

Assessment Note of Côte d'Ivoire's Revised Emission Reductions Program Document

Prepared by the Facility Management Team (FMT)
of the Forest Carbon Partnership Facility (FCPF)

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Summary

On February 7 at the 19th meeting of the Carbon Fund, the Carbon Fund Participants (CFPs) decided to provisionally include Côte d'Ivoire's ER-PD into the portfolio of both Tranche A and Tranche B of the Carbon Fund.

The provisional inclusion of Côte d'Ivoire's ER-PD into the portfolio of both Tranche A and Tranche B of the Carbon Fund and the provisional authorization of the Trustee to lead the ERPA negotiations with Côte d'Ivoire are deemed approved upon fulfillment of the conditions set out in the [Resolution CFM/19/2019/2](#).

The Government of Côte d'Ivoire submitted the revised ER-PD on April 23, 2019. This note summarizes the FMT's assessments on whether those conditions are fulfilled by Côte d'Ivoire, and serves to inform the decision-making of the CFPs. **The FMT concluded that all conditions are met in substance satisfactory to the Trustee.**

Conditions	Met/not met	Revised ER-PD Page refs
a) Correct the current overestimation in GHG emissions in forest degradation	Met	144, 149, 197, 208, 285, 311
b) Clarify financial arrangements for the flow of funds	Met	72-73, 100, 134-138, 139-43, 257-268
c) Provide a summary of the consultations conducted on the Benefit Sharing Plan (BSP)	Met	112, 231-233
d) Provide a roadmap (including timelines) on how to demonstrate Cote d'Ivoire's ability to transfer title to emission reductions (ERs)	Met	112, 113
e) Provide clear information on any planned or potential resettlement measures	Met	107, 216-217
f) Provide a roadmap (including timelines) for the process of reclassifying selected or portions of classified forest into agroforests	Met	44, 84-85
g) Summarize and explain the alignment of the ER-PD with the relevant provisions of the new Forest Code	Met	37, 84, 90, 104, 115-116
h) Clarify the right of women to land title under the laws of Cote d'Ivoire	Met	102

Assessments of fulfillment of conditions

1. Condition 4 (a)

“Following TAP findings on Indicator 8.1 and 14.3, correct the current overestimation in GHG emissions in forest degradation using the appropriate canopy cover thresholds for dense forest (>70% canopy cover) and degraded forest (30-70%) in the activity data.”

FMT’s determination: **This condition is met.**

The activity data for forest degradation have been corrected. In the previous version of the ERPD it was assumed that any partial loss of canopy cover in forest remaining forest was forest degradation, whereas the emission factors were based on the difference in carbon stocks between dense forest (>70% canopy cover) and degraded forest (30-70%). The revised version of the calculations has corrected this, and has considered that forest degradation only represents the reduction in canopy cover >70% canopy cover (dense forest) to 30-70% (degraded forest). As a result, forest degradation was reduced from 0.98 MtCO₂/year to 0.37 MtCO₂/year.

It is worth noting that the estimates of deforestation were also modified; it was identified that the area estimation of activity data of deforestation in dense and degraded forest was incorrectly done without considering the stratification. Overall, the reference level changed only marginally, from 9.6 MtCO₂/y to 9.5 MtCO₂/y.

2. Condition 4 (b)

“Clarify financial arrangements for the flow of funds, including specifying the financial controls in place, and provide an updated financial plan for the ER Program that includes the latest information on the sources of funding available to the ER Program, including any government and other sources of funding, and clarify how they relate to each other.”

FMT’s determination: **This condition is met.**

Arrangements for managing and controlling flow of funds are detailed in a new section in Chapter 6.1 (pages 134-138). Updated financial plan by activity and by donor is provided in revised ER-PD Annex 1, Financial Plan, and in Excel file “190422-Detail financial planning ER-PD RCI”.

Details on the funding provided by the different donors and the activities they will fund are included in Chapter 6.2 (pages 139-43)

Coherence among different sources of funding is explained in Section 4.3, including Table 8, “List of projects, programs and initiatives considered as part of the ER-P implementation”.

3. Condition 4 (c)

“Provide a summary of the consultations conducted on the Benefit Sharing Plan (BSP) over the period of December 2018 until the time of submission of the revised ER-PD, including a description of how the results were taken into account in the design of the BSP”

FMT’s determination: **This condition is met.**

A two-page box describing the consultation process for the development of the Benefit Sharing Plan (BSP) is included in Chapter 15.2. (pages 231-233). Main consultations were held between September 2018 and

January 2019 with a variety of “key stakeholders” (although their identity is not listed in detail) in Abidjan, Guiglo, Soubré, Duekoué and San Pedro.

The consultation produced “main orientations” and helped to factor in information concerning potential beneficiaries and benefit-sharing modalities (25 September 2018); eligibility criteria for participation (28 September 2018); general information gathering (October 2018); the approval of the advanced draft of the Benefit Sharing Plan at the central level (November 2018) and through regional workshops (January 2019).

More consultation events and expert inputs are scheduled for the first half of 2019 to consolidate results with stakeholders before the Benefit Sharing Plan will be transmitted to the Government for final validation (draft Government decree will be available by August 2019).

The new Forest Law (“Code Forestier”) adopted by the government in February 2019 foresees the adoption of a range legislative measures, including on benefit sharing in the context of this Program. Validation of the new Forest Law and related regulations by Parliament is a “prior action” (i.e. a condition) for the disbursement of World Bank budget support to the Côte d’Ivoire in 2019 (page 112).

4. Condition 4(d)

“Provide a roadmap (including timelines) on how to demonstrate Cote d’Ivoire’s ability to transfer title to emission reductions (ERs) under the ER Program. In particular, clarify the process for the adoption of the legislative decree to stipulate the process and authorization to transfer title to ERs”

FMT’s determination: **This condition is met.**

The new Forest Law was validated by the Government in February 2019 and is under adoption by the parliament. For the effective implementation of the new Forest Law, several decrees need to be adopted including a decree on benefit sharing and carbon rights. The roadmap and timeline for implementation is included in Chapter 4.4 on page 113. Since the revised ERP submission, the Government of Cote d’Ivoire has made further progress on this matter, as summarized below:

- Ministry of Water and Forest has submitted in May 2019 draft decrees to the Government secretariat (all forest code decrees including benefit sharing and carbon rights);
- The Government secretariat will share those decrees with other sectorial departments including Environment ministry / REDD+ secretariat in May 2019;
- The draft decrees will be updated and approved by the inter-ministerial REDD+ Commission in June 2019 and transmitted to the Government secretariat;
- Decrees will be submitted to the Government by its secretariat for approval and then for signature by the President (June-July 2019).

5. Condition 4(e)

“Provide clear information on any planned or potential resettlement measures in the ER Program Accounting Area and clarify how to safeguard against such measures. Clarify that the ER Program activities will not cause or result in involuntary resettlement.”

FMT’s determination: **This condition is met.**

A new one-page box in Chapter 14.1 (pages 216-217) entitled “No resettlement in the ER-P implementation strategy” states for all land-use areas within the Accounting Area – rural areas, protected areas and gazetted forest reserves (“forêts classées”, translated as “classified forests” in the ERPD) – that involuntary resettlement is not part of the current ER Program and not planned for the future.

There is no ongoing illegal occupation in protected areas nor in the high-forest-cover classified forests (Cavally and Dassioko), and policies are in place to prevent new encroachment. For low-forest-cover classified forests, occupations will be dealt with by formalizing agroforestry practices, an option provided for under the new Forestry Code, and thus integrating rather than excluding occupants. Even prior to the new law, Cote d’Ivoire’s authorities responded to illegal encroachment with soft measures rather than hard resettlement (the ER-PD references SODEFOR’s payment scheme for the gradual rehabilitation of degraded forests (page 107)). The ER-PD is explicit that there is no plausible prospect for involuntary resettlement.

6. Condition 4(f)

“Provide a roadmap (including timelines) for the process of reclassifying selected or portions of classified forest into agroforests, including envisioned legislative action.”

FMT’s determination: **This condition is met.**

A one-page box describing the “Process of re-classification of classified forests”, including a timeline for related legislative action, has been added to Chapter 3.1 (page 44).

The 2019 Forest Code and the 2019 National Forest Rehabilitation, Conservation and Expansion Strategy include a new procedure for reclassifying areas located in the private forest estate as concession land for agroforestry purposes. Reclassification may only occur on forest estate land with a forest cover of less than 25% through the decree. The granting of concessions is subject to the establishment of a delegated legislative framework, currently under development by MINEF and MINEDD.

The relevance of the procedure is high, given that 22 of 24 classified forests included in the Program are eligible for reclassification (page 84).

The latest ER-PD version also stipulates that the adoption of the broad package of delegated legislation required under the new Forestry Code is a funding priority under the new support measures from the World Bank.

7. Condition 4(g)

“Summarize and explain the alignment of the ER-PD with the relevant provisions of the new Forest Code (pending parliamentary adoption), as applicable.”

FMT’s determination: **This condition is met.**

Chapter 2.2 (page 37) includes a description of the new National Forest Rehabilitation, Conservation and Expansion Strategy that was adopted by the Government of Côte d’Ivoire in March 2019, and which is clearly aligned with the ER-PD. This new National Forest Strategy is intended to help implement the new Forest Law (“Code Forestier”), which entered into force in the first quarter of 2019.

Chapter 4.5 (pages 115-116) has a new box entitled “Alignment of the new Forest Code and ER-P”, which provides details on the main elements of the new law that are essential for implementation of the ER-P,

including: (1) new concepts such as Agro-forest, Agroforestry concession, and the upgrading of classified forests to national parks or reserves; (2) the new legal concept of Payment for Ecosystem Services; (3) facilitation of the creation of legally protected forests by local communities, local administration and individuals; and (4) a new legal concept “to allocate monetary and non-monetary benefits generated by the implementation of the national forest policy” (a quote from Art. 1 of the new Forestry Code), which provides a legal basis for the Program’s Benefit Sharing Plan.

8. Condition 4(h)

“Clarify the right of women to land title under the laws of Cote d’Ivoire and, if necessary, correct the statement on page 85 of the ER-PD stating that women are “not admitted to obtaining land title””

FMT’s determination: **This condition is met.**

The statement on the page 85 of the previous ER-PD stating that women are “not admitted to obtaining land title” was a translation mistake and was deleted in the revised ER-PD. A new box on “Women and land ownership” has been added to Chapter 4.4 (pages 102-103). The box explains that although women have historically been discriminated against with regards to owning land, the legal framework of Côte d’Ivoire regarding land title is gender neutral, and the agrarian and inheritance laws explicitly specify that rights under these laws apply regardless of sex and equitable access of men and women to land. Also, the access to ownership of rural land is linked to Ivorian nationality without gender discrimination.

The box also summaries various initiatives for implementation under the ER Program to further women’s empowerment, including through the promotion of women’s associations and performance-based mechanisms benefitting communities with high numbers of women land holdings.