



8th March 2019

RE: Human rights abuses linked to EC-supported protected areas in the Congo Basin

Dear Commissioner Mimica,

We are writing to raise concerns about European Commission (EC) funding for biodiversity conservation being implicated in serious human rights abuses of local people impacted by several strictly protected areas in Congo Basin region, including the Salonga National Park in the Democratic Republic of Congo (DRC). In light of these, we ask that the EC conducts an immediate and thorough review of EC-supported conservation programmes in Africa, and adopts measures to ensure that such abuses are not tolerated.

The EC has provided hundreds of millions of euros for biodiversity protection in Central Africa's forests over the past decades since the first 'ECOFAC' programme was launched in 1992. We believe that there have been wholly inadequate safeguards and monitoring to ensure that this funding has not resulted in or been associated with serious human rights abuses.

We draw your attention to the allegations in [a recent media investigation into the activities supported by WWF¹](#). According to our own research, the enforcement of conservation measures in Salonga National Park is one example of where egregious human rights abuses have occurred, with reports of killings and rape by the park's 'eco-guards'². There is every reason to believe that what we have documented in this park is only the tip of the iceberg, with human rights abuses feared to have happened there (and probably continuing) on a much wider scale. In fact, our research shows that the problem is systemic across the Congo Basin, with reports of human rights abuses in the Virunga National Park in DRC, Campo Ma'an, Boumba Bek and Nki National Parks in Cameroon, Odzala National Park in the Republic of Congo and the Mbaere-Bodingue National Park and Dzanga-Sanga Reserve in the Central African Republic – all supported by the EU in recent years³.

We first provided your officials with a copy of our report '[Protected Areas in the Congo Basin: Failing People and Biodiversity?](#)' compiling many of these cases and other negative social impacts of the region's protected areas as early as October 2015. We further wrote to relevant EC officials about these concerns in March and December 2016 (see Annex 1).

In May and December of 2018, we wrote to Ms. Marijnissen, Head of Unit for the Environment, Biodiversity, Natural Resources and Wildlife, about the very serious such human rights abuses we

¹ See '[WWF Funds Guards Who Have Tortured And Killed People](#)' (4/3/19) and '[Internal Report Shows WWF Was Warned Years Ago Of "Frightening" Abuses](#)' (5/3/19)

² See <https://www.rainforestfoundationuk.org/widespread-human-rights-abuses-in-africas-largest-forest-park>

³ See <http://rainforestparksandpeople.org/>

documented around Salonga, which has been supported by the EC since at least 2004. Despite the severity of the claims and the Commission's role as the largest historical and current donor to the park, we did not even receive an acknowledgement of this letter (see Annex 2).

We draw to your attention **Article 86 of the European Consensus on Development** in promoting "respect for human rights of all people in cooperation with both states and non-state actors in partner countries" and "actively seek[ing] to promote human rights as an integral part of participatory in-country dialogue on governance"⁴.

We also refer you to the **EU Strategic Framework and Action Plan on Human Rights and Democracy (2015-2019)** which affirms the EU's commitment to "keeping human rights at the heart of the EU agenda" and to ensuring it "strengthens its efforts to assist partner countries in implementing their international human rights obligations"⁵.

Yet our numerous attempts to alert the Commission on the human rights impacts of protected areas in the region have not warranted a single substantive response from your officials.

We therefore now call for the following:

- An open and transparent investigation be undertaken by the Commission about the historical failure to detect and act on human rights issues in EC conservation programmes in Central Africa;
- An urgent review be undertaken of the EC's partner due diligence requirements, specifically on the extent to which the human rights' performance of organisations receiving EC money have been assessed, and what contractual obligations are placed up recipients to uphold national and international laws;
- The installation of appropriate safeguards which ensure that EC funding for conservation in the region does not result in further human rights abuses;
- A fundamental revision of funding priorities towards the support of communities near protected areas – not the terroring of them;
- New measures to be put in place to guarantee greater transparency in the EC's funding for protected areas, including full disclosure of the recipient organisations, the end-uses of such funding, and the outcomes of it.

Sincerely,




Simon Counsell

Executive Director
Rainforest Foundation UK


⁴ Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy (2006). [See article 86 of the European Consensus on Development](#) -

⁵ EU Action Plan on Human Rights and Democracy (2015-19)
https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf

Annex 1 – Correspondence with the European Commission on protected areas and human rights abuses in the Congo Basin

 Ana Osuna Orozco | [REDACTED] | 10/11/2015

Conservation effectiveness in the Congo Basin- RFUK research and meeting request

 RF Conservation Study Draft_Nov2015.compressed.pdf
8 MB

Dear François,

I hope you are well. We corresponded earlier this year regarding RFUK's interest to apply for CBFP membership (something we will pursue next year, as recommended). As mentioned previously, the Rainforest Foundation UK (RFUK is an organisation with more than 20 years' experience in the Congo Basin, promoting forest and indigenous peoples' rights. Community rights and participation in and around protected areas has been a constant issue in our work, and one that we'd like to discuss with the European Commission in your capacity as next CBFP facilitators and leads of the ECOFAC programme. We'd be glad to visit your office in Brussels for this purpose.

To provide further background, drawing on fieldwork with communities around a dozen protected areas in the Congo Basin over the past decade, we have since 2014 been investigating the impacts and effectiveness of the protected area system based on a sample of 34 protected areas, with four detailed field case studies. This has revealed a consistent trend of weak participation of local and indigenous communities which has led to negative impacts on livelihoods, land rights and even human rights in some cases. At the same time, available evidence suggests that biodiversity protection objectives aren't being met either.

Before publishing the report of our research (draft attached), we wish to provide key conservation actors in the U.S, Europe and in the region with the opportunity to comment on and discuss on the study's findings, and to provide information that we might not have been aware of through the research process. The deadline for all contributions is December 20th, but we'd also like to take the opportunity to discuss these findings with you in person as we believe they could be of interest in the context of ECOFAC V implementation and your facilitation of the CBFP.

A delegation from RFUK including Executive Director Simon Counsell, Research and Policy Coordinator Joe Eisen and myself would be able to travel to Brussels after the 10th of December, on a day that is convenient for you. Please let us know whether you'd be available for such a meeting and on what date. Also, please do advise if we should address this request to any of your colleagues.

Thank you in advance,

Ana Osuna Orozco
Policy Advisor

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United Kingdom.
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From: Ana Osuna Orozco [REDACTED]
Sent: Monday, March 14, 2016 1:58 PM
To: BUSSON Francois (DEVCO); MAYAUX Philippe (DEVCO)
Cc: Joe Eisen; Simon Counsell; JOHANSSON Eva (DEVCO); ROSE Caroline (DEVCO)
Subject: Meeting request- RFUK

Dear Francois, Philippe,

I hope this email finds you well. As you know, at the Rainforest Foundation UK (RFUK) we have recently launched several activities related conservation and forest peoples' rights in the Congo Basin, including the development of a flagship report to be published soon (a draft of which we sent in November last year, I hope you received it!) as well as applying to become CBFP members, amongst other initiatives. As we have previously said, we would really welcome the opportunity to discuss these issues with you in person. An RFUK delegation will be in Brussels next Wednesday 23rd March and we'd be glad to pay you a visit if you are available that day. Thursday the 24th would possibly work as well, if that's better for you.

To provide further details on the topic of the proposed meeting, we are very interested in discussing the findings of our forthcoming report and, most importantly, concrete proposals to move towards rights-based and more sustainable conservation approaches. We would also welcome the opportunity to understand your current plans and priorities better, especially in the context of ECOFAC V, EC's facilitation of the CBFP and the EU's action plan on wildlife trafficking.

Please let us know whether you are free next week. We look forward to discussing this with you.

Kind regards,

Ana



Joe Eisen

Meeting with Rainforest Foundation UK

06/12/2016

Dear Eva and Philippe,

I hope this email finds you well.

I was hoping to meet you both at the CBFP meeting in Kigali but either I missed you or you weren't able to attend. In any case, the purpose of such a meeting would be to discuss with you research that Rainforest Foundation UK has undertaken into the [effectiveness and impacts of the protected area network in the Congo Basin](#), and specifically how this might inform a/ the next cycle of the CBFP, and b/ the next phase of the ECOFAC/RAPAC programme.

To recap, drawing on fieldwork with communities around a dozen protected areas in the Congo Basin over the past decade, we have since 2014 been investigating the impacts and effectiveness of the protected area system based on a sample of 34 protected areas, with four detailed field case studies. This has revealed a consistent trend of weak participation of local and indigenous communities which has led to negative impacts on livelihoods, land rights and even human rights in some cases. At the same time, available evidence suggests that biodiversity protection objectives aren't being met either.


We are currently in discussions with key actors (state agencies, donors, international conservation organisations etc.) concerning how to address the issue of people-park conflict, and would very much welcome the chance to do so with yourselves. We could even come to Brussels on December 14th or 15th if either of these dates suit. While there we would also meet with Romain Calaque to discuss the RAPAC angle.

We look forward to hearing from you.


Best,


Joe Eisen
Research and Policy Coordinator
The Rainforest Foundation UK
Registered Charity No. 1138287
Registered Company No. 7391285


Annex 2 – Correspondence with the EC (and other international donors) on human rights abuses in the Salonga National Park


 Simon Counsell | Simon Counsell 3 | 17/05/2018

FW: Human Rights abuses, Salonga National Park, DRC

 You forwarded this message on 18/12/2018 14:00.

 Annex 2_Declaration Oshwe Fevrier 2018.pdf
1 MB

 Annex 1_Lettre Groupement Bolendo.pdf
830 KB

 RFUK_Violations de droits humains dans le Parc National de la Salonga.pdf
455 KB

From: Simon Counsell
Sent: 17 May 2018 15:27
To: [REDACTED]
Subject: Human Rights abuses, Salonga National Park, DRC

Dear colleagues,

As financial and technical partners of the Salonga National Park in the Democratic Republic of Congo (DRC) we are forwarding you correspondence with ICCN and WWF concerning a number of alleged human rights abuses by anti-poaching agents inside and around the western edge of the southern section of the park.

In the letter you will find a link showing community testimony of a case of rape, a case of extra-judicial killing, and other instances of unlawful use of force by armed eco-guards including an armed conflict with the police in the town of Oshwe. If confirmed, these would constitute clear violations of some of the most fundamental international standards on human rights and on the prohibition of sexual and gender-based violence as well as the various policies and commitments of your organisations.

As further evidence of the problem, we are also sharing with you a letter from the Bolendo Groupement in Oshwe territory, describing how the local population were living in "conditions of insecurity" as a result of unlawful actions by eco-guards. Also attached is a declaration signed by communities and local NGOs in Oshwe explaining that the park, which was created with little or no consultation of the local population, has failed to bring viable livelihood alternatives and local development.

It is clear from our initial investigations around Salonga that the issues we have documented represent merely a small proportion of what appears to be a systematic and very wide-scale problem. Whilst local communities are suffering brutalisation in order ostensibly to protect Salonga, the government has recently announced its intention to de-gazette part of the park for oil exploration.

We remain at your disposal should you need more information and to discuss more generally what needs to be done to address the systemic social problems linked to protected areas management in the Congo Basin.

Sincerely,

Simon Counsell

Executive Director
Rainforest Foundation UK



Dear Ms. Marijnissen,

My name is Joe Eisen. I'm Head of Research and Policy at the Rainforest Foundation UK, which as you may know is an organisation that advocates for the rights of forest-dependent communities in the world's tropical forests. As part of our work on the [social and human rights impacts](#) of the protected area system in the Congo Basin, we have previously contacted you regarding the situation around the Salonga national park as well as other as well as other EC-supported protected areas in the region.

As the EC has recently agreed [new funding for protected areas in DRC](#), in addition to the existing ECOFAC and Sustainable Environment and Agriculture programmes, it would be timely to discuss this issue with you in more detail, particularly concerning what safeguards and systems are in place, or could be, to ensure that protected areas interventions are not to the detriment of local people. Would you be available for such a meeting on January 10th when an RFUK team is due to be in Brussels?

On a separate but related matter, we would also appreciate any steer on who within DEVCO we should speak to regarding community based forest management in the Congo Basin. We are currently supporting the development/implementation of national strategy and roundtable on community forests in the DRC, among other initiatives in the region, and would very much welcome the Commission's perspectives on this moving forward.

I look forward to hearing from you.

Many thanks and all the best.

Joe Eisen