evaluating and compensating for losses of assets;
- economic rehabilitation (restoration of livelihoods);
- the terms and content of the public consultation with those affected by the project;
- special assistance to vulnerable groups;
- the method of calculating replacement cost (including all transaction costs, requirements for a grievance mechanism).

However, current practices in Côte d'Ivoire with respect to involuntary displacement are consistent with World Bank principles in the following respects:

- expropriations and displacements are avoided as much as possible and must be exceptional according to the law;
- in the case of expropriation, the law stipulates that the expropriation compensation must, in whatever form, compensate the loss suffered by the expropriated person and that it must be received before the expropriation;
- compensation for expropriation can be in the form of monetary compensation or in the form of a land swap with compensation to cover resettlement costs. However, according to World Bank

guidelines, monetary compensation is not encouraged, especially when livelihoods are dependent on land, and it will be used as a last resort;

- monitoring and evaluation;
- the expropriated party may refer the matter to the competent court in the event of disagreement over the terms of the compensation.

H. Institutional Framework

Institutionally, for the implementation of this RF, the proposed arrangements include the following stakeholders:

- **Steering Committee:** The Steering Committee is responsible for the overall supervision of the project. It is the decision-making body at the strategic level.
- **Project Management Unit (PMU):** It will coordinate all resettlement actions and ensure the dissemination of the RF to the actors involved in the implementation of the project in the concerned areas, for a better appropriation of the principles governing the social management of the project.
- **Resettlement Plan (RP) Monitoring Committee (MC)** will be set up by prefectural decree. Its role is to monitor the process of developing and implementing the RP. Its mission is also to process in second instance complaints that could not be processed at the level of the Non-governmental Organizations (NGO) and the village committee, villagers, and the sub-prefectural committee.
- **Administrative Commission for Compensation and Purge of Customary Law:** For the purging of customary rights, which is carried out by administrative means, an administrative commission called the "Administrative Commission for the Indemnification and Purging of Customary Rights" has been set up.
- **Implementation Unit (IU) of the RP:** the implementation of the RP for people affected by the project is ensured by a Unit specially designed for this operation. It is created by prefectural decree. It is supported by the NGO in charge of the social monitoring of the PAP, recruited for this purpose by the PMU.
- **Local authorities:** The prefectures will coordinate and monitor the project and the resettlement process at the local level through direct interventions in the project intervention area.
- **Village chiefs and neighborhood committees:** Their role will be to participate in the various stages of the RP development and implementation process.
- **NGOs:** They will be able to provide support in terms of community mobilization, awareness-raising and even capacity building during the implementation of the project. They will also be involved in the social support of the PAP.
- **Consultant Services:** The PMU may hire consultant services for RP preparation, consultation and communication activities, and auditing, among others.
- **Firms:** Like the consultants, firms will be responsible for carrying out the development work programmed as part of the project implementation.

I. Description of RP Preparation and Approval Process

Any resettlement operation under this Resettlement Policy Framework will follow the following steps: (i) informing local governments; (ii) determining the sub-project(s) to be financed; (iii) if necessary, defining a RAP; (iv) approval of the RAP by local institutions, state institutions, and the World Bank; and (v) dissemination of the RAP at the local, regional, and national levels and by the World Bank.

J. Description of the Principles and Conditions of Acquisition / Compensation of Goods / Structures

The compensation will be based on the replacement value of impacted assets, without any discounting for depreciation. Compensation should include all transaction costs need to replace the asset such as fees or permits. This compensation covers all losses likely to be incurred by the implementation of the Project, namely (i) loss of land for residential, agricultural, commercial or other purposes, (ii) loss of fruit trees or food, market garden or industrial crops (iii) loss of access to resources, pastoral areas (animal corridors or grazing areas), (iv) loss of access to timber and non-timber forest resources, (v) loss of related structures, infrastructure and equipment, (vi) restriction and loss of access to natural resources, (vii) loss of income, (viii) loss of cultural and/or sacred sites, and (ix) loss of community or public property or structures. The entitlement matrix is shared on Annex A.

K. Complaint Management Mechanism

Several factors may give rise to complaints and conflicts during the implementation of the project. In terms of involuntary resettlement, in order to deal with these issues, the project will have a system that favors amicable settlement. Recourse to the courts will be the last alternative, but this is not recommended, as it can be time-consuming and costly for those affected, thereby delaying project implementation. The complaints management mechanism is divided into three (3) levels:

- Local level (village or district), locality where the project is carried out;
- Intermediate level (sub-prefecture);
- National level, Project Management Unit...

Thus, the registration and processing of complaints applicable within the framework of the Project will be done at the following levels: neighborhood/village, sub-prefecture, national/Coordination Unit and justice.

As part of the implementation of a RP, an IU and a MC of the RP will be set up by prefectural decree. Within the RP's IU, the NGO in charge of social support will support the management of complaints in collaboration with the IU and the MC, prioritizing amicable settlements through a conciliatory approach.

L. Institutional Arrangements for the Development and Implementation of RP

Following the screening/determination of sub-projects requiring RP, the institutional arrangements envisaged for the development and implementation of the RP revolve around several stakeholders, including the Project Steering Committee, the Ministry of Equipment and Road Maintenance, the PMU, the managers of the customary rights assessment and purging commission, the technical ministries concerned (agriculture, construction, water and forestry, interior and security), local communities, NGOs, civil society/consultants and the judiciary will be responsible for conducting the resettlement operations that will take place under the project. An expert in charge of social issues will be recruited as part of the project. He/she will also be supported by a full-time assistant with experience in land and legal issues. In addition, if necessary, the project will recruit service providers (NGOs, consulting firms, consultants) for the implementation of any RP.

M. Summary of Consultation Results

They were held from May 13 to 18, 2022 in the six priority regions of Folon, Kabadougou, Bagoué, Poro, Tchologo and Bounkani. The meetings were organized in such a way as to minimize the risk of COVID 19 spreading, in accordance with the guidelines for conducting stakeholder consultations in a COVID 19 crisis situation. Indeed, the stakeholders met were sensitized on the need to apply the barrier measures enacted by the government and invited to wear masks and to respect physical distance during the consultation sessions. The participatory and inclusive approach was the framework for this study. Indeed, the approach

relied mainly on technical and administrative services, including professional organizations, but also on local civil society organizations (local NGOs, women's and youth groups and associations) and customary authorities. In the stakeholder consultations, 553 people were consulted, including 141 women (25.5%) and 412 men (74.5%). Women were consulted separately. These consultations were facilitated by the leaders of local women's organizations.

The implemented approach facilitated the identification of the points of view and concerns of the various stakeholders involved in the project and also the collection of their suggestions and recommendations. From the consultations, it appears that the perceptions and concerns about the project indicate a strong social acceptability of the project by the stakeholders, notably the deconcentrated technical and regional administrative services (prefectures, town halls, regional councils), the Professional Agricultural Organizations, the women's organizations, and the women's associations, youth organizations, specific organizations or institutions involved in the protection of vulnerable people (rural women, female heads of household, survivors of Sexual Exploitation and Abuse and Sexual Harassment and people with disabilities or chronic or degenerative diseases, etc.) and local populations in the project areas.) and local populations in the project's intervention areas.

However, they did not fail to express fears and concerns, the main ones being, among others, land conflicts, destruction of crops by oxen, consideration of needs and risks related to compensation, loss of land and buildings located in the rights-of-way of the sub-projects that will be carried out, Inadequate involvement of technical and administrative services during project implementation, recurrence of agro-pastoral conflicts in the project area, invasion of the project area by unregistered pesticides, difficult access to land for women and young people, and inadequate care structures for Sexual Exploitation and Abuse and Sexual Harassment survivors. Also, the populations recommended that special attention be given to vulnerable people such as widows, widowers and orphans without assistance, people with disabilities, elderly people without assistance, and destitute people.

N. Monitoring Procedures and Mechanisms as well as Verifiable Monitoring Indicators for the Implementation of the RF

Given the social scope of the resettlement, all the processes of this operation must be monitored at the local and national level. To this end, the PMU, with the support of the Social and Gender Specialist in charge of resettlement, will set up a monitoring system with indicators that will help ensure that the actions included in the PMU's work programs are carried out on time and that the costs of the measures are in line with the budgets. Periodic assessments will be made to determine whether the PAP have been fully paid before the execution of the sub-project activities, and whether they enjoy a standard of living equal to or higher than that which they had before.

O. Estimated budget for Resettlement Policy Framework Implementation

The estimated budget for the implementation of the resettlement amounts to seven hundred and forty-five million eight hundred thousand (745,800,000) CFA francs (US\$1,136,020.11).

- State of Côte d'Ivoire: four hundred and forty-two million three hundred thousand (487,300,000) CFA francs
- IDA (World Bank: two hundred and fifty-eight million five hundred thousand (258,500,000) CFA francs

This budget takes into account the costs of developing and compensating/implementing the RP, capacity building, information and communication activities, committee operating costs, a provision for the

complaints management mechanism (travel expenses for members, communication, etc.), accompanying measures, implementing livelihood restoration measure, the Monitoring/Evaluation and Social Audit of the implementation of the RP.

P. Publication of the RF

The government of Côte d'Ivoire will widely disseminate the RF after its approval by the World Bank. This dissemination will be done through several channels, including newspapers, local radio stations, the Internet (website, Project Facebook), local feedback sessions, etc. The messages will be disseminated in French and in the languages spoken locally, to enable stakeholders, including illiterate people, to understand the risks and potential effects of the project, as well as the opportunities it could offer.

**Annex
Table: Entitlement Matrix**

Type of Losses/Impacts	Categories of Eligible Persons	Things to Consider	Compensation Measures	Accompanying Measures, Especially for Vulnerable People
Loss of agricultural land	Owner-operator with official title	Earth/land	Compensation in kind by the granting of land with equal productivity or potential + security costs, or Cash compensation at full replacement cost, plus security, preparation and transaction costs.	Provision of inputs to improve land productivity in the event of new land acquisition or on remaining land
		Crops	Compensation for crop losses taking into account the period necessary to allow PAP to return to its previous production capacity.	Support for farmers through capacity building and supply of inputs to increase the productivity of the remaining land
	Owner-operator with customary law	Earth/land	Compensation in kind by the granting of land with equal productivity or potential, or, Cash compensation at full replacement cost, plus preparation and transaction costs.	Support in securing remaining or newly acquired land
		Crops	Compensation for crop losses taking into account the period necessary to allow PAP to return to its previous production capacity.	Support for the identification and implementation of income-generating activities Or capacity building for retraining
	Non-operating owner with customary law	Earth/land	Compensation in kind by the granting of land with equal productivity or potential, or, Cash compensation at full replacement cost, plus preparation and transaction costs.	Support in securing remaining or newly acquired land
	Non-owner operator	Crops	Compensation for crop losses taking into account the period necessary to allow PAP to return to its previous production capacity.	Accompaniment of the competent services or commitment of the community to find them new lands of culture
Loss of residential land	Legal owner with official title	Terrain	Compensation in kind by granting land of equivalent potential at least + security costs or, Cash compensation at full replacement cost, plus transaction and security costs.	
		Buildings and Annexes	Compensation in kind through the reconstruction of impacted buildings and/or annexes, the granting of construction materials or, Cash compensation at full replacement cost including all transaction costs.	- Granting of removal assistance - Sufficient time to find alternative housing
	Customarily recognized owner	Earth/land	Compensation in kind by the granting of land of at least equivalent potential or, Compensation in cash at the full cost of replacement.	Support for land tenure security
	Customarily	Buildings and	Compensation in kind through the reconstruction of impacted	Help with moving

Type of Losses/Impacts	Categories of Eligible Persons	Things to Consider	Compensation Measures	Accompanying Measures, Especially for Vulnerable People
	recognized owner	Annexes	buildings and/or annexes, the granting of construction materials or, Cash compensation at full replacement cost including all transaction costs.	
	Illegal occupants	Investments	Cash compensation for investments in illegally occupied land	Help with moving
Loss of land occupied informally	Informal occupant before deadline	Investments	Cash compensation for development	Help with the move (help to find a host site, transport costs ...)
Loss of rental buildings	Building owners	Earth/land	Compensation in kind by the granting of land of at least equivalent potential or, Cash compensation at full replacement cost, plus transaction costs and security.	Contact with microfinance structures for advisory support in the case of financial compensation
		Buildings	Compensation in kind through the reconstruction of impacted buildings and/or annexes, the granting of building materials or, Cash compensation at full replacement cost.	Contact with microfinance organizations for advisory support in the case of financial compensation
		Rental income	Compensation for loss of rental income on a maximum basis of three (03) months	Contact with microfinance structures for advisory support in the case of financial compensation
	Tenants	Housing security	4 months' notice	Resettlement aid calculated on a maximum basis of four months' rent (corresponding to 2 months' deposit + 2 month's rent).
Losses of fruit and/or multi-purpose trees	Owners	Function of the tree Importance in the local economy	Compensation based on a combination of replacement value	Granting of fruit trees
Sacred sites and other cultural property	Recognized customary officials / users of the cultural site	Cultural heritage	These goods must be avoided as much as possible; failing this, determine appropriate desecration and displacement measures with PAP.	Payment of fees for necessary sacrifices and rites
Job loss	Employees	Loss of salary	Cash compensation on the basis of his net salary during the period of reconstitution of his employer's activity	Assistance with loss of income Other miscellaneous assistance according to the situation of vulnerability of the PAP