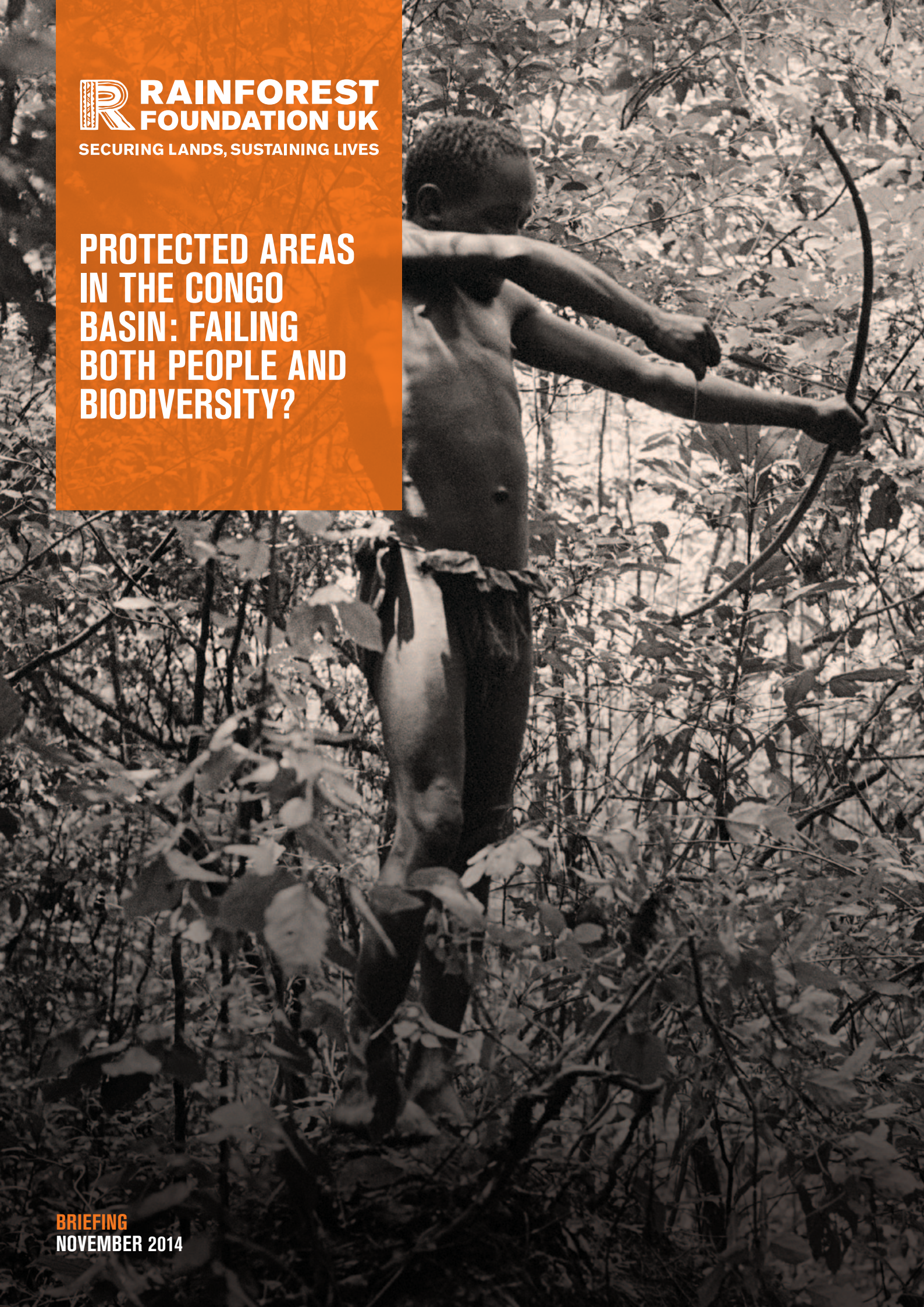
RAINFOREST FOUNDATION UK

SECURING LANDS, SUSTAINING LIVES

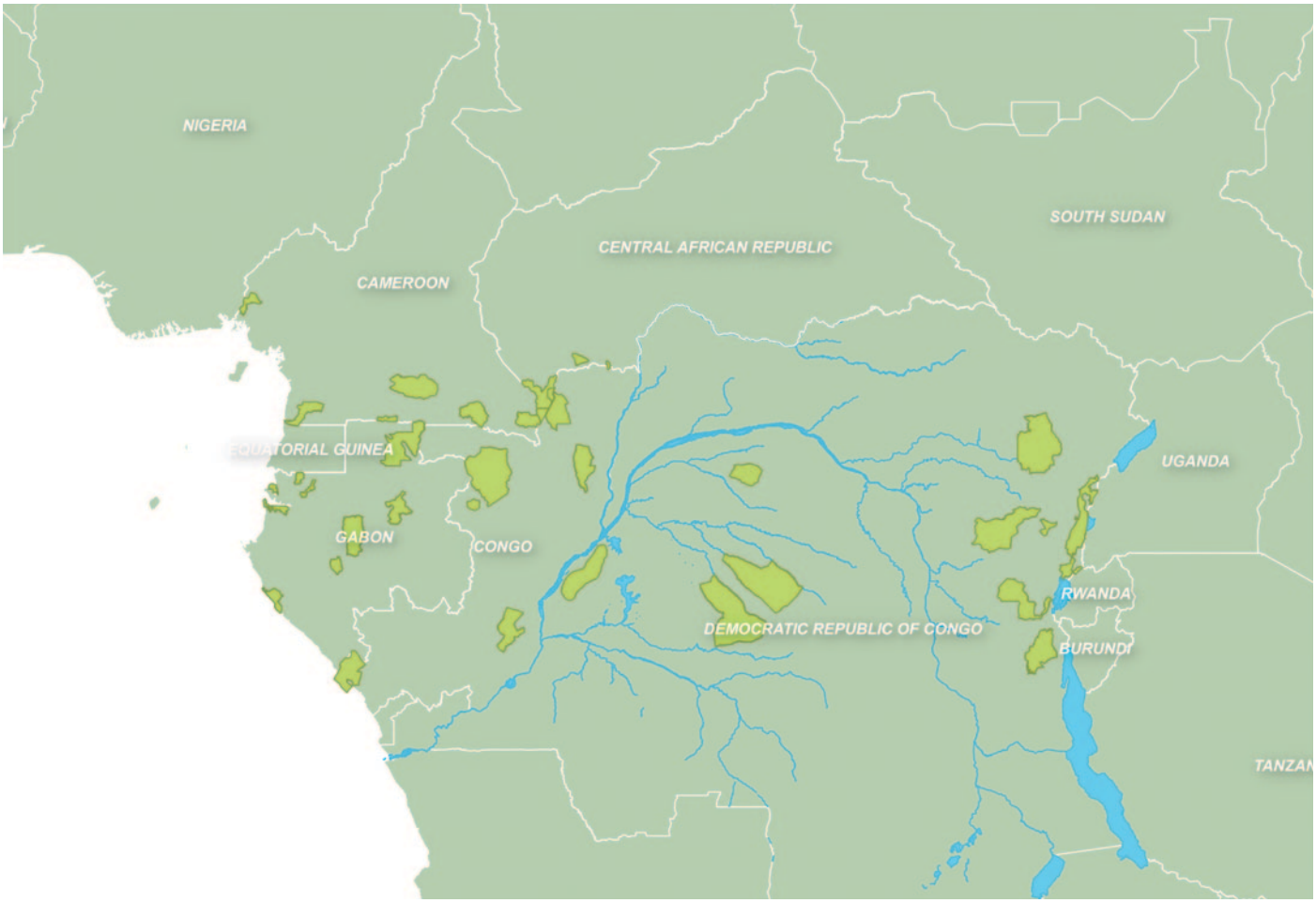
PROTECTED AREAS IN THE CONGO BASIN: FAILING BOTH PEOPLE AND BIODIVERSITY?



BRIEFING

NOVEMBER 2014

Cover: Ituri forest, Oriental Province, DRC
Young Efe hunter demonstrating stalking technique.
Photographer: Espen Waehle



The 34 protected areas analysed for RFUK's study

Sample of 34 areas analysed by RFUK:

- A total of 25 protected areas have reported displacement and/or relocation of local and indigenous communities (with a possible additional 6 areas for which no data was available on this)
- 12 protected areas have reported conflicts between local communities and park managers (with a possible additional 8 Protected Areas for which no data was available on this)
- 9 oil concessions inside these protected areas, and three additional concessions just on the border
- 19 had mining concessions inside the area, with an additional 17 concessions on the border
- 25 areas with logging concessions on their borders, three logging concessions overlapping one reserve

INTRODUCTION

In 2003, the Durban Accord created an international agreement calling for "a new paradigm for protected areas"[4] in which the rights and interests of local peoples should be fully integrated with conservation goals. However, 11 years on, conservation policy and practice in the Congo Basin seem to lag far behind. Local and indigenous communities continue to experience protected areas as a threat to their rights and livelihoods, and the available evidence suggests that conservation objectives are not being met either.

The Rainforest Foundation UK, (RFUK), has nearly 20 years' experience working with forest communities in all countries in the region except Equatorial Guinea. In addition, in 2014 we have undertaken research on protected areas and their effects on local communities, using both desk-based studies and field-based data collection. This research will continue into 2015.

On the basis of our preliminary findings and previous experience, we have **five areas of major concern:**

1 Despite hundreds of millions of dollars having been spent by international donors to support conservation efforts in the Congo Basin, there is little data to determine whether or not protected areas have been successful in protecting biodiversity, and what little evidence does exist suggests that they have not;

2 The current model of protected areas almost universally undermines local and indigenous communities' livelihoods and disregards their land and resource rights;

3 Consultation and involvement with, and compensation and benefit-sharing to, local and indigenous communities have been insufficient and often completely lacking;

4 Protected areas and current management practices have fostered conflict and in some cases given rise to serious human rights abuses;

5 Whilst many different local communities and ethnicities have experienced negative impacts of protected areas, indigenous peoples appear to have suffered the most.

This briefing considers each of these issues in turn. The purpose of the RFUK's work on protected areas is to foster debate and to contribute to the identification of "inspiring solutions" needed to ensure both that biodiversity is conserved in the Congo Basin and that the forest still sustains the lives of the peoples who depend on it.

[4] http://cmsdata.iucn.org/downloads/durbanaccorden.pdf

PROTECTED AREAS IN THE CONGO BASIN: MAJOR CHALLENGES

REACHING CONSERVATION OBJECTIVES?

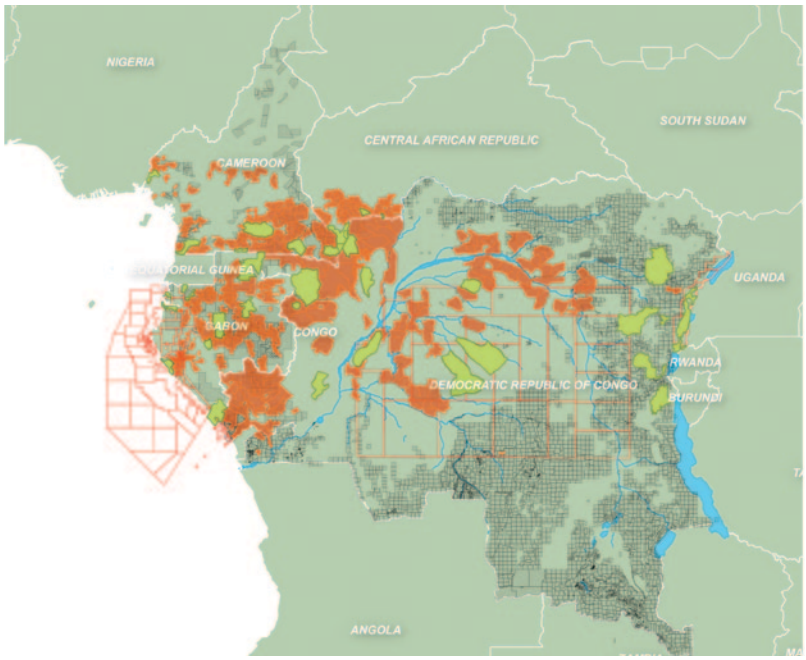
Biodiversity data for protected areas in the Congo Basin is extremely scarce and incomplete. With the information available publicly, it is extremely difficult (if not altogether impossible) to identify reliable biodiversity trends, often because baseline data was never collected. Apart from some recently started remote-sensing activities and an IUCN evaluation report of protected area management effectiveness in the Congo Basin, there are no comprehensive evaluations or monitoring initiatives assessing conservation effectiveness at the regional scale.

This paucity of information is particularly worrying considering that hundreds of millions of dollars have been disbursed to support conservation efforts in Central Africa. Just three major regional programmes – ECOFAC, CARPE and CBFF - contributed more than US$320 million to protected areas from 1992 to 2013.

There are also grounds for concern – but also little evidence - about the extent of damage to biodiversity caused by extractive activities neighbouring or overlapping protected areas.

From a representative sample of 34 protected areas analysed by the RFUK, there are logging concessions along the borders of 24 and overlapping one protected area; mining concessions overlapping 19 and bordering 17 protected areas; and oil concessions over nine of the 34 areas. Meanwhile, little is being done to study or measure the effects of these extractive activities on local livelihoods and human and ecosystem health.

Based on what little data exists for a few of the areas analysed, large mammal populations continue to be on the decline. For example, according to WCS[5], 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), gorilla and elephant populations have declined drastically in the past decade, despite greater funding being provided to support security patrols and management planning, including for anti-poaching, community conservation, and ecotourism.



Protected areas analysed and concessions for extractive industries

[5] *11,000 Elephants Slaughtered in National Park,* Wildlife Conservation Society, February 2013. Available: http://www.wcs.org/press/press-releases/gabon-elephant-slaughter.aspx

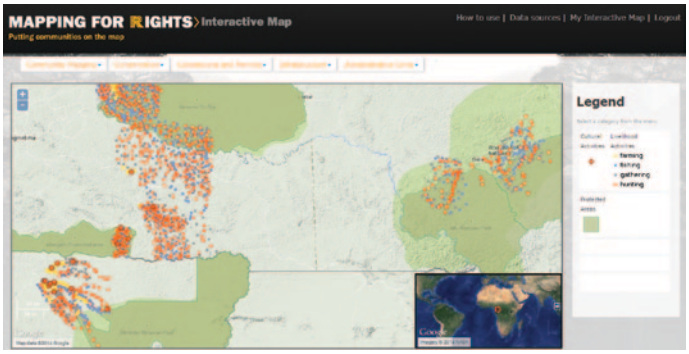
DISPLACEMENT AND DIMINISHED LIVELIHOODS

The vast majority of protected areas in the Congo Basin were established without taking into account customary rights to the land or the historical, cultural or socio-economic realities which have shaped these areas and ecosystems over millennia of habitation and use by indigenous forest peoples.

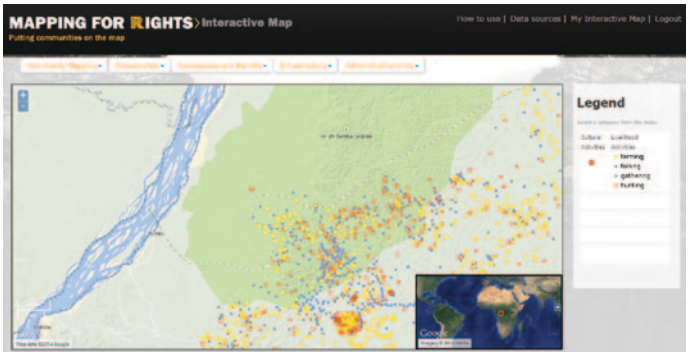
Available reports indicate that the creation of 26 out of the 34 protected areas analysed resulted in partial or complete relocation or displacement of local indigenous and farming communities living in the area prior to park establishment. The full effects of displacement are probably impossible to fully account for, but suffice to say that these populations, whose livelihoods depend largely or entirely on natural resources and the environment, have had to face significant challenges in coping with change and adapting to new spaces, territories, and restricted livelihoods.

In no cases has any compensation been given (or reported) for the displacements. Although specific regimes for resource use apply to each protected area, by definition these entail restrictions in terms of access and use of forest resources that local communities traditionally depend on for their livelihood, but also give great importance and value to in their culture and identity.

Participatory mapping supported RFUK in and around protected areas (shown in dark green) in the Congo Basin shows community resource uses and livelihood activities of various kinds (orange, yellow and blue points)



1. Minkébé National Park in Gabon and Mengame Gorilla Sanctuary, Dja Wildlife Reserve, Boumba Bek and Nki national parks in Cameroon. Data source: www.mappingforrights.org



2. Tumba Lediima Nature Reserve, DRC. Data source: www.mappingforrights.org

Whatever economic gains have resulted from protected areas have not reached local communities, and certainly not reached any levels near fair compensation for the loss of livelihoods incurred. Only in eight of the 34 protected areas analysed are there reports of some revenues for local people related to park activities, mainly in the form of employment as park rangers or tourist guides. However, this is often accompanied by reports of wage and employment discrimination, especially towards indigenous peoples.

Rather, the situation is one of communities having been pushed off their ancestral lands and 'squeezed' into marginal strips, often along roadsides and bordering national parks and forestry and mining concessions. This has intensified competition for remaining forest resources, placing ever more pressure on and threat to whatever resources are left, protected or not. Unsurprisingly, local communities have expressed deep resentment and opposition to imposed protected areas and accompanying strict conservation regulations.

CONSULTATION AND INVOLVEMENT

Consultation with local communities has only been reported in 12 of the 34 protected areas analysed, and in only one of these cases did consultations take place before the park was created.

Moreover, testimonies from local communities strongly suggest that these processes did not follow basic, internationally accepted standards for consultation and free, prior and informed consent, (FPIC). Lack of consultation and involvement of local people in park establishment and management contradicts state obligations under the Convention on Biological Diversity (CBD), as well as other key international rights standards such as the right to FPIC, as stated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[6]

Decision VII/28 of the CBD Conference of the Parties states that "the establishment, management and monitoring of protected areas 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."[7]

Our research suggests that in only two of the 34 areas surveyed have local communities been involved in management decisions. There is no evidence to demonstrate that this is done in a continuous and systematic way.

CONFLICTS AND HUMAN RIGHTS ABUSES

Conflicts between local communities and park management have been reported in 20 out of 24 protected areas for which information was available.

Many communities also report abuse and human rights violations, particularly at the hands of park rangers. The RFUK has been involved in two dialogue processes in the region where communities have demanded that eco-guards are brought to justice.[8] Reports of similar problems and attempts at resolution exist for a variety of protected areas in the region.

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 mark than the actual criminal networks driving large-scale commercial hunting. In some cases, park managers are said to be tolerant towards miners or loggers hunting in the area, or even facilitate these activities. Further specific investigations are needed to explore the nature and extent of this problem.

Several protected areas are reported to aggravate conflictual situations related to forest resource use, particularly between Bantu farmers and indigenous hunter-gatherers, as restrictions to access create further pressure in the surrounding areas.

[6] The five countries considered in this study are parties to the CBD and they all voted in favour of UNDRIP.

[7] CBD COP 7 Decision VII/28, Paragraph 22, available: http://www.cbd.int/decision/cop/default.shtml?id=7765

[8] See reports on local dialogues in the Mbaéré Bodingue National Park in the CAR here: http://blog.mappingforrights.org/wp-content/uploads/RFUK_2011-Mbaere-Bodingue.pdf (in French) and the Tumba Lediima Reserve in DRC here:http://www.rainforestfoundationuk.org/newsletter_eng_TumbaLedima.http://blog.mappingforrights.org/wp-content/uploads/Communique-final-Atelier-presentation-des-cartes-Lukolela_Final.pdf

INDIGENOUS PEOPLES IN THE CONGO BASIN

Indigenous communities are heavily discriminated against and marginalised. They have no rights over the lands they depend on and have virtually no means of political representation, voice, or participation. Their subsistence way of living and using forest resources has contributed to forest protection (and possibly even enrichment) for centuries.

Indigenous peoples suffer the impacts of protected areas disproportionately because:

- Long-term, low-impact, 'guardianship' (in a very real sense) over large areas of forest might mean that areas inhabited by indigenous people are precisely those today perceived by foreign conservationists as holding greatest 'biodiversity value';
- Their traditional and sustainable hunter-gatherer lifestyles require movement around large areas of forest, which often coincide with priority areas for conservation;
- Current consultation and participation processes are inadequate especially for indigenous peoples whose systems of knowledge and modes of communication, representation and decision-making are different from those used to 'consult' them;
- The discrimination they suffer in all other areas of life is also reflected in the relations that conservation agencies have with them, for example, when Bantu neighbours are given preference for employment opportunities or when they negotiate on behalf of the indigenous population.

Current proportion of land allocated to rainforest protected areas:

Rainforest protected areas cover 9.8% of the territories of Cameroon, CAR, DRC, Congo and Gabon, while the area formally allocated to forest communities is approximately 0.12% (all of it in Cameroon).[9]

The collective rights of indigenous peoples are fundamentally and intricately linked to their ancestral lands and territories. Enforcing these rights is likely to require a substantial rethink of the way protected areas are established and managed. Acknowledging this, the Durban Accord established the target that "participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent are established and implemented"[10] in time for the World Parks Congress in 2014. In the Congo Basin, there are absolutely no examples of this taking place.

[9] Source of data: The Interministerial Commission on Forests in Central Africa (COMIFAC), 2010. Data for Cameroonian community forests is based on best estimates as at July 2012. See http://www.mappingforrights.org/Forest_Users

[10] *The Durban Action Plan Revised Version*, IUCN, March 2004, available:http://cmsdata.iucn.org/downloads/durbanactionen.pdf

GENERAL RECOMMENDATIONS

These recommendations should be considered as preliminary, and based on early results of ongoing research projects.

However, we believe that:

A **paradigm shift** is needed whereby forest peoples are thought of as playing a central role in managing and protecting the forests they depend on, as they have been doing for generations. This means developing deep understanding of, and respect for, the rights of these peoples, cultures and communities, and especially of their traditional tenure and resource usage patterns, demographics, seasonal movements, culture and own aspirations. This change needs to be integrated into protected area management plans, with the consultation and full involvement of all local communities and enforcing the specific rights and needs of indigenous peoples.

Investment in research is urgently needed to produce rigorous data, particularly on:

- Trends in biodiversity in strictly protected areas;
- The drivers of biodiversity loss, including subsistence hunting and national and international poaching networks and habitat destruction inside protected areas;
- The effectiveness of restrictive conservation area management based primarily on halting poaching in particular;
- The correlation between protected areas, poverty and development outcomes;
- The efficacy of buffer zones.

There should be **greater transparency** about levels of public expenditure on strictly protected areas in relation to the effectiveness of these, as well as data on economic revenues ensuing from conservation activities and how or if these benefit local communities.

WHERE THERE ARE PROPOSALS TO CREATE NEW OR EXTEND EXISTING PROTECTED AREAS:

Consideration should be given to whether the area in question could be better protected through traditional occupation exercised under stronger forms of land tenure, or through classification as a protected area. In other cases, it may entail allowing for multiple use and innovative management mechanisms, such as co-management or community-run protected areas.

But in all cases, the process should entail:

- Ensuring areas of community and indigenous peoples' traditional land and resource use are mapped and integrated into any decisions about the use of that land;
- Ensuring indigenous and local peoples' resource use and their contribution to conservation are documented;
- Full respect for the process of FPIC that conforms to internationally accepted standards and processes in each step of research and decision-making, and allocation of adequate resources to ensure proper FPIC;
- Making sure that the new areas do not hinder local and indigenous communities' ability to secure their livelihoods and cultures.

FOR EXISTING PROTECTED AREAS:

Ensuring human rights are enforced and mainstreamed into all conservation activities, including:

- Enforcing local communities' rights to make traditional use of forest resources, revising categorisation and allowing for flexible management arrangements to make conservation compatible with communities' needs;
- Full implementation of FPIC regarding all policy or legal measures, as well as on issues of implementation which may affect local and indigenous communities;
- Providing adequate human rights training to park managers and particularly to eco-guards;
- Setting up systems to monitor, report and redress human rights violations and ensure adequate provision of support and resources for their functioning;
- Exploring practical ways to incorporate local peoples' knowledge into conservation activities. For instance, indigenous peoples could play a crucial part in so-called 'citizen science' and participatory monitoring of biodiversity.

Revising current IUCN protected areas categorisation according to social realities and communities' needs in each area, and the extent to which they are properly reflected in park management. Designations such as IUCN category II, for example, should not de facto create pressure to remove people from national parks.

THE RFUK'S STUDY ON THE IMPACTS AND EFFECTIVENESS OF PROTECTED AREAS IN THE CONGO BASIN

The RFUK has worked with forest communities in the region for nearly 20 years. RFUK's projects include participatory mapping in and around 12 protected areas in five Congo Basin countries, as well as direct support to forest peoples to defend their rights, lands and livelihoods.

In early 2015, RFUK will publish a comprehensive study on the impacts and effectiveness of protected areas in the region, drawing on this experience as well as on desk and field research covering 34 protected areas: seven in Cameroon, four in the Central African Republic (CAR), nine in the Democratic Republic of Congo (DRC), eight in Gabon, and six in Republic of Congo.[11]

This work will focus on identifying:

- The impacts of current conservation policy on forest peoples' rights and livelihoods
- The effectiveness of this model of protected areas in protecting forests and wildlife
- Successful initiatives, examples of good practice and the changes needed to develop a new approach.

[11] This sample includes at least one area on each CARPE/CBFP landscape, pilot and non-pilot sites of the Central African Protected Areas Network (RAPAC), several transboundary protected areas and several UNESCO world heritage sites. The sample includes areas under IUCN categories II, IV and VI.

Funding for major programmes for protected areas in the Congo Basin:

CARPE:

$110 MILLION US

Between 2004 and 2010[1]

ECOFAC (rounds I to IV):

$98 MILLION US

From 1992 to 2010[2]

CBFF:

98.93 MILLION EUROS

Between 2008 and 2013[3]

In none of these cases is there information about tangible achievements in protecting biodiversity.

Categorisation of protected areas in the Congo Basin

- Although the IUCN recognises seven different categories of protected areas according to each area's particular characteristics and management objectives, protected areas in the Congo Basin are overwhelmingly classified as national parks, or category II. This category poses high restrictions on local communities in terms of access and resource use.
- Of the 34 areas analysed by RFUK, 22 are national parks. Displacement or relocation of local communities has been reported for all of these areas.
- Of the 88 protected areas which are part of the Central Africa Protected Areas Network in the five countries considered by this briefing, 42 are national parks.

[1] *2010 Annual Report USAID/CARPE Activities in the COMIFAC/PFBC Landscapes in Support of the COMIFAC Convergence Plan*, USAID, July 2011, Available: http://rmportal.net/library/content/usda-forest-service/africa/usaid-carpe-activities-in-the-comifac-pfbc-landscapes-in-support-of-the-comifac-convergence-plan-2010-annual-report/view

[2] Source of data for funding on ECOFAC rounds I and II: *European Union Initiatives In The Congo Basin*, FERN briefing note, available: http://www.fern.org/sites/fern.org/files/pubs/archive/congo.html , and for funding on ECOFAC round IV: *The European Commission grants a further €38 million for the ECOFAC programme for the conservation and sustainable management of Central Africa's forests, European Commission Press Release IP/06/98, 2006*, available: http://europa.eu/rapid/press-release_IP-06-98_en.htm

[3] *Congo Basin Forest Fund 2012 Annual Report,* CBFF, July 2013, available: http://cbf-fund.org/sites/default/files/CBFF-%202012%20Annual%20Report-%20Approuved_0.pdf

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