

PROTECTED AREAS IN THE CONGO BASIN: FAILING BOTH PEOPLE AND BIODIVERSITY?

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LIST OF ACRONYMS

ACFAP	<i>Agence Congolaise de la Faune et des Aires Protégées</i> (Congolesse Agency for Wildlife and Protected Areas), Republic of Congo
ANPN	<i>Agence Nationale de Parcs Nationaux</i> (National Protected Areas Agency), Gabon
CAWHFI	Central Africa World Heritage Forest Initiative
CARPE	Central Africa Regional Program for the Environment
CBFF	Congo Basin Forest Fund
CBNRM	Community Based Natural Resource Management
CED	Centre for Environment and Development, Cameroon
CI	Conservation International
COMIFAC	<i>Commission des Forêts d’Afrique Centrale</i> (Central African Forest Commission)
DACEFI	<i>Développement d’Alternatives Communautaires à l’Exploitation Forestière Illégale</i> (Community Alternatives to Illegal Logging, project in Gabon)
ECOFAC	<i>Ecosystèmes Forestiers d’Afrique Centrale</i> (Forest Ecosystems in Central Africa, European Commission programme)
FCPF	Forest Carbon Partnership Facility
FFEM	<i>Fonds Français pour l’Environnement Mondial</i> (French Global Environment Facility)
FPP	Forest Peoples Programme
FNU	<i>Fonds des Nations Unies</i> (United Nations Funds)
FTNS	<i>Fondation pour le Tri-National de la Sangha</i> (The Sangha Tri-National Foundation)
GEF	Global Environment Facility
ICCA	Indigenous and Community Conserved Areas
ICCN	<i>Institut Congolais pour la Conservation de la Nature</i> (Congolesse Institute for Nature Conservation), Democratic Republic of Congo
JGI	Jane Goodall Institute
MEFDD	<i>Ministère de l’Economie Forestière et du Développement Durable</i> , (Ministry of Forest Economy and Sustainable Development) Republic of Congo
MEFCP	<i>Ministère des Eaux, Forêts, Chasse et Pêche</i> (Ministry of Water, Forests, Hunting and Fishing), Central African Republic
MINFOF	<i>Ministère des Forêts et de la Faune</i> (Ministry of Forestry and Wildlife), Cameroon
NGO	Non-Governmental Organisation
OECM	Other Effective Conservation Measures
OFAC	<i>Observatoire des Forêts d’Afrique Centrale</i> (Central Africa Forest Observatory)
RAFFADD	<i>Réseau Africain des Femmes pour le Développement Durable</i> (African Women Network for Sustainable Development)
RAPAC	<i>Réseau des Aires Protégées d’Afrique Centrale</i> (Central Africa Protected Areas Network)
USFWS	U.S. Fish & Wildlife Service
WCS	Wildlife Conservation Society
WWF	World Wide Fund for Nature, also known as World Wildlife Fund



EXECUTIVE SUMMARY

The past few decades have seen a dramatic expansion in the establishment of protected areas around the world. While their primary aim is the conservation of biodiversity, many protected areas are also home to local and indigenous communities who have over many generations based their livelihood, culture and identity on these landscapes and ecosystems. The current international consensus is that protected areas should harmonise conservation and social needs. Practically putting this in place, however, has proved challenging, and especially so in the Congo Basin.

In this study, we examine this issue in the Congo Basin, an area comprising 3.7 million square kilometres and home to some of the largest stands of remaining tropical forests. We base our study on a sample of 34 protected areas across five countries (Cameroon, Central African Republic, Democratic Republic of Congo, Gabon, and Republic of Congo) to assess what impacts – both positive and negative – these areas are having on local and indigenous communities, as well as in terms of protecting biodiversity.

Forests and communities in this region face enormous threats, notably from destructive development models which often squander natural resources while having severe negative impacts on local populations. These threats are escalating, and hence assuring effective conservation measures both within and without protected areas is an urgent task. Whilst there is a continuous narrative and flow of information on issues such as the impacts of logging concessions, palm oil developments, and infrastructure etc., there has been very little consideration of the effectiveness of what goes on inside the protected areas that are often posed as being the key response to environmental destruction.

Forest peoples and conservationists often share the core ultimate objective of protecting the integrity of the Congo Basin rainforest (although their particular motivations may vary). Whilst in other regions (such as Amazonia), there have been some successes in forming powerful strategic alliances, in the Congo Basin the relationship between forest peoples and conservationists is largely conflictual. This study unpacks some of the reasons why conservation efforts are failing to strike this partnership

with local peoples and how this leads not only to social tensions, but also poor biodiversity outcomes. It looks to propose solutions to these problems.

The study is guided by four overarching questions:

1. What impacts have strictly protected areas had over local and indigenous communities, particularly over their rights and livelihoods?
2. To what extent have conservation initiatives complied with national and international human rights laws, safeguards and policies?
3. Have these areas succeeded in meeting their stated conservation objectives?
4. What part has community participation (or lack thereof) played in this?

KEY FINDINGS

• **Biodiversity is declining and poaching persists:**

While hundreds of millions of US dollars have been allocated to conservation projects in the region in the past decade, there is little empirical evidence of tangible conservation achievements. In contrast, our study shows that poaching persists widely and large mammal populations, in particular, are declining at alarming rates (especially elephant, bongo, gorilla and chimpanzee), in spite of strong restrictions on access and use of protected areas, and high investments and efforts in security patrols and eco-guards. Research suggests that some protected areas are faring better than extractive land uses, such as logging concessions, in protecting fauna. However, there is no evidence to demonstrate that this is a consistent outcome. More important, our findings suggest that protected areas are failing to reach their own conservation objectives, irrespective of what goes on elsewhere. Related to this and the factors below, is the question of the extent to which the current conservation model in the region is sustainable.

• **Lack of respect of human rights principles in conservation initiatives:**

There is an enormous gap between human

rights obligations, principles and commitments by national governments, donors and NGOs, and the reality in the field. Many binding and non-binding instruments offer protection of local and indigenous communities' rights to lands, livelihoods, participation and consultation as well as fundamental rights and freedoms, including in the context of conservation. However, in the Congo Basin there is consistent neglect and in some cases outright violation of rights on all these fronts.

- **Creation and management of protected areas undermine customary land rights:**

Local and indigenous communities have virtually no tenure security over their traditional lands in any of these five Congo Basin countries. Thus, allocations for other uses – notably logging, mining and oil concessions, agro-industrial plantations and also protected areas – are effectively pushing these communities to ever smaller areas of land where they toil to meet their subsistence needs. Designation of protected areas in the region follows the same pattern of exclusion, and in some cases even worsens it; in other kinds of concessions, local communities retain at least some usage rights. The areas are identified and designated based on mainly biological data and largely in disregard of the customary tenure systems already in place. Our research indicates that of the 34 areas analysed, the creation of at least 26 resulted in partial or complete relocation or displacement of local indigenous and farming communities present in the area prior to park establishment. In no cases has any compensation been given (or reported) for the displacements – despite the requirements of international agreements to do so. We have found no examples of adequate documentation (such as mapping) of customary tenure taking place prior to, or informing, park creation. Management approaches reinforce this exclusion, as conservation measures based on customary tenure and use, such as community conservancies, are practically non-existent in the region.

- **Protected areas diminish already strained local livelihoods:**

Without exception, all communities in the four countries where field research took place associate protected areas with increasing hardships due to the restrictions to their

livelihood activities, especially a diminished access to food (in severe cases even leading to malnutrition), particularly protein, as well as to forest products which provide them with a source of income. Desk research on 34 protected areas overwhelmingly supports these findings. In turn, whatever economic gains may have resulted from protected areas, very little (if anything) has reached local communities to date. In only eight of the 34 areas analysed are there reports of any kind of revenues for local people related to park activities, mainly in the form of sporadic employment as park rangers or tourist guides. In no case did we find evidence of adequate (or any) compensation for economic losses.

- **Conflicts and human rights abuses around protected areas are widespread:**

Communities around several protected areas throughout the region report abuse and other human rights violations, particularly at the hands of park rangers. Such abuses are generally associated with aggressive anti-poaching policing, whereby local communities are disproportionately targeted for hunting, serving as an easier target than the criminal networks driving large-scale commercial hunting. This, in addition to the difficulties mentioned above, has created a highly conflictual situation between park managers and local communities in 20 out of 24 protected areas in our sample for which information was available.

- **Indigenous peoples suffer disproportionately:**

Whilst different local communities and ethnicities have experienced negative impacts of protected areas, indigenous peoples appear to have suffered the most. This is related to the discrimination they suffer in general, but also to the fact that: the traditional territories of indigenous peoples largely coincide with areas targeted for conservation. Their nomadic or semi-nomadic lifestyles depend on the non-intensive use of extensive areas of forest, which in many cases overlap with protected areas. A already limited consultation and participation mechanisms are particularly ill suited to indigenous socio-cultural realities; their unparalleled hunting skills combined with an increasingly difficult livelihood situation has made them particular targets for both poaching and anti-poaching interests.

- **Participation and consultation with local communities are extremely weak:**

International conservation policy, at least on paper, calls for participation of local communities in conservation efforts, as well as adequate consultation and exercise of Free Prior and Informed Consent (FPIC). These principles are enshrined in several legal instruments, but their implementation in the Congo Basin falls short. In only 12 of the 34 Protected Areas (PA) analysed have local communities been consulted at some stage, and in only two of these cases did consultations take place before the PA was created, according to publicly available data (no information was found as to whether these consultations complied with international standards). Similarly, in only four of the 34 areas surveyed have local communities been reportedly involved in management decisions (although these reports do not come from communities themselves). Only one example was found where consultation led to management and zoning decisions in accordance with community interests, although the implementation of these agreements remains to be seen. For the remaining, the approach has predominantly been one of imposing strict top-down restrictions in terms of access to and use of forest resources, without tapping into customary conservation practices or traditional knowledge.

- **Communities support conservation, but not the prevalent model imposed on them:**

Local and indigenous communities in the Congo Basin have detailed ecological knowledge and traditional conservation practices, a strong spiritual and physical link to the rainforest as well as sophisticated ideas of what sustainable use of these territories means for them and for future generations. They do not agree with the imposed conservation model that has dispossessed them as described above, or with the agents that have implemented it. Hence, huge potential for collaboration and mutual benefit is being wasted.

- **While local communities face severe restrictions on their livelihoods, extractive industries and large scale habitat destruction are encouraged by national governments:**

Whilst many conservationists have tended to perceive local populations as the greatest

immediate threat to PAs, our study indicates that potentially much more damaging interests, in the form of large-scale extractive industries, are widely tolerated and actually incentivised. Of the 34 protected areas examined, 62 per cent have mining concessions inside (a further 12 per cent have mining concessions just on the border of the park), 39 per cent have oil concessions inside, and one reserve has three logging concessions within its boundaries. A further 68 per cent have logging concessions directly bordering the park. The impacts that these extractive industries are having on both biodiversity and on local communities' health and wellbeing in the region remains unaddressed and understudied.

- **Lack of transparency and documentation prevents more effective tracking of conservation achievements:**

Information on the overall amounts of funding that major donors channel into conservation efforts in the region is reasonably available in the public domain. However, details on how this money is being spent are much harder to come by, making it difficult to link designated resources to specific activities and their relative effectiveness. Information is particularly scarce on: amounts of funding going to each protected area, proportion of resources received by different stakeholder groups (local governments, national NGOs and local communities, international conservation organisations), and relative levels of support per type of activity. This lack of transparency hampers accountability and impairs performance monitoring.

- **Some examples of better practice exist, but they are very limited and not systematic:**

Some isolated efforts have been carried out in a few protected areas to involve local communities in conservation efforts. These include the establishment of dialogue mechanisms, community-based natural resource management initiatives in the periphery of protected areas, as well as attempts at involving local populations in management activities. However, these cases appear to be mostly symbolic, are clearly not part of a consistent policy and are certainly not representative of the typical situation in the region.



KEY RECOMMENDATIONS

Conservation efforts in the Congo Basin are mostly failing to protect forests and biodiversity, having serious negative impacts on local populations, and for these reasons are probably unsustainable. We believe that a fundamental shift is needed towards a more effective and sustainable model, one that is deeply rooted in local communities by fulfilling their rights, protecting their livelihoods, devolving their management responsibilities and tapping into their interest to protect their traditional lands. To this end, our key recommendations to major interest groups are as follows (full recommendations to all stakeholders are found at the end of the report):

We encourage national governments to:

- Undertake an independent review of all protected areas in the region to assess conservation effectiveness, produce specific roadmaps and adopt binding commitments to tackle each situation.
- Integrate community rights to lands and livelihoods in all aspects of conservation planning and management, including by:
 - Progressing towards the target of placing 17 per cent of national lands under protected area status by implementing “other effective area-based conservation measures” which are founded on traditional tenure and knowledge systems, including notably indigenous and local community conserved areas and other such management options. Develop and implement legislation and policies, such as on community forests, to support these measures.
 - Providing compensation for communities that have been evicted or displaced, including restitution of lands, where appropriate.
 - In the context of an independent review, revising the current IUCN categories and management arrangements of existing PAs to adapt them to the needs and realities of local communities and the specific needs

of indigenous peoples (including easing restrictions, redefining zoning according to customary rights, or others as appropriate).

- Ensuring that the creation of new protected areas does not take place without the FPIC (free, prior and informed consent) of local people and adequate participatory mapping practice.
- Earmarking specific resources to support community and civil society participation and capacity building.
- Take necessary measures to remedy human rights violations related to protected areas as well as to ensure effective implementation of a rights-based approach to conservation, including:
 - Adapting national legislation, policies and operational guidelines to reflect the highest international human rights standards and, where necessary, adopting specific measures to protect indigenous peoples' rights.
 - Providing adequate training and resources to conservation agents to implement these.
 - Establishing specific monitoring, verification and grievance mechanisms, including through the use of new community-enabling technologies now available.
- Documenting the direct and indirect impacts of extractive activities on protected areas, and ensuring that environmental management plans are put in place and independently monitored.
- Adopting land use plans which avoid encroachments by extractive industries and take customary land rights and livelihood needs into account.

Acknowledging their crucial role in funding conservation efforts in the region, promoting policy harmonisation and regional cooperation, we urge international donors to:

- Adopt a common position committed to rigorously upholding the relevant national and international laws, standards and norms concerning respect of indigenous and community rights in their funding for conservation programmes in the Congo Basin.

- Adopt clear performance indicators concerning (both direct and indirect) recipient organisations' compliance with the relevant laws, norms and standards, and establish an independent mechanism to monitor compliance.
- Commit appropriate resources to piloting, reviewing and implementing in the Congo Basin relevant policy and management tools such as the IUCN Environmental and Social Management Framework, the IUCN Standard on Involuntary Resettlement, and the Guidelines on Protected Areas governance.
- Establish an independent and effective grievance mechanism to handle complaints raised in relation to Congo Basin protected areas implementing agencies.
- Assign specific and greatly increased levels of funding in conservation programmes to benefit relevant national civil society and local communities directly, in order to strengthen their capacity and enhance their ownership of conservation activities.
- Systematically disclose more detailed information on how protected areas funding is being used, and by whom, in order to improve accountability and better understanding of the relative effectiveness of funding approaches.
- Invest resources on systematic, transparent, independent, field-based monitoring and evaluation of conservation projects to ensure that the reality on the ground is reflected in policy.
- Channel financial and political support towards proven participatory, rights-based conservation approaches, as described above. In each project, build in sufficient resources to undertake adequate social and human rights due diligence, FPIC and consultation and subsequent engagement processes.
- Increase financial support and political pressure over national governments to fulfil human rights standards, and refuse to support or withdraw support from projects which do not comply with these standards.
- Provide funding support to address the specific rights and needs of indigenous peoples in conservation programmes.

Similarly, we encourage international conservation organisations to:

- Openly commit not to engage in any process which entails displacement of local communities without their genuine FPIC, and withhold support from projects that do not comply with the relevant national and international laws, standards and human rights norms, and particularly those that have not received the FPIC of the peoples they might affect.
- Request support from the relevant donors to rectify any previous injustices carried out in the establishment of protected areas, such as through compensation or restitution of lands.
- Adopt and implement specific operational guidelines (such as those developed through IUCN and referred to above) – including clear performance indicators and participatory monitoring mechanisms – for the integration of human rights principles in all conservation activities, provide information and share better practices regarding their implementation. Disseminate these guidelines and monitoring results among relevant stakeholders.
- Develop specific binding policies that respect indigenous peoples' rights in conservation programmes. Disseminate these policies and monitoring results among relevant stakeholders.
- Using the considerable political, financial and technical influence that conservation NGOs have built over recent decades, promote community land rights through practical steps including: participatory mapping for protected areas' identification, categorisation, delineation and zoning; promote conservation also in the form of 'OECMs' (Other Effective Conservation Measures), ICCAs (Indigenous and Community Conserved Areas), and other initiatives outside the conventional Protected Area model for conservation;
- Strengthen partnerships with local community organisations for the implementation of projects on the ground and involve them in strategic decision making, making sure they are provided sufficient resources (financial, technical and human) to participate actively in these initiatives. Monitor and disseminate achievements in terms of capacity building and increased ownership by local civil society.





1. INTRODUCTION

Protected areas (PAs) have been, for many decades, and continue to be, the predominant units for the conservation of biodiversity¹. While these areas vary considerably in shape and size as well as in habitat and species², what they all have in common is that their primary concern is biodiversity conservation. This approach is based on a 'wilderness preservation' philosophy, originating in the United States in the late 1800s, which gave birth to a movement of national park establishment with the purpose of preserving areas of scenic beauty and natural wonders free from human exploitation, for the recreational enjoyment of visitors. This model of North American conservationism rapidly spread throughout the world, creating the dichotomy of 'parks versus people' – which has had devastating effects on local populations whose relation with nature is different from that of the first 'ideologues' of North American national parks³.

Over recent decades, such PA models have been criticised for a number of reasons. Firstly, many are not as effective as they may appear to be in meeting their conservation objectives (e.g. biodiversity conservation, or halting deforestation, encroachment and poaching). A recent study⁴ revealed that an alarming 50 per cent or so of PAs are experiencing "an erosion of biodiversity", with main predictors of declining reserve health being habitat disruption, hunting and forest-product exploitation. Indeed, there is a massive discrepancy between the amount of ecological knowledge and funding directed for conservation purposes on the one hand, and actual conservation success on the other⁵.

Recent appraisals suggest strict PAs are not only failing to live up to their proclaimed conservation potential⁶, but that these "fortress style" approaches are also inadequate from a social perspective⁷. There are already numerous examples in the scientific literature of negative outcomes from the imposition of typical enforcement, resulting in not only negative environmental outcomes, but also resistance and rejection on the part of local people⁸. Criticism

has been particularly directed at PA approaches in Africa, Asia and Latin America where many rural populations still depend on natural resources for some or all of their livelihoods, and where PAs often serve more as ecotourism parks for elite foreign tourists.

Despite these local realities, top-down regulatory protection continues to be the norm, where large areas are set aside and local populations are prohibited access to and/or use of natural resources. Conservation planning continues to be dominated by natural scientists, often completely disregarding local histories, knowledge, livelihoods, and land and usufruct rights. There are numerous accounts from around the world of intolerant and coercive approaches of park managers towards indigenous residents in parks⁹. Scholars advocating more "participatory" approaches have argued that conservation planning and management needs to evolve from this top-down, "expert"-driven blueprint approach, towards more inclusive and deliberative forms of social learning and governance¹⁰. What may have succeeded in 'preserving' (often artificially depopulated) 'wilderness' areas in North America is wholly inappropriate for heavily populated landscapes in Africa. Many now recognise that the establishment of PAs has inevitable social and economic impacts, which have long been acknowledged and reported¹¹. In addition to the obvious ethical and philosophical arguments, this is also a very practical matter: 85 per cent of all PAs in the world are inhabited by indigenous peoples¹², making a people-free PAs option simply impractical without causing huge social disruption and dislocation.

Others stress the need for conservationists to be more receptive to "the obvious fact that ecology and society cannot be understood or managed independently"¹³. Some scholars have argued that – especially in the face of competing demands on resources (e.g. from logging, mining and oil companies) – there is often substantial common interest between

¹ Nelson and Serafin, 1997; Le Saout et al, 2013

² E.g. Coad et al 2008

³ Brockington et al 2008

⁴ Laurance et al, 2012

⁵ Saterson et al, 2004

⁶ Mora and Sale, 2011

⁷ Naughton-Treves et al. 2005

⁸ See for instance Cox & Elmqvist 1997; Haalboom & Campbell 2012.

⁹ Colchester 1997, 2002

¹⁰ E.g. Pretty 2002; O'Riordan and Stoll-Kleeman 2002b

¹¹ Adams and Hulme 2001a; Emerton 2001; O'Riordan and Stoll-Kleeman 2002a; Igoe 2006; West et al 2006; Adams and Hutton; 2007.

¹² Alcorn, 2000

¹³ Vaccaro et al. 2013, p. 264.

indigenous people wishing to retain their rights to land, and conservationists who wish to preserve ecological habitats for biodiversity¹⁴. Elinor Ostrom¹⁵ has shown in her extensive research on local institutions that partnering up with local communities empowers them and gives them a sense of “ownership”, which in turn drives commitment, accountability and responsibility, actually encouraging local communities to conserve and to help in restricting access to outsiders. Such an approach also builds local capacity, improves communication, stabilises power relationships and increases transparency.

Perhaps most importantly, it is necessary to recognise and foster the already existing links between conservation and the knowledge systems and livelihoods of local communities, ensuring a far more holistic, sustainable, realistic and resilient conservation approach than that currently applied in the mainstream. Strategic alliances between conservationists supporting indigenous peoples in securing land rights, and the latter helping to conserve biodiversity (and thus, in many cases, their cultures and livelihoods), are therefore possible, albeit not always straight-forward or easy¹⁶.

In short, partnering with local peoples is more ethical, practical and, in the end, more effective. Reasons and justifications for such alliances are many. First, studies show that the most biologically rich regions of the world are also inhabited by indigenous peoples, suggesting that indigenous economies and management practices essentially enable high biological diversity to persist¹⁷. This is evident for instance in Brazil, where indigenous territories currently form the strongest barrier to the so-called ‘arc of deforestation’ in the Amazonian rainforest. Secondly, cases from the academic literature suggest that a real commitment to partnership with local communities offers conservation outcomes that are not only more ethical, but also more practicable than current models¹⁸. Thirdly, studies show that participation of local communities in natural resource management

has resulted in increased biodiversity and improved local wellbeing¹⁹. Community forest management can be as effective as depopulated parks (and often more so) at delivering long-term forest protection as well as local benefits²⁰. For instance, global studies demonstrate that forests managed by local communities show lower deforestation rates than strictly protected forests²¹.

In recognition of these discourses and realities, indigenous peoples’ rights have become a central element in debates about the political ecology of conservation²². Some scholars argue that a commitment to social justice and human rights is a necessary element for any legitimate social mandate in conservation²³.

In response to global pressure, the need for recognition of local communities and indigenous peoples’ rights has started to be appreciated by the conservation sector. The Action Plan of the World Parks Congress (WPC) in Durban in 2003 gave this issue unprecedented attention, and laid out three major targets (out of a total of 15) related directly to this issue:

Target 8: All existing and future protected areas shall be managed and established in full compliance with the rights of indigenous peoples, mobile peoples and local communities.

Target 9: The management of all relevant protected areas involves representatives chosen by indigenous peoples, including mobile indigenous peoples, and local communities proportionate to their rights and interests.

Target 10: Participatory mechanisms for the restitution of indigenous peoples’ traditional lands and territories that were incorporated in protected areas without their free and informed consent established and implemented by 2010.²⁴

¹⁴ See for instance Gadgil et al. 1993; Kemf 1993.

¹⁵ 1990; 2010

¹⁶ Redford and Stearman 1993; McSweeney 2004

¹⁷ Gorenflo et al 2012, Martinez 2007

¹⁸ Vermeulen and Sheil, 2007

¹⁹ Schwartzman & Zimmerman, 2005

²⁰ Barton Bray et al., 2008

²¹ Porter-Bolland et al. 2012

²² Brockington 2002; Chatty and Colchester 2002

²³ Fortwangler, 2003

²⁴ The Durban Action Plan, Revised version, March 2004, Vth IUCN World Parks Congress, p. 229 (available: <https://cmsdata.iucn.org/downloads/durbanactionen.pdf>). It is worth noting that these targets were meant to be achieved by the following Congress, which took place in Sydney in 2014, where a review of their fulfilment was not undertaken.

The Action Plan went on further to state that the PA system needs to ensure that it:

“...takes full account of the rights, interests and aspirations of indigenous peoples, as well as of their desire to have their lands, territories and resources secured and protected for their own social and cultural survival.”²⁵

This commitment was reaffirmed at the 7th Conference of the parties to the Convention on Biological Diversity (CBD), where the official outcomes recall that “...the establishment, management and monitoring of PAs should take place with the full and effective participation of, and full respect for the rights of, indigenous and local communities consistent with national law and applicable international obligations”²⁶. Specific targets were established to achieve this goal under the Programme of Work on Protected Areas adopted in that conference, where one of the four key elements is “Governance, Participation, Equity and Benefit Sharing”²⁷.

In 2008, the International Union for the Conservation of Nature (IUCN) formally acknowledged the injustices to indigenous peoples that have been – and continue to be – caused in the name of nature conservation. It endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in its Resolution 4.052, calling upon all IUCN members to apply it in their respective activities. In 2009, IUCN and several of the biggest conservation NGOs launched the Conservation Initiative on Human Rights, which looks “to improve the practice of conservation by promoting integration of human rights in conservation policy and practice”²⁸. Six years later, at the WPC in Sydney (November 2014), indigenous peoples were acknowledged in almost every opening and plenary speech and given their own conference stream (“Respecting indigenous knowledge and culture”). Various policy tools and processes such as the Environmental and Social Management Framework, the Involuntary Resettlement Standard and the Guidelines on Protected Areas Governance have subsequently been developed

by IUCN and others, though the implementation of many of these appears to be patchy, at best.

THE GAP BETWEEN DISCOURSE AND PRACTICE IN THE CONGO BASIN

Despite the promises, the policies and much lip service, few in the conservation sector – including in tropical forest conservation – have actually followed through with the Action Plan agreed in Durban (see above) or implemented the subsequent pledges in a tangible way. In some cases the policy guidance is relatively new, and implementation is perhaps hampered by lack of resources. But as this study will demonstrate, even longer-standing commitments and obligations have failed to materialise in the Congo Basin region, as the rights of local communities and indigenous peoples continue to be largely ignored or outright violated by conservation actors, despite there evidently having been plentiful funds available for conservation programmes. Further, this work aims to show how this failure to involve and respect local communities is also part of the reason why protected areas are failing in protecting forests and biodiversity. In particular, the study addresses the following questions:

- a) What impacts have strictly protected areas had over local and indigenous communities, particularly over their rights and livelihoods?
- b) To what extent have conservation initiatives complied with national and international human rights laws, safeguards and policies?
- c) Have these areas succeeded in meeting their stated conservation objectives?
- d) What part has community participation (or lack thereof) played in this?

With the above guiding questions, our study looks at the roles that principles of social justice play in the political ecology of protected areas in the Congo Basin. Acknowledging that protected

²⁵ Ibid, p. 233

²⁶ CBD, Decision VII/28, 2004

²⁷ More information available on the CBD website, Programme of Work: <https://www.cbd.int/protected/pow/learnmore/intro/#element2>

²⁸ See https://www.iucn.org/about/work/programmes/social_policy/sp_themes_hrands/scpl_cihtr/

areas and the organisations that support protected areas can also bring strong benefits to local people²⁹, we also look at what positive impacts or practices might be taking place as a result of PAs, and consider positive future alternatives.

In this report, we present previously unpublished data collected in late 2014 and 2015. This report is structured as follows: Section Two explains the methods and approach used to collect and analyse the information and data, including an overview of the selected 34 PAs examined for this study. Section Three looks closely at the broader legal and policy frameworks which relate to nature conservation and natural resource management (both directly and indirectly), as well as the main statutory obligations and commitments of governments, international donors and NGOs regarding the protection of local community and indigenous peoples' rights in conservation projects (see Annex I for a summary of the latter).

Section Four gives a summary of our findings concerning the main impacts of these policies across the 34 selected PAs in the Congo Basin, in terms of:

- I) Effectiveness in reaching conservation objectives;
- II) The interaction with extractive activities;
- III) Anti-poaching approaches and their consequences;
- IV) Participation and consultation with local communities;
- V) Impacts on local communities including their rights and livelihoods and the problem of displacement.

This section also considers positive initiatives and examples of better practice that have been reported in the region, and draws lessons for the replication of more successful approaches.

Section Five elaborates on these same points in greater depth and detail for four selected case studies. Lastly, in Section Six, the main overall conclusions from the study are drawn and recommendations presented to governments, donors, and NGOs. The contributions of this research both to theory and practice are identified and suggestions for future research and action are given.



²⁹ MacKinnon, 1997



2. METHODS AND APPROACH

This study analyses various social and political processes at multiple levels, from local to global, that ultimately determine outcomes at the protected area level. The challenge has been high from the outset in that information and data from Central Africa are hard to come by. Hence, we chose to diversify both our sources and methods of data collection in order to validate and triangulate our results to the extent possible.

To get an overview of the state of protected areas and conservation in the Congo Basin, as well as to get information on the broader economic, institutional and political settings, we carried out an extensive literature review, compiling all the information available (i.e. academic peer-reviewed literature, NGO and project reports, websites, etc.) on PAs and conservation in the five countries. Based on the available information, we selected a set of 34 PAs to include in our study, such that they would be representative geographically and illustrate a variety of situations, including different CARPE landscapes and IUCN PA categories, dates of establishment and presence of different local and indigenous communities. This sample also takes into account Rainforest Foundation UK (RFUK) institutional experience working with local communities in and around certain PAs³⁰. We then compiled all available information related to each of the 34 selected PAs into a database, with details on: PA type and category, year of establishment, size, conservation objectives and achievements; species population trends; PA administration, management, projects, activities, and information sources; funding sources and amounts; presence of extractive activities; land use and zoning; information on local communities (numbers, location; estimated population, ethnicities); reported conflicts; reported relocations or displacements; revenues; and success stories.

In order to assess the extent to which PAs have succeeded in meeting their overall stated conservation objectives, a questionnaire was sent electronically to the manager of each PA (except in the case of our in-depth case studies, for which

three PA managers were interviewed with the same questionnaire face-to-face³¹). The aim of the questionnaire was to obtain more specific and verified expert information on the trends and current situation of each PA, in terms of species trends, threats, achievements, challenges and successes, as well as to get PA managers' views on their relations and experiences working with local communities, and also on their PA's funding situation. The questionnaire related to:

- changes in species populations since PA creation, the species being elephants, gorillas, chimps, and any other target species specific to the PA;
- ecological and/or anthropogenic changes (i.e. deforestation, mining, logging, poaching, illegal arms trade) within the PA;
- experiences and relations with local communities and different conservation strategies, and;
- funding sources and sustainability.

We received responses from the managers of only 10 PAs³², including from some PAs that were not within our targeted sample. When presenting our results, we have anonymised the responses, as agreed with the informants.

To complement, verify, and validate our literature review, we then undertook an in-depth on-the-ground study in four selected case study areas: Boumba-Bek/Nki (Cameroon)³³, Ivindo (Gabon), Odzala-Kokoua (Republic of Congo) and Tumba Lediima (DRC). In each country, a team of local experts visited several villages around the PA under study and collected empirical field-level data using standard ethnographic methods (see Section 5 for more details on the case study methods). Field research took place between October 2014 and February 2015.

Finally, we circulated a draft of the completed study to the most relevant conservation

³⁰ RFUK has undertaken participatory mapping and/or rights and legal capacity building work in twelve protected areas- Tumba Lediima Reserve in DRC, Odzala- Kokoua National Park in the Republic of Congo, Pongara, Waka, Ivindo and Minkébé national parks in Gabon, Campo Ma'an, Boumba-Bek, Nki and Kom national parks and Dja reserve in Cameroon, and Mbaéré Bodingué National Park in the CAR.

³¹ The park manager for the case study in Tumba Lediima refused to respond to the questionnaire, alleging that they were awaiting authorisation from their superiors in ICCN, even though several park managers in DRC did kindly respond electronically.

³² These are: Nki and Boumba-Bek (in Cameroon), Bombo Lumene, Kahuzi Biega, Kundelungu, and Maiko (in DRC), Ivindo (in Gabon), and Lac Tele, Nouabale Ndoki, and Odzala Kokoua (in Republic of Congo).

³³ Due to their proximity and the fact that they belong to the same landscape we considered this one case for the purpose of this study, although they are technically two different PAs.

organisations, and the major donors that we mention in this study, as well as to our partner civil society organisations in the countries concerned and a number of human rights and international development NGOs, to request their feedback, responses and factual corrections. Consultees, which included WWF, CI, WCS, AWF, IUCN, USAID and USFWS, were invited to send any factual corrections, along with a statement of response which would be published in full, as well as any examples of 'best practice' of working with communities, which would also be included in the report. WWF kindly sent general comments as well as specific clarifications regarding the Tumba Lediima case study and their response is reproduced in its entirety in Annex V. AWF provided some materials as well, but none of the other organisations submitted a formal response

for publication. We did, however, receive numerous responses in other forms. RFUK has made a conscientious effort to reflect all these responses, which have contributed enormously to improve the study. Most respondents requested that their comments remain anonymous, and for that reason they are left unattributed, unless credit was explicitly requested. RFUK also held direct discussions regarding the contents of the report with numerous stakeholders.

We sincerely thank all the people and organisations who took the time to meet with us and respond in writing, both to the research questionnaire, to our follow-up queries, and to the draft report.



Village discussion in Mankakiti, DRC, December 2014

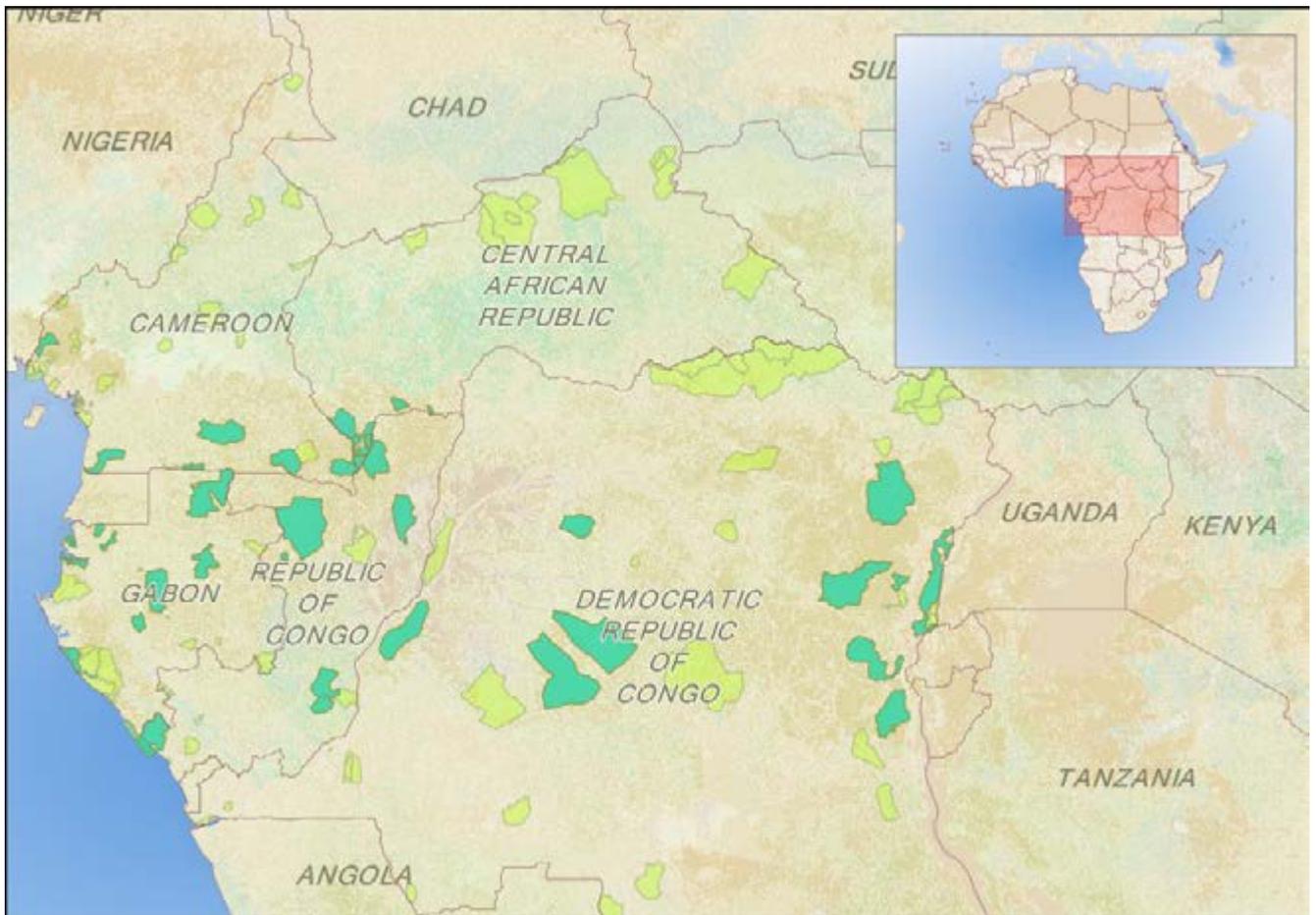
2.1 SELECTED PROTECTED AREAS AND CASE STUDIES

Our assessment of PA effects and effectiveness is based on a sample of 34 PAs situated across five countries, namely in: Cameroon (7), Central African Republic (4), Democratic Republic of Congo (9), Gabon (8), and Republic of Congo (6). Table 1 lists each PA together with the type, year of establishment, estimated size and assigned IUCN category.

As the table below demonstrates, of the 34 PAs, 22 are listed under the IUCN Category II, three under Category IV, one under Category V, and three under Category VI. For five PAs, information on the respective IUCN category has not been reported. Based on global trends, this is likely to have implications on conservation effectiveness, as PAs not assigned any category have exhibited proportionally the greatest increases in human pressure³⁴.

Table 1. Selected 34 Protected Areas in the Congo Basin

Country	Protected Area	Type	Year established	Area size (ha)	IUCN Category
Cameroon	Boumba Bek	National Park	2005	238,200	II
	Dja	Wildlife Reserve	2007	526,000	IV
	Lobeke	National Park	2001	217,854	II
	Nki	National Park	2005	309,300	II
	Mengame Gorilla Sanctuary	Wildlife Sanctuary	2008	121,807	IV
	Korup	National Park	1986	126,000	II
	Campo Ma'an	National Park	2000	264,064	II
CAR	Dzanga-Sangha	Special Reserve	1990	335,900	VI
	Basse-Lobaye	Biosphere Reserve	1977	14,600	N/A
	Mbaere-Bodingue	National Park	2007	86,690	V
	Dzanga-Ndoki	National Park	1990	120,000	II
DRC	Tayna Gorilla Reserve	Nature Reserve	2006	90,000	N/A
	Lomako-Yokokala	Faunal Reserve	2006	362,500	N/A
	Kahuzi-Biega	National Park	1970	600,000	II
	Tumba-Lediima	Nature Reserve	2006	741,100	N/A
	Itombwe	Nature Reserve	2006	760,000	VI
	Virunga	National Park	1925	780,000	II
	Maiko	National Park	1970	1,083,000	II
	Okapi	Wildlife Reserve	1992	1,372,625	II
Gabon	La Salonga	National Park	1970	3,656,000	II
	Ivindo	National Park	2002	300,000	II
	Minkebe	National Park	2002	757,000	II
	Akanda	National Park	2002	53,780	II
	Pongara	National Park	2002	92,900	II
	Waka	National Park	2002	100,000	II
	Monts de Cristal	National Park	2002	120,000	II
	Loango	National Park	2002	155,224	II
Republic of Congo	Lope	National Park	2002	491,291	II
	Lossi Animal Sanctuary	Sanctuary	2001	35,000	N/A
	Nouabale-Ndoki	National Park	1993	386,592	II
	Odzala-Kokoua	National Park	1935	1,360,000	II
	Lac Tele	Community Reserve	2001	438,960	VI
	Conkouati-Douli	National Park	1999	504,950	II
Lefini Hunting Area	Faunal Reserve	1951	630,000	IV	

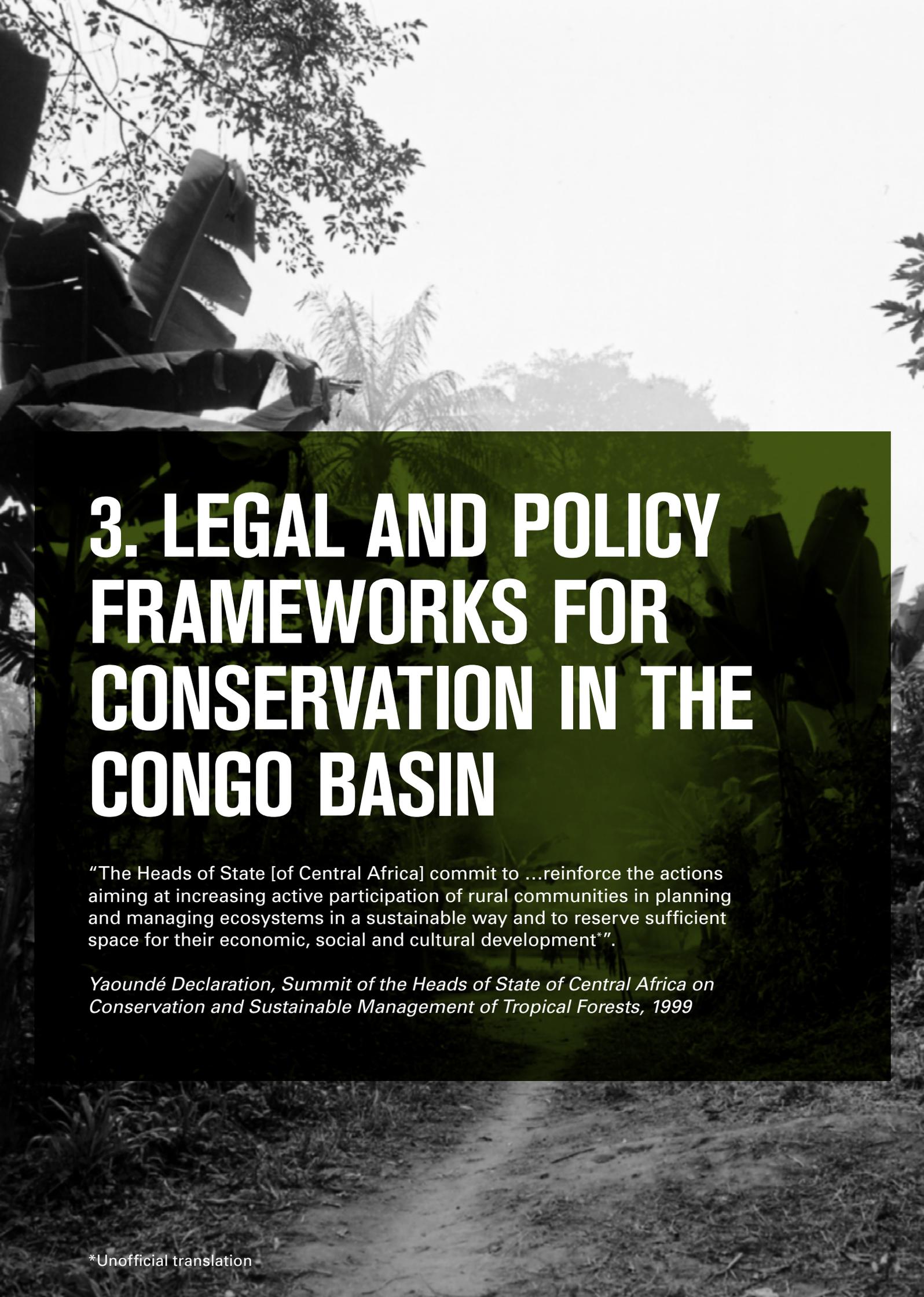


Protected areas in the Congo Basin. In turquoise, sample of 34 protected areas included in this study. Source: WRI/RFUK



Individual interview in Nkondi, DRC, December 2014

³⁴ Geldman et al. 2014.



3. LEGAL AND POLICY FRAMEWORKS FOR CONSERVATION IN THE CONGO BASIN

"The Heads of State [of Central Africa] commit to ...reinforce the actions aiming at increasing active participation of rural communities in planning and managing ecosystems in a sustainable way and to reserve sufficient space for their economic, social and cultural development*".

Yaoundé Declaration, Summit of the Heads of State of Central Africa on Conservation and Sustainable Management of Tropical Forests, 1999

3.1 NATIONAL AND REGIONAL CONSERVATION POLICIES AND COMMUNITY RIGHTS

This section does not aim to provide a detailed historical account and all-encompassing explanation of the conservation sector in the Congo Basin. Rather, it highlights:

- The characteristics which are of most relevance to the central questions of this study, namely, the integration of indigenous and forest peoples' rights to conservation policy and practice;
- The challenge of promoting conservation in a development model highly dependent on natural resource extraction, and,
- The institutional and political arrangements which underpin this framework.

A conservation policy divorced from customary land use

The area under PA status in the Congo Basin has increased considerably in the past decade and is set to continue increasing, as governments scramble to meet internationally set targets. Gabon and DRC, for instance, have integrated these targets into national policy³⁵, and in Cameroon, CAR and the Republic of Congo the rainforest area under protection already exceeds the international goal of 17 per cent³⁶. However, this setting aside of huge areas for conservation in reality poses a direct threat to the traditional territories of forest and indigenous communities and thus also to their main means of subsistence. None of these countries effectively recognises community land ownership rights (although all of them recognise some kind of usage rights, as explained in more detail in section 3.2, in practice these are very poorly enforced). Therefore, even though most Central Africa historians would sustain that all of the Congo Basin rainforests are under some form of customary tenure regime³⁷,

forest and indigenous peoples formally own none of this territory. Therefore, designating spaces for conservation effectively entails some form of dispossession for the people who depend on those forests, the most common being displacements and outright evictions as well as restrictions to livelihoods and cultural activities. These impacts are analysed in more detail in sections four and five.

PAs and conservation "landscapes" (addressed below) in the region have been and continue to be identified through biological studies³⁸ and following the prime objective of protecting "charismatic fauna"³⁹, most notably great apes and other primates, forest elephants and okapis. Thus, there is no available evidence that any of the PAs in these countries correspond to traditional land use or indeed foster the social structures and communal resource management systems that have in fact contributed to protect biodiversity and resilience of these ecosystems (see below for an example in DRC). From a political perspective, the creation of PAs has been an instrument of territorial control which started in colonial times, when hunting areas were created for the benefit of elites and local populations were either driven out or severely restricted in their use of these lands. This trend continued under national governments after independence, when many of these hunting areas were officially recognised as PAs, and explains to a large extent why community based management of PAs is almost non-existent in Central Africa⁴⁰. These trends are also visible in the fact that there is a very limited variety of PA governance arrangements present in the region. The majority of the PAs are categorised as National Parks, thereby imposing restrictions in terms of access and resource use, while extremely few are community reserves or indigenous and community conserved areas⁴¹.

³⁵The 2014 Nature Conservation Law in DRC establishes that at least 15% of the country's land area should be under protection, and the Gabonese government recently announced its intention to protect 23 per cent of its marine exclusive economic zone (see Ali Bongo annonce le classement de 23 per cent de la ZEE en aires marines protégées, Gabon Review, 13 novembre 2015, available : <http://gabonreview.com/blog/ali-bongo-annonce-classement-23-zee-en-aires-marines-protgees/>)

³⁶ COMIFAC, 2010

³⁷ See for example Russell et al (2011), which states "we know from archaeological and historical research that central African forests were more densely populated prior to the 20th century than they are today in some localities that look 'pristine'" (p. 118).

³⁸ Note Adams and Hutton's observation (2007) that "notwithstanding the proliferation of often-incompatible proposals for conservation action, natural science analysis is still almost universally accepted with

conservation as the starting point for the analysis of conservation need and for the prescription of priorities for action" (p. 167).

³⁹ For an example of how this term is used see Marris, 2013.

⁴⁰ See Wicander 2015, Adams and Hutton 2007.

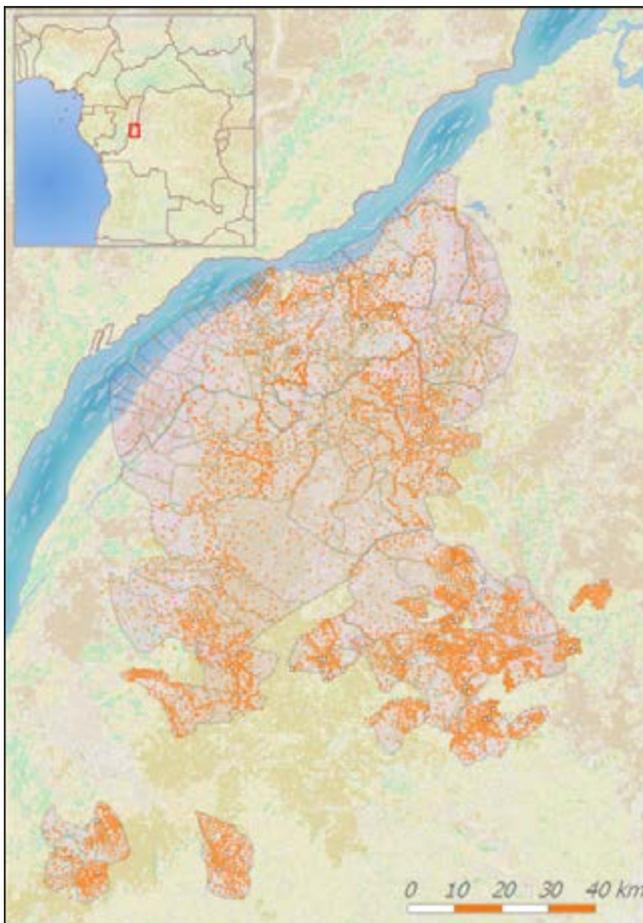
⁴¹ Although there is in theory legal provision for this in DRC. The 2014 nature conservation law states local communities (as well as private individuals) can obtain a « conservation concession », whereby the state grants control over certain territory for a specific period of time for the purpose of biodiversity conservation (art.2,8). This law also states that the state can designate "any other category" of protected area, besides the eight categories considered by IUCN (art. 31). The possibility for communities to obtain such a concession is also supported by the recent Community Forests decree (No. 14/018 of 2nd August 2014), whereby communities can in theory opt for conservation as the purpose of their community forest.

Three major challenges are worth highlighting:

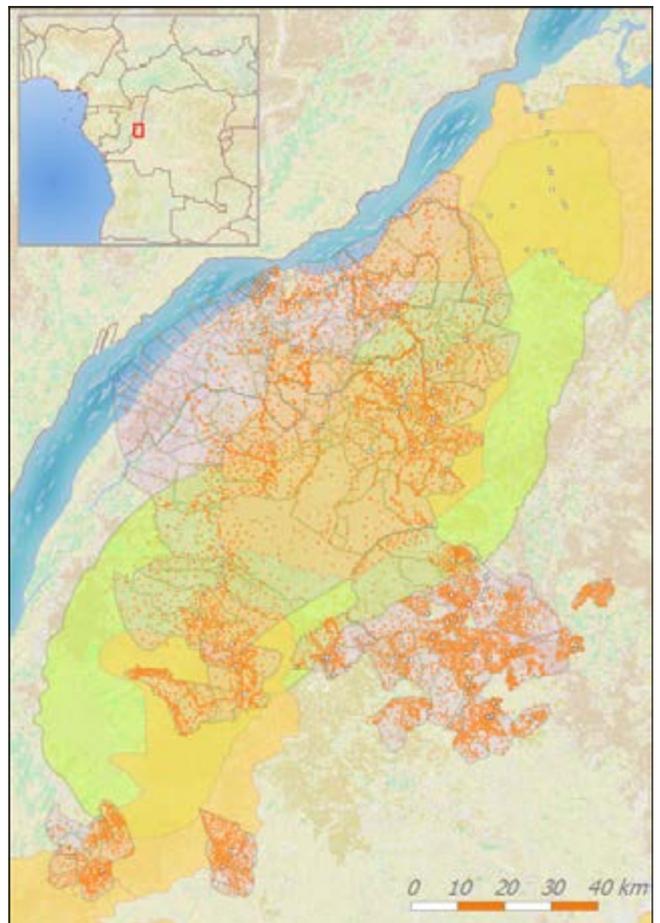
- Between land designations for conservation and extractive activities, communities are relegated to ever smaller and more marginal portions of land, where they toil to meet their subsistence needs.
- As an extensive body of literature shows, and as this study seeks to demonstrate, divorcing conservation policy from social and cultural realities is impractical in terms of setting sustainable governance structures which ultimately succeed in protecting biodiversity.

- It is clear that establishing PAs directly over the traditional lands of forest and indigenous communities without even consulting or compensating them runs contrary to several provisions in international and national law, as well as against the principles and commitments publicly embraced by the main donors and conservation organisations working in the region.

Each of these issues is addressed in the following sections.



Customary tenure arrangements and livelihood activities in the area mapped by RFUK and local partners, Bandundu and Equateur, DRC. Source: Mapping for Rights, RRN, GASHE and CADEM



The Tumba Lediima Reserve and local logging concessions overlapping customary tenure and livelihood activities. Source: WRI

Key

- Village
- Livelihood Activities
- Traditional community tenure
- Logging Concessions
- Reserve Tumba Lediima

Institutional arrangements

In each country, a government ministry or specialised government agency is in charge of the management of The National Protected Areas System (see Table 2). In all cases, PA designation and management are under strong central control, where local authorities and communities have very little input in the policy and decision making process⁴². Although specific arrangements vary, most PAs in the Congo Basin are formally state governed, whereby the management teams are appointed from and respond directly to the authorities in each capital city, although in many of these cases official park managers receive substantial technical and financial support from conservation organisations, as will be explained below. Even though national laws and policies recognise community rights to consultation and participation to varying degrees, specific institutional arrangements to ensure this actually happens typically are either non-existent or very limited. In many cases, modalities for involvement of local communities depend on the initiative of the park managers in turn (such as the dialogues put in place by the current administration of Odzala Kokoua in the Republic of Congo, one of our case studies below) and the only official national level mechanism which explicitly aims at involving communities in conservation initiatives are the “Comités Consultatifs de Gestion Local” in Gabon⁴³.



However, as the following sections will show (see especially the case study on Ivindo in Section 5), this mechanism has so far had limited impacts or application and it doesn't address the central question of recognition of rights prior to PA establishment.

Table 2. National agencies in charge of Protected Area (PA) management

Country	Agency responsible for PA management
Cameroon	Ministry of Forestry and Wildlife (MINFOF)
CAR	Ministry of Water, Forests, Hunting and Fishing (MEFCP)
DRC	Congolese Institute for Nature Conservation (ICCN), a public institution under the Ministry of Environment, Nature Conservation and Sustainable Development (MECND)
Gabon	National Agency for National Parks (ANPN) ⁴⁴
Republic of Congo	Ministry of Forest Economy and Sustainable Development (MEFDD) in collaboration with the Congolese Agency of Fauna and Protected Areas (ACFAP)

In short, it is fair to say that the conservation sector is highly centralised and run by a top-down approach. However, this does not mean that the government agencies mentioned above control the policy making process or have the capacity to actually manage the PAs that they formally claim to control. On the contrary, at least three trends are worth mentioning to help frame the role and relative power of Central African governments in conservation. First, all of these agencies depend heavily on international donors and big conservation organisations (or 'BINGOs' as they are colloquially known) for strategic

⁴² See Wicander, 2015.

⁴³ More information: <http://www.parcsgabon.org/l-actualite/actualites/26263/gestion-participative-mise-en-place-du-comite-consultatif-de-gestion>

⁴⁴ ANPN is a special case in the Congo Basin countries, as it is a largely autonomous agency with direct links to the Presidency of the Republic and which is in practice a relatively more powerful actor than its peers in the other countries. Formally, ANPN is under technical supervision

of the Forest Ministry, although it is a separate entity in financial and economic terms (see Decree No. 0132 of 29 April 2014 on the institutional supervision of the National Agency for National Parks).

⁴⁵ For instance, the national conservation strategy in DRC states that ICCN is “extremely dependent” on external funding, and that state resources available are “relatively marginal” (op. cit. p. 24)

orientation, and technical inputs, not to mention financially⁴⁵. In addition, as will be explained later, the conservation sector is itself immersed in a complex political economy whereby intense competition over forest use, notably from logging, mining, oil and agro-industrial interests, restricts and shapes conservation efforts. Finally, the conservation sector works in a context of generally very weak governance and law enforcement, which applies to the life of the country in general.

For the latter reasons, it has often been asserted that the NGOs which are invariably associated with each of the protected areas are somewhat helplessly caught between donors with their own priorities, and national governments with the ultimate power of enforcement of different priorities still. For various reasons, which are explored below, this abnegation from responsibility can be somewhat disingenuous.

Regarding the first of these trends, in practice, national governments rely very heavily – if not entirely – on the technical and advisory work carried out by BINGOs and donors to determine which areas within their own territories are priorities for conservation. Two examples from DRC illustrate this point well, one being Virunga, Africa's oldest national park, which was established by the Belgian King in 1925 "largely from the tireless lobbying of an American biologist", according to the park's official website⁴⁶, and the second being Lomami National Park, an area which is currently in the process of being classified, also as a result of successful lobbying by American scientists.

The establishment of Virunga shows the colonial origins of the protected areas system in Central Africa; other important parks in the region, such as Dja in Cameroon and Odzala-Kokoua in Congo, share similar histories⁴⁷. But the recent example of Lomami, which is similar to the way in which most PAs were more recently designated in the region, shows the persistence of this basic setup: "western" conservationists playing a hugely influential role in bringing the PAs into being.

This has current and very important implications, which are explored below.

Also, as will be explored in more detail, conservation organisations play a major role not only in identifying and gazetting PAs, but also in their daily management. A large number of PAs in the region depend almost exclusively on the presence and funding of these organisations, without which no management or protection would be in place. This relates to the third trend mentioned above: that of weak governance and limited state capacity.

Funders and architects

Although millions of dollars flow into the region every year from a variety of funders to support conservation efforts, two institutional donors stand out: the US government, via its Central African Regional Programme for the Environment (CARPE)⁴⁸ and the European Union, via the Central Africa Forest Ecosystems programme (ECOFAC, from its French name Ecosystèmes Forestiers d'Afrique Centrale). These two programmes have had an enormous influence in shaping conservation policy in the region through various mechanisms, including: as mentioned, the definition of conservation priorities; production of information not only on biodiversity, but also mapping and satellite monitoring⁴⁹ to feed into policy making; fostering regional collaboration and common practice through initiatives such as the Congo Basin Forest Partnership, created under US leadership, and the Central Africa Protected Area Network (RAPAC, for its French acronym), created under the ECOFAC programme; as well as by exerting direct influence over decision makers at several levels. Later sections provide more specific examples of how this influence has been exerted in the Congo Basin.

Although these two programmes make the United States and the European Union the most important donors for conservation in the Congo Basin, there are other very relevant players which are mentioned in the next section in more detail with reference to the PAs covered by this study.

⁴⁶ See <https://virunga.org/history/>, accessed 28 May 2015.

⁴⁷ See also Adams and Hulme 2001a, Wicander 2015, and Cinnamon 2003 for an analysis of the colonial legacy in conservation in Gabon.

⁴⁸ CARPE is the Central Africa Regional Program for the Environment, a partnership between the U.S. government and mostly US based conservation NGOs. Instigated in 1995, its objective is to maintain the ecological integrity of the humid forest ecosystem of the Congo Basin by applying participatory landscape management approaches, sustainable forest use and biodiversity conservation to enhance the function and

value of core protected areas. The programme focusses on twelve priority landscapes. USAID is the main implementing agency, but donors also include the US Forest Service (USFS) and the US Fish and Wildlife Service, as well as the Norwegian government via NICFI funds. For more information, see <http://carpe.umd.edu> and regarding NICFI: <http://www.norad.no/en/landsider/afrika/den-demokratiske-republikken-kongo/>.

⁴⁹ See, for instance, the CARPE supported Congo Basin Forest Atlases of the World Resources Institute: <http://www.wri.org/our-work/project/congo-basin-forest-atlases>

These include Norway's International Climate and Forest Initiative (NICFI), which is pushing for the implementation of REDD+ programmes in the region, seen by some organisations as essential to ensure continued funding of conservation efforts⁵⁰. The German government, through KfW and GIZ, is another key funder, as are the World Bank (mainly via the Global Environment Facility), and the French government through the Fonds Français pour l'Environnement Mondial (FFEM). International conservation NGOs are prominent recipients of these funds (beyond the grants which are directed specifically to governments), but in many cases the funding that they acquire through other means (notably through individual and corporate sponsorship) also represent an important source of conservation funding in the region.

The role of international conservation NGOs

While international donors are the main supporters of the PA system, the main international conservation NGOs are in many ways its real architects. Not only are they the main recipients and implementers of the multimillion grants devoted to the policies mentioned above; they have also often conceived these policies or strongly influenced them. The World Wide Fund for Nature (WWF) and Wildlife Conservation Society (WCS) are by far the two organisations with the strongest presence in the region, although they are not the only ones⁵¹.

Referring to the global conservation sector, Adams and Hutton⁵² contend that large conservation organisations "...have remarkable power to define and delineate nature, to determine who can engage with it and under what rules, and to divide landscapes into zones that structure rights and access". This assertion describes the situation in the Congo Basin very eloquently. At the PA level, as mentioned, these organisations often identify the areas to be protected, doing the background research and

political lobbying required for classification; developing management plans; and working directly with local governments in managing these areas. Although most of the PAs in the Congo Basin are officially run by the state, the big conservation NGOs, assuming the role of "Conseillers Techniques", often control the technical and financial means to manage them. Local communities around these areas are aware of their clout and, according to the findings presented below, their relationship with these actors is often characterised by mistrust and conflict. According to a testimony from an indigenous person in South Cameroon:

"Dobi-dobi" [WWF] people have more money than anyone here. They work with all the local big people, the évolués⁵³, extractive industries, safaris and even with ministers in Yaoundé. And the whites are behind them, even the Prince of England (sic) and the World Bank.⁵⁴

However, NGO influence goes well beyond individual PAs, as they often also provide direct policy advice to the main donors about strategies at the national and regional levels, including the conception of the landscape approach as such⁵⁵. For instance, in 2010 the evaluation of the second phase of the single largest conservation initiative in the region, CARPE, found that:

The program itself was largely conceptualized by the mainly US-based conservation NGOs...These intermediary implementing actors have direct relationships with governments, usually with signed agreements. Because the face of CARPE shown to governments comes in the form of these implementing partners, many CARPE-funded activities have not been recognized and identified with USAID.⁵⁶

Apart from the fact that this arrangement lowers the profile of USAID and other donors on the ground⁵⁷, it has other consequences of relevance to this study. First, it establishes an

⁵⁰ See the Tumba Lediiima and Odzala Kokoua case studies below for just two examples. Currently, pilot REDD projects are proliferating in the region, giving rise to concerns over the benefits and negative impacts that local communities will ultimately bear. It remains to be seen whether REDD+ processes will be able to overcome the challenges that conservation faces in terms of community engagement and upholding rights and livelihoods.

⁵¹ In particular, WWF is clearly the strongest BINGO in Africa in general in terms of funding and geographic reach (see Schofield and Brockington 2009).

⁵² 2007, p. 168.

⁵³ In the Cameroonian context this usually means the elites, wealthy or sometimes educated people.

⁵⁴ Quoted by Robillard, 2010, p. 245, translation by RFUK. The original French quote reads: « Les gens de Dobi-dobi [WWF] ont l'argent plus que n'importe qui ici. Ils travaillent avec tous les grands d'ici, les évolués, les exploitants, les safaris et jusqu'aux ministres à Yaoundé. Et derrière eux il y a les Blancs, même le prince d'Angleterre et la Banque mondiale. »

⁵⁵ See Chapin, 2004 and on WWF website Landscape management in the Congo River Basin, Thinking (and acting) big: http://www.panda.org/what_we_do/where_we_work/congo_basin_forests/wwf_solutions/congo_landscapes_management

⁵⁶ ECODIT 2010, p. 94

⁵⁷ The evaluation of the first phase of CARPE had reached the same conclusion. See Weidemann Consortium, 2006, p. 55.

interface between the donors providing the funds and the situation in-country, including the areas and the actors that this money is supposed to target. Thus, these NGOs have huge control over information flows and, being perceived as 'disinterested technical experts', are able to influence the wider conservation strategy.⁵⁸ Second, and relatedly, this arrangement has in practice precluded in-country actors – from national governments to remote local communities – from participating in shaping these programmes which are of direct consequence to their lives. According to the midterm evaluation of CARPE Phase II:

Too strong of a linking of funds to geographic areas without adequately linking them to existing governance regimes. Specifically, this led several observers to characterizing the landscape grants as “pork” for the conservation movement with minimal CARPE ownership by national governments⁵⁹.

The 2010 final evaluation reached similar conclusions regarding poor local engagement. However, following the principle of adaptive management, the design of CARPE Phase III incorporates several recommendations of these evaluations, and in particular places a much greater emphasis and specific commitments regarding local involvement⁶⁰. According to personal communications, some CARPE partners point out that capacity building is a necessary step towards increased funding of Central African civil society, and efforts to this end are being made under CARPE III, albeit with different emphasis depending on the organisation in charge of each landscape. Still, operational control of the programme remains in the hands of the large conservation NGOs that have been there since its inception: all 'landscape leaders' (who are mostly the largest contracted recipients of USAID funding under CARPE) from Phase II remained the same in Phase III. Also, there is

not much evidence so far on whether this new approach has actually materialised. Our case study on the Tumba Lediima Reserve below, for instance, suggests the contrary.

Third, the fact that large conservation NGOs are absorbing and managing the bulk of the funds for conservation efforts has also meant that local civil society ends up receiving marginal portions of this money⁶¹, if any at all. Finally, arguably the fact that large conservation NGOs have controlled the majority of the available resources and managed field operations seems to have limited knowledge transfer to, and capacity building of, local organisations and national governments⁶² (though this question would warrant a study of its own). For instance, there are extremely few Central African organisations managing or acting as “conseiller technique” to any of the PAs in the region and, conversely, there are extremely few, if any, PAs run solely by local governments without the direct support or at least some level of presence from a large, foreign, conservation NGO. In fact, many state run areas with no international presence are often characterised as “paper parks”, due to the virtually non-existent resources devoted to their administration. Some would argue that states need to take more responsibility and invest more political will to ensure funding for conservation (an issue addressed in the recommendations), but the observation on the current situation remains the same: that large, foreign, conservation NGOs play a key role in funding and managing a large number of PAs in the region even if, technically, the ultimate responsibility currently (at least officially) rests with state authorities.

The exclusion of local NGOs from the Congo Basin Forest Partnership on its formation drew sharp criticism from many of those organisations in 2003⁶³. However, there is evidence that little has fundamentally changed in subsequent years. For example, as a token of the enormous

⁵⁸ This trust seems to be misplaced in some cases, however. In a comment to the evaluation of CARPE Phase I, WCS declares: In the Maiko-Tayna-Kahuzi Biega Landscape, the Landscape Lead (CI) has no implementing activities on the ground or presence in the Landscape or the country. As a result, the de facto Landscape Leader on the ground (Diane Fossey Gorilla Fund International) is a sub-recipient that does not have a cooperative agreement with CARPE or the experience or capacity to carry out this role effectively. This is also a source of conflict. WCS recommends that activities on the ground should be a prerequisite for Landscape leadership (See Annexes to Ibid, 41).

⁵⁹ Weidemann, 2006, p. 55

⁶⁰ See USAID/CARPE (2011) Development Cooperation Strategy 2012-2020.

⁶¹ DRC organisation Réseau Ressources Naturelles (RRN) reports that, for instance, local civil society organisations in the landscape of Maiko-Tayna-Kahuzi Biega receive highly insufficient funds to perform conservation activities under the CARPE programme, and that these are a fraction of the funding managed by WWF (personal communication, January 2016).

⁶² “Increasing local, national, and regional natural resource management capacity” being one of CARPE’s strategic objectives

⁶³ See the letter from Central African NGOs to the CBFP of January 2003: <http://www.fern.org/sites/fern.org/files/pubs/ngostats/CBFP.htm>

influence that large US NGOs continue to exert to this day, it is interesting to look at the launch process of CARPE Phase III. In June 2013, the US and Norwegian governments launched a call for applications to distribute US\$62,000,000 to implement eight landscape projects over the next five years⁶⁴. The public call for applications noted that “in accordance with the Federal Grants and Cooperative Agreement Act, USAID encourages competition in order to identify and fund the best possible applications to achieve its program objectives.”⁶⁵ However, by September that same year, grants for seven of the landscapes had already been granted, that is to the same organisations that have participated in the CARPE programme since its inception. Three of these grants went to WCS, two to WWF, one to Conservation International and the other to the African Wildlife Foundation (the latter being the only organisation headquartered in Africa and whose staff is mostly African)⁶⁶. The remaining landscape grant, managed by WCS, had been agreed by January 2014⁶⁷. As mentioned, donors and conservation NGOs argue that local civil society faces enormous challenges in terms of technical and institutional capacity and that this is what limits their ability to absorb more funding. This study argues, however, that limited capacity should be a reason to devote more resources towards strengthening these organisations and increasing their role in conservation efforts in the region, but this has clearly not been forthcoming enough.

If national governments and local NGOs have had a limited participation in designing and operating conservation projects controlled by large foreign conservation NGOs, involvement of local communities has been even more limited⁶⁸. This begs at least two immediate questions. First, how sustainable can governance structures

be when they are designed with so little buy-in from the actors who would necessarily play a key role in managing them, in this case the populations living in and around PAs? Second, how can donors ensure that their obligations in terms of consultation and participation of local communities are fulfilled without adequate representation and systematic documentation of the voices of local peoples, especially in a situation in which conservation NGOs control information flows? We hope that the findings presented in the following sections will provide some clarity in these respects.

Regional initiatives for policy harmonisation

The donors and NGOs mentioned above, and particularly WWF, have also played a central role in creating the various regional conservation collaboration mechanisms that now exist in the Congo Basin region, as well as in using these to disseminate their vision on how to manage and protect its rainforest. The origins of regional collaboration can be traced back to the late 1990s. In 1999, spurred directly by WWF, Central African Heads of State held the first regional summit for forest conservation, which resulted in the Yaoundé Declaration⁶⁹ that consists of 12 commitments for forest conservation and sustainable forest management. This framework was later operationalised through the adoption of a ‘Convergence Plan’⁷⁰ and the establishment of a dedicated entity for its implementation, the Central African Forest Commission (COMIFAC)⁷¹. With support from the European Union, the Réseau des Aires Protégées d’Afrique Centrale (RAPAC) was launched in 2000, and is mostly dedicated to the PA components of the plan⁷².

In parallel, it was also WWF, together with fellow CARPE partner CI and other large U.S.-based conservation NGOs, which conceived

⁶⁴ The “landscape” component is one of two major elements of the CARPE programme, the other one focussing on “Environmental Monitoring and Policy Support”. For more information see: http://carpe.umd.edu/Documents/2012/CARPE_PhaseIII_IEE.pdf

⁶⁵ See Request for Application (RFA) Number RFA-660-13-000001: “Central Africa Forest Ecosystems Conservation (CAFEC)”, available: <http://www.grants.gov/web/grants/view-opportunity.html?oppld=236577>

⁶⁶ Information from the CARPE partners meeting in January 2014, available on the CARPE website: http://carpe.umd.edu/resources/Meeting_pres/Opening_01272014.pdf and specific cooperative agreements for each landscape available on <http://carpe.umd.edu/about/index.php?tab=6#Landscapes>

⁶⁷ See <http://docs.house.gov/meetings/AP/AP06/20150318/102895/HHRG-114-AP06-TTF-AylwardK-20150318.pdf>, p. 3.

⁶⁸ Evaluations of both CARPE and ECOFAC have both pointed out this shortcoming (Buckrell, J., personal communication). Both programmes have taken measures to address this problem, but their results remain to

be seen (see also Ndobe, 2007).

⁶⁹ To finance these commitments, the Declaration also called on donor nations to help set up a sub-regional Trust Fund. To see the Declaration, visit: http://nhri.ohchr.org/EN/Regional/Africa/Documents/THE_per cent20YAOUNDE_per cent20DECLARATION.pdf

⁷⁰ The “Convergence Plan for improved management and conservation of forests in Central Africa” is a sub-regional platform consisting of the priority action plans for the implementation of the Yaoundé Declaration, i.e. for the sustainable management of forest resources and ecosystems in Central Africa. For more information, see: <http://www.comifac.org/en/node/339>

⁷¹ COMIFAC is an intergovernmental organisation set up in 1999 through the Yaoundé Declaration to manage the forests of Central Africa in a sustainable manner. For more information, see: <http://www.comifac.org/en/>

⁷² See http://rapac.org/index.php?option=com_content&view=article&id=24&Itemid=234

the concept of the regional Congo Basin Forest Partnership (CBFP). This major new programme was pitched to the U.S. Government as a means to further stimulate international cooperation on forest conservation in the Congo Basin. The CBFP was launched towards the end of 2002⁷³. The CBFP, although a separate structure, works with COMIFAC and RAPAC supporting the implementation of the “Convergence Plan”.

All these regional initiatives pursue the stated objective of harmonising forest policies and improving protected area management⁷⁴. As such, they have been a conduit for donors and international NGOs to disseminate their view of sustainable forest management practice at the regional level and to direct funding to specific priorities.

With all this it has become quite clear that donors and NGOs have powerful mechanisms at their disposal to conceive and implement conservation policies in the Congo Basin region. However, apart from the straightforward objective of protecting biodiversity, one is led to question what the substantive content of the vision is that these actors are promoting. In essence, the forest management paradigm that all these programmes have contributed to put in place is one based on designation of strictly protected areas on the one hand, and different forms of “sustainable” forest use (essentially, certified large-scale logging operations) on the other, looking to promote, at the same time, biodiversity protection and development. As such, COMIFAC is in charge of pursuing the two following mandates:

- Encourage member country governments to create new PAs.
- Promote and accelerate the process of industrialisation of the forest sector.⁷⁵

At face value, these objectives have been largely accomplished and indeed they represent the overwhelmingly dominant paradigm of forest management in the region; the number of PAs has indeed increased and continues to do so, and the rest of the forest is practically entirely

covered in extractive concessions or permits. However, there is very little evidence that this paradigm has fostered local development or wellbeing. On the contrary, this study concludes that the current paradigm has not succeeded in protecting nature either. We argue that this is due, to a great extent, to the fact that local populations have been neglected and in many ways even suppressed, and their sustainable management practices and traditional ecological knowledge remain disregarded and undermined. In a system based on a protected/not protected dichotomy there has been limited margin to valorise more fluid management systems which are based on customary tenure and sustainable resource use, as evidenced by the almost complete absence of schemes such as indigenous and local community conserved areas.

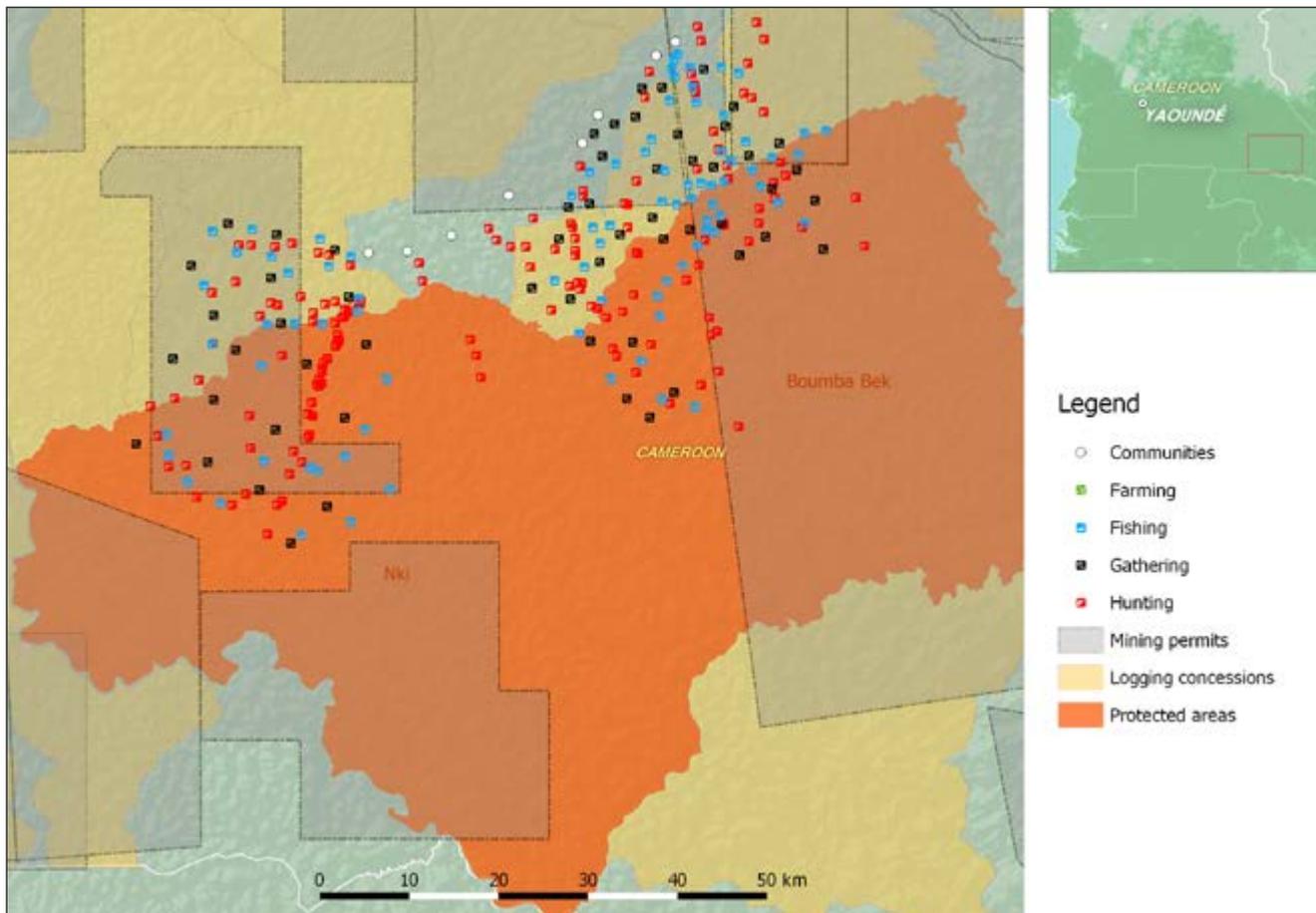
Protected areas and extractive activities: can the landscape approach reconcile them?

It is widely recognised that ecological processes are not confined to the limits of PAs or indeed political boundaries. For instance, migratory patterns of several species require that corridors are established between PAs if populations are to be protected effectively. Also, while ministries and government agencies are in charge of PAs, they have to act within a complex web of land users and thus face enormous challenges in terms of controlling what actually happens on the ground, both within and around PAs (see map below for an example in Cameroon). These dynamics do not sit well with the protected/unprotected dichotomy described above, and they expose weaknesses in a strategy which results in notionally strictly protected ‘islands’ set in a sea of destruction and damage. In an attempt to deal with this problem, in the Congo Basin, the “landscape approach” has been the consequence. This approach recognises that in order to be viable and sustainable, PAs need to be part of a broader land use model that allows for interconnectivity between different PAs and that activities around and between PAs need to support these connections and biodiversity protection more generally.

⁷³ The CBFP is a non-profit initiative led by the United States and sponsored by more than 40 international governments and investors. For more information, see: <http://pfbc-cbfp.org/home.html>

⁷⁴ See the preamble to the Convergence Plan, available at: http://pfbc-cbfp.org/docs/key_docs/COMIFAC%20plan%20de%20convergence.pdf

⁷⁵ See COMIFAC’s mandate on their website: <http://www.comifac.org/fr/content/mandat-de-la-comifac>



Overlapping land uses in and around Boumba Bek and Nki national parks in Cameroon.
 Source: WRI/Mapping for Rights and CED

At a CARPE sponsored workshop organised by WWF in 2000, a group of experts identified twelve ecological landscapes throughout the region as priority areas for conservation⁷⁶. The CARPE programme was subsequently structured around these landscapes which cover around 40 per cent of the Congo Basin and most of its resources are devoted to support activities at this level.

By implementing a landscape approach to natural resource management, CARPE works to assure that conservation activities are integrated into commercial forest exploitation activities, and address the unsustainable environmental practices of a myriad of local communities subsisting throughout the tropical forest landscapes.⁷⁷

The overall strategy to achieve this objective is to designate three main types of macro-zones within the landscapes, namely PAs, community based natural resource management (CBNRM) and extractive resource zones, each of which should have detailed micro-zoning and land use plans, which should in turn be coherent with an overarching landscape plan⁷⁸. Landscape objectives and priorities are supposed to be established through consultations with a variety of stakeholders. According to a 2010 evaluation of the approach:

“... although land management decisions are ultimately political, law and best practice dictates that such decisions can be greatly influenced by a technical process focused on

⁷⁶ See <http://carpe.umd.edu/about/index.php?tab=6>

⁷⁷ Ibid.

⁷⁸ USAID/CARPE Request for Applications (RFA) No.623-A-06-026

balancing trade-offs between the sometimes opposing objectives of conservation and development. Landscape LUP [land use planning] is intended to accomplish just that by bringing diverse interests to the table to work out the long-term vision leading to mutually beneficial agreement on the desired conditions and objectives for the landscape.”⁷⁹

Although a complete critical evaluation of the landscape approach is beyond the scope of the present study, in general it is possible to say that landscapes face similar challenges as do singular PAs and as such it is doubtful that they can effectively reconcile the tensions between conservation, extractive activities and the needs of local communities. At least three issues are relevant. First, as the quote above shows, the landscape strategy seeks to influence political decision making through a technical process. However, it seems that little progress has been made in that sense. Indeed, as with most PAs, landscapes were identified by a group of scientists following mostly biological

criteria, but ignoring the socio-political realities, historic processes and complex dynamics underpinning resource use in these territories. As they don't constitute actual geographic and political entities, they have largely been equally ineffective in securing buy-in by governments and communities.

The DRC provides an interesting example, as the landscape approach and the CARPE programme itself have had very limited synergies with the official national level zoning process put in place by the Congolese government. The CARPE programme has provided technical inputs, such as macro and micro zoning guides developed by the US Forest Service, but land use planning activities are only taking place in limited areas. Conflicts over resource use haven't been resolved even in those limited areas. Moreover, the Extractive Resource Zones (ERZ) and Community Based Natural Resource Management (CBNRM) areas proposed under the landscapes do not have a legal basis and therefore might be disregarded in practice. In this sense, areas allocated to community use are especially vulnerable, because whereas logging concessions and PAs have legal standing, communities don't as yet have any ownership rights. Other forms of tenure, such as community forests, are still incipient (DRC)⁸⁰ or have failed to provide secure tenure or viable livelihood alternatives (Cameroon). Indeed, RFUK has found evidence of CBNRM areas that have been reclassified as logging concessions in DRC⁸¹. This case shows the limited impact that the landscape approach has had in DRC in terms of promoting community rights or holding back expansion of industrial logging.

Second, and relatedly, the role reserved to local communities in this framework seems more like a concession rather than the recognition of their legitimate land and livelihood rights. While PAs and logging concessions occupy the majority of land in the region, conservation efforts have placed much less emphasis on operationalising the so called community-based management areas. The few that have been established have not been delineated on the basis of customary



Prohibitions within a logging concession in Cameroon

⁷⁹ Yanggen et al 2010

⁸⁰ DRC adopted a community forest decree in late 2014. However, the relevant implementation decree was only adopted in February 2016 and no community forests have been created yet (see RFUK 2014).

⁸¹ This has been the case in the Maringa-Lopori-Wamba landscape, for instance, where the proposed Lomako CBNRM area just south of Lomako Yokokala Faunal Reserve (see: http://carpe.umd.edu/about/landscape_detail.php?lid=9) is actually a logging concession (see www.mappingforrights.org, RFUK analysis).

tenure systems⁸². An evaluation of phase two of the CARPE programme concluded that land-use planning operations were “generally conducted without [the] involvement [of indigenous peoples]” despite them being “the most forest-dependent peoples of the sub-region”.⁸³

As mentioned above, no forest communities have secure tenure arrangements or long term control over their territories. Part of the problem, as this study shows, is that genuinely catering to communities’ interests would entail revising the boundaries of PAs and concessions alike, and whilst powerful donors and conservation NGOs could push for recognition of land rights, the ultimate responsibility for doing this lies with national governments.

Third, while environmental organisations have devoted considerable efforts to tackling the impacts of extractive activities through various strategies⁸⁴ for the past years, the evidence seems to show that “greening” the practices of logging concessions and other extractive activities has not actually yielded better environmental outcomes (or indeed contributed to local development)⁸⁵. In this sense, the landscape approach has evidently not gone as far as to question the actual model of logging concessions or the prerogatives of specific concessionaries. Rather, it looks to promote conservation working around this model. Conservation organisations argue that this more “conciliatory” stance towards extractive industries is the result of a pragmatic position, and that a confrontational approach goes beyond their mandate and could be counterproductive to their work⁸⁶. Conservation NGOs do sometimes support opposition to specific extractives developments, but the more general approach seems to be one of trying to improve private sector practice within the existing paradigm. Another manifestation of this position is some large NGOs’ support for creating PAs to “offset” the impacts of extractive activities⁸⁷,

a strategy that, we argue, further reinforces a land management paradigm which sidelines customary land rights. The lack of transparency in the financial relationship between extractive industry companies and some NGOs raises questions about what the precise motivation is for the ‘collaborative’ approach.



In practical terms, working at the concession level seems also to overlook the very fluid interaction between the different resource use zones. For instance, few systematic studies have been carried out on the impact of neighbouring extractive concessions on biodiversity within PAs, including, for example, the influence of migratory workers on hunting and resource use more generally. As the following sections seek to demonstrate, the impacts of extractive activities, whether reportedly “sustainable” or not, do significantly spill over into PAs. In fact, the few studies that have been done (such as in Nouabale-Ndoki in Congo⁸⁸ or a broader study in Cameroon⁸⁹) show clearly that the biodiversity in PAs faces grave threats from adjacent or overlapping concessions.

⁸² Buckrell, personal communication. According to available information, where participatory mapping has taken place this has enabled micro-zoning processes within CBNRM areas (see an example of AWF’s work in northern DRC at http://www.awf.org/sites/default/files/media/Resources/Technical%20Partner%20Newsletters/HLN_2012_1_March_English.pdf), but this hasn’t enabled communities to secure their traditional lands and much less to recover them from other users, such as logging concessions.

⁸³ ECODIT, 2010.

⁸⁴ Notably supporting certification of logging concessions, but also through other activities such as tackling poaching in logging concessions or mitigating the impacts of mining

⁸⁵ A recent study on the Republic of Congo even found that higher deforestation rates were present in certified logging concessions than in non-certified ones. See Brandt et al, 2014.

⁸⁶ Anonymous personal communications.

⁸⁷ See Gersberg and Quétier 2014.

⁸⁸ See Clark and Poulsen, 2012.

⁸⁹ Schwartz et al 2012

3.2 STATUTORY OBLIGATIONS AND COMMITMENTS OF GOVERNMENTS, INTERNATIONAL DONORS AND NGOS

There is widespread international recognition that biodiversity conservation can and does have significant social impacts. This is reflected in the number of laws, principles and regulations set by international agreements (not all of which are legally binding), as well as national laws and policies, that stress the need to consider especially local and indigenous peoples' rights in conservation. However, conservation efforts in the Congo Basin have fallen well short of compliance with this raft of laws and norms. In this section we highlight the main human rights obligations and standards that conservation actors are meant to respect, with specific reference to the countries considered in this study. In the following sections we show how these commitments have been largely disregarded. We contend that realising human rights in conservation is an obligation, an end in itself, but it is also the only way to ensure that conservation efforts will be effective and sustainable in the long term.

In order to distil down the standards and obligations which are most relevant to forest communities in the context of conservation, we have structured our research around five themes, each of which is founded on a variety of specific rights. As will be shown in more detail, there is substantive support in international and national law, albeit to a different extent depending on the context, for each of these general rights:

1. Land rights: In general terms, land in all Congo Basin countries formally belongs to the state and forest peoples have neither communal ownership nor other forms of tenure security⁹⁰. Specific exceptions to this rule may be the Republic of Congo and the Central African Republic, in that both have legislation recognising the right of indigenous peoples to own their traditional land⁹¹, although this legislation only applies to indigenous populations and has not been made effective in either country. However, national laws do

mention the recognition of customary land⁹² in some form or other or at least usage rights which, at a minimum, should provide specific protection against involuntary displacement and evictions. Specific provisions that underpin land rights and protect against displacement are contained in the most important human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESR), as well as the African Charter of Human and Peoples' Rights (ACHPR). For the conservation sector this means, at a minimum, that local peoples should be protected from displacement for the creation of PAs. Although strengthening the legal framework for land rights and tenure security is the obligation of the state, we argue that other actors, notably donors and NGOs, have a duty to promote these rights and to dissociate themselves from projects which threaten them, such as the establishment of PAs that give place to evictions. They also have a role to play in promoting management arrangements which uphold usage rights.

- 2. Livelihoods:** Rights to a decent standard of living, to food, to adequate housing are among the most fundamental human rights and have incontestable foundations in national and international law. For conservation activities in the Congo Basin, this should mean that, at a minimum, PAs should not undermine the livelihoods of local populations, via, for example, restricting their access to animal protein, non-timber forest products and cultivable land. Rights related to livelihoods are enshrined in national legislation, the basic human rights treaties mentioned above, and several other instruments, as shown in detail on Annex I.
- 3. Participation and consultation:** National legislation in Congo Basin countries is very weak in terms of recognising and regulating the implementation of these rights. However, the international instruments they are party to, and notably the UN Convention on Biological Diversity (CBD), support the right of local communities to be fully involved in

⁹⁰ Eisen et al, 2015

⁹¹ DRC adopted a community forest decree in late 2014. However, the relevant implementation decree was only adopted in February 2016 and no community forests have been created yet (see RFUK 2014).

⁹² For example, in DRC legislation there is mention of "local community lands" (terres des communautés locales) in texts such as the law on the status of customary chiefs, adopted in 2015. See Annex I for more details on national legislation in this regard.

conservation activities and in some cases to express their free, prior and informed consent (FPIC). These rights are also supported by donors and conservation NGOs in a variety of documents. Hence, PAs should not be established or run without adequate involvement of local peoples, which may entail informing them, obtaining their consent, and/or giving them a central role in the decision-making process, depending on the case.

4. Basic civil and political rights: The fact that conservation activities should respect these seems obvious. However, it is important to highlight this set of rights, as there are credible reports across the region of abuses committed by park rangers against local communities, particularly in the context of anti-poaching activities. Our research shows that these abuses often include arbitrary detentions, torture or cruel, inhuman or degrading treatment or punishment, and arbitrary deprivation of property, among others. Conservation activities should ensure that this problem is properly documented, that remedy is provided where necessary and that strict measures are taken to avoid further violations in the future.

5. Rights of indigenous peoples: Evidently, indigenous peoples are entitled to all the rights mentioned above, but these groups are entitled to specific protections to ensure that they can actually benefit from these rights equally. For the purpose of this study, the main binding instruments covering indigenous peoples' rights are ILO Convention 169, which of the countries concerned is only valid in the CAR, and Congo's national law on the protection and promotion of indigenous peoples. While the other countries lack this overarching legislation, it is worth mentioning that an indigenous peoples' law is currently in preparation in DRC, whilst both Gabon and Cameroon have developed indigenous peoples development plans (IPDPs) in connection to World Bank funded projects. Moreover, all the countries in the region are parties to the ACHPR, which includes specific provisions for the protection of "peoples", and all voted in

favour of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and according to some interpretations the standards contained therein are indeed binding to states inasmuch as they express principles of international law contained in other instruments⁹³. In addition, in the countries with no specific legislation in this regard, international standards set by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, ratified by all five countries) are still applicable to indigenous peoples. At a minimum, conservation activities should ensure that the condition of marginalisation and discrimination that indigenous peoples suffer does not prevent them from enjoying the same rights as other forest communities.

These rights are enshrined in a wide variety of instruments, some of which entail legal obligations while some others are expression of voluntary commitments. These instruments include relevant UN treaties and other international binding instruments, operational standards, soft law (court decisions, COP decisions and declarations, among others) as



Bagyeli man, Cameroon

⁹³See FPP, 2008.



well as IUCN resolutions. It is important to bear in mind that in these five Congo Basin countries international treaties automatically become legally binding domestically when they are ratified, and in theory they should prevail over contradictory national laws. As we'll demonstrate later, however, in practice it has been very challenging to use these legal tools to defend rights in actual cases on the ground. The specific instruments that support each of these rights are presented on Annex I.

Under current international law, states are the actors responsible for protecting, respecting and fulfilling human rights. However, there is growing recognition that other actors, such as donors or NGOs, but also private companies, also bear responsibilities and should also be held accountable⁹⁴. In fact, most of the main conservation organisations and funders working in the Congo Basin have indeed adopted policies, made pledges or, in the case of bilateral donors, actually adopted binding legislation in relation to human rights, including specifically on

indigenous peoples' rights. A summary of these is also presented on Annex I.

Some such pledges that are worth highlighting are the Conservation Initiative on Human Rights (CIHR), a consortium of international conservation NGOs "that seek to improve the practice of conservation by promoting integration of human rights in conservation policy and practice."⁹⁵ International donors also have obligations as per the national laws of the countries in which they are based. For instance, according to Section 119 of the Foreign Assistance Act, 1961 (amended), USAID-funded biodiversity conservation projects are obliged to ensure that: "to the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation." The European Union⁹⁶ as well as single European countries and their agencies (including Germany and Norway, notable donors to conservation efforts in the Congo Basin) have similar obligations and policies.

⁹⁴ See Makagon et al 2014

⁹⁵ These organisations include IUCN, Birdlife International, Conservation International, Fauna & Flora International, The Nature Conservancy, Wetlands International, Wildlife Conservation Society, and WWF. For more information, see: https://www.iucn.org/about/work/programmes/social_policy/sp_themes_hrande/scpl_cihr/

⁹⁶ Mainstreaming of indigenous peoples rights into all development activities is on the European Consensus on Development, an official EU declaration. See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:r12544>.



Many agencies have also adopted some form of policy on indigenous peoples, on involuntary resettlement, and on human rights more generally to guide their work. For instance, the Global Environment Facility (GEF) was one of the few international financial institutions to develop an independent public participation policy that gives particular attention to populations in and around project sites, notably indigenous and local communities⁹⁷, later assessed specifically in relation to indigenous peoples and biodiversity⁹⁸. USAID also has a Senior Advisor for Indigenous Peoples' Issues whose role is to ensure that U.S. policies and programs give proper attention to the interests and rights of indigenous people in developing countries. Similarly, the World Bank has a revised Operational Policy and Bank Procedure (4.10) on Indigenous peoples (July 2005) that aims "to ensure that the voices of Indigenous Peoples in and around ... protected-areas... are heard and "that conservation

objectives never undermine inalienable indigenous rights; rather, the two should be integrated"⁹⁹– though this, and other Bank safeguards policies are currently being revised.

However, as Colchester et al.¹⁰⁰ point out: "What is the point of conservation organisations and governments making commitments to protect community rights if they do nothing to implement them?" Despite all the above-mentioned international and national obligations and responsibilities, conservation continues to be driven with disregard to local communities and their rights and livelihoods. As our study demonstrates, in all 34 protected areas sampled across the Congo Basin, rules and regulations vis-à-vis protection have been imposed in a top-down manner; evictions and other forms of displacement are widespread; and customary tenure systems have been so far neglected. Also, there are no documented cases showing that

⁹⁷ GEF Secretariat 1996

⁹⁸ GEF Secretariat 2008

⁹⁹ Sobrevila, 2008

¹⁰⁰ Colchester et al., 2010



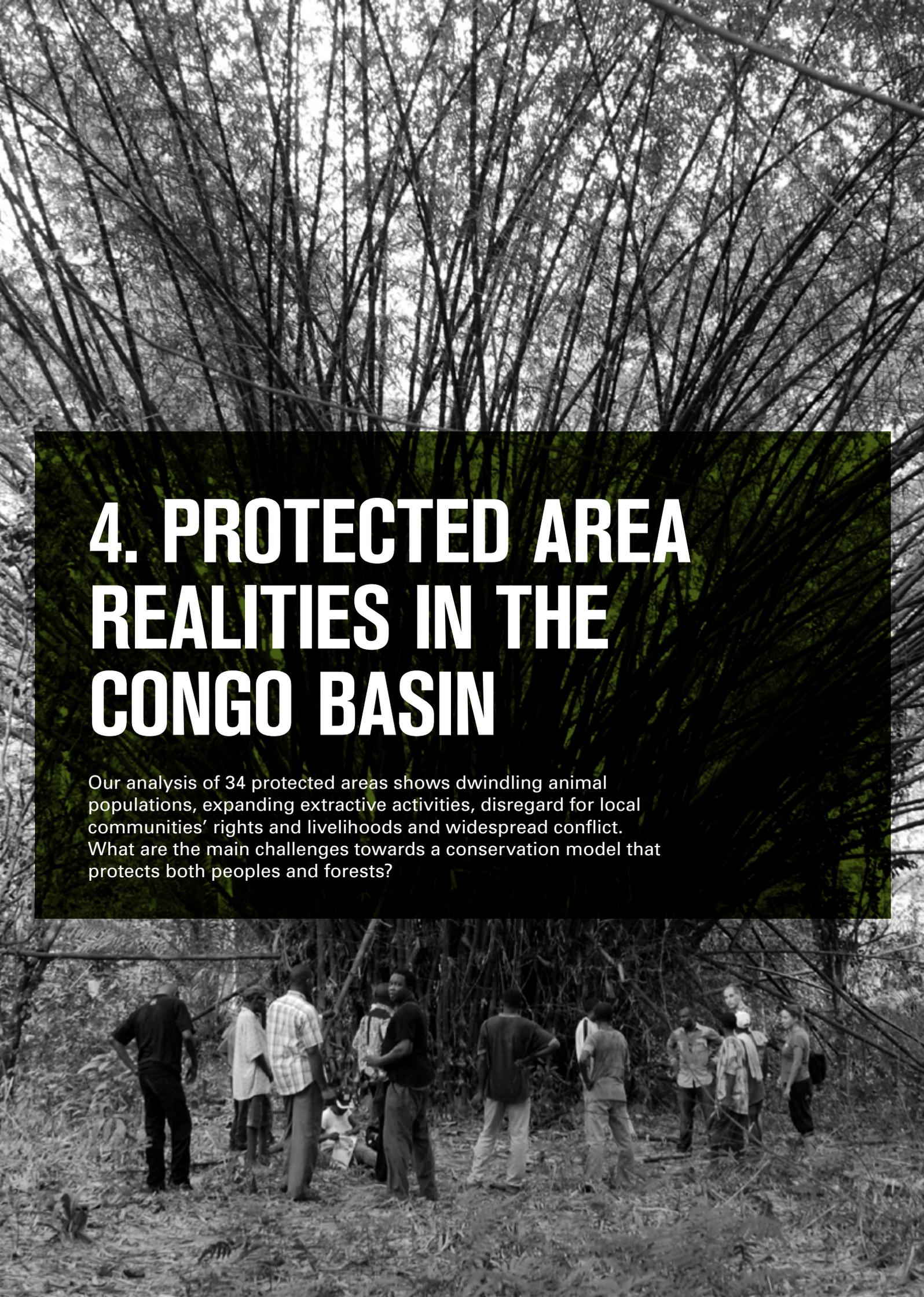
Sign in Cameroon- Bakas have the right to more dignity and respect

genuine FPIC or participation has been exercised. In terms of livelihoods, restrictions to resource use in PAs have gone so far as threatening the right to food. They have failed in terms of benefit sharing, which is also an obligation. In Sections 4 and 5 we provide concrete examples of these problems, linking them to the specific provisions and commitments mentioned above.

As mentioned, states should take the lead in, among others, ensuring that PAs respect customary land rights, that compensation is given, that park rangers are adequately trained and their conduct is under surveillance, that local communities are consulted and engaged in conservation activities. Where the state is incapable or unwilling to fulfil this role, it is undoubtedly challenging for other actors to promote adequate integration of human rights standards in conservation. Some donors and organisations will argue that pushing governments too hard puts their collaboration with these governments at risk and therefore that their margin for manoeuvre is limited¹⁰¹.

However, we argue that these actors should make much stronger use of the tools at their disposal to promote human rights in the region and that an unfavourable legal and political context should not be an excuse. This includes using their policy influence to put this issue at the forefront of the conservation agenda, and to encourage appropriate policy reform, channelling funding accordingly (or withdrawing it where violations occur), taking advantage of their presence on the ground to monitor compliance with human rights standards and to facilitate information flow from communities, or directly supporting local people to realise their rights. More specific recommendations are provided on Section 6 below.

¹⁰¹ Anonymous personal communications



4. PROTECTED AREA REALITIES IN THE CONGO BASIN

Our analysis of 34 protected areas shows dwindling animal populations, expanding extractive activities, disregard for local communities' rights and livelihoods and widespread conflict. What are the main challenges towards a conservation model that protects both peoples and forests?



4.1 PROTECTED AREA TYPES AND CHARACTERISTICS

This study covers a sample of 34 PAs (out of a total of 148)¹⁰², which were carefully selected to obtain a highly representative sample of the wider realities in the region. The PAs evaluated in this study cover a broad range of different types and categories, with the majority (22 PAs) falling into the category of “National Park” (most under IUCN’s Category II). In addition, the sample includes three Nature Reserves, four Wildlife Reserves, two Sanctuaries, one Biosphere Reserve, one Community Reserve, and one Special Reserve. A total of 17 PAs are RAPAC¹⁰³ pilot sites and 25 are in designated CARPE landscapes. All of the CARPE landscapes are represented in our study. The large majority (26 PAs) were formally established in the new millennium (year 2000 or later, although for most the process of classification took several years), and the sizes range from 14,600 hectares (the Basse-Lobaye Biosphere Reserve, in CAR)

to the enormous 3,656,000 hectare La Salonga National Park in DRC. The mean surface area covered by our sample of PAs is around 500,000 hectares, which is a very large extent of surface area compared to global averages¹⁰⁴. Whilst this is close to the median size for Congo Basin PAs, in such large areas, in what are inevitably remote zones with little infrastructure, there are important implications for how to measure and guide management effectiveness¹⁰⁵, as well as the sheer difficulty of policing these large territories.

According to available data¹⁰⁶, our entire sample of PAs includes approximately 400 communities, estimated at a total population of over 200,000 individuals, representing at least 25 indigenous groups or clans¹⁰⁷ and 12 Bantu (farming) ethnicities¹⁰⁸, each with their own language. We have not attempted to assess how this present population and number of communities compares with what might have been present within the 34 areas before designation as a PA.



¹⁰² Of these, 34 in Cameroon, 17 in CAR, 17 in Congo, 50 in DRC and 30 in Gabon (RFUK www.MappingforRights.org, with information from WRI).

¹⁰³ RAPAC is the Central Africa Protected Area Network, a sub-regional technical and scientific non-profit association established in 2000. Covering 8 countries, its mission is to contribute to biodiversity conservation and enhancement through the development and effective management of areas assigned PA status, taking into account the needs of local residents. For more information, see www.rapac.org

¹⁰⁴ According to UN data, only 1.6 per cent of all protected areas in the world are larger than 100,000 ha and of these only 0.2 per cent are larger than one million hectares (see Deguignet et al, 2014).

¹⁰⁵ See e.g. Chape et al 2005.

¹⁰⁶ This information has been drawn from a variety of sources, including

NGO reports for many of the protected areas, and the number refers to villages either within or in the immediate vicinity of the PAs in question. In this sense, it is likely that these PAs overlap areas of customary tenure and/or resource use of a larger number of villages and individuals.

¹⁰⁷ These indigenous groups and clans include the following: Aka-Mbendjele, Akowa (Bakowa), Baka, BaAka (also known as BaMbenzele), Babinga, Babembe, Bafuleru, Bakola, Bagyeli, Bambongo, Banyindu, Barega, Barimba, Bashi, Batwa, Bavira, Bedzang, Bekui,Bolemba, Bouaka Cwa, Efe, Gbaya Bofi, Kaka, Mbat/Issongo, Mbuti and Mikaya.

¹⁰⁸ These Bantu farming ethnicities include the following: Akele, Badjoue, Bangando, Bassa, Bomitaba, Boulou/Bulu, Fang, Kota (or Bakota), Kounabembe, Mongom, Mboko, Mvomvom, Mvimou,Ngoumba, Nzime, Sangha-sangha, Tsogho

4.2 FUNDING FOR CONSERVATION IN THE CONGO BASIN: WHERE IS ALL THE MONEY GOING?

Significant foreign funding has been channelled towards conservation projects and PAs in the Congo Basin over the past couple of decades. As mentioned, CARPE is the most important regional programme, having spent USD 110 million between 2004 and 2010¹⁰⁹ and publicly committed around 51 million for the 2013-2018 period.¹¹⁰ In turn, the European Union disbursed around €108 million (around USD 118 million¹¹¹) from its inception in 1992 until 2010 in four successive phases, and has recently committed a further €30 million (approximately USD 33 million) to implement ECOFAC V¹¹². Other relevant regional programmes include the African Development Bank funded PACEBCo (47.6 million USD between 2009 and 2014¹¹³) and the Congo Basin Forest Fund, which received around 119 million euros (around USD 130 million) from the British and Norwegian governments, and CAD\$20 million (USD 15 million) from the Canadian government (although not all of this money was devoted to PAs, and RFUK hasn't been able to find information on exactly how much was channelled to this specific activity). These four initiatives sum around USD 500 million, but this should be considered in addition to myriad bilateral and multi-country initiatives, where the German and French governments and the World Bank stand out as major donors, as well as funds that BINGOs contribute to projects in the region. As mentioned, the role of donors in the Congo Basin is crucially important, as this funding is significantly higher than the resources that local governments are able to spend in conservation efforts¹¹⁴.

However, and although levels of information vary depending on each donor¹¹⁵, it is generally very difficult to know how this money has been spent and what outcomes can be seen as a result. As these programmes include activities other

than direct PA management, such as research and information, capacity building, support to regional coordination bodies (notably COMIFAC, CBFP and RAPAC), it is difficult to know how much has gone specifically to PAs. Thus, whilst it is clear that most of the financial effort is ultimately purposed for protection of biodiversity in PAs, there is need for more transparency as to what national agencies have received in terms of conservation funding, from what sources, and for what planned and ultimate uses. From our research, confirmed in our discussions with organisations involved in this sector, the bulk of this funding generally goes to, primarily, traditional biodiversity conservation activities (patrolling, research and such) and to government support. As such, there is little evidence that more than a tiny percentage goes to communities or community-based organisations. Indeed, several representatives of conservation organisations we met during our research agree that funding to support social and human rights issues in conservation is rather limited and short term and that donors need to be sensitised on the need for more¹¹⁶.

From our research for this report, when asked whether they felt that financial resources are sufficient for adequate park management, all of the PA managers interviewed replied negatively. Similarly, when asked whether they believed that the current financial strategy for their PA was sustainable, all replied "no", except three, whose managers gave mixed replies. While we found information on past or present funding for the majority of the PAs in our sample (28 out of 34 PAs, see Annex 3), details on the amounts, allocation and use of funds are often not reported.

The CARPE programme provides information on levels of funding allocated to each landscape.¹¹⁷ However, from public information it is impossible to distil how much of this goes to PAs themselves, and to fund which activities. The same lack of transparency holds true, to the best of our knowledge, for most of the other

¹⁰⁹ Ko, 2011a

¹¹⁰ USAID, 2013a, 2013b. These periods correspond to phases II and III. RFUK hasn't been able to find a definite figure on the level of expenditure for Phase I.

¹¹¹ According to average 2015 exchange rates.

¹¹² Ko, 2011b

¹¹³ In French, PACEBCo stands for Programme d'Appui à la Conservation des Écosystèmes du Bassin du Congo or the Congo Basin Ecosystem Conservation Support Program. See http://pacebco-ceeac.org/index.php?option=com_content&view=article&id=52&Itemid=67

¹¹⁴ See Wilkie et al., 2001.

¹¹⁵ The most detailed information that RFUK has been able to find is perhaps that provided by the World Bank.

¹¹⁶ Anonymous personal communications

¹¹⁷ See for instance Peilemeier et al 2006 and ECODIT 2010 for Phase II and information on the CARPE website (http://carpe.umd.edu/resources/Meeting_pres/CAFEC_modifications_01282014.pdf) for phase three.



donors mentioned above: overall grants are announced and in some cases it is possible to break down donations per country, but further details aren't available.

In addition, it is important to note that while information on international funding for conservation may be vague, data on the amounts that national governments dedicate to this and for what activities is virtually non-existent. What is known is that governments often lack the will and/or the capacity to ensure funding for the PAs they create, often withholding salaries, assigning limited and ill equipped personnel to patrol enormous areas or, in some cases, not putting in place any surveillance or management activities whatsoever, giving rise to so called "paper parks". The implications of this could be argued both ways: that national governments need to make stronger commitments to the conservation policies they claim to want to put in place and, conversely, that continued funding for conservation will depend hugely on international donors, as Congo Basin governments do not have the capacity or willingness to finance these efforts. Either way, the fact remains that current funding is predominantly external.

In summary, it is clear that vast amounts of tax payers' money have flowed to support conservation in the Congo Basin but the way they have been used is not systematically documented and/or reported by the donors mentioned here. This poses several problems:

- Having no area-level data makes it difficult to link funding levels to specific activities, their outcomes and effectiveness.

- As the ultimate recipients of funding are not known, there is a problem of accountability, particularly when there are problems with local communities. For instance, there are numerous reports on human rights abuses by eco-guards, but higher levels of responsibility are harder to identify, as there is no clear indication of who funds patrolling operations and with what funding.
- In particular, governments are in theory sovereign in their management of land and ultimately responsible for realising human rights, but at the same time they are extremely dependent on external funding. This raises the question as to how to assign responsibility for specific outcomes, such as rights abuses or illegal evictions. The research for this report, and field experience, has revealed cases where governments and NGOs blame each other equally for problematic situations. Arguably, the donors should be the arbiters in such cases, and ensure resolution.
- Where there is international funding involved, projects need to comply with specific standards in addition to respecting national law (USAID projects need to respect the Foreign Assistance Act, World Bank projects the relevant operational standards, etc., as shown on Annex I), but without transparency or culturally appropriate ways of providing information to relevant stakeholders external observers cannot determine whether these are being met or not.
- Although, in principle, community participation and local capacity building are hailed as key to effective conservation, there is extremely sparse documentation as to the levels of funding that are actually being invested in this, and in particular that are going directly to local communities and NGOs. This raises once again the issue of accountability. As mentioned above, for example, it is clear that a handful of BINGOs are capturing the vast majority of funding available from CARPE. In the absence of detailed public information on the matter, what criteria must they fulfil in terms of building local partnerships and capacity and involving local communities and how is this monitored? What mechanisms are there to ensure that long term benefits actually accrue to the recipient countries?

4.3 ARE PROTECTED AREAS IN THE CONGO BASIN CONSERVING BIODIVERSITY?

The area under protection in the Congo Basin has significantly increased in the past years and is set to continue increasing¹¹⁸. However, has all this actually contributed to the protection of biodiversity? Available information points to increasing rates of deforestation and widespread decline of large fauna. It could be argued that these are reasons to reinforce strict conservation activities, with some studies suggesting that insufficient funding is actually a central reason why biodiversity is declining¹¹⁹. However, this study argues that the apparent failure in protecting biodiversity is a result of the conservation model that prevails in the Congo Basin. We substantiate this contention in the following sections. First, we present the available evidence on conservation achievements in the region. We consider how the strict conservation model co-exists with a development model based on resource extraction with clear environmental impacts, while conservation programmes have often been explicitly designed not to contest these extractive activities. In Section 4.5 we point to certain weaknesses and contradictions of anti-poaching measures. Section 4.6 shows how conservation activities have overwhelmingly failed to involve local communities, and we contend that this may be the single most important reason why protection efforts haven't been successful either. Finally, in Section 4.7 we explore the impacts that this lack of involvement has had on local communities.

Information and comparable, reliable and empirical data on conservation performances of PAs in the region are scarce and hard to obtain. A study like the present one is further challenged by the lack of baseline data, making any rigorous before-and-after comparisons or time trends practically impossible. Similarly, there are no publically available studies comparing losses and gains from strict versus 'partial' protection (i.e. allowing certain livelihood activities and cultural practices to continue), or on the effects of habitat destruction and fragmentation taking place around PA boundaries. A recent study compares biodiversity outcomes (predominantly

large fauna populations) inside and outside PAs¹²⁰, suggesting that PAs are doing better than other uses in protecting fauna. This would seem self-evident, but it does not mean that these PAs are fulfilling their own conservation targets, but merely performing better than activities that are explicitly meant to destroy and extract resources from the forests. As mentioned in the introduction, evidence from other regions of the world actually reveals that PAs are often less effective than, for instance, indigenous territories or community managed areas, in maintaining forest cover and biodiversity. This raises questions as to whether the conservation outcomes of strict PAs really do reflect the large investments that have been channelled into the region. In the absence of any firm evidence linking investment with conservation strategies, threats and outcomes, the appearance is that funding is by default mostly directed towards anti-poaching measures, often of dubious efficacy, while other large scale negative ecological trends continue unabated.

Based on our desk research, the only region-wide evaluation, monitoring or assessment reports of PAs in the Congo Basin we found were i) a preliminary assessment by CBFP and CARPE¹²¹,



¹¹⁸ For instance, the government of the DRC has pledged to reach the target of 15-17 per cent of its terrestrial area under protection (ICCN, 2012), while the Gabonese government recently announced the ambition to protect 23 per cent of the country's marine area (Ntoutoume, 2015).

¹¹⁹ See Waldron et al 2013

¹²⁰ See Maisels et al 2013.

¹²¹ CBFP/CARPE, 2005

ii) an evaluation report for CARPE by Yanggen et al¹²² commissioned by the IUCN, CARPE and USAID, iii) an evaluation of CARPE Phase II, prepared for USAID by ECODIT, as well as the mid-term evaluation carried out in 2006¹²³; iv) an IUCN evaluation (commissioned by RAPAC) on PA management effectiveness¹²⁴; iv) a state-of-the-art report of the forests of the Congo Basin commissioned by the Observatory of Central African Forests (OFAC) and CBFP¹²⁵; and v) a IUCN evaluation on State governance of PAs in Africa which, however, only includes case studies from the Republic of Congo¹²⁶. We also reviewed the reports of the Management Effectiveness Tracking Tool deployed by IUCN's Programme on African Protected Areas and Conservation (PAPACO) which assessed several PAs in the region between 2010 and 2011 (none of these in CAR, however)¹²⁷. Additionally, we found a regional evaluation of the status of monitoring activities in a large sample of PAs¹²⁸, although the report is not focussed on actual monitoring results, but on the processes involved.

The CARPE Phase II Evaluation concludes that the monitoring of key indicator species showed "a strong overall positive trend for [these] key wildlife species inside the landscapes [thereby demonstrating] a positive impact of CARPE on biodiversity conservation"¹²⁹. However, the report also recognises that "these findings are not the result of a systematic meta-analysis of existing survey results... [and] There are no study controls from outside the landscapes"¹³⁰. In addition, the report further qualifies this general conclusion pointing out that the CARPE program has had "relatively little impact on high-level corruption and trafficking in natural resource products"¹³¹. In this sense, the "positive impact of CARPE" seems difficult to quantify or to visualise through specific causal links.

Meanwhile, the IUCN 2010 report states that not all required information was available to allow for a viable diagnostic of the sites evaluated, and that the organisation cannot guarantee that the

collected data were valid. It goes on to stress that "the data presented in the document are purely informative and should not under any circumstances be used as support for decision-making" (p.2). However, the report does highlight that PAs in the region present several weaknesses in their management, and it reports the lack of systematic evaluation of their efficacy and the absence of a complete biodiversity inventory or data on historical population trends.

Concerning the conservation achievements of our specific 34 case study areas, for 14 PAs, no information at all was available with regards to whether objectives had been met or not. Twenty-one PAs (i.e. 62 per cent) seem to have some kind of (at least partial) monitoring or inventory activity in place. This is a similar percentage to that reported by Starkey et al¹³², who found that, of 121 PAs across Central Africa, some form of monitoring takes place in 66 per cent. However even in these cases, data on the abundances and distributions of species' populations are often too incomplete to be reliable or usable¹³³, and not even CARPE has to date been successful in developing monitoring systems for forest degradation or for the bushmeat trade¹³⁴. For the most part, the monitoring has been carried out by patrols primarily for the development of ecotourism rather than for rigorous population estimates (as seen in the case of Campo Ma'an, for instance¹³⁵).

The wildlife inventories that do give some more reliable estimates, all point to the problem of poaching. For instance, in Dzanga Ndoki National Park (CAR), monitoring of several animal populations (primates, elephants and bongos) has been carried out; yet poaching seems to be increasing¹³⁶. In La Salonga National Park (DRC), monitoring is carried out by the park's eco-guards, yet no other management mechanisms have been put in place, such as fire control procedures or mitigation of invasive species¹³⁷. In Lac T  l  , in the Republic of Congo, some monitoring of large mammals

¹²² 2010

¹²³ Pielemeier et al, 2006

¹²⁴ The study involved auto-evaluation of 16 selected PAs in Cameroon, Congo, Gabon, Equatorial Guinea, Central African Republic and DRC, using the methodology of Rapid Assessment and Prioritization of Protected Areas Management (IUCN, 2010)

¹²⁵ Wasseige et al 2010

¹²⁶ Wicander 2015

¹²⁷ The reports are available on: <http://papaco.org/286-2/>

¹²⁸ Starkey et al., 2014.

¹²⁹ ECODIT, 2010, p. 56.

¹³⁰ Ibid..

¹³¹ Ibid. p. X

¹³² 2014

¹³³ IUCN-PAPACO 2010

¹³⁴ ECODIT 2010

¹³⁵ MINFOF, 2006

¹³⁶ UNDP 2011

¹³⁷ IUCN-PACO 2010

has also been carried out, but with little results and no subsequent active management¹³⁸. In Lopé (Gabon), some botanical inventories and monitoring of mammal populations (particularly primates) have been run, and Lossi Animal Sanctuary (Republic of Congo), has had some monitoring of animal populations, but again, with few results to show¹³⁹. There may well be more monitoring and inventory reports than these in the “grey” literature of NGOs, but these are either unavailable or difficult to access.

In the absence of systematic data on population trends in specific protected areas, we undertook a thorough revision of other secondary data sources, all of which reveal a worrying trend. According to the Wildlife Conservation Society¹⁴⁰ two thirds of the total elephant population in Minkébé National Park in Gabon (created in 2002) was lost to poaching between 2004 and 2013. Similarly, in Kahuzi-Biega National Park (DRC) (an area afflicted by specific circumstances, not the least partial occupation by armed rebel groups), gorilla and elephant populations have declined drastically in the past decade, despite a number of attempts and funding initiatives to provide administrative support to security patrols and management planning for anti-poaching, community conservation, and ecotourism¹⁴¹. This, however, has been embedded in a scene of conflict, with some evidence¹⁴² that the evictions of local communities might have helped the subsequent occupations by rebel groups. Focusing exclusively on forest elephants in Central Africa, a recent report finds that “... population size declined by ca. 62 per cent between 2002–2011, and the taxon lost 30 per cent of its geographical range”¹⁴³. Recent journalistic reports on the Central African Republic further confirm this trend, which also link the recent civil war in the country with increased large scale poaching activities¹⁴⁴.

The results of the questionnaire completed by the ten park managers on conservation outcomes confirm those from previous studies and reports, and suggest that the general declines referred to above are reflected in what is happening within strictly protected areas. In seven out of ten PAs,



Palm oil plantation, Gabon

managers reported – with strong confidence levels – that gorilla populations have declined significantly since park creation. These apply to both gorilla species (*Gorilla gorilla gorilla* and *Gorilla beringei graueri*). Elephant (*Loxodonta cyclotis*) and chimpanzee (*Pan troglodytes*) populations were reported (also with moderate to high confidence levels) to have decreased significantly since park creation in four parks. Other species that have reportedly declined in population despite park status are the okapi (*Okapia johnstoni*) and Congo peafowl (*Afropavo congensis*) (both reported with moderate confidence levels), and the African darter (*Anhinga rufa*) (with high confidence levels). The only species that has reportedly increased in its population size since protection is the Wattle crane (*Bugeranus carunculatus*). When ground-“truthing” these trends in our four in-depth case studies, we found that in all four parks, the decrease of biodiversity was confirmed (both by local villagers as well as other stakeholders interviewed). In all of the PAs, villagers reported that illegal poaching of large mammals and illegal logging (of protected and valuable wood) was taking place by outsiders.

In sum, despite most of the region’s parks being patrolled by ecoguards, the problem of poaching persists, and based on what little data exists for a few of the areas, large mammal populations – particularly of elephant, gorilla, and chimpanzee – continue to decline, as they do outside of PAs.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ WCS, 2013

¹⁴¹ Kasereka et al. 2006; Amsini et al. 2008; Mehlman, 2008; Mudunga et al 2013

¹⁴² E.g. see Rainer 2013

¹⁴³ Maisels et al, 2013. As mentioned earlier, the article did find that elephant populations tended to be stronger in areas with some form of conservation investment. However, the most relevant fact remains the “Devastating Decline of Forest Elephants in Central Africa” as the title of the article states, which could hardly be construed as proof that the conservation model is succeeding.

¹⁴⁴ Canby, 2015

It is also important to note that this information mainly focusses on populations of mega-fauna. Studies about other species are almost non-existent. For instance, field work in the Central African Republic revealed that local communities observe a decline in caterpillar populations, which are important for their diet¹⁴⁵.

Whilst much more research is required to show whether there is any demonstrable long-term benefit from PAs and from the broader conservation model including the landscape approach, the above indicates good reason to believe that conservation efforts are not succeeding in the Congo Basin rainforests. Organisations involved in this work often pose the counterfactual argument that the situation would be much worse had these investments not been in place. This may be true, but it does not substantiate the effectiveness of the present approach, and can be countered with another hypothetical: what would have happened if local communities had obtained ownership and control of these areas? As it has been mentioned, evidence from South America for instance, proves that community management has been far cheaper and more effective than PAs in protecting biodiversity. In what follows, we analyse the wider context in which these areas are situated and suggest PAs are part of a broader and flawed land use model which is effectively marginalising and antagonising local communities and failing to tackle extractive activities. Our contention is that PAs will continue to fail in protecting biodiversity if these wider governance and political issues are not addressed.

4.4 DEVELOPMENT MODELS BASED ON RESOURCE EXTRACTION

The Congo Basin is not only home to a number of endemic and threatened species, but is also the ancestral land of several indigenous groups and other human occupants whose livelihoods and identities are largely defined by the forests they have inhabited for millennia. The region represents a highly contested space, with poorly

defined property rights and numerous users competing for the same areas. At the same time, Central African nations are amongst the poorest of the planet, which explains why “development” is at the core of political discourse. Each of the Congo Basin countries have in fact laid out plans to become “emerging economies” in the coming decades¹⁴⁶, all of which rely heavily on extractive activities and infrastructure building. According to this model of economic growth, rainforests, and the lands on which they lay, are rich sources of potential wealth, waiting to be exploited.

Most of the region’s nations are politically centralised, mired in patron-client political economies, and pursuing a form of development that seems to lack a long-term vision for sustainable management of those resources. What were not long ago largely inaccessible corners of intact forest are today split by grids of logging roads, opening the way for extractive industries (almost exclusively run by foreign companies), particularly of logging, mining, and oil exploitation. In addition, the region has over the past decade attracted major investments in the agri-industrial sector, with increasing expanses of forest being converted into palm oil and rubber plantations. The negative consequences of externally-driven initiatives in the region include conflicts over land, displacement, inequality, abuse of indigenous and forest peoples’ rights, and the effects all of these have not only on indigenous communities, but also on the 50 million or so forest dependent Bantu population living in the region. In this model, forms of development that empower local populations to make sustainable use of forest resources – such as small-holder farming or community forests – are not only not promoted, but rather systematically undercut.

As argued previously, while they widely recognise the enormous threats that these activities pose to biodiversity, major conservation programmes and their champions in the Congo Basin do not challenge this model head-on. In simple terms, programmes such as CARPE or COMIFAC’s Convergence Plan tackle the challenge of protecting nature in the face of destructive

¹⁴⁵ MEFP, 2011

¹⁴⁶ These objectives are spelled out in several national policy documents, including Document de Stratégie pour la Croissance et l’Emploi du Cameroun (available : http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Cameroon_per_cent20DSC2009.

pdf) , La Révolution de la Modernité in DRC, Le Chemin d’Avenir of the Presidency of the Republic of Congo (available <http://www.sassou.net/chemin-davenir>) and the Plan Stratégique Gabon Émergent (available http://www.aninf.ga/telechargements/PLAN_per_cent20STRATEGIQUE_per_cent20GABON_per_cent20EMERGENT.pdf).



development activities through a twofold strategy: 1) setting aside large enough areas for protection, where human activity is either prohibited or heavily restricted and 2) promoting sustainability practices in extractive concessions, particularly through certification of industrial logging operations¹⁴⁷. Such a “non-confrontational” approach in many cases precludes what could be a stronger and more systematic alliance between conservation organisations and local communities resisting destructive development. Further, as mentioned in section 3.1, there are grave concerns over the actual impacts of certification strategies. In a context of weak governance and high levels of corruption, the danger of “greenwashing” seems especially serious¹⁴⁸, not to mention the mounting evidence on the flaws of certification processes themselves, with some studies pointing to certified concessions having the same or even greater negative impacts than non-certified ones¹⁴⁹.

In their reactions to the first draft of this study, several stakeholders questioned the relevance of highlighting protected areas as a threat to community rights, in the face of extractive developments whose impacts are often far more egregious¹⁵⁰. But as argued above, by seeking to work within the given model, conservation actors (intentionally or not) actually contribute to reinforce a paradigm that’s increasingly dispossessing local peoples without bringing the promised development. Given the less than impressive outcomes in terms of protection of mega fauna described above, it is fair to ask whether a pragmatic approach to extractives has yielded any major positive results. We argue in favour of a new strategy, one which taps into the common objectives between local communities and the conservation sector.

Land allocations, uses and conflicting concessions

Based on our literature review and ground-truthing, we found that there is significant overlapping and conflicting land uses allocated within and around PAs in the Congo Basin. From our sample of 34 PAs, 25 border with logging concessions, 19 overlap with mining concessions (with an additional 7 that have mining on the border), and 9 overlap with oil concessions (see map below). All of the PAs in the study have communities within them buffer zone area of the park. Only 9 of the 34 PAs have some sort of land zoning in place, according to publicly available information. This indicates that despite the popularity of the landscape system, the supposed strength of this approach¹⁵¹ is based more on “greening” concessions rather than targeting actual conflicts and addressing the spill-overs between these uses and protected areas. As stated before, this has done nothing to stop animal population decline. Worse, as mentioned before, evidence from the region is starting to indicate that attempts to “green” commercial timber operations have, at best, made very little impact and, at worst, incentivised a more intensive extraction of resources and worsened environmental performance¹⁵².

¹⁴⁷ However, agro-industrial plantations are set to become increasingly important players in the Congo Basin context. In this case, certification schemes such as RSPO are readily available.

¹⁴⁸ See WWF, 1997.

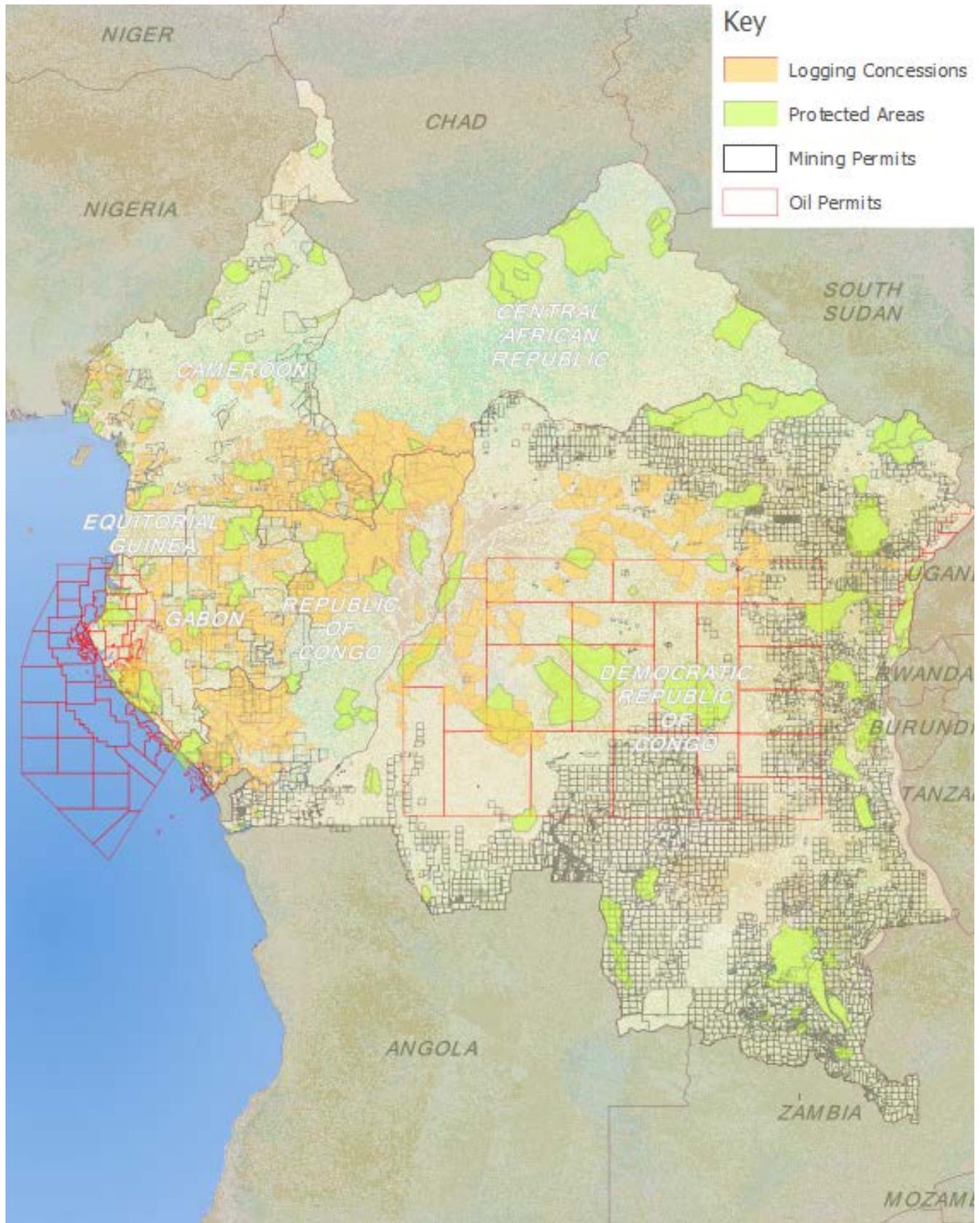
¹⁴⁹ See Pigeaud 2015, Brandt et al 2014.

¹⁵⁰ Anonymous personal communications. It should also be clear that

RFUK does work strongly on assessing and denouncing the impacts of activities such as industrial palm oil development (see RFUK 2013) and logging.

¹⁵¹ The CARPE Phase II evaluation concluded that “the landscape approach and landscape-level land use planning have proven to be two of the greatest strengths of the CARPE design” (ECODIT, 2010, p. IX).

¹⁵² See Duhesme, 2014, Pigeaud 2015, Brandt et al 2014.



Protected areas and extractive activities in the Congo Basin. Source: WRI/RFUK

In addition, the Congo Basin forests and their respective local communities face an enormous threat from the recent and rapidly expanding agro-industry and especially palm oil plantations. Based on a detailed study and projections carried out by RFUK¹⁵³, an estimated 2 million hectares are likely to be converted to oil palm plantations in the region – a fivefold increase in the current production area, and this does not consider industrial production of other commodities such as rubber, bananas or sugar, which is also expanding. Newly allocated lands for conversion to palm oil plantations include habitats for rare, threatened or endangered species, and also play an important part in local peoples' livelihoods, including for subsistence hunting, non-timber forest products (NTFP) collection, and small-scale subsistence agriculture.¹⁵⁴

As the case studies below will demonstrate, current approaches show significant shortcomings in tackling direct and indirect impacts of extractive activities bordering protected areas. For instance, migrant workers are commonly identified with significantly increased hunting and fishing pressure, and road building with increased illegal logging. Still, the most important international NGOs publicly defend their partnerships with corporations and rather than looking at this as a contradiction (as they also widely acknowledge their impacts), they portray it as a means to reach their own goals¹⁵⁵. Both WWF and WCS, for example, have 'partnered' with some of the largest logging operations in the region. At the very least, the gathering growth of agro-industries across the region, and the failure of efforts to 'green' the operations of timber companies working outside strictly protected areas, forces us to carefully consider whether PAs do really represent a serious back-stop for the protection of biodiversity.

4.5 COMBATTING POACHING IN THE CONGO BASIN: QUESTIONS AND CONTRADICTIONS

In the Congo Basin poaching, and illegal wildlife trade more generally, are largely identified as one of the main predictors of biodiversity decline. Conservation activities are largely orientated around tackling this problem. Indeed, when asked about conservation measures the image that comes to local communities is that of eco-guards and anti-poaching squads. Although more detailed information on how funding is used would be needed to assess the effectiveness of specific anti-poaching approaches, our research does show two distinct trends: 1) Anti-poaching measures alienate local populations and sometimes even turn local people against conservation agents, as conflictual relationships with eco-guards and park managers are almost ubiquitous. Reports on human rights abuses abound, and communities also resent park authorities restricting their access to forest resources. In this sense, the interplay between restrictions on hunting and malnutrition should be further explored. Studies show that bushmeat is a vital source of protein, the absence of which has dire consequences including stunted growth and chronic malnutrition¹⁵⁶. Testimonies from our field research provide grounds for very serious concerns in the case of the Tumba Lediima Reserve (see case study below), and; 2) as mentioned before, these measures are generally not meeting their objective of stopping poaching either.

One explanation as to why this is happening is that anti-poaching measures disproportionately target local communities in and around PAs. Local people bear the brunt of anti-poaching measures, even though they are not the drivers of poaching, rather its proximate agents. At the same time, systematic efforts to tackle high level illegal wildlife trade networks are relatively recent¹⁵⁷, and encountered limited practical success so far. They have not taken pressure off local communities or ostensibly diminished the abuses they suffer; and as yet they have, to a

¹⁵³ 2013

¹⁵⁴ For a more detailed assessment of current and expected impacts in Cameroon and DRC, see Colchester and Chao (2013) and GRAIN and RIAO-RDC (2015)

¹⁵⁵ See WWF-US explanation of their work with partnerships here <https://www.worldwildlife.org/initiatives/harnessing-forces-for-conservation>. For some of the debate this has elicited see <http://www.redd-monitor.org/>

<http://www.redd-monitor.org/2011/07/27/wwf-scandal-part-1-bears-feeding-on-toxic-corporate-waste/>

¹⁵⁶ See Fa et al. 2015 and Remis and Jost Robinson, 2014.

¹⁵⁷ For instance, CARPE's current strategy on wildlife trafficking was largely articulated for Phase III of the programme, which began in 2014 (for a short presentation of this approach see: http://carpe.umd.edu/resources/Meeting_pres/CAFEC_Trafficking_01282014.pdf).



great extent, failed to involve local communities in the process. In some respects, none of this is surprising, given the increasingly organised and heavily armed nature of some wildlife poaching for specific products such as ivory, involving international criminal gangs.

Wildlife protection policies in the Congo Basin are increasingly influenced by wider security issues and notably a global trend towards heavier militarisation of anti-poaching¹⁵⁸. Reports show that poaching networks have grown better organised and more powerful, and that poachers are now capable of deploying sophisticated weaponry and large scale operations. In countries like DRC and CAR, it has also been argued that high level poaching has become a source of funding for terrorist groups¹⁵⁹. This claim has been contested¹⁶⁰, but awareness about the power of international criminal networks has contributed to boost efforts towards tackling the drivers of poaching. Notable advances are the

US National Wildlife Trade Strategy, adopted in 2014¹⁶¹ or recent international conferences held in London (2014) and Kasane (2015)¹⁶², both of which recognise the importance of engaging local communities.

However, whereas these more comprehensive policies are recent and have yet to trickle their effects down to the ground in the Congo Basin, the stronger emphasis on militarisation remains the overarching trend, and this poses increased threats in terms of human rights protection, particularly in a context like the Congo Basin¹⁶³. It is unclear whether simply escalating the 'arms race' against poachers will prove any more effective than past efforts. If carefully targeted, it could help address the pressure on wildlife from external actors which local communities suffer, as well as the animal populations themselves. But lessons need to be learned from past efforts, where much anecdotal evidence suggests that armed enforcement brigades will tend to focus on

¹⁵⁸ See Duffy et al 2015.

¹⁵⁹ See United Nations 2013.

¹⁶⁰ Duffy et al 2016.

¹⁶¹ Available at <https://www.whitehouse.gov/sites/default/files/docs/nationalstrategywildlifetrafficking.pdf>

¹⁶² See the London Declaration on Illegal Wildlife Trafficking at [\[www.gov.uk/government/publications/declaration-london-conference-on-the-illegal-wildlife-trade\]\(https://www.gov.uk/government/publications/declaration-london-conference-on-the-illegal-wildlife-trade\) and the subsequent Statement of the Kasane Conference at \[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417231/kasane-statement-150325.pdf\]\(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417231/kasane-statement-150325.pdf\). More details about the provisions which are relevant to local communities are provided in Annex I.](https://www.</p></div><div data-bbox=)

¹⁶³ See Duffy et al 2015.

'soft' targets, such as local communities, even if they are not a key part of the problem, rather than targeting the much more dangerous organised criminals (that may or may not have connections with decision-makers in the government agencies responsible for conservation).

There are several aspects to the importance of shifting policing pressure away from local communities. First, local communities and civil society maintain that, generally, poaching is mostly carried out by outside agents; we have to date not found any well documented studies that contradict this view. Second, our ground research shows that when communities do poach, they predominantly do so for external operators and gain very little from it. Third, the impact of subsistence hunting is negligible compared to hunting driven by external demand (be it for domestic urban centres or international markets)¹⁶⁴. An illegal wildlife trade expert based in Congo states that "the poacher isn't the real problem... It's the person organising the poaching—the district-level executive. The problem is the organised, illicit extraction of natural resources"¹⁶⁵. Also, it is important to note that communities who are solicited to hunt for outsiders are easy targets for recruitment by poachers, precisely because their previous subsistence activities have been restricted and subsequently their livelihoods may no longer be adequate for survival, leaving them more dependent on outside sources of income. As a testimony from the Republic of Congo shows:

"In all honesty, being indigenous and good hunters, other people look for us very frequently for hunting and, unfortunately, that hunt is sometimes for forbidden animals. The instigator provides the equipment and we do the rest, having received a financial contribution beforehand."

Indeed, reports from Gabon show that at the local level, community hunters are paid approximately 100 US dollars for a kilogram of ivory; at the other end of the chain, e.g. in China – where ivory is in highest demand – ivory is sold for 2,000 dollars per kilogram¹⁶⁶. The bushmeat trade, although mostly domestically bound, shows similar value chains. In DRC, field research showed that the bushmeat trade benefits intermediaries much

more than local communities: one smoked monkey is worth USD 2.20 at villages in Tumba Lediima Reserve, while the same portion sells for USD 8.90 in Mbandaka and USD 22.20 in Kinshasa. This raises questions as to whether it makes sense to target anti-poaching efforts primarily in the areas where the smallest economic incentives exist, rather than focussing on the powerful criminal networks that actually drive this trade. In addition, recent studies also show the limits of regulatory approaches in averting poaching, suggesting that more comprehensive strategies are needed, including involving local communities in conserving wildlife and reducing demand of these products¹⁶⁷.

Poaching and illegal wildlife trade in the Congo Basin also flourishes in a context of high levels of corruption, often contradictory and unclear legal frameworks, and weak law enforcement. Tellingly, during our field research two park managers related that they have identified poachers that authorities have refused to prosecute, reportedly because they are connected to high level politicians who protect them. This kind of problem seems to be pervasive in the region¹⁶⁸, and it reaffirms the need to place more emphasis on the high level networks of organised crime driving poaching in PAs, and rooting out corrupt officials. Perhaps the emphasis on "enforcement" at the PA level responds directly or indirectly to the need to meet quantitative targets in terms of number of arrests, confiscations of hunting equipment or kilograms of seized goods – which make for more comfortable donor project 'achievement criteria' than, say, the prosecution of a corrupt minister. But the abuses inflicted upon local communities are surely an unacceptable price to pay for these 'accomplishments', especially as poaching, overall, remains undeterred and the species actually endangered by organised poaching continue to decline.

Another, and related, explanation as to why anti-poaching approaches are not working in the region has to do with the fact that local communities are not being involved in these efforts. There is a growing international consensus that participation of local communities

¹⁶⁴ See for example Russell et al 2007.

¹⁶⁵ Naftali Honig, PALF, quoted on Canby, 2015

¹⁶⁶ Le Monde, 2015

¹⁶⁷ See Challender and MacMillan, 2014

¹⁶⁸ See for instance Final Communiqué of the 15th Meeting of the Congo Basin Forest Partnership June 17-19, 2015, Yaoundé, Cameroon, available: http://pfb-cbfp.org/news_en/items/proceeding-RdP15-en.html, Gross (2007) and Stevens et al (2013).

is essential in effective anti-poaching programmes¹⁶⁹. Their physical presence as well as the fact that they depend on healthy forests and their resources can make them the natural and most effective stewards. This doesn't only entail hiring local people as park rangers (which is already done) or systematically enabling them to monitor and blow the whistle on illegal hunting (something that, conservation NGOs acknowledge, should be implemented more consistently), but truly acknowledging their livelihood needs and recognising their right to manage their territories and resources¹⁷⁰. In turn, this would enhance compliance and cooperation. As studies suggest, driving traditional inhabitants away from forest areas creates large virtually empty spaces where commercial poachers find it easier to operate. In other words:

“The customary tenure of certain resident forest groups acts as an in built protective shield over flora and fauna resources against other local and outside groups. The presence of those resident groups has been often quite an effective deterrent. Eviction of resident people eliminates the customary protector, and it is doubtful whether ‘the state’ can be as effective against other users, local or remote...”¹⁷¹

In the Congo Basin, we have found no examples whatsoever of participatory approaches to tackling poaching, and in that sense practice seems to be lagging behind promising initiatives that are already taking place elsewhere, including in Sub-Saharan Africa¹⁷².

In the following sections we explore the problem of lack of adequate involvement from a broader perspective. We argue that a fundamental change towards participation and more generally towards a rights-based approach is needed and not only to spur the combat of illegal wildlife trade, but also to shift towards a truly effective, equitable and sustainable model of conservation in the Congo Basin.

4.6 PROTECTED AREA ENGAGEMENT WITH LOCAL COMMUNITIES

Participation and consultation

As stated in Section 3, participation of local communities is an obligation that governments and other actors involved in conservation should uphold, and which is supported in several legal texts, policy documents and declarations (see Annex 1), including the CBD itself, some of the main human rights treaties, donor policies and national legislation. In addition, growing evidence demonstrates that promoting local stewardship and management mechanisms and valorising local knowledge is crucial for the establishment of effective conservation measures¹⁷³. In spite of this, in the Congo Basin local communities are largely marginalised from conservation efforts.

For the vast majority of the areas analysed, evidence shows that communities were not involved or even consulted before they were established, in contradiction to the requirements of the CBD, international standards pertaining consultation and FPIC, national forest and environment codes, IUCN resolutions and donor obligations, such as the US Foreign Assistance Act, section 119 (e). Some form of consultation with local communities is reported in the literature to have taken place in only 12 of the 34 PAs analysed. In only two of these cases (Lossi Animal Sanctuary, Republic of Congo, and Tayna Gorilla Reserve, DRC) did consultations take place before the park was created, although reportedly in neither according to international standards of Free, Prior and Informed Consent (FPIC). Among the managers of the parks surveyed, only two said that local communities had participated in the establishment of the reserve (both in the Republic of Congo). However, no written records exist of these consultations, and these claims contradict other evidence, which indicates serious cases of displacement in at least one of these parks¹⁷⁴. The timing and types of consultations

¹⁶⁹ See IUCN et al 2015.

¹⁷⁰ See IUCN et al., 2015, Duffy et al 2016, which states: “policies to tackle illegal wildlife hunting would need to be embedded within and linked to policies that promote more just social, political and economic relations. The danger of policies promoting greater enforcement alone is that even if they could succeed in creating small islands of ‘relative peace’ inside protected areas, they would not do anything, and may in fact exacerbate the issues found beyond them, which ultimately cause illegal wildlife hunting in the first place” (p. 20).

¹⁷¹ Cernea and Schmidt-Soltau, 2003b, p. 25.

¹⁷² See Roe, 2015.

¹⁷³ Homewood (2013, p. 273) explains it eloquently: “from the most industrialised Western context to the most rural and marginalised developing country populations, long experience with social impact analysis shows that interventions overly dominated by either scientific and technical ‘rationality’ or indeed by political ideology, are less likely to work in the long run than those developed through balanced interaction between political and scientific experts challenged and moderated by ongoing discussion with an informed public able to express local knowledge...”

¹⁷⁴ IUCN/PACO 2012



reported are listed in Annex II. Rarely have these consultations resulted in working partnerships where communities continue to be actively involved in management or decision-making.

As for whether communities are currently participating in the management of PAs, seven managers replied “yes”, one replied “no”, and two had qualified responses (e.g. “planned but not yet operationalised”). However, our research yielded no additional evidence about this, which points to the different understanding that park managers and local populations have of the concept of genuine participation.

Interestingly, a limited number of managers were quite aware of the implications of lack of involvement. One park manager stated: “Yes, but at a limited scale. The non-involvement of communities in the process contributes to the demotivation of stakeholders and the increase of threats.” Another park manager’s response was:

“[Communities are] not [involved] to the extent desired. In the PAs where local communities have been evicted, the reality is different, as there is no need to satisfy the needs of the

inhabitants of the surrounding areas. However, in a reserve labelled as “community reserve”, the conservation should go hand in hand with development – economic, infrastructural, and social – in order to guarantee the livelihoods of these communities for the cause of conservation”.

Other characteristics of the conservation sector in the region that attest to the extremely low levels of participation of local communities are:

- There are no examples of community conserved areas whereby tenure security and control over the territory has been granted to local communities. Indeed, as mentioned before, legal frameworks in the Congo Basin do not provide for such tenure security, for conservation purposes or otherwise.
- None of the limits of the protected areas in our sample correspond to traditional tenure arrangements. In fact, there is no evidence that customary tenure or resource use was systematically documented prior to the establishment of any of these areas.
- Only two of the 34 PAs analysed are categorised as community reserves – Lac Télé in Congo and Dzanga-Sangha in CAR, and even there management activities are strongly controlled by WCS and WWF, respectively.
- Lack of involvement of local communities is taking place in a context of weak participation of local civil society in general. Except for two partial exceptions¹⁷⁵, none of the 34 areas is co-managed or benefits from the technical assistance of a local NGO or community organisation. In all other cases, this role is reserved for international conservation NGOs.

With regards to support local participation, as mentioned before, empirical data suggests that very little, if any, of the funding available is trickling down to local groups. Significantly, all but two of CARPE’s partners are US based organisations and only one is based in the region (the latter being the Observatoire Satellital des

¹⁷⁵ The Gabonese organisation Aventures sans Frontières (ASF) organises eco-tourism activities in Pongara National Park. The local organisation Association des Enfants des Terres de Lossi (AETL) is supposed to lead co-management activities in the Lossi Sanctuary in Congo.

Forêts d’Afrique Centrale, OSFAC, based in Kinshasa, which was then again created under the CARPE programme). None of the grantees of the most recent CARPE large scale programme, CAFEC (the Central Africa Forest Ecosystems Conservation programme)¹⁷⁶, are from the Congo Basin.



From the PA manager point of view, our findings suggest that managers are aware of community involvement being fundamental to conservation success. As one PA manager told us when interviewed:

“The method that has always worked has been one that values the protected area through ecotourism activities and takes measures to promote livelihood activities such as agro-pastoralism, thereby also improving the conditions of local communities.”

Another PA manager stated that:

“The approach of system of conservation is that which is based on effective and genuine participation of local communities, in decision-making in certain domains such as community development, environmental education, and participation in the struggle against environmental crimes.”

In response to our research, several conservation

organisations have noted that the low levels of participation in the Congo Basin reflect a particularly challenging social environment. Local civil society is nascent and still quite weak, and for a variety of reasons social mobilisation can be difficult, and governance mechanisms can be weak or contested. Conservationists point to the difficulties of bridging cultural differences with the often non-hierarchical social structures, particularly of indigenous groups, which creates difficulties in understanding the basis of community representation. Conflicts and power asymmetries between indigenous and Bantu populations further complicate the picture. Funding for community engagement is limited, though conservation agencies are better placed to push for change in this regard¹⁷⁷.

However, reasonably strong representation structures do exist in many areas in the Congo Basin and these are not being taken on board to define and run conservation programmes. In addition, where lack of capacity is used as a reason for providing limited funding to local actors, the opposite logic should apply: it conveys the urgency of investing more resources into building local capacity. Finally, as has been said repeatedly, participation is not a concession, but an obligation under international law. A complex social context does not justify carrying out projects without FPIC, or marginalising local people from management decisions. Often, the underlying problem seems to be one of time, and haste; conservation organisations such as international NGOs generally have to work within the project timeframes dictated by donors, typically 3-4 years, within which a two-year (and possibly fairly expensive) local consultation process might not sit comfortably. Both of the large regional conservation funding initiatives – ECOFAC and CARPE – do, however, have a longer term horizon, albeit broken into phases, and could thus take a longer term perspective on engagement with communities. Apart from legal and moral considerations, this is the only way to ensure that conservation efforts will be made more sustainable.

The failure to involve local communities contravenes human rights principles and a host of legal obligations, commitments and

¹⁷⁶ CAFEC, or Central Africa Forest Ecosystems Conservation is one of the sub-programmes under CARPE Phase III, focussed on conservation at the landscape level while the other components focus on environment monitoring and policy support. See http://carpe.umd.edu/resources/Meeting_pres/CARPE_Jan27-28_Summary_03142014.pdf

¹⁷⁷ Anonymous personal communications

pledges applicable to national governments, donors and NGOs. But how is this related to the underwhelming achievements in terms of biodiversity and forest conservation that we presented in previous sections? Some explanations include:

- Evicting people from their traditional territories leaves these areas more vulnerable to exploitation by outside actors, including illegal loggers and poachers. Having been dispossessed, denied of any long-term stake, and perhaps impoverished by conservation projects, local communities are more likely to be both antipathetic towards conservation, and also more vulnerable to inducements to exploit the areas they formerly occupied and are familiar with;
- Marginalisation of local peoples also means ignoring their traditional knowledge and sustainable management practices, which in many cases have played a central role in keeping the Congo Basin ecosystems relatively intact;
- Without the active contribution of people who live in the immediate vicinity of these parks, effective surveillance is virtually impossible, particularly in the larger-than-average PAs in the Congo Basin, where law enforcement is already weak.

In subsection 4.7 below, these issues are explored in more depth.

Some examples of engagement with local communities

The general picture in the Congo Basin is undoubtedly one of marginalisation of local and indigenous communities. However, this doesn't mean that no attempts whatsoever have been made to involve local populations in any project. Through our research we found some scattered initiatives aiming at promoting participation of local communities in some of the PAs analysed, which are described below. However, it is important to note that these more positive examples do not constitute a consistent trend towards improved participation on the ground. Importantly, engagement with local communities has been sought only after the

PAs in question were created and restitution or recognition of traditional territories has not taken place in any instance. Therefore, these attempts could be seen as a way to ensure local peoples' support to a pre-set conservation agenda, rather than involving them in substantive planning and management of their traditional territories.

Itombwe Natural Reserve in DRC: communities have participated in mapping and zoning the area (although they did not participate in delineating its boundaries) and successfully lobbied to maintain access and resource use. This process began around 2008, two years after the reserve was created and as result of social mobilisation against the ministerial decree that established this area. After a period of conflict, efforts were made to involve communities in managing this reserve. Civil society participation included participatory mapping, which then fed into the zoning process and the design of local development projects (the implementation of which is still modest). Community opposition prevented it being gazetted as a national park and succeeded in keeping it a "reserve"¹⁷⁸.

These efforts have not yet led to active involvement of communities in managing the park, however, and actually the modalities of their participation are still a matter of discussion: in general terms civil society is pushing for communities to manage the area themselves, while other actors would favour a participatory arrangement but with participation of the authorities¹⁷⁹. In addition, Kujirakwinja et al.¹⁸⁰ report that, in the context of civil unrest, 'insecurity in Itombwe is still present and is making it difficult to move ahead with the participatory mapping and agreements on the delimitation of the Itombwe Reserve'.

Also, as mentioned above, it must be noted that consultations with local communities began only after the reserve had been identified and established and that the participatory mapping process is still not completed¹⁸¹ and agreements haven't been fully implemented. Indeed, the reserve is not formally functioning yet, because its status, boundaries and management plan are yet to be formalised. A platform of the different stakeholders involved in the process ("Cadre conjoint") has proposed amendments to the

¹⁷⁸ For more information, see: WWF, 2008; Faily and Bantu, 2010; IUCN/PACO, 2010; Weinberg, 2013; and RFUK 2011; 2014.

¹⁷⁹ Rainforest Foundation Norway, personal communication

¹⁸⁰ 2010

¹⁸¹ For instance, communities living at the south of the park have so far refused to take part in the participatory mapping process (Rainforest Foundation Norway, personal communication).



ministerial decree which created the reserve, reflecting the new boundaries and arrangements, but this has not been adopted. Still, Itombwe is starting to show some of the steps that can be taken to reduce conflicts with communities and move towards a more participatory vision of conservation.

Tayna Gorilla Reserve in DRC: A CARPE report¹⁸² hails it as the first officially recognised community managed reserve in the country. The success of the project has been attributed for instance to its maintaining an apolitical stance in the broader context of civil war. In addition, local communities were able to find legitimate representation to voice their conservation cause, while all local political negotiations were left to a local NGO to handle¹⁸³. However, serious concerns about lack of adequate involvement of local communities have been raised, particularly in connection to a pilot REDD project being developed in the area¹⁸⁴. In this case, it is also

important to take into account that positive accounts regarding these reserves do not come from the community actors concerned, but rather from conservation organisations with an interest in promoting their own work.¹⁸⁵

Campo Ma'an in Cameroon: When this national park was created in 2000, indigenous Bagyeli communities living in the area were evicted without compensation, FPIC or even proper consultation¹⁸⁶. However, with support from local and international civil society and following mapping projects and advocacy for many years, the Bagyeli forest peoples have managed to have user rights over their traditional land and forests recognised in the management plan of the national park¹⁸⁷. Campo Ma'an is a particular example, as the park is situated within a broader spatial planning unit (called the Operational Technical Unit), which is explicitly supposed to meet conservation objectives alongside local development. This has led to better recognition

¹⁸² Mehlman, 2010

¹⁸³ Ibid.

¹⁸⁴ Tchoumba 2011; FDAPYD 2013

¹⁸⁵ In this particular case it is interesting to note criticism towards the CARPE grantees leading work in this reserve, coming from CARPE's own ranks. In the comments to Pielemeier et al, 2006, WCS notes: "In the Maiko-Tayna-Kahuzi Biega Landscape, the Landscape Lead (CI) has no implementing activities on the ground or presence in the Landscape or the country. As a result, the de facto Landscape Leader on the ground

(Diane Fossey Gorilla Fund International) is a sub-recipient that does not have a cooperative agreement with CARPE or the experience or capacity to carry out this role effectively. This is also a source of conflict. WCS recommends that activities on the ground should be a prerequisite for Landscape leadership."

¹⁸⁶ See Owono, 2003; Nnah Ndobe, 2011.

¹⁸⁷ Nnah Ndobe, 2001, Nelson, 2007

of local communities' needs, relatively more dialogue and the development of some local development initiatives¹⁸⁸. However, conservation objectives seem to have prevailed over development ones¹⁸⁹.

Lossi Animal Sanctuary, Republic of Congo:

The Lossi experience is so far unique in that it involves communities initiating an animal sanctuary. Rather than the usual top-down government designation of areas and state-run conservation, here community knowledge and customary rights were used to create the sanctuary. The Lossi case offers ample evidence of the rewards of working with communities to identify common goals, not to mention of respecting community tenure, local knowledge, and social structure¹⁹⁰. However, the most recent evaluation available (2011) states that in spite of this good start, communities do not actually participate in management decisions; local development initiatives have not been put in place; local communities are not benefitting from this area in economic terms; and that the lack of adequate resources hampers other management activities, including controlling access to the area and the promotion of eco-tourism¹⁹¹.

Community managed hunting zones in

Cameroon: Although explicitly established outside protected areas themselves, community managed hunting zones have been established in the periphery of these as a mechanism to ensure that local communities can manage and benefit from hunting while respecting restrictions within the PAs. Established in the early 2000s in southeast Cameroon as part of the activities of the Sangha Tri National landscape, some new zones have been established elsewhere in the country, although at limited scale.¹⁹² The latest evaluation of this initiative¹⁹³ concludes that the zones have suffered several shortcomings. In general terms, although certain revenues have accrued from management activities, local communities involved consider that these do not compensate for the losses they have suffered from restricted access to the PAs, and indigenous peoples in particular are underrepresented and marginalised from decision making structures. Moreover, these areas do not represent a form of

secure tenure or preclude other uses taking place in the same space, such as logging or mining concessions.

Dzanga Sangha Special Reserve: This PA in CAR is one of the very few in the region under IUCN category VI, which relates to areas where "conservation and sustainable use can be mutually beneficial", including associated cultural values and traditional natural resource management systems. As such, community



involvement has necessarily been an important part of management activities in this area, and several projects have been put in place to promote local development and revenue sharing, promote community rights, foster participation and provide basic health and education services¹⁹⁴. Relevant recent initiatives include an EU funded project implemented by WWF and the Forest Peoples Programme¹⁹⁵ and the "Dzanga-

¹⁸⁸ For WWF's current activities in the park see http://wwf.panda.org/what_we_do/where_we_work/project/projects_in_depth/campomaan/

¹⁸⁹ Colfer, 2005

¹⁹⁰ RFUK, 2009

¹⁹¹ PAPACO, 2011a.

¹⁹² See http://www.wri.org/sites/default/files/uploads/CMR_Poster_2014_english.pdf

¹⁹³ See Bigombe Logo et al, 2007.

¹⁹⁴ See Blom et al. 2004 and Woodbourne 2009.

¹⁹⁵ See Nelson 2011.

Sangha Youth Initiative”¹⁹⁶, both of which focus on the indigenous communities (BaAka and Sangha-Sangha) living in the park. In spite of these efforts, a lot remains to be done to ensure that Dzanga Sangha is a community driven reserve. Conceiving models of participation based on the representation structures of the indigenous peoples has, it is reported, been a challenge¹⁹⁷. In terms of the sustainable use that communities should be able to make of this area, it is worth noting that a recent study on the health situation in the area found that chronic malnutrition is pervasive and that health has generally declined in recent years¹⁹⁸.

Maringa Lopori Wamba landscape: AWF, the organisation leading CARPE programme activities in this landscape has taken several steps to improve local participation, notably by partnering and channelling funding to a consortium of local and national NGOs for the implementation of different activities, such as JURISTRALÉ¹⁹⁹ for law enforcement efforts and the Congolese branch of the African Women Network for Sustainable Development in Central Africa (REFADD, for its French acronym), which supports the gender components of the project. Several components of the landscape programme, such as micro-zoning and livelihood-orientated projects, are carried out by community members²⁰⁰.

In the national parks of Ivindo in Gabon and Odzala-Kokoua in the Republic of Congo there are further examples of attempts at improving representation of local communities in park management. These are explored in more detail in the case studies in Section 5.

For the above cases, while positive lessons were found in the literature (mainly in NGO reports), the present situation would need to be documented with updated field data. The long term outcomes remain to be seen. In many cases, and probably largely due to the lack of engagement of conservationists to change the basic approach of conservation, as well as to

funding constraints, the examples mentioned above might have been one off, short-lived projects rather than an exercise of longstanding engagement with the involved communities. Apart from this, positive work promoting the application of new standards for local and indigenous rights has largely been done or initiated by civil society organisations, rather than by conservation NGOs or national governments (Colchester et al. 2010), and as such has not been integrated into conservation policies and practice in a systematic way (although several conservation NGOs claim to be making efforts to progress in this sense)²⁰¹.

4.7 IMPACTS OF PROTECTED AREAS ON LOCAL AND INDIGENOUS COMMUNITIES

Relations with park managers

There are numerous reports of conflicts between PA managers and local communities²⁰². Reports abound on situations ranging from deep seated mutual mistrust to outright physical clashes. For instance, CED²⁰³ reports that:

“National legislation banning all use inside protected areas – even for non-protected species, and even for subsistence – combined with significant increased investment in ecoguard systems by overseas donors, has led everywhere to increased activities by paramilitary forest guards. This has resulted in well-documented cases of abuse of the rights of indigenous peoples, and encouragement by conservation projects of a general ‘stop and search mentality’ resulting in increased tensions between protected areas and indigenous communities upon them for their subsistence.”

Conflicts have been reported in 21 out of 24 PAs for which information was available. Many communities report abuse and human rights violations, particularly at the hands of park

¹⁹⁶ A video from this project is available at <https://vimeo.com/123191447>.

¹⁹⁷ Anonymous personal communications

¹⁹⁸ Remis and Jost Robinson, 2014

¹⁹⁹ Kinshasa based organisation focussed on law enforcement in the environment sector (<http://www.juristrale.org/>).

²⁰⁰ See more information on http://www.awf.org/sites/default/files/media/Resources/Technical%20Partner%20Newsletters/HLN_2012_1_March_English.pdf and https://www.awf.org/sites/default/files/media/Resources/Technical%20Partner%20Newsletters/ALN_edition_2.2014_English.pdf. Information also provided by AWF via personal communication.

²⁰¹ For example, the Conservation Initiative on Human Rights has prompted organisations such as WWF, WCS and Conservation International to adopt specific guidelines and measures for better implementation of human rights principles in their operations, although this is a relatively new and necessarily gradual process (personal communications).

²⁰² Sassen and Wan 2006; CED, 2008; Kujirakwinja et al, 2010; FDAPYD et al. 2013; IUCN 2014

²⁰³ 2008, p. 7.



rangers, in some cases having given rise to serious human rights abuses (see our in depth case studies below for specific examples). According to numerous accounts, such abuses are generally associated with aggressive anti-poaching policing, whereby local communities are unjustly targeted for illegal hunting, serving an easier target than the more powerful criminal networks driving large-scale commercial hunting. Meanwhile, based on our interviews with local community members, park managers are said to at times have shown tolerance towards miners and loggers acting within PAs, as there are often financial interests involved.

In our interviews with park managers and eco-guards themselves, we found that the guards are well aware of the tensions and negative perceptions held towards them by local communities. One manager interviewed as part of this study stated: *“the relations are difficult with the communities due to the negative perception they have of our activity”*. For one PA manager, the greatest obstacle in terms of improving relations with communities has

been establishing good relationships between them and the eco-guards. One eco-guard in Gabon stated: *“we think that the relations with the communities are bad due to our repressive missions. We think the villagers do not like eco-guards; they perceive [us] as their enemies, as we forbid their access to the forest. The communities blame us for their poverty.”* Another interviewed eco-guard, also in Gabon, said: *“I think the relations with the communities are not good because they think we are there to bother them futilely in prohibiting them from fishing and hunting.”*

Human rights violations by eco-guards

Our research shows that conflictual relations with eco-guards are not only related to the restrictions they impose, but to their often brutal behaviour towards local communities. Testimonies on this are widespread, and RFUK has documented this problem first-hand in the four case studies presented below (Boumba Bek and Nki National Parks in Cameroon²⁰⁴, Tumba Lediima Reserve in DRC, Odzala Kokoua National Park in Congo and Ivindo in Gabon) as well as in Mbaere-Bodingue in CAR²⁰⁵. Our desk research has also yielded civil society reports on abuses by eco-guards around Nouabale-Ndoki in Congo²⁰⁶, Kahuzi Biega in DRC²⁰⁷ and Campo Ma'an in Cameroon²⁰⁸. Reported abuses by ecoguards include torture, cruel punishments, arbitrary detention and confiscation of property, forced entry, intimidation and even rape. Accounts of abuses including physical violence and destruction of property have also been widespread in relation to evictions taking place when parks were created (see displacements section). We delve further into these questions in the case studies below.

Impacts on livelihoods

The socioeconomic impacts of PAs on local communities have not been systematically monitored in any of the Congo Basin countries (with the partial exception of Gabon²⁰⁹), in spite of this being a legal requirement in many cases, as well as a matter of accountability and a first step towards ensuring collaboration²¹⁰. The fact that communities in this part of the world are among the poorest and rank among the lowest in terms of human development indexes makes this all the more urgent. Recently, the Executive Secretary of the CBD stated that “revenue sharing schemes for communities living around protected areas tend to only distribute around 5-10 per cent of the revenue received by the protected area”, which brings forth “the importance of moving toward more participatory and more equitable

governance arrangements for protected areas and biodiversity conservation”²¹¹. Although specific information for the Congo Basin is not available, our desk and field research strongly suggest that revenue sharing might actually be much lower than this global estimate, showing that, from a livelihoods perspective, losses far outweigh the gains that local communities have obtained from conservation.

National statistical data on local livelihoods, and even general demographics and population statistics, are scarce and patchy in these areas, hence the difficulty to provide quantitative figures. Based on our literature review, however, only in nine of the 34 PAs are there reports of some park-related revenues shared with local people: three cases in Cameroon (Boumba Bek, Dja and Campo Ma'an), one in CAR (Dzanga-Sangha), two cases in DRC (Lomako-Yokokala and Tayna), one in Gabon (Loango) and two in Republic of Congo (Lossi and Odzala-Kokoua). All of these were in the form of local community employment for park ranging, with the exception of two, that involved local communities actually getting a percentage of the commercial revenue generated by the park for community development (in Odzala-Kokoua and Lomako-Yokokala) (see Annex IV for details). In general, ecotourism in the region remains very low, and even when present, is highly questionable in terms of whether it ultimately brings more benefits than negative impacts, particularly to local culture. As one respondent from the Republic of Congo near Odzala-Kokoua stated:

“There are tourists who come here and for whom we have to perform folkloric dances. Just that we have decided to no longer do this as it is not worth it for us; we do not gain anything from giving these performances.”

Meanwhile, other possible community-benefit schemes (e.g. from REDD+, community forestry,

²⁰⁴ This case has been widely documented. See accounts by the Centre for Environment and Development http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/CM/CED_UPR_CMR_S16_2013_CenterforEnvironmentandDevelopment_E.pdf, the Forest Peoples Programme <http://www.forestpeoples.org/enewsletters/fpp-e-newsletter-october-2014/news/2014/10/conservation-projects-harm-communities-threa>, Survival International <http://www.survivalinternational.org/about/southeast-cameroon>.

²⁰⁵ See MEFP, 2011.

²⁰⁶ CERD 2009, OCDH, 2005

²⁰⁷ ACHPR/IWGIA, 2009; Mudinga et al, 2013.

²⁰⁸ Owono, 2001.

²⁰⁹ Foerster et al (2011) put in place a longitudinal study on the impacts of PAs on local livelihoods, comparing results from villages that used the parks with others that didn't. To date, only the first results of this exercise are available, and data was collected when park management activities were not fully in place. The results of a second round of data collection would provide very valuable insights into the matter (we found no information as to when this will be done, however).

²¹⁰ See Homewood, 2013

²¹¹ Quoted in IUCN et al, 2015, p. 2.

or non-timber forest product markets), while in some cases proposed and even officially planned, remain to date only on paper and under-developed. For instance, large scale REDD+ projects are being planned in Congo and DRC, which cover at least partially the Odzala-Kokoua National Park and the Tumba Lediima reserve, respectively²¹². However, in both cases serious concerns have been raised that these plans are going forward without anything like adequate consultations with local communities and both apparently contain provisions that might actually end up dispossessing these peoples even further²¹³. Further research is needed on other potential positive impacts – for example, anecdotal evidence suggests that PAs in some cases constitute important breeding areas for species on which local communities depend on for protein consumption. However, apart from the aforementioned study in Gabon, we could not find systematic assessment on the livelihood impact of this and other environmental services that PAs might be providing to local communities.

On the other hand, the creation of the PAs analysed seems to have diminished local livelihoods in all cases. For instance, it was previously mentioned that conflict had been documented in 21 out of 24 areas for which there was information, and of these most were linked to use of forest resources. In all cases for which data was available (24) displacements have been reported, and adequate compensation has not taken place in any of them. In all locations where RFUK has undertaken participatory mapping, protected areas impinge on traditional livelihood activities. Hundreds of testimonies were collected during these exercises where communities have linked their hardships to the restrictions they face from PAs. Our four cases studies below all confirm these findings. Although the specific impacts of PAs are hard to isolate, particularly as local communities' use of the forest is restricted by many other users, it is crucially important that rigorous studies are undertaken to measure and analyse the extent of this problem. Relatedly, the extent to which conservation activities are meeting pledges and obligations related to

resource rights and benefit sharing (see Annex I) should also be systematically monitored.

The results of our PA manager questionnaires suggest that in seven PAs there has been some form of compensation to local communities. While these are not always explained or described, often they have come in the form of ad hoc payments when elephants have destroyed subsistence crops. In a few cases the compensation has been in the form of building a bridge or a hydro-electricity generating plant, or establishing a school or dispensary. However, these examples seem to be ad hoc compensations for losses that communities have incurred, rather than actual benefit sharing, which should be an ongoing process. The fact that managers seem unaware of the difference between the two points to the lack of clarity in terms of what communities deserve in exchange of relinquishing their land and resource rights.

Displacements and evictions

Perhaps the greatest of all social impacts of PAs relate to population displacement²¹⁴. Population displacement has been a feature of many PAs, particularly in the developing world²¹⁵. In the Congo Basin, where there are no officially recognised land rights, none of the PAs correspond to customary land anywhere, and such poor track record of consultation exists, the establishment of PAs by definition constitutes a threat to local peoples' rights to land and resources.

Yet, despite its severity, much of the case work on conservation-induced displacements is only available in the grey literature rather than as published materials²¹⁶. With lack of verifiable evidence, there has been fierce debate with regard to the estimated number of displacements that have resulted from the establishment of PAs²¹⁷. While some argue that conservation organisations are under-reporting the number of people living within the parks and threatened with displacement²¹⁸, national governments and researchers²¹⁹ refute such claims²²⁰.

²¹² See the website of the Forest Carbon Partnership Facility for the official Emission Reductions Program Idea Notes for Congo <https://www.forestcarbonpartnership.org/republic-congo> and DRC <https://www.forestcarbonpartnership.org/democratic-republic-congo>.

²¹³ See FPP-FERN, 2014

²¹⁴ Agrawal and Redford 2007

²¹⁵ Colchester 2004; Dowie 2005

²¹⁶ Agrawal and Redford 2009)

²¹⁷ See for instance Curran et al. 2010.

²¹⁸ Brockington & Schmidt-Soltau, Kramkimel, 2005

²¹⁹ Redford & Fearn, 2007

²²⁰ UNEP-WCMC 2008



Research shows that in Sub-Saharan Africa “over 85% of all PA establishments were associated with state expropriation of customary tribal lands, dismantling of villages and exiling communities”²²¹. Specifically in our study region, one study²²² estimates that the number of people displaced from 12 PAs in Central Africa amounted to 120,000 individuals, and that further displacements would likely continue if no changes are brought about in conservation policy. Apart from the actual numbers, which have been disputed, what these scholars point out is the anger and bitterness generated by displacement of local populations, which in turn can lead to conservation failures. In vast and hard-to-access areas such as the forests of the Congo Basin, where most governments and PA managers are limited in their capacity to patrol and enforce existing regulations, conservation success is all the more dependent on the active participation of local communities in these processes, including

their ability to monitor. Moreover, the relationship between the displacement of humans from the PA and the marginal gain such displacement confers on biodiversity conservation needs to be studied. To date, displacement of local populations has taken place on the assumption that human presence invariably impacts wildlife and biodiversity negatively; yet to what extent this assumption is systematically correct remains unanswered²²³, and evidence from around the world actually shows that the contrary can be the case²²⁴.

In 2004, the World Bank changed its guidelines on resettlement, extending the definition of ‘involuntary displacement’ to include the restriction of access to resources in PAs, even where no physical displacement had occurred²²⁵. The private sector funding arm of the Bank, the International Finance Corporation (IFC), applies a consistent definition²²⁶. This is particularly

²²¹ Lockwood, 2010, p. 755.

²²² Cernea & Schmidt-Soltau 2006

²²³ Agrawal and Redford 2009

²²⁴ See Porter-Bolland et al, 2012.

²²⁵ Cernea 2006

²²⁶ Economic displacement is defined under IFC Performance Standards as

“loss of assets or access to assets that leads to loss of income sources or other means of livelihood”, see http://www.ifc.org/wps/wcm/connect/3d82c70049a79073b82cfaa8c6a8312a/PS5_English_2012.pdf?MOD=AJPERES. See also World Bank Operation Guideline 4.12 <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064610~menuPK:4564185~pagePK:64709096~piPK:64709108~theSitePK:502184~isCURL:Y,00.html>



relevant in the case of nomadic and semi-nomadic indigenous peoples in the Congo Basin. The following definition sums this up well: “in the context of PAs, displacement includes loss of rights to residence, loss of rights to use land and resources, foreclosure of rights to future use and loss of non-consumptive use values, such as access to places of religious or cultural value”²²⁷.

Hence, in our study we have considered displacement both in the physical sense as well as economic displacement, which may not entail loss of one’s permanent shelter (i.e. without relocation). We found that at least 26 of the 34 PAs have resulted in local communities being at least partially physically displaced or evicted from their lands due to PA establishment. In each one of our case studies, the establishment of

the PA has involved some form of displacement, in terms of restrictions to resource use and to ancestral lands. In some cases, entire villages have had to be relocated. However what is also commonplace throughout the Congo Basin is the non-physical displacement of local communities, where future access to land or resources has been limited or even entirely prohibited, with immense impacts on the economy, culture, livelihood and identity of local forest peoples.

To our knowledge, there have to date been no cases of assignment of lands to previously displaced peoples from PAs in the Congo Basin²²⁸, nor has there been any “fair” (i.e. long-lasting, sustainable, equitable) compensation (if such is even possible). Indeed, we did not find any documentation of adequate compensation being granted in any of the 34 PAs we analysed. In one PA, established more than 20 years ago and where no compensation whatsoever has been given, the PA manager’s reasoning was as follows: “No, there has not been any compensation since the displacements, as this is the problem of the State, who is responsible. Hence the procedure takes a long time.” Another manager, reflecting on the PA created 15 years ago, said that: “We are still in the process of thinking about the mechanisms of adequate compensation in the form of money.”

One noteworthy attempt to tackle the problem of eviction is the Whakatane Mechanism launched by IUCN and FPP in 2014. This process aims to propose and implement solutions where PAs have had negative impacts over the rights and lands of indigenous peoples and local communities.²²⁹ In the Congo Basin, this mechanism is currently being tested in the Kahuzi-Biega National Park, which represents one of the most long-standing and best documented cases of eviction of indigenous peoples from their traditional lands, beginning in the 1970s²³⁰. The process faces the daunting challenge of addressing decades of injustice, conflict and mistrust, and is yet to prove its effectiveness in brokering agreements among the parties involved.

²²⁷ Adams and Hutton, 2007, p. 157.

²²⁸ According to our discussions with actors involved in the area, the proposed Lomami National Park which is in the process of being formally created in DRC, will give place to the eviction of at least one village, for which a relocation site has already been identified. However, although the population seems to have left the area (possibly due to

local banditry), their resettlement has not taken place (anonymous personal communications). The extent to which the free prior and informed consent of communities to this relocation has been obtained is not known.

²²⁹ See <http://whakatane-mechanism.org/>

²³⁰ See Barume, 2000.



Many argue that full compensation is an obligation where people living with PAs face economic costs due to the establishment of the PA²³¹. International instruments such as ILO Convention 169 (Art.16) establish general criteria for compensation to indigenous peoples who are relocated from their land, although the full effects of displacement are difficult to fully account for. Our findings, however, are in line with other studies in the region that indicate that not only have no compensations been paid in cases of displacement, but neither has any planning been undertaken to help those displaced re-establish livelihoods elsewhere²³². This also relates to the lack and insufficiency of consultation, as mentioned above, in which no evidence has been found of participatory processes such as customary tenure and resource use mapping taking place prior to park establishment. In this sense, customary land rights are not even known, and much less taken into account for land use planning, including PA conception and establishment. Thus, socio-economic baselines in many cases have not been recorded or assessed, nor have potential and actual displacements.

As seen in Section 3.2, displacement and evictions are considered as serious human rights violations including under the International Covenant of Economic, Social and Cultural Rights, the main indigenous peoples rights instruments, national law and donor principles including very specific operational standards by the World Bank

and IFC. Worth recalling is also the Durban Action Plan, in which the conservation community called for restitution of indigenous peoples' lands that had been seized for the creation of PAs²³³. Organisations such as IUCN, WWF, CI and WCS have also adopted specific policies on involuntary resettlement (see Annex I for details). Available reports, including this one, show that these obligations and pledges have been largely disregarded in the Congo Basin. As the area under protection in the region is set to continue increasing and customary land rights continue to be neglected, this situation will become increasingly contentious, particularly as local communities face additional restrictions to their use of the forest from loggers, miners, agro-industries and others. Initiatives aiming at promoting human rights in the conservation context should look to address this issue as a priority, including by:

- acknowledging, documenting and providing genuine remedy to past cases of displacement;
- undertaking appropriate consultation processes and obtaining FPIC from local communities in current cases of establishment of protected areas, as well as where boundaries are being redefined (see Tumba Lediima case study below);
- refusing involvement in projects that entail displacement without a genuine FPIC process and credible compensation plan.
- establishing strict mechanisms to ensure that this is avoided in the future.

Impacts on indigenous peoples

Indigenous peoples in the Congo Basin rainforest are traditionally hunter-gatherers and many of them still lead nomadic or semi-nomadic lifestyles, spending large parts of the year deep in the forests. They are generically referred to as "Pygmies", although this term can be considered pejorative²³⁴ and represents a group that is actually constituted by several peoples including the Baka, Aka, Bagyeli, Bakola, Batwa, and others. Indigenous communities in the Congo Basin are heavily discriminated against and

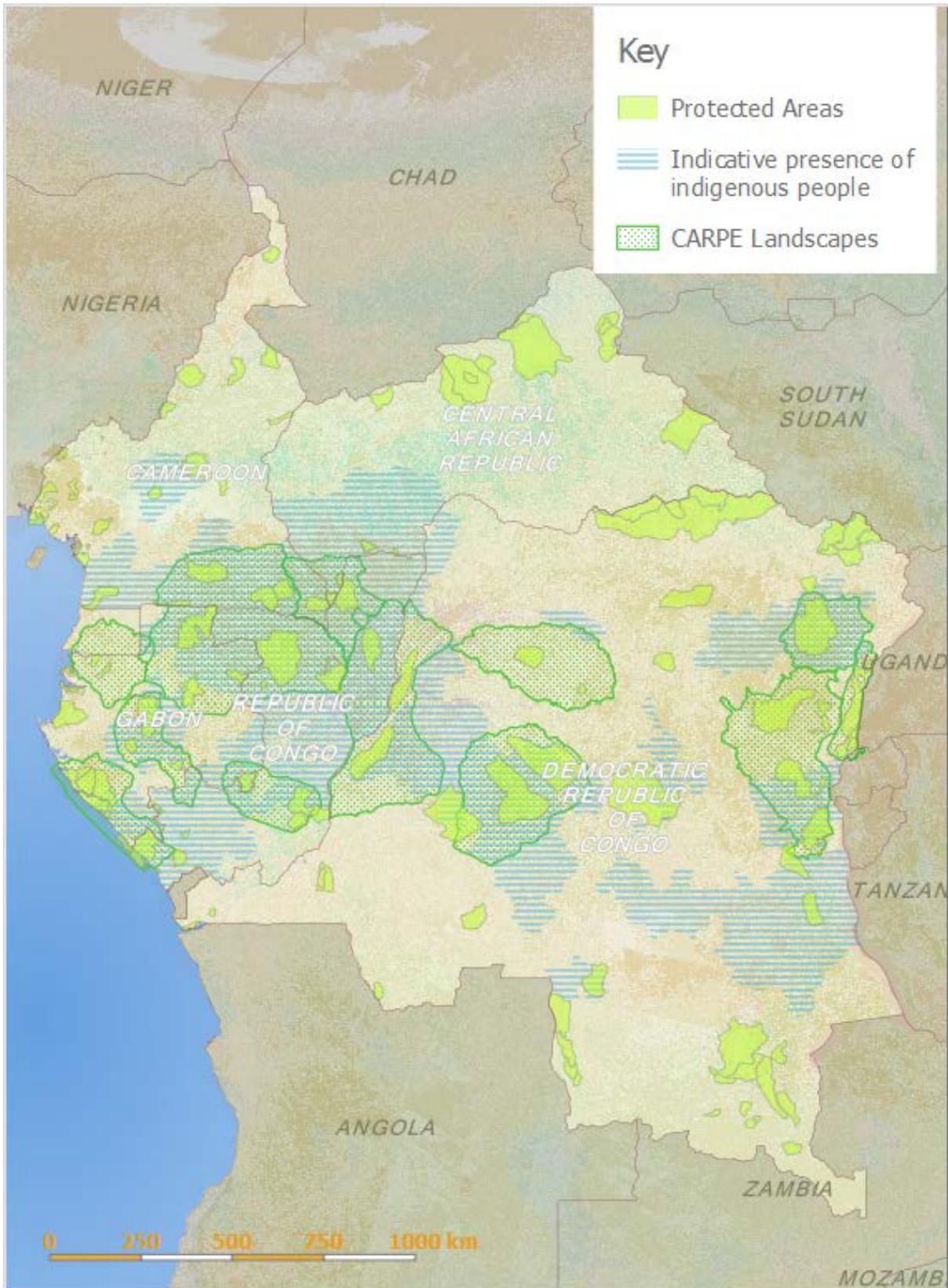
²³¹ Adams and McShane 1992; Tacconi and Bennett 1995; James et al. 1999.

²³² Cernea and Schmidt-Soltau, 2003.

²³³ Number 10 of the "15 Targets to be achieved by the Time of the VIth IUCN World Parks Congress" states "Participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed

consent established and implemented by 2010" (available at: <https://cmsdata.iucn.org/downloads/durbanactionen.pdf>).

²³⁴ In the Republic of Congo, it is even forbidden by law (article 1, Law No.05-2011 on the protection and promotion of indigenous peoples' rights).



Indicative presence of indigenous peoples, protected areas and CARPE landscapes in the Congo Basin. Source: RFUK and DGPA (IP presence), WRI (PAs and landscapes)



marginalised. They have no rights over the lands they depend on and have virtually no means of political representation, voice, or participation. This position of vulnerability means that they are also particularly exposed to the impacts of conservation mentioned above. Nearly all of the PAs in our sample for which this information is available have the presence of indigenous forest peoples.

The relations between indigenous peoples and Bantu farmers date back thousands of years, as the skilled hunters would at times trade bushmeat with their neighbouring farmers in exchange for useful tools and supplies (e.g. pots and pans, machetes). While these relations continue to be characterised by highly unequal power structures (indigenous peoples being subordinated and discriminated against, and even to this day often used as slave labour by the Bantu), these inter-ethnic relations are more complex and fluid than may at first appear, allowing for a multiplicity of socio-economic relationships²³⁵. Nonetheless, there are numerous reports of conflicts between local farming Bantu communities and indigenous forest peoples. These conflicts are likely to have been exacerbated by PA restrictions placed upon

these communities, causing more competition over limited resources²³⁶.

Other reasons why indigenous peoples suffer the impacts of protected areas disproportionately include:

- Long-term, low-impact 'guardianship' (in a very real sense) over large areas of forest might mean that areas inhabited by indigenous peoples are precisely those today perceived by foreign conservationists as holding greatest 'biodiversity value'. For instance, available data shows significant overlaps of current PAs with zones where there is known indigenous presence (see map on page 69). The correlation between indigenous presence and conservation value has been widely documented in other rainforest areas, and our data suggests a similar situation in the Congo Basin.
- Their traditional and sustainable hunter-gatherer lifestyles require movement around large areas of forest, which often coincide with priority areas for conservation. Indeed, most of the cases of displacement that we found for this study involved indigenous peoples, including

²³⁵ Joiris, 2003

²³⁶ See e.g. RFUK 2009b; Robillard, 2010; Pyhälä, 2012

that of Kahuzi Biega, Salonga, Virunga and Okapi in DRC²³⁷, Boumba Bek, Nki and Campo Ma'an in Cameroon²³⁸ and Nouabale-Ndoki in Congo²³⁹.

- Current consultation and participation processes are inadequate especially for indigenous peoples whose systems of knowledge and modes of communication, representation and decision making are often different from those used to 'consult' them. For instance, the Boumba Bek case study below demonstrates that no differentiation has been made in engagement strategies with Bantu and Baka populations, which has effectively led to the exclusion of the latter.
- The discrimination they suffer in all other areas of life is also reflected in the relations that conservation agencies have with them, for example, especially where Bantu neighbours are given preference for employment opportunities or when they negotiate on behalf of the indigenous population. In the Odzala-Kokoua case study below, indigenous respondents affirmed that there were no indigenous persons

employed by the park. This isn't an isolated case.

- With hunting playing a central role in indigenous peoples' livelihoods and culture, they have inevitably been important targets of anti-hunting efforts. They are also sought after by illegal poachers due to their hunting skills. Again, the cases of Boumba Bek and Odzala-Kokoua illustrate this problem in more detail.

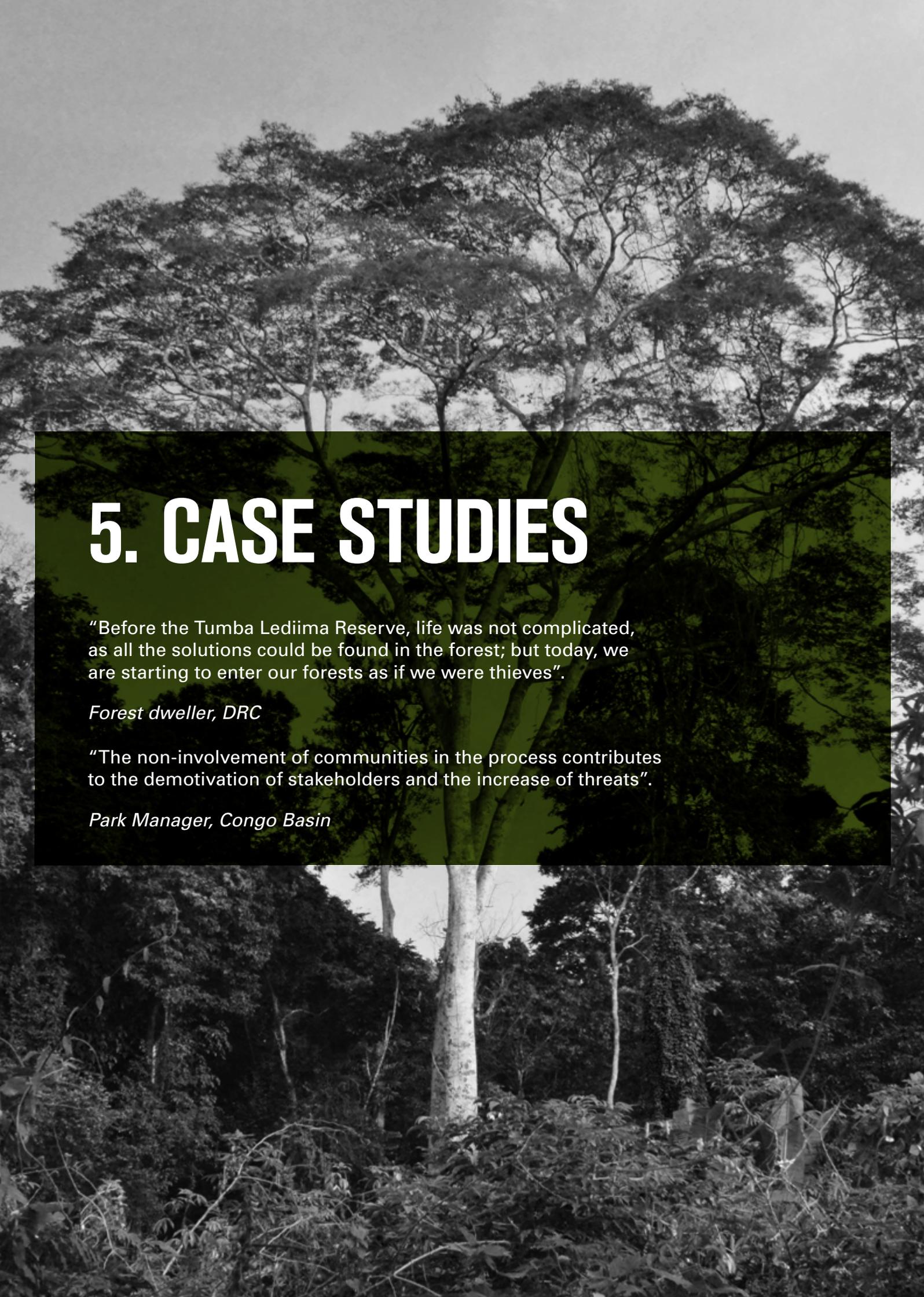
In sum, although forest peoples in general in the Congo Basin have faced great impacts from conservation projects, the situation of indigenous peoples merits particular attention. Unfortunately, legal and institutional arrangements to ensure this takes place are still mostly incipient. As mentioned in Section 3.2, only the Central African Republic and the Republic of Congo have specific legislation in this regard, but in both cases implementation is lagging far behind. However, all national governments in the region, as well as donors and NGOs have specific obligations towards Indigenous peoples, by virtue of the instruments, policies and declarations mentioned above.



²³⁷ See Barume, 2000, ACPROD-BATWA et al, 2013.

²³⁸ See Ndamu 2001.

²³⁹ Cernea and Schmidt-Soltau, 2003a.



5. CASE STUDIES

“Before the Tumba Lediima Reserve, life was not complicated, as all the solutions could be found in the forest; but today, we are starting to enter our forests as if we were thieves”.

Forest dweller, DRC

“The non-involvement of communities in the process contributes to the demotivation of stakeholders and the increase of threats”.

Park Manager, Congo Basin

In this section we present four in-depth case studies of protected areas in four different countries: Cameroon, DRC, Gabon, and Republic of Congo. Each case study is a national park or reserve that is of high priority in the national conservation strategy of the country, if not of the entire Congo Basin region. The purpose of carrying out these case studies was to see – on the ground – how PA realities relate to the wider conservation and human rights paradigm. In other words, the objective was to determine how conservation policies and human rights obligations are being applied (or not), and to validate the more general findings obtained from the desk study literature review and from the PA managers questionnaire.

In collaboration with local partners, we collected data around the five PAs in question; Boumba-Bek and Nki National Parks in Cameroon, Ivindo National Park in Gabon, Odzala-Kokoua National Park in the Republic of Congo, and Tumba Lediima Nature Reserve in DRC. In each country, a team of local experts visited several villages around the area and collected data using standard ethnographic methods, including semi-structured open-ended interviews with individual community members (188 in total), focus groups, as well as interviews with other actors such as individual eco-guards, local authorities and BINGOs. The information given was verified

using standard triangulation. We also received comments on these findings by a number of stakeholders, who wish to remain anonymous, as described in Section 2.

The Tumba Lediima case also draws on RFUK's work in the area which comprises participatory mapping and collection of data on socio-economic conditions covering all of the reserve and surrounding area, advocacy work with local communities and organisations in favour of land rights, as well as in-depth surveys on traditional conservation measures and human rights violations by eco-guards. RFUK also has prior mapping and project experience in the other four parks considered for this study²⁴⁰.

We visited a total of 13 villages across the five areas (see Table 3): five villages around Boumba-Bek/Nki (all of Baka ethnicity), two villages in Ivindo (of Kota, Fang and Makina ethnicities), three villages around Odzala-Kokoua (comprising Mbokos, Bakotas, Bakola, and Mongome ethnicities) and three villages in Tumba Lediima (all Bantu, and all within the reserve, placed in the north, centre and south). Table 3 outlines the characteristics of the in depth case study villages. Village names are listed below but withheld when we present our results, for reasons of agreed anonymity with – and safety of – interviewees.



Focus group discussion, DRC



Mapping activity during group discussion, DRC

²⁴⁰ All mapping data is available at www.mappingforrights.org

Table 3. In depth case study village characteristics

Country	Reserve/ Park	Village Characteristics			
		Village	Ethnicity	Population ^a	Establishment
Cameroon	Boumba Bek	Massea	Baka	530 / 56	early 1900
		Ngatto Ancien	Baka	345 / 21	around 1970s
		Maléa Ancien	Baka	225 / 22	around 1970s
	Nki	Djadom	Baka	258 / 25	early 1900
		Ndongo	Baka	265 / 15	early 1900
Democratic Republic of Congo	Tumba Lediima	Mankakiti	Anamongo	4800 / 580	1924
		Nkondi	Bantu (not indigenous)	15 432 / 1,929	“before the whites came”
		Maila	Bantu	290 / 31	“before the whites came”
Gabon	Ivindo	Loaloea	Kota, Fang, and Makina	351 / 32	early 1920s
		Epassendjé	Kota	350 / 100	1900
Republic of Congo	Odzala Kokoua	Mbandza	Mbokos, Bakotas, Bakola, Mongome	129 / 47	1972
		Ollémé	Mbokos, Bakolas	110 / 27	1935
		Ebana	Mbokos	37 / 14	1937

a Population in individuals / households, as reported by interviewees

It is important to mention that RFUK attempted to obtain the management plans of all these PAs, as they would have provided an essential baseline on which to assess effectiveness and impacts. However, these documents could not be analysed as they are either unavailable or appear not to exist:

Tumba Lediima Reserve: high level officials at ICCN confirmed personally to RFUK that there is no management plan for this area.

Boumba Bek and Nki: although management plans for these parks were developed in 2012 according to RAPAC²⁴¹, RFUK could only obtain an unofficial draft made in 2010. However, a recent study by WWF acknowledges that a new

management plan needs to be developed to incorporate the customary rights of local Baka populations²⁴². More details are provided below.

Ivindo: the research team was aware that an outdated management plan was formulated, but it was never validated or formally approved. They did not succeed in obtaining this document or a more recent version.

Odzala Kokoua: an updated plan was formally adopted by the Congolese government in February 2015, although the document itself is not publicly available (only an unofficial draft was obtained by RFUK). All the available references to its content have been considered and mentioned in the case study below.

²⁴¹ See RAPAC, “État des lieux des plans d’aménagement », published on 22 May 2013 : http://www.rapac.org/index.php?option=com_content&view=article&id=85:etat-des-lieux-des-plans-damenagement&catid=13&Itemid=270

²⁴² Njounan Tegomo et al. 2012.

5.1 TUMBA LEDIIMA NATURE RESERVE, DEMOCRATIC REPUBLIC OF CONGO



Tumba Lediima Nature Reserve, DRC

Background

Tumba Lediima Nature Reserve was created on the 7th December 2006 (ministerial order No. 053/CAB/MIN/ECNEF/2006), covering an area of 750,000 hectares. Local communities include mostly Bantu farmers, with an estimated population of more than 100,000 living within the boundaries. The reserve is located within the CARPE landscape Lac Télé-Lac Tumba, which straddles the Republic of Congo and DRC, and in 2008 was included in the Ramsar site 'Ngiri-Tumba-Maindombe', as Lake Tumba is a key habitat for migratory birds. Forest elephants are still present in the reserve, as well as bonobos, situngu and forest buffalo. The conservation objectives include the preservation of the forest cover through the protection of micro-habitats, and the protection of endangered species, such as elephants, bonobos and Hartlaub duck²⁴³.

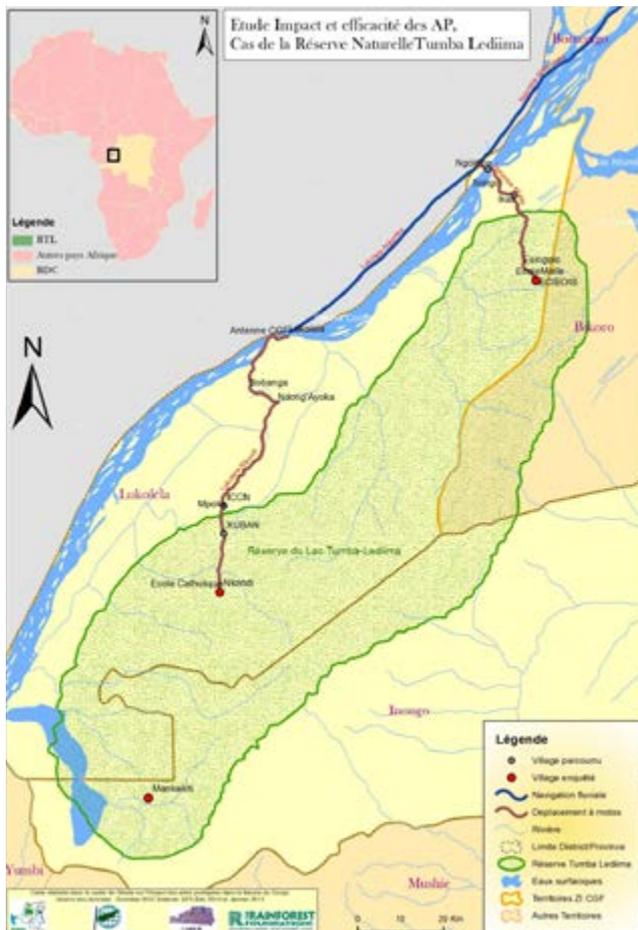
To date, the formal IUCN categorisation for the reserve hasn't been reported.

The Reserve is relevant for conservation policies in the region not only because of its ecological value or the fact that it lies within a CARPE landscape, but also it potentially forms part of a proposed major new REDD+ project area, as will be explained in more detail below. Tumba Lediima also illustrates the contradictions and compromises between conservation and extractive activities, since three logging concessions currently overlap the reserve (concession 020/11, managed by SCIBOIS, and concessions 015/11 and 026/03 managed by SOFORMA/SODEFOR)²⁴⁴. In addition, one oil exploration permit has been granted inside the reserve (Concession 01 managed by COMICO since 2013)²⁴⁵, although local organisations and interviewees are not aware of this concession or

²⁴³ IUCN/PACO 2010

²⁴⁴ WRI/RFUK 2015.

²⁴⁵ Ibid.



Villages consulted for the Tumba Lediima case study

any related activities. This makes it the only PA in our sample with logging and oil concessions within, rather than around the area. In addition, WWF is currently assessing re-delineation of the reserve, which would probably see the areas overlapped by logging companies being excised altogether, with large new areas being added to the east, inside Mai Ndombe (currently Bandundu Province) and the new REDD+ sub-national project area, as explained below. According to WWF, this assessment could also end up suggesting potential modifications of the governance structure and management category of the reserve (see Annex 5 for more details).

The reserve is presently managed by the Congolese Institute for Nature Conservation (ICCN), the government's PAs agency, but in collaboration with WWF. Funding for WWF for work on the Lac Télé-Lac Tumba landscape currently comes from CARPE²⁴⁶, with support from the US but also the Norwegian government. The World Bank, via the Global Environment Facility also approved funding for the Lac Télé-Lac Tumba landscape in 2013, but according to publicly available data, project implementation has not yet started²⁴⁷. In this sense it is useful to recall that any GEF project in the area would be bound by World Bank operational standards (see Annex I). Up until 2001, WWF had received support from Germany's KfW to set up the Tumba Lediima conservation area²⁴⁸. Although KfW remains one of the most important donors in the conservation sector in DRC, working directly with ICCN, it is unclear whether the bank is still funding activities in Tumba Lediima specifically. Similarly, in correspondence addressed to RFUK, WWF has confirmed that they were supporting ICCN's work in the area technically and financially, although they reportedly ceased this support in early 2014 for reasons that are explained below. At the time of writing, it hadn't been confirmed whether or not this collaboration had resumed.

Research results: inadequate involvement

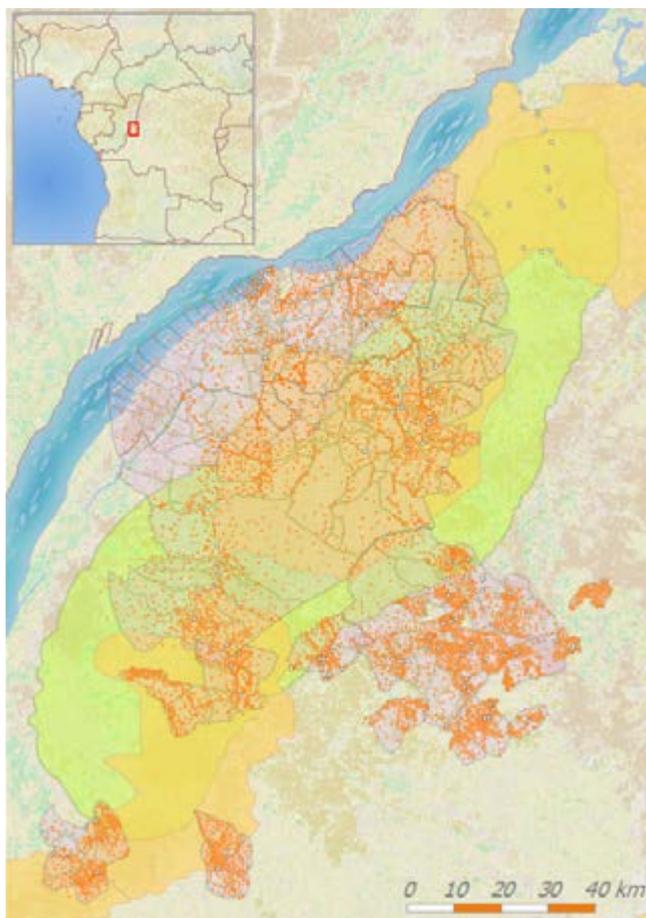
The Tumba Lediima Reserve is characterised by a highly conflictual relationship between communities and park managers. Our evidence shows lack of consultation and proper involvement, widespread report of abuses and human rights violations by eco-guards, a perception of diminished livelihoods due to PA restrictions and a general lack of regard to local communities' views. In spite of the fact that the area has long been managed by traditional practices under customary tenure arrangements, the boundaries of the reserve have completely disregarded these (see map above). In fact, our field research took place in three villages located within the reserve, and they consider this area as part of their traditional territory. As participatory

²⁴⁶ See related documents for CARPE Phase III here: http://carpe.umd.edu/resources/CARPE_III_Meeting.php

²⁴⁷ The project "Catalyzing Sustainable Forest Management in the Lake Tele-Lake Tumba (LTLT) Transboundary Wetland Landscape" received CEO endorsement in 2013 but the GEF website does not provide updated details regarding its implementation status (see https://www.thegef.org/gef/project_detail?projID=3750). The GEF has committed

2.1 million USD for this project, with co-financing of 6.6 million USD mainly coming from CARPE partners WCS and WWF (5 million USD) and the Congolese government (one million USD).

²⁴⁸ See <http://www.fao.org/forestry/vrd/arrangements/46> and http://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/climate_change_17_2013_evaluation_of_the_international_climate_initiative_ici_korr.pdf



Tumba Lediima Reserve and logging concessions overlapping customary tenure

mapping and consultation carried out by RFUK has demonstrated, this is the case in practically all of the reserve.

Regarding consultation and participation of local communities, our findings demonstrate that these requirements have been largely neglected in the case of Tumba Lediima Reserve. Here, it is important to recall the following relevant obligations and commitments (see section 3.2 for details), noting that most of these instruments predate the creation of Tumba Lediima:

- CBD requirements in terms of participation and consultation, especially in light of COP Decision VII/28 of 2004 as well as Aichi Biodiversity Target 11, adopted in 2010.
- The obligations of the Congolese state to consult local populations before PAs are set up (article 15, Forest Code of 2002) as well as to promote participation of local communities in

conservation (article 26, new Nature Protection Law of 2014)

- Ministerial order No. 053/CAB/MIN/ECNEF/2006 which established the reserve, which states that “the reserve shall be managed so that it contributes to the socioeconomic development of local communities, by means of programme for Community Participatory Conservation” (art.5).
- The US Foreign Assistance Act of 1961 provisions regarding local involvement (section 119)
- IFC Operational Standards, as they apply to KfW operations (particularly standards 1, 5 and 7)
- WWF’s commitment to local involvement , as per its guiding principles²⁴⁹ as well as its membership in the Conservation Initiative on Human Rights
- The Durban Action Plan adopted at the Vth IUCN World Parks Congress in 2003.

Contrary to these provisions, the three communities consulted in the field all report not having been consulted before the reserve was created and not being properly informed or involved in current management activities. Some villages also report that ICCN officials promised certain improvements, such as the construction of schools and dispensaries. The fact that these projects have not been carried out has increased animosity and mistrust. In all cases, knowledge of the reserve and its objectives is very limited and certainly not sufficient to make informed decisions – reportedly, not even eco-guards are fully informed about the actual boundaries of the reserve, which has in turn led to questions about their jurisdiction. The level of knowledge varied markedly between the villages. The one closest to the local ICCN base was by far the most informed, while the others remain virtually untouched by management activities, in some cases not even by eco-guard patrols²⁵⁰.

Interviewees reported that after reserve creation, ICCN had arranged two meetings in the community of Nkondi (the specific date was not recalled), but in the first one the community refused the proposed plans, and in the second meeting only a few prominent figures of the village took part, and no agreement was made.

²⁴⁹ See http://wwf.panda.org/mission_principles_goals.cfm

²⁵⁰ Maila reported never to have been visited even by ecoguards, Mankatiti once by ecoguards. Frequent visits are reported in Nkondi.

Similarly, in none of these villages has there been any effective awareness-raising, environmental education, or community involvement with regards to nature conservation. On the contrary, many interviewees said that the rules of the reserve had been communicated orally, without any written rules set, making it difficult to know what is allowed and what not. Out of 49 individual interviewees, 45 report not having been involved at all in PA creation. The only four who replied in the affirmative (all from the same village) actually recall being informed about restrictions, rather than consulted. As one respondent stated:

“The first team that came organised a meeting during which they said that, henceforth, hunting and fishing would be forbidden. Our community got angry because that wasn’t dialogue, it was an imposition.”

At present, WWF is leading a study that will propose different scenarios to redefine the boundaries of the reserve, and which could end up making way for the three overlapping logging concessions, amidst large scale local opposition to heavy handed conservation activities and conflicts with reserve managers and eco-guards²⁵¹. At the time of the consultations for the present report (December 2014 and January 2015), none of the villagers interviewed knew about the plans to revise the reserve’s boundaries²⁵². Although WWF has claimed in a written communication to RFUK to have undertaken participatory mapping and consultations, written information that would allow verifying these processes is not available, even though it has been requested. WWF has also stated that this study in no way seeks to question the legality of the logging concessions currently overlapping the reserve, with whom they have worked very closely²⁵³. Although WWF committed to circulate the study in July 2015, at the time of writing neither RFUK nor local partners had obtained a copy, in spite of repeated requests to WWF. It is unclear whether the study has been completed or not.

One WWF/ICCN map suggests that the reserve would be partly ‘relocated’ and expanded into a REDD+ project area which has already received development funding from the World Bank Forest Carbon Partnership Facility²⁵⁴. Although, according to WWF (see Annex 5), this particular map produced in 2012 is outdated, RFUK has not been able to access any more recent proposals. The existing southern part of the reserve, including the village of Mankakiti, already lies within the Mai Ndombe jurisdiction, the proposed area for the REDD+ project for which WWF is also leading preparatory work (although it is unclear whether this work covers the whole project area), with Norwegian funding²⁵⁵. Although the link between the redefinition of the reserve and the REDD+ project has not been officially stated (despite clarification being requested from WWF), it is interesting to note a 2012 proposal put forth by WWF and ICCN which in effect shifts the reserve away from the logging concessions and significantly expands the area of the reserve within the Mai Ndombe jurisdiction (see map below). It is also important to note that WWF’s project description under CARPE for the Lac Tumba landscape characterises the Reserve as an area “with high carbon stocks and high rates of deforestation, and so a significant opportunity for REDD+ offset payments for reduced deforestation”²⁵⁶. This might be a strategy to ensure that there will be funding available in the long term for this reserve. The conservation justification for such a change is not known despite, again, having been requested.

If a REDD+ project which is already operational within Mai Ndombe (managed by Wildlife Works Carbon) is any indication of what this much larger scale programme might bring, there are reasons for grave concern. According to our field data and ongoing collaboration with local partners, there are serious lacunae in terms of involvement and consultation with local communities, as well as disregard to customary land rights. Local partners also report conflicts between communities in connection with the project, including incidences of violence against

²⁵¹ WWF, Présentation de l’étude « Revue des stratégies de conservation des valeurs naturelles de l’espace Tumba-Lediima » Kinshasa, le 25 mars 2015, Power Point presentation.

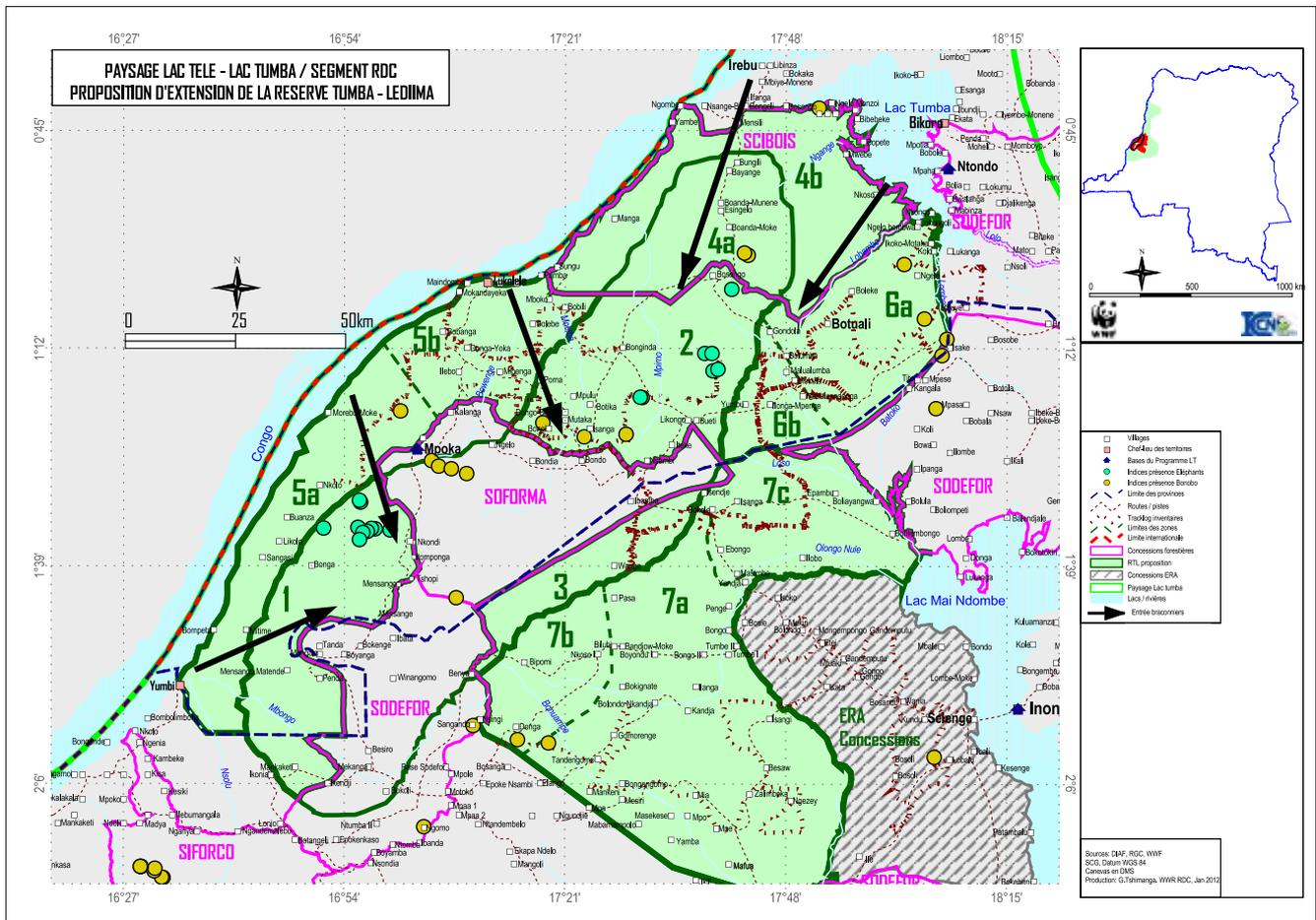
²⁵² According to local partners, in other villages, WWF staff were allegedly forced to flee out of a window during the consultation for their study.

²⁵³ WWF, « Présentation de l’étude... » op. cit.

²⁵⁴ For more information and the latest Emissions Reduction Project Idea Note (ER-PIN) see <https://www.forestcarbonpartnership.org/democratic-republic-congo> and FCPF, 2014a.

²⁵⁵ For more information on these REDD initiatives, see: <http://wwf.panda.org/?211634/Building-REDD-for-People-and-Nature—from-lessons-learned-across-Indonesia-Peru-and-the-Democratic-Republic-of-Congo-to-a-new-vision-fo>

²⁵⁶ USAID Cooperative Agreement AID-660-A-14-00001-WCS “Central Africa Forest Ecosystem Conservation (CAFEC)- Lac Tele-Lac Tumba Forest Landscape”, 24 January 2014, p. 18 of 181.



2012 proposal to extend the Tumba Lediima Reserve further into the Mai Ndombe REDD+ jurisdiction', WWF, ICNN

some representatives who have been accused of “selling the forest” without consulting their communities. The preliminary documentation for the REDD+ programme which could cover a large part of a re-defined Tumba Lediima Reserve, clearly indicated intent to reduce or outlaw almost all of local communities’ main livelihood activities, including rotational farming, firewood and charcoal collection and production, and hunting²⁵⁷.

The fact that the very concept of REDD+ is foreign and poorly understood by these communities should be taken into account when planning for meaningful FPIC and participation. Without adequate knowledge of the subject matter or secure land rights (and therefore no certainty about their carbon rights), as well as numerous other weaknesses that have been highlighted

regarding this project²⁵⁸ communities risk having their rights further diminished under a combined regime of PA and REDD+ project management. This case might provide important lessons for conservation in DRC and the Congo Basin region, particularly as REDD is seen by many PA-managing organisations as an important, possibly critical, option for funding (also see the Odzala Kokoua case study below). In particular, implementation of REDD+ should not replicate the shortcomings of conservation projects in terms of inadequate consultation and disregard for traditional land rights, as seems to be the case in the Tumba Lediima area.

Impacts on livelihoods

As Tumba Lediima is designated as a “reserve”, some livelihood activities should in principle be permitted, compared to the more restrictive

²⁵⁷ FCPF, 2014a

²⁵⁸ See FPP-FERN, 2014.

designation of “national park”. However, the formal IUCN category for this area has not been reported and, according to ICCN officials, a management plan has not been developed. In this sense, it is difficult to tell exactly what kinds of practices should be allowed in the reserve and how they should be regulated.

The effects of the PA are felt differently across all three communities, depending on their proximity to ICCN’s offices and operations. However, general trends apply to the three villages. When asked whether the PA had brought about anything positive, all except one informant said “no” (the exception turned out to be the grandmother of an eco-guard). All of the interviewees reported negative changes in the community due to the reserve. In two of the three villages, the forest has until now been the primary source of livelihood.

In the community where rules have been imposed by ICCN most strongly, the village chief commented that:

“Before the Tumba Lediima Reserve, life was not complicated, as all the solutions could be found in the forest; but today, we are starting to enter our forests as if we were thieves.”

The biggest negative development reported was that of restricted hunting and fishing. Although the community had been told that hunting small animals is allowed (under condition of paying a tax to ICCN), they complained that in practice the eco-guards had been punishing everyone eating any kind of meat. The village of Nkondi is particularly strongly affected by the PA, as the community had – until PA establishment – lived largely on forest products for their subsistence, while agriculture is practiced for both domestic and commercial purposes (selling of transformed cassava and corn, as well as farmed animals at a large local market). With the imposed restrictions, not only has the livelihood and diet been severely and suddenly altered, but also the culture, which has had to change and adapt very fast. There were many reports of lack of food, with interviewees complaining of having only manioc leaves to eat. According to their perception, restrictions on resource use are even linked to malnutrition and particularly to child malnutrition. As one informant stated: “as we no longer eat well, nothing goes well.” Local medical staff has

confirmed in person to RFUK that malnutrition is indeed a widespread problem in the area and that cases have increased in recent years, in response to which they officially requested dietary supplements from the World Food Programme. Further studies are needed to verify the extent to which these cases are related to the reserve itself, but it at least raises serious questions about the appropriateness of conservation policies which serve to restrict resource use in an area where food insecurity clearly exists and malnutrition is a serious problem. Communities also reported that their loss of income due to restrictions has hindered their capacity to send their children to school, a situation which is worsened by the fact that forests and rivers provide virtually the only source of income for local communities (agriculture being almost entirely limited to subsistence, and paid employment opportunities being essentially non-existent).

Although serious poverty is a problem in most rural areas in DRC, communities interviewed for the study link their extreme hardship specifically to the presence of the reserve. This in itself should give cause for the problem to be adequately addressed as well as studied and monitored in depth. As discussed previously, taking local livelihoods seriously is not only pragmatically necessary for effective conservation, but it also follows numerous dispositions in terms of basic human rights (see Section 3.2 above) which the state, donors and NGOs must respect.

Conservation effectiveness

Similarly to most PAs analysed for this study, RFUK could not find any written evidence regarding the effectiveness (or lack thereof) of the Tumba Lediima reserve in protecting biodiversity. The only evaluation available, from 2010, states that the reserve “exists only on paper” and that the original faunal inventories carried out in 2005-2006 have not been updated and weren’t even known by the reserve manager²⁵⁹. For these reasons, results presented in this section are based on the perceptions of the local actors interviewed.

In one village it was reported that wildlife populations and forest cover remain the same, while in another village, biodiversity is said to be rapidly decreasing, mainly due to organised

²⁵⁹ IUCN/PACO, 2010.

poaching by external agents, and uncontrolled logging by one of the companies operating in the reserve. In the latter village, interviewees informed that bushmeat trafficking is bringing very little benefits to them, and while they assume a large part of the risk of the activity, the middlemen obtain most of the benefit. According to our findings, smoked ape is sold at village level for FC 2000 (US\$2.20), in the nearby town for FC 8000 (US\$8.90) and in Kinshasa for FC 20,000 (US\$22.20). Yet in another village, one informant reported that as soon as they heard about the reserve, they started to rapidly clear forest for agricultural plots, knowing that once ICCN reaches their community, this will be prohibited.

All this should be understood in a context in which all communities have a vested interest in preserving the forest they so heavily depend on. While their perceptions regarding the reserve itself may vary, all of them coincided in the importance of protecting the forest. In all cases, rich accounts of traditional conservation practices were shared (sacred areas banned to hunting, seasonal or spatial restrictions to hunting, fishing and/or harvesting, species requiring special care, among many others), and all of them had negative perceptions of the logging concessions operating in the area. As an illustration of this, according to some testimonies, local communities respect a traditional ban on hunting bonobos.

Regarding perception of the reserve itself, in one of the villages, the population is against the reserve, due to several abuses experienced (from eco-guards) and restrictions imposed on them. In the second village, some individuals were found to be in favour of the idea of the reserve, as it may help them to conserve the resources that are rapidly diminishing (as a result of largely external pressures). In the third community, feelings were mixed. Some were in favour of the reserve, as long as it does not restrain their agricultural activities. In this context it is important to recall that the latter two villages have received no

official information from ICCN regarding the reserve and what it entails. Their knowledge comes from other communities and local civil society. Those against the reserve mentioned their knowledge of how other communities have suffered the consequences of reserve management and restrictions. As expressed in one of the focus groups, the reserve was seen as:

“Good because it would lead us towards a sound use of resources: order in hunting, fishing and agriculture. Bad because we do not know exactly what it would mean. We do not have any information with regard to the total prohibitions that could put us in a difficult situation.”

In sum, it seems that current management of the reserve has not led to effective surveillance or protection of biodiversity. But most importantly, management of Tumba Lediima has failed to strike a mutually beneficial partnership with local communities, who, as said, are conscious of the benefits they would obtain from really protecting their traditional territories.

Human rights abuses

At workshops in March and November 2014 on participatory management and mapping of Tumba Lediima, communities around the reserve reported several human rights violations by eco-guards²⁶⁰. Independent investigations by RFUK have documented several cases of severe abuses, including torture, arbitrary detention, intimidation, destruction of property, illegal house searches, forced labour and even rape. Our field research for this study confirmed this. During focus group discussions, there were reports of women having been raped (specific perpetrators not disclosed, but mentioned in a discussion about eco-guards). “Torture” was commonly used by informants to describe the actions of the eco-guards, and they talked of their fear of “ICCN’s soldiers”. In a focus group, when asked whether their rights had been violated, interviewees replied:

²⁶⁰ See Final Declaration of the “Atelier d’Échanges et de Réflexion pour la Gestion Participative de la Reserve Tumba Lediima, 5-6 November 2014, Kinshasa-Kintambo”: http://blog.mappingforrights.org/wp-content/uploads/Declaration-finale_Atelier-gestion-participative-RTL_5-6-Nov-2014.pdf and RFUK news item of July 2014: <http://www.rainforestfoundationuk.org/news/2014-jul/democratic-republic-of-congo-forest-communities-present-maps-and-ideas-for-future-management-of-the-tumba-ledima-protected-area/>

“A lot. Nocturnal persecutions, torture, arrests... fines, and other practices that are difficult to define, such as being forced to eat raw meat or fish”.

Nineteen percent of the interviewees had been fined, and 22 per cent had been arrested. The amount of fines ranged from FC 42,000 (around US\$40) to FC 300,000 (around US\$300) per fine (reportedly, the monthly wage for eco-guards in this area is around US\$55, while a 2005 study placed the average rural household income in DRC at US\$103 per year²⁶¹). In spite of carrying out a thorough review of available legislation, RFUK was not able to find the legal basis for these fines or indeed a legal text detailing the mandate and faculties of eco-guards²⁶². However, an ICCN representative stated to RFUK that eco-guards cannot administer justice by themselves, including levying fines and imposing detentions. The ICCN official informed us that eco-guards are obliged to gather proof and to submit a dossier regarding suspected cases to the justice system, which is responsible for prosecution. We cross referenced this statement with available legal

texts and found out that this is consistent with other procedures under Congolese penal law. In addition, what was clear from our findings was that local communities were not informed about the precise rules they were supposed to respect or the corresponding legal sanctions, and neither were these available in writing for the communities to inspect.

Taking all this into account, the kind of treatment described by interviewees can confidently be described as illegal, as eco-guards seem to have overstepped their mandate, on one hand, and, on the other, they clearly contravened the most basic human rights principles, particularly regarding the presumption of innocence and generally due process, as well as protection against cruel, inhuman and degrading treatment or punishment. In many cases, in addition to being fined monetarily, domestic house animals had been seized. Arrests extended to torture, ranging from a three-hour forced sit in the sun, followed by a physical beating and then having to pay a fine, up to five-day detentions. All fines, arrests, and cases of torture were related



Individual interview with village elder, Tumba Lediima Reserve

²⁶¹ Luyinduladio et al 2005.

²⁶² Article 78 of the Nature Conservation Law of 2014 establishes that any person who kills, captures or is in possession of a wild animal will be sanctioned with one to ten years in prison and or a fine of five to twenty million FC (six months to two years and/or one to five million in the case of partially protected species). The law also allows for confiscation of any weapon and products which may have been used in breaking the law (art. 83). Apart from the fact that the fines imposed

do not correspond to these levels, this law was adopted eight years after Tumba Lediima was created, and also after many of the reported abuses took place. Also, neither this law nor other hunting related laws (notably Law N° 82-002 of 28 May 1982 on Hunting Regulations or the ministerial order N° 014/CAB/MIN/ENV/2004 detailing conditions for the implementation of this law) specify the procedure and evidential requirements to pursue fines or imprisonment.

to hunting and fishing, whether real or alleged cases. Importantly, in none of these cases was a formal legal case presented to the relevant authorities, as eco-guards are required to do.

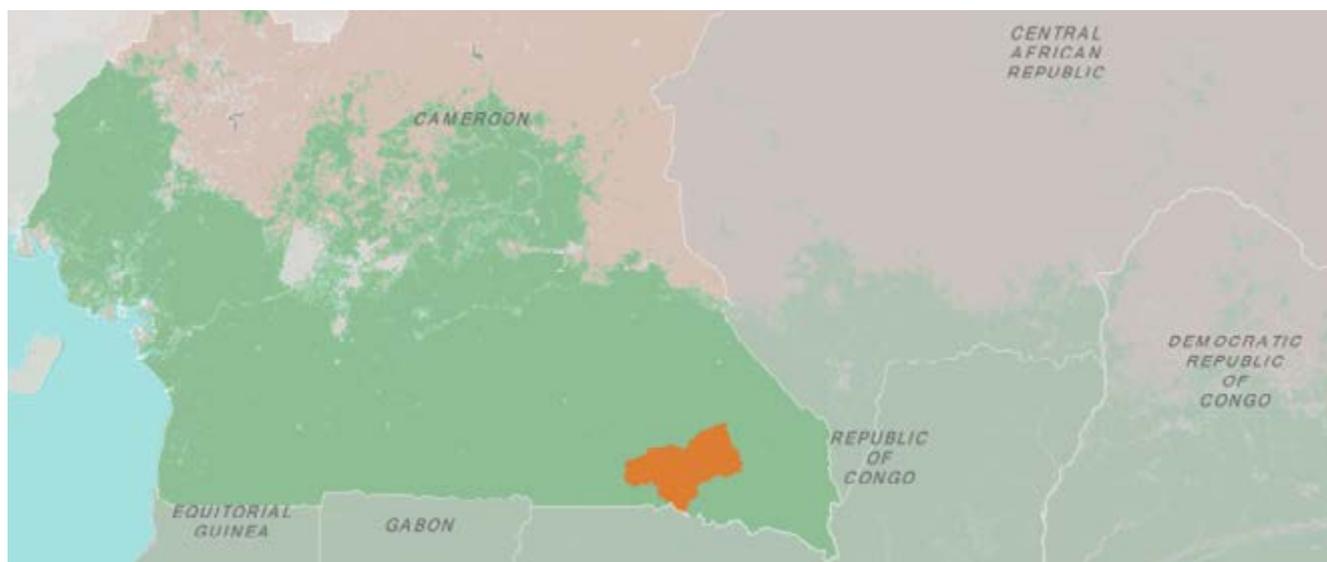
Meanwhile, several community members complained that outsiders continue to enter the reserve to hunt, to harvest valuable trees, and exploit minerals, and seemingly they are not punished in the way local communities are.

ICCN and WWF have now both shown recognition of the problematic human rights situation in the area. WWF informed RFUK of having stopped all technical and financial support to Tumba Lediima management. Also, according to the most recent information received by local partners, abuses appear to have stopped in early 2015, along with ICCN's activities in general, partly as a result of an intervention of the Provincial Environment Commissioner (according to recent reports, however, ICCN seems to have resumed their activities in some areas already, possibly linked to collection of fines or bribes prior to Christmas 2015). While this progress is evidently welcome, it still falls well short of providing remedy to the abuses already committed as well as of establishing appropriate mechanisms to ensure that these situations are avoided in the future. It is important to recall that protecting basic civil and political rights is the obligation of the Congolese state and indeed the US and Norwegian governments, as main funders of the Lac Télé- Lac Tumba landscape under CARPE. To begin with, the situation at least warrants

further investigation and clear commitments by the stakeholders mentioned looking to remedy abuses, prevent new cases and in general fulfil the rights of the local communities in Tumba Lediima.

5.2 BOUMBA-BEK AND NKI NATIONAL PARKS, CAMEROON

Part of the biggest CARPE landscape – Dja-Odzala- Minkébé or 'Tridom' – which sprawls across three countries (Gabon, Cameroon and Congo), the ecological importance of the ecosystems within the Boumba Bek and Nki National Parks can hardly be overstated. From a socioeconomic perspective, the area is instructive concerning the complexities of land occupation in the Congo Basin, as conservation overlaps with intense mining and logging activity, as well as widespread occupation of local Bantu and indigenous Baka peoples. It illustrates inadequate involvement of local communities in a contested space. For this case study, interviews took place in Baka villages, in order to highlight the specific challenges that indigenous peoples face, such as being disproportionately affected by hunting restrictions and policing, being discriminated against, among others. Our field research also pointed to interesting conclusions regarding anti-poaching operations in the area, which are forcefully implemented on local people, but ineffectual in tackling the root of the problem.



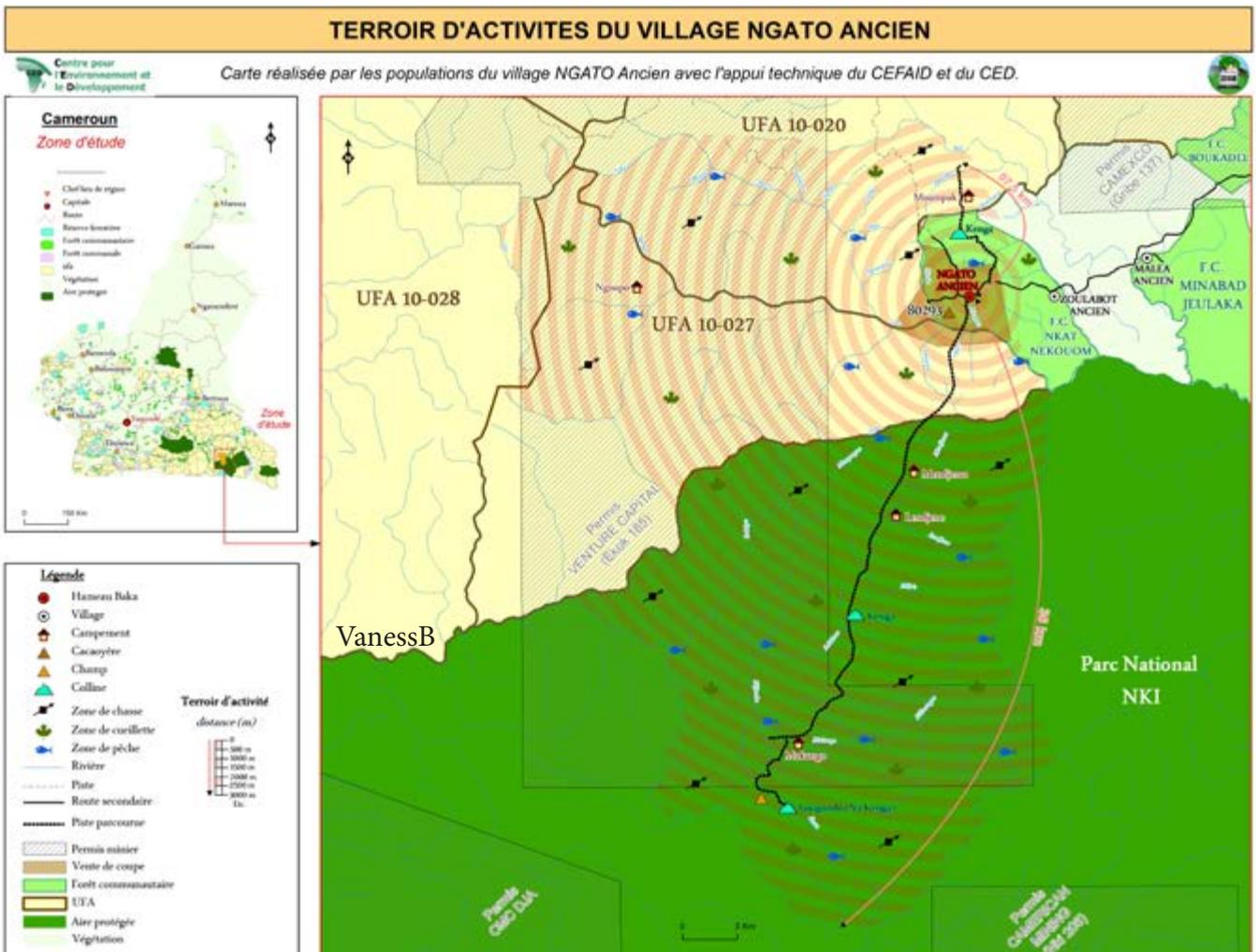
Boumba Bek and Nki National Parks, Cameroon

Background

Established in 2005, these two adjacent parks in south-eastern Cameroon jointly cover an area of 547,500 hectares – the largest PA in Cameroon (Boumba-Bek 238,200 ha; Nki 309,300 ha). The origins of the parks go back to the 1980s, when WCS undertook the first wildlife research in the area²⁶³. Both parks are mostly covered by lowland rainforest, and wildlife keystone species include forest elephants, sitatunga, chimpanzees, duikers, bushbucks, giant forest hogs, bush pigs, leopards, Nile crocodiles and bongos²⁶⁴. In addition, Boumba-Bek is designated an Important Bird Area (by BirdLife International).

South-eastern Cameroon is a hotspot for extractive activities, which threaten destruction

of biodiversity. Boumba Bek and Nki National Parks aren't exempt from these impacts: the parks are almost completely surrounded by logging concessions, and both have mining concessions within their boundaries. Currently, two logging concessions border Boumba-Bek (on the northern border of the park, concession 10-018 has been managed by STBK since 1997, and on the southern border, concession 10-015 has been managed by CIBC since 2001)²⁶⁵. Meanwhile, four logging concessions border Nki (concessions 10-027 and 10-028 on the north side, concession 10-032 on the west side, and concession 10-015 managed by CIBC since 2001 on the south side of the park)²⁶⁶. One mining company operates within Boumba-Bek (permit for the company HDS), and three mining industries operate



Participatory map of resource use in Nki National Park of the village of Ngato Ancien. Source: CED

²⁶³ Ndameu, 2003

²⁶⁵ WRI 2012

²⁶⁴ Noupa & Nkongmeneck 2008

²⁶⁶ Ibid.

within Nki (permits: 'Venture capital Ekok 185', 'Camerican Mining Nki 206', 'CMC Dja')²⁶⁷. As elsewhere in the Congo Basin, as communities have been displaced from the parks and are also surrounded by concessions, finding areas to carry out subsistence activities is increasingly difficult. The maps below clearly show that surrounding communities depend heavily on the resources of the park for their livelihood and cultural activities and in that sense it is possible to talk about ongoing economic displacement of these communities.

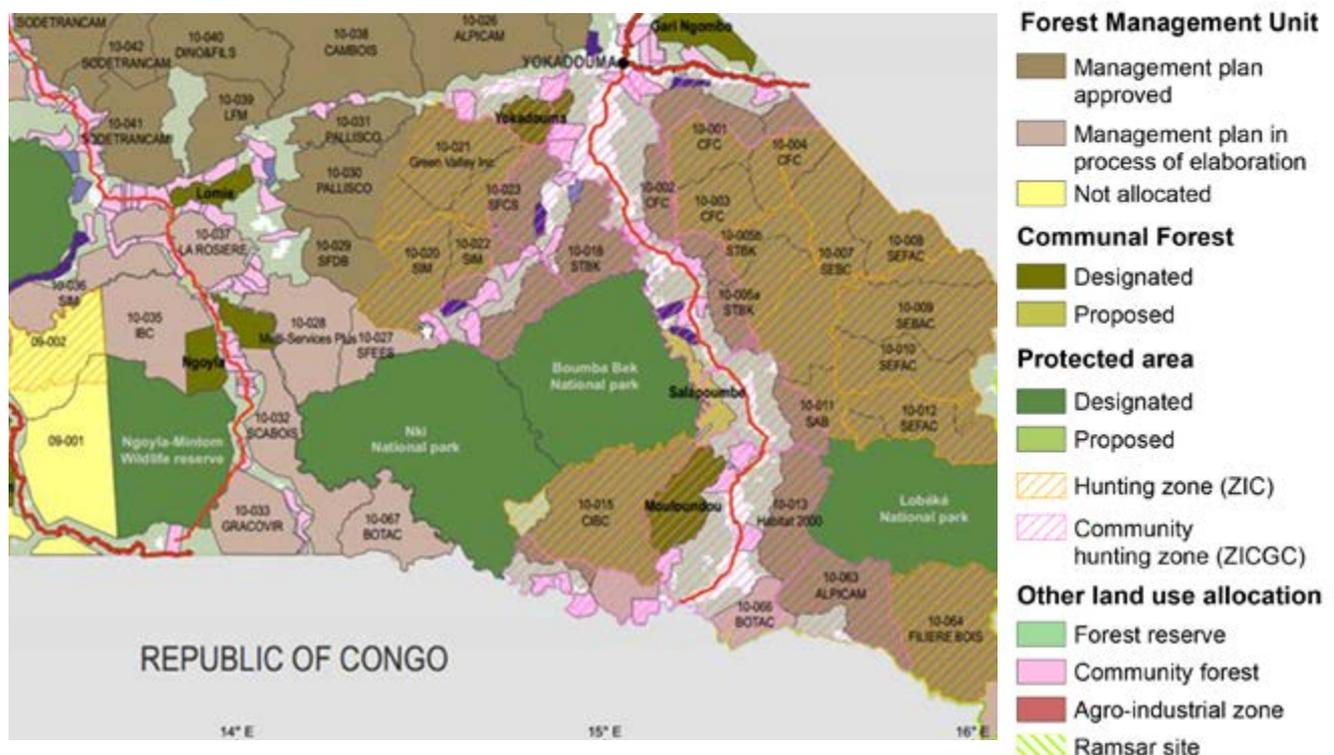
The park is funded by a number of financial institutions and programmes, including the World Bank (via GEF), WWF (Germany, Japan, Netherlands), CARPE-USAID (although the landscape is no longer part of the programme under CARPE Phase III), WWF's African Elephant Programme; the European Union, the African Development Bank's PACEBCo, Johnson & Johnson, CBFP, United Nations, ECOFAC, JGI, and Conservation International. Officially, the

authority responsible for managing the park is Cameroon's Ministry of Forests and Wildlife (MINFOP), but in practice park management activities are strongly influenced and funded by technical advisors from WWF (under their "Jengi Project"²⁶⁸) with support from the above-mentioned external funds and institutions.

According to recent estimates, approximately 35,000 people live in and around Boumba-Bek²⁶⁹, including ca. 18,000 Bantu farmers and ca. 9,000 traditionally nomadic Baka hunter-gatherers (while the rest of the population is mostly comprised of migrants).

Involvement of Baka communities in park creation and management

Boumba Bek and Nki are no exception regarding the lack of respect for local peoples' rights to land, participation and livelihoods, as well as basic civil and political rights in the context of anti-poaching operations. However, the Baka populations in the area have suffered these



Community forests, Community Managed Hunting Zones and other land uses in Southeast Cameroon. Source: WRI

²⁶⁷ Mapping for Rights (2014) www.mappingforrights.org/

²⁶⁹ Onambele, 2014.

²⁶⁸ See http://wwf.panda.org/what_we_do/where_we_work/project/projects_in_depth/jengi_project/

problems particularly acutely for a variety of reasons. First, they weren't consulted according to FPIC standards before park creation (although our field research did not focus on Bantu groups, the same was reportedly the case for them). In the attempts that were made to involve the local populations in early management decisions, before the park was formally created, no distinction was made between Baka and Bantu populations, which effectively discriminated against the Baka²⁷⁰. Tensions between protected area managers and indigenous communities have been reported and were specifically related to land and resource use²⁷¹. Importantly, civil society has presented formal reports regarding evictions of Baka communities from the parks as well as abuse, torture and repression by eco-guards, and several flaws in the obligation to inform and involve the Baka population²⁷².

In an attempt to address this conflictual

situation, WWF and other organisations – notably FPP and CED – undertook an extensive mapping process with communities in 2006 and 2007, and collaborated in organising a series of meetings to involve communities, especially Baka communities, in the process of developing a management plan. This included workshops to enable communities to present the mapping findings to park authorities and recommendations to recognise customary use rights in the management plans²⁷³. Unfortunately, as we show later, this process has not resulted in tangible improvements for local communities on the ground.

A study carried out by WWF in 2012²⁷⁴, which builds on the process mentioned above, reveals that Baka had used the area for livelihood and cultural purposes long before the PA was created, and suggests that the management plan for the park should be modified to accommodate Baka



²⁷⁰ Ndameu, 2003.

²⁷¹ CED 2008

²⁷² See Tucker, 2013 and CED, RACOPY and FPP, 2010.

²⁷³ Okani and FPP 2009

²⁷⁴ Njounan Tegomo et al. 2012

traditional land uses. Reportedly, WWF has led the development of a management plan which reflects this recommendation, but to this date the Cameroonian government has not adopted it²⁷⁵. In addition, some initiatives have indeed been put in place in the region to support the livelihoods of local communities. The most important of these are community forestry and the previously mentioned Community Managed Hunting Zones (ZICGC for their French acronym²⁷⁶). Yet, it is important to note that these activities all take place outside the PAs, precisely to deter local communities from accessing the sites, rather than working with them to enable sustainable resource use. Further, a recent study shows that the majority (over 86 per cent) of these hunting zones are managed by the Bantu, whereas the Baka themselves have very little decision-making power overall²⁷⁷. The study found similar patterns of exclusion in management of community forests. Both schemes, as can be seen in the map below, also occupy marginal areas of land and have significant overlaps with mining concessions.

Part of the reason why these initiatives fail to fully integrate the Baka is that they aren't culturally adapted to their semi-nomadic lifestyle (for instance, their absence from main centres of decision making during the long periods they spend in the forest hampers their representation in these structures). Apart from the process described above, no recent initiatives aimed at recognising the ecological knowledge and practices of the Baka were revealed by our field research.

It is useful to recall that Cameroon does not have specific legislation to protect the rights of indigenous peoples, although some non-binding provisions are contained in an indigenous peoples' development plan. Official discourse claims that all the people of Cameroon are indigenous, while the groups who actually match the internationally accepted definitions of indigeneity (no less the self-identification criterion) are considered minorities and "protected" alongside other vulnerable groups, such as handicapped persons. However, the Cameroonian state is still bound to protect their rights as peoples, considering, among others, the African Charter on Human and Peoples' Rights, the International Convention on the Elimination of all forms of Racial Discrimination and the CBD.

²⁷⁵ Anonymous personal communication and Nelson, 2011

²⁷⁶ See Bigombe Logo et al, 2007

Donors also have specific obligations in this regard, as detailed in Section 3.2.

Results: ineffective restrictions on hunting

In our field research, we found that everyone whom we interviewed across the five case study villages around Boumba-Bek and Nki National parks was knowledgeable about the parks, even though no one had been consulted prior to its establishment. In general, those interviewed expressed positive views about protecting the forest and its animals, yet there was clearly confusion regarding the park rules and regulations. Informants said that these are not being respected by all, and seem not to apply equally for everyone. Moreover, the PA rules and regulations have not been clearly communicated and understood by villagers. While some say they are not allowed to even enter the forest, others say they can enter and do some limited activities, while others complain of the constant surveillance: "the eco-guards follow us all over, even in the forest, and we are no longer free."

In general, many community members agreed that the PA rules imposed on them regarding forest resource use (particularly hunting) are not respected, neither by themselves nor by outsiders, who, according to these communities, go to hunt in the area (illegally) on a daily basis (probably workers from neighbouring concessions, although this wasn't specified by communities). As for the communities themselves, one informant stated that: "we do not respect these limits as it is not us who have placed them there. For us, the forest does not have limits."

Some individuals were even of the opinion that the National Park does not serve any purpose, as it is presently not able to protect the animals (especially elephants) from outside poachers. Some Baka individuals said they still enter the park to hunt for subsistence, and simply try to evade the eco-guards. Such attempts do sometimes result in arrests or fines, or worse. Our focus groups revealed that there have been beatings of Baka by the eco-guards, who, according to the Baka, continue to threaten them to this day.

The Baka do not only hunt for subsistence, but also can be "commissioned" by outsiders who approach them for their excellent hunting

²⁷⁷ Onambebe, 2014

skills and knowledge. Even in such cases, it is a risky business. Some of our local community informants stated that in the past, when Baka hunters have been caught poaching in the park, they have been heavily punished, while those actually paying them to hunt are not penalised. According to some informants, however, it appears that the local courts are more aware of the fact that those Baka caught poaching are for the most part hunting for others, not themselves, and take this into account when issuing a sentence.

Meanwhile, there is local suspicion that officials are implicated in elephant poaching and the illegal ivory trade. According to our findings, two local judges were caught with confiscated ivory, apparently for the purposes of selling it, and were questioned by the Forest Ministry. Yet RFUK could not access any written documentation on the case and at the time of our field mission there were no reports of this leading to an actual trial. Similarly, in two cases, park managers interviewed stated that they have revealed high-level poachers to the Ministry of Justice, who then refused to prosecute them as they are connected to high level political figures.

Impacts on livelihoods

Everyone interviewed mentioned at least some negative impacts from the park. The greatest concerns are the restrictions on hunting and moving around in the forest, the loss and retreat of wildlife, constant surveillance on the part of the eco-guards, and disturbance from frequent visitors. To date there has been no compensation for any losses. When asked about whether the PA had affected them in any positive way, some mentioned that a few younger community members have benefitted from having been employed as porters. However, most (73 per cent) of the interviewed community members could not think of any good aspects of the national parks. In contrast, many mentioned that it is the administrators and employees at WWF who are benefiting largely from the situation.

Regarding their livelihood in general, when asked about how their life has changed (for the better or worse) over the past 5 years, everyone interviewed expressed the view that life had become more difficult. The most commonly given reason was the loss of wildlife (for hunting) and its retreat further away from the villages. This means that hunting is more costly, and



that women are no longer able to participate as before. Other common reasons included the presence of poachers (of elephants for ivory), restrictions on subsistence hunting, and increased disturbance from outsiders, leading to “negative development”. As one respondent said: “Before we were relaxed, but now there are a lot of... logging trucks that pass by regularly, making us uneasy”. In a similar vein, another informant was concerned that “there is already a lot of noise here in the village, and many people in the forest hunting”.

In an area of high competition for space and resources it is clear that negative impacts on communities cannot be attributed solely to the national parks. However, what is evident is that the ‘PA + sustainable logging’ model of conservation has exacerbated the hardships that Baka communities face and enhanced their land insecurity. In this sense, the reductions in wildlife caused directly and indirectly by logging or mining activities, for example, are all part and parcel of the new conditions the ‘protected’ area has created and even encouraged.

Awareness of the value of conservation and positive ideas for the future

However, when asked whether they could imagine the PA bringing about something positive in the future, all interviewees except one replied positively. In the future, they hope to: be allowed to enter the park and practice subsistence activities (hunting, fishing, gathering); have clear rules and that these be equally applied to all; have ivory trade prohibition properly enforced in order to discourage poachers; stop the selling of arms; have compensation schemes established for the general losses incurred by local communities due to imposed restrictions by the PA; have income-generating activities (e.g. hiring young people from the villages to work for the park); have communities gain a fair part of the revenue from tourism activities (in order to have enough income for schooling their children, for instance); and have a part of the forest

dedicated solely for the use of the Baka. As in the case of Tumba Lediima, local communities have detailed knowledge of the forest and entrenched interest in preserving it for themselves and future generations. However, conservation practice in Boumba Bek and Nki is currently alienating communities rather than harnessing their knowledge and ideas.

5.3 IVINDO NATIONAL PARK, GABON

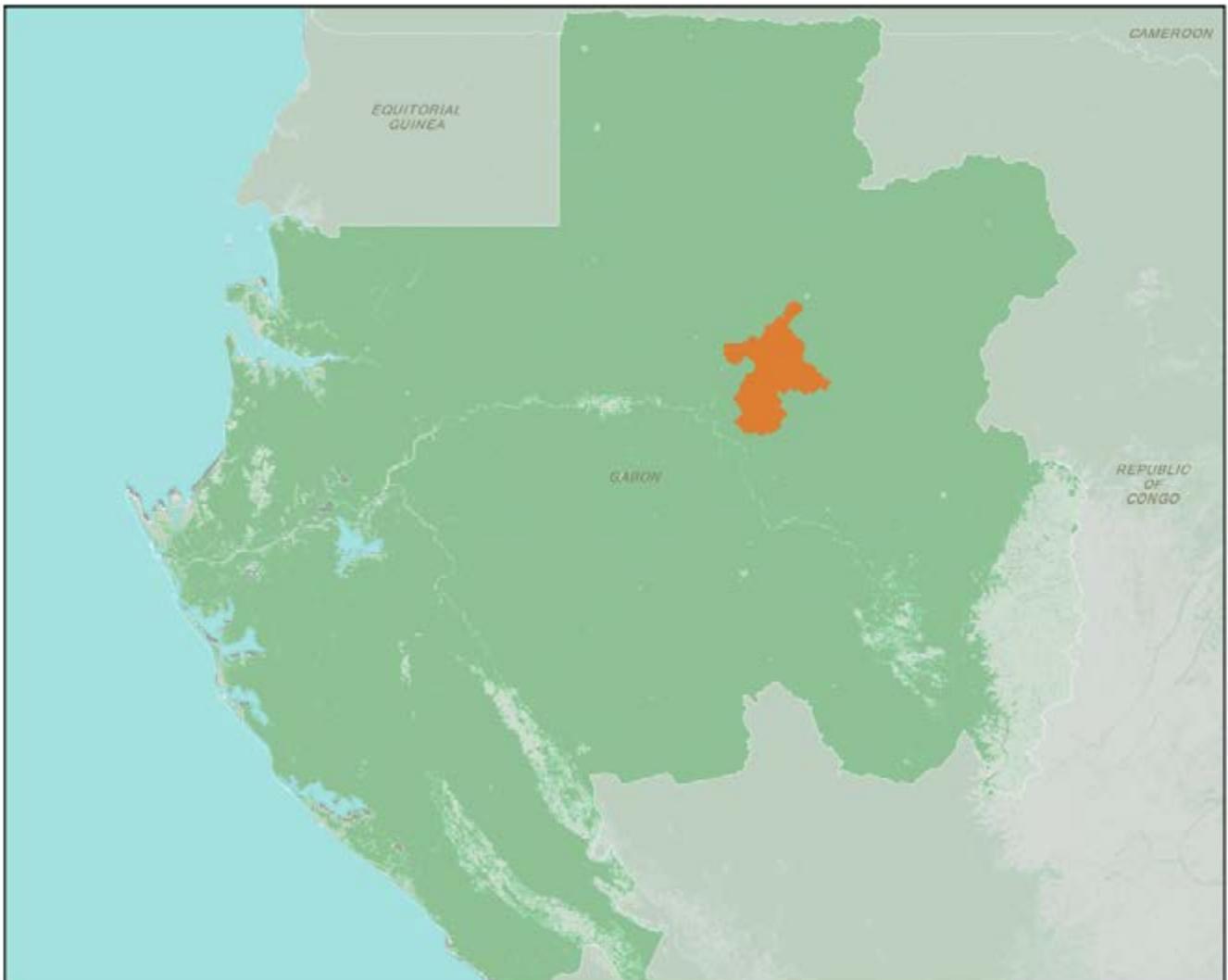
A characteristic feature of the national parks system in Gabon is that it was created as a single policy decision in 2002, whereby the current 13 parks, covering 11 per cent of the country, including Ivindo, were classified. The Gabonese government could be considered as relatively stronger in terms of policy making and agenda setting than its other Congo Basin counterparts (as seen in section 3.1), although foreign organisations and individuals have always and continue to wield considerable influence within the Gabonese government²⁷⁸, including at the very centre of power. The Gabonese government, particularly President Ali Bongo and his father before him, made great efforts to publicise the country’s ‘flagship’ conservation programme, including using the services of Washington-based lobbyists and publicists, Barron Birrell. The national parks agency, ANPN, is the most powerful agency of its kind in the region.

However, this case study will show that all this hasn’t resulted in a tangible difference for local communities, who suffer similar exclusion, abuse and hardships as elsewhere in the region.

Background

Located in east-central Gabon, Ivindo National Park covers 300,000 hectares. The National Park was created on the 30th of August 2002 by President Omar Bongo (decree No. 612/PR/MEFEPEPN), and is part of the Dja-Odzala-Minkebe (TRIDOM) landscape. The waterfalls and rapids of Ivindo were classified as a Ramsar

²⁷⁸Mike Fay and Lee White have both been prominent figures in WCS and the ANPN. Mike Fay’s ‘Mega Transect’ across the Congo Basin, and the support this obtained from the US Congress (which formed the now called International Conservation Caucus Foundation, <http://iccfoundation.us/>) were highly instrumental in the creation of the national parks system in Gabon and indeed the launch of the Congo Basin Forest Partnership by U.S Secretary of State Colin Powell in 2002. <http://www.wcs.org/where-we-work/africa/gabon.aspx> Lee White is now head of the ANPN.



Ivindo National Park, Gabon

site in February 2009²⁷⁹. The clearing ('bai') of Langoue shelters high densities of forest elephants and gorillas. The park, as all others in the country, is administered by the ANPN. Conservation activities are managed by technical advisors from WWF and WCS, with support from a number of funding sources, including the World Bank (via GEF), CBFP, United Nations funds, ECOFAC, JGI, Conservation International, CARPE Phase II and recently also Olam (the multi-national agri-business that has substantial interests in Gabon), supporting a carbon project and anti-poaching policies in the area.

Currently, three logging concessions border Ivindo (concession 01-045 managed by Honest Timber Gabon [China] since 2007 on the north-

east side; concession 01-010 managed by CORA Wood [Italy] since 2003 on the south side; and concession 01-007 managed by Rougier Gabon [France] since 2000 on the west of the park)²⁸⁰. Moreover, two mining concessions are present in and around the park and managed by MOTAPA (in the south) and CMTR (in the north) since 2007. Although currently inactive, a proposed dam project at the site of environmentally and culturally precious Kongou Falls to power the mining of the Belinga iron deposit (the second largest on earth) 100km upstream constitutes a looming threat to the park. The controversial Chinese-backed venture, which did not consult with local people and began construction and forest clearance without an environmental impact assessment, was eventually halted in 2009,

²⁷⁹ ANPN 2009

²⁸⁰ WRI 2009

largely due to the heroic efforts of local civil society organisations²⁸¹.

Local communities (members of the Kota Bantu group) and some indigenous people (Bakas) currently live around Ivindo, a number of who still identify themselves as the traditional inhabitants of the Kongou falls. Despite this, local people only have extremely restricted access to the park for certain fishing activities²⁸², while the use of firearms is forbidden. Local communities have not been involved in the management of Ivindo²⁸³, and conflicts between park managers and local people have been widely reported, especially harassment, confiscation of game and arrests²⁸⁴.

During the late 2000's, as part of ANPN's stated intention in the 2007 National Parks Law to reinforce participatory management in the national park system, a dialogue mechanism (Comité consultatif de gestion locale) was set up, with the aim of bringing stakeholders (i.e. ANPN, International and local NGOs, and communities) together on park management. To date, however, this mechanism is still not operational in Ivindo, in spite of the fact that it has been under preparation for at least five years. In general, Gabon may have the legal framework in the region that most strongly limits community rights. While other countries vaguely recognise customary land rights, Gabonese law is specific in recognising only usage rights²⁸⁵, and the country doesn't have specific legislation on indigenous peoples either.

Results: consultation and involvement

In our field research, villagers (later triangulated and verified with other informants) attest that there was no consultation prior to the establishment of the National Park, and there is a unanimous agreement that the decision about the park was imposed on them. Interviewees feel that they have not been listened to by the authorities, and feel disrespected. These negative perceptions are enhanced by eco-tourists often visiting the National Park and travelling to Kongou, a traditional sacred site for local people who are themselves prohibited from the area.

Consultations with park managers and eco-guards largely confirmed these findings. ANPN and the organisations supporting park managers

stated that they did not have any information of any social study being undertaken before the park was classified. Tellingly, these participants related that the park management team is supposed to have three people dedicated to relations with local communities (one in charge of dialogue with local communities, one of human-wildlife conflicts and one for impact studies), but at the time of our field research the first hadn't actually begun working while the others hadn't even been recruited. Our research also included interviews with three eco-guards, all of whom affirmed that the park did not carry out adequate sensitisation activities with local communities. On the other hand, all the local authorities interviewed for this study recognised the urgent need to improve dialogue and to respect the rights of local communities, although they didn't speak of concrete mechanisms to achieve this and recognised that it would fall outside their current mandate.

Livelihoods

The establishment of the Ivindo National Park has imposed a number of other restrictions on local communities regarding hunting, fishing, and gathering, which has led to local communities having not only less to eat, but also less surplus (particularly fish) to sell, meaning they have fewer resources to pay, for instance, for their children's education or medicines. When asked whether the park had brought about anything positive, one informant replied as follows:

"For now we do not benefit in any way with the park. We do not even have rights to the peripheral zone, as we are in the buffer zone. [The park managers], however, try to partially respect our traditional user rights by letting us fish in one part of the park."

Another interviewee stated:

"Because of these restrictions we cannot go to hunt and fish to Kongou. Our activities are restricted to smaller zones and local people aren't able to nourish their families easily anymore."

This designated fishing zone, while well-intentioned, has however led to growing tensions, as village members from five different villages

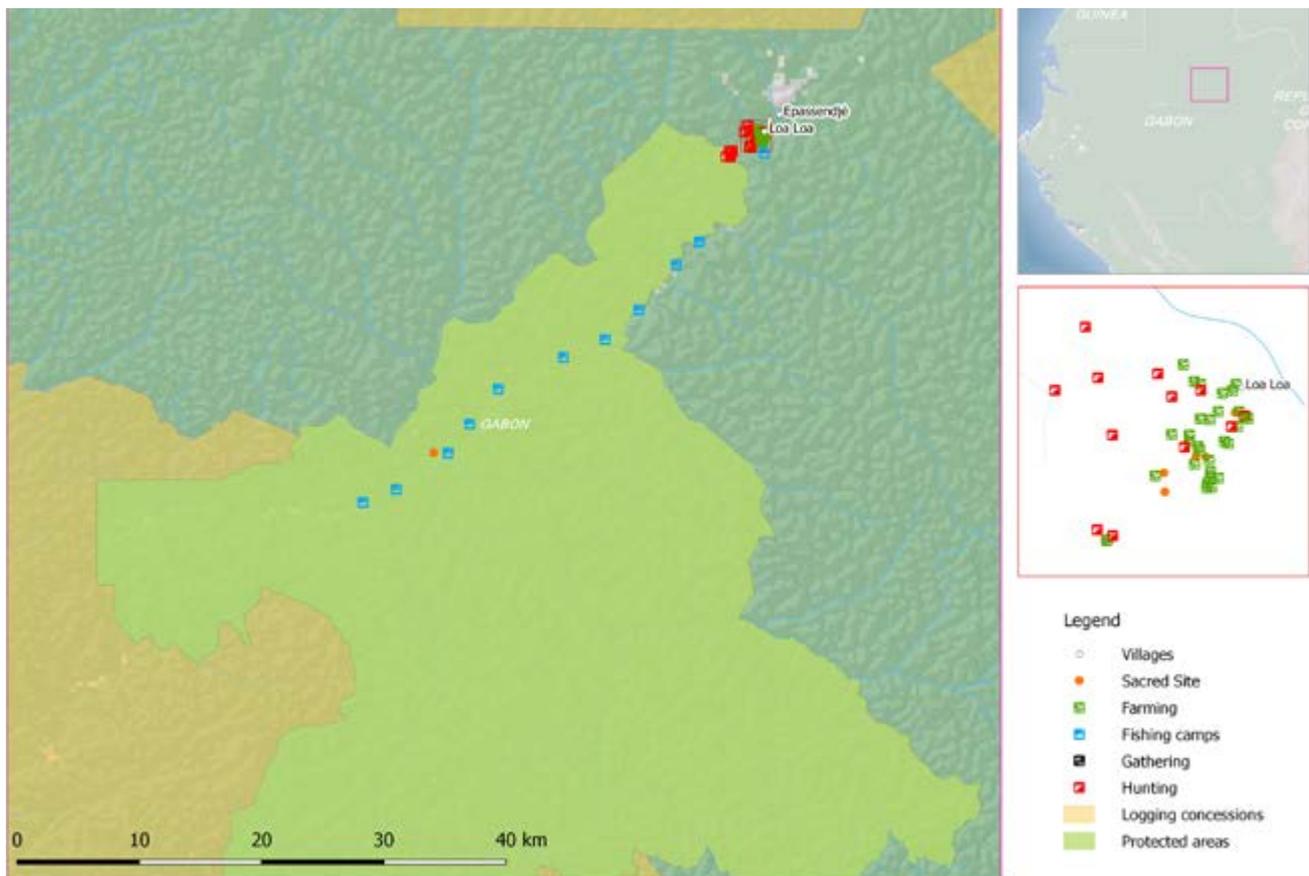
²⁸¹ See, for example <http://www.goldmanprize.org/recipient/marc-ona/>

²⁸² See Mapping for Rights, Meye OBiang 2011.

²⁸³ Eisen et al. 2010

²⁸⁴ Sassen & Wan 2006

²⁸⁵ Alden Wily, 2012



Livelihood and cultural activities of the village of Loa Loa, Gabon. Source: Mapping for Rights and Brainforest

are now obliged to fish all in the same place (Bessabouka). This has resulted in competition and overfishing, in turn leading to diminishing catch in the site, and again, less fish to eat and less surplus to sell. As with other cases examined in this report, there have not been any attempts to establish community based resource management schemes which would permit local populations to make sustainable use of the resources – fish in this case. Some recent projects in Sub-Saharan Africa have demonstrated that it is possible to achieve positive conservation and development incomes through community management of fisheries²⁸⁶, but none such innovative management schemes have been put in place in Ivindo or the other cases examined under this study.

Eco-tourism schemes have provided few benefits for local people, other than for very intermittent work for a few villagers. Some interviewees in the village of Loaloe recall getting a payment several years ago from FIGET (an ecotourism association), presumably in the form of benefit

sharing, but even this was a marginal sum and was later discontinued. There have been no payments or compensations since then, according to informants. This is symptomatic of the general failure of eco-tourism in Gabon, to date, to deliver the benefits for forest communities predicted at the creation of the national parks system in 2002, with only a trickle of visitors visiting these areas rather than the hundreds of thousands that were forecast.

Human-wildlife conflict

Another widespread problem voiced by community members is that elephants are regularly damaging their food crops, thus exacerbating the already low food supplies. To illustrate the magnitude of the problem, it is useful to consider that in one single stroll an elephant can destroy a year's worth of work in a cultivation plot or forest garden. In one village focus group, one villager voiced:

"We think the park is negative. There have been no [positive] changes. We no longer hunt

²⁸⁶ See for instance <http://www.iccaregistry.org/en/sites/26>

or fish, our crops are destroyed, and we have the impression of being punished.”

No compensations for the losses have been given to date, despite national legal protections requiring this, and despite compensations having been promised by officials, according to our informants.

Local community members expressed their wishes to have clearer and more visible limits of the park. Apart from one plate acknowledging the park, there are no signs in the terrain to indicate its presence, a situation strongly opposed by the communities. Interviewees also called for the loosening of regulations concerning fishing, hunting and gathering within the park. They also appealed for external help to try and resolve the problem of elephants damaging their crops, or even compensation from these losses, to share in the revenue gained from tourism activities, and the right to visit their sacred site at Kongou.

Human Rights violations and relations to park managers

Villagers also pleaded for an end to the brutal and violent actions they have experienced. Triangulating the information received from different respondents, we verified that physical abuse on the part of the eco-guards has taken place in Ivindo. Not surprisingly, many of those interviewed hold very negative views towards the eco-guards. As one interviewee stated: *“They behave badly as they even go so far as to beat their own brothers”*.



One focus group revealed the following case:

“There is a young [man] who was brutalised by the park administration. He had gone to fish with a permit, but upon his return ... he was confronted by [the park administration] who accused him of having fished outside the limits of Bessaboka. They took his fish and threw them in the water and started to beat him. They tied him to a tree full of ants and let these ants fall on him. After beating him they dropped him off at the entrance ...”

Another respondent told us that:

“Yes, they have abused many of our people due to their activities in the park, especially if they are caught with a shotgun inside the park or if they have gone beyond the limits of Bessaboka.”

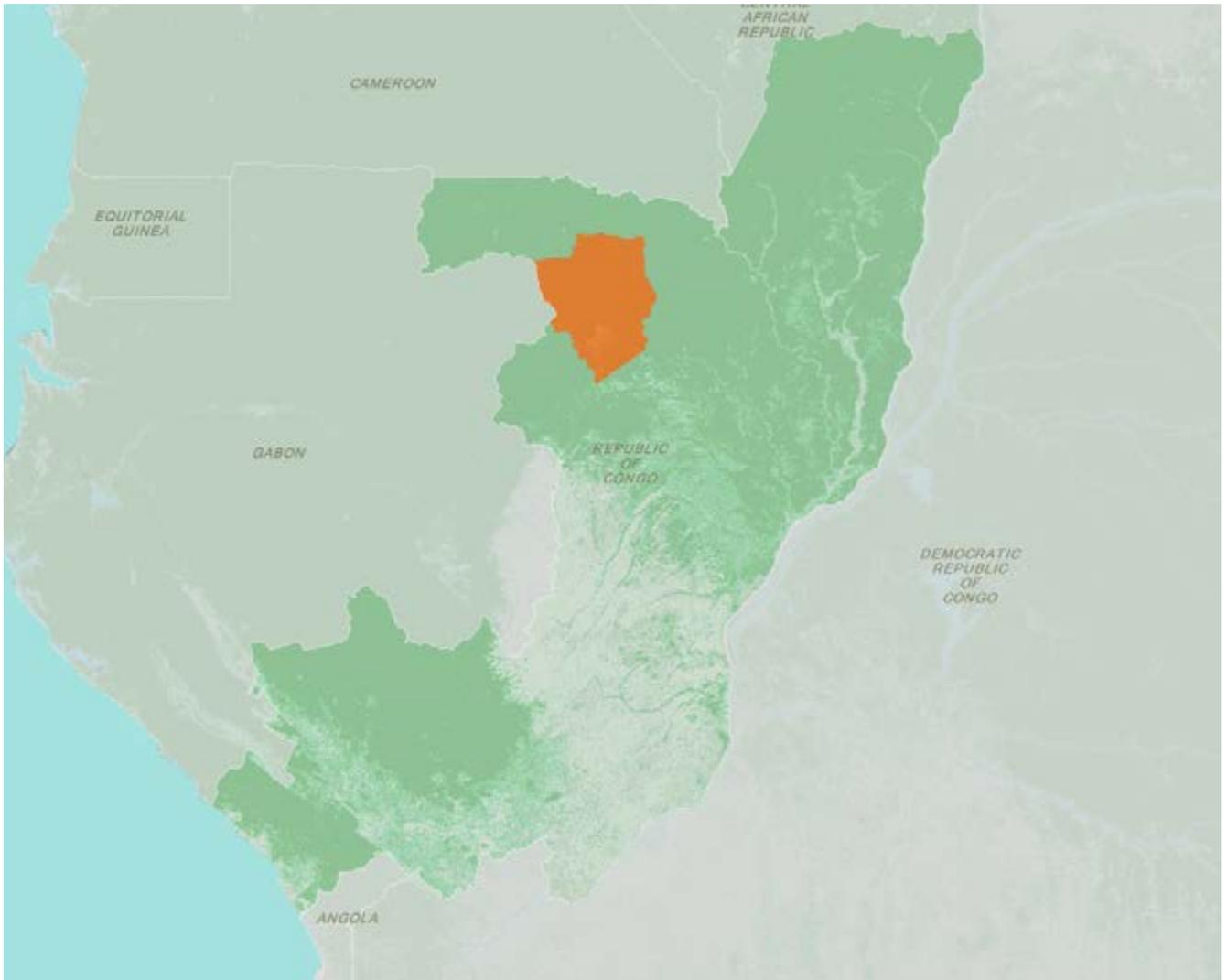
We were also told that *“the ecoguards abuse and injure the villagers while they themselves fish inside the park”*.

The eco-guards interviewed for this study seem fully aware of this situation:

“We think that our relationship with communities is bad due to our repressive missions. We think that local people don’t like eco-guards, that they see them as enemies because they forbid access to the forest. Communities blame us for their poverty.”

Since the appointment of a new park manager the situation has improved, according to local villagers. Still, despite this move towards a more positive relationship, local villagers requested more dialogue, negotiation, and respect on the part of park authorities, as well as for employment from the park administration. As in the previous case studies, communities in Ivindo are in favour of protecting the forest and agree with the ultimate objectives of the park. However, they demand fundamental changes in the way these objectives are being pursued. As one community member expressed it:

“We don’t think that the park is a bad thing in terms of conserving species; what bothers us is the way we are treated and the type of interaction that people from the park have with us.”



Odzala-Kokoua National Park, Republic of Congo

5.4 ODZALA-KOKOUA NATIONAL PARK, REPUBLIC OF CONGO

The Odzala Kokoua case is different to the previous four in that it isn't managed officially by the state but by the Odzala Foundation, a partnership between a non-for-profit company²⁸⁷, African Parks Network, and the Congolese state. It is also interesting because it further illustrates the particular challenges faced by indigenous communities in the context of conservation. As in previous cases, communities feel that the negative impacts from the park far outweigh the benefits. For indigenous peoples this has meant increased hardships, but also a deep sense

of cultural loss. In this case, it is evident that Congo's stated political and legal commitment to protect indigenous peoples' rights has failed to materialise.

Background

Established in 1935, and covering 1,360,000 hectares, Odzala-Kokoua is Congo's largest protected area, located in the north-west of the country. Odzala-Kokoua was declared a UNESCO Man and Biosphere Reserve (MAB) in January 1977, and later created as a National Park (IUCN category: II) on 10th May 2001 (presidential decree No. 221-2001). It is part of the Dja-Odzala-Minkebe (TRIDOM) landscape, and it is also one of the 'Pilot Sites' defined by RAPAC.

²⁸⁷ According to their own description: "African Parks Network (APN) is the ultimate holding and strategic decision-making entity for African Parks. APN is registered a not-for-profit company under Section 21 of

the Companies Act of South Africa and has Public Benefit Organisation status" (African Parks Network, Our Structure, available: <https://www.african-parks.org/african-parks/about-us/our-structure>).

According to African Parks Network “Odzala-Kokoua harbours some of the last extensive blocks of contiguous, undamaged, lowland forest ecosystems in Republic of Congo that are capable of supporting viable populations of large mammals. The southern part of the park is predominantly a savannah-forest mosaic and forest gallery ecosystem. The centre of the park is dominated by marantaceae forest. Further north, the park is covered by mature rainforest... The biological diversity is exceptional, including more than 400 bird species, 114 mammal species and in excess of 4,400 varieties of plants”²⁸⁸. Not surprisingly, it is referred to as “the jewel in the country’s conservation crown”²⁸⁹.

Behind its high reputation, the park faces pressures from extractive activities including five bordering logging concessions: Ngombe, managed by IFO, a subsidiary of the German Danzer group, since 1999, Tala-Tala, managed by Lebanese company SIFCO since 2005; Jua-Ikie managed by SEFYD (Chinese) since 2005; Kelle-Mbomo concession managed by Congo Deja Wood Industry (Chinese) since 2007; and Tsama-Mbama managed by Entreprise Christelle²⁹⁰. In addition, two mining concessions are present in the park, managed by Mining Project Development and Alassane-Geomines since 2005. The park also borders the northern portion (and so far the only active one) of the land concession granted to the highly controversial company Atama Plantation for palm oil production²⁹¹.

Odzala-Kokoua benefitted from ECOFAC funding from 1992 to 2010, and it was one of the programme flagship sites. During most of this time there were long-running problems with conflicts and opposition from local communities and for that reason a more pro-community and participatory approach was initiated in the last phase of ECOFAC funding. According to their public communications, APN has continued and expanded this approach.

As mentioned, the Congolese government has granted management responsibilities to APN.

African Parks signed a 25-year mandate for the management of Odzala-Kokoua National Park in November 2010. In terms of the agreement, an independent non-profit organisation, the Odzala-Kokoua Foundation has been established as the overall authority over the park, and the first meeting of the Foundation Board was held in July 2011. African Parks holds three seats on this Board, while the remaining six are held by community representatives²⁹², the Congolese Government, RAPAC and Leadership for Conservation in Africa.²⁹³

The contract establishing the terms of the partnership is not publicly available, although RFUK has obtained a copy²⁹⁴.

As such, the park personnel are APN staff and they are responsible for deploying anti-poaching missions and managing eco-guards. Like the other case study PAs, Odzala-Kokoua presently has a diversity of funding sources, including the European Union, the Chinese government, RAPAC and WWF-The Netherlands²⁹⁵. Records of past donations also exist for CARPE, the World Bank (via GEF), United Nations funds, the Jane Goodall Institute, Conservation International, the Central Africa World Heritage Forest Initiative (CAWHFI), and the CBFP.

Local communities (Bantu) and indigenous peoples (Baka, Bakola) comprising more than 10,000 people live around the park with restricted access for their subsistence²⁹⁶. According to some estimates, nearly 10,000 individuals were displaced when the PA was created, and no compensation has been given to date²⁹⁷. The villages visited are located on the western side of the park, relatively close to APN headquarters in Mbomo.

The first management plan for Odzala Kokoua was developed under the ECOFAC programme²⁹⁸,

²⁸⁸ APN, 2015

²⁸⁹ Ibid.

²⁹⁰ WRI, 2012

²⁹¹ RFUK, 2013, RFUK, forthcoming

²⁹² Two of these six seats are held by community representatives. The contract does not specify that there should be indigenous representation.

²⁹³ APN website: http://www.africanparks.eu/Park_7_34_Achievements.html

²⁹⁴ République du Congo et Africain Parcs Network, Accord de Partenariat pour la gestion et le financement du Parc National d’Odzala Kokoua, République du Congo, Brazzaville, 14 novembre 2010.

²⁹⁵ See http://www.africanparks.eu/Park_7_147_Funders.html

²⁹⁶ Mavah 2011

²⁹⁷ Schmidt-Soltau 2002

²⁹⁸ See MEFDD’s news item of 5th January 2015: <http://www.mefdd.cg/actualites/actualite/article/economie-forestiere-le-conseil-des-ministres-approuve-cinq-projets-de-decrets-presentes-par-le/> and PAPACO, 2011b.



originally for the 2010-2014 period, but it was only formally adopted by the the Congolese government in February 2015²⁹⁹. According to the zoning scheme in the plan, the park should be divided into three main activity areas: one for sustainable resource use (also called “eco-development zone”), a transition or buffer zone, and the core conservation area at the centre. The resource use zone comprises 223,000 hectares for the benefit of local communities located inside and around the park³⁰⁰. No information could be found on the plan or elsewhere indicating that participatory mapping informed this zoning process.

A 2011 evaluation carried out by PAPACO affirms that the management rules for each area hadn’t been actively enforced at the time³⁰¹. Although more recent evaluations aren’t available, our ground research shows that communities seem to be generally aware of the area they are permitted to use under these regulations, although in their perception this has not truly led to “eco-development” (see below).

Another important feature of the plan, for the purposes of this study, is that “promoting development of rational natural resource use for the benefit of local populations” is one of its six core missions. In practice, this should entail organising an institutional framework for

co-management of natural resources and the promotion of income generating activities³⁰². The other core missions are protecting biodiversity and ecosystems; promoting tourism; fostering research; environmental education; and the crosscutting objective of ensuring good governance and sustainable funding.³⁰³ As findings below will show, these activities seem to be progressing very slowly, if at all. According to the management plan, this is also related to lack of adequate funding. However, APN does emphasise in public communications that it is taking practical steps to improve participation and representation of local communities in management decisions.

The park has been in the spotlight in the last few years. Located in a zone of increasing economic activity, it faces mounting pressure from miners, loggers and agro-industries. In this context, it is interesting to note that recently the Chinese government offered to fund a road that will connect the park’s eastern base to national road No.2³⁰⁴. It remains to be seen whether easier access to the border of the park will also facilitate access for illegal loggers and poachers as is usually the case, and how this will be countered. In addition, as appears to be the case of Tumba Lediima, plans are underway to integrate the park into a REDD+ project that is currently in the FCPF pipeline³⁰⁵. APN has already undertaken a

²⁹⁹ Ministerial order n° 2015-263 of 27 February 2015, available : http://www.sgg.cg/imageProvider.asp?private_resource=2156&fn=jo_2015_10.pdf

³⁰⁰ MEFDD, Parc National Odzala Kokoua Plan d’Aménagement 2010-2014, pp. 117-127.

³⁰¹ PAPACO, 2011b, p. 44.

³⁰² Management plan 2010-2014, pp. 170-173.

³⁰³ Ibid, p. 14-15.

³⁰⁴ APN, 2015

³⁰⁵ More information, FCPF 2014b.

feasibility study to explore whether REDD+ could be a funding alternative for the park³⁰⁶. All this is happening in the midst of civil society concerns about how a potential REDD project could impact local communities in the area³⁰⁷, as well as significant shortcomings of the REDD readiness process in Congo and the programme proposal itself³⁰⁸. Importantly, the contract signed between APN and the Congolese government entitles the Odzala Foundation to absorb all revenues accruing from the park “without deduction”, such as, among others, “payments for ecosystem services including carbon” (section VI). Thus, the contract does not establish any specific obligation in terms of sharing these or other benefits with local communities. Indeed, the only provision (section XII) in this regard states that:

The PMU [Park Management Unit] pledges to take into account the interests of local communities in implementing the Project. They will be the first beneficiaries of employment opportunities, and they will receive other economic advantages ensuing from the Project, such as income generating activities or support for the construction of social infrastructures. [RFUK translation]³⁰⁹

No evidence has been found that communities were consulted about the content of this contract, as international FPIC and consultation standards would require.

Results: awareness and attitudes towards the park

Community-based associations have been established around the periphery of the park and two local community representatives have been elected to the Board of the newly created Odzala-Kokoua Foundation. In theory, this should enable local communities to have a direct influence on management decisions concerning the park, although the mechanisms through which these two representatives were chosen aren't documented, and it is difficult to see how they will be able to represent the concerns of Bantu and indigenous populations over such a vast area. Reportedly, none of the associations eligible

to nominate representatives to the board are indigenous. Also, this contradicts the proposal included in the draft management plan developed under the ECOFAC programme in 2010 to include three community representatives – one from the northern boundary, one from the southeast and one from the southwest – as well as three seats for local NGOs from these same areas. The NGO seats do not feature in the structure of the Board established by the contract with APN.

Across all three villages covered by our field study, everyone interviewed had heard of the park. People reported that they were well aware of which actors had established the PA and for what specific conservation reasons. At first when the local villagers heard about the park, many reported to have been excited about the prospects. Thus, local attitudes started off as positive, with high hopes for the park and all the benefits it could bring them. It is important to note that in spite of the fact that Odzala-Kokoua has been designated as a PA since the 1930s, in most cases when interviewees referred to the impacts that the park has had on their lives they spoke of the changes brought about by the



ECOFAC project, without providing precise dates. In this sense, it might be inferred that people refer to the 2001 designation of Odzala-Kokoua as a national park when they spoke of the creation of the area, because at this time, the area of the park was considerably expanded.

³⁰⁶ Parren et al., 2014

³⁰⁷ See for instance the 2011 news item on REDD Monitor, “African Parks Network plans to sell carbon from Odzala-Kokoua National Park in Republic of Congo: <http://www.redd-monitor.org/2011/09/06/african-parks-network-plans-to-sell-carbon-from-odzala-kokoua-national-park-in-republic-of-congo/>

³⁰⁸ For instance <http://fr.allafrica.com/stories/201508040556.html>

³⁰⁹ The original French wording reads: « L'UGP s'engage à prendre en compte les intérêts des communautés locales dans le cadre de l'exécution du Projet. Elles seront les premières bénéficiaires des opportunités d'emplois et recevront d'autres avantages économiques issus du Projet, tels que des activités génératrices de revenus ou un soutien pour la création d'infrastructures sociales ».

As the park was established already in the 1930s, most people interviewed did not know of how it took place or of any possible consultation processes. Some said their ancestors might have been consulted, but that they themselves have not been. Park managers have reportedly visited the communities (activities with local communities are reported during both ECOFAC and current APN management), but those interviewed claimed that they have not really been listened to: “Can one call it consultation when people come and just pass by and walk around your village?”, as one community member questioned.

The elders remember how their parents had had to flee from the heart of the PA back in the 1930s when it was created. From 1968 to 1971, a relocation process took place, triggered by the then state policy to settle forest peoples along roadsides³¹⁰. According to some testimonies, another relocation process took place in the late 1990s, prior to the 2001 establishment of the park, and that ECOFAC undertook some consultations with Bantu villages in this instance, although we could not find formal documentation of the process. In any case, current villagers say they left their sacred sites and resources behind, now within the limits of the national park.

When asked about what they think of the park, the answers were very mixed. Many people first responded positively, although they concluded later in the interview that they personally feel very negatively about it. Also, many felt that the park itself is a positive thing, but that the behaviour of park managers and eco-guards is the problem. As a group of elders expressed in one focus group held, local villagers do not adequately know the rules and limits of the park and they feel these limits and regulations keep changing and are not governed consistently, as expressed by one informant: “We have a lot of difficulties with these rules, as sometimes they change and we do not know anymore what is allowed and what is prohibited.”

The basic idea of the park might be good, but the practices of governance are seen as very damaging, according to the elders interviewed. Elsewhere, local community members expressed that they recognise the value of the park for its wildlife and in that it attracts tourists. However,

on a negative note, some informants felt the park is a mechanism set up only to enrich foreigners, with no significant benefits to local populations. As one informant expressed: “The park could have become an economic opportunity for us but it has become like living in a prison”.

Benefits, impacts and heightened challenges for indigenous peoples

Only a few respondents said they had experienced some form of benefits as a result of the park, in the form of waged employment as eco-guards, work as a shopkeeper, and some revenues gained from selling tiles to ecotourist lodges. The new road connecting the park to the city had also improved access, with tourists visiting the village. These descriptions of positive changes are, however, very limited and still nowhere near ensuring that communities actively participate in conservation and benefit from it equally and in the long-term.

Despite these few positive responses (given by about one-sixth of respondents), everyone interviewed reported negative changes due to the park. When asked how the park has affected their lives, the most common answer was that restrictions had been imposed on their livelihood activities in the forest. Other changes mentioned were “not being able to freely enter the forest”, poverty and hunger, elephants destroying their crops, and conflicts.

Some testimonies in this sense include:

“We don’t want this park that gives us nothing and diminishes our livelihoods; it deprives us from our rights over the forest. Our rights to access resources and lands are very weakly respected.”

According to our findings, local communities are allowed to carry out their subsistence activities in a 10 km band circling the core conservation area of the park. This is presumably the sustainable use area mentioned in the management plan, although local communities did not refer to it as such. This measure poses several problems, particularly for indigenous communities, as their lifestyle depends on an expansive, non-intensive use of the forests. The following testimonies from indigenous persons were given to our interviewers:

³¹⁰ See Redford and Fearnle, 2007.



are we unable to feed ourselves well, we also cannot sell a bit of game to buy basic products such as soap and petrol.

Importantly, focus groups with indigenous communities revealed that there are no indigenous persons working for the park. Thus, they are doubly discriminated against, as their particular needs aren't considered in terms of access and use rights, and also because the park has failed to address the patterns of employment discrimination that indigenous persons face in Congo in general.

Many villagers said they had had to take children out of school due to their inability to pay the school fees, and although it is difficult to prove whether this is a direct consequence of the park, interviewees do perceive a correlation between increased hardship and the park. Most interviewees had not heard of any form of compensation or payments, not even from ecotourists, even though informants related that under the ECOFAC framework local communities had been promised a five per cent income from tourist revenues (in their answers, they did not distinguish between different phases of the ECOFAC programme). Respondents coincided that they have never seen this five per cent promise materialise, although APN's website claims that it is indeed being implemented³¹¹. As mentioned before, the contract between the Congolese government and APN doesn't explicitly require this five per cent to be disbursed, and in fact has very limited provisions related to benefit sharing.

We don't do the same things we did before. The arrival of the park changed village life. Our forest activities have been restricted, which means a true problem for us, because we the Bakola are hunters above all; we aren't farmers or fishermen.

[The park] respects our rights such as fishing, hunting, making plantations and gathering. However, these rights are confined to the 10Km band, and the essential part of our riches is found beyond this zone, and access to these riches is strictly forbidden, because we can't carry out any activities within the park.

Our game is seized by eco-guards. There is more misery and poverty, because not only

Under the ECOFAC framework, a few individuals had been given – through “microprojects”- a couple of goats, or a few packets of biscuits, or received a bag of salt – these supposedly as ‘compensation’ for the losses incurred by the National Park. Everyone agreed that these material donations cannot be considered as compensations, and one informant even went so far as to refer to them as “a form of insult”. As one community member expressed:

“The park [administration] must think of the future of the communities in terms of social assistance: food, education and health. Then, one might feel the impact, instead of just [being given] a packet of biscuits.”

³¹¹See African Parks, Odzala Kokoua Community Involvement: <https://www.african-parks.org/the-parks/odzala-kikoua/about/community-involvement->

But while benefit sharing mechanisms have failed to accrue to local populations and have in no way compensated the losses they have faced, fines and penalties have been dispensed very efficiently. Several interviewees had been personally fined and others arrested for carrying out what once constituted their livelihood activities, and today are characterised by national law as “illegal” hunting. Fines range from 10 000 FCFA (approximately 16 USD) for having used a cable trap inside the park, to the typical fine of 70 000 FCFA (approximately 115 USD) for carrying a hunting weapon in the park. The highest reported fine was 450 000 FCFA (approximately 739 USD) for killing an elephant. These figures, while perhaps affordable to illegal commercial poaching gangs, are astronomical in the standards of local villager’s incomes (more than 30 per cent of the population in Congo lives with less than US\$ 1.25 per day, and the vast majority of these people are located in rural areas). A handful of informants also admitted having themselves been arrested (even for just carrying a shotgun inside the limits of the park), the shortest detention time being one day (only one case); the rest serving more than one month sentences. The longest prison sentences reported were nine months (three different villagers), for killing an elephant. Again, while outsider poaching criminals may be able to afford the fines or to pay off long prison sentences, local community members cannot, and are thus disproportionately penalised. Reports were also given of abuse while under arrest.

As in the case of Tumba Lediiima, several interviewees concluded that hunting is often organised by outside agents who target indigenous people due to their exceptional hunting skills:

“In all honesty, being indigenous and good hunters, other people look for us very frequently for hunting and, unfortunately, that hunt is sometimes for forbidden animals. The instigator provides the equipment and we do the rest, having received a financial contribution beforehand.”

This should be an added reason to reinforce indigenous livelihoods and enlisting indigenous peoples in protecting the fauna they so heavily depend on, rather than marginalising and penalising them.

Relations with eco-guards and reports of abuses

With regards to eco-guards, opinions of interviewees ranged from the extremely negative (“they are very hated by the communities, who consider them as their enemies”) to critical (“they do a great job at surveillance but should also seek to establish good relations with the local communities as this is also important”). There were reports of abuse and “brutality” by the eco-guards, which were later verified, based on a number of different accounts. Villagers said that eco-guards use force whenever an offender resists the arrest, and that the eco-guards seem to ignore that hunting small wildlife for personal consumption is allowed even outside of hunting periods.

“The violations occur usually as a result of poaching activities. Effectively, if you are caught in a blatant infraction, then sometimes the ecoguards will abuse you before transferring you to the police or gendarmerie.”

As one villager put it, *“the forest was our paradise. Today the activities in the forest have become almost impossible”*. As seen in the testimonies above, hunting restrictions penalise local indigenous populations disproportionately, because they depend heavily on hunting and *“are neither agriculturalists nor fishermen”*.

The Republic of Congo has a law on the Rights of Indigenous Peoples (Law n. 5 of 2011) with specific implications for this case, as it includes provisions on consultation, FPIC and ownership of customary lands. To this date, little has been done to put this law into practice, as corresponding secondary legislation has not been adopted. No visible impacts have been recorded for indigenous populations, either around Odzala-Kokoua or elsewhere. Although the park was created well before this law was adopted, it is useful to note that its application is still relevant in the case of measures that were taken after 2011. As the law states, consultations must take place “before any consideration, formulation or implementation of legislative or administrative measures or of development programmes and/or projects which may affect them directly or indirectly” (art.3). Such would be the case of the adoption of a management plan, for instance.

5.5 SUMMARY: CASE STUDY TRENDS, COMMONALITIES AND LESSONS LEARNT

While differing in a few specific details related to history and community engagement in the PA process, the above four case studies illustrate a much broader reality, not unique or isolated only to these PAs. Across each of the examples, local communities have been left out of the planning, management and benefit-sharing of the PA in question. Meanwhile, they are those who have been most directly and negatively affected by the imposition of new rules and regulations. While they are required to respect these rules, they aren't involved in their formulation, nor even properly informed on their content. As the cases in Cameroon and Congo show, indigenous forest peoples have been hit the hardest, as their livelihoods and even survival are proportionately much more forest-dependent than neighbouring Bantu farmers or other stakeholders. Meanwhile,

with very low income, indigenous forest peoples have very little, if any, economic power to counteract any legal sanctions or challenge what in many cases appear to amount to arbitrary and extra-judicial punishments. Moreover, as marginalised groups in society, they remain disempowered to voice their rights, they continue to have unequal negotiating power, and are subsequently easy targets for outsiders to "use" and abuse, whether physically (in labour or violations) or intellectually (in negotiating trade or rights).

Other common threads identified in these case studies include:

In terms of participation and information:

- Lack of consultation before PA establishment in all cases, and no mapping or systematic documentation of customary tenure arrangements or livelihood activities



Traditional ceremony, Ivindo NP neighbouring village

- Lack of gathering of baseline data about either the human or faunal inhabitants of the areas means that it is difficult to assess what positive effects have been achieved for wildlife or negative impacts on people
- Involvement is often reduced to public information campaigns rather than significant FPIC and consultation
- The level of information that communities had varies, but in no case was it detailed enough that it would allow them to be effectively involved in management, as national and international standards would require. In many cases, communities are not even clear what are the boundaries of the park
- There are few and mostly still incipient initiatives to promote community participation, such as the CCGL in Gabon, ZICGC in Cameroon and inclusion of community members in the Odzala Foundation board – and the communities interviewed had nothing positive to report about these
- In none of these cases, or indeed any of the 34 areas analysed for this study, have examples been found of participation mechanisms involving community management of resources within protected areas.

Regarding livelihoods and external actors:

- Without exception, communities reported that the protected areas have diminished their livelihoods in different ways. Restricted access to the forest entails diminished access to food, but also less disposable income to acquire basic goods and services (schooling for children was often mentioned)
- As an added difficulty to the livelihood situation, many villagers asked for compensation for the losses incurred by elephants destroying their crops
- The impacts of extractive concessions and the people they draw into the forests are largely unaccounted for and increase pressure on 'dispossessed' local communities. Communities in Tumba Lediima and Boumba Bek/Nki share the perception that outsiders have free hand to destroy and hunt whereas local people are punished. At the same time, the increased competition for forest resources from these actors means additional hardships for these communities.

Regarding anti-poaching measures and eco-guards

- All communities consulted resent the abuses committed by eco-guards and some reported grave human rights violations. This has led to deep mutual mistrust in most cases
- Some cases also revealed corruption and the failure to tackle external poachers; communities are heavily penalised while they aren't the real drivers of this activity
- Almost no communities are clear about the PA 'rules' to which they are subject, and there seems to be little clarity about this on the part of the managing authorities as well, This creates the conditions under which ad hoc, arbitrary and extra-judicial sanctions can be and are exacted, causing even greater friction and sense of injustice amongst local communities.

Without exception, all communities in our study called for:

- a) more dialogue, recognition and better relations with park administration;
- b) park rules and regulations to be adjusted so as to respect traditional customs and cultures, including forest dependent livelihoods; and
- c) park-related revenues to be distributed evenly to them.

Despite all the above-mentioned conflicts that PAs have stirred, there is still a lot of potential for collaboration between local communities and conservationists, as they have a common interest in protecting the forests and resources from external actors. Both national and international bodies driving the current conservation and development agendas would do well to recognise this potential, and to formulate conservation strategies based on such collaborations. Indeed, if local communities are provided more stable revenues, a fair share of any benefits, and alternative and sustainable development options, then they are probably much more likely to support conservation and not collaborate with poachers.



6. CONCLUSIONS AND RECOMMENDATIONS

“In this changing world, we need a fresh and innovative approach to protected areas and their role in broader conservation and development agendas. This approach demands the maintenance and enhancement of our core conservation goals, equitably integrating them with the interests of all affected people.”

Durban Accord, IUCN World Parks Congress 2003

With this study, we have shown that business as usual in the form of top-down conservation in the Congo Basin i) does not seem to be working; ii) is costly, iii) can be counter-productive, and iv) is often downright unjust, as human rights abuses are perpetrated in the name of conservation, going against international standards and obligations and v) is therefore inherently unsustainable. The five countries considered in our study are obligated to uphold land rights and rights to consultation and Free, Prior and Informed Consent, and rights to livelihoods, under several conventions, yet – as we have shown – none of these governments are applying these agreements or articles in their approaches to PAs, conservation and forest peoples. Meanwhile, despite two decades and hundreds of millions of dollars of foreign funding directed at conserving the Congo Basin rainforests, there continues to be a general lack of baseline data on trends and conservation outcomes. Similarly, there is a major lack of transparency in the use, allocation and outcomes of funding on the part of funding agencies, NGOs, and international donors.

The challenge around PAs in the Congo Basin is thus one of finding simultaneously efficacy and long-term solutions. In these vast and hard-to-access areas where most governments and PA managers are limited in their capacity to patrol and enforce existing regulations, conservation success is all the more dependent on the support of local communities. Yet, the predominant mindset in conservation circles continues to be one of top-down imposition where local communities are a threat and have to be told “how to conserve”, rather than asking them, as local experts, on how they have managed to conserve biodiversity so effectively for long periods of time.

Scholars argue that conservation over the coming decades is likely to involve the establishment, implementation and improved management of primarily those categories of PAs where some human use will be “tolerated” or even encouraged, or on new types of PA in degraded landscapes which have been restored to productive use for conservation³¹². If this is the case, then understanding human

needs, perceptions, motives, and preferences is paramount to the success of any conservation initiative or PA project, and the global conservation community still has a long way to go to really grasp and understand the complexity involved. In this challenge, conservationists and PA managers are overlooking a huge potential for successful partnerships by not integrating local customary resource tenure, knowledge, livelihoods, and work force into conservation planning and management. Furthermore, as shown in the literature of conservation psychology³¹³, positive reinforcement to try to achieve non-forced compliance can be much more effective in influencing the motives, incentives and choices of individuals and groups on the ground than direct enforcement, control, instruction, or strict legislation.

What we suggest is a shift away from the conventional people-free parks philosophy to one that could approach the remaining Congo Basin rainforests not as pristine nature to be saved from humans, but as biocultural landscapes where local communities are part of the equation: as equal partners in planning, designing and managing the PAs and their conservation strategies, whilst also benefitting justly from them. This would require overhauling the whole land governance process, as most of the land in these countries is already occupied by other uses. CBNRM needs to be a real part of the equation, with actual tenure rights that correspond to traditional territories. In this light, we present the following recommendations to all those actors working, funding, or dictating conservation policy and protected area management in the Congo Basin, and specifically to the relevant NGOs and governments, but also to the broader international community.

6.1 RECOMMENDATIONS TO NATIONAL GOVERNMENTS

- Undertake an independent review of all PAs in the region to assess conservation effectiveness, and produce specific roadmaps and adopt binding commitments to tackle each situation.

³¹² McNeely and Ness, 1995

³¹³ Saunders 2003

- Integrate community rights to lands, livelihoods, participation and FPIC in all aspects of conservation planning and management, including by:
 - Progressing towards the target of placing 17 per cent of national lands under protected area status by implementing “other effective area-based conservation measures” which are based on traditional tenure and knowledge systems, including indigenous and local community conserved areas and other management options.
 - Providing compensation for communities that have been evicted or displaced, including restitution of the lands that have been taken into PAs from local and indigenous communities, where appropriate.
 - In the context of an independent review, revising the current IUCN categories and management arrangements of existing PAs to adapt them to the needs and realities of local communities and the specific needs of indigenous peoples (including easing restrictions, redefining zoning according to customary rights, or others as appropriate).
 - Formally committing not to support the creation of new PAs without the FPIC of local people and adequate participatory mapping. More broadly, ensure that all future land use planning and zoning involves the consultation and FPIC of local and indigenous communities.
 - Utilising and strengthening community forestry legislation as a means to establish community conservancies. In DRC, recent legislation on community forests provides concrete opportunities in this sense, as could similar ongoing processes in CAR and the Republic of Congo.
 - Establishing clear guidelines regarding the proportion of conservation funding (provided by the state as well as by international budget) that should be destined to civil society organisations and local communities with the explicit objective of building their capacity and increasing ownership of conservation activities.
 - Valorising and documenting traditional knowledge and conservation techniques and integrating it into management plans.
- Enforcing local communities’ rights to make traditional use of forest resources, revising categorisation and allowing for flexible management arrangements to make conservation compatible with local communities’ needs.
- Take necessary measures to remedy human rights violations related to protected areas as well as to implement a rights-based approach to conservation, including:
 - Adapting national legislation, policies and operational guidelines to reflect the highest international human rights standards and, where necessary, adopting specific measures to protect indigenous peoples’ rights.
 - Providing adequate training and resources to conservation agents to implement these.
 - Ensuring adequate training and sensitisation to eco-guards in respecting human rights, undercutting perverse incentives to pursue heavy-handed policing with communities, and establishing an effective sanction system.
 - Establishing specific monitoring, verification and grievance mechanisms, including through the use of new community-enabling technologies now available.
- Documenting the direct and indirect impacts of extractive activities on PAs, and ensuring that environmental management plans are put in place and independently monitored.
- Adopt land management plans which provide sufficient space to secure the customary lands and livelihood requirements of local communities.
- Document and provide support to resolve any ongoing or future conflicts over land that have arisen between PAs and local communities, as well as between local communities and other stakeholders, including companies of extractive industries.
- Promote local economic opportunities and alternatives that respect and value traditional knowledge, culture, and customary use of land and resources.

6.2 RECOMMENDATIONS TO MAIN DONORS



- Adopt a common position committing to rigorously uphold the relevant national and international laws, standards and norms concerning respect of indigenous and community rights in their funding for conservation programmes in the Congo Basin.
- Adopt clear performance indicators concerning (both direct and indirect) recipient organisations' compliance with the relevant laws, norms and standards, and establish an independent mechanism to monitor compliance.
- Commit appropriate resources to piloting, reviewing and implementing in the Congo Basin relevant policy and management tools such as the IUCN Environmental and Social Management Framework, the IUCN Standard on Involuntary Resettlement, and the Guidelines on Protected Areas Governance.
- Establish an independent and effective grievance mechanism to handle complaints raised in relation to Congo Basin PAs implementing agencies. This should enable local communities to alert policy makers/funders to grievances (e.g. through new technologies, crowdsourcing and/ or by integrating community inputs into existing anti-poaching information systems, such as SMART), to mitigate suppression of information.
- Assign specific and greatly increased levels of funding in conservation programmes to benefit relevant national civil society and local communities directly, in order to strengthen their capacity and enhance their ownership of conservation activities.

- Restructure current funding channels so as to maximise direct flows to local communities currently or potentially involved in conservation, as well as to grassroots organisations and civil society more generally.
- Involve local stakeholders in the design of programmes and projects, incorporating detailed analysis of the particular historic and socioeconomic characteristics of each site, in addition to scientific biological data.
- Establish specific guidelines to assess the level of funding required to undertake adequate social and human rights due diligence, consultation, FPIC and subsequent engagement process for each project, and ensure that the required level of funding is established in every grant, be it for governments or other recipients.
- Urge national governments to remedy all cases and instances where human rights have been – or continue to be – abused or violated in the name of conservation or for protected areas. Refuse to fund or withdraw funding from projects which do not comply with these standards.
- Provide greatly increased levels of support to national governments for better application of human rights standards in conservation, including supporting harmonisation of legal frameworks and building and strengthening necessary institutions.
- Systematically disclose more detailed information on how protected areas funding is being used, and by whom, in order to improve accountability and better understanding of the relative effectiveness of funding approaches.



- Invest resources on systematic, transparent, independent, field-based monitoring and evaluation of conservation projects to ensure that the reality on the ground is reflected in policy.
- Channel financial and political support towards proven participatory, rights-based conservation approaches, as described above, including OECMs (Other Effective Conservation Measures), ICCAs (Indigenous and Community Conserved Areas), and other initiatives outside the conventional PA model for conservation.
- Provide funding support to address the specific needs of indigenous peoples in conservation programmes, including 1) better documentation on their socioeconomic situation as well as mapping of their territories and dynamics of forest use, 2) strengthened representation of these communities through culturally appropriate means, 3) information and awareness on their rights and the legal framework for conservation more generally, 4) targeted support to improve indigenous peoples' access to justice.

6.3 RECOMMENDATIONS TO INTERNATIONAL NGOS

- Openly commit not to engage in any process which entails displacement of local communities without their genuine FPIC, and withhold support from projects that do not comply with the relevant national and international laws, standards and human rights norms, and particularly those that have not received the FPIC of the peoples they might affect.
- Request support from the relevant donors to rectify any previous injustices carried out in the establishment of protected areas, such as through compensation or restitution of lands.
- Adopt and implement specific operational guidelines (such as those developed through IUCN and referred to above) – including clear performance indicators and participatory monitoring mechanisms – for the integration of human rights principles in all conservation activities, and provide information and share better practices regarding their implementation.

Disseminate these guidelines and monitoring results among relevant stakeholders.

- Develop specific binding policies for respect of indigenous peoples' rights in conservation programmes. Disseminate these policies and monitoring results among relevant stakeholders.
- Provide training on human rights standards and obligations to all conservation agencies and those in charge of protected area administration and management, including eco-guards.
- Using the considerable political, financial and technical influence that conservation NGOs have built over recent decades, promote community land rights through practical steps including: participatory mapping for protected areas' identification, categorisation, delineation and zoning; promote conservation also in the form of 'OECMs' (Other Effective Conservation Measures), ICCAs (Indigenous and Community Conserved Areas), and other initiatives outside the conventional PA model for conservation.
- Strengthen partnerships with local community organisations for the implementation of projects on the ground and involve them in strategic decision making, making sure they are provided sufficient resources (financial, technical, human) to participate actively in these initiatives. Monitor and disseminate achievements in terms of capacity building and increased ownership by local civil society.
- Ensure that when brokering partnerships, indigenous peoples are recognised as 'equals at the discussion table'. Provide capacity building, mediation, and facilitation where needed.
- Undertake detailed social analyses, participatory mapping and livelihood surveys and develop clear plans to ensure that the creation of new protected areas and management of current ones do not undermine local livelihoods and land rights, and that local communities benefit justly from conservation initiatives.
- Set out a long term strategy for devolvement of power, decision making and technical know-how to local and national stakeholders.

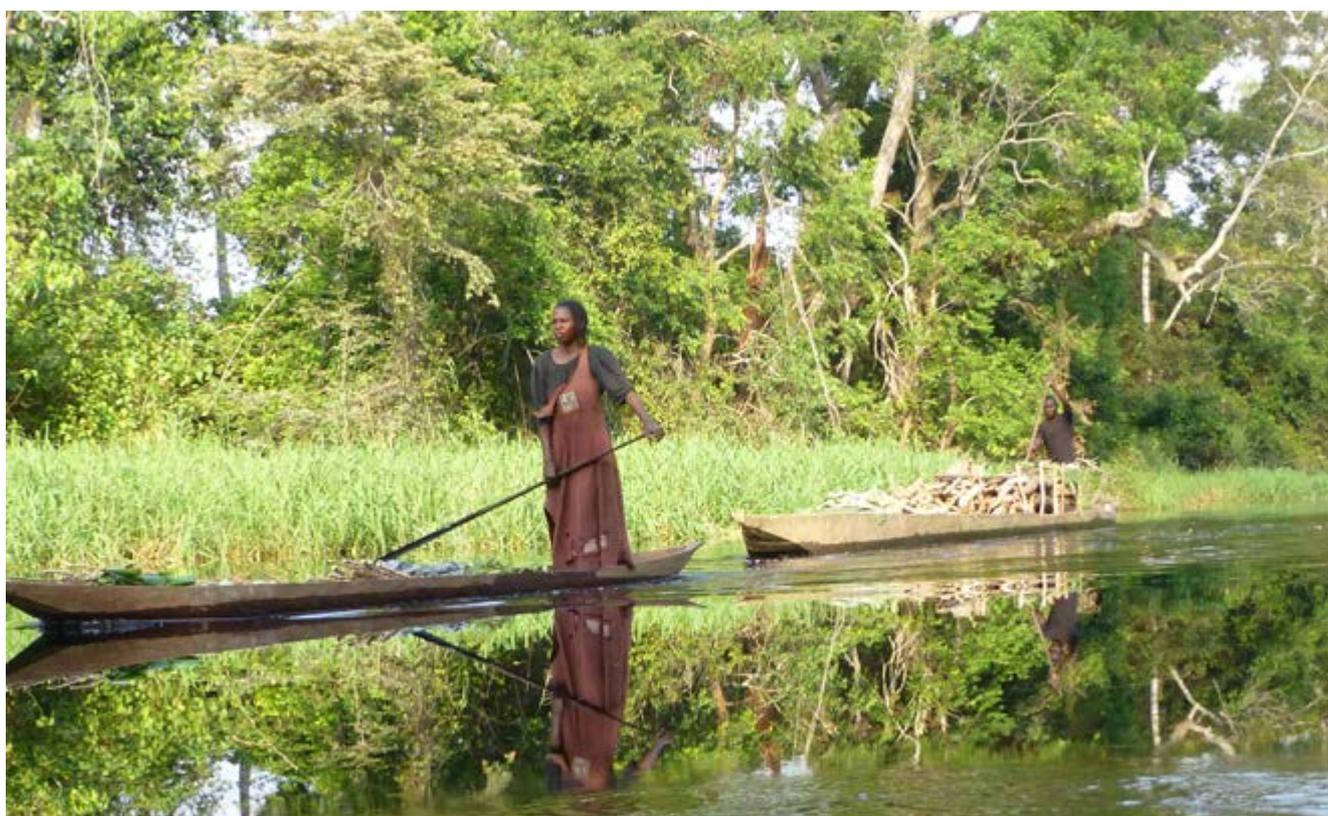
6.4 RECOMMENDATIONS TO RELEVANT INTERNATIONAL BODIES

- For IUCN, develop a monitoring and reporting mechanism whereby members and independent observers assess compliance with relevant resolutions and with specific human rights principles. Include stronger human rights indicators into the Green List assessment criteria.
 - In particular to the United Nations, play a leading role in promoting coherence of conservation activities with international human rights law, including formulating tools and mechanisms to monitor the situation systematically, and facilitate the use of UN mechanisms to present grievances and independent reports when needed.
 - Monitor and report on how conservation efforts are consistent with the post-2015 development agenda.
 - Develop guidelines and clear indicators to acknowledge the key role of local and indigenous communities in the conservation of forests and biodiversity, especially the importance of customary knowledge and practices that work to sustain forests, through specific policies and objectives.
 - In particular for the Congo Basin Forest Partnership (CBFP) promote policy harmonisation in terms of incorporation of human rights standards in conservation activities.
 - For the African Commission and Court on Human and Peoples Rights, promote strengthened collaboration with civil society organisations monitoring the human rights situation around PAs in Central Africa, increase monitoring missions and publicise their results and prioritise processing cases related to conservation and human and peoples' rights, in order to promote better understanding and compliance with the provisions of the Charter in this matter.
 - Target funding also to OECMs (Other Effective Conservation Measures), ICCAs (Indigenous and Community Conserved Areas), and other initiatives outside the conventional PA model for conservation that may be more appropriate, just, and effective in local contexts and partnerships.
- Campaign for rights in PAs where there are stark human rights abuses and violations, calling for a revising of PA categorisations and management plans, so that these may be redefined according to local communities' customary lands, culture and rights, including free, prior and informed consent.
 - For the World Bank/Global Environment Facility, undertake a systematic evaluation of compliance of conservation projects with relevant operation standards, and particularly those related to indigenous peoples and involuntary resettlement.
 - Call on states to acknowledge historical violations to local community rights to land and resources, as well as basic human rights violations, and take immediate steps for restitution, ensuring also that no further violations take place.
 - Put pressure on governments, companies and the wider society to halt the demand and consumption of products resulting from the illegal trade in rainforest products. Ensure also that suppliers (e.g. of timber, minerals, palm oil, oil, etc.) incorporate and uphold human rights obligations into all their actions.
 - Use mechanisms such as state obligations under World Heritage status regulations to ensure that protected areas will indeed be protected from extractive activities. Increase publicity and political pressure against non-compliance.



6.5 RECOMMENDATIONS TO ACADEMICS AND RESEARCH INSTITUTIONS

- Develop social impact assessment tools that are adapted to Congo Basin realities and which are easy to implement and use to produce comparable data over time to tackle the significant dearth of information in this area.
- Contribute to human rights monitoring and implementation through the development of legal analyses and methodological tools.
- Undertake comparative studies of different approaches to conservation and their relative effectiveness in terms of conservation.
- Contribute to document and produce more extensive information on the issue of displacement in the Congo Basin, including on the specific problem this entails for indigenous peoples.
- Contribute to and disseminate studies of local and indigenous traditional knowledge.
- Undertake rigorous studies on the correlation between local and indigenous community resource use and land governance practices and conservation outcomes.



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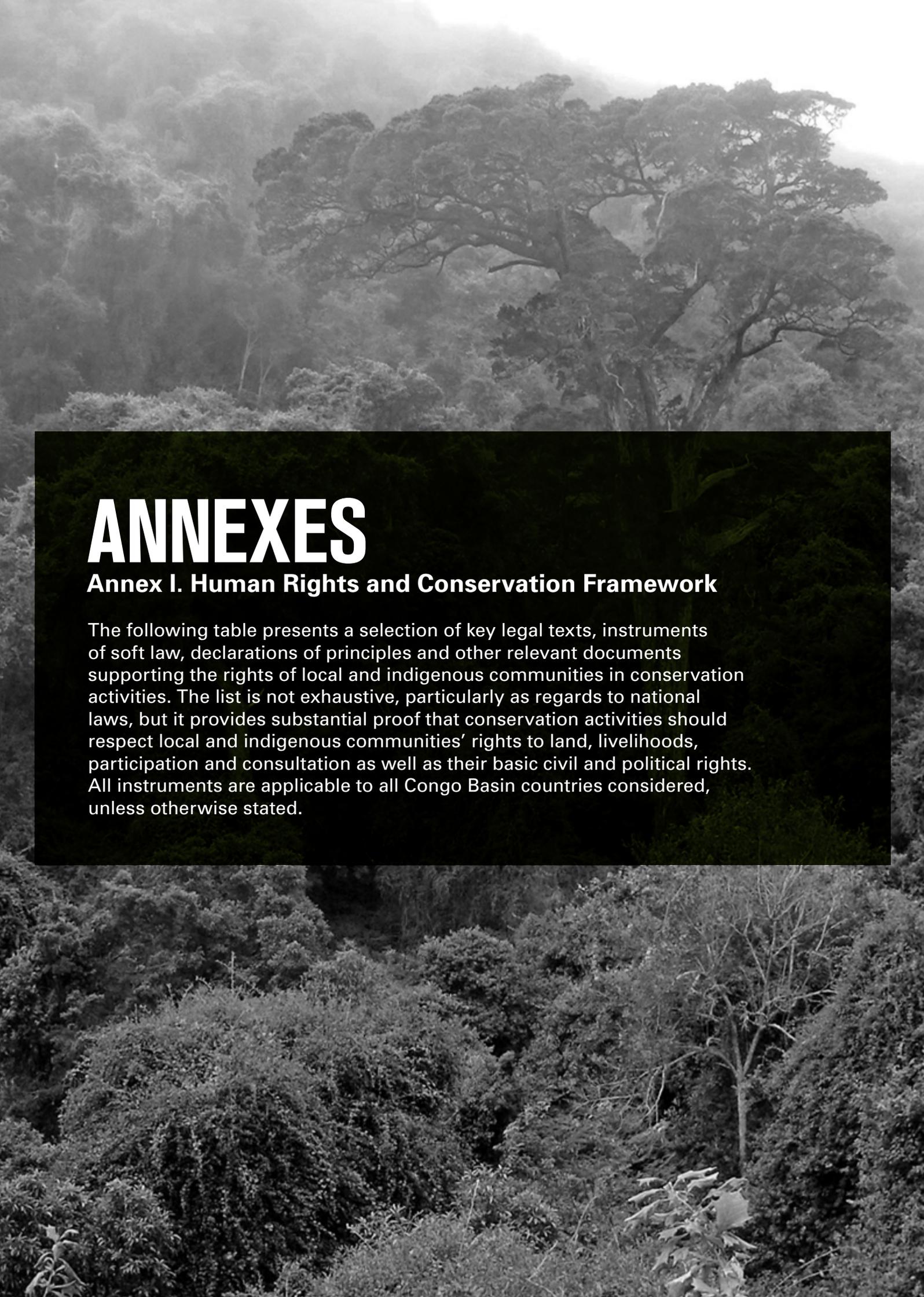
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A black and white photograph of a dense forest. In the foreground, a large, spreading tree with a thick trunk and dense canopy is the central focus. The background is filled with a thick forest of smaller trees, creating a sense of depth and a vast natural environment. The lighting is soft, suggesting an overcast day or a misty atmosphere.

ANNEXES

Annex I. Human Rights and Conservation Framework

The following table presents a selection of key legal texts, instruments of soft law, declarations of principles and other relevant documents supporting the rights of local and indigenous communities in conservation activities. The list is not exhaustive, particularly as regards to national laws, but it provides substantial proof that conservation activities should respect local and indigenous communities' rights to land, livelihoods, participation and consultation as well as their basic civil and political rights. All instruments are applicable to all Congo Basin countries considered, unless otherwise stated.

Thematic areas	International instruments (binding and non-binding)	Regional
General provisions	<p>Decision VII/28, the 7th Conference of Parties to the Convention on Biological Diversity (CBD): “the establishment, management and monitoring of protected areas should take place with the full and effective participation, and the full respect for the rights of, indigenous and local communities consistent with domestic law and applicable international obligations.”³¹⁴</p> <p>Aichi Biodiversity Targets, CBD Target 11 By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes. [emphasis added]</p> <p>IUCN Resolutions and agreements Resolution 4.056, Rights-based approaches to conservation, which calls to: “develop and/or work towards application of rights-based approaches, to ensure respect for, and where possible further fulfilment of human rights, tenure and resource access rights, and/or customary rights of indigenous peoples and local communities in conservation policies, programmes, projects and related activities”</p> <p>Durban Action Plan, Vth IUCN World Parks Congress: “All existing and future protected areas shall be managed and established in full compliance with the rights of indigenous peoples, mobile peoples and local communities”.</p> <p>Other relevant declarations The London Declaration on Illegal Wildlife Trafficking (2014)³¹⁵ notes that: “We recognise the importance of engaging communities living with wildlife as active partners in conservation, by reducing human wildlife conflict and supporting community efforts to advance their rights and capacity to manage and benefit from wildlife and their habitats” (para 12).</p>	<p>COMIFAC Convergence Plan, 2015-2025 « Le respect des droits de l’homme et la protection des droits spécifiques des peuples autochtones sont devenus un enjeu majeur et une préoccupation constante de la communauté internationale. Dans cette dynamique, les pays d’Afrique Centrale ont tous adhéré à la Déclaration Universelle des Droits de l’Homme et à la Déclaration des Nations Unies sur les Peuples autochtones. En somme, toute action prévue dans le cadre du Plan de Convergence doit se faire conformément au respect des droits de l’homme, et particulièrement au respect des droits des peuples autochtones. »</p>

³¹⁴ According to FPP (2008) “this decision is legally binding on state parties to the CBD because it is an authoritative interpretation of the CBD itself”, p.1

³¹⁵ All countries considered here with the exception of the Central African Republic participated in this conference and endorsed the Declaration.

National legislation	Donor commitments and obligations	NGO commitments
	<p>United States Foreign Assistance Act of 1961, as amended, section 116: “No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.”</p> <p>The European Consensus on Development Para 101: “In all activities, the Community will apply a strengthened approach to mainstreaming the following cross-cutting issues: the promotion of human rights, gender equality, democracy, good governance, children's rights and indigenous peoples, environmental sustainability and combating HIV/AIDS.”</p> <p>Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation “The Government will pursue a coherent human rights policy, in which Norway's efforts to promote and protect human rights are integrated into all aspects of its foreign and development policy.”</p> <p>NORAD grantees are required to adopt Ethical Guidelines which demand respect for human rights.</p> <p>Human rights in German development policy Human rights are a guiding principle for German development policy. (...) Germany and the majority of its development partners have ratified the international human rights conventions and have thus recognised the implementation of these conventions as a legally binding obligation. This also provides the binding frame of reference for Germany's development cooperation with partner countries. [emphasis in original]</p> <p>World Bank Operational Policies See in particular O.P 4.10 on Indigenous peoples and 4.12 on Involuntary resettlement</p>	<p>Conservation Initiative on Human Rights: “a consortium of International conservation NGOs that seek to improve the practice of conservation by promoting integration of human rights in conservation policy and practice.” Common operating principles are established in the Conservation and Human Rights Framework (2010) Members: IUCN, Birdlife International, Conservation International, Fauna & Flora International, The Nature Conservancy, Wetlands International, WCS and WWF.</p>

Thematic areas	International instruments (binding and non-binding)	Regional
Land rights	<p>Land rights may be seen as an “umbrella” category that is actually linked to a series of rights the fulfilment of which requires that individuals and groups aren’t deprived or involuntarily displaced from their lands. These include:</p> <p>International Covenant on Civil and Political Rights (ICCPR) Right to self-determination, art. 1.1 Right to life, art. 6.1 Right to non- interference with privacy, home and family, art. 17</p> <p>International Covenant on Economic, Social and Cultural Rights (ICESCR) Right to self-determination, art. 1.1 Freedom of movement and to choose one’s residence, art. 12.1</p> <p>Universal Declaration of Human Rights (UDHR) Right to property, art. 17</p> <p>Displacement Displacement can be a violation of numerous rights including all of the above as well as: Right to life ICCPR, art. 6.1; Right to security of person, ICCPR, Right to adequate standard of living, ICESCR, art.11 Right to health, ICESCR, art. 12;</p> <p>Also relevant are: Commission on Human Rights resolution 1993/77a: “affirms that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to housing”</p> <p>CESR General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions</p> <p>UN Special Rapporteur on the Right to Food UN Doc. A/56/210: The obligation to respect means that the Government should not arbitrarily take away people’s right to food or make it difficult for them to gain access to food. Violations of the obligation to respect would occur, for example, if the Government arbitrarily evicted or displaced people from their land, especially if the land was their primary means of feeding themselves (paragraph 27, emphasis added)</p> <p>Other relevant pledges and principles On devolution of lands: Durban Action Plan, Vth IUCN World Parks Congress: Participatory mechanisms for the restitution of indigenous peoples’ traditional lands and territories that were incorporated in protected areas without their free and informed consent established and implemented by 2010.</p> <p>FAO Voluntary Guidelines on the Responsible Governance of Tenure: which call for states to “recognize and respect all legitimate tenure right holders and their rights”, including customary tenure systems.</p>	<p>African Charter on Human and Peoples’ Rights³¹⁶</p> <p>Article 21.1. “All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it. 2. In case of spoliation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.”</p> <p>Other relevant rights: Right to own property, art. 14 Right to life, art. 4 Right to security of person, art. 6 Right to non-interference with privacy, home and family, art. 18.1 Freedom of movement and to choose one’s residence, art. 12.1 Right to health, art. 16</p> <p>African Commission on Human and Peoples’ Rights Decision 276/03, “Endorois Decision”</p> <p>In an unprecedented judgment in favour of land rights, the Commission ruled in favour of the Endorois people in Kenya, who were evicted from their land to establish a protected area. Among others, the Decision determined that this action violated the following provisions of the ACHPR:</p> <p>Right to practice religion, art. 8 Right to property, art. 14 Right to culture, art. 17 Rights to free disposition of natural resources, art. 21 Right to development, art. 22</p> <p>Other relevant pledges and principles directives de la COMIFAC axe stratégique N°3. 312 sur l’aménagement des écosystèmes forestier et reboisement. délimiter et sécuriser les terroirs des communautés locales et autochtones dans l’aire protégée et sa périphérie.</p> <p>Heads of States and Government of the African Union Declaration on Land Issues and Challenges in Africa, that resolves to “ensure that land laws provide for equitable access to land and related resources among all land users including the youth and other landless and vulnerable groups such as displaced persons”</p>

³¹⁶ The charter is legally binding to the five Congo Basin countries considered under this study.

³¹⁷ For detailed studies on this matter see: Kenfack, P.E., (2015) In Search of Land Laws that Protect Forest Peoples in the DRC, RFUK, available: http://www.mappingforrights.org/files/Etude_per_cent20foncier_per_cent20RDC_RFUK_Oct2014.pdf; Alden Wily (2011) Whose land is it? The Status of Customary Land Tenure in Cameroon, CED-FERN-RFUK, available: http://www.mappingforrights.org/files/cameroon_eng_internet.pdf; Alden Wily, L. (2012) Les droits fonciers au Gabon : Faire face au passé – et au présent, FERN, Moreton in Marsh/Brussels and with a specific focus on indigenous peoples’ rights: Gilbert, J (2013) Study on the compatibility of CAR legislation with the provisions of ILO Convention 169, RFUK, available: http://www.mappingforrights.org/files/RFUK_per_cent20C169_per_cent20CAR_per_cent20web_per_cent20final.pdf

National legislation	Donor commitments and obligations	NGO commitments
<p>Although legislation regarding land rights and tenure security for local and indigenous communities is extremely weak in the Congo Basin, some minimal protections do exist in these five countries, recognising at least rights to use traditional lands for subsistence and to obtain compensation when this right is hindered³¹⁷:</p> <p>Cameroon Code Forestier, 1994 Article 26. (1) L'acte de classement d'une forêt domaniale tient compte de l'environnement social des populations autochtones qui gardent leurs droits normaux d'usage. Toutefois ces droits peuvent être limités s'ils sont contraires aux objectifs assignés à ladite forêt. Dans ce dernier cas, les populations autochtones bénéficient d'une compensation selon des modalités fixées par décret.</p> <p>CAR Code Forestier, 2008 Art 18. Les peuples autochtones ne peuvent pas être expulsés des territoires qu'ils occupent avant la création des aires protégées. Dans le cas où l'on considère que la réimplantation des peuples autochtones constitue une mesure exceptionnelle, elle ne peut avoir lieu sans leur libre consentement exprimé au préalable et en toute connaissance de cause.</p> <p>DRC Constitution de la RDC, 2011 Art. 34 : La propriété privée est sacrée. L'Etat garantit le droit à la propriété individuelle ou collective acquis conformément à la loi ou à la coutume. Il encourage et veille à la sécurité des investissements privés, nationaux et étrangers. Nul ne peut être privé de sa propriété que pour cause d'utilité publique et moyennant une juste et préalable indemnité octroyée dans les conditions fixées par la loi. Nul ne peut être saisi en ses biens qu'en vertu d'une décision prise par une autorité judiciaire compétente. [emphasis added]</p> <p>Gabon Loi n° 003/ 2007 relative aux parcs nationaux Art. 4 : « (...) Les parcs nationaux sont créés, classés ou déclassés, totalement ou partiellement, par une loi, en tenant compte des droits coutumiers des communautés locales (...) ».</p> <p>Republic of Congo Loi portant régime agro foncier, 2008 Art. 1: sans préjudice des autres dispositions législatives et réglementaires en vigueur, la présente loi garantit la reconnaissance des droits fonciers coutumiers.</p> <p>Art. 23 : outre les droits fonciers ruraux modernes, la présente loi assure la reconnaissance des droits fonciers coutumiers préexistants compatibles avec les dispositions du Code domaniale.</p>	<p>World Bank Operational Policy 4.12 – Involuntary Resettlement 2 (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs 7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project.</p> <p>IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement</p> <p>Objectives To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs. To avoid forced eviction. To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected. To improve, or restore, the livelihoods and standards of living of displaced persons. To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.</p> <p>KfW applies IFC performance standards in all its operations.</p>	<p>IUCN Standard on Involuntary Resettlement and access restrictions (January 2015).</p> <p>WCS: Policy on Human Displacement Modification of Resource Access to Achieve Conservation Objectives (21 May 2007) [Not available online]</p> <p>WWF Policy on Involuntary Resettlement</p> <p>Conservation International: Rights Based Approach Involuntary Resettlement Policy (2012)</p>

Thematic areas	International instruments (binding and non-binding)	Regional
Livelihoods and access to natural resources	<p>CBD Article 10 (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;</p> <p>Nagoya protocol to the CBD Art. 7: In accordance with domestic law, each Party shall take measures, as appropriate, with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities is accessed with the prior and informed consent or approval and involvement of these indigenous and local communities, and that mutually agreed terms have been established</p> <p>Art. 12.4: Parties, in their implementation of this Protocol, shall, as far as possible, not restrict the customary use and exchange of genetic resources and associated traditional knowledge within and amongst indigenous and local communities in accordance with the objectives of the Convention.</p> <p>Also see several clauses on benefit sharing.</p> <p>ICESCR, Art. 11: Right to a standard of living adequate for the health and well-being of the individual and his/her family, including adequate food and housing.</p> <p>Ownership and use of Natural Resources: right to freely dispose of natural wealth and resources – ICCPR and ICESCR, art. 1.2</p> <p>Also see: Art. 47 of ICCPR and 25 of ICESCR that provide that ‘Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.’</p> <p>right to development and to maintain culture, ICCPR, art. 27; ICESCR, art. 15; ACHR, art. 22</p> <p>United Nations Declaration on the Right to Development Article 6.2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights. 3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.</p> <p>Article 8.1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices. 2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.</p>	<p>African Charter on Human and Peoples’ Rights Article 22.1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. 2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.</p> <p>Article 24. All peoples shall have the right to a general satisfactory environment favourable to their development.</p>

National legislation	Donor commitments and obligations	NGO commitments
<p>Cameroon Code Forestier, 1994 Article 8.- (1) Le droit d'usage ou coutumier est, au sens de la présente loi, celui reconnu aux populations riveraines d'exploiter tous les produits forestiers, fauniques et halieutiques à l'exception des espèces protégées en vue d'une utilisation personnelle.</p> <p>Art. 26 (1) L'acte de classement d'une forêt domaniale tient compte de l'environnement social des populations autochtones qui gardent leurs droits normaux d'usage. Toutefois ces droits peuvent être limités s'ils sont contraires aux objectifs assignés à ladite forêt. Dans ce dernier cas, les populations autochtones bénéficient d'une compensation selon des modalités fixées par décret.</p> <p>Décret portant application du régime des faunes Art. 5.1 : La création ou l'extension d'un parc national, d'une réserve écologique intégrale, d'un game-ranch ou d'une réserve de faune ne peut intervenir qu'après indemnisation de personnes concernées conformément à la législation en vigueur, lorsque leurs droits sont affectés par cette opération.</p> <p>CAR Code Forestier, 2008 Article 14. En vertu du droit coutumier, les populations riveraines disposent de droits d'usage sous réserve du respect des textes en vigueur, en vue d'exploiter, à titre gratuit pour leur subsistance, les produits forestiers à l'exception des espèces dites protégées.</p> <p>Article 17 : Les droits d'usage ne s'exercent pas dans les réserves naturelles intégrales et les parcs nationaux. Si les populations autochtones sont déjà établies avant le classement d'une zone dans l'une des catégories des aires protégées mentionnées à l'article 9 du présent code, des dispositions sont prises pour préserver leurs droits de faire la cueillette, d'exercer la chasse de subsistance et la pêche traditionnelle, pourvu que ces activités ne portent pas atteinte à leur propre intégrité, aux intérêts des autres communautés et à l'environnement. [emphasis added]</p> <p>DRC Code forestier, 2002 Titre III : des droits d'usage forestiers, inter alia : Art. 36 Les droits d'usage forestiers des populations vivant à l'intérieur ou à proximité du domaine forestier sont ceux résultant de coutumes et traditions locales pour autant que ceux-ci ne soient pas contraires aux lois et à l'ordre public. Ils permettent le prélèvement des ressources forestières par ces populations, en vue de satisfaire leurs besoins domestiques, individuels ou communautaires. L'exercice des droits d'usage est toujours subordonné à l'état et à la possibilité des forêts.</p> <p>Art. 41 : Tout Congolais peut exercer des droits d'usage sur l'ensemble du domaine forestier protégé, à condition de se conformer aux dispositions de la présente loi et de ses mesures d'exécution.</p> <p>Gabon Code Forestier (Loi No. 016-2001) Article 14 : « en vue d'assurer leur subsistance, les communautés villageoises jouissent de leurs droits d'usages coutumiers, selon les modalités déterminées par voie réglementaire. » Chapitre VI Des droits d'usage coutumiers, arts. 252 à 261</p> <p>Republic of Congo Loi sur la faune et les aires protégées, 2008 Art. 8 (...) Le classement d'une aire protégée doit tenir compte des objectifs de conservation durable des ressources naturelles et de la nécessité de satisfaire les besoins des populations riveraines.</p>	<p>IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement</p> <p>"Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project related land acquisition and/or restrictions on land use." [emphasis added]</p>	<p>See IUCN, WCS, WWF AND CI involuntary resettlement and access restriction policies in the above section.</p>

Thematic areas	International instruments (binding and non-binding)	Regional
<p>Consultation, participation and FPIC</p>	<p>CBD COP Decision VII/28 (see above) Article 8(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices; COP decision V/16, which endorsed the Programme of work on the implementation of article 8(j) and related provisions of the CBD. Nagoya Protocol to the CBD See provisions on awareness raising (Art.21) and capacity building for indigenous and local communities (art 22.3.j)</p> <p>ICCPR Art. 19 on freedom of expression and the right to receive information</p> <p>ICESR Art15. Right to participate in cultural life</p> <p>Convention on the Elimination of all Forms of Discrimination Against Women Article 14.2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (a) To participate in the elaboration and implementation of development planning at all levels;</p> <p>United Nations Declaration on the Right to Development (UNDRD) Article 2.3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom [emphasis added]</p> <p>Other pledges and principles Rio Declaration on Environment and Development Principle 10. Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided. Principle 22: Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.</p> <p>The London Declaration on Illegal Wildlife Trafficking (2014) notes that: "We recognise the importance of engaging communities living with wildlife as active partners in conservation, by reducing human wildlife conflict and supporting community efforts to advance their rights and capacity to manage and benefit from wildlife and their habitats" (para 12). The subsequent Kasane Statement on the Illegal Wildlife Trade (2015) reflects the commitment to: "Promote the retention of benefits from wildlife resources by local people where they have traditional and/or legal rights over these resources. We will strengthen policy and legislative frameworks needed to achieve this, reinforce the voice of local people as key stakeholders and implement measures which balance the need to tackle the illegal wildlife trade with the needs of communities, including the sustainable use of wildlife" (para 10). Both were endorsed by the governments of Cameroon, DRC and Gabon. The Republic of Congo was party to the London Declaration only.</p>	<p>African Charter on Human and Peoples' Rights Article 9.1. Every individual shall have the right to receive information. 2. Every individual shall have the right to express and disseminate his opinions within the law. Art 17. Right to participate in cultural life</p> <p>COMIFAC, Plan de Convergence 2015-2025 Objectif stratégique 5.2: Renforcer la participation de toutes les parties prenantes, notamment les populations vulnérables, à la gestion forestière. Objectif opérationnel 5.2.3 : Renforcer la participation active des populations vulnérables à la gestion des ressources forestières.</p> <p>African Convention on the Conservation of Nature and Natural Resources Art. XVI The Parties shall adopt legislative and regulatory measures necessary to ensure timely and appropriate a) dissemination of environmental information; b) access of the public to environmental information; c) participation of the public in decision-making with a potentially significant environmental impact Art. XVII.3 The Parties shall take the measures necessary to enable active participation by the local communities in the process of planning and management of natural resources upon which such communities depend with a view to creating local incentives for the conservation and sustainable use of such resources.</p> <p>Déclaration de Yaoundé des Chefs d'État d'Afrique Centrale sur la Conservation et la Gestion Durable des Forêts Tropicales Les Chef d'Etat s'étaient entre autres engagés à: -« Renforcer les actions visant à accroître la participation active des populations rurales dans la planification et la gestion durable des écosystèmes et réserver des espaces suffisants pour leur développement économique, social et culturel »</p>

National legislation	Donor commitments and obligations	NGO commitments
<p>Cameroon Décret fixant les modalités d'application du régime de faune, 1995 Art. 6 dont « (...) Le public est informé du projet par un avis publié au Journal Officiel, par voie de presse écrite ou audio-visuelle, ou par toute autre voie utile, et affiché pendant trente (30) jours continus dans les chefs-lieux des unités administratives et dans les mairies et les chefferies traditionnelles dont les territoires sont inclus dans la zone concernée. » Arts. 6 and 7 : on procedures to receive and address concerns expressed by local populations regarding the creation of PAs.</p> <p>Code de l'environnement, 1996 The principle of participation is enshrined on art. 9(e) and also note Art.9(f) « Le principe de subsidiarité selon lequel, en l'absence d'une règle de droit écrit, générale ou spéciale en matière de protection de l'environnement, la norme coutumière identifiée d'un terroir donné et avérée plus efficace pour la protection de l'environnement s'applique. »</p> <p>See also the national REDD+ FPIC guidelines</p> <p>CAR Code forestier, 2008 Titre V. De la gestion Participative. Art 152 : « la gestion participative est un mode de gestion des ressources naturelles associant les parties prenantes à la prise de décisions relatives aux activités de protection, de restauration de l'écosystème et de valorisation des produits forestiers ligneux et non ligneux sur un espace bien défini. »</p> <p>Code de l'environnement, 2007 Cf. Section 8. De l'audience publique. Art. 94 : « (...) l'audience publique sur l'environnement est la consultation de la population sur les questions relatives à l'environnement. Elle a pour objectif de faire participer la population locale aux prises de décisions. »</p> <p>DRC Loi sur la conservation de la nature, 2014 Exposé de motifs : Par rapport à l'ordonnance-loi n°69-041 du 22 août 1969 relative à la conservation de la nature, la présente loi apporte plusieurs innovations majeures, notamment: (...) 2. l'obligation faite aux pouvoirs publics de définir les mécanismes de sensibilisation, d'information et de participation du public au processus d'élaboration et de mise en œuvre de la politique nationale de conservation de la diversité biologique</p> <p>Code forestier, 2002 Art. 15: Dans chaque province, les forêts sont classées suivant la procédure fixée par décret du Président de la République. Le classement s'effectue par arrêté du ministre après avis conforme du conseil consultatif provincial des forêts concernées, fondé sur la consultation préalable de la population riveraine. [emphasis added] Loi portant principes fondamentaux relatifs à la protection de l'environnement, 2011 Art 9 : Toute personne a le droit de participer au processus de prise de décision en matière d'environnement et de gestion des ressources naturelles. See also articles 6 (participation in land use planning), 8 (right to information), 21 (ESIA), 24 (public consultation)</p> <p>Décret n° 08/08 du 08 avril 2008 fixant la procédure de classement et de déclassement des forêts See articles 5 to 10 on procedures for local consultation</p> <p>Gabon Loi n° 003/ 2007 relative aux parcs nationaux Art. 4 : « (...) Tout projet de loi ou toute proposition de loi portant création, classement ou déclassement total ou partiel, d'un parc national est soumis à l'organisme de gestion des parcs nationaux qui, après consultation des communautés et autorités locales ainsi que du Comité scientifique prévu au Titre III de la présente loi, émet un avis motivé. » [emphasis added] Art. 7 : Toute modification des limites d'un parc national ou de sa zone périphérique est obligatoirement précédée d'une étude d'impact environnemental, après consultation des autorités et des communautés locales.</p> <p>Décret réglementant les Études d'impact sur l'Environnement, 2005 According to article 2, promoters of any project which may cause changes in the environment must undertake Environmental Impact Assessments, which should include : « de présenter le projet aux populations en utilisant des moyens de communication simples, concrets et accessibles; d'organiser, aux fins ci-dessus spécifiées, des consultations publiques dont la notification doit être faite par voie d'affichage ou par tout autre moyen audiovisuel; »</p> <p>Republic of Congo Loi sur la faune et les aires protégées, 2008 Art. 2 : Les populations, les collectivités territoriales, les opérateurs privés, les associations et organisations non-gouvernementales compétentes contribuent à la gestion durable de la faune.</p>	<p>United States Foreign Assistance Act of 1961, as amended section 119 (e): Local involvement.—To the fullest extent possible, projects supported under this section [Biodiversity Protection] shall include close consultation with and involvement of local people at all stages of design and implementation.</p> <p>Global Environment Facility Policy on Public Involvement in GEF Projects, which states that all GEF-financed projects will "provide for full disclosure of non-confidential information, and consultation with, and participation as appropriate of, major groups and local communities throughout the project cycle"</p> <p>IFC Performance Standard 1 Assessment and Management of Environmental and Social Risks and Impacts Particularly, requirements for stakeholder engagement (paragraphs 25 to 33)</p>	<p>WWF guiding principles "involve local communities and indigenous peoples in the planning and execution of its field programmes, respecting their cultural as well as economic needs"</p> <p>Conservation and Human Rights Framework, CIHR Commitment to "Undertaking impact assessment and consultation in advance of conservation interventions" (point 8)</p>

Thematic areas	International instruments (binding and non-binding)	Regional
<p>Rights of indigenous peoples: in addition to all the instruments above, the following provisions apply to indigenous peoples</p>	<p>Main instruments International Convention on the Elimination of all forms of Discrimination: the five countries are parties ILO Convention 169 on the Rights of Indigenous and Tribal Peoples: only valid for the Central African Republic United Nations Declaration on the Rights of Indigenous Peoples: all five countries voted in favour</p> <p>Specific relevant provisions:</p> <p>Land rights CERD general recommendation No. 23 Paragraph 5: The Committee especially calls upon States parties to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. UNDRIP art. 26; ILO Conv. 169, arts. 4.1, 13-19 UNDRIP Art. 3: right to self-determination;; UNDRIP, arts. 28, 32; and ILO Conv. 169, art. 15 ('the rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.')</p> <p>Displacement UNDRIP, arts. 8.2(b) and 10; ILO Conv. 169, art. 16</p> <p>Participation and FPIC CESR – general comment No. 21 (2009) on the right of everyone to take part in cultural life (ICESCR, art. 15.1) Para. 36 States parties must therefore take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources, and, where they have been otherwise inhabited or used without their free and informed consent, take steps to return these lands and territories. CERD general recommendation No. 23 Para. 4d: calls upon States to 'ensure that ... no decisions directly relating to their rights and interests are taken without their informed consent'. UNDRIP, arts. 18, 19, 32 and 38; ILO 169, arts. 6, 7 and 15,</p>	<p>ACHPR and Endorois Decision (see above) Certain provisions are particularly relevant to indigenous peoples, as both consider their rights as "peoples" and not only as individuals: Property and natural resources, ACHR art. 21; Endorois case, para. 218 Displacement: Endorois case, para. 290 Self-determination, ACHR, art. 20; Development, ACHR, arts. 20 and 22; Endorois case, para. 298 Environment, ACHR, 24; Practice religion, ACHR, art. 8; Endorois Case, paras. 172-173</p>

National legislation	Donor commitments and obligations	NGO commitments
<p>Congo Loi portant la promotion et protection des droits des populations autochtones en République du Congo (Loi No. 5- 2011) FPIC (article 3) Right to property (Title VII), in particular Art. 31: Les populations autochtones ont un droit collectif et individuel à la propriété, à la possession, à l'accès et à l'utilisation des terres et ressources qu'elles occupent ou utilisent traditionnellement pour leur subsistance, leur pharmacopée et leur travail.</p> <p>CAR See provisions on ILO Convention 169.</p>	<p>EU's policy on Indigenous Peoples "The EU supports indigenous peoples' rights to, inter alia, culture, identity, language, employment, lands and territories, health, education as well as their rights to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations."</p> <p>The European Consensus on Development Para 103 The key principle for safeguarding indigenous peoples rights in development cooperation is to ensure their full participation and the free and prior informed consent of the communities concerned.</p> <p>World Bank Operational policy 4.10- Indigenous peoples</p> <p>IFC Performance standard 7 on Indigenous Peoples First objective: To ensure that the development process fosters full respect for the human rights, dignity, aspirations, culture, and natural resource-based livelihoods of Indigenous Peoples.</p> <p>GEF Principles and guidelines for engagement with indigenous peoples (2012)</p>	<p>IUCN Resolution 4.048 which resolved "to apply the requirements of the [UNDRIP] to the whole of IUCN's Programme and operations" ... and called on governments "to work with indigenous peoples' organizations to . . . ensure that protected areas which affect or may affect indigenous peoples' lands, territories, natural and cultural resources are not established without indigenous peoples' free, prior and informed consent and to ensure due recognition of the rights of indigenous peoples in existing protected areas."</p> <p>IUCN Standard on Indigenous peoples (January 2015)</p> <p>WWF Policy on indigenous peoples and Statement of Principles on Indigenous Peoples and Conservation (2008)</p>

Annex II. Consultation held with local communities – before and after park establishment

Country	Protected Area	Description	Reference
Cameroon	Boumba Bek	Local farming communities were consulted to discuss a potential joint management of the park after PA establishment; however indigenous Baka people were reportedly not consulted.	Ndameu 2003
	Campo Ma'an	Local and indigenous communities were consulted in order to set up the new management plan after PA establishment. These consultations were related to the marking of the park' limits and the customary rights of local and indigenous populations.	MINFOF 2006
	Dja	After PA establishment, consultations were led by national NGOs. However, the results of these consultations were not formally taken into consideration in the management plan.	CED 2008
	Lobeke	Consultative meetings were conducted with local communities to discuss the proposed boundaries of the national park, including community hunting zones, logging and safari hunting zones	Yanggen et al. 2010
Central African Republic	Dzanga-Sanga	Consultation processes were conducted by GTZ after PA establishment, however the BaAka feel they have never been adequately consulted and thus have no control over tourist activities, even where they themselves are the main attraction	Woodburne 2009
Democratic Republic of Congo	Lomako-Yokokala	Local and indigenous communities were consulted after PA establishment, but have not been actively part of the management of the reserve since then.	IUCN/PACO 2010
	Okapi Wildlife Reserve	Consultations regarding the management of the Wildlife Reserve were conducted with local and indigenous communities after PA establishment.	IUCN/PACO 2010
	Tayna Gorilla Reserve	Consultations with local communities were conducted before the creation of the Reserve.	Mehlman 2010
Gabon	Loango	Consultations with local and indigenous communities regarding park management were conducted after PA establishment. However, communities have not been involved in final management decisions.	IUCN 2010
	Lope	After PA establishment, public audiences were organized with local and indigenous communities regarding the management of the park.	CNPN 2006
	Monts de Cristal	Consultations with local villagers were conducted after PA establishment regarding the management of the park.	Langoue 2012
Republic of Congo	Conkouati-Douli	There was some form of participatory management of the park involving local populations, however this ended in 2001.	Taty et al. 2003
	Lossi Animal Sanctuary	The sanctuary was created after consultations with local and indigenous communities. However, these communities do not appear to be actively involved in the management of the sanctuary.	IUCN/PACO 2012
	Nouabale Ndoki	Consultations regarding management decisions were conducted with local communities after PA establishment, yet their involvement in the management of the park is still very limited.	IUCN/PACO 2012
	Odzala-Kokoua	Local communities were not consulted prior to park establishment, but currently community-based associations and representation at the board of the Odzala Kokoua Foundation are helping to enable that local and indigenous communities have some influence on management decisions concerning the park.	De Wachter et al 2009, APN 2015.

Annex III: Present funding and management of 34 protected areas in the Congo Basin

Country	Protected Area	Present funders	Present managers
Cameroon	Boumba Bek	World Bank (via GEF ¹), CARPE Phase II (TRIDOM landscape)	MINFOF
	Dja	World Bank (via GEF); NGOs: CBFP; UNF; ECOFAC; JGI; CI; CARPE Phase II (TRIDOM landscape)	MINFOF
	Lobeke	WWF (Germany, Japan, Netherland); CARPE-USAID; African Elephant Programme; European Union; PACEBCO; GEF TRIDOM; Johnson & Johnson	MINFOF
	Nki	WWF (Germany, Japan, Netherland); African Elephant Programme; European Union; PACEBCO; GEF TRIDOM; Johnson & Johnson; GEF; CBFP; FNU; ECOFAC; JGI; CI; CARPE Phase II (TRIDOM landscape)	MINFOF
	Kom/Mengame Gorilla Sanctuary	no information	MINFOF
	Korup	no information	MINFOF
	Campo Ma'an	Foundation for Environment and Development in Cameroon (FEDEC), a trust fund set up by companies to compensate the damages of the Chad-Cameroon Pipeline; European Union (EU); WWF	MINFOF
CAR	Dzanga-Sangha	French Government (via FFEM); WWF; CARPE Phases II and III (Sangha Tri-National landscape)	MEFCP
	Basse-Lobaye	no information	MEFCP
	Mbaere-Bodingue	EC-ECOFAC	MEFCP
	Dzanga-Ndoki	CARPE Phases II and III (Sangha Tri-National landscape)	MEFCP in collaboration with WWF
DRC	Tayna Gorilla Reserve	CARPE Phases II and III (Maiko-Tayna-Kahuzi Biega landscape)	ICCN
	Lomako-Yokokala	CARPE Phases II and III (Maringa-Lopori-Wamba landscape)	ICCN
	Kahuzi-Biega	CARPE Phases II and III (Maiko-Tayna-Kahuzi Biega landscape)	ICCN
	Tumba-Lediima	CARPE Phases II and III- Lac Télé-Lac Tumba Landscape	ICCN
	Itombwe	CARPE Phases II and III (Maiko-Tayna-Kahuzi Biega landscape)	ICCN
	Virunga	CARPE Phases II and III (Virunga landscape)	ICCN
	Maiko	no information	ICCN
	Okapi	CARPE Phases II and III (Ituri-Epulu-Aru landscape)	ICCN
La Salonga	CARPE Phases II and III (Salonga-Lukenie-Sankuru landscape)	ICCN	
Gabon	Ivindo	World Bank (via GEF); CBFP; FNU; ECOFAC; JGI; CI; CARPE Phase II (TRIDOM landscape)	ANPN
	Minkebe	World Bank (via GEF); CBFP; FNU; ECOFAC; JGI; CI; CAWHFI-UE / CAWHFI-FFEM; WWF Netherlands; DACEFI; CARPE Phase II (TRIDOM landscape)	ANPN
	Akanda	no information	ANPN
	Pongara	no information	ANPN
	Waka	CARPE Phase II (Lope-Chaillu-Louesse landscape)	ANPN
	Monts de Cristal	CARPE Phase II (Monte Alen-Monts de Cristal landscape)	ANPN
	Loango	CARPE Phase II (Gamba-Mayumba-Conkouati landscape)	ANPN
	Lope	CARPE Phase II (Lope-Chaillu-Louesse landscape)	ANPN
Republic of Congo	Lossi Animal Sanctuary	CAWHFI; CBFP	ACFAP, in collaboration with MEFDD
	Nouabale-Ndoki	WCS; USAID-CARPE; USFWS; European Union (CAWHFI-FFEM, CAWHFI-UNEP); private donors; zoos; FTNS; French Embassy; CARPE Phases II and III (Sangha Tri-National landscape)	ACFAP in collaboration with WCS and MEFDD
	Odzala-Kokoua	World Bank (via GEF); CBFP; FNU; ECOFAC; JGI; CI; CAWHFI; CBFP; CARPE Phase II (TRIDOM landscape)	African Parks Network in collaboration with MEFDD
	Lac Tele	CARPE Phases II and III (Lac Télé-Lac Tumba Landscape)	ACFAP, in collaboration with WCS and MEFDD
	Conkouati-Douli	CARPE Phase II (Gamba-Mayumba-Conkouati landscape)	ACFAP, in collaboration with WCS and MEFDD
	Lefini Hunting Area	CARPE Phases II and III (Leconi-Bateke-Lefini landscape)	ACFAP, in collaboration with WCS and MEFDD

¹ See List of Acronyms for full names

Annex IV. Revenue generating activities in PAs across the Congo Basin

Country	Reserve/ National Park (NP)	Type of Revenue Generation	Description
Cameroon	Boumba Bek NP	Employment	Some Baka are employed as ecoguards (Mfoula 2014).
Central African Republic	Dzanga-Sangha Special Reserve	Employment	The project employs BaAka largely as trackers on research projects, on eco-guard patrols or with tourists. These jobs are highly valued by BaAka. A major complaint from the BaAka, however, is that these are some of the lowest paid jobs and most do not have contracts, providing poor job security and reduced benefits. (Woodburne 2009).
Democratic Republic of Congo	Lomako-Yokokala Faunal Reserve	Park revenues; Livelihoods	The Faunal Reserve has brought some benefits for the local communities, since 40 per cent of the generated revenues are given to local people (IUCN/PACO 2010). The RAFADD network has developed hunting activities for villagers and the World Fish Centre is involved in the development of fisheries for local communities (IUCN/PACO 2010).
	Tayna Gorilla Reserve	Employment	All staff hired for the Tayna project are locals from the area. Former hunters were hired as trackers, and with a regular salary, they earned much more than they would have from subsistence hunting or local trade of bushmeat. Most staff have remained with the project. (Mehlman 2010).
Gabon	Loango NP	Employment	Some local villagers are employed as ecoguards by the park (IUCN 2010).
Republic of Congo	Lossi Animal Sanctuary	Employment	Latest records report that, in 2012, a small number of local people (ca. 18) were employed by the Sanctuary (IUCN/PACO 2012).
	Odzala-Kokoua NP	Employment	122 local people are currently employed by the park (African Parks Website).
		Income generation activities	Conservation programmes, particularly ECOFAC, have reportedly supported income generating activities such as fish farming, cash crop cultivation and small scale farming (De Wachter et al, 2008).
		Park revenues	5 per cent of the commercial revenue generated by the park is allocated towards community development (African Parks Website).



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12 February 2016

Mr Simon Counsell,
Executive Director,
Rainforest Foundation UK,
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Dear Mr Counsell,

Re: Draft report *Protecting Areas in the Congo Basin: Failing Both People and Biodiversity*

Further to the recent consultations and meetings on your draft report, WWF welcomes any study that helps assess ways forward in the interest both our organisations share in enhancing conservation and human rights under the very difficult challenges of governance in the Congo basin.

We acknowledge the offer to provide a consolidated response as a contribution to the report. However, given the degree of error in specifics in the report, we would propose to provide general comments rather than comprehensive corrections. We also acknowledge receipt of your letter dated 11 January 2016 addressed to our DRC Country Director, which was in part in response to queries raised by WWF-DRC in July 2015. Receipt of this letter extended the time needed for WWF's response.

WWF agrees with most recommendations provided in the report and confirms that they are largely in line with previous assessments, including our own internal analysis of challenges and possible responses. WWF accepts that there are gaps between some of our objectives and what we have been able to achieve in both conservation and community participation and resource management. We are committed to addressing those gaps and indeed have been engaged for some time in related activities at the country, regional and international levels.

WWF, however, regrets that the consultation process with WWF, government institutions, donors and other NGOs was very limited during RFUK's study. WWF itself was consulted during the study period only on Tumba-Lediima, where we regret to observe that the different elements and responses we provided were not fully reflected in the final case study. The conclusions on the other WWF-related case study, on Boumba Bek National Park, appears to have been reached without the benefit of any consultation with WWF-Cameroon which is unfortunate.

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WWF provided general feedback after the draft report was received, and shared key elements that it feels need improvement through meetings held in Washington and Gland. These elements range from an incomplete situational and governance context analysis in Central Africa to the presence of many factual mistakes on the historical and current situation. In our own experience and that of many other researchers, extreme care is required to obtain representative views from community interviews and to avoid responses that represent efforts to second guess interviewer agendas.¹ The sampling and validation methodologies that are important to avoid such pitfalls are not apparent, and the errors and inadequate analysis highlighted contribute to a conclusion that the report provides some useful insights and prescriptions but not necessarily a fully representative picture. WWF would contend in particular that the assessment of PA effectiveness in preserving biodiversity and of the level and extent of community consultation and integration in PA management and/or benefit sharing is very incomplete.

Some examples of additional key weaknesses are given below:

There is a mismatch between the report's recommendations and key findings and the disproportionate attention and censure given to international NGOs (INGOs). The majority of key recommendations are rightly focused on government action but the significance of governance and the role of state authorities is undermined by the report's heavy emphasis on the role of INGOs. The selection of case studies in particular is skewed to those with some INGO support, while the majority of PAs are wholly managed by government authorities.

The report also gives inadequate recognition to the degree that the current governance system in the Congo Basin severely hampers changes in government policies and their implementation. This is exacerbated by increased armed conflicts or organised local and international crime of which local communities and indigenous people can be party to and victims of at the same time. An appropriate response requires a stronger coalition of actors -- public and private and conservation and human rights advocates together -- to upscale the constructive / positive strategies that recognise local community rights in PA management, as well as continued work to achieve appropriate legislative reforms and their wide application on the ground.

Similarly, the headline finding that protected areas in general fail biodiversity and people appears to have been reached without reference to what happens to analogous areas that are not protected. While biodiversity remains under challenge from poaching and encroachment in many protected areas, there are differences of degree and kind with the biodiversity losses that have occurred and are occurring in the absence of protective measures. Our experience suggests that levels of consultation, rights recognition and access are more extensive for land use changes associated with protected areas than with land use changes for other purposes such as large scale palm oil plantations.

¹ Homewood, K. 2005. Conclusion: rural resources, local livelihoods and poverty concepts. In: Rural resources and local livelihoods in Africa (ed. Homewood, K.). Pp. 198-205. London, UK: James Currey.

As a matter of priority for our organisation, we are continuously working through adaptive management to best respond to these issues on the ground. In Tumba-Lediima, for example, WWF is currently assessing the effectiveness of the management of the reserve, taking into account in particular the areas overlapped by logging companies, the relations between management team and communities, and the overall configuration of the reserve. The objective of the study is to develop strategic scenario aimed at resolving conflicts related to the management of the reserve while ensuring sustainable management of this region's biodiversity. The methodology is based on the mobilization of the best available information, including through participatory approaches. This work is expected to generate scenarios with potentially modified limits to the protected area and logging concessions, as well as a modified governance structure and management category defined with the relevant communities.

There is no specific objective underlying this study that aims at driving the scenario-building based on the REDD+ Mai Ndombe program. The study is still underway at the time of writing this letter but benefitted from community consultations in Nkondi and also in Ntandembelo, including delegates from Mankakiti. RFUK's claim that no villagers knew of the review process when there was such an overlap between villages where consultations occurred and RFUK's survey sites may simply underline the difficulties in obtaining representative results from such surveys. As the Tumba-Lediima Reserve is under the management of a National Agency you should direct your concerns to them as the first responsible authority. The agency is also able to provide the requested verification of WWF work done for the DRC Government. Other issues with the report and raised in RFUK's 11 January letter are noted in the WWF-DRC comments on the report annexed to this letter.

The Boumba Bek/Nki case study highlights many of the issues faced in southeast Cameroon, but does not adequately recognize that biodiversity and social goals were intended to be delivered at the landscape level with protected areas being just one component of this landscape. Nor does the RFUK report note the increased militarisation in and around the area which has complicated achieving those goals. The RFUK report does note the difficulties of ensuring adequate Baka participation in consultations, but does not acknowledge specific consultation and other measures such as participatory mapping used in the creation of Boumba/Bek and Nki and the surrounding zones. RFUK previously labelled similar measures in nearby Dja Reserve as a "success story".² RFUK elsewhere notes the particular insecurities of land tenure in Cameroon with rural populations generally being regarded as "squatters on their own land"³ In contrast, the Jengi project area has seen recognition of forest and access rights, the establishment of community hunting and forest reserves, the achievement of community contributions from existing industries and the creation of enhanced community roles for the indigenous minorities and women generally. The Boumba Bek consultations, admittedly not at FPIC standards, reflected community wishes through modified boundaries and a reduced area for the protected area, and improved access rights. RFUK's current report, in pressing for improved consultation mechanisms, could helpfully put more emphasis on the role of a framework of requirements and support for consultations at the governmental level. In this instance, it is relevant that Cameroon's first FPIC standards were published only in 2014, with WWF providing major input into this initiative.⁴ The report should also note the substantial progress being made now in

² RFUK Briefing November 2011 *Protected Areas: The growth of protected areas in the Congo Basin* (<http://www.mappingforrights.org/files/RFUK%20Protected%20areas%20briefing.pdf>).

³ Liz Alden Wily, *Whose land is it? The status of customary land tenure in Cameroon*: CED, Fern, RFUK 2010 (http://www.fern.org/sites/fern.org/files/cameroon_eng_internet.pdf)

⁴ Cameroon Ministry of Forests and Fauna: *Operational Guidelines for Obtaining Free, Prior and Informed Consent in REDD+ Initiatives in Cameroon - including Principles, Criteria and Indicators*.

negotiations between the Ministry of Forests and Fauna and Baka communities in the buffer zones of Boumba-Bek towards a specific Memorandum of Understanding on rights, respect for indigenous culture and participation in park management and development . This process is being facilitated by WWF and the Cameroon NGO CEFAID.

Finally, it is generally conceded that protected area enforcement is problematic across the Congo basin, and especially so in the context of nearby armed conflict. Militarisation of the southeast Cameroon area -- linked to arms trafficking, increasingly well-armed poaching and conflict in nearby areas of the Central African Republic -- has been identified as a factor in an increased number of reports of unacceptable conduct and alleged abuse by ecoguards and others. The incidence and severity of reported incidents appears to have been in decline in southeast Cameroon since late 2012, possibly due to efforts by impacted communities and WWF to actively pursue complaints with the responsible ministry.

WWF in no way condones improper behaviour by eco guards and is actively working to curb such behaviour and, where possible, to address and urge other institutions to address underlying issues of disadvantage and discrimination against indigenous peoples. Informal mechanisms appear to be limiting prosecution action against indigenous individuals and recent agreements and negotiations are recognising roles for communities to apply their own customary sanctions. As noted, in response to allegations of Ecoguard abuse at the Tumba-Lediima reserve in DRC, WWF suspended direct technical and financial support to the reserve in mid-2014.

WWF reiterates its interest in exploring opportunities for collaborative work on some of the areas of common interest identified during the meetings held with RFUK in November and December.

Yours sincerely,



Frederick Kwame Kumah,
WWF, Director for Africa.

Annex: WWF DRC reply on the case study targeting Tumba Lediima Nature Reserve

http://loggingoff.info/sites/loggingoff.info/files/06201+-4_Cameroon%20National%20FPIC%20Guidelines_EN.pdf

Protected areas in the Congo Basin: failing both people and biodiversity?
WWF DRC reply on the case study targeting Tumba Lediima Nature Reserve

Extract from the report	Page	Reply from WWF DRC
<i>"In addition, WWF is currently assessing re-delineation of the reserve, which would probably see the areas overlapped by logging companies being excised altogether, with large new areas being added to the east, inside Mai Ndombe (currently Bandundu Province) and the new REDD+ sub-national project area, as explained below."</i>	p.65	<p>The objective of the study implemented by WWF in 2015 is to develop strategic scenarios aimed at resolving conflicts related to the management of the reserve while ensuring sustainable management of this region's biodiversity. The methodology of this study has been based on the mobilization of the best available information and the use of best practice, including participatory approach.</p> <p>The report of the study will be available mid-December 2015.</p> <p>All the scenarios, and their associated strengths and weaknesses from different perspectives, are captured within the frame of this study and there is no a priori from WWF about the most relevant one. It is important to note that the scenarios deal with the potential modification of the limits of the protected area, as well as with the modification of its governance structure and management category.</p> <p>There is no specific objective underlying this study that aims at driving the scenario-building based on the REDD+ Mai Ndombe program.</p>
<i>"At present, WWF is leading a study that will propose different scenarios to redefine the boundaries of the reserve, in order to make way for the three overlapping concessions, amidst large scale opposition to heavy handed conservation activities ad conflicts with reserve managers and eco-guards."</i>	p.67	See above
<i>"One WWF/ICCN map suggests that the reserve would be partly 'relocated' and expanded into a REDD+ project area which has already received development funding from the World Bank Forest Carbon Partnership Facility. [...] This might be a strategy to ensure that there will be funding available in the long term for this reserve. The conservation justification for such a change is not known despite, again, having been requested".</i>	p.67	<p>The map displayed in the report was elaborated in 2012 and no longer corresponds to the scenarios being established under the on-going study.</p> <p>See above</p>
<i>"None of the villagers interviewed for this study knew about the plans to revise the reserve's boundaries."</i>	p.67	<p>Among the three villages targeted by the RFUK study, it appears that one (ie, Nkondi) was the locality in which WWF organised the stake-holders consultation workshops. All the relevant from Nkondi were invited to this workshop and were fully informed about its objectives.</p> <p>Regarding the two others villages, Mankakiti was represented through a set of stake-holders coming from the same administrative entity.</p>
<i>"Although WWF has claimed in a written communication to RFUK to have undertaken participatory mapping and consultations, written information that would allow verifying these processes is not available, even though it has been requested."</i>	p.67	<p>Prior to the RFUK report, a list of 20 questions to WWF DRC has been transmitted by mail. WWF DRC has answered all questions. But no formal request has been made to obtain means of verification developpement plans and the maps produced and validated with 24 community terroirs, territory administration authorities and ICCN on December 2014 at Ntande Nbelo and Bikoro, in DRC. Copy of the official transmission of all reports and maps is annexed. As mentioned, all documents could be obtained through DRC Government.</p>
<i>"WWF has also stated that this study in no way seeks to question the validity of the logging concessions currently overlapping the reserve, with whom they have worked very closely"</i>	p.67	<p>The objective of the 2015 study is not to question the legality of the logging concessions. There is already a report (Leprohon, 2011) that clearly states that the three logging concessions have been legally delineated and allotted. Even though, discussions have been undertaken with stakeholder to explore possible redefinition of boundaries.</p>

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