

# Update on REDD+ in the Congo Basin

By Indra Van Gisbergen and An Bollen

FERN has been producing Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) updates<sup>1</sup> since 2010. These have proven to be very popular and so we are following them with this detailed look at Reduced Emissions from Deforestation and Degradation (REDD+) schemes in five countries in the Congo Basin: the Democratic Republic of Congo (DRC), the Republic of Congo (RoC), the Central African Republic (CAR), Cameroon and Gabon.

This first update shows that although REDD+ processes are ongoing in four of the five countries, they are not inclusive, and are led in a top-down manner. Not only has consultation been minimal, in none of the countries did civil society organisations have the possibility to effectively participate in the drafting of the REDD+ documents and make decisions, as had been the case with the VPAs in most Congo Basin countries. Donors increasingly request that governments ensure REDD+ builds on FLEGT VPAs, but this is not yet happening in practice, hampered among others by REDD+ and VPAs being dealt with by different ministries.

Both REDD+ and VPAs require legal reforms, which could improve governance and respect for local peoples' tenure rights, but in all five countries these reforms risk opening the way for large scale investment from mining and agriculture companies, rather than strengthening local peoples' tenure rights. The original Readiness Preparation Proposals (R-PPs) (see box) also blamed 'local communities for deforestation', making it unlikely the process would strengthen community tenure rights, even though this is widely seen as a pre-condition for reducing deforestation. There is therefore growing scepticism that REDD+ will effectively address the underlying and direct causes of deforestation in the region. With no forest carbon market in sight, it is also increasingly unclear how REDD+ will be funded in the long term.

Rather than focusing on creating carbon accounting schemes for a market that may not materialise, countries must ensure REDD+ finance directly contributes to strengthening tenure security for local communities and improves forest governance, among others through legal reform processes that create transparency, and improve accountability and participation in decision making.<sup>2</sup>

## Box: Key Terms

- **The Forest Carbon Partnership Facility (FCPF)** – the World Bank's main mechanism for promoting REDD+. The core bodies of the FCPF are the Participants Assembly and the Participants Committee. For critical analysis of the FCPF see FERN and Forest Peoples Programme's report *Smoke and Mirrors* page 9 to fourteen ([www.fern.org/smokeandmirrors](http://www.fern.org/smokeandmirrors)). For latest spending and pledges see: ([www.climatefundupdate.org/listing/forest-carbon-partnership-facility#TOC-Graphs-and-statistics--Readiness-Fund](http://www.climatefundupdate.org/listing/forest-carbon-partnership-facility#TOC-Graphs-and-statistics--Readiness-Fund))
- The **Participants Assembly** of the FCPF includes all countries and organisations participating in the FCPF, meets annually and elects the Participants Committee.
- The **Participants Committee** of the FCPF is composed of 14 forested countries and 14 donor countries, and includes observers representing indigenous peoples, civil society, international organisations and UN-REDD.
- The **Readiness Fund** of the FCPF assists participating countries (37 of which 14 are in Africa) in getting ready for REDD+ funds by developing a **Readiness-Preparation Proposal (R-PP)**, followed by a **national REDD+ strategy**.
- The **Carbon Fund** (part of FCPF) provides payments for verified emissions reductions from REDD+ programmes.
- The World Bank's **Forest Investment Programme (FIP)** provides large scale funds for the development and implementation of national forest investment strategies in selected pilot countries, including DRC. They are meant to enable REDD+ plans.
- **UN-REDD** is a collaborative initiative launched in 2008 between the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the Food and Agriculture Organisation (FAO). UN-REDD supports national REDD+ efforts in 46 partner countries.



## Democratic Republic of Congo

**The process:** DRC has been engaged in the REDD+ process since 2009, and the process is further advanced there than in any other Congo Basin country. It is often portrayed by donors as a success story, but local civil society judges it differently: the process has been driven by international actors and lacks national ownership.<sup>3</sup>

DRC's R-PP was finalised in 2010. Despite a mid-term review pointing out numerous gaps and weaknesses in the process and concluding that much was still to be done, the World Bank and other donors pushed DRC towards the investment phase.

DRC is one of the eight Forest Investment Programme (FIP) countries and has developed an investment plan, requesting a US\$60 million grant which was endorsed in August 2011.<sup>4</sup> The FIP will essentially finance private sector and community-led REDD+ pilot projects.<sup>5</sup>

A national REDD+ strategic 'framework' was presented at the 18th United Nations Framework Convention on Climate Change, Conference of the Parties (UNFCCC COP 18) in December 2012. Donors instigated the decision to go for a 'strategic framework' rather than for a 'strategy' to allow funds to flow more quickly.<sup>6</sup>

**The consultation:** Participation of NGOs and communities in the REDD+ process has so far been neither inclusive nor effective. At the start, NGOs set up a "REDD Climate Working Group" (Groupe de Travail Climat REDD (GTCR)), of more than ten national coalitions representing hundreds of national and local environmental and development organisations. The aim of this platform was to interact with the National REDD Coordination (CN-REDD) and provide input to the process. Lack of unity meant the platform split into two groups, who are now collaborating. NGOs, through the GTCR, have three seats, and indigenous peoples one seat in the National REDD+ Committee,<sup>7</sup> which is tasked with guiding and monitoring the national REDD+ process in DRC. The GTCR is also represented in the sixteen Thematic Committees (TC) created by CN-REDD to assess strategic options and feed into the national REDD+ strategy.<sup>8</sup> The National REDD+ Committee and the TCs are, however, widely regarded as dysfunctional and seem not to have a major impact on what is happening in relation to REDD+ in the country.<sup>9</sup>

A comprehensive Information, Education, Communication and Consultation plan (IEC-plan) had been developed to guide REDD+ consultations, but was never implemented. After the GTCR complained to the FCPF about the IEC-plan being 'without substance' it decided to withdraw from the TC.<sup>10</sup> With the exception of the Netherlands, donors and the FCPF kept quiet at a Participants Committee meeting of the FCPF in Colombia in June 2012, and did not publically respond to DRC NGO concerns.

**Links with FLEGT:** There are some links between the REDD+ and the FLEGT VPA processes in DRC, but they have not been developed or elaborated, so no benefits have been realised.

**Legal reforms:** The implementation of the R-PP and the FIP investment plan as well as the national REDD+ strategy (once developed), will require legal reforms including land reform and reforms of the DRC's Forest and Mining Codes. It is very likely these reforms are being framed to attract and accommodate (foreign) investors. The GTCR has demanded the adoption of a law on community forestry as part of the reform and is supported in this demand by the World Bank which has made the adoption of this decree conditional to the disbursement of new funds.<sup>11</sup>

The Strategic Environmental and Social Assessment (SESA) process, aimed to be finalised by the end of 2012, prepares safeguards management tools. Civil society organisations developed national social and environmental REDD+ standards, and a manual for the application is under preparation. A National Committee for Social and Environmental Risks and Benefits for REDD+ has been created and is operational. DRC is also developing a Safeguard Information System (SIS). At a workshop in the DRC, the Environment Minister accepted customary rights and Free Prior and Informed Consent as requirements for REDD+,<sup>12</sup> but nothing has so-far changed fundamentally on the ground.

## Republic of Congo

**The process:** RoC has been involved in the REDD+ process since 2008. After the revision of the R-PP in September 2011, RoC has been developing a national REDD+ strategy expected to be ready by the end of 2013. To feed into this strategy the government has developed a rather unrealistic workplan including: the development and implementation of a national IEC-plan; a series of studies including on the drivers of deforestation; the set up an independent REDD+ monitoring system; the consolidation of environmental and social REDD+ safeguards; and the validation of guidelines and rules for REDD+ projects.

**The consultation:** Stakeholder engagement in the development of the R-PP has been limited. The existing civil society platform (Plateforme de Gestion durable des forêts), a coalition of national and local NGOs engaged in the FLEGT VPA process since 2006, has been involved in REDD+ since the start. Although some of their input has been integrated into the final R-PP, the consultation process was dismal. Consultation sessions organised by the CN-REDD have been 'information' sessions only and access to essential documents, such as drafts of the R-PP were not available prior to a validation workshop (February 2011).<sup>13</sup>

In January 2012, a civil society workshop involving representatives of local communities and indigenous peoples was organised to discuss civil society's concerns and priorities. As a result, a new civil

society and indigenous peoples' platform was created to engage in the REDD+ process (Cadre de Concertation des Organisations de la Société Civile Congolaise et des Peuples Autochtones sur la REDD+ (CACO REDD+)). The Plateforme de Gestion Durable des Forêts is now an active member of CACO REDD+.

**Links with FLEGT:** According to the R-PP, the REDD+ process should build on the FLEGT VPA experience and international finance should be used to ensure complementarities and synergies between both processes. This means that REDD+ funds can be used to implement the VPA and finance the development of a traceability system, and legal reforms accompanied by proper consultations with communities;<sup>14</sup> unfortunately this has not happened in practice. The government has asked for 'technical support' from the EU to ensure REDD+ and the implementation of the VPA are tackled in a coherent and complementary way.

**Legal reforms:** In 2010 RoC became the first country in Africa to adopt a law on the promotion and the protection of rights of indigenous people.<sup>15</sup> Nearly three years after the publication of the law in RoC, implementing decrees are still not finalised. Local civil society organisations expect that R-PP and VPA implementation will support the implementation of the indigenous peoples' law. The R-PP recognises the need for cross-cutting legal reforms and tenure rights security as key components to improve forest governance, but fails to include this in its budget.<sup>16</sup> Since donors including the EU and UN-REDD increasingly recognise the importance of governance aspects, it would be logical for REDD+ funds to be used to improve governance.

## Central African Republic

**The process:** CAR has been involved in REDD+ process since 2007. An R-PP was submitted in October 2011 and approved on the condition that the following key issues would be addressed:

1. the role of industrial logging needs to be included in the drivers of deforestation study as the focus on local livelihoods as drivers of deforestation (shifting cultivation, pastoralism, Non-Timber Forest Products (NTFP) collection) is misrepresented as the primary cause of deforestation;
2. there needs to be a multi-stakeholder participatory process for REDD+, including multistakeholder oversight of REDD funds;
3. concrete joint activities between FLEGT VPAs and REDD+ need to be identified; and
4. there should be increased funding for social and environmental assessments and monitoring.

These demands originated mainly from local NGOs, and some were taken up in the final version of the R-PP. There was

an official validation workshop of the R-PP on 25-26 October 2012 in Bangui, but it remains unclear if the R-PP has now been approved.

**The consultation:** Environmental and human rights organisations are organised within the civil society platform for the Sustainable Management of Natural Resources and Environment (GDRNE).<sup>17</sup> Within GDRNE there is a technical working group on REDD which follows and represents civil society in the REDD+ process. They have organised awareness raising workshops on REDD+ and community rights in various regions.

On 25-26 October 2012, the REDD working group used an official R-PP validation workshop to present their analysis of whether the FCPF recommendations had been taken into account. They concluded that some were and some were not. The suggestion of multi-stakeholder oversight over exclusive REDD+ funds was not taken up, and more information is needed on the selection of REDD+ pilot projects. They also stated that there was no information on synergies between FLEGT and REDD+. Other recommendations, including a revision of the calendar and an increase in the budget for social and environmental monitoring were taken up, as well as capacity building support to the CN-REDD to oversee effective and participatory REDD+ implementation.

**Links with FLEGT:** The government has been asked by the FCPF to increase the coherence between FLEGT and REDD+ and include details of concrete joint activities between the two processes in the revised R-PP.<sup>18</sup> The fact that both are being dealt with by different Ministries does not help coordination (REDD+ by the Environment Ministry and FLEGT by the Forest Ministry).

**Legal reforms:** Necessary legal reforms under the REDD+ process include looking into access and benefit sharing mechanisms, recognition of customary user and property rights, and ensuring conformity between international conventions and national legislation. Within the R-PP, legislative reform is foreseen on land tenure, forest, environment, agriculture codes, territorial administration and governance in general. A law on REDD is planned and will include all details on the REDD strategy, national registry, indicators, activities, and legal status of REDD carbon credits, etc. The framework law will ensure consistency of public policies and introduce amendments of existing laws and regulations where shortcomings have been identified. The FLEGT VPA process requires reform of the Forest Code to improve recognition of customary user rights of communities and to operationalise community forests. A new law is foreseen on Human Rights, in particular for indigenous peoples, conforming to the ratification of International Labour Organisation Convention 169 (ILO 169). In parallel, in December 2012 the Government launched a national tenure governance harmonisation process.

## Cameroon

**The process:** Cameroon has been part of the REDD+ process since 2008. Its R-PP was approved in October 2012, under the condition that the text was revised to address a large number of issues including:

1. how to improve REDD+ management arrangements to allow for broad participation;
2. how REDD+ consultations can capitalise on the FLEGT VPA process through inter-ministerial coordination and streamlining sectoral policies, in particular the mining and agricultural sectors; and
3. the need to provide extra information on current and future pilot projects to increase transparency.

Prior to the 13th Participants Committee of the FCPF in October 2012, about 40 Cameroonian civil society organisations analysed the draft R-PP and recommended to improve the text specifically on its legal and governance aspects; its analysis of the causes of deforestation and forest degradation; and its provisions on social environmental impacts, the REDD+ strategy and REDD+ pilot projects.<sup>19</sup> Eleven civil society recommendations were fully or partially taken into account in the final resolution.<sup>20</sup> Some recommendations were also reflected in the final revised R-PP, but seven important concerns were not taken up. The outstanding civil society demands concern among others the increase of civil society seats at the National REDD+ Steering Committee; the adoption of a consensus decision-making process in all national REDD+ institutions; and the recognition of customary land rights.

**The consultation:** Despite the organisation of more than 40 workshops organised by the government and international donors,<sup>21</sup> the process has not been truly participative since these consultations were 'informative' only. Civil society organisations have been given only one seat in the National REDD+ Steering Committee, the decision-making REDD+ body,<sup>22</sup> a worrying development as decisions by this body are taken by majority, not consensus.<sup>23</sup>

In July 2011, a Civil Society National REDD+ Platform was created, including some members of the FLEGT VPA platform (ECFP). It has been suggested that the REDD+ platform was created because the government was not pleased with the influence the ECFP had over the FLEGT negotiations.

**Links with FLEGT:** The R-PP includes various references to the FLEGT VPA process, including the need to integrate lessons learned and bring the two processes closer together. The R-PP further proposes to involve the FLEGT unit in the Ministry of Forestry (MINFOF) in REDD+ to improve forest and environmental governance.<sup>24</sup> The Cameroon R-PP develops the links between REDD+ and VPA processes more comprehensively than other Congo Basin R-PPs, for example, it

provides information about the institutional interaction between the Ministry of Environment (MINEPDED) (in charge of the REDD+ process) and the Ministry of Forests (MINFOF) (in charge of the VPA FLEGT process). It also proposes to make the process more inclusive and participatory, but bearing in mind that its participation in the VPA implementation, which has legally binding force, is not going smoothly, civil society is sceptical about implementation of the R-PP.

**Legal reforms:** The R-PP highlights weak law enforcement, the absence of a land use plan, and the abundance of illegal logging. This follows on from reform of the Forestry Law sparked by the VPA. It is expected that REDD+ will trigger land, forest, mining and environmental law reforms. The R-PP states that: "the Government took already actions by revising forest laws, signing the VPA, imposing environmental impact assessments and management plans for UFA logging [Unité Forestière d'Aménagement] and protected areas management. The REDD+ process is an opportunity to pursue this dynamics and promote the sustainable management and conservation of forests".<sup>25</sup> The reform of the Forest Code is currently ongoing but not in a participatory manner which is in violation with the legally binding VPA. Civil society is concerned about the draft Forest Code since it undermines community rights.<sup>26</sup>

## Gabon

Due to Gabon's high forest cover (80-85 per cent) and overall low deforestation rate, the FCPF selected it as one of the first REDD+ countries. Funding was provided to develop an R-PP in July 2009, but this process never really started.<sup>27</sup> Instead, Gabon decided to develop its own climate plan as part of a broader national 'development' vision. An inter-ministerial body, the 'Climate Council', was set up in May 2010 under direct supervision of the Presidency of the Republic in order to elaborate a strategy with regards to a national climate change policy and more specifically to draft a 'National Climate Plan'. The National Climate Plan is part of the 'Green Gabon' approach which is one of the three pillars of the President's long term vision of 'Emerging Gabon' towards sustainable development. REDD+ would in Gabon not be a self standing process, but a potential component within the National Climate Plan.

The National Climate Plan would aim to make it possible to measure the carbon footprint of the 'Emerging Gabon' Plan. It would set out a range of sectoral measures which, when implemented, would allow greenhouse gases to be 'sustainably managed'. To this extent a national space agency AGEOS-TECH was set up,<sup>28</sup> a national carbon monitoring system put in place, and a national forest inventory set in train.

Civil society remains excluded from these plans. The lack of democracy in Gabon and the tight control by the president on state affairs has not resulted in an inclusive, transparent,

participatory approach. Also under the 'Green Gabon' pillar, a law on sustainable development has been drafted which foresees the creation of a national offsetting scheme of sustainable development credits, including carbon, biodiversity, ecosystem services and community capital credits. This framework law is currently in Parliament and will lead to a whole series of revisions of other laws (forest, land, agricultural and mining). This framework law risks further reducing the rural forest domain in Gabon, which is preserved for local communities and their subsistence activities, but has never been officially

delimited. Out of 22 million forest hectares (m ha) in Gabon, 17 m ha are part of the permanent forest domain, consisting of 13 m ha for forest concessions and 4 m ha for protected areas, with a remainder of 5 m ha for the rural forest domain. The new sustainable development law will create a series of credits linked to particular land-use, this comes after the recent large scale allocations for agribusiness concessions (palm oil and rubber). This risks further increasing the overall number of concessions and the protected areas (under credit schemes), and further taking away land from local communities.

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#### ENDNOTES

1. [http://www.fern.org/November\\_FLEGT\\_Update](http://www.fern.org/November_FLEGT_Update)
2. Using the World Resources Institute (WRI) model, FERN uses the term governance to embrace five principles: 1. Transparency: open actions which can be scrutinised by rights holders and stakeholders; 2. Participation: ensuring diverse and meaningful participation in government policy by non state actors; 3. Accountability: clarity about the role of various institutions in decision-making and whether they are held accountable; 4. Coordination: how those involved work toward common objectives on forests; 5. Capacity: a government's role in giving public access to decision-making, as well as the ability of civil society to make use of this.
3. GTCR, Bulletin d'Informations sur le Climat et la REDD en Afrique Centrale, Edition Spéciale Janvier 2013, p. 3.
4. [https://www.climateinvestmentfunds.org/cif/sites/climateinvestmentfunds.org/files/Endorsement\\_Letter\\_IP\\_DRC.pdf](https://www.climateinvestmentfunds.org/cif/sites/climateinvestmentfunds.org/files/Endorsement_Letter_IP_DRC.pdf)
5. [https://www.climateinvestmentfunds.org/cif/sites/climateinvestmentfunds.org/files/FIP\\_DRC.pdf](https://www.climateinvestmentfunds.org/cif/sites/climateinvestmentfunds.org/files/FIP_DRC.pdf)
6. GCTR, Bulletin, p. 4.
7. Decree N°09/41, 26 November 2009 creating the National REDD Committee, the Inter-ministerial Committee, the National REDD coordination and the Scientific Council. The National REDD Committee, chaired by the Secretary-General of the Ministry of Environment, consists of thirteen members, from various public administrations (six members), civil society (four members), private sector (two members) and academia (one member).
8. The thirty Thematic Coordination Groups (TCGs) later reduced in number to sixteen and called Thematic Coordinations (TCs) are led by representatives of the public administration, facilitated by the CN-REDD and supported by various stakeholders including civil society.
9. Memorandum of GTCR of 22 June 2012 addressed to the FCPF.
10. Letter of GTCR of 22 June 2013 address to the FCPF in Washington.
11. Although the World Bank stated this (orally) during the PC13 in Brazzaville in October, they have not made a written statement. Since October the World Bank has not stopped funding DRC and the community forestry law has still not advanced.
12. <http://www.forestpeoples.org/sites/fpp/files/news/2012/07/Secretary%20General%27s%20Speech%20-%20English.pdf>
13. Authors own notes from the meeting.
14. RoC R-PP, September 2011, p. 72 - 74.
15. The Senate and the National Assembly of the Republic of Congo passed a Law on Indigenous Peoples on December 30, 2010. The President signed the indigenous peoples Law on February 25, 2011.
16. RoC R-PP, September 2011, p. 69-71.
17. Plateforme GDRNE: la Plateforme de la Société Civile Centrafricaine pour la Gestion Durable des Ressources Naturelles et l'Environnement.
18. <http://www.rainforestfoundationuk.org/files/RFUK%20CAR%20briefing%20REDD%20FLEGT.pdf>
19. [http://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/NGO\\_Statement\\_%20RPP.pdf](http://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/NGO_Statement_%20RPP.pdf); <http://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/Addendum%20to%20the%20CSO%20Statement-%20eng.pdf>
20. [http://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Feb2013/Cameroon%20final%20R-PP-English-January%202013\\_0.pdf](http://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Feb2013/Cameroon%20final%20R-PP-English-January%202013_0.pdf)
21. Cameroon R-PP, January 2013, p.20.
22. The official creation of the Steering Committee for the REDD+ process was in June 2012.
23. Civil society has through the REDD+ platform one seat and indigenous peoples have one seat.
24. Cameroon R-PP, January 2013, 2013, p.11.
25. Cameroon R-PP, January 2013, p.46.
26. <http://www.forestpeoples.org/topics/legal-human-rights/news/2012/12/civil-society-raises-serious-concerns-about-cameroon-s-draft>
27. <http://www.forestcarbonpartnership.org/node/67>
28. AGEOS-TECH Agence gabonaise d'études et d'observation spatiales: Terre, Climate, Homme



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