

Engaging Civil Society in REDD - Best Practice in the Democratic Republic of Congo

UN-REDD PROGRAMME

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1. Background

The Democratic Republic of Congo (DRC) is home to the second largest tropical rainforest in the world, covering 134 million hectares and providing a source of food, medicine, energy, livelihoods and revenue to some 40 million people. Although variable within the country, deforestation rates in the DRC have been, to date, relatively low (0.3% per year)¹. Deforestation has been mainly driven by the expansion of subsistence farming - through the conversion of forests to shifting cultivation or small scale permanent agriculture² - and migration caused by the two wars that occurred between 1996 and 2003 and resulting political instability. Logging concessions, whose social and environmental impacts are currently being evaluated, have created tensions with local and Indigenous communities. Illegal logging, mostly in the North East, also contributes to the loss of forests, and the expansion of palm oil plantations, a driver of deforestation that looms over forest regions worldwide, represents a growing risk³.

Supported by coordinated efforts of the UN-REDD Programme and an initial grant of the Forest Carbon Partnership Facility, the DRC has entered the implementation phase of its REDD national programme towards readiness. For the process to truly succeed, a key component of readiness is the engagement of a wide range of national stakeholders⁴. In particular, Indigenous Peoples and other forest-dependent communities will be forefront actors in implementing a REDD regime. In addition to issues of human rights and social justice, they should be directly involved in conservation efforts and could benefit directly from the economic, environmental and social benefits resulting from REDD.

There are an estimated 400,000 to 600,000 Indigenous Pygmi Peoples in the DRC⁵. While the country is now in a post-conflict stabilization process, the relationship between civil society organizations and governmental authorities has been previously described as difficult and lacking in trust. The forest sector in particular has seen frequent clashes between the government, the private sector and civil society. For example, a collective of indigenous peoples organizations submitted in January 2007 a formal report to the Committee on the Elimination of Racial Discrimination, citing violation of Indigenous Peoples' rights to lands, territories and resources and to free prior and informed consent as well as threats to their integrity and security through the lack of enforcement of a 2002 forestry moratorium on attribution, extension and renewal of logging concessions⁶. Yet despite this context, the government of the DRC has undertaken remarkably collaborative efforts to develop its national REDD Programme that has sought to fully engage civil society stakeholders.

1 UN-REDD National Joint Programme Document, available at <http://www.un-redd.org/UNREDDProgramme/CountryActions/DemocraticRepublicofCongo/tabid/1027/language/en-US/Default.aspx>

2 Ibid.

3 Woods Hole Research Center, Reducing CO2 Emissions from Deforestation and Forest Degradation in the Democratic Republic of Congo: A First Look (2007), available at http://www.whrc.org/policy/BaliReports/assets/Africa_Bali_Booklet.pdf

4 This analysis focuses primarily on engagement of civil society and Indigenous Peoples. Engagement of all stakeholders includes civil society, Indigenous Peoples, forest dependent communities, ministries, the private sector, research institutions, multilateral programmes, donors and local governments, and regional governmental organizations.

⁵ International Conference on the Sustainable Management of forests in the DRC, http://www.confordrc.org/abstracts/english/day1/session1/1.6%20Abstract_Kapupu_EN.pdf

⁶ "Persistent and Pervasive Racial Discrimination against Indigenous Peoples in the Democratic Republic of Congo", 2007, submission to Committee on the Elimination of All Forms of Racial Discrimination by seven Indigenous Peoples organizations Available at <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/FPP.pdf>

2. The REDD Collaborative Process

2.1 A participatory first mission

In January 2009, the first mission was organized by the UN-REDD Programme and the Forest Carbon Partnership Facility (FCPF). Emphasis was on combining planning with dialogue and immediate action.

The mission set a precedent in terms of stakeholder engagement and participatory planning. It involved staff from the UN-REDD Programme (FAO, UNDP and UNEP), the World Bank, the Norwegian Government and three international non-governmental organizations, as well as a national team led by the United Nations Framework Convention on Climate Change (UNFCCC) and REDD Focal Point, and over 40 representatives from Congolese civil society and indigenous peoples. Core principles for the engagement of indigenous peoples and civil society organizations were defined collaboratively. The mission highlighted participatory processes as a pivotal element, and in particular:

- organized a working group specifically on participation and consultation (the other four workshops addressed coordination, policy aspects, institutional dimensions, and technical aspects of REDD);
- organized a civil society workshop, which was attended by over 40 Indigenous Peoples organizations and contributed to the recommendations made by the mission to the Government;
- defined the role for a civil society working group as interlocutor of both Governmental and international stakeholders of the process;
- drafted a decree establishing a substantial representation of indigenous peoples and civil society on the National REDD Committee.

This first mission was followed by others. In a press release dated October 2009, representatives of civil society declared their satisfaction regarding the collaborative process and the most recent mission, citing « sufficient space provided for expression during the workshop, contacts and meetings »⁷.

2.2 Constitution of a Civil Society Working Group

As a result of this process of engagement, civil society established a Climate-REDD working group in June 2009. The group comprises representatives from Groupe de Travail Forestier, LINAPYCO (the National League of the Indigenous Pigmy Organization in the Congo), Dynamique Peuple Autochtone, and Réseau Ressources Naturelles, among others. The functions of the working group are to:

- select the representatives sitting on the National REDD Committee and other REDD-related structures;
- play the role of the main interlocutor to the government, National REDD Coordination, and UN-REDD and FCPF programmes;
- ease participation in and/or to jointly organize specific activities of the UN-REDD and FCPF programmes and of the REDD process, including consultation on planning and implementation,

⁷ see <http://www.un-redd.org/UNREDDProgramme/CountryActions/DemocraticRepublicofCongo/tabid/1027/language/en-US/Default.aspx> for all UN-REDD-led missions and this press release.

analysis and validation of results, and formulation of terms of reference for key aspects of the REDD process;

- participate actively in future working groups;
- participate directly in REDD activities (depending on competencies);
- work with the National Coordination to set up communication and awareness raising campaigns so that REDD information and REDD consultations are sufficiently widespread;
- inform the negotiations of the country on climate and REDD matters.

2.3 REDD Decree

In October 2009 the Decree to support REDD (drafted during the first scoping mission) was approved by the Council of Ministers, to be subsequently signed by the Prime Minister. The Decree establishes a National Coordination, an Interministerial Committee and a National REDD Committee. As per article five of the Decree, the National REDD Committee, one third of the members on the national REDD Committee come specifically from civil society and indigenous peoples organizations. Indeed, the Committee comprises four members of civil society, six members of Government (including the ministry for decentralization), a member of the Federation of Wood Industries (i.e. private sector) and a member from the National Institute for Agronomic Studies and Research (i.e. research), giving ample voice to non-governmental actors. As per article five, The functions of the National Committee are to define key policy, orientations and actions on REDD; approve the REDD work plan and core activities/results; support resolutions of the Inter-ministerial Committee and review activities of the National coordination; ensure the follow-up monitoring and evaluation of the REDD process; and set up a fund for the management and redistribution of allocations and resources coming from REDD.

The Decree will provide civil society with a strong decision and oversight role in the design, implementation and monitoring of the REDD process, and thus represents an excellent positive example of good governance for REDD. This significant representation and inclusiveness of non-governmental actors in a National Committee is unprecedented not only in the DRC but also in countries pursuing REDD readiness activities.

2.4 An Inclusive Negotiations Task Force

A Task Force on the negotiations at the UN Framework Convention on Climate Change (UNFCCC), established by the Minister, includes two representatives of civil society. This Task Force liaises directly with negotiators. In addition, two representatives of civil society participated in the Climate Talks in Barcelona (November 2009) and a four will be present in Copenhagen (December 2009) thanks to additional financial support by the UN-REDD Programme. The continuing presence of civil society perspectives in this Task Force will contribute, on the international scene, to seeking a REDD mechanism that is equitable and beneficial to local and forest dependent populations.

3. Measuring Best Practices

This collaborative process can be measured against the standards established in the UN-REDD Programme in both its UN-REDD Programme Rules of Procedure and Operational Guidance⁸ and its more specific

⁸ Available at <http://www.un-redd.org/ProductsandPublications/tabid/587/language/en-US/Default.aspx>

[Operational Guidance on Engagement of Indigenous Peoples and other Forest-Dependent Communities](#)⁹, the latter currently being harmonized with the FCPF's guidelines. These guidelines include strong and clear components for national programmes on:

3.1 Representation

The Operational Guidance stipulates that Indigenous Peoples and other forest dependent communities shall be represented on National REDD Steering Committees or equivalent bodies. The significant representation of civil society on the REDD National Committee in the DRC (four out of twelve), as seen above, goes well beyond this requirement and can therefore be considered best practice.

3.2 Participation and Inclusion

The Operational Guidance first establishes that a validation meeting must be held to review the draft UN-REDD National Programme Document for approval of funding by the Policy Board: evidence of this consultation in the DRC is documented in the report of the scoping mission. The Operational Guidance also outlines 1) the necessity of the full engagement of Indigenous Peoples in the design, implementation and monitoring of the REDD process, which is clearly set in Article four of the Decree that describe the role of the National REDD Committee, as well as Article seven stating that the National Committee establishes its own operational rules; 2) plans for continuous consultation as to reflect the evolving concerns of civil society and Indigenous Peoples, which are set in the work plan for 2009-2010 established by the National Coordination; and 3) respect for FPIC, whose implementation, as stated above, is currently being operationalized and will continue to be informed by the consultative processes.

3.3 Transparency and accountability

As required by the Operational Guidance, outcome documents must be circulated and made publicly available. In addition to the dissemination of information to civil society through the National Coordination and National REDD Committee, documents - such as mission terms of reference and reports, presentations and participants lists- are disclosed through the public UN-REDD programme website, at www.un-redd.org.

As per the Operational Guidance, the Resident Coordinator is responsible for distributing the annual report and for receiving formal complaints; in the DRC the former is being prepared, and the latter has not been applicable at this very point. It is to be noted that an additional complaint mechanism at the global level, through the Secretariat of the UN-REDD Programme, is being developed in consultation with global civil society organizations.

4. Key factors contributing to the process

4.1 Early institutionalization of the working relationship

Placing the drafting of the Decree on the agenda of the very first scoping mission and elaborating it in a participatory manner with inputs from a wide range of stakeholders has not only resulted in strong, institutionalized participation of civil society in the REDD readiness, but also planted the elements of a trusting relationship between governmental and civil society partners.

Equally important, elaborating a Decree (to be signed by the Prime Minister, as opposed to belonging to one ministry in particular) was also a strategic choice demonstrating commitment at the highest level and cross-sectoral engagement.

⁹ Also publicly available at <http://www.un-redd.org/ProductsandPublications/tabid/587/language/en-US/Default.aspx>

4.2 Capacity building

As early as April 2008 national NGOs started participating in international workshops in Brazil, followed by workshops in Kinshasa with other regional actors. Onwards, an entire component of the current 2009-2010 REDD work plan in the DRC is devoted to capacity-building. Information, education and communication (IEC) workshops throughout the country are now underway as part of the UN-REDD DRC Programme, supported by an IEC specialist specifically recruited by the National REDD Coordination. The most recent workshops, in Bukavu and Sud Kivu, have included a strong capacity building-component. These, in addition, have stimulated linkages and coordination among various stakeholders.

Capacity is also developed by inclusion. The participation of two representatives of civil society on the Task Force for Negotiations and in the Barcelona and Copenhagen climate talks, the drafting of the Decree, and the civil society climate-REDD working group are indeed elements that contribute to the development of not only relationships and institutions but also personal skills and knowledge.

4.3 Respecting some ‘rules of engagement’ for consultation with civil society

The UN-REDD Programme, in its Operational Guidance for the Engagement of Indigenous Peoples and other Forest Dependent Communities, has mapped a number of elements key to successful consultations with civil society actors. These guidelines provide an additional framework to gauge the engagement of civil society in the process, as presented in the table below:

A consultative process should :	Best practice in the DRC
Occur freely and voluntarily, without external manipulation	A self-constituted and dynamic civil society working group that selects its own representatives on the National REDD Committee
Recognize existing Indigenous and local authorities, institutions and processes	The initial mapping of stakeholders has relied on existing organizations to outreach to Indigenous groups; mapping stakeholders and ensuring that engaged civil society organizations are representative enough of the spectrum of stakeholders is an ongoing and continuous effort of the National REDD Coordination
Start as a first step in the program design; and be an ongoing process, facilitating input into program design, implementation, and verification, not a one-off meeting	Institutionalized by the upcoming decree; Regular dialogue between National REDD Coordination and the Climate-REDD working group
Take place within a reasonable amount of time agreed to by the stakeholders	The first scoping mission took place over two weeks, allowing for interaction
Disseminate information and ensure the timely exchange of all relevant information between stakeholders	Civil society organizations have established the working group to facilitate this process. A website is in the making to further facilitate the exchange of information
Engage diverse and relevant stakeholders	Initial consultation involved close to 40 organizations; a number of other stakeholders participated in the process, from local government to regional actors
Use effective communication channels	Communications relied on existing networks
Recognize the right of Indigenous Peoples and other forest dependent communities not to participate in consultations or associated activities	Although this right is recognized, representatives of Indigenous and civil society organizations have been very willing to engage and participate and have not pointed to such case.
Allow for independent verification	Multiplicity of stakeholders (from international non-governmental organizations and institutions) allows for strong oversight; civil society organizations have not hesitated to scrutinize and raise concerns throughout the process
Be a component of an overall and ongoing process based on Free Prior and Informed Consent (FPIC)	With strong support by the UN-REDD programme , implementation of FPIC on the ground is currently being defined

5. Challenges and Lessons learned

As with many collaborative processes, a number of early lessons have been learned:

- Finding the appropriate balance between international and national voices from civil society is a constant exercise. Linkages between international and national NGOs are strong in the country, for reasons of capacity, financing and monitoring. The influence of external (international) actors on national civil society organization is at times difficult to measure.

- Balancing expectations and pragmatism has been at times delicate. For example, concerns were publicly raised when the second UN-REDD Programme mission did not give the same prominence to civil society voices as was provided in the first scoping mission. While the scope of this second mission was focused on inter-ministerial management arrangement, the feedback received indicated that there should have been clearer communications in advance of the process. Although it is unprecedented in its collaborative undertakings, the national REDD process will be built progressively, at times falling short of civil society expectations. The breadth of the application of Free Prior and Informed Consent on the ground, for example, is in the early stage of formulation.
- The DRC is a vast country where communications are not always easy. While the exchanges between civil society stakeholders are frequent and coordinated, they sometimes occur over long periods of time. The time it takes for civil society representatives to report back to their constituency should be taken into consideration in any planning exercise

Conclusion

REDD is a particularly fast moving topic in the global arena and at the national level; allowing the adequate time to consult and engage with all stakeholders to build an equitable and efficient system is laudable. While the efforts of the DRC reflect country specificities, they should be seen as an encouraging example of constituting and strengthening engagement of civil society and Indigenous Peoples in national REDD processes. By building an institutional framework that sets firm foundations for civil society engagement in the REDD national process, the DRC is effectively positioning itself to get ready for REDD.

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