

Democratic Republic of Congo

Conservation International **REDD** pilot project: a different kind of **Disney** production



Belmond Tchoumba



World Rainforest Movement

Réseau CREF



**Democratic Republic of Congo
Conservation International REDD pilot project:
a different kind of Disney production**

Belmond Tchoumba

2011

Author: Belmond Tchoumba, CRAFE (Cercle de reflexion et d'action pour la foresterie communautaire et la justice environnementale).

General Coordination: Winnie Overbeek

Edition: Larry Lohmann and Sarah Sexton

Cover design: Flavio Pazos

Translation into English: Lori Nordstrom

Photographs: Rousseau Kisuba Muliro (photos de Walikali), Winnie Overbeek (photos de Lubero)

© World Rainforest Movement

Maldonado 1858, Montevideo, Uruguay

ph.: +598 2 413 2989, fax: +598 2 410 0985

e-mail: wrm@wrm.org.uy

website: <http://www.wrm.org.uy>

The study «DEMOCRATIC REPUBLIC OF CONGO. Conservation International REDD pilot project: a different kind of Disney production» is a joint publication of WRM and Réseau Cref.

The contents of this publication can be reproduced totally or partially without prior authorisation. However, the World Rainforest Movement should be duly accredited and notified of any reproduction.

Published in October 2011

Impreso en Mastergraf

Dep. Leg. 357.183

ISBN: 978-9974-8030-9-1

This publication was made possible with support from OXFAM-NOVIB (the Netherlands) and the Swedish Society for Nature Conservation (SSNC). The opinions expressed in this book do not necessarily reflect the points of view of SSNC or OXFAM-Novib.



Svenska Naturskyddsforeningen

n(o)vib
OXFAM NETHERLANDS

**Democratic Republic of Congo
Conservation International REDD pilot project:
a different kind of Disney production**

Belmond Tchoumba



World Rainforest Movement

Réseau GREF



CONTENTS

| | |
|---|----|
| Foreword | 7 |
| Executive summary | 9 |
| Introduction | 11 |
| 1. The many issues involved in forest management | 12 |
| 2. Forest tenure marked by the predominance of public ownership | 14 |
| 3. The REDD process in the DRC | 17 |
| 4. Presentation of the project: First REDD pilot project in the entire Congo Basin | 20 |
| • The Tayna Gorilla Reserve (RGT)..... | 21 |
| • The problematic Kisimba-Ikobo reserve..... | 22 |
| 5. From gorilla conservation to the carbon market | 26 |
| 6. REDD project impacts on local communities | 27 |
| • Less than fully informed consent | 28 |
| • Ongoing conflicts in Kisimba and Ikobo | 29 |
| • Transparency of the project..... | 30 |
| • The unresolved question of carbon rights | 31 |
| • Marginalization of women | 32 |
| Conclusion | 33 |

Foreword

Over the last years, forests have once again earned a prominent place on the international agenda. But this renewed emphasis has emerged in a very particular way: through discussions over the best way to conserve the carbon stored in forests. The goal of reducing carbon emissions from deforestation and forest degradation has led to the development of policies at international climate conferences that have come to stress a term that is rather strange and difficult to understand for many: REDD or, more recently, REDD+.

Although efforts to combat and reduce deforestation are admirable, the fact that these efforts focus primarily on the carbon stored in forests and REDD+ mechanisms makes it clear from the beginning that they will not place any priority on the forest communities and their problems. Nor will they consider the crucial role played by forests in the conservation of most of the world's biodiversity and water resources. REDD+ represents a limited vision of the problem of deforestation that serves the interests of major polluters in the industrialized countries by helping them to avoid the need to change their polluting ways.

What's more, REDD+ is creating more problems for forest peoples, particularly in relation to their land rights and traditional use of forests for their survival. For this reason, WRM decided to take a closer look at one of the several pilot projects that are being implemented in different countries. This report reflects on one of these pilot projects in the Democratic Republic of Congo, aiming to learn more about the views and experiences of the communities who are directly affected. From the present study, it becomes clear that they face serious problems.

After more than five years of following international discussions involving governments, NGOs, researchers, corporations, consulting firms, banks, etc., and reading reports on REDD pilot projects – which are meant to be model experiences that serve as examples to be followed – there is one question that comes to mind: is it possible to “fix” the problems of the REDD+ mechanism, on which enormous amounts of resources continue to be spent for meetings, consultations, conferences and projects?

We believe that the current situation demonstrates more than ever the need to pursue other paths beyond REDD+. First of all, it is crucial to update and analyze the direct and indirect causes of deforestation, both within each individual country and at the international level. This has been scarcely and insufficiently addressed in recent years and without the indispensable participation of the peoples who live in the forests and the organizations who work directly with them on the issue of deforestation.

Second, it is essential to recognize the contribution of forest peoples to the conservation of forests, something that the promoters of REDD+ projects fail to do, because as far as they are concerned, the presence of communities in the forests represents a “problem”. This is because, according to the project promoters, the use of the forests by local communities compromises the calculations of the amount of carbon that specialists in the matter estimate to be stored in a determined area of forest involved in a REDD project. What we have observed in practice is a more or less explicit policy of prohibiting communities from access to the forests that they have traditionally used.

The likely outcome that REDD+ will develop exclusively into a market mechanism means that it will simply allow the polluters to continue polluting while compensating for their emissions through the carbon supposedly sequestered in the forests that have been preserved, leading to an increase in industrial production. And this will in turn further delay the implementation of structural measures urgently needed to confront the climate crisis related to the totally undesirable models of fossil fuel-driven production and consumption that benefit a minority of the world population and will end up causing much more destruction of forests than any REDD+ project could ever remedy.

Winnie Overbeek – International Coordinator World Rainforest Movement

Executive summary

This report is based on the findings of research conducted by WRM on the REDD pilot project being undertaken by Conservation International and the Walt Disney Company in the province of North Kivu in the Democratic Republic of Congo, specifically in the so-called community reserves of Tayna and Kisimba-Ikobo.

The aim of this case study is to hear what the women and men who live around and within these two reserves have to say about the impact of the REDD project on their lands. The case study results from a consultation process with the different parties involved in and affected by the conception and implementation of the pilot project. It is hoped that the case study will contribute to international debate around REDD by offering first-hand accounts gathered through field research.

The local communities could not offer opinions on either the project's impacts or its contributions in terms of socioeconomic development for the simple reason that it is still in the preparatory phase. Preparation includes the formulation of a "project design document" that is required prior to any commercial transactions involving the carbon credits that the project would eventually generate.

There exist serious land and forest rights conflicts among members of the communities of Kisimba and Ikobo and between them and the parties responsible for the project. Those who oppose the project believe that it strips them of their land and forest rights over their ancestral territories, which they view as unacceptable.

In the case of both the Tayna and Kisimba-Ikobo reserves, local communities are not fully participating in the preparatory process. Some land rights holders have signed a pledge of commitment, which is being interpreted as their consent for the project, even though this consent appears to have been given on the basis of partial and incomplete information and to have been obtained through promises that the project will bring development and personal gain. Such promises are understandably attractive given the local context of extreme poverty.

The question of carbon rights has not been clarified or even discussed with the communities involved. The mechanisms for sharing the benefits that could be generated by the project are not clear either to those responsible for the project or to the local communities, nor even to the Congolese government, which is, from a legal standpoint, the official owner of the nature reserves in which the REDD pilot project is to be undertaken.

Women play only a very marginal role in the project. Like other members of the community, they are the target of sensitization activities aimed at informing them of their responsibilities with regard to the project, but no reference is made to their rights.

This case study reveals that local communities are risking being marginalized by a process they do not understand and in which they are not allowed to participate. Some believe that the project's promises of massive development and personal gain will change their lives for the better, although the actual form these changes will take has never been specified.

The communities of Kisimba and Ikobo in particular want a different kind of involvement in forest and biodiversity conservation, and possibly in REDD projects, but only on the condition that they are able to maintain control over their forests. The concept of community forests as defined in the Democratic Republic of Congo's Forest Code offers this possibility, underscoring the urgent need to adopt implementing legislation for the Code's provisions regarding community forests.

Introduction

According to experts in the subject, deforestation is responsible for 15% to 20% of greenhouse gas emissions, thus contributing substantially to global warming. This has led to renewed interest in tropical forests, because of their potential role in stabilizing the earth's climate and mitigating climate change.

Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, known by the acronyms REDD and REDD+,¹ would therefore appear to be an inexpensive way to fight climate change. The international community has yet to reach agreement on how the REDD regime should be financed, but international discussions reflect two major approaches: directly with public and/or private funds, or through the carbon credit market. (Some advocate a hybrid approach combining private/public funding and market-based mechanisms.)

While waiting for international agreement on a REDD mechanism, various pilot or “demonstration” projects have been developed in several countries around the world. Most of them have been designed within the voluntary carbon market as a means of financing and compensating for emission reduction efforts. But there are still a number of questions about REDD, the answers to which will determine the success or failure of this carbon market financing mechanism. The key question that needs to be asked at the current stage of discussions is whether REDD actually constitutes an effective means of mitigating climate change or not. More and more specialists are expressing serious reservations about REDD's capacity to genuinely contribute to combating climate change.² Other important questions that have still not been answered in negotiations on REDD and REDD+ concern the land and forest rights of local communities and indigenous peoples and the related rights over the carbon stored in these forests. Of particular concern is the issue of free, prior and informed consent for the implementation of REDD projects.³ The issue as to whether or not local and indigenous communities can participate in negotiations for an international mechanism that could have major impacts on their land and forest rights and their very means of survival remains unresolved. Moreover, for many indigenous peoples, it is doubtful whether they will share in the supposed benefits of REDD, since their basic rights over their land and forest resources are not guaranteed in the first place.⁴

¹ REDD is a financing mechanism currently under discussion in the framework of the United Nations Framework Convention on Climate Change (UNFCCC). As its name implies, it is aimed at encouraging developing countries, through financial incentives, to curb deforestation and thereby reduce the greenhouse gas emissions that result from deforestation. REDD+ includes the added components of conservation and enhancement of forest carbon stocks and sustainable management of forests, particularly by the logging industry. Countries with large forested areas and low rates of deforestation, such as those of the Congo Basin, and even some Sahel countries where dry forest carbon stocks are considerable and increasing, are expected to participate in and benefit from the mechanism (Brian Mantlana [2011] *Readying Africa for REDD+*). It should be stressed that an international agreement has still not been reached in the framework of the UNFCCC on the specific modalities for the implementation of REDD and REDD+. Nevertheless, there are numerous pilot or “demonstration” projects already underway in various countries designed with the express purpose of testing the feasibility of the mechanism.

² FOEI (2010) *REDD: The realities in black and white*.

³ See the UN-REDD programme's reflections on REDD+.

⁴ REDD – Sujet brûlant pour le changement climatique <http://www.climatefrontlines.org/fr/node/171>

Will the numerous REDD pilot projects being developed around the world contribute answers to the many questions posed by REDD negotiators and by civil society observers?

To participate in and contribute to reflection on these issues, the World Rainforest Movement (WRM) decided to examine the REDD pilot project being undertaken by Conservation International (CI) in the Tayna and Kisimba-Ikobo Community Reserves in the province of North Kivu in the Democratic Republic of Congo (DRC). This case study aims to document the impact of the project on communities that are supposed to benefit from it by hearing what the women and men who live around and within these two reserves have to say. It is hoped that this case study will serve as an input for international debate on REDD by offering first-hand accounts gathered through field research. The study was essentially a consultation process with the different parties implicated in the conception and implementation of this project. We conducted interviews in Goma, the capital of North Kivu, with officials from the provincial department of the environment; with environmental NGOs who work in the Walikali territory in North Kivu; with officials from the Tayna Gorilla Reserve (RGT) and the Bakumbule Community Private Reserve (RECOPRIBA), who are responsible for the management of the Tayna and Kisimba-Ikobo reserves, respectively; with the traditional chiefs of the administrative units within which the two reserves are located; with groups of women and men from the community of Kasugho, which borders on the Tayna Gorilla Reserve; and with a team of scientists at Kasugho University, based in the Tayna reserve. We were unable to visit Kisimba or Ikobo because of the precarious security conditions in the area. The results of this consultation are presented in this report under the following headings:

- Issues of forest management in the DRC
- Land and forest tenure
- Presentation of the REDD pilot project in the Tayna and Kisimba-Ikobo reserves
- The social impacts of the project

As the REDD project is still in its preparatory phase, the impacts of any eventual payments resulting from the sale of carbon credits could not be assessed; payments are expected to begin around 2012 if the project goes ahead. Given these circumstances, our main focus of study was the process of the development of the project, particularly the place and role of local communities at different stages in this process.

1. The many issues involved in forest management

The Democratic Republic of Congo has the largest continuous rainforest area in Africa, which is one of the largest in the world. The forests of the DRC are characterized by their significant wealth of biodiversity, both in terms of plant and animal species, many of which are endemic, and in terms of habitats and even types of forests. The latter include humid closed forests, dry closed forests, bamboo forests, open forests, wetland forests, gallery forests, mangrove forests and various types of secondary forests. These are home to at least 421 species of mammals, 1,099 species of birds, 1,000 species of freshwater fish and 10,531 known plant species. This extraordinary biodiversity has given rise to conservation efforts which include the creation of close to 50 protected areas, covering a total of 26,314,330 hectares, roughly 11% of the entire national territory.

Interest in the forests of the DRC also derives from the numerous so-called “environmental services” they provide and their important role in the regulation of geothermal cycles. The role played by these forests as a major reservoir of carbon and a “green lung” for the planet makes them a highly coveted resource.

The forestry industry’s contribution to the national economy remains weak, although it is growing. The formal sector timber output by private companies was assessed in 2007 to be just over 300,000 m³ annually. The sector is dominated by about a dozen companies, and production is primarily aimed at export to the international market. Informal sector production, while difficult to quantify precisely, is expanding significantly. The output of small-scale artisanal loggers has been estimated as between 1.5 and 2.4 million m³ of timber annually, which is mainly sold on local and regional markets.⁵

In addition to their ecological and economic importance, the forests of the DRC play an even more important social and cultural role, given the close ties to the forests among local communities and indigenous peoples. It is estimated that 60% of the population – in other words, between 35 and 40 million people – depend on the forests for their survival. The forests provide resources that meet needs for food, medicine, fuel, and wood for housing and other construction. Moreover, for many local communities who live in or around forests, the forest represents much more than a source of material goods. It also constitutes an integral part of their cultural identity and their spiritual and social well-being.⁶ This explains, at least in part, the almost sacred attachment to the forests felt by these communities. To dispossess them of the forests would be tantamount to a socio-cultural death sentence.

The DRC has been shaken in recent years by a dozen or so armed conflicts, which have had disastrous economic, environmental and socio-cultural consequences. Even today, armed groups continue to roam the country’s eastern provinces, making all movement extremely dangerous. These include the province of North Kivu, where the REDD pilot project is located. One of the project sites, the Kisimba-Ikobo reserve in the territory of Walikali, is particularly dangerous. Communities living in the area continue to be the victims of violent atrocities at the hands of armed groups. Women have endured particular suffering as a result of these conflicts, with high numbers of rapes reported by human rights organizations.

In some areas, such as the territory of Lubero, the insecurity created by continued armed conflict has led to massive displacements of those who live there. Large numbers of displaced people originally from villages located within the borders of the Tayna reserve have taken refuge in the town of Kasugho, for instance.

⁵ Richard Eba’a and Nicolas Bayol (2008) *Les forêts du bassin du Congo*.

⁶ Overview report of the Research Project by the International Labour Organization and the African Commission on Human and Peoples’ Rights on the constitutional and legislative protection of the rights of indigenous peoples in 24 African countries, 2009.

REDD, a highly criticized mechanism⁷

REDD is a mechanism currently being negotiated at the international climate talks, and has been the target of strong criticism from many quarters. A 2010 report prepared by the International Union of Forest Research Organizations (IUFRO), presented to the UN on the occasion of the 2011 International Year of Forests, stresses that REDD does not adequately take into account local needs and the growing demand for land to grow food and biofuel crops. Even if REDD+ is an improvement on the initial mechanism, "it continues to explicitly value carbon storage above the improvement of forest conditions and livelihoods," says Jeremy Rayner, a professor at the University of Saskatchewan and chair of the IUFRO panel that prepared the report.

Voices of opposition from the scientific community are joined by those of civil society organizations, who express serious reservations over the effectiveness of REDD and REDD+ as mechanisms to mitigate climate change. The risks of fraud and corruption are many. Local communities and indigenous peoples, who already bear the brunt of the effects of climate change, could find themselves in an even weaker position if specific provisions are not made to guarantee and protect their forest and land rights as well as their right to free, prior and informed consent.

In the meantime, other analysts stress that the predominant focus on reducing deforestation as a means of mitigating climate change has distorted climate talks, given that roughly 80% of greenhouse gas emissions are produced by burning fossil fuels and these are not being adequately addressed. They also highlight the fact not only that carbon emissions from fossil fuels are greater in quantity, but also that fossil fuel combustion has a more permanent long-term impact on the earth's climate than deforestation. Reducing emissions from deforestation could never compensate for the emissions generated through the burning of fossil fuels.⁸

Numerous other criticisms of REDD and REDD+ processes have been voiced by civil society organizations, scientists, and local and indigenous communities, all pointing to the ineffectiveness of these mechanisms alone in confronting the climate crisis currently facing life on the planet, as well as to the serious threats that they pose to the rights and the means of survival of local communities and indigenous peoples.⁹

2. Forest tenure marked by the predominance of public ownership

Land and forest tenure regimes in the Democratic Republic of Congo (DRC) are dominated by the state. The constitution of the DRC, adopted on 18 February 2006, stipulates that "the Congolese state exercises permanent sovereignty, in particular over the Congolese soil, subsoil, water resources and forests, airspace, rivers, lakes and maritime space as well as the Congolese territorial sea and the continental shelf." This sovereignty is translated in different sectoral laws as public ownership of land and natural resources. Article 7 of the Forest Code, for example, establishes that "the forests

⁷ http://rechauffement-climatique.novethic.fr/environnement-le-changement-climatique/changement_climatique/entreprises_et_acteurs_economiques/redd_attentes_industrie_forestiere_dans_bassin_congo.jsp

⁸ For more information, see *From REDD to HEDD*, a briefing published in November 2008 by WRM: http://www.wrm.org.uy/publications/briefings/From_REDD_to_HEDD.pdf

⁹ For more information, see the Durban Statement on REDD issued by the Durban Group for Climate Justice: <http://www.durbanclimatejustice.org/press-releases/durban-statement-on-redd.html>

are the property of the state.” The Land Law is similarly unambiguous about state ownership of land, stating that “the soil is the exclusive, inalienable and imprescriptible property of the state.”

At the same time, the public ownership of land and natural resources is accompanied by a certain recognition of the customary rights of local communities over the lands they occupy.¹⁰

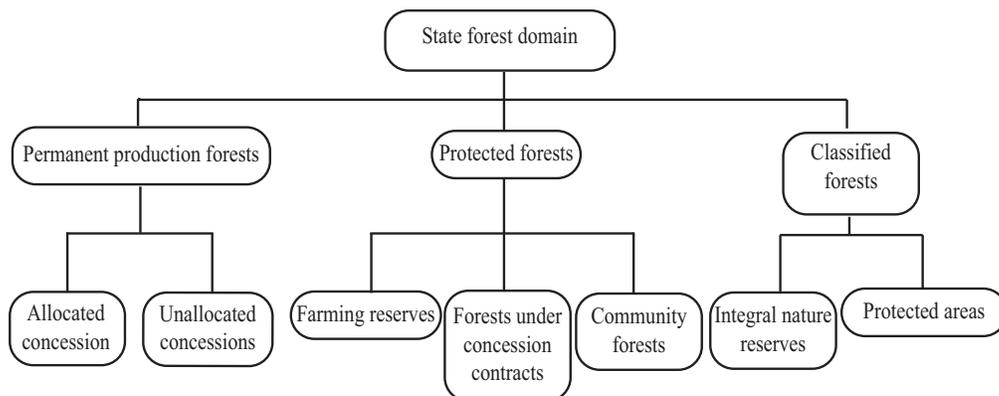
In practice, many rural communities have been dispossessed of their lands and forests in violation of the pertinent legal and regulatory procedures. Surveys conducted prior to the classification of forests are rarely carried out in accordance with the stipulated procedures, and even when local communities are “consulted”, their views are not always taken into consideration.

With regard to forest tenure in the DRC, the Forest Code divides forests into three main categories: classified forests, protected forests and permanent production forests. Each of these categories is subdivided further (*see* Figure 1).

- **Classified forests** form part of the public domain of the Congolese state and are consequently subject to a rather strict regime of protection in which user rights for local communities are extremely limited or even prohibited. Classified forests are devoted exclusively to biodiversity conservation through the creation of protected areas that are essentially made up of various categories. Classified forests currently cover an area of around 26,314,330 hectares, representing 11% of the national territory¹¹ and 5.5% of the total forest area of the country. The Forest Code foresees the expansion of classified forests to at least 15% of the national territory.
- **Protected forests** are those that have not been officially classified. They form part of the domain of the state but are subject to a less restrictive protection regime. Communities maintain their user rights to these forests even when they have been granted as concessions. Local communities can request forest concessions in protected forest areas, which are granted to them free of charge. The total area of protected forests—that represent the 38% of the country’s national territory—is estimated at around 90 million hectares, accounting for over 80% of the country’s forests.
- **Permanent production forests** are removed from protected forest status and granted as forest concessions after a prior public survey procedure for which the terms are established by a ministerial order. They are therefore essentially made up of forest concessions and forests designated for commercial use. Following a legal review and conversion of old forest titles to new concessions in 2006, only 46 titles were deemed eligible to be converted to forest concessions, representing an area of 7,002,000 hectares, which represent the 5.6% of the country’s forest and the 3% of the country’s territory. There has been a moratorium on the allocation of new forest concessions in the DRC since 2005.

¹⁰ Augustin Mpoyi (2010) Statut des terres et ses implications dans la gouvernance des terres en RDC, presentation at the international workshop “Access to land, acquisition of land and rural development: New issues, new opportunities”, Yaoundé, Cameroon, 27-28 September. See also Garry Sakata (2008) Le droit forestier en République démocratique du Congo. Etude juridique en ligne N°2, FAO.

¹¹ Richard Eba’a and Nicolas Bayol (2008) *Les forêts du bassin du Congo*.

Figure 1: Classification of forests in the DRC according to the Forest Code

(Source: Les forêts du Bassin du Congo 2008).

The DRC Forest Code also recognizes the right of local communities to customary ownership of forests and offers those who so wish the opportunity to obtain forest concessions. Article 22 states:

“A local community may, upon request, obtain through a forest concession part of or an entire protected forest among the forests that are regularly owned under customary law. The modalities of the attribution of such a concession to a community are determined by presidential decree. The attribution is free.”

But the modalities for the actual exercise of these rights by local communities are still under discussion and have yet to be adopted. Communities are therefore denied the rights granted to them in the Forest Code that could contribute to better legal protection of their ancestral forests. In all cases, the land and forest rights of local communities and indigenous peoples in the DRC are extremely limited and precarious. Community concessions, for example, can be granted on protected forests, and signify the alienation of customary rights over other categories of forests. Even though, at the same time, prior consultation with these communities is required prior to any official classification of a forest or attribution of a forest concession. In practice, however, this consultation does not give local communities the right to oppose the classification of a forest.

The coexistence of forest law and customary law in the DRC, as in most francophone African countries, is a source of frustration and conflict. It is not uncommon for local communities and indigenous peoples to be driven from their ancestral lands following the creation of a protected area. This happened to the indigenous communities who were violently evicted from Kahuzi Biega National Park since 1960,¹² and more recently to the communities expelled from the Lomako Faunal

¹² Adolphine Muley (2003) Gouvernance forestière et accès à la terre: cas des pygmées expulsés du parc national de Kahuzi Biega. In: “La transparence, la gouvernance et la loi. Etudes de cas du secteur forestier en Afrique centrale. Report prepared for the Ministerial Conference on African Forest Law Enforcement, Governance and

Reserve in the province of Equateur, which civil society organizations in the DRC denounced.¹³ There are frequent conflicts between local communities and industrial and artisanal loggers, as the communities feel that the activities of the loggers violate their rights.

It is against this backdrop of inequality among different actors in the forest sector and the precariousness of the land and forest rights of local communities and indigenous peoples that discussions around REDD are taking place, both internationally and nationally, with numerous pilot projects announced or already underway.

3. The REDD process in the DRC

The Democratic Republic of Congo was the first country in the Congo Basin to benefit from financing through the Forest Carbon Partnership Facility (FCPF)¹⁴ and the United Nations REDD programme (UN-REDD),¹⁵ both of which work to prepare the initiation of REDD activities in various countries. The country has received grants of USD 3.4 million from UN-REDD for the preparation of its National REDD Strategy, and USD 200,000 from the FCPF for the preparation of its Readiness Plan Idea Note (R-PIN) and Readiness Preparation Proposal (RPP). The government was also provided with USD 300,000 in multi-donor funds for a study on REDD+ potential in the DRC.

Given the immense potential offered by its wealth of forests, the DRC is seeking to play a major role in international REDD negotiations. It hopes to be a pioneer, even a leader, in discussions on REDD. This explains why the government has acted with such speed to undertake initiatives and become involved in any activities that allow it to be better positioned in international negotiations.

At the 13th Conference of the Parties (COP-13) of the United Nations Framework Convention on Climate Change (UNFCCC) held in Bali, Indonesia in December 2007, the first study on the causes of deforestation in the DRC was released by the US-based Woods Hole Research Centre.¹⁶ This highly controversial study, in addition to assessing the carbon sequestration potential of the DRC's forests, pointed to local communities as the primary drivers of deforestation in this vast central African nation while downplaying the impact of other actors such as industrial logging companies.¹⁷

Trade (AFLEGT)⁴, Yaoundé, Cameroon, 13-16 October. CED Cameroon, Forests Monitor UK, Rainforest Foundation UK.

¹³ <http://radiookapi.net/actualite/2010/02/19/tshuapa-opposition-a-l%E2%80%99expulsion-des-villageois-de-lomako-et-salanga/>

¹⁴ The Forest Carbon Partnership Facility (FCPF) assists developing countries to prepare for the implementation of the REDD process. Established by the World Bank, it is aimed at building the capacity of participating countries and testing a mechanism of incentive payments for the reduction of emissions from deforestation in some pilot countries.

¹⁵ The UN-REDD programme was established by FAO, UNDP and UNEP to assist developing countries to prepare and implement national REDD+ strategies and mechanisms. UN-REDD currently has five partner countries in Africa: the DRC, Tanzania, Zambia, and more recently, Côte d'Ivoire and Ethiopia.

¹⁶ Woods Hole Research Center (2007) Reducing CO₂ Emissions from Deforestation and Degradation in the Democratic Republic of Congo: A first look.

¹⁷ This study has been vehemently criticized by indigenous peoples' organizations in the DRC, who published an analysis of the Woods Hole Research Center report in 2009. In it, they recommend the recognition of the customary rights of indigenous peoples as a guarantee for the success of any REDD initiative.

Meanwhile, in 2010, the DRC applied for close to USD 20 million in financing from the Congo Basin Forest Fund,¹⁸ financed by the governments of the United Kingdom and Norway, for two REDD pilot projects, which are still not operational.

In sum, the REDD process in the DRC has been jointly supported by the UN-REDD programme and the World Bank's FCPF since 2009. It is aimed at fulfilling all the prior conditions necessary to participate in a post-2012 REDD mechanism and at building the capacity of relevant stakeholders to pursue this goal.

As a step towards developing its national REDD+ strategy, the DRC published a report on the country's REDD+ potential in 2009. Prepared with the support of the US consultancy firm McKinsey, the report presents the results of a study of the DRC's REDD+ potential, in addition to defining core strategic measures and an "urgent action plan" for the subsequent 24 months.

The general guidelines proposed by McKinsey for the DRC's national REDD+ strategy are structured around four sections: a "transverse" or cross-cutting section followed by three sectoral sections:

- The transverse section aims to put in place key reforms permitting the coordination, enablement, financing and control of activities that reduce or sequester carbon dioxide emissions. It ensures the establishment of a solid institutional, strategic, logistical and technical foundation for the development of the country's REDD strategy.
- The three sectoral or thematic sections address:
 - Management, sustainable extraction and increase in forest heritage, through four programmes:
 - (1) improving the sustainable management of "permanent production forests" by legal timber harvesting as well as combating illegal logging;
 - (2) managing, valuing and expanding "classified forests";
 - (3) launching afforestation/reforestation projects to create carbon sinks; and
 - (4) defining management rules for "protected forests" and subsequently transitioning this management to local communities.
 - Accelerated development of permanent agriculture in the rural-forested milieu, by way of three programmes:
 - (5) increasing the productivity and decreasing the migration of subsistence farmers;
 - (6) growing the yields and value-added of smallholder commercial agriculture; and
 - (7) developing intensive agriculture (mainly oil palm cultivation) in a controlled manner.
 - Limitation of the impact of urban growth and of industrial sectors on the forest, through effective interministerial coordination and the following two programmes:
 - (8) reducing fuel wood demand and increasing supply through sustainable low-value timber harvesting or through alternative energy sources; and

¹⁸ The Congo Basin Forest Fund (CBFF) is a joint initiative of the governments of the United Kingdom and Norway, created in June 2008 to finance innovative and transformative project proposals aimed at curbing deforestation and reducing poverty in the countries of the Congo Basin. The CBFF Secretariat is hosted by the African Development Bank at its headquarters in Tunis. The CBFF Governing Council is co-chaired by former Canadian prime Minister Paul Martin and Kenyan professor and Nobel Peace Prize Laureate Wangari Maathai.

- (9) limiting the impacts on the forest of extractive industries, particularly mining and hydrocarbon production.

Criticisms of McKinsey's recommendations

The McKinsey report has been strongly criticized by environmental organizations, particularly Greenpeace,¹⁹ which points out the following flaws in its recommendations:

- The role of industrial logging companies in the destruction of the country's forests is downplayed and obscured.
- Efforts to reduce carbon emissions are largely directed at subsistence agriculture, regardless of its social and cultural value.
- The recommendations completely ignore and disregard indigenous peoples despite the fact that they depend almost entirely on the forest for their survival.

Ultimately, if McKinsey's recommendations are implemented, the impact on local communities and indigenous peoples will be dramatic, with no guarantee that these measures will effectively mitigate climate change.

In addition, the measures recommended by McKinsey to reduce or sequester carbon dioxide emissions include afforestation programmes on close to seven million hectares of supposedly marginal land, reforestation on four million hectares of degraded forests, and the development of large-scale intensive agriculture, particularly through the creation of oil palm plantations geared to exports. Aside from the potential for carbon sequestration and emissions reductions, this strategy is justified through economic considerations, as it would supposedly lead to GDP growth and the creation of 40,000 jobs.²⁰ Experience has shown, however, that the expansion of monoculture tree plantations, particularly oil palm plantations, in Africa and elsewhere, has been accompanied by a host of detrimental social and environmental impacts, such as the expropriation of the ancestral lands of local communities and indigenous peoples, the deterioration of water quality due to the spillage of organic and chemical wastes, increased soil erosion, and so on.²¹

Pilot projects are an important component of the development of a REDD strategy, since they test the various elements of the strategy and all the programmes involved.

Conservation International has developed the first REDD pilot project in the DRC (the first in the Congo Basin in fact) in the framework of the management of the Tayna and Kisimba-Ikobo reserves in the province of North Kivu in the eastern DRC.

¹⁹ Greenpeace (2011) *Bad Influence: How McKinsey-inspired plans lead to rainforest destruction*.

²⁰ See the McKinsey consultancy firm's report on the DRC's REDD+ potential, released in December 2009, commissioned by Ministry of the Environment, Nature Conservation and Tourism. http://unfccc.int/files/methods_science/redd/country_specific_information/application/pdf/eng_final_report_exploring_redd_potential_071209.pdf

²¹ Ricardo Carrere (2010) *Oil Palm in Africa: Past, present and future scenarios*. http://www.wrm.org.uy/countries/Africa/Oil_Palm_in_Africa.pdf

4. Presentation of the project:

First REDD pilot project in the entire Congo Basin sub-region

In a brochure on its programme in the Democratic Republic of Congo,²² Conservation International (CI) states that it “promotes economic growth based on the principles of green economies. This includes providing both technical and financial support for the coordination of a national REDD strategy as well as developing two REDD pilot projects in two nature reserves (Tayna and Kisimba-Ikobo) in North Kivu province.”

The Walt Disney Company is a worldwide media conglomerate with headquarters in Burbank, California, US, and is divided into four main business segments: studio entertainment (film production), media networks, theme parks and resorts, and consumer products. The company’s total net income in 2010, from all segments combined, was USD 7.586 billion.²³

The two pilot projects we refer to are the result of an agreement for USD 7 million in financing signed between CI and the Walt Disney Company. This company announced that she was going to invest USD 7 million in projects of conservation at the Amazone, the Democratic Republic of Congo and the USA. These funds will be managed together with the organizations that protect environment, like CI, to promote forest protection in the Tayna and Kisimba-Ikobo reserves in the DRC and the Alto Mayo conservation area in Peru. The share of this financing allocated to the reserves in the DRC is USD 4 million, according to information gathered in the field.

In late 2009, Disney announced a USD 7 million investment in forest conservation projects in the Amazon region, the Democratic Republic of Congo and the United States, adding that the investment was being made in partnership with leading non-governmental organizations, namely Conservation International in the case of the Tayna and Kisimba-Ikobo reserves in the DRC and the Alto Mayo conservation project in Peru. In the United States, the investment would go towards reforestation and sustainable forestry projects in the lower Mississippi valley and the north coast of California.²⁴

According to press releases from CI and Disney, the projects in the DRC and Peru are aimed at conserving over 500,000 hectares of tropical rainforest threatened with destruction.²⁵ They state further that the projects will prevent more than 900,000 tons of CO₂ from being released into the

²² Conservation International (n/d) Toward a green economy: Democratic Republic of Congo. http://www.conservation.org/Documents/field_demonstrations/CI_Field_Demonstration_DRC_English.pdf

²³ http://en.wikipedia.org/wiki/The_Walt_Disney_Company

²⁴ http://www.conservation.org/Documents/field_demonstrations/CI_Field_Demonstration_DRC_English.pdf

²⁵ This claim made by CI and Disney is inconsistent with the reality on the ground. It is quite simply an exaggeration aimed at justifying the REDD project at any cost. The Tayna Nature Reserve Management Plan prepared by Juan Carlos Bonilla in 2008 lists some of the factors to justify the creation of the reserve: the presence of considerable biodiversity (fauna and flora); the endemic presence of eastern lowland gorillas and other large primates (chimpanzees); the presence of a large intact forest providing shelter for okapi and forest elephants; the presence of a traditional local community committed to conservation and willing to promote community conservation; and the presence of animals protected by Congolese law but living outside of natural parks (protected areas). The management plan is available at: http://carpe.umd.edu/resources/Documents/LS10_MZ10010007_CATMgtPln_08.pdf.

atmosphere. The projects will also generate benefits of providing alternative means of livelihood and social services to local communities living within or around the reserves involved. In particular, the funding will support the refurbishing of health clinics, the protection of intact forests and the restoration of degraded areas, the provision of water supplies to local communities, and the operation and management of small-scale hydropower systems, and will guide disbursement of future REDD project revenues to local people involved in community conservation.²⁶ The REDD pilot project in the DRC is meant to provide a sustainable revenue stream to provide funding for local development, in the expectation that this will reduce poverty, as well as funding for long-term management of the two reserves and protection of the biodiversity that they shelter.²⁷

The project area comprises a total of 2,270 square kilometres. The project is being managed by CI in partnership with the Dian Fossey Gorilla Fund International (DFGFI), which works directly with local NGOs.

There are several other similar initiatives of community conservation in the provinces of North Kivu and Equateur, which are at different stages in the administrative process. To monitor the process more effectively and coordinate the management of community reserves, the Union of Associations for Gorilla Conservation and Community Development in Eastern DRC (UGADEC) was created. Its mission is to protect large primates and other animals protected by Congolese law in their natural habitats and to build the capacity of local communities in the management of natural resources to enable sustainable use.²⁸ Community conservation efforts are oriented toward the conservation of large primates and their habitats, the socioeconomic development of local communities living between Kahuzi Biega and Maïko National Parks, and the creation of an ecological corridor between the two parks.

- ***The Tayna Gorilla Reserve (RGT)***

The Tayna Gorilla Reserve (RGT) is presented as the first community-based conservation initiative in the DRC and in all of central Africa. It is technically a nature reserve in accordance with the legal classification of forests in the DRC, and is thus a protected area whose “community” status derives from its origins and management. The reserve actually dates back to a 1998 initiative proposed by a number of individuals including two traditional chiefs or *bami*, Alexandre Mukosasenge and Stuka Mwana W’eka. It was formally created through Ministerial Order 012/CAB/MIN/ECN-EF/2006 establishing the Tayna Nature Reserve, abbreviated as “RNT”.²⁹ The management of the reserve was transferred from a state agency, ICCN,³⁰ to a community organization, RGT (Tayna Gorilla Reserve), through a management contract signed between the two parties on 5 May 2006. Since then,

²⁶ http://www.conservation.org/sites/ceb/ Documents/2010.03.05_Disney_Factsheet_LR.pdf

²⁷ CI is also developing a conservation concession REDD project in the province of Equateur. The aim of this project is to demonstrate to the government that commercialization of the carbon stock is a viable alternative to extractive, industrial use of the forest. According to CI, the carbon revenue from this project will contribute to reducing poverty and supporting local development within a decentralized structure.

²⁸ *Revue de l’UGADEC*, N° 3, September 2008.

²⁹ *Journal officiel de la République démocratique du Congo*, 15 June 2007, N° 12, Col. 8.

³⁰ The ICCN (Congolese Institute for Nature Conservation) is the state agency responsible for the management of protected areas in the DRC. It is overseen by the Ministry of the Environment, Nature Conservation and Tourism.

neighbouring communities have benefited from infrastructural development initiatives undertaken by CI and other partners, including:

- The electrification of the villages of Kasugho and Katoyo and of the facilities of the TCCB/UCNDK (Tayna Centre for Conservation Biology/Kasugho University for Nature Conservation and Development)
- The expansion of small livestock raising, including the raising of pigs in Kasugho and other animals in Mutenda, Kitowa and Mbuhi;
- The rehabilitation of the road between Lubero and Kasugho;
- Catchment and distribution of spring water in Mutenda, Mbuhi and Kitowa, and supply of water to Kasugho;
- Rehabilitation of the health post in Fatua.³¹

Community reserve management³²

The management strategy for community reserves involves subdividing them into three main zones:

1. Integral zone

In this area conservation of the flora, fauna, water, soil and environment in general is of paramount interest. It is protected from any intervention that could alter its appearance, composition or evolution. Within this zone, human activities such as hunting, farming, mining and logging, are prohibited. However, scientific study and tourism are encouraged and the proceeds shared between the development needs of local communities and the state.

2. Buffer zone

These are areas where residents may remain and continue their agricultural and pastoral livelihoods. Subsistence hunting of non-protected species and extraction of non-timber forest products by the indigenous population are authorized, but must be evaluated and monitored by the scientific team in collaboration with the local communities.

3. Development zone

Unlike in the other two zones, all legal productive activities are permitted in these areas, which are targeted for infrastructure development.

In administrative terms, the RGT is shared between the *collectivités chefferies* (“chiefdoms”, also known as sectors, a local administrative division in the DRC) of Bamate and Batangi, in the territory of Lubero. It covers an area of 900 square kilometres and is named after the Tayna River, which runs through both Bamate and Batangi.

• ***The problematic Kisimba-Ikobo reserve***

The Kisimba-Ikobo Primate Reserve (RPKI) is the second so-called community reserve in the province of North Kivu. Its creation stemmed from the efforts of the promoters of community-based conservation (CI and its partners) to reinforce the concept by creating several initiatives similar to the Tayna and the Kisimba-Ikobo reserves.

³¹ <http://www.tccb-ucndk.org/pages/RGT.htm>

³² <http://www.tccb-ucndk.org/pages/RGT.htm>

Like the RGT, the RPKI is a protected area with the legal status of a nature reserve, created by Ministerial Order 013/CAB/MIN/ECN-EF/2006 establishing a nature reserve to be named the Kisimba-Ikobo Primate Reserve and abbreviated as “RPKI”.³³ Its management was placed under the responsibility of the Bakumbule Community Primate Reserve project (RECOPRIBA), a so-called community association whose members are meant to be from the *groupements* (a local territorial division) of Kisimba and Ikobo. The association is strongly challenged as unrepresentative of those who are supposed to be among its members.

In geographic terms, the RPKI is situated immediately south of the RGT, while in administrative terms, it is located in the territory of Walikali. It occupies the territory of the *groupements* of Kisimba and Ikobo, which encompass a total of 19 *localités* or villages, of which only six are not located within the borders of the reserve.

Unlike the Tayna reserve, whose creation originally stemmed from the initiative of local traditional chiefs who were able to gain the support and approval of all the other land rights holders in the area to participate in a community conservation project, the creation of the RPKI has been the subject of heated internal conflict. Some people vigorously are vigorously opposed to the creation of a protected area in its their ancestral forests, particularly because of the restrictions this it would entails for the on exercising of their land and forest rights.

The gestation and birth of the RPKI were marked by pain and strife. When the REDD pilot project arrived, these conflicts had not been resolved. On the contrary, it would appear that the project has revived tensions and strengthened the determination of a sector of the population some of the people to fight for the recognition and protection of their basic rights.

In fact, since 2003, several years before the official creation of the RPKI, residents of communities in Kisimba and Ikobo including *groupement* leaders, village chiefs, local notables and members of the community, both women and men, have written many letters to the relevant public authorities to express their opposition to a nature reserve on their ancestral lands. This opposition resulted in upheavals in communities in Kisimba and Ikobo in 2003. Some of the two *groupements* challenged the very creation of RECOPRIBA,³⁴ the association now in charge of managing the RPKI. Their grievances include the fact that not all land rights holders had participated in the demarcation of their ancestral lands, the lack of transparency and openness of the RECOPRIBA directors, and the erroneous demarcation of the area allocated for the nature reserve, among other issues. That same year, Ikobo livestock breeders living in Butembo wrote a letter to the RECOPRIBA coordinator in which they demanded that their 5,000 hectares of land, which they had paid to acquire, not be included in the nature reserve being created.³⁵

³³ *Journal officiel de la République démocratique du Congo*, 15 June 2007, N° 12, Col. 13.

³⁴ Letter dated 10 January 2003 from customary landowners in Ikobo and Kisimba addressed to the head of the provincial department of the environment of nature conservation for North Kivu in Goma, protesting the establishment of RECOPRIBA.

³⁵ Letter dated 5 March 2003 from livestock breeders in Ikobo addressed to the coordinator of RECOPRIBA to voice their opposition to the initiative.

In the face of these protests and the risk that they could ignite social conflicts in a region already battered by seemingly endless civil war and rebellion, the Ministry of Justice, through decree JUST. GS/20/4663/2004, suspended the activities of RECOPRIBA.³⁶ The association's directors ignored the decree and continued with their activities but were subsequently called to order by the head of the office of religious organizations and associations at the Ministry of Justice, in a letter dated 29 March 2005.³⁷ It was in the midst of this confusion that the RPKI was officially created on 3 April 2006; there is no way of knowing if the Ministry of Justice decision to suspend RECOPRIBA's activities had ever been cancelled or nullified.

The Ministry of the Environment's creation of the RPKI did not end the protests. On the contrary, it appears to have revived them. In fact, just one month after the minister had signed the order creating the RPKI, he was besieged with letters demanding the order's outright revocation, in view of the risks of social conflict it could provoke.³⁸ Those who oppose the reserve dispute both the legality and the legitimacy of the ministerial order. According to people interviewed on the ground, "the demarcation of the reserve was not carried out in a participatory manner. In addition, the statement regarding the legal situation of the lands—that certifies the land is not being used and therefore is vacant—on which the ministry based the creation of the reserve was signed by the leader of the *groupement* on everyone's behalf, when in fact each land rights holder is exclusively responsible for his portion of the land." The silence of the authorities in the face of the huge volume of correspondence about the reserve has done nothing to discourage the communities who are determined to defend their rights over their ancestral lands and forests. The latest action taken by the communities of Kisimba and Ikobo is a petition addressed to the Ministry of Environment, Nature Conservation and Tourism in which they reiterate their demand for the repeal of the ministerial order establishing the RPKI, while stating their commitment to conserving the biodiversity of their forest through genuinely community-based forest management.³⁹ Their determination is also reflected in this declaration by Kisimba and Ikobo community members opposed to the reserve: "The ministerial order that created the RPKI was signed without consulting the community and if it is necessary we are prepared to walk all the way to Kinshasa to voice our demands."

Opposition to the ministerial order establishing the RPKI is grounded in the refusal of community members to be stripped of their customary land and forest rights; these are duly recognized by the country's constitution, which states: "Private property is sacred. The state guarantees the right to individual or collective property acquired in accordance with law or custom."⁴⁰ The reason that some of the people of Kisimba and Ikobo continue to oppose the reserve is that its very creation deprives

³⁶ Letter dated 27 September 2004 addressed to the assistant administrator of Pinga by the vice-governor responsible for political, administrative and social affairs in the province of North Kivu.

³⁷ Letter N°JUST.GS/20/285/2005 dated 29 March 2005 addressed to the vice-governor of the province of North Kivu by the director of religious organizations and associations of the Ministry of Justice regarding the insubordination of the head of the territorial administration in Pinga.

³⁸ Letter dated 10 May 2006 from traditional chiefs and landowners in Ikobo addressed to the minister of the Environment, Nature Conservation and Tourism to protest the operation of the NGO RPKI in Ikobo; letter dated 6 June 2006 from residents of Kisimba addressed to the minister of the Environment, Nature Conservation and Tourism to demand the revocation of Ministerial Order N° 013 CAB/MIN/ECN-EF/2006.

³⁹ Letter from residents of Kisimba and Ikobo addressed to the minister of the Environment, Nature Conservation and Tourism communicating resolutions reached at a meeting on 20 February 2011.

⁴⁰ Article 34 of the Constitution of the Democratic Republic of Congo.

them of their basic rights. The ministerial order prohibits certain activities within the reserve that are closely tied to their way of life and local culture. Article 3, for example, prohibits the following activities within the borders of the reserve:

- 1) Introducing any species of animal or plant, firearm, trap or hunting device, capturing or transporting any wild animal dead or alive, trophy, meat or other animal by product.
- 2) Pursuing, hunting, capturing, frightening or disturbing, in any way, any species of wild animals, even those reputed to be harmful, except in cases of legitimate defence.
- 3) Engaging in the exploitation of precious materials or carrying out any activity that could alter the habitat of animals or the character of the reserve.⁴¹

Legal status of nature reserves⁴²

Under Congolese forest law, nature reserves form part of the category of classified forests.

Classified forests are subjected, through the implementation of an official act of classification, to legal restrictions regarding user and exploitation rights. They are assigned a particular function and are usually designated for environmental protection. They may include integral nature reserves, forests located in national parks, protected areas, botanical and zoological gardens, biosphere reserves, wildlife reserves and hunting reserves. Added to these are also the forests necessary to protect hillsides against erosion, to protect human environment, springs and waterways, to conserve biodiversity and soils, and to maintain and improve the health of the natural environment. Classified forests are part of the public domain of the Congolese state. They are inalienable and non-transferable, which means they cannot be sold or granted in concession for any reason whatsoever. It is the ecological role of forests that gives the state ownership of certain areas because they have a public interest function. As such, they should be placed at the highest level of public goods in need of protection. This inalienability is absolute as long as a forest is not declassified. In accordance with Articles 19 and 15 of the DRC Forest Code, both the classification and declassification of a forest are carried out through an order issued by the Ministry of the Environment in accordance with a procedure established by decree.

In classified forests, concession rights are prohibited and the user rights of neighbouring people are very restricted or simply non-existent. This means that neighbouring communities are prohibited from gathering dead wood and straw; picking fruit, edible plants and medicinal plants; collecting gums, resins or sap; and extracting wood to build houses or use in crafts. These various user rights cannot be exercised in integral nature reserves, national parks and botanical gardens, areas in which any form of exploitation is totally prohibited.

Local communities, particularly those opposed to the creation of the reserve, consider all the stipulations of the ministerial order as an attack on their way of life, culture, and their land and forest rights guaranteed under the country's constitution. It is therefore easy to understand their opposition towards the reserve and the activities carried out or proposed there.

Also underlying the resistance to the reserve and its promoters is the process which resulted in its creation. The communities maintain that the two traditional chiefs who signed the declaration that the lands were vacant did not have the right to represent all the land rights holders without an explicit mandate. Moreover, the local communities assert that the public survey required by law

⁴¹ Article 3 of Ministerial Order N° 013 CAB/MIN/ECN-EF/2006 of 3 April 2006 establishing a nature reserve to be named the Kisimba-Ikobo Primate Reserve and abbreviated as "RPKI".

⁴² Garry Sakata (2008) *Le droit forestier en RDC. Etude juridique en ligne* N° 72, FAO.

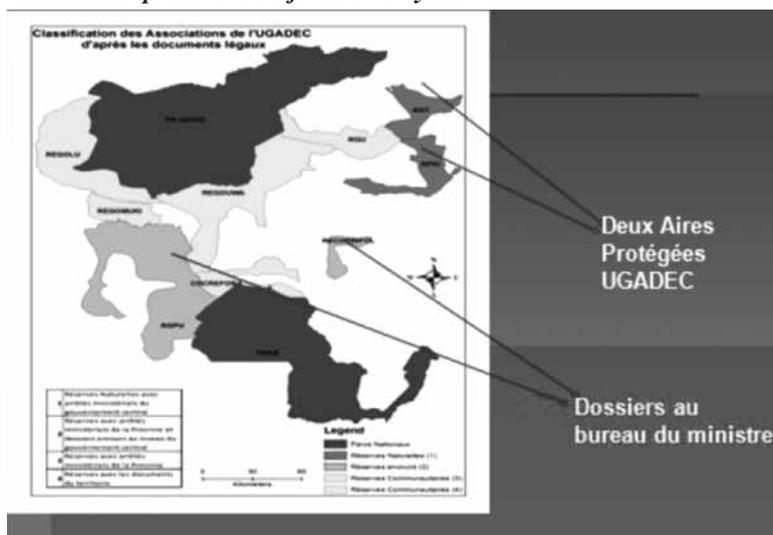
prior to the official classification of a forest did not take place.⁴³ This flaw in the procedure should result *ipso facto* in the ministerial order establishing the reserve being nullified and the rights of the communities demanding them restored.

The people who oppose the creation of the RPKI and the REDD project are strongly supported by local NGOs who work in the Walikali territory. They share their belief that this so-called community conservation initiative strips local communities of their customary land and forest rights. They support their struggle in different ways, and have proposed the establishment of community forests as an alternative framework for community conservation and sustainable management of forest resources involving the participation of local communities.

5. From gorilla conservation to the carbon market

The Tayna and Kisimba-Ikobo nature reserves were created to protect the western lowland gorillas that are endemic in North KIVU region. These two pioneering efforts have contributed significantly to reflection on the concept of community conservation in the DRC. On the basis of these pilot initiatives, the Congolese Institute for Nature Conservation (ICCN) has developed a national community conservation strategy. In the province of North Kivu, the establishment of so-called community reserves is part of a global conservation strategy and the creation of a wildlife corridor linking Kahuzi Biega National Park (PNKB) and Maïko National Park

Map: Location of community reserves in North Kivu



Source: Magnant Mubonge (2011) Conservation communautaire et REDD+, expérience de l'UGADEC et de DFGFI dans le Landscape 10 en RDC.

⁴³ Article 15 of Law N° 011-2002 of 29 August 2002 establishing the Forest Code. The procedures for the classification and declassification of forests were defined in a decree published *after* the creation of the Kisimba-Ikobo Primate Reserve.

In spite of the conflicts it has engendered, the community conservation approach in North Kivu has attracted numerous international partners which have contributed technical and financial support. The Dian Fossey Gorilla Fund International (DFGFI) has become the primary technical and financial partner in the initiative and thus a key stakeholder for all international funders interested in community conservation in North Kivu. Numerous other partners have since fallen in behind to contribute their support to community conservation in the province, including Conservation International and USAID, through its CARPE programme.⁴⁴ In addition to conservation activities *per se*, financial support has been given to socioeconomic initiatives aimed at promoting inclusion and ownership of the project among local communities, especially in the Tayna area.

It is within this context of experimentation with community conservation that the REDD pilot project has emerged, inspiring enthusiasm in some but serious concerns among others.

6. REDD project impacts on local communities

The REDD pilot project in the RGT and RPKI began in 2009 with the signing of an agreement between CI and the Walt Disney Company. The contents of the agreement have not been made public. The information released by Disney states that the project will support the local communities involved so that their management of the forest and conservation of its resources will provide a source of income to improve their livelihoods. The funds provided by Disney will also be used to prepare the project design document (PDD), assess forest carbon stocks, and finance the verification of emissions “avoided” through successful implementation of the project. In terms of social benefits, the project will also provide money to restore health care centres and provide them with medicines and supplies, ensure the provision of drinking water to local communities, and build and manage micro hydroelectric plants, along with other initiatives.

The REDD pilot project is still in its preliminary phase, devoted to sensitizing local communities, gathering of socioeconomic data, and making a biomass inventory. The visible outcomes of initiatives on the ground are the result of prior support received under the framework of gorilla conservation efforts on the Tayna reserve. In other words, it is too soon to assess the social impacts of the REDD pilot project on the different communities involved. But the processes initiated, both through the creation of the reserves and the pilot project launch, provide some grounds for reflection. Our impact assessment takes into account the Climate, Community and Biodiversity (CCB) Standards⁴⁵ with which the project has committed itself to comply.

⁴⁴ Patrick Mehlman (2010) Case Study 3 - Protected Areas Land Use Planning: Lessons Learned from the Tayna Community-Managed Nature Reserve. http://cmsdata.iucn.org/downloads/lessons_learned_chapter2_case_study3.pdf

⁴⁵ The CCB Standards define rules that can be applied to land-based carbon projects aimed at reducing emissions through avoided deforestation and forest degradation (REDD) and carbon sequestration, while also delivering net positive benefits to local communities and biodiversity. The standards were developed by the Climate, Community and Biodiversity Alliance (CCBA), a partnership among research institutes, corporations and major conservation organizations (including The Nature Conservancy, Wildlife Conservation Society, Conservation International and Rainforest Alliance) which ultimately serves to provide a “green label” for projects involving the sale of carbon credits. <http://www.climate-standards.org/index.html>

- ***Less than fully informed consent***

CI and its field partners have placed considerable emphasis on sensitizing the population so as to persuade and “convert” them to gorilla conservation and, more recently, the REDD project. These sensitization efforts have extended beyond local communities to encompass local, provincial and national authorities.

For the local communities and UGADEC officials, the crowning achievement of this sensitization process was a commitment pledge in which the local rights holders who signed it signalled their willingness to take part in the project. The commitment pledge is also being used as proof that local land rights holders have given their consent for the project to be carried out on their lands.

The problem is that some of those within the *groupements* of Kisimba and Ikobo, are protesting that they have been excluded throughout the process of the creation of the reserve where the REDD project is now to be based. As already mentioned, these people are struggling for their constitutionally guaranteed rights to be recognised and respected. The various petitions and requests signed by *groupement* leaders, village leaders, local notables and other land rights holders in Kisimba and Ikobo, although ignored by those in charge of the project, indicate that these community members did not give their approval or acquiesce to the project, and that it encroaches on their customary lands without their consent.

The project has not taken any steps to address this highly contentious situation. On the contrary, it seems to be moving forward as if there were no problems whatsoever, thus creating the conditions for conflict with unpredictable consequences. After we had conducted our research, however, UGADEC officials informed us that a participatory demarcation process was being planned to resolve the conflict within the community between those who support the project and those who do not.

With regard to the Batangi and Bamate communities involved in the Tayna reserve, although pledges of commitment were signed in accordance with the wishes of the project leaders, the reactions of some of the people we met raise certain questions. Listening to some of the traditional chiefs and members of the general public, one cannot help but ask if the consent given was truly informed, or if, in fact, it was the promises made to them during the sensitization process that convinced land rights holders to give their consent for the project to be implemented. There are rather clear indications of the latter that consent was obtained because of the promises made to them. According to one testimony gathered in the field:

«The population was very happy to welcome the community reserve project, because we didn't know the value of the protected animals, or of the forest itself. We were informed about the REDD project and they told us that there will be a great many benefits for us. They told us not to attack the forest anymore, but to protect it, the same way we protect the gorillas. (...) They told us that trees produce carbon, which is important for the atmosphere. (...) Everyone is going to be well off and our lives are going to change. We are going to open the way and deep in the forest everyone is going to find their share. They told us the REDD project is going to last 20 years, and it started three years ago and we still haven't seen anything. So we can see that the benefits are taking a long time to reach us and people are starting to get discouraged. But we keep on hoping, because they have filled us with hope.»

Another community member added:

«We have agreed to the REDD project activities. If there are obstacles, they won't be raised by us. There is carbon in the forest and we have agreed not to destroy the forest. This is going to open the door to development. The carbon belongs to everyone and especially the landowners. As compensation, every landowner is going to receive the equivalent of the cost of a goat every year.»⁴⁶

These comments reflect the biased information received by the local people. Most of them have no idea of the duties and responsibilities attached to the promises made to them. The expectations of local communities could well surpass what the project can actually deliver. If this proves to be the case, the resulting frustrations could be counterproductive, threatening the objectives of the project.

- ***Ongoing conflicts in Kisimba and Ikobo***

The conflicts that arose from the creation of the RPKI have yet to be resolved. The communities of Kisimba and Ikobo appear to be divided into at least two opposing camps: some people support the reserve's activities, while others are vehemently opposed to them.

Perceptions of these conflicts vary, depending on which camp one is in or supports. While those who oppose the reserve are demanding the restitution of their lands through the revocation of the ministerial order that created the RPKI, others tend either to downplay the conflict, attributing it to a simple struggle over leadership, or to ignore it altogether.

According to information gathered in the field, some people have already died as a result of these conflicts, while many others are concerned for their safety. Residents of Kisimba and Ikobo sent a letter to the governor of the province of North Kivu on this subject.⁴⁷

The letter's signatories state that they are opposed to the REDD project not because the project in itself is bad, but because their rights were not respected in the creation of the nature reserve where the project will be based. This is another example of the violation of the right to free, prior and informed consent.⁴⁸ The community members interviewed stated that "the REDD project has not respected the conditions concerning our participation, and that is why we are opposed to it."

Those in charge of the project, far from seeking a way to resolve the conflict raised by the opposition of some of the people of Kisimba and Ikobo, have tended instead to aggravate it through their stubborn determination to move forward regardless the opposition.

⁴⁶ UGADEC officials confirmed this form of compensation, saying that it corresponds to a traditional model of compensation used in North Kivu. This goat (which has a local value equivalent to USD 30) is to be given annually beginning this year to a number of landowners who support the reserve, without taking into account the area of the lands they have ceded or the membership of the clan that owns the concession.

⁴⁷ Letter dated 5 February 2011 from residents of Kisimba and Ikobo addressed to the governor of the province of North Kivu to express their opposition to the Tayna-Kisimba-Ikobo REDD project. The letter was signed by 12 people.

⁴⁸ In addition to the right to free, prior and informed consent, it is also evident that the project does not have the approval of all appropriate authorities, in contravention of CCB Standards indicators G5.2 and G5.3.

What will happen to the REDD project if the opponents in Kisimba and Ikobo win their case and the ministerial order that created the nature reserve is revoked?

- ***Transparency of the project***

The information available on the REDD project is patchy and selective. The Internet seems to be the main source of information, even though Internet access in the project area is practically non-existent.

Little is known about the agreement signed between CI and Disney, not even by the local leaders who collaborated in creating the reserves, and rumour seems to be the main, even only, source of information for local communities and the general public. The terms of the contract are unknown beyond the project duration and the stated benefits. The implications of the project for local communities are completely vague. According to some of the people we spoke with, “Information about the REDD project does not circulate very well between CI, DFGFI and the local communities. (...) CI and DFGFI have kept too much information to themselves.”

The roles and responsibilities of the different institutions involved in the project are not clear to the local people. Between CI, DFGFI, UGADEC and RGT or RPKI, it is difficult for local communities to know who does what.

In other cases, the role of some of the institutions is challenged by others. Between Disney, the carbon credit buyer, on one side and the local communities on the other stand CI, DFGFI and UGADEC. The RGT and RPKI officials with whom we spoke said that they would rather deal directly with DFGFI, without the intermediation of UGADEC. At the time (May 2011) we conducted our research, the two beneficiary reserves had not been informed of the global budget for the project or the amounts that would be allocated for their activities.

What seems to be clear to everyone is that CI is responsible for financial management of the agreement with Disney, while technical management and supervision will be handled by DFGFI. The relationships between DFGFI, UGADEC and the bodies responsible for the two reserves involved (RGT and RECOPRIBA) have not been clarified.

According to some of those we spoke with, this conflict over jurisdictions is partly responsible for delays in implementing the project. When we left the area, neither the RGT nor RPKI had signed any agreements in connection with the project, despite being the primary project beneficiaries and legally responsible for the management of the reserves.⁴⁹

The lack of transparency in the management of the Tayna-Kisimba-Ikobo REDD project and the very limited participation of local communities in the decision-making process reinforce the perception,

⁴⁹ This lack of definition violates indicator G4.1 of the CCB Standards, which states: “Project proponents must [i]dentify a single project proponent which is responsible for the project’s design and implementation. If multiple organizations or individuals are involved in the project’s development and implementation the governance structure, roles and responsibilities of each of the organizations or individuals involved must also be described.”

that all those we discussed with have, that they are losing control over their forests. In the words of one traditional leader: “It is our forest but other people are managing it in our place.”

- ***The unresolved question of carbon rights***

As noted above, very little information about the REDD pilot project is circulating within the local communities supposed to be its beneficiaries, despite the fact that UGADEC claims that training and sensitization sessions have been organized for them and for administrative authorities and other project partners.

For many of the project proponents, REDD is synonymous with the sale of carbon credits, leading to the need to assess the carbon stocks stored in the forest that will be marketed as credits. This approach ignored other potential means of financing a reduction of carbon dioxide emissions from deforestation, such as direct public funding. This choice obviously distorts any lessons that could be drawn from the project. Given this context, it is essential to clarify who holds the rights over the forest carbon in a REDD or REDD+ project, because these rights will determine the roles and responsibilities of different actors in the process of reducing emissions due to deforestation and forest degradation. Such rights also determine how any benefits derived from the project will be shared.

The question about carbon rights in the case of the Tayna and Kisimba-Ikobo REDD project encompasses rights to the carbon credits negotiated with Disney and rights to sharing in any benefits resulting from the sale of these carbon credits.

Neither the communities involved nor even some of the project partners seem concerned by this critically important question. Even at the national level, this question has not really been addressed. Thus the benefit sharing mechanisms for the project remain unknown to the local populations, who are instead bombarded only with vague promises of benefits.

CI has commissioned a specialist law firm to consider this question and propose a model that will in all likelihood be “imposed” on the local population.⁵⁰ The situation is all the more ambiguous since the land ownership regime in the DRC can give rise to confusion. The project involves nature reserves, which are the property of the state (*see* box, p. XX on the legal status of nature reserves), as well as a community conservation initiative in which numerous organizations actively participate. This raises the question of whether the state, in transferring the management rights to local communities, also transferred the carbon rights or not. This is unlikely, given that REDD had not been thought of at the time the management agreements between the Congolese Institute for Nature Conservation (ICCN) and the communities involved were signed the 5th of May 2006, (for Tayna reserve).

⁵⁰ This contravenes indicator G5.6 of the CCB Standards, which stipulates: “Project proponents must [d]emonstrate that the project proponents have clear, uncontested title to the carbon rights, or provide legal documentation demonstrating that the project is undertaken on behalf of the carbon owners with their full consent. Where local or national conditions preclude clear title to the carbon rights at the time of validation against the Standards, the project proponents must provide evidence that their ownership of carbon rights is likely to be established before they enter into any transactions concerning the project’s carbon assets.”

Is the limited information made available to local communities and to the leaders of the bodies that represent them an indication that these communities will be denied their rights over the carbon and all related negotiations?

To whom does the responsibility fall for defining the mechanisms for the sharing of benefits, and what should be the basis for this definition?

These questions remain unanswered. Unless they are addressed, they could contain the seeds of further conflicts related to the sharing of benefits.

Of particular relevance here are reflections by Congolese jurist Jean Didier Mwakomokebi:⁵¹

The integration of customary law in the Congolese legal system along with the recognition of customary rights over natural resources create rights over the environmental services provided by those natural resources, among them, forest carbon. The guarantees attached to customary rights (the right to consultation, the right to free, prior and informed consent, the right to a share of revenues, the right to participate in decision making, etc.) also apply to all carbon-related markets or arrangements in which the country may become involved. The contrary would entitle customary landowners to take action against the implementation of any REDD mechanisms that would thwart their aspiration to share in the revenues, by virtue of Article 56 onwards of the constitution (the offences of pillage and high treason) and other provisions of Congolese positive law.

- ***Marginalization of women***

Women comprise an important section of the population. They are just as involved as men, if not more, in forest conservation, and are also responsible for ensuring the well-being of their families. For women, the forest represents an important source of income, through the sale of non-timber forest products. Women also depend on the forest as an essential source of food for their families. Projects initiated by external actors do not always give women the place they deserve in either consultation or implementation. The Tayna-Kisimba-Ikobo REDD project is no exception.

A women's association around the Tayna reserve has over 2,500 members and is represented in almost every village in the territory of Lubero. This association tackles, among other issues, malnutrition, education for girls, illiteracy, and deforestation and poaching. According to members we spoke with in Kasugho, the association does not receive any specific external support to pursue their goals. But when the Tayna reserve was created, they were sensitized about the importance of protecting the forest.

With regard to the REDD project, however, these women declared, "We have never heard of REDD." It would appear that women's rights in relation to forest resources and the Tayna gorilla reserve are of concern to very few actors. There are no visible actions being undertaken or planned to build women's capacity to defend their rights and their interests. One woman who lives on the border of the RPKI told us, "Women suffer horribly, it is important to specify what kind of assistance they are going to be given."

⁵¹ http://www.immordc.net/details_news.php?id=1248

Women, like all other members of the community, should participate in every stage of the project from the very beginning of the process. The fact that the project is still in its preparatory phase does not justify their marginalisation. In fact, such marginalisation gives us cause for concern to wonder more generally about the place and role of women in the REDD pilot project in the DRC. How will they be involved? What benefits are they entitled to receive? What are the potential risks posed by the project to the situation of women in particular?

Conclusion

Conservation International has launched the first REDD pilot project in the Congo Basin in partnership with a US corporation, which plans to purchase the carbon credits derived from the project in the framework of the voluntary carbon market.

The project involves two nature reserves in the province of North Kivu in the Democratic Republic of Congo, comprising a total area of nearly 2,270 square kilometres. When these forests were designated as nature reserves, they came to form part of the public domain, as a result of which, the communities lost their customary ownership rights to these lands. The reserves represent an experiment in community conservation, with responsibilities for their management transferred from the state agency normally responsible for protected areas, ICCN, to organisations that represent the communities, namely RGT in the case of the Tayna reserve and RECOPRIBA for the Kisimba-Ikobo reserve. The management agreements between these so-called community organizations and the ICCN were signed prior to any discussions of the REDD process. Consequently, they contain no reference to this totally new mechanism, which is still being negotiated.

This REDD pilot project has inspired substantial interest because it is a so-called community project undertaken in supposedly community-managed areas. Community conservation implies that those responsible have real decision-making power over the management of their resources and over matters that concern them. But we have been able to confirm that the reality on the ground is utterly different. Local communities play a rather marginal role. They are scarcely informed about the project and have practically no participation in making major decisions regarding it. They seem to have more responsibilities than rights, at least in the REDD project. These communities, however, have many, perhaps excessive expectations, generated by the promises made in the sensitization campaigns aimed at them. But the mechanisms for sharing any eventual benefits of the REDD project have not been defined, nor a procedure identified for doing so. It is therefore likely that the local communities will be subjected once again to the dictates of their “partners” and the experts designated for this task. There is a lack of clarity regarding the rights over the carbon stocks that are the basis of the deal between CI and Walt Disney.

In Kisimba and Ikobo, the REDD project is being developed against a backdrop of social conflicts sparked by opposition to the creation of the Kisimba-Ikobo Primate Reserve itself. The establishment of the reserve stripped local communities of their customary rights over the land and forests within its borders. The public authorities, who have received countless letters expressing this opposition, must immediately address the protests voiced to them by local communities in order to prevent an escalation of the conflicts.

The social impacts of the REDD project in terms of contributions to local development cannot be assessed while the project is still in its preparatory phase. But there is reason to fear that the supposed beneficiary communities will play only a marginal role in the decision-making process, regardless of their right to free, prior and informed consent. The situation of women is even more troubling, because they are even less informed than the men and therefore cannot express any opinions or demands.

Our research ultimately suggests that the REDD project as implemented on the Tayna and Kisimba-Ikobo reserves may well contribute to strengthening the large international organizations promoting the project, such as CI and DFGFI, to the detriment of local communities who are losing their rights and thus any control over their ancestral forests. These communities are likely to be left considerably weakened. Decisions related to the project are being made almost entirely without the knowledge of the local communities, who are supposedly meant to be the primary beneficiaries.

This case study reveals the risks of marginalizing local communities: in a process they do not understand, and in which they are not participating, some are being seduced by promises of massive development and personal gain, which they believe could change their lives.

All of these points highlight the difficulties entailed by implementing a REDD project in which the rights of local communities to their lands and forest resources are not guaranteed and protected. This is the root of the resistance of the communities in Kisimba and Ikobo who refuse to give up their lands for a project whose details are unclear.

These communities have opted instead to participate in the conservation of natural resources, and even in REDD, through community forests, as defined by the DRC's Forest Code. This strategy guarantees them greater control over the forests they own through customary rights. Until now, local communities have not received even timid support for this community forest approach from international conservation organizations. Only local organizations, following the example of Réseau CREF and its members, support local communities and people in seeking recognition and protection of their land and forest rights, given the fact that there is still no implementing legislation for the pertinent provisions of DRC's Forest Code.

This points to the urgent need for legislation implementing the Forest Code provisions related to local community forests to be adopted. With this legal status, local communities in North Kivu and elsewhere in the DRC could participate on a more equitable basis in preventing deforestation, and thus better contribute to conservation efforts and the fight against global warming.



8. Children during class, in the uncomfortable classrooms at the coastal villages – Walikali territory

8. Les enfants suivent leurs cours dans les salles de classe pas très confortables, dans les villages riveraines – Territoire de Walikali

9. The palm oil press is the unique activity that generates revenues at the villages – Walikali territory

9. La presse d'huile de palme constitue l'unique activité génératrice des revenus dans les villages – Territoire de Walikali



10. Some vulnerable children, schooled in the past with the support of the association Objectif Brousse of France – Walikali territory

10. Quelques enfants vulnérables scolarisés jadis avec l'appui de l'Objectif Brousse de France – Territoire de Walikali

11. The state of the coastal school buildings of the walikali community gorilla reserve – Walikali territory

11. L'Etat des bâtiments des écoles riveraines de la réserve communautaire des gorilles de walikali – Territoire de Walikali



12. Villagers going to the market at Kashuga to sell their palm oil – Walikali territory

12. Les villageois vers le marché de Kashugha pour aller vendre leur huile de palme – Territoire de Walikali



13. Food security program. Kasugho – Lubero territory

13. Programme de sécurité alimentaire. Kasugho – Territoire de Lubero

14. Close to Kasugho and Tayna reserve – Lubero territory

14. Près des réserves de Kasugho et Tayna – Territoire de Lubero



15. Close to Kasugho and Tayna reserve – Lubero territory

15. Près des réserves de Kasugho et Tayna – Territoire de Lubero