

## GOVERNANCE OF REDD+

*To what extent does the R-PP promote good governance within REDD+ systems and processes?*

**Stakeholder Participation in REDD+ planning and Implementation**

- |   |  |
|---|--|
| + | <i>Identifies relevant stakeholders for REDD+</i>  |
| + | <i>Specifically considers how to engage vulnerable groups</i>  |
| + | <i>Establishes procedures to ensure a transparent process and accountability for stakeholder input</i> |
| - | <i>Establishes a grievance / dispute resolution mechanism</i>  |
| - | <i>Considers how to learn and build from other relevant participatory processes</i>                    |

The R-PP identifies six key stakeholders groups for REDD+ – the media, civil society, opinion leaders, forest populations, indigenous populations, the State and the private sector – but it does not elaborate on the composition or characteristics of each group (p23). It states that local communities in particular are key stakeholders and that the consultation process will be decentralized in order to reach local populations directly. The National Committee on REDD will be the main decision making body for REDD+, and will include representatives from environmental NGOs, the forest industry, and community forestry groups (p20). The R-PP states that the recently formed REDD Climate Work Group of civil society (GTCR) is expected to serve as the primary interlocutor between broader stakeholders and the National Committee. The R-PP mentions, however, that the GTCR has been faced with “natural shortcomings” that relate to its representativeness, legitimacy, and transparency. It insinuates that these issues are being addressed, but does not give a clear sense of the nature of the problem or how it is being solved. Overall, the R-PP expresses a commitment to information sharing and building capacity at all levels, and emphasizes the importance of communication channels that are lasting and bidirectional. However, there is not yet much detail on how feedback loops will operate in practice.

**Recommendations:**

- Include a description of past efforts or barriers to effective participation of civil society and local actors in decision-making processes in the natural resources sector
- Explain how transparency and accountability will be ensured throughout the consultation process (i.e. rules on disclosure of documents, selecting participants/representatives, monitoring use of feedback, etc)
- Provide detail on existing or proposed mechanisms for resolving conflicts arising from REDD+ strategy development and/or implementation

**Government coordination in REDD+ planning and implementation**

- |   |  |
|---|--|
| + | <i>Considers REDD+ in the context of other sector policies, land use plans, and national development plans</i> |
| + | <i>Proposes a process to reconcile potential conflicts between REDD+ strategies and other policies/plans</i>   |
| + | <i>Proposes effective mechanisms to coordinate REDD+ across sectors</i>  |
| + | <i>Proposes effective mechanisms to coordinate REDD+ across levels of government</i>                           |

Throughout the R-PP there is a commitment to ensuring that REDD+ is consistent with other sectoral plans and national development strategies such as the national strategy relating to growth and poverty reduction (p11). The R-PP describes several entities responsible for coordination of REDD+ planning and implementation, including an Interministerial Committee that includes representation from the ministries of agriculture, rural development, environmental, urban planning, land affairs and mining. Furthermore, the National Coordination body is intended to support daily management of REDD+ activities and ensure coherence with other government initiatives. The R-PP also considers REDD+ in the context of ongoing decentralization reform and emphasizes the role of provincial institutions in its description of consultations as well as management arrangements at the sub-national level (p14).

The R-PP also proposes a series of studies to determine the relationship between ongoing reform processes (e.g. relating to decentralization, land use planning, etc) and potential REDD+ strategies, in order to promote coordination and to understand how REDD+ could potentially bolster existing reform processes that have slowed or stalled (p46). Overall, while the R-PP does acknowledge the importance of mainstreaming REDD+ within existing reform processes and proposes several mechanisms and bodies to facilitate coordination, the magnitude of the coordination challenge is great and will require further consideration.

**Recommendations:**

- Clarify how the described coordinating bodies will function to assure alignment of policy goals in the land use sector, including resolution of conflicts during decision-making processes
- Provide greater detail on lessons learned from past coordination efforts and implications for REDD+

**Transparent and accountable REDD+ revenue management & benefit sharing**

- *Proposes a transparent system to track and coordinate international financing of activities related to REDD+*
- *Considers measures to promote fiscal transparency and accountability for REDD+ revenue management*
- *Proposes a transparent process for deciding who should benefit from REDD+ and how benefits will be targeted*
- + *Reviews lessons from past and/or existing systems for managing and distributing forest revenues*

The R-PP describes existing revenue management arrangements set forth in the Mining and Forest Codes of 2002, which provide for the transfer of resources to provinces and territories in DRC and sets percentages to be allocated to each level (p32). According to the R-PP, this revenue allocation system has not been implemented and continues to be a source of tension between the central government and the provinces. The R-PP states that there is some confusion over the interpretation of legal texts dictating methods for revenue distribution and allocation, but the R-PP does not provide any additional insight into the problem. With respect to REDD+, the R-PP proposes to create a national fund to oversee and manage all public and private REDD+ funding received. It states that the fund will be managed by an independent organization that will adhere to revenue management rules set by the National Committee. Division of a national fund into provincial funds is noted as a potential method for channeling resources to the local level, but little detail is provided at this stage on how funds will be divided between local, provincial and national governments. It is also unclear how non-governmental stakeholders, including local communities, will benefit.

**Recommendations:**

- Draw lessons for REDD+ from the revenue sharing arrangements, and the identified weaknesses in those arrangements
- Clarify whether benefit sharing arrangements for REDD+ will be developed through a participatory process

**Transparent monitoring and oversight of REDD+**

- *Proposes to establish information management systems for REDD+ that guarantee public access to information*
- *Proposes mechanisms for independent oversight of the implementation of REDD+ activities*
- + *Proposes mechanisms to monitor progress of efforts to address governance-related drivers of deforestation*

The R-PP proposes to create a centralized body to gather and manage data for REDD+, and suggests that rules will be created to ensure database access for public authorities (p64). The R-PP does not specify if information will also be available to the public. The R-PP also outlines potential institutions for REDD+ governance. For example, a regional or international auditing body will be responsible for monitoring implementation, conducting audits and overseeing reporting (for example, on financial flows). The R-PP also begins to consider options for monitoring governance, social, environmental and economic issues related to REDD+ (p73), acknowledging that more work needs to be done on this subject. The R-PP describes a process for conducting more research on how an MRV system for other benefits and impacts could be developed.

**Recommendation:**

- Clarify whether information about REDD+ will be made available to the public, in order to promote third party verification of data

**GOVERNANCE-RELATED DRIVERS OF DEFORESTATION**

*To what extent does the R-PP consider key forest governance challenges for achieving REDD+?*

**Land and forest tenure**

- + *Discusses the situation regarding land and forest tenure, including for indigenous peoples*
- *Considers the capacity of judicial and non-judicial systems to resolve conflicts and uphold the rights of citizens*
- *Links identified governance challenges to proposed REDD+ strategy options and implementation framework*

The R-PP lists “imperfectly defined rights to resources” as one of the drivers of deforestation in the DRC (p41). Most forest land is owned by the state and use rights are granted to companies and/or communities. In general there is a lack of clarity around the rules that govern forest tenure, stemming in part from a lack of coordination and capacity in land management. According to the R-PP, state-owned forest areas that have not been claimed for active management (concessions) or conservation (protected areas) can be “considered as local community property: in accordance with their rights as customary users” (p41). The 2002 Forest Code

indicates that communities can freely harvest resources or convert forest for agriculture (up to two hectares) without a license in lands falling under their possession. However, it is not clear how possession is formally determined, or if communities have any means to document or enforce their customary rights.

The R-PP notes that little effort has been made to clarify the legal framework and procedures for land management—currently four different entities are able to issue property titles for land or for natural resources use, and there is no process for coordination. As a result, overlapping concessions (e.g. for forestry and mining) are common, and there does not appear to be an existing mechanism for resolving conflicts over tenure rights, even though the R-PP does acknowledge that conflicting claims to land for farming, timber concessions and mining do exist (p41). The R-PP acknowledges that these issues must be resolved to allow for the implementation of REDD+. Before this can happen, however, a much deeper analysis of the challenges and potential solutions relating to forest tenure (including those that can be implemented in the near term and those that will require a more long term commitment) is needed. It is not clear from the R-PP how much emphasis the proposed “analysis of the causes of deforestation in DRC” (Annex 2a-1) will place on tenure issues.

#### **Recommendations:**

- Include a more thorough terms of reference for the proposed study on causes of deforestation, including specifically how the study will analyze tenure rights and conflict
- Describe the existing judicial or other systems for resolving tenure issues, including capacity needs and the potential role of these entities in solving REDD+ conflicts

#### **Forest Management**

*Discusses the ability of forest agencies to plan and implement forest management activities*

*Considers the role of non-government stakeholders, including communities, in forest management*

*Links identified governance challenges to proposed REDD+ strategy options and implementation framework*

The R-PP does not go into detail about the administrative and operational structure of forest management in the DRC, but notes that capacity for forest management needs to be improved. By many accounts this is a challenge that should not be underestimated. Some capacity building is already underway via the World Bank funded PNFoCo project (p56), which is specifically targeted towards the implementation of the 2002 Forest Code. The R-PP proposes additional capacity building efforts relating to the implementation of REDD+, mostly in the form of trainings and workshops. The R-PP states that “in an ideal situation” (p81) the relevant government agencies would work with local communities, NGOs and the private sector to implement REDD+, but it does not elaborate on how local stakeholders have been engaged in forest management activities in the past.

#### **Recommendations:**

- Provide more detail on capacity needs for forest management, including what issues are currently being addressed with existing funding sources through PNFoCo and which will require additional support
- Describe any existing or past efforts to improve participation of local stakeholders in forest management

#### **Forest Law Enforcement**

*Discusses the ability of law enforcement bodies to effectively enforce forest laws*

*Discusses efforts to combat corruption*

*Links identified governance challenges to proposed REDD+ strategy options and implementation framework*

The R-PP states that capacity for forest law enforcement in the DRC is low, and effective deterrents and penalties for illegal activities do not exist (p41). Staff capacity, low salaries, corruption, the difficulty of monitoring remote locations, and the lack of incentives to enforce laws are cited as major obstacles to effective enforcement. Efforts to strengthen enforcement capacity are underway through programs such as PNFoCo, and these efforts could provide lessons learned for REDD+. The R-PP states that the National Committee on REDD is expected to coordinate with other programs on these issues. It is not clear if larger reforms – such as reforms to the legal framework or to the major enforcement bodies including the judiciary – are needed in addition to capacity building.

#### **Recommendations:**

- Provide greater detail on institutional reforms that could strengthen law enforcement
- Describe the existing situation with regards to corruption and potential strategies for addressing it

#### **Other Forest Governance Issues Relevant for REDD+**

*Discusses other forest governance issues that are relevant for REDD+*

*Links identified governance challenges to proposed REDD+ strategy and implementation framework*

In addition to the governance challenges already discussed, the R-PP notes the need for regional coordination for the Congo Basin, specifically working to coordinate with the Central African Forest Commission (COMIFAC) and their REDD framework (p48). Increased cooperation and knowledge sharing across countries facing similar governance issues could help strengthen REDD+ implementation in the Congo Basin.

**Recommendations:**

- Describe the existing situation with respect to regional efforts (COMIFAC, etc) to collaborate or enhance knowledge sharing on REDD+ activities
- Clarify potential modalities for coordinating across national boundaries, taking into account the acknowledged weaknesses for coordinating efforts even at national and sub-national levels