



3.6 REDD+ and FLEGT in DRC: strengths and weaknesses

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Context

The international community is deeply concerned about global warming and the associated climate change. For the Democratic Republic of Congo (DRC), this concern heightens the challenges caused by socio-political insecurity in the east of the country and poor governance (Weiss 2000).

DRC has 155 million hectares of forests (60 percent of the country) and had an annual deforestation rate of 0.2 percent in 2011 (Yamba Yamba 2010). Forestry in DRC is characterized by the illegal exploitation and trade of timber. The country is attempting to address the serious problem of deforestation. It intends to protect the environment and combat climate change through poverty reduction. REDD+ could generate US\$ 900 million per year for DRC between 2010 and 2030 (Planning Ministry 2011: 92). Unfortunately, the forest sector contributes only one percent to the national budget.



FORESTRY IN DRC IS CHARACTERIZED BY THE ILLEGAL EXPLOITATION AND TRADE OF TIMBER.

For this article, the author conducted a literature review as well as interviews with 50 stakeholders in the forest sector (Box 1). The article addresses these three questions:

- What are the advantages of the FLEGT VPA and REDD+ processes in DRC?
- What are the challenges?
- What can be recommended from the perspective of good forest governance?

Implementation of sustainable forest management initiatives

FLEGT VPA

The EU FLEGT Action Plan is designed to combat the illegal exploitation and trade of timber. For the DRC, participation in this initiative is considered essential in order to strengthen its efforts to improve the governance of its very important forest resources, which constitute one of the main sources of livelihoods for millions of people in the country.

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Box 1. Survey results

Positive social impacts of VPA/FLEGT and REDD+:

- 85% of the people interviewed believe that the two initiatives are able to generate positive social outcomes for local communities;
- 95% believe there is weak governance at the local level. There are no mechanisms for accountability, transparency or verification, which could cause huge problems for the management of the benefits from these initiatives;
- 65% believe that the positive impacts of these two initiatives at the local level are uncertain because local assemblies are not yet operational; and
- 35% note that without a local development plan, the funds due to decentralized territorial institutions are likely to be diverted by the central administration.

DRC has been negotiating a VPA with the European Union (EU) since October 2010; it established a technical commission to accompany the negotiations in November 2010. DRC seeks not only to establish an enabling commercial framework for its exports of timber, but also to develop a mechanism to implement the EU Timber Regulation.

The process that is expected to lead to the signing of the VPA is plagued by difficulties. These are related to the consultation of stakeholders at the provincial and territorial levels and to the transfer of information to the communities to achieve the participatory nature of this initiative.

REDD+

In accordance with the Kyoto Protocol (1997) and the United Nations Framework Convention on Climate Change (2005), DRC has made significant progress in the REDD+ process. This includes the creation of a national coordination structure through a Decree of the Prime Minister, with a national committee and an interdepartmental committee; assessment of REDD+ potential in the DRC (2009); approval of its preparation plan for REDD+; adoption of the consensus report on the drivers of deforestation (2010); publication of the Investment Plan for the Forest Investment Programme (FIP) in 2011; the launch of the national REDD+ fund and operational programming fund (e.g., Mai-Ndombe emission reduction programme, etc.); and establishing the procedure for approval of REDD+ projects (February 2012).



The country's Readiness Preparation Proposal (R-PP) doesn't place a lot of emphasis on governance or use rights or on REDD+'s social and ecological impacts (Greenpeace 2010)

on indigenous and local communities and their cultures. The R-PP has identified several causes of deforestation: shifting cultivation, artisanal logging, charcoal burning, mining and forest fires (UNEP 2011). As stated by Mpoyi et al., however, the REDD+ approach is characterized by several shortcomings, caused by well-known structural weaknesses within

state institutions: poor governance; the virtual absence of state authority in certain areas of its territory; insufficient domestic capacity to put in place sectoral policy reforms consistent with the objectives of REDD+; and lack of human, material and financial resources. This perspective is consistent with the international donor community's view of the DRC as a fragile state (Mpoyi et al. 2013).

Democratic Republic of Congo (DRC)

Legal assets

Since 2002, the forest sector has had the legal tools to implement REDD+ and FLEGT. DRC has several laws that are relevant to the REDD+ and the FLEGT VPA frameworks (Table 1), but this is not sufficient. There are three types of difficulties in applying legal and regulatory measures: lack of political will; failure to obey regulations; and lack of application of laws on decentralization.

Table 1. Laws relevant to the REDD+ and the FLEGT VPA

Name of law	Purpose
DRC (2001) Law No. 004/2001 of July 20, 2001 regulating non-profit associations and public utility institutions	provides local associations with monitoring and representational capacities in the context of consultation and partnerships
DRC (2002) Act No. 011/2002 of August 29, 2002 Forest Code in the DRC	relates to timber exploitation, forest management and reforestation
DRC (2006) Constitution of February 18, 2006	provides the framework for decentralization and the rights of Congolese citizens
DRC (2008) <i>Loi organique</i> * N° 08/016 of October 7, 2008	governs the composition, organization and function of decentralized territorial institutions and their relationships with the state and the provinces
DRC (2008) <i>Loi organique</i> N° 08/015 of October 7, 2008	sets out responsibilities for the organization and operations of the Conference of the Provincial Governors
DRC (2008) <i>Loi organique</i> N° 08/012 of July 31, 2008	provides basic principles for the administration of the provinces
DRC (2011) Framework law No. 11/09 of July 9, 2011	provides basic principles for the protection of the environment

*Note: a *Loi organique* is a law that deals with the division of power.

Technical and financial assets

With support from technical and financial partners (World Bank, the UK's Department for International Development, the EU and *Agence Française de Développement*), more national awareness has been created about climate change in DRC. National expertise has been developed and is being used in the implementation of the EU FLEGT Action Plan and REDD+, despite pressure to use international organizations for these activities.

Challenges

Lack of public control

Evaluation of public services is not carried out despite the establishment of local development committees, which provide a framework for consultation and partnership. In addition, perverse effects arise from the distribution of revenues. Article 122 of the Forest Code stipulates that 60 percent of land taxes be paid to the federal treasury in the capital, Kinshasa, and 40 percent be paid to the decentralized entities. Of this 40 percent, 25 percent goes to the province and 15 percent goes to the decentralized territorial institutions. This means that Kinshasa wins the lion's share, with very little going to the territories where the timber originates. What progress can take place if the 15 percent, already low, is sometimes reduced to 5 percent in practice? It is understandable, therefore, that local institutions create informal taxes to make up the shortfall.

The single export and import window

This system was established by Decree Number 5/183 in December 30, 2005. Despite the signing of a memorandum of understanding between the *Office Congolais de Contrôle* (OCC) and the Directorate General of Customs and Excise (*Direction Générale des Douanes et Accises*, or DGDA) on May 12, 2012, this system has several weaknesses:

- operational (poor information systems, inadequate legal framework and multiplicity of texts, procedures, parties involved and taxes raised);
- organizational (insufficiently taking into account operations before and after customs clearance, and conflict of mandates between the DGDA, *L'Office de la Gestion de Fret Maritime* and the OCC concerning the value for duty of the goods); and
- functional (computerized/information procedures being required, instead of manual handling of files, disagreement of stakeholders on the implementation of a single verification file for the merchandise signed for by all of them).

Added to these weaknesses is the duplication of efforts toward transparency at the ministry level. The most striking example is the initiative by the private-sector company SGS, which implements the Integrated Forest Management System (*Système d'information de gestion forestière*, or SIGEF) on behalf of the Ministry of Environment, Nature Conservation and Tourism. At the same time, OCC — which depends on the Ministry of Foreign Trade — uses the ISYS software of the Central Bank for the traceability of exported products, including timber. This duplication indicates the lack of interdepartmental coordination at the national level.

All these weaknesses relate to the enabling environment for corruption and influence peddling.

Corruption

In DRC, the race to personal and illegal enrichment and a culture of impunity are accompanied by unrealistic expectations that REDD+ funding will automatically be forthcoming, regardless of the corrupt environment. Indeed, government and private companies have strong and undisputed power. The Kinshasa authorities appoint and revoke. They wheel and deal as they like. In a country where unemployment is around 65 percent, being assigned to border crossing duties appears to be “a divine blessing.” The practices that sustain patronage, cronyism and misuse are well-known.

A study in Kinshasa (Musibono et al. 2013) shows that only three percent of respondents are familiar with the Convention on Trade in Endangered Species (CITES). Poverty is the fundamental cause of this low level of knowledge. Musibono et al. (2013) write that “poverty remains the first enemy of sustainable conservation.” In the eastern part of DRC, afro-mosia (*Pericopsis elata*, or African teak) is the most exploited fuelwood in the forest provinces and most people suggest that CITES is nothing more than “a slogan.”



One-way communication

The involvement of all stakeholders remains the basis for a participatory approach. Participation assumes mutual listening and dialogue and give-and-take. With the saturation of information linked to concepts such as sustainable development, FLEGT, REDD and REDD+, however, communities have few opportunities to interact and are more and more dependent on NGOs. Without information and appropriate training, illegal exploitation will continue.

Recommendations

Miracle solutions do not exist. It is necessary to define the problem on a case-by-case basis and in the context specific to each province.

It is imperative to set up local development committees and make them operational as a framework for dialogue and of partnership for governance and development. It is also important to develop manuals for administrative and financial procedures that apply to all jurisdictions and organizations.

In regard to the duplication of initiatives on traceability, financial partners involved in the various ministries must harmonize their funding policies to engage the forest sector.

With regard to the flow of information, mass-media communication (VODACOM or Airtel) can be used to send awareness message to subscribers.

These recommendations can be acted on only if legislation and regulations are implemented. A change in attitude is necessary. In a society based on a written tradition, it is the letter of the law that creates the authority, not the speech of a political or military leader.

These mechanisms can be put in place to deliver the benefits from the forest to local communities:

- assign a significant percentage to decentralized entities and reduce the percentage given to national and provincial administrations. At a time when several stakeholders are arguing for the revision of the forest code, it is an opportunity for the EU to plead for this rebalancing;
- strengthen local development funds under the agreements between loggers and local rights holders (respecting, of course, the priorities of the development plans of each entity);
- publish on line the amounts allocated to financing of REDD+ activities to allow transparency in the financial management by the organizations who implement these activities;
- implement an independent monitoring and evaluation committee, comprised of research organizations and university professors and supervised by the Prime Minister, to periodically evaluate all the projects in the country funded under FLEGT and REDD+ and to report to all stakeholders; and
- develop actions at the international level to punish cases of fraud and illegal trade in timber and in plants and animals.

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