

**JOINT DECLARATION OF INDIGENOUS
ORGANISATIONS AND INDIGENOUS SUPPORT
ORGANISATIONS ON THE CENTRAL ALBERTINE RIFT
TRANSBOUNDARY BIOSPHERE INITIATIVE**

28 April 2008

To:

- His Excellency, Mr. José ENDUNDU BONONGE, Minister of Environment, Nature Conservation and Tourism, Democratic Republic of Congo
- His Excellency, Mr. Christophe BAZIVAMO, Minister of State for Environment, Forests, Water and Mining, Republic of Rwanda
- Her Excellency, Ms. Jessica ERIYO, Minister of State for Environment, Republic of Uganda

Excellencies,

We have the honour of bringing to your attention that on 5 February 2008 we were informed by way of a press release of the United Nations Organisation for Education, Science and Culture (UNESCO) [reference UNESCO 1995-2008 – ID : 41776] about the signing by DRC, Rwanda and Uganda on 4 February 2008 of a tripartate declaration on the creation of a transboundary biosphere reserve in areas which include Volcanoes National Park, Mgahinga Gorilla National Park, Bwindi Impenetrable National Park, Semliki National Park, and Virunga National Park, among others.

Excellencies, we are organisations comprised of indigenous Batwa/Pygmy peoples and those who support them. Our ultimate goal is to see the rights and concerns of Batwa/Pygmy communities recognised and taken into proper account in our countries, in accordance with national and international law.

By way of background, as of 21 April 1925, Batwa Pygmies in DR Congo were forced to leave their ancestral forest in what is now Virunga National Park when the forest was unilaterally converted into a protected area. Similar forced evictions occurred in Rwanda in the 1920s when the Volcanoes National Park was established on Twa land, and the Twa's traditional activities – including hunting, fishing and animal trapping – were completely banned in these areas in 1974. In Uganda, Twa land was unilaterally converted into forest reserves in the 1930s and later upgraded to the Bwindi Impenetrable National Park and the Mgahinga Gorilla National Park in 1991. In all three countries, the Batwa/Pygmies were never consulted nor did they receive adequate or any compensation for the taking of their lands.

The Batwa/Pygmies have since time immemorial lived in harmony with their forest environment, protecting it as natural conservationists. They have a high regard for the forest and consider it their nurturing mother: she connects them to their ancestors and descendants. The forest is not simply a piece of property with an economic value, but represents something much more: their physical, cultural and spiritual survival and their identity. In this way, use and customs come together to ensure biodiversity protection.

We note that all three countries are party to a number of international instruments which recognise and protect the rights of peoples such as the Batwa Pygmies to own, enjoy, use, and control their ancestral lands, territories and resources and to the return of their lands and compensation in all cases where such lands have been taken from them. We note in particular the Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the African Charter on Human and Peoples' Rights, including the interpretations thereof by the respective monitoring bodies of these treaties which make the land and cultural rights of such peoples very clear. We also refer to the recently adopted UN Declaration on the Rights of Indigenous Peoples which reiterates a number of existing rights in international law relevant to indigenous lands and territories.

Moreover, at the Vth World Parks Congress, it was agreed that participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent should be established and implemented by the time of the next IUCN World Parks Congress.¹ Likewise, Decision VII/28 of the UN Convention on Biological Diversity requires that “the establishment, management and monitoring of protected areas should take place with the full and effective participation, and the full respect for the rights of, indigenous and local communities consistent with domestic law and applicable international obligations.”²

¹ Main Target 10 of the Durban Action Plan adopted at the Vth IUCN World Parks Congress, Durban (South Africa), 2003.

² Decision VII/28 Protected Areas, at para. 22. See, also, Decision VII/28, Annex, Programme of Work on Protected Areas, Goal 2.2. In: *Decisions Adopted by the Conference of Parties to the Convention on Biological Diversity at its Seventh Meeting*. UNEP/BDP/COP/7/21, pp. 343-64.

We are concerned, Excellencies, that in addition to the ongoing violations of the land rights of the Batwa/Pygmies in each of the three countries through the maintenance of government-controlled protected areas on Twa lands, our governments are now proposing to create a transboundary biosphere reserve on the same lands. We have no information to suggest that this tripartite project included any social impact study nor consultation with the communities concerned prior to signing of the declaration in order to obtain their free, prior and informed consent to activities on lands and territories that they have traditionally owned and enjoyed since time immemorial.

We therefore submit this joint statement to respectfully request that before any further action is taken in respect of this biosphere initiative, the rights of the Batwa/Pygmies to the lands in question be fully considered and addressed in full consultation with such peoples.

It is important to underline that to date we have only received very limited information about the tripartite declaration. We would therefore be extremely grateful if you would provide us with additional information about the consultation, participation and involvement of the Batwa/Pygmies in the conception and implementation of this project. This is in accordance with:

- point 4 of the signed declaration which states: *“The Central Albertine Rift Transboundary Biosphere Initiative is launched in order to promote sustainable development pathways for the transboundary region so as to ensure the conservation of the unique biodiversity of the region while promoting the socio-economic and cultural well being of human communities in the region.”*

- point 5 which states that the parties *“Commit themselves to collaborating with the Government of Spain and UNESCO to initiate dialogue with all interested parties including Governments of UNESCO Member States, **international, regional and national NGOs**, other UN and multi- and bi-lateral initiatives dedicated to the sustainable development of the Central Albertine Rift Transboundary Region and the private sector initiatives to promoting the Central Albertine Rift Transboundary Biosphere Initiative as a learning laboratory for the sustainable development of a region of critical significance for the future of the people, biodiversity and ecology of Africa.”*

- the UNESCO Universal Declaration on Cultural Diversity (Adopted by the 31st session of the UNESCO General Conference, Paris, 2nd November 2001) which provides that:

The Member States commit themselves to taking appropriate steps to disseminate widely the “UNESCO Universal Declaration on Cultural Diversity” and to encourage its effective application, in particular by cooperating with a view to achieving the following objectives:

Respecting and protecting traditional knowledge, in particular that of indigenous peoples; recognizing the contribution of traditional knowledge, particularly with regard to environmental protection and the management of natural resources,

and fostering synergies between modern science and local knowledge. (Action Plan for the Implementation of the UNESCO Universal Declaration on Cultural Diversity, point 14)

- various requirements under the Convention on Biological Diversity, including the Programme of Work on Protected Areas (COP Decision VII/28) and in particular programme element 2 on Governance, Participation, Equity and Benefit Sharing which set the following goals to be carried out before COP 8 in 2006 (goal and target 2.2) or before COP 9 in 2008 (goal and targets 2.1):

2.2: To enhance and secure involvement of indigenous and local communities and relevant stakeholders. Target: Full and effective participation by 2008, of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the management of existing, and the establishment and management of new, protected areas.

2.1.1. Assess the economic and socio-cultural costs, benefits and impacts arising from the establishment and maintenance of protected areas, particularly for indigenous and local communities, and adjust policies to avoid and mitigate negative impacts, and where appropriate compensate costs and equitably share benefits in accordance with the national legislation.

2.1.5. Engage indigenous and local communities and relevant stakeholders in participatory planning and governance, recalling the principles of the ecosystem approach.

We consider that the implementation of this biosphere initiative, unless it is done with the free, prior and informed consent of the Batwa/Pygmies and in compliance with all relevant international human rights standards, will be a violation of their rights.

We recommend that the signatories of the tripartite declaration and other project partners and donors:

- Respect and apply international norms concerning the rights of Batwa/Pygmy peoples to their ancestral lands, territories and resources and to self-determination;
- Carry out consultations with and ensure the participation and free, prior and informed consent of affected Batwa/Pygmy communities before any further steps are taken;
- Develop with Batwa/Pygmy communities in the three countries effective strategies to promote the socio-economic and cultural well-being of these peoples living in this region;
- Collaborate with nongovernmental organisations in the three countries, particularly Batwa/Pygmy organisations and support organisations, to promote

sustainable development in the region in a manner that conforms with international human rights obligations.

Signed by the following Batwa/Pygmy organisations and support organisations in the transboundary region of the Central Albertine Rift:

1. Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables (CAMV)

Tel: + 243 997706371, e-mail : camvorg@yahoo.fr

2, boulevard du lac la botte, Bukavu, Sud-Kivu/DR.CONGO

08, Katindo/ANAMAD, GOMA, Nord-Kivu /DR.CONGO

2. United Organisation for Batwa Development in Uganda (UOBDU)

Tel: +256 486 430140, e-mail: uobdubatwa@utlonline.co.ug

P.O. Box 169, Kisoro, Uganda

cc:

- Government of Spain
- Government of The Netherlands
- Secretary, Man and the Biosphere Programme
- Chair, Man and the Biosphere Programme
- Vice Chair (Spain), Man and the Biosphere Programme
- Executive Secretary, Convention on Biological Diversity
- Chair, United Nations Permanent Forum on Indigenous Issues
- Secretariat, United Nations Environment Programme
- Chair, Transboundary Task Force of the World Commission on Protected Areas
- Co-chairs, IUCN Theme on Indigenous and Local Communities, Equity and Protected Areas
- Netherlands Centre for Indigenous Peoples
- Both Ends (Netherlands)
- Almaciga (Spain)