

## Case study 2

# Democratic Republic of Congo

### The Bambuti-Batwa and the Kahuzi-Biega National Park: the case of the Barhwa and Babuluko people

Kapupu Diwa Mutimanwa

May 2001



## **Contents**

<b>1</b>	<b>Introduction</b>	<b>89</b>
<b>2</b>	<b>Methodology and objectives</b>	<b>89</b>
<b>3</b>	<b>The Pygmies' situation before the creation of the PNKB</b>	<b>90</b>
<b>4</b>	<b>Background to the PNKB conservation project</b>	<b>92</b>
<b>5</b>	<b>Extent of consultation of and participation by the indigenous Pygmy community</b>	<b>94</b>
<b>6</b>	<b>Impact on the community's access to natural resources</b>	<b>95</b>
<b>7</b>	<b>Resulting conflicts</b>	<b>96</b>
<b>8</b>	<b>Participation by the indigenous people in the conservation project</b>	<b>98</b>
<b>9</b>	<b>Co-management of the protected areas and the agreements between the indigenous peoples and the conservation project</b>	<b>98</b>
<b>10</b>	<b>Recognition of the indigenous Pygmy peoples' traditional practices and long-term development</b>	<b>99</b>
<b>11</b>	<b>The right to land</b>	<b>99</b>
<b>12</b>	<b>Similar situations - Virunga National Park</b>	<b>100</b>
<b>13</b>	<b>Conservation problems in the Virunga National Park</b>	<b>101</b>
<b>14</b>	<b>Conclusion</b>	<b>102</b>
	<b>Acronyms</b>	<b>103</b>
	<b>Bibliography</b>	<b>103</b>
	<b>Individuals interviewed</b>	<b>104</b>
	<b>Conference discussions</b>	<b>105</b>

## 1 Introduction

Our case study deals with the indigenous peoples referred to as Pygmies, but who in the local language and dialects are known as *Murwa*, *Muyanda*, *Mbote* – the peoples who used to live in the low- and high-altitude forests – and whose story will unfold as we examine the history of the Kahuzi-Biega National Park (PNKB).

In this case study we will review the situation before the introduction of the park – its historical background – and the impacts, both positive and negative, since the forest became first a reserve and then a national park. After this, we will describe the consequences of these impacts as they have evolved in time and space. Next, we will discuss the structure and scope of the situation, and the level of collaboration between the local population and the conservation project. We will conclude with solutions and recommendations for the way forward.

This case study is the outcome of an initiative by an organisation supporting forest peoples, the Forest Peoples Project (FPP). To this end, a training seminar was held in Kigali, Rwanda, from 2-5 February 2001, for the facilitators of each case study.

In response to the participants' recommendations at the Kigali workshop, the facilitators were entrusted with the task of producing a case study on the indigenous people affected by conservation areas in their area of origin. This case study will present the situation of the Pygmies and the Kahuzi-Biega National Park.

## 2 Methodology and objectives

We used the following methods to gather the data:

- individual and confidential surveys of Pygmies and non-Pygmies;
- interviews with local authorities;
- interviews with representatives of the Congolese Institute for the Conservation of Nature (ICCN);
- interviews with workers in the PNKB.

Our research aimed to acquire information on the following:

- a description of the situation prior to the project's implementation;
- how the conservation project developed, taking into consideration its size, structure and the level of consultation with and participation by the indigenous community;

- the project's immediate impacts on the local indigenous community's access to natural resources, as well as the conflicts, consequences, and negative and positive impacts on the community;
- the current situation in the protected zones with respect to the application of internationally agreed conservation principles and guidelines.;
- the degree to which indigenous peoples had gained recognition of their right to traditional and sustainable use of their land;
- the extent to which indigenous peoples had acquired land rights;
- whether indigenous communities were being consulted at the decision-making stage of conservation programmes when significant changes were proposed;
- the indigenous community's aspirations concerning the conservation programme with regard to their long-term well-being.

### 3 The Pygmies' situation before the creation of the PNKB

The Democratic Republic of Congo (DRC) constitutes a mosaic of peoples from over 450 ethnic and linguistic groups. These groups are split into four large tribes: Bantu, Sudanese, Nile, and Pygmy. The indigenous Pygmies are recognised as the first and oldest inhabitants of sub-Saharan Africa, in particular of central Africa, and thus of the equatorial forest. The Pygmies in this case study used to live in this forest, which was later to become a Zoological and Forest Reserve and ultimately a national heritage site, the Kahuzi-Biega National Park. This Pygmy people lived inside the park area before it became a national park. At the time of the creation of the Zoological and Forest Reserve by the Governor General's decree No. 081/AGRI in 1937, the Pygmies lived from hunting and gathering within this reserve. They led a pleasant and dignified life. This was abrogated and revised through *Ordonnance-loi* No. 52/201 of 14 June 1950, which delimited the reserve at 75,000 ha.

In former times, the indigenous people knew how to protect the forest and the animals. Each family, under the supervision of its chief, safeguarded its own hill or concession. At each point of entry there were rules and rights which each hunter had to conform to: hunters of renown, called marksmen (*batuma*), were the only ones authorised and entitled to hunt. The purpose of hunting was for food, and in keeping with the following circumstances, among others: lifting of mourning; marriage; birth; the investiture of customary chiefs; harvest time; and various traditional rites.

When hunting, the number of animals to be killed was determined by the chief. In the case of large animals like elephant, the *batuma* had to bring back the tusks as proof of the number of animals they had been authorised to kill. Hunting took place in turn in the different families' hills and salt marshes. The *batuma* had to distinguish between the categories of animal to shoot; a suckling animal was protected. The hunt was very rudimentary and primitive, i.e. with arrows and spears and not the firearms currently in use that are at the root of large-scale extermination. Tusks were used for ornamentation at the royal court and not for lucrative purposes, as is the case today.

The Pygmies did not beg. On the contrary, they exchanged goods (barter) with neighbouring populations. They brought smoked meats (smoked game), honey and yams to exchange for alcoholic drink, bananas and manioc tubers.

Here are the names of the Pygmy villages before the creation of the PNKB:

- Musinge – situated about 5 km from Kalonge, was at the foot of the hill Karoshomwa, 44 km from the town of Bukavu, in the direction of Bunyakiri. This is the village of origin of the Pygmies currently living in the villages of Muyange, Combo and Cibuga.
- Kabona – inside the PNKB, on the route of the old Bunyakiri road before the current road was made in 1958. These Pygmies are now based in Amakombe, a town below the Mbayo plantation.
- Kabarhwa – which means the camp of the Barhwa (Pygmies). It was 18 km from Civanga. This was the village from which the Canji (Bunyakiri) Pygmies came.
- Munango – was the village of the Pygmies now in Lushasha.
- Charondo – this plain in the PNKB was the site of the former village of the Tshibati Pygmies.
- Kakumbukubu – the early point of origin of the Combo Pygmies.

All the Pygmies living in the above villages are no longer there; some were expelled in the sixties and others in the seventies when the region was given the status of Kahuzi-Biega National Park. Afterwards they moved from one hill to another in pursuit of game. Now, in order to survive they are still nomadic but less so due to lack of land.

Bakano is one of the communities of the sector which forms the Walikale territory. It has an area of 4,410 km<sup>2</sup> and is composed of a mosaic of peoples from a variety of origins:

- the Kano, of Havu origin, at Idjwi in South Kivu;
- the Balulanga, of Babudu origin in the eastern province;
- the Tembo from South Kivu.

The Babuluku Pygmies were the first indigenous inhabitants of Walikale and of the Bakano community where other tribes passed through. They lived in a number of villages in these sectors, some of which have been turned into reserves, particularly those on the main road to Mpango (Mbongolo, Bangenengene, Mintonko, Mutandala, Misenya and on the main Isangi road).

In the past, the Babuluko Pygmies lived from hunting and gathering. They learned how to farm through their contact with other clans. With these clans they would exchange produce from hunting in return for salt and beads. They used *busa* for making fire, by rubbing two sticks of wood together. They wore *mulundu* as clothing, taken from the bark of the trees called *nshulu*, and for craft materials they used *nkingi* and *mushur'hangiriho* – all these materials taken from the forest. They lived in straw houses called *mug'hasse* or *kituka*.

After discovering fire, they learned to cook food in pots called *nungu simbumba* (tin pots). They slept on bark from the *mwama* tree. Thus all aspects of their livelihoods, indeed, all the activities of the Babuluko Pygmies, were of the forest. This testimony really does show that the Pygmies lived inside the park. The Pygmies conclude by saying that before the creation of the PNKB, life was healthy and good because they could eat their fill.

*Now we have become beggars, thieves and prowlers – in fact the most unfortunate of all the Congolese people. This being due to and imposed on us by the creation of the PNKB. What a sudden change – imposed by the colonisers and supported by the State, not our customary chief. (Testimony from Kasula Buhendwa, chief of the Pygmy village of Muyange, and Pilipili, Pygmy tracker, PNKB employee.)*

*Their lives and customs, their traps and their invention of fire bear witness to their way of life. There was a simplicity to their daily lives; they lived in a different world. They weren't ashamed of the way they lived. They were happy because they lived on their own and didn't compare themselves with anyone else. Today everything has changed. (Facilitator's comment.)*

#### **4 Background to the PNKB conservation project**

The idea of creating the PNKB came from a group of young men from South Kivu province who, in 1966, were studying in Belgium. Their concern was to see the Zoological and Forest Reserve of Kahuzi become a national park – a tourist

attraction *par excellence* just like the national parks of Kenya, Tanzania and Namibia. The Zoological and Forest Reserve had, incidentally, been delimited by the colonial administration with the affected populations and represented by the *Bami* (kings) Alexandre Kabare, Naninja and Nakalonge. In 1954 these *Bami* had each been paid the sum of 90,000 Belgian francs in customary dues, in accordance with local tradition.<sup>1</sup> The Congolese students' concept coincided with that of the President of the Republic, and on 30 November 1970 the supreme legislator signed *Ordonnance-loi* No. 70/316 changing the Zoological and Forest Reserve into a national park.

According to the wardens of the PNKB, in 1937 when the area was a Zoological and Forest Reserve, it had an area of 75,000 ha. When the PNKB was created in 1970, the 75,000 ha reserve was retroceded: 15,000 ha were distributed among 16 wealthy farmers, including Messrs Buppacher, Mwafrika, Kabego Mirindi, Mukenge, the Sisters of Mary, Messrs Bashige, Chigashamwa, Ndoli, Kabanguka, Ruteramara, Ntabaza, Rugamika, Mukanda and Sanyambo. This therefore left only 60,000 ha. Of these farmers, none lived on the edge of the PNKB, nor were any of them indigenous to the area, with the exception of Sanyambo who is a Tembo from Bunyakiri.

What's more, the legal texts are contradictory because the Secretary General's decree No. 52/201 of 14 June 1950, creating the forest reserve and the hunting reserve of Kahuzi-Biega in Kabare and Kalehe territory, abrogates decree No. 81/AGRI of 27 July 1937. So the PNKB staff continue to waver over justifying the 75,000 ha area of the Kahuzi-Biega Zoological and Forest Reserve. How can a reserve have a greater area than a park? This question remains the crux of an ongoing debate.

I personally know that prior to 1937 the reserve had no legal status. It was a forest but, according to the warden of the PNKB (Mr Kasereka), it did have legal status in accordance with the Governor General's decree No. 081/Agri of 1937, creating a zoological reserve. I have not had sight of this text.

In 1975, by *Ordonnance-loi* No. 75/238, the PNKB was enlarged by means of the Itebero extension in North Kivu, covering 540,000 ha. The main reason for the State's decision to make a national park was the survival of gorillas threatened with extermination. As a result, the PNKB measured 600,000 ha. (Source: *Institut Zairois pour la Conservation de la Nature, IZCN.*)

Of the two groups in the Bakano community, the park occupies one half of the area belonging to the Bakano group and three-quarters of the Bakonji group's area, i.e. 60% of the whole Bakano community sector is covered by the park. (*Mazingira*, 2000:1)

## 5 Extent of consultation of and participation by the indigenous Pygmy community

Ever since the Kahuzi Zoological and Forest Reserve was created by Deschryver, its first warden, right up until nationalisation, the Pygmies were never asked for their views. This is because they were marginalised and considered sub-human. Being non-intelligent and marginalised how could they be included or consulted about this forest? The sole purpose in consulting or involving the indigenous Pygmies was for them to reveal the areas inhabited by the elephants, gorillas and other animals they needed to hunt or capture. When the Pygmies were living in the Kahuzi forest, they did not know it was a reserve because they were still able to carry out their hunting activities. (Testimony by Pilipili, Pygmy tracker in the PNKB.) Furthermore, the idea of making the Kahuzi forest a dedicated forest reserve was a product of Deschryver's desire that his son, Adrien Deschryver, would continue with the same ideology. Deschryver's son, not being from the immediate area, had been overwhelmed by the beauty of this low-altitude forest.

The PNKB only encompassed 60,000 ha in the province of South Kivu. The idea of extending the park arose following the regrettable consequences of the State's creation of the National Ivory Bureau (*l'Office National de l'Ivoire*) with a view to harvesting ivory for sale. This situation encouraged the influx of poachers in search of tusks and the introduction of firearms for hunting. This led to the selection and systematic slaughter of animals whose tusks were removed and corpses abandoned. This system was supported by the State, and the indigenous peoples' control over hunting was overridden.

Later, when confronted with its responsibility for this destruction, the government introduced the idea of protecting the low altitude areas and their animals: principally the elephants, gorillas and leopards. This idea was implemented by the first warden, Mr Deschryver, but unfortunately without consultation or participation of the local population nor did it respect the clause in the country's land act that stipulates, in Article 123, that when an area of 2,000 ha is ratified by parliamentary decree the ministers, as representatives of the population, must express the needs and aspirations of the people affected by the government measure. More astonishing still, the 540,000 ha Itebero extension, adding to the PNKB's 60,000 ha at Bukavu, was enforced by presidential order. As a consequence, the indigenous population was hostile to this conservation project.

Seeking to take up the challenge, the GTZ (German Technical Cooperation), initiated several development projects, none of which reflected the real needs of the population or benefited the Pygmies, because they had not been prepared for, informed or consulted about all the sudden and inadequately planned changes. No principles were agreed between the indigenous people and the organisations concerned. This discord created difficulties for these organisations, even in determining the boundaries of the conservation zones. As a consequence

of this lack of co-management, members of the provincial commission were attacked, with the heavy toll of ten dead. This was the consequence of a lack of partnership.

## 6 Impact on the community's access to natural resources

In the DRC, the soil and subsoil belong to the State. As a result the indigenous Pygmy population have not had access to the natural resources of the PNKB. This is why up to now the Pygmies living on the outskirts of the PNKB have been demanding that the politico-administrative bodies as well as the PNKB authorities allow them the right of entry to the park to collect dead wood for cooking, medicinal plants for healing, and timber, straw and thatch for their dwellings.

The conservation project has deprived the indigenous people of their forests, to which all their activities are linked, in particular:

- agriculture, fishing, craftwork (basket weaving, chairs);
- building;
- hunting to compensate for malnourishment;
- the need to practise cultural rites and to commune with ancestors;
- their cultural identity which will have to adapt to a foreign world;

**Batwa women at Muyange on the edge of Kahuzi-Biega National Park**



*Photo: Dorothy Jackson*

- maintenance of a moral balance which, for the Pygmies, is tied to nostalgia for the forest, which has nurtured them for so many years and centuries;
- all their traditional rights.

At Mwanga (Isanga) the skulls of the traditional chiefs are no longer preserved, their Pygmy protectors having been driven out. In the past these skulls were the symbols of power. (Bakano community, Walikale, North Kivu.)

## **7 Resulting conflicts**

Ever since the Pygmies' eviction from the PNKB, gradual and open conflicts have emerged. The Pygmies had no guidance, and did not know where to register their grievances. They were evicted without compensation, also suffering the loss of life of those who resisted. The first to be expelled were those located in the Zoological and Forest Reserve of Kahuzi and the last were those living in Munango, at the foot of the Biega. The latter were tricked into leaving by the PNKB authorities who implied that they would be massacred by the Rwandans if they stayed because of the fierce resistance by the Rwandan livestock raisers who kept their cattle at the foot of Mount Biega inside the park.

According to the PNKB-GTZ, disputes relating to coexistence fall into three virtually overlapping categories:

### **a Occupation of the ecological corridor**

The ecological corridor is the transitional zone where animals from the high altitude region (Kabare, Kalehe and Walungu) in South Kivu, converge with those of the low altitude region (Shabunda) in South Kivu, (Walikale) in North Kivu and Punia (Maniema for the low altitude region, being the extension of the PNKB). The PNKB is the only protected area in Sub-Saharan Africa where there is a continuum between two forest zones: moist tropical forest from an altitude of 600-1,200 m and montane forest between 1,800-3,308 m. This corridor constitutes the region of conflict between the PNKB and a number of farmers.

### **b Destruction of the resident populations' crops by animals from the PNKB**

These privileged animals, whose protected areas were evacuated by the indigenous peoples, uproot, graze and devastate the crops of peaceable farmers. This is especially true of elephants seeking young bamboo shoots. They move across the territory as follows:

- from June to July, in the direction of Mulume Munene and the Lushanja Marsh;

- from August to September they return to the foothills of Mount Biega.

### **c The destructive exploitation of natural resources**

At the root of the persistent destruction of the PNKB is the enforced inaccessibility of its natural resources to local people. This has provoked clandestine exploitation of the park's resources by people seeking arable land, minerals (as in the case of the PNKB-Itebero extension), animal trophies, etc. The felling of trees, charcoal burning, sawmilling and widespread stone quarrying have become major activities in which some members of the local communities are deeply involved.

How can these conflicts be avoided? There has to be consultation and active participation among the indigenous populations, the local populations and the PNKB.

*Bearing in mind the widespread lack of security in the region, the protected areas are beyond the control of those in charge of the conservation project. As they have no stake in the conservation project, the indigenous people have decided to exploit the forest without restraint in collusion with the non-indigenous population, who are also extracting the minerals [coltan or colombo-tantalite]. (Testimony from Elenge-Mwenamo, administrative secretary of the Bakano community.)*

The sites from which wood and timber are taken are also those from which coltan is extracted, as is the case in Kakeru, Lungo I and II, Kalemi, Apipa, Mibalabala, Chelamais and on the main Mpango road, not forgetting the mining sectors around Isangi.

Over 9,000 indigenous and non-indigenous people exploit wood for building shelters and for heating in the mining sectors located in the park. Animals are now more widely killed and their meat consumed in the mining sectors. The most targeted animals are: elephant, gorilla, chimpanzee, baboon, buffalo, antelope, porcupine, *rat de gambi*, wild boar, monkey, etc. Fish are also caught in the rivers within the park, namely the Busakala, Utu and Luuka.

The current systematic destruction of the protected areas' fauna and flora is due to poor management, and the determination of the indigenous peoples who wish, at all costs, to exterminate the protected species and thereby regain their hills located in the park and which contain the minerals. (Quotation from all the indigenous people interviewed.)

The conservation project is poorly regarded by the indigenous people, given that the so-called protected area is the source of revenue needed for their survival, and that the extraction of coltan is advantageous to the non-indigenous people.

## **8 Participation by the indigenous people in the conservation project**

In the past, indigenous communities were not involved in the conservation project. They were left to their own devices because of the view held by outsiders that they were ignorant of nature conservation matters, whereas it was they who were the first wardens of the forests and protectors of the flora and fauna. Unfortunately when the conservation areas were being established they were neither involved nor invited to participate by the colonisers and the Congolese State. It was later, around 1954, that the colonisers were to include the Pygmies, not as associates, but as guides (trackers) because it was they who knew the forest. Around 1973, the PNKB recruited a small number of Pygmies to be the first forest guards and trackers for tourists keen to visit the animal sites. Aware of the failures of the past, the PNKB has now adopted a new strategy which is moving towards seeking the participation of indigenous and local peoples in order to see what they can do jointly to combat the destruction of the park's resources.

As a result, between May and July 2000, the peoples of the PNKB were brought together to find lasting solutions to overcome this destruction. Over 440 people in their different capacities had their say. The result of these gatherings is that two test structures for participatory management were created in the Miti and Mudaka groups. There are two Pygmies in these organisations: Bugandwa and Jean-Marie Kasula. The Miti group is composed of 19 members, one of whom is a Pygmy, and the Mudaka structure has 18 members, one being a Pygmy. Can it really be said that the Pygmies are participating? I leave it to the reader to decide.

## **9 Co-management of the protected areas and the agreements between the indigenous peoples and the conservation project**

By definition, co-management means management by two or more parties. From the creation of the first reserve in Congo in 1971 until today there has not been co-management or agreements between the local indigenous peoples and the specialist conservation services in our country. During the colonial period everything belonged to the metropolis. This meant that when the Rutshuru Reserve was proclaimed a colonial reserve, no Congolese at the time could either claim or demand his rights by saying this is *a priori* our territory – Pygmy territory. The DRC has seven national parks and reserves. Within these, not one member of the local and indigenous populations is involved in the management. From the colonial period until now, no conservation project has signed agreement protocols with the indigenous populations nor sought their aspirations, their consent or their wishes in creating these national parks and reserves. Only now have the conservation projects acknowledged that they made a gross procedural error in denying the indigenous population responsibility in the management of the aforesaid conservation projects. Had the indigenous population been associated

with the project, the PNKB would not have sustained this destruction of its fauna and flora.

## **10 Recognition of the indigenous Pygmy peoples' traditional practices and sustainable development**

First of all, the PNKB authorities do not understand the definition of an indigenous people. This leads them to fail to respect the indigenous Pygmy people's rights. For a Pygmy the forest is what nurtures them. It is everything to them. The Pygmies living in the Kahuzi forest had no interest in nor were they envious of other tribes' lifestyles, because the Pygmies lived in symbiosis with nature. They would evoke their ancestors, hunt, and practise initiation rites during the dry season. They carried out all their traditional practices unconditionally and without fear. They protected the fauna and flora in their capacity as custodians.

But with the arrival of the environmental conservation project, everything become taboo and a sin; everything was governed by laws; there was no access to the forest. For the PNKB separation was voluntary, for the Pygmy people, involuntary. They used to be the proprietors but are now exiled, displaced, evicted.

## **11 The right to land**

The soil and subsoil belong to the Congolese State, not to any individual regardless of social rank. Land ownership law in the DRC stipulates that an area over 2,000 ha must be ratified by a law passed by parliament. This was not the case for the Kahuzi-Biega National Park, which was sanctioned by Presidential Order No. 70/316 of 30 November 1970. The Pygmies have no right to the land. They were evicted and driven out without indemnity or compensated with a new concession. All the land they had possessed had been granted to them by the *Bami*, for an average a fee of 5 to 10 goats, or skins of leopards or other animals. Of all the Pygmies now located on the outskirts of the PNKB, none has a personal concession. All of them are tenants. Not one has so much as a registration certificate proving that the land belongs to him. The State can withdraw this land at will because it does not belong to the Pygmy. Therefore no one respects the administrative procedures for obtaining a plot of land. The people who have responsibility for distributing land are the land ownership officials: the Governors, the Minister, the President and the Parliament (cf Article 123 of the Land Act.) None of these has yet granted land to the Pygmies.

The Pygmies have never been involved in any of the decisions or changes implemented by the PNKB authorities, nor has their opinion been sought. They are simply there – like the flora and fauna of the PNKB. In the event of changes taking place without their involvement, collaboration between the two parties will be

non-existent. Their resulting refusal to obey the regulations imposed by the PNKB authorities will be linked to the PNKB's continued destruction. If their partnership is not forthcoming, the Pygmies' next step will be disengagement from all the PNKB's activities.

## **12 Similar situations – Virunga National Park (800,000 ha)**

The provinces of North and South Kivu are endowed with protected areas, namely the Virunga National Park (PNVi), the PNKB and the Luama Reserve. In this document we will only talk about the PNVi and the PNKB.

The PNVi came into being through the creative genius of King Albert I. An American naturalist named Carl Akeley was one of the first scientists to visit the chain of Virunga volcanoes in 1919 in search of the mountain gorilla (*Gorilla gorilla beringei*), specimens of which he was collecting for American natural history museums. Having developed a fascination for nature as a result of a visit to America, King Albert I sponsored the researcher, Carl Akeley, to gather scientific information on the gorilla and to study the feasibility of creating a park. His findings formed the basis for the creation by Royal Decree on 21 April 1925 of the first African national park, the Albert National Park, which straddled Congo and Rwanda in the volcano zone. This park comprised, in its original state, a reserve no larger than 200 km<sup>2</sup>. On 9 July 1927, a second decree came into existence, combining the small cluster of other early volcanoes, including Nyamulagira and the still active Nyirangongo, as well as one section of the game-rich plain south of Lake Edward. The park's area thus grew to approximately 3,500 km<sup>2</sup>. By Royal Decree on 22 November 1953, the park was extended towards the north of the Rift, up to and including the Rwindi plain, Lake Edward and the lowland rainforests of Watangila and Ruwenzori, thereby encompassing an extraordinary diversity of habitats with altitudes ranging from 700–5,120 m. Seventy-one species of large mammal, including 14 primates, were recorded. In 1960 the park was divided between two countries:

- 165 km<sup>2</sup> of Virunga became the Volcanoes National Park in Rwanda;
- 8,000 km<sup>2</sup> formed the Virunga National Park in the Congo.

Three hundred kilometres long and under 50 km wide, the Virunga National Park has extensive boundaries and is subject to population pressures. To overcome the problems associated with its long, narrow shape, the Virunga National Park has been subdivided into three sectors under the management of one warden.

### **1 The northern sectors (310,000 ha)**

The northern sectors extend from Mount Ruwenzori up to the river north of Lake Edward. The administrative base is located at Mutshora, at the foot of Mount

Ruwenzori. The lowland rain forest, extending from the middle to the lower Semlike (the river linking Lake Edward to Lake Albert over a distance of 100 km), is home to the elephant and the animal endemic to the area, the okapi.

## **2 The central sectors (250,000 ha)**

The central sectors cover the Congolese part of Lake Edward as well as the entire Rwindi plain. They are crossed by large waterways, namely the Rwindi, Rutsuru and Ishasha rivers which until about ten years ago were home to large populations of hippopotamus.

## **3 The southern sectors (240,000 ha)**

These sectors are principally made up of the active (Nyiragongo and Nyamulagira) and inactive volcanoes (Mikeno, Karisimbi). This chain of volcanoes in the Virunga range, with some snow-covered peaks reaching 4,500 m, forms a barrier across the Rift Valley, thereby preventing water in Lake Kivu from flowing to the north.

# **13 Conservation problems in the Virunga National Park**

Breaching of the borders and poaching – The central and northern sectors are seriously threatened by poaching of the large mammals, perpetrated by holders of firearms from the recent wars and from rural activities.

Existence of fisheries inside the park – Three large fisheries (Visthumbi, Kiaviyonge and Nyakakoma) are located within the park. They have 15,000, 12,000 and 6,000 inhabitants respectively.

Lack of security – It is no secret that the poor security situation spawned by the presence of the different armed forces is not conducive to managing the park. In fact, in 1994 Rwandan refugees spread into North and South Kivu. Unfortunately, the UNHCR located them on the outskirts of our national parks. The refugees laid waste to the parks by taking the flora and fauna. Some Pygmies lost their lives as a result of the breakdown in security; Pygmies such as Desire Myzinya and Kitimana, to name only two.

Non-application of the legal texts of war – All the legal texts governing protected areas have been flouted by the aggressors. And consequently the population assumed that with the two wars of liberation all the legal texts governing the institutions had been abolished. The result has been an uncontrolled scramble for natural resources.

## 14 Conclusion

Over the two-month period of research into the situation of the Bambuti Pygmies and the protected areas in North and South Kivu – the Kahuzi-Biega National Park – none of the indigenous Bambuti, Barwa, Batwa and Babuluko displayed any enthusiasm for or awareness of the PNKB's conservation project. This project has left them worse off than before it was introduced and implemented. The Pygmies have been expelled and driven out with neither indemnity nor other compensation. They have been cast aside; they belong nowhere.

But there are positive aspects: the recruitment of the first four trackers, Pilipili Pursi, Mufanzala, Maheshe Kabamba and Matene Chiza. The PNKB-GTZ project now employs a number of Pygmies for road-mending work. Then there is the possibility of restarting the sustainable development work as planned in 1996.

The Pygmies' sole recommendation is for the creation of buffer zones for hunting and for development work; the rest to remain as protected areas. This is justified by the very motivation for creating the reserve which had been a forest reserve and at the same time a hunting reserve. The PNKB authorities have never sought to inform indigenous and local populations. The government and in particular the PNKB authorities do not have to restrict themselves to the 1970 and 1975 laws (which resulted from Mobutist politicking, intended to create dissension and a distraction so that they could control all the better). The PNKB authorities, and those of the Congolese Institute for the Conservation of Nature, ought to study the different laws seriously in order to harmonise the problems between the local indigenous populations and the PNKB. The indigenous populations want to be involved in all the decisions and in co-managing the PNKB-GTZ project. They request seeds and ploughing implements, so that they can create their own habitat and enhance their own culture. If the PNKB-GTZ project acts on these concerns, the Pygmies have confirmed to me that they will never go into the park, and they will perform their former duty of protecting this World Heritage site. Improving the Pygmies' lives depends on a new system for conserving nature, and the PNKB-GTZ project has to set up and practise these new policies of joint activity between the indigenous peoples and the PNKB-GTZ project.

---

### Notes

- <sup>1</sup> Tribute (*kalinzi*) is a fee customarily given to the *Mwami* for access to the land, effectively as security for the land

## Acronyms

ADDa	<i>Association pour le droit et le développement de Bakano</i>
DRC	Democratic Republic of Congo
GTZ	German Technical Cooperation
ICCN	Congolese Institute for the Conservation of Nature
PNKB	Kahuzi-Biega National Park
PNVi	Virunga National Park
UNHCR	United Nations High Commissioner for Refugees

---

## Bibliography/sources

*Le Gorille*. 2001. Revue No 3, ICCN/PNKB, 6 décembre 2001.

*Histoire et l'arbre généalogique des autochtones babuluko de Walikale*. 1995.

*Mazingira*. 2000. No 2, octobre, novembre et decembre 2000 [Quarterly environmental communication], PNKB-GTZ, p1.

*Rapport de la sous station du PNKB d'Itebero*. Décembre 2000.

*Revue de l'ICCN/PNKB*. 1988. Publiée avec le concours du projet zairo-allemand conservation de la nature.

Land tenure laws from the Republic of Zaire:

*Décret royal*. 21 avril 1925.

*Décret*. 9 juillet 1927.

AGRI. 1937. *Ordonnance-loi No. 081/AGRI du gouverneur général*, le 27 juillet 1937.

*Ordonnance-loi No. 52/201 du 14 juin 1950*

*Décret royal*. 22 novembre 1953.

*Ordonnance-loi No. 70/316, du 30 novembre 1970.*

*Ordonnance-loi No. 75/238, 1975.*

## Individuals interviewed

Birhashirhwa Radar	Editor, <i>Le gorille</i> magazine.
Bizimana Paul	Forest Guard, Kahuzi-Biega National Park (PNKB).
Elenge Mwenemo Jacob	Administrative Secretary of the Bakano Community, Bakano Customary Chief, member of ADDBa.
Kasereka Bishikwabo	Conservator, PNKB/Bukavu, South Kivu.
Kasula Buhendwa	Pygmy chief from Muyange village.
Katete	Former guide from PNKB Itebero extension.
Kibanda Mutea	Coltan miner, Lungo.
M’Nabuchi	President of Kamakombe Pygmy Group.
Mukelenga	Indigenous community member from Bangenengene/Mpango.
Mulonda Mutoko	Grade I Guard, responsible for Chivanga workforce.
Musimbi Mukoma Omar	Indigenous community member from Misenya.
Nicolas Avangeliste	Protestant, living in Kasindi.
Ntuntuluntu Alfonse	Indigenous community member from Mitondo/Mpango.
Palata Kasabanda	Geography graduate, Assistant Administrator, Finance, and member of ADDBa.
Dr Yuma	Researcher, ICCN.
Watuta Mukulumanya	Nurse, with responsibility for the 8 <sup>th</sup> CEPAC ( <i>Communauté des églises pentecôte an Afrique centrale</i> ) health centre, Itebero.

## Conference discussions

### Commentary on case study by community representatives

*The paper prepared by Kapupu Diwa Mutimanwa was presented by Joseph Itongwa Mukumo*

**Mme Njerina**, Présidente du Groupement féminin, Kivu, echoed the earlier comments by the Rwandan community representatives, explaining that since they were ‘chased from the Park’ they have been living in scattered villages outside it. ‘None of our needs were met. We have no food, not enough to feed ourselves, we live like wild animals without clothes and without land for cultivation.’ She endorsed Kapupu Diwa Mutimanwa’s recommendation that they unite in order to establish their own rights.

**Crispin Mutimanwa Lusanbya** developed this theme, partially accounting for their poor living conditions because of the lack of traditional building materials: ‘we have no trees which we can fell to make proper dwellings. If we go into the forest we are arrested and severely punished. Before, women would get their firewood from the forest but today they cannot enter. So even if we have something to cook it is hard to get fuel for cooking it.’

**Joseph Itongwa Mukumo** concluded that what was needed was land reform, i.e. reform of the laws on protected areas, on the basis that much of the land allocated to protected areas had not followed the correct parliamentary ratification procedures. He stressed the need for the State to recognise indigenous peoples’ rights and for a committed dialogue with GTZ who could thereby ‘help us to live again in our traditional lands. On this basis we could have real partnerships and start long-term projects to alleviate the problems of the indigenous peoples’.

### Panel discussion

Panellists:	Valerie Hickey	– Research Associate, Biodiversity Support Program, WWF-US
	Samuel Nguiffo	– Centre pour l'Environnement et le Développement, Cameroon
	Petrus Vaalbooi	– Community member, ǀKhomani San

**Valerie Hickey** defended the role of conservationists but expressed her concern for the plight of indigenous peoples. Rather than attempt to incorporate indigenous peoples’ needs within conservation planning, she recommended partnership ‘with specialist NGOs which have social programmes so we can deliver Integrated Conservation and Development Programs. With such partners working in parallel to us they can help promote indigenous peoples’ livelihoods and thus create the possibility of good relations with the conservationists. Conservation will only work if local people are involved and want conservation to work.’ To achieve this end, indigenous peoples would need to put

forward their own proposals. WWF would help 'by providing leadership training and capacity building. This will then allow participation in our projects'.

**Samuel Nguiffo** identified a number of issues that had emerged from this case study, the first being that a colonial-style model appeared to be developing. 'The result is the imposition of dominant models on all. There is an assumption that there are superior cultures and that Pygmies would be better off adopting the ways of life of others. A vision of progress is being imposed. It is like in the colonial period when people were treated like children, the beneficiaries are not consulted but people are forced to give way to the views and priorities of others.'

An additional colonial heritage was the reclassification of 'all lands as public domain despite people owning land by customary laws.' The 1960 Act had not restored land 'to the indigenous peoples, because they lack power'.

On the question of participation in conservation programmes, he emphasised that this should take place 'early, when such projects are being first conceived and not just during the implementation phase. If the conservationists say that the local people make the "best guides" well, that's all very well but it is not enough. People need to be involved from the beginning in decision-making.'

He also drew attention to the imbalance of power between the State and indigenous peoples, as earlier depicted by Marcus Colchester in his introductory overview. 'There are many forces putting pressure on decisions about indigenous peoples' lands and these forces are unequal. . . . Due to weak laws and such pressures the indigenous peoples are losing their resources.'

Speaking in his capacity as a lawyer, he also highlighted the need for caution regarding the law. 'The law is often an instrument of domination despite its pretence of neutrality. . . . It was noted earlier that international conventions have been adopted by some states and even in some constitutions and there is then a need for enabling legislation so these are enacted. However, these may end up crystallising existing power relations. People can even be punished if they make recourse to the law [as demonstrated in Kenya. *See the Ogiek case study. – Ed*].

He summed up: 'What has happened is that lands held under customary law have been appropriated as national parks under specific laws and it is then made a jailable offence even just to cut trees. There is the same logic in all protected areas. To improve things we need sustainable reforms; we need to redress power relations and develop local strategies to strengthen the capacity of indigenous peoples and seek alliances so that combined pressure can be put on the authorities.'

**Petrus Vaalbooi** drew on the experience of the ǀKhomani San in South Africa, to offer the following practical suggestions:

- 1 'to regain access to your land, use the media;
- 2 reconsolidate your people and then tell the world about their plight;
- 3 attend to the laws: know your rights, get them captured on paper in negotiations, have lawyers – they are as strong as an entire community – get your own community strong enough;
- 4 get NGOs, government agencies, and community-based organisations to support you.'

He stressed the power of negotiation and the need for realistic representation: 'In the short term, take strong people to negotiate with park managers so you can be sure the regulations really benefit you. Our experience has taught us that even laws can be changed. Through negotiations parks rules can also be changed to allow access and so allow us to work together and develop a long-term *joint* plan. . . . Such co-management is impossible in the case of Kahuzi-Biega, with only one out of 18 people on the management committee. One Pygmy vote will never be enough to make sure they are taken seriously.'

### **Participant discussion**

Mburanumwe Chiri Anicet, Coordinateur, Institut Congolais pour la Conservation de la Nature expanded on some factual references in the paper relating to the creation of the PNKB: '[In 1927] the extension included even then all the sleeping and active volcanoes, including Ruwenzori. So it was before 1953 that the park achieved full size. DRC has the largest numbers of the Pygmies – they are in Kivu, Katanga, Ituri and the Equatorial forest. The forest is the second biggest after the Amazon, the second lungs of planet earth.'

It became apparent that consensus was required on certain key topics:

- 1 The value of dwelling in forests versus integration with wider communities;
- 2 Reasons for the Batwa's marginalised situation;
- 3 Batwa views of conservation and the need for cooperation between the conservationists and the Batwa.

#### **1 The value of dwelling in forests versus integration with wider communities**

Mburanumwe Chiri Anicet raised the issue of the benefits to indigenous peoples of continued forest existence: 'some Pygmies are tiring of their way of life of moving around all the time. As in Ituri they have settled down. The forest is a very hostile environment. . . . Life in the forest is not convenient to them. They are being drawn out towards civilisation. Being civilised means being settled so you can be near health centres and have education facilities. We must help our brother Pygmies to exercise their right to development. Forests are not an appropriate environment for human life.'

In response, Kalimba Zephyrin, Director, CAURWA, identified that: 'There seems to be some confusion about the indigenous peoples who have been displaced from their lands. Their situation is not like the agriculturalists and cattle-keepers. We do not have the same

problems as them.’ Joseph Itongwa Mukumo shared the view that the Ituri Pygmies’ expulsion was not comparable. On the question of civilisation, he observed that this was not achieved by ‘adopting a foreign way of life coming from Europe or somewhere. What was said about forests not being a good environment is contradictory. Pygmies are always attached to forests.’ He also commented that ‘Although UNESCO has declared these areas World Heritage Sites this should not be at the expense of the local population. They also need the forests for their future generations. So we need balance.’

Albert Kwokwo Barume added: ‘I think it is not right for us to tell the Batwa what is good for them. They need to make their own plans and objectives. As for the Pygmies in Ituri we should start with the facts. Is their situation different from that of the Pygmies who have been expelled?’

Joram Useb, Assistant to WIMSA Co-ordinator, Working Group of Indigenous Minorities in Southern Africa (WIMSA) agreed: ‘Indigenous peoples need land as it is basic to our cultures to exercise our traditions on the land.’

Marcus Colchester, Director, FPP, commented<sup>1</sup> ‘I lived for several years in the Amazon rainforest with indigenous people, and [am] surprised by the view that forests are not a suitable environment for humans to live in. This has identified a gap in comprehension that we need to bridge.’

## **2 Reasons for the Batwa’s marginalised situation**

Innocent Munyarugero, Rwandan Twa community representative, generated debate into what was understood by integration and the need for an explanation of – and solution to – the Batwa’s poor status. Other participants agreed that marginalisation was the basic problem. In seeking a solution, Kalimba Zephyrin stated that ‘Instead of being treated like human beings we are being treated worse than animals. Our rights should be respected.’ He explained that Batwa were looked down on ‘because they live in extreme poverty – they live like beggars with no rights to natural resources. When we lived in the forests we were all right – poor, maybe, but self-sufficient. But since then parts of the society got marginalised. Ignorance has also played a part but we have been excluded from having access to natural resources even though we are citizens. This process of social exclusion needs to be addressed so we can have a fair share of the national cake. At the moment our lack of livelihood is leading to a lack of respect. Conflict being generated by this does not threaten the dominant groups. We are not talking about a struggle for power. Indigenous peoples are not going to chase the others out of the country.’

Crispin Mutimanwa Lusanbya also made the observation that ‘In Congo the Mbuti are not respected as Congolese. Why? Because they lack citizenship papers.’

Taking up the issue of Petrus Vaalboo’s comment about the handicap posed by limited representation, Juvenal Sebishwi, APB (Association pour la Promotion Batwa), attributed their lack of elected representatives to their small population size. ‘We need to have some

means to represent ourselves – that is what self-determination means. Otherwise laws and human rights will be disregarded. How many conservation agents are Batwa? How many Batwa have been employed in conservation?’

### **3 Batwa views of conservation and the need for cooperation between the conservationists and the Batwa**

Mburanumwe Chiri Anicet identified the need to be clear about what the Pygmies were seeking. If they were in favour of conserving biodiversity, what was meant by saying the land should be given back to the indigenous people? Were they aware of the importance of conservation?

Albert Kwokwo Barume replied that the Batwa ‘depend on the animals and have no interest in their extermination. It is sad if we are denying these people their right to their property. First we need to recognise that these people had land and had their land taken away. We can start a dialogue on that basis. We are not saying that the animals in the forest should be killed. Our opinions are not really contradictory and we do have a basis for dialogue.’

Makelo Sinafasi, Coordinateur, Action d’Appui pour la Protection des Droits de Minorités en Afrique Centrale (AAPDMAC) agreed with this point: ‘indigenous peoples should not be considered to be opposed to nature conservation – we have occupied these areas for thousands of years and the forests are there undepleted.’

Crispin Mutimanwa Lusanbya: ‘If conservation organisations want to remove people they should first prepare a good place for them to resettle. To avoid having endless seminars on this problem we ask that you give part of Kahuzi-Biega back to the Pygmies so they can undertake development activities. If they don’t want to allow us back they should at least allow us to press for our rights. The Pygmies who work in the Park get paid enough to live for three days from working for 30. What kind of job is that? Then we hear that conservation agencies do not want us to press for our rights!’

Chantal Shalukoma, Coordinatrice des activités de surveillance, PNKB, suggested a parallel procedure to allow both sides of the question to be aired: ‘After these international meetings, a report needs to be made to the general public. We also need to start with real studies that present these situations without passion. We need to have a second presentation of these situations from the point of view of the nature conservationists, this will help us to find solutions. But it is not good for indigenous peoples if the conservation organisations are not allowed to make their presentations; we need to hear both views if we are to promote collaboration.’ Joseph Itongwa Mukumo drew attention to the existing documentation (listed in the case study bibliography) and expressed his belief that conservation organisations do already have considerable representation. Talking of his own experiences in the name of conservation, he explained, ‘it was we people who got chased away from the 540,000 ha and now the government is unable to manage this area. GTZ has tried to set up some development projects but they were not based on the needs of

the people – we were provided with some metal roofing and stand pipes but this does not really answer our problems – people need food: we need roads so we can get to market and maybe sell crafts and get some salted fish to fulfil our needs. The projects have not been effective: after six months the stand pipes do not work and none of those who installed them would ever drink such water.’

The discussion having highlighted areas of tension between indigenous peoples and conservationists, it also acknowledged that this conference provided the ideal forum for achieving consensus, as expressed by Isaya Naini, Projects Manager, Community Research and Development Services (CORDS): ‘We should not feel divided into two teams. We need to admit that the Pygmies were chased from their homelands – this is a reality we have to face. Projects cannot succeed if you try to intimate that people should not be involved. We have to start by admitting the problems and facing our fellows. If we are not saying they should return to their homelands, can they be provided with an alternative livelihood? We need to work together to find a solution.’

Makelo Sinafasi’s contribution brought the discussion to a close: ‘The title of this conference suggests we have already agreed on the principles. We agree that nature conservation is valid but that it needs to respect international law. So it is useless to have one group arguing against another, just as it is useless to have protected areas that deny indigenous peoples’ participation. So please let us put an emphasis on putting these principles into practice, after all groups like the WWF and IUCN have already agreed that indigenous peoples must take part in protected areas if they are to succeed. In March we held a workshop in Bukavu for the Pygmies of the Kahuzi-Biega National Park funded by the SSNC. We identified our problems and we now plan a second workshop to explore ways forward. So let’s use this time now to make concrete proposals.’

---

## Notes

- <sup>1</sup> This comment was made the following day, during a review of the previous day’s discussions. It is included here to keep it in context. – Ed.