



Protected Areas and Indigenous Peoples' Rights – A view from the Congo Basin

Submission to the UN Special Rapporteur on the Rights of Indigenous Peoples for a report to the 77th session of the General Assembly

13 April 2022

Rainforest Foundation UK (RFUK) submits this document in response to the call for submissions¹ issued by the UN Special Rapporteur on the Rights of Indigenous Peoples to inform his report to the General Assembly at its 77th session in 2022.

As we enter this pivotal phase in global efforts to tackle climate change and biodiversity loss, RFUK shares the Special Rapporteur's view that it is urgent and timely to revisit how conventional conservation and climate change mitigation programmes and policies continue to come at the expense of indigenous peoples' rights.

Since the mandate's last report in 2016, more egregious human rights abuses in the name of biodiversity conservation have come to the fore. This sparked a wave of investigations, inquiries and reviews, leading to some incipient improvements in the funding and monitoring of protected areas. Much remains to be done, however, to ensure that indigenous peoples and other land-dependent communities are placed front and centre of conservation efforts.

This submission draws on RFUK's three decades of experience working closely with indigenous and forest-dependent communities in the Congo Basin who suffer the consequences of conservation programmes that largely continue to alienate them, criminalise their traditional way of life and glorifies military-style enforcement. It also draws on several in-depth field investigations in and around protected areas, including Salonga National Park in the Democratic Republic of Congo (DRC), and REDD+ programmes, as well as our first-hand experience supporting rights-based, community-based resource management in the region.

The submission addresses some of the questions provided by the Special Rapporteur and provides perspectives and recommendations based on this experience.

RFUK regrets that the Special Rapporteur limits his analysis to the obligations and States and international organisations. While we share the view that these obligations need to be clarified and strengthened, we strongly encourage the Special Rapporteur to also consider the responsibilities and obligations of conservation NGOs. There is growing consensus that the latter also bear responsibilities and should be held accountable for adverse human rights impacts they have caused or contributed to, following the trend already established in the realm of Business and Human Rights. We believe that this should be reflected in the Special Rapporteur's report if it is to break new ground. This submission therefore starts by providing specific recommendations on this aspect.

COMMENTS ON THE RESPONSIBILITIES OF CONSERVATION NGOS

There is growing recognition that, for purposes of human rights law, global conservation NGOs are equivalent to business enterprises and therefore subject to the UN Guiding Principles on Business and Human Rights (UNGPs)².

This was the view taken recently by an independent panel of experts looking into allegations of rights abuses in the context of programmes run by the World Wide Fund for Nature (WWF): *“The expectation of respect for human rights cannot be lower for multinational conservation organisations than it is for multinational business enterprises. Although non-profit organisations play significantly different societal roles than business enterprises in many respects, they often have similar structures that give rise to similar issues in implementing the responsibility to respect human rights. Most importantly, their institutional activities are capable of causing or contributing to adverse human rights impacts”*³.

An independent assessment of WWF Germany’s human rights due diligence in the Congo Basin context similarly applied the UNGPs⁴. When looking at German development bank KfW’s human rights obligations in the context of Salonga National Park, the German Institute of Human Rights also asserted that *“WWF, as the contracted implementer, is a “business” within the meaning of the UNGPs, and as such bears the responsibilities under pillars II [respect] and III [remedy]”*⁵.

As such, global conservation NGOs have a duty to respect human rights⁶, including those of indigenous peoples in line with UNDRIP and other instruments relevant to indigenous peoples⁷ - that is, to avoid human rights being harmed through their own activities or “business relationships” (which include State actors⁸), and to address harms that do occur. They are therefore responsible for conducting adequate due diligence and consulting with potentially affected communities to identify, avoid and mitigate human rights impacts, and to account for/communicate on how they are addressing them.⁹

They are then responsible for remediating the adverse human rights impacts their programmes have caused or contributed to¹⁰, including through establishing effective mechanisms to hear and remediate grievances from affected individuals and communities¹¹.

It should be noted that these duties exist independently of States’ ability or willingness to fulfil their own human rights obligations¹². In fact, NGOs’ responsibility for upholding human rights is arguably even greater in contexts of fragile states and weak rule of law¹³.

Also quite relevant to our case is that, for the purpose of the UNGPs, “activities” include “both actions and omissions”¹⁴. NGOs’ failure to investigate and act upon allegations of human rights abuses linked to the anti-poaching operations they support therefore clearly constitute a breach of their obligations.

Conservation NGOs have mostly embraced these responsibilities rhetorically, and adopted a range of policies meant to promote human rights and community engagement across their programmes. But this is simply not matched by the working culture and practices we have witnessed on the ground.

Our investigation into Salonga exposed widespread and systemic failings on the part of WWF. This work largely informed WWF’s Independent Review conclusions regarding DRC as well as that of an Investigation by the US Department of Interior¹⁵. The former found, among other things, that WWF failed to carry out due diligence, and that management were aware of severe allegations and did

nothing to investigate them, let alone provide remedy to victims, for fear of upsetting government institutions¹⁶. The latter made it clear that WWF had withheld information on human rights from its international donors.

While these issues run particularly deep in WWF's institutional culture, it is not *only* a WWF problem - it spans across the entire western-led conservation industry. The complicity of another major conservation group, the Wildlife Conservation Society (WCS), was recently evidenced in an in-depth investigation by Minority Rights Group exposing mass crimes against the Batwa living inside DRC's Kahuzi-Biega National Park. The NGO provided support, including military training, to park guards that went on to carry out these mass human rights violations, arguably in violation of the UN arms embargo and while knowing of likely imminent attacks against the Batwa inside the park¹⁷.

PROTECTED AREAS AND CONSERVATION

1. *Where protected areas are created on indigenous peoples' lands, are indigenous peoples participating in the management of the protected areas and/or deriving benefits, such as Payment for Ecosystem Services (PES)? If so, please provide recent examples. If not, what are the barriers to participation and free, prior and informed consent?*

We know of no example in the Congo Basin where indigenous peoples effectively and meaningfully participate in the management of a protected area – such meaningful participation would mean, for example, having a say in decisions related to zoning and rules governing access to and use of resources. We have also not come across any instances where indigenous people derive tangible benefits from the conservation programmes that were imposed on their ancestral lands, apart from very sporadic employment opportunities or local infrastructure that fall well short of 'compensating' them for what they have lost.

A majority of existing protected areas in the Congo Basin overlap territories customarily owned and/or used, either permanently or seasonally, by indigenous peoples (Baka, Aka, Bagyeli, Bakola, Batwa, and others). This is no coincidence - indigenous peoples are proven to be nature's most effective stewards and this is precisely why those areas have retained high biodiversity value and are therefore coveted by foreign conservationists.

In a study published in 2016, RFUK looked at 34 of those protected areas (at least 26 of which have reported indigenous presence) and found widespread impacts on indigenous peoples and other forest-dependent communities, including displacements, loss of livelihoods and severe rights abuses at the hands of park rangers. We found almost no evidence of meaningful consultation of rights-holders prior to park creation, and in no case was Free, Prior and Informed Consent (FPIC) obtained and documented according to international standards. In only one case (Itombwe national park in DRC) did consultation lead to management and zoning decisions in accordance with community interests. Some isolated efforts had been carried out to involve local and indigenous communities in conservation activities but these cases were mostly symbolic rather than part of a consistent policy.

In WWF-managed Salonga National Park in DRC, where RFUK and local partner APEM carried out in-depth investigation that revealed a sheer number of human rights abuses, there was a widespread feeling that local communities, who for a large part were forcibly evicted when the park was created in 1970, were today excluded from management decisions. Out of the 231 community members interviewed, not a single one said they felt their opinions and concerns were taken into consideration. Where meetings occurred, communities explained that their primary objective, far from being about

consulting them about management decisions or seeking their consent, was merely to inform them of conservation-related restrictions and sanctions¹⁸.

While all forest-dependent communities suffer from this top-down, exclusionary approach to conservation, indigenous groups are disproportionately affected. This is rooted in the discrimination and marginalisation they suffer in general and a heavy reliance on hunting for their livelihoods that makes them more vulnerable to conservation restrictions and their abusive, military-style enforcement.

Barriers to participation and FPIC of indigenous peoples include:

- Lack of/inadequate mapping and documentation of customary land rights and resource use. Seeking FPIC starts with understanding who the rights-holders are, yet this is very poorly documented in the context of protected areas, if at all¹⁹.
- Closely linked to the above is the lack of recognition by conservation actors (State and NGOs) that these communities have *legitimate* claims to their ancestral lands inside existing or proposed protected areas (e.g. sacred sites, customary tenure) and therefore an enforceable right to have a say in how protected areas are delimited and managed, and how access to and use of lands and resources should be governed.
- Disregard for local decision-making processes and structures. Protected area managers often seem to believe it is sufficient to ‘consult’ with local political elites and customary authorities (such as village chiefs or other traditional leaders), but this is often at odds with how decisions are made in the community²⁰.
- Lack of differentiation in engagement strategies between Bantu and indigenous groups. The already limited and inadequate consultation and participation mechanisms are also particularly ill-suited to the socio-cultural realities of indigenous groups, whose systems of knowledge and modes of communication, representation and decision-making are often different from those used to ‘consult’ them.

As per the ‘benefits’ supposed to be derived from conservation programmes, in our experience they are very sparse – generally taking the form of few jobs as park rangers or sporadic local infrastructure and in rare cases some revenue-sharing from ecotourism (nearly non-existent in the region).

Salonga National Park is no exception. While WWF claims that the park contributes to “*improving education and health services which raise the quality of life and bring new opportunities in these remote communities*”²¹, local communities interviewed by RFUK and APEM’s teams overwhelmingly said it had done little to nothing to compensate them for the loss of their traditional livelihoods and mitigate the hardships brought by the park and conservation enforcement²². Only two of the 231 individuals interviewed had ever been employed by the park – these were only temporary jobs and they claim they had not been paid. Infrastructure is also critically lacking.

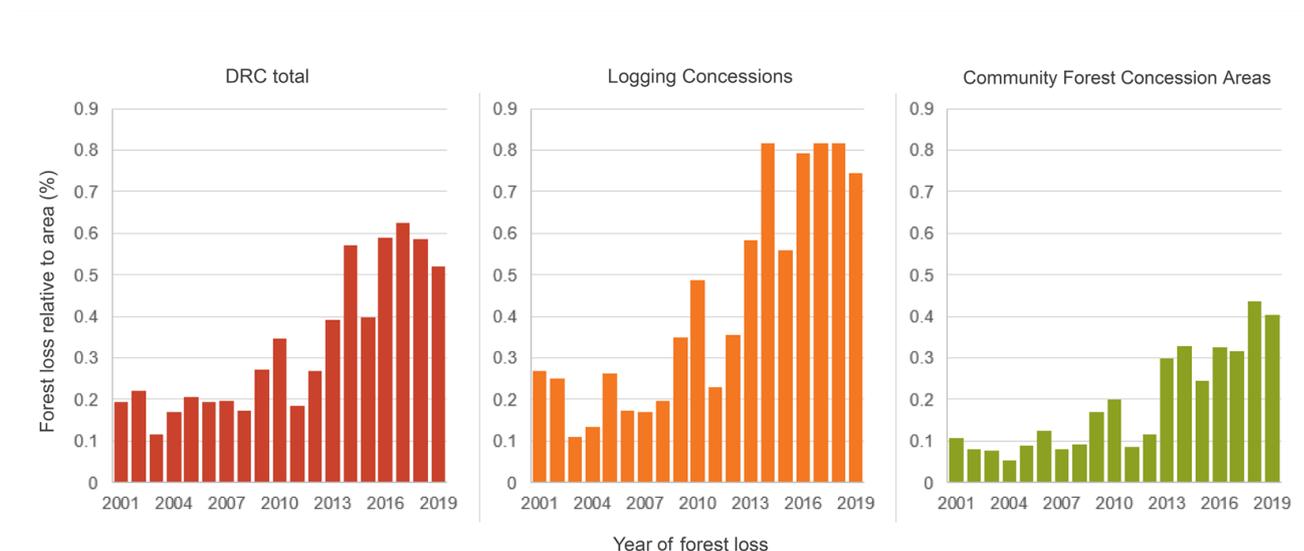
2. Please identify examples of good practices led by indigenous peoples, States or international organizations to promote, protect, and fulfil the rights of indigenous peoples in the context of conservation and protection of biodiversity, including management or co-management schemes that incorporate indigenous scientific knowledge as well as projects targeted at the inclusion and participation of indigenous women

Research is clear that lands owned and managed by indigenous peoples and local communities do not only positively impact social well-being but also experience better ecological outcomes than imposed conservation models²³. This is also the case in Africa, where indigenous-managed lands perform better than state-managed protected areas²⁴.

In our experience, and as elaborated upon by an anthropological study we commissioned in DRC²⁵, indigenous and other forest-dependent communities in the Congo Basin have a vested interest in and inherent commitment to preserving the ecosystems that constitute their cultural patrimony – as a way to pay respect to their ancestors, protect their livelihoods and preserve future generations.

Recent developments in the region show encouraging signs that this previously untapped potential is now being seized in global conservation efforts²⁶.

In DRC, we have been supporting the establishment of community forests, whereby communities can gain collective control over large tracts of their ancestral lands, since 2016. Our analysis shows a clear pattern: forest loss is significantly lower on these community-held territories (even when these lack official recognition) than in other forms of land use, as shown in the graph below.



The analysis compares forest loss data (relative to area) from 2001-2019 in community forest concession areas, logging concessions and DRC as a whole. Data source: Hansen, M. C., P. V. Potapov, R. Moore, M. Hancher, S. A. Turubanova, A. Tyukavina, D. Thau, S. V. Stehman, S. J. Goetz, T. R. Loveland, A. Kommareddy, A. Egorov, L. Chini, C. O. Justice, and J. R. G. Townshend. 2013. "High-Resolution Global Maps of 21st-Century Forest Cover Change." *Science* 342 (15 November): 850–53. Data available on-line from: <http://earthenginepartners.appspot.com/science-2013-global-forest>.

The best practices we have encountered that aim to tap this potential involve participatory land use planning and community action plans (known by a variety of names in different geographies). Crucial to the success of these exercises is that the territories where planning takes place correspond to the customary claims and existing governance structures of the specific locality.

In DRC, RFUK has supported local communities to develop land use plans based on the potential and characteristics of their traditional land. Concretely, communities develop a zoning map based on their detailed knowledge of the territory (overlying attributes including types of vegetation and biodiversity, types of soil, altitude, area needed for agriculture and proximity to services), establish an action plan and rules for each "land unit". The latter ensue from traditional practices, for example, hunting and fishing restrictions that permit reproduction and permanence of animal populations. Our approach ensures that indigenous peoples and women take part in the process and in its subsequent monitoring.

In our experience, all of the communities that we have supported in this process designate the majority of their land for conservation purposes. In those areas, often called "reserves" only cultural activities, sustainable hunting and gathering are permitted.

In South America, there is long established experience of indigenous communities developing “life plans” or “Good Life” agendas anchored in their aspirations, identity and knowledge. RFUK has also supported land use planning and income generating activities emanating directly from these plans²⁷.

3. How do the following initiatives impact indigenous peoples' rights and what specific laws or policies are being undertaken to promote indigenous participation?

a) 30x30

As it stands, the plan to place 30% of lands (and seas) under ‘protected’ status by 2030 (‘30x30’) is most likely to come at the expense of the rights of indigenous peoples and other land-dependent communities, leading to more human rights abuses, food insecurity and dispossession of those least responsible for biodiversity loss. If State-managed protected areas remain the cornerstone of global conservation efforts, estimates by RFUK based on a paper published in Nature²⁸ suggest that as many as 300 million people – many of whom are indigenous – may be affected²⁹.

Virtually all conservation actors now pay lip service to the cause of indigenous peoples and 30x30 is increasingly presented as an ‘opportunity’ to shift towards rights-based conservation. But this rhetorical u-turn is far from being reflected in the current draft proposal. The text, which echoes and replicates similar commitments made as part of the 2011-2020 Aichi targets, offers very little reassurance that new protected areas and conservation projects that will be set up will in any way be different to what has been done in the past.

One argument repeatedly put forward is that the 30x30 target includes so-called “other effective area-based conservation measures” (OECMs), which may entail community-based approaches such as indigenous and community conserved areas (ICCAs). However, the concept is still relatively untested and open to interpretation, and simply including it as an option to fulfil the target does not mean it would ever be a significant part of it. Indeed its inclusion in the previous strategic plan of the Convention on Biological Diversity (CBD) has not prevented harmful fortress conservation approaches to remain the norm. Experience has shown that state-owned, exclusionary protected areas have often remained the default choice in much of the Global South, and overwhelmingly so in the Congo Basin.

The name itself (“Other...”) suggests that these potential community-based approaches come as a mere afterthought and will remain the exception, with State-sanctioned protected areas remaining the rule. This is reflected in some earlier CBD decisions that arguably narrow the scope and purpose of OECMs, which seem to be considered as an ‘add on’ to bolster and connect traditional protected areas rather than significant and alternative forms of conserved areas.³⁰

It should also be noted that there is no empirical basis behind the claim that “protecting” 30% of lands and seas will stem biodiversity loss. In fact, evidence is clear that stopping ecological collapse will take much more than an enlarged global protected area network, with a much stronger focus needed on addressing the drivers of decline, including overconsumption and climate change³¹.

b) Post-2020 Global Biodiversity Framework

The current ‘safeguards’ and wording on rights and equity contained in the draft plan are insufficient and inadequate. The draft targets 20 and 21 provide for “equitable and effective participation” of indigenous peoples and local communities and respect for their “rights over lands, territories and resources”. As is overwhelmingly the case in biodiversity and climate policy instruments, these rights-based provisions arguably serve up mere ‘safeguards’ for the continued business as usual approach to conservation.

These already weak provisions are at risk of being weakened further, with a proposal to remove all “cross-cutting issues” such as rights-based approaches and indigenous peoples and local communities from the operative parts of the text³².

Implementation of a human-rights-based approach to conservation will require much more. Indigenous peoples and local communities (IPLCs) must be put front and centre of biodiversity protection efforts and respect for human rights, land rights and FPIC should be made a *pre-condition* to any conservation project, rather than a box-ticking exercise carried out after the fact.

Concretely, the CBD must push for legal recognition and protection of IPLCs’ lands, territories and promote traditional knowledge across the framework. Land rights and community-based conservation should be made the preferred route towards achieving biodiversity outcomes. The establishment of any new conventional protected area (managed by states or private entities) should only be accepted (and therefore counting towards any ‘target’) when fulfilling a comprehensive set of criteria, including:

- adequate mapping of customary land rights and usage patterns and social impact assessments,
- proof of FPIC of potentially affected communities, or, preferably, proof that the initiative to create such protected area came from local communities in the first place
- clear plans to include indigenous and local communities in protected area management and conservation efforts, and
- existence of credible grievance mechanisms.

UNESCO World Heritage Sites

5. Please describe any positive or negative impacts on indigenous peoples' rights from their lands being listed as UNESCO World Heritage sites. If possible, please refer to specific violations of UNDRIP, the UNESCO World Heritage Operational Guidelines, and the UNESCO Policy on Engaging with Indigenous Peoples.

Our recent investigations and research into DRC’s Salonga National Park, a World Heritage Site since 1984, illustrates specifically the inadequate and perverse way state conservation efforts are being assessed. Indeed, the DRC government’s ‘state of conservation’ reports use indicators such as the number of kilometres patrolled or the number of arrests of alleged “poachers” and seizures, with complete disregard for aspects of due process and respect for human rights³³. Two of the ecoguards’ stations hence described as the “best performing”, Watsikengo and Monkoto, were also responsible for some of the most egregious human rights we have documented, including gang rapes and torture³⁴.

REDD+

8. What is the impact of REDD+ on indigenous peoples' rights in the context of protected areas? How have States and international institutions encouraged indigenous participation in the creation and implementation of REDD+ national policies, strategies or action plans and other projects geared toward preventing climate change, including opportunities for co-management and inclusion of traditional stewardship practices?

REDD+ is in many ways an evolution of protected areas in that it is a top-down intervention aimed at changing the customary land use practices of indigenous peoples and other local communities.

At the international level, REDD+ has created space to discuss the importance of respecting indigenous rights and adopting robust safeguards. This has helped to increase knowledge of the rights of indigenous peoples and to mainstream principles when working with them, such as obtaining their FPIC. Certain REDD+ countries, such as the Democratic Republic of Congo, now have laws in place requiring the respect of communities' FPIC.

However, there is ample evidence such safeguards exist merely on paper and are often not respected by REDD+ project implementers. Research conducted by CIFOR found that most REDD+ projects did not apply the principle of FPIC and took decisions prior to consultations with communities³⁵. If communities do not participate in decision-making processes and the design of REDD+ interventions, traditional stewardship practices will not be prioritised.

Furthermore, the ideology and theory of change that underpins REDD+ is incompatible with traditional stewardship practices. Rather than trying to curb the industrial over-exploitation of natural resources, REDD+ interventions focus on changing customary land use practices by forcing communities to protect savannahs or plant trees. Communities are thus positioned as the agents of deforestation and the generation of emission reductions depends on changing traditional stewardship practices.

In order for REDD+ programmes to include opportunities for co-management and traditional stewardship practices, they must redirect their efforts to secure customary land tenure and ensure communities are driving the vision of how to protect forests. Before deciding on REDD+ activities with communities, project implementers should commission studies on the drivers of deforestation.

9. Are mechanisms in place for indigenous peoples to file complaints and request investigation and redress for negative impacts associated with REDD+ projects?

No, adequate mechanisms are not in place. For example, participatory research³⁶ carried out with local communities residing within the Mai Ndombe REDD+ programme in DRC found several grievances: they did not provide their FPIC, there was limited space for women to carry out livelihood activities, road workers were not paid, the boundaries of management plans triggered inter-communal disputes, along with other concerns. Yet community members did not know how to submit a complaint. In 2019, civil society representatives supported communities residing within the Mai Ndombe REDD+ programme to submit complaints to one of the REDD+ project implementers (WWF) and they never received a response.

Communities in theory can file a complaint via the World Bank's Inspection Panel where World Bank funding is involved but this is essentially inaccessible to them without significant external support. The complaints must identify specific World Bank provisions that were violated, be written, and either submitted online or sent by mail. Most communities residing within REDD+ programmes do not know this Inspection Panel exists.

To establish a legitimate grievance mechanism, REDD+ programmes should strengthen the decision-making bodies that already exist within communities, as opposed to setting up parallel structures. Communities should help design a grievance mechanism to ensure it is culturally appropriate and accessible for all community members, including marginalised groups such as women and indigenous peoples. Significant resources should be dedicated to raising awareness on how to use the grievance mechanism and an independent body should monitor whether grievances are adequately addressed. Independent monitoring systems should also be established or extended where they do exist.

10. What social or economic benefits do indigenous peoples receive from REDD+ and similar

initiatives? Are these benefits culturally appropriate as well as gender and intergenerationally inclusive? Please describe how measurable project results are being shared with indigenous peoples

There is little evidence of the social or economic benefits indigenous peoples receive from REDD+. Certain REDD+ projects have delivered benefits such as tree saplings or a renovated school or hospital. Yet, these benefits amount to only a small percentage of the revenue project implementers generate from selling carbon credits and are often inadequate. For example, out of 131 people surveyed within the Wildlife Works Carbon REDD+ project in the Democratic Republic of Congo, 96 percent either did not know what benefits were promised to their village or were not satisfied with how the benefits were delivered³⁷.

In order for indigenous peoples to access benefits under REDD+ programmes, they must have secure land tenure and associated carbon rights.

Unfortunately, it seems the global demand for carbon credits to meet 'Net Zero' commitments may further jeopardise indigenous land rights. Just weeks after Article 6 (which sets the rules and regulations for a global carbon market) was finalised at COP26, there has been several reports of speculative and often illicit carbon offsetting deals in tropical forest lands that are occupied and used by local and indigenous communities. For example, in DRC, the company Kanaka Management Services has coerced dozens of communities in Equateur province into handing over one-hundred-year carbon rights for their community forests while threatening to penalise them for their subsistence activities³⁸.

Contacts

Maud Salber (Conservation and Human Rights): MaudS@rainforestuk.org

Norah Berk (Climate Change and Forests): NorahB@rainforestuk.org

Endnotes

¹ Call for submissions “Protected Areas and Indigenous Peoples' Rights: the Obligations of States and International Organizations”: <https://www.ohchr.org/en/calls-for-input/calls-input/call-submissions-protected-areas-and-indigenous-peoples-rights>

² A first step in this direction was when the OECD National Contact Point of Switzerland held in 2016 that the OECD Guidelines for Multinational Enterprises, which incorporated core elements of the UNGPs applied to WWF. See NCP of Switzerland, *Initial Assessment in the Specific Instance regarding the World Wide Fund For Nature International (WWF) submitted by Survival International Charitable Trust*, 20 December 2016.

³ *Embedding Human Rights in Forest Conservation: From Intent to Action*, Report of the Independent Panel of Experts of the Independent Review of allegations raised in the media regarding human rights violations in the context of WWF’s conservation work, 17 November 2020, https://wwfint.awsassets.panda.org/downloads/independent_review_independent_panel_of_experts_final_report_24_nov_2020.pdf

⁴ Löning, Assessment of Human Rights Due Diligence Processes for WWF Germany (2019).

⁵ German Institute of Human Rights, *KfW’s Human Rights Obligations in Conservation Work. The example of La Salonga National Park*, November 2020: https://www.kfw-entwicklungsbank.de/PDF/Entwicklungsfinanzierung/Themen/2020_human-rights-due-diligence-KfW-La-Salonga.pdf

⁶ UNGP Principle 11

⁷ UNGP Principle 12

⁸ UNGP Principle 13, Commentary.

⁹ UNGP, Principles 13, 17, 18.

¹⁰ UNGP Principle 22 and OECD Guidelines, ch. IV (Human Rights), para. 6.

¹¹ UNGP Principle 29

¹² UNGP Principle 11, Commentary.

¹³ In a statement to the Committee on Economic Cooperation and Development of the German Bundestag in April 2019, WWF Germany stated that it accepted that it bears “*even greater responsibility for compliance with the UN Guiding Principles on Business and Human Rights under the problematic circumstances of fragile states with weak rule of law*”, as cited in *Embedding Human Rights in Forest Conservation: From Intent to Action*, November 2020, p. 34

¹⁴ UNGP Principle 13, Commentary.

¹⁵ See this Memorandum by the Deputy Secretary of the Interior, September 2020:

<https://www.rainforestfoundationuk.org/media/ashx/online-docs.pdf>

¹⁶ See our critique of WWF’s public response to the Independent Review here:

<https://www.rainforestfoundationuk.org/wwfs-lack-of-contrition-as-independent-review-finds-systemic-failings-in-its-treatment-of-human-rights>

¹⁷ *Flummerfelt, R, To Purge the Forest by Force: Organized violence against Batwa in Kahuzi-Biega National Park*, Minority Rights Group International, 5 April 2022: <https://minorityrights.org/publications/pnkb/>

¹⁸ RFUK and APEM, *Severe Human Rights Abuses Reported in and around Salonga National Park, Democratic Republic of Congo*, November 2018: <https://www.rainforestfoundationuk.org/media/abf196ba-89da-4680-8df3-af5d382f7d5f>

¹⁹ Technologies such as remote sensing have severe limitations. While it can detect permanent villages and large tracts of land used by sedentary farmers, it cannot capture customary rights and low-impact traditional forest usages under the forest canopy. The impacts can be particularly acute for indigenous hunter-gatherers. See RFUK, *Protected Areas and community rights: Using local maps to support sustainable conservation in the Congo Basin*, Novembre 2018. Available at: <https://www.rainforestfoundationuk.org/media/ashx/protected-areas-and-community-rights-2018.pdf>

²⁰ See notably Moise R, Partnering with indigenous peoples in CARPE initiatives: Towards a new conservation practice, available at: https://pdf.usaid.gov/pdf_docs/PA00X28Z.pdf

²¹ Salonga’s website: <https://salonga.org/our-work/>

²² When asked whether the park had contributed to the development of their village (by creating jobs, infrastructure, or sources of revenues, 65% of the 231 individuals interviewed during the August 2018 field mission said the situation was actually worse since the arrival of the park, and 30% said it stayed the same.

-
- ²³ Dawson, N., et al., “The role of Indigenous peoples and local communities in effective and equitable conservation”, *Ecology and Society*, 2021; 26 (3) DOI: 10.5751/ES-12625-260319
- ²⁴ Sze, J.S., Carrasco, L.R., Childs, D. *et al.* Reduced deforestation and degradation in Indigenous Lands pan-tropically. *Nat Sustain* 5, 123–130 (2022). <https://doi.org/10.1038/s41893-021-00815-2>
- ²⁵ <https://www.fr.rainforestfoundationuk.org/media.ashx/drc-moise-study-english.pdf>
- ²⁶ Yeung, P., “The bold plan to save Africa’s largest forest”, BBC, 8 Jan 2021: <https://www.bbc.com/future/article/20210107-congo-basin-a-bold-plan-to-save-africas-largest-rainforest>
- ²⁷ For an example of a particularly thorough consultation process in Peru see: <https://careashaninka.org/wp-content/uploads/2013/01/AgendaKametsaAsaike.pdf>
- ²⁸ Schleicher, J., Zaehring, J.G., Fastré, C. et al., *Protecting half of the planet could directly affect over one billion people*, *Nature Sustainability*, 1094–1096 (2019): <https://doi.org/10.1038/s41893-019-0423-y>
- ²⁹ See the community-managed forests that could be threatened by conservation land grabs in the Congo Basin: <https://www.mappingforrights.org/resource/300-million-at-risk-from-cbd-drive/>.
- ³⁰ For example, the Decision 14/8, adopted in November 2018, states that “[OECM’s are] **complementary to protected areas and contributing to the coherence and connectivity of protected area networks...[they] should, therefore, strengthen the existing protected area networks, as appropriate**”. <https://www.cbd.int/doc/decisions/cop-14/cop-14-dec-08-en.pdf>
- ³¹ BioDiscovery and GeoBON, *Expert Input to the Post-2020 Global Biodiversity Framework. Transformative actions on all drivers of biodiversity loss are urgently required to achieve the global goals by 2050*, March 2022: <https://www.cbd.int/doc/c/16b6/e126/9d46160048cfcf74cadcf46d/wg2020-03-inf-11-en.pdf>
- ³² RFUK, NGOs respond to the proposed weakening of the post-2020 GBF, 16 March 2022: <https://www.rainforestfoundationuk.org/ngos-respond-to-the-proposed-weakening-of-the-post-2020-gbf>
- ³³ ICCN (2017) Rapport sur l’Etat de Conservation des Biens de la RDC Inscrits sur la Liste du Patrimoine Mondial en Peril : Exercice 2016, p. 13. Available at : <https://whc.unesco.org/fr/soc/3508>
- ³⁴ RFUK and APEM, *Severe Human Rights Abuses Reported in and around Salonga National Park, Democratic Republic of Congo*, November 2018: <https://www.rainforestfoundationuk.org/media/abf196ba-89da-4680-8df3-af5d382f7d5f>
- ³⁵ Sarmiento Barletti, J.P. and Larson, A.M., *Rights abuse allegations in the context of REDD+ readiness and implementation A preliminary review and proposal for moving forward*, CIFOR InfoBrief, October 2017: https://www.cifor.org/publications/pdf_files/infobrief/6630-infobrief.pdf
- ³⁶ Berk, N. and Lungungu, P, *REDD-MINUS: The Rhetoric and Reality of the Mai Ndombe REDD+ Programme*, RFUK, December 2020: [redd-minus.pdf \(rainforestfoundationuk.org\)](https://www.rainforestfoundationuk.org/redd-minus.pdf)
- ³⁷ *Ibid*
- ³⁸ See this letter that RFUK and its DRC local partners sent to the Deputy Prime Minister: [consortium-fakms-2022lettre-annexe-1-eng.pdf \(rainforestfoundationuk.org\)](https://www.rainforestfoundationuk.org/consortium-fakms-2022lettre-annexe-1-eng.pdf)