DEMOCRATIC REPUBLIC OF THE CONGO

MINISTRY FOR THE ENVIRONMENT, NATURE, CONSERVATION AND TOURISM

STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT OF THE REDD+ PROCESS

ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT OF THE REDD+ PROCESS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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LIST OF ACRONYMS AND ABBREVIATIONS

NEA: National Environmental Agency
AfBD: African Development Bank
WB: World Bank
CCBA: Community, Climate, Biodiversity Alliance
UNFCCC: United Nations Framework Convention on Climate Change
EESFU: Environmental and Social Monitoring and Evaluation Unit
ESMF Environmental and Social Management Framework
PPMF Pest and Pesticide Management Framework
NCEI: National Center for Environmental Information
NC-REDD: REDD National Coordination
LDC: Local Development Committee
IPLC: Indigenous Peoples and Local Communities
IPPF Indigenous Peoples Planning Framework
IRPF: Involuntary Resettlement Plan Framework
RELC: Regulatory and Environmental Litigation Center
NSD: National Sanitation Department
NCD: Natural Conservation Department
IVOD: Internal Verification and Oversight Department
SDD: Sustainable Development Department
DHSEP: Department of Human Settlements and Environmental Protection
DSP Department of Studies and Planning
DFM: Department of Forest Management
DHR: Department of Horticulture and Reforestation
DFMI: Department of Forest Management Inventories
DPGS: Department of Personnel and General Services
DWR: Department of Water Resources
FPIC: Free, prior informed consent
EA: Environmental Assessment
SESA: Strategic Environmental and Social Assessment
EIS: Environmental Impact Study
TFAI: Technical and Financial Analysis of Investments
FAO: Food and Agriculture Organization of the United Nations
GEF: Global Environment Facility
HCVF: High Conservation Value Forest
GEEC: The Environmental Studies Group of the Congo
GHG: Greenhouse Gas
ESMRP Environmental and Social Management of the REDD+ Process
GIZ: German Cooperation
GPS: Global Positioning System
RCWG: REDD Climate Working Group
CNH Critical natural habitat
RAI REDD-Aligned Initiative
CICN: The Congolese Institute for the Conservation of Nature
IDA: International Development Association
RI: REDD Initiative
ISO: International Organization for Standardization
GI: Green Initiative
MECNT: Ministry for the Environment, Conservation, Nature and Tourism
MRV: Monitoring, Reporting and Verification
MTPF: Medium-Term Policy Framework
GMO Genetically Modified Organism

NGO: Non-governmental Organization
UN-REDD: United Nations REDD Program
OSFAC: Observation by Satellite of the Central African Forests
EMRP Environmental Mitigation and Rehabilitation Plan
RAP: Resettlement Action Plan
APRAR: Action Plan for Restricting Access to Resources
IPDP: Indigenous Peoples Development Plan
FNCP: Forest and Nature Conservation Project
MCPCH Management and Conservation Plan for Cultural Heritage
EMPP: Environmental Management Plan of the Project
ESMP: Environmental and Social Management Plan
PPMP Pest and Pesticide Management Plan
MERRP: Multi-sector Emergency Rehabilitation and Reconstruction Project
NEAP: National Environmental Action Plan
UNDP: United Nations Development Program
OP: Operational Policy
PF: Process Framework
PR: Project REDD
PROMINES: Projet Mines [Project Mines]
PROROUTE: Projet Routes [Project Roads]
PES Payment for Environmental Services
DRC Democratic Republic of the Congo
REDD: Reduced Emissions from Deforestation and Forest Degradation
CHR Cultural Heritage Resources
RPP: Readiness Preparation Proposal
IFC: International Finance Corporation
GS: General Secretariat
GIS: Geographic Information System
CMES: Computerized Monitoring and Evaluation System
ToR: Terms of Reference
UCL: Université catholique de Louvain
EU: European Union
VCS: Verified Carbon Standard

INTRODUCTORY NOTE

The current ESMF is the result of a long process of consultations with different stakeholders. Three levels of stakeholders involved in REDD+ were identified and consulted, within the framework of the Strategic Environmental and Social Assessment mission of the REDD+ process in the DRC.

The consultation process put in place for the REDD+ SESA included three levels of consultations, called layers:

The First Layer: the people directly involved in the process of preparing the REDD+ strategy: the NC-REDD, the Thematic Coordination (the TC), the Monitoring Committee for environmental and social risks (the MC), pilot project NGOs, etc.). This first layer is active in the strategic analysis and in integrating the results into the SESA process. The civil society and the representatives from indigenous and local communities also participated in the TC and the Monitoring Committee. More than three hundred of the stakeholders' representatives were consulted during a period of over three weeks at the Centre Caritas Congo in March and April 2012, in order to develop Version 0 of the REDD+ National Strategy Framework with an initial Social and Environmental Analysis (first layer).

The Second Layer: The second layer is made up of stakeholders who did not participate "directly" in the development of the National Strategy Framework, but who must play a determining role in the implementation of it. They are generally key sector ministries, REDD+ project managers and technical or financial partners. Extensive consultations of the second layer of other stakeholders, including the civil society and representatives for the indigenous peoples, including all the REDD+ Provincial Focal Points related to the NC-REDD, were organized during the course of a week (from the 24th to the 28th of June 2013) in Kinshasa to present the refined versions of the SESA frameworks and to gather their opinions and considerations to improve it.

The Third Layer: The third layer is made up of potential beneficiaries of the positive effects of REDD+ or the potential victims of its undesirable effects. In September and October 2012, consultations were organized in six REDD+ pilot provinces in the DRC in order to present the first social and environmental analysis related to Version 0 of the REDD+ Strategy Framework, and to request the opinion and consideration of the local and provincial stakeholders on the viable options proposed.

Finally, the participants of the second level recommended that the NC-REDD organize consultations in all the provinces of the DRC in order to (i) present the improved versions of the SESA; (ii) present the main recommendations coming out of the consultations of the second layer, specifically concerning the decentralization of REDD+, benefit sharing mechanisms, and grievance and redress mechanisms within the framework of REDD+, etc. These consultations were held from November 2013 until January 2014.

At each of these new consultations, the Indigenous Peoples' organizations (Indigenous Pygmy peoples in this case) extensively participated in the consultations through the REPALEF [Network of Indigenous and Local Populations] and its member organizations, in Kinshasa (on a national level), as well as in the provinces. No consultation on the SESA process was held without representatives for the Indigenous Peoples or their member organizations having been largely included.

The attendance lists for these consultations are attached for reference as an Annex to this framework.

The results of all of the provincial consultations were analyzed and addressed by a smaller group representing all of the REDD+ stakeholders in the DRC, including members of civil society and Indigenous Peoples, in February 2014 in order to validate, or not, the recorded comments.

PREFACE

The current Environmental and Social Management Framework (ESMF) is based on a strategic environmental and social analysis that was done on the basis of a National REDD+ Framework Strategy, published on December 31, 2012, and on consultations with stakeholders that were held in 2013. No document edited after this date, no matter its provenance or its relevance, is taken into account, neither in the environmental analysis, nor in the Environmental and Social Management Framework - nor in any other specific frameworks.

This analysis uncovered a certain number of risks, inquiries and problems, most of which largely cannot be covered in the Environmental and Social Management Framework, but which are sufficiently important that the government should study them in order to attempt to find adequate solutions.

The major risks related to governance in general, and to governance of the forest and land sectors in particular, can only be partially evaluated in the context of a Strategic Environmental and Social Assessment. Weak governance, which is one of the biggest underlying causes of deforestation in the country, must be tackled as one of the major challenges to the REDD+ Process in the DRC. Actions that confront these problems of governance are necessary so that the REDD+ Process does not fail on a national level. Clearly, environmental and social management is not possible if governance in general is not improved.

The Strategic Environmental and Social Assessment identified a great number of risks, some of which went beyond the social and environmental framework, but it only covered the risks that had a direct influence on environmental and social management. It is up to the government, specifically the Ministry of the Environment, to use all of the results of the analyses of this evaluation to improve the conception, organization and structure of the REDD+ Process in its entirety. This ESMF cannot cover all of the technical and organizational weaknesses observed during the course of the study.

Observations made during this strategic environmental and social assessment showed that the concrete actions that will be undertaken in the REDD+ Process are known, and do not have major negative impacts that may require large costs for mitigation, or that bring into question the performance or profitably of the investments. However, the assessment calls into question the capacity of the country's institutions to implement an environmental and social management process on such a large scale without substantial support.

As a matter of fact, this support is necessary even before beginning the REDD+ Process to quickly and concretely apply the Framework Law on the Environment. Firm political commitment is necessary, and the technical and financial partners interested in protecting the environment, forest biodiversity and exploitation of natural resources must actively participate in developing measures to apply this law.

Ten years have passed since the beginning of the MERRP Project, which, according to its documents, should have put the Framework Law and its enforcement measures into place. Unfortunately, nothing has been done in this regard. So, stopgap environmental and social management (ESM) systems should have been systematically designed spotlighting the sectors (mining, infrastructure, logging and conservation) that have a large environmental and social footprint, and that are not properly managed.

The Inspection Panel and the report from the Consultative Panel on PROROUTE's environmental and social management have identified important weaknesses regarding environmental and social management, despite the means invested. These reports show that this way of functioning is not sustainable, and that governance problems play a role.

This ESMF lays out a system that can be applied with or without implementing the Framework Law on the Environment. However, it seems senseless that a process of this scope, which has a supervisory ministry in charge, must ensure the implementation of a framework law that can be launched without dealing with its operation.

Regarding MRV, there are delays in the possibility of implementing the MRV and the carbon accounting on a national level as well as elsewhere outside of the DRC. The DRC is determined to move forward in the REDD+ Process, and to ensure leadership in Africa; considerable efforts are being applied nationally to respond to the international REDD+ requirements in terms of carbon accounting, monitoring forest cover and greenhouse gases. A National Forest Monitoring System with its Téra Congo platform is being finalized. Particular emphasis must be added to reinforce national capacities in this area and in mobilizing means.

Of course, there are efforts being undertaken by the DFMI and the SDD regarding, respectively, the national forest inventory, the greenhouse gas inventory and putting in place a national forest-monitoring system with the help of the FAO, Japan and US Forest. However, the cost is exorbitant and the Congolese government has difficulty mobilizing the necessary financial resources for it. In addition, there is a problem with capacity building (public administration, the private sector, local communities and Indigenous Peoples).

Lastly, this ESMF, and all of the specific management frameworks that accompany it, should be reviewed in terms of any changes in concepts and changes in the government's choices in concert with its technical and financial partners interested in the REDD+ Process.

1. EXECUTIVE SUMMARY

1.1. English Version

The Strategic Environmental and Social Assessment has shown that the rate of deforestation in the Democratic Republic of the Congo, usually recognized to be less than 0.25%, could possibly be higher since forest degradation is difficult to measure with the satellite imagery used for this type of assessment. The analysis has also proved that with a linear degradation rate at 0.25% in line with population growth estimated at 3%, primary forests could disappear in DRC by 2080.

The environmental analysis has also pointed out the likely risks of an increased pace of deforestation due in large part to the opening of gaps in forest cover, including reopening of roads and trails, forestry, mining, and soon oil exploration, the quest for farmland by emerging countries and deforestation itself, which will inevitably cause changes in the climate of the Congo Basin, feeding the forest degradation process[1].

The Strategic Environmental and Social Assessment concluded that a strategy to reduce deforestation and forest degradation would be in the best interest given the likely current and future pressures in the context of the country. Having found no positive or negative response from the administration or the technical and financial partners to the different alternatives to the REDD+ process identified in the SESA, their environmental analysis did not continue and only the proposals of the National REDD+ Framework Strategy were analyzed.

The National REDD+ Strategy foresees the creation of a national registration and accreditation system for projects in order for them to be granted the REDD+ label, which is a necessary condition for selling carbon credits. Projects that do not have the aim of selling carbon credits may also be labeled — as is the case with the first group of projects — if they contain the condition of meeting the objective of the National Strategy, which is to reduce deforestation and forest degradation while meeting the criteria set by the Strategic Environmental and Social Assessment, of which this Management Framework is a key element.

The National REDD+ Framework Strategy, officially validated by the state, identifies areas where REDD projects will be involved:

- Sustainable development of technical agricultural systems (cultivation of savannas, rational use of inputs, agro-forestry, perennial crops) both in artisanal and industrial agriculture; concerted preservation of primary and secondary forests (land-use plans and contracts, establishment of protected areas, reforestation, protected areas of scrub savannas and forests to be protected);
- Replanting of sites deforested by non-agricultural human activity (mining, etc.) after use or as compensation (etc.);
- Production and energy consumption (improved stoves, bio-fuels, etc.).

The Strategy foresees an institutional structure to oversee the REDD process, including the following: 1) A National REDD Committee; 2) A National REDD Commission (registration and accreditation, Technical Secretariat, monitoring and evaluation, recourse mechanism), 3) A National Service of Deforestation and Forest Degradation Measurement (quantifies carbon emissions savings) 4) A National REDD Fund (buys and sells carbon credits and Payments for Environmental Services).

[1] Environmental and Social Analysis of the REDD+ process carried out in 2012.

This Environmental and Social Management Framework (ESMF) has been prepared in response to the environmental and social analysis of the REDD+ process as described in the National Strategy.

First of all, the ESMF provides guidelines on the need for integrating the REDD+ process in the national policy on environment and sustainable management of natural resources, laid out under Article 15 of the 2011 Framework Law on the Environment.

It also defines the entire process and the environmental and social rules to be taken into account before agreeing to an investment compatible with REDD+.

This ESMF modifies and simplifies the institutional structure for managing the REDD+ Fund to enable a better understanding of the necessary interventions in the field of environmental and social management that should be linked to this funding process.

The following figure summarizes the overall process, taking into account the implementation of the Framework Law on the Environment.

The ESMF provides for the establishment, within the Technical Secretariat of the REDD Fund, of an Environmental and Social Monitoring and Evaluation Unit (EESFU) consisting of only three people but supported by focal points identified and formed within different sectoral ministries. This type of organization is preferred to others because it will create skills in sectoral ministries, and such skills will also serve as focal points when undertaking necessary revisions to the sector plan, which REDD+ will promote through the national environmental policy. These focal points may also act as a bridge for the future organization that will be in charge of national environmental and social assessment processes for projects. This institutional choice, therefore, supports the implementation of the national environment and sustainable development policy which is part of REDD+.

The ESMF also lays out the recruitment process, the training topics, the procedure for categorizing investments to determine whether or not they will have to carry out an ESIA, the ESIA Terms of Reference suitable for REDD+, and the necessary methodology for undertaking the strategic environmental assessments.

It is important to mention that REDD+ investments can be beneficial to local and indigenous communities if:

- Income loss due to loss of access to resources or land use is compensated;
- There is real benefit-sharing (after offsetting lost revenue and land use) with land users;
- Through REDD+, local communities and indigenous peoples can ultimately be granted inalienable land rights if they so desire (secure land tenure);
- Overall quality of life of populations improves;
- The design process of REDD investments includes an FPIC process beginning from the design stage of projects, not only when the feasibility studies of projects and programs are completed[2].

[2] Consultation with the Indigenous Peoples and other Populations affected by REDD+ Initiatives in the DRC: An example of good practice? Forest Peoples' Programme, March 2010 In DRC indigenous people are not sufficiently informed about REDD+. The consultation of October 2012 led by the consultant reached the same conclusions for both indigenous peoples and local communities.

Enabling activities should allow the REDD+ process to be integrated into national policies of environmental protection and sustainable development.

As for the other enabling activities, this ESMF provides that they can be subject to a strategic environmental and social assessment process, whose outlines have been defined.

The ESMF defines a certain number of actions for each of the usual steps of a project management process that make the investment process consistent with the national and international environmental and social management process.

A REDD+ investment must go through a number of phases before being recognized at the national level. The first phase is that of registration, which is done on the basis of a project idea in a given area. However, this registration cannot be made without the written approval of the provincial government to which the investment relates.

Once registration is completed and accepted by the Registrar, the developer must proceed to the second phase, which is accreditation. This accreditation is based on a study that is considered a feasibility study. It is at this point that the developer must conduct an environmental and social impact study.

If the developer needs to sell in the international carbon market, it will go through an approval phase that will require him to register its transactions. Carbon buyers should also be recorded in the registry and certified to be able to buy carbon.

Investments to be considered in the REDD process are many and varied. Also to be considered are reforestation for energy purposes or production of timber, improvement of agricultural techniques, manufacture of improved stoves, electric energy production, family planning programs, and distribution of propane stoves, etc. All of these projects can have negative impacts as diverse as the reduction of agricultural land, increased erosion, water contamination by pesticides, and reduction of income for the most vulnerable populations, etc.

To address these negative impacts more efficiently, five other framework documents that target specific aspects of investments that may emerge in the course of the REDD+ process have been prepared, in addition to this management framework. These are:

- Pest and Pesticide Management Framework
- Cultural Heritage Management Framework
- Indigenous Peoples Planning Framework
- Process Framework
- Involuntary Resettlement Policy Framework

All these frameworks are separately published documents; the summaries of their content are found in the Annex of this ESMF.

The tools developed as part of this Strategic Environmental and Social Assessment will allow for easy preparing and organizing of the environmental and social management actions pertaining to investments that may be developed in the REDD+ process.

However, it is clear that the Environmental and Social Management Framework cannot be properly implemented without a significant improvement in governance in the sector. It is in this context that the institutional support actions and capacity building are planned.

The budget for implementing this ESMF is estimated at $1,277,000.

2. INTRODUCTION

REDD+ is a financing mechanism for sustainable forest management, with the objective of reducing greenhouse gas emissions from deforestation and forest degradation.

This Environmental and Social Management Framework (ESMF) flows from the strategic environmental assessment of the REDD+ Process in the DRC. The environmental analysis was done on the basis on Version 1.1 of the Strategy, the version from October 29, 2012. This version does not include any significant differences compared to the definitive version of the National Framework Strategy; none of the differences could have any socio-environmental impact.

The National REDD+ Framework Strategy, officially validated by the State, identifies areas where REDD projects will be involved:

- Sustainable development of technical agricultural systems (cultivation of savannas, rational use of inputs, agro-forestry, perennial crops) both in artisanal and industrial agriculture; concerted preservation of primary and secondary forests (land-use plans and contracts, establishment of protected areas, reforestation, defense of scrub savannahs and forests to be protected);
- Replanting of sites deforested by non-agricultural human activity (mining, etc.) after use or as compensation (etc.);
- Production and energy consumption (improved stoves, bio-fuels, etc.).

The Strategy foresees an institutional structure to oversee the REDD process, including the following: 1) A National REDD Committee; 2) A National REDD Commission (registration and accreditation, Technical Secretariat, monitoring and evaluation, recourse mechanism), 3) A National Measurement Service of Deforestation and Forest Degradation (quantifies carbon emissions savings) 4) A National REDD Fund (buys and sells carbon credits and Payments for Environmental Services).

The ESMF was created on the basis of observations made during the environmental assessment and "standard environmental" management elements that were defined while preparing the REDD+ Process by the NC-REDD team. This ESMF attempts to structure and organize the Process to reduce the environmental and social risks to an acceptable level.

3. PHYSICAL AND SOCIO-ECONOMIC ENVIRONMENT OF REDD PROJECTS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

The Democratic Republic of the Congo stretches 2.34 million km2 across Central Africa and has a population of 77 million inhabitants (based on the estimates from the National Statistics Institute for 2014). It is split between a North and a South Central area that is mostly savanna. In the South, the woodland forests alternate with gallery forests, as well as with degraded shrub-land savanna from the woodland forests. The Equatorial Center is entirely made up of rainforest of various kinds, both dry land and delta, which constitutes the second largest tropical forest on the planet, after the Amazon. The East of the country has large mountainous areas, with specific forest cover on lands marked by a recent or ancient volcanic past. Population density may be higher than 300 inhabitants per km2 (the Kivus, the North of Ituri), while in the rest of the country it is between 5 and 150 inhabitants per km2, for a national average of 33 inhabitants per km2. Annual rainfall ranges between 900 and 2100 mm; this provides the DRC with a large river network, which is partially navigable. Biodiversity resources are numerous, particularly in regard to native species (okapi, bonobos, mountain gorillas, etc.), but they are threatened everywhere by man-made pressures, even in the National Parks. Large mammals have, for the most part, disappeared from the savannas.

The human development index places the DRC as the 186th poorest country in the world, and 87% of the population lives below the poverty line, according to calculations from the United Nations Development Program. The

population mostly exists on products from subsistence farming, which mainly include manioc, corn and nuts. This type of farming takes up an average of eight hectares per agricultural household. Such a ratio (much smaller in the mountainous areas to the east, thanks to its volcanic soils) allows for long-term agriculture due to the use of one ha per family per year, in a system where, each year, a hectare of forest must be burned to free up newly fertile land; few crops are grown in the savannas. If one considers that the DRC is made up of 7 million farming households (from the Ministry of Agriculture), and that demographic growth is at 3% in the rural areas (from the National Statistics Institute), which represents 210,000 new farming households each year, the need for farmland taken from the forest to simply cover the annual demographic growth adds up to 1,680,000 ha (or 16,000 km2) each year.

Indigenous Pygmies are present in ten out of eleven provinces in the Republic, whereas they represent less than one percent of the population (see the Framework Strategic Document for the Development of "Pygmy" Indigenous Peoples; World Bank, 2007) and they continue to practice hunting as their primary activity.

Hunting and fishing are a large threat to biodiversity and, because of this, due to anthropogenic pressure, their catches are largely diminished everywhere, except in the most remote forests. Several species of fish have well disappeared from many lakes and waterways. Artisanal mining is another major cause of ecosystem degradation -- often this degradation is sustained and irreversible -- due to the uncontrolled use of heavy metals such as mercury, among others.

Additionally, while the physical environment of the Democratic Republic of the Congo is still quite rich, it is considerably threatened by the production systems in place. It is crucial that these production systems be changed in order to maintain the environment, although this is difficult. The natural tendency is to change by moving to savanna agriculture when the forests have totally disappeared. However, this change establishes a low productivity level, and one that does not allow for an increase in revenues: quite the opposite, in fact, where the observed tendency is rather a stagnation of revenue, and even a decrease (as is the notable case of fishers' populations, who have largely become farmers in many regions of the country).

The REDD projects will attempt to improve farming without disappearing trees from the landscape or agricultural system, by reintroducing trees where they had disappeared (agro-forestry, perennial crops, protected areas), and by protecting the forests.

There are several risks associated with these necessary changes: the risk of marginalizing the small farmers in the case of developing industrial agriculture in the savanna, even if it is supported by agro-forestry; the risk of a reduction of market prices for farm products if there is mechanization; the risk related to protected land management resulting in uncompensated revenue loss; the risk of dispossession regarding land purchases in the savanna, where the populations do not have enough land for themselves and the following generations; poorly-negotiated changes, the consequences of which are not accepted by the population; changes which are harmful in regard to their short-, medium- and long-term interests.

These risks must be controlled and compensated for. This is the reason for the labeling system created by REDD, labeling in which the safeguard frameworks act as safety checks: a project that does not respect the interest of the populations may not be labeled as REDD, and as such, may not obtain carbon credits. It is the key safeguard and prevention measure that the program includes. So, in this regard, we should remember to anticipate certain basic measures that must be **verified and required in the labeling process**:

- In the case of large-scale exploitation that may require the label: that the land titles be acquired in strict respect to the thresholds set by the land law, while rejecting the "cranking-them-out" processes, which result in the creation of large-scale exploitations that are rarely developed;
- In this case, while still applying the land law, investigations on land vacancies must be done fairly, and should verify the existence of alternative land reserves for small-scale operations;
- In the case where protected lands are created, including those for community or national protected areas, this should be preceded by studies guaranteeing that short- and long-term restricted access is compensated by short- and long-term advantages (including forms of Payments for Environmental Services);

- That the whole population, in all of its diversity, and specifically the Pygmies Indigenous Peoples, be taken into account effectively and that their short- and long-term interests are taken into consideration and protected.

4. THE REDD+ CONCEPT AND PROCESS IN THE DRC

REDD is in development in nearly all of the African Countries. Each country must establish its own strategy, which will take into account specificities of their purposes in regard to the process.

4.1. ORIGIN OF THE REDD+ CONCEPT

The acronym REDD stands for *Reduced Emissions from Deforestation and Forest Degradation*. It indicates an international mechanism currently being developed with the goal of combating climate change by reducing the emissions of greenhouse gas caused by deforestation and degradation of the forests, especially in tropical countries.

REDD mechanisms appeared around 2005 and were presented as a solution to the problem related to reducing deforestation. The ensuing preoccupation with reducing forest degradation gave rise to the acronym REDD at the 13th Conference of the United Nations on Climate Change held in December 2007 in Bali, Indonesia. More recently, the addition of the activities of conservation, sustainable forest management and the increase of forest carbon stocks resulted in the acronym REDD+. REDD+ was thus officially launched in 2010 at the Conference in Cancun. The Democratic Republic of the Congo seeks to implement this mechanism at a national level.

4.2. PRESSURES TARGETED BY REDD+

The value adopted by REDD+ as the level of annual deforestation is 0.23%; this is drawn by the studies available and subsequent studies that are more precise and contribute new values. This number probably does not take into account the level of forest degradation. The majority of the studies in this regard undertaken in the country were essentially done by satellite images, without collecting information on the ground; because of this, the details about deforestation remain uncertain, and even more so for forest degradation.

By studying certain sectors of the country more specifically, the data shows that the level of deforestation on the edges of cities and logging concessions may be as high as 11% in secondary forests and 6% in primary forest in the 25-kilometer radius around the cities. At further distances, the level of deforestation of the secondary forests remains stable between 2000 and 2005 and between 2005 and 2010; but for primary forests, it is fast decreasing, except in certain cases where the opening of roads seems to have led to an increased exploitation of the primary forests. This is the case in the forests around Kisangani[3].

As with all tropical forests, the Congolese forests represent a natural resource that contributes in diverse ways to satisfying the basic needs of people, either in development on the local, regional, or national level, or to respond to ethical, cultural or esthetic needs, or even in the now-evident way of contributing to maintaining the environmental balance. Among the obvious pressures on the Congolese forest and their ecosystems, are:

- Slash-and-burn agriculture;
- Fuelwood harvesting (firewood and charcoal);
- Industrial and small-scale logging;
- Harvesting non-timber forest products;
- Commercial hunting;

[3] See UN-REDD, Étude qualitative et quantitative sur les moteurs de la déforestation et de la dégradation des forêts [Qualitative and Quantitative Study on the Drivers of Deforestation and Forest Degradation] UCL and the RCWG, 2010 and 2012.

- Provision of infrastructure for the country's development;
- Opening new roads;
- Creating pastures in forest areas;
- Urban sprawl and other population clusters;
- Non-compliance with land and forest laws, etc.

The study conducted in 2010-2011 and published in 2012 on the drivers of deforestation and forest degradation,[4] defined slash-and-burn agriculture, the production of charcoal, mining and small-scale logging as the main sources of deforestation in the country. This same report defined the underlying causes of this as population growth, institutional aspects (political decisions, civil wars, bad governance), infrastructure provision and economic aspects (crisis, unemployment, poverty).

The consultant undertook consultations with the provincial and local administrations and the populations affected by the projects that may be financed by REDD+.

The main sources of deforestation coming out of these consultations are:

- Slash-and-burn agriculture;
- Bush fires;
- The need for fuelwood;
- Industrial and small-scale logging;
- Mining;
- Land-use problems;
- Urbanization and demographics.

The Strategic Environmental Assessment undertaken in this study was a more detailed analysis of deforestation and lays out examples of the analyses undertaken in its Annex. The conclusion of this chapter of the SESA mentions that land verification must be done to ensure the conclusions of studies undertaken based on satellite imagery without information taken on the ground.

5. NATIONAL LEGAL FRAMEWORK

The legal framework includes national laws, ratified international conventions, and operational policies of the World Bank regarding protecting the natural and social environment, which are called "safeguard policies".

In any event, the international conventions have precedence over domestic laws; a framework credit convention signed with the World Bank would be included in this framework. In case of conflict between these two judicial frameworks, it is the Bank's policies that prevail, or the framework that is the most advantageous to the people affected.

[4] UN-REDD, UCL and the RCWG, *Synthèse sur les causes de la déforestation et de la dégradation des forêts en RDC [Summary of the Causes of Deforestation and Forest Degradation in the DRC]*, 2012.

5.1. CONSTITUTION

Article 53 of the Constitution of February 18, 2006, recognizes the right of every person to a healthy environment conducive to their harmonious development. This provision also imposes the need to defend this right. The Constitution also makes it the State's responsibility to oversee the protection of the environment and the health of its populations. In order to manifest this political will, the DRC signed or ratified numerous multilateral environmental agreements on which it has currently based its national legislation.

Article 56 of the Constitution lays out that any act, any agreement, any convention, any arrangement or any other fact that results in depriving the nation or any physical or legal person of any or part of their proper means of existence drawn from their natural resources or richness, without prejudice to international provisions on economic crimes, is regarded as a pillaging infraction punishable by law.

The Constitution also lays out rules for sharing power between the central government and the provinces, which in a certain way, indicates decentralization. Some of these rules are of interest for the REDD+ Process, and are laid out in Articles 202 to 204.

Article 202:

Without prejudice to other provisions of the Constitution, the following is the exclusive jurisdiction of the central government:

17. Regulations concerning banks and banking and stock exchange operations;
25. Developing agricultural, forest and energy programs of national interest and the coordinating programs of provincial interest;
Agricultural product offices and related bodies, as well as the division of management of the career agents of the State's public services, in accordance with the statutes;
Energy, agricultural and forestry regimes related to hunting and fishing, the conservation of nature (flora and fauna), and those related to animal capture, husbandry, foodstuff of animal origin and veterinary science.
32. National planning;

Article 203:

Without prejudice to other provisions of the Constitution, the following is the concurrent jurisdiction of the central government and the provinces:

7. Establishing taxes, including for excise and consumption, excluding taxes described in Article 174;
11. Implementing programs related to meteorology, geology, cartography and hydrology;
16. Land and mining rights, spatial planning, water and forest regimes;
18. The protection of the environment, natural sites, the countryside and the conservation of sites;
19. Regulating the regimes that cover energy, agriculture, forestry, husbandry, foodstuff of animal and plant origins;
21. Road traffic, automobile movement, construction and maintenance of national roads, creating and spacing of tolls for using roads built by the central government and/or by the provinces;
22. Medical and philanthropic institutions;
23. Initiatives that have to do with projects, programs and agreements for international economic, cultural, scientific and social cooperation;
24. Energy production, transport, use and exploitation;

Article 204:

Without prejudice to other provisions of the Constitution, the following is the exclusive jurisdiction of the provinces:

1. The development plan of the province;
7. Granting and maintaining land rights with respect to national legislation;
16. Taxes, fees and provincial rights, specifically, land taxes, taxes on rental revenue and taxes on vehicles;
19. Development of mining, mineral, industrial, and energy programs of provincial interest, as well as their execution, in accordance with national planning norms;

20. Development of agricultural and forestry programs and their execution in accordance with national planning norms; staffing agricultural personnel and management of the career agents of the State's public services, in accordance with the provisions of the Statute; application of national legislation concerning agriculture, forests, hunting and fishing, as well as the environment, conservation of nature and the capture of wild animals; organization and management of agricultural campaigns; and setting prices for agricultural products;
26. Exploitation of non-nuclear energy sources and the production of water for the province's needs;
28. Enforcement of customary law;
29. Provincial planning.

Given the sharing of competences set out by the Constitution, the provinces will become essential to the REDD+ planning process and in implementing investments that they must authorize on their territory before they are launched.

5.2. INTERNATIONAL CONVENTIONS

Among the multilateral agreements on the environment signed or ratified by the Democratic Republic of the Congo are:

- The Convention on Biological Diversity (June 5, 1992);
- The United Nations Framework Convention on Climate Change (June 4, 1992);
- The United Nations Convention to Combat Desertification (October 17, 1995);
- The Convention on International Trade in Endangered Species (CITES) (March 3, 1973);
- The Convention on Wetlands of International Importance, especially as Waterfowl Habitat, or RAMSAR (February 2, 1971);
- The Convention Concerning the Protection of the World's Cultural and Natural Heritage (November 23, 1972);
- The Convention for the Prevention of Pollution from Ships, signed in London, on November 2, 1974 [sic] (Law Number 88-041 of September 29, 1988);
- The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed in London on December, 29 1972;
- The United Nations Convention on the Law of the Sea (UNCLOS), Signed in Montego Bay, December 10, 1982 ;
- International Tropical Timber Agreement (November 18, 1992);
- The Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 23, 1979;
- The International Plant Protection Convention, signed in Rome on December 6, 1951;
- The African Convention on the Conservation of Nature and Natural Resources, Algiers, September 15, 1968;
- The Basel Convention the Control of the Transboundary Movements of Hazardous Wastes and Their Disposal (1989) amended in 1995 and 1999;
- The Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000);
- The Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (1987) as amended;
- The Phyto-Sanitary Convention for Africa, signed Kinshasa, on September 13, 1975;
- The Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (1998);
- The Stockholm Convention on Persistent Organic Pollutants (2001);
- The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1999);
- The Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (1987) as amended.

5.3. REGIONAL AGREEMENT

In Brazzaville, the DRC signed the Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa (February 5, 2005).

5.4. FRAMEWORK LAW ON ENVIRONMENTAL PROTECTION

The legal framework of the DRC as it relates to environmental protection and the need to conduct Environmental Impact Studies (EIS) is currently incomplete. *Law number 11/009 of July 2011 on the fundamental principles related to environmental protection,* put into force in 2011, forms the basis for an environmental management system that would apply to the entire country. However, the texts that specify the application procedures of this regime are yet to be adopted. Additionally, at the writing of this report, the Congolese environmental management regime does not yet have any influence over the activities of the country's economic and political stakeholders.

However, once they are put into force, the relevant procedures will be the following:

- Any policy, plan or program put forward by the State, the province, a decentralized territorial entity or a public establishment, the enacting of which may have a notable effect on the environment, must first undergo an environmental assessment (Art. 19);
- Any project related to development, infrastructure, or the exploitation of any industrial, commercial, agricultural, logging, mining, telecommunication or other activity that may have an impact on the environment, shall first be subject to an environmental and social impact study, along with its management plan, which is duly approved by a public establishment (Art. 21-22);
- The Ministry of the Environment will undertake an audit of any works, projects or activities that pose a potential risk to the environment or the population. This audit will lead to establishing all appropriate measures for the protection of the environment (Art. 23);
- Any project or activity that may have an impact on the environment will be first subject to a public investigation that includes an information campaign and consultation with the public (Art. 24).
- Any person that undertakes or contributes to the undertaking of a project or activity without the required impact study will be subject to a fine and the court may order the destruction of the illegally constructed works (Art. 72);

It should be noted that the above elements are not currently enforceable due to the lack of enforcement ordinances. If the ordinances are put in force before the launching of any REDD+ projects, these projects will be subject to an environmental impact study in pursuant to this new law, to which it will be subject.

Clearly, the REDD+ Process is a program that is part of the national policy regarding the environment and the sustainable management of natural resources, as set out by Law 011/009 of July 2011.

The key Articles of the Law defining the context in which REDD+ will be involved and will implement this Law are the following:

Article 15
The Government shall define its national policy regarding the environment and sustainable management of natural resources through a National Environmental Action Plan.

Article 16
The provinces shall develop their programs for environmental management and protection in accordance with the National Environmental Action Plan.

Article 17
The Government shall install a National Council on Environment and Sustainable Development, which shall be placed under the authority of the Prime Minister.
This Council's mission is to give opinions on:

a) The definition and the implementation of the National Policy on the Environment;
b) The development of sectoral plans and programs regarding the environment, or those that may have an impact on the environment. An ordinance from the Council of Ministers sets their composition, organization and functioning.

Article 18
Without prejudice to other attributes conferred to any particular texts, the Ministry of the Environment, in collaboration with other ministries, as well as public and private bodies, shall implement the Government's policy about the environment and sustainable development. It shall ensure coordination with sectoral policies that have an impact on the environment.

Article 25
A Fund for the Environment shall be created.
The Fund shall ensure financing, especially for environmental research, conservation of biological diversity, clean-up operations, prevention of and combat against pollution, as well as rehabilitating and restoring polluted or degraded sites.
Management of the Fund shall be conferred to a public body for which the Council of Ministers has determined its status, organization and functioning.

Article 26
The Fund's resources shall be made up of:
a) Environmental benefits;
b) Payment for environmental services;
c) Subsidies from the State;
d) Resources from financial mechanisms having to do with multilateral agreements on the environment;
e) Financial and budgetary support form development partners;
f) Donations and bequests.

In the case where texts are enacted that have to do with applying this Law, it is important to revamp this management framework and apply a new national process for environmental assessments that can quickly be put into place, and also to adapt this ESMF to this new institutional information.

5.5. CURRENT ENVIRONMENTAL MANAGEMENT SITUATION

Despite the lack of enforceability of environmental legislation, over the last several years environmental impact studies have sometimes been accompanied by ideas for certain large projects, jobs and works, especially those planned and implemented with the help of international funders, without institutionalizing the process. The Multi-sector Emergency Rehabilitation and Reconstruction Project (MERRP) completed an institutional reinforcement program that sought to put in place environmental management capacities within MERRP Ministries and partner entities.

While the judicial framework is being finalized, *Ordinance 41/48 of February 12, 1953 on dangerous, unsanitary or unhealthy establishments*, the *Investment Code*, the *Mining Code* and to a certain extent the *Forest Code,* act as the legal and regulatory framework for environmental and social management.

5.5.1. ORDINANCE 41/48 OF FEBRUARY 12, 1953 ON DANGEROUS, UNSANITARY OR UNHEALTHY ESTABLISHMENTS

Ordinance 41/48 is considered the text that encompasses the requirement to undertake investigations to ensure that a project respects existing norms regarding the environment. In effect, it sets a general legal framework on the sanitary conditions of sites and the level of reasonable danger of proposed facilities.

The provisions of this Ordinance's Articles and its subsequent enforcement texts (*Enforcement Decree number 001/CCE/DECNT/86 of March 4, 1986*, *Ministerial Decree number 006/CAB/MIN/ENV/05 and number 108/CAB/MIN/FIN/05 of July 25, 2005* and *Circular number 0902/DECNTBCE/79 of December 1, 1979*) specifically define the responsibilities and obligations of the State and of project developers, and elucidate the necessary steps by a list of defined activities that might be detrimental to people and resources. In addition, establishments covered by Ordinance 41/48 that may cause negative impacts to the air, the level of ambient noise, soil, water (surface or subterranean), plants, and human hygiene and safety, may not be erected, transformed, moved or operated via an exploitation permit. In reality, the enforcement of such a provision is strongly limited by the ability to enforce this regulation and the lack of financial means of the overseeing Ministry, which is the Ministry of the Environment, Conservation, Nature and Tourism (MECNT).

Certain REDD+ activities may be subject to this procedure and in principle, an exploitation permit should be obtained from MECNT before work begins. Of note in this regard are the following types of establishments (taken from the list of establishments subject to it), Annex to Ordinance 41/48:

- Manufacturing of aluminum objects and metalwork (for example, improved stoves);
- Wood:
    - Wood warehouses larger than 10 m^3;
    - Sawmills;
    - Manual wood processing workshops in urban centers;
    - Wood treatment factories;
- Manufacturing wood- and plant-based charcoal;

- Manufacturing and storing combustibles;
- Electricity production;
- Fertilizer storage;
- Storage of native provisions;
- Meat smoking and salting facilities.

5.5.2. INTERMEDIATE ENVIRONMENTAL MANAGEMENT FRAMEWORK

The Multi-Sector Emergency Rehabilitation and Reconstruction Project (MERRP) conducted a study on the transitional environmental rules to frame development activities during the country's reconstruction period.

Ministerial Degree number 043/CAB/MIN/ECN-EF/2006 of December 8, 2006 bearing provisions related to environmental and social assessment obligations of projects in the Democratic Republic of the Congo and *Ministerial Decree number 044/CAB/MIN/ECN-EF/2006 of December 8, 2006 creating the organization and functioning of the Groupe d'Études Environnementales du Congo (GEEC) [the Environmental Studies Group of the Congo]* , (which, after our investigation has not been rescinded or annulled) stipulate that any development project is subject to an environmental assessment before it is adopted and implemented. These texts give the MECNT the power to conduct environmental impact studies.

It should be noted that this power is incompatible with the status of a Ministry that, in regard to evaluating environmental impacts, must prepare regulatory texts and ensure, either directly or through the intermediary of another body, that these laws and regulations are respected. According to the Decree that creates the GEEC, the Ministry essentially becomes a judge and a party within the process, because it holds both the power to undertake impact studies and to monitor and implement them.

The Law based on the fundamental principles for environmental protection (Law No. 11/009) allows for socio-environmental impact studies to be conducted for any project related to development, infrastructure, or exploitation of any industrial, commercial, agricultural, forestry, or telecommunication activity, or any activity that may have an impact on the environment, and which is first subject to an environmental and social impact study, along with its management plan, which are duly approved. This study belongs to the State.

A Decree agreed upon in the Council of Ministers shall determine the different categories of projects or activities subject to this study, their contents, their approval methods, and their procedure for consulting the public (Article 21).

This same law confers responsibility to a public establishment to assess and approve an environmental impact study, as well as to monitor its implementation. An ordinance voted on by the Council of Ministers sets their organization and functioning (Article 22).

The Ministry of the Environment, pursuant to Article 23 of this Law, will undertake an audit of any works, projects or activities that pose a potential risk to the environment or the population. This audit will lead to establishing all appropriate measures for the protection of the environment.

Regarding the above information, the responsibilities of each body (Ministry of the Environment, public establishment to be created, etc.) are clearly set out by the framework Law, to avoid any potential conflict of interest in the leadership of a particular body. However, the specific decrees envisioned by the current law must still be set out for its application to be effective.

5.6. THE LAW GIVING RISE TO THE AGRICULTURAL CODE

Law number 11/022 of December 24, 2011 bearing fundamental principles related to agriculture gives rise to the Agricultural Code. This recently adopted law is not yet concretely enforceable, given the lack of implementation measures. However, it is an important part of the legal framework setting out REDD+ activities once these measures are enacted.

It seeks to:

a) Support enhancement of potentials in the agriculture sector, integrating social and environmental aspects;
b) Stimulate agricultural production by installing a particular customs and fiscal regime to attain, among other goals, food self-sufficiency;
c) Relaunch the export of agricultural products to generate considerable resources for investments;
d) Boost the local industry for transforming agricultural products;
e) Attract new renewable energy technologies;
f) Involve the provinces, the decentralized territory and agricultural operators in promoting agricultural development.

The salient points of this Law are:

a) To create an agricultural zoning process and a provincial agricultural registry;
b) To set up a mediation process prior to any legal action that arises from agricultural land disputes;
c) To involve farmers and professionals in the agricultural sector in the creation of a Consulting Council on the national, provincial and local level;
d) To take environmental protection into account in developing industrial agriculture;
e) To take international requirements into account in relation to conserving and using genetic resources;
f) To strengthen the surveillance mechanisms for lands set out for agricultural use and to monitor production;
g) To create a National Agricultural Development Fund, and to manage it in harmony with financial banking and non-banking institutions.

Regarding the environment, Articles 66 to 71 of the Agricultural Code set certain guidelines.

The industrial exploitation of an agricultural concession must be preceded by an environmental and social impact study, which complies with the legislation on the environment. Agricultural activities are forbidden in any of the protected areas, subject to the recognized rights of local communities. In addition, any agricultural exploitation or work that poses a risk to the environment may be subject to an environmental audit by the Ministry of the Environment.

The Agricultural Code also requires a management regime for genetic products. For this reason, an approval system for genetic products should be developed before selling products, as well as a surveillance mechanism and a prevention mechanism for any major agricultural risks and calamities.

Lastly, the Agricultural Code foresees setting up a monitoring regime for Genetically Modified Organisms (GMO) and a regime to monitor agricultural practices that could cause impacts on the environment.

It should be noted that these provisions must be defined by enforcement measures.

5.6.1. INSTITUTIONAL AGRICULTURAL FRAMEWORK

The Agricultural Code provides for a decentralized management structure for the agricultural sector, shared between the central government, the provinces and the decentralized territorial entities.

The Agricultural Code sets out in Article 6 the definition of a national agricultural policy, through the central government. It includes overall guidelines concerning the agrarian regime, exploitation, agricultural training and research, promotion, production and marketing of inputs and agricultural products, agro-industry and basic infrastructure development, conservation and sustainable use of genetic resources for food and agriculture, as well as financing.

The provinces will then develop their provincial agricultural development programs and set their objectives, based on the national policy. These programs will include:

a) The description of available agricultural resources;
b) Estimations of the need for agricultural products;
c) A timetable for actions to undertake to ensure the best agricultural production and development;

d) An estimate of the necessary investments;
e) The level of interventions and the role of the various different actors;
f) An identification of useful indicators to execute an agricultural policy;
g) Environmental protection measures.

The Central Government shall ensure the coordination of provincial programs and shall present a report on their execution to Parliament.
The Agricultural Code also sets out the creation of consulting councils to support the authorities in Articles 8 and 9. A National Consulting Council for Agriculture is foreseen, to support the Central Government. Each province shall also create Provincial Consulting Councils for Agriculture, which shall be located within the Decentralized Territorial Entities and which shall serve as a forum to arbitrate agricultural land disputes.
Articles 10 to 15 of the Agricultural Code set the basis for reforming agricultural land rights. This reform is based on the principle of equitable access to agricultural land, securing exploitation and use of agricultural land, the promotion of public and private investments, and sustainable management of land resources.
Article 12 states that each province sets out the rural and urban/rural areas to be used for agriculture, by edict. Thus, it is a territorial planning process that is undertaken on the provincial level, and from which an agricultural zoning plan will come.
The land rights aspect is described in Article 13, and foresees the creation of agricultural registries by provincial governors that:

a) Allow the land authority to grant agricultural exploitation concessions;
b) Ensure proper administration of land for agricultural use;
c) Ensure that agricultural land is enhanced;
d) Keep maps and documents of the lands that will be used for agriculture.

Provincial governors shall organize the functioning of provincial agriculture registries, but this must be compliant with pertinent national norms in this regard.
Articles 18 and 19 set out customary land rights exercised collectively or individually on land, in compliance with the law, for each local community, and without having to award a registration certificate.
The entirety of the land recognized by each local community is part of the enjoyment of their land rights and includes land for growing cops, fallows, pasture land and trails, and the reforestation of wooded areas used regularity by the local community.

5.7. INVESTMENT CODE

The Investment Code (Law number 004 of February 21, 2002) sets the general conditions, advantages and rules that apply to direct, national and foreign investments in the Democratic Republic of the Congo.

They are subject to certain conditions regarding the environment. Even the admissibility of investments in the DRC is subject to a commitment deposit to respect the regulations about the protection of the environment and the conservation of nature (Art. 8). Additionally, all companies are required to comply with a certain number of general obligations when undertaking their activities, including complying with regulations regarding changing and protecting the environment and the conservation of nature (Art. 31). If a violation of these obligations is found, the company shall be retroactively exposed to losing its authorization and all of the fiscal and customs advantages related to it (Art. 34–36).

5.8. MINING CODE

Law 007/2002 of July 11, 2002 regarding the Mining Code lays out the legislative framework for mining exploitation in the Democratic Republic of the Congo. It applies only to prospecting, research, exploitation, working with, transporting and marketing mineral substances, acquired both by industrial and artisanal means (Art. 2).
With regard to environmental management, the Code sets out the creation of a service for protecting the mining environment. This service comes into play for the technical instructions of the Environmental Mitigation and Rehabilitation Plan (EMRP), within the Environmental Impact Study (EIS), as well as in the mining Environmental Management Plan of the Project (EMPP).
Applications for mining rights or careers based on the registry shall follow the technical and environmental instructions.

When applying for a permit, the requester must present, in support of its permit application, an Environmental Impact Study (EIS) and an Environmental Management Plan for its Project (EMPP).
During the exploitation phase, the Mining Code requires the permit holder to obtain an Exploitation Permit to be presented before actively starting research, and to produce an Environmental Mitigation and Rehabilitation Plan.
It should be noted that the application methods of the Mining Code are set out by the mining regulation of 2003.

5.9. FOREST CODE

Law number 011/2002 of August 29, 2002 on the Forest Code sets out three classifications for forests: classified forests, protected forests and forests for permanent production. Protected forests may become forests with logging concessions, in which case they become permanent production forests. Classified forests are strict nature reserves, forests located in national parks, botanical and zoological gardens, fauna reserves and hunting grounds, biosphere reserves, recreational forest, urban forest, sectors that are safeguarded and forests for protection against erosion, protection of springs and waterways, for conservation of biological diversity, for conservation of soil, etc.
Declassification of a classified forest is first subject to an environmental impact study (Art. 19). The Code also covers forest clearing and measures to combat erosion where it relates to infrastructure work. It forbids forest clearing in zones at risk for erosion, and any clearing within 50 meters on either side of a waterway and within a radius of 100 meters around waterway sources.
The Code also requires that any forest clearing shall be compensated by reforestation equivalent in quality and surface area to the initial forest cover, and imposes the requirement of obtaining a clearing permit for any area larger than 2 hectares. It contains no information on an environmental impact study as an analysis tool to protect forest and fauna resources.
The Forest Code allows various types of logging concessions to be granted to Congolese entities (Art. 74), under certain conditions. It also allows free granting of concessions to local communities on their traditional lands (Art. 22), but the provisions of the application decree have not yet been adopted. The concession applicant must furnish, along with its request, a logging concession plan including agreements with the local populations from whom these rights come, which would mean that the population would renounce their concession rights, with the exception of traditional uses, in exchange for compensation that would be negotiated with the population during discussions. This procedure is specified in Decree number 036/CAB/MIN/ECN-EF/2006. The concession contract shall also take into account social clauses in which the concession holder agrees to undertake certain socio-economic infrastructure actions for the benefit of the resident communities (Art. 76 and 89).

5.10. LAND CODE

Land management is regulated by Law 73-021 of July 20, 1973, and modified and complete by Law 80-008 of July 18, 1980 regarding the general resources regime, the land and real estate regime, and the security regime.

This law states that the soil is the exclusive, inalienable and imprescriptible property of the State (Article 53). Within conditions set out by this law, land under the private domain of the State may be permanent concessions, ordinary concessions or easements. According to the terms of this law, a concession is the contract by which the State recognizes the private or public right of enjoyment of an organization, a physical person or a legal person on the foundation of conditions and modalities set out by this law and its enforcement measures (Articles 57 and 61).

The Land Law sets out information on easements in Articles 169 to 180. Article 175 sets out different categories established by the Law, specifically common walls, the distance to be observed, and works required for certain construction works, views, rooftop gutters, right of way, etc. With the exception of common structures, other easements are regulated by joint decree of the Ministries of Land and Urbanism.

Articles 387 and 388 set out that land occupied by local communities shall become public land, once this Law takes effect. These lands are those that these communities live on, cultivate or use in any manner whatsoever, individually or collectively, in accordance with local customs and uses. Within the framework of the current study, these lands may be thus expropriated for public utilities.

5.11. OTHER LAWS

- **Law number 82/002 of May 28,1982 regarding hunting regulations**: Even though it defines access to or exploitation conditions related to fauna, this law establishes a list of species totally and partially protected, and whose habitat it forbids any unusual deterioration of, without authorization from local authorities;
- **Ordinance Law 69-041 of August 22, 1969 relative to nature conservation**: It forbids all activity in the strict nature reserves. It sets out that public lands located in strict reserves may not be assigned any use that is incompatible with the protection of nature. It forbids all acts of excavation, earthworks, polling, removal of material or any other natural works that modify any aspect of the land or vegetation, that block the rivers, or that remove or pollute the water, directly or indirectly. It allows for infrastructure to be constructed for tourism or to allow the population to move about for economic development. It determines the species of fauna that are totally or partially protected;
- **Law 75-04 of July 22, 1975 related to creating protected sectors**;
- **Ordinance Law 71-016 of March 15, 1971 related to the protection of cultural resources**: This text sets out that the discovery of any ruins or artifact that may be of interest to art, history or archeology, either discovered by excavation or stumbled upon, shall be immediately declared by the discoverer or the landowner to the territorial administrator or the mayor, who shall inform the Ministry of Culture. This Ministry may undertake any measure to conserve the ruins or artifacts discovered, by decree;
- **Decree of November 26, 1958 on the conservation of nature and the use of land**;
- **Ordinance 75-232 of July 2, 1975 foreseeing the creation of an Inter-Ministerial Committee for the Environment, Conservation, Nature and Tourism**. It is questionable if this ordinance is still in force, given that the environmental law framework installs a council of this same type.

6. WORLD BANK SAFEGUARD POLICIES

The support of the World Bank in the Democratic Republic of the Congo's REDD+ Program ensures that the project must comply with the safeguard policies of this international institution.

The World Bank's safeguard policies act as guidelines to take into account when carrying out environmental and social assessments of projects.

The World Bank has a group of operational policies, a smaller sub-group of which requires that certain potentially negative environmental impacts and certain social impacts that have been set apart in view of their strategic character, should be identified, avoided or minimalized when possible, as it pertains to investment projects of the World Bank Group.

The safeguard policies set out an integration mechanism for environmental and social concerns when development decisions are made. The majority of these safeguard policies lay out not only guidelines on measures to take to improve and sustain operations in certain domains, but also ensure that:

- Potential negative environmental impacts on the physical environment, the functioning of ecosystems and human health, physical cultural heritage, as well as any particular social impacts, are identified and evaluated before the project begins;
- Any inevitable negative impacts are minimized or mitigated as much as possible;
- Information is revealed in opportune time to the stakeholders, who will also have the opportunity to provide their commentary on the nature and the significance of the impacts as well as the mitigation measures proposed.

The World Bank's Safeguard Policies are as follows:

- OP 4.01– Environmental Assessment (January 1999)
- OP 4.04 – Natural Habitats (June 2001)

- OP 4.09 – Pest Management (December 1998)
- OP 4.10 – Indigenous Peoples (July 2005)
- OP 4.11 – Physical Cultural Resources (January 2006)
- OP 4.12 – Involuntary Resettlement (December 2001)
- OP 4.36 – Forests (November 2002)
- OP 4.37 – Safety of Dams (October 2001)
- OP 7.50 – Projects on International Waterways (June 2001)
- OP 7.60 – Projects in Disputed Areas (June 2001)
- OP 17.50 – Bank Disclosure Policy (2010)

Among the applicable policies, the policy on disclosure of information (The World Bank Policy on Disclosure of Information – July 2010) specifically requires that environmental assessment documents be disclosed in the country and in the project areas, as well as by the World Bank through its information center. The publication times before considering finance requests by the administration council are also defined.

Each policy is reviewed one by one and briefly described in relation to the REDD+ program.

On the whole, it should be remembered that international conventions take precedence over national laws, and a framework financing convention agreed with the World Bank falls within this context.

In case of conflict between these two legal frameworks, it is the Bank's policies that prevail, or the framework that is the most advantageous to the people and areas affected shall be adopted.
The following table provides the main objectives and the national legal text concerned for each policy. A short analysis is given that concludes what should be taken into consideration in the environmental assessment.

Table1: Comparison of Operational Policies and Applicable National Legislation

Provisions of Operational Policies	National Legislation	Analysis	Recommendations
Main Provision of PO 4.01			
Environmental and Social Assessment OP 4.01 is launched if a project is likely to have potential (negative) environmental and social risks in the affected area.	Law 009/011 includes the requirement to undertake an ESIA for projects and request a policy, plan and program to undertake environmental assessments. A decree determines the contents thereof (Article 19).	Enforcement measures for this Law are not yet in effect.	Take into account the overall guidelines of Law 009/011 and OP 4.01.
Prior Environmental Exam OP 4.01 classifies projects as follows: • Category A: definitive negative major impact • Category B: potential negative impact • Category C: non significant negative impact	The Law sets out Decrees for ESIA management (Article 21). Decrees that defines the classified establishments (Article 38).	The Decrees have yet to be issued, thus detailed guidance has yet to be specified.	A categorization grid of investments based on World Bank policies must be developed but it should be updated once relevant decrees are issued.
Guidelines for Conducting ESIA The World Bank Environmental Assessment Sourcebook lays out the orientations and guidelines by type of ESIA.	No existing guidelines.	Although the country does not yet have guidelines, those of the World Bank will be used as reference.	The use of World Bank guidelines is recommended when conducting ESIA depending on the type of investment.
***Public Participation*:** Obligatory for all project types; Also obligatory for OPs 4.12 and 4.10. OP 17.50 defines the totality of the communication process of the World Bank	The Constitution states that every citizen has the right to environmental information but does not lay out the way to do this and Law 009/011, in Article 9, states that every person has the right to participate in the decision-making process regarding environmental and natural resource management. The consultation process shall be defined by decree.	Enforcement measures for this law still do not exist.	The World Bank's consultation and participation procedures are used. In addition to the preceding provisions, the government of the DRC is committed to integrating free, prior and informed consent in REDD+ implementation. These are the minimal implementation procedures.
Content of the Environmental and Social Management Plan The content of the ESMP is defined in Annex C of OP 4.01	**ESMP**: environmental specifications of a project consisting of a program of implementation and follow-up measures set out by the environmental impact study to remove, reduce and eventually compensate for the harmful consequences of the project on the environment.	There is no contradiction between the definition of ESMP of Law 009/011 and the way the World Bank defines it.	The definition in OP 4.01 will be used because it is more precise and complies with the definition in the Law.

Provisions of Operational Policies	National Legislation	Analysis	Recommendations
Main Provision of OP 4.01			
Natural Habitat A natural habitat is a land or aquatic area where the biological communities sheltered within the ecosystem are, for the most part, species of indigenous plants or animals, and where human activity has not fundamentally changed the main ecological functions of the area. Critical natural habitats are defined by regulations as those natural areas to be sustainably conserved/managed or areas historically protected by indigenous populations.	**Law 009/011** defines **biological diversity** as: the abundance of varied living organisms of any type, including, among others, land-based, marine or other aquatic ecosystems and ecological complexes of which they are a part; this includes diversity within species and between species as well as the diversity of ecosystems; And **ecosystem** as: the complex dynamic formed by communities of plants, animals and microorganisms and their non-living environment that, through their interaction, form a functional unity. **Law 009/011 in Articles 27 to 32** gives overall guidelines regarding management, protection and conservation of natural resources, ecosystems and biodiversity. This responsibility is shared between different levels of government.	The country already has a network of protected areas. It also has a program to study sites for conservation. Law 009/011 lays out instruments for different levels of government to ensure the protection of the country's natural habitats.	Law 009/011 provides general guidelines in terms of environmental protection. Enforcement measures (decrees, ordinances) must be enacted to ensure their implementation. The Operational Policy sets out more precise instruments to use within the framework of environmental and social assessments. Thus, OP 4.04 will be used.
Main Provisions of OP 4.09			
Pest Management Policy 4. 09 lays out when pesticides may be used, while ensuring that they are properly managed from the purchase phase up to the elimination phase of expired pesticides. The FAO's technical documents are used as a basis.	Law 11/022 of December 24, 2011 which lays out the fundamental principles related to agriculture, is practically the only national text that addresses the overall conditions of pesticide management on the whole (importing, storing, transport, use, elimination, etc.).	Unfortunately, Law 11/022 of December 24, 2011 is not yet fully applied because not all enforcement texts exist.	The Pest Management Policy and the technical documents establish by the FAO are those that should be used, because they are much more precise.

Provisions of Operational Policies	National Legislation	Analysis	Recommendations
Main Provisions of OP 4.10			
Indigenous Peoples Operational Policy 4.10 requires that indigenous peoples benefit from the support of projects that may have negative impacts on their way of life. This support must be compatible with their way of life, their culture and their capacity to act.	The Congolese Constitution states that all Congolese people are equal before the law, and that they may not be discriminated against. There is also the Framework Strategic Document for the Development of "Pygmy" Indigenous Peoples, which has been adopted on a national level.	Although the Constitution defines all Congolese as equal before the law, many examples show that indigenous people are treated with a lack of respect in view of these laws, and are subjected to serious and substantial discrimination.	It is recommended that Policy 4.10 and its procedures be applied. In addition, free, prior and informed consent (FPIC) should also be part of the preparation process for the entirety of operation plans in the regions where indigenous peoples live, as is set out by the Congolese government.
Main Provisions of OP 4.11			
Protection of Cultural Heritage Policy 4.11 requires that cultural heritage in the areas where projects are undertaken shall be taken into account and protected. If archeological sites are discovered, a detailed procedure must be put in place to analyze and protect the inventoried artifacts.	**Article 30 of Law 009/011** The State, the province and the decentralized territorial entity shall ensure, to the best of their respective competences, the conservation and management of forest ecosystems in view of their contribution to sustainable economic, social, and cultural development.	Aside from Article 30 of the Framework Law on the Environment, the other texts are completely obsolete. Thus, the Operational Policy must be applied.	Complete application of Operational Policy 4.11
Main Provisions of OP 4.12			
Involuntary Resettlement World Bank Policy 4.12 requires that development projects limit, as much as possible, involuntary resettlement of populations. When resettlement is impossible to avoid, it must be ensured that the displaced persons are resettled in conditions that are similar to or better than what they had before.	The Involuntary Resettlement Policy Framework lays out all of the details concerning the differences between the Operational Policy and National Legislation and recommendations related to this. The Process Framework prepared within this study also lays out guidelines related to the fundamental differences between Policy 4.12 and National Legislation.		

Provisions of Operational Policies	National Legislation	Analysis	Recommendations
Main Provisions of OP 4.36			
Forests Policy 4.36 applies to the following different investment projects: - Projects that have or may have impacts on the heath and quality of forests; - Projects that have an effect on the rights and well-being of the populations as well as their dependence on or interaction with forest resources; - Projects that may invoke changes in management, protection and use of the natural forests and plantations, either in public land, private land or collective/communal/community regimes.	**The Forest Code** defines the type of forests, of which community forests or their enforcement decree are non-existent. **Law 009/011 in Articles 27 to 32** gives overall guidelines regarding management, protection and conservation of natural resources, ecosystems and biodiversity. This responsibility is shared between different levels of government.	The provisions of Operational Policy 4.36 do not run counter to National Legislation and moreover, are more precise than this Legislation. They ensure that resources from the forest and those that are used by the local population shall remain available, regardless of any change to the regime of these forests.	Operational Policy 4.36 has to be applied in accordance with National Legislation because certain prerogatives overlap. One of the objectives of the REDD+ Process aims at reduction of deforestation, and one of the challenges is to ensure that the forest continues to provide services to the local community while limiting its degradation.
Main Provisions of OP 4.37			
Safety of Dams: This policy will not be undertaken because the energy sector of the National Framework Strategy does not foresee the construction of large dams.			

6.1. PO 4.01 – ENVIRONMENTAL ASSESSMENT

The specifications that govern and lead environmental assessment are found in the World Bank's Operational Policy 4.01, and require that the projects presented for financing be logical and viable in regard to the environmental and social plans.

This policy applies to all components of a given project, no matter their financing source.
The environmental assessment must take into account all of the other safeguard policies launched by the project, specifically, as the case may be, those that relate to the natural environment (air, land and water) the health and safety of the population, social aspects (involuntary displacements of people, indigenous populations and cultural heritage), and environmental trans-boundary and world-wide problems. It must also envision the natural and social contexts in an integrated way.

The World Bank undertakes a preliminary screening process for each project proposition to determine the type of environmental assessment to conduct and determine the other safeguard policies it involves.
The World Bank will classify the project propositions into different categories (A, B, C and FI) according to the type, location, degree of vulnerability and the scope of the project proposed, as well as the nature and the magnitude of potential environmental impacts.
An important element of Policy 4.01 concerns public participation and process transparency. For this reason, the environmental and social assessment process of sub-projects described in the following chapter of the ESMF outlines the modes and moments for public participation.

6.2. OP 4.04 – NATURAL HABITATS

Safeguard policy 4.04 seeks to protect the natural habitats and their biodiversity, and to ensure the sustainability of services and products that these natural habitats supply to human societies. In principle, the World Bank refuses to finance what may be perceived as significant damages to any critical natural habitat (CNH) whatsoever. It seeks to avoid as much as possible, financing of projects, changes or degradations to the (non-critical) natural habitat, or, if it is not possible to reconsider the project in its dimensions or extensions, as well as projects that do not put in place acceptable mitigation measures, such as putting in place a protected area or reinforcing effective protection of the CNHs.

The World Bank defines natural habitats as land-based or aquatic areas where the biological communities sheltered by the ecosystems are, in large part, made up of native plant or animal species, and where human activity has not fundamentally changed the main ecological functions of the area.

CNHs are defined as:

- Existing protected areas and areas officially proposed by the government to be classified as "protected areas";

- Areas recognized ancestrally as protected by the traditional local communities, as well as the sites whose viability conditions are now vital in these protected areas.

6.3. OP 4.09 – PEST MANAGEMENT

The Policy 4.09 on pest management and pesticides of the World Bank was triggered given the high possibility that genetic products are used by REDD+ projects.

A Pest and Pesticide Management Framework (PPMF) has been laid out in case genetic products or other types of pesticides are used in reforestation and agricultural development projects. The framework sets out preparation plans that are adapted to each pest and pesticide management situation that it foresees.

6.4. OP 4.10 – INDIGENOUS PEOPLES

OP 4.10 recognizes the particular nature of indigenous peoples and their attachment to the natural environment. It seeks to minimize the impacts that projects may have on activities and areas used by these projects and to support indigenous peoples by creating a planning framework in their favor (the Indigenous Peoples Planning Framework, or IPPF).

REDD+ will have a huge impact on the way of life of the indigenous peoples of the Congo because it extensively occurs in the forestry field, and it may modify the conditions of life and the resources of the indigenous populations. The Pygmies are prime examples of forest-dwelling Indigenous Peoples. The participatory initiatives set out by the Project will engage them.

Given the possible negative impacts on indigenous peoples, the Project prepared an Indigenous Peoples Planning Framework (IPPF) to comply with OP 4.10. This IPPF was published independently of the ESMF.

6.5. OP 4.11 – CULTURAL HERITAGE AND RESOURCES

OP 4.11 seeks to ensure that the Resources that make up Cultural Heritage (CHRs) are identified and protected for projects financed by the World Bank. Specifically, it seeks to ensure that national laws that govern the protection of cultural resources are applied, while ensuring that the borrowing country has the institutional and regulatory resources to ensure that these resources are correctly identified, researched and systematically protected. CHRs are understood to mean moveable or immovable objects, sites, structures or groups of structures that have an archeological, historical, architectural, religious or sacred signification, or that possess other culturally recognized characteristics.

Given that the project will cover a good area of the country and that certain cultural heritage elements may be found, this study has prepared a cultural heritage management corpus in accordance with Operational Policy 4.11.

6.6. OP 4.12 – RESETTLEMENT OF PEOPLE

REDD+ activities forbid any physical displacements of populations living around areas where REDD+ projects will be undertaken. This is a basic, key socio-environmental principle of REDD+. However, implementing certain components of REDD+ projects may restrict access to the resources that local communities and indigenous peoples depend on entirely for physical survival.

OP 4.12 lays out the need of a **Process Framework** for managing REDD+ processes in accordance with the principles and operational guidelines of the World Bank. This instrument should be completed, approved and made public well in advance of any project evaluation. This report is the preparatory document.

Preparing a Resettlement Action Plan (RAP) is a necessary condition for any project to be assessed. Abbreviated Resettlement Plans are acceptable if the impacts are "minor", or if fewer than 200 people are displaced in the overall project and displacement may be done without planning if the number of people affected is fewer than 50. If no displacement is imposed, but access to resources is limited, a Process Framework (FF) and an Action Plan for Restricting Access to Resources (APRAR) shall be prepared.

Although the objective of REDD+ is to avoid any physical displacement of the population, it is probable that a project may require the physical displacement of people. Either an alternative must be found to avoid this displacement, or the project must follow precise criteria and must either prepare a resettlement action plan or an abbreviated resettlement plan, or compensations must be made without a plan.

So that these resettlement or compensation processes are properly performed, two framework documents have been prepared: a Resettlement Policy Framework (RPF) and a Process Framework (FF). Budgets have been set aside for these two.

6.7. OP 4.36 – FORESTS

Management, conservation and sustainable development of the forest ecosystem are essential to long-term reduction of poverty and sustainable development in countries that have abundant forests and/or over-exploited or naturally reduced resources. The objective of this policy is to aid Borrowers in managing their forest potential to reduce poverty in a sustainable way, to effectively integrate forests in the economic development of the country and to protect the forest heritage on both a local and world-wide level, as well as protecting the essential environmental services associate with the forests.

Policy 4.36 applies to different types of investment projects financed by the World Bank, which are mentioned below:

(a) Projects that have or may have impacts on the health and quality of the forests;

(b) Projects that have an effect on the rights and well-being of the populations as well as their dependence on or interaction with forest resources;

(c) Projects that may invoke changes in management, protection and use of the natural forests and plantations, either in public land, private land or collective/communal/community regimes.

The World Bank will not finance projects that, in its opinion, involve major change or degradation to critical forest sites or critical natural habitats. If a project involves major change or degradation to forest sites or natural habitats that the World Bank does not consider critical, and if the World Bank decides that there are no alternatives to the project or the site, and if exhaustive analysis shows that the overall benefits from the project substantially outweigh the environmental costs, the World Bank may finance the project on the condition that it includes appropriate mitigation measures.

The World Bank will not finance projects that violate applicable international environmental conventions.

This ESMF complies with this element of the safeguard policy, in the measure that it takes into account any modification that may bear on REDD+ investments, and requires that a social and environmental impact study is conducted if these changes risk modifying the use and management of the forest. The Process Framework shall evaluate the value of the loss of revenue and use that may be linked to the loss of the use of the forests and determine the way in which these losses may be compensated.

6.8. OP 4.37 DAMS

As part of financing of dams, the World Bank makes sure that the owner of a dam takes appropriate measures and has the necessary resources to secure the dam for the entirety of the works, no matter its financing or its construction status. If the dimensions and volume make it a large dam, a panel of experts must be established and participate in the design steps up to its construction. It is also necessary to prepare an emergency plan for large dams.

In the measure where categorization sheet includes dam projects, this ESMF complies with this policy.

6.9. OP 17.50 DISCLOSURE POLICY

Because the World Bank requires that an Environmental Assessment (EA) be prepared, the borrower shall establish an environmental assessment report as a separate document in its own right. This report will be released to the public:

a. Once the borrower has ensured that the provisional version of said report is available in a public place and accessible to the groups affected by the project and to the local NGOs, in accordance with the provisions of the Operational Policies and Bank Procedure 4.01, the Environmental Assessment;
b. And once this environmental assessment report is officially received by the World Bank, but before the institution undertakes the formal evaluation of the project.

If the borrower is opposed to releasing an environmental assessment report for a project, the financing of which is foreseen by the IDA, the World Bank will suspend the appraisal of the project.

Once the World Bank requests that a resettlement instrument or an indigenous peoples development plan be established for an operation, the borrower shall establish a resettlement instrument or an indigenous peoples development plan as a separate document in its own right. The assessment of the operation is subject to the borrower supplying a resettlement instrument or a development plan that shall comply with the policy in force and it being in a publicly-accessible location for the displaced groups or those affected by the project and the local NGOs, in a form, in a means and in a language that can be understood.

Once the instrument or plan of the project constitutes a good basis for evaluating it, and before a formal evaluation of the project is undertaken, the World Bank will release the document to the public. Once the Bank has approved the definitive version of the resettlement instrument or development plan, the borrower will again ensure that this document is available in a publicly accessible location for the displaced groups or those affected by the project and the local NGOs, in a form, in a means and in a language that can be understood. Once the borrower has officially delivered the definitive version of the resettlement instrument or development plan to the Bank, the document will be made public.

This management framework takes account of the disclosure policy of the World Bank through a series of informations and consultations, which were undertaken first in Kinshasa with technical groups that thus allowed for a structure of the REDD+ strategy in line with sustainable development, as well as subsequent meetings in the large urban centers of the country and meetings with the rural populations. The document produced in the environmental assessment framework of REDD+ were also part of a preliminary consultation with the First Layer of participants (the government, the monitoring committee, and experts) and a Second Layer consisting of civil NGOs, representatives of indigenous peoples, and the heads of different ministries that will be involved in the implementation of REDD. A final series of consultations with a Third Layer was also done.

The current ESMF defines the roles of each of the parties in implementing this disclosure policy, the summary of the environmental and social management framework as well as summaries of the totality of the specific frameworks were produced and translated into six languages (French, English, Lingala, Swahili, Ciluba and Kikongo). Disseminating these summaries will be done through an established procedure that complies with the policy on disclosing information.

7. PARTICIPANTS

Ideally, the majority of the Ministries will be involved in the process of REDD+ planning. The Strategy has an impact on nearly all of the national economy sectors, with the exception of water and sanitation. The National Water, Forest and Biodiversity Program fills in the gaps of this Strategy.

However, the REDD+ Process is evolving and should not be limited to the current framework. It is important that the framework be revised gradually as the institutional framework of the country evolves. For example, the decentralization process underway may bring changes in the way REDD+ investments are developed and implemented.

7.1. MINISTRY FOR THE ENVIRONMENT, CONSERVATION, NATURE AND TOURISM

A. Mission

Article 1 of Ordinance 07/018 of May 16, 2007 sets the duties of the Ministry of the Environment as follows:

- Management of forests and zoological and botanical gardens;
- Undertaking environmental and social impact studies and studies on the health of the environment;
- Regulating hunting and fishing, and protecting the flora and fauna;
- Promoting and coordinating all of the activities related to the environment and conservation of nature, and the exploitation of forest and aquatic resources;
- Setting out norms related to the cleanliness of the human environment in collaboration with the Ministry for Public Health;
- Creating establishments for people by laying out green areas and theme parks;
- Creating and managing protected areas and related reserves (national parks, hunting reserves and aquatic resources);
- Creating and managing the capturing of wild animals;
- Creating and managing water and forest ecosystems;
- Following up with and monitoring public and private companies open in the sectors of the environment and nature conservation;
- Managing and recycling waste;
- Establishing norms related to cleanliness of the human habitat, respect for the environment in mining areas and jobs related to the Ministry of Mining, etc.

To undertake its mission, the Ministry of the Environment relies, not only its administration (Secretariat General and the heads of department), but also on services and organizations under its care.

The Secretariat General
In accordance with Ordinance 75-231 of July 22, 1975 on the duties of the Ministry of the Environment and Nature Conservation, the Secretariat General has the duty of promoting, supervising and coordinating all activities related to the environment and all undertakings related to this mission in line with the current progress of science (Art. 1).

The Heads of Units Specializing in or Related to the Secretariat General of the Environment and Nature Conservation
Administratively, the Heads (of services) Specializing in or Related to the Secretariat General of the Environment and Nature Conservation are grouped into three broad categories: 11 Heads of Departments, 3 Specialized or Related Units and the Provincial Administration.

Heads of Departments

I.1. Department of Personnel and General Services (DPGS)
I.2. Department of Studies and Planning (DSP)
I.3. Department of Human Settlements and Environmental Protection (DHSEP)
I.4. Sustainable Development Department (SDD)
I.5. Internal Verification and Oversight Department (IVOD)
I.6. Department of Water Resources (DWR)
I.7. Department of Forest Management (DFM)
I.8. Natural Conservation Department (NCD)
I.9. Department of Forest Management Inventories (DFMI)
I.10. National Sanitation Department (NSD)
I.11. Department of Horticulture and Reforestation (DHR)

Specialized or Related Units of the Secretarial General

II.1. Regulatory and Environmental Litigation Center (RELC)
II.2. National Center for Environmental Information (NCEI)
II.3. Environmental Studies Group of the Congo (GEEC)

Provincial Administration

III.1. Provincial Coordination

III.2. Urban Coordination

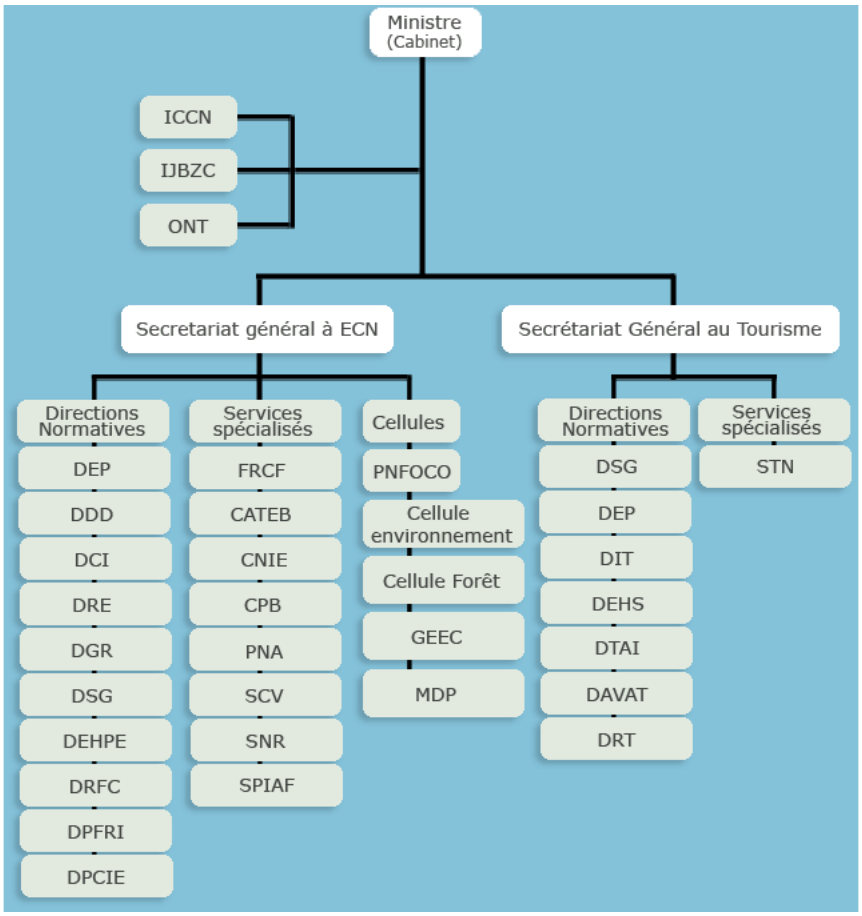


Figure 1: Flowchart of the Ministry of the Environment, Conservation, Nature and Tourism

B. Main REDD+ Departments

Department of Studies and Planning

This department shall be in charge of the following:

- Establishing macroeconomic and sectoral diagnoses;
- Defining macroeconomic and sectoral policies, objectives and strategies;
- Programming and budgeting for sectoral projects and programs;
- Monitoring and evaluating macroeconomic and sectoral policies, projects and programs.

Sustainable Development Department

This department is mainly occupied with monitoring and implementing three international conventions arising from Rio 1992, namely the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the Convention to Combat Desertification. In its capacity as the Operational Focal Point for the Global Environment Facility (GEF) in the DRC, this department plays a major role in developing a National Environmental Action Plan (NEAP), a Strategic Action Plan on Biological Diversity and the first National Communications on Climate Change

Department of Human Settlements and Environmental Protection

The Department of Human Settlements and Environmental Protection is in charge of ensuring and monitoring the execution of duties related to cleaning the environment, managing species and environmental protection, such as evaluating the effects of human activity on the environment, preventing, maintaining and combating the harmful effects of water, soil and air pollution.

Department of Forest Management

The Department of Forest Management is responsible for the management, administration, conservation, surveillance and policy on forests. It also has other responsibilities under the Forest Code.

Department of Forest Management Inventories (DFMI)

The DFMI is responsible for cartography work, inventories and forest management, as well as research and development. The DFMI's other missions derive from the Forest Code.

Department of Forest Registry

The Forest Code conveys that the Forest Registry must ensure its conservation mission through:

- Forest classification and declassification decrees;
- Logging concession contracts and specifications related to them;
- Titles for allocating forest areas to local communities;
- Decrees allocating management of classified forests;
- Delegation of authority decrees for forest administration;
- Incorporating documents of real rights affecting the acts stated in sections b, c and d;
- Cartographic documents;
- Any other document related to forestry concessions.

In addition, the Provincial Forest Registry establishes and updates the forestry cadastral maps and delivers if needed extracts of these maps.

7.1.1. ORGANIZATIONS ATTACHED TO THE MECNT

A. Environmental Studies Group of the Congo (GEEC)

Created and organized by *Ministerial Decree 044/CAB/MIN/ECN-EF/2006 of December 8, 2006*, the Environmental Studies Group of the Congo (GEEC), is a technical body of the Government in charge of conducting the application process for environmental and social impact of projects and/or programs in the Democratic Republic of the Congo.

This decree also lays out the general implementation framework of the environmental and social assessment process in the DRC.

According to Article 2 of this Decree, the GEEC's missions are:

- To conduct and coordinate the entirety of activities related to environmental and social assessments;
- To define the environmental and social assessment process in the Democratic Republic of the Congo;
- To oversee the proper execution of all development projects and/or programs in strict respect of environmental and social norms;
- To promote the Congolese Administration's capacity building as well as that of public and private investors in terms of environmental and social assessments;
- To promote environmental consultation, opinions and training to the public;
- To present the country's annual environmental scorecard.

The GEEC is led by a Director General assisted by a Deputy Director General. It is made up of the following three departments: i) The Legal and Litigation Department; ii) The Administrative and Financial Department; iii) The Technical Department. To this date, the GEEC does not yet have regulatory texts that lay out the procedures for conducting environmental assessments and environmental impact studies.

The lack of regulation of the Framework Law on Environment Protection is a major handicap in this process. It is pertinent to question if the legality of this structure, after the enactment of Article 88 of Law 011/009, revokes all previous provisions contrary to the law. This law envisions the creation of a National Environmental Agency (NEA).

B. The Congolese Institute for the Conservation of Nature

The protected areas are ruled by the Ordinance of 1969 that relates to the conservation of nature. Management of protected areas is conferred to the Congolese Institute for the Conservation of Nature, and the statutes are set by Ordinance 78-190 of May 5, 1978. The objectives of the Congolese Institute for the Conservation of Nature under this Ordinance are:

- To ensure the protection of flora and fauna in the strict or quasi-strict nature reserves;
- To foster scientific research and tourism in these areas with the fundamental principles of respecting the conservation of nature;
- To manage the areas for capturing animals that are inside or outside of the reserves.

Overall, though it has not been definitively established, the protected areas, in their entirety, cover an area of about 331,240 km², or 14.07% of the DRC's territory[5] which is **2,350,692.6** km². They are classified by type as shown in the table below.

Table2: Surface Area of the Democratic Republic of the Congo's Protected Areas

Type of Protected Area	Surface Area (km²)	Surface Area (%)
Hunting Ground	98,399.32	4.19
National Park	85,531.91	3.64
Biosphere Reserve	687.37	0.03
Forest Reserve	16,400.21	0.70
Strict Hunting Reserve	7,284.85	0.31
Natural Reserve	122,934.22	5.23
Total	**331,237.88**	**14.09**

Source: OSFAC Satellite observation map and Geographic Information System Land Resources 2013

7.1.2. Ministry of Land Affairs

Article 1 of Ordinance 07/018 of May 16, 2007 sets the duties of the Ministry of Land Affairs as follows:

- Application and common language of the land rights and real estate legislation;

[5] Source: OSFAC Satellite observation map

- Notary duties related to land rights and the cadastre;
- Management and granting of real estate titles;
- Subdivision of land in collaboration with the Ministry of Urbanism and Habitat;
- Granting of parcels in relation to their value.

Under the terms of Article 181 of the Land Law, this Ministry may apply the State's policies regarding allocation and distribution of lands. Unfortunately, there are no land usage laws in effect regarding soil conservation and improvement measures that seek to combat the poor use of soil, forest clearing and erosion in fragile areas, especially in mountains, waterways' perimeters and coastline areas.

7.1.3. The Planning Ministry

In regard to the objectives of this study, Article 1 of Ordinance 07/018 of May 16, 2007 sets the duties of the Planning Ministry as follows:

- Planning and programming the economic and social development of the DRC;
- Coordinating the mobilization of external resources and monitoring the use of these resources in order to guarantee that priority investments are granted;
- Promoting private investments;
- Coordinating the DRC's participation in concerted efforts to put toward economic and social development through the New Partnership for Africa's Development (NEPAD).

Concerning development planning and programming, the Planning Ministry is in charge of:

- Preparing a social and economic development plan, and its execution and monitoring;
- Preparing a spending budget (public investments), and its execution and monitoring;
- Coordinating and integrating the different sectoral programs prepared by other ministries, territorial administrations, and other economic and social parties;
- Assessing compliance of investment projects with the objectives of the economic and social plan.

Among the different departments that make up the Central Administration of the Planning Ministry, are the following:

- The Department of Macroeconomic Studies;
- The Department for Coordinating External Resources;
- The Department of Programming and Budgeting;
- Three sectoral departments: the Department of Infrastructure; the Department of Productive Sectors; the Department of Social Sectors and the Department of Project Control and Monitoring.

7.1.4. THE FINANCE MINISTRY

The Finance Ministry is involved in the measure that financing agreements will be signed and, to a certain extent, the country may over time take on debt if it turns out that the country does not succeed in retaining the captured carbon for which it has obtained carbon credits.

The Finance Ministry is also involved through its project and program-managing unit, as well as in the creation of a National REDD+ Fund.

7.1.5. The Provincial Governments

As explained in the section on the legal framework, Article 203 of the Constitution, competencies will be shared between the provincial governments and the central government. This competencies' sharing ensures that REDD+ investments are subject to provincial authorization in order to verify that the area in question and the types of investments do not depart from any regulation or development plan that has been developed at the provincial level. Additionally, in regard to REDD+ investments, the provincial governments have exclusive rights, among others, on the following points:

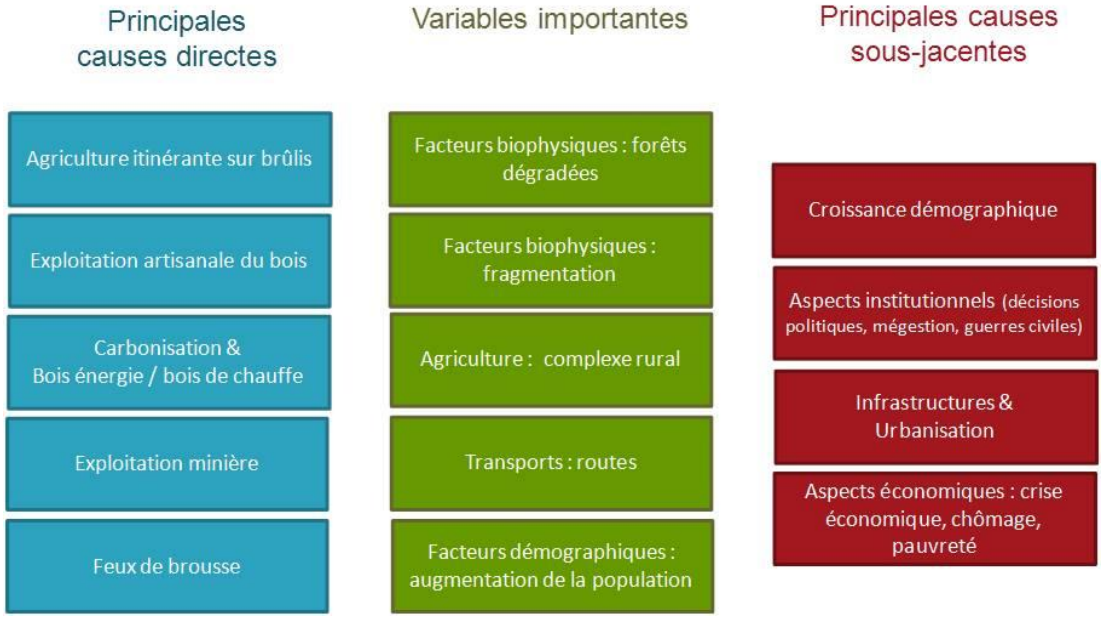
1. The development plan of the province;
7. Granting and maintaining land rights with respect to national legislation;
16. Taxes, fees and provincial rights, specifically land taxes, taxes on rental revenue and taxes on vehicles;
19. Development of mining, mineral, industrial, and energy programs of provincial interest, as well as their execution, in accordance with national planning norms;
20. Development of agricultural and forestry programs and their execution in accordance with national planning norms; staffing agricultural personnel and management of the career agents of the State's public services, in accordance with the provisions of the Statute; application of national legislation concerning agriculture, forests, hunting and fishing as well as the environment, conservation of nature and the capture of wild animals; organization and management of agricultural campaigns; and setting prices for agricultural products;
26. Exploitation of non-nuclear energy sources and the production of water for the province's needs;
28. Enforcement of customary law;
29. Provincial planning.

Because of the nature of the projected investments, the promoters must present their investments to the provincial government in which their project will operate.

8. THE PROGRAMMING CORPUS

The REDD+ National Framework Strategy allows the Democratic Republic of the Congo to combat, in an integrated and transversal way, the key causes of deforestation and forest degradation in the DRC, presented below:

Table 3. Main Direct and Underlying Causes and Important Variables
Source: UN-REDD, Summary of the Causes of Deforestation and Forest Degradation in the DRC, 2012.



This section corresponds to the section regarding proposed activities for the Framework Strategy, described in the 7 Sectoral and Enabling Pillars that form the "Programming Corpus."

Table4: Sectoral and Enabling Pillars of the REDD+ Programming Corpus in the DRC (see the National REDD+ Framework Strategy)

Section		Piliers
Chapitre 3 : Corpus programmatique		Introduction
	Piliers sectoriels	Agriculture
		Energie
		Forêt
	Piliers habilitants	Gouvernance
		Aménagement du territoire
		Foncier
		Démographie

8.1. TYPOLOGY OF ACTIVITIES

The typology of activities describes the interventions that will be used to implement the strategy. In other words, while the National Strategy defines the WHAT, the typology defines the HOW.

The interventions envisioned by the REDD+ program have been classified by national authorities in a system of typologies. It is shown below. It should be noted that in the preceding section (6.2), the text that follows is an exact copy of NC-REDD documents.

8.1.1. THE FOUR REDD+ FINANCING AND ACTIVITY TYPOLOGIES

The financing and the actions that support the REDD+ strategy in the DRC may be separated into four major typologies.

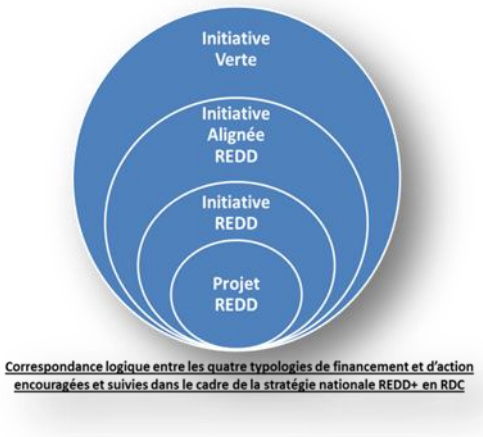


Figure 2: REDD+ Typologies in the DRC
(Source: REDD+ National Strategy Framework of the DRC)

In essence, for REDD+ to succeed in the DRC, the National Strategy must mobilize these four types of financing as they are developed below. All financing and actions related to these four typologies must be recorded in the national REDD registry. The registry allows the procedures and models associated with approval, and the validation and the implementation of all the actions to be visualized. The global architecture and a first methodological ensemble are

being prepared and will be available so they can accompany the main action categories to be launched. It will then be progressively completed.

A. REDD+ Projects

Definition: The entirety of the activities seeking to change the dynamics of deforestation and/or forest degradation and/or to increase forest carbon stocks, in the interior of a delimited geographic area, in order to reduce emissions and/or increase absorption of greenhouse gas related to these dynamics, with the goal of valuating these emission reductions/absorptions within a compensation mechanism based on the result (carbon market or fund).
Philosophy: Correspond the financing and actions that mark their contribution to REDD+ objectives and directly address them to the carbon markets. They are subject to the entirety of the international demands of REDD+ mechanisms; financed based on carbon results and allow REDD+ carbon credits to be issued. Emission reductions are measured by comparing them to a reference level established according to carbon and socio-environmental standards coming from the UNFCCC and/or from other known national and international regimes. REDD+ projects are part of a contract. They are clearly geographically delimited and mutually exclusive in the space.
Financing: The financing of REDD+ projects carry the label "REDD+". They may be enabling or sectoral.

B. REDD+ Initiatives

Definition: The REDD+ initiatives relate to REDD+ projects, programs or business policies aiming to obtain measurable REDD+ results; subject to the entirety of national adaptation requirements of the REDD+ international mechanism coming from the UNFCCC or other compliance regimes, including those that are sectoral, financed by carbon results or on a proxy basis, and that do not allow REDD+ carbon credits to be issued.
Philosophy: Correspond the financing and actions that mark their contribution to REDD+ objectives without directly addressing them to the carbon markets.
Financing: The financing of REDD+ initiatives carry the label "REDD+". They may be enabling or sectoral.

C. REDD+ Aligned Initiatives

Definition: The REDD+ aligned initiatives relate to REDD+ projects, programs or business policies aiming to contribute measurable REDD+ results; subject to the entirety of national requirements of the REDD+ international mechanism coming from the UNFCCC or other compliance regimes, including those that are sectoral, financed by carbon results or on a proxy basis, and that do not allow REDD+ carbon credits to be issued.
Philosophy: Correspond to financing and actions that may justify their contribution to REDD+ objectives without being subject to the same level of constraints.
Financing: The financing of REDD+ aligned initiatives carry the label "REDD+ aligned initiatives". They may be enabling or sectoral. National REDD+ strategies will determine under what conditions (and specifically, the threshold) of REDD+ financing that may co-finance aligned actions.

D. Green Initiatives

Definition: The green initiatives relate to projects, programs or business policies aiming to contribute to green development in the DRC, and contribute to measurable REDD+ results; not subject to the requirements of the REDD+ international mechanism coming from the UNFCCC; financed by carbon results or not, and that do not allow REDD+ carbon credits to be issued.
Philosophy: Corresponds to financing and actions that can reasonably justify their contribution to the objectives of green development in the DRC.
Financing: The financing of REDD+ green initiatives carry the label "green".

8.2. DETAILED SYSTEMATIC REVIEW OF REDD+ FINANCING AND ACTIONS

Each of the four REDD+ financing typologies and actions may cover distinct types of actions and distinct financing. The matrix below was designed to remove any ambiguity for categorizing REDD+ financing and actions, and to clarify to REDD+ authorities, funders and developers of the different implementation modalities.

There are five entry categories: REDD+ sectoral and enabling financing, REDD+ aligned sectoral and enabling financing, and green financing.

- A sectoral activity acts upon the causes of deforestation and forest degradation with direct and tangible impacts on reducing emissions. For example: improving agricultural practices, producing improved stoves, creating hydroelectric dams, agro-forestry, diminishing mining impacts, reinforcing protected areas, developing community forestry, etc.
- An enabling activity acts upon the indirect causes of deforestation and forest degradation and on the conditions to implement sectoral responses, with indirect impacts on reducing emissions. For example: reforming agricultural or energy policy, making land planning policies, leading a program for land harmonization and securement, reinforcing the administration's capacities, reinforcing the capacity to apply the law against infractions against laws and regulations of the REDD strategy, etc.

The matrix is composed of two parts: the determinants (in orange), and the starting and implementation conditions (in blue). Each of these columns is defined below:

Action: determines the type of action financed. "prog/proj" indicates a program or project. It may also have to do with a policy.
Note: a policy is always considered an enabling action, even if it is applied to a sector. Also, REDD financing of an energy or agricultural policy is considered an enabling financing.

Generator: determines the public or private nature of the generator of the action. "p&p" indicates indifferently public or private. A public action is generated by a legal public person. However, a private action can be generated by a private legal person, for example, a business, or a civil society organization, a national or international NGO, a development partner, a research institution, etc.

Threshold: distinguishes small scale actions, the budget of which is less than $50,000 per year, which are subject to more relaxed start-up and implementation modalities.

Disbursement: determines if this financing is "ex ante", when an action is launched, or "ex post", once an action is finished, generally in the form of payment for results.
Naturally, all actions require financing a priori, but some programs or projects may have distinct financing steps, with both ex ante and ex post financing. In this case, the program or project will be categorized in the form corresponding to the most demanding financing.

- For illustration: a private company invests $200,000 to lead actions within the framework of a REDD+ project seeking to produce carbon credits with a value of $300,000. This $200,000 constitutes an "ex ante" REDD+ financing of an "investment/ispi" nature. The $300,000 represents an "ex post" REDD+ financing of a "carbon credit" nature. Since "ex post/carbon credit" financing modalities are more demanding than "ex ante/ispi" financing modalities, the whole project will be subject to start-up and implementation modalities associated with projects financed under the form "ex post/carbon credit".

Modalities: determines the way that financing is **collected** and **dispensed** by the developer of a policy, program or project. These modalities may be distinct: for example, an NGO may solicit a donation to implement a program that will pay the local communities engaged in the production or protection of environmental services in the form of a payment for results.

Here, we can consider four main financing modalities that have been set up in regard to their potential distinct impacts on implementation conditions. The term "ispi" corresponds to investments, grants or donations, loans or indirect

financing such as bank guarantees or other mechanisms for covering risks. Beyond these traditional forms of financing, there is also financing through the issuance of carbon credits "C Credits" or mechanisms for Payments for Environmental Services "PES." The distinction between "asset building" PESs and "conservation" PESs is not made in the matrix because it does not change the general implementation conditions identified here.

As with the notion of timing, in cases of conflict between several collection and dispensing modalities within the same project or program, this is categorized by the form corresponding to the most demanding financing unless the prongs are separable. For example, if an NGO receives a donation to launch a project that includes both a support prong for the communities by issuing grants and a payment prong from private beneficiaries for the results in the form of PES, it can verify its carbon results either in a certified manner for the entirety of the project, or dissociate between the "grant", where the carbon results will be verified in an adjusted manner, and the "PES", where its carbon results will be verified in a certified manner.

Typology: corresponds to the classification of the action: "PR" for Project REDD; "IR" for REDD Initiative; "IAR" for REDD-aligned initiative; "GI" for green initiative.

Registration: corresponds to the necessity for financing to be recorded in the National REDD Registry. In fact, all actions mentioned here are subject to this basic demand, because it allows progressive tracing of all financing in the DRC that contributes to the country's transformation toward green development. Naturally, the registration modalities are more or less binding, going from a REDD project toward a green initiative.

Reputation: determines if the generator of a project or program, as well as its partners, have undergone a reputation check, which would prevent the risk of money laundering in particular.

Demonstration: determines if the generator of a project, program or policy can demonstrate a certain aspect from the beginning. Here, it is not necessary to demand a quantification, but at least a reasoned justification. The demonstration must be included in the project documentation and should ensure that the action will guarantee a positive, viable, economical, technically viable and positive carbon impact, and one that will prevent social and environmental risks.

M&E System corresponds to the necessity that the action being financed is subject to a standardized, basic and acceptable monitoring and evaluation system. Just as with registration, it is a prerequisite for all REDD, REDD-aligned or green financing, but it could materialize in a different manner depending on the scope and the nature of the action. Generally, the basic requirements of the financing partners must be validated in the context indicated, or an acceptable equivalent system when it is related to private investments.

Carbon Measuring and Reporting: determines whether a measuring and reporting system regarding the carbon impacts of the action is required or not. Here, we distinguish between a **standard** system, and a system based on **proxy**. In a standard system, it refers to the normalized constraints on an international level, including on a sectoral level, which essentially applies to projects and programs that lead to the issuance of carbon credits. In a proxy system, the carbon measuring and reporting may be done directly through the carbon data but also on the basis of other indicators, for example an area that has been reforested, a number of households with improved stoves, etc. In any case, a prior justification must be made between what the proxy intends and its carbon impact (see Demonstration). Guidelines and modes will be progressively produced by REDD+ authorities in the DRC to help ensure for the project, program or policy generators a certain level of uniformity and acceptability, to save time and reduce costs.

Carbon Verification: determines if a verification system for the carbon results or proxy of an action is required or not. Whether the carbon verification be **"certified"** or **"adjusted",** in either case, it must be systematic. Certified verification responds to international standards, including a verification requirement by the entities that are duly certified to do so. Adjusted verification respects a process adapted for the national level and the circumstances of the activity (the scope, sectors, risks, etc.). Guidelines and modes for verification are progressively produced by REDD+ authorities in the DRC in order to be adjusted in terms of the REDD+ requirements and to the realities of the actions undertaken (independent auditor, internal control, mandated national entity or pool of verification experts, internationally or nationally certified, the role of civil society, long-distance or on the ground monitoring, etc.).

Naturally, the DRC's REDD+ authorities may undertake or mandate occasional monitoring of actions that are not subject to these certified or adjusted verifications, for the goal of analyzing, evaluating and improving them (but not in a corrective or punitive sense).

Socio-environmental Measuring and Reporting: determines whether a measuring and reporting system of socio-environmental benefits of the action is required or not. Here, we distinguish the requirements with respect to **REDD-labelled** or **classic** standards. In the case of a REDD label, the guidelines and models developed within REDD must be respected, either available and recognized on an international level (CCBA, VCS, etc.) or produced on a national level by REDD+ authorities. This system of procedures and models is in the process of being developed and will be progressively completed to go along with the proper implementation of REDD financing. The level of requirements may be different in regard to the actions undertaken, for example based on their scope or their activity domains. Regarding classic standards, the generator of the action, for example, must respect the classic standards or safeguards of its financial partner, without necessarily considering the particular requirements adapted to the REDD objectives.

Socio-environmental Verification: determines if verifying the socio-environmental results of an action is systematically required or not. It is important to separate, on one hand, a part of the requirement levels and the complexity of applicable standards, and on the other hand, the potential conditions for verifying the results. The DRC's REDD+ authorities develop an ensemble of procedures and models laying out the verification modalities (see Carbon Verification) that may still be different in regard to projects, programs or policies related to REDD+ strategy. As with the question of carbon, occasional monitoring may be undertaken on actions that are not subject to verifying socio-environmental results, with the goal of analyzing, evaluating and improving them (but not in a corrective or punitive way).

Table5: Detailed table for REDD+ financing in the Democratic Republic of the Congo and their Implementation Methods

Catégorie d'entrée	Action	Porteur	Seuil	Déboursement	Modalité		Typologie	Conditions de démarrage						Conditions de mise en œuvre							
					Collecte	Dépense		Enregistrement	Contrôle d'honorabilité	Démonstration				Système S&E standard	MR carbone		V carbone		MR socioenv		V socioenv
										Impact carbone	Viabilité économique	Viabilité technique	Impact +/- socio-envir .		standards	proxy	accréditée	adaptée	label REDD	classique	
Financement sectoriel REDD	Prog/Proj	public	Non	Ex ante	ispi	ispi	IR	O	N	O	N	O	O	O	N	O	N	O	O	N	O
					ispi	PSE	IR	O	N	O	N	O	O	O	N	O	O	N	O	N	O
				Ex ante/post	PSE	ispi/PSE	IR	O	N	O	N	O	O	O	N	O	O	N	O	N	O
				Ex post	crédit C	ispi/PSE	PR	O	N	O	O	O	O	O	O	N	O	N	O	N	O
		privé	Non	Ex ante	ispi	ispi	IR	O	O	O	O	O	O	O	N	O	N	O	O	N	O
					ispi	PSE	IR	O	O	O	O	O	O	O	N	O	O	N	O	N	O
				Ex ante/post	PSE	ispi/PSE	IR	O	O	O	O	O	O	O	N	O	O	N	O	N	O
				Ex post	crédit C	ispi/PSE	PR	O	O	O	O	O	O	O	O	N	O	N	O	N	O
		p&p	<50K$	Ex ante/post	ispi/PSE	ispi/PSE	IR	O	N	O	N	O	O	O	N	O	N	O	O	N	N
				Ex post	crédit C	ispi/PSE	PR	O	O	O	O	O	O	O	O	N	O	N	O	N	O
Financement habilitant REDD	Politique	public	Non	Ex ante	ispi	ispi	IR	O	N	O	N	O	O	O	N	O	N	O	O	N	O
	Prog/Proj	public	Non	Ex ante	ispi	ispi	IR	O	N	O	N	O	O	O	N	O	N	O	O	N	O
					ispi	PSE	IR	O	N	O	N	O	O	O	N	O	O	N	O	N	O
				Ex ante/post	PSE	ispi/PSE	IR	O	N	O	N	O	O	O	N	O	O	N	O	N	O
		privé	Non	Ex ante	ispi	ispi	IR	O	O	O	N	O	O	O	N	O	N	O	O	N	O
					ispi	PSE	IR	O	O	O	N	O	O	O	N	O	O	N	O	N	O
				Ex ante/post	PSE	ispi/PSE	IR	O	O	O	N	O	O	O	N	O	O	N	O	N	O
		p&p	<50K$	Ex ante/post	ispi/PSE	ispi/PSE	IR	O	N	O	N	O	O	O	N	O	N	O	O	N	N
Financement aligné sectoriel REDD	Prog/Proj	public	Non	Ex ante	ispi	ispi	IAR	O	N	O	N	O	O	O	N	O	N	O	O	N	N
					ispi	PSE	IAR	O	N	O	N	O	O	O	N	O	O	N	O	N	N
				Ex ante/post	PSE	ispi/PSE	IAR	O	N	O	N	O	O	O	N	O	O	N	O	N	N
		privé	Non	Ex ante	ispi	ispi	IAR	O	O	O	O	O	O	O	N	O	N	O	O	N	N
					ispi	PSE	IAR	O	O	O	O	O	O	O	N	O	O	N	O	N	N
				Ex ante/post	PSE	ispi/PSE	IAR	O	O	O	O	O	O	O	N	O	O	N	O	N	N
		p&p	<50K$	Ex ante/post	ispi/PSE	ispi/PSE	IAR	O	N	O	N	O	O	O	N	O	N	O	O	N	N
Financement aligné habilitant REDD	Politique	public	Non	Ex ante	ispi	ispi	IAR	O	N	O	N	O	O	O	N	O	N	O	O	N	N
	Prog/Proj	public	Non	Ex ante	ispi	ispi	IAR	O	N	O	N	O	O	O	N	O	N	O	O	N	N
					ispi	PSE	IAR	O	N	O	N	O	O	O	N	O	O	N	O	N	N
		privé	Non	Ex ante	ispi	ispi	IAR	O	O	O	N	O	O	O	N	O	N	O	O	N	N
					ispi	PSE	IAR	O	O	O	N	O	O	O	N	O	O	N	O	N	N
				Ex ante/post	PSE	ispi/PSE	IAR	O	O	O	N	O	O	O	N	O	O	N	O	N	N
		p&p	<50K$	Ex ante/post	ispi/PSE	ispi/PSE	IAR	O	N	O	N	O	O	O	N	O	N	O	O	N	N
Financement vert	Politique	public	Non	Ex ante	ispi	ispi	IV	O	N	N	N	O	O	O	N	N	N	N	N	O	N
	Prog/Proj	public	Non	Ex ante/post	ispi/PSE	ispi/PSE	IV	O	N	N	N	O	O	O	N	N	N	N	N	O	N
		privé	Non	Ex ante/post	ispi/PSE	ispi/PSE	IV	O	O	N	N	O	O	O	N	N	N	N	N	O	N
		p&p	<50K$	Ex ante/post	ispi/PSE	ispi/PSE	IV	O	N	N	N	O	O	O	N	N	N	N	N	O	N

8.2.1. APPROVAL PROCEDURE AND THE NATIONAL REDD REGISTRY

According to the Approval Decree, the Ministry of the Environment and Forests will regulate the approval process. The Regulator will create a National REDD Registry (hereinafter called "the Registry") whose role is to oversee management.

The maintenance of the Registry is entrusted to the Sustainable Development Department of MECNT, named the Registry Holder, or the registrar. The Registry Holder ensures the maintenance and updating of the Registry according to a registration procedure included in the Annex of the Decree. The list of the necessary registration documents is in Figure 3 below.

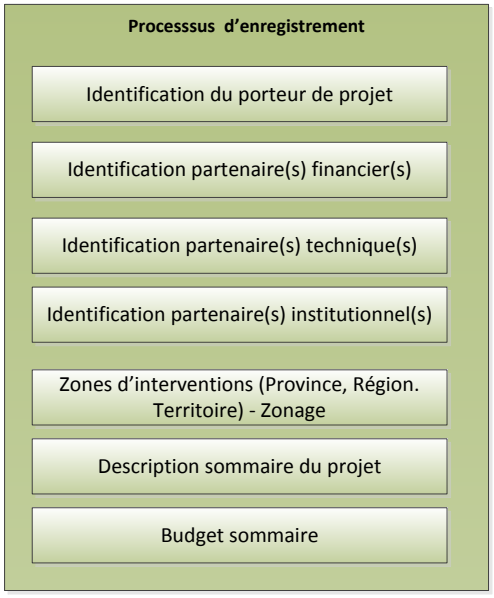


Figure 3. Documents Necessary for the Approval Process of REDD+ Projects

The registration process will be done over the Internet and will allow the project generator to publish its request and to have it validated. Two years is the maximum time allotted for a project generator to complete its file until its approval.

The REDD+ project approval process[6] is slightly more complex and is punctuated by checks from the moment of its registration up to its final approval.

[6] Initially, the country may be content only to certify REDD+ investments of any type (according to the standards set out in this document) and some of them may obtain medium-term approval to sell carbon credits. The country may also only levy an export tax and a VAT on the tons of carbon produced without being obliged to enter into the complex process of carbon accounting, this aspect being left to international labels of the carbon market and to the product purchasers. The country would thus not be considered as a center for advantageous production for forest carbon stock. An alternative of this type is in the REDD SESA.

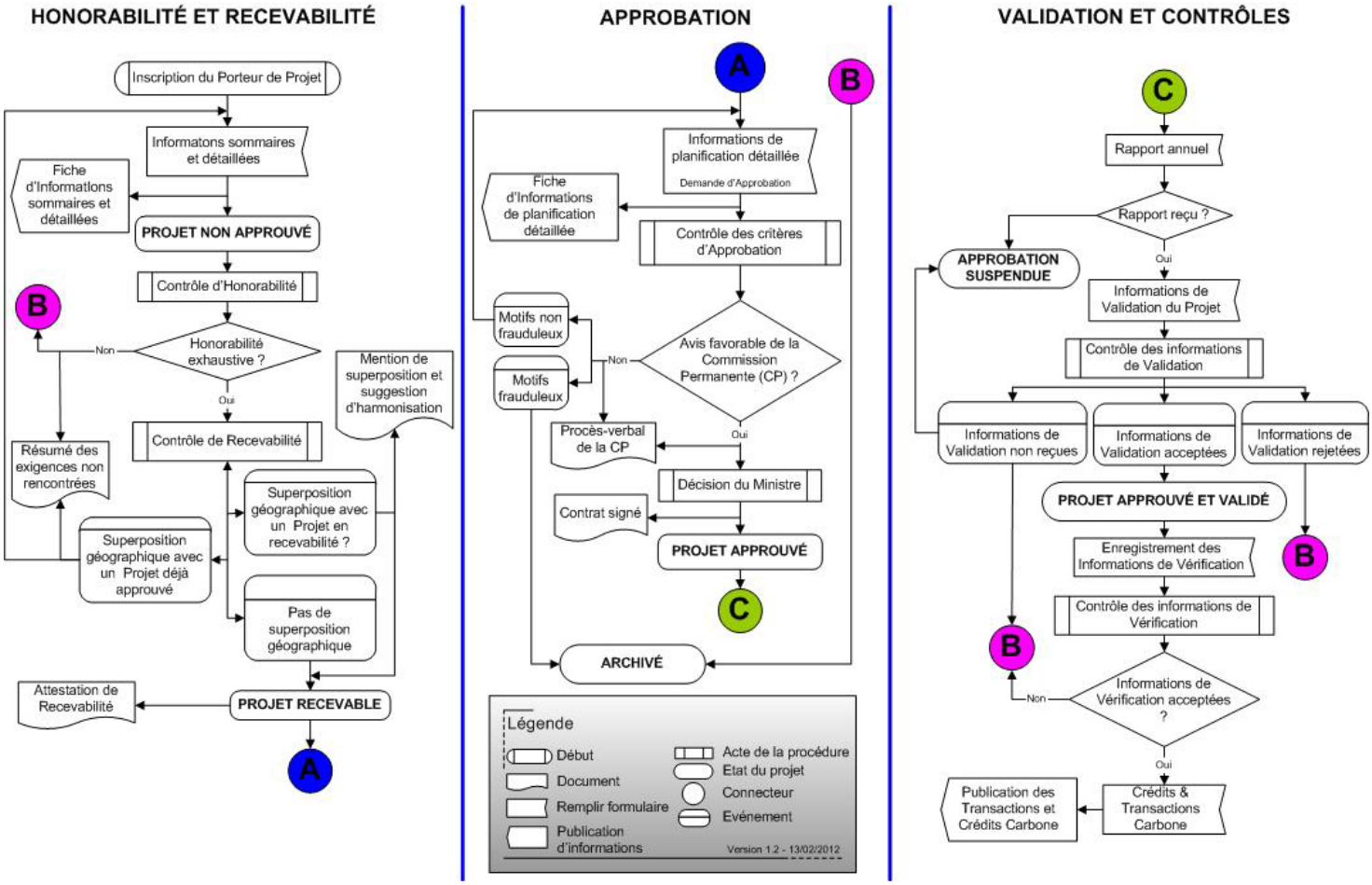


Figure 4: REDD Approval Process as Defined by the Approval Decree

8.2.2. NATIONAL REDD+ FUND

The national REDD fund serves as the financial arm of the National REDD+ Strategy in the Democratic Republic of the Congo and specifically, to its successive Investment Plans. The specific objectives of the Fund currently considered are the following:

a. To mobilize the financial sources necessary to attain national REDD+ objectives and to strengthen the DRC's leadership in this domain;

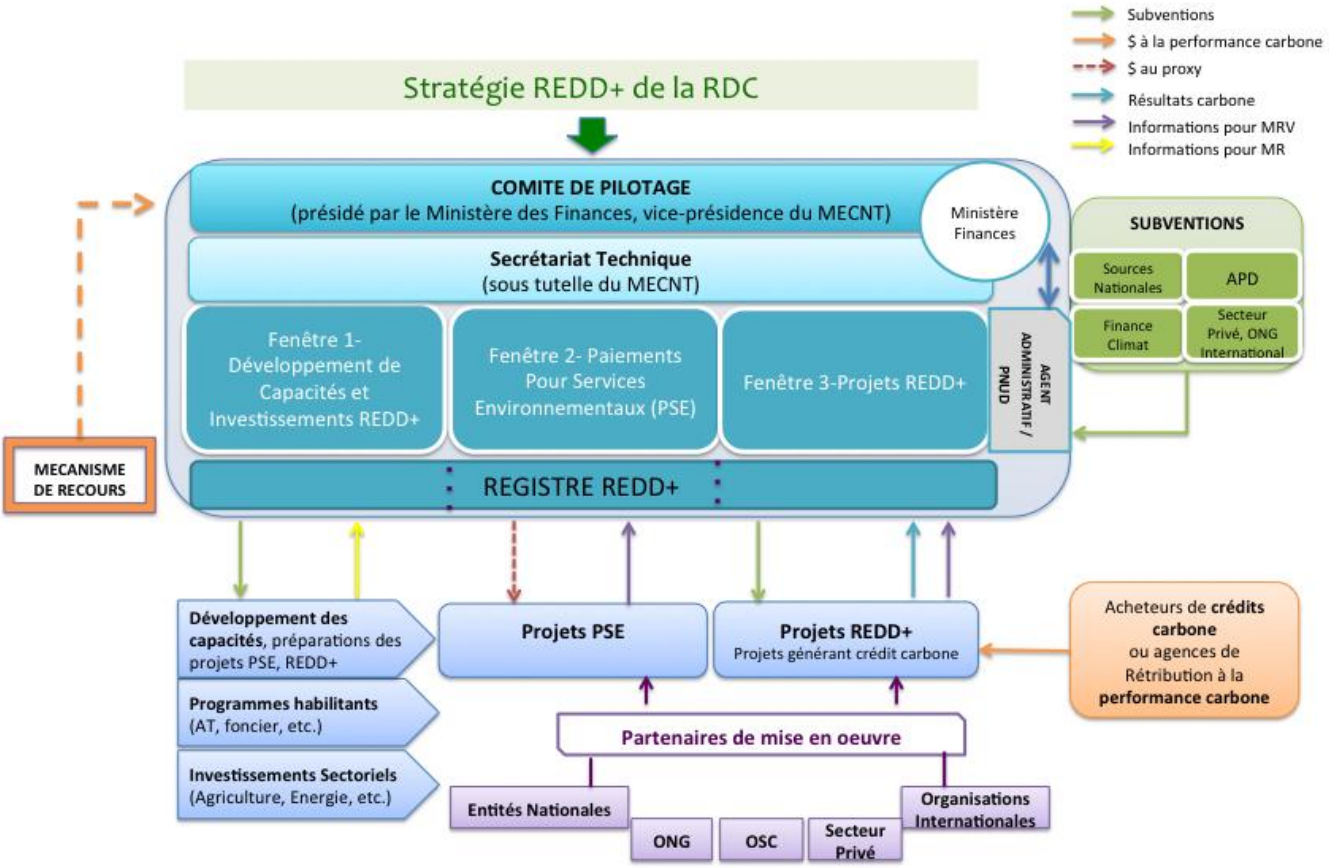
b. To combine public and private, multilateral and bilateral, financial sources, including innovative financing, to maximize the capacity of the country to advance its REDD+ national priorities;

c. Boost the coordination capacities of the government for rapid, coherent and efficient implementation of activities identified as priorities by the REDD+ National Investment Plan;

d. Support measuring, reporting and verification activities, in a continual and transparent manner, of the results of the activities financed by the Fund in accordance with UN-REDD standards, while encouraging management based on performance.

The flowchart for the management structure of Fund management currently considered is presented in

Figure 5 below.



(Source: Reference Term Project of the National REDD Fund

Figure 5. Management Flowchart of the National REDD Fund

As illustrated above, the National REDD Fund must interact with the structures responsible for holding the National REDD Registry. The Reference Term Project of the National REDD Fund lists the responsibilities of the diverse structures that make it up.

The stated objectives of the institutional and financial arrangements of the Fund are to ensure that:

a. Each project approved for financing is part of a priority program of the National REDD+ Strategy;
b. The financed activities are put into effect by internationally known partners and, as much as possible, by national implementation partners, under the piloting and approval of the government to ensure sustainable reinforcement of local capacities;
c. The financing and implementation of activities should be transparent to promote efficient execution and use of the Fund's resources, geared towards producing measurable results;
d. Evaluation of the performance of the projects finance by the fund and their capacity to show results are ensured by putting in place a rigorous system of measuring, reporting and verification; this system itself will be subject to regular revision to ensure it remains pertinent;
e. Complementary technical experts are mobilized, specifically through creating a pool of experts, encouraged at the request of the government and in view of supplying the technical support necessary to guarantee that international REDD+ standards are respected;
f. The use of new innovative technology is encouraged to reinforce the MRV system and to ensure transparency in each of the notification steps, while reducing transaction costs.

These objectives note the great importance granted to the management structures of the Fund. It is probable that they will hold, in practice, upon REDD's implementation, the majority of the powers associated with coordinating REDD activities on the national territory.

8.2.2.1. Technical Secretariat

Specifically, the Technical Secretariat of the National Fund must have the following attributes:

a. Conduct an assessment of the fiduciary management and implementation capacities of international participatory entities and organizations that submit project proposals;
b. Conduct a systematic, rigorous, detailed and high-quality assessment of project proposals and provide a report with recommendations to the Steering Committee;
c. Ensure respect and coherence of the activities financed by the Fund with the good practices promoted by UN-REDD, of the norms and regulations in force on the national level[7], with the compliance standards of the UNFCCC and/or other regimes recognized by the DRC[8], and the good practices promoted by the national REDD+ process;
d. Revise the reports and all of the documents required within the notification framework of projects submitted under the REDD+ Registry by national entities and international participatory organizations;
e. Ensure respect by the national entities and participating international organizations of the specific verification requirements of different Fund windows;
f. Encourage the use of innovative mechanisms and technologies, specifically in regard to measuring, notification and verification, in order to reduce transaction costs;
g. Be in charge of daily management of the Fund's activities.
h. Follow-up Steering Committee meetings to ensure the good implementation of its decisions and report back to it if needed, and;
i. Ensure the liaison and coordination between the Steering Committee, the REDD+ Committees, the diverse Fund stakeholders and the administrative agents.

8.2.3.INTERIM MANAGEMENT BY THE UNDP

In order to reinforce national capacities while ensuring proper management of the sums generated by the Fund, its administration, in terms of administrative and fiduciary management, must be ensured on an interim basis by the United Nations Development Program (UNDP) through its Multi-partner Trust Fund (MPTF) Office. The responsibilities that it assumes are described below.

The MPTF Office of the UNDP, will act as administrative agent for the Fund and will have the following tasks:

a. Receiving the financial resources of contributors and depositing them in the Fund account;
b. Managing the funds received, in conformity with the rules, procedures and policies of the UNDP, as well as to the provisions of the Terms of Reference, including the provisions related to liquidation of the Fund and related matters;
c. Disburse the funds to each national entity in conformity with the Steering Committee's decisions as communicated by the Ministry of Finance, subject to the availability of funds, and following the Ministry of Finance's instructions, and on the basis of the capacities of fiduciary management evaluated by the Technical Secretariat;
d. Disburse the funds as approved by the steering committee to each international participatory organization, subject to the availability of funds and the existence of agreements signed by the Administrative Agent and the

[7]See Decree number 004/CAB/MIN/ECN-T/012 of February 15, 2012 regarding the approval of projects and the creation of a REDD+ National Registry

[8]See The required Socio-environmental Impact Studies

organizations in question, following the instructions of the Government coordination entity, on the basis of the budget set out in the approved program document;

e. Consolidate, in close collaboration with the Technical Secretariat, the declarations and reports, based on the notifications presented to the Administrative Agent by the Ministry of Finance, and containing the reports of each national entity and international participatory organization, and distribute them to the Steering Committee and the contributors;

f. Supply a final report, including the notification that the Funds are operationally closed, in conformity with the Terms of Reference of the Fund;

g. Disburse funds to the Ministry of Finance, to MECNT, to national entities, or international participatory organizations to which the Steering Committee may allocate them, to cover additional costs related to functioning activity of the Fund[9], in conformity with the Terms of Reference of the Fund;

At the same time, the MPTF will reinforce the capacities of a national ministry or a chosen entity and assume the administrative and management functions of the Fund later on. The Steering Committee will carry out a complete exam of the Fund's operations and an independent evaluation of the fiduciary management and program capacities of the chosen national entity. Based on these recommendations, it will determine the potential feasibility of returning administrative functions of the Fund from UNDP to a national successor. The Fund Operations Manual will detail the procedure.

8.2.4. OTHER BODIES PROVIDED FOR IN THE R-PP

The R-PP provides for implementing supplementary structures in the investment and operations phases of REDD, to fulfill certain essential functions. These functions are:

- A decision-making function, which belongs to the existing National REDD Committee as instituted for the country's preparation period by the Decree of 2009;
- A sector-planning and implementation steering function per field, which belongs to the existing REDD Inter-ministerial Committee;
- A coordination function to ensure the handling of all of the implementation tasks and the secretariat-counsel of the decision-making body. The structure responsible for this will be part of the existing National REDD Coordination;
- A consultation function to handle all complaints associated with REDD implementation;
- A training, research and council function for climate change management, including its different components, part of REDD;
- A centralization and data-management function to collect secondary data and manage a National Registry for REDD data in the DRC.
- A national carbon-initiatives-management function, which is responsible for holding the national carbon registry and the international financial allocations to avoid any double counting, to ensure the promotion and international marketing of the DRC's carbon and to bring the project generators forward to producing voluntary or certified credits.
- A centralization function for international funding, and redistribution to national stakeholders, while following the transparent and audited rules.
- Local REDD coordination functions in charge of sub-national offshoot REDD programs, managing their implementation and their associated finances, IEC activities and consultation on a sub-national level, producing and consolidating sub-national data associated with governance, and sociocultural, environmental and economic impacts of REDD+.
- Regional or international auditing functions, to exhaustively manage the implementation of the strategy; audits of programs, follow-up data, report management and audits of the financial flows.

[9] Direct costs related to the Technical Secretariat's costs, evaluation activities, recruiting experts, etc.

9. RISKS AND PROBABLE IMPACTS OF REDD PROCESS ACTIVITIES

In February 2012, a risk analysis was undertaken by the consultant and submitted to the NC-REDD. These risks are also mentioned in the SESA document.

The concrete activities or those "on the ground" that may be undertaken within the REDD+ framework are numerous. A general list has been made based on what was set out in version 1.1 of the REDD Strategy. This list appears in Table 6.

Section 10 of the SESA document lists all of the mitigation measures for the main activities that may be undertaken in the REDD+ Process.

The goal of this analysis is to prepare a preliminary classification of the types of REDD projects that may be enacted, in relation to their negative effects on the environment and the social sphere. This classification is to apply the guidelines of the ESMF [the Environmental and Social Management Framework] and to give a basis for reflecting on the types of impacts that could come out of REDD activities. These lists are not exhaustive and are only a starting point.

It is also important to understand that certain activities that are presented here have been in practice for decades in the country, without major environmental or social constraints being imposed on them, due to the non-existence of any appropriate regulation.

Article 21 of the Environmental Law states that the Council of Ministers will set the statutes of different categories of projects or activities for environmental study, the content, the approval modalities and the procedure for consulting with the public.

Given that the REDD process is a national process, projects bearing the label must follow national regulations. For this reason, an Environmental and Social Impact Assessment, an ESIA, must be performed if the law requires.

The REDD process cannot be more restrictive than national law. In addition, it cannot allow authorization without all of the requirements of the different national laws being communicated to the promoter/project and satisfied by the promoter, specifically where the environment is concerned. The management framework takes this into account and contains recommendations in this regard.

Table 6. General List of Potential REDD Sub-activities+

Sector	Types of Concrete Activity
Agriculture	Annual crop production
	Perennial crop production
	Husbandry and pasture management
Energy	Improved charcoal making techniques
	Biofuel production (jatropha, sugar cane, palm oil)
	Biogas from landfills
	Methane from Lake Kivu
	Micro and mini electricity
	Making and distributing improved stoves
Forest	Plantations and assisted regeneration

Sector	Types of Concrete Activity
	Community forestry
	Protected Areas
Governance	Reorganization of government activities and administrations
Spatial planning	Land use planning
Land titles	Micro-zoning and secure land rights
Demography	Negligible potential impact of activities

Among these potential activities, some have not been included in an analysis within the framework of this SESA. The biogas projects (from landfill sites and Lake Kivu) must undergo detailed environmental and social impact studies because of their highly specialized character, and especially because of the very specific impacts that they will generate on the sites chosen and the design of the project. Conservation projects (protected areas) will be handled within the process framework produced by this environmental assessment. The national programs for land title reform and spatial planning must undergo a distinct environmental and social assessment because of the important changes underlying these programs. Furthermore, it would be opportune to undertake one seldom SESA grouping these two programs because of their apparent "kinship".

Among the remaining activities, certain ones have been handled simultaneously:

- Agricultural activities have been grouped together;
- Activities for increasing forest carbon stocks have been added to plantation activities;

Finally, community forestry is a collection of activities that is found within other agricultural and forestry categories. The activities that will be analyzed in the current study are shown in Table 7:

Table 7. List of Analyzed Sub-activities

Types of Concrete Activity
Agriculture: Annual crop production, plantation crop production, husbandry and pasture management
Improved charcoal-making techniques
Biofuel production (jatropha, sugar cane, palm oil)
Micro and mini electricity
Making and distributing improved stoves
Plantations and assisted regeneration

It should be noted that the above activities exist already or have already existed in the DRC, sometimes on a reduced scale. The objective of REDD is to redesign their implementation in order to orient them towards reducing deforestation and the GHG emissions associated with it. Thus, REDD can be seen as a method allowing development activities that already exist in the country to benefit from carbon revenues and to participate in an international process of carbon financing.

It is also important to take into account that the majority of these activities are already regulated in the country and that the major change that REDD will bring is to establish more strict environmental criteria than those for a normal investment. For example, an investor may currently do reforestation activities in the DRC because they are already allowed by regulation. A REDD reforestation, however, will respect certain basic socio-environmental criteria. The following table gives the main potentially negative impacts by type of activity.

Table8: Main Potentially Negative Impacts by the Type of REDD+ Activity and Foreseen Mitigation Measures

Activities	Potentially Negative Impact	Foreseeable Mitigation Measures
Husbandry	Loss of habitat and diminishing biological diversity due to the replacement of natural forests by pastureland.	Put regional development and macro- and micro-zoning plans into place.
	Pollution of the water by animal waste, erosion due to trampling the banks, burying the waterways.	Protect waterways by a strip of intact vegetation, stable animals in appropriate areas.
	Over-pasturing prairies	Manage pastureland, plant fodder trees and bushes, macro- and micro-zoning
	Compaction of the soil by animal trampling	Manage pastureland
	Transmission of livestock illnesses to wild animals	Manage animal diseases, vaccinate, veterinary checks
	Social conflicts due to land use	Land reform, Free informed prior consent, macro- and micro-managing.
Perennial plantation crops (coffee, cocoa, bananas, citrus fruits, palm oil, rubber trees, etc.)	Loss of habitat and diminishing biological diversity due to the replacement of natural forests by agricultural land.	Put regional development and macro- and micro-zoning plans into place.
	Land grabbing	Land reform
	Soil erosion	Planting cover crops, zero ploughing
	Introduction of invasive species	Establish regulations on invasive species
	GMO seeds	Establish regulations on GMOs
	The risk of increasing crop pests because of larger production and monoculture	Put in place an appropriate phytosanitary control system
	Management of pest control products: contamination risks to the soil and water	Prepare a pest and pesticide management plan
Annual crops	Poorly adapted types of crops and planting sites	Develop integrated agriculture
	Management of pest control products: contamination risks to the soil and water	Prepare pest and pesticide management plans
	Proliferation risk of the phytosanitary and monoculture problem	Prepare pest and pesticide management plans
	Managing soil fertility: the risk of over-fertilizing and polluting waterways	Prepare a guide for good agro-environmental practices
	Poisoning by pesticides	Prepare pest and pesticide management plans
	Erosion	Prepare a guide for good agro-environmental practices

Activities	Potentially Negative Impact	Foreseeable Mitigation Measures
Improvement for artisanal charcoal making	Improve the competitiveness of certain producers compared with others	Establish a national policy related to charcoal making, integrate the charcoal-making process into formal sectors, establish and distribute training guides for improved carbon making
	Accelerated degradation of the forest. People of note or influence may profit from the occasion by putting in place large-scale exploitation in protected or other forested.	Development and zoning plans, monitoring production sites
Industrial and semi-industrial ovens	Disruptions in the job market in producing areas	Put in place targeted training programs, support companies in difficulty through micro credit
	Contamination of the air	Put in place air purification systems and/or dust-catching systems
	Deterioration of the living standards of small-scale charcoal producers	Support small-scale producers
	Accelerated deforestation	Define production quotas for natural forests, require wood-energy plant reforestation
Planting wood-energy and lumber plantations	Habitat loss and diminishing biological diversity due to natural forests being replaced by plantations made up of a limited number of homogenous species.	Prior development and zoning plan
	Competition with food crops	Development and zoning plan, support of agricultural producers
	Other impacts: see agricultural activities	
Biofuel production	Atmospheric emissions	Put in place a treatment system for atmospheric emissions
	Waste production	Put in place a waste-management system that encourages reducing, reusing and recycling
	Liquid run-off	Put in place a treatment system for liquid run-off, use treated run-off
Transporting biofuel productions (industrial)	If by pipeline (typical impacts of pipeline projects)	
	If by truck: Risks related to temporary storage, transporting explosive products and contaminating the environment.	Put in place a nation-wide risk-management system for the transport of dangerous material
Micro/mini hydro-electricity plant constructions	Land grabbing risk	Foster water facilities that optimize *design* to limit the use of the territory
	Soil erosion	Optimize *design,* put in place natural anti-erosion maintenance systems
	Changes in the quality/quantity of water	Define and maintain environmental flows, remove organic material before putting water in reservoirs
	Risk of increased STD transmissions (related to migrant workers)	Information, education and monitoring

Activities	Potentially Negative Impact	Foreseeable Mitigation Measures
Micro/mini hydro-electric plant use	Increase in/appearance of waterborne diseases	Combat the carriers of waterborne diseases
	Reduction of water availability	Define and maintain ecological water flows
	Loss of agricultural production due to the loss of land	Optimize *design* to limit land use, organize agricultural producers so that they may reap the best yields from even the smallest surface areas
	Spontaneous migration to production sites to have access to energy resources	Put in place electricity distribution systems that include small communities, finance solar lighting in remote villages where extending the electricity grid would be too costly
Manufacturing improved stoves	Inflation of the price of basic materials (metal, soldering materials, etc.)	Ensure that the promoters have access to a supply of sufficient materials, ensure they are able to import
	Shortage of a specialized workforce for other economic activities	Put in place training programs
Reforestation planting	Habitat loss and diminishing biological diversity due to natural forests being replaced by plantations made up of a limited number of homogenous species.	Development and zoning plans, reinforcing the current protected area networks to protect a high level of diversity
	Simplification of natural ecosystems, diminished biodiversity, risk of pest proliferation.	Continue to maintain natural forest corridors A priori use of degraded areas for reforestation
	Loss of local species forest products	Establish a research network for local endemic species, put in place a production and conservation center for national forest product seeds
	Propagation of species outside of plantations that create competing with local species.	Establish buffer zones around plantations; ban invasive species
	Risk of sterilization/acidification/reduced quality of soil from the species used	Foster multi-species reforestation, do not allow reforestation on too large a scale
Management and use of plantations	Use of fertilizers, pesticides and herbicides that have damaging effects on the quality of local soil and water	Establish guides of good-practices Prepare pest and pesticide management plans
	Chemical and biological transformation of the soil if the bedding is made up of one or more predominant species that alter the decomposition process	Foster multi-species reforestation, do not allow reforestation on too large a scale
	Increase in sediment in the waterways	Put in place protection strips along waterways
	Migration of people seeking to profit from jobs and the development of small industries	Macro- and micro-zoning, improvement of local governance

It is highly probable that projects that have a large number of activities going at the same time will have a cumulative impact to be taken into account.

10. STRUCTURE AND PROCESS OF REDD+ ENVIRONMENTAL AND SOCIAL MANAGEMENT

The Congolese State is engaged, under the REDD Credit Agreement concluded with the *Forest Carbon Partnership Facility* (FCPF), to undergo the REDD preparation process and the National REDD Development Strategy and the safeguard policies of the World Bank. The strategic environmental assessment mandate required by the Credit Agreement includes developing tools that seek to mitigate and manage environmental and social risks that may come from implementing the National REDD+ Strategy (Credit Agreement, Article 2, Part 2C).

In addition, the current SESA mandate includes foreseeing mitigation mechanisms to apply during the implementation phase of the National REDD Strategy. The guidelines and instruments proposed in this chapter seek to attain this objective by taking into account the principles and procedures from the World Bank's safeguard policies.

The environmental and social assessment process of sub-projects shall integrate the regulatory requirements in force in the DRC and the safeguard policies of the World Bank. In the case where these two regimes differ, the strictest requirements shall take precedence. It should be noted that, because of the fragmented and incomplete character of the Congo's environmental assessment, the World Bank's policies shall take precedence in the majority of cases.

This chapter describes the proposed process for the environmental and social assessment of projects and programs that will be labeled REDD+, and because of this may receive National REDD Fund financing. It should also be noted that the precise activities of the majority of these projects and programs have not been completely defined at the time of assessment by REDD+. Additionally, the precise organizational framework of the National REDD Fund and the other management bodies that have to do with the REDD National Program in the DRC are not specifically defined. Therefore, this chapter is largely based on the working documents supplied by NC-REDD by the end of October 2012.

10.1. GENERAL REMARKS

In the absence of a definitive organizational framework, it is impossible to make organizational recommendations that could be considered final in light of the changes that will occur.

First of all, it seems more and more clear that national coordination on environmental management and REDD+ investments and PES projects will mostly be implemented through the disbursement conditions of amounts through the National Fund. In fact, because the totality of public sums invested in REDD pass through the National Fund, the latter holds a powerful influence on the implementation conditions of projects, and could subject disbursement of financing installments to a set of conditions relating to environmental and social management. Effective implementation of these environmental and social conditions may then be followed up. This monitoring method may also be applied to REDD+ projects involving the National Fund.

Regarding REDD projects funded outside of public financing, the national authorities shall hold monitoring power through the approval procedure for REDD+ projects.

10.2. KEY RECOMMENDATIONS

The consultant has defined a certain number of recommendations in the SESA. Those that are considered pertinent to environmental and social management of a project are laid out here.

10.2.1. INTEGRATE THE REDD+ PROCESS IN THE NATIONAL POLICY ON THE ENVIRONMENT

In Article 15 of the Framework Law on the Environment, the text states that the Government shall define its **national policy** regarding the environment and sustainable management of natural resources through a National Environmental Action Plan.

The REDD+ Process is logically part of this Policy, because it seeks a strategy for sustainable development that may be implemented in different ways by different stakeholders.

At the same time that the REDD+ strategy is being finalized, it is necessary that the government undertake a process of defining the national policy that should, in principle, begin with work pertaining to sustainable development, studies and planning directorates of the Ministry for the Environment, Nature, Conservation and Tourism. The following Figure illustrates the existing links between Articles 15 – 18 of the Framework Law on the Environment and the REDD+ Process.

It is important to consider that the REDD+ process is entirely integrated into the national policy of sustainable development, and because of this, it may not put in place an environmental and social assessment system parallel to the one that the State shall put in place in line with its National Policy on the Environment.

However the REDD+ managers must ensure that the investments that will be presented as REDD financing shall respect the basic rules defined in the current ESMF, even in the absence of a national system for managing environmental and social impacts, without which it may not obtain external financing. This is only an intermediate situation, due to the fact that implementing national texts related to environmental and social management shall be one of the priorities of the REDD Process.

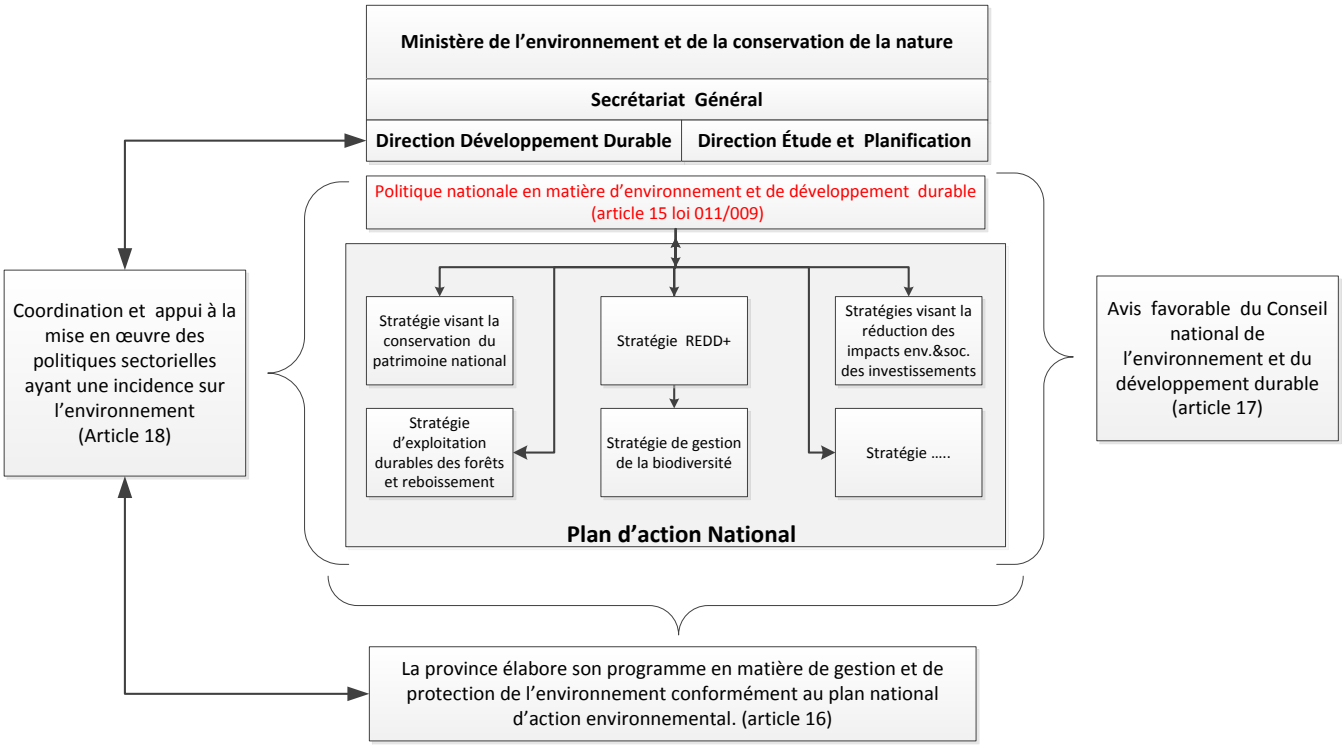


Figure 6: Organic Links Between the REDD+ Strategy and the National Policy on the Environment

Although the direct link with the environmental and social management of the REDD+ Process does not exist, implementing the Articles of the Law allows the government to impose a new way of thinking, to create development programs, and to modify general understanding, which considers that protecting the environment comes down to the forest and to the protection of flagship species (gorillas, okapis, bonobos, etc.).

10.2.2. DEFINING THE MINIMUM REGISTRATION CRITERIA FOR REDD+ INVESTMENTS

The approval and management process of a REDD+ investment, no matter its type, has a cost. These costs may become prohibitive if the government agrees to register, analyze and approve all of the requests submitted to it. It is recommended that limits and a minimum threshold be set based on the type of project; the request will not be agreed to if it falls below this threshold.

Some examples of these criteria may be as follows:

- A REDD+ Project that has the potential to count more than 50,000 tons of carbon per year and create a minimum of 50 local jobs;
- A Payment for Environmental Services Project that may have a direct impact on more than 500 people and generate more than $50,000 in annual payments with a minimum estimate for an increase in payment of 20% for a minimum of 10 years.

A minimum payment may also be required to allow access to registration in the Registry. The government may also consider setting a minimum fee for each of the steps to obtain approval to ensure the seriousness of the promoter and recover administrative costs, as many administrations around the world do.

Setting criteria ensures that only projects that have a real impact on the conservation of forest carbon stocks will be undertaken and to avoid projects that are only seeking a REDD label.

The link with the Environmental and Social Management of REDD Projects is direct because the existing resources are only used for projects or programs that deserve them and, without which, the head of the Environmental and Social Management of the REDD+ Process (ESMRP) would be quickly overwhelmed and its qualities diminished.

A committee of 12 people dealt with a certain number of questions and proposed a review of the Approval Decree after a consultation at the end of June 2013, the results of which are in the insert below:

Potential REDD Project Promoter:
Any legal person, public or private, legally formed in the Democratic Republic of the Congo as well as the local communities and the indigenous populations that have requested and obtained forests of the local community and that meet the conditions and criteria defined in this Decree and its Annexes.
The following criteria have been proposed regarding REDD+ projects:

- The minimum length of time for a project shall be 25 years;
- At least 60% of the personnel for a project shall be recruited in the area of the project;
- At least 80% of the population of the project area shall be positively impacted by the REDD project;
- Continuous training for the local population employed by said project is obligatory;
- At least 100 hectares shall be used in micro-projects and at least 10,000 ha for macro-projects;
- The project must comply with the REDD anti-corruption mechanism
- The project must observe the rights of indigenous peoples and local communities to their land and natural resources
- The REDD project must apply the FPIC (free prior and informed consent) approach
- Clear benefit sharing mechanism

A new REDD+ project approval order was accordingly prepared by a combined *ad hoc* committee (government, civil society, potential investor, etc.)

10.2.3. OBTAINING ACCREDITATION FROM THE PROVINCES IN ADVANCE

As stated in the analysis of the legal framework, the provinces have precisely defined prerogatives with regard to management of the land under their jurisdiction. As a result, it is imperative that REDD+ investments can obtain accreditation from provincial governments before being able to submit their requests to the national REDD Registry. Without this accreditation from the provincial authorities, the national authorities should not be able to issue any kind of accreditation for a project or any other REDD+ investment.

As the Constitution establishes the exclusive or shared powers of the two administrative levels, it follows that all investments requiring the use of land should obtain approval on a provincial level before the request is addressed to the national level.

10.2.4. INFORMATION STRUCTURE AND MANAGEMENT

It is stipulated that REDD+ type finance must be entered in the Registry and that a number of checks must be made before accreditation. With regard to the matrix on Table5, all finance must be proved to be technically viable and to have a functioning monitoring and evaluation system. However, nothing has yet been specified about the way this technical viability will be measured, or on how the monitoring and evaluation will be implemented. As both of these factors have an important operational link with the implementation of an environmental and social management process, it is important to establish a link with the environmental assessment process along with the system that will enable these two functions (initial verification of technical viability and monitoring/evaluation).

Moreover, the Ministry of Finance, which is closely involved in the management of the REDD fund, is introducing a project and program monitoring system which establishes national standards for the way performance results are measured and reported. This system, which will be operational at the end of 2013, particularly involves structuring, planning and presenting the content of projects and programs and their monitoring and evaluation procedure.

It will therefore be logical for REDD+ finance to be managed on the same basis. This would allow the GESPR (the environmental and social management of the REDD+ process) to be directly linked to project activities, to establish the structure of the process without difficulty and even to partially automate the analysis of the results submitted by project initiators, using the computer system.

The same system could be developed to serve as a system for managing information and for monitoring environmental and social impacts.

10.2.5. REDD+ ENVIRONMENTAL AND SOCIAL EVALUATION PROCESS

It is important to bear in mind that REDD investments remain investments that are made in the country and the latter must establish its own regulations in terms of environmental and social monitoring of projects and programs.

Although REDD+ is a concept applied in several countries and several international organizations have undertaken the task of preparing the environmental and social standards applicable to it, the country itself must define the minimum acceptable standards. This acceptable minimum has not yet been established in the Democratic Republic of the Congo. In principle, the country must list investments subject to an Environmental and Social Impact Assessment (ESIA). In REDD+, it is important to ensure more precision than merely a list, as the principles underlying REDD extend beyond issues that a country wishes to regulate by imposing an ESIA on an investor as a tool for implementing its sustainable development policy.

A. ESIA in the framework of REDD+

Several specific cases may arise in the process of authorizing an investment by REDD+ in the Democratic Republic of the Congo. Figure 7 below sets out the steps to be followed in requesting REDD accreditation for an environmental and social management investment. Briefly, an investment subject to an ESIA under national regulations (once the Framework Law enforcement decrees are in place) must obtain an "Environmental Permit" before it can receive REDD+ accreditation. Accordingly, the sponsor of this investment has an interest in ensuring that its ESIA will also meet the REDD+ standards for ESIAs. However, there may be cases where national legislation does not require an ESIA for an investment, provided that the decrees are not published, but the project is accredited as a REDD+ project. In this case, the ESIA will be carried out by the REDD+ authorities. Finally, there may be cases where the

investment is not subject to any ESIA. However, it will be obliged to meet the minimum standards in the course of its implementation.

The REDD investment sorting grid (see Annex) that establishes whether investments are subject to the ESIA preparation process must take into account all World Bank safeguard policies, without which IDA (International Development Association) or IFC (International Finance Corporation) finance cannot apply to these investments.

By means of a series of questions to be answered by the sponsor, this subordination grid, provided in Annex 0, establishes the risk factors that define whether one or more operational policies apply and whether the scale of the activities to be implemented requires a detailed or a summary environmental study.

The result of this analysis will be the implementation or non-implementation of an ESIA and/or the drafting of other environmental and social safeguard documents, such as a plan for restricting access to resources, a resettlement plan, a pest and pesticide management plan, an environmental and social management plan, etc.

The sorting grid establishes the category to which the sub-project belongs: Category A, B or C with a view to meeting legal requirements that stipulate the basic environmental protection principles of the Democratic Republic of the Congo and of the World Bank (in particular OP 4.01). Activities that may exert significant direct or indirect impacts on the environment are classified into three categories.

a. Category A projects involve major and irreversible risks: these projects are not accredited with the REDD+ label.
b. Category B projects involve risks that can be avoided or mitigated. Two cases may arise:
    i. The risks do not require the implementation of in-depth socio-environmental impact studies. In this case, only an ESMP (Environmental and Social Management Plan) is performed on the basis of a summary ESIA.
    ii. The risks trigger one or more safeguards. In this case, an in-depth environmental and social impact assessment is performed along with specific studies. The scheme stipulates the required process of consultation and obtaining institutional opinions, along with the publication procedure.
c. Category C projects: These projects do not involve specific risks. The project initiator is invited to consult the Guide on Good Practices, a draft of which is provided in the Annex, which will be improved by NC-REDD throughout the duration of the project.

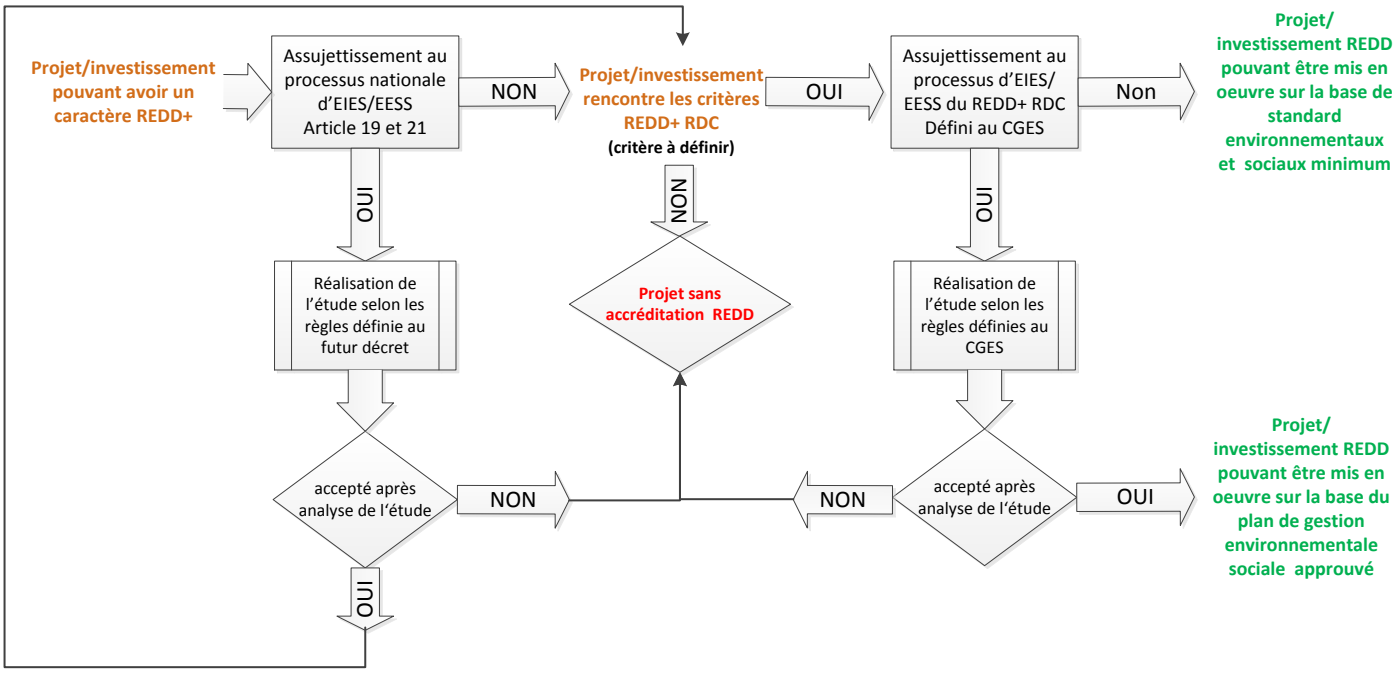


Figure 7: Overall procedure for subjecting activities to the REDD+ environmental and social management process in the Democratic Republic of the Congo

B. Minimum environmental and social standards (UNEP)

As established above, by virtue of its concept, REDD+ requires the application of environmental and social standards that may not necessarily be obligatory for an investment of the same type that does not require REDD+ accreditation. REDD+ standards as defined by UNEP should be perceived not as ISO-type accreditation, but rather as fair trade-type accreditation. In other words, compliance with national environmental and social protection standards is insufficient. It is essential for the investment to be sustainable development-oriented and, in the case of REDD+ in the Democratic Republic of the Congo, to meet the requirements of the safeguard policies if part of the funding comes from the National REDD+ Fund.

This sustainable development involves *inter alia* a certain level of "social equity", environmental protection and financial profitability that enables the system to finance itself in the long term. Although our view is that the above is rather incompatible with market principles (the carbon market) in which the value of assets fluctuates with supply and demand, minimum standards must nevertheless be established, otherwise the very essence of REDD+ would lose its meaning and would become comparable to extractive industries that are currently responsible for widespread abuse in Africa, essentially operating on a "market" basis, merely complying on paper with national standards, which, for the most part, are non-existent or out of date.

10.2.6. PRIORITY USE OF DEGRADED PROTECTED AREAS OR AREAS WITH LOW BIODIVERSITY

Between 9 and 14% of the land in the country is established as protected areas in various categories, a high percentage of which has degraded to a level from which its original functions in terms of ecology or hunting can

probably not be restored. Among them, several do not have an effective management system and there is no in-depth information on their biodiversity. However, these protected areas represent a major concern for REDD+, as in most cases the land in them is protected from mining permits. Moreover, their demarcation still takes legal precedence over all other forms of zoning and land use.

The MECNT would therefore be well-advised to give a new lease of life to these areas, which are degraded and which no longer provide environmental services, by authorizing the development of certain types of REDD projects in them.

The MECNT could even direct its investments, particularly by using REDD fund resources or bilateral finance for the purposes of investing in this area or even through international fund raising through a website, so that private individuals can obtain a hectare of these areas and support the government approach, as is done by a number of NGOs for the Amazonian forest.

Irrespective of the strategy adopted, these areas, which are already legally protected, would be the most suitable for the development of large-scale REDD investments. Making the REDD Fund available to part of these land resources would probably allow the country to quickly start large-scale REDD+ programs and attract the interest of bilateral cooperation.

10.2.7. GRIEVANCE MANAGEMENT MECHANISM

Several types of conflict may arise in the implementation of REDD+ programs and projects. Impartial, accessible and fair mechanisms must be established for filing grievances, resolving conflicts and providing redress, and for ensuring that they remain accessible throughout the consultations and the implementation of REDD+ policies, measures and activities. The country must introduce a special grievance management and conflict resolution mechanism in line with Congolese legislation, the national REDD+ Strategy, World Bank safeguard policies and the relevant FCPF (Forest Carbon Partnership Facility) and UN-REDD program provisions.

Discussions were initiated in the Democratic Republic of the Congo on the REDD+ grievance management mechanism, parts of which were mentioned in the national REDD+ framework strategy. The current challenge is to put forward specific options in terms of emissions, description and processing of grievances and a system for monitoring, evaluating and controlling the effective processing of grievances. This grievance management mechanism will comply with the relevant internationally established principles — in particular, impartiality, accessibility, transparency and fairness in conflict resolution — and will ensure that it remains accessible throughout REDD+ activities.

The process of recruiting an international consultant to put forward a grievance management mechanism linked to REDD+ on a national level is in progress on the basis of the Terms of Reference developed by NC-REDD. This mechanism could be based on existing national bodies (rural agricultural management councils – CARG, local development committee – LDC, etc.) to make it easier to take receipt of grievances and ensure that they are followed through with the national level.

10.3. ACCREDITATION AND MANAGEMENT OF REDD+ INVESTMENTS

Essentially, the fund must play the role of a financing agency and must be detached from the technical component linked to this finance in order to limit the risk of conflicts of interest. The Registry is still the entry and exit point for information and is the agent managing the documentation. The Technical Secretariat should be under the authority of

the Sustainable Development Department (SDD), which in particular is responsible for managing international agreements and providing support for the process of orienting the country's sustainable development programs.

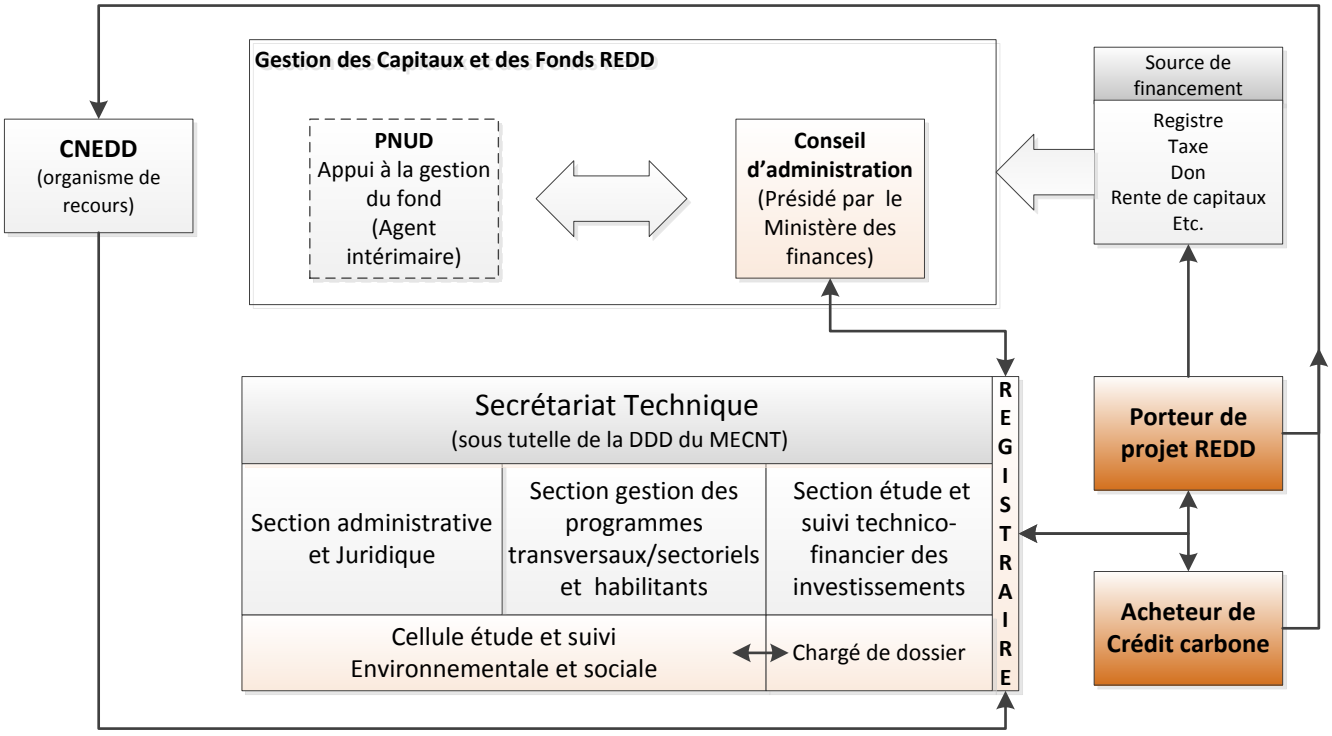


Figure 8: Operational organigram for the management of REDD+ investments

During the period of analysis of a request for accreditation, a case manager will be appointed by the registrar and this person will coordinate the analysis work within the agreed deadlines. The "environmental and social assessment and monitoring" unit will independently analyze the request for accreditation on the basis of the documents submitted by the registrar. Analysis activities will be coordinated by the case manager.

Appeals from project initiators will pass through the National Environment and Sustainable Development Council (CNEDD) as stipulated in the framework law, under the authority of the Prime Minister.

The principles and stages set out below have been formulated to integrate the procedure usually applied for project management. Under this procedure, a project sponsor can present its intentions in successive stages. The intentions of the project initiator must be set out in particular formats. It will meet precise criteria to allow assessors to make judgments about the quality of the investment, the capacity of the sponsor to manage this investment and its compliance with the regulations set out in the REDD+ investment framework.

There are three possible stages for REDD investments; the first two stages are obligatory and the third is optional. An investment must be registered, then accredited and finally approved in order to be able to sell carbon credits.

The three stages of accreditation:

1. Stage I: Projects for which an application is made for REDD+ status must be entered in the Registry. There is a charge for making this entry. In order to be entered in the Registry, it must be demonstrated that the investment will have a minimum REDD+ impact (to be determined)
2. Stage 2: To obtain accreditation, a positive feasibility study must be submitted for the investment, along with the results of an environmental and social impact assessment if applicable. The contents of these studies are set out in detail in this environmental and social management framework
3. Stage 3: The approval authorizing the sale of carbon credits must meet national criteria, but also those of the carbon purchaser, which must itself be accredited in the country. No party can sell or buy carbon credits without obtaining prior accreditation on a national level and subsequently being approved by a purchaser, itself accredited in the country. Purchasers of carbon credits will be accredited in accordance with regulations to be established by a technical REDD+ committee.

Registration

- The first stage is approval of the request for registration.
- This registration cannot be made without the approval of the provincial government. The project sponsor must submit the results of a precise and competent study, as a minimum requirement providing the project idea, the area of operations, the duration of operations, the amount of investments, the jobs that will probably be created, the positive outcomes for the region, the sponsor's and its partners résumé, etc.
- Once the sponsor has obtained the approval of the provincial government for registration, it must be entered in the national REDD Registry. Analysis can begin for accreditation once it is validated. However, if the investment is for activities covering a precise area of land and if the sponsor wishes to protect its area of operations, the area involved can be reserved on the basis of a charge per km^2 (amount to be determined). If payment is not made, the same area can be made available for other REDD investments[10]. The area will be protected for sponsors who agree to pay the charge for reserving it. If no payment is made, the first sponsor to obtain accreditation for its investment will obtain the rights to the land.
- Precise technical criteria for approving or not approving the registration have not yet been established. From an environmental and social point of view, every specific framework defined as a result of this strategic environmental and social assessment sets approval criteria for the registration stage.

Stages of accreditation

- Once the registration is made, the registrar provides a list of documents to be prepared, the required format for these documents, guidelines if applicable, the term of validity of the registration and the name and contact details of a case manager to act as the contact point for the sponsor throughout the technical process. The sponsor must submit full documentation[11] before expiry of this term.
- The technical and financial analysis is carried out by the REDD Technical Committee and the environmental and social analysis is carried out by a group of experts (a unit or other) independent of the Technical Committee, but governed by the Environmental and Social Evaluation and Follow-up Unit.
- The two analyses are sent to the case manager, who must request additional information from the sponsor if applicable, or send the recommendations to the registrar, who in turn will send it to the Administration Committee for a decision to be taken. The decision is sent to the registrar, who notifies the sponsor and enters the accreditation in the Registry in the event of a positive response.
- If accreditation is refused, the sponsor may appeal to the National Council for the Environment and Sustainable Development, of which the existence is stipulated in framework environment Law 009/011.

In the event of accreditation, the sponsor is obliged to implement its investment plan and to report on its activities to the national REDD Fund through a monitoring and evaluation system, which must be linked in some way to that of the

[10] Note that the REDD registrar cannot guarantee that this area is exempt from mining, forestry, petroleum or even land restrictions and sponsors must bear full liability in this respect.

[11] Full documentation is understood to mean the technical and financial documents, operations and financial management manuals and the results of the environmental and social assessment if applicable. Any omission from the full documentation submitted within the deadlines results in cancellation of approval: in this case, the sponsor must restart the process and the area is no longer reserved.

Ministry of Finance[12]. The Technical Committee will evaluate the activities of the sponsors by means of a methodology that remains to be established. The frequency of audits will depend on the particular nature of the investment and the level of risks entailed. In the same way as in the analysis of accreditation applications, sponsors will be assessed on a technical level (and financial when the money from the national REDD Fund is invested) by experts from the Technical Committee and on an environmental and social level by the Fund experts.

The following figure sets out the main stages in the process of analyzing an application for accreditation and monitoring accredited projects/programs. This process sets out the details of the stages depending on the origin of the finance (i.e., private or public) and whether or not it is subject to an ESIA on a national level. It sets out all possible cases in terms of environmental analysis of the investments.

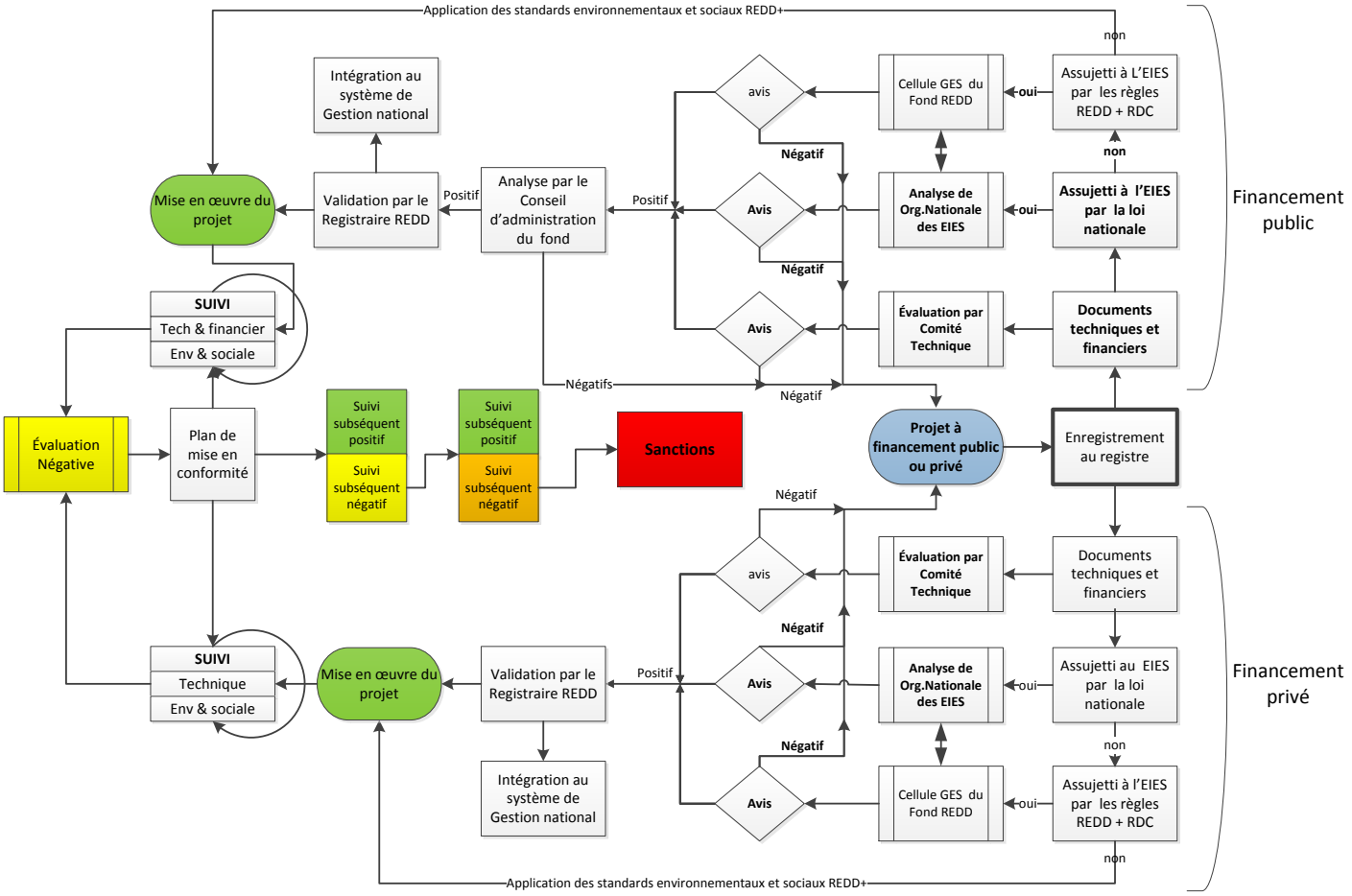


Figure 9: Process of accrediting REDD+ investments and monitoring their implementation

10.3.1. INVESTMENTS FINANCED THROUGH THE NATIONAL REDD FUND

[12] Through its projects and programs monitoring unit, the Ministry of Finance has designed and set up a computerized project and program monitoring and evaluation system, which will become standard for the country. In time, all projects financed by public funding or donations will have to use the system, providing all managers in the country involved in project monitoring with a standardized, effective and inexpensive means of supervision and decision making.

In its capacity as the party responsible for distributing the amounts entrusted to the Congolese state for implementation of the National Strategy, the National REDD Fund is likely to be the main decision-making body of the REDD+ process dependent on public money. The distribution of its finance will be subject to a process of environmental and social management. This process has been designed to ensure compliance with national regulations and the World Bank's safeguard policies.

This process will be systematically applied to all projects for which a funding application is submitted to the National Fund.

This process includes three main phases: a prior environmental assessment (or screening) of the investments, implementation of an impact study and of an ESMP and environmental and social monitoring of the investments. These three phases are set out in detail in the following sections.

10.3.2. REDD INVESTMENTS INDEPENDENT OF THE NATIONAL FUND

Article 11 of the Approval Order[13] already stipulates an obligation to comply with the following:

- Identification of the possible impacts of the project on the conservation of natural forests and on the environment;
- Informing local communities and indigenous peoples affected by the project.

It will be necessary to specify how these obligations will be coordinated by adding an annex to the Approval Order containing the basic Terms of Reference for an environmental and social impact assessment that includes an environmental and social management plan adapted to REDD+ projects. A proposal for such Terms of Reference is annexed to this ESMF

This will provide guidelines for the Registry Holder's personnel in wording its environmental and social requirements. The Terms of Reference in the Annex were designed to ensure compliance not only with the World Bank's safeguard policy 4.01 (which is the main environmental management reference document), but also the more recent versions of the "environmental and social standards" developed by the main NGOs involved in the development of REDD+.

However, private investors may or may not comply with the other requirements linked to obtaining REDD+ fund finance, which would allow access to the national REDD+ Fund or to IFC finance if they undertake to comply with all safeguards policies linked to the national REDD+ Fund. With this in mind, the sponsor will have to sign an agreement with the registrar obliging it to comply with all the environmental and social policies, which will allow access to the REDD+ Fund and will prepare the commitment documents for this purpose. If the sponsor chooses these options, it will subsequently be able to apply for finance if it has met the obligations and if an inspection by the Technical Secretariat shows that they have been adequately implemented.

The environmental and social impact assessment on its own is devoid of meaning if the mitigation measures it recommends are not applied in practice at the time of implementation of the project. For this reason, the consultants have recommended that provisions should be added to the approval order with the following effect:

- Project initiators should be obliged to carry out environmental and social monitoring of their project and to report on it by submitting environmental monitoring reports to the Registry Holder. Failure to submit these reports within the agreed deadlines must trigger the issue of a series of increasingly severe warnings, leading to cancellation of the approval in the event of several delays;
- The Technical Secretariat should be granted powers to inspect REDD projects;

[13] The approval order has been strongly contested by a number of stakeholders and is currently being revised. In its amendment, it would be desirable for it to take into account the environmental assessment procedure as defined in this document and for it to be able to allow independent national accreditation of the carbon sale. It should also make it possible to subsequently issue a second approval essentially linked to the sale of carbon on the international market, largely on the basis of the criteria imposed by the potential purchaser.

- Project initiators should be obliged to send the Registry Holder all reports of inspections conducted before the REDD+ credits are marketed. All approval or inspection reports submitted to the Registry Holder must include confirmation that the project initiator has complied with the environmental and social obligations, particularly those related to the implementation and effectiveness of the ESMP during the implementation phase.
- The Technical Secretariat should be granted powers to penalize all REDD projects in the event of two negative inspections:
    - Gross or repeated negligence in environmental or social management;
    - If one and the same instance of non-compliance has been found more than twice;
    - Failure to comply with the ESMP or the minimum standards;
    - Grievance considered acceptable on the part of the populations involved in the project;
    - Other causes (to be determined).
- Penalties can be instantaneous if:
    - Forged or falsified documents have been produced for the purposes of maintaining accreditation;
    - Doubts have arisen about the reputability of the project;
    - Several requirements have been completely disregarded;
    - Other causes (to be determined).

11. IMPLEMENTATION OF THE ENVIRONMENTAL AND SOCIAL MANAGEMENT PROCESS FOR REDD+ INVESTMENTS

As mentioned in the foreword, the actual capacity and management (analysis, monitoring, control, inspection) in the area of environmental protection have shown very little development in the Democratic Republic of the Congo during the last ten years. The Framework Law on the Environment has been undermined by failure to enforce it and an overall lack of interest, apparently both on the part of the government and of the country's technical and financial partners.

By improving the implementation framework of the REDD+ greenhouse gas process in the country, this section will support capacity building, which is also essential for enforcement of the framework law. Indeed, REDD+ activities can be greatly diversified and the creation in the Technical Secretariat of all the knowledge required to analyze the documentation and to carry out monitoring and control requires the creation of capacity, which would be under-used and would incur unjustifiable expenditure for such an organization, making it unsustainable.

Moreover, the MECNT must prepare a national environmental policy affecting all areas of intervention of the government, similar to the REDD+ strategy, requiring the implementation of numerous sectoral or multi-sectoral enabling programs so that REDD+ can be introduced into the country.

We believe that the most effective, permanent and least expensive means is to train the personnel of the various ministries that will be involved in the REDD+ strategy in environmental and social analysis and monitoring methods. After training, these members of the personnel could also become focal points of the MECNT and the National Environment Agency (NEA) for all matters concerning the implementation of the national environmental and sustainable development policy. In this context, we believe that it would be more beneficial to use this focal points method than to concentrate on private expertise, which would be unstable and unable to guarantee long-term participation.

However, the experience of the Multi-Sector Emergency Rehabilitation and Reconstruction Project shows that the choice of people to be trained in these focal points is of crucial importance. These people must not be appointed by the management hierarchy, but selected on the basis of certain basic knowledge and their capacity for logical analysis. Once these people have been selected and trained, the selection would be confirmed by a series of examinations. Only those who have obtained the required rating will obtain the required status, and will be able to take part in the team of experts called upon to analyze and evaluate REDD+ projects.

11.1. IMPLEMENTING CAPACITY BUILDING

As demonstrated by the SESA (strategic environmental and social assessment) of the REDD+ strategy, there is an almost total absence of environmental and social management capacity in the country. Although there are existing bodies that issue administrative acts in this field, currently none of these actions comply with basic rules such as transparency, monitoring, inspections, reports and decision making on instances of non-compliance, etc.

11.1.1. TECHNICAL SECRETARIAT LEVEL

In order to be in a condition to ensure implementation of this ESMF, the Technical Secretariat must be able to recruit members of what will become the Environmental and Social Monitoring and Evaluation Unit of the national REDD+ strategy. Performance contracts will be signed with the selected people.

In order to be recruited, these three experts will be required to pass knowledge and performance tests; they will be required to have basic knowledge and the following profiles:

A. Expert in environmental and social project management

The person must have at least ten years of experience in fields related to protected areas and the management of natural resources; he or she must have implemented at least three environmental and social impact assessments in accordance with international procedures (World Bank, AfBD, EU) as a project manager; he or she must have a good knowledge of the country context and a satisfactory level of competence with office tools, word processors and spreadsheets.

B. Expert in natural sciences

An expert in natural sciences must have: science education (biology, forestry, natural sciences or agronomy); proven knowledge of inventory and survey methods in a natural environment; taken part in field surveys; drafted a scientifically-based report; and managed biological research or survey teams. Previous participation in an ESIA would be an asset.

He or she must have a good overall knowledge of different ecosystems and of the biodiversity of the country, and must have sufficient skills in using office tools, word processors and spreadsheets.

C. Expert in social sciences

An expert in social sciences must have: education in sociology, law, human geography; at least five years of field study experience; implemented and managed surveys among rural populations. He or she must possess skills in different survey and results analysis methods, a good knowledge of the country and a satisfactory level of skills in the use of office tools, word processors, spreadsheets and statistics software. Previous participation in ESIAs or resettlement action plans would be an asset.

Recruitment must take place by means of a call for applications with knowledge tests and publication of results and corrected answers. Only the first three for each position will be selected for subsequent phases.

After being recruited, these three experts will have to undergo intensive training in the following topics:

- Project preparation and management
- Implementing environmental and social impact assessments
- Environmental and social monitoring of projects and programs
- Environmental inspections and audits
- Participatory management methods

They must also possess the competence to manage a document base, rudimentary knowledge of the geographical information system, competence to manage a GPS, cameras and digital video recorders and a number of direct-reading environmental quality measuring devices.

11.1.2. SECTORAL/TECHNICAL MINISTRY LEVEL

The purpose here is to train a core of people in central ministries to be able to analyze a project document, an ESIA and any other planning document related to issues covered by the respective ministry, in order to assess its relevance and feasibility and the impact that may result from it.

The people identified will receive accelerated professional training in the area of project management, environmental assessment and possibly environmental and social audits.

Initially, it will be necessary to attract four to five people per sectoral ministry, out of whom only the two or three who show the best abilities after an initial inspection test will be selected.

Under the REDD+ strategy, the trained people will be involved in the analysis of investment ESIAs submitted for evaluation or obtaining REDD+ accreditation. In most cases, evaluators supervised by Environmental and Social Monitoring and Evaluation unit personnel will be required to be present on the investment sites.

They may also be involved during the environmental and social monitoring process of REDD+ investments and even in compliance control inspections if applicable.

11.1.3. CIVIL SOCIETY LEVEL

Consultations implemented in various parts of the country in the course of this assessment have shown that grassroots populations have no knowledge of REDD+ and its principles, and no knowledge at all of its benefits on a national or international level.

It will be very important to widely disseminate the results of this ESMF in layperson's terms, accompanied in particular by the REDD+ principles and the minimum environmental and social commitments that must be maintained irrespective of the type of REDD+ project.

Means of dissemination to be prioritized include newspapers, specially prepared promotion documents and radio broadcasts.

Community-level meetings must be convened in localities where REDD+ projects will be implemented, and documents clarifying the commitments to be upheld by the project initiator will be handed out and explained.

The REDD+ risks and co-benefits monitoring committee must be revitalized to ensure that it has the capacity to understand the commitments of stakeholders, to implement monitoring and to account for inconsistencies, compliance failures or misdemeanors observed in the course of project implementation. Cellular telephones and SMS messages should be used to perform this type of monitoring at a low cost.

11.1.4. PROJECT INITIATOR

The project initiator must undertake to provide certain information in a pre-defined format and to update this information on a regular basis to be established in the accreditation.

For this purpose, the Technical Secretariat must provide basic training for project initiators so that they can meet these requirements.

This training will be related to the information management system and its operation, standard report formats and procedures for sending reports.

11.2. INFORMATION MANAGEMENT

The ESMF puts forward an information management system that cannot be dissociated from project actions and also includes environmental and social management. This system also takes into account the future project monitoring IT system developed by the Ministry of Finance.

It includes the planned structure of the logical framework, the monitoring framework and the action plan. In this way, it is immaterial whether the project is subject to an ESIA or not. It is possible to set up a specific environmental and social monitoring framework based on the activities to be conducted and the minimum standards or on the ESMP if an ESIA is required.

The figure on the next page shows the pathway and development of the information for the registration phase for a REDD+ investment, up to the implementation monitoring process for a REDD+ investment.

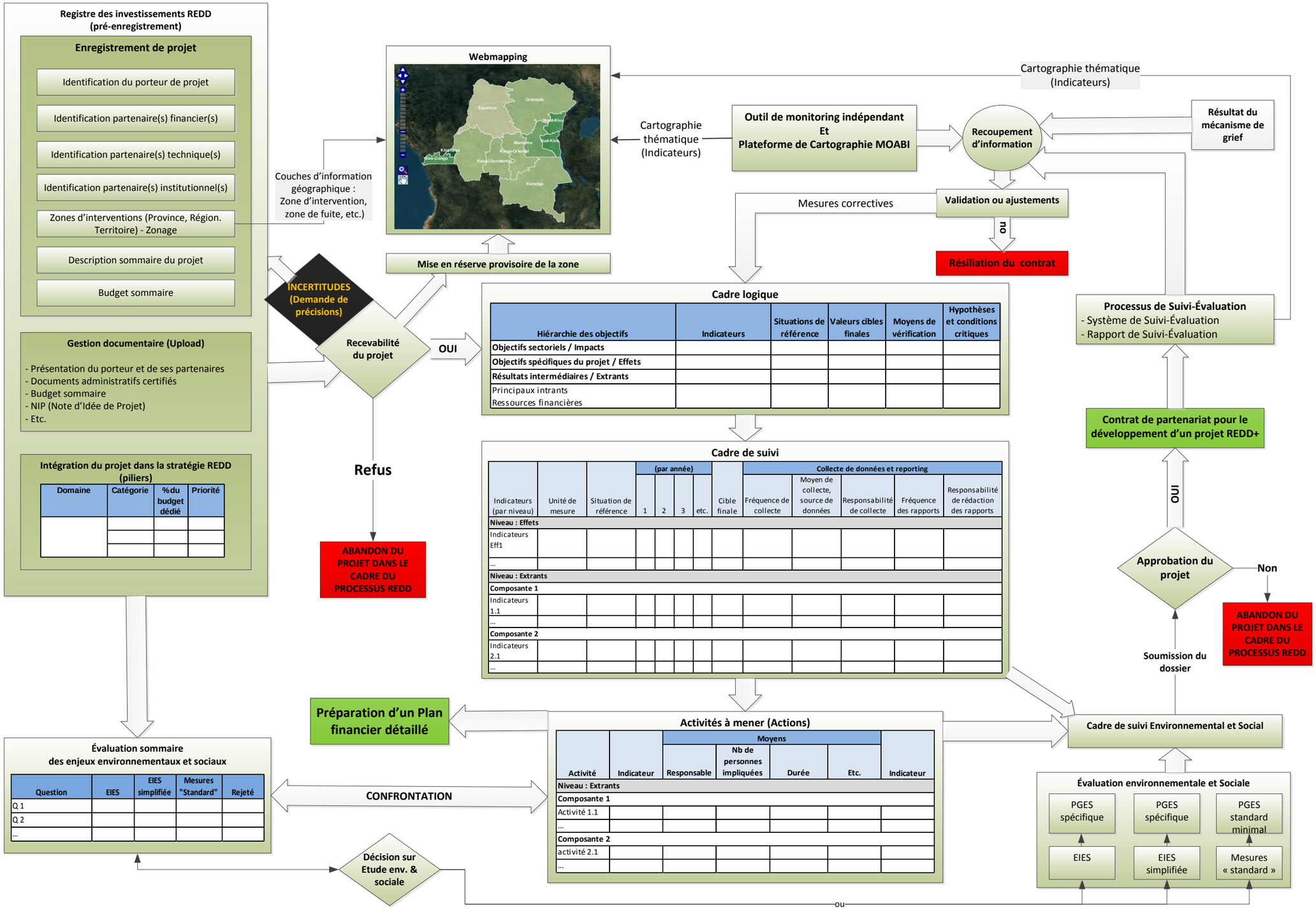


Figure 10: Suggested information management process for REDD+ investments.

12. REDD+ ENVIRONMENTAL AND SOCIAL MANAGEMENT IMPLEMENTATION PLAN

The REDD+ environmental and social management strategy depends on several decision-making factors that remain to be determined. In this document, the consultant has set out options that are not necessarily specified elsewhere, particularly with regard to the institutional setup. However, irrespective of the choices to be made during the next few years, Figure 7 and Figure 9 will remain current, as they describe an overall process that must be in existence irrespective of the chosen institutional setup.

12.1. ENVIRONMENTAL AND SOCIAL MANAGEMENT OF "PROJECT" TYPE REDD INVESTMENTS

There will probably be numerous REDD+ investments in the form of projects, i.e., in an established area and with predetermined activities and an implementation plan. These will be the easiest to assess on an environmental and social level.

In order to do so, it is clear that an information management process is required, as the REDD+ strategy requires knowledge and management of a large amount of information, in particular to avoid land-use conflicts and combinations of incompatible activities, monitoring of results by geographical area and type of operation, etc. With a national procedure of this type carried out by the Ministry of Finance, REDD+ can fit into an existing framework and will probably be able to use existing systems for its own purposes.

The prepared implementation plan will allow these structures and basic processes to be introduced so that environmental and social monitoring and evaluation of project-type REDD+ investments can be carried out at the appropriate time, while ensuring that a performance assessment is included in the national process currently under preparation.

From the moment when answers are found to certain considerations on issues defined by the strategic environmental assessment and when the organizational structure has been established for the investment phase, it is imperative that the managers confer in order to precisely establish all the procedures for registration, accreditation and selection of investments and also for all analysis and environmental and social monitoring procedures. These procedures must be set out in detail, specifying who does what and when it must be done. Without these precisely-established procedures, the information management and analysis system will continue to function ineffectively and will not be able to attain its objectives.

REDD+ will also have to look into producing a guide to good practices, for example to establish methods for managing waste, preventing erosion and protecting watercourses, and even agro-environmental measures for projects that are not required to implement an ESIA.

Table 9: Implementation plan for the environmental and social management framework for "project" type REDD investments

Activity to be implemented/ responsible person	Objectives	Implementation period	Monitoring indicator	Target to be attained	Approximate cost in USD
Appointment of three experts for the Technical Secretariat/Sustainable Development Department at the MECNT	Obtaining internal environmental and social management skills	As soon as possible before June 2014	Recruitment	Transparent skills-based recruitment procedures	$2,000
Training of recruited experts/Sustainable Development Department and consultant	Obtaining internal environmental and social management skills	Within six months of recruitment	Training plan implemented	Expert competent in analysis and environmental and social monitoring	$120,000
Preparation and dissemination of procedural guidelines/Member of the Environmental and Social Monitoring and Evaluation Unit with the support of a consultant	Precisely defining the various environmental and social obligations and their related responsibilities	Within six months of recruitment	Procedural guidelines	The procedural guidelines have been approved by potential users	$60,000
Detailed preparation of environmental guidelines for the main activities/Environmental and Social Monitoring and Evaluation Unit and consultant	Obtaining a series of guidelines as a basis for environmental and social management Agro-environmental measures, re-afforestation, livestock farming, conservation, silviculture, zoning, etc.	Within ten months of recruitment of the Environmental and Social Monitoring and Evaluation Unit	At least six sets of guidelines prepared 12 months after recruitment of the Environmental and Social Monitoring and Evaluation Unit	Guidelines put to use in the REDD+ environmental and social management process	$100,000
Data management equipment/Sustainable Development Department	Introducing a secure digital data management system	Six to ten months after recruitment	Operational equipment	Centralized document management system put to use	$10,000
Preparation of a REDD computer system/Technical Secretariat	Establishing a link between the REDD Registry and the accreditation process for centralized and geo-referenced management of information obtained from REDD investments and the Ministry of Finance SISE (Computerized Monitoring and Evaluation System)	Before the end of 2014	Operational system	Operational computer system linked with the Ministry of Finance IT system for monitoring and evaluation	$70,000
Selection of personnel from the technical ministries/REDD Fund to be trained	Obtaining skills on a national level in the environmental analysis of REDD investments	Before the end of 2014	Selected personnel	Four to five personnel selected from each ministry on a competitive basis	$5,000
Training of personnel from the technical ministries/Sustainable Development Department	Obtaining skills on a national level in the environmental analysis of REDD investments	Before the middle of 2014	Training plan implemented	Two to three people per ministry familiar with the environmental and social analysis process	$250,000
Material/equipment for field operations/Technical Secretariat	Obtaining basic equipment for field monitoring operations	Before the end of 2014	Equipment acquired	Equipment available	$50,000
Operation of the environmental and social study and monitoring unit for three years/Sustainable Development Department	Ensuring that the Environmental and Social Monitoring and Evaluation Unit has the resources to implement these tasks independently	Not applicable	Finance available	Finance available at the right time and in the right place for the activities of the Environmental and Social Monitoring and Evaluation Unit	$210,000
Introduction of a GIS/Sustainable Development Department and personnel training	Ability to perform environmental and social analyses of proposed projects on the basis of existing geo-referenced information	As soon as possible	GIS	Existing and operational system with a skilled operator	$150,000
TOTAL					**$1,027,000**

12.2. ENVIRONMENTAL AND SOCIAL MANAGEMENT OF ASPECTS LINKED TO REGULATORY REFORM AND THE IMPLEMENTATION OF MEASURES/ENABLING ACTIONS

REDD+ is also a major factor in ensuring a series of legal, regulatory, institutional and structural reforms. Integrating REDD into the framework environment law would align it with national environmental and sustainable development policy and would provide it with a legal basis. As a component of this policy, REDD+ would have the legitimacy to start the process of developing sectoral strategies, such as land, mining, energy, forestry, etc. as it would have been adopted by the country.

After this first phase is implemented, it will be important to ensure that the process of developing sectoral strategies takes into account the environmental and social impacts that they could entail. The usual means of achieving this is to perform a strategic environmental assessment of these reforms. Without these strategic environmental and social assessments, the operational policies of the World Bank and those of the country would not be observed and the reforms could have seriously damaging repercussions.

In order to avoid delays and major costs, the strategic environmental and social assessment procedure must be integrated on a Government level. In order to do so, one or two assessments will have to be made with the support of external consultants to break in the procedure and the implementation of its various phases.

A strategic environmental analysis procedure is set out here, but the procedure to be applied must be adapted to each separate case to be assessed. On the other hand, the consultation/adaptation/call for tender process must be kept intact as far as possible, as this is what will lend legitimacy to the analysis.

As an impact assessment process, a SESA is in general administered in accordance with uniform procedures. The SESA must be used to help in developing or adapting policies, plans and programs or for assessing the impacts of a proposed or existing regulatory measure. This procedure could be as follows:

i) Describing the context of the policy, plan or program and describing the problem to be solved;
ii) Preliminary study to identify the environmental issues, which are the main drivers of change to be considered in the assessment of the policies, plans or programs;
iii) Identifying other solutions to implement policies, plans or programs;
iv) Assessing the environmental effects of alternative solutions and the possible repercussions of these policies, plans, programs or projects;
v) Identifying an alternative solution or strategy for the development or implementation of a policy, plan or program;
vi) Implementing the selected strategy and monitoring of its unforeseen effects on the environment, monitoring the effectiveness of the impact management programs and evaluating the extent to which the objectives of implementing a policy, plan or program have been met.

The project manager of these strategic environmental analyses must be the section of the Technical Secretariat that deals with enabling programs and cross-cutting reforms. A project manager must be appointed for each SESA to be implemented. This person may receive technical support from the Environmental and Social Monitoring and Evaluation Unit, in particular the environmental and social assessment expert and the two other members of the Unit who could interact in the process in their capacity as specialized experts as required.

The stages are set out in detail in the following table to clarify the process to be followed under REDD. This table sets out the proposed tasks for the SESA in the event of a change in policy. A SESA working group comprises REDD Experts, a member of the Department of Studies and Planning at the Ministry involved, two ministerial personnel to apply the text/procedures to be revised and an expert from the Ministry of the Environment.

Table 10: Stages in the SESA process applicable to sectoral reforms

#	Stage	Resources	Result	Approximate deadlines
1	Establishing the context and framework of the amendments to be made to the text/procedure/structure, etc. to	REDD expert	A brief text showing the links between REDD and the factors in question and setting out the grounds for	One week

	ensure REDD implementation		the required changes	
2	Identifying and defining a precise list of the desired modifications	REDD expert	A list of the required modifications linked to the texts to be amended	Two weeks
3	Discussion and agreement on stage 2	REDD expert, Department of Studies and Planning and legal departments of the ministries involved	Amended/approved/improved list	One week
4	Identifying environmental and social issues/risks linked to the modifications	SESA working group	Double entry table linking the required modifications with the risks/issues that they entail	One month for three meetings and individual work between meetings
5	Risk confirmation	Case manager and consultation group (identified external people) for confirmation[14]	Stages 1 to 4 approved	Two weeks
6	Identifying options and alternatives (if required)	REDD expert and SESA working group	Alternatives identified in the process of necessary reforms	Three weeks
7	Risk assessment and measures to mitigate the risks and monitor the alternatives	SESA working group	Environmental and social management plan for the reform	Two weeks
8	Final approval	Case manager and consultation group	Approval of stages 6 and 7	Two weeks
9	Integration in the process to be modified	Line ministry	New adapted process in force	Three to six months
10	Implementation of the reform	Line ministry	Possible/easier integration of REDD	As from its adoption
11	Monitoring the ESMP and the results of the reform	ESA working group	Publication of the monitoring report	In accordance with the planned frequency

Apart from the training costs, which will require the work of specialized consultants estimated at $80,000, the costs involved in each subsequent SESA should not exceed $5,000–$10,000.

A report must be produced for each SESA implemented and each report must be published on the REDD+ website of the MECNT and of the sectoral ministry involved.

If the required reform is considered substantial and will require a major change in the policies and plans in force, it may be necessary to appoint experts to support the SESA procedure.

A budget of about $250,000 should be provided to ensure implementation of the main strategic environmental and social assessments over the next five years.

[14] Confirmation can take place during a meeting; however the external resource people must obtain the documents in advance, i.e., 15 days before the meeting, and must fill in an analysis grid so that this consultation can be documented. If the conclusions establish that the reform does not entail any environmental and social issues or risks and that this has been confirmed by the consultation group, the SESA process is discontinued and the reform is conducted with no further monitoring

ANNEXES

ANNEX 1: CLASSIFICATION GRID FOR REDD+ PROJECTS ACCORDING TO WHETHER THEY ARE SUBJECT TO THE ENVIRONMENTAL ASSESSMENT PROCESS

Classification principle

Classification is usually according to the grid, which requires the sponsor to make a judgment of the potential impacts. We believe that this type of grid is severely limited in its operation and is purely subjective. For example, the sponsor is asked whether its project will have any impact on groundwater. This implies that the sponsor has performed sufficiently detailed studies to know whether the project will have any qualitative or quantitative impact on groundwater arising from the fact that it involves the excavation of wells and will generate waste water. This requires relatively precise studies on the amount of water, the capacity of the water table, its depth, its current and future use, etc. Most sponsors do not have the knowledge and capacity to carry out this type of investigation correctly and will therefore answer "no" to most questions of this type, knowing that a "yes" answer will probably involve additional expenditure.

In this case, we have chosen the option of essentially asking them to provide the values on the basis of which experts can deduce the risks, rather than making a subjective judgment on basic factors. Accordingly, the grid raises questions that oblige the sponsor to provide values and quantities to enable the Environmental and Social Monitoring and Evaluation Unit to assess the risks that the project may entail as objectively as possible and to determine the need and the type of ESIA to be implemented, or to reject the project directly.

Required information

Apart from the questions in the grid, general information from the sponsor will be used to complete an objective analysis. In particular, this information comprises the information that will be part of the application for accreditation. However, the essential information required for the classification analysis is identified here among others:

- Identification of the sponsor and the planned sources of finance;
- A map to identify and demarcate the area of the project and its possible leakage areas;
- A map showing the boundaries of preliminary micro-zones;
- The carbon loss targets expressed if possible in protected hectares, hectares of avoided deforestation or other values;
- A project description by phases;
- A description of the objectives and expected results;
- A budget estimate for the next ten years;
- Reasons why this area is preferable to another area;
- Risks that could undermine project performance.

Environmental and social classification grid

This grid essentially requires the sponsor to answer with estimated values in hectares, meters, liters, kilograms, etc. These answers or the lack of answers will enable assessment by compilation, deduction or comparison of the type of study that will have to be implemented before deciding whether to grant accreditation.

Zero values may be given. In some cases it is even possible that most of the values are zero, as, for example, for a project for making use of improved stoves. However, a project for which "unknown" is given as an answer to numerous questions (more than 15%) will not be acceptable, as this shows that it has not been defined well enough to be registered.

Moreover, the answers to these questions will be used to specify the Terms of Reference of the ESIA to be implemented.

Environmental and social classification grid

A	Surface areas involved	Value
A1	Total surface area affected by the project	
A2	Number of hectares that will be placed under protection (protected/developed to limit deforestation)	
A3	Number of hectares of crops for which practices will have to be changed	
A4	Number of hectares of plantation	

A5	Total of surface areas involved in a development plan	
B	**Population**	**Value**
B1	Total population in the project area	
B2	Population density in the area affected by the project	
B3	Number of households affected by the project	
B4	Total number of employees who will live on location	
B5	Percentage of the population originating from indigenous peoples	
B6	Number of employees who will originate from the project area	
B7	How many households will have to be displaced due to project activities	
B8	Approximate area of agricultural or fallow fields that will be abandoned for the purposes of the project	
C	**Development**	**Value**
C1	Number of meters of track to be created	
C2	Number of meters of track to be developed	
C3	Length of dams to be created	
C31	Dams 1	
C32	Dams 2	
C3X	Dam x	
C4	Height of dams to be created	
C41	Dams 1	
C42	Dams 2	
C4X	Dam x	
C5	Length of irrigation or water transport canals	
C6	Area immersed	
C6	Plant nursery area in square meters	
C7	Number of wells excavated	
C8	Number of springs developed	
C9	Number of standpipes developed	
C10	Number of buildings to be constructed	
C11	Total area of buildings to be constructed	
D	**Equipment/product**	**Value**
D1	Number of utility vehicles present on the site (4x4, pickup trucks)	
D2	Number of tractors present on the site	
D3	Number of bulldozers or other heavy equipment present on the site	
D4	Power rating of electricity generators to be installed	
D5	Food processing equipment	
D6	Amount of pesticides used per crop season in liters/kilograms	
D7	Amount of fertilizer used per crop season in kilograms	
D8	Surface area of installed solar panels	
E	**Project activity**	**Value**
E1	Surface area dedicated to intensive farming	
E2	Surface area used for silviculture	
E3	Surface area of reservoirs for hydroelectric power generation or irrigation	
E4	Surface area dedicated to agro-forestry	
E5	Surface area of zones where arable and livestock farming and other activities will be restricted	
E6	Surface area of improved pasture land	
E7	Surface area dedicated to market gardening/vegetable growing	
E8	Surface area to be irrigated	
E9	Surface area on which all tree felling activities will be prohibited	
E10	Surface area on which hunting is prohibited	
E11	Introduction of non-native plant or animal species	

ANNEX 2: INTERPRETATION OF THE CLASSIFICATION GRID

This grid mainly functions by inference: a minimum level of analysis, calculation and expertise is therefore required These analyses must also be made in relation to the maps and positions of the boundaries of the project area according to the Technical Secretariat GIS data

Firstly the consistency of the answers with the available GIS data must be checked, such as:

- Planned reduction in deforestation with the existing deforestation rate in the areas concerned;
- Length of tracks to be rehabilitated in relation to existing tracks;
- Compatibility of the areas defined in section E of the grid in relation to the current situation;
- Checking the presence of mining permits, if possible the state of progress of mineral exploration and the risk of the project conflicting with mining development.

Secondly, consistency between the project and national regulatory texts is checked,
for example:

- If the project involves a displaced workforce (originating from a location away from the project location), the sponsor must provide drinking water, accommodation and a power supply;
- If the project involves groundwater or surface water abstraction, authorization is required.

Other issues that 4.01 may raise in relation to the safeguard policies:

- Question B5: if indigenous peoples are present, a special indigenous peoples support plan must be prepared
- Question B7: if dwellings must be displaced, the procedure and the resettlement document must be established in accordance with the number of people to be displaced if no other solution is feasible and if the project meets the minimum criteria established in the IRPF
- Question D5: if a pesticide is used, the pest and pesticide management framework must be triggered and a pest and pesticide management plan must be prepared
- Question C4: dam height: if dams are built in excess of 15 m in height, policy 4.37 on dams may apply.

With regard to whether an ESIA is required and what type of ESIA must be implemented, **an order of magnitude is given in the following paragraphs.** However, in the course of analysis, a report must be drafted setting out the evidence that served to determine the type of environmental analysis to be implemented, and the different types of documents to be produced. This report will be sent together with the answer from the sponsor, which will have 15 days to come forward and provide clarification before its documentation is sent for final assessment. This preliminary environmental analysis report will be published if the next stages of the project are accepted.

Activities that may exert significant direct or indirect impacts on the environment and/or the populations will be classified into three categories:

1) Category A projects involve major and irreversible risks: these projects are not accredited with the REDD+ label.
2) Category B projects involve risks that can be avoided or mitigated. Two cases may arise:
    a. The risks do not require the implementation of in-depth Social and Environmental Impact Studies. In this case, only an ESMP (Environmental and Social Management Plan) is performed on the basis of a summary ESIA (Social and Environmental Impact Study).
    b. The risks trigger one or more safeguards. In this case, an in-depth Social and Environmental Impact Study is performed along with specific studies. The scheme stipulates the required processes of consultation and obtaining institutional opinions, along with the publication procedure.
3) Category C projects: These projects do not involve specific risks. The project initiator is invited to consult the Good Practice Guidelines, which will be provided by NC-REDD throughout the project life cycle.

Category B project: subject to a basic ESIA and an ESMP

- The project covers between 1,000 and 5,000 ha including the leakage area
- Between 200 and 500 families affected or directly involved
- Various small- to medium-scale developments
- Use of products and equipment

NC-REDD will prepare the Terms of Reference (ToR) for implementing the ESMP (pre-drafted checklist and special measures).

Category B project: subject to a detailed ESIA and an ESMP

Projects that have at least two of the following characteristics together:

- The project covers between 1,000 and 5,000 ha including the leakage area:
- More than 500 families affected by/directly involved in the project
- Implementation of several types of development
- Use of equipment and products, in particular D1 to D5

Category C projects: essentially subject to good practice guidelines[15] (without an ESIA)

As a maximum, projects that have all of the following characteristics

- Projects involving silviculture, conservation, savanna afforestation, agro-forestry and improvement of agricultural techniques;
- Project area is less than 1,000 ha including the leakage area
- Less than 200 families affected or directly involved
- Developments are essentially type C5 to C10 and are small in size/number
- Using a small amount of equipment and products
- Not resulting in any population displacement
- Activities as a whole use less than 30% of the total area

The sub-national REDD+ coordination office sends NC-REDD the final list of projects that are essentially subject to the Good Practice Guidelines, the sites where they are located, and their characteristics. Possible negative impacts that could arise from the implementation of a series of projects not subject to the Environmental Guidelines are assessed by NC-REDD provided that the public body in charge of ESIAs has not yet been established, as stipulated in the law setting out the basic environmental protection principles (Law No 11/009). The purpose of this approach is to ensure that several negative mining impacts in combination will not have damaging long-term cumulative effects on the human and biophysical environment.

As part of the capacity building activities planned in this ESMF, the NC-REDD+, via the Environmental and Social Monitoring and Evaluation Unit, will coordinate the classification and management of all these cumulative impacts in collaboration with all project initiators working in the areas where the projects are located.

[15] These guidelines must be prepared on the basis of standards currently being revised

ANNEX 3: STANDARD TERMS OF REFERENCE FOR A DETAILED IMPACT STUDY

The Terms of Reference of an ESIA are the first stage in the implementation of a good or bad ESIA. They must be carefully drafted on the basis of real knowledge of the area where the project is to be implemented. Knowledge of the site is essential to ensure that the ToR will focus on the main environmentally sensitive issues and factors, in order to optimize the ESIA implementation budget. The purpose of the optimized ToRs is to allow the consultant to:

- concentrate its resources and energy on important (quantified) environmental factors that could suffer adverse effects as a result of the project
- identify significant impacts on the basis of a recognized methodological framework;
- produce an ESIA in accordance with the reality of the project and contribute mitigation measures and a monitoring program that takes into account the capacities of the project management institutions.

For information, the Terms of Reference (ToR) must contain at least the sections described below:

1. Overall context of the activities in the framework of REDD+; institutional and legal aspects.
2. Other legal aspects applicable to the project.
3. Description of the project and its history, location, the nature of the activities and the main phases of activity to be undertaken (preparation, installation/construction, operation).
4. Impact analysis methods for the project and its alternatives:
    - Study of the natural characteristics and the affected environment (human and social factors, abiotic factors, general characteristics of the land, soil factors, and biotic factors);
    - Examination of how the population perceives the project (Public Consultation Program);
    - Study, analysis and assessment of positive or negative impacts;
    - Presentation of the alternatives and mitigation measures.
5. Contents of the Environmental and Social Management Plan (ESMP).
6. Profile of the consultant, which in the usual circumstances should comprise a multidisciplinary team.
7. Invitation to propose a methodology and financial offers.

Each section must be set out in detail, taking into account the type of investment, its scale, its duration, the geographical and social situation of the project (the host environment), sensitive factors in the location, identified environmental and social issues, etc. The end results must be ToRs that are detailed enough to allow the study team to assess properly what has to be done and the required level of investigation for each environmental factor.

The example below shows the detailed ToR for a project to support agricultural populations covering large areas (several thousand hectares) for the purposes of reducing their footprint on the forest by means of PES (payment for environmental services).

Project description

It is strongly recommended that the project description be presented as follows:

a) Preparatory phase (before works)

Choice of area of activities;
Development plan;
Partner selection method;
Partner training;
Preparatory works;
Transport and machinery, and equipment traffic;
Acquisition of land and information on its occupants with the possibility of expropriation, the objective and a list of activities to be conducted (logical framework);
Conflict settlement process.

b) Technical support phase

Detailed action plan;
Results framework;

Equipment management and maintenance;
Result monitoring process;
Options in the event of failure to achieve results.

c) Technical support withdrawal phase

Technical support disengagement process

- Management of carbon stocks:
- Income sharing;
- And so on.

d) Phase of permanent application of improved techniques (consolidating achievements)

Maintenance and repairs to equipment and buildings;
Controlling conflict management;
Monitoring revenues;
Income sharing;

In addition, the non-comprehensive list below sets out the main characteristics that can be described for a forest footprint reduction project based on PES. The choice of factors to be taken into consideration depends largely on the extent and nature of the project and the context where each variant is located in its host environment. Information on the affected areas is supplemented by major land allocations, zoning and the cadastral location.

As a minimum requirement, this study must highlight the following factors as the reference condition:
Apart from the land study, land use rights, methods for transferring land and property rights

- Regional mapping: (minimum radius 30 km from the boundaries of the project area)
  - Human population area, population, population density, land occupation and general statistics on land availability per inhabitant, currently and for the next 30 years, depending on population growth in the area;
- Mapping areas used by the populations in particular;
  - Common zoning, inhabited area, infrastructures;
  - Property area, land rights, resources (mining and petroleum zoning, etc.);
  - Arable and livestock farming, grazing, hunting, fishing, gathering, etc.
  - Religious areas, sacred or taboo site or object, etc.
- Main type of production, estimated income per household, value of produce consumed and sold on the basis of local prices, sources of income.
- Relationship with the natural environment:
  - Main items gathered, hunted, fished, etc.
  - Use of these items;
  - Assessment of amounts collected;
  - Valuation of the items;
  - Legal status of the items (national law, international agreement, etc.).
- Commercial and non-commercial exchange:
  - The various cash and non-cash exchange flows;
- Social relationship, traditional hierarchy, chieftainship, etc.
- Overall plan of project components on an appropriate scale and presentation of all planned developments and works;
- Specific plans for components of zoning or development design;
- Preparatory activities and planned operations (track rehabilitation, equipment manufacture/purchase, establishing new operating methods, etc.) ;
- Known and likely temporary developments and infrastructures;
  - Backfill and excavation material (order of magnitude, volume, origin, transport, storage, etc.);
  - Runoff and drainage water (collection, testing, diversion, confinement, etc.) ;
  - Waste (volume, sites and means of elimination, etc.);

Rational resource use and resource conservation methods (reduction at source, improving the efficiency of use and applying new recovery technologies, recycling, composting, re-use, etc.) ;
Implementation schedule following the different phases;
Required manpower by project phase;
Duration of the project and future phases of development;
Estimated costs of the project and its variants.

Description of the relevant environmental components (host environment)

This section of the Impact Study also includes the requirements of the country's general directive for drafting Impact Studies and a description of the relevant components of the natural and human environments benefiting from the project. The non-exhaustive list below sets out references for the main environmental components that could be affected by the project. This description focuses on the relevant components in relation to the issues and impacts of the project. The precise study of the reasons and criteria justifying the choice of components to be taken into consideration.

In addition to climatic, hydrological, geomorphological, geological and soil factors, the main essential components of the environment are:

- Aquatic and/or semi-aquatic environments, wetlands and flood-prone areas for each location to be crossed or encroached on by the project:
  - physical-chemical and bacteriological quality of surface waters;
  - nature of stream bed substrata;
  - use of watercourses and other water bodies;
  - bathymetric and hydrodynamic conditions (surface and bottom currents);
  - type of sedimentology (erosion and accumulation zones).
- Nature of the soils and surface deposits, potentially contaminated sites (depending on their current or past use), lithology, gradients, extraction areas; areas sensitive to erosion and ground movements, agricultural potential.
- Ambient air: emissions and concentrations resulting from road traffic in relation to other sources of pollution (depending on the available information).
- Vegetation.
- Fauna.
- Human and social environment: demography, land system, economic activities, quality of life, community organization and structure, heritage and cultural factors.

If the project is located on publicly owned land, the current land use is taken into account in the choice of planning tools linked to the allocation of publicly owned land and to local, regional and possibly national development.

For each environment described, it is important to prepare a summary of the environmental factors that may be most affected by the project and in what way. Not everything described in this summary needs to be detailed as a component of the environment.

Mapping

It is essential for the Social and Environmental Impact Study to include project maps and alternatives if applicable.

The maps should highlight sensitive environments both from a human and natural point of view and should show how the project interacts with land occupation, infrastructures and all components of the environment that could be changed by the project.

The main maps to be prepared are as follows:

- National, regional and local siting map;
- Land occupation and traditional local zoning map (soil map);
- Map of sensitive sites;
- Maps of the areas assessed;
- Map of existing infrastructures (before the project);
- Map showing how the new development and zoning plans will fit into the local landscape;
- Map identifying the main impacts.

Environmental and Social Management Plan (ESMP)

The Environmental and Social Management Plan (ESMP) of the project must be drafted in line with the applicable national regulatory requirements and those of the World Bank. Depending on national regulations and Annex C of OP 4.01, the ESMP sets out all measures related to mitigating the effects on the environment, environmental monitoring and institutional order to be taken during the implementation and operation of a project, in order to eliminate its negative effects on the environment and on society, to compensate for these effects or to reduce them to acceptable levels. It also describes the arrangements required for these measures to be implemented.

To be more precise, the ESMP must include the following components:

- *Impact mitigation:* a brief summary of all the highly negative environmental and social effects; a description of each mitigation measure; an assessment of all potential environmental impacts of these measures; identification of the links with all other plans to mitigate the effects of the project (e.g., resettlement action plan).

- *Environmental and social supervision and monitoring:* a technical description of the supervision measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurement, detection limits (if applicable), a definition of the thresholds above concerning the remedial measures that must be taken; procedures for supervision, monitoring and drafting reports.

- *Institutional aspects:* an assessment of the role and capacities of environmental services; the responsibilities for implementing mitigation measures; and, if required, environmental management capacity building in the bodies in charge of implementation: a specialized municipal team, consultant or service provider.

- *Implementation schedule and estimated costs*: an implementation schedule for the measures to be taken as part of the project and an assessment of the investment and operational costs of nuisance reduction, monitoring, follow-up and capacity building.

- *Budget:* the budget required to implement the results of the ESIA must be accurately established

- *Integrating an ESMP into the project:* taking an ESMP into account in the course of project planning, design, budgeting and implementation.

Monitoring program

The purpose of a monitoring program is to ensure implementation of the mitigation and improvement measures, irrespective of whether they lead to the expected results or are changed, discontinued or replaced if they turn out to be inadequate. In addition, the monitoring program is used to assess compliance with national environmental and social policies and standards and the policies and directives of the World Bank. A monitoring program includes two sections: monitoring and evaluation activities.

The purpose of environmental and social monitoring is to ensure that the proposed mitigation and improvement measures are implemented effectively during the preparation and implementation phases. The Consultant will recommend the monitoring measures required for this purpose.

Environmental and social evaluation involves measuring and assessing the impacts of the project on a number of environmental and social components that are sensitive or represent a cause for concern and implementing remedial action if required. The program developed by the consultant will also establish as clearly as possible the indicators to be used to monitor the mitigation measures that must be assessed during project preparation and/or its implementation and, in certain cases, after technical support.

The program will also set out the technical details of the monitoring activities, such as methods to be used, sampling locations, frequency of measurement, detection limits and the thresholds beyond which remedial measures need to be taken. The REDD+ national coordination office will organize a training session on ESMP implementation for parties involved in environmental monitoring.

Summary of ESIA results

In order to ensure that all stakeholders can use the summary of the impacts and mitigation measures, it can be drafted as a summary sheet covering all important factors involved in making decisions and monitoring mitigation measures.

Impact description form

Code: Of the impact	**Title:** Of the impact	**Interrelationship:** Relationship with other impacts Synergy effect Cumulative effect
Analysis: Description of the impact in its context		
Mitigation measure: (title) Code and title of the mitigation measure		

OBJECT: Description of the purpose of the mitigation measure	**Description:** Description of the procedures or methods for implementing the measure by stages
Residual impact:	Definition of the impacts that could remain or not be completely mitigated by the mitigation measure
Monitoring program and indicator:	Establishing how the results of the mitigation measure could be measured and, if possible, providing an indicator to check whether the measure has been successful or not

ANNEX 4: MINIMUM ENVIRONMENTAL AND SOCIAL STANDARDS (UNEP)

The NC-REDD team has produced national REDD+ standards (October 2012 version) as set out in the table below. Based on seven principles, these standards were produced between 2011 and 2012 by NC-REDD on the basis of various existing international standards.

Although fairly comprehensive, these standards are difficult to apply, because most international standards are produced for application to large-scale carbon trading projects. Those produced here are no exception. They are therefore not applicable to small- and medium-scale PES projects or to small- to medium-scale REDD+ projects, irrespective of whether or not their aim is carbon trading.

An unsuccessful attempt was made to reorganize these standards during a consultation workshop at the end of June 2013. Accordingly, a decision was made to set up an *ad hoc* committee to put forward new standards that could be adapted to different situations and types of investment. All of the above is also related to the definition of a REDD+ project in the Democratic Republic of the Congo.

National REDD+ Social and Environmental Standards in the Democratic Republic of the Congo: improved version

Principle 1: REDD+ projects/initiatives must protect natural forests, encourage the growth of environmental services and strengthen biodiversity conservation.

CRITERIA	INDICATORS	VERIFICATION
1.1. REDD+ projects/initiatives must draw up the initial state of their host environment	**1.1.1**. A methodology has been established for a multi-resource management inventory in cooperation with all stakeholders in the project area. This methodology ensures that all natural forest environmental services in the project area are taken into account.	The methodology is produced. Methodology approval report
	1.1.2. A multi-resource geo-referenced management inventory is produced in compliance with the proposed methodology	Inventory map Geo-referenced inventory data
	1.1.3. The management inventory leads to the identification of types of High Conservation Value Forests (HCVF) as shown in Annex 1.	HCVF demarcation map
	1.1.4. The entire management inventory process is carried out together with the stakeholders from the project area.	All documents testifying to the presence of other stakeholders in the inventory (attendance lists, pay slips, etc.)
	1.1.5. The reference area of the project is clearly defined. The leakage area of the project is clearly defined.	Available project reference area map Available project leakage area map
1.2. REDD+ projects/initiatives must protect existing natural forests from deforestation, degradation or conversion for other possible uses, in particular forestry or agricultural plantations, mining, petroleum or industrial operations.	**1.2.1.** Criteria for defining a natural forest have been formulated in accordance with international and national provisions	The project/initiative has a clear definition of the concept of a "natural forest"
	1.2.2. The area of protected, existing natural forests in the area of implementation of and/or the area affected by the project/initiative is demarcated in the planning document.	Natural forest area demarcation map
	1.2.3. Precise measures to conserve environmental services and HCVFs are clearly set out in the management plan. These measures have been subject to the approval of the stakeholders in the project area.	List of available conservation measures Development plan Geographical

CRITERIA	INDICATORS	VERIFICATION
		coordinates of the different allocations
1.3. REDD+ projects/initiatives must include a schedule of all other forms of use in their area of implementation and/or the area they affect throughout their duration.	**1.3.1**. A development plan with geo-referenced indications of the allocation of defined plots is drafted before the project is registered. The development plan is implemented in line with a framework provided by the MECNT.	Report on working meetings concerning the development plan, including a list of all identified stakeholders
	1.3.2. The schedule is implemented over a period of at least 20 years.	
	1.3.3. The development plan is the result of a participatory process and has been approved by all stakeholders in the project area	Paragraphs in the development plan setting out the measures for mitigating or reducing threats to the project area
1.4. REDD+ projects/initiatives must introduce mechanisms to prevent the conversion of natural forests for other uses.	**1.4.1**. The development plan sets out the measures to be taken to mitigate or eliminate the threats to natural ecosystems in the project area	
	1.4.2. The development plan sets out the measures to be taken to mitigate or eliminate the threats to natural ecosystems in the potential leakage area	Paragraphs in the development plan setting out the measures for mitigating or reducing threats to the leakage area
	1.4.3. The application of the single management plan is assessed twice a year	Monitoring document for this measure
1.5. REDD+ projects/initiatives must implement Social and Environmental Impact Studies in order to identify all potential positive and negative impacts ensuing from the implementation of their activities on their host environment and the area they affect. Impact Studies must be carried out before project activities begin.	**1.5.1.** The managing agent performs assessment studies of the positive and negative impacts of its activities on the environmental services and HCVFs in the project area	Detailed assessment studies
	1.5.2. The managing agent performs assessment studies of the positive and negative impacts of all indirect activities linked to the implementation of its project on the environmental services and HCVFs in the project area	Detailed assessment studies
	1.5.3. The managing agent implements assessment studies of the positive and negative impacts of its activities and of the indirect activities on the environmental services and HCVFs in the leakage area	Detailed assessment studies
1.6. The installation and management of site facilities for projects/initiatives must comply with the national and international environmental standards recognized by the Democratic Republic of the Congo.	**1.5.4**. Measures for mitigating negative impacts are identified, documented, scheduled and implemented in cooperation with the stakeholders in the project area.	Planning document Implementation report
	1.6.1. The installation of the site facilities is preceded by an assessment of its environmental impact	
	1.6.2. Measures are precisely identified, documented, scheduled and implemented in order to mitigate the negative environmental impacts of the site facilities	Detailed assessment studies Planning document Implementation report
	1.6.3. Procedures are documented and published to encourage environmentally friendly site facility management (waste processing, energy management, etc.)	Procedural manual

Principle 2: REDD+ projects/initiatives must encourage transparency and good governance

CRITERIA	INDICATORS	VERIFICATION
2.1. REDD+ projects/neither conceal nor exaggerate certain costs	**2.1.1** Different types of costs duly verified by a certification body are available before project implementation.	Verification report
2.2. REDD+ projects/initiatives include financial monitoring and verification mechanisms.	**2.2.1.** A financial management procedure manual is drafted by the project initiator and is accessible to all stakeholders before project implementation.	Financial management procedure manual.

2.3. REDD+ projects/initiatives include mechanisms to ensure access to information and the participation of all interested stakeholders.	**2.2.2.** A quarterly financial report by the project initiator is sent to the stakeholders' representatives. **2.2.3**. An annual audit report produced by an independent auditor is sent to the stakeholders' representatives. **2.3.1.** All reports and minutes of meetings throughout the project. **2.3.2**. A participatory communication strategy is established before project implementation.	Audit reports.

Principle 3: REDD+ projects/initiatives minimize losses and damage, provide means of redress and introduce fair and equitable mechanisms to compensate for possible losses and/or damage suffered by communities and other stakeholders.		
CRITERIA	**INDICATORS**	**VERIFICATION**
3.1. REDD+ projects/initiatives establish prevention and redress mechanisms for losses and/or damage	**3.1.1.** Description of the prevention and compensation measures in the project/initiative documents before project implementation begins; **3.1.2**. Conflict resolution reports or deeds of transactions during project implementation; **3.1.3.** Possible list of all damage and losses caused during project implementation, confirmed by the stakeholders. **3.1.4.** Petitions, memoranda and verbal grievances taken into account in the conflict-resolution mechanism during project implementation.	List of dispute-management mechanisms. Number of disputes filed both with courts and with non-judicial authorities.
3.2. All stakeholders have easy access to the redress mechanisms **3.3.** Use of traditional or customary conflict resolution mechanisms	**3.2.1**. Arbitration, reconciliation and other out-of-court redress mechanisms for conflict resolution applied throughout project implementation **3.3.1.** "Palaver tree", etc.	

Principle 4: The economic and social benefits generated by REDD+ projects/initiatives are shared equitably and proportionally by interested stakeholders.		
CRITERIA	**INDICATORS**	**VERIFICATION**
4.1. Together with all interested stakeholders, REDD+ projects/initiatives establish the nature of incomes to be generated.	**4.1.1.** Lists of the different incomes to be generated are drafted before project implementation begins	
4.2. REDD+ projects/initiatives establish mechanisms for sharing generated incomes with interested stakeholders.	**4.2.1.** Details for sharing generated incomes are determined before project implementation begins	

Principle 5: REDD+ projects/initiatives encourage the emergence of new economic opportunities to contribute to the sustainable development of local and indigenous communities.		
CRITERIA	**INDICATORS**	**VERIFICATION**
5.1. REDD+ projects/initiatives contribute to improving long-term means of subsistence and the well-being of local and indigenous communities (official employment, rural employment, alternative income generating activities, means of access to capital, restructuring the local savings sector, etc.) within the area affected by the project.	**5.1.1.** Description of job creation potential before project implementation begins. **5.1.2.** Description of parallel economic activities before project implementation begins. **5.1.3.** Description of the potential for reshaping the local financial landscape during project implementation. **5.1.4**. Description of the condition of basic infrastructures and the natural habitat before project implementation begins.	

5.2. REDD+ projects/initiatives have a positive impact on the standard of living in the area affected by the projects and improve the fragile economic situation of vulnerable and/or disadvantaged households and population categories, in particular young people, women, elderly people, poorly qualified people, etc.	**5.2.1**. Description of the impact on the fragile economic situation of households throughout the project. **5.2.2.** Description of the economic impact on young people, women, elderly people and poorly qualified people during project implementation.	
5.3. REDD+ projects/initiatives uphold practices to conserve and manage local and indigenous communities.	**5.3.1**. Conservation and management activities are established before project implementation begins	

Principle 6: REDD+ projects/initiatives must ensure the effective and efficient participation of all stakeholders, particularly local and indigenous communities in their specific local conditions.

CRITERIA	INDICATORS	VERIFICATION
6.1. REDD+ projects/initiatives must establish mechanisms to inform and consult the affected local and indigenous communities before project implementation begins.	**6.1.1.** All local and indigenous communities with legal and traditional rights in the project area and in the leakage area are identified and listed by means of the ESIA **6.1.2.** The ESIA of the project area has identified local communication mechanisms. **6.1.3.** The recommendations set out in the ESIA report can be used to draft procedures for informing and consulting local and indigenous communities **6.1.4.** These procedures are established with the cooperation of stakeholders, in particular local and indigenous communities, before implementation of the project/initiative begins **6.1.5.** These procedures establish the way local and indigenous communities will be informed and consulted (how often, language used, type of message, social categories to be involved, etc.) **6.1.6.** The information and consultation procedures are continually updated at pre-set intervals established and accepted by the stakeholders.	List of all local and indigenous communities Description of local communication mechanisms Information and consultation procedures Report of the work session with the stakeholders about communication procedures Information and consultation procedures Successive versions of the procedures
6.2. REDD+ projects/initiatives must comply with the principle of free, prior informed consent (FPIC) of the affected local and indigenous communities.	**6.2.1.** The managing agent is familiar with the FPIC methodology guidelines **6.2.2.** A clearly defined mechanism in the development plan specifies the frequency and procedures for FPIC requests from local and indigenous communities throughout the project. This mechanism adapts the methodological guidelines to the local context **6.2.3.** The managing agent has informed the local and indigenous communities about the aims of the project and all of its components that bear a relation to their communities and their living environment. This information is provided in a language and wording that can clearly be understood by each local and indigenous community **6.2.4.** Local communities are informed that they can at any time grant, refuse or withdraw their consent for activities that affect their land	The methodological guidelines are mentioned in the working documents Paragraphs of the development plan concerning the intervals and procedures for the FPIC request Minutes Material and information material All other documents testifying to the communication session Paragraph of the consent form Audiovisual evidence of such information Written document of consent, photo or video testifying to the consent methods that are traditional for the community

CRITERIA	INDICATORS	VERIFICATION
	6.2.5. Local and indigenous communities have given their free, prior informed consent in writing or by means of traditional methods for the development plan, particularly with regard to whether their concerns have been taken into account.	
6.3. REDD+ projects/initiatives must ensure observance of the traditional and legal rights of local and indigenous communities in the project area	**6.3.1.** The legal and traditional rights of each local or indigenous community are identified, listed, mapped and documented **6.3.2.** The identification, list and map do not constitute the object of any conflict between the local and indigenous communities, nor between the managing agent and the aforementioned communities **6.3.3**. The local and indigenous communities recognize in writing or by traditional methods that their traditional and legal rights have been documented and protected by the managing agent	Report clarifying the respective legal and traditional rights of the communities Participatory map Document testifying to the participatory approach to the aforementioned activities Minutes of meetings to identify legal and traditional rights Audiovisual document or medium
6.4. REDD+ projects/initiatives must strengthen the cohesion and stability of communities residing in their area of implementation and/or the area they affect, while respecting their cultural characteristics.	**6.4.1.** The managing agent has identified and documented the internal decision-making mechanisms in the local and indigenous communities **6.4.2.** The local and indigenous communities are organized in platforms on the basis of their internal decision-making mechanisms **6.4.3.** The platforms are functional, sustainable and represent all social categories **6.4.4.** The platforms function in accordance with the procedures established by all stakeholders in the project area **6.4.5**. The local and indigenous communities indicate in writing or by traditional methods that they have been consulted and approve of the way the platforms function.	Description of internal decision-making mechanisms Basic documents for the platforms Consultation report on the formation of the platforms Other documents on the work of the platforms Platform activity report Presence of all social categories in the platforms Platform activity report Platform membership consent form
6.5. REDD+ projects/initiatives must ensure the effective participation of women, young people and vulnerable people.	**6.5.1.** The managing agent must ensure that all decisions concerning the management of the project are taken with the participation of women, young people and other vulnerable categories of people **6.5.2.** Women, young people and other vulnerable categories of people participate freely and independently. **6.5.3**. The managing agent has identified and documented the internal decision-making mechanisms in the local and indigenous communities **6.5.4**. In the event of a conflict linked to the project, the managing agent complies with the internal decision of each group **6.5.5**. The managing agent ensures that all decisions, measures or other actions taken in connection with and in cooperation with local and indigenous communities are subject to the duly identified decision-making mechanisms	

Principle 7: REDD+ projects/initiatives must respect human rights, the rights of the workers they employ and the rights of the affected resident communities to their land and natural resources		
CRITERIA	**INDICATORS**	**VERIFICATION**
7.1. REDD+ projects/initiatives have formal relations with workers.	**7.1.1.** Work contracts signed by the stakeholders involved (employee and employer) and stamped by the national employment office.	
7.2. REDD+ projects/initiatives recognize and observe traditional, individual and collective property rights to land and resources	**7.2.1.** Records of the closure of investigations and agreements negotiated and signed with local communities before the project is entered in the national Registry.	

	7.2.2. Community mapping of traditional rights, describing, demarcating and allocating areas before the project is entered in the national Registry. **7.2.3**. Lease contract, conservation concession contract or protected area management concession contract before the project is entered in the national Registry.	
7.3. REDD+ projects/initiatives preserve and respect archaeological and cultural sites and the indigenous knowledge of local and indigenous communities.	**7.3.1**. Maps of the sites before the project is registered. **7.3.2.** List of traditional practices before the project is registered. **7.3.3**. Report of the quarterly monitoring or land mission by the administration or specialized non-governmental organizations.	
7.4. REDD+ projects/initiatives avoid involuntary resettlement of local communities and indigenous peoples.	**7.4.1**. Social and Environmental Impact Studies have been approved before the project is registered.	

Interpretation of REDD+ standards

Based on seven principles, the detailed REDD standards above have been established in a way that makes them difficult to include in the type of project preparation and management process usually practiced by technical and financial partners and the private sector. Moreover, in a similar way to Version 2 of the **REDD+ Social and Environmental Standards** (September 10, 2012), these Initiatives[16] do not apply to all types of investment that could be financed under **REDD+** in the Democratic Republic of the Congo.

The above documents do not necessarily constitute standards, but are rather intended as directives or guidelines. Standards are precise norms that must be applied on pain of sanctions.

A proposal to reclassify the "standards" developed by NC-REDD is provided here so that they can be included in a project preparation and management process. The guidelines given in the standards, if applied, should be part of the forms for the guidelines to be sent to the initiator to guide the REDD+ investment preparation process

[16] http://www.redd-standards.org/files/REDDSES_Version_2_-10_September_2012_FRENCH.pdf

Phase	**Phase*/standard***	**Document/output**
Pre-feasibility study		
	Registration Presentation of a project idea including the main guiding principles of REDD and an established geographical area (depending on the type of project) Registration form to be developed Payment of the charge for the registration application	**Registration accepted or refused** If accepted, the geographical area can be protected to avoid REDD projects overlapping if an annual charge is paid Compliance must be ensured with the deadlines for preparing the feasibility study
Feasibility study		
	Detailed technical study *Compliance with national legislation* *Criteria 1.2 to 1.4* Criteria 5.1 to 5.3 Criterion 6.5 (some of these criteria must be used in the procedure manuals (operation))	Detailed technical study providing all the required plans and estimates
	Detailed financial study *Criteria 4.1, 4.2*	Detailed financial study Budget plan by year
	ESIA/Resettlement Action Plan Preparation of the ToR by the Environmental and Social Monitoring and Evaluation Unit *Criteria 1.5 and 1.6* *Criteria 6.1 to 6.4* *Criteria 7.2 to 7.4*	ESIA completed in accordance with the established ToR Other safeguard documents related to indigenous peoples, compensation, etc.
	Final project document Formal written commitment by the initiator to follow the guidelines provided by REDD+ • Logical framework • Results framework (performance) • Environmental and social monitoring framework Operation and financial manual	REDD+ accreditation approved or rejected
	Request for approval for the sale of REDD credit	Obtaining approval document from a REDD credit transaction body accredited in the Democratic Republic of the Congo Entry in the REDD Registry as a potential vendor of REDD credit to an organization X
Location		
	Zoning plan Development plan Investment plan	Location report
Operation		
	Operational management procedure manual. *Criteria 3.1 to 3.3* *Criterion 7.1*	Technical audit report
	Accounting and financial management manual *Criteria 2.1 to 2.3*	Administrative and financial audit report
	Results framework	Performance of the investment

Investment proposal unacceptable as a REDD+ project

Investments cannot be REDD+ accredited if they are legal obligations or measures internationally recognized as normal. This principle can be illustrated by a few examples.
Forestry law requires forestry operators to establish a zoning plan and Terms of Reference that include support for local communities and indigenous peoples. Implementation of the zoning plan and/or the Terms of Reference cannot be accepted as a REDD+ investment because it is a direct obligation under forestry law.

Similarly, remediation by re-afforestation or protection from deforestation on a mining site cannot be considered as a potential REDD+ investment because it falls within the direct responsibilities of mining extraction companies in accordance with the mining code and/or recognized practices in this field. Although scarcely applied, the mining code imposes a number of obligations of this type.

ANNEX 5: SOCIAL AND ENVIRONMENTAL IMPACT STUDY PROCESS IN THE DIFFERENT STAGES OF REDD ACCREDITATION

Principles

BASIC principle

In order to be recognized as a REDD+ investment in the Democratic Republic of the Congo, the investment must demonstrably bring certain benefits in terms of forest carbon conservation (still to be determined) and documents must be prepared to enable this investment to be recognized under the title of REDD+ DRC up to its implementation.
The sale of carbon credits also requires the registrar to grant approval in connection with the purchaser's obligations and with evidence from the initiator of compliance with the reputability and transparency criteria in the management of the fund.

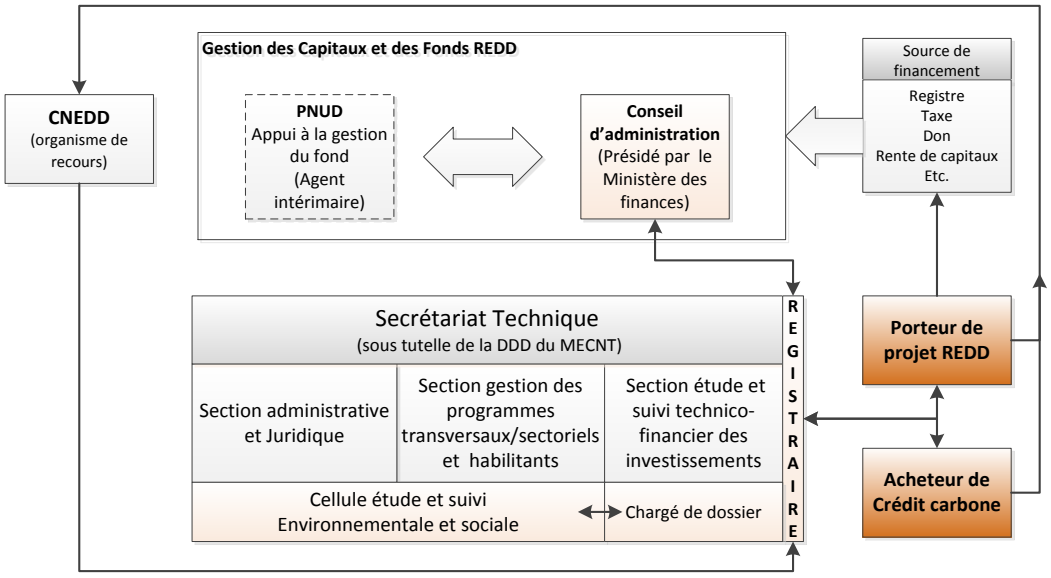
Application

This process only applies to project- or program-type investments and not to policies. An investment can only use the REDD title if it has obtained accreditation through the process of entry in the Registry and if it has conducted studies and produced the documents required to demonstrate its objectives, its impact in terms of reducing deforestation and/or degradation of its "carbon" profitability, and has taken its environmental and social risks into account.

Standard process of preparing and managing a project adapted to REDD

REDD+ requires the project initiator and all types of investment initiator to follow a standard project preparation and management process adapted to REDD requirements so as to pass through the different types of recognition stages linked to the Social and Environmental Impact Study process and the production of the safeguard document.

The organization managing the process is summarized in this figure:



Free, prior informed consent (FPIC)

No investment can be made in an area of intervention where local and/or indigenous populations carry out activities unless the registrar has received assurance that the initiator has obtained free, prior informed consent in accordance with a procedure established by REDD+.

Scheduling the withdrawal of funding

It is highly likely that development aid will finance various REDD+ investments on the basis of projects with a limited duration. In this case, it is imperative for the funding withdrawal phase to be established as per the feasibility study and for the process of managing this transition to correspond to a component of the investment.

Applying socio-environmental principles to the different stages in the REDD process

Table No. 11 below summarizes the socio-environmental requirements to be implemented in the different stages in the life cycle of REDD projects : pre-feasibility, feasibility, approval; table No. 12 provides the same information for the implementation and funding withdrawal phases.

Table 11: Different REDD+ accreditation phases on a national level and socio-environmental requirements

REDD+ recognition	Acquired right	Technical phase/study required	Environmental and social requirement (if applicable)
Registration of the investment	Right to progress to the accreditation phase Possible protection of the project area if other incompatible REDD+ investments are encountered, on the condition that payment is made for these rights	**Pre-feasibility** The purpose of this phase is to analyze the feasibility of the project in general from a variety of points of view (market, technical, financial, etc.), to identify aspects of the project requiring in-depth study and to determine whether the project can be pursued or not • Pre-feasibility study report • Signing of a qualitative agreement with local and indigenous populations	• Environmental classification • Determining the presence of indigenous populations • Defining an assessment of the scale of restricted access to resources • Presence or absence of cultural and religious sites
Accreditation	Only possible for registered investments • Right to apply for finance from the REDD fund • Right to implement investments under the REDD DRC banner • Right to progress to the approval phase	**Feasibility** This phase relates to the same variables or components as the pre-feasibility study, but the levels of analysis vary in depth, detail and effort for the purposes of ascertaining the feasibility of the investment and finding out the possible benefits • Feasibility study report • Signing of a quantified agreement with local and indigenous populations • Formal written commitment by the initiator to follow the guidelines provided by REDD+ • Logical framework • Results framework (performance) • Environmental and social monitoring framework • Financial management and operating manual • Funding withdrawal plan (if applicable)	Producing the following documents when required • ESIA and ESMP • Action Plan for Indigenous Peoples • Action Plan for Restricting Access to Resources • Pest and Pesticide Management Plan • Management and Conservation Plan for Cultural Heritage
Approval	Only possible for accredited investments • Right to sell or purchase carbon credits produced in the country	**Approval** A study for the purposes of obtaining one or more approvals from recognized bodies for carbon transactions This involves the initiator in a series of audits and declarations for the purposes of preventing fraud and money laundering, while ensuring transparent financial exchanges	• Environmental and social criteria for purchasers • Obligation to meet these national environmental and social commitments (compliance with ESMP) before selling carbon credits

Table 12: Implementation and funding withdrawal phase

Phase	Main technical tasks	Tasks related to the GHG process	Document to be submitted
Location	• Information • Demarcation • Infrastructure development • Baseline data integration in the SISE (Computerized Monitoring and Evaluation System) of the Ministry of Finance (MinFin)	• Establishing the communication process • Establishing the conflict management process • Establishing the environmental and social monitoring system	• Location report o Information from stakeholders o Locating zone boundaries o And so on. • Report on the communication and conflict management process
Operation/implementation	• Implementation of investment activities	• Implementation of prepared environmental and social safeguard plans, including the ESMP; or • Implementation of the minimum standards	• Monitoring report in line with the monitoring framework established and integrated in the SISE (Computerized Monitoring and Evaluation System) of the Ministry of Finance
Funding withdrawal	• Skills transfer o Training of local individuals/organizations to undertake management after funding is withdrawn o Gradual demobilization of the technical support personnel o Formalizing the local management of infrastructures required for operating the investment	• Training a team of environmental and social monitoring managers • Training an environment focal point	• Updating the funding withdrawal plan • Report on the transfer of responsibility o Training completed o New organigram o And so on.

Investment pre-feasibility stages

This first phase in the design of an investment can be taken forward if accepted on the basis of a new entry in the REDD+ Registry. This is one of the most important phases with regard to the definition of the area of activities and the leakage area if applicable, the representation of indigenous people in these areas, the list of instances of lost access to resources, cultural or religious sites and assets, the free, prior informed consent (FPIC) of local and indigenous communities and benefit sharing and/or payment for environmental services. This is the phase for which the project initiator must obtain a commitment from local and indigenous communities concerning the principles governing its investment and the way its ensuing benefits will be shared.

On the basis of this information, the investment description and the completed classification grid, the Environmental and Social Monitoring and Evaluation Unit will be able to determine whether the investment is subject to an ESIA and to the production of one or more environmental and social safeguard documents[17].

a) Application of Free, Prior Informed Consent[18] (FPIC)

Apart from the World Bank provisions related to consultation with and participation of indigenous peoples, the government of the Democratic Republic of the Congo has adopted the principle of free, prior informed consent (FPIC) for activities and projects under its national REDD+ program. In this way, the government of the Democratic Republic of the Congo, in partnership with the different stakeholders in the process, is committed in the development of the FPIC methodological guidelines to ensure that this concept is effectively taken into account in the implementation of national-scale REDD+ activities. These guidelines must address the legitimate concerns about FPIC, particularly related to the content of the FPIC process, its scope, the rights and obligations of each party involved (communities, project initiators, government, etc.) and its revocation, in order for FPIC to be taken into account.

The process of free, prior informed consent (FPIC) will enable judgments about the investments and the risks and issues identified and will provide responses and mitigation measures that could be directly integrated in the design of the REDD+ project itself.

As it is extremely complicated to judge whether an agreement with local and indigenous communities has been reached on the basis of free, prior informed consent (FPIC) without taking part in the entire consultation process, REDD+ requires all project initiators to record their meetings with stakeholders using a video camera, also requiring the written and signed agreements to be archived as the basis for the video images.

Documents signed by stakeholders, meetings of minutes in writing accompanied by lists of participants, consent for the investment, the expected benefits and the way they are shared are not enough to demonstrate that a FPIC process has been implemented. In addition to the minutes duly signed by the communities involved, video recordings and taking of video images are among the cheapest, most direct and effective means of checking whether a FPIC process of sufficient quality has been properly implemented. The level of representation and seriousness of meetings with local and indigenous populations, of the exchanges of points of view, the positions taken and the commitments made can easily be recorded on video at a very low cost.

Video recordings represent proof that these meetings have genuinely taken place, that discussions and exchanges were held and that consensual decisions have taken place on the basis of FPIC. However, the consent of the populations concerned should be sought before producing the video.

[17] The government must decide whether all REDD+ investments must be submitted in supplement to the other safeguard documents required by the World Bank operational programs (a plan resulting from specific management frameworks), or only those for which applications for finance will be made to the REDD+ fund.

[18] See Veronique Lebuis, *Le libre consentement préalable et éclairé [Free, prior informed consent], Summary contribution to development practice*, GRAMA 2009: In the best development practices, a community gives its consent freely and without coercion, prior to any significant decision related to a development project and having been fully informed of it through proper access to adequate and full information on the economic, social and environmental aspects of the proposed project. Moreover, the project initiators have allocated sufficient time to this, as well as access to the technical expertise required to gain a full understanding of the impacts and benefits of the project, while openly accepting that the community has had no obligation to give its consent. Finally, consent has been expressed by legitimate representatives of the community in accordance with a decision-making process that complies with the cultural practices and expressions of the community.

At the time of the application for registration, initiators must submit a video recording to the registrar showing all meetings conducted, on a hard disk or DVD for analysis and archiving. These archives will be accessible to the public and can be consulted if the investment is registered on completion of its assessment. If not, the videos will be returned to the initiator without having been made public.

The following should be clearly apparent from these video recordings:

- Dates and locations of meetings and when the footage was taken (video cameras with a GPS must be used);
- A view of the groups of participants;
- A presentation of the project by the initiator to the relevant groups and the discussions on benefit sharing by the initiators, along with the explanations provided;
- Questions and answers from speakers and presentations made by specialists if applicable;
- Meetings held in the different hamlets and focus group meetings;
- The signing ceremony;
- The landscape where the investment will be located;
- And so on.

These videos will be obligatory, as they allow a better assessment of the consultation approach applied and the FPIC process and they provide the required level of transparency in the consultations implemented. Meeting attendance lists and a signed agreement between the initiator and local and traditional chieftains are important, but are not sufficient to determine whether the FPIC process has been properly implemented.

The obligatory nature of these videos will also make it possible to assess how serious the initiators' approach has been. The current cost of these technologies cannot be accepted as a pretext for failure to implement this procedure, as video cameras with a GPS and digital time stamp are available on the market for less than $400.

The pre-feasibility study must summarize the FPIC process implemented up to this stage, a summary of the results, attendance lists of the communities consulted, signed tentative agreements and the videos showing the way all the consultations/discussions/choices have been implemented, etc.

b) Level of representation of the indigenous population in the area of activities

In order to check whether an Action Plan for Indigenous Peoples is required, the presence of indigenous peoples in the area of activities or the leakage area of the investment, if applicable, should be checked. If such populations do not live in the area but use the resources on the land, these factors are taken into account in the action plan for restricting access to resources.

The initiator must make a video recording showing encampments, hamlets or villages where indigenous peoples live and ensure that the latter take part in the discussion, negotiation and agreement signing sessions as planned in the pre-feasibility and feasibility studies, in a way that is culturally acceptable for them.

If there are no indigenous populations in these areas, this finding must be made on the basis of the minutes of a meeting conducted and filmed with the official and traditional authorities that deal with this matter, after obtaining their authorization.

It is nevertheless important to note that even if encampments/hamlets are inhabited for less than six months per year, it will be prohibited to displace (resettle) them, in the same way as this is prohibited for any other temporary or permanent dwelling.

c) List of instances of lost access to resources

If it is necessary to restrict access and/or the use of certain areas or forest stands for the purposes of the investment, the first assessments are made on this level and the compensation measures required by the process framework under the action plan for restricting access to resources in the feasibility study will be identified jointly with the people affected.

The list of instances of lost access to resources is compiled in ten stages. The first involves making a list of the uses of the land, in the course of a community meeting. With the help of a simplified map or sketch showing the land occupation in the area of activities, a list is made of the activities that take place in each of these areas (1). Subsequently, in a focus group attended by women, men and adolescents, qualitative and quantitative information is obtained on the use of the resources identified in the course of the community meeting(2). This information is cross-checked with the zoning plan for the planned activities (3). The availability of the same resources in areas outside the area of activities is then established (4). An initial loss assessment is made (5). The assessment made is confirmed with the stakeholders (6). Acceptable compensation measures are determined jointly with the stakeholders (7). The estimated value of the losses (including their monetary value) that the implementation of the investment entails for the population is established (8). The approximate cost of the mitigation measures agreed by consensus is determined (9). These costs are included in the project cost calculation and not as a contribution to the income of the populations, as this compensation is for loss of revenue and does not constitute additional income (10).

On the basis of this initial analysis, the costs of one of the main mitigation/compensation measures can be determined for REDD+ initiatives for reducing deforestation and forest degradation through developments and activities on the land (improving agricultural techniques, livestock farming, agricultural processing, re-afforestation, etc.) These costs must be compared with the benefits in terms of the reduction of carbon losses that they will generate. Comparing these costs, added to the cost of implementing and managing the investment, with the amount of forest carbon saved and/or recovered will provide an estimate of the real overall profitability of the investment, which could become one of the criteria for selecting which investments to finance.

The pre-feasibility study must therefore set out the result of these 10 stages along with other factors if applicable, which will make it possible to establish whether the instances of loss of access have been properly identified. Stages 1, 2 and 6 must be filmed on video.

d) Investigation of cultural and religious sites and assets

In order to ascertain whether the framework for the management of cultural heritage must be applied, an inquiry must be conducted among local communities and indigenous peoples. This inquiry, conducted by means of a community meeting and a focus group, must take place at the same time as the process of listing instances of loss of access to resources in order to limit the number of interventions among indigenous peoples and local communities.

On the basis of this survey, the most important cultural sites or assets of indigenous peoples and local communities can be located on maps or sketches in the area of activities and the leakage area.

e) Benefit sharing/payment for environmental services

The study performed as part of preparation for REDD+ on benefit sharing mentions nothing about REDD+ investment procedures for sharing income with local communities who agree to ensure a certain level of control over their deforestation of forest degradation.

Several scenarios could arise:

(1) **The essential purpose of the investment is to reduce deforestation/forest degradation without generating any other benefit** (payment per ton of carbon, per hectare of protected forest, eco-tourism, etc.). As a result, there is nothing to share except program support for local and indigenous peoples (REDD type initiative)

(2) **Essentially the investment aims to reduce deforestation/forest degradation through payment for results or "payment for environmental services[19] (PES)"**. In this type of case, payment is essentially for results. We

[19] From the point of view of efficiency generally prioritized by economists, the following definition can be put forward: a payment for an environmental service is the act of remunerating an "agent" for a service rendered to other "agents" (wherever they are situated in time and space) through an intentional action taken for the purposes of preserving, restoring or increasing an agreed environmental service. Payments for environmental services

consider the result as being the chain of activities that make it possible to attain the result, not just the cost of producing this service, i.e. in order for the investment to be sustainable, its design, management, implementation and monitoring must include all costs in the payment for the service and share it on the basis of overall costs (activities giving rise to the service and/or loss of income or access to resources, production of the service, management, marketing and monitoring). As far as we are concerned, it is equally important to ensure that payment is not made merely for complying with a law or regulation to which all parties are subject anyway. In this type of investment, benefit sharing represents risk sharing rather than income sharing, as payment depends on the service rendered and is not guaranteed.

(3) **The investment essentially aims to reduce deforestation/forest degradation by generating profits through carbon trading** (REDD type project). In this type of investment, profits can be shared on several levels depending on the legislation which regulates (or will regulate) the sector and on the agreements between the stakeholders. What is essential to agree for this type of investment is that the costs related to mitigation/compensation measures for restricted access cannot be considered as a contribution to the benefit of local and indigenous populations, but as an item of operating expenditure with no connection to any service provided to the populations or an item to be subtracted from the income transferred to indigenous peoples and local communities.

The pre-feasibility study must demonstrate how incomes will be shared according to the type of project and the agreements reached and signed. The different investment costs must also be established including, if applicable, those linked to mitigation and compensation measures, the expected incomes and their planned distribution.

f) Filling in the classification grid

By filling in the grid, the project initiator provides the values required by experts to deduce the risks involved. The grid thus raises questions which oblige the sponsor to provide values and quantities in order to enable the Environmental and Social Monitoring and Evaluation Unit to objectively assess the risks that the investment may entail and to determine the need and the type of ESIA to be implemented, or to reject the project directly.

g) Required information

Apart from the grid with questions, the type of general information from the initiator that will help to complete the analysis objectively is in particular the information required in the application for accreditation, which will be accompanied by the pre-feasibility study. However, without prejudice to what has been established by NC-REDD, the essential items of information required for the classification analysis is identified here among others:

- Identification of the initiator and planned sources of finance
- A map showing and demarcating the area covered by the investment and the leakage area, if applicable
- A map showing the boundaries of the preliminary micro-zones
- The carbon loss targets expressed if possible in protected hectares, hectares of avoided deforestation or other values
- A description of the investment
- A budget estimate for the next ten years
- Reasons why this area is preferable to another area
- Risks that could undermine the performance of the investment

have two explicit characteristics: (i) they ensue from a voluntary agreement between parties, i.e. they are based on explicit or implicit contracts that define the expected service and the corresponding payments; (ii) payments are made on condition that the service provided is maintained by the recipient(s) (Karsenty, 2011). In practice, however, the intentions are frequently disregarded (see text box 2) and the conditions are seldom met, i.e. payments are rarely withheld even if the agreed service is no longer provided in practice (Pattanayak et al., 2010). In most cases, payments for environmental services involve remunerating people in rural areas in cash or in kind for using land in compliance with established zoning on a local scale, which typically includes zones for conservation, catchment, restoration or re-afforestation of degraded areas. Excerpt from *La problématique des « droits sur le carbone »* ["Carbon Rights" Issues] in REDD+, Karsenty & al revue vertigo http://vertigo.revues.org/12974

h) Environmental and social classification grid

This grid essentially requires the initiator to fill in estimated values in hectares, meters, liters, kilograms, etc. These answers or the lack of answers will enable an assessment by compilation, deduction or comparison of the type of study that will have to be implemented.

Zero values may be given. In some cases it is even possible that most of the values are zero, as for example for a project promoting the use of improved cooking stoves. However, a project for which "unknown" is given as an answer to numerous questions (more than 15%) will not be acceptable, as this shows that it has not been defined well enough to be registered. Moreover, the answers to these questions will be used to specify the Terms of Reference of the ESIA to be implemented.

A	**Surface areas involved**	**Value**
A1	Total surface area affected by the project	
A2	Number of hectares which will be placed under protection (protected/developed to limit deforestation)	
A3	Number of hectares of crops for which practices will have to be changed	
A4	Number of hectares of plantation	
A5	Total of surface areas involved in a development plan	
B	**Population**	**Value**
B1	Total population in the project area	
B2	Population density in the area affected by the project	
B3	Number of households affected by the project	
B4	Total number of employees who will live on location	
B5	Percentage of the populations originating from indigenous peoples	
B6	Number of employees who will originate from the project area	
B7	How many households will have to be displaced due to project activities	
B8	Approximate area of agricultural or fallow fields that will be abandoned for the purposes of the project	
C	**Development**	**Value**
C1	Number of meters of track to be created	
C2	Number of meters of track to be developed	
C3	Length of dams to be created	
C31	Dams 1	
C32	Dams 2	
C3X	Dam x	
C4	Height of dams to be created	
C41	Dams 1	
C42	Dams 2	
C4X	Dam x	
C5	Length of irrigation or water transport canals	
C6	Area immersed	
C6	Plant nursery area in square meters	
C7	Number of wells excavated	
C8	Number of springs developed	
C9	Number of standpipes provided	
C10	Number of buildings to be constructed	
C11	Total area of buildings to be constructed	
D	**Equipment/product**	**Value**
D1	Number of utility vehicles on the site (4 x 4, pickup trucks)	
D2	Number of tractors on the site	
D3	Number of bulldozers or other heavy equipment on the site	
D4	Power rating of electricity generators to be installed	
D5	Food processing equipment	
D6	Amount of pesticides used per crop season in liters/kilograms	
D7	Amount of fertilizer used per crop season in kilograms	
D8	Surface area of installed solar panels	
E	**Project activity**	**Value**
E1	Surface area dedicated to intensive farming	
E2	Surface area used for silviculture	

E3	Surface area of reservoirs for hydroelectric power generation or irrigation	
E4	Surface area dedicated to agro-forestry	
E5	Surface area of zones where arable and livestock farming and other activities will be restricted	
E6	Surface area of improved pasture land	
E7	Surface area dedicated to market gardening/vegetable growing	
E8	Surface area to be irrigated	
E9	Surface area on which all tree felling activities will be prohibited	
E10	Surface area on which hunting is prohibited	
E11	Introduction of non-native plant or animal species	

i) Interpretation of the classification grid

This grid is mainly to be used by inference: a minimum level of analysis, calculation and expertise is therefore required. These analyses must also be made in relation to the maps and positions of the project area boundaries according to the Technical Secretariat's GIS data

Firstly the consistency of the answers with the available GIS data must be checked, e.g.

- Planned reduction in deforestation in comparison with the existing deforestation rate in the areas concerned
- Length of tracks to be rehabilitated in comparison with existing tracks
- Compatibility of the areas defined in section E of the grid in relation to the current situation
- Checking the presence of mining permits, the state of progress of mineral prospecting if possible and the risk of the project conflicting with mining development

Secondly, attention should be paid to the following:

- consistency between national regulatory texts and the investment

e.g.

- If the project involves a displaced workforce (originating from a location away from the project location), the initiator must provide drinking water, accommodation and a power supply
- Authorization is required for groundwater or surface water abstraction

- With regard to any safeguard policy other than 4.01 that could be triggered, the results of the different inventories and inquiries may be implemented during the pre-feasibility study

- Question B5: if indigenous peoples are present, a special indigenous peoples support plan must be prepared
- Question B7: if dwellings must be displaced, it is highly unlikely that the investment will be accepted and even less likely that it will be financed
- Question D6: if a pesticide is used, the pest and pesticide management framework must be triggered
- Question C4: dam height: if dams above a certain size are built (usually in excess of 15 m in height), policy 4.37 on dams may apply.

Note that the Environmental and Social Monitoring and Evaluation Unit only carries out a preliminary environmental analysis of an investment if the latter is technically eligible to obtain registration

j) Results of the pre-feasibility study

The following documents among others are sent to the registrar by the initiator of the investment:

- Technical/financial pre-feasibility study of the investment
- Maps of the investment area and the leakage area if applicable
- Maps or sketches showing the zoning and layout of the investment
- Results of various inquiries and inventories with supporting maps and sketches
- Tentative agreements on the investment and income sharing if applicable
- Completed environmental and social classification grid

- Video footage taken during the various meetings, consultations, etc.

Within 30 days of receipt of the application the Technical and Financial Analysis of Investments Section at the REDD+ Secretariat provides its technical and financial analysis of the investment for which a registration application has been submitted to the registrar. If this assessment is positive or positive with reservations, the registrar asks the Environmental and Social Monitoring and Evaluation Unit to undertake a preliminary environmental assessment of the application. The latter has 15 days to provide the analysis and to submit its results to the registrar.

If a request for information is submitted to the initiator, the latter has 15 working days to submit its reply.

If one of the two analyses has reservations with regard to registration, the registrar refers the matter to the technical secretariat, which will have ten days to take a decision. After expiry of this term, the registrar must return the document to the initiator accompanied by a registration refusal, notifying the initiator of the reservations. The latter may resort to the claims procedure which remains to be established, or may complete amend its application after addressing the shortcomings found

If the application is unequivocally rejected, the registrar sends the reply to the initiator accompanied by the grounds for rejecting the application. The latter may only submit its application once for one and the same area of intervention

If the application is accepted without reservations, the registrar enters the investment in the REDD+ register, sends the results of the analysis of the application along with the documents and information required for accreditation to the initiator (including the Terms of Reference of the ESIA and other safeguard documents to be prepared if applicable) and notifies the initiator that its application is now in the public domain

Note that the preliminary technical and environmental analysis reports will be published if the investment is accepted for the following stage.

Investment feasibility stage

The results of the pre-feasibility analysis allow the Technical Secretariat team to assess the registered investment and probably to contribute relevant information to the initiator to assist the latter in implementing its feasibility study.

With regard to the environmental and social management of the investment, the Environmental and Social Monitoring and Evaluation Unit sends the ToR and the procedural guidelines, accompanied by its preliminary environmental assessment results, to the register for the drafting of specific safeguard documents.

It is also important for the procedural guidelines and formats for the technical/economic feasibility study to be prepared and sent to the investment initiators to provide them with guidance on the results to be submitted for assessment.

a) Technical-economic FEASIBILITY study

The technical/economic feasibility study must describe the different components of the investment in detail, the techniques to be used, the required inputs, the expected results and the costs related to the different components. Among other factors, a breakdown must be provided of the following: management expenditure, operating expenditure, equipment, capital assets, etc.

A logical framework must be prepared along with the framework of results according to the standards set out in the Ministry of Finance guidelines entitled "Operating Guidelines for Monitoring and Evaluation: Monitoring and Evaluation Procedures for Development Projects and Programs Implemented in the Democratic Republic Of The Congo"

This guide provides formats for drafting standard documents in the project preparation phase and allows investment performance information to be included in the Ministry of Finance's Computerized Monitoring and Evaluation System (SISE).

Also on the technical and financial level, the feasibility studies must clearly demonstrate that the agreements and income sharing established in the pre-feasibility phase have been properly taken into account in the feasibility analysis. It must also demonstrate that the required budgets are clearly set out and available as a matter of priority for implementing activities related to compensation/mitigation for loss of access to resources and that these forms of compensation are not linked to income or other objectives. Implementation of the environmental and social safeguard activities of REDD+ investments may not be linked to achieving income objectives, but must be included in the operational expenditure for obligatory activities.

The feasibility study must describe all project phases, i.e. *inter alia* the set-up, implementation and funding withdrawal phases and/or the end of the project and must set out the obligations, rights and incomes of the stakeholders for each of these phases.

These key components of the feasibility study (organizational structure, activities, implementation schedule, income sharing budget, consequences of non-compliance with the agreements, etc.) must also be presented to the indigenous and local communities during an approval meeting that must be recorded in full on video and submitted at the same time as the feasibility study report for analysis.

The organizational management structure of the investment must set out the platforms required to monitor the results of these activities and the reports on this monitoring must be published at least through the REDD+ registrar

b) SOCIAL and environmental impact study (ESIA)

Production of an ESIA will probably be required for the largest investments. If this is the case, the Environmental and Social Monitoring and Evaluation Unit submits the ToR of the ESIA to be performed and the minimum environmental and social standards to be observed, together with its preliminary environmental analysis

In this way the initiator will have all the tools required to prepare an ESIA in compliance with REDD+ requirements in the Democratic Republic of the Congo.

c) Production of an Indigenous Peoples Development Plan (IPDP)

Only where necessary, the initiators will be required to produce an indigenous peoples development plan (IPDP) during the feasibility phase, which will establish how the initiator intends to apply the IPPF guidelines in its investment

As a summary, the IPDP must provide the following information:

Result of the baseline social assessment concerning the affected indigenous people

- Number of people
- Education level and income
- Access to the existing service
- Source of income and displacements
- Natural resources used
- Social structure of the groups
- Relationships with majority groups
- Incidences of loss of access to resources which they will suffer (with supporting map)
- etc.

What they have agreed to and their expectations with regard to the investment
Planned mitigation and compensation measures
Specific support plan envisaged
Agreements established with the initiator

As with all meetings or other consultations, meetings with affected indigenous groups must be recorded on video. Prior agreement of the indigenous communities concerned is required.

d) Production of an Action Plan for Restricting Access to Resources

If applicable, the initiator must produce an action plan for restricting access to resources, covering the entire process of analyzing losses of resources for the local and indigenous communities in the area covered by investment activities, agreements on mitigation/compensation and the process of implementing the plan.

It should first be emphasized that drafting an Action Plan for Restricting Access to Resources is **basically a participatory process involving all affected stakeholders.** In a way it is akin to overall negotiations on possible restrictions and on finding alternatives to these restrictions. The place of the process framework in connection with the loss of access to resources should be recalled here.

The purpose of the Process Framework is to describe the process by which potentially affected communities will take part in planning access restrictions to legally designated parks or protected areas. In this case, the success of the process depends on ensuring the participation of the affected population in the design of the restrictions, setting admissibility criteria and mitigation measures and planning activities to improve their livelihoods, or at least to restore them to their previous levels. The Policy does not indicate at any stage that there will be a focus on "an individual and precise survey of damages" once a collective negotiation process has concluded.

The Action Plan for Restricting Access to Resources must contain the following components:

- Project description;
- Identification of possible impacts;
- Results of the socio-economic assessment;
- Legal and institutional framework;
- Eligibility;
- Assessment and compensation for losses;
- Recommended involuntary restriction measures;
- Environmental protection and management measures;
- Community participation;
- Grievance procedures;
- Organizational and administrative measures to implement the plan;
- Schedule, detailed budget and sources of finance for implementation;
- Monitoring and evaluation measure.

Everything in connection with activities linked to compensation for loss of resources must be set out in the logical framework and the framework of project results which will be required for its approval[20]. These frameworks must also contain specific monitoring indicators for the mitigation measures.

e) Pest and Pesticide Management Plan

If the investment includes an intention of agricultural intensification for establishing forest and/or fruit tree nurseries, it is highly likely that pesticides will be required. If this is the case, the initiator will have to prepare an action plan to demonstrate how the Pest and Pesticide Management Framework will be implemented. Among other information, this plan must contain the following information:

- How the pesticides will be acquired
- How the treatment equipment will be acquired
- How the protective equipment will be acquired
- How the pesticides will be formulated, repackaged and labeled
- How the pesticides will be stored
- Distribution methods
- How the products (sprays) and equipment (maintenance and storage) will be used
- Measures linked to pesticide handling
- Training in the use of pesticides

[20] See the REDD ESMF for details of the logical framework and the framework of results.

- Collection and destruction of empty packaging and expired pesticides
- Assessment of plant protection operations
- How out-of-date pesticides will be eliminated

Implementation of this plan must be supervised and monitored, as is the case for the other plans. The Pest and Pesticide Management Plan must set out how this supervision and monitoring will be implemented.

f) Management and Conservation Plan for Cultural Heritage

The CHMF sets out the rules to be applied in the event of discovery of an archaeological site or artifact. An identification and registration procedure will be used by indigenous peoples and local communities for cultural sites or assets, along with the procedure to be applied if these sites or their use are disrupted by activities planned under the investment.

It is extremely unlikely that a cultural or religious site or asset as defined in policy 4.11 will not be found in a rural and forest environment or where populations live. Firstly, a preliminary list of these sites will be compiled at the same time as the list of access restrictions to resources in the pre-feasibility phase.

During the feasibility phase, these sites must be identified in full on a form drafted in advance. Their location must be established by GPS and marked on a map.

The risk of disruption to access or to the use of each identified asset or site as a result of the investment will be assessed. Those for which a risk has been identified will be set aside for more precise assessment and consultation on their use. For this purpose, a meeting will be held with users to establish whether there is any practical alternative. If an alternative is found, it must be recorded in the identification form for the relevant cultural asset.

Where no alternative is found, the initiator must make a decision; either to remove the area where this site has been identified from the area of investment activity or to negotiate mitigation or compensation with the stakeholders, or to change the activities which restrict the use of the site/asset. Irrespective of the initiator's decision, the initiator and the results obtained will be entered together in the identification form for the asset/site.

All documents arising from this process and the ensuing results will constitute the Management and Conservation Plan for Cultural Heritage.

Set-up phase

During the set-up and implementation phase, the initiator must ensure that all regulations and zones established in the feasibility study have been properly understood and demarcated and that all people involved in the process are aware of the constraints, sources of support and benefits that affect them individually or collectively. The essential components of specific management plans should be explained here to the stakeholders and in due course a local development committee should be established in accordance with the standards in force to supervise and monitor fulfillment of the stakeholders' commitments.

The set-up phase is also for introducing a system for communication between the stakeholders, a system for monitoring fulfillment of the commitments of the parties under the project and for introducing the conflict management process.

Also at this time, the formats of monitoring reports must be produced and put forward if the registrar has not automatically imposed them with the accreditation.

A set-up report must be submitted to the REDD registrar on conclusion of this phase. This report must include at least the following:

- Minutes of public awareness raising and information meetings (with video for reference)
- Minutes of the establishment of the LDC (local development committee) if applicable
- The monitoring system introduced
- The conflict management process accompanied by the names and responsibilities of the people in charge

Implementation phase

During implementation, the different stakeholders work jointly to attain the objectives and to obtain the pre-determined quantitative and qualitative benefits linked to implementation of the activities.

The mitigation and compensation measures set out in the different safeguard documents must be implemented and the results of this implementation must be monitored. The monitoring reports must contain the relevant information.

The initiator's monitoring reports, any grievances and the monitoring implemented by the REDD+ management authorities will indicate the effectiveness of the agreements reached and the extent to which the stakeholders comply with them.

As the consequences of failure to comply have already been subject to prior negotiation (in the feasibility phase) or have already been planned on accreditation, they will be applied in accordance with objective criteria.

This phase should also be subject to regular audits which should show the extent to which the training and development objectives have been met, depending on the type of investment. At the end of the funding period, management capacities will enable local and indigenous communities to continue the REDD+ activities in the long term without support from the project and retaining the benefits, which will be greater than those resulting from the discontinuation of REDD+ activities.

The regular reports to be submitted to the registrar by the initiator will provide an update on the monitoring of the compensation/mitigation measures implemented.

Funding withdrawal phase

In due course, activities must be implemented for the purposes of ensuring that the activities developed do not immediately cease when funding is withdrawn. This is certainly preferable to a situation where all gains in terms of forest carbon and restricting deforestation or other gains disappear in different forms. To a great extent the funding withdrawal process must be established at the feasibility study phase accompanied by well-defined objectives, treating the withdrawal as a component of the project as a whole. Without this level of attention to the funding withdrawal phase, there will be a heightened risk of investments of limited scope taking place without sustainability considerations.

Pre-accreditation feasibility studies must show beyond all doubt that this phase has been taken into account, that the means will be deployed and that resources have been set aside to ensure the sustainability of the system established by the investment after funding is withdrawn.

As part of the funding withdrawal process, indigenous peoples and local communities must acquire their share of the responsibility and incomes as defined and in the same way as the other involved stakeholders.

ANNEX 6: SUMMARY OF THE PEST AND PESTICIDE MANAGEMENT FRAMEWORK - OP 4.09

Much deforestation is attributable to a rudimentary cultivation technique known as slash-and-burn agriculture which results in poor yields and requires continuous deforestation in the way it is practiced. Improvement, modernization and intensification of cultivation methods could make it possible to reduce deforestation. The use of pesticides could thus be useful and could limit pest infestations in increasingly intensive crops.

Law N° 11/022 of December 24, 2011 laying out basic agricultural principles is in fact the only national document to cover pesticide management conditions overall throughout the industry (import, storage, transport, use, eliminating containers, etc.). Central government is developing a pre-marketing approval system to this effect for chemical products, based on risk assessment and management and is introducing a major risk and agricultural disaster monitoring and prevention mechanism. For the time being, however, this law is not effectively implemented, particularly in relation to pesticide management, due to the fact that it has been poorly disseminated and popularized and no text has been adopted for applying it.

The current pest and pesticide management framework addresses the spirit of the provisions set out in Law No 11/022 of December 24, 2011, other national texts and the requirements set out in policy 4.09 on tests and pesticides. Its purpose is to provide guidance for the preparation of the pest and pesticide management plan for investments in which their use is intended.

All pesticide management guidelines are covered by six (6) basic rules.

* The international code of conduct for the distribution and use of pesticides must be applied;
* Pesticide purchases must be kept to a strict minimum, as eliminating out-of-date or obsolete products frequently poses more of a problem than purchasing them.
* The relevant training required for managing and using pesticides (handling, labeling, use, elimination, etc.) should be provided at all levels and a document should be given to all personnel involved, setting out the exact procedure to which the person can refer;
* Empty containers that have been used for storing pesticides must not be re-used;
* Unused pesticides should be returned to where they were purchased;
* Unused, obsolete or out-of-date pesticides must be eliminated properly by an accredited organization;

Enabling activities related to agriculture and pesticide management should be guided towards introducing these basic rules into texts and practices on a national level.

With regard to investments that involve the use of pesticides, the management framework establishes the information and documents to be produced for each of phase in the development of the investment.

* **Pre-feasibility**: a list of activities requiring the use of pesticides, the main pests to be combated, foreseeable amounts of products to be used over the first five years, etc.
* **Feasibility**: Preparation of the pest and pesticide management plan, assessing requirements for the first five years, etc.
* **Set-up:** Establishing buildings, equipment and a training program
* **Implementation:** Implementing training and using the pesticides in accordance with the rules set out in the Pest and Pesticide Management Plan, etc.
* **Funding withdrawal:** Returning the equipment to the users, eliminating out-of-date pesticides, etc.

A total of USD 150,000 will be required over five years to recruit specialists to analyze the Pest and Pesticide Management Plan and to train the members of the technical secretariat in pesticide management.

ANNEX 7: SUMMARY OF THE CULTURAL HERITAGE MANAGEMENT FRAMEWORK (OP 4.11)

Cultural Heritage is defined as movable or immovable objects, sites, structures, groups of structures and natural or landscape features that have an archaeological, paleontological, historical, architectural, religious or aesthetic significance. along with cemeteries and tombs, sacred trees and forests, holy water springs and sources, sites for rituals and offerings, areas where extinct peoples or tribes have lived and artifacts.

The purpose of this Cultural Heritage Management Framework is to ensure that initiators take the cultural heritage that could exist on REDD+ activity implementation sites into account for REDD+ investments for the following purposes among others:

1) Identifying, locating and describing this heritage;
2) Jointly with the beneficiaries if applicable, defining the resources and methods to protect his heritage;
3) Protecting discoveries of archaeological remains and declaring them to the competent authorities. .

In the case of REDD+ investments developed in a particular area, at each stage of project development the initiator is required to prepare a range of information to allow NC-REDD to assess the quality of implementation of the CHMF. REDD investments will be subject to a Free, Prior Informed Consent (FPIC) process with particular emphasis on local communities and indigenous peoples throughout all phases of development of a REDD+ activity.

Required parameters are missing or incorrect. The following three types of investments could call for the preparation of a cultural heritage management plan:

- Investments involving restricted access to land areas;
- Investments requiring excavations, earthmoving, building work or re-opening roads;
- Investments involving involuntary resettlement.

The ESMF establishes five project preparation and management phases. Activities specific to the CHMF may exist for each of these phases:

- **Pre-feasibility**: a list of cultural assets/heritage in the area affected by the project and an assessment of whether archaeological sites may be present. The report must contain two distinct sections: the first sets out the assessment methodology, the inquiries conducted, the people encountered, etc. The second sets out the register of listed assets and sites containing *inter alia*: the name of the asset, its type, its history, its initial and current use, the level of use of its value (spiritual, scientific, religious, cultural, social, etc.) and photographs.

- **Feasibility**: Preparation of the cultural asset management plan, which demonstrates the result of negotiations for each asset or each cultural site that could be affected by the direct or indirect investments, e.g. due to leakage areas or the abandonment of sites or assets.

- **Set-up:** Informing the populations involved on the process of implementing the Management and Conservation Plan for Cultural Heritage, implementation of the cultural asset management plan, implementation report.

- **Implementation:** Ensuring compliance with the management and conservation plan for cultural heritage and ensuring continued access to sites that must remain accessible if the implementation phase involves excavations. Experts should be present on location during this phase in cases where the site has been defined as potentially containing remains or artifacts.

- **Funding withdrawal:** No particular action is required during this phase of the investment unless specified by the management and conservation plan for cultural heritage.

A budget of USD 280,000 has been set aside for priority capacity building activities.

ANNEX 8: SUMMARY OF THE INDIGENOUS PEOPLES PLANNING FRAMEWORK (IPPF) - OP 4.10

This framework establishes a process that must be followed by all project initiators who wish to invest in the Democratic Republic of the Congo under REDD+. Indigenous peoples are frequently disregarded in the development process. REDD+ will provide them with opportunities to implement projects that are culturally and technically adapted to their way of life.

Indigenous Pygmy Organizations in the Democratic Republic of The Congo have formed a group around the platform entitled "Network of Indigenous and Local Peoples for the Sustainable Management of Forest Ecosystems" (French acronym REPALEF), which comprises the following two major networks in particular:

- Dynamic Network of Indigenous People's Groups (DGPA)
- National League of Indigenous Pygmy Associations of the Congo (LINAPYCO)

This platform is active in protecting the rights and interests of indigenous peoples in the Democratic Republic of the Congo. It will be closely involved in the process of applying and monitoring this Indigenous Peoples Planning Framework.

This IPPF takes all project phases into account from preparation to implementation in order to ensure *inter alia* that REDD+ projects are designed in a way that ensures that indigenous peoples receive valid economic and social benefits from a cultural, social and inter-generational point of view. The IPPF includes the FPIC principle of Free, Prior Informed Consent, including a comprehensive procedure following the different project phases. The FPIC procedure becomes increasingly comprehensive as the project becomes established.

Basics of the commitment to indigenous peoples.
The purpose of the World Bank safeguard policy 4.10 on indigenous peoples is to ensure a development process that fully respects the dignity, human rights, economic systems and cultures of indigenous peoples. Whenever the Bank is approached to finance of project that directly affects indigenous peoples, it requires the borrower to undertake a prior, free and significant consultation process based on providing information to the populations concerned. World Bank finance is only granted if the project obtains widespread support in the community from indigenous peoples at the time of the free consultation based on providing the information required to form an opinion.
The Bank recognizes that the identity and culture of indigenous peoples cannot be separated from the land on which they live and the natural resources on which they depend.
Apart from the World Bank provisions related to consultation with and the participation of indigenous peoples, the government of the Democratic Republic of the Congo has adopted the principle of Free, Prior Informed Consent (FPIC) for activities and projects under its national REDD+ program. In this way, the government of the Democratic Republic of the Congo, in partnership with the different stakeholders in the process, is committed in the development of the FPIC methodological guidelines to ensuring that this concept is effectively taken into account in the implementation of national-scale REDD+ activities. These guidelines must address the legitimate concerns about FPIC, particularly related to the content of the FPIC process, its scope, the rights and obligations of each party involved (communities, project initiators, government, etc.) and its revocation, in order for FPIC to be taken into account.

Sub-projects that REDD+ can register and then accredit and finance will take place throughout the country, in which an estimated indigenous Pygmy population of 700,000 people lives in ten out of the twelve provinces of the Democratic Republic of the Congo, i.e. almost 1% of the population of the DRC. The rest of the population is mainly of Bantu and Sudanese origin. These projects will mainly involve the sustainable development of agricultural techniques (improved agricultural inputs, agro-forestry, perennial crops, etc.) and sustainable forest use (community forests, small-scale and industrial forestry operations, re-afforestation and designation of protected areas) and the production and consumption of fuel wood (firewood, charcoal and improved cooking stoves). These projects can be rural development projects targeting small and medium scale farmers, such as private projects implemented over enormous areas (although essentially in savanna areas).

Risks that may be incurred by indigenous Pygmy populations as a result of REDD projects are related to their marginalization:

- Failure to take indigenous Pygmy peoples into account in the REDD governance process from the grassroots (in project areas) to the highest levels;
- Failure to take indigenous Pygmy peoples and their interests into account when formulating projects and their objectives;
- Loss of access to the forest or savanna land in which they have interests and rights and where they exercise their economic and cultural practices. In other words, loss of food security and income. We can quote the four forms of land acquisition or enjoyment of land rights which, for the Pygmies, may result in loss of access: acquisitions for the purposes of large perennial

crop plantations, major concessions on savanna land, community concessions and the designation of public or private protected areas. If the spatial planning process in a farming environment is limited to local populations without committing indigenous Pygmy peoples, it may also result in loss of access and hence of food security and income;
- Discriminatory management of indigenous Pygmy peoples in terms of recruitment and remuneration of plantation and re-afforestation personnel;
- Failure to take indigenous Pygmy peoples into account in community building processes;
- Failure to take indigenous Pygmy peoples into account in the process of disseminating technical and other knowledge (family planning, etc.) and of ensuring access to agricultural inputs, etc.
- In the worst possible case, population displacement without negotiated and approved compensation.

These losses and denials of justice will result in the physical and financial impoverishment of indigenous Pygmy peoples, but could also undermine the fabric of their communities and culture (access to sacred forests, etc.).

More than 45 measures have been established to mitigate these risks. The most important of these measures are, in particular:
- Integrating and consulting indigenous peoples as stakeholders with full rights as such in REDD+ project development cycles if the latter could have a positive or negative impact on indigenous populations or take place in areas of concern to indigenous Pygmy peoples in a way that yields benefits to them as a result;
- Implementing the FPIC process in such a way as to allow indigenous Pygmy peoples to assert their points of view freely and in full knowledge;
- In terms of governance, including representatives of indigenous peoples in most of the REDD+ design, planning and decision-making bodies;
- Supporting indigenous peoples to enable them to develop their own REDD+ projects;
- Ensuring that the needs of indigenous peoples in terms of land use are taken into account in the spatial planning process;
- Recognizing indigenous peoples as entitled to land rights and as traditional land owners;
- Conducting a census of indigenous populations;
- Ensuring registration of the civil status of all indigenous people;
- Organizing a national inquiry on the traditional knowledge of indigenous peoples in terms of phytopharmacy and other items of non-material heritage from forests and recognizing their intellectual ownership of this data bank;
- Developing afforestation and re-afforestation activities using native species and carried out by indigenous people and supporting the emergence of indigenous people's organizations to develop these activities;
- Raising the awareness of indigenous peoples to enable them to contribute their traditional expertise to the management of new forest areas where there are major issues in the national network of protected areas.
- Training indigenous peoples to enable them to raise the awareness of their communities themselves, so the communities can become actively involved in the participatory management of newly established zones in protected areas;
- Supporting the individual initiatives of indigenous peoples and those of their NGOs to enable them to benefit from special and sustained attention for the purposes of organizing agricultural industry players (e.g. in small livestock farming and raising wild animals) so that they can reduce pressure on wildlife and draw dividends in terms of food supply and income generation.

A monitoring process has been established to measure the effectiveness of implementing this IPPF. The cost of all the established measures is estimated at USD 3,500,000 A schedule has been established for implementing the main activities and the areas of responsibility have been outlined.

ANNEX 9: SUMMARY OF THE PROCESS FRAMEWORK (FF) - OP 4.12

With regard to the object of this Process Framework, experience and inquiries have shown that past or present investments have failed to compensate communities affected by restricted access to protected areas or forestry concessions.

The populations affected by these access restrictions were very poorly informed. Few of them were aware of the existence of the negotiations that led to these restrictions and, even if they found out about the negotiations, they were only involved in rare cases. The benefits are mainly received by land chieftains or clan chieftains and rarely by the communities or individuals genuinely affected by loss of access to resources.

Article 56 of the Constitution of the Democratic Republic of the Congo defines any act, agreement, consent, arrangement or any other fact that deprives the nation, physical persons or legal entities of all or part of their own livelihood drawn from their resources or their natural wealth, without prejudice to international provisions on economic crimes, as an offense of theft punishable by law.

The process framework becomes an instrument to limit the negative impacts of investments that could reduce the access of certain people to their related livelihoods.

Accordingly, the process framework recommends that the government should rule on a procedure to apply this article of the Constitution, which would harmonize the approach on a national level and would ensure that its own actions do not violate the Constitution.

For REDD+, the process framework contributes a methodology for implementation, information and negotiation with populations which could lose access to these resources as a result of the REDD+ activities.

For project-type investments, this methodology is in line with the main project preparation stages, specifying the form and content of the information and consultation process and how the resources that would become inaccessible to the affected communities should be assessed.

Cases of loss of access to resources are listed in the pre-feasibility phase in 10 stages, the main ones being as follows:

- Listing the forms of land use in the course of a community meeting and obtaining quantitative and qualitative information on this land use.
- The information is positioned on the participatory zoning map of the planned activities.
- The availability of the same resources in areas outside the area of activities must be checked.
- An initial assessment of losses is produced.
- The analysis implemented is approved with the stakeholders.
- Acceptable compensation measures are established with the stakeholders.
- The estimated (monetary) value of the losses suffered by the population as a result of implementation of the investment, along with the approximate cost of the mitigation measures agreed by consensus.
- These costs are included in the project cost calculation and not as a benefit for the populations from the project, as this compensation is for their loss of income and not an additional benefit.
- The FPIC process which will lead to the drafting of these agreements includes filming each of the community meetings and individual negotiations, if applicable, on video. Without these video images dated and localized by a video camera, the agreements themselves, signed by the parties, will not be admissible: these videos serve as proof, retracing the history of the negotiations, and they supplement the written and signed agreements on paper. Consent to be filmed will be required from the communities involved.

During the feasibility phase and on the basis of agreements negotiated in advance, the initiator must prepare an action plan for restricting access to resources, the minimum content of which is pre-defined. The points in this plan must be included in the logical framework of the investment and in the results grid.

Enabling and cross-cutting action which, in most cases, involves developing or reviewing policies, legal texts, plans, etc., should be subject to a strategic environmental assessment process which, in order to meet the requirements of the process framework, must:

- include a genuine process for involving stakeholders and a multi-level consultation;
- assess the risks ensuing from the texts or the enforcement procedures that depend on them in terms of restricted access to resources or to cultural or religious assets/heritage, etc., and prepare an explicit document proving that this analysis has been made. This document must be published to demonstrate that this kind of analysis has been performed;
- for each identified risk, an alternative or a mitigation measure must be established and should be included in the process of enforcing the relevant text (law or regulation);
- transparency must be ensured in all stages of drafting texts and procedures.

An independent audit of activities resulting from the implementation of previous process frameworks is also recommended in order to gain a better understanding of their level of application in the Democratic Republic of the Congo and to be able to amend the existing process framework in the light of problems encountered on other projects.

The budget of the current Process Framework includes support for the government to introduce a national policy for managing restrictions to access to natural resources resulting from all projects, whether public or private. This support includes an external audit of past activities in this connection. The estimated cost of this support is USD 210,000

The projects themselves must cover the cost of the assessments recommended by the current process framework for each project for which application for REDD accreditation and approval is submitted. Their monitoring and evaluation and the required institutional capacity building (REDD technical secretariat, civil society and communities that initiate projects) are, moreover, planned under the Environmental and Social Management Framework.

ANNEX 10: SUMMARY OF THE RESETTLEMENT POLICY FRAMEWORK (RPF) - OP 4.12

In REDD+ projects, most international environmental and social standards prohibit the displacement of people. This appears logical in view of the fact that the REDD+ philosophy is in particular to reduce deforestation in partnership with the populations that depend on forests and does not subject them to forcible displacement for the purposes of implementing projects to reduce deforestation. However, the physical displacement of people for certain private, public utility or community type projects is not excluded.

In this case, the existing involuntary resettlement policy framework (IRPF) is an official document to which the Government will refer in relation to REDD+ projects and, in accordance with national legislation and the requirements set out in the World Bank operational policy 4.12, is intended to provide compensation to all people or entities negatively affected by REDD+ investments (total or partial asset loss, total partial or loss of access to land, temporary or permanent involuntary resettlement, loss of income, loss of livelihood, etc.). It sets out the institutional arrangements for implementing these forms of compensation.

Three (3) operational tools have been established for implementing compensation under OP 4.12. The latter are linked to the number of affected people. The greater the number of people, the more complex the operation becomes.

It must therefore be quite clear that the purpose here is not to move people out of their land, but to develop investments that reduce deforestation and to ensure that population displacements are only considered if there is no other alternative and the economic and financial viability of the investment depends on this displacement.

In other words, REDD+ must not be allowed to become a means of depriving local populations of their land and turning it into areas for private production.

Although land acquisition is undesirable, if it proves necessary in exceptional cases a management tool is provided for assessing which people may be subjected to an involuntary resettlement process or are entitled to compensation in accordance with the activities to be implemented, for determining the related costs and for preparing and properly implementing the resettlement and compensation process.

REDD+ enabling activities should establish a national policy that takes into account free, prior informed consent and expropriation practices providing support for the most destitute and vulnerable people in recovering a better quality of life.

Once NC-REDD, which holds the register of approvals, receives information about an activity that could be REDD labeled and that could involve resettlement, the matter is referred to the sub-national REDD+ representation office (the Provincial REDD+ Committee). This representation office appoints a committee on location to examine whether the resettlement is appropriate, using the information provided by the project initiators (jobs, impacts, etc.). This triggers an obligatory Social and Environmental Impact Study. The assessment is sent to the National REDD Committee for approval. The Provincial REDD Committee takes a decision on whether the resettlement is appropriate in accordance with the analyses and suggestions set out in the ESIA. If the documentation is accepted, a Resettlement Action Plan (RAP) is implemented.

With regard to investments that involve the use of land, the current Resettlement Policy Framework establishes the information and documents to be produced for each of phase in the development of the investment. The Resettlement Policy Framework is subject to the same logic, requiring increasingly detailed information and commitments as the details of the investment emerge.

Pre-feasibility: A list of the affected assets is compiled in several stages as follows: mapping the land used, describing the affected assets, identifying entitled parties, valuing the affected assets, etc. A FPIC process will be required among local and indigenous communities for all investments that affect *inter alia* the rights of the communities, the expected results, the sharing of benefits, etc. The pre-feasibility study must show how income will be shared according to the type of project and the agreements reached and signed and it must identify the different investment costs including, if applicable, those related to mitigation and compensation measures, the expected incomes and the way they are planned to be shared.

Feasibility: The initiator must produce a resettlement action plan (RAP) covering the entire process of analyzing cases of loss of assets and resources for the local and indigenous communities in the area covered by the investment activities, agreements on mitigation/compensation and the process of implementing the plan. It should first be emphasized that the drafting of a Resettlement Action Plan (RAP) is **basically a participatory process involving all stakeholders, in particular the affected populations.** In this connection, the current involuntary resettlement framework describes the way resettlement action plans are implemented, setting up resettlement committees that include displaced people but also the relevant traditional and administrative authorities. These resettlement committees monitor the entire process from establishing compensation to implementing it and carrying out monitoring and evaluation. These committees are also responsible for the grievance management mechanism. In this connection, the committees set up registers of grievances and produce a report within six months of the resettlement, which is sent to the Provincial REDD Committee. As required under OP 4.12, recourse to these committees is available for all affected people and communities in such a way as to enable them to set out their grievances, for example in cases where agreements become unworkable due to other activities;

Depending on the scale of the operation, the national and provincial committees adopt provisions to supervise monitoring and evaluation and to ensure that the affected populations receive adequate compensation in an effective manner. The socio-economic studies and a social assessment must clearly demonstrate that the agreements and income sharing arrangements established in the pre-feasibility phase have been properly taken into account in the feasibility analysis and that the required budgets are clearly established and will be available as a matter of priority for implementing activities in relation to the resettlement action plans.

Set-up: The initiator must ensure that all regulations and areas established in the feasibility study have been properly understood and demarcated and that all people involved in the process are aware of the constraints, sources of support and benefits that affect them individually or collectively. Implementation of the resettlement action plan must begin during this phase and a report on the start of implementation must be produced and shared with the bank for assessment.

Implementation: During implementation, the different stakeholders work jointly to attain the objectives and to obtain the pre-determined quantity and quality of benefits linked to the implementation of the activities. Audits must be implemented to ensure compliance with the clauses set out in these agreements.

Funding withdrawal: Local communities/indigenous peoples must acquire their share of the responsibility and incomes as defined and in the same way as the other involved stakeholders. In the event of premature discontinuation of the investment, the rights holders have priority in recovering the land expropriated from them.

The first two phases (pre-feasibility and feasibility) must be recognized as a continuous process, to the extent that the planned activities interact directly and must be closely linked to ensure that the risks involved in resettlement and the concerns and claims of the affected communities are duly taken into account.

NGOs and project initiators must attend training at the National REDD Coordination Office in order to gain a proper understanding of the resettlement plan framework, the social assessment implementation methods and the related resettlement documents.

The current IRPF provides a budget of 15,000 dollars per operation to cover the activities involved in monitoring and evaluating the drafting and implementation of resettlement action plans and feasibility studies. A total of 50 operations are anticipated and a budget of 750,000 dollars has therefore been set aside under this Framework. Management of this budget will be delegated to NC-REDD (appointing consultants, approving reports, etc.).

The budget also covers the training of experts to acquire the required expertise specific to population resettlement.

The overall budget of the IRPF is USD 1,150,000

Project initiators are fully responsible for covering the expenditure for assessing and implementing resettlement action plans.