There’s a long, long way to go: the story of FPIC in Cameroon’s Ngoyla Wildlife Reserve

WWF, the World Bank and the Government of Cameroon have hailed the Ngoyla Wildlife Reserve in Cameroon as a success for conservation. However, the Reserve was created on the customary lands of local communities including the indigenous Baka, who depend on forest resources for food, medicine and shelter, as well as for maintaining their cultural and spiritual traditions. With the gazetting of the reserve, the forests that the Baka have used sustainably for millennia have been taken from them, and they are no longer able to pursue their traditional activities.

Forest Peoples Programme and our local partner Okani accompanied local communities affected by the Ngoyla Reserve for over three years. Our work with the communities revealed that the Government and WWF – who played a key role in creating the Reserve – did not follow a proper process of free, prior and informed consent for the creation of the Reserve and that “benefits” for communities have been inadequate or ineffective. This has resulted in impoverishment, social hardship and cultural loss for the communities, who have received no compensation for the loss of their lands.

This briefing presents a summary of our findings from these three years of engagement with affected communities, which are described in detail in our full report, published in French, earlier this year.

In 2014, the Government of Cameroon, in close collaboration with WWF and the World Bank, created the 156,000-hectare Ngoyla Wildlife Reserve. The Reserve – whose creation was accompanied by the zoning of five new forestry concessions covering close to an additional 500,000 hectares in the same forest block – was created on the lands and territories belonging to the indigenous Baka peoples and their Bantu neighbours.

Despite WWF’s and the World Bank’s respective policies on indigenous peoples, no serious regard was given to these communities’ rights to this land – which are not respected under national law – and the creation of the Reserve was not subject to a free, prior and informed consent (FPIC) process of the form required by international human rights law. Communities had no genuine ability to give or withhold their consent to the creation of the Reserve, nor to have any serious influence on its boundaries, operations or rules. They received no compensation for the loss of customary lands, and the social benefits promised by the project mostly failed to materialise.

The result, unsurprisingly, has been impoverishment, social hardship and cultural loss for indigenous communities in the region. For a period of over three years while the projects were underway, Forest Peoples Programme (FPP) and our local partner Okani accompanied the affected communities. This briefing, which summarises our experiences and findings over this period, illustrates that there is a still a very long way to go for conservation organisations, governments and other actors to truly respect human rights in conservation projects in the Congo Basin.

“... all our activities (fishing, hunting, gathering) are done primarily in what will be the Reserve, and we can’t continue to practise them.”
– Baka man, Assoumindele
The genesis of the Ngoyla Wildlife Reserve

The story begins in 2008, when WWF and the World Bank – in collaboration with the Cameroonian Ministry of Forestry and Fauna (MINFOF) – proposed two complementary projects related to the land use zoning of the Ngoyla Mintom forest block. The preliminary indicative zoning of the area – undertaken by WWF at the request of the Cameroonian government – suggested a partition into several forest management units for “sustainable forestry”, alongside the creation of a wildlife reserve.

The Ngoyla Mintom forest block, however, is not only rich in natural resources and biodiversity – it is also home to about 12,000 people, of whom 30% are indigenous Baka. The Baka are hunter gatherers that have been using the forests of the Congo Basin for millennia and continue to rely heavily upon them for their livelihoods and culture. They live alongside agriculturalist Bantu communities who also depend on forest resources, although this is less central to their livelihoods and culture. The relationship between Baka and Bantu is complex, reflecting many aspects of mutuality and exchange, but also a significant degree of marginalisation of the Baka by the Bantu. The forest lands used by the Baka and the Bantu overlap (although they use them differently), and both have protected rights to these customary lands under international law.

Under the safeguard policies of the World Bank and WWF’s indigenous peoples’ policy, each of these actors was required to ensure projects it supported or participated in applied the principle of FPIC. This needed to be applied with particular care in a country where customary land rights are poorly protected at the national level, as there was an obvious and significant risk from the outset that customary rights of indigenous and local communities in the area could be violated.¹

“The Baka can no longer enter the forest. Our forest is now occupied by the government, which has really reduced our space. We can’t go into the forest and collect forest products. We can’t transmit our knowledge to the next generation. It is four years now since I stopped going into the forest. WWF and the ecoguards came and told us ‘no one can go into the forest anymore.’ If we continue to enter the forest, we are threatened. I went in and I was beaten.”

– Baka woman, Ndjadom

Maps showing the Ngoyla Mintom forest block (top) where the Ngoyla Wildlife Reserve was created, and (bottom) the multiple forestry concessions and municipal forests created at the same time, as part of the zoning facilitated under the WWF and the World Bank projects.

Some preliminary community consultations were carried out in 2011 and 2012 in the framework of the two projects (including some carried out by Okani). However, at this time boundaries for the Reserve had already been proposed without any regard to or knowledge of the location of communities’ lands – and overlapping them substantially. During these consultations, communities indicated that they were inclined to support the project on the very clear condition that their access to and use of the lands for their traditional activities was not affected. This condition was insisted upon by communities throughout the entire lifecycle of the project.

Yet even before the Reserve’s creation, community access to lands and resources was already being seriously restricted. Ecoguards (supported by WWF funding) started to patrol the forest. They began enforcing existing, restrictive hunting laws. These laws had existed before the current project (again having been imposed without regard to traditional rights), but as the zoning approached, their enforcement was substantially increased, so that their force was felt by many communities for the first time. The ecoguards also took actions beyond legal enforcement, with theft of legal bushmeat from the Baka, intimidation and harassment of community members, and more seriously, there were repeated reports of violent physical abuse. The situation was so serious that when FPP and Okani spoke to communities in the area (in the context of an entirely different project) in late 2013, before the Reserve had even been created, communities cited conservation agents as “the most hateful and violent” actors that they were faced with.

In 2014, the Reserve was created by decree. In principle under Cameroonian law, an access and use regime can be developed for a wildlife reserve, but none had been developed when the Reserve was created. This was deferred to the later development of a management plan and access and use agreements (called memoranda of understanding, or MOUs). In this legal vacuum, ecoguards took the approach that all activities in the Reserve were now prohibited, and they used their powers accordingly. And of course, the fact that Reserve had been created without conditions for access and use having been negotiated and agreed meant that, by definition, it was impossible for communities to have given informed consent.

FPP and Okani began regularly accompanying communities affected by the Reserve from late 2015, after having conducted an evaluation of the state of FPIC in the project and being left with serious concerns about the process underway and the effect of the project on communities’ rights.

Beyond the issues of FPIC – of which there were many, as highlighted below – there were also serious concerns with the conception and/or realisation of a number of the “community benefits” proposed by the project. One such benefit was the creation of community forests. The Baka had indicated they wanted their own community forest, a reflection of the repeated marginalisation and exclusion they faced at the hands of Bantu communities. WWF’s response was to create one “Baka” community forest for two Baka communities – one of which lived more than 10km distant from the forest’s location – and to create so-called “mixed” (but in reality Bantu) community forests on lands used both by Baka and Bantu communities. The entirely foreseeable result was the exclusion, in practice, of all Baka from the Bantu-led community forests that affected the land where the Baka lived. Moreover, the Baka received extremely limited training or accompaniment on management of a community forest, and were preyed upon by external foresters who quickly extracted significant timber from their community forest. The communities allege (although WWF denies) that WWF staff were involved in making the arrangements in order to assist to pay for the development of the management plan required by law (but which never materialised). No written contract for the timber extraction exists, which is itself an irregularity under the law.

Beyond the community forests, the project also promised to provide social infrastructure and support income-generating activities for alternative livelihood projects. For the former, as there are only two Baka chiefdoms recognised in the entire Ngoyla Mintom forest block, these were the only two Baka communities (out of nine affected) that benefitted from such social infrastructure. That is to say, the majority of Baka communities were systematically omitted from the benefits of this investment. For the latter, these have been an abject and total failure. Indigenous communities agreed to alternative livelihoods activities with no guidance or understanding of what these activities might entail. Several projects involved livestock rearing – something which is particularly unsuited to indigenous peoples, given their seasonal travels to forest areas for hunting and gathering activities, and their aversion to domestically-reared meat. None of the projects that FPP and Okani witnessed, whether in Bantu or Baka communities, was a success; not only were the Baka systematically excluded from them, but no microprojects were reported by communities to be operational and/or providing income at the end of the project.
Failures in the FPIC process

There were major failures in the FPIC process. In Cameroon, the term “FPIC” seems to be equated by many actors with simply holding “information meetings” or inviting tokenistic indigenous representatives to participate, outnumbered, in larger meetings. This project showed all the hallmarks of that approach. Some of the major problems witnessed by FPP and Okani include:

- No basic acknowledgement of the customary rights of indigenous and local communities to their lands, territories and resources, to practise their culture, etc – the key rights which an FPIC process arises to protect. This undermined the entire approach to FPIC. As a simple starting point, no project should be planned on community lands – even on a provisional basis – without first taking steps to engage communities in consultation, and to undertake a preliminary land tenure assessment to identify clearly the rightsholders and the lands and resources to which their rights pertain.

- Decisions were taken before any consultation – and as such there was never any real right for the communities to say no, or even to affect in any serious way the details of the project. The indicative zoning of the area took place before the projects started, and before any consultation, and overlapped massively with community lands. While in principle this zoning was indicative, in reality, the negotiations had already been undertaken with MINFOF. In a centralised, authoritarian context such as Cameroon, there was no realistic possibility communities could influence this zoning after it had been agreed (and this was demonstrated in practice when MINFOF, during negotiations, would not even discuss community requests for a revision of the boundaries);

- The Baka’s fundamental condition for their acceptance of the project – that they be allowed to continue to access and use the forest for their livelihood activities as before – was ignored and not implemented. Baka communities experienced serious restrictions on access to the forest that have still not been resolved;

- Although several information meetings were held with communities, the information given to communities was insufficient, biased or non-objective. Translation was not always used for Baka communities;

- There was an abject failure to make communities aware of the potential risks and consequences of the project for them, particularly with regard to their customary rights to land. In the legal and socio-political context of Cameroon, it was always clear that there were serious risks that Baka access and use rights to lands would not be maintained. Yet this was never admitted to the Baka;

- There was limited time permitted for consultation processes, and very short deadlines were given to communities to react or make decisions;

- No steps were taken to involve women in the process;

- No compensation was offered for the impairment of the rights affected by the project, in violation of the requirements of international law. The tacked-on benefits (which WWF specifically told us were not “compensation”) were ill-adapted, inadequate, and extremely poorly executed. Social infrastructure investments were not distributed equally or equitably, and compounded the marginalisation of Baka communities who do not have separate administrative recognition.
Status at the end of the project

Several of the major problems with the project were evident in 2018, when the WWF project was finalised and FPP wrote up its full report. These include:

- Under pressure, Baka community representatives had signed an “MOU” – an access and resource use agreement – with the government. The contents were widely unknown and even less well understood in Baka communities. The agreement gave Baka some access and use rights in a small portion of the Reserve, but these were very restricted (for example the agreement allowed Baka to hunt only six mammal species – all others were protected Class A and Class B animals). The majority of the Reserve was designated as strictly forbidden. In mid-2019, FPP conducted a follow up review with communities to investigate how the MOU was working in practice, on which a report will be published shortly.

- Only two of the nine affected Baka communities had benefited from any social infrastructure (such as schools, wells, housing). The alternative livelihoods projects had all failed completely.

- The Baka community forest was under exploitation by a commercial forestry operator. They had received some payment, although it was impossible to assess whether it corresponded to the real value of timber removed. The communities were totally unaware of how these arrangements had been made and by whom, and many did not support timber exploitation in their forest. No support was provided by the project to prepare a simple management plan, which was required if the provisional community forest was to be made definitive.

- “Community-managed” hunting areas were now being proposed in the zone. Despite their disproportionate dependence on hunting, the area proposed to be managed by the Baka was substantially smaller than Bantu areas (and not even proportionate to the relative size of their population). Many Baka communities were too far from the proposed hunting zone (well over 50km) to be able to benefit from it, and the areas used by those communities were to be included in Bantu-managed hunting zones.
Recommendations

1. WWF, MINFOF and other actors must seriously review and transform their conservation strategies, by removing the de facto “fortress conservation” approach that currently exists, and prioritising community-based and -led conservation approaches that support the ownership and sustainable use and management by communities of their traditional territories.

2. WWF, MINFOF and other government and conservation actors need to begin consulting, genuinely accommodating, and seeking preliminary consent from communities in project discussions from the earliest moments of their discussion and conception. The practice of pre-planned projects being implemented “on” communities must end.

3. Except in cases of urgency or genuinely exceptional circumstances, no decree or other definitive instrument that affects communities’ rights should be issued at all until negotiations over its full effects have been completed and consent has been secured. Where a decree is issued in exceptional circumstances (or where such decrees have already been issued), MINFOF should ensure (a) that there is clear interim protection for communities’ rights; and (b) in the absence of further agreement, communities’ pre-existing rights will continue to be respected indefinitely.

4. MINFOF needs to systematise and formalise the provision of information to communities, which should also be made public so that independent organisations of support to communities (such as local civil society organisations) can provide advice and counsel to communities on technical areas. As a starting point, MINFOF should provide a project document which summarises the nature of the project, its scale, scope and duration, its positive and negative consequences and risks for communities, with a particular attention to any effect on communities’ human rights. In principle, if communities are effectively consulted from the earliest stage, such documents should be developed jointly with communities rather than imposed after planning has already taken place. MINFOF should also provide communities with physical copies of all decisions or official documents (such as decrees, administrative decisions, environmental and social impacts statements, management plans, maps etc) which relate to the project and have a bearing on communities.

5. In consultation with communities, WWF, MINFOF and other government and conservation actors should put in place a protocol for community validation of documents or decisions. This protocol should be validated by communities, and should ensure at a minimum that (a) validation of documents take place in each community, during an open community meeting; (b) indigenous communities have a separate validation process from Bantu communities; (c) communities are given sufficient time (and independent assistance if required) to review, understand and comment on the document for validation if necessary; (d) the community decision-making procedure is participatory and accepted by the community as a whole; (e) a community validation is invalid (and capable of being set aside) if these procedures are not followed.

6. The Cameroonian government must reform its property laws so that they are in conformity with its international law obligations. Specifically, these laws must recognise the full extent of existing customary rights to own, occupy, manage and use lands, territories and natural resources on an equal basis with all other property rights. Customary rights should only be encroached upon in exceptional circumstances, with the FPIC of affected indigenous peoples and local communities, and on the basis of just and equitable compensation. Until such time as they have been explicitly incorporated in national law, MINFOF, WWF and other conservation actors should nonetheless treat them as binding as part of a rights-compliant approach to conservation.

7. Project promoters, including WWF, the World Bank and the Cameroonian government, should systematically review the costs associated with consultations (and how these costs are allocated), to ensure sufficient resources are dedicated for this.

8. Any actor proposing to limit access or use of land and natural resources by local communities must consider much more thoroughly the real value of existing use to communities, to avoid the costs to communities being systematically underestimated. Such analysis should be developed with, shared with and validated by communities.

9. All propositions for compensation should be presented as such – as compensation for losses that a project will bring to communities, rather than as “benefits” that a project will “give” to communities. Communities should be told of the nature, timing and arrangements for provision of compensation, and should be able to propose alternative arrangements. As a matter of principle, compensatory measures should be implemented in advance of any restrictions that will affect communities. In addition, projects should not treat as “compensation” goods and services that reflect the provision of fundamental human rights (education, health) which the government has the obligation to, but has neglected to, provide. Where these are provided in the course of a project, they should be in addition to full compensation for losses.
Conclusion

Conservationists are wont to say – and often believe – that fortress conservation is a thing of the past. But experiences in the Congo Basin – of which the Ngoyla Wildlife Reserve is unfortunately only one example – give the lie to this claim. There is a real need for conservation actors to go beyond the well-publicised rhetoric around human rights in conservation, and take a good hard look at the practices that continue to exist in some parts of the world.

The negative impacts of conservation projects on indigenous peoples are far from negligible. In a context where the customary land rights of indigenous and local populations are not recognised or protected (whether fully or at all), conservation projects in the Congo Basin continue to involve, in effect, land grabbing and the imposition of significant constraints on access and use over large areas of forest that were previously used freely by indigenous peoples. The “benefits”, if they materialise at all, never make up for the real loss and the consequence is frequently impoverishment of communities, and particularly indigenous communities. This impoverishment is not only material, but also educational, cultural and spiritual, because for indigenous peoples, lands and forests are a repository of their history, culture, and traditional knowledge.

The actors in this field – the Cameroonian government, WWF and the World Bank in this case, although this problem is by no means limited to these projects, these actors or this country – must profoundly change their strategies and their way of engaging communities. Conservation projects can no longer be designed in offices in Yaoundé, Gland or Washington. Conservation actors must learn to approach indigenous and local communities directly, hold genuinely open discussions explaining the challenges, problems and opportunities that conservation actors are trying to address, and explore together how to face them. There is a need to transform conservation in Cameroon so that it is led by communities themselves, and involves clear and unequivocal respect for their rights, needs and aspirations. In a country in which the State struggles to manage remote forest areas successfully, an effective conservation strategy needs to include indigenous and local communities living in these areas as allies, not as enemies. Indigenous communities are throwing down the gauntlet – but they are also reaching out to conservation actors so that together, they can develop a better approach.

Endnotes


ii Many of these restrictions were created by the 1994 Forest Law and its 1995 implementing decree.