

# FROM ABUSE TO POWER

ENDING FORTRESS CONSERVATION IN  
THE DEMOCRATIC REPUBLIC OF CONGO



The Oakland Institute  
20 YEAR ANNIVERSARY

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Back cover: A group of Indigenous Mbuti cross a stream as they return from a hunt in the Okapi Wildlife Reserve © FAO/Thomas Nicolon

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The Oakland Institute  
PO Box 18978  
Oakland, CA 94619 USA  
[www.oaklandinstitute.org](http://www.oaklandinstitute.org)  
[info@oaklandinstitute.org](mailto:info@oaklandinstitute.org)

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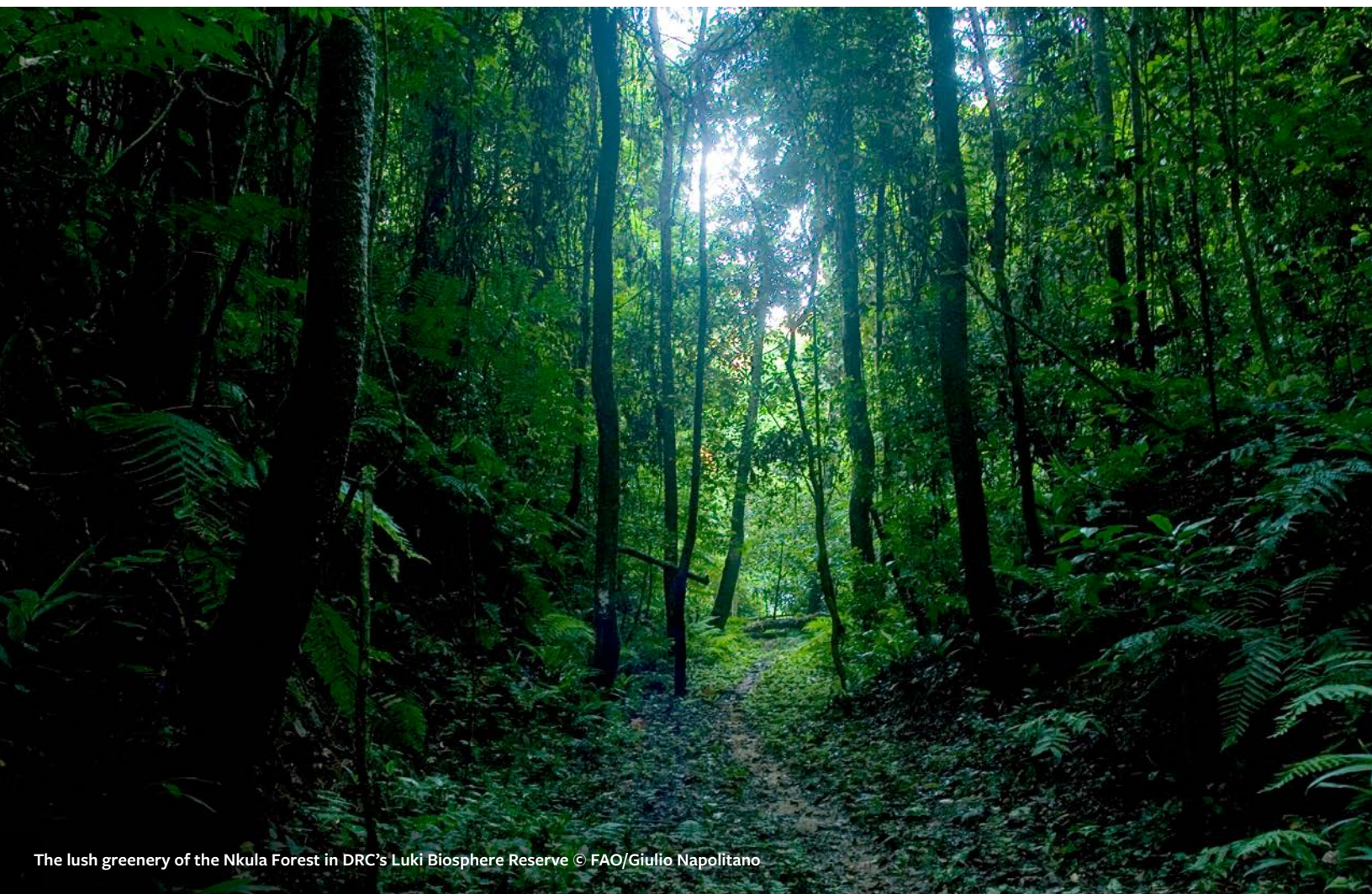


## EXECUTIVE SUMMARY

In 2019, the world of international conservation was rocked by reports of scandalous human rights abuses carried out against local communities by security forces in Protected Areas (PAs) managed by the World Wildlife Fund (WWF) in Asia and Africa.<sup>1</sup> These abuses, which included beatings, torture, rape, and murder, produced shock and bewilderment as they were completely at odds with conventional images of selfless park rangers putting their lives on the line to save endangered wildlife under threat from poachers.<sup>2</sup> The conservation industry – international conservation organizations, donor agencies, and national conservation authorities – reacted in diverse ways. WWF saw these incidents as unfortunate, yet isolated, cases representing excessive policing behavior by a small number of security forces who had overstepped the bounds of their mission – a few bad apples. Yet, acts of torture, rape, and murder are more consistent with organized campaigns of terror than random incidents.<sup>3</sup>

Governments who support international conservation efforts responded with various measures. Official investigations were carried out, funding to certain PAs under WWF management was frozen, and new legislation was developed by the US Congress, which placed stricter human rights requirements on PA funding. This included the addition of social safeguards, training of security forces, development of grievance mechanisms, and the need for outside conservationists to obtain the free, prior and informed consent of the communities on whose lands they seek to carry out their initiatives.<sup>4</sup>

One of the cases that involved WWF occurred at Salonga National Park in the Democratic Republic of the Congo (DRC).<sup>5</sup> In 2022, Minority Rights Group (MRG) made new revelations of abuses in another national park in DRC, Kahuzi-Biega, where a military campaign was mounted against the Indigenous Batwa by joint contingents of park ecoguards and Congolese Army soldiers from July 2019 through December 2021. The campaign resulted in a wide range of horrific abuses: Torture, murder, gang rape, shelling of villages, burning children alive, decapitation, and the taking of body parts as trophies.<sup>6</sup> The organized campaign of terror employed methods developed during twenty-five years of war in eastern DRC,<sup>7</sup> which were used against civilians – the original stewards of the land – in the name of conservation, with substantial financing from German and US taxpayers.<sup>8</sup>



This campaign against Batwa proved that violent abuse by PA security forces is not a problem particular to initiatives supported by WWF. Kahuzi-Biega is managed by the Wildlife Conservation Society (WCS)<sup>9</sup> – thus demonstrating that the problem is not about one bad apple among the conservation NGOs, but broader. The MRG reports implicated both WCS and the park’s donors – KfW (a funding agency of the German government) and the United States Fish and Wildlife Service (USFWS) – because of the material support and training they provided to the security forces.<sup>10</sup> All the parties in DRC’s conservation effort were involved: state security forces (FARDC), the state conservation authority (ICCN), the Ministry of the Environment, international conservation NGOs, and international donors.

The institutional nexus developed for conservation in DRC has created a situation in which the conservation agencies essentially monitor themselves. International actors – donors and large conservation NGOs – in apparent deference to the Congolese government’s role as gatekeeper to the country’s biodiverse landscapes, employ an approach of willful blindness toward the depredations of the Congolese security forces and other armed groups, among whom corruption, extortion, racketeering, and illicit extraction have become pervasive over the last few decades.<sup>11</sup> This approach manifests itself through active efforts to suppress incriminating information emerging from the ground, while maintaining a good public image through uplifting reports and communiqués.

The irony is not only that this approach facilitates illicit extraction and protects its perpetrators, but it has also precluded any substantive collaboration between outside conservationists and local communities, who have maintained DRC’s ecosystems through customary management practices for

millennia. Yet international donors have consistently favored the models and methods put in place by the large conservation NGOs, who receive 85 percent of global conservation funding annually, while Indigenous Peoples and local communities receive one percent.<sup>12</sup>

NGOs advocating on behalf of impacted local communities in DRC have decried the militarized approach to conservation based on the creation of “people-free wilderness” areas. They contend that the basis for conservation efforts should be a rights-based approach, referring both to the human rights of local communities and their land rights as the customary owners of the lands turned into PAs.<sup>13</sup> International conservationists, on the other hand, often regard the removal of local people to create PAs as their core strategy, while some fear that replacing the animal rights framework with a human rights one will result in the failure of the conservation mission.<sup>14</sup> The solutions considered by conservation NGOs to address abuses thus far mostly involve stricter administrative controls to reduce the collateral damage produced by what is presumed to be an otherwise sound strategy for wildlife protection.

This report questions this response and the conservation model upheld in DRC because it negatively affects both biodiversity and people, while contributing to the ongoing instability in the region. It shows that the measures put forward by different actors are inadequate to address the abuses and calls for a major shift for effective conservation in DRC and an end to widespread damage to Indigenous communities. Such a shift is of ever greater urgency in the wake of recent global commitments to the 30X30 Plan, according to which thirty percent of the Earth’s surface would be placed under some form of protection by the year 2030 to protect global biodiversity.<sup>15</sup>



Batwa house burnt in PNKB in a joint operation by park guards and FARDC soldiers in 2021 © Robert Flummerfelt/MRG

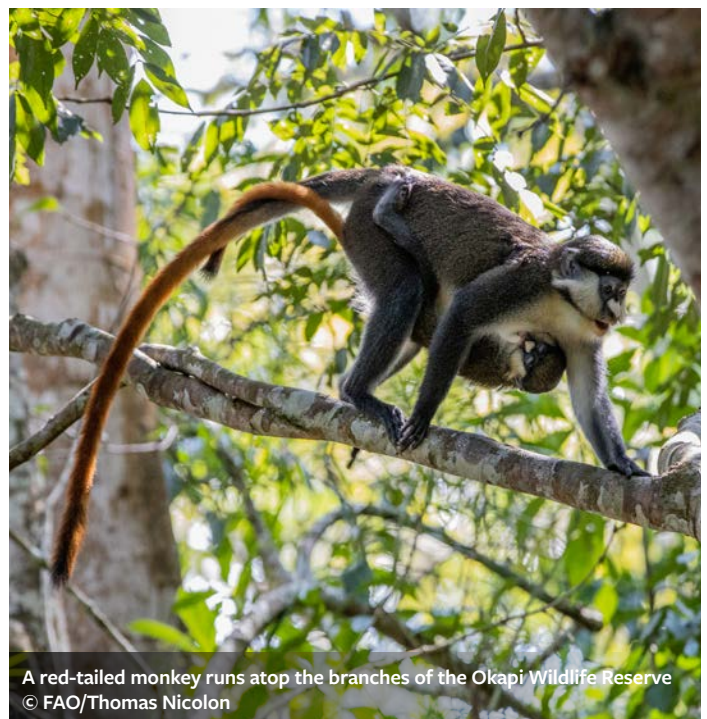
Conservation efforts in DRC, based on the creation of people-free wilderness areas, have resulted in horrific abuses and produced a situation in which PAs have become unprotected and left open to resource extraction. By removing the protective shield of human presence on lands earmarked as a PA, the political vacuum gets filled by outside commercial actors seeking to exploit its natural resources.<sup>16</sup> Violence is used by militias and state security forces to keep locals off the land and allow the illicit extraction of natural resources to proceed unhindered. International conservation efforts in DRC have produced the exact opposite of their stated goal – protecting wildlife. For John Knox, former UN special rapporteur on human rights and the environment, this makes “a mockery of the whole concept of protected areas.”<sup>17</sup>

It is urgent to change course and produce effective and equitable environmental protection, with respect, protection, and full participation of local communities and Indigenous People. This requires a major shift in the approach of the Congolese government and international actors – NGOs and donor agencies who implement or support conservation. A new path for conservation in DRC must be rooted in a radically different model in which Indigenous communities are no longer excluded from their ancestral land but are the central actors in conservation efforts and continue to be stewards of their lands. Public commitments by conservation NGOs such as WWF and WCS detailing the measures they have taken to address human rights abuses and foster community-led conservation are largely window-dressing. They mask the fact that the plight of Indigenous People continues through dispossession, economic hardship, and violence and abuses by park authorities and FARDC.

For many years, Indigenous people in DRC have unsuccessfully sought justice for the ongoing harm inflicted upon them by filing lawsuits before domestic courts. As a result, they have brought the issue to foreign and international courts and bodies, including the African Commission on Human and Peoples’ Rights (‘the African Commission’), claiming to be victims of crimes against humanity including violence, murder, rape, and arson. In July 2024, the African Commission made an historic decision<sup>18</sup> that recognized the rights of the Batwa to their land seized to extend Kahuzi-Biega National Park and ordered the DRC government to return the land to its rightful owners, compensate them, and ensure their full protection.<sup>19</sup>

Conservation NGOs must take meaningful steps to make the implementation of this decision possible and put in place the community-led conservation that they have repeatedly promised.

The required change of paradigm for these organizations will however not be enough to end the abuses against local communities in eastern DRC, where violence and corruption in PAs is intrinsically linked to the extraction of natural resources such as gold, tantalum, and cobalt. This extraction plays a major role in conservation-related abuses and the perpetuation of a destructive and inequitable model. This goes beyond the conservation industry and the DRC government, as it involves DRC’s neighbors as well as countries that support them and corporations that benefit from illicit extraction. Western countries must end their support to, and take action vis-à-vis, both Rwanda and Uganda, two neighboring countries which have long been involved in the illegal exploitation of eastern DRC’s mineral resources. Furthermore, effective regulation must be put in place to prevent the trade of conflict minerals. A failure to engage in a comprehensive set of actions will prevent the development of meaningful reforms in conservation, allowing abuses to continue largely unhindered. This is especially essential as fighting in eastern DRC remains intense, involving the DRC military, Rwanda-backed rebel group Movement March 23 (M23) and other armed groups, while the mandate of the UN peacekeeping force in the country is coming to an end in 2024. As long as DRC’s neighbors are allowed to engage in destabilizing activities and lead the illegal exploitation of mineral resources, there will be no space for conservation efforts to evolve into a different model respecting the basic rights to life and dignity of Indigenous and local communities.



A red-tailed monkey runs atop the branches of the Okapi Wildlife Reserve  
© FAO/Thomas Nicolon

# INTRODUCTION

DRC has 41 Protected Areas (PAs): Nine national parks and 32 reserves of various types – Wildlife, Nature, Hunting, Biosphere, Community, etc. These 41 PAs cover 32.43 million hectares (ha), approximately 14 percent of the national territory.<sup>20</sup> Protection of these areas has come at a high cost for the livelihoods and basic human rights of local communities and Indigenous people who have been excluded from their ancestral land.

This report intends to answer the following critical questions: Why is it that local people have been raped, tortured, and murdered in the name of protecting DRC's wildlife? What institutional and policy factors have produced such outcomes? How should conservation evolve to prevent such abuses from happening?

The report begins with a description of conservation in DRC, including its history and the actors involved. The second section details the relationship of conservation with violence against Indigenous Peoples and resource extraction, with two of the country's PAs as case studies: Salonga and Kahuzi-Biega National Parks. The third section analyzes the impact that PAs have on people and their environment. The fourth section describes the role played by international conservation institutions. The fifth section discusses the solutions proposed for conservation reform. Finally, a last section identifies the barriers to reform and the powerful forces responsible for driving the underlying trends of conflict and resource extraction in eastern DRC that compound the oppression and exploitation of local communities.

## CONSERVATION IN DRC

### The Shift of Conservation from Customary Systems to an Industry

Archaeological evidence documents ongoing human settlement in the territory of present-day DRC for at least 46,000 years.<sup>21</sup> During this vast expanse of time, land was managed collectively through local customary systems. Although these practices undoubtedly changed over time, ethnographic evidence from across DRC shows some basic commonalities in the systems that were in place when Europeans arrived in the late 19th century:

- The land was divided into local customary territories, each of which belonged to a particular settlement or group of settlements that oversaw its management.
- The customary territory was conceived as being bequeathed to the living by the communities' ancestors and was to be protected for future generations.
- The pool of users of the territory was limited to the members of the local community, along with their relatives and visitors who had been given their permission.
- Natural resource exploitation was limited to low-impact subsistence activities undertaken over a large area.

- Certain spaces within the territory were visited only seasonally, which allowed populations of large game to thrive.
- Various conservation practices were employed in daily life, such as making the mesh on fishing nets large enough for small fish to pass through and taking every fourth day off from subsistence activities to let the forest rest.<sup>22</sup>

Each territory was protected from outside exploitation by its customary managers and functioned as an Indigenous Protected Area. Early European explorers found a landscape filled with abundant flora and fauna as the entire ecosystem was effectively protected.<sup>23</sup>

Customary systems have displayed remarkable resiliency as the *de facto* system of land management in DRC until the present, despite various colonial and post-colonial laws proclaiming the rights of the state over the national territory. It is only when the relation of people to land was interrupted – by commercial exploitation, PAs, or war – that local knowledge and customary management systems were threatened.



Contemporary conservation or state-management of land for the purpose of protecting its natural resources has a much shorter history in DRC – over less than a century. Its origins lie in the projects of certain European sovereigns to reserve territories for royal hunting activities, which occurred since the time of the Frankish kings (c. 800 C.E.).<sup>24</sup> This model was later adopted by the United States in the late 19<sup>th</sup> century with the creation of national parks, which shifted the goal of conservation from protecting royal hunting to preserving natural landscapes for human recreation amidst Western industrialization.<sup>25</sup>

The foundation of the modern conservation system in DRC was laid in the colonial era by several royal decrees – in 1885, 1886, 1906 and 1949 – which regarded all land not under cultivation to be “empty land,” and thus the property of the Crown.<sup>26</sup> This provided the entry point for state-based conservation in DRC. In 1919, King Albert I, after visiting Yellowstone Park in the United States, was

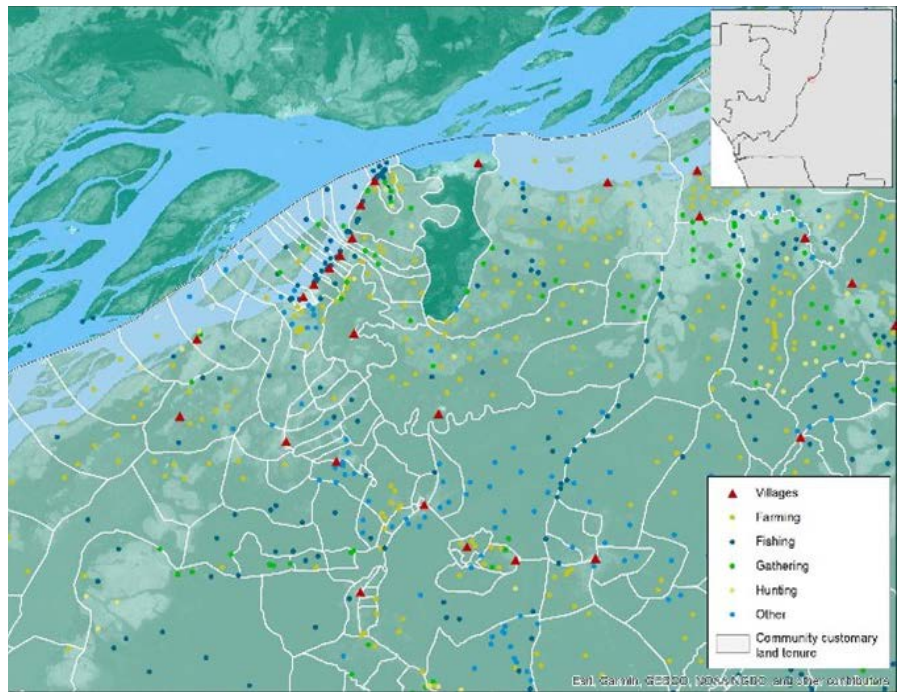
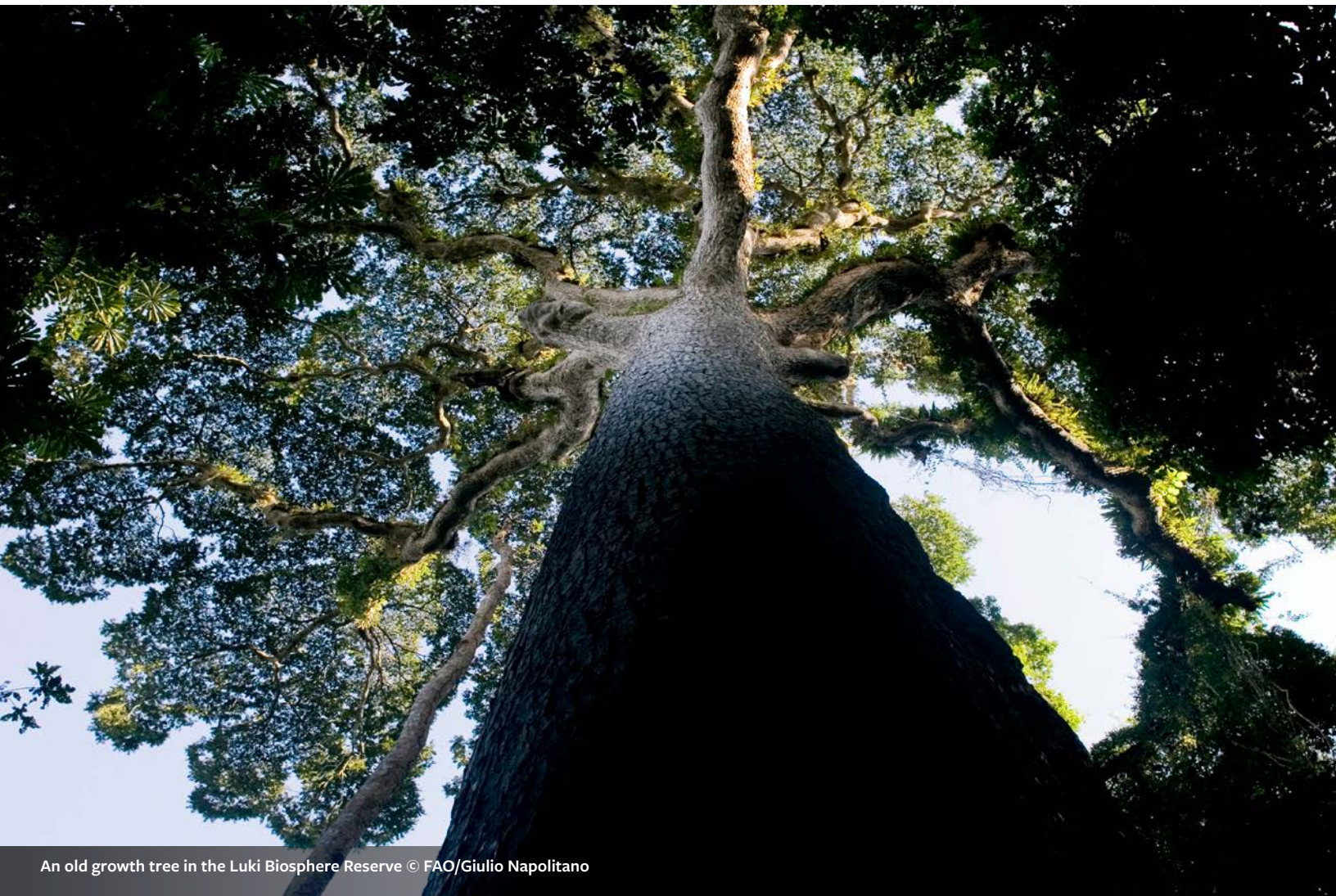


Figure 1: Local customary territories near Lukolela, on the Congo River. The intricate, extensive, and contiguous system of customary rights and forest management systems in Équateur province in northwestern DRC, mainly organized around clan-based tenure parcels, each with its own rules governing access and use of forest resources. Source: Rainforest Foundation UK / MappingForRights





inspired to form a national park of his own in the Belgian Congo. This resulted in the establishment of Albert National Park (later renamed Virunga National Park) in 1925, the first national park in Africa.<sup>27</sup>

After independence, governments in the Congo Basin countries realized the potential of PAs both as a means to expand their territorial control and to curry favor among donor countries.<sup>28</sup> In 1968, the Bakajika law, originally drafted to address land injustices experienced by local communities under the colonial regime in DRC,<sup>29</sup> declared that “the soil and anything beneath it belong to the state” – thereby clearing the way for the creation of PAs.<sup>30</sup> In 1969, President Mobutu created a national agency to oversee the country’s PAs, the Institut Congolais pour la Conservation de la Nature (Congoese Institute for Nature Conservation – ICCN).<sup>31</sup> The agency’s operation reflected Mobutu’s experience as a career military officer trained in colonial administration and employed military means to achieve conservation objectives. These included the deployment of security forces to PAs and orders to shoot any “trespassers” on park lands, thereby creating the foundation of militarized conservation that would continue until the present day by the government and international NGOs. Meanwhile, the country’s economic collapse in the 1970s<sup>32</sup> led to a proliferation of informal, illicit, or illegal activities in what is referred to as the second economy, which includes illegal extraction of natural resources such as wildlife trafficking, mining, logging, and charcoal production, both within and beyond the boundaries of PAs.<sup>33</sup>

Conservation efforts expanded in DRC in the early 1990s thanks to a massive increase in funding beginning around the time the Global Environment Facility was created and the Earth Summit was held in Rio, with global conservation budgets increasing from around US\$200 million to over US\$1.25 billion/year.<sup>34</sup> At the regional level, new organizational structures and initiatives were launched after the Yaoundé Summit in 1999 and the Congo Basin Forest Partnership was created by USAID in 2002.<sup>35</sup> A key conceptual framework was designed in 2000, when “eleven ‘priority landscapes’ for conservation intervention” – comprising over half the land of the Congo Basin – were identified in a meeting of experts organized by WWF.<sup>36</sup> With these structures in place, the areas covered by PAs grew substantially in the following years.<sup>37</sup>

This expansion relied on a core strategy – forced evictions and resettlement of local people.<sup>38</sup> Meanwhile, natural resource

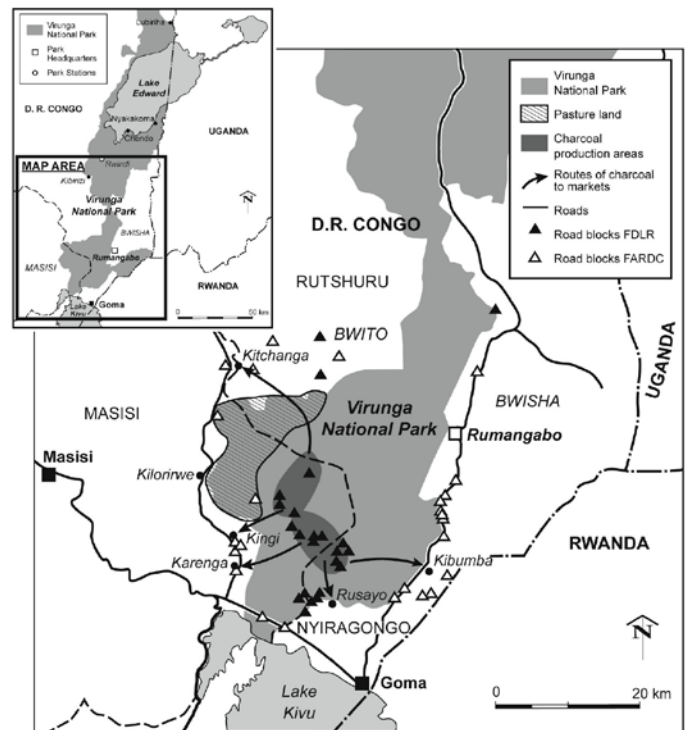


Figure 2: Charcoal trade in Virunga National Park with roadblocks of different armed actors. Source: Marijnen and Verweijen 2018

exploitation intensified under the presidency of Joseph Kabila (2001-2019), with a profound effect on DRC’s PAs.<sup>39</sup>

In 2005, Kabila appointed a close associate and former top executive of several gold mining companies, Cosma Wilingula, as ICCN’s General Director.<sup>40</sup> With authority over 14 percent of the national territory, this appointment led to an increasingly more violent approach to keeping people out of the country’s PAs, as the agency’s operations became increasingly linked to illicit natural resource extraction.

A peaceful transition of power from Joseph Kabila to Felix Tshisekedi took place in January 2019, which opened the possibility of a new direction for DRC’s conservation sector. However, change cannot come easily given that the forces of corruption and violent natural resource extraction have been entrenched in the public administration for over four decades and are pervasive within it. Additionally, the underlying forces of political instability, conflict, and global demand for the country’s mineral resources make meaningful efforts to reform conservation difficult and complex. As such, this presents a profound challenge for the country. DRC’s PAs were recently described as “hubs of illegal traffic in natural resources” as well as “risk-free corridors” for such traffic.<sup>41</sup>

## The Underlying Forces of Conflict and Extraction Plaguing Conservation in DRC

DRC, described by some as a “geological scandal” due to its vast mineral wealth, is home to an estimated US\$24 trillion in mineral reserves and the largest artisanal mining workforce in the world.<sup>42</sup> Its extensive untapped resources include significant quantities of diamonds, cobalt, gold, tin, tungsten, and tantalum (otherwise known as coltan).<sup>43</sup> It has the world’s largest supplies and is the world’s largest producer of both cobalt and tantalum.<sup>44</sup> Global demand for these two minerals has been steadily rising due to the critical role they play in the production of portable electronic devices, aerospace and military technologies, advanced electronics systems, and renewables.<sup>45</sup> This has served to increase their value in the eyes of illicit actors, simultaneously funding and fueling conflict. As such, tin, tantalum, tungsten, and gold have been deemed “conflict minerals” by international observers and governments.<sup>46</sup>

The extraction of natural resources became a key driver of conflict during the Second Congo War from 1998 to 2003. As global demand for coltan skyrocketed thanks to the technology boom of the last two decades, more armed groups and neighboring countries, including Rwanda and Uganda, set their sights on accessing and controlling eastern DRC’s mines. Foreign efforts to gain control of these mines became so aggressive that a 2002 UN report found that all of eastern DRC’s coltan mines were either benefiting a rebel group or a foreign army.<sup>47</sup>

This trend of exploitation continues today, as large quantities of mineral resources illegally extracted from unvalidated mines, some controlled by non-state armed groups, are smuggled across borders and laundered into global supply chains. Over the past decade, Rwanda has exported far higher quantities of coltan than its own mines produce, and Rwandan officials have explained that even the country’s most promising mines are often kept inactive as it is cheaper to buy smuggled minerals.<sup>48</sup> It is estimated that 90 percent of Rwanda’s coltan exports are illegally sourced from eastern DRC.<sup>49</sup> In the case of Uganda, conflict mineral mines have been linked back to militias controlled by, or connected to, generals in the Uganda People’s Defense Force (UPDF),<sup>50</sup> and, according to the UN, an estimated 95 percent of the country’s gold exports in 2019 were of non-Ugandan origin, likely illegally sourced from DRC.<sup>51</sup>

The ongoing instability caused by conflict and extraction intersects and overlaps with conservation efforts, creating a complex environment for reform. Several of DRC’s National Parks are located along its eastern border with Uganda, Rwanda, and Burundi,<sup>52</sup> which amplifies conflict and extraction in these parks. As showed in Figure 3, multiple armed groups tied with these countries fight for control of mining sites within and around the PAs, resulting in horrific violence and instability.<sup>53</sup> Meanwhile, stricter global regulations surrounding conflict minerals have dispossessed the country’s large workforce of artisanal miners of their access to legal mining concessions.<sup>54</sup> Those stripped of their traditional access to mining sites on ancestral land by so-called ethical sourcing requirements and conservation have often turned to armed groups or corrupt security forces to gain access to what they have lost, fueling illicit extraction and human rights abuses within and around PAs.<sup>55</sup>



M23 militia in Goma, eastern DRC, 2012 © UN Photo/Sylvain Liechti



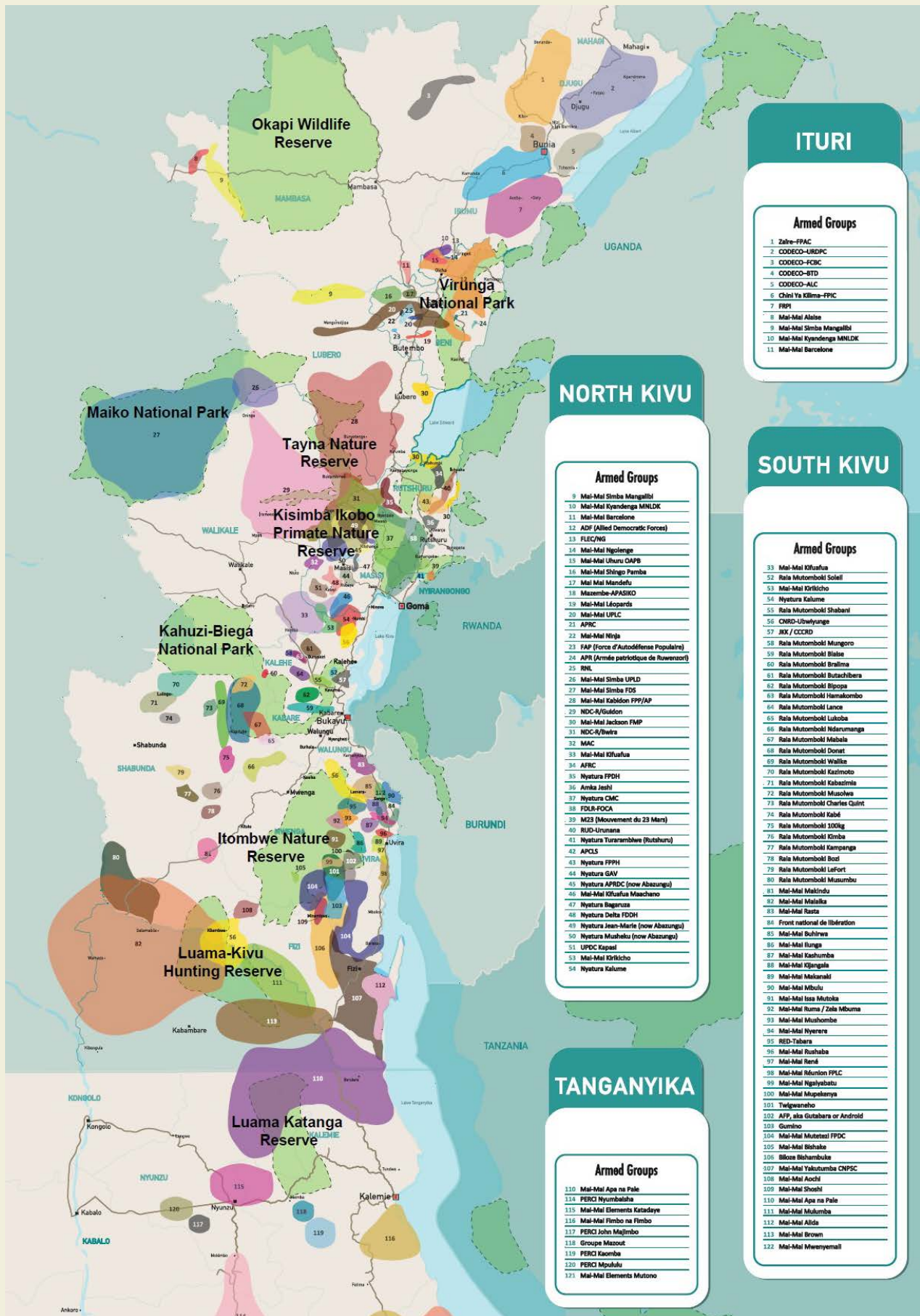


Figure 3: Armed groups and Protected Areas in Eastern DRC, October 2020. Many of the over 120 armed groups present in eastern DRC operate on or around the country's so-called Protected Areas, including Virunga and Kahuzi-Biega National Parks. Adapted from Kivu Security Tracker, <https://suluhu.org/congo/mapping/>  
 Note: The situation in eastern DRC is fluid and this map may not give an accurate picture of the current presence of all armed groups and militias.

## The rise of the militia movement in PNKB

In the mid-1990s, the Rwanda genocide and its ripple effects in eastern DRC stimulated the rise of self-defense militias, as local Congolese sought to defend their ancestral lands from a flood of Rwandan refugees and armed elements.<sup>56</sup> In the area of PNKB, the groupement of Kalonge, nestled between the western and eastern arms of the park, hosts the headquarters of the Democratic Forces for the Liberation of Rwanda (FDLR), the primary Hutu armed group for the Province of South Kivu.<sup>57</sup> The Batembo, the primary Bantu community with customary rights in the area of PNKB, created a powerful militia, Raia Mutomboki,<sup>58</sup> to defend the population against attacks by the FDLR. The militia came to control much of the land within the park's boundaries.<sup>59</sup> Once it had driven FDLR fighters out of the territories of Shabunda and Kalehe, Raia Mutomboki gained strong support among local people and came to function as a de facto state in an area with minimal governmental control.<sup>60</sup>



Truck driver paying a soldier at a roadblock in PNKB. Credit: Schouten, P. Murairi, J. and Kubuya, S. "Everything that moves will be taxed: the political economy of roadblocks in North and South Kivu." International Peace Information Service (IPIS), 2017.

Even though they have at times claimed to be taking an aggressive stance towards armed groups in the park, ICCN and the PNKB park administration appear to enjoy largely peaceful co-existence with Raia Mutomboki.<sup>61</sup>

Aside from taxation, a major focus of militia economic activity is the extraction of minerals, as Kahuzi-Biega holds some of the largest reserves of critical 3T minerals including coltan, which, in turn, supports an active trade in bushmeat to provision the mining camps.<sup>62</sup> The charcoal trade, which provides the city of Bukavu and regional towns with cooking fuel, is also highly lucrative.<sup>63</sup> Raia Mutomboki controls a significant amount of territory and illicit trades within PNKB, but this can be bitterly contested by other armed groups, including the FDLR and other Hutu militias, such as the CNRD and Nyatura.<sup>64</sup>



## Contemporary Conservation Actors in DRC

During the last few decades, conservation in DRC has become part of a global network of organizations and stakeholders (see Figure 4). International donor agencies finance the functioning of the PAs, which are managed by international NGOs, in collaboration with DRC's conservation authority (ICCN), while Congolese security forces are usually responsible for providing security. The local people whose lands are alienated have no significant influence on the development of conservation policies or management practices, all of which is in the hands of national and international conservationists.

The key donor agencies for conservation in DRC are Germany's Reconstruction Credit Institute (KfW), the German Corporation for International Cooperation (GIZ), USAID's Central African Regional Program for the Environment (CARPE), the US government's US Fish and Wildlife Service (USFWS), and the European Commission's Ecosystèmes Forestiers d'Afrique Centrale (ECOFAC).<sup>65</sup> The two main international conservation NGOs operating in DRC are WWF and WCS, while African Parks collaborates with ICCN to manage Garamba National Park in the northeast and the Virunga

Foundation manages Virunga National Park along the country's eastern border.<sup>66</sup> There are also smaller organizations engaged in conservation, but major donors appear to prefer partnering with the large NGOs, which receive 85 percent of international conservation funding.<sup>67</sup>

The main agencies that provide security are ICCN and the national army, Forces Armées de la République Démocratique du Congo (FARDC), although the international NGOs managing Virunga and Garamba are directly involved in the hiring and training of their own security forces.<sup>68</sup> In the early 2000s, the European Commission had come to regard ICCN as a "corrupt and malfunctioning" institution, which it insisted on bypassing when providing funding for Virunga.<sup>69</sup> However, other donors have tended to take ICCN's official declarations at face value, without ever seriously questioning the agency.<sup>70</sup> Thus, donors and conservation NGOs have generally left the provision of security for PAs to the state, even though its security forces have a long history of involvement in the illicit extraction of natural resources within PAs.



Figure 4: Stakeholders in DRC's Conservation

The construction of a road in PNKB financed by one of the park's major donors, the German government, had a devastating impact on people and biodiversity. In the 1980s, German government agencies KfW and GIZ supported a road project linking the two major cities of Kisangani and Bukavu.<sup>71</sup> Rather than going around the park, the road cut right through its eastern arm, in the middle of gorilla habitat. Although UNESCO officials disapproved of the project due to their concern about its potential damage to a World Heritage site, KfW made about 200 million German marks (US\$100 million) available for it. As one gorilla researcher noted:

*“The road didn’t just slice through the gorillas’ habitat, it paved the way for a war that was already foreseeable at the time... To this day, the road... helps rebel groups and the army supply themselves with fresh game meat and enables the transportation of coltan.”<sup>72</sup>*

## RESOURCE EXTRACTION AND VIOLENCE IN PROTECTED AREAS

Examining two of DRC’s national parks, Salonga and Kahuzi-Biega, highlights the relationship between illicit natural resource extraction and the violence and abuses faced by Indigenous communities.

### SALONGA NATIONAL PARK

In 1970, a presidential decree declared 3.6 million ha stretch of forest as the Salonga National Park (SNP),<sup>73</sup> making the area – larger than Belgium – Africa’s largest tropical rainforest reserve.<sup>74</sup> An important refuge for the bonobo, a primate species closely related to the chimpanzee, UNESCO declared it as a World Heritage Site in 1984.<sup>75</sup> This forest was also home to over seven hundred local communities. Most of them were removed by force and ordered to establish new villages in the area known as the Monkoto corridor, a 45-kilometer strip of land between the two large blocks of SNP.<sup>76</sup> Thereafter, the area of the villages and customary territories, now emptied of human inhabitants, was patrolled by state security forces.

Little documentation is available on how these communities fared over the next few decades, but field research carried out in 2018 among 11 communities in the Monkoto corridor and near the southwestern border of the park reveals a strategy that may have been common after the establishment of SNP. Until 2006, locals in these areas could maintain their subsistence economy and access their traditional territories within the park by paying a tax to the security forces patrolling it. As researchers for Rainforest Foundation UK/APEM state:

*“Until then, communities explain they were able to access the Iyenge River and its abundant fish resources upon payment of a so-called ‘tax.’ This tax was removed in 2006, and communities said they now risk being arrested and fined for even entering the park.”<sup>77</sup>*

This symbiotic relationship between local communities and park security forces changed after 2006, from one of informal collaboration to one of violent predation. Accounts from community members allege a range of abuses perpetrated against them by security forces after this time. One case involved four women suspected of fishing in a river within the park:

*“In February 2015, four young women from the village of Boonga were reportedly beaten, tortured (their breasts tied up and pulled with a string) and gang raped by a group of eco-guards from the Watsikengo ICCN station, near the Iyenge River (inside the park). The assault was reportedly supervised by the head of the Watsikengo station...”<sup>78</sup>*





The winding Luilaka River, snaking through Salonga National Park. Credit: UNESCO/Kim S. Gjerstad, Creative Commons Attribution-ShareAlike 3.0 IGO

Another case illustrates how similar techniques were used on village men:

*“Several people showed the teams scars of lashing, as well as knife and bullet wounds on their legs, arms and feet... One man interviewed explained that as he was detained in ICCN’s Mondjoku station in 2013, the ecoguards beat him up, tied his penis with fishing wire and hung him from the branch of a tree.”<sup>79</sup>*

In addition, some individuals were allegedly publicly executed to set an example for other villagers:

*“...a man called Gaby was reportedly arrested by armed guards as he was fishing in the Luila river. The guards allegedly beat him very severely before bringing him to the village of Bombole. According to eyewitnesses interviewed, the guards exhibited him in the local market in order to ‘set an example’ for those who dared to challenge them. Eyewitnesses explained that Gaby had stab wounds and that his eye was gouged out. The guards then let him die and threw his body in front of the local church.”<sup>80</sup>*

The guards responsible for Gaby’s death allegedly received a bonus for “dismantling a poaching operation.”<sup>81</sup> The timing of this dramatic shift in the relationship between local communities and the park roughly coincides with the change in leadership at ICCN in 2005. After Cosma Wilingula took over the post of Director General, the agency started carrying out campaigns of terror against local peoples, combined with the illicit extraction of natural resources by or with the complicity of security forces.<sup>82</sup>

Evidence pointing to the orchestration of violence meted out by ecoguards in SNP comes from the case of the four rape victims. According to an eyewitness, “the head of the patrol ordered his men to rape the women.”<sup>83</sup> The head of the patrol was identified as the head of the ranger station

patrolling this area of the park – a high-level position in the park’s administrative hierarchy.<sup>84</sup>

In Tumba Ledima Reserve, an ecoguard interviewed in 2016 by Rainforest Foundation UK researchers explained how these operations were orchestrated by ICCN: “ICCN’s objective is to work with the troublemakers [among the guards] who must create problems for the communities to keep their jobs. If you sympathize with the communities, you will be fired or demoted.”<sup>85</sup>

In 2011, Operation Bonobo was launched in SNP as a joint anti-poaching operation led by ICCN ecoguards and FARDC. In a 2013 report,<sup>86</sup> UNESCO, a SNP donor, pointed out ICCN’s claim that this operation strengthened security in the park and “reinforced the anti-poaching combat.” ICCN claimed that SNP’s security forces “seized approximately 170 fire arms, 100 hunting rifles and 2000 rounds of ammunition” and provided a “detailed list of 36 poachers arrested.” In relation to the operation, the report states, “The World Heritage Centre and IUCN recommend that the (World Heritage) Committee commends the important efforts of the State Party to secure the property and reduce large-scale poaching, notably of elephants.” Yet the report also noted



Salonga National Park. Credit: UNESCO/Dodé Houehounha, Creative Commons Attribution-ShareAlike 3.0 IGO

that ICCN failed to address several UNESCO's recommendations, including providing details on the anti-poaching operations, providing a copy of the park's surveillance strategy, and carrying out consultations with local communities. It also noted that ICCN failed to take action on the creation of a recommended community reserve and to provide detailed information on the oil exploration permits in the park issued by the government.

Finally, the report stated that poaching perpetrated by FARDC was a factor affecting the park. How this problem may have been further affected by the 2011 operation was addressed by one long-time observer of SNP:<sup>87</sup>

*"It [Operation Bonobo] was a military operation organized by the FARDC to stop large-scale industrial poaching [of ivory and bushmeat]... It worked well for about a year. The soldiers were committed to their mandate. But once they learned the ropes, they became involved in ivory trafficking."*

Evidence emerging in 2017 confirmed this statement. In that year, Oliver Nelson, a WWF official, discussed his experiences as Park Director of SNP from 2015 to 2016 in an interview. Concerning the trade in bushmeat, he stated:

*"I realised a large amount of bushmeat was going out of Salonga from the river near the park headquarters on canoes, so I organised a river blockade downstream. I was rapidly informed that all government departments had to be involved – the*

*police, army – and of course they were all involved [in the poaching or trading] themselves. As a result, we had very few results. It was extremely frustrating."*<sup>88</sup>

Nelson also revealed the logic underlying the human rights abuses perpetrated by state security forces against local people:

*"There's a heavy-handed police presence. I went to a very isolated village, where a contingent of police greeted me in full riot gear, with rocket launchers. It was very intimidating. It's about control. There were always stories of extortion, theft, rape and beatings. They were a law unto themselves, as were the Congolese army assigned to the park to control poaching."*<sup>89</sup>

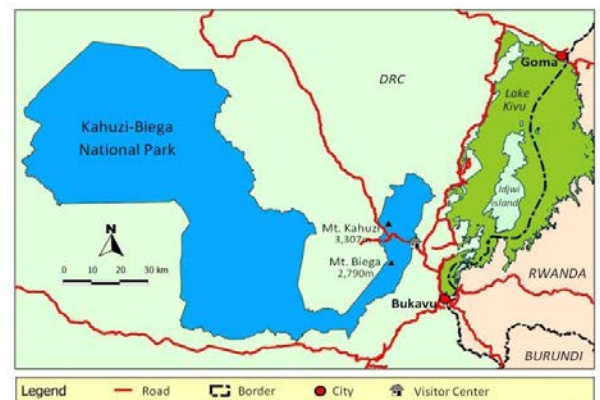
Violence is intended to terrorize locals, so they come to recognize the control over their customary territories now being asserted by the security forces and cease trying to enter them. This, in turn, creates an environment of impunity for the illicit extraction of the natural resources within them.

Death threats are a common way to intimidate potential whistleblowers as seen during the investigation carried out in 2018 by Rainforest Foundation UK/APEM. After the study was completed, when one of the investigators, a Congolese lawyer, attempted to return to the area, a senior park official told him that if he ventured inside its borders, he might "not leave alive." Soon afterward, he received a phone call from the local police chief warning him to leave the park because rangers were planning to kill him.<sup>90</sup>

## KAHUZI-BIEGA NATIONAL PARK

The Kahuzi-Biega National Park (PNKB according to its French acronym) was established as a 60,000 ha Protected Area in 1970 and expanded to 600,000 ha five years later.<sup>91</sup> The current park consists of an area of high-altitude mountainous forest, often referred to as the eastern arm of the park, a much larger lowland area of dense tropical forest in the west, and a narrow corridor joining the two. During the creation of PNKB, no consultations with local communities were held, nor was any compensation paid to them. They were simply expelled by force.<sup>92</sup> However, a substantial number of communities, mostly in the lowland region, refused to leave their ancestral lands.<sup>93</sup> In 1995, at least 15,000 people were still living within the park's boundaries.<sup>94</sup>

The creation of the park had profound consequences on the livelihoods, health, social institutions, and cultural practices of the people who were expelled. These transformations, however, were experienced very differently by Bantu and Indigenous Batwa communities. Many Batembo, the majority Bantu population in the area, appear to have been able to retain their land, or acquire new plots for farming and village sites,<sup>95</sup> but the Batwa never received any land and have lived an extremely precarious existence ever since their eviction.



Kahuzi-Biega National Park. Source: Forest Peoples Programme



## The Batwa Lose Land to the Park

Of all the traditional inhabitants of the area that became PNKB, the Batwa experienced the most hardship and the greatest physical and cultural devastation as a result of expulsion from their ancestral lands. The Batwa descend from the Indigenous populations who have inhabited the area for at least 40,000 years. During this vast expanse of time, they relied solely on hunting and gathering. When Bantu-speaking peoples began migrating into the area a few thousand years ago, the Batwa created exchange relations with the newcomers, in which they took on the role of “masters of the forest,” trading forest products for the agricultural foods and other goods that Bantu had to offer.<sup>96</sup> This forest-oriented economy was maintained throughout the colonial and post-colonial eras and has endured into the present.

Thus, when the Batwa lost access to their forest for the creation of PNKB, it undermined their entire economy, which resulted in a range of livelihood issues, forcing them into an extremely precarious existence. As one Congolese scholar described:

*“The Pygmies display the feeling of having lost their human dignity in large part because they have nothing to offer their neighbors in exchanges, as they did formerly. They are forced, therefore, to depend on other ethnic groups. Thus, they are exploited by the latter who consider them as a cheap labor force destined for all manner of demeaning work.”<sup>97</sup>*

By losing their role as masters of the forest, the Batwa were forced to enter into relations with strangers. With their forest-oriented lifestyle, they came to be seen as little more than a subordinate, vulnerable minority, to be exploited at will.

Primary work that the expelled Batwa have been able to obtain consists of laboring in the agricultural fields or households of their new employers, all at a derisory wage: examples of salaries range from US\$0.50 to US\$1/day.<sup>98</sup> Some engage in begging or stealing of agricultural goods from Bantu farms, which puts them in violent conflict with other communities.<sup>99</sup> Furthermore, others are instrumentalized by other groups to participate in illicit trades, such as mining or producing charcoal and wood planks from trees in the park. Finally, some Batwa have been forcibly recruited into armed groups.<sup>100</sup>

Such a menu of economic options produces dire living conditions. A 2021 USAID study found conditions of extreme misery in Batwa camps, where households eat once a day.<sup>101</sup> A Congolese researcher described evicted Batwa as “exposed to a life of misery, a life of wandering and begging, in short, a life of dependence and slavery.”<sup>102</sup> In addition, their extremely precarious conditions living on the margins of other

communities have made women particularly vulnerable to sexual exploitation. One Batwa man in Katasomwa stated:

*“Our girls get raped. They leave in the morning to try to earn money but come back empty-handed. They are just taken by force. Sometimes we even know who did it but we can’t take them to court because we don’t have the money to pay for a trial.”<sup>103</sup>*

Given their strong connection to the forest and the efficacy of their own medical tradition, the Batwa barely used the formal medical system and instead relied on the forest as their traditional pharmacy. Yet, access to this pharmacy was cut off after they were evicted to create PNKB. As a result, they have experienced a marked rise in disease and mortality.<sup>104</sup> As one Batwa man expressed, “Since we were expelled from our land, death is following us. We bury people nearly every day. The village is becoming empty. We are heading towards extinction. Now all the old people have died. Our culture is dying too.”<sup>105</sup>

Approximately half of the Batwa population expelled from PNKB in 1975 perished between the early 1980s and 1995.<sup>106</sup> By taking away their primary cultural asset vis-à-vis the wider society – their role as masters of the forest – PNKB forced local Batwa into a state of severe disempowerment, transforming them into homeless beggars and objects of extreme mistreatment, while contributing to their physical and cultural extinction.



US Ambassador to DRC Lucy Tamlyn (middle) and USAID official (left) meet with PNKB officials in April 2024. Credit: PNKB

## Attempts at Mediation

In 2014, two NGOs, Forest Peoples Programme and the *Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables*, initiated a mediation process between ICCN and local Batwa to address land and other issues.<sup>107</sup> It followed the guidelines established by IUCN for the Whakataane Mechanism, whose purpose is “to address and redress the effects of historic and current injustices against Indigenous peoples in the name of conservation.”<sup>108</sup>

During the mediation, ICCN’s position was that any arrangement that allowed the Batwa to regain access to their tradi-



tional lands would be an unacceptable violation of the “strict protection scheme” that was established for the park.<sup>109</sup> However, this position directly contradicted DRC’s Forest Code that guarantees local communities whose traditional lands lay in National Parks access rights for the collection of gathered resources – e.g. fruits, vegetables, insects, honey, medicinal plants, and building materials – and, in cases where their food security is at stake, the hunting of non-endangered species.<sup>110</sup> It also violates the Indigenous rights to subsistence and food security on their lands turned into PAs enshrined in the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) of 2007, of which DRC is a signatory, as well as various declarations made in international conservation fora since 2003, including IUCN’s World Parks Congresses.<sup>111</sup>

Yet ICCN’s position remained that the solution to the Batwa’s problems was to find lands for them outside the park on which they could construct farms and villages, which the agency promised to do. This guarantee, along with other provisions to address the situation, was included in a roadmap that was developed for the implementation of the recommendations. In the end, however, the mediation process produced little concrete results. No action was taken to realize the roadmap, no monitoring structures were put in place to oversee its implementation, no land was found for the Batwa, and no significant changes occurred in their living conditions.<sup>112</sup> Two subsequent mediation efforts were made – the Miti Dialogue in 2018 and the Bukavu Dialogue in

2019.<sup>113</sup> Despite further promises made by the government to obtain land for the Batwa, little change has been made in their situation.<sup>114</sup>

## Violence and Criminalization

In October 2018, four years after the Whakatane Process failed to bring any improvements to the lives of the expelled Batwa, 40 families in Kalehe Territory decided to reclaim their ancestral lands and rebuild villages in the park.<sup>115</sup> Subsequently, some Batwa from Kabare Territory and the area of Bunyakiri joined them.<sup>116</sup> A Batwa villager explained why they had decided to take this step: “We entered the park in 2018 because we had no other choice... The park has promised us land, but to this day we have nothing to eat because they don’t keep their promises.”<sup>117</sup> This motive was corroborated by an official of the Miti groupement: “PNKB had promised to buy land for the Batwa, but had not kept its promise... the Batwa have returned to the park because their demands have not been met.”<sup>118</sup>

Soon after the Batwa returned to their ancestral lands, the Congolese government mounted a multi-pronged campaign to expel them from the park. It started with a disinformation campaign led by park authorities who depicted the Batwa as “environmental destroyers” responsible for the charcoal trade, which was destroying the habitat of the park’s gorilla population. Deputy Park Director, Innocent Mburanum-



we, stated: “The whole forest has been burned down by the pygmies. They made a lot of money with the charcoal.”<sup>119</sup> Both Mburanumwe and FARDC General Mundindo Akili “Mundos”, who was appointed to a high-level position in the PNKB administration, used the term “terrorist” to refer to the Batwa who had returned to their ancestral lands in the park. Mundos labelled Batwa community leader Chief Kasula “number one among all the terrorists in the country.”<sup>120</sup>

Since some Batwa do engage in charcoal production, the association of Batwa and charcoal is not entirely false. However, the park authorities’ exclusive focus on the Batwa as environmental destroyers obscured some key features of the larger context for PNKB’s charcoal trade.

First, the charcoal trade is not the principal driver of deforestation. Key factors are the long-term civil war and the resulting displacement, mining, and logging activities, as well as poaching and illegal wildlife trade by armed militia groups.<sup>121</sup> Furthermore, the charcoal trade involves large numbers of people. As documented in the case of Virunga, it employs thousands of people in various roles: producers, transporters, traders, armed protectors, taxing agents and financiers.<sup>122</sup> Thus, even though some Batwa may be involved in the trade, they are certainly not alone.<sup>123</sup>

### Arbitrary Arrests and Legal harassment

On January 25, 2020, a joint mission of FARDC and PNKB ecoguards carried out a night-time raid on the village of Batwa leader Chief Kasula, arresting him, five men, and two women.<sup>124</sup> The targeting of Kasula was particularly ironic given that he was one of the principal negotiators during the Whakatane Process who made a sincere effort to achieve a negotiated settlement between the Batwa and the park – an effort that was thwarted by the park’s failure to follow through on its own commitments.<sup>125</sup>

On February 4, 2020, the eight Batwa were brought before the military tribunal of Bukavu, where they were charged with criminal association, illegal possession of a firearm, and destruction of flora within PNKB. Since they had no

lawyer, the court appointed a public defender for them the previous day, but he had no time to prepare a legal defense for the trial.<sup>126</sup> In the one-day trial, all eight defendants were convicted. Men were sentenced to 15 years in prison and women for one year. In addition, all were fined US\$5,000 each<sup>127</sup> – an enormous sum for hunter-gatherers. After the trial, Park Director Bya’Ombe stated, “I welcome the verdict, everyone must respect the law equally.”<sup>128</sup>



An appeal was filed on behalf of the Batwa, but due to numerous delays, it was not heard until April 2021.<sup>129</sup> In the meantime, overcrowded and unsanitary conditions in the prison, along with a lack of food, caused several of the Batwa to fall ill, one of them later died as a result.<sup>130</sup> At the hearing of the appeal, the military court dropped the criminal association charge for lack of evidence, reduced the prison sentences from 15 years to 15 months, and reduced the fines from US\$5,000 to US\$500.<sup>131</sup> Since

the defendants had already served their 15 months, they were released the following week.<sup>132</sup>

### Military Action Against the Batwa

International NGOs, such as Initiative for Equality (IfE) and MRG have thoroughly documented PNKB’s military campaign against the Batwa. MRG’s 2022 report was based on nine months of field research, in which physical evidence was collected and interviews conducted with over 500 eyewitnesses, including the Batwa, local Bantu, ecoguards, and soldiers.<sup>133</sup>

Innocent Mburanumwe and General Mundos both had leadership roles in the military operation against the Batwa. Mundos, considered a close confidante of President Joseph Kabila,<sup>134</sup> has been described as “one of the Congo’s most powerful and notorious generals” and has been on the sanctions list of the UN Security Council since 2018 for his role in massacres of civilians by the Allied Democratic Forces (ADF) rebel group in northeastern DRC.<sup>135</sup> During his tenure as Deputy Park Director of Virunga, Mburanumwe was accused of embezzlement, murder, multiple cases of rape, and running Virunga’s charcoal trade, while a 2018 incident involving the kidnapping of British tourists for ransom provid-



ed evidence that he also maintains close ties to the FDLR.<sup>136</sup> Once these charges were brought against him, Mburanumwe was dismissed from his position, but was then given the same post at PNKB. Furthermore, he was appointed head of the park's new Rapid Intervention Unit (RIU).<sup>137</sup>

In July 2019, a 60-man armed force was assembled, consisting of 24 ecoguards from PNKB's RIU, 24 soldiers of an elite commando unit of FARDC, and additional FARDC soldiers.<sup>138</sup> Combat training in the use of heavy weapons was then given to the members of the RIU by a team of individuals referred to as "white mercenaries" by the ecoguards – likely foreign military contractors.<sup>139</sup> Such heavy weaponry was used during its attacks against the Batwa between 2019 and 2021. The Batwa were, for the most part, unarmed. Ecoguards interviewed were unanimous that they observed not more than five or six firearms among a Batwa population of over 1,000 people.<sup>140</sup> This profound imbalance in armaments produced discomfort among some guards, who were reluctant to attack unarmed civilians. One later admitted, "Many guards really didn't want to attack the Batwa. Even the pygmies who fought back were just using spears or knives. We had our rifles."<sup>141</sup> Yet, as another guard stated, "In my conscience, I knew it was wrong. But this is our work. We are like soldiers. We had to execute orders."<sup>142</sup>

Between July 2019 and December 2021, the military force under the command of Mburanumwe and Mundos carried out three waves of attacks, targeting thirteen Batwa villages inside the park.<sup>143</sup> The general pattern employed was to take position near a village, open fire on its residents with AK-47 rifles and belt-fed machine guns, shell the village with mortar bombs and rockets, and burn the homes to the ground.<sup>144</sup> In some villages, these attacks were repeated multiple times, lasting up to a week. As the chief of a Bantu village near the Batwa village of Bugamanda stated:

*"The park guards came and tried to force the pygmies to flee. When they refused, the park guards started shooting. We could hear their bombs detonating from here. This continued every day for almost the whole week [...]. We received an overwhelming number of pygmies fleeing into our village."<sup>145</sup>*

In the course of the military campaign, at least 20 Batwa were killed and many were injured. However, the actual number of casualties was likely much higher, as these figures did not include individuals who fled the attacks and disappeared.<sup>146</sup> The armed force allegedly also committed numerous atrocities.

Eyewitnesses described two men being shot and killed, with one killed execution-style by park guards and soldiers who bound his arms, drove a bayonet into his stomach, placed the barrel of an AK-47 inside his mouth, and murdered him as his 15-year-old nephew looked on.<sup>147</sup>

At least 30 Batwa women were gang-raped multiple times by the soldiers, according to eyewitnesses.<sup>148</sup> One woman, who suffered a miscarriage after being raped by one ecoguard and two soldiers, stated, "They grabbed us like animals who are being slaughtered. [...] When one left, another entered me. They raped me for one hour."<sup>149</sup> Two of the women later died from their injuries.<sup>150</sup>

Two Batwa children hiding in their home during an attack were burned alive. As the MRG report notes, "when the attackers arrived at this home, they began to burn it down, forcing the door shut while the children inside frantically tried to escape the flames."<sup>151</sup> One eyewitness, who returned to the destroyed village two days later, stated, "When we saw the children, all that was left was their skeletons [...] lying among the ashes."<sup>152</sup>

The soldiers also mutilated corpses and removed body parts as "trophies." One witness said, "They cut one open and stuffed the other inside. They did this to terrorize us. So that we would all see the corpses that they slaughtered, so that we'd flee."<sup>153</sup> Commenting on the same incident, another man stated, "They cut the first one open like they were slaughtering a cow or a pig. Then they decapitated him and put his head on a stick to terrorize the rest of us. And they took his hand and went with it."<sup>154</sup>

One Batwa village chief noted: "Every year, since 2019, they've come to attack us. When they kill people, they cut off their arms and showed them to others – telling them to leave the fields or they would exterminate them all."<sup>155</sup> As remarked by the Batwa eyewitnesses, these gruesome atrocities, well-honed over a quarter century of brutal warfare in eastern DRC, were employed to terrorize the Batwa who had returned to their land.<sup>156</sup> As one Batwa man stated, these were seen as a threat to the resource extraction occurring in the park:

*"Today you'll see that the Park is filled with armed men digging for minerals, chopping down trees, cutting the plants, which was not the case for the Batwa... This is why... they are afraid that if we go into the forest, we will discover all the places where they are doing their mafia."<sup>157</sup>*



## The “Mixed and Independent” Investigation

The publication of the MRG report in April 2022 drew the attention of major media outlets in DRC and abroad.<sup>158</sup> In response, Germany’s development bank, KfW, a major funder of PNKB, stated: “KfW condemns the acts described in the strongest possible terms [and] rejects any form of violence as absolutely unacceptable.”<sup>159</sup> The German government then called for another investigation to be carried out in order to determine whether the allegations were true.<sup>160</sup>

However, rather than following established international norms for ensuring the impartiality of such an inquiry by conferring it on an independent body, KfW asked ICCN, the agency accused of orchestrating the military campaign, to carry it out. They nevertheless invited two additional parties to participate along with ICCN staff, human rights expert Baptiste Martin and Robert Flummerfelt, the author of the MRG report, who initially agreed but later withdrew due to “security concerns implicating ICCN personnel leading the commission.”<sup>161</sup> The “mixed and independent” investigation, as it was referred to by the German and Congolese governments, carried out research at the local level over the course of eight days in April 2022.<sup>162</sup>

The investigation report acknowledged that joint operations between FARDC soldiers and PNKB ecoguards to evict Batwa living in the park “illegally” were carried out in July and August 2021, but described these as simple law enforcement activities in which national and international legal standards were followed, rather than as military operations.<sup>163</sup> The report did acknowledge, however, that during one patrol a Batwa woman was raped by “PNKB and/or FARDC” soldiers and later died of her injuries. Other operations producing casualties were explained as efforts to remove from the park armed groups engaged in illegal extraction. In one of these operations, four Batwa men and one Batwa woman were killed, but they were described as being used as “human shields” by armed groups. The report also describes two separate incidents in which a Batwa male was killed by security forces, but, in each case, the victim was said to have been threatening them with a weapon (in one case a spear, in the other, a machete). As to the issue of sexual violence, the report stated that the Commission was “unable to collect enough reliable evidence” to say whether or not it occurred. The report dismissed the charge of “crimes against humanity” because the operations carried out did not constitute a “policy of systematic attacks” against the Batwa.<sup>164</sup> In total, the report acknowledged the death of nine Batwa and the raping of one Batwa woman, whereas the MRG report listed “at least 20” Batwa dead and rapes of “at least 33” women.<sup>165</sup>

For Flummerfelt, the investigation was a “cover up.”<sup>166</sup> Several factors may have contributed to the marked discrepancy between the account of events produced by the Commission and those developed by NGOs. First, the Commission spent only eight days in the field, compared to nine months of field research carried out by the MRG researchers and the ongoing contacts maintained between IfE’s main office and the field over the three-year period. Second, the investigation team was from ICCN, the agency that was alleged to have carried out the military campaign. Third, it is likely that potential witnesses were not forthcoming with testimony out of fear of future retribution – a fear that turned out to be well-founded as the ICCN investigators intimidated witnesses. In one instance, a Batwa chief was threatened with revoking protection from armed groups if the chief provided testimony unfavorable to the park.<sup>167</sup>

An initial inquiry by ICCN carried out in response to an October 2021 IfE report concurred with the findings of the “mixed and independent” investigation. ICCN noted on its website that “no major incident implicating guards or the military in violence in the last three years against Indigenous groups was reported.”<sup>168</sup> In addition, PNKB Director Bya’Ombe stated “there has never been targeted violence in the park [and] he has never ordered such attacks.”<sup>169</sup> These statements were however contradicted by a PNKB ecoguard who participated in the alleged campaign and told German television:

*“We left, together, mixed with our brothers of the national army, and the order came from our leader, De-Dieu Bya’Ombe. We were 75 people. Our mission was to go and burn these houses and whoever tries to play around, if you have to kill them, you kill them.”<sup>170</sup>*

Yet not only did the Commission’s report and other government statements deny the NGOs’ allegations, ICCN also accused them of intentionally stirring up trouble to obtain funding and vowed to take action. A February 2022 park bulletin noted: “Indigenous groups explained they were regularly solicited by certain NGOs in search of funding to smear PNKB and FARDC.”<sup>171</sup> It then referred to US-based news outlet Mongabay, which published an article in December 2021 on park raids against the Batwa, as a “diabolical enterprise.”<sup>172</sup> In addition, ICCN “promised to monitor accusations against [PNKB] and protected areas, as well as halt the nefarious actions of hostile NGOs.”<sup>173</sup> The threat went further as the ICCN demanded “the cooperation of [provincial and military officials] in order to fight against uncivil behavior which harms the reputation of State bodies. In particular, he



[ICCN Deputy Director General] will ensure that the NGOs involved in the dirty work against Kahuzi-Biega are permanently put out of harm's way. These measures will go as far as withdrawing the approvals of these non-governmental organizations. They are warned."<sup>174</sup> ICCN then threatened IfE with legal action in a July 12, 2022 press release (below).<sup>175</sup>



Those who carried out, and participated in, MRG's research as well as the Congolese NGOs collaborators who advocate for Batwa rights, also faced threats. An IfE press release from May 13, 2022, states:

*"It has since been reported that during the course of the 'Mixed Independent Investigation,' many people have been asked to turn over the names of the investigators who worked on the original MRG report, and of witnesses who can testify about the atrocities that were documented. Believing that they were talking to official investigators in good faith, many people handed over names as requested. People whose names were given as witnesses or investigators then subsequently received direct death threats or were told that they are at risk of harm from certain parties collaborating in this 'investigation.' Furthermore, organizations that have vouched for the veracity of the April 6 MRG report have been threatened that their legal standing as non-profit human rights organizations in DRC will be withdrawn."<sup>176</sup>*

In addition, according to MRG, "at least seven individuals, including the author of MRG's report and a member of the research team, have had to relocate after receiving death threats as a direct consequence of their participation in the ICCN investigation. Efforts to harm these individuals are seemingly ongoing and show no signs of abating."<sup>177</sup>

Furthermore, ecoguards who spoke to German television requested that they "remain anonymous because a colleague who had previously criticized the park management had been found dead."<sup>178</sup> Three months after the publication of the ICCN's investigation, KfW signaled its support for ICCN by providing it with 55 million Euros for its work to "protect and conserve biodiversity" in six PAs, including PNKB.<sup>179</sup>

In July 2023, the French government scrapped plans to fund Kahuzi-Biega, stating that the decision was "in line with our requirement for the respect of human rights."<sup>180</sup> However, such concerns do not appear to have compelled other funders. In 2023, WCS listed Kahuzi-Biega's partners, which along with ICCN include USAID, USFWS, Arcus Foundation, Swedish Postcode Foundation, Bezos Earth Fund, Ballmer Group, and RainForest Trust.<sup>181</sup> Continued KfW funding and the maintained support for the park by other partners demonstrate just how low some international donors set the bar for state accountability in relation to violence against local peoples by its security forces. It also illustrates the success of the state's efforts to obscure the larger context of what is actually happening at PNKB. As described above, thousands of local Bantu continue to live in the park, it remains a destination for huge numbers of foreign refugees and armed actors, and local militias engage in bitter struggles with Rwandan armed groups over the exploitation of its natural resources. Yet, by continually focusing on the Batwa, whose role in all this illicit activity is minimal, the state succeeded in distracting the attention of donors, international NGOs, and international media away from what is actually happening on the ground, allowing the environment of impunity to remain intact.



**Kahuzi-Biega National Park - Parc National de Kahuzi-Biega**

**PRESS RELEASE**  
- For immediate release -

Tuesday, 12 July, 2022, Tshivanga, Democratic Republic of the Congo - With reference to the story posted on 11 July 2022 by IfE Congo (Initiative for Equality Congo), the Kahuzi-Biega National Park informs the public that no joint operation between eco-guards and FARDC were recently conducted and that no *Institut Congolais pour la Conservation de la Nature* (ICCN) operations were launched against indigenous Batwa villages in KBNP. Therefore, the story told by the IfE cannot have happened and the facts they have communicated are completely false.

Insofar as an intention to harm the image and reputation of the ICCN would be proven on the part of IfE, the ICCN reserves the right to take legal action against the IfE for slander and defamation.

The ICCN.



## Continued Violence against the Batwa

On the morning of January 5, 2024, park rangers and FARDC conducted another raid to evict Batwa from their lands.<sup>182</sup> The raids continued on January 9, with 25 houses set on fire, valuables taken away by park rangers and soldiers and three Batwa wounded. 20 people were arrested and sent to Kahuzi-Biega's headquarters.<sup>183</sup> According to the Indigenous rights NGO, Sauti Ya Congo, "The sweeping operation in the camps of the Batwa indigenous minorities caused serious violations of human rights and international humanitarian law ... Women and children were forced to move around the grounds of the park to escape the bullets fired here and there by the soldiers and park rangers."<sup>184</sup> The NGO says it has documented 42 such incidents since November 2023.

On January 17, 2024, Batwa community members submitted a letter to the Governor of South Kivu Province denouncing the raids and referring to park Director Deo Kujirakwinja as the "Commander and warlord of the PNKB."<sup>185</sup> The letter stressed, "We no longer sleep, we no longer work, fearing these attacks imposed on us by the PNKB warlord."<sup>186</sup>

The raids prompted the African Commission on Human and Peoples' Rights to submit a letter to President Tshisekedi on January 22, which called "for cessation of the violence and evictions in order to limit the irreparable damage that may be caused to the lives, livelihoods, bodily integrity, family life, safety and security of vulnerable members of indigenous communities including women, children and the elderly in the PNKB."<sup>187</sup>

In March 2024, MRG also denounced the repeated attacks on the Batwa from park guards and FARDC during the 55th Session of the UN Human Rights Council.<sup>188</sup> It stressed that the DRC government refuses to include the Batwa in the management of the park and that Batwa leaders speaking up for their communities face death threats, forcing them and their families to relocate.<sup>189</sup>

In two press releases, PNKB claimed that park rangers on patrol were provoked by people illegally producing charcoal, FARDC was not present, and "all PNKB ecoguards have undergone comprehensive training in human rights and conservation issues," including human rights briefings before missions.<sup>190</sup>

According to Forest Peoples Programme, a Batwa named Gloire Willy Maroba was shot dead by a member of one of the DRC self-defense militias (Wazalendo) on May 11, 2024. Gloire was allegedly targeted for his work as a Batwa community leader who was actively speaking out for his community against extraction by militias on their territory.<sup>191</sup>

## Seeking Justice

In 2008, Batwa community members, expelled from PNKB supported by the Congolese nonprofit Environnement Ressources Naturelles et Développement ("ERND Institute"), filed a lawsuit in the Uvira High Court in South Kivu, claiming that the DRC government violated their rights to property, non-discrimination, and cultural heritage.<sup>192</sup> The court dismissed the case,<sup>193</sup> a decision confirmed by the Bukavu Court of Appeal in 2013.<sup>194</sup> The Batwa then appealed the decision to the Supreme Court of Justice of Kinshasa,<sup>195</sup> which, as of June 2024, has yet to rule on the case despite it being over a decade since the appeal,<sup>196</sup> reportedly due in large part to "delays and other procedural irregularities."<sup>197</sup> One cited reason for domestic courts' inaction is that up until 2022, DRC law included no specific protections and rights for Indigenous Peoples, and courts have not utilized protections for Indigenous Peoples in international law to fill in the gap.<sup>198</sup>

With the failure of the DRC government and domestic courts to provide any substantive remedy for the Batwa's loss of land, in 2015, MRG and ERND Institute filed a complaint on behalf of Batwa communities to the African Commission on



Human and Peoples' Rights ("African Commission"). They accused the DRC government of violating its obligations under the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>199</sup> The complaint argues that by depriving the Batwa of their land without their consent, consultation, and with no compensation, the government breached their rights as enshrined in the African Charter on Human and Peoples' Rights, ratified by the DRC: Rights to life, property, free practice of their religion, health, education, free disposal of natural resources, economic, social, and cultural development, an environment favorable to the group's development, and protection of their traditional livelihoods.<sup>200</sup>



In 2019, the African Commission found the complaint admissible, finding that "domestic remedies could not provide adequate reparation for the violations suffered by the Batwa."<sup>201</sup> This decision was "a big step towards the recognition and protection of the right to land and access to resources for the Batwa" as one lawyer put it.<sup>202</sup>

In May 2024, attorneys filed a petition for discovery on behalf of 274 Batwa at the US District Court in New York, claiming they were victims of crimes against humanity including violence, murder, rape, and arson, to compel WCS to share all potential information in its possession regarding the violence allegedly committed against the Batwa from 2018 to 2022.<sup>203</sup>

The African Commission then made an historic decision in July 2024<sup>206</sup> that recognized the rights of the Batwa to their land and made the following recommendations to the government of DRC:

- A full public apology to the Batwa, acknowledging the deadly abuse by ecoguards, eviction-related deaths and the inhumane living conditions to which Batwa have been subjected;
- Legally recognize Batwa as full citizens of the DRC;
- Pay compensation to the Batwa;
- Demarcate and grant collective titles to Batwa over ancestral territories within the PNKB;
- Establish a community development fund and share park revenues with Batwa;
- Withdraw non-Batwa persons from Batwa ancestral lands.<sup>207</sup>

*"The ruling recognizes Batwa as the best guardians of biodiversity and calls for their return to their land. This is a huge win for the climate justice movement. The decision negates the idea that solving the climate crisis requires displacing indigenous communities and seizing their lands. Instead, it sets a strong precedent that recognizes the value of indigenous traditional knowledge and environmental and biodiversity conservation practices. From this point forward, no indigenous community should be evicted in the name of conservation anywhere in Africa."*

– Samuel Ade Ndasi, Minority Rights Group (MRG)

*"Reclaiming the rights of indigenous peoples to their ancestral lands and resources is paramount to their survival and in protecting biodiversity. The Commission's Decision offers a lifeline to the Batwa people and other indigenous communities in the Congo Basin who have been battered for over half a century in the name of conservation."*

– Jean-Marie Bantu Baluge, ERND





## WHAT HAPPENS WHEN YOU CREATE A PROTECTED AREA IN DRC?

The core conservation strategy in DRC has been to create people-free wilderness areas through the forceful eviction of their traditional inhabitants who never gave their consent to the creation of parks on their lands.<sup>208</sup>

### Lack of Consent

Whereas Salonga and PNKB were established decades ago, the lack of consent by local communities has remained a common pattern among all PAs in DRC. For instance, the Tumba Ledima Reserve, in the western part of the country, was created in 2006 by WWF and ICCN. Even though WWF stated that “full participation of the local population in the management of the reserve was foreseen,” local people learned that their customary territories had been turned into a reserve only by the arrival of gun-toting security forces.<sup>209</sup> One local customary chief stated, “There was no consultation. They even came here armed with guns - they were brutal.”<sup>210</sup> Or as one local woman expressed, “We did not accept [the Reserve], we resented it. We have no other way of feeding our families. If they forbid us access to be in the forest, how will we eat?”<sup>211</sup>

Even when consultations do occur, they are often “piecemeal” and fail to include Indigenous communities.<sup>212</sup> In addition, local leaders and community members frequently do not understand the implications of the agreements to which they are asked to give their consent (see Box).<sup>213</sup> Furthermore,

even when some form of local consent is obtained, once an administration is established, it can feel free to adjust PA boundaries at will without any further consent processes.<sup>214</sup>

The processes that seem to be given priority in the establishment of a PA are rather the practical details of implementation: Demarcating the PA, securing funding for it, hiring staff to manage it, hiring security forces to patrol it, and restricting access by the local communities whose lands were alienated to create it.

When a PA is set up, the local communities whose villages and forest territories fall within its boundaries are removed by force. Once expelled, they are subjected to the harsh discipline of ecoguards should they try to use their lands for traditional activities again. Subsistence production is criminalized and locals are characterized as “poachers,” who become subject to state sanctioned violence.<sup>215</sup> This renders life particularly difficult for Indigenous communities, who have no viable economic alternative to hunting and gathering on their lands.



## The cultural dimensions of consent

Congolese notions of consent draw from the realm of customary land management – in particular, the granting of usage rights in a forest territory to an outsider by its customary owner. When outsiders seek to make use of a particular territory, they must obtain the permission of the customary authority – clan chief or land chief – who has jurisdiction over it. Permission can be granted for basic subsistence activities in exchange for a share of the proceeds, but if the outsider abuses access rights (e.g. by overhunting), the agreement is dissolved. In this relationship, the outsider takes on the role of tenant to the customary owner. In addition, what is granted are usage rights, rather than complete alienation of the land, and such rights depend upon the maintenance of a mutually-satisfying relationship between the two parties.<sup>216</sup>

The Western notion of consent, on the other hand, draws much of its definition from contract law, and grants broad, rather than limited, rights to land management based on a signed agreement established at a specific point in time.

When one puts these two very different notions of consent in play within intercultural interactions around land in DRC, several things can happen, including:



Batwa family in Mai-Ndombe province © The Oakland Institute

- A conservation organization can claim that it has obtained the consent of affected communities in their area of intervention by producing a written document with some signatures on it. The signed document is then taken as proof of that claim by outsiders who lack knowledge of the local situation, such as administrators, government agencies, and courts.
- Whereas locals are expecting an ongoing social relationship, the terms of which can be revised as needed, once Westerners have obtained a signed document, they usually do not consider there to be any further business to discuss. This, in turn, can lead to profound cross-cultural misunderstandings and feelings of betrayal among local people.
- For customary land owners, granting usage rights is not in any way ceding territory, whereas conservationists assume that the land has clearly been surrendered by its customary owners through the state's act of declaring it as a PA.
- In the customary system, if the external actor fails to respect the limits placed on them by the customary owners – such as respecting the well-being of the land, its resources, and its people – the customary owners are free to rescind the rights granted to them at any time. Yet, again, the practices around PA creation presume permanent cession of the land and relinquishing of local rights.

Conservation NGOs' lack of understanding of cultural dimensions of consent therefore enables them to make claims to land that are entirely illegitimate in the eyes of local communities.



## Opening the Door for the Illegal Exploitation of Natural Resources

The political vacuum created by the removal of local communities with customary rights to the land produces an influx of outsiders into the landscape. As one conservationist put it, “They’re actually causing migration into these forests.”<sup>217</sup> The biodiverse landscape that had been protected by its customary managers for generations is transformed into a pool of natural resources to be exploited by outside actors. In addition, the practices of militarized conservation common in DRC allow the actors brought in to protect conservation zones to themselves benefit from illegal extraction. State security forces— ICCN ecoguards and FARDC— have played a critical role in securing the PAs’ boundaries, but both have histories of corruption and links to illegal extraction within the PAs.

A 2020 UN Group of Experts report found that FARDC soldiers regularly accept bribes from artisanal miners to enter protected gold mining sites.<sup>218</sup> A 2022 report from the International Peace Information Service (IPIS) found that military units frequently interfered with illicit mining operations, in order to profit off them through illegal taxation, racketeering, and extortion.<sup>219</sup> Soldiers have also been known to develop their own mining operations, coercing teams of artisanal miners to work with them to illegally extract resources from mines within PAs.<sup>220</sup> Ultimately, illegal extraction in PAs, facilitated by fortress conservation, ends up fueling conflict over resources as armed groups and state security forces vie for control of mining sites.

Additionally, those displaced by the evictions are vulnerable to the advances of armed groups that harness anti-conservation sentiment to recruit new additions from displaced populations with valuable knowledge of local geography.<sup>221</sup> Between 2017 and 2020, a deserting Congolese army captain thus formed a militia in the area of PNKB and manipulated members of the displaced Batwa population to gain access to high-altitude regions where he established illegal mining and logging operations.<sup>222</sup>

## The Instrumentalization of Violence

Both state and non-state actors use violence to keep the customary owners off the land and allow the extraction of natural resources to proceed unhindered. This use of violence is not haphazard, but appears to be a well-organized system involving multiple organizational levels within DRC’s conservation and security agencies, as the data from SNP, PNKB, and Tumba-Ledima Reserve illustrates.

Violence is also instrumentalized by security forces as a means to turn the local population into an object of predation that can produce poacher arrests, which help to ensure a steady flow of donor funding. In the global conservation narrative, repeated

time and again in international media, not only are park rangers heroes, but the villains they are fighting are poachers. The discursive creation of the poacher— ruthless, violent, putting personal profit before the survival of endangered wildlife, organized into well-armed gangs that can only be stopped with equivalent firepower on the battlefields of the green wars — drives a militarized approach to conservation which creates a market for poacher arrests, confiscation of weapons, and seizure of contraband — services which Congolese authorities are happy to supply

to their international partners to ensure their funding streams continue.<sup>223</sup> As anthropologist Jerome Lewis, notes:

*“Many conservation organizations now document their success in terms of arrests made, of kilometers walked by ecoguards, of seizures of meat and of illegal guns. They are quantifying their conservation success in terms of the repressive actions that they finance, rather than species abundance or ecosystem health.”<sup>224</sup>*

Such an approach to measuring success provides state security forces with considerable incentive to produce evidence of repressive actions. WWF actually pays bonuses to ecoguards who supply such evidence.<sup>225</sup> As noted in the independent review of WWF’s human rights practices, “paying bonuses for items seized gives ecoguards incentives to undertake raids looking for items that will result in bonuses, even if they have no clear evidence that such items exist in the house or village that is the subject of the raid.”<sup>226</sup> A 2018 evaluation of Salonga National Park found that since ICCN was failing to pay ecoguards their salaries “bonuses were the sole source of revenue for the ecoguards.”<sup>227</sup>



## A Devastating Impact on the Economy, Health and Cultural Life of Local Communities

Aside from the damage to wildlife and habitats caused by an invasion of illicit commercial actors and the violence perpetrated against local people by state security forces, PAs wreak havoc on local wellbeing in other ways.

Indigenous communities are heavily reliant on hunting and gathering for subsistence and income generation. Thus, their livelihoods and well-being are severely undermined when they lose access to their customary territories. Even when the administrations of PAs provide areas for them to carry out their traditional subsistence activities, the availability of game in these locations can become significantly reduced due to pressures from the commercial actors operating within the PA. As one official at Okapi Faunal Reserve, in the northeast of the country, explained, “The big problem is external commercial hunters. They’ll set 500-1,000 traps in the forest. They catch tons of meat, which they sell in the mining camps (inside and outside the Reserve).”<sup>228</sup>

The exclusion of Indigenous Peoples and local communities from their customary territories also produces hunger and malnutrition. A health official in Lukolela, near the Tumba Ledima Reserve, explained how people made “conservation refugees”<sup>229</sup> became food aid recipients:

*“We have had more cases of malnutrition [... in Nkondi...] where people fish and hunt in the forest for their survival. The*

*restrictions [to forest resources] have led to an increase in cases, which motivated us to call the World Food Programme, who provided food supplements to these people.”<sup>230</sup>*

Losing access to their traditional pharmacy – the plants on which their traditional medical practices are based – further undermines people’s health and wellbeing, especially for Indigenous groups, who usually lack the cash to purchase pharmaceutical medicines.

Displacement from customary lands can also cause deep cultural loss, as forests are spaces of immense cultural value for local people. They contain sacred sites considered to be repositories of mystical power – often deriving from the ancestors – which are used in a variety of social contexts such as dispute resolution, installation of customary chiefs, initiation rituals, and funerals. When locals lose access to their forest, they also lose access to the sacred sites that ensure these key social functions.

Finally, displacement undermines the reproduction of Indigenous knowledge. This is particularly important for Indigenous communities, whose role has been that of masters of the forest, bearers of traditional forest knowledge, ever since Bantu farming groups began migrating into the region a few thousand years ago.<sup>231</sup> Because Indigenous knowledge is transmitted in the course of daily subsistence activities carried out in customary territories, when Indigenous groups are kept off the land, this knowledge is no longer reproduced and can disappear. In such cases, the dispossession produced by the creation of a PA becomes ethnocide.



An Indigenous Mbuti family prepares dinner together in the Okapi Wildlife Reserve © FAO/Thomas Nicolon

## WILLFUL BLINDNESS AND COMPLICITY

The widespread corruption, human rights abuses, and state-sponsored natural resource extraction in DRC raises important questions: Why have these practices been overlooked by international conservationists? Why have conservationists been so ready to partner with a state apparatus that includes corrupt and violent elements, yet have failed to explore the potential of partnering with the local communities in their initiatives? To answer these questions, it is essential to examine the ideological and institutional structures of international conservation.

### The Culture of Conservation

In Western industrialized societies, when a Protected Area is created, a stretch of wild, untamed nature – incalculable in value and highly vulnerable – is considered to be brought under the benevolent protection of governments and conservation organizations, providing these lands and the wildlife that inhabit them with permanent protection from “human” harm.

Given this perception, in the context of an escalating climate crisis and record levels of species extinction, the Western world has sought to respond to global environmental challenges by bringing more and more land under protection through the creation of ever more PAs. Not only do PAs provide targets through which countries can seek to address these challenges, they also serve as one of the primary indicators through which success is measured. As a result, the PA has come to function as the stock-in-trade of the global conservation industry, while both the model and the industry have come to be regarded as go to solutions for the planet’s pressing environmental crises.

Unfortunately, this trend has led international conservation NGOs to fail to explore key considerations, such as whether their approach actually works in non-Western political spaces, how local peoples may react to their land being repurposed, and what right they have to tell people in other countries – who have been sustainably stewarding their traditional lands for centuries and/or millennia – how to manage their territories.

Additional cultural norms within the conservation industry serve to further undermine the success of their initiatives.

Conservation professionals, who are often wildlife biologists, gain access to public funds to carry out initiatives primarily because they are seen as experts. Along with this perception comes the assumption that such individuals and their organizations will be the most effective at turning plans for conservation into reality. However, many of the challenges to executing conservation initiatives in a country like DRC are political challenges with human rights implications, for which training in wildlife biology is irrelevant. These challenges include a complex political environment, greedy and interventionist neighbors, a history of colonial exploitation and economic hardship, and the presence of local communities that adhere to systems of customary land management.

In conservation institutions, decision-making is usually dominated by a strict animal rights framework, which invariably takes precedence over any consideration of human beings in the development of policy, management structures, and practices. In this regard, it is noteworthy that one of the key organizations involved in running DRC’s PAs, WCS, has less than half of its programs in what it calls global conservation, with the rest being zoos and aquariums in the US.<sup>232</sup> Managing US zoos and aquariums entails profoundly different approaches from those required by conservation spaces in African countries.



A delegation of US Fish and Wildlife Service (USFWS) and USAID officials visit PNKB in 2023. Credit: PNKB





## Ota Benga in the Bronx Zoo

On September 9, 1906, after being bought in the Congo by American adventurer Samuel Verner, Ota Benga, an Mbuti youth, was displayed at the Bronx Zoo, owned by WCS.<sup>233</sup> There, Benga was exhibited in the Monkey House along with an orangutan and chimpanzees,<sup>234</sup> his cage floor littered with bones to depict him as a cannibal.<sup>235</sup> He quickly became the zoo's biggest sensation, garnering enormous crowds, and with it verbal and physical harassment.<sup>236</sup> Only after backlash from Black religious groups and others did the exhibition close and Benga was released from the zoo on September 28.<sup>237</sup> He then lived in the US at an orphanage and a seminary before taking his own life in 1916,<sup>238</sup> depressed and dismayed that he could not return home.<sup>239</sup>

In 2020, WCS formally apologized for the exhibition and dehumanization of Benga 114 years earlier, while downplaying the true extent of what happened.<sup>240</sup> The apology came after over a century of WCS refusing to take responsibility. People linked to Benga's captivity, such as a former Bronx Zoo curator and Verner's grandson, either denied Benga's exhibition or claimed he enjoyed his captivity.<sup>241</sup> In 2006, WCS official John Calvelli argued that "the way we memorialize the Ota Benga experience is by making sure that the place where Ota Benga came from remains a place where his people can continue to live."<sup>242</sup>

# CELEBRATING 125 YEARS OF THE BRONX ZOO

Since opening its doors in 1899, the Bronx Zoo has become a cultural icon, a conservation giant, and a gateway to nature, learning, and quality family time for hundreds of millions of people. We thank you for being a part of our past, present, and future, and we invite you to celebrate the Bronx Zoo's 125th birthday with us this spring.

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Photos: Ota Benga and a celebratory post by WCS on the 125th anniversary of the opening of the Bronx Zoo, formerly the New York Zoological Park.





Young Batwa archer in Mai-Ndombe province © The Oakland Institute

For both big conservation organizations and their donor agencies, the primary institutional priority appears to be getting as much biodiversity – and land – under protection as quickly as possible, a strategy that has been described as “implement in haste, repent at leisure.”<sup>243</sup>

Western assumptions that PAs always produce positive results, a lack of necessary political and cultural expertise, and a metric for success based on acreage put under protection while ignoring the consequences of dispossession, all contribute to the exclusion of local communities from the conservation process and the undermining of conservation objectives.

### Politics Underlying the Conservation Effort

In DRC, as in other Congo Basin countries, conservation initiatives are collaborative efforts between three primary partners – the national conservation authority, the international donor agency, and an international conservation organization – which comprise what could be called the institutional nexus for the conservation effort. Since the central government plays the role of gatekeeper to the country’s biodiversity, it can make or break an initiative based on the whims of its leadership. As a result, the relationships that provide the foundation for conservation initiatives tend to be seen by

international NGOs and donor agencies as fragile alliances, which they are reluctant to jeopardize for fear of losing their projects.

As the independent review of WWF’s human rights practices noted regarding the organization’s response to allegations of abuse at SNP:

*“Unfortunately, a decision by the WWF DRC Senior Management Team in March 2017 to investigate the allegations, and to initiate a study with a national NGO to investigate the relationship of the park with the local communities, was never implemented, apparently out of concern that doing so would meet resistance from ICCN.”<sup>244</sup>*

This attitude creates fertile ground for impunity, which is reinforced by a parallel pattern where government entities enact threats of violence and/or legal action against those whose public revelations could disrupt projects.

### Systemic Management Failures & Resounding Opacity

Although donor agencies are charged with monitoring the activities of conservation NGOs, various factors can compromise their ability to do so, creating a blind spot within which human rights abuses can occur.

When officials from donor agencies visit the PAs they are supporting, they are usually part of a high-level delegation taken on a stage-managed guided tour by the conservation organization and/or park administration, which inevitably focuses on its impressive wildlife and accomplishments of the administration vis-à-vis local well-being.<sup>245</sup> International journalists receive similar treatment.<sup>246</sup>

In this way, virtually all contact between donors and PA field sites is mediated by officials from conservation organizations or state agencies, who have a vested interest in painting a positive picture. The result is a system in which conservation organizations and park administrations essentially monitor themselves, while independent research to verify the claims they make is limited primarily to mid-term and final evaluations of projects by outside consultants.

Further internal dynamics work to inhibit the flow of information from the field, up the management chain, and to the general public. Within conservation NGOs, “document retention policies” or similar internal safeguards prevent the circulation of information that could be damaging to the organization. For example, following allegations of WCS’ support for the military campaign against Batwa at Kahuzi-Biega, an investigation by the US Department of Interior (DOI) was thwarted by the organization’s refusal to

provide the necessary documentation. As the DOI noted, “their (WCS’) record retention policies prevent the Department from assessing whether such incidences (sic) involving their organization occurred or how they were handled.”<sup>247</sup>

Thus, the institutional nexus of conservation avoids public accountability through the circulation of cheery, uplifting reports from the field while maintaining a strict firewall of silence surrounding what actually happens on the ground.<sup>248</sup>

## A NEW PATH FOR CONSERVATION IN DRC?

The conservation industry responded in various ways to the widespread abuses revealed in 2019: Investigations were carried out by donor governments; new legislation was written by the US Congress regulating PA funding; WWF commissioned an external review of its human rights policies and practices;<sup>249</sup> WCS announced a new Public-Private partnership with ICCN;<sup>250</sup> and both WCS and WWF have entered into partnerships with USAID focused on greater collaboration with Indigenous communities in Congo.<sup>251</sup> After these partnerships were formed, a historic law officially recognizing and protecting the customary rights of DRC’s Indigenous peoples was passed by the National Assembly in 2022.<sup>252</sup> The responses of the conservation industry to the challenges, and the solutions they have developed to meet them, are examined below.

### Risk Management and Social Safeguards

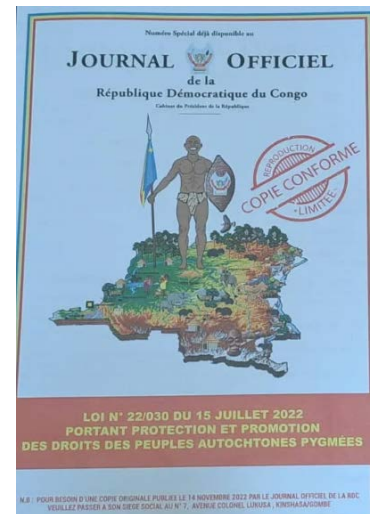
One key measure taken by conservation NGOs has been the adoption, and/or improvement, of social safeguards. WWF’s Environmental and Social Safeguards Framework (ESSF), released in August 2019, defines social safeguards as a “set of standards, policies, planning and implementation mechanisms, and compliance systems that govern how activities are carried out to safeguard people from harm.”<sup>253</sup> These are to be put in place whenever one of the NGO’s proposed projects is identified as being at risk to produce negative social and environmental impacts. The relevant safeguards are expected to mitigate risks so the project remains compliant with official policies.<sup>254</sup>

WWF has created an International Safeguards Unit to oversee the process, along with tools such as the Safeguards Screening Tool and others for risk screening and categorization. Where risks are identified, a mitigation framework is to be developed and mitigation measures applied.<sup>255</sup> WCS has announced plans to develop “a comprehensive social safeguards program and community conservation framework.”<sup>256</sup>

This risk management and social safeguards approach has four key limitations:

1. It fails to place oversight in the hands of an independent body, allowing conservation NGOs to effectively monitor by themselves despite having a special interest in reporting good news from the field.
2. It does not attempt to integrate human rights and local and regional expertise into the conservation process.
3. It frames human rights abuses as forms of risk that may potentially occur, equating abuses to mere side effects of an otherwise positive treatment, which obscures the larger issues involved when Western conservation models are projected on to countries where they may prove harmful.
4. It assumes the kinds of human rights abuses observed in DRC can be solved through adjustments to administrative procedures, thereby brushing aside persistent problems with the top-down hierarchy of the conservation industry, and failing to address issues of monitoring and information flows.

Without further effort, solutions focused on risk management and social safeguards could easily miss much that could be defined as risk to local communities due to a lack of understanding of customary land management and their failure to create independent oversight.



The 2022 law on the Protection and Promotion of the Rights of Indigenous Peoples.



## Capacity-building and Training of Security Forces

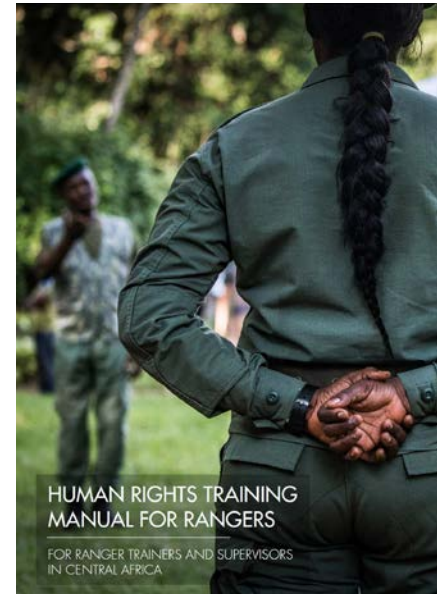
Another recommended measure is capacity-building exercises to train, or re-train, security forces operating in PAs. For example, WWF's 2019 Action Plan included ensuring human rights training for each ecoguard.<sup>257</sup> WCS similarly now conducts trainings of ecoguards specifically focused on human rights<sup>258</sup> and produced in July 2023 a Human Rights Training Manual for ecoguards operating in Africa.<sup>259</sup>

This approach assumes that the reason ecoguards abuse local communities is due to a lack of training. In reality, they perpetrate human rights abuses not because of a lack of training, but either because they are instructed to do so or because it generates an income, whether from illegal extraction or corporate bonuses paid out by the conservation NGOs.

Moreover, this approach assumes that ecoguards will be disciplined by their superiors. For example, the Independent Review recommends that WWF addresses human rights issues more effectively by:

*“Ensuring that the park management institutes a procedure that provides for: suspension of ecoguards against whom credible allegations are raised; independent investigation of allegations; remedies to victims; and disciplinary punishments by the park management itself, including, as appropriate, suspension, termination and referral for criminal prosecution.”<sup>260</sup>*

However, if ecoguards are abusing locals under the direction of their superiors – as was the case in Salonga National Park, Tumba Ledima Reserve, and Kahuzi-Biega National Park – there is no reason to believe that these superiors will discipline them. Without a larger monitoring program, it is likely that the international funds spent on training will have little actual effect.



WCS' training manual



Park ecoguards gleefully celebrate graduating from their “human rights training.” Credit: PNKB

## Grievance Mechanisms

Grievance mechanisms – means for local people to lodge official complaints so they may gain some form of redress for the harmful treatment they have received – are another cornerstone of NGOs’ reform plans.

The first limitation of this approach is practical. The WWF Independent Review notes that certain grievance mechanisms it has developed in recent years – the Project Complaints Resolution Process in 2016 and the Expolink whistleblower hotline in 2017 – have not been successful because they are either phone or Internet-based systems that the remote regions often lack access to.<sup>261</sup>

To address the issue, in May 2023, WCS announced the placement of suggestion boxes throughout the park, ostensibly so community members could submit their concerns regarding park management.<sup>262</sup> The effectiveness of the measure is yet to be seen given it is the park that receives the complaints and people are required to submit them with their name, address, and phone number.<sup>263</sup> The park emphasizes that “it is important to avoid malicious and baseless complaints,”<sup>264</sup> an ominous sign given Kahuzi-Biega’s history of claiming that criticisms of the park’s human rights abuses are false and defamatory.

Another practical barrier lies in the realm of witness protection. With numerous accounts of witness intimidation in DRC, victims may feel too threatened by security forces and local authorities to use provided grievance mechanisms. Furthermore, they may be hesitant to report abuses directly to the organizations responsible. WWF’s grievance mechanism allows much of the processing of complaints to be handled by its own staff, regarding which the Independent Review noted “...the UN Guiding Principles on Business and Human Rights indicate that it is not appropriate for organisations to self-investigate complaints of human rights allegations made against them, or in relation to their activities.”<sup>265</sup>

The effectiveness of grievance mechanisms depends upon a few conditions. First, complaints must always be confidential so as to protect witnesses. Second, the body processing complaints must be completely independent, without any ties to the conservation industry. Third, direct lines of communication must be open between the local level and this body, without needing to pass through ICCN, the conservation organization, or the donor agency.

As long as the grievance mechanisms established by both WWF and WCS fail to adhere to these principles, they are unlikely to be effective and have the potential to increase further repression against local communities seeking redress.<sup>266</sup>



A suggestion box is placed in PNKB. Credit: PNKB

## Free, Prior, and Informed Consent

WWF and WCS have both acknowledged the important role Indigenous communities must play in achieving a sustainable model of conservation.<sup>267</sup> Both have entered partnerships with USAID aimed at increasing Indigenous access to dispossessed lands in Salonga and Kahuzi-Biega National Parks.<sup>268</sup> In 2022, the Congolese government took a very significant step, passing the first law in the country's history that recognizes and protects the customary rights of its Indigenous Peoples.<sup>269</sup> Central to all of these new efforts is the concept of free, prior and informed consent (FPIC).

In the past, the FPIC of local and Indigenous communities has almost never been obtained in DRC's PAs. A 2016 study of 34 PAs in the Congo Basin found that in only two was there any consultation with local communities prior to the creation of the PA, one of which was Tayna Gorilla Reserve in DRC. Moreover, in both cases, they did not conform to the standards of FPIC.<sup>270</sup> In other cases, such as in the creation of the Okapi and Itombwe Reserves, conservation organizations also ignored critical components of the consent process.<sup>271</sup> Thus, if WCS and WWF aim to truly uphold FPIC going forward, it is imperative that they address the past failures of the industry – revisiting decisions and agreements, which have long dispossessed communities of their lands and reestablishing access and collaboration.

While the 2022 law that enshrined the rights of the Batwa to live on their lands went into effect in February 2023, it has not been adequately enforced. Patrick Saidi, coordinator of nonprofit *Dynamique des Groupes des Peuples Autochtones*, a network of organizations that pushed for the law's passage, said that “while a big step, it will take time for the law to yield results.”<sup>272</sup> Saidi added that to ensure Indigenous Peoples have their rights protected and are no longer evicted without their consent, there must be long-term national and international financial and political commitment.<sup>273</sup>

In 2022, WCS announced a new Public-Private Partnership for the management of Kahuzi-Biega, stating it “will initiate a process of dialogue and consultation to set up a board that reflects both the voice and agency of the Batwa and other local groups in the management of the park.”<sup>274</sup> However, these positive aspirations do not match the park's actions. PNKB announced in September 2022 that it will create a council to govern the park comprising of 11 members: Four appointed by WCS, three appointed by ICCN, two members of civil society, one Batwa, and one other community member.<sup>275</sup> The announcement says that the Batwa representative and other community member would co-lead a board sub-

committee to create a mechanism to appoint future Batwa and community member representatives.<sup>276</sup> Furthermore, an advisory committee under the board would be created “with broad participation from indigenous peoples and local communities around the Park.”<sup>277</sup> In short, this governance structure would essentially only give community members the power to participate in an advisory committee and to select their representatives to a board in which they are outnumbered by non-community member administrative appointees seven to two. Fundamentally, two seats in the governing board for a park that remains inaccessible to local communities is not community-led conservation.

In the same vein, in May 2023, the park celebrated a training on “participatory mapping,” which was about explaining to the locals the process of demarcation and help them identify the limits of the park,<sup>278</sup> a far cry from true participatory demarcation – local communities having real input in how park borders are drawn.

Despite announcing a “change of paradigm” to community-led conservation in 2022, WCS' efforts thus far have been relegated to “increasing the space to respect and protect human rights in a state-led model of governance,”<sup>279</sup> a model that still does not allow Indigenous communities access to land within park boundaries, revisit consent agreements, or make progress on securing their land rights.

Five years after the 2019 Bukavu Dialogue, the promise of securing land for the Batwa has still not been met. While the park has highlighted some instances of land transfers to the Batwa, these efforts are a pittance compared to the loss and the need. In August 2023, PNKB celebrated for instance the awarding of two land titles to the Batwa, combining for 3.5 ha.<sup>280</sup> Commenting on the transfers, Batwa chiefs stated “We accept these titles. The donations ... represent a small step towards Indigenous Peoples' access to land. However, these few hectares do not meet the land needs of our community.”<sup>281</sup> On February 20, 2024, Batwa chiefs and leaders called on “the Congolese authorities [to] honor their commitments to the Batwa Indigenous Peoples. We agreed to leave the Park for its preservation, and it is now time for the government to keep its promise to provide us with land.”<sup>282</sup>

In a November 2023 bioGraphic article, strategic litigation officer with MRG, Lara Dominguez, said that in her view little has changed for the Batwa since WCS took over management of the park in 2022,<sup>283</sup> indicating that “Batwa communities continue to assert their right to live in the park, and rangers still carry out attacks and evictions at gunpoint.”<sup>284</sup>



Similarly, although WWF and USAID have set forth to “support community led conservation and sustainable development” in the Salonga-Lukenie-Sankuru landscape,<sup>285</sup> it appears not much has changed since abuses were exposed in 2019.

In June 2023, Professor Rosaleen Duffy, Chair of International Politics at the University of Sheffield, described her experience as an expert invited to the table as NGOs formulated plans to address conservation-related abuses. Duffy reported she had not seen a fundamental shift in WWF’s practice of conservation since 2019, and that, for the most part, everything was business as usual.<sup>286</sup> Additionally, she commented on what being a part of discussions with these NGOs was like, stating:

*“I ended up withdrawing from those discussions, because [...] they were opening a space where they would hear different views, and then ignore them, dismiss them, or not act on them. So some nice guidelines might be drawn up, or glossy social media might be put out about how they’re addressing these issues. But actually, fundamentally on the ground, things were not changing, and they haven’t changed.”<sup>287</sup>*

Although both these NGOs have worked to rehabilitate their images, there is little evidence that their latest efforts will be accompanied by the deeper reforms required to effect real change. Since information does not flow freely from the field, their ambitious plans may be sufficient to satisfy the concerns of donors and international publics, but the underlying dynamics that have historically inhibited the FPIC process will continue to undermine sustainable and inclusive conservation.



A psychosocial support session for park ecoguards with a PNKB psychologist during a “human rights training.” Credit: PNKB

## Change of Paradigm?

Instead of a change of paradigm towards community-led conservation, efforts by conservation organizations appear to mainly focus on supporting alternative livelihoods for the people who have lost their land to the parks. PNKB has for instance announced in 2023 and 2024 various measures of economic assistance to the locals, such as covering tuition for students to attend local technical colleges and providing microcredit, seeds, and agricultural tools to households.<sup>288</sup> Earlier, in 2021, USAID and WCS established the Gorilla Coffee Alliance, a five-year partnership with coffee producers such as Nestlé to increase coffee cultivation around the park.<sup>289</sup> The economic benefits for the Batwa from these initiatives is unclear especially since converting the traditional hunter gatherers to farmers will not happen without adequate access to land.

For decades, militarized conservation has driven human rights abuses in DRC's PAs, as it has involved the employment of underpaid security forces with histories of corruption and participation in illegal extraction and racketeering. This has both undermined conservation efforts in the country and increased local resentment towards PA management, fueling conflict between groups as well as human rights abuses.<sup>290</sup> An alternative approach would fundamentally change how the landscape is managed. Under this approach, rather than being limited to a small number of large-scale PAs centered around biodiversity hotspots defined by outside conservationists, DRC's conservation effort would include a generalized program for large numbers of rural communities to protect their customary territories through community forestry or similar mechanisms. If such a community-based program was employed, and provided with proper support, it could greatly reduce the influence of the forces of illicit extraction and violence currently plaguing many of DRC's conservation spaces.

For this to happen, however, community-based conservation efforts must also be based on a democratic, "bottom-up" management approach – with local communities at the center of decision-making – as even community-based initiatives, if managed through top-down methods, are subject to elite capture and/or manipulation by large conservation organizations.<sup>291</sup>

The pressure to change course may have triggered several recent initiatives launched by WCS with the support of some global actors such as Bezos Earth Fund, the UK and Norwegian governments. For instance, the Indigenous Peoples and Local Communities Forest Facility, announced in September 2023 with a US\$5 million budget, is supposed to benefit local communities and Indigenous Peoples by empowering them "to play a leading role in securing, protecting, and managing the forests they depend upon."<sup>292</sup> However, it is unclear how such relatively small initiatives led by large conservation organizations can actually lead and support the drastic change of paradigm required, especially in a context where WCS excludes the return of land occupied by the parks to their traditional Indigenous inhabitants.<sup>293</sup>



Children climb a termite mound in Mai-Ndombe province © The Oakland Institute



## LARGER BARRIERS TO REFORM: THE ELEPHANT IN THE ROOM

However, a major hurdle to effectively implement a new model is the underlying dynamics of conflict and extraction, which have long affected DRC. Non-state armed groups, as well as the security forces employed to combat them, are responsible for much of the illicit resource extraction in PAs. Kahuzi-Biega and several other PAs are located in eastern DRC where conflicts have been raging for several decades due to its extensive reserves of conflict minerals.<sup>294</sup> In Kahuzi-Biega alone, 15 armed groups operate in the park's vicinity, engaging in extractive activities and threatening the security of local communities.<sup>295</sup>

Not only does the underlying situation of violence make transitioning to more just conservation models difficult, it also endangers Indigenous and local communities regardless of progress made. Like park rangers and state security forces, non-state armed groups operating in and around DRC's PAs have perpetrated horrific human rights abuses against local communities, killing, raping, and torturing those in their way, driving people from their customary land, and capitalizing on conservation-related hardships to forcefully recruit Indigenous and local peoples into their ranks.<sup>296</sup> Efforts to demilitarize conservation and transfer the protection of land back to local populations are made incredibly difficult by these dynamics. Removing state security forces altogether would leave local communities vulnerable to the activities of armed groups, while empowering communities with the capacities to defend themselves and their land may serve to inflame tensions between different groups.<sup>297</sup>

Comprehensive reforms aimed at demilitarizing and democratizing conservation could serve to improve conditions in PAs like Salonga, which is located in the interior of the country. However, such reforms are likely to fail in spaces where conservation is intertwined with conflict and illicit extraction such as Kahuzi-Biega and other PAs in eastern DRC unless decisive action is taken to address these issues.

### Western Countries' Support to DRC's Exploitative Neighbors

Both Rwanda and Uganda are extensively involved in illegal exploitation of DRC's mineral resources and the violence that has plagued eastern DRC in the past three decades.<sup>298</sup> It is estimated that there are 120 armed groups operating in the East of the country,<sup>299</sup> the three deadliest being the Ugandan group Allied Democratic Forces (ADF), reportedly aligned with the Islamic State, Coopérative pour le développement du Congo (CODECO), and March 23 Movement (M23).<sup>300</sup>

For years, the United Nations has been sounding the alarm over Rwanda's continued assistance to the M23.<sup>301</sup> The UN sanctions committee has put forward solid evidence of the "direct involvement" of Rwandan Defense Forces in the conflict in eastern DRC, as well as Rwanda's support to M23,<sup>302</sup> including the provision of "weapons, ammunitions, and uniforms" to



the rebels.<sup>303</sup> The committee also implicates Uganda, which has allowed M23 “unhindered” access to its territory during its operations.<sup>304</sup> In its June 2023 report, the UN pointed to Rwanda’s continued support as M23 expanded their offensive. Rwanda has not only assisted the rebels by providing troops and weapons, but has also mobilized units of its own defense forces in support of the aggression.<sup>305</sup> Also included in the report are testimonies that confirmed that the goal of Rwanda has been to reinforce the strength of M23 in order to gain control over lucrative mining sites in eastern DRC.<sup>306</sup> M23 has been accused of massive violations of human rights and international law including killings, rapes, and torture.<sup>307</sup>

Since January 2024, M23 has intensified its rampage in eastern DRC, taking ever greater swathes of territory.<sup>308</sup> From January to April 2024, nearly one million people were displaced,<sup>309</sup> and as of June 2024, 5.6 million Congolese remained internally displaced from the violence.<sup>310</sup> This includes four million in the country’s eastern provinces of Ituri, North Kivu, and South Kivu.<sup>311</sup> As of March 2024, the large city of Goma was home to at least 500,000 displaced people.<sup>312</sup>

M23’s activities have increased instability in several PAs, including Kahuzi-Biega, where many militias have developed over the past 20 years to either counter Rwandan influence, protect the local communities, or gain access to the park’s critical resources. In Virunga National Park, advances by the rebels have pushed tens of thousands of Congolese into precarious situations, forcing them to engage in illegal extraction for subsistence in wake of their forced displacement.<sup>313</sup> As M23 has advanced into eastern DRC, a lack of international support has pushed the central government to form controversial alliances with armed groups such as the FDLR, which has long terrorized local communities surrounding PNKB, among other PAs,<sup>314</sup> enflaming existing tensions.



M23 in Goma, 2012 © UN Photo/Sylvain Liechti

The extensive evidence of the direct participation of Rwanda and Uganda in the widespread violence in the region has put a spotlight on decades of Western support for the two governments. From 2001 to 2022, the United States alone provided over US\$3.9 billion in economic aid to Rwanda, including US\$76 million in military aid and over US\$11.7 billion in economic aid to Uganda including US\$510 million in military aid.<sup>315</sup> This amounts to an annual average of US\$26.6 million in military aid and US\$713 million in economic aid going to the two countries combined. These military aid figures are conservative estimates since the US government labels programs such as “Economic Support Fund/Security Support Assistance,” “Department of Defense Security Assistance,” and “Nonproliferation, Anti-Terrorism, Demining & Related” as economic aid. As of March 2022, the defense forces of Uganda and Rwanda had the highest number of trainees among African countries receiving US military training.<sup>316</sup>

In the United States, restrictions have been included in annual appropriations acts since 2017 that prohibit the US from releasing International Military Education & Training (IMET) funds to countries in the African Great Lakes region that “facilitate or otherwise participate in destabilizing activities in a neighboring country, including aiding and abetting armed groups.”<sup>317</sup> Despite these restrictions, the US continued to provide IMET assistance to Rwanda and Uganda from 2017 to 2023.<sup>318</sup> In recent months, US policy seems to have changed somewhat with an October 2023 decision of the State Department to blacklist Rwanda for violating the Child Soldiers Prevention Act (CSPA) due to its support for M23.<sup>319</sup> This bars Rwanda from accessing IMET funding.<sup>320</sup> The Biden administration’s move marked the fourth time that the US placed Rwanda on the CSPA list,<sup>321</sup> but the first time since FY 2013 that military aid to Rwanda was halted.<sup>322</sup> Although Rwanda was placed on the CSPA list for FYs 2015 and 2017, President Obama waived restrictions on over US\$1.3 million in IMET funds and US\$40,000 in direct arms sales to the country.<sup>323</sup> Although Rwanda will lose out on US\$550,000 in IMET funds, it is still poised to receive US\$305 million in economic aid from the United States in FY 2024 and FY 2025.

In the meantime, Uganda is not affected by these restrictions and will continue to receive millions of dollars of US military assistance<sup>324</sup> and over US\$1 billion of US economic assistance over the next two fiscal years. Furthermore, additional military assistance is provided to Rwanda and Uganda from regional funds beyond the appropriations specifically earmarked for these countries.<sup>325</sup>



The UK has been hesitant to denounce Rwanda's support of the M23, let alone cut off military aid, as it was pursuing the adoption of a migrant deportation pact with the country.<sup>326</sup> While France and the European Union have publicly denounced Rwanda, neither have formally cut off military aid. In a March 2023 press conference with President Tshisekedi, when asked if France would pursue sanctions against Rwanda, President Macron responded by blaming the Congolese government for the country's instability.<sup>327</sup>

The inaction of Western powers in relation to Rwanda's support to the M23 and to DRC neighbors' complicity in illegal extraction allows the conflict-extraction nexus to continue within and around PAs at the expense of the environment and the population.

### Questions over the International Commitment to the Restoration of Peace

The international commitment to stop the fighting in eastern DRC is further questioned by the failure of international peacekeeping forces to restore order to the region. The Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo (MONUSCO) has failed to achieve stability in eastern DRC. Whereas its

responsibilities have grown over the years to include assisting with election administration in 2017, its budget and personnel have shrunk.<sup>328</sup> Despite the intensification of the violence in the East, from 2014 to 2024, MONUSCO's budget has fallen over 41 percent and its personnel by over 30 percent,<sup>329</sup> owing in large part to a 53 percent cut in financial contributions between 2016 and 2024 by the United States,<sup>330</sup> the peacekeeping force's largest contributor.<sup>331</sup>

Some international observers blame UN member countries for MONUSCO's failure to perform its mandate.<sup>332</sup> Others point to the responsibility of the DRC government, arguing that it is not committed to effective collaboration with the force, and that has proven unwilling to reform its armed forces – which, as one report put it, “have served to secure the interests of a narrow elite against those of the broader population.”<sup>333</sup>

In recent years, MONUSCO has come under heavy criticism by the DRC government and the Congolese public for its inability to protect civilians from armed groups, in particular M23.<sup>334</sup> In December 2021, the UN Security Council announced that MONUSCO and its over 16,000 security forces would withdraw by the end of 2024, which will likely affect the war in eastern DRC and raises serious concerns over the future protection of civilians from armed groups.<sup>335</sup>



Internally displaced persons in the camp in Roe, 80 km from Bunia © UN Photo/Eskinder Debebe





Luwowo Coltan mine near the North Kivu town of Rubaya, captured by M23 in May 2024. Credit: MONUSCO/Sylvain Liechti (CC BY-SA 2.0)

Other peacekeeping forces sent to DRC have proven similarly ineffective. In December 2023, the DRC government declined to extend the mandate of the East African Community Regional Force (EACRF),<sup>336</sup> first deployed in November 2022.<sup>337</sup> The EACRF held that its mandate was to oversee the withdrawal of armed groups from the region and enforce a December 2022 ceasefire.<sup>338</sup> Kinshasa and many Congolese interpreted the mandate differently and wanted the force to engage M23 more forcefully and directly, leading to substantial public opposition to the force. What's more, the DRC government and some members of the public accused the force of colluding with rebel groups.<sup>339</sup> The EACRF has been replaced by the Southern African Development Community Mission in the Democratic Republic of Congo (SAMIDRC), which has an offensive mandate and is expected to take a more aggressive stance against M23.<sup>340</sup> In March 2024, the African Union Peace and Security Council endorsed the deployment of the force, overruling opposition from Rwanda, which saw this support as a threat.<sup>341</sup> This endorsement will allow financing by the African Union through the Peace Fund Crisis Reserve Facility.<sup>342</sup>

## Wealthy Countries and Corporations Enable Corruption and Extraction

As the global demand for DRC's minerals rises, the complicit attitude of Western countries is further evidenced by their failure to design and implement regulations in global supply chains that would prevent violence and unlawful extraction in the country's PAs.

In 2010, the US Congress passed Section 1502 of the Dodd-Frank Act, which requires companies publicly traded on the US stock market to submit annual reports to the SEC that screen the use of conflict minerals – tin, tungsten, tantalum, and gold – in their supply chains.<sup>343</sup> In 2017, the EU passed a similar regulation, which, effective 2021, requires importers to conduct “robust due diligence” to screen for conflict minerals.<sup>344</sup> While both regulations require companies to take steps to restrict the flow of conflict minerals, neither strictly requires reporting or penalizes the use of these minerals in products.<sup>345</sup>



However, these new regulations have done little to improve accountability among the private actors involved. According to the US Government Accountability Office (GAO), in 2022, 53 percent of companies that conducted Reasonable Country of Origin Inquiries (RCOIs) in accordance with the Dodd-Frank Act were unable to determine the origins of the minerals in their supply chains and the total number of companies reporting to the SEC has steadily decreased since 2015.<sup>346</sup> While this trend could be explained by mergers and acquisitions, industry stakeholders cited in the GAO report explain that a number of companies may report incomplete information or not file at all due to a lack of enforcement.<sup>347</sup> Meanwhile, the EU Conflict Minerals Regulation exempts downstream companies from its requirements altogether.<sup>348</sup>

Even when companies believe they have determined that the minerals in their supply chains are “conflict free” in accordance with these regulations, they still might not be. Companies rely on their smelters, refiners, and processors, often located in foreign countries, to verify the origin of the minerals going into their products.<sup>349</sup> These plants, in turn, rely on upstream traceability schemes that verify minerals are conflict free at their source of extraction, which use on-the-ground auditors to tag minerals before they are exported to midstream processors.<sup>350</sup> These upstream traceability schemes are in many ways the cornerstone of due diligence efforts surrounding conflict minerals, but are often marred by corruption and malpractice.<sup>351</sup>

## Ineffective Traceability Schemes

Since 2010, the International Tin Supply Chain Initiative (ITSCI) is the dominant traceability scheme in the African Great Lakes Region. Since its inception, the ITSCI has maintained a monopolistic grip on upstream traceability in the region, operating at over 2,000 mines and gaining the endorsement of the Responsible Minerals Initiative (RMI) and the Organization for Economic Cooperation and Development (OECD).<sup>352</sup> Rather than restricting the entry of conflict minerals into global supply chains, the scheme has been used to illegally launder conflict-minerals exported from DRC or smuggled into neighboring countries. Evidence collected by Global Witness suggests that it is common for ITSCI's field inspectors, in collaboration with government officials, to tag minerals coming from unvalidated mines controlled by armed groups or using child labor, which are then transported to validated mining sites and laundered into global supply chains, while taking a cut of illicit proceeds in the process.<sup>353</sup> Illegally tagged minerals are sourced by processing companies in Hong Kong, Dubai, Thailand, Malaysia, Kazakhstan, Austria, and China, and ultimately end up in the products of brands such as Apple, Intel, Samsung, Nokia, Motorola, and Tesla.<sup>354</sup>



Coltan mined from DRC. Credit: Responsible Sourcing Network (CC BY-NC 2.0)

Global Witness' 2022 report on the ITSCI focused on the North and South Kivu provinces, with its most extensive evidence of laundering coming from South Kivu,<sup>355</sup> where Kahuzi-Biega National Park is located.



Furthermore, only 58 percent of DRC's mines have tagging coverage and the sale of conflict-free tags to third parties is common practice.<sup>356</sup> A 2023 UN Report on the situation in eastern DRC found that traceability schemes are more vulnerable to corruption than ever due to increased instability in the region.<sup>357</sup> The lack of enforcement of conflict mineral regulations coupled with muddy traceability mechanisms and widespread corruption allows corporations to protect their public image while they, in all likelihood, continue to use and profit from illicitly-sourced raw materials.

The US currently leads global demand for coltan as the largest consumer of products containing tantalum, many of which are manufactured in foreign countries that acquire their minerals from the African Great Lakes Region.<sup>358</sup> It is closely followed by countries in the Asia-Pacific region, including China, Japan, and South Korea.<sup>359</sup>

While wealthy countries benefit from the mineral resources of DRC, Western conflict mineral regulations have given rise to corrupt traceability schemes that allow non-state armed groups, foreign countries, and corrupt state actors to legitimize illegally extracted resources and easily launder them into global supply chains. This, in turn, allows foreign companies to claim that their products are conflict free and continue to make huge profits with virtually no accountability. In fact, the number of armed groups operating in DRC has not decreased as a result of ethical sourcing requirements, and instead has steadily risen over the past decade, as have human rights abuses.<sup>360</sup> If the conflict-extraction cycle in and around eastern DRC's PAs is to end, the countries that benefit from its rich mineral reserves must take decisive action to stop their complicity in the illegal extraction and related violence. Otherwise, progress toward a better model of conservation in eastern DRC will continue to be inhibited by the underlying forces that have long perpetuated instability and violence in the region.



## CONCLUSION

The conservation model in DRC, based on the creation of people-free wilderness areas, has resulted in horrific abuses, while Protected Areas have become unprotected and left open to resource extraction. This report makes clear the urgent need to change course and provides paths to produce effective and equitable environmental protection, with respect, protection, and full participation of local communities and Indigenous people.

This radical change of course requires a major shift of approach by the Congolese government and the international actors involved – conservation NGOs and donor agencies who implement or support conservation. It also requires NGOs to take meaningful steps to actually put in place the community-led conservation that they have repeatedly promised. Nice words to assuage donors mask the ongoing suffering of the Indigenous and local communities at the hands of park forces and FARDC.

Furthermore, a human rights-based approach to conservation must involve a broader move to eradicate the violence and exploitation linked to the extraction of minerals that plays a major role in conservation-related abuses and the perpetuation of a destructive and inequitable model. Such a change goes beyond the conservation industry and the DRC government as it involves DRC's neighbors as well as countries that support them and corporations that benefit from illicit extraction. As long as DRC's neighbors are allowed to engage in destabilizing activities and lead the illegal exploitation of mineral resources, there will be no space for conservation efforts to evolve into a different model respecting the basic rights to life and dignity of Indigenous and local communities.



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- 79 *Ibid.*
- 80 *Ibid.*:5-6.
- 81 *Ibid.*; The case of Gaby was one of two extra-judicial killings reported to the research team by local people (*Ibid.*:2).
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