

## Public comment

# Mai Ndombe REDD+ project verification to the CCB standard

07 September 2017

**This public comment** is submitted by Jutta Kill and the Rainforest Foundation UK in the context of the current verification to the CCB Standards of the Wildlife Works Carbon LLC Mai Ndombe REDD+ project. The project is located in the Mai Ndombe province (formerly Bandundu province) of the Democratic Republic of Congo (DRC). The REDD+ project was validated and verified in 2012 for a first issuance of credits by Det Norske Veritas Climate Change Services AS (CCB) and validated at the same time to the VCS standard, also by Det Norske Veritas Climate Change Services AS. We limit our comments to questionable 'additionality' claims made in the project documents and accepted by previous CCB and VCS assessments.

It should be noted, however, that other statements in the 2016 Monitoring report also merit close scrutiny. Some issues are listed at the end of the submission, due to time constraints, without providing the level of context as is given in relation to questionable 'additionality' claims. These are the basis for issuance of carbon credits to the REDD+ project and therefore deserve particular attention and scrutiny during verification assessments.

### **Comments regarding the Wildlife Works Carbon LLC Mai Ndombe REDD+ project 'additionality' claim:**

The 29 August 2012 version of the project design document (PDD) for the Wildlife Works Carbon Mai Ndombe REDD+ project currently under verification states on page 28 that "*On January 19, 2009, the Inter-ministerial Commission [reviewing the legality of logging concessions in the DRC] recommended that 65 out of the original 152 forest titles be converted to concession contracts, and the other titles be cancelled. At the end of the extended process that stretched into 2010, a total of 80 concession contracts were agreed to and the moratorium was lifted in 2011.*" (emphasis added)

The REDD+ project is located in an area previously covered by the BIMPE AGRO logging titles 014/84 and 0114/00. BIMPE AGRO had delegated management and logging activities for these two titles to SOFORMA. In December 2008, the two logging titles in question were included in the list of titles cancelled under the review referred to in the REDD+ project PDD (see Communiqué Officiel No 6500/CAB/MIN/ECN-T/15/JEB/2008).

The project developer's additionality argument in the August 2012 PDD rests on the claim that in 2010, the Minister of Environment had agreed to a proposal by SOFORMA to swap a concession the company held elsewhere in the country for the two concessions held by BIMPE AGRO in the Mai Ndombe area, which had been cancelled in 2008. The REDD+

project owner at the time, ERA, argued that industrial logging was about to commence: "*On May 18, 2010 the Minister of Environment agreed by written letter to the swap offer made by SOFORMA. However, after further consideration, the Minister signed a Carbon Rights Agreement (Protocole d'Entente), also called the Memorandum of Understanding, with ERA on March 11, 2011.*" (Pg. 30). (emphasis added)

In the 2012 Validation report, DNV accepted the additionality argument presented by the project developer, and later verified the project. With this acceptance of a dubious 'additionality' claim - based on supposed acceptance by the Minister of Environment of SOFORMA swapping a converted concession elsewhere in the country for the annulled logging concession in the Mai Ndombe REDD+ project area - DNV enabled issuance of the first batch of carbon credits to the Mai Ndombe REDD+ project developer. "*DNV is able to certify with a reasonable level of assurance that the emission reductions from the "The Mai Ndombe REDD Project" during the period 14 March, 2011 to 31 October, 2012 amount to 2 548 715 tonnes CO2 equivalent after a 25% buffer pool deduction amounting to 849 572 tonnes CO2 equivalent.*"

**What evidence apart from a supposed letter signed by the Minister of Environment (which has never been made public) did DNV assess to obtain "a reasonable level of assurance" that allowed the auditor to accept this questionable additionality claim - which constitutes the basis for issuance of carbon credits?**

Considering that:

- contrary to the statement in the 29 August 2012 PDD, **the moratorium on issuance of new logging concessions was not lifted in 2011, and remains in place to this date;**
- there is to date no record of any cancelled ('non-converted', annulled) titles such as the BIMPE AGRO concessions in question having been included in a swap for a converted concession. Any such swap of cancelled concessions would have been strictly outside of the terms of the national moratorium dating from 2002;
- even issuance of new contracts for legal concessions which had been voluntarily 'retroceded' to the government after being confirmed as legal and 'converted' has subsequently been deemed illegal;
- only 57 of the original 80 concessions converted into new contracts in 2010 continue to exist in 2017, the remainder having been voluntarily retroceded; of those 57, only half are believed to currently be active. In fact the DRC logging industry has been in steady decline since 2011 and even previously unlogged concessions are being abandoned.

**Do the auditors of the current verification audit assessment share the view of DNV auditors who carried out previous assessments that "a reasonable level of assurance" has been obtained to (continue to) accept the Mai Ndombe REDD+ project's 'additionality' claim? If they do, what evidence - apart from a letter supposedly signed by the Minister of Environment in 2010, and which has never been made public (and as far as we know never seen by previous auditors) - have auditors used to obtain "a reasonable level of assurance" that could justify issuance of carbon credits to the REDD+ project in the context outlined in the bullet points above? If a copy of the May**

**18<sup>th</sup> 2010 Minister's letter has been seen, has it been verified as authentic, and has it been confirmed that whatever possibilities were set out in it were in fact within the Minister's powers to legally enforce and implement?**

Furthermore, the 2016 Monitoring report by the Mai Ndombe REDD+ project owner notes: *"The Mai-Ndombe REDD+ project area has undergone forest logging three times in the past, with the state-owned company, FORESCOM, first in the 1920's, then Bimpe Agro in the 1980's, and most recently by SOFORMA from 2003 to 2008. While logging activities do not usually directly result in total stand destruction, the removal of large trees and forest openings facilitate clearing for cassava and corn cultivation by locals. SOFORMA's logging intensity is particularly destructive as it leads to a high number of trees being removed."*

Given this history of repeated logging in the REDD+ project area, **how do the auditors of the current verification assessment explain the supposed interest by SOFORMA to propose swapping another of their logging concessions elsewhere in the country for this forest area that has already seen industrial timber extraction 2-3 times before, including "particularly destructive" previous logging by SOFORMA?**

In short, it is our view that the project proponents of the Mai Ndombe REDD+ project have from the start failed to present a convincing case that continuation of (legal) industrial logging within the two former logging concessions that make up the REDD+ project area, was imminent and could reasonably be considered a credible baseline scenario. It is incomprehensible how such a spurious 'additionality' claim could have passed sound assessment of a VCS validation and CCB validation and verification assessment by the auditing company, DNV. The facts that (a) the 2002 logging moratorium remains in place in 2017, and that (b) there is no single known case of a cancelled illegal logging title such as those taken over by the Mai Ndombe REDD+ project having been requested or allowed to be swapped for a legal, 'converted' concession, underline the lack of credibility of the 'additionality' claim on which the Mai Ndombe REDD+ project is based. In our view, REDD+ credits issued to the Mai Ndombe REDD+ project must therefore be considered blatantly 'non-additional', because the project lacks a convincing baseline.

**Additional issues that deserve closer scrutiny (list not exhaustive):**

- The 01 August 2017 Wildlife Works Carbon Monitoring & Implementation report states on pages 25 and 56 that *"121,300 hectares of the concession (42%) is classified as swamp forest"*. Since 29 October 2016, logging in swamp areas is prohibited under national law in the DRC as per Article 64 of Arrete 084 (*"l'abattage des arbres situés dans des zones sensibles protégées et/ ou marécageuses, à l'exception de abattages requis par l'implantation du réseau de vidange."*).<sup>1</sup>

The law came into effect on 29 October 2016, and thus applies to a small portion of the period (1 November 2012 to 31 December 2016) covered in the Wildlife Works Carbon document *The Mai Ndombe REDD+ Project Second Monitoring &*

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<sup>1</sup> MECNDD, Arrete Ministeriel No 84/CAB/MIN/ECN-DD/CJ/00/RBM/2016, 29 October 2016.

*Implementation Report (M 2 )*, dated 01 August 2017 and currently under CCB verification assessment.

However, the Wildlife Works Carbon monitoring report does not make any mention of the new law. No adjustments appear to have been made to the calculation of carbon emissions supposedly avoided as a result of the REDD+ project even though the law presumably also would have applied to any logging company operating on the concession area had this area not been turned into a conservation concession held by ERA / Wildlife Works Carbon. **Should the passing of the law prohibiting logging in swam forests not have resulted in a reassessment of the baseline scenario, and thus re-calculation of supposedly avoided emissions?** Yet, the figures included in Table 15 'The GHG reductions, Project Emissions, Leakage Emissions and Net Emission Reductions (NERs) for the monitoring period, specified by vintage' on page 100 of the 01 August 2017 Monitoring Report do appear to be the same as calculated in the PDD in 2012. **Why does the monitoring report not mention the passing of the law / Arrete 084? Would the auditors agree that, notwithstanding the issue of lack of credibility of the underlying 'additionality' claim advanced by the project owners, with the passing of Arrete 084, the baseline calculation for this REDD+ project needs to be adjusted to reflect the new legal situation?**

- The authors of the article *The 'virtual economy' of REDD+ projects: does private certification of REDD+ projects ensure their environmental integrity?*, published in a peer-reviewed international journal,<sup>2</sup> describe the reference area as "a dubious choice" for developing the Wildlife Works Carbon Mai Ndombe REDD+ project baseline scenario. The reference area is located over 600km away from the REDD+ project area, in Bas Congo. The authors of the article question the assumption that in the absence of the Mai Ndombe REDD+ project, the forest at the REDD+ project site would have been logged (legally) and then converted to agriculture by local communities, as is the sequence described for the deforestation history of the reference area. The reference area is possibly unique in DRC, being at much closer distance and with much better road connection to the capital Kinshasa, and the only province with the only sea port in the country. Due to the above, it has been subject to very long term historical commercial logging operations, which have seriously degraded the forests (in fact some of the province is now becoming desertified), and the few logging titles which remained there until the 2008 legality review have now been de-gazetted and instead zoned for complete clearance and agricultural development. So this area represents a unique situation with extremely high levels of deforestation which for multiple reasons would not necessarily be experienced in many other parts of DRC in the foreseeable future.
- The Monitoring Report mentions that *"In 2013, a participatory mapping workshop was held in the village of Inunu with the following objectives:*
  - *Informing and sensitizing participants on the importance of participatory mapping for the REDD + project and for communities; ..."*. However, the report fails to provide any information about the kind of mapping envisaged in follow-up to the workshop, if

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<sup>2</sup> C. Seyller et al. (2016): The 'virtual economy' of REDD+ projects: does private certification of REDD+ projects ensure their environmental integrity? *International Forestry Review* Vol.18 (2), 2016.

any, and what relevance such mapping has to the REDD+ project, or what community needs the mapping attends to.

The reference to mapping, however, does raise another issue:

- The PDD and monitoring reports mention that the REDD+ project owners permit villagers to grow food crops in a 2km-perimeter around villages *only*. The documents, however, fail to explain what consequences such a limitation has in practical terms for those families / clan members whose plots and customary land use areas have traditionally been further away from the villages than 2km. Would they have lost access to land under customary use and traditionally available to them to grow their food because the REDD+ project prohibits use of these plots that are further than 2km away from the village?

**How does the REDD+ project reconcile this restriction of customary use inside the REDD+ concession area with the DRC Forest Code which states that "the Concession Holder has all the rights pertaining to the forest use and conservation except the usage rights of the local communities"? [emphasis added]**

- The 01 August 2017 Monitoring Report states that "Biomass plots must be re-measured every five years at a minimum. For this monitoring period, which extends from 1 November 2012 to 31 December 2016, the proportional number of plots measured was 247, representing 55% of the original 449 plots." With the monitoring period November 2012 – December 2016 comprising 83% of a five-year period, **why are measurements for only 55% of biomass plots considered for the carbon stock calculations during the monitoring period? How will the auditors ascertain that inclusion of the plots due for reassessment at the latest within 10 months following the period covered by the monitoring report (i.e. all plots are due to have been reassessed by October 2017) would not have altered and have a material effect on calculations of present carbon stock within the project area?**

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