



Indigenous Peoples Rights in DRC seen from the UNESCO

Report drafted by Marion Durand and Léa Quéré

Indigenous Peoples Rights in DRC seen from the UNESCO.....	1
I. General information about the designation of the Kahuzi-Biega National Park as a World Heritage Site and as a Site in Danger	2
II. Specific recognition of the plight of the Batwa or the land dispute surrounding their ancestral home in the Kahuzi-Biega National Park	3
A. By the Democratic Republic of Congo	3
B. By UNESCO	4
III. Information that acknowledges park guard violence and human rights abuses around the park	6
A. Information acknowledged by UNESCO	7
B. Information released by NGOs.....	8
IV. Causes of environmental degradation and destruction in the Kahuzi-Biega National Park.....	9
A. Causes acknowledged by UNESCO.....	9
B. Information concerning the Twa and their impact on the environment	12

UNESCO is the United Nations Educational, Scientific and Cultural Organization whose mission is to build peace thanks to international cooperation. According to its attributions, UNESCO adopted a treaty in 1972 called The World Heritage Convention, which creates both a World Heritage List that contains several sites having an exceptional and universal value and a List of World Heritage in Danger. This later list is updated by the World Heritage Committee as follows : “*The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention*” (article 11 a) of the World Heritage Convention). As a consequence, the Committee meets once a year to register new sites on the list, remove some others and ask the concerning states to take measures. It observes and evaluates the situation of each site.

Those decisions, with the corresponding reports, related to the Kahuzi-Biega National Park are the main types of documents this brief report is based on, together with the State Party Reports, that refer to the reports written by the Democratic Republic of Congo and presenting the state of conservation of the site, the measures taken, the progresses realised and the difficulties met during a year. We tried to extract from those documents anything related to indigenous peoples and the protection or violation of their rights. But other kinds of documents were also useful: reports and demands addressed to the UNESCO coming from several NGOs since they tend to consider indigenous peoples more than local authorities and UNESCO do. The differences between what is recounted in NGOs’ papers and in UNESCO’s ones demonstrate how local authorities and UNESCO take little account of indigenous peoples’ rights and culture in the context of the protection of the Kahuzi-Biega National Park.

I. General information about the designation of the Kahuzi-Biega National Park as a World Heritage Site and as a Site in Danger

Located in the Democratic Republic of Congo, in South Kivu region, the Kahuzi-Biega National Park’s history started in 1937 “*when the Mount Kahuzi Zoological and Forest Reserve was created by the Belgian colonial administration*”. This had no impact on the Twa’s way of life, and it is reported that they weren’t even aware of this creation¹. Later on, the Kahuzi-Biega National Park (KBNP) was officially created in 1970. Back then, its total surface was of 60 000 hectares. In 1975, This surface was extended to 600 000 hectares. The indigenous peoples, including the Twa, weren’t consulted at this stage. Since its creation in 1970, the Park is managed by the Institut Congolais pour la Conservation de la Nature (ICCN)². The KBNP was inscribed on the List of World Heritage in 1980, mostly because of its « *outstanding natural habitats* », and its population of mountain gorillas.

¹ Roger Muchuba Buhereko, “Kahuzi-Biega National Park: World Heritage Site versus the Indigenous Twa”, in Stefan Disko, H. Tugendhat (ed.), *World Heritage Sites and Indigenous Peoples’ Rights*, IWGIA-Documents 129, Copenhagen, 2014, p. 131.

² <https://whc.unesco.org/fr/list/137/>

Indeed, its World Heritage nomination spotlights “*the great variety of grassland and forest habitats which are desirable for the continued survival of the gorillas*”, and the Park was considered to be “*the major sanctuary for the mountain gorilla which is an endangered species listed in IUCN’s Red Data Book*” (p1, [1995 - 19BUR IX1, Context](#) and <https://whc.unesco.org/document/152498>)

The KBNP was also inscribed on the List of World Heritage in Danger 1997, without any consultation of indigenous peoples living in this area.

This List enables the international community to be informed of the existence of threats to the criteria which initially enabled the site to be inscribed on the List of World Heritage. In the specific case of KBNP, the Bureau noted that the arrival of refugees and the important presence of armed militias and illegal occupants had caused fires, poaching and illegal wood exploitation. (p5, [Item 4 of the provisional Agenda: Reports of the Rapporteurs of the session of the Bureau of the World Heritage Committee held in 1997 – 1997](#) and <https://whc.unesco.org/en/list/137/indicators/>). Considering that the integrity of the Site was threatened, the Committee followed the Bureau’s recommendation and inscribed the KBNP on the List of World Heritage in Danger in 1997.

II. Specific recognition of the plight of the Batwa or the land dispute surrounding their ancestral home in the Kahuzi-Biega National Park

A. By the Democratic Republic of Congo

In its reports on the State of Conservation of the park, the Democratic Republic of the Congo (DRC) has sometimes recognised, more or less explicitly, the major difficulties encountered by the Twas and the land disputes between this community and the Park.

The DRC organized several socio-economic study on habits and customs of indigenous populations so as to get a better understanding and solve the “*issue of the villages located in the park*” (p37, [State Party Docs Reports – SOC DRC Report – Exercice 2015](#)). Such studies were initially conducted in 2010, and then regularly updated (<https://whc.unesco.org/en/soc/3203>, 2014).

Recently, the DRC has also tried to “*raise awareness*” among local communities for the conservation of the Park. (p28, [State Party Docs Reports – SOC DRC Report – Exercice 2016](#)) thanks to a «*participative*» issue-solving approach.

The DRC, aware of the dependence of indigenous people on the natural resources, now located within the Park, expresses her wish to try her best to reduce their dependence on such resources by encouraging the economic development of “*Indigenous pygmy populations* » thanks to different mechanisms such as revolving credits set up in 2017 benefitting to the Pygmies and

by taking care of the schooling of some of their children (p56, [State Party Docs Reports – SOC DRC Report – Exercice 2017](#)).

The DRC also recognizes the existence of “*Park-Population conflicts*” (p60, [State Party Docs Reports – SOC DRC Report – Exercice 2017](#)). To try and address these issues, centred around the Park territory and its limits, the DRC insists on « *raising awareness among communities* » thanks to the creation of a “*Park- Indigenous Population framework for dialogue*” (p22, [State Party Docs Reports – SOC DRC Report – Exercice 2018](#)) while strengthening activities contributing to the economic development of the local communities (microcredits and schooling) (p22, 23 [State Party Docs Reports – SOC DRC Report – Exercice 2018](#)). The DRC acknowledges that the conflict opposing the Park and the indigenous population living in the park mainly concerns the ecological corridor (p24, [State Party Docs Reports – SOC DRC Report – Exercice 2018](#)).

She, wishes a «*peaceful cohabitation*» «*between the KBNP and the Batwa/rural communities*» that she intends to reach especially thanks to a participatory zoning plan of the Park limits. (p31-32, 35 [State Party Docs Reports – SOC DRC Report – Exercice 2019](#)) but also thanks to the pursuit of activities contributing to the economic development of the local communities formerly initiated (p33-34, [State Party Docs Reports – SOC DRC Report – Exercice 2019](#)).

The DRC has recently denounced an «*instrumentalization*» of the Batwa people, «*specifically by supporting NGOs and some local leaders (farmers formerly occupying the ecological corridor and some politicians) for selfish interests*”. (p35, [State Party Docs Reports – SOC DRC Report – Exercice 2019](#)).

B. By UNESCO

First, in 1996, Doctor Mechthild Rössler, a UNESCO's consultant, realised a mission to ensure the follow-up of the situation in the Kahuzi-Biega National Park. He mentions the “big issues” between local communities and the Park due to the lack of consultation of local communities for the creation and the extension of the National Park. He recommends consulting those local populations if the project to propose the site as a biosphere reserve was to be achieved. (<https://whc.unesco.org/en/list/137/documents/>).

In 1997, before the registration of the Park in the List of World Heritage in Danger, the *Programme de coopération sud-sud pour un développement socio-économique respectueux de l'environnement dans les tropiques humides*, directed by the UNESCO, wrote a report proposing to classify the Park as a biosphere reserve. In this report, the authors give a description of the indigenous peoples living in the Park and evoke the issues they cause to the conservation of the site. But they specify that the threats for the safeguard of the site come rather from the populations living around the park, near its borders, than from the ones living inside it. They also recall the conflicts between local populations and the Park and consider the sedentarization of pygmy peoples to be a “main problem”. They advise to accompany the repressive police actions with awareness-raising campaigns and some projects such as conducting socio-

economic studies before the inscription of the Park in the List of World Heritage in Danger so as to take into account the local populations' customary interests. The authors of this report really took indigenous people into consideration in the protection strategy they came up with for the park. <https://unesdoc.unesco.org/ark:/48223/pf0000109212.locale=en>

UNESCO, through the Committee and the Bureau, has also mentioned and recognized the existence of true difficulties taking place between the Batwa people and the Park.

In 1997, when the Park was inscribed on the List of World Heritage in Danger, the rapporteurs had already insisted on the importance to consider local populations and had expressed their wish to «*implement integrated programmes linking biodiversity conservation and the needs of human populations*» (p2, [1997 - WHC SOC Report \(Kahuzi-Biega Section Excerpts\)](#)).

In the course of the 2000s, several projects were implemented to support local communities living within and around the park (p4, p9-10 2000 - [WHC SOC Report \(Kahuzi-Biega Section Excerpts\)](#)) which reveals a true need to consider those populations and their contribution in the conservation of the Park. In his 2001 report, the World Heritage Committee (WHC) asked to the Centre, to the IUCN and to other partners to «*expand the search for projects and programmes that provide alternative livelihoods for communities inhabiting areas around the World Heritage sites*», thus insisting on the dependence of these communities on the resources of the park and on the importance to protect this park in a way which isn't detrimental to them. (p8, [2001 - WHC SOC Report \(Kahuzi-Biega Section Excerpts\)](#)).

In his 2006 report on the State of Conservation, the WHC mentions the main threats to the integrity of the Park among which «*conflicts with local people, particularly those resulting from the extension of the Park in 1975*» (p1, [2006 - WHC SOC Report \(Kahuzi-Biega Section Excerpts\)](#)).

We shall also note the extreme vulnerability of indigenous population living in the Park in relation with the political situation of the DRC. In 2006, the Committee recalls the treatment given to those communities by the Democratic Forces for the Liberation of Rwanda (FDLR in French) who, following the attacks perpetrated by the Armed Forces of the Democratic Republic of the Congo (FARDC in French) and United Nations Organization Mission in the Democratic Republic of the Congo (MONUC in French) forces, have killed and raped some members of these communities and burnt down some of their houses (p2, [2006 - WHC SOC Report \(Kahuzi-Biega Section Excerpts\)](#)).

Amongst the «*Conservation issues presented to the WHC* » in 2007, the collaboration between the Park and the local communities was described as a «*prerequisite* » to solve the zoning of the corridor's limits (p2, [2007 - WHC SOC Report \(Kahuzi-Biega Section Excerpts\)](#)). In its 2008 report, the WHC once again asked the DRC and the ICCN to implement the corrective measures previously issued by the Committee «*in close cooperation with the local communities surrounding the property* », with no further details (p4, [2008 - WHC SOC Report \(Kahuzi-Biega Section Excerpts\)](#)). The land dispute, mainly situated in the ecological corridor is

sometimes referred to as an “illegal occupation” by the UNESCO ([2009 - 33COM 7A.5 - Kahuzi-Biega National Park](#)). The UNESCO reaches the same conclusion in decisions issued in [2011](#) and [2012](#). In 2013, the Committee explicitly acknowledges the existence of « *land disputes* » taking place with the populations living within the Park, and even underlines the necessity for these populations to leave their village because of « *the renewed insecurity* ».

The Committee mentions an existing dialogue with these communities to solve such disputes. ([2013- 37COM 7A.9 - General Decision on the properties of the Democratic Republic of the Congo \(Context\)](#)). In 2012, as part of the Adoption of retrospective statements of Outstanding Universal Value, the Committee goes back to the origins of the conflict which eventually led to the current situation of the Batwa people and acknowledges : « *Although the greater part of the property is inhabited, some villages were included in the Park at the time of its extension in 1975, creating disputes with the populations. These problems must be resolved to strengthen the effectiveness of conservation actions* » (p15, [2012 - 36COM 8E - Adoption of retrospective Statements of Outstanding Universal Value \(context\)](#)). In 2017, the Committee keeps on encouraging « *the activities for the economic development of the local communities to reduce their dependence on the resources of the Park and support conservation efforts* » ([2017 - 41COM 7A.8 - Kahuzi-Biega National Park \(Democratic Republic of the Congo\) \(N 137\)](#)).

In 2018, following a request from the UNESCO, the DRC (Through the ICCN) was invited to seriously consider the disputes involving the Batwa people and the Park. In reaction, a “protocol” was signed by both parties in August of 2018, in which they committed to pursue their collaboration (p25, [2019 - 43COM 7A.8 - Kahuzi-Biega National Park \(Democratic Republic of the Congo\) \(N 137\) \(context\)](#)).

Recently, in 2019, the Committee went a step further by requesting to the DRC, the “*implementation of community conservation projects encouraging the autonomy of the local communities and the recognition of the rights and traditional means of subsistence of the local communities, and particularly those of the indigenous Batwa, and also encourages it to continue these actions in this direction* » ([2019 - 43COM 7A.8 - Kahuzi-Biega National Park \(Democratic Republic of the Congo\) \(N 137\)](#)).

III. Information that acknowledges park guard violence and human rights abuses around the park

A point which needs to be clarified is the one concerning farmers and villagers living in the ecological corridor: when the UNESCO’s reports and decisions evoke the farmers and ranches illegally established in the ecological corridor, it is not specified who they exactly are. In the report written in 1997 by the *Programme de coopération sud-sud pour un développement socio-économique respectueux de l’environnement dans les tropiques humides*, directed by the UNESCO, and proposing to classify the Park as a biosphere reserve, the authors give some precisions. They say that the indigenous peoples living in the park at the time were the

Bareghas, the Bashi and the Pygmies. Then they talk about their agricultural practices' impact on the environment. But it is not clear whether the Twa are included in those illegal farmers or not.

Nonetheless and because of this uncertainty concerning the Batwas, we decided to address this issue in the section below, since the farmers mentioned underwent severe violations of some of their most fundamental rights.

A. Information acknowledged by UNESCO

In September of 2004, the DRC government committed to take the steps necessary to the evacuation of armed groups and to “populations who threaten the integrity of the World Heritage properties” from the park. Quite paradoxically, the Congolese Government also promised to “restore the integrity of the properties taking into account the concerns of the local populations through development and reconstruction projects”(p2, [Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger – 2005](#)).

In the Report on the State of Conservation of the Park, published in 2006, the Committee insisted on the importance of the ecological corridor but also on the conflict between the Park and the Local communities on this specific zone: « *The corridor is of utmost importance for the ecological integrity of the property, but is at the centre of conflicts both with the local communities of the Nindja area (part of which was included in the Park when it was extended in 1975) and between a number of important people in the region, who in the 1980s illegally occupied farmland abandoned at the end of the colonial time and which was subsequently included in the extension.* » (p23, [Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger – 2006](#))

In 2014, the DRC maintains that “Any title granted in a property in the public domain is null and void» and that consequently, all « occupants » of the Park must be evacuated for they are illegally settled, including the « uncivil » (p30-31, [State Party Docs Reports – SOC DRC Report – Exercice 2015](#)). In 2015, the DRC thus naturally started to infringe upon the freedom of movement of some people living in the Park by implementing control of the traffic managed by Eco guards teams (p33 [State Party Docs Reports – SOC DRC Report – Exercice 2016](#)).

In 2016, following the « Forum national sur la gouvernance et la valorisation du bien » (held in April, 2015), DRC evacuated « 90% of the farmers » settled in the ecological corridor (p51-52, [State Party Docs Reports – SOC DRC Report – Exercice 2017](#)). The first recommendation, issued during the forum, initially advised for a “negotiated solution” between the farmers and the Park. The “clearance of the ecological corridor” went on during the following year, notably through dialogues between farmers and the Park. Some of the animals belonging to the farmers were evacuated from the corridor. Some of their owners were able to get them back « after signing a deep of commitment to unconditionally release the property » (p20-21, [State Party Docs Reports – SOC DRC Report – Exercice 2018](#)).

Finally, in a 2019 decision, the Committee congratulated the DRC on the evacuation of the “*illegal occupants*” from the corridor ([43COM 7A.8 - Kahuzi-Biega National Park \(Democratic Republic of the Congo\) \(N 137\)](#)). Following this evacuation, the State party specified that the ICCS kept going with its activities aiming «*at the autonomy of the local communities by supporting various local development project* » (p25, [43COM 7A.8 - Kahuzi-Biega National Park \(Democratic Republic of the Congo\) \(N 137\) \(Context\)](#)).

B. Information released by NGOs

But NGOs are the ones truly denouncing the violence committed towards indigenous peoples living in the Park.

In the book named *World Heritage Sites and Indigenous Peoples' Rights*, edited by Stefan Disko and Helen Tugendhat, the authors point out the lack of consultation of indigenous people at each ranking step of the site, in spite of the consequences that the creation of the Park had in their way of life. They also denounce the violence of the expulsion of the Twa from their inhabitat by the ICCN guards in the 1960's, even though they had opposed no resistance. They regret the lack of compensation and help for the 580 Twa families (6 000 individuals) who were evicted and now live in areas around the park's borders. They also criticize the justifications for those expulsions, according to which the Twa represented a risk for the conservation of the site. Indeed, it is explained that the Twa never hunted gorillas neither did they destroy trees. They also alert about the extreme poverty of the Twa who were evicted from the National Park and denounce the discrimination they suffer from : « *While the evictions were felt heavily by the Twa, other communities continued to live on their lands. It was only the weak, those with no voice and no legal protection, namely the Twa, who were evicted without any form of legal process.* ». Concerning the micro-projects lead by the authorities, the authors estimate that : « *The Twa are still landless and their situation continues to be one of extreme poverty. A few mini-projects are being implemented in villages close to the Park; however, they have no real impact on the lives of the Twa. The few schools that have been opened are attended mainly by Bantu children given that primary school is not free in the DRC and Twa families are unable to pay.* ». They also describe the legal conflict opposing the Twa to the Democratic Republic of Congo government and ICCN. ([IWGIA World Heritage Sites and Indigenous Peoples' Rights](#))

Moreover, a lot of documents mention precise acts of violence committed by eco guards against Twa. Joseph Mukumo, a representant of Bambuti peoples in lower altitudes of Kahuzi-Biega National Park, warned the president of the international indigenous peoples' forum on world heritage about the murder of Mbone Nakulie, a Twa, by an eco guard in august 2017 ([KAHUZI BIEGA STATEMENT \(Agenda Item 7A, Point 5.2\) THE INTERNATIONAL INDIGENOUS PEOPLES' FORUM ON WORLD HERITAGE \(IIPFWH\)](#)). In the letter called *Human rights violations against the Batwa in Kahuzi-Biega National Park, Democratic Republic of Congo* and written by several NGOs on january the 29th of 2018 ([BY EMAIL Dr Mechtild Rössler, Director World Heritage Centre, UNESCO 7, Place de Fontenoy 75007 Paris France M.Rossler@unesco.o](#)), we learn that it was the murder of a seventeen-year-old young man and of his father. Moreover, this letter summarises all the violations of Twa's rights in the National Park. If the NGOs asked the UNESCO to take some actions like urging « *the DRC government*

to provide redress to the Batwa for the forced removal from their traditional lands in the PNKB during its establishment and for the continuing exclusion of the Batwa from lands and resources included in the PNKB's boundaries », they regret that nothing was actually done ([Kahuzi-Biega follow-up letter FINAL ENG](#)).

Indeed, as we noted previously, the UNESCO's decisions do not relate, or only slightly, to the indigenous people's rights violations by authorities and eco-guards, whereas Irina Bokova said in 2017, as the Director-General of UNESCO, that « *African sites are better protected by the communities that live alongside them every day and draw their identity and earn their living from them. Their management is more sustainable when led by young people who are aware of their importance. The Ngorongoro Declaration, adopted in 2016, encourages promoting the role of local communities, especially of young people and women, in the management of world heritage sites. This message continues to be relevant today* ».

As it is summarised in Submission to the United Nations Universal Periodic Review of the Democratic Republic of Congo ([UNIVERSAL PERIODIC REVIEW \(UPR\) STAKEHOLDER SUBMISSIONS MINORITY RIGHTS GROUP INTERNATIONAL Submission to the United Nations Uni](#)), the violated Twa's rights include : « *the right to life, the right to property, the right to freely practice their religion, the right to health, the right to education, the right to freely dispose of their natural resources, the right to economic, social and cultural development, and the right to a satisfactory environment favourable to their development. These violations stem from the DRC's underlying failure to respect the traditional land rights of the Batwa people* », and the NGOs are clearly the ones denouncing this situation, since local authorities and UNESCO seem to be relatively silent on the subject.

IV. Causes of environmental degradation and destruction in the Kahuzi-Biega National Park

A. Causes acknowledged by UNESCO

The political situation in the DRC has strongly impacted the state of conservation of the Park: deforestation, theft of equipment, illegal mineral exploitation, violation of conservation laws were among the direct consequences of the conflict on the Park. (p4, [Item 4 of the Provisional Agenda: State of conservation of properties inscribed on the List of World Heritage in Danger and on the World Heritage List -1999, Kahuzi-Biega Section Excerpts](#))

In 2006, the DRC presented a report outlining the main threats to the Park:« *the presence of rebels from Rwanda in the property, encroachment by large scale farmers, mining inside the Park, deforestation, population pressure on the Park and conflicts with local people, particularly those resulting from the extension of the Park in 1975.*”(p21, [Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger – 2006](#)).

In 2007, the Wildlife Conservation Society (WCS) reported on the state of biodiversity in the park, comparing the current situation with the situation before the war. WCS noted the decline in the gorilla population and the near disappearance of elephants, and the presence of new artisanal mines in the park. (p2, [Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger – 2008](#)).

The main causes of environmental degradation and destruction revolve around recurrent issues, summarized as follows:

1) *Armed groups*

The presence of foreign and Congolese armed groups in the park was, according to the IUCN (International Union for Conservation of Nature), an "ecological disaster", in particular because of the poaching of gorillas and elephants. (p8, [Item 4 of the Provisional Agenda: State of conservation of properties inscribed on the List of World Heritage in Danger and on the World Heritage List -1999, Kahuzi-Biega Section Excerpts](#))

The guards' limited access to the total area of the park caused by these occupations has hampered their mission of surveillance and protection, adding to the environmental damage caused by the occupation itself. In addition, the Bureau noted that elephant poaching had indirect ecological consequences on the gorilla population. p2, [Item 4 of the Provisional Agenda: State of conservation of properties inscribed on the List of World Heritage in Danger and on the World Heritage List – 2000, Kahuzi-Biega Section Excerpts](#)).

In 2002, fighting between rebel factions intensified in the "high altitude sector", the only area previously under the effective control of the guards, making it impossible to patrol this sector and to monitor and locate the Park's gorillas. (p1, 2, [Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger – 2003, Kahuzi Biega Section Excerpts](#)).

These clashes directly resulted in the deaths of some specimens.(p7, [Item 15A of the Provisional Agenda: State of conservation of properties inscribed on the List of World Heritage in Danger – 2004](#)).

In 2005, the Committee notes that the FDLR use the park as an operational base, operate mines within the park, and also engage in poaching. The Committee also denounces the responsibility of FARDC for the destruction of the park's resources (poaching, theft from villages, mines). According to the Committee, certain military strategies put in place by the FARDC with the support of MONUC have caused the withdrawal of FDLR rebels within the park, to the detriment of the conservation of the park.(p22, [Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger – 2006](#))

2) *Illegal mining*

Artisanal coltan mines, mainly located in the low-lying sector of the park, were mostly exploited by "immigrants" during 2000-2001, also accused of poaching elephants and gorillas. (p1, 5, 6 [Item 5 of the Provisional Agenda: State of conservation of properties inscribed on the List of World Heritage in Danger and on the World Heritage List: 5.1 Reports on the state of conservation of properties inscribed on the List of World Heritage in Danger. – 2001, Kahuzi-Biega Section Excerpts](#)).

In 2002, the DRC reported that the majority of Coltan miners had converted to “*gold panning and commercial bushmeat hunting*” and that these armed groups controlled the lowland sector of the park.

(p 2, [Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger – 2003, Kahuzi Biega Section Excerpts](#)).

In 2003, « *illegal mining for colombo-tantalite, gold and cassiterite* » was carried out with the complicity of the local authorities and still posed a threat to the park. (p7, [Item 15A of the Provisional Agenda: State of conservation of properties inscribed on the List of World Heritage in Danger – 2004](#)).

In a 2016 decision ([40COM 7A.38 - Kahuzi-Biega National Park \(Democratic Republic of the Congo\) \(N 137\)](#)), The Committee recalls that in their report, WCS, ICCN and FFI (Fauna and Flora International) identify mining and “*bushmeat hunting*” activities as the major threat to the “*Grauer's gorilla and eastern chimpanzee*”. The Committee will make the same finding one year later, in a 2017 decision([41COM 7A.8 - Kahuzi-Biega National Park \(Democratic Republic of the Congo\) \(N 137\)](#))

These mining activities are a latent and recurrent problem and are carried out with the complicity of small local armed groups (p28, [State Party Docs Reports – SOC DRC Report – Exercice 2015](#)). In 2016, two illegal mining sites were still active before park patrols intervened to close these operations. (p28, [State Party Docs Reports – SOC DRC Report – Exercice 2016](#)). Despite the work of the park guards, they are forced to regularly dismantle new illegal mining areas. (p47, [State Party Docs Reports – SOC DRC Report – Exercice 2017](#)). In 2017, the DRC had no active illegal mining operations in the park (p17, [State Party Docs Reports – SOC DRC Report – Exercice 2018](#)).

3) *Encroachment*

In its 2005 State of Conservation report, the WHC noted that the presence of farms in the corridor was leading to deforestation of the area and that the presence of mines was leading to commercial hunting, river pollution and localized deforestation (p7, [Item 7A of the Provisional Agenda: State of conservation of the properties inscribed on the List of World Heritage in Danger – 2005](#)). The committee also notes the presence of fires probably set by militiamen(p8).

4) *Poaching*

Another recurring problem contributing to environmental degradation within the park is the illegal trafficking of natural resources or poaching: in particular the trafficking of baby gorillas and chimpanzees. (p48, [State Party Docs Reports – SOC DRC Report – Exercice 2017](#)). This traffic is set up by “networks of poachers.” (p18, [State Party Docs Reports – SOC DRC Report – Exercice 2018](#)). It should be noted, however, that the DRC includes indigenous communities in the term “poachers”. However, the park authorities seem to differentiate between indigenous and other poachers, as the latter were tried, while the “indigenous pygmies” were released after being heard. (p30, [State Party Docs Reports – SOC DRC Report – Exercice 2019](#)).

As we saw, the causes of environmental degradation in Kahuzi-Biega National Park are multiple and often persist over the years. In each of the State of Conservation reports of the Park, the WHC presents each year the “factors affecting the property in previous reports” and

updates them from one year to the next. (see the UNESCO website : <https://whc.unesco.org/en/soc/1636> for each year, or each of the WHC State of Conservation Reports (Kahuzi-Biega Section Excerpts)). A summary table of these factors can be found in the annex (Annex n°1). It should be noted that UNESCO appears to have since then reconsidered the factors affecting the park. Today, on the UNESCO website for each year, there is a section presenting the factors affecting the site for that year. These factors do not correspond to those “*identified in the previous report*” by UNESCO as they have been identified each year since 1990. These factors do not appear in any of the official documents issued by the WHC at the time of their publication, and were probably identified by UNESCO later on. These factors are set out in a summary table in the annex (Annex 2) and seem to take “Identity, social cohesion, changes in local population and community” in consideration, retrospectively.

B. Information concerning the Twa and their impact on the environment

The professor Michel Maldague is the consultant for the UNESCO who realised a mission in 1979 about the projects conducted as part of the World Heritage Convention. In his report, he evaluates the relationship between humans and gorillas in the Kahuzi-Biega National Park. He clearly explains that, in the past, with the traditional way of life of indigenous people, humans did not damage the ecological stability. Indeed, the traditional use of grounds by the Bantous for example was not a threat for this ecological balance. But the evolution of this methods does represent a risk for the conservation of the site.

He says that : « the high potential that this Park offers for gorillas results from a balance established between humans and the forest environment ». He adds : « Until a few decades ago, the local populations’ traditional agricultural practices, that utilized the burn farming, did not durably affect the forest environment. We can say that a balance was found since immemorial times between humans and their environment. The gorillas used to benefit from the diversity created in the forest thanks to the post-cultural evolution of fields, which brought forest recolonisation, generated recovering secondary forests, especially favourable for the gorillas populations’ development. ». But the new methods created because of the population’s increase breach the balance. That is why the Park’s protection by eco guards became indispensable according to the professor.

He explains that the main threat for the forest is the cut of woods for heating by the inhabitants of the surroundings villages. If the grazing also destroys the gorillas’ inhabitat, the traditional shifting cultivation is a good thing because the former and abandoned fields become secondary forest, and it is the most favourable environment for gorillas’ feeding (<https://whc.unesco.org/en/list/137/documents/>)

Those conclusions are confirmed for example by the authors of the book *World Heritage Sites and Indigenous Peoples’ Rights*, who wrote that “as traditionally the Batwa have never hunted gorillas, nor do they destroy the forest by cutting down trees...”, and the cut of trees, as the poaching of gorillas, are two of the main reasons of the Park’s deterioration and the gorillas’

decline (<https://iipfwh.org/wp-content/uploads/2018/07/IWGIA-World-Heritage-Sites-and-Indigenous-Peoples-RIghts.pdf>)

Neither the experts nor the UNESCO expressly describe the Twa as a threat for the conservation of the site. The best evidence of this is the immemorial times they lived together in harmony with fauna and flora, and especially with gorillas. However, the Twa is the only ethnic group that was violently expelled from the park some decades ago by guards without any damages or help, while some others can still live in.

Annex n°1

Date of the report	Factors affecting the property identified in previous reports*
1991	Proposed construction of a highway
1994	Proposed construction of a highway (issue resolved)
1995	Proposed construction of a highway (issue resolved) Armed conflict Uncontrolled arrival of refugees causing deforestation and poaching
1997	Idem (Id.)
1998	Id.
1999	Id.
2000	Id.
2001	Id.
2002	Id.
2003	Id.
2004	Agriculture Pressure; Logging; Mining; Oil and Gas Exploration; Fishing; Poaching/Hunting; Lack of capacity in conservation techniques; Lack of management mechanism (including legislation); Lack of monitoring system; Lack of Presentation and interpretation; Lack of human or financial resources; Lack of institution coordination; Armed conflict; Civil unrest; Looting/Theft
2005 (for the year 2005, the factors identified seemed to be common to all DRC WH sites except from the few exceptions specified)	Armed conflict and political instability, poaching, deforestation, encroachment by local populations and refugees, artisanal mining, uncontrolled immigration (Okapi Wildlife Reserve), expansion of illegal fisheries (Virunga National Park).
2006	a) Armed conflict and political instability; b) Poaching by military and armed groups; c) Encroachment; d) Illegal mining and deforestation.
2007	a) Armed conflict, insecurity and political instability; b) Poaching by military and armed groups; c) Encroachment in particular in the corridor between high- and lowland; d) Illegal mining and deforestation.
2008	Id.
2009	a) Armed conflict, lack of security and political instability; b) Poaching by armed military groups;

	<p>c) Encroachment, in particular in the corridor between the highlands and lowlands sectors;</p> <p>d) Illegal mining and deforestation.</p>
2010	Id.
2011	<p>a) Armed conflict, lack of security and political instability;</p> <p>b) Attribution of mining permits inside the property;</p> <p>c) Poaching by armed military groups;</p> <p>d) Encroachment, in particular in the corridor between the highland and lowland sectors;</p> <p>e) Illegal mining and deforestation.</p>
2012	<p>a) Presence of armed groups, lack of security and political instability rendering a large part of the property inaccessible to the guards;</p> <p>b) Attribution of mining permits inside the property;</p> <p>c) Poaching by armed military groups;</p> <p>d) Villages in the ecological corridor between the highland and lowland sectors of the park;</p> <p>e) Illegal mining and deforestation.</p>
2013	Id.
2014	Id.
2015	Id.
2016	Id.
2017	<ul style="list-style-type: none"> ○ Presence of armed groups, lack of security and political instability rendering a large part of the property inaccessible to the guards ○ Attribution of mining permits inside the property (issue resolved) ○ Poaching by armed military groups ○ Bush meat hunting ○ Villages in the ecological corridor between the highland and lowland sectors of the park ○ Illegal mining and deforestation
2018	Id.
2019	Id.

Annex n°2

Year	Factors affecting the property that year
1990	Ground transport infrastructure
1991	Id
1994	Identity, social cohesion, changes in local population and community Illegal activities War
1995	Identity, social cohesion, changes in local population and community War
1997	Id
1998	Id
1999	Id
2000	Id
2001	Identity, social cohesion, changes in local population and community Mining War
2002	Id
2003	Id
2004	Civil unrest Financial resources Fishing/collecting aquatic resources Human resources Identity, social cohesion, changes in local population and community Illegal activities Land conversion Livestock farming / grazing of domesticated animals Management systems/ management plan War
2005	Civil unrest Identity, social cohesion, changes in local population and community Illegal activities Land conversion War
2006	Civil unrest Illegal activities Land conversion Mining War

2007	Civil unrest Identity, social cohesion, changes in local population and community Illegal activities Land conversion Mining War
2008	Civil unrest Illegal activities Land conversion Mining War
2009	Id
2010	Id
2011	Civil unrest Illegal activities Mining War
2012	Civil unrest Illegal activities Land conversion Mining War Other Threats: Villages in the ecological corridor between the highland and lowland sectors of the park
2013	Id
2014	Id
2015	Id
2016	Id
2017	Civil unrest Commercial hunting Illegal activities Land conversion Mining War Other Threats: Villages in the ecological corridor between the highland and lowland sectors of the park
2018	Id
2019	Id