

Factsheet: REDD+ in Mai-Ndombe & Carbon Rights Worldwide

Reports by the Rights and Resources Initiative explore climate finance projects in the Mai-Ndombe province of DRC, considered a REDD+ “laboratory,” as well as carbon rights in 24 other countries preparing to enter the carbon market

- Forests remove roughly 30 percent of human-caused greenhouse gas emissions and have the potential to absorb even more—they are a crucial bulwark against climate change. Most of the world’s remaining tropical forests are customarily held or legally owned by Indigenous Peoples and local communities, who have protected and depended on forests for generations. Yet communities have legally recognized ownership rights to only 12.6 percent of the world’s forests.
- The Democratic Republic of the Congo (DRC) contains most of the world’s second largest rainforest, which stores more than 8 percent of the world’s tropical forest carbon. The DRC province of Mai-Ndombe is considered a “laboratory” for REDD+ emissions reduction efforts, as it has an exceptionally high concentration of advanced REDD+ projects and enormous amounts of forest carbon. Twenty projects and programs are active or planned in the region.
- The countries that fund the World Bank’s FCPF are preparing to make a decision on a payment agreement that would insert millions of dollars into REDD+ programs in DRC. DRC would become the first country to sign a payment agreement with the World Bank under REDD+.
- The report findings demonstrate that DRC is not yet ready for REDD+ investment. Projects already underway are not respecting the rights of local peoples or delivering on their goal of protecting forests. Evidence from other countries shows that REDD+ and similar payment schemes will work only if community rights are recognized and supported by governments.
- Projects underway—such as those funded by Wildlife Works Carbon, Novacel, the World Wildlife Fund, and the Forest Investment Program—are failing to address the underlying causes of deforestation or benefit local peoples. Citing weak recognition of community land rights; an environment of corruption and poor governance; and the failure to consult local communities, the authors argue that channeling additional funding into the province for REDD+ programs would exacerbate conflict and fail to protect the forests.
- The authors suggest that the current structure of programs and projects could result in benefits from REDD+ being channeled —legally and illegally—to private sector representatives and others with little incentive to champion forests or local peoples.
- Similar efforts to reduce forest-related emissions in exchange for financial benefits are planned in more than 50 developing countries. Establishing who owns the world’s forests and the carbon they contain is a vital prerequisite to ensuring that these initiatives succeed and do not deprive forest guardians of the lands they protect and depend on.
- Yet the concept of carbon rights remains legally undefined almost everywhere. A review of 24 countries containing more than 50 percent of global forest carbon found that 79 percent do not have a national legal framework establishing and regulating carbon rights. Where these rights remain undefined, REDD+ projects will fail to address poverty reduction or deforestation.

Mai-Ndombe: Key Messages

- DRC is home to most of the world's second largest tropical rainforest, which stores more than 8 percent of the world's tropical forest carbon. The DRC province of Mai-Ndombe has been a testing ground for international climate schemes designed to halt forest destruction while benefiting indigenous and other local peoples who depend on forests for their food and incomes, with US\$90 million already dispersed or committed for climate finance in the province, and 20 projects underway or planned covering 12.3 million hectares.
- REDD+ projects are intended to reduce poverty for forest communities while sustainably addressing deforestation and forest degradation. Yet these projects are being carried out in an environment of weak recognition of community land rights, corruption and poor governance, lack of oversight, a history of poor revenue sharing, and a failure to include communities in the management of projects.
- Countries that fund the World Bank's FCPF prepare to make a decision on a payment agreement that would insert millions of dollars into REDD+ programs in DRC. Funders of the World Bank's FCPF are planning to approve the payment agreement with DRC within the year—the final step before funds are dispersed and implementation begins. DRC would become the first country to sign a payment agreement with the World Bank under REDD+. Yet REDD+ projects currently underway in Mai-Ndombe are undermining the rights of communities, Indigenous Peoples, vulnerable populations, and rural women to their lands, and failing to address the underlying causes of deforestation. Channeling additional funding into the province for REDD+ programs would exacerbate conflict and fail to protect the forests.
- The authors urged funders of the World Bank FCPF program in Mai-Ndombe not to approve the payment agreement until community land rights are secure. The lack of recognition for the land rights of Indigenous Peoples, local communities, and rural women in Mai-Ndombe means that investment through these projects threatens to further exacerbate the pressure on land from investment, land speculation, and migration, leading to conflicts and further undermining the rights of communities to their customary lands.
- DRC legislation does not provide a clear structure for how the various rights to forest—both formal and customary—relate to forest carbon "ownership," nor how overlaps would be treated in terms of income from REDD+ projects. As such, communities would not benefit from the programs' benefits, which are tied to land and resources rights, in spite of their generations of stewardship over these forests. Rather, the projects will favor "green grabbing" by private actors over the rights of communities.
- In order to succeed, REDD+ projects will need to work with communities—who have preserved these forests for generations. Yet the governance structures for REDD+ investment in Mai-Ndombe are inadequate or not operational, and exclude the communities whose lands and resources are at stake. Decisions are frequently made by representatives based in Kinshasa who do not represent the interests of Indigenous Peoples or local communities in Mai-Ndombe. Projects must not move forward until governance is operational, effective, and includes communities.

- Rural, indigenous, and community women are systematically excluded from REDD+ governance in Mai-Ndombe. Women's rights to land are largely unrecognized in Mai-Ndombe and DRC, and the REDD+ projects have no framework for recognizing these rights as a basis for compensation or benefit sharing for rural women who manage and depend on these forests for their livelihoods. Instead, the only specific pillar of REDD+ projects addressing gender is for family planning. Indigenous and local community women are also underrepresented within REDD+ governance bodies in Mai-Ndombe.

Mai-Ndombe: Recommendations

- The World Bank's Forest Carbon Partnership Facility should not approve the payment agreement to the DRC unless the country corrects course to recognize community and indigenous land rights and include local peoples in the governance of REDD+.
- In order for these programs to succeed at addressing both poverty and deforestation, they must better integrate Indigenous Peoples and local communities in the decision-making processes; ensure that community tenure is recognized in REDD+ especially as the basis for benefit-sharing; ensure that local communities and Indigenous Peoples, especially through Local Community Forestry Concessions, are eligible proponents of REDD+ projects and programs in order to receive direct benefits; and better integrate communities, women, and Indigenous Peoples into decision-making and project governance.
- Securing the land rights of Indigenous Peoples, local communities, and women is a prerequisite to making communities the primary beneficiaries of benefit-sharing and for REDD+ projects to successfully reduce deforestation and poverty. Donors, project managers, and government should also ensure that a plan is in place providing for equitable and just benefit sharing with communities.
- Donors and project managers should finalize and operationalize the requisite key governance tools including operational safeguards, a recourse and feedback mechanism, and benefit-sharing plan. They should establish, train, and ensure effective operation of the national and provincial REDD+ coordination structure. These actors should also ensure integration of Indigenous Peoples, local communities, and women into decision-making and governance bodies at both the local and provincial level.

Carbon Rights

- While projects in Mai-Ndombe are among the furthest along and would be the first to receive funds from FCPF, over 50 developing countries have initiated reforms to reduce forest-related emissions in exchange for financial benefits. Yet in spite of more than a decade of engagement over payment for ecosystem services, the legal framework for carbon rights remains ambiguous almost everywhere, even as most of the countries analyzed are now involved in some form of carbon trade.

- Of 24 countries surveyed—covering more than 50 percent of the world’s tropical and subtropical forests—only a small handful have defined carbon rights and carbon markets. Without this legal framework, these programs are not set up for success.
 - **Only 4 out of 24 countries assessed have explicitly defined carbon rights** in their national laws;
 - **Only 5 of 24** have established national legal frameworks to regulate their trade in carbon;
 - **Only 3 of 24 have both legal definitions for carbon rights and legal and regulatory frameworks regulating carbon trade.**
- Poorly-defined land and carbon rights are a **major source of risk for the tenure rights of Indigenous Peoples and local communities**. Funding REDD+ programs in the absence of clearly-defined carbon rights will inevitably increase the risk of conflict over land rights, displacement of Indigenous Peoples, and land grabbing.
- Poorly-defined rights and markets are also a risk to REDD+ objectives of **reducing emissions in an equitable and sustainable manner**. Indigenous Peoples and local communities manage at least a fourth of the carbon found in the world’s tropical forests, and research has shown that they are the best stewards of these lands. Yet without a legal framework for carbon rights in place, private actors are likely to fill the void—divorcing REDD+ programs from generations of sustainable forest management by Indigenous Peoples and local communities. This increases the likelihood that actors from private industry and the conservation sector—who do not depend on sustainable forest management for their livelihoods, cultures, and communities—will be charged with protecting the world’s forests.