



SECURING LANDS, SUSTAINING LIVES

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

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EXECUTIVE SUMMARY

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

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

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

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

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

The study is guided by four overarching questions:

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

KEY FINDINGS

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

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

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

There is an enormous gap between human

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

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

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

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

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

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

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

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

- **Indigenous peoples suffer disproportionately:**

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

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

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

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

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

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

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

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

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

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

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

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



KEY RECOMMENDATIONS

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

We encourage national governments to:

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

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

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

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

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

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

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

Similarly, we encourage international conservation organisations to:

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

