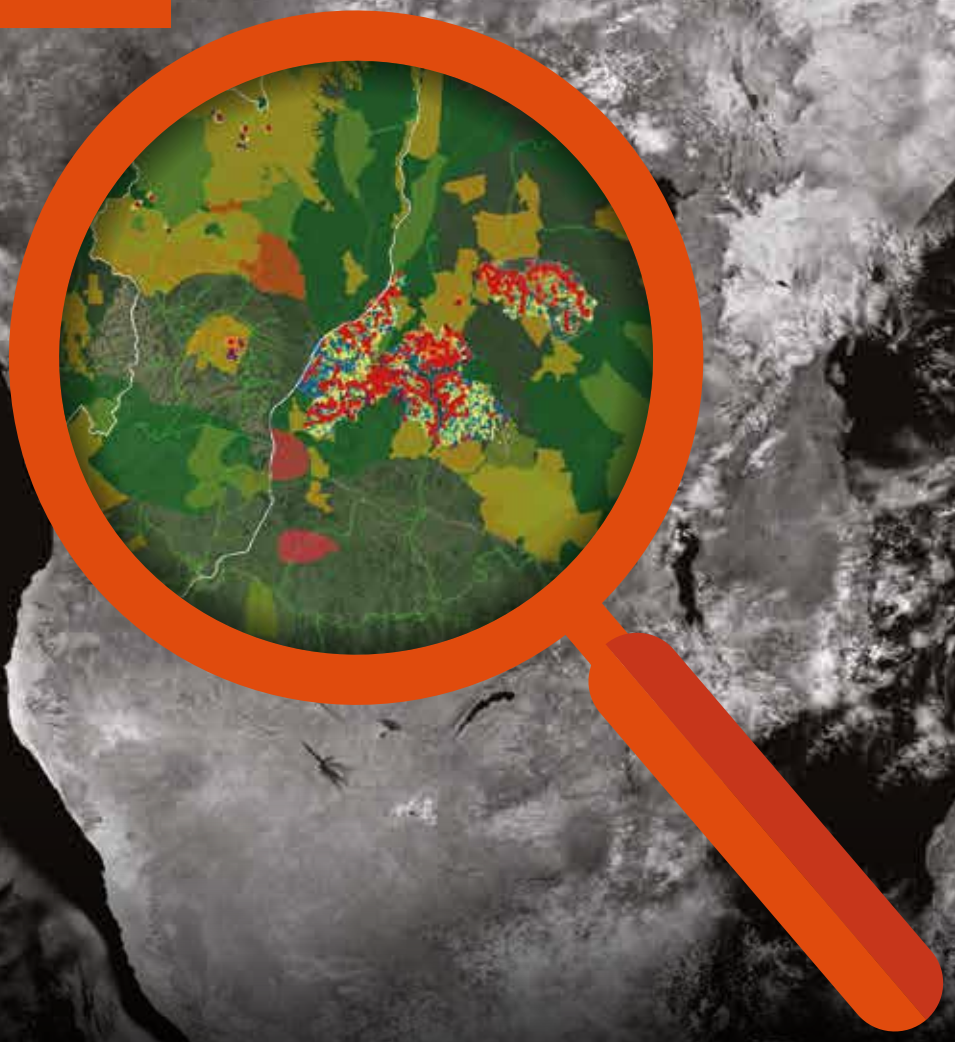
RAINFOREST FOUNDATION UK

SECURING LANDS, SUSTAINING LIVES

REDD AND RIGHTS IN DRC: THE IMPLICATIONS OF COMMUNITY MAPPING FOR THE MAI-NDOMBE INTEGRATED REDD PROGRAMME



BRIEFING

OCTOBER 2018

MAPPING FOR RIGHTS

Putting communities on the map

1. SUMMARY: WHY COMMUNITY MAPPING HAS IMPLICATIONS FOR REDD+

Forest tenure and resource mapping by local communities in Mai Ndombe is providing a highly detailed and comprehensive picture of customary claims and usages that are likely to extend across the entire province. The results, which authorised users can view on MappingForRights, have major implications for DRC's flagship jurisdictional REDD+ programme, especially in terms of land rights, land management, and distribution of benefits from anticipated emissions reductions activities.

2. BACKGROUND: REDD+, LAND RIGHTS AND BENEFIT SHARING IN MAI NDOMBE

Containing the world's second largest area of rainforest, the Democratic Republic of Congo (DRC) is considered vital to international efforts to reduce emissions from deforestation and degradation (REDD+). The country's 'integrated' Mai Ndombe jurisdictional REDD+ programme ('Mai Ndombe PIREDD') aims to tackle forest loss in the newly created province – an area roughly the size of England – mainly through the suppression of forest-based subsistence livelihoods (e.g. shifting agriculture and artisanal charcoal production) of up to two million inhabitants. It is claimed this will generate an initial 10 million tons of emissions reductions credits to be sold to the World Bank-managed Forest Carbon Partnership Facility (FCPF) Carbon Fund at US$ 5 per tonne.[1]

In order to be able to access these climate funds the government is supposed to carry out a series of 'readiness' actions to ensure transparent and equitable REDD+ implementation, including that the programme delivers non-carbon benefits such as community land rights. However, key reforms in (and progress on) the securing of land tenure have still to be implemented. New community forest legislation which could potentially provide a sound basis for partial recognition of customary rights and channelling benefits to local communities has also so far received little interest in the context of REDD+ development. In the absence of these, social issues are mainly dealt with through programme level instruments that are required by the FCPF Methodological Framework.[2] However, credible plans for how the project will safeguard community rights and deliver benefits have yet to be agreed.[3]

Current arrangements for implementing REDD+ essentially rest with the State, as the sovereign land owner, sub-contracting the right to generate carbon credits to different stakeholders nested within the overall programme area. This approach clearly privileges those that already hold legally enforceable rights to forests such as logging concessions, protected areas and the private REDD+ concession run by Wildlife Works Carbon (WWC) which account for over 30 percent of the province's area (see Map 1). Under this model, these rights-holders are expected to pass on benefits to the local population, even though many of these areas were established without taking into consideration existing customary land rights. There are also no precedents for successful wealth redistribution schemes from natural resource management in DRC.[4]

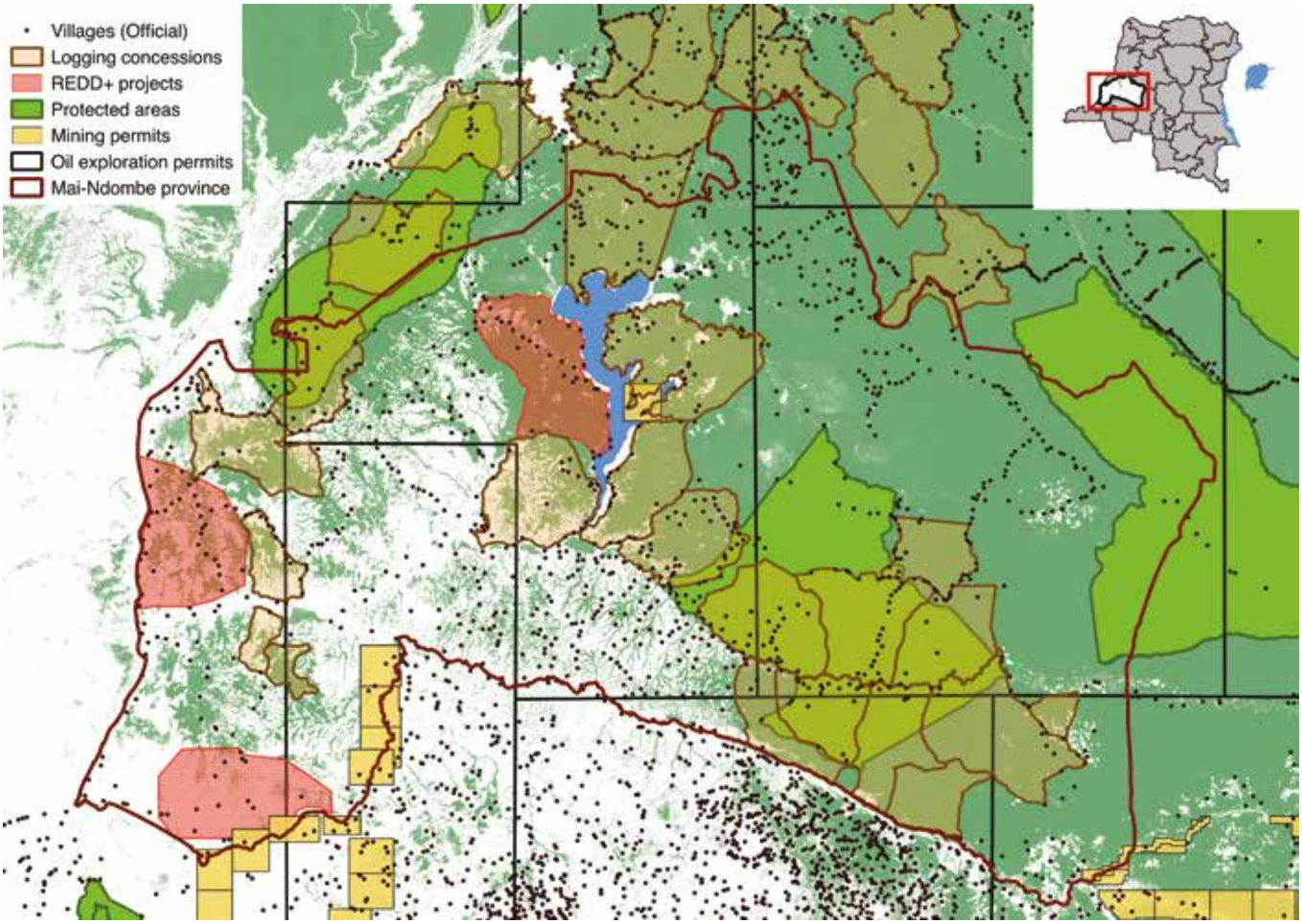
[1] The FCPF is a World Bank managed fund capitalised at more than US$1.1 billion that is intended to kick-start a market for the carbon credits from emissions reductions programmes. In addition to the expected sale of US$50 million of carbon credits to the FCPF Carbon Fund, the Mai Ndombe programme has already received a US$30 million grant from the Norway-backed Central African Forest Initiative (CAFI) as well as investments from the Bio-Carbon Fund, Forest Investment Programme (FIP) and other sources.

[2] https://www.forestcarbonpartnership.org/carbon-fund-methodological-framework

[3] No detailed Benefit Sharing Plan (BSP) had been produced at the time of publication and there is as yet no demonstrably functional and accessible Feedback, Grievance and Redress Mechanism (FGRM). Our analysis of the social safeguard documents which have been approved by the Bank found a number of flaws. For more information, see http://www.redd-monitor.org

[4] The lack of benefit distribution is most synonymous with the logging industry in DRC. See, for instance, https://www.globalwitness.org/sites/default/files/art_of_logging_lr.pdf

MAP 1 - FOREST ALLOCATIONS, VILLAGES AND FOREST COVER IN MAI NDOMBE PROVINCE



Mai Ndombe province with official village point data with overlapping logging concessions, protected areas, private REDD+ projects and mining permits. Source: MappingForRights, WRI

In areas which remain officially unallocated, the approach is to establish or reinstitute so-called local development committees (CLDs) to act as a community interface with the REDD+ programme and to develop village-level plans for emissions reductions activities.[5] The assumption is that this is a first step towards formal recognition of these areas; the non-binding plans do not in themselves offer security of tenure.[6] Moreover, in the absence of formal rights, it is possible that by identifying forests where subsistence farming is prohibited - where farming is typically a main mechanism for establishing tenure rights - the plans could even lead to customary rights being extinguished in these areas.

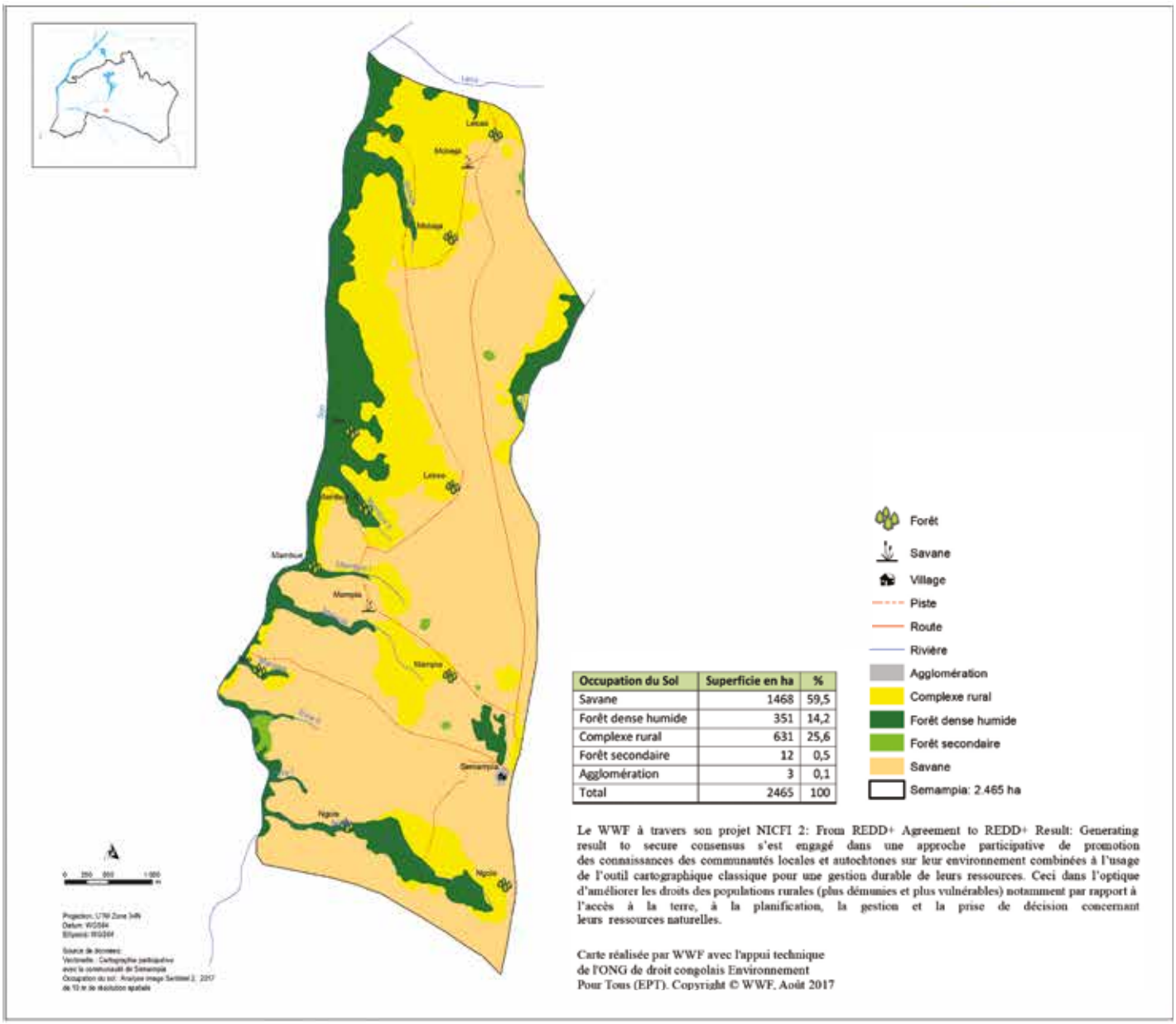
A further concern is how well the CLD structures and supporting maps being developed by the REDD+ programme implementers actually reflect customary systems on the ground. Local NGOs have reported a low level of participation among some marginalised groups, heightening the risk that the end outcomes could be more a reflection of local elites' interests, or indeed those of facilitating conservation agencies (see Map 2, for example).[7] At the very least, the task of setting up CLDs and mapping village areas across this vast province within the five-year project lifespan is a barrier to the depth and quality of work required to capture these complex systems.

[5] As it stands, communities are not permitted to generate credits without going through an intermediary.

[6] At the time of printing, it had just been reported that "Edits" have been issued by the provincial Government for some village plans, as well as addressing the rights of indigenous Batwa in the province. However, the legal weight of these "Edits", as opposed to other land claims, would need to be determined as would the modalities of their implementation.

[7] The level of representativeness of the CLDs has been questioned in some reports such as this one by the Congolese NGO LICOCO: http://www.redd-monitor.org/2017/11/01/wwfs-redd-project-in-mai-ndombe-democratic-republic-of-congo-no-consultation-no-transparency-and-communities-paid-less-than-drcs-minimum-wage/#more-28070

MAP 2 - VILLAGE LAND-USE MAP IN MAI NDOMBE PRODUCED BY WWF.



Occupation du Sol	Superficie en ha	%
Savane	1468	59,5
Forêt dense humide	351	14,2
Complexe rural	631	25,6
Forêt secondaire	12	0,5
Agglomération	3	0,1
Total	2465	100

Le WWF à travers son projet NICFI 2: From REDD+ Agreement to REDD+ Result: Generating result to secure consensus s'est engagé dans une approche participative de promotion des connaissances des communautés locales et autochtones sur leur environnement combinées à l'usage de l'outil cartographique classique pour une gestion durable de leurs ressources. Ceci dans l'optique d'améliorer les droits des populations rurales (plus démunies et plus vulnérables) notamment par rapport à l'accès à la terre, à la planification, la gestion et la prise de décision concernant leurs ressources naturelles.

Carte réalisée par WWF avec l'appui technique de l'ONG de droit congolais Environnement Pour Tous (EPT). Copyright © WWF, Août 2017

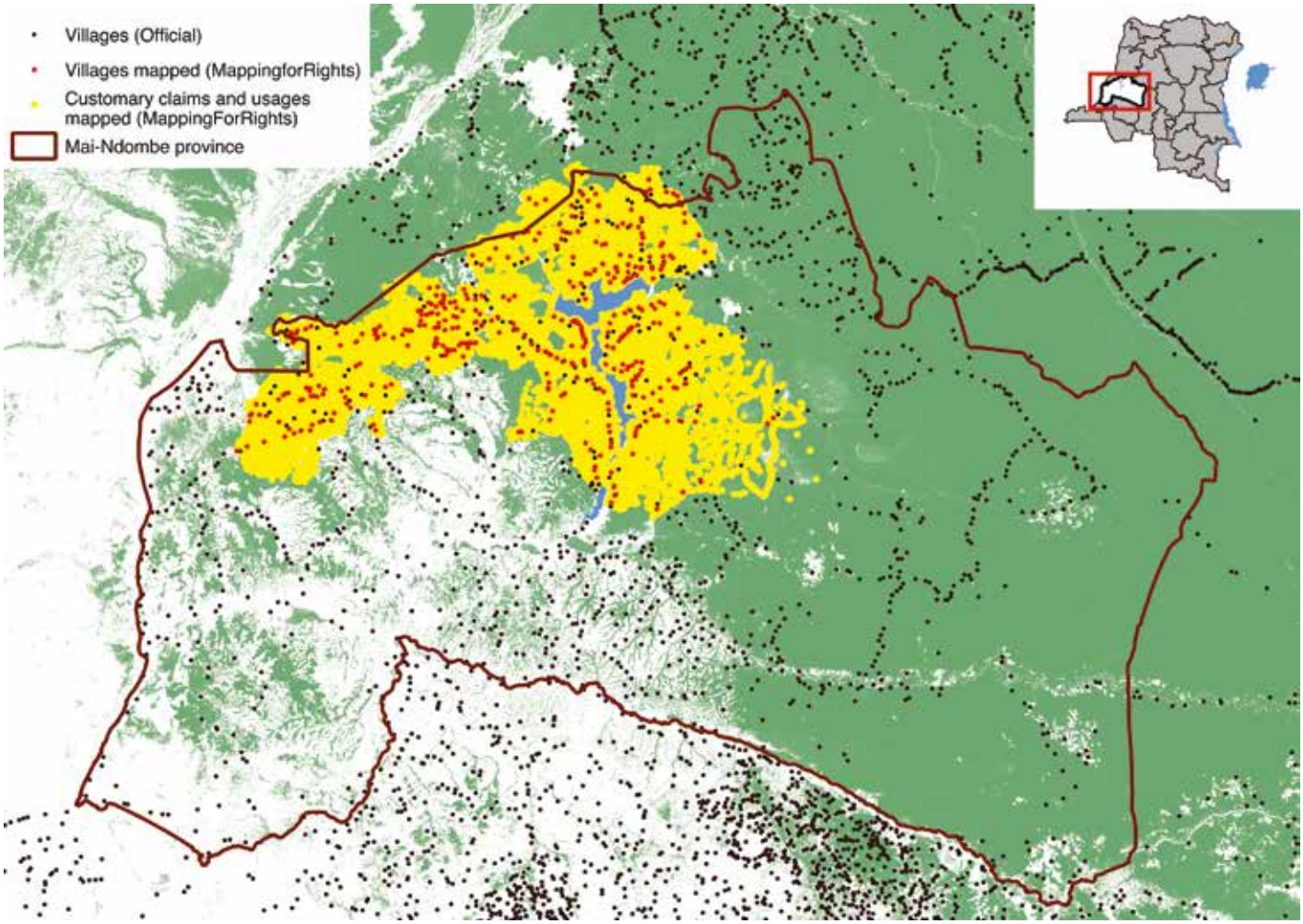
This is an example of the village maps being produced in the context of REDD+ development in Mai Ndombe by REDD+ project implementer, WWF. It draws heavily on satellite imagery to determine areas of forest, savanna, subsistence agriculture and habitation but lacks detail on features the community itself may deem important such as customary rights and cultural or fishing sites. Source: WWF

3. IMPLICATIONS OF THE COMMUNITY MAPPING DATA FOR MAI NDOMBE PIREDD

Between 2013 and 2017, 376 villages in Inongo, Basengele and Bolia sectors of Mai Ndombe province mapped their traditional lands covering more than 2.3 million hectares with the support of MappingForRights and local NGOs CADEM, GASHE and RRN (see Map 3). The data - which was collected by community mappers using GPS technology and then validated by the communities - shows the existence of a highly intricate, extensive and contiguous system of customary rights and forest usages.

As can be seen from Map 4, these are mainly organised around clan-based tenure parcels which are generally very well defined and accepted locally, each with its own rules governing access and use of forest resources. Forest use and dependency in general is extremely high with subsistence hunting, fishing, gathering and cultural activities taking place over large areas often far from the immediate vicinity of the village or 'community'. Supplementary data collected on health and education access also highlights huge development needs, despite the presence of numerous industries in the province.

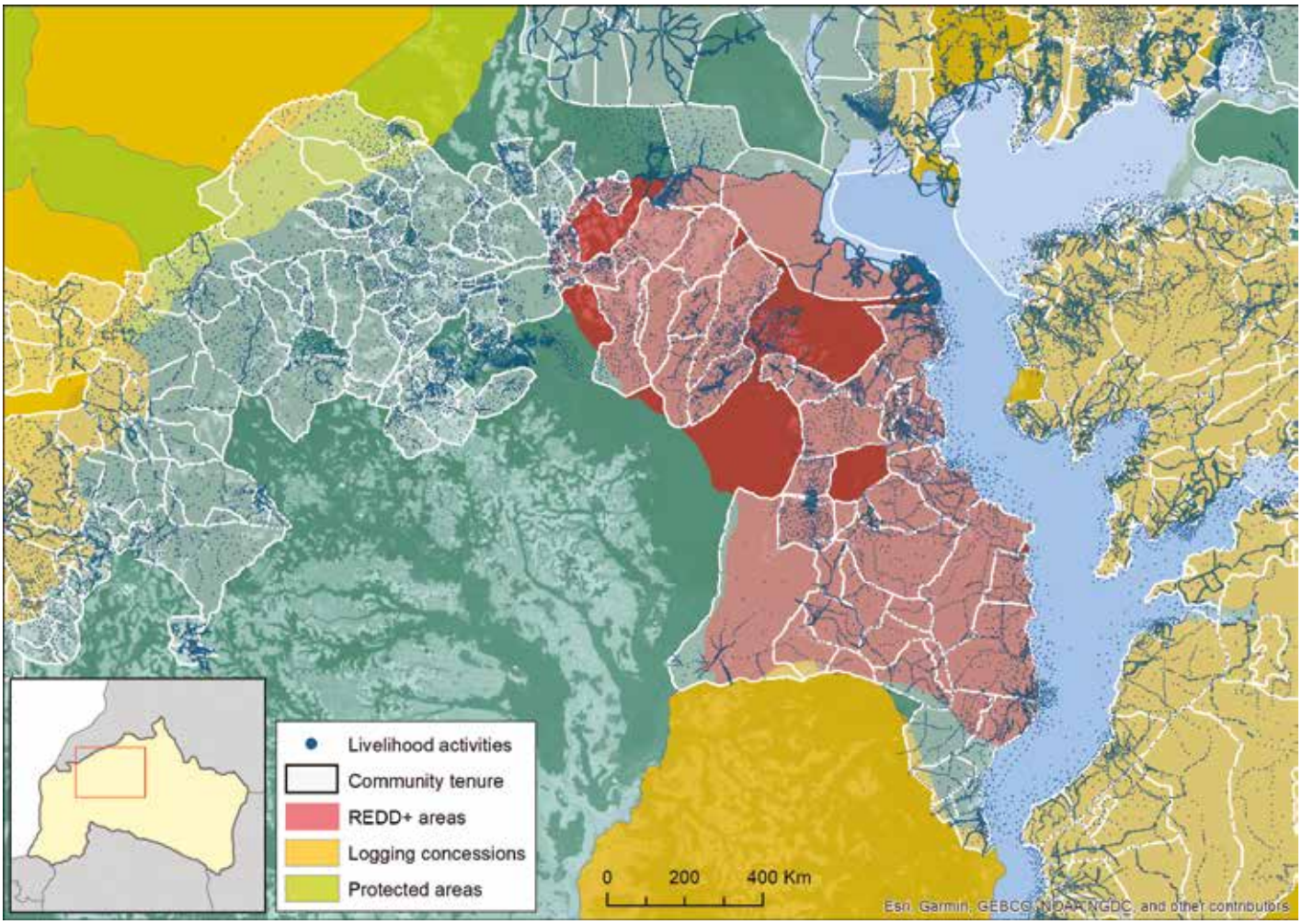
MAP 3 - AREA MAPPED BY LOCAL COMMUNITIES IN MAI NDOMBE THROUGH THE MAPPINGFORRIGHTS PROGRAMME UP TO SEPTEMBER 2018



This map shows the contiguous nature of customary claims in more than 2 million hectares of land which has so far been mapped with the support of RFUK's MappingForRights programme. This pattern of customary claims and forest usages is likely to extend across Mai Ndombe province. This should be compared with Map 1, indicating the known and potential overlaps of forest tenure across the REDD+ programme area. Source: MappingForRights, WRI

This insight into customary ownership and use of forests in Mai Ndombe has major implications for the REDD+ programme, especially in terms of plans for benefit distribution. Firstly, it confirms there are multiple overlapping rights to the forest, both formal and customary, the precise extent of which are not known for most of the province (though based on our calculations there may be as many as 8,000 such clan tenure parcels across the province). Secondly, it shows that current methods being used in the programme to document community land may not fully reflect customary tenure and resource systems on the ground, and as such it risks elite capture of benefit-sharing arrangements among other problems. Thirdly, the four years which have been required for RFUK to map 2.3 million hectares, or just under 20 percent of the total province area, is indicative of the time, effort and resources required to properly document customary rights at scale let alone any process to formalise these rights.

MAP 4 - OVERLAP BETWEEN CUSTOMARY RIGHTS AND FORMAL LAND ALLOCATIONS IN MAI NDOMBE



Map showing clan-based customary tenure parcels and forest usage overlaid with logging concessions and the WWC REDD+ project. This is indicative of the many overlapping land claims in the province.
Source: MappingForRights, WRI

4. CONCLUSIONS AND RECOMMENDATIONS

There are already worrying reports from the field that a lack of proper documentation and clarification of customary tenure and obtaining community consent for REDD+ activities is contributing to land and carbon-related conflict in the programme area.[8] Unless a credible and costed plan is put in place to address these issues across Mai Ndombe, it is likely that such problems will only intensify as emissions reductions activities scale up.

For Mai Ndombe PIREDD to proceed on a sound basis with respect to land rights and benefit distribution, we recommend that the programme should:

- Reduce in size and scope, or extend its lifespan, to allow for proper documentation and clarification of actual forest tenure and resource use systems.
- Establish an independent body to document customary rights across the province and to capitalise on the work of existing mapping initiatives such as MappingForRights.[9]
- Formalise communal land holdings through community forests or other means, in line with a proper institutional capacity building plan to administer these.
- Carefully reconcile overlapping claims, attributions and rights on the ground - such as between strictly protected areas and community customary rights - through specific measures, including revision of park management plans, etc.



[8] There have been a number of reports of serious intercommunal conflicts over land and carbon rights as well as problems with benefit distribution and non-fulfillment of *'cahier des charges'* agreements.

[9] There was reference to collaborating with other mapping initiatives including MappingForRights in the World Bank's successful US$30 million funding application to CAFI but there has since been no follow up.

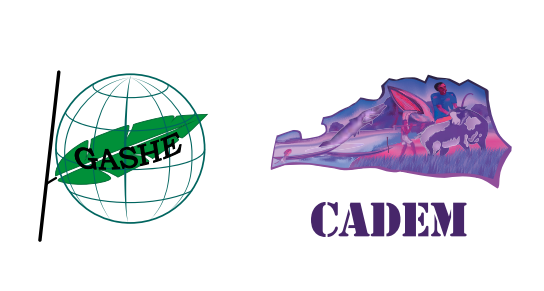
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