



# Project Information Document/ Integrated Safeguards Data Sheet (PID/ISDS)

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Concept Stage | Date Prepared/Updated: 01-Nov-2017 | Report No: PIDISDSC23616



**BASIC INFORMATION**

**A. Basic Project Data**

Country Nicaragua	Project ID P163531	Parent Project ID (if any)	Project Name Nicaragua Property Rights Strengthening Project (P163531)
Region LATIN AMERICA AND CARIBBEAN	Estimated Appraisal Date Jan 29, 2018	Estimated Board Date Mar 29, 2018	Practice Area (Lead) Social, Urban, Rural and Resilience Global Practice
Financing Instrument Investment Project Financing	Borrower(s) Republic of Nicaragua	Implementing Agency Nicaragua Attorney General's Office	

**Proposed Development Objective(s)**

The PDO is to provide beneficiaries in selected municipalities with (a) updated and integrated cadastral and property registry information, and (b) improved land administration services.

**Financing (in USD Million)**

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

Environmental Assessment Category B-Partial Assessment	Concept Review Decision Track II-The review did authorize the preparation to continue
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Other Decision (as needed)

## B. Introduction and Context

### Country Context

**Nicaragua remains one of the poorest countries in Latin America and the Caribbean, but recent strong economic growth has contributed to notable poverty reduction.** Nicaragua's annual economic growth has averaged 4.8 percent in the last six years. This growth, along with expenditure increases in Government priority areas, has resulted in a significant reduction in overall poverty (defined as people living under US\$1.60 per day), from 42.5 percent in 2009 to 26.9 percent in 2014, as per the 2014 Nicaragua Living Standards Measurement Study. During the same period, extreme poverty dropped 6 percentage points, from 14.6 percent to 8.3 percent. More than half of Nicaraguans live in urban areas (59 percent in 2016), yet poverty remains largely a rural phenomenon. Despite progress, a third of the population (or approximately 1.7 million Nicaraguans) still lived below the official poverty line in 2014, and mostly in rural areas with limited access to basic services. On the other hand, more progress has been made in reducing rural poverty than urban poverty recently, reflecting an increase in earnings in agriculture, a sector that employs most of the poor.

**The country is highly vulnerable to natural disasters and climatic variability, such as hurricanes, extreme rainfall and earthquakes.** Nicaragua is prone to flooding on its Pacific coast and has experienced hurricanes on its eastern coast. These are expected to continue, particularly in the country's coastal zones. Droughts are also likely to occur with higher frequency in the future. Although estimates are uncertain, tropical cyclones are on the increase and heavy rainfalls, combined with unsustainable land use management, make communities more vulnerable to landslides. Climate variability and disaster risk may undermine development achievements.

### Sectoral and Institutional Context

**Securing property rights remains critical for improving Nicaragua's development and poverty reduction efforts.** Years of inconsistent legal and administrative decisions affecting land contributed to tenure insecurity and undermined the population's confidence in state institutions. Importantly, in rural areas about one third of parcels are still held without a clear title, affecting small and poor agricultural producers' tenure security and access to credit, among other things. Overall, land tenure insecurity hinders potential investments and land market transactions, and generates disputes.

**Since 2002, with the support of the World Bank and other development partners, the land sector in Nicaragua has undergone a substantial transformation.** The country's policy and legal framework has been strengthened, and key land agencies' capacity improved. Specifically, the Government enacted new laws critical for cadastre and property registry modernization, as well for the recognition of indigenous peoples' land rights in the Caribbean region. In parallel, the Institutional framework was consolidated with the Attorney General's Office (PGR) taking the lead on land issues in the country. Up to date, more than 20 percent of the country's territory has benefited from systematic cadastral and regularization activities. Representing a historical achievement, Indigenous Peoples in the Caribbean received collective titles to their ancestral territories covering about 30 percent of the country. Throughout these efforts, Nicaragua has also developed a good practice model for alternative conflict resolution.

**Improvements in the land administration framework and regularization process have been mainstreamed while the methodology developed under previous Bank-financed operations has been applied nationwide.** This methodology has incorporated current technologies and global good practices, and by responding to the country's context, it has simultaneously increased national capacity and institutional ownership of results. At the same time, the technical



capacity of the main land agencies has progressively increased, including the Nicaraguan Institute for Territorial Studies (INETER), the Property Intendancy (IP) under PGR, and the property registries under the Supreme Justice Court (CSJ).

**Nicaragua continues to consolidate the presence of land administration institutions around the country through the implementation of a national land program requiring a concerted effort, substantial resources, and focus on sustainability.** The consolidation of the policy and institutional framework provides a favorable enabling environment to advance the integration of cadastral and property registry information under clearly defined inter-institutional collaboration. However, the technological platform for the integration of cadastre-registry information (SIICAR) needs to be made fully operational and expanded, and SIICAR needs to respond better to the country's institutional framework. At the same time, municipal capacity needs to be strengthened to ensure the integration of local governments in the national cadastre system under INETER, and to foster the system's accuracy and sustainability. Such investments in municipalities have the potential to promote better territorial planning and disaster risk management, and to ensure the updating of cadastral information. Significant efforts have been made to improve the tenure security of rural households with land distributed as part of previous agrarian reforms (known in Nicaragua as the reformed sector). Further regularization is still needed in the reformed sector. On the other hand, other sectors of the population such as small farmers outside this sector also face tenure security challenges and a growing need of property legalization. Limited progress has been made in recognizing the land rights of indigenous peoples living in the Pacific and central regions of the country. Gender equity needs to be advanced by ensuring the implementation of current legislation allowing for joint titling for couples and promoting women's land rights.

**Recognizing the importance of land tenure issues for its development agenda, the Government, with World Bank support, has been implementing a long-term strategy based on a programmatic approach.** The strategy's overall goal is to strengthen property rights and promote sustainable land governance by improving the legal and institutional framework and land administration services, and modernizing and integrating cadastral and land administration information. This strategy and program are also consistent with the National Plan for Human Development (PNDH), which recognizes land tenure security as a strategy for economic development by improving productivity through expanded access to credit and facilitating land regularization services at the local level. The strategy was built on the Government's initial efforts to modernize the land administration system, which were supported by the Bank-financed Agricultural Technology and Land Management Project (P007780) from 1993 to 2000. Subsequently, the Government started formally a national program (*Programa de Ordenamiento de la Propiedad* or PRODEP) mainly through the first Bank-financed Land Administration Project (PRODEP I, P056018), which was implemented satisfactorily between 2002 and 2013. PRODEP I was designed as a pilot, and helped Nicaragua put in place a stronger land administration framework, and develop a proven methodology for systematic land regularization. Since 2013 the Second Land Administration Project (PRODEP II, P121152) has consolidated the institutional and policy framework, strengthened property registration, and made significant advances in titling and regularizing land rights through systematic and on-demand processes.

#### Relationship to CPF

**The proposed operation is aligned with the current Nicaragua Country Partnership Strategy (FY2013-2017),<sup>1</sup> which seeks to improve productivity and raise income levels in Nicaragua.** The Strategy recognizes that although progress has been made on land tenure security, more remains to be done. The Government seeks to gradually roll out the regularization process to the rest of the country, however, this will require more resources and World Bank is one of the few active donors in this area. The Project is linked to Strategic Area 2 of the Strategy, "Raise incomes by enhancing

<sup>1</sup> Report No. 69231-NI, discussed by the Executive Directors on November 13, 2012.



competitiveness and diversifying exports”, which seeks to expand the focus on land administration to other investment climate issues, particularly trade facilitation and financial innovation. This is complemented by an effort to ensure environmental sustainability and address emerging climate change issues.

**The Project is aligned with two priority areas of the 2017 Nicaragua Systematic Country Diagnostic (SCD, Report no 116484-NI).** The SCD further recognizes that the strengthening of property rights through land administration investments is pivotal to lift constraints in Nicaragua’s key sectors and industries. As explained in the SCD, Nicaragua’s land-agriculture productivity is the lowest among regional peers suggesting significant inefficiencies in the allocation of resources and high returns to improvements in this area. Furthermore, the SCD calls for continued efforts to secure land property rights and strengthen Nicaragua’s land administration institutions, which are critical to increase productivity in the agricultural sector. Accordingly, the proposed project would be aligned with two SCD’s priorities, “Priority 3: Private sector productivity and investment climate”, and “Priority 4: Reduction of vulnerabilities from climate change and management of natural resources (water, forestry, and land),” as well as the SCD’s “Cross-cutting theme: Strengthening institutions and public sector efficiency.”

### **C. Proposed Development Objective(s)**

The PDO is to provide beneficiaries in selected municipalities with (a) updated and integrated cadastral and property registry information, and (b) improved land administration services.

#### Key Results (From PCN)

- Percentage of updated cadastral and property registry data migrated into the integrated Cadastre-Registry Information System (SIICAR) operating in the property registries supported by the Project
- The Integrated Cadastre – Registry Information System (SIICAR) operating in the property registries supported by the project is evaluated independently as satisfactory in terms of operation, data, and security
- Number of municipalities linked to the national cadaster system and accredited by INETER on their technical capacities
- Number of households that obtain legal documents to their land (of which number of new titles and percent issued to women or jointly to couples)
- Level of satisfaction of SIICAR’s clients (at least 75%, with gender disaggregated data)

### **D. Concept Description**

Reflecting the strong partnership developed between the Government of Nicaragua and the Bank, the proposed operation will help consolidate the results achieved to date and promote sustainability of results, while expanding key activities into new areas of the country. As part of a programmatic approach, project design would center around three strategic themes: (i) consolidation of the institutional and policy framework; (ii) strengthening of cadastral, regularization and titling services; and (iii) strengthening of municipal capacities for land administration and territorial planning; and two cross-cutting areas: (i) promoting social and environmental sustainability through, inter alia, facilitating use of information generated by the project beyond cadastre and land regularization, promoting social inclusion and gender equity, and raising environmental protection awareness and education; and (ii) ensuring sustainability of key investments, which underpins the first three themes as it is relevant to critical activities such as institutional capacity and inter-institutional collaboration for the continuous and effective operation of SIICAR and the national cadastre database, municipal capacities for sustainable cadastral information, and the development of a



culture of registry for maintaining the formal status of titles generated by the Program and the accuracy of the cadastral and legal information in the long term.

**Implementation Arrangements.** The proposed Project will replicate the implementation arrangements that have been successfully put into effect under the previous and ongoing Bank-financed land administration operations. Accordingly, PGR will continue to be the implementing agency through the existing Project Coordination Unit (PCU-PGR). The technical implementation of the Project will remain decentralized through co-executing agencies which are relevant to the project objective and activities. These agencies include CSJ, through its property registries and the Directorate for Alternative Conflict Resolution (DIRAC); (ii) INETER, responsible for the national cadastre system; (iii) Nicaraguan Institute for Municipal Development (INFOM), responsible for municipal capacity development; and (iv) Nicaraguan Ministry of Natural Resources and Environment (MARENA), which is responsible for the protected areas of the country. IP under PGR will also be part of the project as its mandate includes land regularization.

**Project Components.** The PDOs will be achieved through Components 1 through 4. If an eligible emergency occurs during project implementation, CERC (Component 5) could be used support immediate recovery activities.

**Component 1: Institutional and Policy Framework Consolidation.** This Component will help consolidate the land administration system by strengthening the capacity of key land agencies, promoting inter-institutional coordination, and fostering a conducive environment for the integration of cadastral and property registry information and the streamlining of processes. Specifically, the component will support the following: (i) IP-PGR's capacity to deliver regularization, titling and legal services, including consolidation of IT systems; (ii) INETER's capacity to deliver cadastral services and collaborate effectively institutionally and technically in the integration of cadastral and property registry, including through the implementation of the strategy for cadastre modernization. To promote the use of information beyond cadastre and regularization, this Component will also support the integration of INETER's databases related to cadastre, natural hazards and disaster risk, and territorial planning. Finally, the component will also support (iii) CSJ's capacity to consolidate and implement SIICAR in selected property registries, in close collaboration with INETER. Preparation of a strategy for expansion and sustainability of SIICAR will be supported by this component, including change management actions as new property registries are incorporated into the SIICAR. Expansion of SIICAR will include continuation of data migration in Managua and Esteli, and full implementation in an additional number of property registries. Activities under this component will require the provision of technical assistance, training, and office and computer equipment, including software, hardware and licenses.

**Component 2: Cadastral, Regularization, and Titling Services.** This Component's objective is to record and clarify land rights through systematic and on demand cadastral surveying and land regularization, including issuance of legal documents as well as new titles and their registration. The systematic process would continue to focus on parcels that belong to the "reformed sector." Through the on-demand approach, this focus will be expanded by scaling up legalization of small farmer's land beyond the reformed sector. Given its relevance, the Component will include alternative conflict resolution activities such as the carrying out of mediation services during the cadastral and regularization processes and the provision of conflict resolution training to mediators and co-executing agencies' staff. Moreover, a gender strategy and communication strategy will be implemented under this component as key elements to promote equity and beneficiaries' knowledge and informed participation on these processes.

This Component will also support the demarcation of protected areas (PAs) located within the municipalities selected for systematic cadastral surveying. The demarcation of the external boundaries of these PAs is important to minimize creating additional land use conflicts and affecting PA management efforts. Support by the Project includes preparatory work, data collection, consultation with beneficiaries, determination of boundaries, and geo-referencing and physical



demarcation of such boundaries. To promote social and environmental sustainability, the component will support communication and educational campaigns around/in the protected areas and neighboring communities. In general, this component will finance technical assistance, training, and small civil works related to the demarcation activities of the PAs.

**Component 3: Municipal Land Administration Services.** This Component objective's is to strengthen municipal land administration capacities that will allow for a stronger role of local governments in the national cadastre system, and promoting better use of information for local planning and fiscal purposes, which will in the medium-term contribute to better municipal financing, resilience and overall development. Accordingly, this component will finance the roll-out of the new municipal cadastral system (SISCAT) in selected municipalities and its integration with the national cadastre information system, and in the medium term, SIICAR. It will also support capacity development for use of geo-spatial information beyond the physical cadastre, including potentially for territorial planning and disaster risk assessments. Specific activities include, inter alia, technical assistance and training to municipalities for inputting cadastral information and linking their cadastres to the national system; and for preparation of procedures and guidelines, in partnership with INIFOM, to clarify the role of municipalities in the national cadastre system and to strengthen municipal cadastre management. The Component will also support the carrying out of diagnostics of land tenure of *ejido* and municipal lands, which will help advance land regularization activities. Given the activities proposed, this component will finance technical assistance, training, and provision of equipment and software.

**Component 4: Project Management, Monitoring and Evaluation.** This Component will provide support for Project management; the carrying out of the coordination, administrative and fiduciary aspects of the Project, including audits; and the oversight of the implementation of a communication strategy and a gender strategy for the Project. It will also finance the collection of base line data to assess the Project's social, environmental and economic impacts; and the preparation of the Project's semi-annual progress reports, the midterm review report and the final evaluation report, including any necessary surveys and data collection activities.

**Component 5: Contingency Emergency Response Component (CERC).** This Component will provide immediate response to an eligible emergency, as needed. As such, this Component will finance public and private sector expenditures on a positive list of goods, both domestic and imported, required for Nicaragua's emergency recovery. The CERC Operational Manual, already completed and adopted by the Government for the Immediate Response Mechanism (IRM) in Nicaragua, will apply to this component. This manual details the financial management, procurement, safeguard and any other arrangements for the CERC to ensure that funds are disbursed in a rapid and efficient manner following an eligible emergency.

## SAFEGUARDS

### A. Project location and salient physical characteristics relevant to the safeguard analysis (if known)

The proposed project is part of a programmatic approach that has been advanced selectively through the national territory, based on criteria such as economic potential, land tenure issues, and poverty levels of departments and their



municipalities. In line with this approach, the proposed project will focus on (a) selected municipalities in new departments located in the Central region of the country. These departments include Matagalpa, Boaco, Chontales, and potentially San Juan in the municipalities of San Carlos and El Castillo. In these municipalities, the project will support systematic cadastral surveying and regularization, as well as related activities such as the demarcation of protected areas (APs) and the strengthening of municipal and local capacities; and (b) selected municipalities and property registries in departments supported by previous Bank-financed land operations, and where the systematic cadastral surveying and regularization is well advanced making conditions for expanding the integrated cadastre-registry information system (SIICAR) in the short term more feasible.

Matagalpa, Boaco and Chontales are predominantly rural Departments in Nicaragua's Central Region. The Central Region is mountainous facing soil erosion problems in the northern part and water access problems in the central part. Population density is lower and infrastructure is less developed which limits market access. Its northern sub-region (Matagalpa) is an important coffee growing area, while extensive cattle ranching characterize the central area. The latest census indicated that the region's population totals 940,000 people, or about 16% of the country's total population. The region has a high poverty concentration, as it includes about half of the country's poor. Moreover, several of its municipalities are within the country's Dry Corridor, which is prone to draughts that pose significant risks for water and food security. Some indigenous communities live in the region, mostly in Matagalpa.

There are 14 protected areas (PAs) within Matagalpa (10 PAs), Boaco (1 PA), and Chontales (3 PAs). In the Municipalities of San Carlos and El Castillo (San Juan Department) there are no PAs. In the case of Matagalpa, 4 of the 10 PAs do not have Management Plans (MPs), and in Boaco 2 of the 3 PAs do not have MPs. In line with the country's legal framework, the demarcation of PAs does not require expropriation or taking land rights of private property (either individual or

## **B. Borrower's Institutional Capacity for Safeguard Policies**

The proposed Project will replicate the implementation arrangements that have been successfully put into effect under the previous and ongoing Bank-financed land administration operations, namely PRODEP and PRODEP II. Accordingly, the Attorney General's Office (PGR) will continue to be the implementing agency responsible for administration of Credit funds, and for ensuring compliance with fiduciary and safeguard requirements applicable to the project. The technical implementation of the Project will remain decentralized through the same agencies (listed above) that have co-executed the other land operations.

During implementation of the ongoing PRODEP II, PGR and co-executing agencies have demonstrated their capacity to plan and implement the environmental and social safeguard policies and instruments. Safeguard compliance has been satisfactory under PRODEP II, and the same team within the PGR-Project Coordination Unit (PCU) is expected to continue during the proposed project's implementation. Under PRODEP and PRODEP II, PGR and co-executing agencies (MARENA in the case of demarcation of PAs) have gained significant experience through, for example, the demarcation of 19 protected areas and demarcation and titling of 15 indigenous territories, with no apparent negative social or environmental impacts.

Regarding the environmental management capacity of the PGR, after several years of experience with the implementation of the Project through its Executive Secretariat (SE-PRODEP), the PGR assumed direct responsibility for environmental management through an Environmental Attorney (Procurador Ambiental). The Environmental Attorney will be responsible under the Project of cross-cutting environmental management and will coordinate with MARENA the demarcation activities of PAs. For social safeguards, the project team includes a Social and Gender Specialist who coordinates with regional offices of co-executing agencies such as IP and INETER. There is also a Communication Specialist





that facilitates access to information and community outreach. Depending on final Project design and selected municipalities, capacity assessment and recommendations will be made during preparation to strengthen, if needed, the environmental and social team of the project.

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

Marco Antonio Zambrano Chavez, Environmental Safeguards Specialist

Dianna M. Pizarro, Social Safeguards Specialist

**D. Policies that might apply**

Safeguard Policies	Triggered?	Explanation (Optional)
Environmental Assessment OP/BP 4.01	Yes	<p>This policy is triggered given the cross-cutting environmental impacts (although mostly expected to be positive), and small civil works needed as part of the demarcation of Projected Areas and renovation of government buildings. In accordance with OP/BP 4.01 the project is classified as Category B. An Environmental Assessment and Environmental Management Plan (EA- EMP) will be prepared by the Government and approved by the Bank. The EA (a) will identify (screening) potential positive and negative, direct and indirect, and accumulative impacts associated with the Project considering all applicable safeguard policies; and (b) will identify mechanisms and measures to prevent, avoid, minimize, mitigate or compensate potential negative impacts.</p> <p>MARENA prepared, and has continuously improved through the previous land projects, an Environmental Guideline for the demarcation of protected areas, to ensure the application of good environmental and social practices during implementation of these activities.</p>
Natural Habitats OP/BP 4.04	Yes	<p>Nicaragua has already an Operations Manual and an ESMF that applies to all Contingent Emergency Response Mechanism.</p> <p>This policy is triggered due the demarcation of the external boundaries of protected areas. The boundaries of these protected areas are already well-defined administratively and the Project will not modify them. The project will not finance infrastructure works inside the PA that could potentially affect natural habitats. Nevertheless, the EA-EMP mentioned before, will include specific</p>



		<p>screening tools to ensure that potential impacts on natural and critical natural habitats are properly evaluated.</p> <p>The demarcation of PAs will contribute the preservation of natural habitats by marking these administrative boundaries on the ground and updating the cartography with georeferenced records. Most of the PAs targeted for demarcation have its management plans approved by MARENA. An agreement will be reached during Project preparation on whether preparation of management plans will be considered for financing for selected protected areas without these plans.</p>
Forests OP/BP 4.36	Yes	<p>This policy is triggered because the protected areas that may be targeted for demarcation include forests. It is expected that the Project will contribute to the preservation of forests by marking these administrative boundaries on the ground and updating the cartography with georeferenced records. The Project will not support any forestry (natural or plantation) activity. Moreover, the project only focuses on demarcation of external boundaries of PA's buffer zones, and will not finance any kind of sub-projects.</p>
Pest Management OP 4.09	No	<p>This policy is not triggered because during the demarcation of protected areas, and construction and maintenance of related physical markers, pesticides and herbicides will not be used.</p>
Physical Cultural Resources OP/BP 4.11	Yes	<p>This policy is triggered because Project activities might take place in locations that have sacred sites, landscapes of cultural importance, or physical cultural resources not yet screened.</p> <p>Activities with potential risks include minor civil works, cadastral surveying, and demarcation of protected areas. The country's laws and procedures regarding physical cultural resources will be applied for addressing potential "chance finds" encountered during project activities, and related to procedures to be followed will be reflected in the EA-EMP and the Operational Manual.</p>
Indigenous Peoples OP/BP 4.10	TBD	<p>It is not clear at this stage whether there are indigenous peoples living within the municipalities that will be finally included under the Project. Moreover, the Government is still considering whether it will include under the proposed project further</p>



		support to the indigenous communities with which it is engaging under PRODEP II, or whether it will continue to do so with its own resources as it has done in the Caribbean region. If there are indigenous peoples in the final Project area, ensuring their support and participation will be fundamental to advance project activities within their lands. A Social Assessment (SA) will be carried out during preparation, which will help inform Project design, the selection of municipalities, and the final decision on the activities to be supported under the Project.
Involuntary Resettlement OP/BP 4.12	Yes	<p>This policy is triggered given the possibility that the livelihood of population living in or within protected areas targeted for demarcation may be affected due to restriction of access to natural resources. The Government will prepare a Process Framework to ensure that restriction to access is avoided, minimized or mitigated. The Process Framework will take into account the current protected areas management plans to determine the risk of restricting livelihoods and propose guidelines for potential action plans.</p> <p>In line with the country’s legal framework, reflected in the procedures applied in the previous land projects, the demarcation of PAs does not require expropriation or taking land rights of private property (either individual or collective).</p>
Safety of Dams OP/BP 4.37	No	This policy is not triggered because Project activities will not involve construction of dams or depend on existing dams
Projects on International Waterways OP/BP 7.50	No	This policy is not triggered because Project activities will not be conducted in or influence international waterways.
Projects in Disputed Areas OP/BP 7.60	No	This policy is not triggered because Project activities will not be conducted in disputed areas.

**E. Safeguard Preparation Plan**

Tentative target date for preparing the Appraisal Stage PID/ISDS

Dec 15, 2017



Time frame for launching and completing the safeguard-related studies that may be needed. The specific studies and their timing should be specified in the Appraisal Stage PID/ISDS

The Government will start the preparation of safeguard-related studies as soon as August 2017. The Bank team, including the respective safeguards specialists, will supervise closely these studies. The initial studies will include the Environmental Assessment and the Social Assessment.

## CONTACT POINT

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## APPROVAL

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**Approved By**

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Country Director:	Christian Albert Peter	27-Nov-2017

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