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Governance structures established for REDD+ implementation and their adaptation to the institutional and ecological conditions in Equateur province of the DRC

By: Raymond Achu Samndong and Glenn K. Bush



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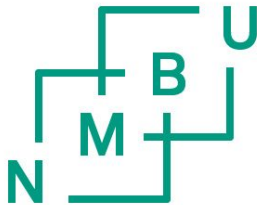
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**Department of International Environment and Development Studies,
Noragric
Faculty of Landscape and Society
Norwegian University of Life Sciences**

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Photo (cover): Typical example of slash and burn agriculture practice as driver of deforestation (Raymond A. Samndong)

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Acronyms

ADF :	African Development Bank
BDD:	Bureau Diocésain du Développement
CBFF:	Congo Basin Forest Fund
CLG:	Comité Local de Gestion—Local management committee
CEDEN:	Cercle pour la Defense de l'Environnement
CLD:	Comité Local de Développement—Local Development Committee
CARG:	Agricultural and Rural Management Councils
CEPROMAD:	Center of Promotion in Management and Development, Mbandaka
CEUM:	Communauté Evangélique de l'Ubangi, Mongala, Gemena
DRC:	Democratic Republic of Congo
EADE:	Equipe d'Appui au Développement Endogène
FAC:	Force Armée Congolaises
FAO:	Food and Agricultural Organization
FCPF:	Forest Carbon Partnership Facility
FPIC:	Free, Prior and Informed consent
FPP:	Forest Peoples Program
GDRC:	Government of the Democratic Republic of Congo
GTCR:	Groupe de Travail Climat REDD—Climate and REDD Working Group
ICCN :	Institut Congolais pour la Conservation de la Nature—Congolese Institute for Nature Conservation
ISDR :	Institut Supérieure de Développement Durable
JBE:	Jardin Botanique d'Eala de Mbandaka—Botanical Garden of Eala, Mbandaka
LDF:	Local Development Fund
MECNT:	Ministry of Environment Conservation of Nature and Tourism
MLC:	Mouvement de Liberation de Congo
MRV:	Monitoring, Reporting and Validation
NGO:	Non-Governmental Organization
NTFP:	Non Timber Forest Product
OPD:	Organization Paysanne de Development—Village Development Organization
PRSP:	Poverty Reduction Strategy Paper
REDD+:	Reduced Emissions from Deforestation and Forest Degradation and Co-benefits
RFF:	Rainforest Foundation
R-PP:	Readiness Preparation Proposal
RRN:	Réseau Ressources Naturelles
UNDP:	United Nations Development Program
UNEP:	United Nations Environmental Program
UN-REDD:	United Nations Program for Reduced Emissions from Deforestation and Forest Degradation
USAID:	United State Agency for International Development
WFP:	World Food Program
WHRC:	Woods Hole Research Center

EXECUTIVE SUMMARY

This report is one of the outputs of the project “Man and forests – an evaluation of management strategies for reduced deforestation,” which aims to evaluate the different management regimes established to protect forests and improve livelihoods under the so-called REDD+ framework – reduced emissions from deforestation and forest degradation. One component of this project focuses on assessing the management regimes established to implement REDD+ at the local level and how well the regimes are adapted to the local institutional and ecological conditions.

The present report regards a REDD+ pilot project in the Democratic Republic of Congo led by the Woods Hole Research Center (WHRC) with support from the Congo Basin Forest Fund. The pilot project started in 2013. It is located on two sites—Bikoro and Gemena in the Equateur province. The forests here are owned by the state, but managed under customary tenure. The investigations entailed interviews with the local people in the pilots, local authorities, project organizer and its partners in the field. It also included field observations and review of policy documents.

The key findings indicated that the pilots contain high forest biomass with varying threat of deforestation. The Bikoro pilot contains huge stocks of swamp forests that make conversion into other land use difficult, which reduces the risk of deforestation. The Gemena pilot contains huge stocks of dense, humid lowland that intersects with savannah woodland and grassland. This forest landscape is easy to convert into other land use that poses a high risk of deforestation.

The existing dual legal framework for forestland allocation and management, containing multiple authority structures and the absence of a community management system, constrain the establishment of the REDD+ regime. The project organizer has designated local actors as partners to implement the project activities in the pilots. While the law on community forestry that recognized community management rights of forests was recently approved, the modalities and guidelines that define the operationalization of these rights and the authority structure(s) are yet to be defined and approved. The project organizer has established village organizations and customary landowners have been elected as leaders of these organizations as a means to harmonize the organizations with existing customary institutions. These organizations still lack the necessary institutional arrangements to function.

Some of the challenges encountered by the project organizer included a huge delay of fund disbursement from the project funder. This has hampered the implementation of project activities in the pilots. We observe that the project partners have limited capacity to implement and coordinate a performance-based project such as REDD+. They also lack knowledge about account reporting to effectively use project funds, which leads to poor

relationships with communities. This has also delayed the implementation of project activities. Contractors and customary organizations have been used to implement early demonstration activities. We observe a negative perception of these activities among local people because they were not included in the process.

No management regime that restricts the use of forests for conservation purposes is yet established. Hence, business-as-usual continues in the pilots. The project organizer conducted a participatory mapping exercise in the Bikoro pilot in 2013-2014. The local people are still waiting for these maps to be validated so operational rules can be established for use and monitoring. With respect to ecological conditions, since no REDD+ management regime has yet been established, evaluating how well the regime is adapted to the local institutional and ecological conditions has not been possible.

1. INTRODUCTION

The Democratic Republic of Congo (DRC) has established itself as a key player in managing carbon stocks and emission reductions from deforestation and forest degradation in the Congo Basin region through its REDD+ program. Although the country's national strategic framework for its REDD+ program has been published, there are still ongoing discussions on how REDD+ will be implemented at the local level (Aquino and Guay, 2013, Mpoyi et al., 2013, Fobissie et al., 2014). Several pilot projects were initiated in 2011 with support from the Congo Basin Forest Fund (CBFF) and other private sources to provide early lessons and experience about how REDD+ could be implemented locally in the DRC (Mpoyi et al., 2013). Among these pilot projects, this report focuses on the Woods Hole Research Centre (WHRC) REDD+ pilot project (Zamba Malamu) in Equateur province. The aim of the pilot project is to generate knowledge on how REDD+ can be designed at local levels in order to promote co-benefits, through assessing different options for the distribution and allocation of REDD+ payments and the enhancement of carbon stocks.

As WHRC is in the process of implementing project activities at the pilots, this report assesses the governance structures before the introduction of REDD+ in the pilots as well as the governance structure(s) established for REDD+ implementation. The report examines the actors involved in the established REDD+ regime and its adaptation to local institutional and ecological conditions. The report is part of the Man and Forest project supported by the Norwegian Research Council to evaluate the capacity of different management regimes chosen to stop or avoid deforestation and their implications for local communities, their livelihoods and the state of forest landscapes. The project especially highlights conflicts and synergies between protection and use of different REDD+ pilot projects in Tanzania, Brazil, Uganda and the Democratic Republic of the Congo (DRC). The project also studies how the degree of adaptation to local conditions influences the success of the chosen management regimes.

In this report, we assess a) the main characteristics of the management regime being established for the WHRC REDD+ pilot project in the DRC concerning management strategies, new actors and institutions including property rights. We especially look at how this regime might be different from those existing before REDD+ was introduced. b) How can this REDD+ management regime being established adapt to the local situation regarding institutional and ecological conditions?

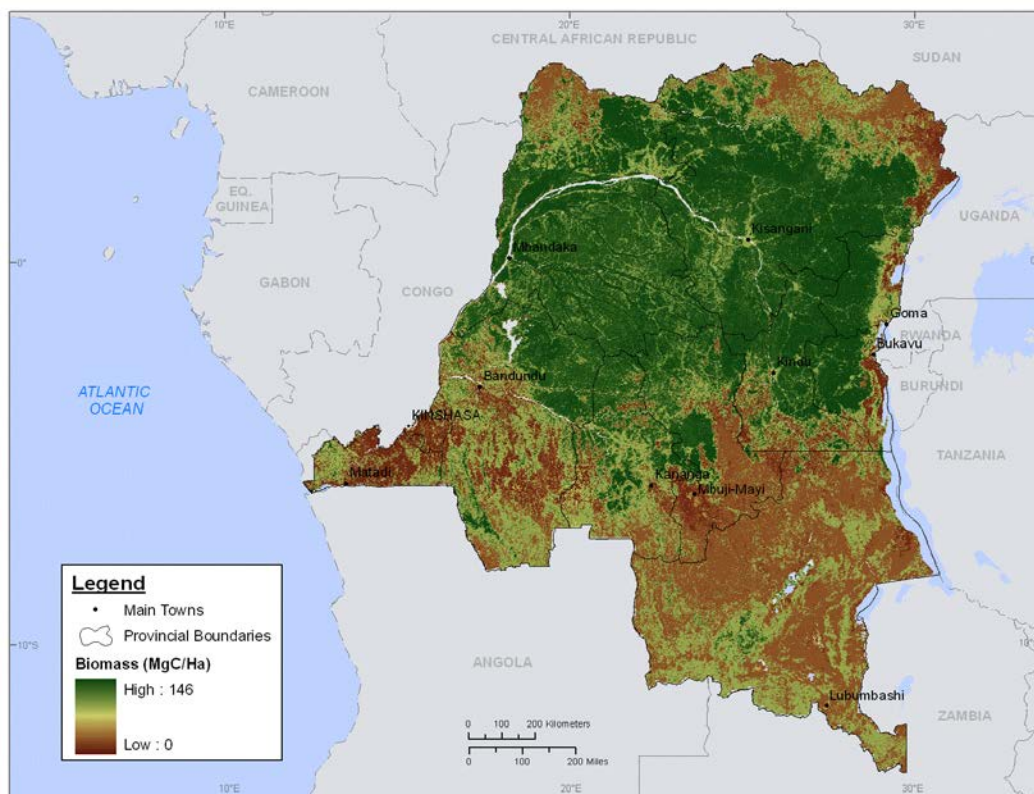
This report is structured as follows: The next section presents an overview of forest governance and the REDD+ process in the DRC. Section 3 presents and discusses the introduction of REDD+ in the project sites in Equateur province. This section examines the state of the forest, the socio-economic conditions, the existing actors and institutional structures of forest governance in the pilot sites. The forth section assesses the governance structures established for REDD+ in the pilots by analysing the actors and

institutional arrangements established to implement REDD+. The fifth section assesses the adaptation of this REDD+ regime to the local institutional and ecological conditions. The last section of the report summarizes the findings and key lessons from the projects.

2. FOREST GOVERNANCE AND REDD+ IN THE DRC

2.1. The state of forests in the DRC

The Democratic Republic of the Congo (DRC) is home to the world's second largest tropical rainforest and encompasses the majority of the Congo Basin's forests. The forest cover is estimated at some 145 million hectares, which covers more than 60% of the national territory (Debroux et al., 2007, Duveiller et al., 2008, Wasseige et al., 2012, Yamba, 2009, Laporte et al., 2007) – see Map 1. About 99 million hectares of this large forest block is dense humid rainforest that is very rich in biodiversity and performs an important function, not only for the continent's ecosystems, but also on the global scale. The combination of its rich biodiversity, large forest cover and a long history of unregulated resource use makes DRC an important candidate for initiatives aimed at improving forest governance and climate change mitigation (Debroux et al., 2007). With support from external actors, the government is committed to conserving the country's rich biodiversity. Threats persist, however, including deforestation and habitat degradation, illegal logging, poaching and invasive species. A decade of violent conflict has seriously affected conservation. Continuing armed conflict in the Eastern DRC renders conservation activities in these areas both difficult and dangerous (Hagen et al., 2011).



Map1. Forest biomass of the Democratic Republic of Congo (Source; Laporte et al., 2007).

The population is projected to reach almost 110 million in 2030, coupled with intense international resource competition for raw material. This is placing multiple pressures on the DRC's natural resource wealth (USAID, 2011, UNEP, 2011). The rich rainforest and biodiversity are under threat on a variety of fronts. Under these circumstances, the future of the DRC is full of opportunities and challenges. If these pressures and trends are not coherently addressed, it will be difficult for the country to successfully pursue a sustainable development course and contribute to regulating the global environment (UNEP, 2011).

The current estimates of annual deforestation in the DRC are low, but uncertain. They range from 0.02% (Wasseige et al., 2012), to 0.25% (FAO, 2011). The government estimated annual deforestation at 0.22% from 1990–2000 and argues the current rate to be around 0.27%¹ per year (GDRC, 2012). This variation suggests that no reliable estimates exist for national deforestation rates in the DRC. The large forest biomass holds about 17 billion tonnes of carbon, making it the largest carbon stock of any African country (Laporte et al., 2007). Causes of deforestation vary across the country (Seyler et al., 2010, Ickowitz et al., 2015). Direct causes include agricultural expansion through shifting cultivation; firewood collection; charcoal production to meet urban demand; unsustainable commercial logging and illegal artisanal logging; and industrial mining and building roads in dense forest areas (Seyler et al., 2010). The impact of these factors varies greatly in accordance with geographic and demographic patterns. For instance, Kisangani, Kinshasa, Lubumbashi and Mbandaka have far higher population densities than their surrounding areas (Taylor, 2011). They are thus more prone to intense shifting cultivation and firewood collection than commercial logging. As firewood and charcoal provide 85 per cent of the DRC's energy needs, harvesting of trees for these uses becomes increasingly problematic as population density rises (Samndong and Nhantumbo, 2015).

2.2. Governance and governance structures regarding the DRC forests

The main legislation governing forest resource management in the DRC is the 2002 Forest Code, which replaced the colonial Forest Code dating from 11 April 1949 (Seyler et al., 2010). According to the Forest Code, the state owns all the forest of the DRC with the sole rights to exclude others.

Article 10 of the Forest Code classified the forests in three broad categories—classified forests, protected forests and permanent production forests (see Figure 1).

The classified forests are designated for environmental protection and may include nature reserves; forests located in national parks; botanical and zoological gardens; wildlife reserves and hunting areas; biosphere reserves; recreational forests; arboretums; urban forests; and protected areas. Protected forests are subject to less restrictive use and

¹ This is a government estimate from the National REDD Strategy for 2013-2030.

exploitation rights than classified forests. These forestlands are open for customary use. These rights are recognised and reinforced by the 2006 Constitution (Samndong and Nhantumbo, 2015).

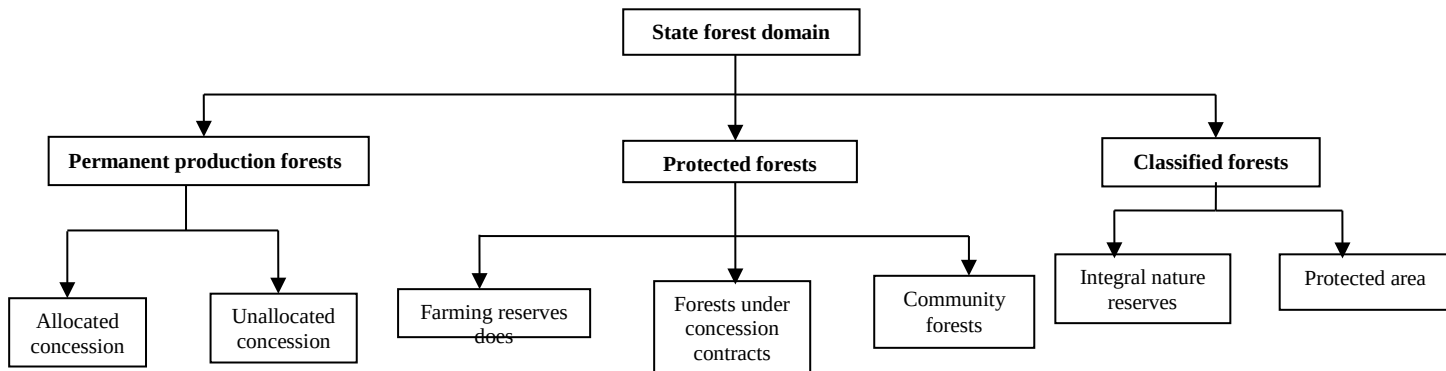


Figure 1. Legal forest classification in the DRC according to the Forest Code of 2002

Protected forests are designated for customary use. They can be converted to other uses including activities such as small-scale farming. They may, however, also be granted as logging concessions, with contracts not to exceed 25 years. Protected forests may serve as community forests as they can be granted to communities upon request. The right to establish designating community forests was included in a law enacted in August 2014.

Permanent production forests are designated for the allocation of logging concessions and forests already used for timber production, identified through a public survey process (Art. 23, GDRC, 2002). The Forest Code failed to provide an effective land use plan or zone to define the geographical extent of their land use classification (Samndong and Nhantumbo, 2015). In practice, land use activities are undertaken in the forest irrespective of its land use classification. These have created overlapping forest practices, competing claims and conflicts at the local level.

The Forest Code also made provisions for the allocation of two types of logging rights—long-term logging rights for industrial purposes and short-term logging rights for artisanal logging. According to the Forest Code, The Ministry of Environment should allocate long-term logging rights to extract timber from the production forest for a period of 25 years through a transparent auction process (Art 83, 85 and 86 GDRC, 2002). Artisanal logging rights are issued exclusively to Congolese nationals by provincial authorities to harvest timber from the protected forest up to a maximum area of 50 hectares using a long saw or a chainsaw (Arrete 035 MECNT, 2006, Global-Witness, 2012). The long-term logging rights mandate is designed to consult communities with customary claims to forest alongside their concessions, negotiate and sign a social agreement for socio-economic development and to establish a forest management plan of the concession

(Art. 89 GDRC, 2002). The Forest Code further recognizes communities' use rights within logging concessions for subsistence, but restricts commercial activities and any use deemed incompatible with logging activities (Art. 44 GDRC, 2002).

A moratorium on the allocation of new long term forest permits was passed in 2002 while the long-term permits established under the former legislation were converted to forest concessions, as provided for in the Forest Code (Counsell, 2006, Global-Witness, 2007). This conversion process incorporates a comprehensive review of existing long-term logging permits to assess their legal validity (Fétiveau and Mpoyi, 2009, Seyler et al., 2010). The moratorium has, however, promoted for and transformed artisanal logging into industrial operations that use heavy industrial machines, which has resulted in negative impacts on the forests (Samndong and Nhantumbo, 2015, Global-Witness, 2012).

The Forest Code recognizes the land use rights of communities with customary claims to access and use forests for their subsistence. These communities are not allowed to sell products acquired under their land use rights (Art. 37, 71 GDRC, 2002). The Forest Code and its accompanying administrative texts, furthermore, grants communities with customary claims a set of forest exploitation rights to extract timber from protected forest using artisanal logging permits (Art. 111-112 GDRC, 2002). Communities may apply for this artisanal logging permit for a maximum of 50 hectares individually or through an intermediary private artisanal logger following an agreement between the community and the logger (Arrete 035 MECNT, 2006). The Forest Code also allocates management rights to establish community forest concessions, which was enacted into law, known as the Law of Community Forests, in August 2014. This new law on community forests allocates management rights to a community, consisting of up to 50,000 ha of forestland in the statutory system, for a period of 25 years (Maindo and Kapa, 2014).

In terms of benefit sharing, the Forest Code mandates the transfer of 40 per cent of the annual area tax on logging concessions to the provinces where the concessions are located, with the specific mandate to use these funds for public interest works and infrastructure (Art. 122 GDRC, 2002). The Forest Code promotes participatory forest governance and urges actors to negotiate and sign a social agreement to compensate local communities living around logging concessions for the effects of logging operations. This social agreement contract mandates these actors to build social infrastructure that benefits local communities, which may consist of roads, bridges, schools, or health centers. These benefits were granted on a voluntary basis to customary authorities, but a majority of community members such as women, Pygmies and non-clan members were excluded from these benefits (Seyler et al., 2010, Samndong, 2015).

To correct for such exclusion and ensure equity in the benefit sharing mandated by the social agreement, a ministerial text known as *Arrêté* 023 was adopted on 7 June 2010 that provides a new model for the implementation of the social agreement (Samndong and

Nhantumbo, 2015, Davis et al., 2012). This new model requires the creation of a Local Development Fund (FDL) that is collected from logging companies on the basis of a social agreement managed by a local management committee (CLG). The CLG is comprised of one representative from the logging company and at least five elected representatives of the community whose customary claims to forestland overlap with the concession where logging is taking place. The president of the CLG is an elected member of the community and acts under the supervision of traditional authorities of these communities. The *Arrêté* 023 also requires the creation of a local oversight committee (CLS) to monitor the implementation of the social agreement. The CLS is presided over by the head of the territorial administration and is comprised of one representative of the logging company and three representatives of the community. The *Arrete* 023 does not specify the supervising role of the traditional authorities in CLG. It also does not specify how this election of members of the CLG should be conducted.

The composition of the CLGs and CLSs is intended to ensure that community interests are strongly represented in the social agreement. These organizations are in essence participatory because they regulate how local communities work together with the logging company and local authorities. The beneficiaries of the social agreements are neighboring communities who have recognized customary claims that overlap with the forest concession. The concessionaire must identify these communities and their legitimate authority through a legally required socio-economic survey. *Arrêté* 023 and other texts regulating management plans of forest concessions mandate concessionaires to map the customary claims of communities within, and adjacent to, concessions through a participatory mapping exercise and negotiate the social agreement when designing the management plan before logging.

The Ministry of Environment is responsible for implementing and enforcing the provisions of the Forest Code. The decentralization reform, however, transfers some of these powers to provincial authorities (Samndong and Nhantumbo, 2015). In practice, the enforcement of the Forest Code and its regulations are very weak for a number of reasons. First, forest law enforcement is massively under-resourced in the DRC. Enforcement officers represent just 1% of the total staff of the Ministry of Environment Conservation of Nature and Tourism (MECNT), and most are based in cities, many miles from the logging concessions that they are meant to be monitoring. In addition, very few officers have any educational training beyond secondary school and access to civil service employment is based on political patronage (Lawson, 2014, Samndong and Nhantumbo, 2015). Second, low salaries, which are paid late or irregularly weakens the motivation of officers and affects the quality of their work. Third, bribery and corruption, at both the national and local level of the administrative ladder, is a significant barrier to forest law enforcement (Kodi, 2008, Benneker, 2012). Fourth, many local authorities and communities know very little about the details of the Forest Code, especially the new institutions and organization created by *Arrêté* 023. In addition, conflicts between the central and provincial authorities regarding the new division of powers in the

management of forest royalties and artisanal operations affects forest law enforcement (see also Oyono and Nzuzi, 2006, Benneker, 2012, Trefon, 2011).

2.3. The introduction of REDD+ in the DRC

The Democratic Republic of the Congo (DRC) became the first country in the Congo Basin to benefit from REDD+ financing through the UN-REDD Programme and the World Bank Forest Carbon Partnership Facility (FCPF) to develop its REDD+ program. With financial supports from donor agencies and bilateral organizations, the DRC developed its REDD Readiness Preparation Proposal (R-PP) that was approved by the UN-REDD and the World Bank FCPF in 2010 (MECNT, 2010b). The R-PP set up the roadmap of the national REDD+ process from 2010-2012 (Figure 2).

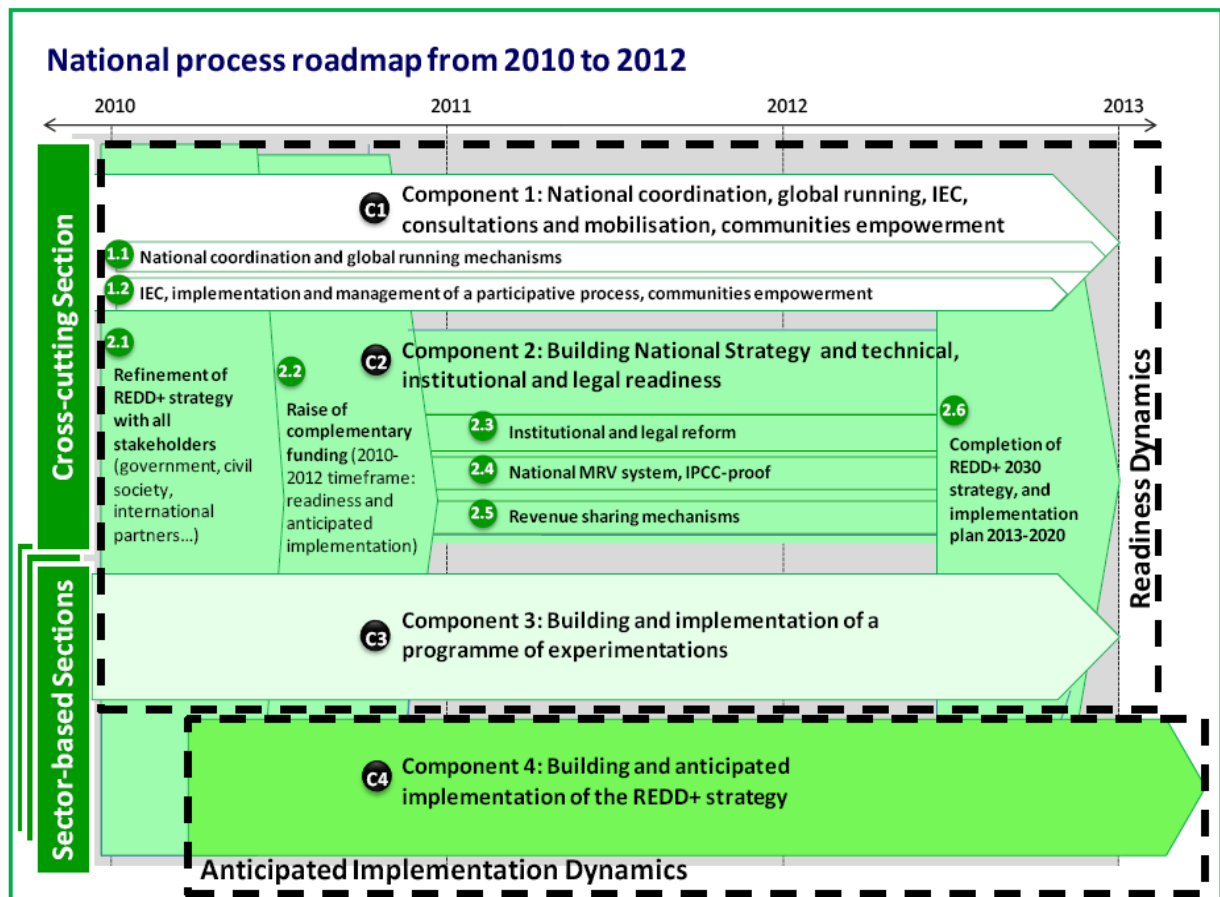


Figure 2: DRC REDD national process roadmap from 2010 to 2012 (MENCT, 2010)

The country has also developed its National Strategic Framework for REDD for 2013-2030 endorsed in December 2012 (GDRC, 2012). With technical support from Rainforest Foundation Norway and funds from Norad, Congolese civil society organizations established a platform known as Climate and REDD Working Group—*Groupe de Travail*

Climat REDD (GTCR). Since January 2010, the group has enabled a broad range of stakeholders to help formulate the REDD+ strategy, especially at provincial and local levels (GTCR, 2010). In addition, pilot projects were initiated at the local level with support from the Congo Basin Forest Funds and the private sector to develop lessons for the country national REDD+ program (MECNT, 2010b).

2.3.1. DRC REDD+ policy documents

The DRC's R-PP covers all the REDD+ readiness components that are internationally defined. These components include management of readiness; stakeholders' participation; analysis of drivers and strategy options such as ensuring a strategic environmental and social assessment takes place, reference scenarios; implementation framework; and national monitoring, reporting and validation (MRV) systems (MECNT, 2010b). The R-PP reviews and identifies gaps on the most immediately relevant policies and strategies to be addressed by forestry-sector reform programmes. These include the review and conversion of forest titles; forest zoning plans; approval of application text of the decree attributing community forest; forest law enforcement; and the new text on social contract (*cahiers de charge*) for logging companies, with particular reference to benefit- and revenue-sharing with local communities. Important reforms to make REDD+ effective and equitable comprise land-forest and mining tenure, harmonising forestry, agricultural and mining codes; reform of public finance institutions; and decentralisation (Greenpeace-International, 2010).

The R-PP identifies and analyses four deforestation patterns that theoretically prevail in the DRC (Laporte et al., 2007, Fétiveau and Mpoyi, 2009). This analysis has been criticised by some stakeholders due to the absence of reliable historical data. The role of subsistence slash-and-burn agriculture versus industrial forest exploitation, in particular, has been highly debated (Greenpeace-International, 2010). DRC forests, however, have highly diverse ecological and social qualities, and these patterns cannot be applied equally for different forest types. Any analysis of deforestation must be based upon an in-depth consideration of the various dynamics leading to forest deforestation and degradation, indirect causes and underlying factors (Ickowitz et al., 2015).

According to the R-PP, the state needs greater capacity to guide and control the country's transformation toward REDD+, and establish institutions and a credible governance system. Although the R-PP identified lack of governance, unclear land tenure and lack of law enforcement as major problems, it is not clear how the country will realistically address these challenges. Despite efforts to transform forest governance with the new Forest Code, significant hurdles continue to block responsible and equitable management of forestlands and resources. These include lack of transparency and absence of control, as well as vested financial interests. In this context, it is crucial to develop solid governance and control mechanisms for the National REDD+ Strategy. In particular, an

institutional framework to monitor REDD+ funding – lacking in the R-PP – must be defined (Greenpeace-International, 2010).

On the positive side, the R-PP proposed an independently governed national fund combined with provincial-level funds. This proposal, however, needs more elaboration on several issues: representative and accountable multi-stakeholder governance involving civil society and indigenous people, equitable benefit-sharing mechanisms and enhancement of local livelihoods; performance assessments against a gross deforestation/degradation baseline; and performance-based compensation and linkage to independent monitoring and verification (Davis et al., 2012).

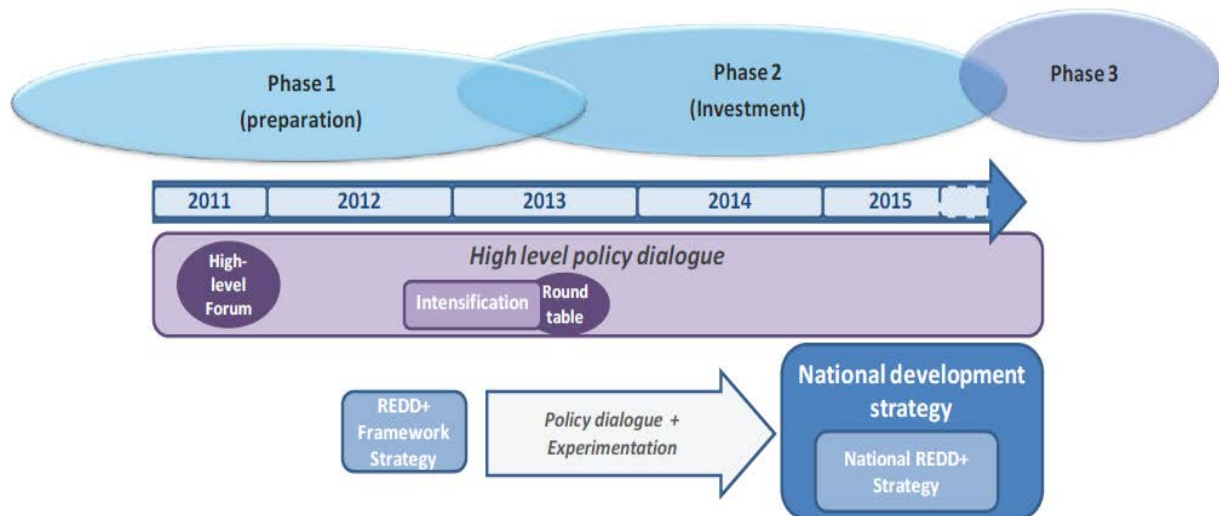


Figure 3: Entry into the investment phase of the REDD+ process in the DRC (source MENCT 2012)

The National Strategic Framework for REDD+ 2013-2030 also addresses many of the knowledge gaps in the R-PP. This policy document identifies and discusses the issues to be addressed in the investment phase of the REDD+ national strategy (Figure 3). It also addresses the vision of REDD+ in the DRC in line with the Poverty Reduction Strategy Paper (PRSP)-II and the National Action Plan (GDRC, 2012). According to this policy document, the vision of REDD+ is to stabilise forest cover by 2030 and maintain forest cover at 63.5% of the national territory. This policy document tackles the direct and underlying causes of deforestation and degradation in a cross-sectoral and integrated way that examines the broad development challenges and context (Table 1). Putting this vision into practice relies on integrating national commitments into policies and measures essential for transforming the country towards a green economy and sustainable development.

Table 1. Drivers of deforestation and forest degradation documented in the national strategy framework of REDD+ 2013-2030 (DRC, 2012)

Main direct drivers	Main underlying drivers
<i>Slash and burn agriculture</i>	<i>Population growth</i>
<i>Artisanal logging</i>	<i>Institutional aspect (political decisions such as..., mismanagement, civil war)</i>
<i>Fuel-wood (charcoal and wood) production</i>	<i>Infrastructures and urbanization</i>
<i>Mining activity</i>	<i>Economic aspects (economic crisis, unemployment, poverty).</i>
<i>Bush fires</i>	

The policy document proposes the implementation of REDD+ in the DRC in three main stages:

- 2013: Demonstration and investment
- 2016: Finalisation of the REDD+ readiness phase, with a reinforced engagement in a national forest-cum-climate policy
- 2020: Full implementation, with an acceleration of transformation towards green development.

To take an active part in the sustainable development of the country, while tackling the current and future drivers of deforestation and forest degradation effectively, the DRC has defined – in a participatory way – a set of actions, structured into seven ‘pillars’—governance, land tenure, energy, demography, forest, agriculture and land use planning (Figure 4). In line with the PRSP-II and the government’s National Action Plan, these pillars are integrated into sectoral policies, as well as into the crosscutting National Development Strategy. The proposed actions will also guide interventions of the DRC’s development partners. The various modelling processes under way, together with fieldwork, will generate more accurate information on cost-benefit and feasibility, which will guide implementation. Nevertheless, beginning in 2013, the government planned to identify priorities within the framework of the policy dialogue.

Apart from the REDD+ R-PP document and the national strategic framework document, no legal framework of carbon rights or enforcement of Free, Prior and Informed consent (FPIC) in REDD+ project exists in the DRC (Mpoyi et al., 2013, Nhantumbo and Samndong, 2013, Kipalu and Mukungu, 2013). The DRC has ratified several international instruments protecting the rights of communities in relation to natural resource use on their lands and territories. Many of these conventions recognize the right to Free, Prior and Informed consent (FPIC), which is a right enabling local communities and indigenous peoples to give or withhold their consent to any project which may affect their customarily owned land, their natural resources, their mode of living and their livelihoods. The United Nations Declaration on the Rights of Indigenous Peoples in 2007, which the DRC has ratified, protects the rights of indigenous peoples to FPIC. At the national level, some legal

texts including the Forest Code and the Constitution (Article 214) recognize that local communities have the right to be consulted with, but this is not equivalent to FPIC (Kipalu and Mukungu, 2013).



Figure 4: The REDD+ national framework strategy integrated into the national development strategy (source GDRC 2012)

2.3.2. Actor structures in the REDD+ national program

The Prime Ministerial decree No 09140 of 26 November 2009 approved the establishment of different structures to support the National REDD+ program and recognised the Ministry of environment to lead the REDD+ readiness process (Figure 5).

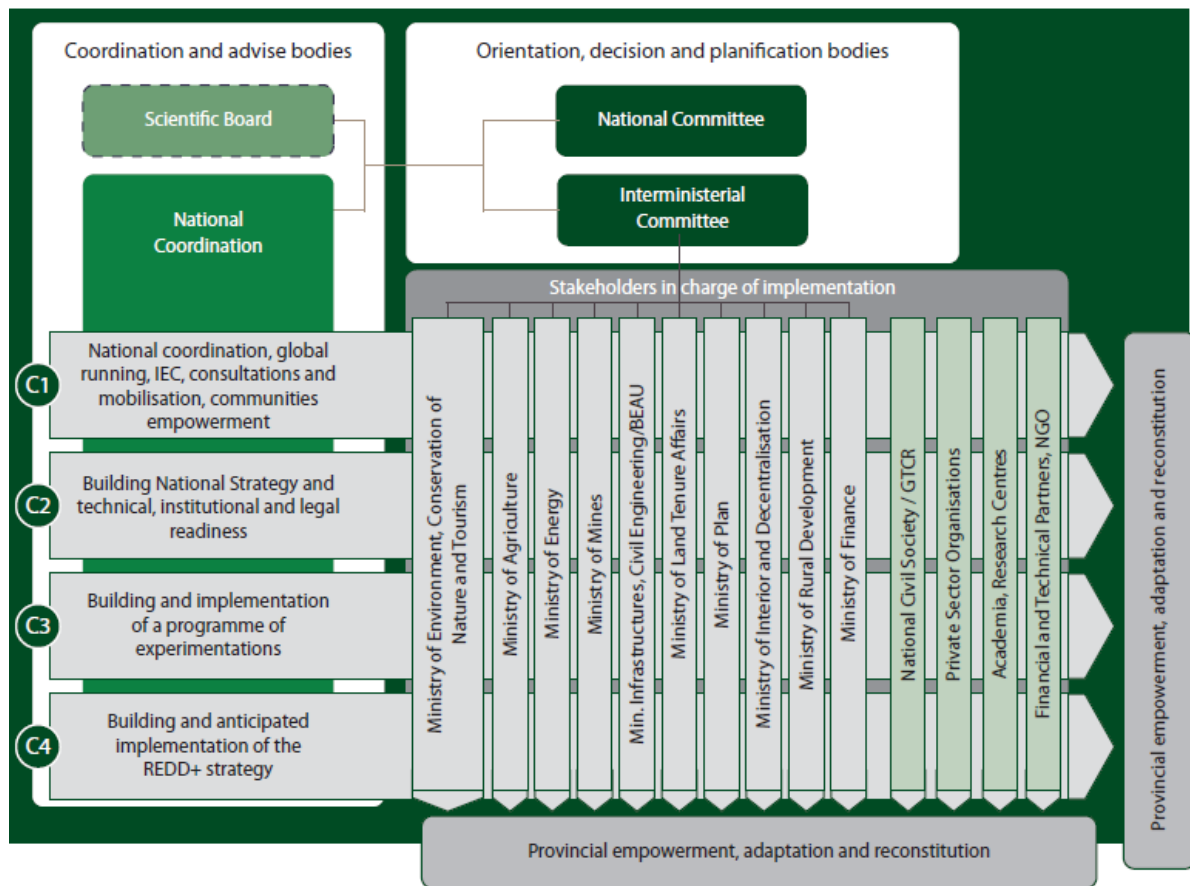


Figure 5: Current institutional structures for the REDD+ readiness phase (source, MECNT, 2010)

A National REDD Committee: responsible for decision-making and strategic coordination. It defines the direction of the REDD+ process, approves the work plans of the Inter-Ministerial Committee and the National Coordination Body, provides for the monitoring, control and evaluation of the REDD+ process, and implements the National REDD+ Fund.

An Inter-ministerial Committee: a body in charge of planning the implementation for National Committee decisions and delegates the execution of these decisions to relevant state structures and experts, both national and international. The creation of this committee acknowledges the interconnectedness of forestry and other sectors in the DRC. This committee is comprised of officials from nine ministries—Environment, Agriculture, Energy, Mines, Land Tenure Affairs, Planning, Rural Development, Housing and Urban Planning and Finance.

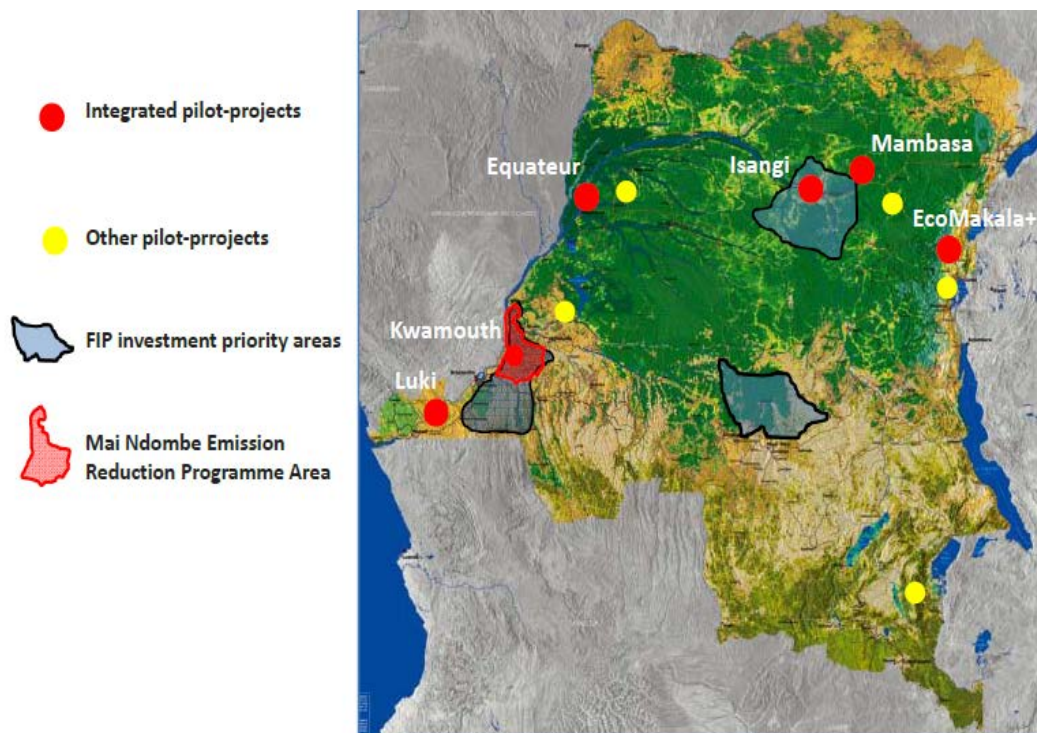
A National REDD Coordination (CN-REDD): execute the UN-REDD and FCPF programs and coordinates different stakeholders to provide for coherent REDD+ implementation. The National Coordination of REDD+ was established in May 2009 and coordinated the development of the R-PP policy document approved in 2010.

A Scientific Committee: a technical Committee of national and international experts called upon to provide scientific and technical advice on the REDD process

Provincial focal points: to support the development of the national strategy, maintaining a link with stakeholders and supervising the REDD+ pilot projects activities in the provinces and territories.

Coordinating thematic “groups” (CT): in charge of conducting studies on issues relating to a specific topic in order to inform the national REDD+ strategy. These “groups” facilitate wide involvement of technical ministries and the Congolese and international civil society organizations

Congolese civil society organizations and NGOs working in the field of environment, forests and rural development are also involved in the REDD+ national process through the GTCR platform—a working group on climate and REDD+ created in 2009. This platform plays a great role in defining drivers of deforestation in the different provinces and advocate for the government to implement long-standing reforms in the forestry, land and mining sectors. The private sector is also involved in the REDD+ national process with many private companies running REDD+ pilot projects in different landscapes of the DRC to generate carbon credits for carbon markets.



Map 2: REDD+ pilot projects and investment zones in the DRC (GDRC, 2012)

3. INTRODUCING REDD+ IN THE EQUATEUR PROVINCE

The Woods Hole Research Center (WHRC) in partnership with the DRC Ministry of Environment (MECNT) is implementing a pilot REDD+ project in the Equateur Province known as “*projet Zamba Malumu*”². The objectives of the project are (i) increase the capacity of province stakeholders for the development of REDD+ strategies and preparation for the management of carbon funds and (ii) design and implement community based REDD+ pilot projects with potential for continued carbon financing.

The pilot projects are working with households to develop community based REDD+ projects in the sense of developing common-pool resources and rights. Given that much of the emissions currently generated from forest loss in Equateur province are as a result of small holder farming activities (Laporte et al., 2007), a community based approach to REDD+ implementation will be the cornerstone of an effective, efficient and equitable national implementation strategy.

The project utilizes a variety of field and household survey methods and participatory research techniques to identify and plan the REDD+ interventions to be made and systems of management and monitoring. The project aims to deliver assistance based on targets agreed between the community, the project organizer and the government to develop a model approach that is robust yet flexible enough in dealing with the complex institutional environment found in the DRC. Emphasis is on cataloguing and appraising the process to understand the upfront costs of project development, to aid in designing how these costs might be defrayed for project developers in the framework of the national REDD fund as well as developing appropriate operational methods for applying emerging standards of monitoring biophysical and social indicators.

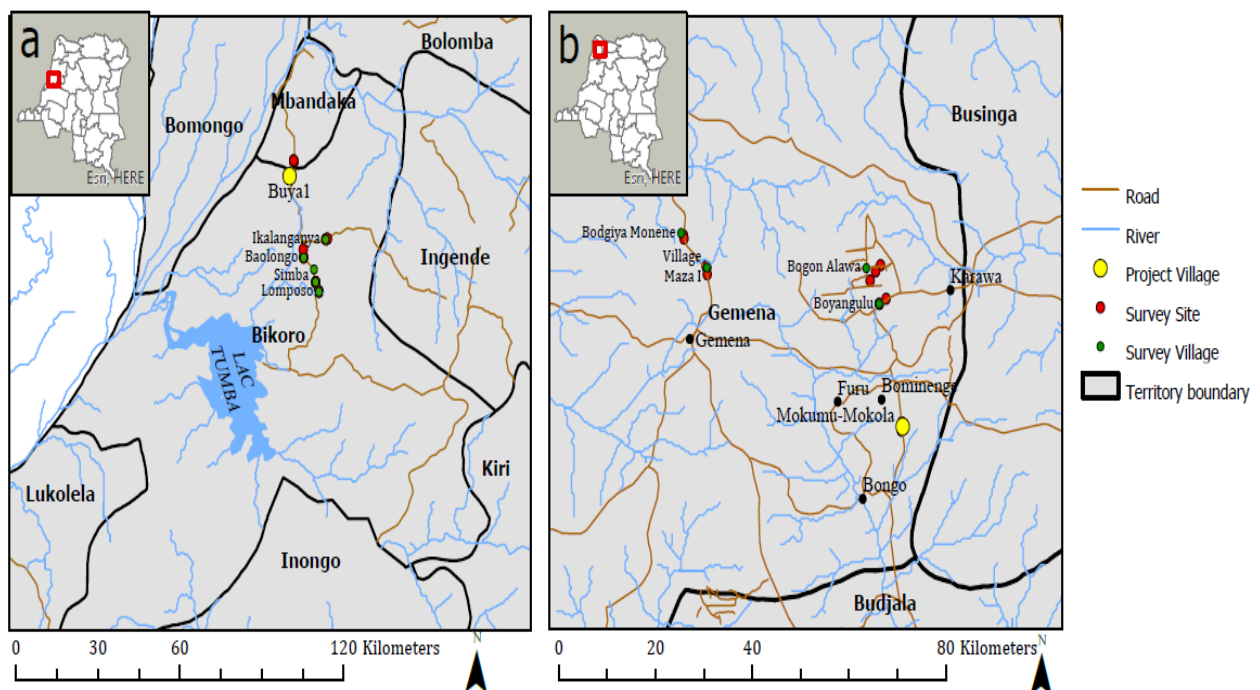
Approaches will be identified and trailed to reconcile the local developmental and environmental needs with the national plan and policies to promote economic growth and poverty alleviation. Implicit but often unrecognized in community forest management design is that that communities are not homogeneous and often different levels of welfare benefits are realized by different socio-economic categories of households. Imposing constraints on forest use might therefore exacerbate local poverty and inequality. Identifying the scope and nature of the distribution of local forest benefits is essential in designing equitable REDD+ projects.

An urgent local need is to develop community-based organizations to be able to utilize novel funding mechanisms proposed by REDD+. The project will provide a model to bridge the gap between customary institutions and emerging civil society and government agencies in the forestry and rural development sector, operationally tying

² Zamba Malumu means the forest is good.

together development and environmental management objectives. The project works with a variety of local non-governmental organizations as partners as well as a local university and a botanical garden to provide education and capacity building opportunities.

The project is implemented in two pilot sites of the Equateur province; Gemena in the north and Bikoro is the southwest of the province (Map 3). These provide two contrasting regions in terms of demography, environmental degradation and development context, in order to pilot REDD+ projects at the local level. This pilot project is unique compared to the other pilot projects in the DRC, in that it is implemented in areas that are not privately owned forest or protected areas, but in areas where the customary system of land and forest management is predominantly practiced, although the forest is state owned. In Gemena, typically the area has historically experienced high levels of forest loss for extensive livestock production, leaving a mosaic of riverine and remnant natural forest surrounded by degraded pasture. The area is in a region that is a transition zone between tropical forest and grassland. The REDD+ pilot project site in Gemena is located in dense humid rainforest that transit into savannah vegetation. The area has historically experienced extensive commercial logging operations that enable conversion into cash crop plantations (cocoa and coffee). These plantations were abandoned during the long period of civil instability and many portions of agricultural land have grown into secondary forest including huge portions of primary intact dense humid forest.



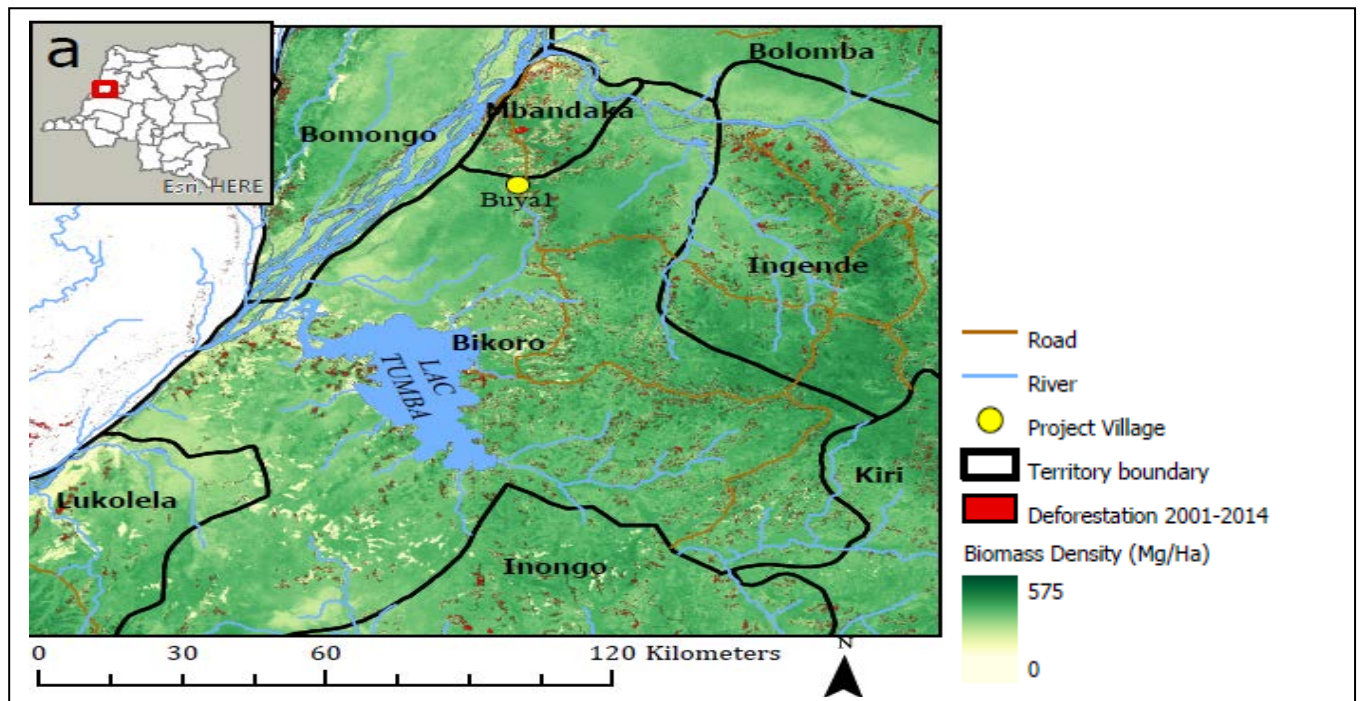
Map 3: REDD+ Equateur Pilot villages a) Bikoro Territory Buya 1 project site b) Gemena Territory Mokumu project site (produced by Chapman, WHRC)

The project site in Bikoro is located in Buya 1 village 42km from Mbandaka, is in a wetland forest area, and is perhaps demographically and in terms of forest cover, what Gemena was like around 40 years ago. Blessed with what they perceive as limitless rainforest, communities practice traditional slash and burn agriculture, their main concerns being conflicts with logging concessions over rights to exploit timber and access to their customary lands. Against this backdrop is the prospect of intensive cultivation of wetland rice to meet local and national food security needs, providing attractive incentives for poor households to increase forest clearance for income and food security.

3.1. Introducing REDD+ pilot activities in Secteur Elanga of Bikoro Territory

3.1.1. The biophysical and socio-economic environment

The Bikoro REDD+ project area is located in Buya 1 village of Elanga district known in French as Secteur Elanga some 42km from Mbandaka in the Bikoro territory of the Equateur province. The Bikoro territory is situated southwest of the province (see Map 4). Administratively, the territory is made up of three districts—Elanga, Lac Ntumba and Ekonda (UNDP, 2009). The territory is part of the Guinea-Congolese Forest Biomass and consists of four vegetation types: swamp forest (inundated and seasonally inundated forests), terra firma forest (high altitude non-inundated forests), secondary forests and grassland savannah.



Map 4: Deforestation and forest biomass density in Bikoro pilot site 2001-2014 (Source WHRC)

The swamp/intact forest covers about more than half of the territory including the project area. The swamp forest is concentrated to the east and south of the territory and around river Congo and Lake Ntumba. Given the low altitude, these areas are permanently or temporally flooded making the area inaccessible and difficult to log.

Swamp forests are seasonally/permanently inundated and characterized with soils that have poor drainage (Yamba, 2009). Large, mostly evergreen trees, many of which have extensive stilt root systems, dominate the swamp forests. There is generally one well-defined canopy layer with regular crown cover, and smaller trees, sometimes widely scattered or occasionally forming a sparse lower layer. Lianas are common, including the rattan palms. The forest floor is composed of a deep humus layer and is largely bare of vegetation during most of the year, with seedlings establishing in very large numbers during the low-water periods but few surviving; most of the seedlings are the same species as the canopy trees and lianas. The dominant trees in these forests are *Daniellia pynaertii* (Fabaceae subfamily Caesalpinoideae), *Gilbertiodendron dewevrei* (Fabaceae subfamily Caesalpinoideae), *Uapaca guineensis* (Phyllanthaceae) and *Guibourtia demeusei* (Fabaceae subfamily Caesalpinoideae, commercial name, Bubinga). These seasonal swamp forests are of recently being converted to rice fields in some villages in Bikoro with assistance from agricultural service delivery agencies such as FAO, WFP, Oxfam and BDD. In the Permanently inundated swamp forests, the vegetation lacked well-defined layers and comprised emergent shrubs, trees, and lianas up to about 10 m tall, mixed with lianas and rattan palms (Arecaceae: *Raphia* spp., *Eremospatha* spp.) to 15 m tall (Couralet et al., 2010). The water surface is partly covered with floating and emergent herbs. The most common wildlife includes monkey (Mpunga), antelope (Mbuli), monitor lizard (Lombe), aquatic civet (Nzondo), squirrel (Esende), crocodile (Ngando), and snakes (python, vipers, aquatic species). The fish species common here include fishing tilapia, Misombi, Mongusu, Ngolo, Nzombo, Mpunza, and Mfumbe (Colom, 2006).

The terra firma (high altitude forests) cover the eastern part of the territory. The forest type is dominated by large deciduous tree species that shed their leaves during the dry season, mixed with evergreen species in the upper canopy layer (Lebrun and Gilbert, 1954, Mayaux et al., 2000). This highly heterogeneous upper canopy layer is composed of evergreen and deciduous, shade-tolerant species that can reach 35 to 45 metres in height. The crown canopy is irregular and very dense (70–100%). The upper canopy layer, totally closed during the rainy season, can become slightly open during the dry season when some species shed their leaves. This favours the development of shade-tolerant species in the lower canopy layers that have two individual strata composed mainly of regenerating upper canopy layer species (Mayaux et al., 2000, Lebrun and Gilbert, 1954, Bwangoy et al., 2010). The forest floor is composed of a deep humus layer and supports somewhat sparse but regularly distributed herbaceous vegetation. The forests are characterized by a dominance of legume trees (Fabaceae) of the subfamily Caesalpinoideae, and in fact, the highest diversity of genera in the world for this very important group is found in this part

of Africa. Also co-dominant in the forests of this region are trees of Meliaceae (the mahogany family), Clusiaceae (the mangosteen family), Sapotaceae (the sapodilla or chicle family), and the other two subfamilies of Fabaceae (Faboideae and Mimosoideae), all of which include a number of commercially important tropical timber trees. According to numerous forest inventory results, the terra firma forest of the western Lake Mai Ndombe area has a clear dominance of *Millettia laurentii* (Fabaceae subfamily Faboideae, Ntomba name: Wenge), at least two species of *Entandrophragma* (Meliaceae, Ntomba name: Ipake), *Ongokea gore* (Olacaceae, Ntomba name: Beloko), and *Tessmannia africana* (Fabaceae Subfamily Caesalpinioideae, Ntomba name: Wamba). The understory layer is floristically distinct from the upper layers of the forest and is dominated by monocots, including species of *Commelinaceae* (the day-flower or Tradescantia family) and *Marantaceae* (the prayer plant family), and some dicot species such as *Piper* (the black pepper family), and lianas (lianas are a thick, woody climbing vine) (Couralet et al., 2010, Mayaux et al., 2000).

Secondary forests, cover about 1-2% of the project area and are previous upland forest areas that are currently regenerating to forest cover after being utilized for rotational slash and burn (shifting) agricultural practices (Colom, 2006, Yamba, 2009). These forest types are located in close proximity to villages, roads, and waterways as adventitious clearings. They span a wide range of vegetation states, from partial openings with tree canopies intact (typically dominated by *Musanga cecropioides*, Ntomba name: Mugunga), to bushy fallows that rarely exceed 10 m in height. The grassland savannah account for less than 1% of natural vegetation in Bikoro territory and are located in Lac Ntumba district along the main road to Bikoro town from Mbandaka. This habitat consists of open fields of grasses, sedges, and herbaceous legumes, with a few scattered shrubs and also some scattered termite mounds that support varied herbaceous and woody vegetation.

3.1.2. Forest use

The Bikoro territory has about 285,626 inhabitants (WFP, 2014). The population of the REDD+ project area (Secteur Elanga) is estimated to be about 37,668 people with a density of about 12 persons per km² (UNDP, 2009). The population is made up of two main ethnic groups the Bantu and the Batwa Pygmies. The Bantu group is sub-divided into three different tribal groups—the Mongo, Ntomba and Ekonda. The Mongo is the major group in the north of the territory including the study area while the Ntomba and Ekonda are the major groups in the south of the territory. The Mongo group occupying the study area is considered as the main indigenes (ayant droit) with customary claims to land and forest. The Batwa Pygmies makes up about 20% of the population in Bikoro territory, but are considered as strangers in the study area with limited rights to land and forest. The population relies heavily on the forest for their livelihoods by practicing slash and burn shifting cultivation, extraction of non-timber forest products, fishing, hunting, charcoal production and logging. Agriculture is heavily practiced in the upland dry forest that is easily accessed after logging. The villagers produce mainly cassava, maize, banana and

groundnut with surplus sold in local markets. The local population practices two types of farming systems in the project area—rotational long fallow and rotational short fallow. The long fallow fields are cleared from forest that has been logged or secondary forest that has been left to fallow for more than 10-20 years or portions of primary forest. The duration of cultivation is 3-6 years. The short fallow fields are cleared from land left to fallow for a relatively short period of 1-6 years. Burning is always used in the clearing process, as it is the only way to properly clear the ground of the large mass of slashed undergrowth and felled trees.

The population also depends entirely on the forest as their main source of energy for cooking and heating. Increased demand for charcoal in the big towns and cities constitutes a great economic opportunity and additional household income (Samndong, 2014). The low cost of transportation of charcoal by logging companies has made charcoal production a lucrative business in Bikoro. There are logging concessions in the project area and a segment of the local population are hired temporally in logging operations. The logging is high selective with the extraction of high value economic species. Artisanal logging is also practiced in the forest to supply the main cities with timber. Artisanal operators often negotiate logging rights with customary authorities while some operate with logging permits issued by the provincial authorities. The forest is also very rich in non-timber forest products including caterpillar bearing trees and medicinal plants, which the local population uses to supplement household food security and income.



Box 1: Livelihood activities in the Bikoro pilot sites (Photo taken by Raymond Achu Samndong 2013)

The Pygmies are typical hunters and gatherers and not agriculturalists. They move from location to location in the forest to collect non-timber forest products, hunt and fish. Their nomadic lifestyle and high dependency on the forests is contrasted with a sedentary lifestyle to maintain access to land for agriculture due to the changing political economy situation of the area. They generally supply labor to the Mongos, in exchange for crops and access to forestland.

The deforestation rate in Bikoro territory is relatively low due to the nature of the landscape (4.05% from 2001-2014). In recent years, there has been more pressure on the forest to support the growing population, increased demand for biomass energy in the main towns and cities and the relative scarcity of productive agricultural land. Deforestation is high in the upland forest where logging activities open up the forest canopies for clearing and charcoal production. The noise from logging operations and pressure from hunting has pushed the wildlife further into the swamp forests. The adoption of new farming techniques to improve food security has witnessed the conversion of the seasonal swamp forest in some villages into rice fields adding a new threat to the forest.

3.2. Governance and governance structures in Bikoro before the introduction of REDD+

Bikoro territory is governed by a territorial administrator known in French as '*Administrateur de Territoire*', appointed by the governor of the province. The territory is made up of three districts (in French '*Secteurs*') all governed by a district administrator (in French: '*Chef de Secteur*'). Each village in the territory has a local administrative ('*chef de localité*' in French) appointed by the district administrator. There are four different governance structures existing and emerging in Bikoro (Table 2). In the sections below, we present and discuss the existing actors and institutions that regulate local access to forests in Bikoro.

Table 2: Characteristics of existing and emerging local-level governance structures in the Bikoro Pilot site

Charac- teristics	Local governance structures			
	<i>Local state administrator</i>	<i>Customary authority</i>	<i>Peasant development organization (OPD)</i>	<i>Local management committee for social agreement in forestry concessions</i>
Functions	Represent the state at the local and involve in decision making of state delivery services	Control and manage access to land and resolve local land conflicts	Function as platform for agricultural delivery service in the village	Manage local development fund setup through social agreement (contract between loggers and villagers)
Decision making structure	Line ministries/ provincial governor	Traditional council that is made up of the customary chief and notables (heads of family groups)	Elected executive committee / general assembly	Elected local management committee / local review committee
Jurisdiction	The territory / Sector	Village and ethnic groups	Sub-village	Village-wide
Relation-ship with administra-tion	Gubernatorial decrees/rulings/la w	Recognised by the Forest code	Formal registration with the chief of Secteur	Ministerial decree/ruling, convened by the chief of Territory
Support /partner	The State and NGOs	The state, NGOs	International and national NGOs, development/donor agencies	Chief of Territory, Timber companies; NGO observers (Global witness, RRF, FPP, CEDEN, RNN
Funding structures	From the State	None	Membership fees	10% of revenue from development fund
Accounta-bility mechanism	Upward accounta-bility to the upper level of the administration.	Ideological motivated (norms and culture)	Voluntarily account-able to members or villagers and upward accountable to the supporting NGOs	Predicted to be accountable to the villagers but yet to be implemented in the study area
Local inclusion	Residence based	Identity based on ethnicity	Interest based on membership	Residence based with elected representative

3.2.1. Actor structures

The actors are divided in three main categories—political, economic and civil society organizations. The political actors are sub-divided into two—local state administrative authority and customary authority. The state authority includes the territorial administrator, district administrator and village administrative chief and government agencies at the local level. They function as government representatives with executive powers to implement and enforce state laws at the local level and resolve local conflicts. With their executive powers, they however, exert some level of influence in local development activities. The village administrative chief is the local state authority representing the state at the village level. The administrative chief is an executive nominated by the villagers and appointed by the local state authority to enforce state laws at the village and report to the administrative authority. The power of the village administrative chief conflicts with that of the customary chief especially on issues related to land allocation. I will describe these overlaps and conflicts in the next section.

The customary authority in Bikoro includes the tribal chief (*chef de groupement*) of the tribal chiefdoms, the village customary chief (*chef cuotumier*), the notables (the head of the main clans in the village) and the indigenes of the village with customary claims to land (*ayant droits*)³. According to the 2006 constitution, the tribal chiefdom is the lowest level of state administration and defined as a territory with homogenous traditional community organized by custom, headed by a tribal chief and recognized by the provincial governor (GDRC, 2006). The tribal chiefs (*chef de groupement*) hold authority over the people, the spirits, and the land. Their main duties are to protect the people and the land and to bring fertility to the soil and the rivers. Their succession is rotational between a number of clans in all of the chiefdoms. The tribal chief is also the chief of the lowest administrative unit recognized by the government of the DRC. The tribal chief has a tribal council composed of members from the ruling clans in the chiefdom.

An individual tribal chiefdom is made up of many villages and clans⁴. The villages are made up of more than one clan and headed by a customary chief, whose power is recognized by the tribal chief and not necessarily the state. The main tribal chiefdom in the REDD+ pilot is

³ These are groups of families recognized under the customary system of land allocation as the rights owners who control access to land and forest resources and should have direct benefits from any forestry intervention or any investment on the land. Under the customary system this constitutes mostly the men since women do not inherit land in these villages. The issue of *ayant droits* is very complicated in the study area; at what time in history should a family establish customary claim to land is difficult to estimate. The Pygmies are commonly known as “peuples autochtones” in this area but are not *ayant droits*. In addition some villages like Buya 1 were created during the construction of commercial roads by the Belgians in late 1920s.

⁴ A clan in this context is a group of families that share actual or perceived kinship and descent. In Equateur province and other provinces in the DRC, clans are very important traditional forest management group.

Bofidji-west (of Mongo origin) and is comprised of 32 villages. The tribal chief controls all the customary chiefs in these villages and is recognized by the state as representative of customary authority. The customary chief is the tribe's chief representative in the village, with the role of protector of the land and the power to sign agreements on behalf of the people. The customary chief regulates day-to-day access to land and forest resources at the village level and resolves local-level conflicts related to forest and land use. The notables control access to village clans land and report to the customary chief. The customary chief is the main intermediary for the negotiation of the social agreement and the document specifying agreed upon rules and work plan (*cahiers des charges*) with logging companies at the local level. This is based on the 2002 Forest code (article 44 and 89), the 2006 Constitution (article 34 and 56) and *Arrêté* 023 issued by the Ministry of Environment on 7th June 2010. The notables control access to village clans land and report to the customary chief.

The customary chief is, in this context, closer to the chief of the clan having established the first land rights on the lands of the village. He is considered as the first owner of the land. Customary management of land is done following a decentralized model in which the main clans in the village constitute the operational units of production and control of the areas, while the customary leader plays a role of supervision and management of disputes (Akwah and Yoko, 2006). This unit collectively owns the land heritage bequeathed by the founding ancestors. The heads of the clans (notables) that make up the village form a council that takes part in village land allocation and management. They decide on the allocation of right to use land within the families or family members. They can also assign a portion of family land to immigrants or grant them the right to access and notify the customary chief.

Although the customary chief is informed of how clans in the village manage their land, its role is limited to the political management and the management of land disputes between owners involved. Thus, land allocations by customary chiefs are strictly limited to the unallocated portion of communal land, regulation and supervision of land dynamics, without a grip on family or clan land. All activities that take place within a village forest must first be given permission by the notables (heads of clans) and the customary chief.

The economic actors are all the families, members of clans (*ayant droits*) non-customary land owners and migrants that access and use the forests. The REDD+ pilot village in Bikoro (Buya 1) is made up of three clans—Ekole, Esangele-Nkoy and Djipanga⁵. The village's arable land has been distributed to these clans. The unallocated land including the swamp forestland is

⁵ Local history of Buya 1 village reveals that the rightful customary landowners of the village land are the indigenes of Ilanga and Bogonde villages (neighbouring villages). Buya 1 is one of the villages created by the Belgians land dispossession in the early 1920s.

a communal property of these clans regulated by the customary chief and village traditional council. The economic actors also include the logging companies with concessions in the project site, artisanal operators and charcoal merchants. The company exploits the forest for timber, pay state tax, negotiate logging compensation with customary authority and provide part-time jobs to some of the villagers. The artisanal loggers operate with logging permits issued by provincial authorities, pay logging tax and negotiate logging rights at the village level with the customary authorities. The charcoal merchants negotiate land use rights with customary authority and pay sales tax to state officials.

Some civil society organizations exist in Bikoro. Some provisions in the law to elaborate the decentralization reform and other administrative text demands for the creation of these organizations to function in the absence of local elected government in the Bikoro territory. These organizations include Local Development Committees—*Comité Local de Développement* (CLD)⁶, Agricultural and Rural Management Councils (CARGs), Local Management Committee—*Comité Local de Gestion* (CLG) to manage logging compensation and Village Development Organization—*Organization Paysanne de Développement* (OPD) to engage in village development activities.

There is CLD in Elanga district created United Nation Development program (UNDP) in 2011 to support the decentralization program and local development in the DRC. The main mission of the CLD is to oversee all local development activities of the district. The Elanga district is made up of two tribal chiefdoms with more than fifty villages. Given the poor road conditions, limited infrastructures and resources, the structure does not function. Therefore, it exists only on paper. Many intervening agencies prefer to work with village level structures like the *Organization Paysanne de Développement*. In addition, the Agricultural and Rural Management Councils (CARGs), setup by the agricultural policy reform as a platform for information sharing, and designing of local agricultural strategies to empower local farmers does not yet exist at the district and village level (Ragasa et al., 2012).

To improve the management of logging compensation ‘social agreements’ (*cahier de charge* in French) at the local level, a ministerial text (MECNT, 2010a Arrete 023) institutionalized the creation of *Comité Local de Gestion* (CLG) (in English *Local Management Committee*). This committee is mandated to negotiate and manage compensations from logging concessions around the villages. This local structure exists in Bikoro, but not in the REDD+ project area. According to the ministerial text (MECNT, 2010a Arrete 023), the CLG should be made up of one representative from the logging company and at least five elected representatives of

⁶ Loi organique n° 08/016 du 7 octobre 2008 portant composition, organisation et fonctionnement des entités territoriales décentralisées et leurs rapports avec l’Etat et les Provinces.

local communities whose territory, specified under customary tenure laws, overlaps with the concession where logging is taking place. The president of the CLG is an elected member of the local community and acts under the supervision of customary authorities of these communities. The Arrete 023 does not specify the supervising role of the traditional authorities in CLG. Neither does it specify how this election should be conducted. Any interested civil society organization can attend local community and CLG meetings as an observer. The decree also requires that the local administrative authorities engage in the negotiation process of the social agreement with logging companies.

The OPDs exist Buya 1 village as intra-village voluntary organization function as platforms through which national and international development organizations can train villagers and supply materials to improve agricultural production and other development activities in the village. These associations are often created and reinforced by external actors to coordinate development-oriented agricultural service delivery and other village development projects (Samndong, 2015). Many of these OPDs have legal recognition⁷.

More than twenty OPDs exist in Buya 1 village (Table 3). Some of these OPDs operate in neighbouring villages but have members that reside in Buya 1. Membership of an OPD is open to everybody living in these villages and based on a membership fee of 1 USD and a monthly contribution of 0.5-1 USD. Members of the OPD have as a duty to participate in meetings and engage in activities.

⁷ *Organisation Paysannes (Loi de l'Association, N° 004 du 20 juillet 2001; décret de 1956 sur coopératives)*

Table 3: Peasant Development Associations existing in Buya 1

No	Name of Associations	Acronym	Membership
1	Maman Lamuka		30
2	Association des Agriculteurs de Buya 1	ASAB	10
3	Association des Paysans pour la Communauté de Buya 1	APDCB	25
4	Centre Agropastorale de Buya 1	CAPB1	15
5	Baa Mbangu Baleka	BMB	15
6	Groupe des Jeunes Paysans de Buya 1	GJPB1	27
7	Association Paysanne de Buya 1	APB1	14
8	Association Paysanne de Bobala	APBO	20
9	Regroupement de Cultivateurs de Buya 1	RCB	25
10	Association des Jeunes Paysans de Buya 1	AJPB1	18
11	Association des Femmes Paysannes de Buya 1	AFEPA	22
12	Action pour le Développement Communautaire	ADC	25
13	Association des Jeunes Volontaires	AJV	15
14	Association des Jeunes Cultivateurs de Buya 1	AJCB	17
15	Association des Paysans Unis de Buya 1	APUB	20
16	BUDECOSTEC		
17	Association des Paysans Cultivateurs de Buya 1	APCB	30
18	Regroupement des Jeunes Paysans de Buya 1	RJPB1	24
19	Regroupement des Paysans de Bobala	RPBO	23
20	Association des Cultivateurs de Buya 1	ACB	25
21	Association des Peuples Autochtones de Buya 1	APAB1	25

The executive members of the OPD are elected from the general members with a 4 years renewable term of office. To be an executive member of the OPD some criteria are required: ability to read and write in French; speak well in public; have certain power resources (physical assets and level of education); command respect in the village; and be able to protect the interest of the village. The executive members often constitute the final decision-making body of the OPD, oversee all the activities of the organization, organize village meetings once per month, and call for emergency meetings if the need arises.

3.2.2. Institutional structures

Although the forestland in the project area is owned by the state according to the Forest Code, the enforcement of the Forest Code is very weak while customary tenure of land allocation and management is dominantly practiced in the project area. The local population

is strongly attached to the customary tenure. Under such tenure, land rights are defined based on three basic principles. The first principle is that the forest is a common heritage, both a physical and cultural inheritance from their ancestors (genealogical rights) (Akwah and Yoko, 2006, Colom, 2006). It is believed that the founder of the clan established territorial rights of first occupation through migration and then the establishment of a lineage (Akwah and Yoko, 2006). These rights and knowledge is passed from generation to generation through the genealogical line of a male descendant of the founder. The occupants (members of the founder's lineage) consider themselves not as owners of the forestland, but rather assume to be guardians of an ancestral heritage, which needs to be protected and pass on to the next generation. These rights, or ancestral obligation, resides collectively with the descendants of the founder of a clan and were in the past established by clearing the forest.

The second principle is known as productive rights in which each member of the founder's lineage is required to use the forest through labor investment. In principle, clearing the forest for cultivation or making any labor investment to manage forest resources for productive purposes is the most extreme long-term form of appropriation associated with exclusive permanent user rights (see Graziani et al., 2005, Diaw, 2005). Once the usufruct rights to the forest or forest resources are established, the rights are transformed into individual rights.

The third principle is known as succession or inheritance rights. This is the individual right established through labor investment and transferred to the male descendants of the founder. These inheritance rights relate back to the genealogical rights. This patrilineal institutional principle and the segmented socio-political structure are the foundation of customary tenure to forest in the study area. All members of the clans that make up a village including strangers to whom asylum has been accorded are constitutionally entitled to these rights. Women are not entitled to the succession rights except for arable land left by their fathers, but early marriages and contestation from their male siblings constrained their inheritance rights. Women are constitutionally entitled to productive rights (use rights), but are excluded from succession rights and hence genealogical rights which defined who has control and decision-making rights about forest allocation and use (see (Gouzou, 2009, Stiem and Krause, 2016).

Property rights to forest resources under customary tenure are classified as use rights and control rights. These rights are known as the resource regimes (operational rules). Control rights belong to the notables and customary chief. The notables manage land belonging to his clan and allocate land to family members of the clan. Once land is allocated to families, each family established productive rights through labor investment. Once the usufruct rights to the forest or forest resources are established, the rights are transformed into individual rights. The family gains control rights to the forestland and may exclude non-family

members to use the land for cultivation but clan members can access and use resources not established by the family with usufruct rights.

The use rights for all forest resources belong to the customary landowners—members of the different clans that constitute the village. This group of right holders claim use rights to all forest resources in the village territory identified using natural features (trees, rivers or streams) without clear boundaries. They are considered as descendants of the founder of the clan. The founder established territorial rights of occupation first through migration and then through the establishment of a lineage. Non-customary landowners living in the village are also granted use rights to forest resources upon request. Non-clan and non-village members living outside the village need to negotiate their access and use rights with the customary chief and notables (head of clans) to use the forests. This negotiation of use rights often varies depending on the type of use or the resource for harvest.

In the case of converting forestland into farmland, arable lands are allocated to the clans that make up the village. Each family in these clans has land allocated for farming. Non-clan members living on the land request the notables, or customary chief, for it to be cultivated. They are offered farmland free on a temporal basis. This group also negotiates land to cultivate from customary landowners, which is often granted for free, but the individual needs to compensate by giving a bag of maize or cassava from the first harvest to the landowner. Use rights are also granted based on social relationships or sharecropping, in which the individual share the harvest with the landowner. Non-clan and non-village members living outside the village negotiate use rights to convert land for agriculture with the customary chief and notables. The negotiation depends on the size of the land and the individual's will to provide some items including money (5-60 US dollars). Access and use rights are temporal, as the clan permanently owns the land in question. Non-clan members also rent land for agriculture from the landowners. The price for one hectare is usually the amount of a bag of maize sold in the local market. The price to rent land for agricultural purposes is not fixed and changes depending on the size of the land. In villages that are closer to towns and main roads (Buya 1 about 42 km from Mbandaka), the price has increased in recent years following relative scarcity of arable land due to the influx of population and accessibility. In this case, some families are now selling land to strangers, which is against their customary system⁸.

In the case of logging, which is often done by non-clan and non-village members living outside the village, these actors negotiate their access and use rights with the customary

⁸ Information for focus group discussion confirmed that some families in Buya 1 have sold part of their customary land to strangers of which some live in Mbandaka.

chief and notables. The negotiation depends of the types of timber species to be logged and the size of the tree. These actors offer gift items and money to the customary authority and the use rights are usually temporal. In the case of charcoal production, non-clan or non-village members living in the village can use the parcel of land granted to agriculture to produce charcoal⁹. If the individual is interested in just producing charcoal, then access and use rights is negotiated depending on the number and size of the trees. In the case of fishing and hunting, non-village members have free access and use rights. Non-clan and non-village members living outside the village must get permission for the customary chief and in return must provide the customary part of the game or fish caught. In the case of non-timber forest products, firewood and medicinal plants access and use rights is free to all but foreigners who must consult the customary chief.

The village traditional council headed by the customary chief has the authority to define and enforce property rights to forest under customary tenure. The village traditional council is made up of the notables and some village elders, which is chaired by the customary chief. This authority enables the customary chief to oversee the different aspects of customary rules of forest management and make changes given the prevailing socio-economic situation. The chief also has the authority to resolve land conflicts among families and clans. Most common land conflicts occur around the boundaries of farmland. These conflicts have become very pronounced in recent years and in villages closer to the main towns due to increases in population, the relative scarcity of productive land and the inaccessible swamp forest. These conflicts are resolved based on customary arrangements. The customary rules of resource access are strictly enforced for high value resources (arable land and timber) and in situations where there is scarcity of land. In areas of abundant land, enforcement of customary rules is limited.

It is believed that these customary rules were developed by their ancestors to allocate the use of important resources such as arable land, hunting grounds and fishing areas. According to customary rules, village lands are not for sale or transfer to a third party. Land is a communal property of the clans that constitutes the village and needs to be protected for the collective. The enforcement of customary rules often depends on the perceive context of interaction, the level of expediency, local norms, routines and practices. These rules are unwritten but are multiple, overlapping, flexible and subject to negotiation and renegotiation depending on other factors such as the persons involved, place and seasons. For example, family may claim usufruct rights for a piece of land for cultivation but everyone in the village has rights to harvest caterpillars from the trees located on the land.

⁹ Some migrants living in Buya 1 village complaint in the focus group discussion that some landowners still request to be compensated if they produce charcoal in the land granted for agriculture.

The changes in the socio-economic and political conditions of the project area coupled with the presence of state authorities and agencies such as the police post and the arrival of large-scale extractive activities have greatly influenced customary tenure of land allocation and management. While some villagers perceived these activities as an opportunity to increase commerce and find employment, others believe that these activities threaten their livelihoods and access to land and forest resources. The lack of experience, information and understanding of these activities and the new structures have rendered the local population unprepared for negotiation and decision-making, which puts their lands, resources, culture and livelihoods at risks. In addition, the enforcement of customary rules to land and forest, not supported by local state authorities are limited. The customary authorities have very limited influence over the local state authority in the area as land is legally recognised as state property.

This limitation on customary authority motivates wealthy village elites to build strong relations with local state authorities to gain control and maintain their access to land through the enforcement of their private claims over those of customary authority (Samndong, 2015). Information from focus groups discussion confirmed that many villagers, especially those who can afford the costs, prefer to report land conflict cases of land held under customary arrangements (no title) to the village administrative chief, the police or the chief of the district which undermines the customary chiefs. This has resulted in the development of multiple authority centres at the local level—a form of legal pluralism. Well positioned local actors benefit from this situation by choosing which authority to patronize for claims settling, a phenomenon known as forum shopping (Meinzen-Dick and Pradhan, 2002).

3.3. Introducing REDD+ pilot activities in Secteur Banga-Kongo of Gemena Territory

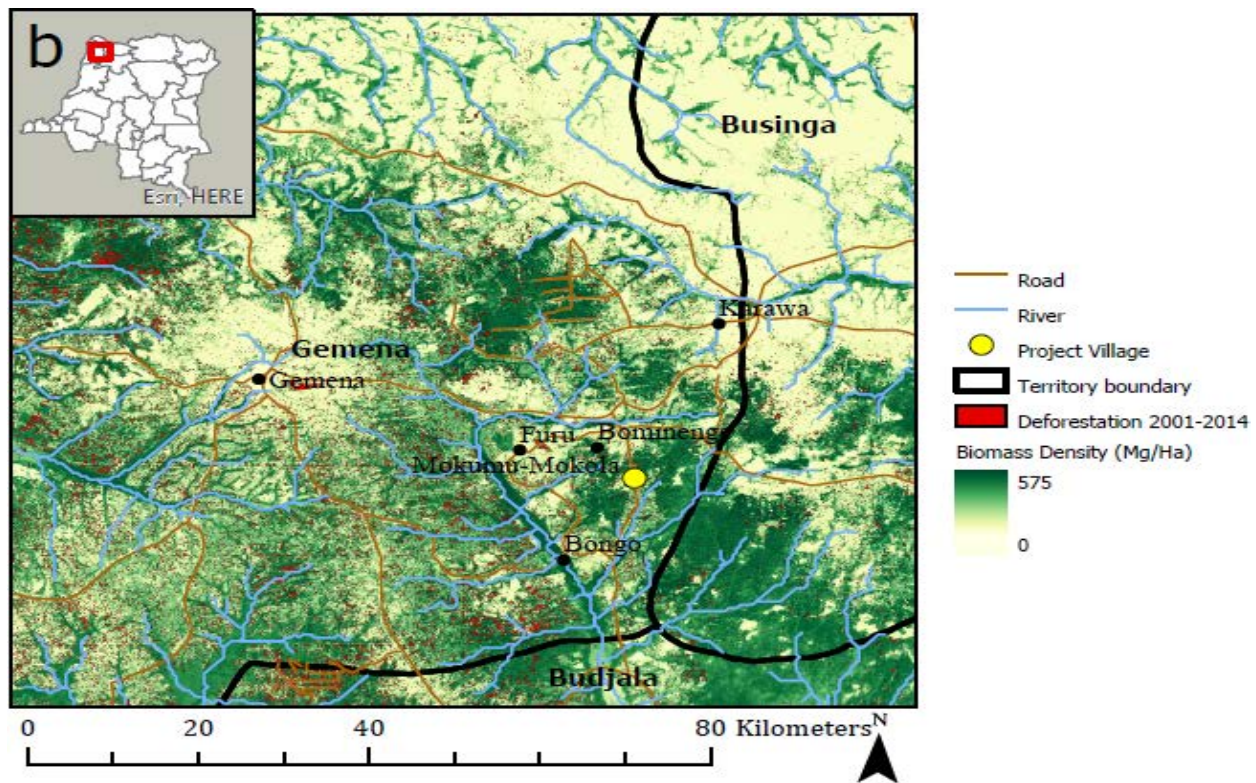
3.3.1. The biophysical and socio-economic environment

The Gemena REDD+ project site is located in Bokumu-Mokola/Mbongo¹⁰ village of Banga-Kungu district in Gemena territory some 60km from Gemena town. The territory is located north-west of the province (see Map 5). Administratively, the territory is made up of four sectors (Banga-Kungu, Nguya, Bowase and Mbari). The territory accommodates lowland dense humid equatorial rainforest that transitions into evergreen savannah woodland and grasses.

Approximately two-thirds of the REDD+ pilot village (Bokumu-Mokola/Mbongo) is covered with the rainforest. There are two forest formations, dense humid deciduous forest and the

¹⁰ These two neighboring villages share the same ethnic identity. The project was first introduced in Mokumu Mokola but WHRC decided to include the Mbongo since many family members in Mokola live in Mbongo.

semi-deciduous forest. The forests are composed of hardwood evergreen species with high commercial value such as ebony, iroko, mahogany, obeche, sapelli, ayous, and wenge some of which may grow up to 70 m or more. The sub-wood is physiologically and floristically homogenous with patches of liana vegetation. This forest is made of big trees, which are often greater than 40 m high and easily reach 250 cm in diameter typical of average rainfall zones, characterized by a canopy of *Picnanthus angolensis*, *Desbordesia glaucescens*, *Staudtia kamerunensis*, *Monopetalanthus microphyllus*, *Pterocarpus soyauxi*, *Terminalia superba* and *Alstonia boonei*. The sub wood is made principally of *Meiocarpidium cepidotum* (Couralet et al., 2010, Wasseige et al., 2012). There also exist several orchids and ferns. Wild fruits and aromatic plants including rattans are abundant in the forests. Animal life is abundant and diverse. Numerous species of monkeys, birds and bats as well as those of antelopes and duikers inhabit the forests. According to local perceptions of the hunters, there is a remarkable decrease in animals throughout the massive forest. The fauna species are much more diversified but less abundant due to high hunting pressures. Mammals consist essentially of large rodents, ungulates and monkeys (Samndong, 2014).



Map 5. Deforestation and forest biomass density in Gemena pilot site 2001-2014 (Source WHRC)

The deforestation rate in the Gemena territory is relatively high compared to Bikoro (7.65% from 2001-2014). Industrial timber exploitation has been absent in Gemena region for over 30 years for political reasons. Agriculture is the main immediate cause of deforestation. Early deforestation occurred in the region in the 1980s where large hectares of forestland were converted into cocoa, coffee and rubber plantations as well as road infrastructures. These plantations were abandoned in the forest due to the long civil war in the region and the decrease in prices of these cash crops at the world market. Today, while some of these plantations are undergoing rehabilitation, many fragments have regrown into secondary forest and fallow lands. Poor road infrastructures and limited access to markets have constrained the development of new plantations in the region. The high rate of deforestation today is due to extensive agriculture and the use of bush fire to clear the forest or woodland savannah. The bush fires have strong negative consequence to the vegetation covers and human properties.

Demographically, the population of Gemena territory is estimated to be about 948,466 inhabitants (WFP, 2014). The population is dominated by the *Ngwaka* tribal group, which is considered the main indigenes of the territory including other Bantu tribal groups and foreigners from neighbouring countries. There have been influxes of migrants from the Central African Republic due to the ongoing civil conflict in the country. The population relies heavily on the forest for their livelihoods. The majority of the population in Gemena town is engaged in commerce of agricultural processing products and trade with relatively easy access to external markets in neighboring countries (Central African Republic, Cameroon and Republic of Congo).

3.3.2. Forest use

The population routinely practices extensive slash and burn shifting cultivation, extraction of forest products, and charcoal production. In the project villages, agriculture is the principal livelihood activity and income source to all households followed by NTFPs and hunting (Samndong, 2014). Agriculture is practiced for household subsistence with surplus sold at local markets. Fire is often used to clear the land due to lack of labour and farm tools. The local people also engage in charcoal production due to the high demand in the major towns. The political and economic environment of the past decades has affected agricultural production in the project villages. Poor roads, which are sometimes only accessible in the dry seasons, coupled with other poor development infrastructure and the general isolation of this region for political reasons have deprived the local population from access to external markets and rendered the export of products very unprofitable. There is no logging concession in the project area but there are some agricultural concessions (palm plantation, coffee and cocoa). Many of these plantations have been abandoned with no maintenance.

Artisanal logging is heavily practiced in the forest to supply timber and wood to the main towns and the Central African Republic.

The pilot villages have not benefited from any agricultural development interventions over the last 20 years compared to the villages in Bikoro territory that have witnessed so many development interventions supporting local agricultural production and village development initiatives. In addition to the poor roads and development infrastructure, termites constantly destroyed the houses of the local people causing them to frequently access the forest to extract poles, sticks and other construction materials. Firewood is the only source of household energy and the villages near Gemena town are engaged in charcoal production to supply the increasing demand from the town. The local people also supply firewood used to produce red brick for home construction. Fishing is not often practiced in these villages compared to Bikoro due to few streams and often dries out in the dry season.



Box 2: Sample of forest use activities in Gemena pilot sites (Photo taken by Raymond Achu Samdong 2013)

3.4. Governance and governance structures in Gemena before the introduction of REDD+

3.4.1. Actor structures

In the Gemena pilot, three categories of actor were identified—political actors, economic actors and church organizations. As in Bikoro, the political actors are divided into two—state and customary. The state authorities include the territorial administrator, district administrator and village administrative chief known as “*capitol*”. They function as government representatives with executive powers to implement and enforce state laws at the local level and resolve local conflicts. The lack of infrastructure and resources hinders these authorities to perform their functions in the study area. The village chief is a local administrator representing the tribal chief at the village level. The local people nominate this individual and the tribal chief appoints this person to maintain law and order in the village and report to the tribal chief. The power of the Capitol does not conflict with that of the customary chief, but complements each other and both are supervised by the tribal chief. This is very different from the case of Bikoro where the powers of the village administrative chief conflicts with that of the customary chief and both authorities have different supervisors.

Like in Bikoro, the customary authority includes the tribal chief, the village customary chief, the notables and customary landowners. The tribal chief is also part of the state administrative system but controls customary affairs and work in closed collaboration with the chief of district. Regarding the tribal chief, his role is similar as in the case of Bikoro above. Same like in Bikoro, each tribal chiefdom in Gemena pilot, is made up of many villages and clans. The villages are made up of more than one clan and headed by a customary chief, whose power is recognized by the tribal chief and not necessarily the state. The notables control access to the clan’s land in the village clans land and report to the customary chief. The customary chief regulates day-to-day access to land and forest resources at the village level and resolves local-level conflicts related to forest and land use together with the Capitol. As compared to the Bikoro pilot, the tribal chief has a strong influence over land allocation and management and the village affairs under the chiefdom.

The economic actors include both the customary and non-customary landowners living within and outside the project site. The REDD+ pilot village (Mokumu-Mokola/Mbongo) is made up of five clans (Boyabakona, Boyagbandolo, Bobanda, Bogbando and Boyangadaka). The village arable land has been divided between these clans while a huge part of forestland has been reserved as common property regulated by the customary authority on behalf of the collective. The economic actors also include the owners of the agricultural plantations,

artisanal loggers and charcoal merchants. These actors also provide jobs to the local population by hiring them in their activities.

Many church organizations exist in the pilot site in the absence of state extension services, local government and village development organizations. The Roman Catholic and Protestant Missions created these church organizations organised around church activities, but also involved village development initiatives. These organizations are the few self-sustaining organizations that the villagers trust, compared to state administrators. The church organizations provide social services, including schools and healthcare and supports food security initiatives. The church organizations were the main source of consolation and refuge during and after the war in the region, as there was no trust in the state.

3.4.2. Institutional structures

Customary tenure of land and forest is very strong in the Gemena pilot compared to Bikoro with very little state interaction. Customary tenure follows the same principle as describe in Bikoro pilot. The property rights to forestland are classified as use and control rights. Control rights belong to the notables and customary chief same as in Bikoro. The notables manage land belonging to his clan and allocate land to family members of the clan. Once land is allocated to families, each family established productive rights through labor investment. Once the usufruct rights to the forest or forest resources are established, the rights are transformed into individual rights. The family gain control rights to the forestland and may exclude non-family members to use the land for cultivation but clan members can access and use resources not established by the family with usufruct rights.

Use rights belongs to the customary landowners—members of the different clans that constitute the village. This group of right holders claim use rights to all forest resources in the village territory identified using natural features (trees, rivers or streams) without clear boundaries. They are considered as descendants of the founder of the clan. The founder established territorial rights of first occupation through migration and the establishment of a lineage. Non-customary landowners living in the village are also granted use rights to forest resources upon request. Like in the case of Bikoro, non-clan and non-village members living outside the village need to negotiate their access and use rights with the customary chief and notables (head of clans) to use the forests. This negotiation of use rights often varies depending on the type of use or the resource for harvest (see section in 3.2.2).

Arable land is relatively abundant here compared to Bikoro—no swamp forest in the Gemena pilot. Non-customary landowners living in the village are often offered free land to cultivate while Non-clan and non-village members living outside the village rent land to cultivate. Since this region made up of a dominant ethnic group, negotiations are often based

on social relationship than exchange. Economic actors living in the Gemena town carry out logging activities in the pilot. They negotiate their access and use rights with the tribal chief, customary chief and notables. The negotiation depend of the types of timber species to be logged and the size of the tree. These actors offer gifts items and money to the customary authority and the use rights is usually temporal but sometime no fixed timeframe. Most of the charcoal merchants live in the Gemena but pays the customary landowners to produce charcoal for them. Charcoal production is not a traditional livelihood activity of the customary landowners, they are motivated by the merchants to produce charcoal given it high demand in the markets

The tribal chief has the authority to define and enforce property rights to forest in village land under his chiefdom. The tribal chief has very strong influence over land allocation and management in his tribal chiefdom and must authorized any large-scale economic activity to be carried out in village forestland of his chiefdom in accordance with the notables and the customary chief. In each village, customary chief works together with the village administrative chief to enforce customary rules to forests. Each village has a traditional council made up of the notables, some elderly in the village, the village administrative chief and headed by the customary chief. The customary chief manages customary issues while the village administrative chief manages village administrative issues (local crimes, civil matters). Both authorities resolve local land conflicts and invite the tribal chief for bigger issues. Under the enforcement of customary rules, customary landowners are not allow to sell land or transfer to third party. In addition, both customary landowners and artisanal loggers are not allowed to harvest trees species that bear caterpillars.

State rules have very little interference with customary rules because of limited state presence in the pilot. This is partly due to political reasons. The region was greatly affected during the civil war of 1996-2002 as it was the strong hold of the late president Mobutu. Force Armee Congolaises (FAC) destroyed most of the transportation and infrastructural facilities hindering development opportunities. After the war the region became the strong hold of the main opposition party Mouvement de Liberation de Congo (MLC) under the Kabila administration limiting presidential supports and political priority. Compared to Bikoro, the authority of the tribal chief is strongly respected by the state administrators. The tribal chief is also accountable to his people and can be sanctioned if he abuses his authority. For example during the field mission, the tribal chief of Bokode tribal chiefdom was replaced by the local population of the tribal chiefdom in the presence of local state administrator because he had abused his authority by allocating logging rights for personal interests, unfair judgement on land conflicts and village affairs.

4. THE REDD+ GOVERNANCE STRUCTURE(S) IN EQAUTEUR PROVINCE

4.1. Changes in Actor structures

To achieve the goals and objectives of the project, WHRC signed partnership conventions with four regional actors to operationalize the implementation of project activities in the two pilots (see Figure 5).

Bureau Diocésain du Développement (BDD)-Diocesan Bureau of Development in Mbandaka: BDD is a regional development NGO under the Roman Catholic Church Archdiocese of Mbandaka, Equateur province. BDD carries out rural development projects, capacity building initiatives and agricultural and food security projects. BDD has been chosen by WHRC as the main operating partner to implement the different development activities in the pilot site.

Eglise di Christ du Congo, 51e Communauté Evangélique de l'Ubangi, Mongala, Gemena (CEUM) – Evangelical Community of Ubangi Mongala, Gemena: CEUM is an evangelical NGO under the Church of Christ in Congo based in the North of Equateur province. CEUM has existed in the north of Equateur province since the early 1970s, undertaking evangelical mission, church development and rural development projects with support from Pentecostal missionaries from the USA and Paul Carlson Partnership. CEUM was very influential in accommodating displaced local population in the north of Equateur province during the civil unrest in the DRC that lasted for 10 years. CEUM has been chosen by WHRC as the main operating NGO in implementing the REDD+ activities in the Gemena pilot site.

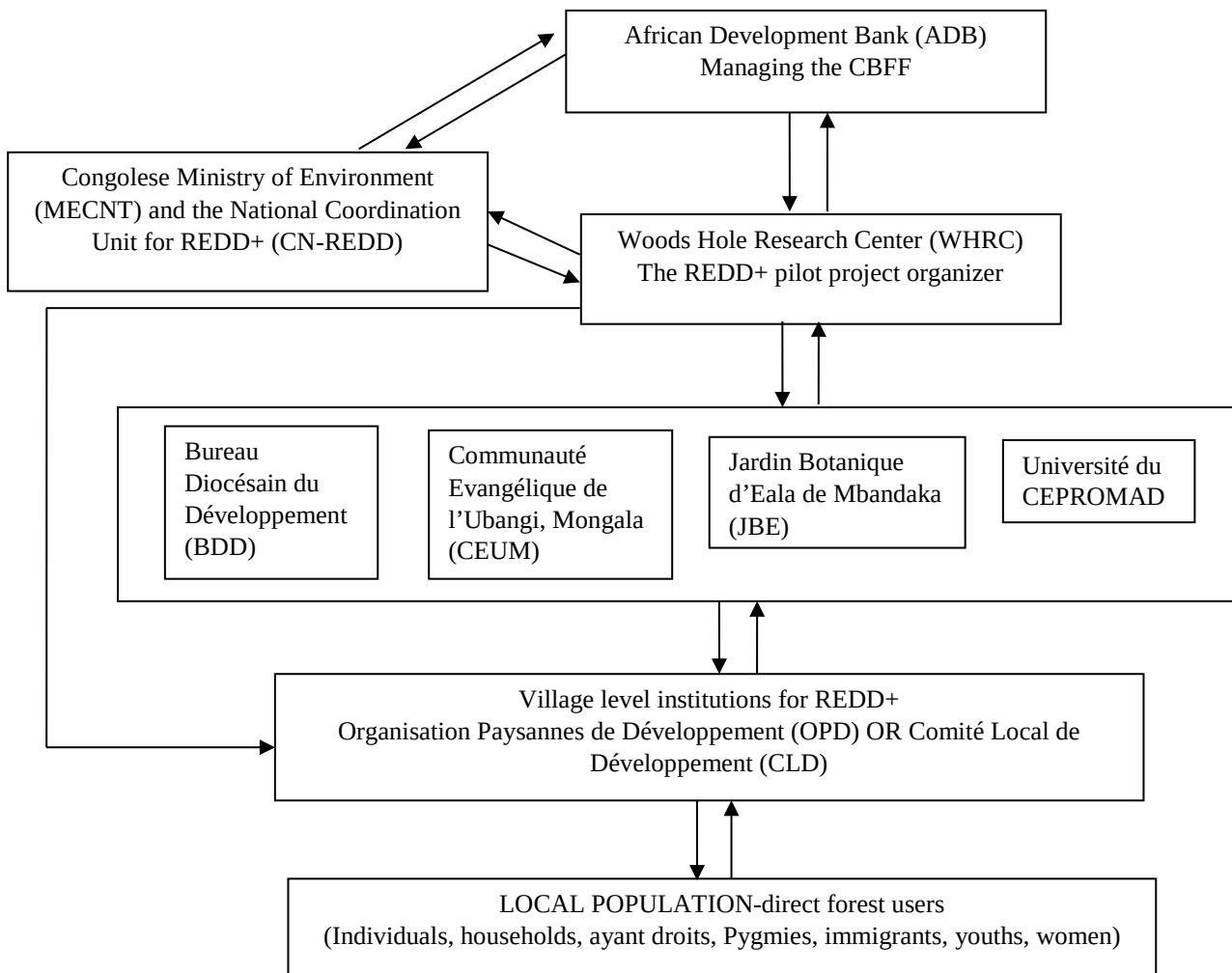


Figure 6: Emerging governance structure for REDD+ pilot project in Equateur province
The arrows indicate the interactions and coordination between the structures (transfer of resources, information, technical assistance, capacity building, representation and accountability)

Jardin Botanique d'Eala de Mbandaka (JBE) – Botanical Garden of Eala, Mbandaka: JBE is an ecological and biological research centre under the Ministry of Environment (MECNT) in the DRC managed by the Congolese Nature Conservation Institute (ICCN). JBE conduct research on the flora and fauna of the tropical forest rainforest in the DRC, the ecological condition and species diversity. It is also an eco-tourist forest reserve that harbors the Ruki River in Mbandaka. WHRC has recognised JBE to conduct ecological and biological research on plant species for the agroforestry activity of the project.

Université du CEPROMAD – Center of Promotion in Management and Development, Mbandaka: CEPROMAD is a higher education institution in Mbandaka with a recently

created branch in Gemena. It operates as a private university offering different academic programs at the Bachelor level. CEPROMAD is recognized by WHRC to undertake some basic research in the pilot project, capacity building and training programs for students and developing communication strategy (films, video, audio and field documentation) of the pilot project.

In addition to these regional actors, WHRC has created new village REDD+ organizations in both pilots. The main objective for creating these was, according to WHRC, to ensure effective information flows in the pilot villages to create awareness among village residents regarding the project and project activities. The groups were also created to ensure that all the households in the village would be included in the project activities and benefit streams. Past projects that have worked with the customary authority and or the peasant development associations in Bikoro have excluded many villagers from the benefit streams (Samndong, 2015).



Box 3. Households representatives and the members of the executive committee of the REDD+ focal point in Buya 1 village (Photo taken by Joseph Zambo, 2014)

In Buya 1 village, 37 groups were created based on the list of household heads identified during the demographic and land use survey conducted by WHRC in 2013. Each group was made up of 8 to 12 household heads depending on their geographical location in the village and the clans. Each of these groups then selected two members to represent them in the REDD+ village committee. This committee of 74 members then elected the executive committee of four members (President, vice president and two technical advisers) known as the REDD+ Focal Point in the village. The president of the executive committee is the customary chief of the village and most of the REDD+ meetings in the village have been held in his compound. The vice president was a woman. It was also a perquisite for WHRC that a woman should be a member of the executive committee. Some criteria were used to elect

these members of the executive committee. These include the member must be a resident of the village, have good knowledge of village affairs, know how to write and talk in public, good knowledge about the REDD+ project, command respect and influence in the village. The president of the committee must be a customary landowner. It was not clear who decided on these criteria—the local people or WHRC. The 37 groups of household heads are members of the different clans in the village, non-clans members, migrants and Pygmies (7 groups of Pygmies, 3 groups of the Ekole clans, 4 groups of the Esangele nkoy clans, 9 groups of immigrants and 14 groups mix of Ekole, Esangele nkoy, Pygmies and migrants). According to WHRC, the focal point will coordinate the activities of the REDD+ committee and provide information about the project activities that will be circulated to the entire village. These groups will then facilitate the implementation of field activities.



Box 4. Households representatives and the members of the executive committee of the REDD+ focal point in Buya 1 village (Photo taken by Joseph Zambo, 2014)

A REDD+ village organisation was also created in Bokumu Mokola/Mbongo using the same approach as in Buya 1. WHRC has not yet conducted village demographic and land use survey in Bokumu Mokola/Mbongo. The tribal chief, village customary chief and the village administrative chief (capitol) were used to identify the households in the village. The WHRC field team identified 360 households—210 households in Bokumu Mokola and 150 households in Bokumu Mbongo. Seven clans were also identified, five from Bokumu Mokola and two from Bokumu Mbongo. Based on the list of households, 36 groups were created based on the total number of households and clans. Majority of the households in Bokumu Mbong were immigrants of Bodolomo clan while majority of the households in Bokumu Mokola were customary landowners from five clans in the village (Boyabakona, Boyagbandolo, Bobanda, Bogbando and Boyangadaka). Women (widows, single) are household heads of few households in both villages. Four members (president, vice president and two technical advisers) were elected in the executive committee forming the

REDD+ Focal Point in the village. No woman was a member of the executive committee in Mokumu Mokola/Mbongo even though WHRC wanted a woman to be represented in the committee. This might be due to the limited number of women household heads.

4.2. Changes in the institutional structures

It is still very early to assess changes in the institutional structures of the ongoing REDD+ pilot project partly because the project has experienced delays in its implementation and many issues regarding the institutional structure(s) are yet to be resolved. However, WHRC signed contracts with the regional actors recognised in the project. These contracts set out different rules and regulations on how these actors will engage in the projects, what activities they will implement, mechanisms of account reporting and the rights and obligations of these actors in the project implementation. These regional actors are, however, accountable to WHRC who have recognised them by transferring power and resources to implement project activities and not to the local population. The local population have no information about these contracts and how the project was designed.

In addition, the newly created village organizations to facilitate the implementation of project activities do not yet function. This is so as the rules and regulations regarding how these organizations will function in the village are yet to be established. The objective of creating these new village organizations is still not clear, as the local people do not know what project activities these village organizations will facilitate and how they will facilitate these activities. Moreover, the project organizer has not yet signed any official agreement of consent with the local population that define their rights and obligation in the project and the benefits streams. WHRC initiated a participatory mapping exercise in 2013 in Buya 1 village to establish land use maps of the village to be used as basis to develop a land use plan for the project but the local people are still waiting for the validation of these maps.

4.3. Challenges encountered during the introduction of REDD+ the pilots

The major challenge in the introduction of REDD+ in the pilots was delay of disbursement of funds to run the project activities by the project manager—African Development Bank (ADB). Despite the delays, series of community meetings and workshops were organized in the process of introducing REDD+ in both pilots. These meetings provided information to the local population regarding the objective and goals of the pilot projects, discussed and planned project activities. As a follow up of these meetings, some early demonstration activities have been implemented in Buya 1. The evaluation of these early demonstration activities indicated that the regional actors recognised to implement project activities in the pilots have weak capacity to execute performance-based development projects and poor accounting skills for reporting. For example, the community water project implemented by

BDD was poorly organized. The local people expressed strong negative perceptions toward the project. They were never included in the planning and design of it, but contributed labour and used their own tools. None of the water points constructed was able to supply water to the village during the first dry season. In addition, the account reporting of the project execution was poor. WHRC decided to terminate the contract of BDD and has recently contracted a new regional actor known Equipe d'Appui au Développement Endogène (EADE) that will continue the implementation of project activities in Buya 1.



Box 5: REDD+ early demonstration activities implemented in Buya 1 village (Photo taken by Raymond Achu Samndong 2016)

Moreover, WHRC hired a local contractor as consultant to implement other demonstration activities in the Buya 1. These activities include fruit tree nursery, production of bricks, improved stoves to some households, community artisanal solar dryer and cultivation of low-land rice in swamp forest. The local population expressed negative perceptions also towards these activities and their interaction with the consultant. The local people noted that the consultant do not speak their local language and interact only with the customary chief and his friends. Only few village members were invited in meetings organized to plan the implementation of these activities. All the meetings were held in the compound of the customary chief. While some village members mentioned that, they participated in the meetings, others noted they were not informed about them. Some accused the customary chief for circulating information about these meetings to only his friends. Very few migrants and Pygmies were involved in the planting of the fruit trees. This group of local people

believed that this activity will benefit only the customary landowners since they do not have customary rights to land in the village. The local people were very satisfied with the bricks manufactured, but are worried because they are uncertain when the village school will be constructed. They also noted that the school and other projects were discussed and planned in the FPIC meetings but the consultant is implementing project activities that were not discussed and planned in these meetings.



Box 6: Lowland field rice cultivated in swamp forest in Buya 1 village (Photo taken by Raymond Achu Samndong 2016)

In the Gemena pilot, WHRC noticed that CEUM lacked the capacity to coordinate and implement performance-based development activities in the pilot. To improve the capacity of CEUM, WHRC established a new coordination bureau of four members to support CEUM to implement project activities in Mokumu Mokola/Mbongo. CEUM first accounting report was not in accordance with the standard required by the project manager as many invoices and receipts were missing to justify their budget expenditure. WHRC therefore, terminated their contract due to lack of accounting skills to report on budget use and poor follow up on use of project funds. WHRC has recently contracted another regional actor—BOBO Construction that will replace CEUM to implement project activities in Mokumu Mokola/Mbongo. The contract of Université du CEPROMAD was also terminated due to misused of project funds. WHRC has contracted a new partner—Institut Supérieure de Développement Durable (ISDR) known in English as Higher Institute of Rural Development, to continue the activities of Université du CEPROMAD.

5. CHALLENGES OF ADAPTING THE REDD+ GOVERNANCE STRUCTURE TO EXISTING INSTITUTIONAL AND ECOLOGICAL CONDITIONS

As noted earlier, the REDD+ pilot project in Equateur is implemented on state owned the forestland, but in practice managed under customary tenure. This dual legal foundation makes adaptation complex. The customary tenure is overlapping, flexible and negotiable depend on needs and context while the statutory tenure is fixed and based on the Forest Code but weakly enforced. The lack of harmonization between these two systems have created a situation with competing authorities at the local level. This has enable local actors to choose which authority they prefer depending on their agency to legitimize their access and use of forests.

WHRC has established new village organizations for REDD+ in both pilots. In these organizations, customary landowners were elected presidents to provide an opportunity to harmonize this democratic institution with the customary institution for REDD+ implementation. The by-laws of this new organization are yet to be established making it unclear to assess its adaptation to local institutional conditions. In the absence of these institutional arrangements in the new village organizations, WHRC have used contractors and customary institutions to implement early demonstration activities in Buyu 1 village.

In addition, officials of the Ministry of Environment, at the provincial and territory level are not involved in the project activities at the pilots, but are invited in meetings organize by WHRC at the provincial level. Part of the mandate of these officials and administrative authorities is to enforce state laws and regulations at the local level including those related to forest management. These administrative officials have authority to mediate in issues related to local development and forest management. Their consent is important to give village organizations legal recognition to function. These authorities have strong influence over customary authorities given the fact that the land and forest in the DRC is owned by the state. The regional actors recognized to implement project activities in the pilots do not have authority over land and forest. These actors were recognised as intermediary to implement project activities but lacks the resources and authority to engage the local people in these activities partly because of the delays in funds and the complex bureaucratic barriers for the disbursement of funds for project activities. These actors also lack the competency to create good working relation with the local people.

In both pilots, there is not yet a management regime that restrict use of forests for conservation purpose. Business-as-usual continues in the pilots. No effective land use plan has been established to differentiate the forest to be protected for REDD+. While a

participatory mapping exercise was conducted in the Bikoro pilot in 2013-2014 as a basis to establish the village land use plan for REDD+, the local people still await for the validation of these maps to establish the operational rules for use and monitoring.

As indicated earlier, the pilots have different ecological conditions. In the Bikoro pilots, the forest is typically dense humid equatorial rainforest of the accommodation large portion of swamp forests that is inundated all year round. The inundated nature of this swamp forest render logging and agriculture propitious but is collectively managed for seasonal fishing, hunting, and extraction of non-timber forest products and medicinal plants. Recent food security project implemented by FAO, WFP, Oxfam have supported and encouraged the local people to convert portions of this swamp forest into rice fields to improve their food security. WHRC have also cultivated low land rice in portion of the swamp forest as demonstration activity to encourage the local people to be able to use the swamp forest for rice cultivation. The main human activities—logging, agriculture and charcoal production takes place in the high altitude forest cover areas and the secondary forest areas. These secondary forests are previous high altitude forest areas that are currently regenerating from forest cover being logged or utilized for rotational slash and burn shifting cultivation practice

These ecological conditions in Bikoro pilot indicate that there is little to expect of activities aimed at reducing deforestation or forest degradation. The swamp forests are not currently at strong risk of deforestation since it is currently unsuitable for agriculture and the local people lacks the technology to make this forestland suitable for agriculture. In this context, activities to avoid deforestation and forest degradation should be encourage. Relevant REDD+ activities would therefore, include enhancing forest carbon stocks, sustainable management of forests and forest conservation. Only forest carbon enhancement would produce additional carbon removals from the atmosphere compare to the business-as-usual context we observed (additionality), which is important for REDD+ environmental effectiveness. Carbon stock enhancement could be achieved agroforestry including enrichment tree planting, improved fallow, or fruit tree planting. All these activities depend on having land rights, providing benefits through direct payments and from tree planting to the right holders. In Bikoro pilot, it would benefit about a third of the households. REDD+ intervention could directly increase social disparity between right holders and non-right holders by providing more benefits to land right holders alone.

The current project activities are centred on village development, agroforestry food security without any strong concern on the ecological condition. There seems to be high expectation of the local population about the REDD+ project in achieving rural development while the forest conservation aspect of the project has been given minimum attention. This is partly because the project organizer has not yet conducted extensive land use planning together

with the local people to gazette the forest for protection. Secondly, most of the development projects in the pilot sites especially in Bikoro have been supporting the local population to clear forest to improve food security. Hence, forest conservation is not yet a strong motivation for the local population.

In the Gemena pilot, the forest is typical low land dense humid accommodating evergreen savannah woodland and grasses. Deforestation rate is high compared to the Bikoro territory. This is because the woodland and grasses are used for extensive agriculture as fire is used to clear the forest. Large portion of the dense humid forest have been reserved as communal property used collectively for hunting, collection of non-timber forests, poles/sticks for construction and medicinal plants although artisanal logging also take place in this forest. The ecological conditions of Gemena pilot indicate that there is much to expect of activities aimed at reducing deforestation or forest degradation.

6. CONCLUSION

This report assesses governance structure(s) established for REDD+ and their adaptation to institutional and ecological conditions in the Equateur province of the DRC. In this respect, we observe that the existence of competing authority structures to define and enforce property rights of forests and the incoherence between the statutory and customary tenure of forests makes it very difficult to establish REDD+ regime in the pilot areas. This is also due to the lack of the existing local forest management system. The law on community forests enacted in August 2014 opens up for establishing local management rights for over 50,000 ha of forestland within the statutory system. While this might create opportunity to recognize customary rights, the procedures and guidelines for the community forests are yet to be decided. It is also uncertain which authority structure will define and enforce the establishment of such rights.

In this situation, WHRC like other REDD+ pilot project organizers in the DRC has initiated the establishment of a new village organization known as REDD+ Focal Point in both pilots. This is in accordance with the provisions of the decentralization reform in the 2006 constitution that allow for the establishment of a local development committee known in French as *Comité Local de Développement* (CLD) in the absence of local government. While these organizations have been established in both pilots, they still lack the institutional arrangements to function. In addition, WHRC conducted a participatory mapping exercise in the Bikoro pilot as a basis to establish a land use plan for the pilot but the local population still awaits the validation of these maps before the establishment of the operational rules of forest use.

Moreover, the regional actors and consultants' recognized to implement project activities in the pilots have weak capacity and experience to implement performance based project like REDD+. These actors are also not well trained in project accounting. This could be partly associated to the fact that these partners are experienced in implementing development aid projects with limited emphasis of performance and reporting of use of project funds. This approach open up for corrupt practices, rent seeking behaviors and misuse of project funds with marginal benefits to the rural poor (Trefon, 2011). These actors also have poor working relationship with the local people and limited experience to coordinate project activities in these pilots to support meaningful community participation.

While the project has experienced delays, the enthusiasm of the local people and expectation toward the REDD+ pilot project has been significantly reduced. This is partly due to the poor implementation of earlier demonstration activities in the pilots and the limited involvement of the communities in these activities. Business-as-usual continues in these communities and the local people rely heavily on the forests for their livelihoods. While some local people still have hope for the project, others are discouraged and skeptical that the project has ended without the implementation of the activities discussed and planned during the FPIC process. According to the local people, the project raised their expectations about village development, but they have seen only meetings and received just promises without any concrete action.

As noted before, it is still very early to assess the adaptation of the REDD+ regime to the institutional and ecological conditions. No effective land use plan has been established to differentiate the forest to be protected for REDD+. While the leadership of the new REDD+ organizations opens up opportunities to harmonize democratic local institution established to the existing customary institutions, the rules and regulation of these organizations to function are yet to be established. In the absence of these institutional arrangements for the new village organizations, WHRC have used contractors and customary institutions to implement some demonstration activities in Buya 1 village. In addition, existing authority structures at the local—officials of the Ministry of Environment and local state authorities are not involved in the project activities but are invited in meetings.

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