

Forest Carbon Partnership Facility (FCPF) Technical Assessment of the Final Draft ER-PD Democratic Republic of Congo

I General Approach of the Review

The present TAP report is based on the assessment of the Final ER-PD dated 16 May 2016. The Final ER-PD comprises a complete rewriting of some main sections compared to the Advanced Draft ER-PD of January 2016. The rewrite principally is in the carbon assessment sections (criteria 3 to 22), but also in other sections, e.g. those relating to benefit sharing, safeguards, non-carbon benefits and reversals. Consequently, the TAP reassessed these sections of the ER-PD completely. In other sections of the Final ER-PD, the text has not fundamentally changed from the Advanced Draft version so that the TAP assessment of 7 February 2016 of the respective chapters remains still valid. For the indicators that relate to these sections of the Final ER-PD, a reference to the February, 7 TAP review has been made under the respective indicators. This also allows to some extent a comparison between the two assessments.

In its present final review, the TAP focused its work primarily on the methodological issues relating to forest carbon accounting and safeguards, and those indicators in other sections that had been assessed with a “No” in the TAP’s review of 7 February 2016.

The time span to do the second TAP assessment was limited to two weeks at the end of May 2016. While the TAP has conducted the assessment with focus on the essentials and great care to the extent possible, it could not go in all indicators to the deepness of analysis, as ideally wished by the TAP (see reference in some of the related indicators).

For a better understanding of the general working approach of the TAP review from its beginning in October 2015, please refer to the TAP report of Feb. 7, 2016 which contains some more details regarding the method of assessment, desk review and country visit.

PART 1 OF TECHNICAL ASSESSMENT: Summary

Date of Current Assessment: 30 May 2016

Name of Assessment team members:

Juergen Blaser (policy and forestry issues; coordinator of TAP); Guy Patrice Dkamela (local development); Harrison Ochieng Kojwang (safeguards); Till Neeff (methodological framework); Martijn Wilder supported by Gaby Kabue Kayombo (legal issues).

Summary Assessment of the Quality and Completeness of the ER-PD:

The DRC has prepared an ambitious ER-PD document for a relatively large jurisdictional area (12.3 million hectares total areas with 9.8 million hectares of forest). The DRC ER-PD team has worked systematically and put together an impressive amount of information, in the ER-PD document itself and in the various additional documents provided to the TAP. The Final DRC ER-PD dated 16 May 2016 is the result of several months of work that takes into account comments and suggestions from the prior TAP review, dated 7 February 2016 (which was based on the advanced ER-PD draft of January 2016) but also other comments from Carbon Fund Participants and civil society. In this respect the TAP comments the enormous efforts of the DRC ER-PD team to balance the very diverse

Indicators

1st Assessment

2nd assessment

comments from the various interested parties in document. The Final ER-PD is well written, clearly presented, understandable, and illustrative. It addresses in a satisfactory manner all issues that had been addressed by the TAP.			
II. Level of Ambition → Criteria 1 – 2, including issues relating to legal aspects	1.1	YES	YES
The ambition of the Mai-Ndombe ER-Program is to implement a model for green development at jurisdictional (provincial level) that provides alternatives to deforestation and non-sustainable land use and rewards performance to mitigate climate change, reduce poverty, manage natural resources sustainably and protect biodiversity.	1.2	YES	YES
The DRC ERPD constitutes an innovative large-scale program that is integrated in DRC’s national REDD+ strategy framework. Aligned with the investments of Forest Investment Program (FIP), the Congo Basin Forest Fund (CBFF), the Central African Forest Initiative (CAFI) and leverage private funding to scale up pilot activities and support the shift of a land use trajectory at large scale, the Mai-Ndombe Emission Reductions Program includes a balanced combination of enabling activities (strengthening governance, capacity building, local level land-use planning, addressing the issues of securing land tenure) and sectorial activities (community-based forestry and agroforestry, reduced impact logging, forest conservation) in a wall-to-wall land-use carbon approach. The program represents a partnership to secure a long-term public, community and private commitment to reducing deforestation and increasing land-use carbon sinks. It provides financing for delivering results-based payments for emission reductions, combined with the support of poverty reduction, sustainable development, forest management and biodiversity conservation at scale.	2.1	YES	YES
The proposed ER program has a high level of ambition in terms of demonstrating the potential of a full implementation and of a variety of interventions of the national REDD+ strategy. The ERPD well describes the overall approach and sufficiently presents the link to the latest recent development at the national level (e.g. INDC submission by DRC and DRC/CAFI involvement on REDD+ implementation).			
As already assessed in its Review document of 7 Feb. 2016, the TAP is overall satisfied with the description of the general institutional arrangements proposed, including the link to national level (in particular the ambition in respect to the inclusion of the ER Program in a National REDD+ Registry.			
In its first assessment, however, the TAP had requested that the ER-PD provides more on the development of local institutions, in particular on organizational arrangements at the community level and a vision on how through a step by step process the institutions will be strengthened and become operational. Given that the jurisdictional entity is actually a newly created Province, the TAP asked to better identify the particular opportunities and challenges that are relevant to implementing the ER-Program under such circumstances, including in particular at the legal level. Some additional information has been provided regarding the program’s strategy to build capacities over time and its embedment into national REDD+ related reforms and capacity building in the context of the operationalization of the National REDD+ Fund.			
III. Carbon Accounting	3.1	NO	YES
III (a) Scope and methods → Criteria 3 - 6	3.2	YES	YES
III (b) Uncertainties → Criteria 7 - 9	3.3	YES	YES
III (c) Reference Level → Criteria 10 - 13	4.1	YES	YES
III (d) Reference Level, Monitoring & Reporting on Emission Reductions → Criteria 14-16	4.2	NO	YES

III (e) Accounting for Displacement (leakage) → Criterion 17	5.1	NO	YES
III (f) Accounting for Reversals → Criteria 18 – 21	6.1	NO	YES
III (g) Accounting for ERs → Criteria 22 - 23	6.2	NO	YES
The various sections dealing with Carbon Accounting have been completely rewritten and further illustrated and documented, including inter alia a note on ER sustainability in section 11 and various annexes.	7.1	YES	YES
	7.2	YES	YES
Compared with the Draft ER-PD of January 2016, the approach to quantifying emissions and removals presented in the Final ER-PD has been completely reworked. In the TAP's view, the new approach is convincing and well developed. The approach is capable of generating accurate estimates, it covers the most important sources of emissions and removals, it is aligned with the national and international frameworks and it uses common good practice. Also, the ER-PD provides detailed and clear explanations on all of these aspects. It needs to be noted further that the methodological approach has significantly developed alongside the technical assessment process over the past 3 months.	8.1	NO	YES
	8.2	YES	YES
The TAP observed a considerable effort undertaken during the assessment process to comply with the requirements of the Carbon Fund methodological framework. The most significant among the methodological improvements include the following:	9.1	YES	YES
	9.2	YES	NO
<ul style="list-style-type: none"> Redefined the justification for including an adjustment factor and changed the calculation approach; 	9.3	N.A	N.A
	10.1	YES	YES
<ul style="list-style-type: none"> Changed the approach for monitoring ER Programme performance in line with the reference level setting; 	10.2	YES	YES
	10.3	NO	YES
<ul style="list-style-type: none"> Developed a new approach for calculating emission factors using a LIDAR-based carbon map; 	11.1	YES	YES
	11.2	YES	YES
<ul style="list-style-type: none"> Harmonized important aspects of the methodological approach with the national forest monitoring system; 	12.1	YES	YES
	13.1	YES	YES
<ul style="list-style-type: none"> Largely aligned the approach with IPCC guidance; 	13.2	YES	YES
	13.3	NO	YES
<ul style="list-style-type: none"> Introduced a time dimension into calculating emissions and removals rather than looking at abrupt changes; 	13.4	YES	YES
	14.1	NO	YES
<ul style="list-style-type: none"> Removed explicit accounting for activities in logging concessions; 	14.2	YES	YES
	14.3	YES	YES
<ul style="list-style-type: none"> Updated the assessment of reversal risks; 	15.1	YES	YES
	16.1	YES	YES
<ul style="list-style-type: none"> Proposed a new approach for management the reversal risk buffer; 	17.1	YES	YES
	17.2	NO	YES
<ul style="list-style-type: none"> Updated the assessment of displacement risks; 	17.3	N.A	N.A
	17.4	N.A	N.A
<ul style="list-style-type: none"> Made most methodological information publicly available. 	18.1	NO	YES
	18.2	NO	NO
In the TAP's view, the Final ER-PD includes a sound approach to carbon quantification.	19.1	YES	NO
	20.1	N.A	N.A
The TAP's indicator-by-indicator assessment revealed that there are few issues where further improvements could be carried out to fully meet the standards. These issues include:	20.2	N.A	N.A
	<ul style="list-style-type: none"> All calculations will need to be updated (refer to disclaimers on pages 131, 141 and 185 of the Final ER-PD). The ER-PD proposes to collect further field data in order to improve accuracy in estimation. Activity data will be updated according to the results of the uncertainty analysis (see item on the uncertainty analysis), and emissions factors will be updated according to an improved LIDAR-based carbon map. During the assessment it was explained that this effort could not be concluded in the brevity of time available and will be addressed as soon as possible. 		
<ul style="list-style-type: none"> In respect to the uncertainty analysis, the approach and methods are well described and positively assessed by the TAP. The ER-PD's uncertainty analysis could however not be completed 			

<p>(refer to indicators 9.2 and 9.3). The Final ER-PD proposes a further data collection effort to improve the basis for assessing uncertainties and minimizing error. In the TAP's view, the ER-PD's uncertainty analysis will need to be completed using the additional data collected. Procedures involved for systematic error correction of activity data entail that all calculations will need to be updated according to the final uncertainty analysis (see item on updating calculations).</p> <ul style="list-style-type: none"> Correcting for systematic errors in emission factors should be considered (indicator 7.1). During the assessment the ER-PD team undertook a particular effort to quantify systematic errors in establishing emission factors stemming from the use of broad average emission factors rather than distinguishing between forest types. Correcting emission factors for the observed underestimation of historical emissions should be considered. The assessment of reversal risks should be jointly established with the trustee of the Carbon Fund (refer to indicator 18.1). The assessment of aggregate reversal risk relies on VCS guidance with a long list of indicators. Although the TAP was not convinced by every single indicator, it has not the mandate to enter into a negotiation that would need to be undertaken by the trustee of the Carbon Fund. Further clarity is needed on the issue of reversal risks beyond the term of the ER-PA and sustainability of emission reductions (indicator 18.2). Ensuring the sustainability of emission reductions for a longer term will be challenging given the relatively short duration of the ER Programme of 5 years (respectively 10 years). In the view of the TAP, the longer term reversal risk need particular attention. Thus, the TAP recommends that the FMT and the Carbon Fund Participants undertake an exchange on this crucial issue, as this is not only specific for the DRC ER-PD. A more detailed plan should be laid out for setting up the national REDD+ registry (indicator 19.1 and several other indicators). The ER-PD proposes the use of a reversal buffer account in the national REDD+ registry, but this registry is not currently operational. The registry should either be already operational at ER Programme inception or at the very least its design should be concluded with a convincing time plan towards reaching operational status. <p>The TAP concludes that the ER-PD has undergone much development and represents a solid approach to carbon quantification. The TAP also believes that addressing the above list of items will contribute to ensuring full compliance with the methodological framework.</p>	21.1	YES	YES
	21.2	N.A	N.A
	22	NO	YES
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IV. Safeguards	23	YES	YES
Actions undertaken to meet WB and Cancun Safeguards → Criteria 24-26	24.1	YES	YES
<p>The DRC has a social and environmental assessment framework for its National REDD+ Program. It was validated by the World Bank in May 2015 at national level. The TAP recognizes that it will be challenging in the framework of the ER-PD implementation is to implement the safeguards on the ground. In the ER-PD of Maï Ndombe, which is based on a jurisdictional area, the national framework should be clearly contextualized to address the social and environmental risks relevant to it.</p>	24.2	NO	YES
	25.1	YES	YES
<p>The REDD+ process in DRC has created a system for the adequate implementation of safeguards, these include the elaboration of FPIC guidelines, the elaboration of a set of national REDD+ standards, the identification of many of the potential social and environmental risks of REDD+ through the SESA process, and the creation of a national ESMF, including specific frameworks for resettlement and indigenous peoples. The description of proposed safeguards in the Final ER-PD is based on sound principles, but the details still need to be worked out for the specific ER-</p>	25.2	N.A	N.A
	26.1	YES	YES
	26.2	YES	YES
	26.3	YES	YES

<p>Programmes.</p> <p>The TAP noted that the safeguard section in the Final ER-PD has been updated and reference has been made to the lack of site-specific safeguards plan. The Final ER-PD also presents a more comprehensive analysis of social and environmental risks of the ER-Program, including a summary in the Annex of the document. They address specifically the risk mitigation options, as requested by the TAP in its first review.</p>			
<p>V. Sustainable Program Design and Implementation</p> <p>V. (a) Drivers and Land Resource Tenure Assessment → Criteria 27-28</p> <p>V. (b) Benefit sharing → Criteria 29 – 33</p> <p>V. (c) Non-Carbon Benefits → Criteria 34 – 35</p> <p>The Program Design is innovative and representative to experiment on a larger jurisdictional area that should finally inform a country-wide REDD+ approach.</p> <p>The drivers of deforestation and forest degradation are well identified and the linkages between the direct and indirect factors are clearly presented. The agents behind the drivers and the concerned land categories are defined along with the opportunities for enhancement of forest carbon stocks. The measures and approaches to address deforestation and degradation are identified and are visibly articulated. The recommendations made by the TAP in respect to participatory land-use planning have been taken into account. An overview of the land tenure arrangements in the ER Program area is presented in the Final ER-PD. The TAP is of the view that site specific tenure arrangement need to be further analyzed.</p> <p>In the TAP’s view, the key principles for benefit sharing have been sufficiently formulated and a preliminary benefit sharing plan is proposed. The benefit sharing section was updated for the Final ER-PD by an illustration of the principle in the sale of ERs, a presentation of the next steps to finalize the benefit sharing plan and an update of the indicative benefit sharing plan. There is a need to move forward with the remaining activities and further consultation in order to finalize the Benefit Sharing Plan which provides clarity on issues at stake and on monitoring provisions. The fact that the principle of free, prior and informed consent (FPIC) is already mentioned shows that the team is on good track. In the TAP’s view, there remains still the challenge to find ways to contextualize it to the jurisdictional area of Maï-Ndombe.</p> <p>The section on Non-carbon benefit in the Final ER-PD is a complete rewriting following non-carbon objectives identified in the ER-Pin, including Annex 4 that shortly describe indicators, baselines and 5-years objectives. Priority Non-Carbon Benefits are identified and described. The TAP however concludes that the socio-cultural criteria for such benefits (culturally appropriate, gender, intergenerational inclusivity) could still to be better justified, beyond what has been stated in Annexes 5&6.</p> <p>The TAP continues to have concerns about how contracts based on the REDD+ Regulation will be enforced in practice, and enforcement issues related to the emphyteutic 25-year lease for NR concessions. Also, the TAP recommends including newest information on the moratorium on new logging concessions in the ER-PD.</p>	<p>27.1</p> <p>27.2</p> <p>28.1</p> <p>28.2</p> <p>28.3</p> <p>29</p> <p>30.1</p> <p>31.1</p> <p>32.1</p> <p>33.1</p> <p>34.1</p> <p>34.2</p> <p>35.1</p> <p>35.2</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>NO</p> <p>YES</p> <p>N.A</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>N.A</p> <p>N.A</p> <p>N.A</p>
<p>VI. ER Program Transactions</p> <p>VI (a) ERPA Signing Authority and Transfer of Title To ERs → Criterion 36</p> <p>VI (b) Data Management and ER Transaction Registries → Criteria 37 - 38</p>	<p>36.1</p> <p>36.2</p> <p>36.3</p>	<p>YES</p> <p>YES</p> <p>YES</p>	<p>YES</p> <p>YES</p> <p>YES</p>

The TAP reiterates its comments made in its review of the Advanced ER-PD in February 2016. Please refer to the assessment made by the TAP in that document.	37.1	YES	YES
	37.2	YES	YES
The TAP comments that the overall criteria under the Program Transactions are met. In its analysis, the TAP notes that many of the issues relating to the ability of the DRC to transfer the Emissions Reductions under the proposed Maï-Ndombe Emission Reductions Program (indicator 28.3 and 36.1 and 36.2); the assessment of land and resource tenure regimes (indicator 28.1); preventing double counting (C23); and project data management system are all closely interrelated. They require an understanding of the approach DRC has proposed to address the underlying legal issues around the ownership of carbon, the legal nature of ERs and the laws and systems establish to deal with these matters under the specific ER-Program.	37.3	YES	YES
	37.4	YES	YES
	38.1	NO	YES
	38.2	YES	N.A
	38.3	N.A	N.A
	38.4	YES	N.A
In the TAP’s view, there still remains some uncertainty around the relationship between the constitutional rights of the State and the rights of community groups, as well as about the legal nature of ERs, the DRC has developed a substantive approach to managing REDD+.			
On the institutional side, the TAP recognizes that the legislation (AM 2012) defined the creation of a REDD+ registry to track all REDD+ activities and nominated the Ministry of Environment as the relevant registry authority. This National Registry of the DRC’s national REDD+ program is still in design in May 2016 and is yet not operational. For the launching of the ER-Program of Maï Ndombe, a functional National REDD+ Registry is fundamental (see also the various criteria and indicators addressed by the TAP in this report). Some of the crucial indicators cannot be assessed without being able to clearly assess the role and function of the National REDD+ Registry			

SUMMARY SCORE and overall comment:

Based on the methodological framework (MF), the TAP has rated the ER-PD as follows:

- Advanced Draft ER-PD dated 7 February 2016:
Of a total of 78 criteria and indicators **53 criteria or indicators are met (yes)** and **16 are not met (no)**; 9 indicators have been classified under do not apply (n/a) to the current assessment
- Assessment of the Final ER-PD dated 30 May 2016:
Of a total of 78 criteria and indicators **61 criteria or indicators are met (yes)** and **3 are not met (no)**; 14 indicators have been classified under do not apply (n/a) to the current assessment. The n/a criteria have been discussed with or partly requested by the FMT in order to ensure consistency among the TAP processes of ERPDs from different countries.

Most of the criteria and indicators are met from the perspective of the TAP. For many of these indicators, the TAP could propose improvements; however, the TAP is confident that the criteria met allow to advance in the process towards a large-scale ER-Program which is based on results-based payments with additional developmental support. In the TAP’s view, the 3 ratings with “No” can be handled in the further process of ERPA negotiations between the Carbon Fund, the Trustee and the DRC.

PART 2 OF TECHNICAL ASSESSMENT: DETAILED ASSESSMENT

C. 1 The proposed ER Program is ambitious, demonstrating the potential of the full implementation of the variety of interventions of the national REDD+ strategy, and is implemented at a jurisdictional scale or programmatic scale.

Ind. 1.1 The ER Program Measures aim to address a significant portion of forest-related emissions and removals

YES

[Ambition and strategic rationale for the ER Program – 2.2]

Yes, the ER Program Measures aim to address a significant portion of forest-related emissions and removals.

The ER-PD program intends to reduce emissions by about 34.3 Million tons of CO₂ equivalents gross reduction over a 5-years' time scale, which corresponds to a 5-year target net reduction of about 24.7 Million tons of CO₂. The average annual net target. This corresponds to about 7.4% of the annual forest-related emissions for Maï-Ndombe province within the accounting scope (annual emissions reference level of about 67 Million tons of CO₂). Overall, the strategy to achieve the goal is well designed and based on the country-wide multi-year analysis during the REDD+ readiness phase.

As already outlined in the TAP report of 7 February 2016, the ER-Program measures are ambitious considering the proposed multi-sectoral approach, its coverage of different eco-zones (tropical moist forest; savanna) and the socio-economic challenges that characterise the jurisdictional area (existing communities, migration, population pressure and economic pressure), which as an additional challenge of being a province located in the vicinity of the mega-city Kinshasa. Also, the current rather weak institutional environment (the province of Maï Ndombe has only been officially created in early 2016 with yet not well developed public structures and strategies) asks for careful approaches that include institution building, creation of administrative and legal capacities and political commitment for the "green economy" approach. The experience of an existing VCS project (conservation concession) in the jurisdictional area can be considered as an asset. Another asset is the planned partnership with private sector companies (though small in number, size and impact for the time being).

The TAP noted however, that the Final ER-PD has taken into consideration the institutional difficulties and proposes to advance carefully through existing structures and projects. A focus is given on the inclusion of a variety of stakeholders, including the new state authorities, development project, and local community leaders and of the private sector (forest companies, agricultural companies, and others). Clear steps towards concretization and sustainable approaches that include considerable socio-economic investment beyond carbon financing have been proposed through the various additional components that accompany the ER-Program.

Ind. 1.2 The ER Program is ambitious, uses new or enhanced ER Program Measures to reduce Emissions or enhance removals, is undertaken at a jurisdictional scale and/or takes a programmatic approach (i.e., involves multiple land areas, landowners or managers within one or several jurisdictions), and reflects a variety of interventions from the national REDD+ strategy in a coordinated manner.

YES

[Ambition and strategic rationale for the ER Program – 2.2, 2.3]

Yes, the ER Program is ambitious and reflects the national REDD+ strategy in a coordinated manner.

The TAP particularly commends the effort described in the Final ER-PD to further address the current capacities of the public institutions involved through support provided by a variety of donors, particularly to support monitoring, the development of legal texts and their enforcement, also including benefit sharing and questions relating to reversal.

The institutional arrangements for the management and implementation of the ER program are complex challenging, considering in particular the low existing human and technical capacities to implement a complex

program such as proposed by the ER-PD. In particular, the use of an independent project management team and the use of local executing agencies may represent a trade-offs between efficiency and building capacity, and perhaps accountability. In the TAP's view, the ER-PD needs to carefully develop its implementation structures and tap on existing experience in the various fields of action.

The TAP reiterates its comments made in its report on the advanced ER-PD dated 7 February 2016. The Mai Ndombe Province covers an area of 12.3 million hectares, out of which 9.8 million hectares are forests. Thus a main focus is on reducing deforestation mainly due to shifting cultivation and forest degradation (including fuelwood extraction, illegal logging and unsustainable harvesting). A lot of emphasis is given to valuate savanna land through agricultural production (both small scale and commercial), though the TAP team is yet not entirely convinced that the quality of soil and current use patterns will allow to develop the ambitious removal program. Taking into account the ambition to work with local communities, particularly in the field of fuelwood extraction, sustainable agroforestry and fuelwood plantation as well as in the development of SME, the ER program, as outlined already under Ind. 1, is considered as ambitious, particularly to manage the numerous contract needed and the monitoring system to put in place to manage results-based payments. The program can built on the experience of a VCS project but adds considerable new features to correspond to the challenges in a wider jurisdictional level. While the experience from the VCS project is valid, there will be new challenges to take into consideration due to the simple size of the area to monitor.

C. 2 The Accounting Area matches a government- designated area that is of significant scale

Ind. 2.1 The Accounting Area is of significant scale and aligns with one or more jurisdictions; or a national-government-designated area (e.g., ecoregion) or areas.
[Accounting Area of the ER Program – 3.1]

YES

Yes, the Accounting Area is of significant scale and aligns with an entire jurisdictional area.

The TAP reconfirms its assessment made in its report on February 7, 2016 which was based on the Advanced ER-PD draft. Please refer to this report for a broader assessment of criteria 2.

The Mai-Ndombe accounting area has been carefully chosen based on a number of criteria, including of being a transitional zone between the natural forest area of the Congo basin and adjacent climatic savannah. The province extents over 12.8 m ha land area out of which 8.8 m ha of primary-type forests, 1 m ha secondary forests and 1.8 m ha of (tree) savannah. It is close to Kinshasa and thus presents major issues in respect to deforestation and forest degradation, but also opportunities for sustainable land-use approaches and development of commodity value chains for the important Kinshasa market with more than 10 million potential customers for agricultural and forest products.

C. 3 The ER Program can choose which sources and sinks associated with any of the REDD+ Activities will be accounted for, measured, and reported, and included in the ER Program Reference Level. At a minimum, ER Programs must account for emissions from deforestation. Emissions from forest degradation also should be accounted for where such emissions are significant.

Ind. 3.1 The ER Program identifies which anthropogenic sources and sinks associated with any of the REDD+ Activities will be accounted for in the ER Program
[Description of Sources and Sinks selected – 8.1]

YES

Yes, the Final ER-PD identifies the REDD+ activities to be accounted for with their sources and sinks. The ER-PD proposes to match REDD+ activities to IPCC GHG sub-categories as follows:

- Deforestation corresponds to change from forest land to non-forest land (FL->NF)
- Degradation corresponds to forest land remaining forest land (FL->FL) in locations with net emissions

<ul style="list-style-type: none"> • Carbon stock enhancement includes <ul style="list-style-type: none"> ○ Forest land remaining forest land (FL->FL) in locations with net removals (“ECS existing forests”) ○ Change from non-forest land to forest land (NF->FL) (“ECS new forests”) <p>Together, these IPCC sub-categories cover the complete scope of land-use emissions. Although seemingly the other two REDD+ activities (conservation of carbon stocks and sustainable management of forests) are not covered, any associated emissions and removals are part of that complete scope of land-use emissions. The ER-PD points out that a national definition of these two seemingly omitted REDD+ activities is unavailable and therefore decided to refrain from disaggregating accounting accordingly.</p>	
<p>Ind. 3.2 The ER Program accounts for emissions from deforestation. [Description of Sources and Sinks selected – 8.1]</p>	YES
<p>Yes, the ER Programme accounts for emissions from deforestation.</p>	
<p>Ind. 3.3 Emissions from forest degradation are accounted for where such emissions are more than 10% of total forest-related emissions in the Accounting Area, during the Reference Period and during the Term of the ER-PA. These emissions are estimated using the best available data (including proxy activities or data). [Description of Sources and Sinks selected – 8.1]</p>	YES
<p>Yes, the ER Programme accounts for emissions from forest degradation.</p> <p>Compared to the ER-PIN, the ER-PD has more focus on forest degradation. Therefore, the ER-PD’s reference level is considerably higher than the reference level presented in the ER-PIN (pre-adjustment - ER-PD: 62.3m tCO₂e /year versus ER-PIN: 25m tCO₂e /year).</p> <p>The difference is largely due to (i) the additional inclusion of forest degradation in the ER-PD and (ii) the use of a new data source for estimating deforestation in the ER-PD. The ER-PD proposes a reference level of 25.4m tCO₂e /year for unplanned degradation that had not been included in the ER-PIN. This new emission source makes up most of the difference in reference level emissions between ER-PIN and ER-PD.</p> <p>The ER-PD proposes a reference level of 42.8m tCO₂e /year for deforestation, while the ER-PIN had only 19.3m tCO₂e /year for the same source. The difference is largely because of different activity data for deforestation. The ER-PIN had used estimates published by the University of Maryland with a deforestation rate of 0.34% /year <i>for the DRC as a whole</i>. The ER-PD, in turn, proposes a point sampling approach to estimate Mai-Ndombe's deforestation rate at 0.92% /year (corresponding to 112,605 ha /year divided by 12,233,953 ha /year). Country-level estimates only provide a poor proxy for Mai-Ndombe.</p> <p>The TAP concludes that the different reference levels between ER-PIN and ER-PD are explained by looking at the scope of underlying data.</p>	
<p>C. 4 The ER Program should account for, measure and report, and include in the ER Program Reference Level, significant carbon pools and greenhouse gases, except where their exclusion would underestimate total emission reductions.</p>	
<p>Ind. 4.1 The ER Program accounts for all Carbon Pools and greenhouse gases that are significant within the Accounting Area, both for Reference Level setting and Measurement, Monitoring and reporting (MMR). [Description of Carbon Pools and greenhouse gases selected – Final ER-PD 7.2]</p>	YES
<p>Yes, the ER-PD proposes a set of carbon pools and GHGs to be included or excluded. Regarding the question of</p>	

significance, see indicator 4.2.	
<p>Ind. 4.2 Carbon Pools and greenhouse gases may be excluded if:</p> <ul style="list-style-type: none"> I. Emissions associated with excluded Carbon Pools and greenhouse gases are collectively estimated to amount to less than 10% of total forest-related emissions in the Accounting Area during the Reference Period; or II. The ER Program can demonstrate that excluding such Carbon Pools and greenhouse gases would underestimate total emission reductions. <p>[Description of Carbon Pools and greenhouse gases selected – Final ER-PD 7.2]</p>	YES
<p>Yes, the Final ER-PD demonstrates that excluded carbon pools and GHG likely lead to underestimating total emission reductions (as per criterion ii).</p> <p>Section 7.2 of the Final ER-PD proposes to exclude deadwood, litter and soil-organic carbon. For each of these pools, it separately explains why the exclusion is conservative. Largely, these explanations rely on expected higher stocks in forests than in non-forest vegetation. The ER-PD also points out that IPCC 2006 guidelines allow assuming zero changes in deadwood, litter and soil-organic carbon for remaining forests irrespective of degradation.</p> <p>Section 7.2 also proposes to exclude greenhouse gases CH₄ and N₂O and explains that this is conservative because the ER Programme aims to reduce areas burnt and will therefore reduce such GHG.</p>	
<p>C. 5 The ER Program uses the most recent Intergovernmental Panel on Climate Change (IPCC) guidance and guidelines, as adopted or encouraged by the Conference of the Parties as a basis for estimating forest-related greenhouse gas emissions by sources and removals by sinks.</p>	
<p>Ind. 5.1 The ER Program identifies the IPCC methods used to estimate emissions and removals for Reference Level setting and Measurement, Monitoring and reporting (MMR).</p> <p>[Description of method used for calculating the average annual historical emissions over the Reference Period – 8.3]</p> <p>[Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area– 9.1]</p>	YES
<p>Yes, the Final ER-PD uses IPCC methods as a basis for estimating emissions.</p> <p>The TAP interprets “as a basis” to mean that methods largely follow the same structure, for example to include: same basic concepts of emission factors and activity data; same basic equations; same set of approaches to land representation; matching of emission sub-categories to REDD+ activities. In this sense, using IPCC guidelines “as a basis” allows for deviating from the guidelines on some other important aspects. Using IPCC guidelines “as a basis” also implies a need to identify methods where they are used and to point out deviations where they occur.</p> <p>The ER-PD’s methods follow many of the same basic concepts as the IPCC 2006 guidelines. For example, the IPCC 2006 guidelines quantify emissions based on an observation of land use and its changes (e.g., emissions in a forest class or emissions in forest converted to cropland). The ER-PD matches the IPCC’s subcategories to the REDD+ activities. The ER-PD makes ample reference to the IPCC 2006 guidelines and draws on many of its equations and its emission factors.</p>	

The following list includes some important methodological aspects where the Final ER-PD deviates from the IPCC guidelines¹:

- The ER-PD excludes legacy emissions from land use changes that occurred before the accounting period.
- The IPCC 2006 guidelines propose an approach 2/3 to land representation (that indicator 14.2 refers to) and that relies on organizing observed changes into a land-use change matrix. The ER-PD does not show such a land-use change matrix and it does not consistently use corresponding IPCC terminology of land use conversion classes (e.g., ‘forest land remaining forest land’).
- The IPCC 2006 guidelines break down quantification and reporting by GHG, land-use subcategories, by emissions and removals and by carbon pools. The ER-PD groups these together and final results of calculations do not allow to extract, for example, ‘CO2 emissions from forest land remaining forest land in above-ground biomass’, but only broad aggregates are available.
- The IPCC 2006 guidelines only consider anthropogenic emissions and identify these through a managed land proxy. The ER-PD does not undertake an effort to separate anthropogenic emissions from naturally occurring emissions.
- The IPCC 2006 guidelines look at land use and its changes, but the ER-PD consider land cover and its changes. This distinction is relevant, for example, regarding rotational croplands. The ER Program area includes much rotational/swidden agriculture/shifting cultivation. Using a land-cover based definition together with a current tree height threshold will result in somewhat arbitrary distinction between cropland and forest land. Some current fallows will be classified as forests and other current, more recent fallows will be classified as cropland.

In conclusion, in the view of the TAP, the ER-PD uses the IPCC 2006 guidelines as a basis in so far as practicable. It could be further improved by pointing out in a systematic manner the above points of alignment and deviations.

C. 6 Key data and methods that are sufficiently detailed to enable the reconstruction of the Reference Level, and the reported emissions and removals (e.g., data, methods and assumptions), are documented and made publicly available online. In cases where the country’s or ER Program’s policies exempt sources of information from being publicly disclosed or shared, the information should be made available to independent reviewers and a rationale is provided for not making these data publicly available. In these cases, reasonable efforts should be made to make summary data publicly available to enable reconstruction.

¹ The TAP would like to note that incomplete compliance with the IPCC guidelines is not limited to the ER-PD, but occurs in the REDD+ context more generally. For example, several of the REDD+ reference level submissions to the UNFCCC also include the ER-PD’s deviations from the IPCC guidelines listed below.

<p>Ind. 6.1 The following methodological steps are made publicly available:</p> <ol style="list-style-type: none"> I. Forest definition; II. Definition of classes of forests, (e.g., degraded forest; natural forest; plantation), if applicable; III. Choice of activity data, and pre-processing and processing methods; IV. Choice of emission factors and description of their development; V. Estimation of emissions and removals, including accounting approach; VI. Disaggregation of emissions by sources and removal by sinks; VII. Estimation of accuracy, precision, and/or confidence level, as applicable; VIII. Discussion of key uncertainties; IX. Rationale for adjusting emissions, if applicable; X. Methods and assumptions associated with adjusting emissions, if applicable. <p>[Forest definition used in the construction of the Reference Level: Final ER-PD Section 8.2] [Description of method used for calculating the average annual historical emissions over the Reference Period 8.3] [Activity data & emission factors used for calculating the average annual historical emissions over the Ref. Period 8.3] [Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area 9.1]</p>	YES
<p>Yes, all of these methodological steps are made publicly available. The ER-PD itself summarizes all of these information as follows. The TAP has been informed that it will be made publicly available on the FCPF webpage as of 30 May 2016.</p> <ul style="list-style-type: none"> • Forest definition – section 8.2. • Definition of classes of forests – section 8.2. • Choice of activity data, and pre-processing and processing methods – sections 8 and 9. • Choice of emission factors – sections 8 and 9. • Estimation of emissions and removals – section 8.4. • Disaggregation of emissions by sources and removal by sinks – section 8.4. • Estimation of accuracy, precision, and/or confidence level – section 12. • Discussion of key uncertainties – section 12. • Rationale for adjusting emissions – section 8.4. • Methods and assumptions associated with adjusting emissions – section 8.4. 	
<p>Ind 6.2 For the following spatial information, maps and/or synthesized data are displayed publicly, and reasonable efforts are made to explain how these were derived from the underlying spatial and other data, and to make key data sets or analyses publicly available:</p> <ol style="list-style-type: none"> I. Accounting Area II. Activity data (e.g., forest-cover change or transitions between forest categories) III. Emission factors IV. Average annual emissions over the Reference Period V. Adjusted emissions <p>Any spatial data used to adjust emissions, if applicable.</p> <p>[Forest definition used in the construction of the Reference Level 9.2] [Description of method used for calculating the average annual historical emissions over the Reference Period 8.3] [Activity data & emission factors used for calculating the average annual historical emissions over the Ref. Period 8.3] [Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area 9.1]</p>	YES

Yes, a detailed plan is available to make such spatial information publicly available on the internet. The TAP has been informed that the FMT will post the following pieces of information according to the list in the indicator as of 30 May 2016 on the FCPF website:

- Shape file of the accounting area
- Shape file of the sampling approach for establishing activity data
- Raster file with the LIDAR-based carbon map

The average annual emissions and adjusted emissions are not calculated in a spatially explicit manner for the ER-PD and there is therefore no spatial information that could be made publicly available. The corresponding non-spatially explicit information is included in the list under indicator 6.1.

C.7 Sources of uncertainty are systematically identified and assessed in Reference Level setting and Measurement, Monitoring and reporting

<p>Ind 7.1 All assumptions and sources of uncertainty associated with activity data, emission factors and calculation methods that contribute to the uncertainty of the estimates of emissions and removals are identified.</p> <p>[Activity data and emission factors used for calculating the average annual historical emissions over the Reference Period 8.3]</p> <p>[Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area 9.1]</p> <p>[Identification and assessment of sources of uncertainty 13.1]</p>	<p>YES</p>
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Yes, the emission estimates’ sources of error are systematically identified.

Section 12.1 of the Final ER-PD assesses error sources systematically, separating between errors afflicting emission factors and activity data. Most important error sources are identified and prioritized. For activity data, interpretation error and sampling error are prioritized. For emission factors, measurement error, sampling error and several kinds of model error are prioritized. The ER-PD does not systematically distinguish between random and systematic errors.

The TAP notes that the assessment could be complemented by other potential error sources. For example:

- Different datasets almost necessarily use incoherent definitions, which will introduce systematic error. For example, information derived from the LIDAR-based carbon map for establishing emission factors does not perfectly match the sampling approach for activity data. The ER-PD proposes a procedure for correcting such mismatch.
- Omitting spatial detail on activity and emission factors in estimating the reference level for deforestation and forest degradation introduces error because it cannot be assumed that forests have the same biomass density regardless of the location (this also relates to indicator 14.2 and criterion 22).
- The uncertainty analysis currently excludes the measurement approach proposed for tree plantations, which may have a different set of error sources. For the reference level, measurements are not carried out and an associated uncertainty analysis is also unnecessary. The TAP points out that even for later results monitoring expected removals from tree plantations are considerable smaller than emissions from deforestation and forest degradation, and can therefore hardly be a major source of error.

The ER-PD does not contain information on spatial detail in estimating emissions and removals. It aggregates all forest changes into broad classes with single emission factors. Neglecting the location of deforestation (or forest degradation or sink enhancement) could introduce systematic error if more (or less) dense forests were more likely (or less likely)

to undergo change. During the assessment, the TAP requested pertinent information and the DRC ER-PD team confirmed that

- a) certain forest types are more likely than others to undergo change, and
- b) average biomass stocks differ significantly between forest types.

The TAP observes that, despite these observations, the Final ER-PD only uses a rudimentary stratification into secondary and primary forest types.

During the assessment it was pointed out that likely the systematic error is negative and that the ER-PD underestimates true historic emissions. The quantification was based on simulating a stratification of emission factors, using existing data layers used for sampling land cover. It yielded a simulated emission of 68,183,593 tCO₂e /year – versus only 62,275,735 tCO₂e /year that the ER-PD proposes (-9.4%). The reasons comprise that emission factors also include wetland forests with lower biomass density, although most deforestation occurs in forests with higher biomass density. Such estimation is not definite since the uncertainty analysis is not final yet.

The TAP concludes that the ER-PD includes a systematic identification of error sources. More work comprises to account for systematic errors from neglecting the location of deforestation. In the TAP’s view, there is also room for data improvement by better stratifying the forests.

<p>Ind 7.2 The sources of uncertainty identified in Indicator 7.1: are assessed for their relative contribution to the overall uncertainty of the emissions and removals. [Identification and assessment of sources of uncertainty 13.3]</p>	<p>YES</p>
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Yes, the Final ER-PD assesses the contribution of individual error sources to the overall uncertainty.

Drawing on a number of sources, including from literature, the Final ER-PD includes a careful quantification of individual error sources. The uncertainty analysis is still incomplete and a final quantification of the relative contribution of individual sources to the overall error can only be established once it is concluded. In addition to already available information, in an exchange session the DRC ER-PD team and the TAP it was explained that DRC will use a sensitivity analysis to further analyze the relative contribution to overall error. The TAP finds such approach appropriate. The TAP further recommended that correcting for systematic errors in emission factors should be considered. And that correcting emission factors for the observed underestimation of historical emissions should be considered.

C 8 The ER Program, to the extent feasible, follows a process of managing and reducing uncertainty of activity data and emission factors used in Reference Level setting and Measurement, Monitoring and reporting.

<p>Ind 8.1 Systematic errors are minimized through the implementation of a consistent and comprehensive set of standard operating procedures, including a set of quality assessment and quality control processes that work within the local circumstances of the ER Program.</p> <p>[Activity data and emission factors used for calculating the average annual historical emissions over the Reference Period, Final ER-PD Section 12.2] [Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area]</p>	<p>YES</p>
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<p>Yes, the Final ER-PD describes a set of procedures to minimize systematic error. It does not distinguish between efforts to minimize systematic and random errors, but the TAP found that it includes a convincing strategy for minimizing systematic errors.</p> <p>For activity data, the Final ER-PD describes procedures that are designed to reduce systematic errors. Most of the efforts are also directed towards reducing random errors and the ER-PD explains how these are addressed together. It describes in detail the approach applied for training and quality management in collecting activity data. It also lays out data correction procedures relying on sequential filtering to further reduce error. The same approach to activity data collection will be applied for both the reference level and programme monitoring and therefore the same procedures for minimizing errors will be applied.</p> <p>For emission factors, the generation of LIDAR-based carbon maps had already included much focus on uncertainty analysis and reducing errors. The Final ER-PD draws on these results. In addition, it describes an effort to minimize errors in using the LIDAR-based carbon map for establishing emission factors, where the sample is restricted only to measurements of agreement between the ER-PD's and the LIDAR-based land cover identification.</p> <p>Moreover, the ER-PD describes procedures to correct for systematic errors. For activity data, it lays out a procedure whereby the accuracy assessment gives ground to removing systematic errors and working with corrected estimates of forest area changes. For emission factors, as pointed out under indicator 7.1, above, an effort was also undertaken to quantify systematic errors in estimating emission factors. Using the preliminary dataset currently available, preliminarily the error was estimated at -9.5%. The ER-PD does not currently propose to correct that accordingly.</p>	
<p>Ind 8.2 Random errors and other uncertainties are minimized to the extent practical based on the assessment of their relative contribution to the overall uncertainty of the emissions and removals.</p> <p>[Activity data and emission factors used for calculating the average annual historical emissions over the Reference Period 10, 13] [Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area 9.1] [Identification and assessment of sources of uncertainty Final ER-PD section 12.1]</p>	<p>YES</p>
<p>Yes, uncertainties associated with activity data and emission factors are quantified using accepted international standards.</p> <p>The ER-PD shows confidence intervals and standard errors. It is also planned to aggregate errors through simulation techniques, which are further discussed under indicator 9.2, below.</p>	
<p>C 9 Uncertainty of activity data and emission factors used in Reference Level setting and Measurement, Monitoring and reporting is quantified in a consistent way, so that the estimation of emissions, removals and Emission Reductions is comparable among ER Programs</p>	
<p>Ind 9.1 Uncertainty associated with activity data and emission factors is quantified using accepted international standards, for example by providing accuracy, confidence interval, distribution of error, and propagation of error. Where errors in data and methods are considered large as defined in IPCC Guidelines, Monte Carlo methods (numerical simulations) should be used to estimate uncertainty</p> <p>[Activity data and emission factors used for calculating the average annual historical emissions over the Reference Period 13.1] [Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area 9.1]</p>	<p>YES</p>

Yes, the ER-PD describes efforts to minimize random errors. The ER-PD does not distinguish between efforts to minimize systematic and random errors, but the TAP found that it describes appropriate efforts for minimizing random errors.

For activity data, the ER-PD also addresses action to reduce random errors. As pointed out under indicator 8.1, above, most of the efforts are also directed towards reducing systematic errors because the ER-PD treats these together.

For emission factors, the ER-PD describes several still ongoing data collection efforts to reduce errors. These concern the collection of additional ground data and remote sensing plots for improving the LIDAR-based carbon map. Arguably, such efforts to minimize errors contribute to the delay in completing the uncertainty analysis.

As pointed out under indicator 7.2, above the ER-PD does not yet include an assessment of the relative contribution of error sources and the complete uncertainty analysis may contain more information to link the ER-PD’s approach for minimizing errors to these contributions.

Ind 9.2 Uncertainty of the estimate of Emission Reductions is quantified using Monte Carlo methods. Underlying sources of error in data and methods for integrated measurements of deforestation, forest degradation and enhancements (e.g., as in a national forest inventory) are combined into a single combined uncertainty estimate and are reported at the two-tailed 90% confidence level
[Quantification of uncertainty in Reference Level setting 13.2]

NO

No, the ER-PD does not currently include a complete uncertainty analysis. However, the approaches and methods are well described and positively assessed by the TAP.

While the approaches and methods are well described and positively assessed by the TAP, the ER-PD’s uncertainty analysis could however not be completed respectively quantified. The ER-PD does yet not provide uncertainty estimates of emissions or emission reductions and does not combine sources of error into single combined uncertainty estimates. However, the TAP also noted that the Final ER-PD clearly states that the uncertainty analysis will be completed shortly.

The TAP decided to already assess indicators 9.2 and 9.3 although they refer to the uncertainty analysis of “emission reductions”, which will only be available at the time of verification. Criterion 9 requests the use of consistent approaches between reference level setting and programme monitoring and the TAP understood this to imply that indicators 9.2 and 9.3 apply mutatis mutandis also to the reference level.

The indicator specifically asks for simulation techniques. Rather than as a hard requirement, the TAP understood this as a request to strongly consider simulation techniques next to the error propagation techniques that are easier to implement. The TAP’s understanding is in line with indicator 9.1 (that requests the use of simulation techniques in circumstances “where errors in data and methods are considered large”) and with the IPCC (that recognizes both error propagation and simulation techniques as best practices in most circumstances).

In conclusion, it is still necessary to complete the uncertainty analysis. In doing so, the ER-PD should include a justification as to the techniques used for aggregating errors and strongly consider the use of simulation techniques.

Ind 9.3 Uncertainty of Emissions Reductions associated with deforestation, forest degradation and enhancements are reported separately if measured through separate (i.e., non-integrated) approaches and when degradation is estimated using proxy data.
[Quantification of uncertainty in Reference Level setting Final ER-PD 12.2]

N.A

[Non-applicable as deforestation, degradation and enhancements are measured through separate approaches]

At present, the ER-PD does not currently report uncertainties of emission estimates. The uncertainty analysis is

incomplete.

Indicators 9.2 and 9.3 refer to the uncertainty analysis of “emission reductions”, which will only be available at the time of verification. Criterion 9 requests the use of consistent approaches between reference level setting and programme monitoring and the TAP understood this to imply that indicators 9.2 and 9.3 apply *mutatis mutandis* also to the reference level.

Regarding the reference to “separate (i.e., non-integrated) approaches”, the TAP worked with the understanding that the indicator requests reporting uncertainties separately for deforestation, forest degradation and enhancement if separate measurements are available. And the ER-PD’s approach has such separate measurements for the REDD+ activities. In conclusion, it is still necessary to complete the uncertainty analysis. Once a complete uncertainty analysis becomes available, it should provide uncertainty estimates separately for deforestation, forest degradation and enhancements.

C 10 The development of the Reference Level is informed by the development of a Forest Reference Emission Level or Forest Reference Level for the UNFCCC

Ind 10.1 The Reference Level is expressed in tons of carbon dioxide equivalent per year
[Estimated Reference Level Final ER-PD Section 8.4]

YES

Yes, the reference level is expressed in tonnes of carbon dioxide equivalent per year.

Ind 10.2 The ER Program explains how the development of the Reference Level can inform or is informed by the development of a national Forest Reference Emission Level or Forest Reference Level, and explains the relationship between the Reference Level and any intended submission of a Forest Reference Emission Level or Forest Reference Level to the UNFCCC
[Relation between the Reference Level, the development of a FREL/FRL for the UNFCCC and the country’s existing or emerging greenhouse gas inventory Final ER-PD Section 8.5]

YES

Yes, ER-PD sections 8.6 and 9.3 provide information on how the ER-PD reference level and the forthcoming UNFCCC national reference level for REDD+ inform each other. The ER-PD proposes to use the same approach for reference level setting and programme monitoring, and the national forest monitoring system is bound to also align approaches between reference level and results measurement. Because of this, indicators 10.2 and 15.1 are addressed together.

Ind 10.3 The ER Program explains what steps are intended in order for the Reference Level to achieve consistency with the country’s existing or emerging greenhouse gas inventory
[Relation between the Reference Level, the development of a FREL/FRL for the UNFCCC and the country’s existing or emerging greenhouse gas inventory Final ER-PD chapter 8.4]

YES

Yes, as pointed out under indicator 15.1, the ER-PD explains how activity data measurements will be integrated between the ER-PD and the national forest monitoring system.

Such integration is undertaken both for the reference levels and for results measurement. The ER-PD also explains that the source of emission factors for the national forest monitoring system still is under discussion and an assessment of consistency issues can therefore not be definite at this stage.

C 11 A Reference Period is defined

<p>Ind 11.1 The end-date for the Reference Period is the most recent date prior to 2013 for which forest-cover data is available to enable IPCC Approach 3. An alternative end-date could be allowed only with convincing justification, e.g., to maintain consistency of dates with a Forest Reference Emission Level or Forest Reference Level, other relevant REDD+ programs, national communications, national ER program or climate change strategy</p> <p>[Reference Period Final ER-PD chapter 8.1]</p>	YES
<p>Yes, the ER-PD complies with indicator 11.1.</p> <p>Albeit the proposed end-date for the reference period is 2014, which is not prior 2013, section 8.1 provides a convincing justification. The proposed end-date is consistent with the end-date of the UNFCCC reference level. The final ER-PD provides evidence about DRC’s decision for the national REL end date.</p> <p>The indicator 11.1 makes explicit reference to “consistency of dates with a Forest Reference Emission Level or Forest Reference Level” as an acceptable justification of an alternative end-date.</p> <p>Incidentally, beyond the end-date that indicator 11.1 is concerned with, the start-date of the reference period is also consistent between the programme area and the UNFCCC reference level. Section 9.8 describes the approach whereby the Mai-Ndombe reference level informs the UNFCCC reference level through use of sample plot data. It clarifies that “the result of the assessment will be the area estimates by class of Mai-Ndombe area in the National Reference Emission Level”. The upshot of this procedure is that, although the UNFCCC national REDD+ reference level will rely on reference period 2000-2014 overall, it will, for Mai-Ndombe, be calculated using activity data 2004-2014.</p>	
<p>Ind 11.2 The start-date for the Reference Period is about 10 years before the end-date. An alternative start-date could be allowed only with convincing justification as in Indicator 11.1, and is not more than 15 years before the end-date.</p> <p>[Reference Period 9.1]</p>	YES
<p>Yes, the ER-PD proposes start date 2004, which is 10 years before the end-date.</p>	
<p>C 12 The forest definition used for the ER Program follows available guidance from UNFCCC decision 12/CP.17</p>	
<p>Ind 12.1 The definition of forest used in the construction of the Reference Level is specified. If there is a difference between the definition of forest used in the national greenhouse gas inventory or in reporting to other international organizations (including an Forest Reference Emission Level or Forest Reference Level to the UNFCCC) and the definition used in the construction of the Reference Level, then the ER Program explains how and why the forest definition used in the Reference Level was chosen.</p> <p>[Forest definition used in the construction of the Reference Level 8.2]</p>	YES
<p>Yes, section 8.2 of the Final ER-PD specifies the definition of forest used in the construction of the reference level. The TAP concludes that the forest definition is largely aligned with the definition used in relevant national and international processes:</p> <ul style="list-style-type: none"> • The proposed forest definition is consistent with the CDM forest definition reported to the UNFCCC. • Although the ER-PD does not point this out, the proposed forest definition also happens to be consistent with the definition used in the national forest monitoring system, notably in a recently published forest-cover assessment with FAO’s support that is likely to underlie the UNFCCC REDD+ reference level to be submitted in late 2016 (http://www.unredd.net/index.php?view=download&alias=15014-protocole-methodologique-et- 	

[resultats-de-lanalyse-de-changement-du-couvert-forestier-1990-2010-de-la-republique-democratique-du-congo&category_slug=reference-levels-96&option=com_docman&Itemid=134](#)).

- The above publication also explains that its forest definition (and by implication also the ER-PD’s) are based on official regulation resolution 5094/CAB/MIN/ECNVT/JEB/08 from 22 October 2008.

The TAP further observes that ER-PD does not currently include information on how its forest definition relates to the forest definition employed in the GHG inventory and how it relates to the definition used for the FAO’s Forest Resource Assessment.

Further observations about the general approach to defining forest and conversion categories are included in 5.1, above.

C 13 The Reference Level does not exceed the average annual historical emissions over the Reference Period. For a limited set of ER Programs, the Reference Level may be adjusted upward by a limited amount above average annual historical emissions. For any ER Program, the Reference Level may be adjusted downward.

Ind 13.1 The Reference Level does not exceed the average annual historical emissions over the Reference Period, unless the ER Program meets the eligibility requirements in Indicator 13.2. If the available data from the National Forest Monitoring System used in the construction of the Reference Level shows a clear downward trend, this should be taken into account in the construction of the Reference Level

[Average annual historical emissions over the Reference Period 8.5, 13.2]

YES

Yes, the reference level is based on the average annual historical emissions over the reference period. The available data do not show a clear downward trend.

Ind 13.2 The Reference Level may be adjusted upward above average annual historical emissions if the ER Program can demonstrate to the satisfaction of the Carbon Fund that the following eligibility requirements are met:

(i) Long-term historical deforestation has been minimal across the entirety of the country, and the country has high forest cover (country or jurisdictional area);

(ii) National circumstances have changed such that rates of deforestation and forest degradation during the historical Reference Period likely underestimate future rates of deforestation and forest degradation during the Term of the ERPA.

[Explanation and justification of proposed upward or downward adjustment to the average annual historical emissions over the Reference Period, Quantification of the proposed upward or downward adjustment to the average annual historical emissions over the Reference Period 9.6].

YES

Yes, the ER-PD complies with the two eligibility criteria.

Regarding (i) – High forest cover/low deforestation:

Please refer to the TAP review of 7 February 2016 for a short discussion on the issue of high forest cover/low deforestation.

Provided that the Methodological Framework does not provide a precise definition of what is acceptable as “minimal long-term historical deforestation” and “high forest cover”, the TAP goes along with DRC’s arguments for eligibility as HFLD country.

In the wording of the indicator, “entirety” is understood by the TAP to refer to the country as a whole as opposed to sub-areas within the country or, specifically, to the ER Program area. It is therefore immaterial that the ER-PD reports

annual deforestation rates as high as 0.92% /year for the programme area. According to section 8.4 and based on a recent government publication with FAO support, current best estimates of annual deforestation rates amount to around 0.3% between 1990 to 2010.

In the TAP's view, it is appropriate that the ER Program targets deforestation hot spots and that, therefore, the deforestation rate in the jurisdiction is higher than at national level (which represents HFLD status).

Regarding (ii) – change in national circumstances and underestimation of future rates of deforestation and forest degradation:

The ER-PD section 8.4 shows an upward trend of historical rates of emissions from deforestation and forest degradation. This is strong evidence of a change in national circumstances.

The ER-PD section 8.4 explains that the observed upward trend of historical rates of deforestation and forest degradation is due to a change in national circumstances. These national circumstances consist of a shifting interplay between several economic, institutional and demographic factors.

Ind 13.3 For countries meeting the eligibility requirements in Indicator 13.2, a Reference Level could be adjusted above the average historical emission rate over the Reference Period. Such an adjustment is credibly justified on the basis of expected emissions that would result from documented changes in ER Program circumstances, evident before the end-date of the Reference Period, but the effects of which were not fully reflected in the average annual historical emissions during the Reference Period. Proposed adjustments may be rejected for reasons including, but not limited to:

- i. The basis for adjustments is not documented; or
- ii. Adjustments are not quantifiable.

[Explanation and justification of proposed upward or downward adjustment to the average annual historical emissions over the Reference Period, Quantification of the proposed upward or downward adjustment to the average annual historical emissions over the Reference Period 9.6]

YES

Yes, the ER-PD proposes a convincing justification and quantification for the adjustment.

The ER-PD's key argument is that calculating an average across a historical reference period with an increasing emission trend likely underestimates future emissions because the average also draws on the early years of the reference period. The TAP finds this justification convincing because the ER-PD documents the changes in ER Programme circumstances in terms of economic and demographic factors (see indicator 13.2(ii) on this).

The historical emissions trend increases across the 10 years of the reference period. With this, the changes in national circumstances were evident during the reference period.

The continuity of the increase implies also that the historical average does not fully reflect the increase. This is the same as saying that a simple average underestimates future emissions because it also draws on the early years of the reference period with much lower emissions.

To quantify the proposed adjustment, the ER-PD points out that even the maximum allowable adjustment (as per indicator 13.4) would lead to a reference level far below the increase in historical emissions. The TAP finds this quantitative argument convincing.

Ind 13.4 An adjustment of the Reference Level above the average annual historical emissions during the Reference Period may not exceed 0.1%/year of Carbon Stocks

[Explanation and justification of proposed upward or downward adjustment to the average annual historical emissions over the Reference Period, Quantification of the proposed upward or downward adjustment to the average annual historical emissions over the Reference Period 9.6]

YES

Yes, the ER-PD makes clear provisions for limiting the adjustment to 0.1% per year of the carbon stocks.

Section 8.4 explains how the total carbon stocks and the adjustment cap were calculated. During the assessment it was also explained that the ER-PD had to rely solely on the LIDAR-based carbon map for this calculation because of concerns over exact area estimation. This is why the biomass estimates on pages 138 and following in the Final ER-PD do not match each other. The TAP carried out an auxiliary calculation of the adjustment cap using the ER-PD's emission factors indicated in the Final ER-PD and concluded that differences are insignificant.

C 14 Robust Forest Monitoring Systems provide data and information that are transparent, consistent over time, and are suitable for measuring, reporting and verifying emissions by sources and removals by sinks, as determined by following Criterion 3 within the proposed Accounting Area

Ind 14.1 The ER Program monitors emissions by sources and removals by sinks included in the ER Program's scope (Indicator 3.1) using the same methods or demonstrably equivalent methods to those used to set the Reference Level.

[Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area, Final ER-PD section 9.1]

YES

Yes, proposed methods are equivalent for reference level setting and programme monitoring.

The ER-PD proposes to calculate areas of deforestation and forest degradation using visual sampling of a time series of historical satellite images using bespoke GIS software through a team of national experts. To inform the sampling approach, it is proposed to use several other data sources, including the approach of Global Forest Watch/WRI.

For newly planted forests as established by the ER Programme, the ER-PD proposes an additional and more detailed monitoring approach. Such more detailed monitoring will rely on collecting growth data in the field. The ER-PD explains that such a differentiated approach to data collection is necessary for plantations given the difficulties to identify young trees in satellite imagery. In this regard, the TAP simply would like to highlight the relatively small extent of such plantations compared with the much larger provincial scale where deforestation and forest degradation processes are monitored.

The TAP finds the proposed approach to monitoring and reference level setting convincing and appropriate and concludes that proposed methods are largely equivalent.

Ind 14.2 Activity data are determined periodically, at least twice during the Term of the ERPA, and allow for ERs to be estimated from the beginning of the Term of the ERPA. Deforestation is determined using IPCC Approach 3. Other sinks and sources such as degradation may be determined using indirect methods such as survey data, proxies derived from landscape ecology, or statistical data on timber harvesting and regrowth if no direct methods are available

[Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area 9.1]

YES

Yes, activity data will be determined biennially and will allow for calculating emissions accordingly, and deforestation as well as forest degradation and carbon stock enhancement are determined through direct measurements. Although this is not undertaken, both activity data and emission factors would in principle allow for spatially explicit estimation.

The TAP found assessment of indicator 14.2 and criterion 22 difficult because these draw on three related but separate issues: (1) the degree of spatially explicitness; (2) the use of direct or indirect methods, and (3) the quality of emission factors (under criterion 22):

- (1) The IPCC approaches 2 and 3 to land representation are concerned with degrees of spatial explicitness. The approach 2 is based on totals of land-use area in conversion categories, the approach 3 looks at spatially-explicit

land-use conversion data. The ER-PD draws on spatially explicit observations of land cover change and spatially explicit emission factors, but calculations do not actually use this spatial detail and instead aggregate data into broad averages.

- (2) The IPCC 2006 also proposes so-called gain-loss methods and stock-change methods. For forest degradation, the gain-loss methods would rely on “indirect methods” such as survey data, statistical data on timber harvesting, as well as data on regrowth. Stock-change methods, in turn, rely on “direct methods” to establish emission factors, i.e., measurements of carbon stocks in degraded forests. The ER-PD directly quantifies both deforestation and forest degradation.
- (3) The IPCC 2006 also distinguishes between default emission factors at tier 1 and country-specific emission factors at tier 2. The ER-PD’s deforestation and forest degradation emission factors are based on local measurements at a tier 2 level. (see also indicator 14.3)

For this indicator 14.2, the TAP focused on the availability of spatially explicit observations on land cover change and associated emission factors, which led to a positive rating. (For criterion 22 the TAP focused on the ER-PD’s use of stock-change methods (“direct methods”) for deforestation, forest degradation and carbon stock enhancement, which also led a positive rating.)

Although the proposed approach to determining deforestation and carbon stock densities is spatially explicit, other aspects of the methodology do not actually build on the spatial detail. For all deforestation areas (or forest degradation or carbon stock enhancement areas), the same emission factor is applied irrespective of the biomass stocks in the specific locations where deforestation occurs. Detail on where deforestation occurs and what the biomass stocks are would be available from the sample-based area measurement approach and from the LIDAR-based carbon map. In the TAP’s view, neglecting the spatial heterogeneity of forest biomass stocks and using simple average carbon stocks introduces systematic error, which has been discussed under the indicators for criteria 7-9, above.

Ind 14.3 Emission factors or the methods to determine them are the same for Reference Level setting and for Monitoring, or are demonstrably equivalent. IPCC Tier 2 or higher methods are used to establish emission factors, and the uncertainty for each emission factor is documented. IPCC Tier 1 methods may be considered in exceptional cases
 [Measurement, monitoring and reporting approach for estimating emissions occurring under the ER Program within the Accounting Area 9.1]

YES

Yes, the emission factors are the same for the reference level and the ER Programme monitoring, some tier 2 methods are used and uncertainties are documented.

The ER-PD proposes to use some tier 2 emission factors. Most importantly, tier 2 emission factors are proposed for deforestation and forest degradation, based on a LIDAR-based carbon map. Tier 2 information will also be collected from ground measurements for tree plantations. Beyond this, a mixture of tier 1 and tier 2 levels is used as is common practice in most inventories.

In extracting emission factors, from the LIDAR-based carbon map, the ER-PD proposes a careful approach to avoiding possible errors from mismatches between several data sources. Only those carbon stock densities are used that were consistently classified in both the LIDAR-based carbon map itself and the sampling classification of land cover change.

The ER-PD applies much diligence in establishing emission factors to account for time lags in emission occurrence and to align with the IPCC guidelines on this. The IPCC 2006 guidelines rely on a 20-year time frame for defining conversion classes. For example, soil-carbon takes a long time to reach equilibrium after change, tree growth during recovery after disturbance also spans across decades and emissions from decomposition of deadwood also occur across a year-long time frame. The ER-PD contains little detail on these detailed and diligent procedures. However, in the exchange process with the DRC ER-PD team the TAP was provided with sufficient details in order to make its assessment.

The ER-PD considers this time dimension and differentiates emission factors according to the time frames for changes. For example, this means that the emission factor used for a deforestation event occurring in 2004 reflects emissions to occur over a 10-year time period until 2014, half of the 20-year conversion time frame. It amounts to only half of the total carbon stored in the deforested land. A deforestation event occurring in 2012 would only generate emissions over 2 years until 2014, and thus only 10% of the total carbon stored in the deforested land.

Using a LIDAR-based carbon map would, in principle, allow for establishing the most important emission factors in a spatially explicit manner. Observed land cover change would then create emission according to the forest structure at the locations where it occurs. The ER-PD does not propose such spatially explicit emission factors but aggregates the measurements from the LIDAR-based carbon map into just one emission factor. Omitting information about the spatial heterogeneity of forests could introduce systematic error into the analysis. More discussion on this issue has been included under indicator 7.1, above.

The parameter tables in the ER-PD’s annexes list uncertainty levels for the individual emission factors. The uncertainty analysis is discussed under the indicators for criteria 7-9, where there is also more discussion on systematic errors due to omitting the spatial heterogeneity of forests and their carbon densities.

C 15 ER Programs apply technical specifications of the National Forest Monitoring System where possible

Ind 15.1 ER Programs articulate how the Forest Monitoring System fits into the existing or emerging National Forest Monitoring System, and provides a rationale for alternative technical design where applicable.

YES

[Relation and consistency with the National Forest Monitoring System 9.3 in Final ER-PD report]

Yes, ER-PD sections 8.6 and 9.3 provide information on how the ER-PD’s approach and the national forest monitoring system relate to each other. The ER-PD proposes to use the same approach for reference level setting and programme monitoring, and the national forest monitoring system is bound to also align approaches between reference level and results measurement. Because of this, indicators 10.2 and 15.1 are addressed together.

For activity data, section 8.6 explains a detailed procedure for feeding provincial level measurements into the national forest monitoring system. In brief, this is about using sample-based observations to correct the statistics derived from the national mapping effort. The upshot is that the national forest monitoring system (and thus the REDD+ reference level) will show consistent deforestation statistics with the ER-PD.

For emission factors, the ER-PD outlines an expectation that the national working group for preparing the REDD+ reference level will consider the ER-PD’s data, including its emission factors. The ER-PD also states that full alignment of emission factors is not an objective because the ER-PD’s emission factors were established at the provincial level. The TAP believes that a national reference level and a national forest monitoring system could still include provincial level statistics. And in case it does, then using the ER-PD’s emission factors should be considered. But clearly, an assessment on this alignment can only be undertaken once the national forest monitoring system is better defined, including through the forthcoming submission of the national REDD+ reference level.

Concerns related to the consistency of methods with the IPCC guidelines are discussed above under indicator 5.1.

C 16 Community participation in Monitoring and reporting is encouraged and used where appropriate

Ind 16.1 The ER Program demonstrates that it has explored opportunities for community participation in monitoring and reporting, e.g., of ER Program Measures, activity data, emission factors, safeguards and Non-Carbon Benefits, and encourages such community participation where appropriate

YES

[Measurement, monitoring and reporting approach for estimating emissions occurring under the ER

<p>Program within the Accounting Area 9.1, 9.3 in the Final ER-PD May 2016]</p>	
<p>Yes, ER-PD describes opportunities for community participation in monitoring and reporting, focused on a specific set of ER activities. Please refer to the comments made under this indicator in the TAP review of 7 Feb. 2016.</p> <p>The Final ER-PD has provided more information on the aspect on community participation in general. For instance, Section 4.1 describes the Dedicated Grant Mechanism (DGM) of the World Bank, which will among other things, support community participation. While this is a critical area of capacity building and a social safeguard issue, it still appears experimental at this stage and as such needs to be a major part of the ERPD.</p> <p>In addition Section 4.4 of the ERPD has identified challenges related to the management of community forests resulting from de-facto discriminatory tendencies against local communities, particularly IPs. This has been recognized and the section states that community participation will be strengthened and supported by legislation. In this regard, a Ministerial Regulation on the Management and Exploitation of Community Forest Concessions of 2014 provides a governance structure for community participation and recognizes customary roles. Such innovative regulation will need to be tested comprehensively going forward. Annex 1 contains some additional information on the evolution of the legal and regulatory framework for community Forestry and gives a brief flash on the difficulties of implementation.</p> <p>The TAP further noted that the idea of a community-based MRV mentioned in the former version of ER-PD has been removed. The TAP regrets this decision as the concept could have been developed for an incremental learning process and the way community-based MRV fits in the overall MRV system. That TAP further notes that in the Final ER-PD did not include following issues which had been proposed by the TAP: (1) the decision making process for defining the boundaries of A/R activities and how FPIC is used in the process; (2) Potential opportunities for communities to take part in unplanned deforestation and planned forest degradation; and (3) A potential role for communities in the monitoring of socio-economic benefits of non-carbon benefits (e.g. NTFPs gathering in timber and conservation concessions).</p>	
<p>C 17 The ER Program is designed and implemented to prevent and minimize potential displacement</p>	
<p>Ind 17.1 Deforestation and degradation drivers that may be impacted by the proposed ER Program measures are identified, and their associated risk for displacement is assessed, as well as possible risk mitigation strategies. This assessment categorizes Displacement risks as high, medium or low.</p> <p>[Identification of risk of Displacement 10.1 of the Final ER-PD]</p>	<p>YES</p>
<p>Yes, deforestation and degradation drivers are identified and assessed for risks, and risk mitigation strategies are proposed.</p> <p>Section 10.1 identifies a set of 5 drivers and assesses displacement risk. In the TAP's view they are well identified. Also, the agents concerned are, in general terms, correctly identified. Shifting cultivation and charcoal production carry a medium displacement risk and are potentially highly significant. There is high displacement risk for artisanal logging with medium significance. There is only low displacement risk with low significance for industrial logging and savannah burning.</p>	
<p>Ind 17.2 The ER Program has in place an effective strategy to mitigate and/or minimize, to the extent possible, potential Displacement, prioritizing key sources of Displacement risk.</p> <p>[ER Program design features to prevent and minimize potential Displacement 10.2 of the Final ER-PD]</p>	<p>YES</p>

Yes, the ER-PD prioritizes risks and proposes a strategy to minimize potential displacement to the extent possible.

Chapter 10.1 lists risk management strategies, as follows:

- Regarding shifting cultivation, the ER-PD’s risk mitigation strategies relies on maintaining production levels and increasing agricultural productivity and the revenues for products. There is a programme proposed to support agroforestry systems and improve productivity. This is a convincing argument, but there is little quantitative evidence provided that such production levels can actually be maintained.
- Regarding charcoaling, several activities are proposed to make up for lost production. Specifically, it is proposed to invest into building sustainable land management plans that would include sustainable charcoal production. It is also proposed to create large plantation areas for charcoal production. Again, the outlined strategy seems convincing, but there is little quantitative evidence provided that such mitigation measures can actually be implemented.
- Regarding artisanal logging, the ER-PD includes several activities for developing community-based forestry and integrating logging into local land management plans. The ER-PD also acknowledges that displacement risk from artisanal logging is particularly difficult to manage because it does not actually target the driver primarily.
- Savannah burning and industrial timber harvesting only carry a low displacement risk.

In conclusion, the Final ER-PD’s description of strategies for addressing displacement risks relies on its activities for land use planning and improved land use and the community level. The TAP believes that such integrating risk mitigation into programme design is preferable over designing a stand-alone risk mitigations strategy separate from the rural development activities.

The Final ER-PD is generally quite concise in describing the risk mitigation approach. It includes little quantitative information that would be required to judge whether the proposed measures are likely to actually mitigate risks. Doubts may be brought forward as to whether the proposed logging areas in community forests are sufficient to address the needs of the group of non-homogenous people in the artisanal logging or which meet the criteria of sustainable forest management. Also, the timeframe is not discussed by when proposed tree plantings will actually provide required fuelwood to make up for losses (which is most probably after a time span of 5 years).

The TAP concludes that the ER-PD briefly outlines how its activities are designed to also address displacement risks. The risk mitigation strategy is overall convincing. The ER-PD does not, however, undertake a quantitative and systematic demonstration that would allow excluding displacement that may occur.

<p>Ind 17.3 By the time of verification, the ER Program has implemented its strategy to mitigate and/or minimize potential Displacement</p>	<p>N.A</p>
<p>Only applicable at the time of verification.</p>	
<p>Ind 17.4 ER Programs are also invited to report on changes in major drivers in the ER Accounting Area, any Displacement risks associated with those drivers, and any lessons from the ER Programs’ efforts to mitigate potential Displacement</p>	<p>N.A</p>
<p>Only applicable at the time of verification.</p>	
<p>C 18 The ER Program is designed and implemented to prevent and minimize the risk of reversals and address the long-term sustainability of ERs</p>	

<p>Ind 18.1 The ER Program has undertaken an assessment of the anthropogenic and natural risk of reversals that might affect ERs during the Term of the ERPA and has assessed, as feasible, the potential risk of reversals after the end of the Term of the ERPA</p> <p>[Identification of risk of Reversals 12.1]</p>	<p>YES</p>
<p>Yes, the ER-PD undertakes an assessment of anthropogenic and natural risk of reversals.</p> <p>A systematic assessment is undertaken using a VCS tool for risk assessments: http://www.v-c-s.org/sites/v-c-s.org/files/JNR%20Non%20Permanence%20Risk%20Tool%2C%20v3.0_0.pdf. It relies on political and governance risks, program design and strategy, carbon rights and use of carbon revenues, funding risks and natural risks (four anthropogenic and one natural risk category). At the time the ER-PD was developed, the “ER Program Buffer Guidelines” were not yet available, hence the TAP found the use of an alternative tool acceptable. The ER-PD arrives at an aggregate risk rating of 20%.</p> <p>For comparison purposes, the TAP looked at the non-permanence assessment, which was also undertaken for the validated and verified VCS project of Mai-Ndombe (Wildlife Works). Being a project at a much smaller scale (less than 400,000 ha), it used a different version of this risk assessment tool and came to an overall risk rating of 25%, which was validated by DNV (see www.vcsprojectdatabase.org/#/project_details/934c). In this regard it is important to note that the risk tool per se is different to the one used for the proposed Mai-Ndombe ER Program so they are not strictly comparable. It is surprising to arrive at a lower risk rating for a provincial level emission reduction activity (20%) than for a project level activity (25%). At a provincial level reversal risks related to governance and programme design would be expected to be much harder to control. On the other hand, it was pointed out during the assessment that at a provincial level the risk of systematic reversal is lower because catastrophic events at the provincial scale are much rarer than for projects.</p> <p>Comparing the VCS tool for reversal risk assessment to the ER Programme Buffer Guidelines is not straightforward. The TAP observes that both tools cover many similar issues related to governance, stakeholder engagement, natural risks, etc. Both tools are designed to arrive at an equivalent result, a percentage assessment of reversal risk. But such similarities do not allow concluding on producing consistent results. The buffer guidelines seem to put a stronger emphasis on long-term sustainability of emission reductions. It is unclear to the TAP how the application of the VCS tool allows considering reversal risk beyond the end of the ERPA. There is a related discussion under indicator 18.2, below.</p> <p>The TAP concludes that the ER-PD undertook an effort to assess reversal risks in line with the indicator. Negotiating individual risk ratings with the ER Programme proponents is hardly feasible for the TAP and different percentage ratings could have been arrived at, as proposed in the earlier version of the TAP report and as exemplified by the VCS project assessment. In this sense, paragraph 6.3 in the buffer guidelines should still be applied where “the percentage of Contract ERs and Additional ERs to be set aside in the Reversal Buffer and Pooled Reversal Buffer accounts should be determined <i>by the Trustee</i>”, clearly, based on the ER-PD’s self-assessment.</p>	
<p>Ind 18.2 The ER Program demonstrates how effective ER Program design and implementation will mitigate significant risks of Reversals identified in the assessment to the extent possible, and will address the sustainability of ERs, both during the Term of the ERPA, and beyond the Term of the ERPA</p> <p>[ER Program design features to prevent and mitigate Reversals 12.2]</p>	<p>NO</p>
<p>No, the ER-PD does yet not demonstrate how effective ER programme design and implementation will mitigate significant reversal risks beyond the term of the ER-PA. However, the Carbon Fund needs to give clear indication to REDD+ countries if reversal and sustainability issues that go beyond the defined time period of the ER-Program need to be dealt with in the ER-PD.</p>	

Based on the TAP's current understanding, indicator 18.2 refers not only to the "sustainability of ERs" during the commitment period, but also requires that the mitigation actions continue after expiry of the ER-funding. Up to now, as already mentioned in the TAP comments on the Draft ER-PD, the Final ER-PD document does not discuss reversal risks beyond the term of the ER-PA. Some of the emission reduction measures that will be introduced (e.g. log transport checkpoints, incentive payments to logging companies for RIL) will depend on the degree of internalisation reached after the relative short time frame of 5 years of implementation and funding from the ER Programme. Once the term of the ERPA concludes, the funding sources may no longer be available. Also, the ER-PD should give a better indication on how mitigation activities can create low carbon income which is self-sustaining in the long run, e.g. agroforestry or on the potential to maintain long-term change from slash-and-burn agriculture to sedentary agroforest land-use. The ER-PD could be more explicit in this regard.

C 19 The ER Program accounts for Reversals from ERs that have been transferred to the Carbon Fund during the Term of the ERPA

Ind 19.1 During the Term of the ERPA, the ER Program accounts for Reversals from ERs using one of the following options:

NO

- Option 1: The ER Program has in place a Reversal management mechanism (e.g., buffer reserve or insurance) that is substantially equivalent to the Reversal risk mitigation assurance provided by the 'ER Program CF Buffer' approach referred to in option 2 below, appropriate for the ER Program's assessed level of risk, which in the event of a Reversal during the Term of the ERPA will be used to fully cover such Reversals.
- Option 2: ERs from the ER Program are deposited in an ER Program-specific buffer, managed by the Carbon Fund (ER Program CF Buffer), and based on a Reversal risk assessment. ERs deposited in the ER Program CF Buffer (Buffer ERs) will not be transferred to the Carbon Fund. In the event that a Reversal event occurs during the Term of the ERPA, an amount of Buffer ERs will be cancelled from the ER Pro

[Reversal management mechanism, Selection of Reversal management mechanism 12.3]

No, the ER Program does not account for Reversals from ERs yet.

In its assessment of the Advanced ER-PD, the TAP had rated this indicator with a "Yes". Now the TAP has rated this indicator with a "No". There are essentially two reasons for such changed rating:

- The TAP could not deal with the assessment of whether the buffer mechanism proposed by the program is substantially equivalent with the Carbon Fund buffer (as a deep assessment could not be conducted); and
- There is no reversal management mechanism in place, which is due to the lack of the operational REDD+ registry.

The ER-PD proposes to account for possible reversals using option 1, introducing a reversal buffer account into the national REDD+ registry. Section 18 explains that general layout of the Registry. In the TAP's view, the description provided is convincing and acceptable, but the REDD+ registry has not yet been set up, although the process has been much advanced over the past months (see also the numerous other indicators that relate to tasks of the REDD+ registry). The TAP is particularly concerned as there might still be some regulatory revisions to be done until a REDD+ Registry will be functional. Whether or not the proposed REDD+ registry is 'substantially equivalent' with the ER Programme CF Buffer cannot currently be sufficiently assessed by the TAP.

At the moment of its review, the TAP cannot currently ascertain compliance with the indicator that needs to be assessed once the REDD+ registry is operational. The TAP recommends that this issue will be further dealt with in the negotiation process between the trustee and the REDD+ country.

C 20 The ER Program, building on its arrangements put in place during the readiness phase and during the Term of the ERPA, will have in place a robust Reversal management mechanism to address the risk of Reversals after the Term of the ERPA	
Ind 20.1 At the latest 1 year before the end of the Term of the ERPA, the ER Program will have in place a robust Reversal management mechanism or another specified approach that addresses the risk of Reversals beyond the Term of the ERPA	N.A
Only applicable before the end of the ERPA term.	
Ind 20.2 If the ER Program has selected option 2 under Indicator 19.1, all or a portion of the Buffer ERs of the ER Program, subject to a Carbon Fund review of the Methodological Framework and a decision of the parties to the ERPA in 2019, will be transferred to the mechanism identified in Indicator 20.1 at the end of the Term of the ERPA. If the ER Program fails to meet the requirements of Indicator 20.1, all remaining Buffer ERs in the ER Program CF Buffer will be cancelled	N.A
Only applicable before the end of the ERPA term.	
C 21 The ER Program monitors and reports major emissions that could lead to reversals of ERs transferred to the Carbon Fund during the Term of the ERPA	
Ind 21.1 The ER Program Monitoring Plan and Monitoring system are technically capable of identifying Reversals [Monitoring and reporting of major emissions that could lead to Reversals of ERs, Final ER-PD 11.4]	YES
Yes, the proposed ER programme monitoring plan should be capable of identifying reversals. Section 9 points out that the ER Program monitoring includes a wall-to-wall monitoring across the whole programme area of deforestation and forest degradation. It also includes use of data from Global Forest Watch on a weekly basis. Reversals would be observable as unforeseen deforestation or forest degradation in the monitoring data.	
Ind 21.2. The ER Program reports to the Carbon Fund within 90 calendar days after becoming aware of any emissions in the Accounting Area or changes in ER Program circumstances that, in the reasonable opinion of the ER Program, could lead to Reversals of previously transferred ERs by the next Monitoring event. The ER Program explains how the potential Reversals would be addressed by additional ER Program Measures or by the Reversal management mechanism described in Indicator 19.1.	N.A
Only applicable at the time a reversal occurs and at the time of verification.	
C 22 Net ERs are calculated by the following steps:	
<ol style="list-style-type: none"> 1. Subtract the reported and verified emissions and removals from the Reference Level 2. Set aside a number of ERs from the result of step 1, above, in a buffer reserve. This amount reflects the level of uncertainty associated with the estimation of ERs during the Term of the ERPA. The amount set aside in the buffer reserve is determined using the conservativeness factors for deforestation listed in the MF. For estimated emissions reductions associated with degradation, the same conservativeness factors may be applied if spatially explicit activity data (IPCC Approach 3) and high-quality emission factors (IPCC Tier 2) are used. Otherwise, for proxy-based 	

approaches, apply a general conservativeness factor of 15% for forest degradation Emission Reductions.

3. Set aside a number of ERs in the ER Program CF Buffer or other reversal management mechanism created or used by an ER Program to address Reversals

[Ex-ante estimation of the Emission Reductions - Final ER-PD Section 13.1]

YES

Yes, the ERPD outlines a calculation approach in line with the indicator.

Although actual compliance can of course only be assessed during programme monitoring when reported and verified emission reductions are available, for the ex-ante estimation, the conservativeness factor is correctly estimated at 8%. Since direct methods are applied for the measurement of emissions from forest degradation, it is also correct to apply the same conservativeness factor for deforestation and forest degradation.

As pointed out under indicator 14.2, the TAP had difficulties in assessing criterion 22 with regards to forest degradation. It mixes concepts of spatially explicit land representation with the quality of emission factors and the use of gain-loss or stock-change methods.

For this criterion 22, the TAP focused on the ER-PD's use of stock-change methods ("direct methods") for forest degradation (as well as deforestation and carbon stock enhancement) and high-quality emission factors at tier 2 level, which led a positive rating. As per the discussion under indicator 14.2, the TAP also points out that emission estimates are not spatially explicit and resulting systematic errors are discussed under the indicators for criteria 7-9, above.

C 23 To prevent double-counting, ERs generated under the ER Program shall not be counted or compensated for more than once. Any reported and verified ERs generated under the ER Program and sold and/or transferred to the Carbon Fund shall not be sold, offered or otherwise used or reported a second time by the ER Program Entity. Any reported and verified ERs generated under the ER Program that have been sold and/or transferred, offered or otherwise used or reported once by the ER Program Entity shall not be sold and transferred to the Carbon Fund

(i) [Participation under other GHG initiatives 14.1]

YES

Yes, overall measures are undertaken to prevent double-accounting.

As referred to in the TAP Report on the Draft ER-PD of Jan. 2016, the DRC has established a REDD+ Regulation, which is supported by a National Registry and a requirement that for any ERs to be sold they must be the subject of a contractual arrangement with all stakeholders and the government. The proposed contracts will always include exclusivity and a no-competing clause concerning the REDD+ activities and their exclusive eligibility under the national REDD+ program (or the REDD+ project in question); this clause strictly adheres to the rules on "double-counting". In the view of the TAP, such framework will prevent double-counting, as ERs generated under the ER Program shall not be counted or compensated for more than once.

In regard to ER transactions under the Carbon Fund and the "use" of ERs to claim them for DRC's Nationally Determined Contribution (NDC) under the Paris Agreement, this requires further general analysis and should be subject to the ERPA negotiation phase.

Please refer to the TAP review report of 7 February 2016.

(ii) [Data management and Registry systems to avoid multiple claims to ERs 18.2, Final ER-PD]	YES
<p>Yes, under the condition that the National Registry of the DRC’s national REDD+ program is in place.</p> <p>In the TAP’s understanding, the National Registry will provide all the information about projects and programs in the country, such as entities who own the ERs titles, geographic boundaries, reference level, monitoring report on activities, safeguards and non-carbon benefits, etc. This Registry will control the issuance of all ERs within the project area and only projects that have been approved through this process and which have entered into contracts with the Government and all affected stakeholders will be included in the program and benefit from the sale of ERs to the FCPF. In this regard the proposed system will avoid any double counting. The Registry is currently in design and will be operational mid-2016.</p>	
<p>C 24 The ER Program meets the World Bank social and environmental safeguards and promotes and supports the safeguards included in UNFCCC guidance related to REDD+</p>	

<p>Ind 24.1 The ER Program demonstrates through its design and implementation how it meets relevant World Bank social and environmental safeguards, and promotes and supports the safeguards included in UNFCCC guidance related to REDD+, by paying particular attention to Decision 1/CP.16 and its Appendix I as adopted by the UNFCCC</p> <p>[Description of how the ER Program meets the World Bank social and environmental safeguards and promotes and supports the safeguards included in UNFCCC guidance related to REDD+ 14.1]</p>	YES
<p>Yes, the ER-PD demonstrates that it can meet relevant WB safeguards.</p> <p>The DRC has conducted a strategic environmental and social assessment (SESA) of its National REDD+ Strategy and prepared an Environmental and Social Management Framework (ESMF) as well as five sub-frameworks. These six frameworks represent the safeguards instruments for the national REDD+ strategy and were approved by the World Bank in May 2015. What will be challenging in the framework of the ER-PD implementation is to implement the safeguards on the ground. In the ER-PD, which is based on a jurisdictional area, the national framework should be clearly contextualized to address the social and environmental risks relevant to it.</p> <p>The REDD+ process in DRC has created a system for the adequate implementation of safeguards, these include the elaboration of FPIC guidelines, the elaboration of a set of national REDD+ standards, the identification of many of the potential social and environmental risks of REDD+ through the SESA process, and the creation of a national ESMF, including specific frameworks for resettlement and indigenous peoples. The description of proposed procedures for safeguards application in the Final ER-PD is based on sound principles, but the details still need to be worked out for the specific ER-Programme activities and in the context of the operationalization of the ER programme’s institutional and monitoring arrangements.</p> <p>The FPIC (free, prior and informed consent) concept is embedded in the new national REDD+ standards and is proposed to be integrated into the ER Program. It needs however the capacity to implement the FPIC processes on the ground. In this respect the TAP notes that the availability of such capacities might be limited.</p> <p>For further comments, please refer to the comments and observations made in the TAP report of 7 February 2016 on the Draft ER-PD.</p>	
<p>Ind 24.2 Safeguards Plans address social and environmental issues and include related risk mitigation measures identified during the national readiness process, e.g., in the SESA process and the ESMF, that are relevant for the specific ER Program context (e.g., land tenure issues), taking into account relevant existing institutional and regulatory frameworks. The Safeguards Plans are prepared concurrently with the ER Program Document, and are publicly disclosed in a manner and language appropriate for the affected stakeholders</p> <p>[Description of how the ER Program meets the World Bank social and environmental safeguards and promotes and supports the safeguards included in UNFCCC guidance related to REDD+ [ER-PD 14.1]</p>	YES
<p>The TAP concludes that this indicator has been met, subject to site specific safeguard plans and subject to the inclusion of appropriate risk mitigation measure for each specific site. In the TAP’s view, this assessment is in line with the footnote no. 10 in the MF regarding Indicator 24.2.</p> <p>In its assessment of the Draft ER-PD (7 Feb. 2016) the TAP concluded that the safeguard instruments and a framework for safeguards application have been provided in general terms, but that there is a need to be more precise to clearly address the particular social and environmental issues characteristic for the Province and to propose adequate risk mitigation measures (see TAP report on the Draft ER-PD that contains more details). The TAP further noted that specific Safeguard plans need to address the site specific social and environmental issues and include related risk mitigation measures that are more specifically addressed to the circumstances in the jurisdiction of Mai Ndombe.</p>	

The TAP concludes that at the present stage, the ER-Program could not yet prepare the necessary side-specific safeguard plans as the ER activities are not sufficiently defined at the current stage and that for this reason a framework approach has been proposed allowing to develop safeguard plans according to implementation steps (during site selection, activities design, implementation and monitoring).

The TAP confirms that at the present time, the siting of the specific activities of the program has not been determined to the detail necessary so the ER-Program can't propose site-specific safeguards plans. However, the TAP notes that in order to provide greater precision in terms of impacts, risks and mitigation measures pertinent to the Mai-Ndombe ER-Program, a participatory analysis has been undertaken over the past months with relevant stakeholders). The results of this analysis are presented in Annex 13, which goes into much more detail than the previous risk mitigation matrix in the draft ERPD. The analysis is now based on a broader consultation process and an inclusive workshop held in Inongo in April 2016. The TAP was informed that the risk mitigation matrix will serve as a tool to define site-specific safeguards plans and as a monitoring matrix for the program management unit and the provincial REDD+ steering committee to follow safeguards application.

C 25 Information is provided on how the ER Program meets the World Bank social and environmental safeguards and addresses and respects the safeguards included in UNFCCC guidance related to REDD+, during ER Program implementation

Ind 25.1 Appropriate monitoring arrangements for safeguards referred to in Criterion 24 are included in the Safeguards Plans

YES

[Description of arrangements to provide information on safeguards during ER Program implementation 15.2 and 6.1]

Yes, the ERPD describes appropriate monitoring arrangements for safeguards.

In its Feb 7 TAP report, the TAP recommended to better contextualizing the social and environmental issues and conditions in the Maï-Ndombe jurisdictional area and to complete information on Indigenous People (Pygmies communities), namely their sedentarization (and marginalization and contestation of their rights) and that safeguards provisions need to specify their involvement as minority group among the dominant groups.

The Final ER-PD provides more information on monitoring safeguard arrangements and on particular issues relating to IPs under section 3.2 and in a specific annex (Annex 6). In addition, in section 6.1 about institutional arrangements, it is indicated that indigenous peoples organizations will be part of the National and provincial REDD+ steering committees. Annex 13 of the Final ER-PD describes social and environmental risk and mitigation measures and includes also safeguards provision for the involvement of minority groups, and especially indigenous peoples, in the consultative platforms and in the development of local development plans.

Ind 25.2 During ER Program implementation, information on the implementation of Safeguards Plans is included in an annex to each ER monitoring report and interim progress report. This information is publicly disclosed, and the ER Program is encouraged to make this information available to relevant stakeholders. This information is also made available as an input to the national systems for providing information on how safeguards are addressed and respected (SIS) required by the UNFCCC guidance related to REDD+, as appropriate.

N.A

Only applicable at the time of verification.

C 26 An appropriate Feedback and Grievance Redress Mechanism (FGRM) developed during the Readiness phase or otherwise exist(s), building on existing institutions, regulatory frameworks, mechanisms and capacity

Ind 26.1 An assessment of existing FGRM, including any applicable customary FGRMs, is conducted and is made public. The FGRM applicable to the ER Program demonstrates the following:
 i) Legitimacy, accessibility, predictability, fairness, rights compatibility, transparency, and capability to address a range of grievances, including those related to benefit-sharing arrangements for the ER Program;
 ii) Access to adequate expertise and resources for the operation of the FGRM
 [Description of the Feedback and Grievance Redress Mechanism (FGRM) in place and possible actions to improve it 15.3]

YES

Yes, an assessment of existing FGRM while the national FGRM is under development is conducted. The FGRM will be made public over the coming months. In addition, a special ombudsman is proposed as mediator.

In its assessment of the Draft ER-PD the TAP observed that principles for the Feedback and Grievance Redress Mechanism resulted from the SESA process and a particular ongoing study will further precise procedures and define guidelines at national and subnational level (Draft ER-PD of Jan 2016, p.163 ff). The TAP also noted that a framework for addressing grievances has been described and illustrated in the Draft ER-PD . The TAP further recommended creating an independent body in which the government is represented but is not dominant or the principle player. For the TAP, the existence of such an independent entity, functioning at last for the first couple of years of ER-PA implementation, is crucial for a successful FGRM. In addition, the TAP indicates “what is still missing are early indications of emerging or potential complaints that the proposed Program components is facing or will most likely face.”

DRC commented on the participation of an independent body in the FGRM implementation that the program is currently planning to rely on an internal mechanism of mediation through the different committees involved in the ER program’s institutional arrangements and settled at various levels (provincial and national) but also on an external mechanism through one or several ombudsmen. DRC also noted that the overall mechanism will be monitored and evaluated independently by civil society (Final ER-PD section 14.3).

On potential complaints, Section 14.3 of the Final ER-PD provides some indication of potential complaints (e.g. complaints primarily relating to the contracts and agreements between parties). It is also noted that non-compliance with social and environmental standards may be another reasons for complaints by affected parties (e.g. poor participation, lack of transparency, rights to land and resources). The TAP is aware that at the current stage of preparing an ER-PD, it is yet not possible to draw on an approach with contextualized risk of complaints such as land tenure conflicts because the exact site selection has not yet been determined. This however is a condition to be done in the further process of the ER Program.

Ind 26.2 The description of FGRM procedures, included in the Benefit-Sharing Plan and/or relevant Safeguards Plans, specifies the process to be followed to receive, screen, address, monitor, and report feedback on, grievances or concerns submitted by affected stakeholders. As relevant, the Benefit-Sharing Plan and/or relevant Safeguards Plans and/or ER Program Document describe the relationship among FGRM(s) at the local, ER Program, and national levels

YES

[Description of the Feedback and Grievance Redress Mechanism (FGRM) in place and possible actions to improve it; Section 14.3 of the Final ER-PD]

<p>Yes, the ER-PD makes necessary provision to fulfill the requirements in respect to FGRM in safeguard plans and benefit sharing plan.</p> <p>The ERPD has made provisions for, and recognizes the need for feedback and even requires complaints and grievances to be recorded and tracked in a central registry. What needs to be included are early indications of emerging or potential complaints that the proposed programme components is facing or will most likely face in the near future.</p>	
<p>Ind 26.3 If found necessary in the assessment mentioned in Indicator 26.1, a plan is developed to improve the FGRM</p> <p>[Description of the Feedback and Grievance Redress Mechanism (FGRM) in place and possible actions to improve it; Section 14.3 of the Final ER-PD]</p>	<p>YES</p>
<p>Yes, a study is underway to improve the FGRM process (results yet not available to the TAP).</p> <p>In this regard the text is reasonably clear. A study has been engaged since fall 2015 that looks at such plan at national level based on existing experience in the country and elsewhere. By writing this TAP report, the writing of the report is ongoing and consultations in the ER program area are planned in June 2016. According to the DRC ER-PD team, proposed procedures at national level are expected in August 2016 to be followed by capacity building and testing in the Mai Ndombe province.</p>	
<p>C 27 The ER Program describes how the ER Program addresses key drivers of deforestation and degradation</p>	
<p>Ind 27.1 The ER Program identifies the key drivers of deforestation and degradation, and potentially opportunities for forest enhancement</p> <p>[Analysis of drivers and underlying causes of deforestation and forest degradation, and existing activities that can lead to conservation or enhancement of forest carbon stocks 4.1]</p>	<p>YES</p>
<p>Yes, the ER Program identifies well the key drivers of DD and the opportunities for enhancing sinks.</p> <p>For further comments, please refer to the TAP review report of 7 Feb. 2016 for the detailed analysis.</p> <p>The TAP notes that the Final ER-PD includes in section 4.1 relevant new inputs on existing policies and activities, including CAFI, PFCN, Social Clauses, SOCALCO, CAFI, FIP and DGM. In the TAPs view, two aspects would still benefit from further clarification:</p> <ul style="list-style-type: none"> • The ERPD acknowledges that immigration might become a major driver in the future. In order to get a clear picture on its magnitude the TAP recommends to do an analysis of the immigration to Mai-Ndombe from the vicinity areas, taking into consideration the fact that the dynamism of the migrants potentially position them as active agents of deforestation and forest degradation. • In the section on Reference Levels (Section 8) the ERPD has provided more recent estimates on deforestation and forest degradation levels and this provides critical baseline information on areas which will need vigilant monitoring. In this context, an analysis of drivers would further gain by a proper analysis of spatial data. 	
<p>Ind 27.2 The ER Program identifies currently planned ER Program Measures and how they address the key drivers identified in Indicator 27.1, and the entities that would undertake them</p> <p>[Description and justification of the planned actions and interventions under the ER Program that will lead to emission reductions and/or removals 4.3]</p> <p>[Institutional and implementation arrangements 6.1]</p>	<p>YES</p>

Yes, a comprehensive presentation of the measures and approaches to address key drivers and opportunities is visible in the ERPD.

The TAP in its report of 7 February 2016 discussed the measures articulated and made a number of suggestions.

The TAP particularly drew its attention on the fact that the link between the population increase and the corresponding activity (support to family planning) is not straightforward, as mastering population growth involves addressing number of factors such as literacy rate (formal education) and religious or customary perceptions. Activities that target population growth should therefore have multiple dimensions. Also, understanding the scope of migration in the program area seems to be important for addressing this issue. These issues have not been particularly taken into account in the Final ER-PD.

The design of the participatory process for land-use planning includes key interesting steps that might lead to secured investment in the ERP, these are: awareness raising, community structuring, participatory mapping and establishment of sustainable development plans (SDP) at the various implementation levels. It would be worth to clearly link these activities carried out at the jurisdictional level with the land tenure and land-use planning reforms at the national level (to be funded by CAFI), as the national reforms will adopt policies that apply at the provincial level. The TAP also recognizes that participatory mapping is an effective tool for land-use planning at local level, but we are of the opinion that functional standards agreed among stakeholders in DRC are still missing and would be useful to minimize conflicts and contestation of outcomes (community maps). Currently different organizations are working on participatory mapping in Maï-Ndombe and their methodological approaches differ in some way. It is understood by the TAP that a harmonization workshop to approach a certain harmonization of standards is being planned for early 2016.

Further, the TAP would have liked to see some consideration on its proposal to create capacity on issues of high importance for the implementation of a large ER-Program as outlined in its Feb 7 report, including:

- (i) Create capacities for the newly created Provincial Government that will have to deal with the complex issue of implementing the world’s first large ER Program;
- (ii) Creating capacities for community’s bodies and entities to be effective and mature enough before signing contracts;
- (iii) the option of creating consortia or clusters of adjacent community concessions would imply putting in place stronger and effective bodies to manage such concessions; and
- (iv) the entrance of forest companies into the carbon regime framework challenges forest companies to adopt and comply with higher forest management standards (not only reduced-impact-logging) and full compliance to forest law enforcement and governance procedures.

C 28 The ER Program has undertaken and made publicly available an assessment of the land and resource tenure regimes present in the Accounting Area

Ind 28.1 The ER Program reviews the assessment of land and resource tenure regimes carried out during the readiness phase at the national level (i.e., SESA) and, if necessary, supplements this assessment by undertaking an additional assessment of any issues related to land and resource tenure regimes in the Accounting Area that are critical to the successful implementation of the ER Program, including:

YES

- I. The range of land and resource tenure rights (including legal and customary rights of use, access, management, ownership, exclusion, etc.) and categories of rights-holders present in the Accounting Area (including Indigenous Peoples and other relevant communities);
- II. The legal status of such rights, and any significant ambiguities or gaps in the applicable legal framework, including as pertains to the rights under customary law;
- III. Areas within the Accounting Area that are subject to significant conflicts or disputes related to

<p>contested or competing claims or rights, and if critical to the successful implementation of the ER Program, how such conflicts or disputes have been or are proposed to be addressed; and</p> <p>IV. Any potential impacts of the ER Program on existing land and resource tenure in the Accounting Area.</p> <p>The ER Program demonstrates that the additional assessment has been conducted in a consultative, transparent and participatory manner, reflecting inputs from relevant stakeholders</p> <p>[Description of land tenure systems, analysis of laws and regulatory framework 4.4 and 4.5, stakeholder consultation process 5.1]</p>	
<p>Yes, the land tenure and access issues are sufficiently laid out at the current stage. Please refer to the TAP assessment report of the Advanced ER-PD of 7 February 2016 for further comments.</p> <p>The TAP however is aware that for implementing concrete ER Programs, site specific tenure arrangement need to be further analyzed. The description of the land tenure situation in the Final ER-PD still remains brief. In the TAPs view, it is important to also include some analysis on how effectively land right issues can be exercised or enforced because of the general lack of regulations and institutional capacity in the Maï Ndombe province.</p> <p>Another issue that still of concern to the TAP relates to how the REDD+ Regulation contracts will be enforced in practice and how will emphyteutic 25-year lease for NR concessions, be they forest timber concessions, conservation concessions or plantation areas be sued for managing carbon ownership and if so how is it granted, removed, secured- and its rewarded for permanence. Additionally, supplementary information on the status of the moratorium on new logging concessions should be included, comprising potential intensions to lift the moratorium, how this could impact the proposed ER-Program, and any plans to analyze the social, environmental, and economic costs and benefits of lifting vs. maintaining the moratorium, and any mitigation measures that would be put in place to reduce the costs.</p>	
<p>Ind 28.2 The ER Program explains how the relevant issues identified in the above assessment have been or will be taken into consideration in the design and implementation of the ER Program, and in the relevant Safeguards Plan(s). If the ER Program involves activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, the relevant Safeguards Plan sets forth an action plan for the legal recognition of such ownership, occupation, or usage. Beyond what is required for the successful implementation of the ER Program, the ER Program is encouraged to show how it can contribute to progress towards clarifying land and resource tenure in the Accounting Area, where relevant.</p> <p>[Assessment of land and resource tenure in the Accounting Area 4.4]</p> <p>[Description and justification of the planned actions and interventions under the ER Program that will lead to emission reductions and/or removals 4.3]</p>	<p>YES</p>
<p>Yes, overall, but could be more developed as outlined in the TAP report of 7 February 2016 which was based on the Advanced Draft ER-PD. Please refer to this document. The comments made in respect to this indicator remain relevant.</p> <p>Sections 5.1 and 5.2 present the information and consultation during the design phase of the ERPD and highlight the coming consultation and communication campaign in the program area. It is clear from this description that the specific Safeguards Plan for Maï-Ndombe program is still to be developed. However, one could have expected to see more development on the approach to solutions on some of the land tenure challenges identified in Section 4.4.</p>	
<p>Ind 28.3 The ER Program provides a description of the implications of the land and resource regime assessment for the ER Program Entity’s ability to transfer Title to ERs to the Carbon Fund</p> <p>[Transfer of Title to ERs 18.2]</p>	<p>YES</p>

Yes, the ER Program provides this information. See also C23 and Annex 1 in the TAP report of 7 February 2016 for further clarification.

From the TAP’s understanding, the legal basis for the transfer of ER titles to the Carbon Fund will be the REDD Regulation 2012 and its requirement to enter into a “partnership contract” with the government. However, there is still some uncertainty in case of conflicting (land) rights / ownership rights of the state and those of communities or private landholders. These potential conflicts should be addressed and solved by the time of the ERPA signature.

C 29 The ER Program provides a description of the benefit-sharing arrangements for the ER Program, including information specified in Indicator 30.1, to the extent known at the time.

Description of benefit-sharing arrangements [15.1 – 15.3 in ER-PD of 25 May 2016]

YES

Yes, section 15 sets out a clear description of arrangements for benefit sharing, a summary of the development process for benefit sharing arrangements and a reference to the legal context of arrangement for benefit-sharing.

In the view of the TAP, a carefully elaborated set of principles has been outlined to guide benefit sharing, which includes carbon and non-carbon benefits, the latter will be the major incentive for local stakeholders. An indicative benefit sharing plan is provided, showing transparently a proposed share between stakeholders. Several types of carbon benefits are listed: investments to generate ER’s, payments for environmental services, emission reduction credits, revenue from the sale of ERC and goods and services generated by PES or the sale of emission reduction credits. Also, the Final ER-PD benefit sharing arrangement clearly recognizes the historic role of Indigenous Peoples in managing forests for their own benefits.

The TAP further recommends to carefully formulating the benefit part in respect to the sale of carbon revenues versus the delivery of co-benefits. It is important to clearly show where carbon revenues will be channeled and where the major part from non-carbon benefits will go. A steady revenue generation from non-carbon benefits sometimes faces some challenges over longer period of time. The TAP also notes, however, that 56% of the carbon revenue generated by the State is intended to be reinvested in further co-benefit activities for local stakeholders according to a publicly agreed investment plan.

C 30 The Benefit Sharing Plan will elaborate on the benefit-sharing arrangements for Monetary and Non-Monetary Benefits, building on the description in the ER Program Document, and taking into account the importance of managing expectations among potential beneficiaries

Ind 30.1 The Benefit-Sharing Plan is made publicly available prior to ERPA signature, at least as an advanced draft, and is disclosed in a form, manner and language understandable to the affected stakeholders for the ER Program¹². The Benefit-Sharing Plan contains the following information:

The categories of potential Beneficiaries, describing their eligibility to receive potential Monetary and Non-Monetary Benefits under the ER Program and the types and scale of such potential Monetary and Non-Monetary Benefits that may be received. Such Monetary and Non-Monetary Benefits should be culturally appropriate and gender and inter-generationally inclusive. The identification of such potential Beneficiaries takes into account emission reduction strategies to effectively address drivers of net emissions, anticipated implementers and geographical distribution of those strategies, land and resource tenure rights (including legal and customary rights of use, access, management, ownership, etc. identified in the assessments carried out under Criterion 28), and Title to ERs, among other considerations.

Criteria, processes, and timelines for the distribution of Monetary and Non-Monetary Benefits.

Monitoring provisions for the implementation of the Benefit-Sharing Plan, including, as appropriate,

N.A

<p>an opportunity for participation in the monitoring and/or validation process by the Beneficiaries themselves</p> <p>[Description of benefit-sharing arrangements 15.1]</p>	
<p>The full benefit sharing plan is not available at the time of the TAP assessment; however, the TAP assessed the description provided in the ER-PD as required in C29.</p>	
<p>C 31 The benefit-sharing arrangements are designed in a consultative, transparent, and participatory manner appropriate to the country context. This process is informed by and builds upon the national readiness process, including the SESA, and taking into account existing benefit-sharing arrangements, where appropriate</p>	
<p>Ind 31.1 The Benefit-Sharing Plan is prepared as part of the consultative, transparent and participatory process for the ER Program, and reflects inputs by relevant stakeholders, including broad community support by affected Indigenous Peoples. The Benefit-Sharing Plan is designed to facilitate the delivery and sharing of Monetary and Non-Monetary Benefits that promote successful ER Program implementation. The Benefit-Sharing Plan is disclosed in a form, manner and language understandable to the affected stakeholders of the ER Program</p> <p>[Description of stakeholder consultation process 5.1]</p> <p>[Summary of the process of designing the benefit-sharing arrangements 15.2]</p>	<p>N.A</p>
<p>The benefit sharing plan might not be available at the time of the TAP assessment, however, the TAP assessed the description provided in the ER-PD as required in C29 but this indicator was set to N.A.</p>	
<p>C 32 The implementation of the Benefit-Sharing Plan is transparent</p>	
<p>Ind 32.1 Information on the implementation of the Benefit-Sharing Plan is annexed to each ER Program monitoring report and interim progress report and is made publicly available [16.1]</p>	<p>N.A</p>
<p>Only applicable at the time of monitoring/verification.</p>	
<p>C 33 The benefit-sharing arrangement for the ER Program reflects the legal context</p>	
<p>Ind 33.1 The design and implementation of the Benefit-Sharing Plan comply with relevant applicable laws, including national laws and any legally binding national obligations under relevant international laws</p> <p>[Description of the legal context of the benefit-sharing arrangements 15.3]</p>	<p>YES</p>
<p>Yes, the benefit-sharing arrangement for the ER Program overall reflects the legal context.</p> <p>The DRC ER-PA Team has restructured the section in the Final ER-PD, updated the Illustration of the principle in the sale of ER; presented the next steps to finalize benefit sharing plan and Update of the indicative benefit sharing plan.</p> <p>In its review of 7 February, the TAP has mentioned a number of issues for further exploration when preparing the final benefit sharing plan as an Annex to the ERPA (please refer to this document).</p>	
<p>C 34 Non-Carbon Benefits are integral to the ER Program</p>	

<p>Ind 34.1 The ER Program outlines potential Non-Carbon Benefits, identifies priority Non-Carbon Benefits, and describes how the ER Program will generate and/or enhance such priority Non-Carbon Benefits. Such priority Non-Carbon Benefits should be culturally appropriate, and gender and inter-generationally inclusive, as relevant</p> <p>[Outline of potential Non-Carbon Benefits and identification of Priority Non-Carbon Benefits 16.1 in the Final ER-PD of 28 May 2016]</p>	YES
<p>Yes, the ER-PD deals sufficiently with the potentials and issues relating to co-benefits.</p> <p>The TAP observed in its review of 7 Feb. that there is neither a development with regard to the required characteristics (culturally appropriate, and gender and inter-generationally inclusive), nor a justification of whether these characteristics are relevant for the identified co-benefits. The TAP thus recommended strengthening the ER-PD document by clearly identifying the various social groups or categories in the program area and presenting the roles/interests of those sub-groups in relation to the key co-benefits. The use of units such as ‘households’ and ‘small farmers’ do not highlight the gender and intergenerational dimensions, thereby preventing the perception of the cultural appropriateness of the co-benefits for these sub-groups. Also, another shortcoming in the presentation of co-benefits among the key objectives for 2020 was the lack of baseline and clear targets for each co-benefit.</p> <p>DRC added a matrix in the final ERPD (new Annex 5) in order to present objectives, baselines and targets for the ER program objectives including non-carbon benefits. Furthermore, a new annex (Annex 14) has been added to give more details about different social groups (Women, Youth, Indigenous peoples) in relation to main co-benefits generated by the program and cultural feasibility.</p>	
<p>Ind 34.2 Stakeholder engagement processes carried out for the ER Program design and for the readiness phase inform the identification of such priority Non-Carbon Benefits</p> <p>[Description of stakeholder consultation process 5.1 and Section 16]</p>	YES
<p>Yes, the TAP thus concludes that the stakeholders have been sufficiently engaged to identify priority non-carbon benefits for the purpose of the ER-PD. In its review of 7 February 2015, the TAP noted that the stakeholder consultation process was not sufficiently described. The TAP also observed at the time that the output of the stakeholder engagement process (Table 10, pp. 67-69 and Annex 6, pp.195-197 of the Draft ER-PD) does not clearly present priority non-carbon benefits as a product of interaction with stakeholders. What was missing was how the decision on those benefits was made.</p> <p>As stated in the Final ER-PD, the non-carbon benefits have been further discussed through extended consultations at the local level (design of PIREDD Plateau and PIREDD Mai-Ndombe). The TAP concludes that the non-carbon benefits identified are the product of interaction with stakeholders and reflect in general terms their expectations. In addition, in the Final ER-PD, DRC added additional information in section 16 and further information is given in Annex 5 of the Final ER-PD (objectives, indicators and 5-years target of the main co-benefit classes).</p>	
<p>C 35 The ER Program indicates how information on the generation and/or enhancement of priority Non-Carbon Benefits will be provided during ER Program implementation, as feasible.</p>	
<p>Ind 35.1 The ER Program proposes an approach utilizing methods available at the time to collect and provide information on priority Non-Carbon Benefits, including, e.g., possibly using proxy indicators. If relevant, this approach also may use information drawn from or contributed as an input to the SIS</p> <p>[Approach for providing information on Priority Non-Carbon Benefits, Chapter 16.2 of Final ER-PD]</p>	YES

Yes, a general approach to provide information on priority non-carbon benefits has been made. The assessment made by the TAP on the Draft ER-PD remains valid (please refer to TAP review document of 7 February 2016).

Ind 35.2 Information on generation and/or enhancement of priority Non-Carbon Benefits will be provided in a separate annex to each ER Program monitoring report and interim progress report, and will be made publicly available

N.A

Only applicable at the time of verification.

C 36 The ER Program Entity demonstrates its authority to enter into an ERPA and its ability to transfer Title to ERs to the Carbon Fund

Ind 36.1 The ER Program Entity demonstrates its authority to enter into an ERPA with the Carbon Fund prior to the start of ERPA negotiations, either through:

YES

- i. Reference to an existing legal and regulatory framework stipulating such authority; and/or
- ii. In the form of a letter from the relevant overarching governmental authority (e.g., the presidency, chancellery, etc.) or from the relevant governmental body authorized to confirm such authority.

[Authorization of the ER Program 18.1]

Yes, the ER Program Entity can enter into an ERPA with the Carbon Fund.

The assessment made by the TAP in its review of 7 February is still valid.

The MECNDD is the designated Government authority for both the domestic and the international transfer of emission reduction credits (see AM 2012 and *Ordonnance présidentielle* n°15/015 du 21 mars 2015). Participation and emission reduction (proceeds) arrangements will be concluded between the Ministry and relevant stakeholders (who may become either direct credit claimants or receive shares in the proceeds). Note that the central government will sign the ERPA with the Carbon Fund, not the regional government. The allocation of responsibilities and carbon revenues between the central government and the regional government will be laid down in an intra-administrative agreement. Also note that indigenous communities are recognized stakeholders under AM 2012.

In its review of Feb. 7, the TAP outlined its further more detailed analysis in Ind. 28.3 and the Annex 1. While the actual legal basis of the power to transfer to ERs to the Carbon Fund ultimately requires the DRC to have the clear legal title to the ERs, in the TAP's view, there does remain a degree of uncertainty about the legal nature of ERs and the ability of the State to claim ownership where community rights also exist and which therefore may result in conflicting rights of the State to own ERs and those of communities and private landholders. However, as noted in Ind. 18.2, C23 and Annex 1, the Government has been developing the legal and governance frameworks for REDD+, the focus being the Ministerial Regulation on REDD+ Project Authorization ("*REDD+ Regulation 2012*"). As noted above in order to resolve this conflict DRC has made it a deemed pre-condition for the right of the project proponent to commercialize REDD+ carbon credits under the REDD Regulation 2012 that any creation, sale and benefits of any ERs are all underpinned by agreements with all interested stakeholders.

The conclusion of partnership contracts ("*contrats de partenariat*") between the government (represented by the MECNDD), which – together with the adoption of an accord between the project proponent and local and indigenous communities – is deemed a pre-condition for the right of the project proponent to commercialize REDD+ carbon credits. If such agreements are not in place, those ERs are not included in the program. It is this agreement between all parties that will therefore provide the legal basis for the ER Program Entity's being the DRC to transfer Title to ERs to

the Carbon Fund.	
<p>Ind 36.2 The ER Program Entity demonstrates its ability to transfer to the Carbon Fund Title to ERs, while respecting the land and resource tenure rights of the potential rights-holders, including Indigenous Peoples (i.e., those holding legal and customary rights, as identified by the assessment conducted under Criterion 28), in the Accounting Area. The ability to transfer Title to ERs may be demonstrated through various means, including reference to existing legal and regulatory frameworks, sub-arrangements with potential land and resource tenure rights-holders (including those holding legal and customary rights, as identified by the assessments conducted under Criterion 28), and benefit-sharing arrangements under the Benefit-Sharing Plan</p> <p>[Transfer of Title to ERs 18.2]</p>	YES
This is dealt with in the TAP report on the Advanced ER-PD, dated 7 February 2016.	
<p>Ind 36.3 The ER Program Entity demonstrates its ability to transfer Title to ERs prior to ERPA signature, or at the latest, at the time of transfer of ERs to the Carbon Fund. If this ability to transfer Title to ERs is still unclear or contested at the time of transfer of ERs, an amount of ERs proportional to the Accounting Area where title is unclear or contested shall not be sold or transferred to the Carbon Fund</p> <p>[Transfer of Title to ERs 17.2]</p>	YES
This is dealt with in the TAP report on the Advanced ER-PD, dated 7 February 2016.	
<p>C 37 Based on national needs and circumstances, the ER Program works with the host country to select an appropriate arrangement to avoid having multiple claims to an ER Title.</p>	
<p>Ind 37.1 Based on national needs and circumstances, the ER Program host country has made a decision whether to maintain its own comprehensive national REDD+ Program and Projects Data Management System, or instead to use a centralized REDD+ Programs and Projects Data Management System managed by a third party on its behalf. In either case of a country's use of a third party centralized REDD+ Programs and Projects Data Management System, or a country's own national REDD+ Programs and Projects Data Management System, the indicators below apply</p> <p>[Data management and Registry systems to avoid multiple claims to ERs 18.2]</p>	YES
<p>Yes, the ER-PD deals with the issues relating to multiple claims to an ER Title. A discussion on this issue has been provided in the TAP report of 7 Feb. in Indicators 37.1, 28.3, 36.1 and in the special Annex of the TAP report.</p> <p>As outlined under various indicators in the present TAP report, DRC is establishing a National Registry of the DRC's national REDD+ program. This Registry is currently in design and will operational by end of 2016. Once a project has been approved through the 2102 REDD+ Regulation, it will then be formerly registered on the National REDD+ Registry. Any generated Emission Reductions (ERs) once measured and verified will then be issued as domestic Emission Reduction Credits (ERCs) exclusively through the National REDD+ Registry.</p> <p>For a more detailed analysis please refer to the TAP report on the Draft ER-PD of Feb 7, 2016.</p>	
<p>Ind 37.2 A national REDD+ Programs and Projects Data Management System or a third party centralized REDD+ Programs and Projects Data Management System needs to provide the attributes of ER Programs, including:</p>	YES

<p>i. The entity that has Title to ERs produced; ii. Geographical boundaries of the ER Program or project; iii. Scope of REDD+ activities and Carbon Pools; and iv. The Reference Level used.</p> <p>An ER Program for the Carbon Fund should report its activities and estimated ERs in a manner that conforms to the relevant FCPF Methodological Framework C&Is</p> <p>[Data management and Registry systems to avoid multiple claims to ERs 18.2]</p>	
<p>Yes, the attributes of the ER Program as listed will be provided through the National Registry of the DRC's national REDD+ program. See assessment provided under 37.1.</p>	
<p>Ind 37.3 The information contained in a national or centralized REDD+ Programs and Projects Data Management System is available to the public via the internet in the national official language of the host country (other means may be considered as required).</p> <p>[Data management and Registry systems to avoid multiple claims to ERs 18.2]</p>	YES
<p>Yes, it is expected that the National Registry of the DRC's national REDD+ program makes information available to the public. Details cannot be given at the current stage.</p>	
<p>Ind 37.4 Administrative procedures are defined for the operations of a national or centralized REDD+ Programs and Projects Data Management System; and an audit of the operations is carried out by an independent third party periodically, as agreed with the Carbon Fund</p> <p>[Data management and Registry systems to avoid multiple claims to ERs 18.2]</p>	YES
<p>Yes, it is expected that the administrative procedures are being defined for the operations of a national or centralized REDD+ Programs and Projects Data Management System; and that it is planned to conduct an audit process of the operations periodically, as it will be agreed with the Carbon Fund.</p>	
<p>C 38 Based on national needs and circumstances, ER Program host country selects an appropriate arrangement to ensure that any ERs from REDD+ activities under the ER Program are not generated more than once; and that any ERs from REDD+ activities under the ER Program sold and transferred to the Carbon Fund are not used again by any entity for sale, public relations, compliance or any other purpose</p>	
<p>Ind 38.1 Based on national needs and circumstances, the ER Program host country has made a decision whether to maintain its own national ER transaction registry, or instead to use a centralized ER transaction registry managed by a third party on its behalf</p> <p>[Data management and Registry systems to avoid multiple claims to ERs 18.2]</p>	YES
<p>Yes, this Indicator is now met.</p> <p>In its review of the draft ER-PD the TAP had concluded that this element is yet not sufficiently explained in the current text and that more information is needed to assess this indicator. In the Final ER-PD, it is explicitly stated that DRC has made a decision to establish a national REDD+ registry. Furthermore, more clarity has been provided in the ERPD regarding the different options to operationalize the ER transaction registry.</p> <p>The ER Program will use that centralized national ER transaction registry. This Registry will allow tracking and monitoring all the ERs generated by the program and provides regular information about issuances, transfers and sales of this Emission Reductions.</p>	

<p>Ind 38.2 The national or centralized ER transaction registry reports ERs for the Carbon Fund using the accounting methods and definitions described above in the MF</p> <p>[Data management and Registry systems to avoid multiple claims to ERs 19.2]</p>	<p>N.A</p>
<p>Non-applicable at this stage as the National Registry yet not in place</p>	
<p>Ind 38.3 An independent audit report certifying that the national or centralized ER transaction registry performs required functions is made public.</p> <p>[Data management and Registry systems to avoid multiple claims to ERs 19.2]</p>	<p>N.A</p>
<p>Non-applicable at this stage as the National Registry yet not in place</p>	
<p>Ind 38.4 Operational guidance exists, or is in advanced stage of preparation, that clarifies the roles and responsibilities of entities involved in the national or centralized ER transaction registry, as well as rules for operation of the registry.</p> <p>[Data management and Registry systems to avoid multiple claims to ERs 19.2]</p>	<p>N.A</p>
<p>Non-applicable at this stage as the National Registry yet not in place</p>	

Annex 1:

Additional information in regard to Indicator 16.1 and Evolution of the Legal and Regulatory Framework for Community Forestry

The “local community forest” (LCF) concept is an innovative provision of the 2002 Forest Code. Article 22 stipulates the general terms for obtaining such a forest². Articles 111 to 113 stipulate the conditions for the exploitation of such forests, either by the communities themselves, by artisanal operators, or by outsourcing their exploitation to third parties under a management contract.

Decree 14/018 of August 2, 2014, which defines the rules for granting LCF concessions, supplements the provisions of the Forest Code. An LCF may be requested by a local community, defined as a population traditionally organized on the basis of custom and bound by ties of clan or family solidarity. The Chief of the Sector (or Chiefdom) is required to identify the members of the applicant community by presenting a list of the families, lineages, or clans that make up that community. Within the LCF, the community may request a forest concession, but must first obtain legal personality as a non-profit organization, a cooperative company, or a local development committee (LDC). Although the size of local community forest concessions must not exceed 50,000 ha, the community retains its customary rights to the area not under the LCF and may continue to exercise them in accordance with the law.

However, these forestry regulations do not appear to be fully compatible with two major pieces of legislation laying down the framework for decentralization in the DRC. First, in 2006, the Constitution established the provinces as well as four Decentralized Territorial Entities (DTEs), namely cities, municipalities, sectors, and chiefdoms, all of which have legal personality. Second, Organic Law no. 08/016 of October 7, 2008 on the composition, organization, and functioning of the DTEs and their relationship with the state and the provinces confirmed the relevant articles of the constitution and stipulated their implementation. However, this law also reiterates that several levels of decentralization exist in rural areas, with provinces being made up of territories, which are subdivided into sectors or chiefdoms, which are further subdivided into village groupings, themselves subdivided into villages. Village groupings and villages are decentralized territorial entities without legal personality, unlike sectors and chiefdoms, which enjoy free administration and autonomy to manage their human, economic, financial, and technical resources. Communities, clans, lineages, and families are not considered legal entities in the DRC.

Source extract from

World Bank (2015). *Managing a valuable resource: Policy notes on increasing the sustainability of the DRC’s forest production*. Policy Note 2: Community Forestry

G. Lescuyer, L. Boutinot (CIRAD), P. Cerutti, R. Tsanga (CIFOR) P.49

² “A local community may, on request, obtain by way of a forest concession all or part of the protected forests among those forests possessed by virtue of custom.”

