

*The current Forest Governance framework relevant to REDD+ in the Democratic Republic of Congo*

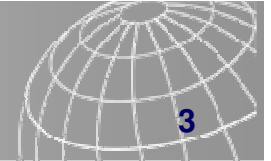
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Rome, May 2011



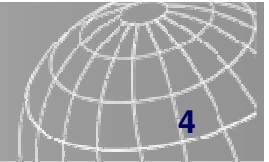
- **State of Affairs: REDD+ and legal reforms in DRC**
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- **Institutional organization of the National REDD Process in DRC**
- **Legislative context REDD+: many ongoing legal reforms in post conflict DRC**
- **Legislative reform REDD+: two main sets of issues**
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- **Towards a full implementation framework**
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# The State of Affairs: REDD+ in DRC

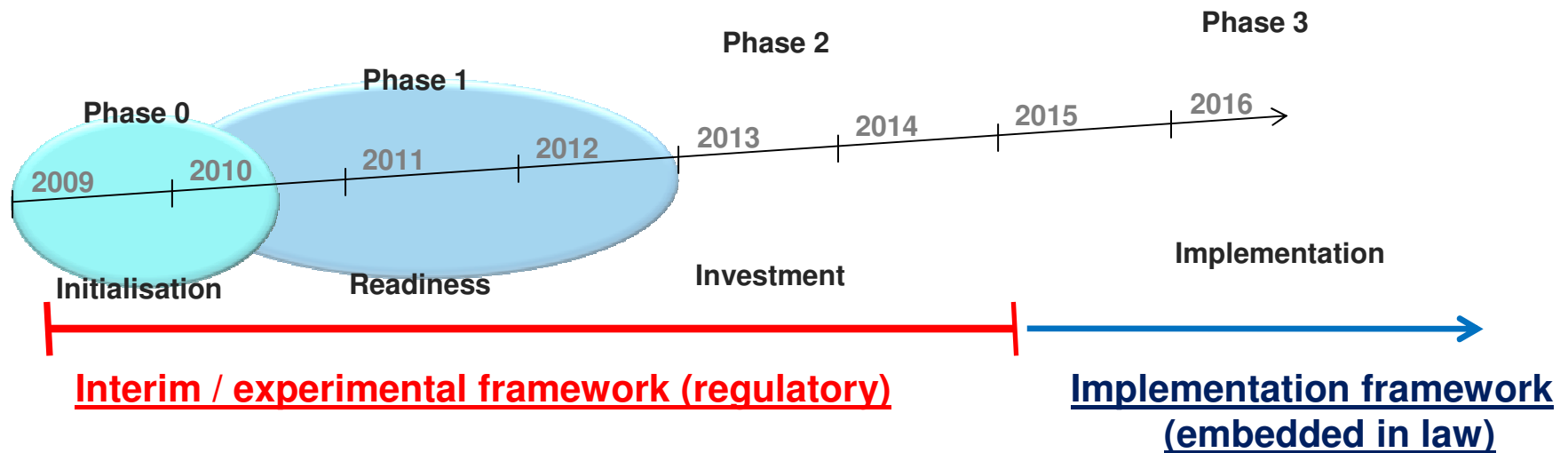


- Democratic Republic of Congo (DRC) is engaged in a readiness process for REDD + since January 2009. This process is led by the Ministry of the Environment, Nature Conservation and Tourism, in partnership with the United Nations program for REDD (UN-REDD) and the World Bank (FCPF). Major Milestones to date are:
  - In May 2009, the National REDD Coordination is established. In August 2009, the process was formally launched at a workshop in Kinshasa led by the Minister in charge of Environment.
  - In November 2009, a Decree of the Prime Minister created the governance structures of the REDD process in DRC:
    - a. The National Committee, decision-making body
    - b. The Interministerial Committee, the body responsible for the implementation of REDD Strategy
    - c. The National Coordination, the body responsible for the daily management of REDD
  - In March 2010 the DRC became the first African country to obtain the approval of its national readiness preparation proposal for REDD (R-PP) by the UN-REDD and FCPF programs. Now, the DRC has a robust roadmap, and substantial funding to begin implementing it.
- Readiness for REDD+ in DRC consists of 4 components:
  1. coordination and piloting
  2. the development of a national REDD+ strategy,
  3. the experimental program (or pilot projects), and
  4. early action programs.

# Strategic vision for an implementation framework: promote guided experimentation through a flexible “experimental” regulatory regime to allow for a complete strategic vision to emerge and be embedded in law



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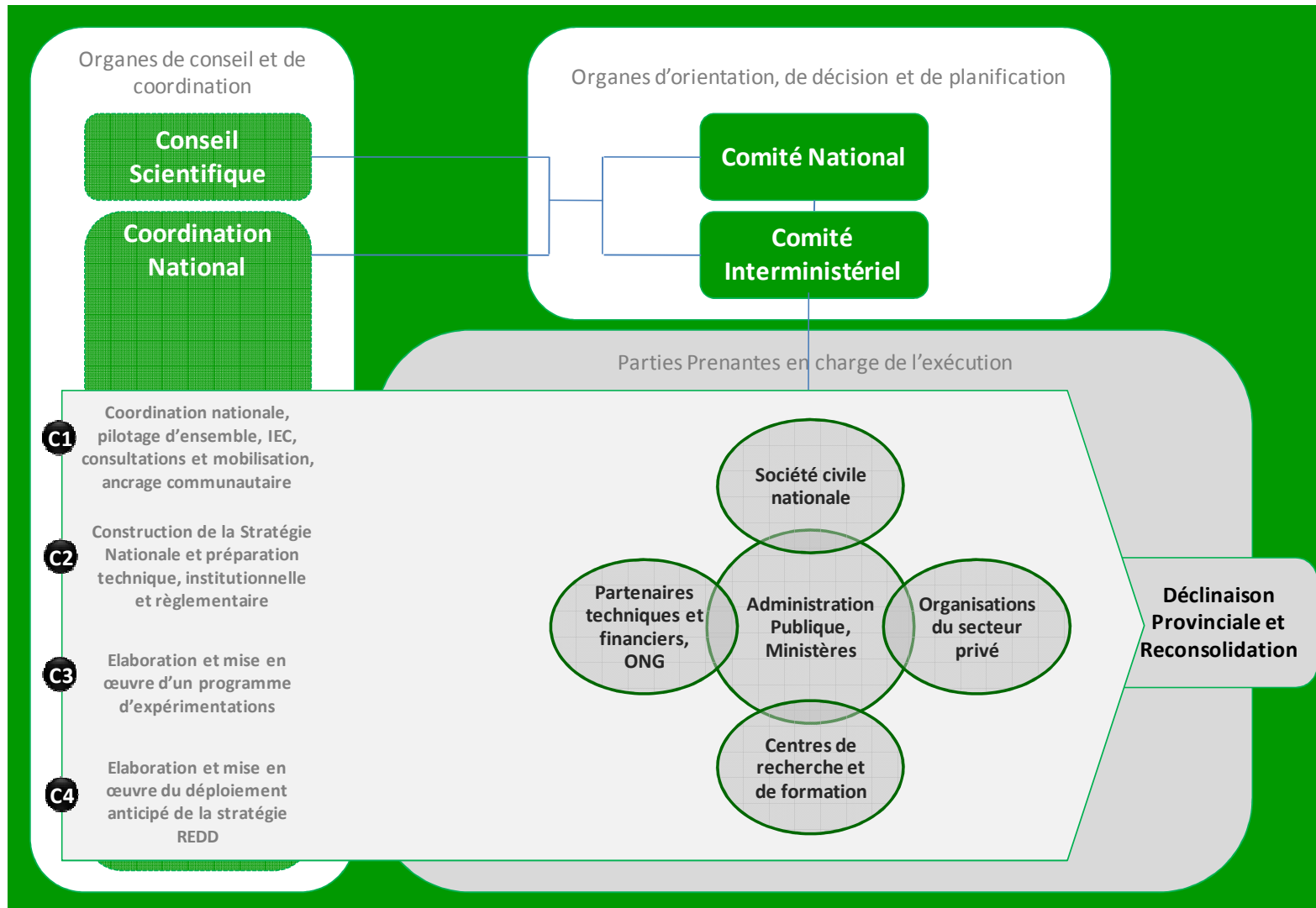
To achieve real emission reductions. The DRC will support itself on both:

- **Enabling** and **sectoral** initiatives at national or sub-national level borne by government
- Local **REDD+ projects** borne by public actors (local government, public agencies) and non-governmental (private companies and NGOs).

Two core objectives of this interim framework:

- Finding a way forward for all approaches (projects and programs) during the first 2 phases of deployment
- Ensuring that we learn from these projects and initiatives to develop the best possible strategy and associated legal framework.

# Institutionnal organisation of the National REDD Process in DRC (Decree November 2009)



**NB: so far a limited role for parliament in « Readiness » both a national and provincial levels**

## Legislative context for REDD+: many ongoing legal reforms in post-conflict DRC



- Forest Code (adopted in 2002)
  - many application texts adopted and in course of implementation (many still waiting e.g. community forestry), with many challenges and lessons: benefits sharing, dissemination of accurate legal information, enforcement
- Agricultural Code (in final stages of review in parliament)
- Land Tenure Code (under review in parliament)
- Decentralization process (Constitution and Decentralization law)
- Framework law on Environment (under review in parliament)

# Legislative reform for REDD+: two main sets of issues



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- “Core Issues” that cover topics specific to REDD,
  - Institutions in charge of piloting REDD implementation,
  - REDD financial mechanisms (national and provincial REDD funds, rules of REDD revenue distribution ...), and
  - Rights over the carbon
  
- “Cross-cutting issues” including (without limitation)
  - the absence of implementing decrees for the Forest Code (2002),
  - the lack of a coherent policy framework,
  - the absence of national and local zoning plans that could give spatial relevance to the Forest Code and related decrees, and the overlay of land rights forestry, mining, agro (plantations) and communities;
  - the incompleteness of the process of policy and legal reform, such as the "legal review" of the natural resource exploitation titles (which leads to uncertainty about the legal status of certain operations),
  - lack of recognition and tenure security for local communities and indigenous peoples, and
  - **the challenge of decentralization,**
  - **Inconsistencies between the laws themselves, and between laws and the Constitution of 2006, and between State laws and customary laws.**

# Lessons learned



## ■ Challenges:

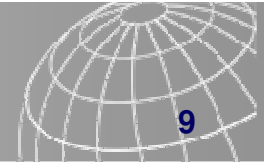
- Understanding the extent to which the current legislation is appropriate for a future REDD+ mechanism, this is in part due to the uncertainty surrounding the exact nature of the REDD+ mechanism still under negotiations.
- Incoherence of the legal framework / conflicting views of different official authorities (between central administrations / provincial / local levels)
- Translating relevant technical information and available funds provided through international aid into the **dissemination, enforcement and implementation of law** on the ground.
- Coordinating support provided by donor
- Developing and deploying sufficient human resources!!!!

## ■ Opportunities:

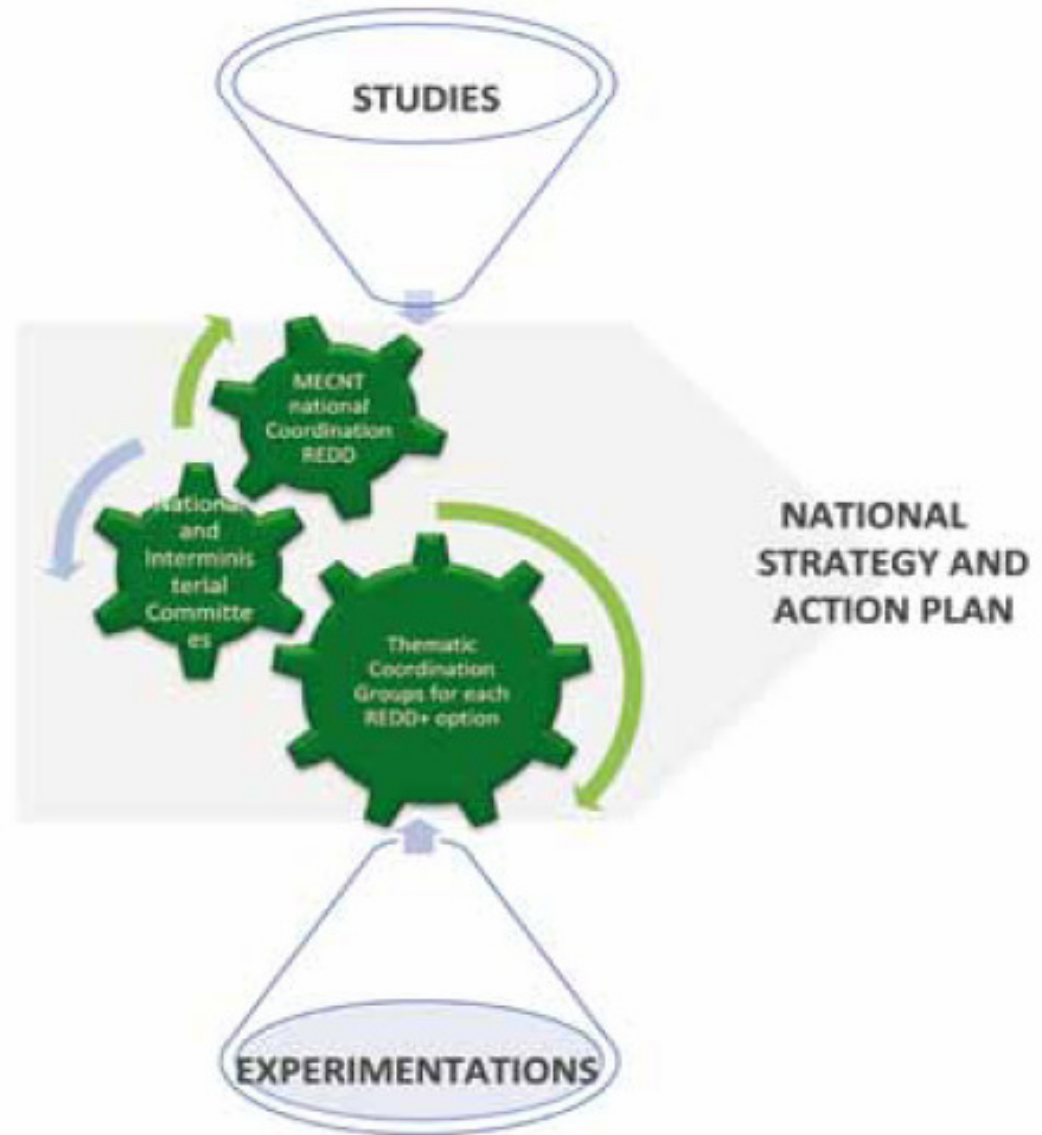
- REDD+ and these documents (framework documents) may act as catalysts for legal reform/harmonisation and improved governance
- Ongoing reforms and technical work showing results results :
  - » Readiness preparation proposal (R-PP) adopted
  - » REDD Registry (National REDD Coordination),
  - » mapping deforestation, DRC forestry Atlas, Study on the drivers of deforestation (FAO)
  - » DRC forest regulations handbook (Codes verts),
  - » Structural reform of the Environment Ministry through an adapted pension scheme for civil servants, etc.



# Towards a full implementation framework



- In the coming 2 years DRC will have to answer the many questions stemming from the « core » and « cross cutting issues » to build a solid National REDD Strategy.
- These reflections will be:
  - carried out in a participatory manner by the 30 Thematic Coordination Groups bringing together over 300 people from the administration, civil society as well as some member of the legislative branch
  - nourished by both studies and experimentation (pilot projects).



# Innovative ways to promote good governance: the Registry's online administrative process based on self reporting



## Gestion des projets REDD

- ✓ Informations du Project
- ✓ Partenaires
- ✓ Stratégie REDD
- ✓ Statut Juridique
- ✓ Finances du projet
- ✓ Evaluation du projet
- ➔ **Transactions Carbone**

< Étape précédente

i Données automatiquement enregistrés.

**Licence d'utilisation**  
Contenu soumis à une :

### Transaction Carbone

▼ 1 --

Partenaire financier : --

Date de négociation : [ ]

Date de livraison effective : [ ]

Date comptable : [ ]

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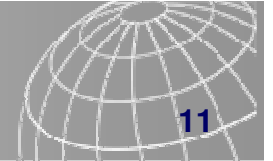
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## Oversight: a new combination of tools in DRC

- **Monitoring and evaluation of MECNT agents**
  - monitoring missions, evaluation missions
  
- **Professional independent verification**
  - Ernst & Young for Ibi-Bateke A/R project
  
  - **Civil Society** (e.g. [rdc.moabi.org](http://rdc.moabi.org) (WWF))
    - Validation of the information notified REDD+ project and initiative
    - Identification of overlapping land rights
    - Report on non-certified REDD projects and/or initiatives
    - Congolese civil society and particularly those involved in zoning and/or participatory mapping will be key to power this initiative

# Conclusion



- A governance framework is essential to provide the accountability, predictability and the synergies to attract investors in the development of REDD + and engage communities in transformational change.
- It is key to maintain flexibility as we engage in the first two phases of REDD+. DRC will support itself on studies and “guided experimentation” through pilot project to build a stronger governance framework in the medium term.
- Today, the DRC undertakes this process, it is an African leader but is nonetheless facing serious human and financial constraints. Capacity building will be key at both national and provincial levels for the current and future legal reform to be a success.

**Merci de votre attention!**



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