National-level corruption risks and mitigation strategies in the implementation of REDD+ in the Democratic Republic of the Congo:
An overview of the current situation

Samuel Assembe-Mvondo

Anti-Corruption Resource Centre
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Contents

Abbreviations

COMIFAC	Central African Forest Commission (*Commission des forêts d'Afrique centrale*)
DGRAD	General Directorate of Administrative, Judicial, and State Land Revenue (*Direction générale des recettes administratives, judiciaires, domaniales et de participation*)
DRC	Democratic Republic of Congo
ER-PIN	Emission Reduction Program Idea Note
FCPF	Forest Carbon Partnership Facility
FIP	Forest Investment Program
FLEGT	Forest Law Enforcement, Governance and Trade
IMF	International Monetary Fund
INGO	International non-governmental organization
MECNT	Ministry of Environment, Nature Conservation, and Tourism (*Ministère de l'environnement et conservation de la nature et tourisme*)
NGO	Non-governmental organization
R-PP	Readiness Preparation Proposal
REDD	Reducing Emissions from Deforestation and Forest Degradation
REDD+	REDD plus the role of conservation, sustainable management of forests, and enhancement of forest carbon stocks
REM	Resource Extraction Monitoring
VPA	Voluntary partnership agreement

Abstract

The Democratic Republic of the Congo (DRC) is one of the first REDD+ target countries due its huge forest ecosystem potential. Since 2011, the country has been creating key pieces of legislation as well as implementing REDD+ readiness activities and making pilot investments to mitigate some of the key drivers of deforestation and forest degradation identified in the country. Despite this progress, the country's poor governance climate creates a significant challenge in future progress towards implementing REDD+. Endemic poverty, weak state authority, and widespread corruption characterize the DRC's current political environment. It is within this socioeconomic and political backdrop that the REDD+ mechanism is expected to be implemented in the DRC.

The main objective of this study is to assess national-level corruption risks and possible anti-corruption strategies in REDD+ implementation in the DRC, using a combination of desk and field-based research. The findings from this research suggest that four types of corruption have arisen in relation to national-level REDD+ implementation: (1) kickback payments; (2) the politicization of government forestry positions; (3) financial mismanagement by international development cooperation agencies and non-governmental organizations; and (4) non-transparent hiring practices of international consultants. The key recommendation of this paper, based on these findings, is the establishment of an independent agency in the DRC to monitor REDD+ finances and projects. Such an agency could play a strong role in enhancing and enforcing the DRC's legal and institutional framework, enhancing transparency through the publication of license and REDD+ information, providing ethics education, and helping to ensure merit-based employment in REDD+ institutions.

About the author

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1. Introduction

1.1   Context of the study

The main idea at the centre of the Reducing Emissions from Deforestation and Forest Degradation (REDD+)[1] mechanism is to provide financial and material rewards to the key stakeholders involved in forestry processes in order to reduce greenhouse gas emissions through enhanced forest management (Angelsen 2009a, 2009b). REDD+ is expected to provide many opportunities for poverty reduction through the significant inflow of financial resources into tropical forest countries. However, corruption threatens the equitable flow of large financial resources to developing countries in order to implement REDD+. Corruption in REDD+ could amplify current corrupt practices and lead to new ones. Some specific REDD+ corruption risks include bribery of public officials, extraction of rents from REDD+ revenues, and intentional increases in emissions (Bofin et al. 2011).

Although corruption varies from place to place in terms of scale and form, it is generally agreed that corruption has negative impacts on the socioeconomic and political activities of states (Svensson 2005; Ndikumana 2007). Efforts should therefore be made to protect the REDD+ process as much as possible from corruption, which is unfortunately endemic in natural resource management (Tacconi, Downs, and Larmour 2009; Yates 2012). A large amount of work has been done to try to mitigate corruption in REDD+, but risks remain.

The Democratic Republic of the Congo (DRC) is one of the first REDD+ target countries, due its huge forest ecosystem potential (FAO 2011; Ernst et al. 2012). Since 2011, the country has been adopting key pieces of legislation, implementing REDD+ readiness activities, and making pilot investments to try to mitigate some of the key drivers of deforestation and forest degradation identified in the country. The DRC's Readiness Preparation Proposal (R-PP) was validated in March 2010, its investment plan approved in June 2011, and its National Strategy Framework and National REDD+ Trust Fund adopted in 2012. Presently, the country has embarked on the implementation of its investment plan through the Mai Ndombe Province Project in the Congo Basin, the country's first REDD+ project.[2] The REDD+ process in the DRC is spearheaded by the Ministry of Environment, Nature Conservation, and Tourism (MECNT), in conjunction with civil society and other stakeholders. The DRC enjoys technical and financial support from multilateral donors in the implementation of REDD+, in particular, the Forest Carbon Partnership Facility (FCPF) of the World Bank, the UN-REDD Programme, and the Congo Basin Forest Fund of the African Development Bank. As well, it receives bilateral support from countries like Norway and the United States of America.

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[1] REDD+ goes beyond these REDD goals to also include roles of conservation, sustainable management of forests, and enhancement of forest carbon stocks.

[2] The Mai Ndombe project protects nearly 300,000 hectares of forest from logging. The government of the DRC considers the Mai Ndombe Emission Reduction Program as a first step in implementing the REDD+ National Strategy Framework at the jurisdictional level (see Forest Carbon Group 2015).

Table 1. Summary of forecast calendar for the REDD+ programme in the DRC (taken from Mpoyi et al. 2013)

Main phases	REDD+ activities	Years
Phase 0	Initialisation – identify stakeholders, inform and educate stakeholders, and carry out technical studies to finalise the R-PP	2009–2010
Phase 1	Readiness – launch implementation of the R-PP and prepare the REDD+ National Strategy Framework	2011–2012
Phase 2	Investment – plan preparatory activities for the World Bank's Forest Investment Program (FIP)	2012–2015
Phase 3	Implementation	2015-?

This paper starts by briefly discussing the study's objectives and methodology, as well as providing an overview of the national context, including the historical development of the country's system of governance. It then presents the forest governance system in the DRC, together with an overview of the agents, institutions, and status of REDD+ in the DRC. The paper then discusses emerging national-level corrupt practices associated with REDD+ before concluding with key recommendations for mitigating corruption risks.

1.2   Study objectives and methodology

This study assesses the nature and extent of corruption in the design and implementation of REDD+ at the national level in the DRC and suggests strategies to mitigate corruption risks. Desk study and field research methods were used to collect the data on which this study is based. The desk study portion entailed reviewing the relevant literature on forest governance and corruption, reviewing the DRC legislation pertaining to REDD+ (including forest, mining, and land legislation and the criminal code), and reviewing news articles. Fieldwork was undertaken to conduct interviews in Kinshasa with the following key stakeholders:

- 4 interviewees from the forestry administration;
- 3 interviewees from the land tenure administration;
- 2 interviewees from the mining administration;
- 2 interviewees from the REDD+ Task Force;
- 6 interviewees from national NGOs;
- 4 interviewees from international cooperation agencies;
- 2 interviewees from INGOs.

Data collection was undertaken according to a research protocol established by the U4 Anti-Corruption Resource Centre. Goals guiding the research and analysis included (i) understanding the national context of forest governance and deforestation; (ii) understanding the national context for REDD+; (iii) analysing actual examples of corruption and determining what corruption risks threaten

REDD+ implementation and what existing anti-corruption measures are available; and (iv) developing clear recommendations to domestic actors and international donors regarding how to address future REDD+ corruption issues.

Carrying out this research was fraught with many hurdles, including the unavailability of some key stakeholders for interviews in July and August 2014. Moreover, the topic of the study is very sensitive, and many experts declined to be interviewed for this reason. Finally, evidence of corruption is not easy to establish because of its complex, hidden, and illegal nature.

2. National context

2.1 A brief overview of Congolese history

From the outset, it should be underscored that the historical and institutional context of the DRC distinguishes the country from other countries that have embarked on the REDD+ process, due to the extremely poor governance that has plagued the country since its independence in June 1960. Following the *coup d'état* that took place on 24 November 1965, an authoritarian military regime headed by Mobutu Sese Seko controlled the country's political power for over 30 years (Brackman 1992). Mobutu's regime was characterised by neo-patrimonial management, with the country's riches controlled by, and belonging largely to, the president, his family, and a bourgeois minority protected by the regime. As a result, billions of dollars were siphoned off by Mobutu and his allies for their personal use. Politically, "Mobutuism" provided the *raison d'être* for the establishment of a one party state with a constitution that banned multiparty politics. The president took direct command of the state's military and security machinery, which was made up of special brigades that controlled the country and all citizens.

Mobutu's dictatorial regime and the drying up of financial resources to distribute through patrimonial networks after the fall of the Berlin Wall triggered a full-scale civil war in the mid-1990s, along with the eruption of many smaller armed conflicts throughout the country (particularly in the eastern region) (Kuyu Mwissa 1996; Nzongola-Ntalaja 2004). Mobutu was ousted from power in 1997, and rebel leader Laurent-Desire Kabila assumed power. However, other states in the region soon challenged Kabila's rule, and war re-erupted in 1998. 2003 peace talks led to a transitional governmental led by Kabila's son, Joseph. In 2005, the country adopted a new constitution, and in 2006 the country held elections following discussions between the country's political forces, united under the banner of the Inter-Congolese Dialogue. Joseph Kabila won the first election and was re-elected in November 2011 after completing his first term, though a fragmented political opposition contested the election's results (Githaiga 2012).

Presently, the country is characterised as having a mixed political climate. While key macroeconomic indicators have improved, deep socioeconomic, political, and military tensions remain (IMF 2014; Trefon 2009; Mo Ibrahim Foundation 2014).[3] Key problems include endemic poverty, the contestation of the present political regime's legitimacy by many citizens, the absence of state authority throughout the Congolese territory, systematic poor governance over public and natural resources, and widespread corruption (Kodi 2008). It is within this difficult socioeconomic and political backdrop that the REDD+ mechanism is expected to be implemented.

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[3] According to the IMF (2014, 69), the DRC's growth rate was 8.5% in 2013 and estimated at 8.7% in 2014.

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2.2 "Everything is sold and bought in Zaire"

The DRC is widely considered to be among the most corrupt countries in the world. The country ranks low on several governance-related indices, coming in nearly last on the 2014 version of the Mo Ibrahim Index of African Governance (listed 47 out of 52 countries) and ranked 154 out of 177 (with a very low score of 22 out of 100) on Transparency International's 2014 Corruption Perceptions Index.[4] This current state of pervasive and systemic corruption is the result of years of poor governance, which grew out of the opulence and ostentatious excesses of the Zairian political elite of the Mobutu regime and left the general population having to fend for themselves (Brackman 1992; Willame 1991; Kodi 2008). This was emphasised in Mobutu's famous expression that "everything is for sale, everything can be bought in our country" (Jewsiewicki 1991).

Deep-rooted corruption led to the gradual erosion of the state's authority over the years until the state completely collapsed in the 1990s. Corruption was further ingrained in Congolese political circles during the civil war led by Laurent Kabila as well as during the post-conflict transition period, such that the office of the presidency of the republic was perceived as the country's most corrupt institution (Kodi 2008; DeGregory 2013). Despite the promises made by President Joseph Kabila during his investiture speech after the 2006 presidential election, corruption has remained institutionalised and has become a social cancer that affects all political and socioeconomic activities, Corruption threatens the foundation of the emerging Congolese state and the advent of democratic governance.

The natural resources sectors are among those most affected by corruption in the DRC, with mining and forestry ranking among the most corrupt sectors in the country (along with taxation, customs administration, and public enterprises) (Chêne 2010). Contract awards for mining and oil assets, land allocations, and resource-based revenue flows are not transparent, and fraudulent practices and embezzlement lead to the diversion of funds. Furthermore, even though the mining, agriculture, infrastructure, and energy sectors provide huge economic opportunities for the country, they often compete with the promotion of biodiversity conservation and sustainable forest management. This results in increasing deforestation and forest degradation rates.

2.3 The anti-corruption legal framework, institutions, and related weaknesses Zaire

Even though the DRC's endemic corruption suggests a total absence of any means to check the scourge, the country does have an anti-corruption institutional and legal framework. Table 2 below shows the domestic laws and government entities that are designed to address corruption in the country, as well as the international treaties that the DRC has signed. Although the existence of these institutions is laudable, they are largely ineffective because of a lack of capacity and a weak political will. Accordingly, the government is unable to sufficiently address corruption in the country (Chêne 2010, 2014).

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[4] See http://www.moibrahimfoundation.org/iiag and http://www.transparency.org/country#COD. The Transparency International scale ranks countries from 0 (highly corrupt) to 100 (very clean).

Table 2. Anti-Corruption Legal Framework in the DRC

Key domestic laws	Key government entities[5]	International Treaties
2005 Anti-corruption law[6] • *Covers the conduct of public employees* • *Reaffirms the role of the judiciary in the prevention, detection, and punishment of acts of corruption and similar offenses* • *Protects denunciators of corrupt acts against reprisals, intimidation, and prosecution*	**Office of the Auditor General Office (La Cour des Comptes)** • *Has responsibility for conducting independent audits of the accounts of public enterprises* • *Controls the payment of loans approved by the state* • *Audits contract award procedures and public contracts* • *Audit revenues and expenditures included in the state budget*	**African Union Convention on Preventing and Combating Corruption** *(signed December 2003, but not yet ratified)*
2006 Constitution and Code of Ethics of Public Officials • *Requires government officials to submit asset declarations*	**Office of the Auditor General Office (La Cour des Comptes)** • *Has responsibility for audits all public bodies, including the Ministry of Finance (within which it is placed as a specialised service)* • *Controls execution of the state budget and the budgets of decentralised administrative entities* • *Ensures the proper organisation of internal audit services* • *Audits the financial transactions of public enterprises and bodies* • *Controls the tax, customs, and financial position of natural and legal persons at the request of the president of the republic and the minister of finance*	**United Nations Convention against Corruption** *(signed September 2010)*

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[5] In 2003, the country's transitional constitution created the Ethics and Anti-Corruption Commission (*la Commission de l'Ethique et de la Lutte Contre la Corruption*), but the commission's work was hindered by a lack of capacity, resources, and expertise. As a result, this commission was not included in the 2006 constitution. However, there are indications that a new, independent anti-corruption commission may soon be established.

[6] Legally, corruption is a common law offense.

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Draft of national anti-corruption strategy	Observatory of the Code of Professional Ethics	Southern African Development Community Protocol against Corruption *(signed in 2007)*
• *Is based on resolutions adopted during the National Anti-Corruption Forum held in Kinshasa in December 2009*	• *Received the charge to promote ethics and the fight against corruption, including the 2002 Code of Conduct for Public Agents*	
	Parliament	**Memorandum of Understanding on Co-operation in the Area of Anti-Corruption between the DRC, South Africa, and the United Nations Office on Drugs and Crime** *(signed in February 2008)*
	• *Can request research or investigations into government actions and the conduct of public enterprises*	

3. National context of forest governance and deforestation

The DRC is rich in forest resources. This potential is estimated at 155.5 million hectares, or 67% of the country's total area (Eba'a Atyi and Bayol 2009, 115). The largest tropical forest area in Africa is found in the DRC (Chêne 2010, 2014). Yet, in spite of these great natural riches and the fact that a legal framework is in place to manage the country's enormous biodiversity, the forestry sector is in reality poorly governed (Trefon 2010).

3.1 Legal and institutional framework for forest resource management

The main national-level legal framework for forest management in the DRC is Law No. 11/2002 of 29 August 2002, also known as the Forest code. This code replaced the colonial-era Decree of 11 April 1949. The preamble of the 2002 Forest code states it is consistent with "modern principles of resource management and international conventions on the environment". The law was adopted to create a legal framework that would enable the forest to equitably fulfil its ecological and social functions and the forest administration to significantly contribute to national development and the local population to actively participate in the management of forests in order to derive a legitimate profit" (Article 2, unofficial translation).[7]

Debroux et al. (2007) write that the new forest law is innovative with respect to the previous legal framework as it introduces several new elements into forest governance, including (i) the principle of distributing forest resources according to priority purposes; (ii) public competitive bidding for the

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[7] Text of the Forest code was accessed on 1 March 2015 at http://www.droit-afrique.com/images/textes/RDC/RDC%20-%20Code%20forestier.pdf. This law was largely copied from the Cameroonian forest law, the result of the World Bank's involvement in reforming the legal framework for the forest sector (see http://www.greenpeace.org/usa/Global/usa/binaries/2007/10/lessons-learned-from-cameroon.pdf).

allocation of forest concessions; (iii) recognition of the customary ownership of forests and preservation of user rights; and (iv) the participation of all stakeholders in forest management.

Forests are classified into three categories: (i) forests reserved for a specific purpose such as natural reserves, wildlife, or protected areas; (ii) protected forests; and (iii) permanent production forests, some of which are under concession. According to the Forest code, forests belong to the state. However, the law provides for specific procedures for gaining access to and using the DRC's forest resources. In order to engage in industrial logging, a forest concession must be obtained through public competitive bidding.

The MECNT spearheads the institutional framework governing the forestry sector. Several departments in this ministry directly handle forestry issues, namely, the Directorate of Inventories and Forest Management, the National Reforestation Service, the Central Forest Control Brigade, the Directorate of Forest Management, and the General Directorate of Administrative, Judicial and State Land Revenue (DGRAD).[8] MECNT also has decentralised bodies in provinces and districts. In practice, however, the coordination of administrative action between these different entities is poor, and a lack of a strong political will and poor financial and human resource capacity have led to the weak performance of the DRC forest administration.

In terms of regional forest governance mechanisms, the DRC is a Central African Forest Commission (COMIFAC) member state. Accordingly, it is subject to the sub-regional forest legal regime, which hinges on the following instruments: the Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa, which came into force in 2007; the Subregional Agreement on Forest Control in Central Africa, concluded in 2008[9]; the Subregional Guidelines on the Sustainable Management of Non-Timber Forest Products, adopted in 2008; and the Subregional Guidelines on the Participation of Local Communities and Indigenous Peoples and NGOs in Sustainable Forest Management in Central Africa, adopted in 2010 (see Assembe-Mvondo 2009, 2013).

3.2 Trends in forest governance

Despite the existence of a new forestry law and an appropriate institutional framework, several reports underscore the mismatch between the institutional and practical realities of forest governance in the DRC (Counsell 2006; Global Witness 2007; Debroux et al. 2007; REM 2013). In 2007, Global Witness reported widespread ignorance of the new Forest code, the absence of an operational forest verification and control system, irregular granting of logging permits, non-compliance with social commitments made to local communities and indigenous populations by economic operators, and inadequate qualified human resources in the MECNT. Counsell (2006) and Greenpeace (Greenpeace International 2007; Greenpeace Africa 2013) have documented similar assessments of poor forest governance in the DRC.

Though commendable efforts have been made to build capacity in forest mapping and geospatial monitoring, thanks particularly to collaboration between the MECNT and the World Resource Institute (see Mertens and Belanger 2010), some observers have noted generalised practices that run

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[8] Created in 1995, DGRAD is an autonomous public revenue collection body with a presence in each government department that generates fees. However, DGRAD is not itself a service of these departments, but is administratively placed within the Ministry of Finance. See http://dgradrdc.net/.

[9] In the framework of this particular sub-regional instrument, each of the COMIFAC member countries has a binding commitment to fight illegal forest activities and promote good forest practices in their respective territory.

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contrary to the law and challenge forest sustainability (Hoare et al. 2008). For instance, Greenpeace International (2010) has highlighted many social conflicts ensuing from logging because of the collusion of the forest administration and economic operators.

To combat illegal logging, the DRC entered into voluntary partnership agreement (VPA) negotiations with the European Union in 2010 under the EU's Forest Law Enforcement, Governance and Trade Program (FLEGT). The combined expected benefits of the FLEGT-VPA and REDD+ processes have helped to ensure that forest sector reform remains at the top of the political agenda (Maniatis et al. 2014). Both programmes work towards the common objective of improving forest governance and sustainable management. To fulfil this goal, Congolese authorities signed a contract with Resource Extraction Monitoring (REM), a British NGO, to independently observe forest control activities in order to promote good governance of the forestry sector.[10] At the end of its first term (2011–2013), REM's team concluded,

> Overall, the observation of the implementation of reforms shows that it is fraught with difficulties and that illegality is still widespread . . . . During its tenure, the independent observer team observed a forest sector that still operates largely on the margins of the law in force . . . . The observations and analysis made by the independent observer team reveal a major lack of ownership of the forest law by operators as well as by the forest administration. (REM 2013, 3, unofficial translation)

REM further noted numerous deficiencies in the implementation of the forest legislation, which are attributable to the forest administration (ibid.). For example, loggers take advantage of the absence of the administration and the laxity of control officers. Accordingly, compliance with wood marking rules, logging volume limits, and logging permit requirements is low.

Another weakness in the DRC's forest governance is the current decline in the country's sustainable forest management areas. In contrast to the DRC, the other Congo Basin forest countries that are members of COMIFAC (Cameroon, the Republic of the Congo, Gabon, and the Central African Republic) are actually *increasing* their sustainable forest management areas (Blaser et al. 2011; Bayol et al. 2012, 2014). This is not yet the case in the DRC, where there is no currently active forest concession with a management plan approved by the forest administration (Bayol et al. 2014). According to Bayol et al. (2012), this situation is due partly to armed conflicts but also to the politicisation of the conversion of old logging permits into concession agreements. In addition, artisanal wood production – estimated at 3.4 million cubic metres per annum, or 13 times that of the industrial sector – remains on the fringes of legality and sustainability (Lescuyer et al. 2014, 24).[11]

Despite this gloomy picture of forest governance in the DRC, there are encouraging signs since the installation of the government in April 2012, such as the publication of the first concession contracts and the annulment of some small-scale logging permits issued to enterprises (REM 2013). If such actions are complemented by genuine political will to combat corruption and other illegal behaviours in the forestry sector, this could promote the country's fulfilment of the FLEGT-VPA negotiation requirements.

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[10] Specifically, REM is mandated to report information gathered about the private sector during field inspections, make recommendations to increase the efficiency of the state logging control system, and promote transparency and information about behaviours at the administrative and on-the-ground levels. See http://www.observation-rdc.info/.

[11] These authors have estimated the informal logging production at 3.4 million cubic metres per year.

3.3   Trends in illegal and corrupt forest activities

Despite efforts made to improve the state of forest governance, illegal forest activities are among the biggest challenges in the Congolese forestry sector. According to Lawson (2014), nearly 90% of all logging in the DRC is illegal or informal, consisting of small-scale logging to supply domestic and regional markets. His analysis, which is restricted to log and sawn wood supply and demand, suggests that in 2011 the actual harvest (2.4 million cubic metres) was more than eight times the official legal harvest (300,000 cubic metres).

REM's 2013 study provides another picture of illegal forest activities, showing that 94% of forest land licensed between 2010 and 2012 (approximately 77,800 cubic metres) was issued illegally to a company rather than to an individual. Based on field investigations at artisanal logging sites, REM further concluded that authorised volumes were not respected, logs were not properly marked, and taxes were not paid. REM has highlighted a number of inconsistencies at the level of the regulatory framework that favour such illegal forest activities (REM 2013; see also box 1 below).

Similarly, Global Witness (2012) has reported up to 10 breaches of regulations relating to the issuance of forest permits, and the organisation's field investigations uncovered evidence suggesting that permitted volumes were being substantially exceeded. According to Greenpeace Africa (2013), logging activities in the DRC are in a state of organised chaos, with a complete lack of transparency and governance in forest harvesting. Industrial loggers engage in illegal logging, without punishment.

Box 1. Gaps and inconsistencies in the regulatory framework governing forest management in the DRC, as identified by REM (2013)

• Absence of regulation defining and organising forest zoning

• Regulatory inconsistencies in industrial logging for maximum size allocation

• Absence of regulation concerning the deforestation tax rate

• Absence of regulation to facilitate local community participation in forest management

• Absence of regulation for timber export operations procedures

• Absence of regulation for applying logging tax to industrial timber concessions

• Inconsistency in the reforestation tax rate

• Absence of regulation for licensing artisanal loggers to operate

• Inconsistency in MECNT presence at export sites

• Absence of regulation for damages and interest calculation

• Absence of regulation for national forest planning

The most illustrative and exemplary case of the non-transparent management of forests in the DRC is the conversion of expired logging permits after nearly 10 years (2002–2011) of foot-dragging by government authorities (REM 2012a). On 14 May 2002, the forestry administration decided to suspend the issuance of logging permits until certain obligations related to the restructuring of the forestry sector were fulfilled. This suspension was extended by a decree in 2005 that added conditions for lifting the moratorium. Nevertheless, new permits were granted between 2002 and 2005 (in violation of the regulations), and 51 of the permit-holders were selected *during* the conversion process, raising an issue regarding the legality of permits issued after the 2002 moratorium. In other words, the moratorium did not prevent the issuing of new logging permits. According to Greenpeace

International (2007), many permits issued after the moratorium benefited members of the political elite.

Another fraudulent scheme in the small-scale logging sector was recently uncovered (REM 2012b; Lescuyer et al. 2014). In recent years, many logging companies have illegally used small-scale logging permits reserved for persons of Congolese nationality.[12] This usurpation of small-scale permits by industrial operators occurs mainly in the regions of Bandundu and Equateur. The products of these companies are exported through Kinshasa without the forest administration taking any action. As a result of these practices, between EUR 5 and 56 million of wood was illegally harvested by industrial operators from 2010 to 2012 (REM 2012b, 10).

3.4 Trends in deforestation

The DRC currently has a relatively low current deforestation rate, with estimated ranges between 0.11% to 0.25% for the years 1990 to 2000; this is much lower than the global average for tropical countries (Ernst et al. 2012 (33); MECNT 2012). However, the deforestation rate is expected to rise over the next two decades, due to expansion of agroindustry, illegal and informal logging, poaching, slash and burn cultivation, the collection of firewood and wood for charcoal, and the continuing armed conflict in some parts of the country (MECNT 2012; Musampa Kamungandu et al. 2012; Megevand et al. 2013; Tollens 2010; Burnley 2012).[13] [14]

In a context characterised by systemic poor governance, an upsurge in practices such as industrial logging, small-scale logging, charcoal exploitation, and illegal forest resource exploitation aggravate forest degradation and deforestation (MECNT 2012; REM 2013; Lescuyer et al. 2014.). Thus, it is logical to assume that the DRC will lose more of its forest cover if current trends persists.

4. National context of REDD+: Agents, institutions, and status

4.1 REDD+ agents and institutions

Since its inception in the DRC in January 2009, REDD+ has been designed as a multi-stakeholder process, involving the following broad categories of stakeholders: (i) the Congolese government, through various ministries; (ii) civil society, structured around NGOs and REDD+ Task Force member associations; (iii) the private sector, organised under the Federation of Timber Industries and the Federation of Congolese Enterprises; and (iv) development partners, including donors, international organisations, and technical partners (Mpoyi et al. 2013.). Aquino and Guay (2013) characterise the DRC REDD+ governance structures as "hybrid," in that the national system will ultimately allow international donor funding to flow directly to national programmes and projects at

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[12] According to REM (2013, 17, unofficial translation), the semi-industrial category "now represents 90% of holders of artisanal felling permits in the DRC. . . . It comprises foreign-owned companies with significant technical and financial resources who use logging permits normally reserved for artisanal operators to industrially log timber in local community forest."

[13] See Burnley (2012) for more on the connection between conflict, the military, and deforestation in the DRC.

[14] According to Megevand et al. (2013), the Congo Basin could be affected by global trends in the agriculture commodity trade. But in both short and medium term scenarios, the Congo Basin is unlikely to become a large-scale agriculture producer of meat and biofuel.

the same time as private actors also implement projects. This design encourages participation by all stakeholders and provides broad access to funding, creating a potentially effective means of tackling deforestation issues in the country.

Decree No. 9/40 of 26 November 2009 established institutional structures for REDD+ management, as outlined in box 2 below. However, although this decree legally institutionalises REDD+, no general legal framework for REDD+ exists. Furthermore, many initiatives are merely voluntary in nature, meaning some actors will not take part in them.

Box 2. REDD+ governance structures in the DRC (adopted from Kipalu and Mukungu 2013)

- National REDD+ Committee: decision-making body representing stakeholders
- National REDD+ Coordination (CN-REDD): body that coordinates daily activities and implements UN-REDD and FCPF programmes
- Inter-ministerial Committee: planning body involving the different ministries involved in the REDD+ process, meets in ordinary session each quarter
- Scientific Council: body that provides technical and scientific expertise
- Provincial focal points: to be implemented in the future, in conjunction with the DRC's on-going decentralisation process; will replicate the national-level structure at the provincial level
- Monitoring Committee: monitors environmental and social risks and benefits; oversees design of REDD+ standards

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Concerning REDD+ social and environmental safeguards, the DRC has taken a participatory approach in formulating its national standards, which cover several areas including enhancing governance and capturing REDD+ benefits. Kinshasa-based civil society organisations were mobilised at the beginning of the process to participate in the National REDD+ Task Force. In keeping with the principles of transparency, participation, and consultation, civil society led discussions and consultation with other key partners (such as indigenous people, local communities, and women's associations), although this consultation process occurred in only six of the 11 provinces of the country. While work on social and environmental standards has enhanced confidence among Congolese stakeholders (notably civil society) regarding the potential of REDD+ to deliver multiple benefits while minimising the risks of negative impacts such as corruption, continuing corrupt behaviour in the forestry sector will certainly challenge the efficacy of these safeguards and ultimately may undermine this current confidence.

One challenge regarding the institutionalisation of REDD+ in the DRC is the lack of genuine representation of vulnerable social segments in the official bodies involved in the REDD+ process. Social groups such as indigenous peoples, women, and even local communities are absent from the official bodies dealing with REDD+. Although NGOs and associations regrouped under the National REDD+ Task Force could partially represent the interests and demands of vulnerable social groups, this does not quite meet the standards of social and environmental safeguards designed within the framework of the overall REDD+ structure (Peskett and Todd 2013). Moreover, the absence of state authority in some areas of the country – particularly those affected by armed conflict – means that REDD+ entities and related work carried out in Kinshasa remain unknown to ordinary citizens.

Additionally, some REDD+ institutions are not even functional. For instance, several individuals interviewed for this study stated that the Inter-ministerial Committee in charge of strategic planning has not met for over a year. This is a serious obstacle, since a strategic dimension is essential to the success of REDD+ implementation. Furthermore, the fact that the National REDD+ Coordination is under MECNT's oversight authority reduces its institutional influence and independence, particularly in relation to other agencies (see Peskett and Brockhaus 2009).[15] Given the inter-sectoral nature of REDD+, National REDD+ Coordination would be more ideally placed within the highest political sphere, such as within the office of the presidency of the republic (as occurred in the case of Indonesia) or in the prime minister's office.

4.2 REDD+ implementation status

In 2009, the DRC adopted a decree establishing the REDD+ management bodies discussed above. MECNT spearheaded this process, with financial and institutional support from UN-REDD and the World Bank. The FCPF Participants Committee and the UN-REDD Programme Policy Board validated the country's REDD+ R-PP in March 2010. This spurred initial allocations of funding in the amount of USD 3.6 million and 5.5 million by the FCPF and UNREDD, respectively. Further funding was made available in June 2011, when the World Bank FIP was approved for USD 60 million. It is estimated that over USD 94 million will be required for the stages of REDD+ initialisation through implementation (FCPF 2014; see also table 1).[16]

The REDD+ National Strategy Framework and the National REDD+ Trust Fund were validated in November 2012. The strategy is focused on four pillars: "i) transparency and quality control through robust monitoring systems; ii) inclusiveness in stakeholder engagement, iii) accountability of various stakeholders via recourse and sanction mechanisms that are accessible to all; and iv) an enabling framework that includes, among other [things], a clear legal framework and predictability in financing" (Fach and Lemma 2013, 14). Two more important stages were the signing of the order laying down the procedure for approving REDD+ projects in February 2012, and with the design of an environmental and social management framework in 2013. In January 2014, a USD 5.2 million supplemental grant agreement was signed, and the Emission Reduction Program Idea Note (ER-PIN) in the Mai-Ndombe jurisdictional area was validated and submitted to the FCPA in April 2014. As the first large-scale REDD+ and green development pilot programme in the Congo Basin, the Mai-Ndombe project seeks to initiate climate change mitigation action through a holistic land use and governance capacity building platform that will promote sustainable development activities to take pressure off of forests. This project will deliver poverty reduction, ensure food security, and enable improved natural resources governance.[17]

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[15] As REDD+ is an inter-sectoral mechanism, placing the National REDD+ Task Force under one sectoral ministry such as the Ministry of Environment (which has less political weight compared to other ministries) could lead to contestation of the task force's authority by other sectoral agencies.

[16] Specifically, FCPF estimates that USD 94,788,200 will be needed, distributed between UNDP, FAO, FIP, the United Nations Environment Programme, the Congo Basin Forest Fund, the International Tropical Timber Organization, and Norway (FCPF 2014, part 3.1).

[17] See footnote 2.

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The next stages of REDD+ implementation include the following:

- Completion of the preparatory phase of the REDD+ process and the FCPF Readiness Package to ensure social and environmental soundness of the REDD+ National Strategy Framework;

- Implementation of a REDD+ National Strategy Framework;

- Support to key reforms in the regional development and land sectors (notably, reforms in land tenure as well as in territorial master and land use plans);

- Completion of implementation tools (registers and national standards);

- Development of the ER-PIN Mai-Ndombe design phase; and

- Implementation of the REDD+ National Strategy Framework based on lessons learned from pilot projects.

According to FCPF (2013), all of these steps faces potential difficulties and delays. Notable challenges in the further implementation of REDD+ in the DR Congo include the following:

Overall contextual challenges

- The weak governance situation

- The size of the country

REDD+-specific challenges

- Political uncertainty coupled with the need to re-launch awareness-building activities for new political leaders

- A lack of technical expertise

- A lack of external financing (this could lead to a slowdown or even abandonment of the REDD+ process)

- Uncertainty regarding ownership of REDD+ in the DRC, including who should be involved in implementing REDD+ and why

Regarding the last point, only a few stakeholders in Kinshasa and in some project sites are even aware of the REDD+ mechanism. Information capture by the Kinshasa elite has contributed to this situation, which has resulted in the absence of a popular base of support for REDD+ and undermines the ownership needed for transformational change (Kengoum, Kabamba, and Mbelu 2013). Moreover, the REDD+ national scene is still dominated by international cooperation agencies and MECNT, which could result in the rejection of the implementation process by other national actors who feel side-lined.

4.3 Corrupt practices and corruption risks in REDD+ implementation

Corruption in the Congolese forestry sector as a whole and in the REDD+ process in particular has been the subject of prior reflection (Trefon 2010; Du Preez 2011; PwC 2011). A range of corrupt behaviours from petty to grand corruption plague the Congolese forestry sector, with important consequences for the implementation of REDD+ (Fach and Timilsina 2010). REDD+ implementation in the DRC is caught up in the day-to-day realities of socioeconomic and political life (Trefon 2010; Kodila Tedika 2013). Given the DRC's political and social history, the resources provided within the

framework of the implementation of REDD+ are unlikely to escape the endemic system of corruption that prevails in Congolese society as a whole, particularly in social and administrative circles in the capital, Kinshasa.

Interviewees provided specific examples of corrupt practices and corruption risks in REDD+ activities at the national level in the DRC. These practices, detailed below, include (i) the payment of kickbacks, (ii) the politicisation of positions, (iii) the non-transparent use of REDD+ funds and inadequate reporting on REDD+ projects, and (iv) non-transparent employment contracts.

Payment of kickbacks

- One civil society expert interviewed for this study was hired as a consultant by the National REDD+ Coordination body (CN-REDD) to research the introduction of the REDD+ process. This individual claimed that the research project manager initially proposed to the funding organisations that 10 days were needed to collect field data, at a rate of USD 300 per day. In reality, two things occurred: 1) The consultants were told they would be paid USD $300 per day in salary payment. However, the project manager forced the consultants who were hired by the National REDD+ Coordination body to surrender to him $100 of the $300 per day as a kickback for being hired. The consultants therefore received only $200 per day. 2) The project manager claimed that the consultants would work for 10 days on the project. In reality, however, the consultants were allowed to work only 5 days on the project. If a consultant refused to pay the kickbacks to project officials, he or she risked being blacklisted from selection during future competitive bid calls.

- Civil society interviewees stated that the practice of designating or appointing officials to represent ministries in workshops and seminars organised in Kinshasa largely depends on prior acceptance by the appointed representative to hand over a fraction of the per diem received to the minister. This practice, which was already an entrenched part of ministries' work on other topics, is now common in REDD+ workshops in the DRC.

Political cronyism in REDD+ positions

- Interviewees stated that REDD+ positions within the MECNT are politicised in that positions are awarded to individuals affiliated with the same political party as the incumbent minister or the head of the relevant public body. For example, the national coordinator of the DRC's National REDD+ Coordination body (CN-REDD) belongs to the same party as the minister of environment, nature conservation, and tourism, and this party (the Christian Democratic Party, or PDC) is, in fact, also the president's political party. The politicisation of employment positions makes it more likely that REDD+ funds could be channelled to finance political parties.

Non-transparent use of REDD+ funds and inadequate reporting on REDD+ projects

- Two civil society representatives and an MECNT representative interviewed for this study stated that international NGOs and international development cooperation agencies do not always transparently manage the REDD+ resources intended for the DRC. For example, the Minister of environment, nature conservation, and tourism requested that an international organisation conduct an independent audit of funds received by this international organisation for the implementation of REDD+ in the DRC. Organisational officials in Kinshasa denied this request on the basis that only the international organisation in question was authorised to make such a request. Additionally, these interviewees stated that on the eve of a project

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evaluation mission sponsored by a donor partner, an international NGO succeeded in concealing the absence of tangible results for the project by influencing people in various villages located in the project area.

Non-transparent consultancy contracts

- Several interviewees accused international development cooperation agencies of selecting international and national consultants on the basis of non-transparent criteria, including prioritising political connections over competence. Some international consultants selected are said to be incompetent, suggesting possible collusion between international development cooperation officials involved in REDD+ and those international consultants.

Table 3. Summary of national-level fraudulent practices emerging in REDD+ in the DRC

Type of corruption practice identified	Stakeholders involved
Payment of kickbacks from contracts and per diems	Independent consultants Government officials Civil society organisations
Politicisation of REDD+ positions	Government officials Political parties
Non-transparent management of REDD+ funds and REDD+ project reporting	International development cooperation agencies Government officials Civil society organisations
Non-transparent selection of consultants	International development cooperation agencies Independent consultants

Documentary evidence suggests that these corrupt behaviours do occur within REDD+ programmes in the DRC. For example, a 2011 PwC report discussed several corruption risks, including the risk of public officials bribing technical staff to skew national baseline data, and the politicisation of high-level REDD+-related job positions in order to extract rents from REDD+ revenues. While the PwC report did not discuss mismanagement of funds by international actors, evidence of financial mismanagement from other types of international cooperation programmes like malaria programmes demonstrate that REDD+ is not immune to such behaviour (Bliss 2013).

5. Conclusion and recommendations

The DRC embarked on the REDD+ process in 2009 with support from donors and international organisations. Since then, efforts have been made to encourage the country to continue taking ownership of and implementing REDD+. However, the systemic corruption that pervades all socioeconomic and political activities in the DRC jeopardises these efforts. The interviews conducted as part of this study as well as other reports of fraudulent transactions confirm these challenges of implementing REDD+ in the country. The continuous lack of a firm and genuine political will to address corruption in the country will jeopardise the successful implementation of REDD+ policies and projects and will accelerate deforestation and forest degradation.

Corruption in REDD+ can, however, be controlled, or at least minimised, through the adoption of strategic actions and operational measures (Klitgaard 1988). To mitigate corruption risks in the implementation of REDD+ in the DRC, the country should *establish an independent, REDD+-specific oversight agency*.

An independent body would be better positioned than either government or civil society to address corruption risks. This agency would need to operate under multi-stakeholder guidance and would require sufficient external funding to operate independently of other DRC institutions. This would include, for example, funding for wages of agency employees that are high enough to offset incentives for corruption. The agency would carry out the following tasks in order to reduce corruption and enhance transparency and accountability in REDD+ implementation in the DRC:

1) Monitor, verify, and report on REDD+ financial flows and projects.

2) Make information public about REDD+ finance, for example, through news reports and other public outlets. A publicly accessible database of REDD+ projects and funding flows would also enhance transparency in REDD+ programmes.

3) Fight corruption within REDD+ programmes, for instance, by advocating for merit-based criteria in selecting individuals to fill positions both within REDD+ institutions and within the public forestry sector more generally in the DRC (including in consultancy contracts).

4) Undertake political economy analyses to inform the creation of DRC-specific REDD+ safeguards. Examining the existing legal and institutional framework and its effectiveness would help to identify potential gaps and weaknesses in the eventual application of REDD+ safeguards.

5) Work to enhance the legal and institutional framework to tackle corruption, including measures to include in the criminal code.

6) Help to increase transparency in licenses, contracts, and concessions within the forestry, mining, and land sectors. Such measures could include public auctions for concessions and the publication of all concession, license, and contract information in these sectors within the public realm (for instance, online and in newspapers).

7) Provide ethics education. Socialisation is a necessary component of behavioural change. Awareness campaigns and ethics education courses should be undertaken in REDD+-related public institutions to cultivate anti-corruption attitudes and to educate citizens about their rights and responsibilities.

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The Democratic Republic of the Congo (DRC) is one of the first REDD+ target countries due its huge forest ecosystem potential. Since 2011, the country has been creating key pieces of legislation as well as implementing REDD+ readiness activities and making pilot investments to mitigate some of the key drivers of deforestation and forest degradation identified in the country. Despite this progress, the country's poor governance climate creates a significant challenge in future progress towards implementing REDD+. Endemic poverty, weak state authority, and widespread corruption characterize the DRC's current political environment. It is within this socioeconomic and political backdrop that the REDD+ mechanism is expected to be implemented in the DRC.

The main objective of this study is to assess national-level corruption risks and possible anti-corruption strategies in REDD+ implementation in the DRC, using a combination of desk and field-based research. The findings from this research suggest that four types of corruption have arisen in relation to national-level REDD+ implementation: (1) kickback payments; (2) the politicization of government forestry positions; (3) financial mismanagement by international development cooperation agencies and non-governmental organizations; and (4) non-transparent hiring practices of international consultants. The key recommendation of this paper, based on these findings, is the establishment of an independent agency in the DRC to monitor REDD+ finances and projects. Such an agency could play a strong role in enhancing and enforcing the DRC's legal and institutional framework, enhancing transparency through the publication of license and REDD+ information, providing ethics education, and helping to ensure merit-based employment in REDD+ institutions.