

## From Participation to Inclusive Forest Governance in REDD+ in the DRC

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### Key messages

- Stakeholder participation in natural resource management, and REDD+ in particular, are mandatory in the existing DRC legal frameworks.
- The key limitations to stakeholder participation in REDD+ are weak law enforcement, poor coordination, lack of financial resources, limited recognition of land and forest tenure, limited capacity, and insufficient monitoring and guidance at lower levels to ensure participation.
- The key factors relevant to increasing stakeholder participation in the DRC are effective policies and measures to address these challenges. REDD+ policy makers and project developers must possess a good understanding of stakeholder channels for participation in REDD+ and the factors driving their engagement. This will enable the provision of appropriate support mechanisms and capacity for different stakeholder groups, based on their needs and capacity.

### Introduction

This infobrief reviews the legal framework for stakeholders participation in natural resource management and in ‘reducing emissions from deforestation and forest degradation plus the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries’ (REDD+) policies and projects in the Democratic Republic of Congo (DRC). It is based on a literature review and semi-structured interviews with the following actors involved in REDD+ activities in the DRC: three governmental agencies, one private sector actor, one international organization representative and five national civil society organization representatives.

Participation is one of the key aims of the DRC’s 2012 National REDD+ Framework Strategy governance pillar. This strategy aims to promote the participation of all stakeholders, to reward efforts and results, and to compensate for resource access restrictions (DRC Government 2012). In alignment with the safeguards promoted by the Cancun UNFCCC Decision 1/CP.16, Principle 6 of the DRC’s REDD+ standards indicate that

REDD+ projects and initiatives must ensure effective participation of all stakeholders, particularly Indigenous and local communities, based on their local circumstances. The second letter of intent agreed between the DRC and the Central African Forest Initiative (CAFI) insists among the general principles of the agreement on “...respect for the principles of consultation, participation and transparency in conducting reform and political processes” (CAFI 2021). However, despite the existence of these legal frameworks, there is limited understanding and research on how actors of the REDD+ policy domain in the DRC perceive their participation in the process.

In 2019, the DRC had a population of 98,370,000 (INS 2021), with a predominantly rural demographic – as of 2020, 54% of the population resides in rural areas and 64% work in the agriculture sector (World Bank 2021). Between 2001 and 2020, the DRC lost an estimated 5.1% of its total area of humid primary forest, and, in 2020 alone, this loss was estimated at 1.31 million ha of natural forest, representing the equivalent of 854 million tonnes of CO<sub>2</sub> emissions (GFW 2020). Since 2009, the DRC has committed to REDD+ within the United Nations Framework Convention on Climate Change (UNFCCC) (DRC Government 2012). Cancun safeguards require countries and projects to undertake REDD+ activities in order to respect the knowledge and rights of Indigenous People and Local Communities (IPCL). In practice, these requirements include taking into account relevant international obligations, national circumstances and laws, noting that the United Nations General Assembly

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has adopted the United Nations Declaration on the Rights of Indigenous Peoples, and implementing the full and effective participation of relevant stakeholders, in particular Indigenous Peoples and local communities, in REDD+ actions (UNFCCC 2022). Although there is not a commonly agreed upon definition of what participation means, this infobrief adopts the definition articulated by André et al. (2012), which sees participation as a process of compulsory or voluntary engagement of ordinary people, acting alone or within an organization, in order to influence a decision concerning significant choices that will affect their community. More broadly, and in the context of *res publica* or commonwealth management, participation refers specifically to citizens.

## Stakeholders' right to participate in natural resource management

The DRC's constitution establishes the people's sovereignty in Article 5, with additional provisions under Article 12 that articulate equality and protection for all Congolese under national law. Chapter 1 of Title II of the constitution details the political and civil laws of human rights, fundamental freedoms, and the obligations of citizen and State. According to the provisions of these texts, public authorities hold responsibility for preventing discrimination against citizens (Article 13), including women (Article 14). More specifically, Article 23 notes that all people benefit from the right to freedom to express their opinions or convictions, in particular through speech, writing and image, and subject to respect for the law, public order and good morals. Moreover, all people in the DRC have the right to information, supported by press freedom (Article 24), and to demonstrate (Article 25). Article 27 States that all "...Congolese have the right to individually or collectively petition the public authority, which must respond within three months. No one may be the object of criminalization in any form whatsoever for having taken such an initiative"(DRC 2011). To this end, the State guarantees freedom of association (Article 37), supported by the provisions of the Law n°004/2001 of 20 July 2001 on non-for-profit association and public utility establishment. In the DRC, both nationals and non-citizens are entitled the right to private initiatives (Article 35). The right and duty to work is also protected by the State (Article 36). The State also guarantees equal rights to non-citizens and to nationals, except political rights, under the condition of the existence of a reciprocity agreement with the foreign State (Article 50).

Although there is no national legal text that provides a specific definition of participation in the DRC, the involvement of all stakeholders in natural resource governance is organized by specific regulations in forest, mining and agriculture that are aligned with the overall participation framework as established by the numerous

national and international frameworks that the DRC has ratified. These include the Universal Declaration of Human Rights, the United Nation Declaration on the Right of Indigenous Peoples, the Paris Agreement, and the UNFCCC.

## Forestry

In 2002, the national government implemented Law n°011/2002 of 29 aout 2002 on forestry code to reform the 1949 decree on forest regime. The primary purpose of this reform, which led to a new forest code, was to enable the active participation of riparian populations in forest management, so as to ensure their legitimate access to the benefits from this process. The provisions of the resultant 2002 Forest Code ensured the creation of fully respected, forest national and provincial consultative councils in each province. According to Article 12 and 13 of the 2002 Ministerial order N°CAB/MIN/AF.F-E.T/262/2002 of 03 October 2002 fixing the procedure for establishing a forest management plan, all stakeholders, including local communities and civil society organizations, should be involved in the design of the forest management plan. Additionally, Article 15 of the 2002 forest code states that consultations with riparian communities must precede the gazetting of any forested area. Article 79 stresses that "The state encourages the involvement of all citizens, local communities and decentralized entities in reforestation operations". Specifically, local communities are entitled to the right to be granted lifetime forest concession titles on the forests over which they have customary ownership and usage rights (Article 22 Forest Code). Decree No. 14/018 of 2 August 2014 sets the terms and conditions for the allocation of forest concessions to local communities. Article 6 of this decree provides for the enablement of local communities benefiting from a forest concession to be assisted by the local administration in charge of forests, an agreed non-governmental organization (NGO), or any competent individual or legal entity. The rights of civil society organizations in the forest are also clearly stated by Article 134 of the forest code. According to this article's provisions, "Associations representative of local communities and national NGOs approved and contributing to the implementation of government policy in environmental matters may exercise the rights granted to the civil party with regard to facts constituting an infringement of the provisions of this law and of its measures of execution, or an infringement, according to the international agreements and conventions ratified by the Democratic Republic of Congo and causing direct or indirect damage to the collective interests which they are intended to defend". To ensure the effective participation of civil society organizations and Indigenous Peoples-led organizations in REDD+, a complaints and grievances mechanism is also compulsory in each project design, in addition to the one provided by the National REDD+ Fund in the case of the integrated REDD+ project known

as PIREDDs that it oversees. The 2012 National REDD+ Framework Strategy recommends that non-judicial procedures must be completed from the local to the national levels prior to any legal action taken, as a means of solving REDD+ issues. Principle 7 of the 2017 Ministerial Order No. 026/CAB/MIN/EDD/AAN/KTI/04/2017, which provides the national directive framework on Free, Prior and Informed Consent (FPIC) in the context of REDD+ implementation in the DRC also states that a Grievance Resolution Committee is to be established based on the FPIC framework for the concerned community. The actors' platform established to register complaints and grievances is to be managed by an independent panel or body of experts. This will ensure the integrity of the complainant information. In addition, Chapter V of the Ministerial Order of 2018 focuses on the grievance mechanism. In particular, Article 24 states that "Without prejudice to the legally recognized competencies of the courts and tribunals, specific mechanisms are put in place with a view to preventing and, where appropriate, resolving conflicts between the parties during the implementation of the REDD+ investments. Mechanisms for managing complaints and redress are defined in the manual" (DRC 2018).

### Mining

The 2018 process that led to the publication of a revised version of the national 2002 Mining Code involved stakeholders, including government, civil society organizations, and technical and financial cooperation partners. The key purpose for this revision was stated as "Redefining the elements relating to the social responsibility of mining companies vis-à-vis local communities affected by mining projects" (Mupande

Kwapa and Jean- Félix 2020). Article 285 of the revised Mining Code defines social responsibility as support to local communities' development activities. The revised code states that successful grant applications or exploitation permit renewals should include the following: a report on consultations with local communities and their representatives as provided for by the law on the fundamental principles of environment protection (Article 62); a plan for contribution to the riparian communities' development projects (Article 42 and 285sexies) through payment of a minimum of 0.3% of the annual turnover, no later than 1 year after the year the payment is due (Article 258bis); and an act of commitment to comply with the specifications defining social responsibility vis-à-vis the local communities affected by the project's activities (Article 71) that include the realization of socio-economic infrastructures and social services to local communities (285septies). The Congolese Agency of the Environment is responsible for overseeing compliance by mining operators to this legal framework. Non-compliance by mining operators to their obligations vis à vis local communities is grounds for the withdrawal of a mining permit in the DRC (Article 286).

### Agriculture

In 2011, the DRC gazetted the law on the fundamental principles related to agriculture. The concept of participation is not explicitly articulated in its text. However, Article 8 of this legislation established the National Agriculture Consultative Council composed of public and private stakeholders, including local communities. The legislation also provides safeguards for the rights of local communities. It recognises the individual and collective customary rights of local



**Afrormosia plot and phenology observation by INERA technician in Yangambi - DRC**

Photo by Axel Fassio/CIFOR

communities (Article 18) and does not subject these to registration (Article 19). It also states that any dispute involving the land of local communities must undergo a conciliation process via the National Agriculture Consultative Council before proceeding to judiciary authorities (Article 26). The 'Territory Administrator', or an appointed civil servant, has responsibility for preliminary land availability inquiries. The aim of these inquiries, as provided under Article 193 of the 20 July 1973 Land Law, is to determine existing rights over coveted lands. In most cases, this information will be provided by local chiefs who have intimate knowledge of the land use context in their villages (DRC 2019). There are several key actors at the local level within the agriculture project implementation framework, as follows: the Agricultural and Rural Management Council,

civil society organizations, village peasant organizations, peasant professional organizations, and agriculture sector experts (Province de Bandundu 2010). Although the law articulates the right of participation in decisions impacting the environment, the government agencies hold discretion over whether to seek public input in the preparation of legally binding environmental decisions (The Access Initiative 2022).

## The REDD+ actors' landscape

Different stakeholder groups are involved in REDD+ in the DRC. Table 1 provides an overview of the key REDD+ actor groups in the DRC and their role in implementing the mechanism.

**Table 1. REDD+ actors in the DRC**

Actor Category	Actor Role
Government agencies	<p>The national REDD+ implementing structure as organized under Article 2 of the Ministerial Order No. 09/40 of 26 November 2009 are fourfold, as follows:</p> <ul style="list-style-type: none"> <li>• The REDD+ National Committee is an umbrella institution composed of 14 ministries and led by the General Secretary to the Environment of the Vice Prime Ministry of Environment and Sustainable Development (MEDD). The committee holds responsibility for defining REDD+ strategic directions.</li> <li>• Article 5 of the above mentioned 2009 decree also states that representatives of forest communities and Indigenous Peoples and NGOs engaged in research or work on gender and development issues are part of the Committee. Ministerial Order instead of ministerial order 25/CAB/MIN/ECN-T/150010 of 28 June 2010, appoints the members of the REDD+ National Committee. As stated in Article 5 of the 2009 Decree No. 09/40, this is a multi-stakeholder committee with participation including the following stakeholders: government agencies, representatives of the private sector (the Fédération des Entreprises du Congo and Fédération des Industriels du Bois), civil society organizations (Réseau Ressources Naturelles, Climate Change and REDD+ Working Group Renewed (GTCR-R), etc.), and Indigenous Peoples' organizations (Ligue Nationale des Associations Pygmées du Congo (LINAPYCO) and Dynamique des Groupes des Peuples Autochtones (DGPA), etc.). MEDD also hosts the Forest Investment Program, which holds responsibility for supporting REDD+ investments since 2015 (PIF RDC 2022). The Forest Investment Program is a USD 692 million program funded by the World Bank and the African Development Bank in its early phase, with additional funding from the Central African Forest Initiative in 2019 and the Global Environment Facility in 2019. The MEDD reports to the UNFCCC regarding national communications, the Nationally Determined Contributions and national REDD+ efforts in its role as accounting for national emissions reduction efforts through the national REDD+ registry.</li> <li>• The REDD+ Inter-ministerial Committee is the second-highest institution in the REDD+ management hierarchy. Its stated mission is to plan and implement the decisions of the REDD+ National Committee. As a technical unit, the Inter-Ministerial Committee only involves sectoral administrations.</li> <li>• The National REDD+ Coordination Unit holds responsibility for managing the daily activities of the annual plan to meet REDD+ expected results. According to Article 13 of the 2009 Decree, the National REDD+ Coordination Unit is decentralized at the provincial level (Article 13). Article 10 of the same decree states that a key responsibility of the National REDD+ Coordination Unit is to "encourage and ensure a participatory approach to the REDD+ process through the involvement and consultation of the various stakeholders, in particular forest communities and Indigenous Peoples" (DRC 2009). In 2017, the Ministry of the Environment issued Decree No. 026/CAB/MIN/EDD/AAN/KTT/04/2017, which sets the national Free, Prior and Informed Consent framework within REDD+ implementation in the DRC.</li> </ul>

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Table 1. Continued

Actor Category	Actor Role
	<ul style="list-style-type: none"> <li>The National REDD+ Framework Strategy of the DRC established the National REDD+ Fund under the lead of the Ministry of Finance as the financial tool to support implementation of the national REDD+ Strategy. Consequently, the National REDD+ Fund is responsible for raising funds and overseeing intersectoral coordination and management of REDD+ financial resources. Its governance structure includes a steering committee, a technical committee and an executive secretariat. In addition to five government entities, members of the National REDD+ Fund steering committee include representatives from civil society organizations and the private sector. A consultation guide has been developed to support stakeholder participation in activities of the National REDD+ Fund. This guide identifies two types of stakeholders as follows: those that are directly impacted by REDD+ projects and programmes, and those that have an interest or a right over the project even if they are not directly impacted by the project (TCR and PNUD 2018). Since its inception in 2015, the National REDD+ Fund has been hosted by the Ministry of Finances. Its roles and institutional arrangements are organized by the national REDD+ Strategy and the REDD+ Investment Plan (DRC Government 2012).</li> </ul>
Local communities and Indigenous Peoples	<p>The DRC Government and the Central African Forest Initiative (2016) consider participation of local communities and Indigenous Peoples in REDD+ as effective if the following five conditions are fulfilled:</p> <ol style="list-style-type: none"> <li>1. The projects and initiatives have defined information and consultation mechanisms;</li> <li>2. The Free, Prior and Informed Consent framework is respected;</li> <li>3. Legal and customary rights are secured;</li> <li>4. Local social cohesion and cultural specificities are reinforced;</li> <li>5. The participation of women, youth and vulnerable categories are considered.</li> </ol>
	<p>These criterias are reiterated in the second Letter of Intent signed between the DRC and the Central African Forest Initiative in November 2021 for the period 2021–2031 (CAFI 2021). The participation of local communities and Indigenous Peoples in REDD+ should follow both the Free, Prior and Informed Consent framework and the World Bank safeguards. The Ministerial Order No. 026/CAB/MIN/EDD/KTT/04/2017 of 8 November 2017 details the principles, criteria, and indicators for implementation of the Free, Prior and Informed Consent framework.</p>
National civil society organizations	<p>The participation of civil society organizations in REDD+ in the DRC is marked by the presence of two main networks as follows:</p> <ul style="list-style-type: none"> <li>The Climate Change and REDD+ Working Group Renewed (GTCR-R) network. The GTCR-R is the result of the split of an initial working group known as GTCR, created in 2009, and the REDD+ civil society umbrella organization. It has 19 provincial coordination units and is represented in all 26 provinces. Within REDD+, the GTCR-R leads 480 civil society organizations and serves as a relay between the latter and local communities and Indigenous Peoples’ organizations. The GTCR-R was initially created as the national civil society organization and Indigenous Peoples platform. However, the claim of Indigenous Peoples to be represented by their own organizations led to the involvement of another network representing their interests.</li> <li>The Network of Indigenous and Local Populations for the Sustainable Management of Forest Ecosystems in DRC (REPALEF) was created in 2010 and registered in 2012. It is the umbrella organization representing local communities and Indigenous Peoples’ groups within REDD+ in the DRC. The REPALEF has 160 member organizations and networks of organizations, including seven women and three youth NGOs (Portail de la gouvernance forestière en RDC 2022). The network is active in all 26 provinces in the DRC.</li> </ul>
Private sector	<p>The private sector within REDD+ in the DRC is represented in the national Committee through the Fédération des Entreprises du Congo and the FIB.</p> <p>The Fédération des Entreprises du Congo is an association created in 2011 to act as an umbrella organization for the private sector, with the mandate of its members to act as chamber of commerce, industry, trade, mining, agriculture and other sectors as well as the professional organization of employers. More specifically the stated role of the Fédération des Entreprises du Congo is “Promoting the interests of companies from different sectors of economic, social and scientific activities, in harmony with the common good” (Article 3 of the statutes) (Fédération des Entreprises du Congo 2011).</p>

Table 1. Continued

Actor Category	Actor Role
	<p>As a second private-sector entity, the FIB is a professional union created on 24 March 2006 and has its own legal personality. Members of the FIB own 69% of the forest concession surfaces in the DRC. The FIB considers its missions are threefold:</p> <ol style="list-style-type: none"> <li>1. To promote its members' interests;</li> <li>2. To represent its members in front of public authorities, national and international bodies on issues related to wood;</li> <li>3. To provide advisory services to forest companies with regards to national and international forest regulations (ATIBT 2022).</li> </ol> <p>The private sector also includes specific project developers who invest in REDD+ projects on the field, such as Ecosystem Restoration Associates – Wildlife World Carbon (ERA-WWC), Société Africaine du Bois (SAFBOIS).</p>
International technical and financial cooperation	<p>These organizations provide the DRC with financial and technical support to achieve REDD+ objectives and include intergovernmental organizations (the Central African Forest Initiative, the World Bank, the United Nations Development Programme (UNDP), United Nations Environment Programme, UN-HABITAT, the African Development Bank, the Food and Agriculture Organization, etc.), private international consulting firms, foreign governmental agencies (French Development Agency, Japan International Cooperation Agency, the Belgium Development Agency (ENABEL), the Norwegian Agency for Development Cooperation, etc.).</p>

## Actor participation in REDD+

### Engagement channels for participation in REDD+ and factors influencing engagement

The literature review and stakeholder consultation conducted for this infobrief indicate that stakeholders participate and engage in REDD+ policies and projects in different ways, and numerous factors affect the extent to which they engage with REDD+ (see Table 2). In order for REDD+ policies and projects to provide these essential enabling conditions, it is important to better understand the key factors driving and ensuring stakeholder participation in REDD+.

#### The limited visibility of the private sector

Participant interviews conducted for this infobrief noted the poor visibility of the traditional private sector. Apart from private sector representation in REDD+ national committee membership, there is limited visibility of the private sector in the REDD+ policy domain, with the exception of a few corporations, such as ERA-WWC and SAFBOIS, which are both involved in implementation of the Mai-Ndombe REDD+ project. Private sector actors argue that their target is to ensure their businesses remain viable and that return on investment is comparable to what is earned in a business-as-usual scenario. One private sector company interviewed for this infobrief stated that political stability is a key parameter for their long-term involvement in policy processes in the country.

#### Weak coordination

Over the previous decade, weakness in sectoral coordination has been noted in the DRC. However, recent outputs, such as a bill on the promotion and protection of the rights of indigenous pygmies, which is still under parliamentary process, along with reformed land tenure draft law, indicate that coordination efforts are being introduced. Although the role of the National REDD+ Fund and the National Coordination Unit is clearly defined in legal framework (CAFI 2013), national actors interviewed for this infobrief are still unclear about their roles and note weak coordination between both units. However, interviews conducted with government agencies revealed that there is growing collaboration between the National REDD+ Fund and national REDD+ coordination to achieve national REDD+ objectives. Civil society organization actors also claim that REDD+ policy events in the DRC have been driven by international organizations and NGOs, with limited involvement of government agencies. They attribute this to poor intersectoral coordination and weak resources dedicated to national REDD+ coordination.

#### Availability of funding to influence actor participation

As stated in the Nationally Determined Contributions, the availability of financial resources is key to meeting national emissions reduction objectives. Consequently, the DRC conditioned the achievement of 19% of its 21% emissions reduction objectives on support from the international community (DRC Government 2021). Government participation in REDD+ is influenced by its fiduciary

**Table 2. Actor views on channels to participate in REDD+ and factors influencing participation**

<b>Actor groups</b>	<b>Channels to participate in REDD+</b>	<b>Conditions or factors influencing participation</b>
Government agencies	<ul style="list-style-type: none"> <li>• Discuss agreements with donors</li> <li>• Oversee the national process</li> <li>• Support the recruitment of civil society organizations' umbrella organizations</li> <li>• Build stakeholder capacity</li> <li>• Oversee project implementation</li> <li>• Oversee REDD+ funding</li> <li>• Validate process outputs</li> <li>• Oversee safeguards, including complaints and grievances</li> <li>• Report to donors and the UNFCCC</li> </ul>	<ul style="list-style-type: none"> <li>• International REDD+ participation framework</li> <li>• Financial support to organize consultations and administrative monitoring</li> <li>• Fiduciary capacities</li> <li>• Trust and partnership with civil society organizations and local communities and Indigenous Peoples</li> <li>• Intersectoral coordination</li> </ul>
Private sector	<ul style="list-style-type: none"> <li>• Fund projects</li> <li>• Consult with government, local communities, and Indigenous Peoples</li> <li>• Collaborate with local communities</li> <li>• Collaborate with Indigenous Peoples</li> <li>• Build capacity of local communities and Indigenous Peoples</li> </ul>	<ul style="list-style-type: none"> <li>• Business environment</li> <li>• Political stability</li> <li>• Transparency and access to information</li> <li>• Access to satellite images</li> <li>• Fluidity of administrative procedures</li> </ul>
NGOs	<ul style="list-style-type: none"> <li>• Consultations with other actors</li> <li>• Capacity building</li> <li>• Validate processes and outputs</li> <li>• Independent monitoring of processes and outputs</li> <li>• Support LCIPs (Local Communities and Indigenous Peoples)</li> </ul>	<ul style="list-style-type: none"> <li>• Existence of legal framework for participation</li> <li>• Access to information</li> <li>• Increased transparency</li> <li>• Government recognition</li> <li>• Technical and financial capacities</li> <li>• Strong national network coordination</li> <li>• Representation legitimacy</li> <li>• Local communities and Indigenous Peoples Free, Prior and Informed Consent framework</li> </ul>
Local communities	<ul style="list-style-type: none"> <li>• Consultations with other actors and the Free, Prior and Informed Consent framework</li> <li>• Capacity building</li> <li>• Advocacy</li> <li>• Access to land and resources</li> <li>• Co-management</li> <li>• Independent monitoring of processes and outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Government recognition</li> <li>• Secured land rights</li> <li>• Capacity</li> <li>• Access to information (including in local languages)</li> <li>• Increased transparency</li> <li>• Visibility of expected benefits</li> <li>• Financial and technical resources for advocacy</li> <li>• Strong national network coordination</li> <li>• Representation legitimacy</li> <li>• Local communities' Free, Prior and Informed Consent framework</li> <li>• Transportation and accommodation for meetings requiring overnights stays</li> <li>• Information and communication technology facilities</li> <li>• Effective and efficient complaint and grievance mechanisms</li> </ul>
Indigenous Peoples	<ul style="list-style-type: none"> <li>• Consultations and Free, Prior and Informed Consent framework</li> <li>• Capacity building</li> <li>• Advocacy</li> <li>• Co-management</li> <li>• Outcomes independent monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• Government recognition</li> <li>• Secured land rights</li> <li>• Capacity</li> <li>• Access to information (including in local languages)</li> <li>• Visibility of expected benefits</li> <li>• Financial and technical resources for advocacy</li> <li>• Strong national network coordination</li> <li>• Representation legitimacy</li> <li>• Indigenous Peoples Free, Prior and Informed Consent framework</li> </ul>

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Table 2. Continued

Actor groups	Channels to participate in REDD+	Conditions or factors influencing participation
Donors	<ul style="list-style-type: none"> <li>• Access to funding</li> <li>• Technical support</li> <li>• Capacity building</li> <li>• Fiduciary monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation and accommodation for meetings requiring overnights stay far from home</li> <li>• Information and communication technology facilities</li> <li>• Effective and efficient complaint and grievance mechanisms</li> <li>• Political stability</li> <li>• Political will</li> <li>• Governance context</li> </ul>

capacities. Management of REDD+ funding is overseen by the Ministry of Finance, through the National REDD+ Fund. However, REDD+ funding is managed by the Multi-Partner Trust Fund (MPTF), an institution created by UNDP, which also operates as the administrative managing unit. Consequently, the Ministry of Finance orders and the MPTF pays the government and non-government agencies in charge of executing the REDD+ Investment Plan (FONAREDD 2019). One survey respondent commented that “the creation of the MPTF was due to the administrative procedures’ burdensomeness in the DRC”. Stakeholders interviewed also observed that, due to lack of financial resources to support transportation and accommodation costs, only a few organizations are able to travel to Kinshasa to take part in consultation meetings (Kengoum et al. 2020).

### Active and meaningful civil society organization participation in REDD+ requires a legal framework

For more than 12 years, since the commencement of REDD+ in the DRC in 2009, local communities in the country were not entitled to the right to develop a REDD+ project, leading to a revision of the 2012 REDD+ homologation Ministerial Order. The 2018 Ministerial Order on REDD+ investment project integrates local communities and foreigners as project developers. This innovation is complemented by the implementation of community forestry. The 2014 decree on the attribution of forest concession to local communities provides local communities the opportunity to be granted and to exploit for lifetime the lands to which they have customary rights. However, to date, no community is an implementer of a REDD+ project in the country, and in most cases their relations with project implementers remain asymmetrical. With regards to local community participation, the 2012 National REDD+ Framework Strategy of DRC states that within the context of REDD+, the FPIC framework for local communities and Indigenous Peoples is compulsory to all activities that involve direct use of their land. Within the FPIC framework, local communities and Indigenous Peoples are entitled the right to rely on independent expert bodies such as NGOs, or legal experts among



Forest in Yangambi - DRC  
Photo by Axel Fassio/CIFOR

others (DRC Government 2012). However, this is not always implemented in practice, and in some cases project beneficiaries are not selected by communities. This has created questions of project legitimacy and a perception among communities that those communicating on behalf of project beneficiaries may rather represent the interests of the private companies or elites than those of the community (Samndong 2018; Berk and Lungungu 2020). At the national level, local communities and Indigenous Peoples may not be invited during consultations in relation to REDD+ decision making. The second independent verification of the first Central African Forest Initiative letter of intent with the DRC in August 2020 raised concerns among civil society organizations about participation in the design process of land-use planning policy (TEREA 2020). Participation of local communities and Indigenous Peoples in REDD+ also takes the form of securing part of the carbon and





**Pisciculture workshop in Kisangani - DRC**

Photo by Axel Fassio/CIFOR

non-carbon benefits. This is regulated by Article 26 of the Ministerial Order No. 047/CAB/MIN/AAN/MML/05/2018 of 9 May 2018 on the process of approval of REDD+ investments in the DRC. It stipulates that: "...the promoter of the REDD+ investment negotiates with stakeholders an agreement and a benefit-sharing plan according to the principles and models mentioned in the manual in Annex I" (DRC 2018). The manual of Annex I referred to in this quote is incongruent with the Ministerial Order of 2018 and fits with the Ministerial Order No. 004/CAB/MIN/ECN-T/012 of 15 February 2012 on the process of approval of REDD+ projects repealed by the precedent Ministerial Order. According to the National Coordination of REDD+ in the DRC and the Senior Advisor in Programming of the National REDD+ Fund, work is ongoing to update Manual I and to revise the entire Ministerial Order of 2018. These revisions will incorporate some of the 10 measures on the establishment of a national authority in charge of carbon market trading, management of the National REDD+ registry, social and environmental safeguards and standards, and the National Forest Monitoring System adopted by the Council of Ministries of the DRC of 9 July 2021 (RDC 2021).

### **Capacity building is required to support the participation of local communities and Indigenous Peoples**

Interview respondents noted that capacity limitations remain a challenge for their participation in REDD+. For example, the USD 8 million grant from the Central African Forest Initiative dedicated to capacity building of Indigenous Peoples' organizations is managed by Caritas,

due to REPALEF's limited fiduciary capacities in managing amounts beyond USD 500,000. The Circle for the Defence of the Environment (CEDEN) reported as follows: "The participation of civil society in the development of the scenario of the nationally determined contributions remains almost very weak and its capacities to participate in their revision scheduled for 2020 in accordance with the requirements of the Paris Climate Agreement are limited" (CEDEN 2020). However, TERA (2020) also noted that civil society organizations lack expertise in technical issues such as land use planning and require support and capacity building to ensure the efficacy of their participation in the ongoing process. Both the GTCR-R and REPALEF examples indicate that in order to move from participation to consultation, these networks need to play a key role in ensuring their members benefit from REDD+ capacity-building activities.

### **Challenges to accessing REDD+ benefits**

Despite the existence of a benefit-sharing plan for a number of projects, one government official interview respondent noted that it remains unclear in most cases if some communities have accessed their benefit share from REDD+ projects as a sign of their participation. Berk and Lungungu (2020) concluded in the case of the Plateau Integrated REDD+ Project that 60% of survey participants did not know their village was promised REDD+ benefits, and 40% were unsatisfied with the project results. There are also cases, such as in the Mai-Ndombe REDD+ project, where survey participants reported that "After not receiving benefits set out in their cahier de charge agreements, some villages, like

Mbwenzey and Wania, said they wanted to rescind their participation in the project but did not know who to speak with" (Berk and Lungungu 2020).

### Enhancing local participation by promoting independent monitoring

There is a growing body of research that supports the role of independent monitoring in improving inclusive natural resource management and forest governance (Kishor and Rosenbaum 2012; FAO 2020; Delgado and Perez-Aleman 2021). The DRC developed a national forest monitoring system in 2018 through a participatory process that was meant to involve all stakeholders, including local communities and Indigenous Peoples (DRC 2014). The MOABI platform was developed by the Observatoire Satellital des Forêts d'Afrique Centrale (OSFAC) to support independent monitoring of field project implementation through the independent collection, centralization and sharing of information on drivers of deforestation (DRC Government 2012). The national REDD+ strategy anticipated that independent entities, including civil society organizations and the media, would contribute to monitoring and control, and that an independent observer mechanism applied within the Voluntary Partnership Agreement – Forest Law Enforcement, Governance and Trade (VPA-FLEGT) framework would be put in place. The REDD+ process has undergone a number of monitoring activities by several bodies within the Forest Carbon Partnership Facility (FCPF) and the Central African Forest Initiative frameworks. However, this independent monitoring has not been implemented.

### Conclusion

Stakeholder participation in natural resource management in general and REDD+ in particular are mandatory in the DRC's existing legal framework. Despite significant improvements in legal frameworks and political attention given to enhance stakeholder engagement in REDD+ over the last 12 years, there is still much to do, as stakeholders still find it difficult to participate in REDD+ due to weak law enforcement, weak coordination, lack of financial resources and capacity, lack of tenure recognition, and weakness of capacity and proper monitoring and guidance to ensure participation. Strengthening stakeholder participation in the DRC requires effective policies and measures to address these challenges. REDD+ policy makers and project developers also need to have an improved understanding of stakeholder channels to participate in REDD+ and the factors driving their engagement. This will enable them to provide appropriate support, mechanisms and capacity for different stakeholder groups, based on their specific needs and capacity.



**Meeting on community forestry at UNIKIS, Kisangani - DRC**

Photo by Axel Fassio/CIFOR

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