



Democratic Republic of Congo Workshop Report: Civil society and forest law enforcement and governance

Kinshasa, July 15-17



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Acronyms

CED	Centre for Environment and Development (Cameroon)
FM	Forests Monitor
FLEGT	Forest Law Enforcement, Governance and Trade
IM-FLEG	Independent Monitoring of Forest Law Enforcement and Governance
REDD	Reduced Emissions from Deforestation and Forest Degradation
REM	Resource Extraction Monitoring
SMART	Specific, Measurable, Achievable, Relevant, Time-Bound

Introduction and summary

This report presents the activities and results of a national workshop organised by Forests Monitor (FM) in collaboration with Resource Extraction Monitoring (REM), FERN, and the Centre for the Environment and Development (CED). The workshop took place in Kinshasa, Democratic Republic of Congo (DRC) July 15-17, 2009 and is an activity under the project *Capacity building in the Congo Basin and Implementation of Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG) in the Republic of Congo*, which is implemented by FM and REM. One of the primary objectives of the project is to increase civil society capacity to undertake IM-FLEG in the Congo Basin for eventual national appropriation of the monitoring process. Regional and national workshops are part of the strategy to achieve this objective. So far, national workshops have been held in Central African Republic and Gabon and a regional workshop was held in Brazzaville.

The objectives of the DRC workshop were to:

1. Facilitate regional exchange among civil society on: forest law enforcement and governance related problems and opportunities in DRC; related initiatives such as IM-FLEG, FLEGT and REDD; and the priorities for civil society over the next 2-3 years.
2. Strengthen the capacity of DRC civil society to develop concrete strategies that are SMART (specific, measurable, attainable, relevant, and time-bound)
3. Develop preliminary SMART logical frameworks that can be used to develop efficient work plans and successful proposals

The objectives for this workshop stemmed from the regional workshop in Brazzaville, where it became clear that a lack of strategic planning exists among civil society participants. By improving planning capacity, national civil society will be better equipped to design and implement activities more independently and efficiently allowing them to play more of a leading role in improving forest governance. Another lesson learned from the Brazzaville workshop was that the DRC participants did not view IM-FLEG as a feasible activity for national civil society due to the current political environment (i.e. lack of international donor push and government commitment for IM) and their own lack of technical capacity. For this reason, the workshop in Kinshasa did not focus solely on IM-FLEG but rather on broader efforts to implicate civil society in improved forest governance.

A total of 23 participants (not including FM staff and facilitators) representing 19 civil society organisations attended the workshop (Annex 1). Geographic representation was widespread and included Kinshasa, Equator, Orientale, Bas

Congo, North and South Kivu Provinces¹. One representative from Cameroon – Samuel Nnah, CED – was present and acted as the principal facilitator.

Objectives were achieved through a combination of presentations, group work and plenary discussions/analysis. The overall approach of the workshop was to identify key forest governance problems and their causes, raise awareness of current approaches to address forest governance problems, and then develop SMART strategies to tackle problems. Participants worked in groups based on geographic location. Each group produced a problem tree to identify the specific problem(s) to be addressed in their logical framework. Problem trees revealed that all groups viewed poor law enforcement as a primary problem. Prior to developing SMART logical frameworks, presentations were given and group discussions were held on relevant international initiatives – REDD, FLEGT, and IM-FLEG – to ensure that all participants were up to date of recent development within DRC.

Capacity building in SMART was achieved primarily through a process of trial and error – participants produced strategies at different stages that were critiqued by facilitators and participants. Participants displayed measurable improvements at each stage in the training process. They also showed motivation and strategic ability to get more involved in international initiatives, such as REDD and FLEGT. The main weakness identified was in the realm of achievability as most logical frameworks appeared overly ambitious considering capacity limitations and political realities.

Based on discussions with participants, the workshop was viewed as a valuable step in increasing civil society involvement in forest governance in DRC. The most common participant suggestions for improvement were: allocate more time to problem analysis and logical framework development; and continue working with national civil society on the development of an IM-FLEG programme and community forestry. When asked how participants will employ SMART skills, one organisation, CEPECO replied that they are currently using it to strengthen a REDD related initiative they hope to present at the Copenhagen Climate Conference in December.

Follow up activities include the distribution of the Forests Monitor IM-FLEG training manual to participants, and the administration of a brief questionnaire within 2 to 3 months to see if participants have employed lessons learned from the workshop.

¹ These are the pre-2005 provinces, which are still used by most in the country for geographical reference. Participants are primarily from the north and east, where forest cover is extensive.

Activities and Observations

Objective 1: *Facilitate regional exchange among civil society on: forest law enforcement and governance related problems and opportunities in DRC; related initiatives such as IM-FLEG, FLEGT and REDD; and the priorities for civil society over the next 2-3 years.*

Objective 1 was achieved through the development of problem trees, group discussions, and presentations.

Problem trees

Participants chose to work in groups based on geographic location to produce problem trees. Annex 1 provides a list of participants and their geographic location/group. By employing the problem tree tool participants were able to explore the causes (tree roots) and the effects (tree branches) in a structured manner that provoked in-depth discussion and analysis. This was an important step in developing SMART skills because it promoted the identification of *specific* problems. Following presentations, group discussions were held to analyse the problem trees. More specifically, discussion questions included: Does the problem tree represent reality? Which causes are the most important and which are the easiest to address? A breakdown of the problem trees and results from group discussions is as follows (Annex 2 provides the Equator problem tree as an example):

Group 1, Bas Congo Province

The focal problem identified was “the tendency of the government and donors to focus on the Eastern part of the country instead of the Western areas, particularly Bas Congo.” The principal causes identified included: absence of national cohesion linked to tribalism and regionalism; and the tendency to view the Bas Congo as a province without significant forests because there is a lack of accurate information on forest cover in DRC. The effects identified included: absence of good national policy; false presumptions regarding the level of development in Bas Congo; inequality of revenue distribution; increased poverty; and emigration from the Province.

Group observations and discussions: participants felt that the problem was not well defined, based on facts, nor particularly relevant to the workshop. Additionally, some of the effects, such as false presumptions about the province, are actually more of a cause than effect.

Group 2, Equator Province

The key problem identified was “local communities do not benefit from forest exploitation.” The principal causes identified included: exclusion of civil society in the decision making processes regarding natural resource management, poor law enforcement, and the absence of an IM-FLEG programme. The effects identified

included: non-allocation of revenues to local development, illegal exploitation of forests, abuse of power, and further marginalisation of the rural poor.

Group observations and discussions sparked a dialogue about the complexity of implicating ‘community’ members in the decision process. More specifically, participants discussed how a challenge in defining communities leads to difficulty in implicating them. Discussion also touched on law enforcement and community rights, particularly the need to define ‘poor’ law enforcement even further - is the issue a lack of enforcement, incorrect/inconsistent enforcement, or poorly constructed laws in the context of community rights?

Group 3, Eastern DRC (Note: this group was later broken down into 2 separate groups – North and South Kivu and Orientale Province). The focal problem identified was “inadequacy of and conflicting laws.” The principal causes identified included: non-participative and hurried policy development processes; laws created without harmonisation with other sectors; absence of a clear vision among policy makers; and the implication of private interests and insufficient civil society participation in policy development. The effects identified included: overlapping of exploitation titles leading to property right conflicts, destruction of forest resources, aggravated poverty, climate disturbance, and non recognition of local community and indigenous people as stakeholders.

Group observations and discussions focused on the need for the group to be more specific in defining the problems and its causes. For example, which laws are in conflict exactly – the forest and mining codes, land tenure regulation, etc.?

Group 4, Kinshasa The focal problem identified was “non-application of forestry law.” Principal causes identified included: low political will; corruption among officials for their own personal gain; weak institutional structures; low capacity in law enforcement; and lack of civil society engagement. The effects identified included: conflicts of jurisdiction; unequal distribution of wealth; perpetuation of illegal exploitation; and corruption and fraud leading to aggravated poverty.



Irène Wabi Wa, CODELT, presents the problem tree of the Kinshasa group

General observations on the problem tree exercise

Most groups exhibited problems in understanding causes versus effects. For instance, Group Equator identified the absence of an IM-FLEG programme as a cause, rather

than possible solution, of poor community involvement in the decision making processes.

All three problem trees focused on forest governance issues primarily in terms of ‘poor’ law enforcement. However, very little emphasis was put on assessing whether or not the current legislation is considered ‘good’ in the context of forest management and/or community rights. This indicates that perhaps the understanding of current policies is not high among certain participants. In an effort to address this apparent knowledge gap, a forest policy specialist from a Kinshasa organisation called Avocats Verts (Green Lawyers) was asked to give an overview of current forest legislation.

Presentations – forestry legislation in DRC, REDD and FLEGT, and IM-FLEG

Before developing SMART strategies, presentations and discussions were held on national (DRC forest legislation development), regional (IM-FLEG Congo Basin), and international (REDD and FLEGT) activities to ensure that all participants were up to date with relevant initiatives and policies.

DRC forest legislation - Avocats Verts

This presentation by Felix Ngenda of Avocats Verts, a Congolese NGO specialising in environmental law, covered the following

- Historical account of forest legislation and the enactment of the Forest Code in 2002
- Lengthy process in developing application texts for all the laws
- Absence of civil society engagement in the drafting of texts
- Irregular activities conducted by the inter-ministerial commission in charge of the conversion of forest titles

Following the presentation, group discussion focused on the lack of civil society engagement. Specifically, participants expressed concern regarding the role of Avocats Vert as being a *de facto* civil society representative in the policy development process. Mr. Ngenda replied that Avocats Vert was asked by the government to participate in the development of the forest code due to their legal expertise and stated that Avocats Vert does not consider itself a representative of civil society in DRC. Participants stressed the need for a more formal and participatory process to increase civil society representation. Participants also requested more information regarding the ‘irregular’ forest title conversion procedures employed by the inter-ministerial commission. Mr. Ngenda stated that a study is underway to examine the process in more detail and that upon completion it will be available to national civil society.

REDD and FLEGT – Iola Leal, FERN

This presentation addressed the question “what are the international instruments and processes with the potential to improve forest governance?” The focus was on

REDD and FLEGT but relevant international declaration, such as United Nations Declaration on Indigenous Peoples, were also summarised. Major topics covered included:

- FLEGT definition and specific aspects most suitable for civil society collaboration, such as goals to promote transparency, strengthen property rights of local communities and indigenous people, install an independent monitor, strengthen civil society capacity, and encourage political reform.
- VPA defined and presented as an opportunity for civil society to get engaged at an early but vital stage in the FLEGT process. The fact that DRC is in the early stages of FLEGT consideration was mentioned, highlighting the importance of getting involved now
- REDD definition, goals, processes, and weaknesses, such as lack of a mechanism to ensure financial transparency

The presentation not only summarised FLEGT and REDD, but also asked the participants to carefully consider how the initiatives could help advance (or impede) their own agendas. Participants were urged to consider developing lobbying strategies targeting specific aspects of FLEGT and/or REDD in order to ensure national civil society engagement.

Briefing on REDD process in DRC – Roger Mutshuba, Head of Climate Change, RRN

Mr. Mutshuba offered a brief update on recent REDD developments in DRC, focusing on the lack of civil society engagement during the first UN-REDD mission made up of delegates from FAO, UNDP, and UNEP. The UN-REDD mission reports reveals that the only form of civil society involvement was the solicitation of comments on the mission report. Mr. Mutshuba views this as insufficient and stated “the REDD process in DRC is threatened by the lack of real civil society participation.”

Presentation on the FM/REM IM-FLEG project and civil and society involvement during the VPA negotiation process in Republic of Congo – Lambert Mambiala, Forests Monitor

The first part of this presentation offered the Congo programme as an example of an IM-FLEG to familiarise participants with the structure, goals and activities of IM-FLEG, the different types of monitoring, the difference between FLEG and FLEGT, and how national civil society is engaged primarily through the establishment of a shadow team. The second part focused on how national civil society integrated themselves into the VPA negotiation process and lobbied successfully for changes to the final version of the VPA. Participants were encouraged to consider developing a similar lobbying strategy for the DRC VPA negotiation process as soon as it is launched.

Presentation on the processes to set up an IM-FLEG programme – Lambert Mambiala, Forests Monitor

The majority of participants expressed a need for an IM programme in DRC. However, very few participants were familiar with the processes and capacity needed to launch and manage an IM programme. This presentation described the political environment (international donor and government interest) that preceded the IM-FLEG programme in Republic of Congo and outlined the technical skills needed to manage the programme. At the end of the presentation, participants interested in monitoring were left to ponder the question – Considering the political environment in DRC and the skills of your organisation, what is a logical strategy to develop a monitoring programme?

Objectives 2 and 3: *Strengthen the capacity of DRC civil society to develop SMART strategies and develop preliminary logical frameworks that can be used to develop efficient work plans and successful proposals*

Objectives 2 and 3 were achieved through 3 basic steps: basic training on how to develop a SMART strategy; the drafting and analysis of objectives; and the drafting of a SMART logical framework.

SMART presentation and discussion

Iola Leal of FERN gave a presentation on how to develop a SMART lobbying strategy. The presentation first established why SMART strategies were so important in terms of both obtaining donor support and achieving goals efficiently. Lobbying was defined and presented as one of the most effective tools employed by civil society to catalyse change. Finally, a sample logical framework for a lobbying program was provided as an example.

Logical framework Step 1 - defining global and specific objectives

Before drafting a full SMART logical framework, groups were asked to first define objectives, which were presented and critiqued by all participants. The table below summarises objectives by group.

Group	Global objective	Specific objective
Kinshasa	Contribute to the participative development and application of law for the sustainable development of forests in DRC	Incite legislators to develop legal texts in a participative manner
		Enact the different texts governing the forestry sector
		Strengthen the capacity of all actors involved
Orientale, North & South Kivu	Push the government to recognise local communities and indigenous peoples and include them in decision making processes	Demonstrate and document customary forest use and management systems
		Obtain legal text recognising these use systems and rights
Ituri	Evaluate deforestation in Ituri within 5 years	Make an inventory of deforestation in the territories of Mombosa and Hunur
		Identify the causes of deforestation as well as the actors in each of the territories
		Complete a participative analysis of the current state of deforestation

Observations included: many of the specific objectives are too broad; the attainability of many objectives is questionable and they are not time-bound; there was a lack of geographic specificity; and some objectives were not objectives but rather activities (see global objectives for Ituri and Orientale/Kivus). In addition, these objectives reflected a ‘business as usual’ way of thinking that has resulted in very limited success over the years. Related to this was the absence of initiatives presented earlier in the workshop – IM-FLEG, REDD, VPA lobbying, etc. – reflecting reluctance of participants to expand their programmes into these important arenas. Furthermore, there were no objectives related to community forestry despite a heavy focus on community rights in the problem trees. Facilitators offered stern critiques of the objectives, outlined ways to make the frameworks ‘SMARTer’ and urged participants to be more innovative. These critics seemed to have a positive effect as the objectives identified in the logical frameworks were significantly better in many respects.

Logical framework Step 2 – refine objectives and complete first draft logical framework

A total of 4 logical frameworks were produced – Kinshasa, Bas Congo, Orientale, and North and South Kivu (groups reorganised themselves after problem tree and objective exercises). Facilitators explained that frameworks formats vary depending on the donor and different examples were shown. For the workshop, the following basic logical framework format (column headers) was provided to each group:

Global objective	Specific objectives	Activities	Expected results	Indicators	Means of verification	Assumptions
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Annex 3 provides the Kinshasa Group logical framework as an example. Each group presented their frameworks followed by plenary analysis. The analysis took into account the fact that developing a SMART logframe takes considerable time and multiple drafts – refined logframes were not expected at this stage.

In general, the framework showed considerable strategic thinking. Regarding time-bound aspects, all 4 frameworks offered a time frame for completion of objectives and specific activities. There were also improvements in specificity including the identification of specific villages and towns, quantifying the number of workshops to organise and the number and content of radio shows, and other outputs. Quantifying outputs also shows that participants understood the concept of measurability. However, the use of generic terms such as ‘community’, ‘stakeholders’, and ‘actors’ without clearly defining them was common in all frameworks. Participants were advised to be more specific by, for example, stating X number of people rather than X number of ‘communities.’

Regarding relevance, the results were mixed within each framework, particularly in the context of clear linkage between global objectives, specific objectives, activities and results. For instance the North and South Kivu group presented civil society capacity building in lobbying as a major step towards harmonising conflicting national laws but it is not clearly indicated how this capacity is relevant to achieving the goal.

The greatest weaknesses identified were in the realm of achievability. All 4 frameworks presented approaches that, when considering the political, logistical realities and capacity limitations of civil society, appear overly ambitious. For instance, the Equator group aimed to achieve sustainable natural resource management within 50 local communities within 5 years. Unless the 50 communities are rather small and have already made considerable progress to achieve this goal, the likelihood of success is questionable. The Kinshasa group aims to put in place an IM-FLEG programme despite the fact they have no prior experience with IM and do not include any activities in their framework to build this capacity.



Presentation of the North and South logical framework

Worth noting is that all frameworks incorporated REDD, FLEGT (VPA), IM-FLEG, or community forestry: the North and South Kivu group included activities to strengthen civil society participation in REDD and VPA negotiations; the Kinshasa group focused on establishing an IM-FLEG programme and catalysing VPA negotiations; and the Bas Congo and Equator

groups included elements of community forestry. This was in sharp contrast to the first set of objectives.

In short, participants displayed measurable improvements in developing SMART logical frameworks compared to the first drafting of objectives. They also showed motivation and strategic ability to get more involved in international initiatives, such as REDD and FLEGT and branch out into new areas like IM-FLEG and community forestry.

Basic 'do's and don'ts' of applying for funds – Samuel Nnah, CED

This presentation and discussion covered 4 basic rules (in addition to developing SMART strategies) to follow when seeking or maintaining financial support from international donors: develop and maintain strong contacts; respond expediently and thoroughly to all inquiries from the donor; be proactive – i.e. if there is a problem to sort out requiring donor input, contact them before the problem gets worse; and respect all administrative and budget regulations. These recommendations were

formulated based on weaknesses Mr. Nnah has observed while working with national NGOs in the region. Prior to closing the workshop, the following list of potential donors was provided to participants:

- Fonds Forestier du Bassin du Congo (FFBC)
- Global Greengrants Fund (\$5,000)
- Siemenpuu Foundation (Finlande)
- NC-IUCN
- EC (Appels d'offres en délégations, Appels d'offres a Bruxelles)
- CARPE (USAID)
- NORAD (Norvège)
- DfID (Angleterre)
- Packard Foundation
- FFEM (Français)
- ONG développement et environnement (Cordaid, ICCO, Hivos, Novib, PLAN, Care International, Terre des Hommes...)

Conclusions and recommendations

Were workshop objectives achieved? Objective 1 was achieved through a mixture of group discussions and presentations. The problem tree exercise proved to be an effective tool in sparking in-depth analysis of problems, causes and effects. All problem trees identified poor governance and law enforcement as central problems. Discussions allowed participants to elaborate on what 'poor' actually means - inconsistent law enforcement, laws in conflict with community rights, penalties too low to deter illegal activity, etc. In short, the problem trees introduced a method to define and assess which problems to address, which is a fundamental step in developing SMART strategies.

The presentations and discussions on the DRC Forest Code of 2002, REDD, FLEGT, and IM-FLEG increased knowledge and clarified misconceptions. This observation is based on observing question and answer sessions following each presentation. Interest appeared to be high among participants in ensuring that a broader representation of DRC civil society exists in the national policy development and at the forefront of REDD development. FLEGT received less attention, ostensibly because DRC is still in the very early stages of development in DRC. Regarding IM-FLEG, the basic conclusion among participants is that although an IM programme is needed, the role of national civil society is limited due to limited technical capacity among national civil society and a non-conducive political environment, specifically the perceived lack of government and donor push to for IM². This is a similar view to that help by participants who attended the regional workshop in Brazzaville, March

² The term *perceived* is used in this sentence because recent events indicate that this is fortunately changing. For instance, the World Bank recently issued a call for tender for an independent monitor, which REM is a candidate for.

2009. The Kinshasa group did, however, propose a strategy to develop and IM-FLEG programme (Annex 3).

Objectives 2 and 3 were also achieved. While refined SMART strategies were not produced, it is clear that capacity did improve, which was the overall goal. Participants displayed measurable improvements between the first drafting of objectives and the development of a logical framework. They also showed motivation, innovation and strategic ability to get more involved in international initiatives, such as REDD and FLEGT and branch out into approaches like IM-FLEG and community forestry.

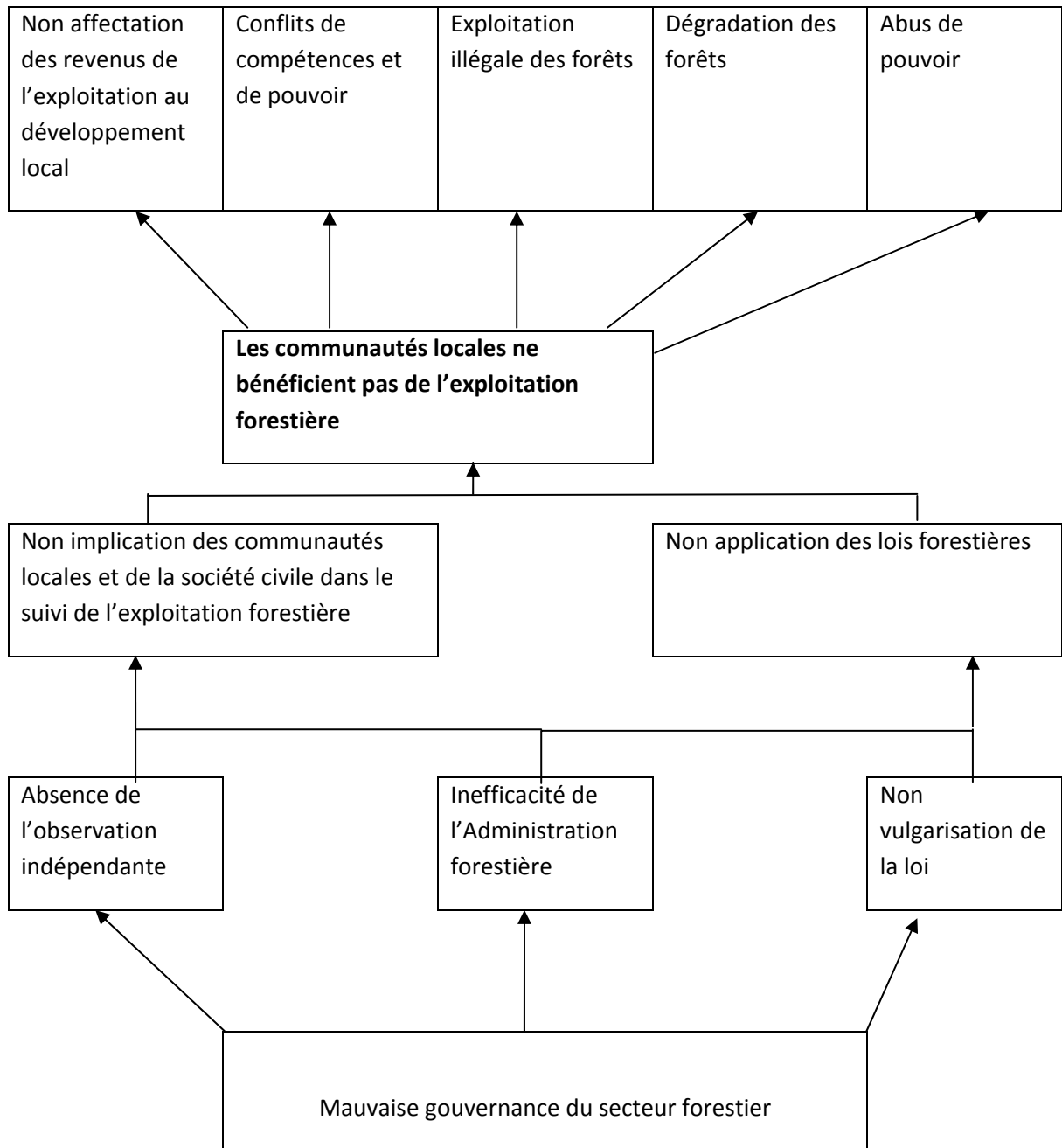
Based on lessons learned from this workshop it is recommended that:

- FM and REM maintain contact with members from the Kinshasa group to monitor any developments in their IM-FLEG development strategy as they represent a potential civil society partner for possible upcoming IM activities in DRC.
- FM's DRC Office follow up on the development of community forestry related strategies developed by the Bas Congo and Equator groups
- Improving SMART skills should remain a priority for organisations aiming to build DRC NGO capacity to operate more independently. However, in most cases, considerable time (on the job training over months) will likely be needed to build sufficient capacity.
- FM and FERN should follow up, in collaboration with RRN and other civil society coalitions, on participant's interest in increasing civil society's role in national and international negotiations related to policy development, REDD, and FLEGT.

Annex 1 – List of Participants

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Annex 2 – Problem Tree, Equateur



Annex 3 – Logical Framework, Kinshasa

Objectif global	Objectifs spécifiques	Activités	Résultats attendus	Indicateurs	Moyens de vérification	Hypothèses
Promouvoir l'assainissement du secteur forestier de la RDC dans les 6 ans	<i>Renforcer le respect de la légalité par la mise en place de l'observation indépendante des forêts avec partenariat dans 4 ans</i>	Organisation d'une étude de faisabilité de l'OIF dans les 3 principales provinces forestières dans 12 mois (Equ,PO,BDD)	Une équipe OIF active est mise en place	Rapport de l'étude de faisabilité	Rapport	
		Organiser 3 rencontres d'échange sur l'importance de l'OIF en RDC entre le Gouvernement et la SC		Liste de présence des participants à aux rencontres et rapport	Rapports des rencontres	
		Préparation d'un draft du protocole d'accord par les deux parties par une équipe mixte de 6 pers (SC et Gouvernement) dans 30 jrs		Un draft protocole d'accord produit	Draft du Protocole d'accord	
		Organisation d'un atelier de validation du draft du protocole d'accord		idem	idem	
		Organiser une rencontre en vue de la signature du protocole d'accord		Protocole d'accord signé	Protocole d'accord signé disponible	
		Suivi et évaluation de la mise en application de la loi et textes réglementaires régissant le secteur forestier pour une durée de 3 ans	Réalisation des missions de terrain	Rapports thématiques et rapport des missions de terrain	Rapports	
	<i>Inciter le Gouvernement congolais à signer</i>	Organisation de 2 ateliers sur l'état de lieu sur la gouvernance forestière en	Un APV signé entre le gouvernement	2 listes de présence,	2 rapports, photos, listes de présence	

	<i>l'APV dans le cadre du processus FLEGT dans les 2 ans.</i>	RDC	congolais et l' UE	photos, 2 rapports d'ateliers disponibles		
		Organisation de 3 tables rondes réunissant la commission parlementaire des RN, les représentants des OI, les membres du gouvernement concernés par le secteur (forêts, commerce, agriculture, ...) pour la compréhension de la nécessité de l'APV		3 listes de présence, 3 rapports		
		Organisation de campagnes de sensibilisation et de compréhension de l'APV (2 à Kin et 2 par province) forestière		500.000 personnes sensibilisées à travers 6 chaînes TV à Kin	6 chaînes radio, 6 chaînes TV et 6 radios communautaires (en raison de 2 par provinces forestières) mises à profit	