



# Conflicts around Virunga National Park: Grassroots perspectives

# Acknowledgement

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## Executive Summary

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Virunga National Park, a UNESCO world heritage site in eastern Democratic Republic of the Congo, is beset by conflicts. This report analyzes the perspectives of people living in the southern Virunga area on the main sources of tension between them and the park. They perceive these tensions to relate to:

1. Conflicts around the park's boundaries, access to natural resources, and human-wildlife conflict;
2. The park's law enforcement activities and the behavior of park guards;
3. The park's approach to community engagement, decision-making, and development projects.

The report is based on first-hand testimonies of people living in the vicinity of the southern and a part of the central sector of the park, gathered during long-term field research conducted between 2012 and 2019. These testimonies were verified against and complemented by information from a wide range of other sources, including the park itself, Congolese and international non-governmental organizations working in and around the park, local authorities, and state services.

The report is primarily a perception study, which puts the diverse views and experiences of people living around the park center stage. This choice does not imply we consider the positions of the park irrelevant: they are important, and we have taken care to study and understand them. Yet within international media reporting and the park's publicity, the population's views have so far received limited attention. A better understanding of these views, including when and why they do not correspond with those of the park, is crucial for fostering dialogue and avoiding misperceptions.

Promoting dialogue also requires talking about sensitive matters, such as human rights violations by park guards. Discussing these issues should not lead to downplaying what works well and the immense efforts invested by the park and its personnel into protecting biodiversity. All too often, polarizing positions crystallize between supposed supporters and antagonists of the park. This paralyzes debate and analysis. Recognizing problems and conflicts –without neglecting positive aspects– is the only way out of this dead-end street. In respect of the three main sources of tension identified above, we summarize below our principal findings and recommendations. A full set of recommendations can be found at the end of the report.

## **On disputes around the park's boundaries, access to natural resources, and human-wildlife conflict**

The boundaries that were demarcated in the past do not always correspond to the geographical coordinates that the park currently follows. Therefore, the 'lived boundaries' that people know through natural markers in the landscape, such as hills and rivers, sometimes differ from the boundaries that the park now enforces. To reduce conflicts, these lived boundaries should be taken into account.

As a result of poverty, but also out of a sense of entitlement related to past and current grievances, people enter the park to cultivate land and access other natural resources, including fish and wood. The most destructive forms of resource exploitation, in particular charcoal production and illegal fishing on Lake Edward, are 'protected' by armed groups and the Congolese army. Many people depend on these activities for their income and for fuel. Efforts to combat these illegal practices should simultaneously address demand and supply, combining pressure on armed actors with providing alternative opportunities for livelihoods and cooking fuel.

In certain areas, people who cultivate close to the park see their crops regularly destroyed by wild animals. They receive no compensation for the lost harvest. This drives poor smallholder farmers further into poverty. It also fosters a negative image of the park. While the park has built nearly 100 kilometers of electric fences to keep animals in the park, the farmers we contacted believe the park is not doing enough to prevent or address the issue of crop destruction. Efforts to reduce human-wildlife conflict must be intensified, including by building more fences and supporting vigilance and deterrence techniques.

## **On experiences of the park's law-enforcement approach and park guards' behavior**

The people we contacted for this research have the impression that in recent years, the park has adopted a stricter policy towards those encroaching upon its territory to cultivate, gather firewood, produce charcoal or fish illegally. From 2010 onwards, park guards have also engaged in joint patrols and operations with the Congolese army to deter armed groups involved in resource exploitation and protect civilians. To implement these policy changes, the paramilitary ranger body was partly replaced and rangers' training transformed. The training curriculum for new recruits now includes endurance and military tactics, provided in part by former Belgian commandos.

The aim of these changes was to better protect civilians and the park's resource base. Yet they also appear to have a number of unintended consequences that may ultimately undermine these goals. The park apprehends several thousands of people a year. In 2018, 423 of those apprehended were sent to justice. Around a quarter of these were transferred to the military prosecutor's office – a practice that is criticized by human rights defenders. Frequent apprehensions and arrests feed into resentment towards the

park. Arrests are also a heavy economic burden, as arrestees lose time from work and have to pay hefty fines and sometimes illegal bribes – to judicial officials. Frequent arrests therefore drive individuals and families further into poverty, which increases incentives to enter the park to exploit resources. To end this negative cycle, alternative ways of dealing with offenders must be explored, not least because the Congolese justice system has limited legitimacy and is not free from corruption.

Arrests and joint operations with the army sometimes involve the harsh treatment of citizens, and occasionally result in human rights violations. Victims do not always report these abuses. The reasons they invoked for this include fear, believing reporting is useless, a lack of resources and not knowing whom to address. When no reporting takes place, the park cannot follow up on these incidents. The under-reporting of misconduct by park guards therefore undermines accountability. While the park has addressed this issue by opening a toll-free phone line, this initiative is not yet widely known, implying awareness-raising efforts should be intensified. In addition, donors should step up support for human rights organizations operating in the park area.

Abuses by park guards raise questions about the adequacy of their training, in particular whether they received sufficient training in interacting with civilians, and in international humanitarian and human rights law. Rangers sometimes appear to confuse civilians with armed group members, both in discourse and during armed confrontations. They also seem insufficiently prepared for law enforcement in non-violent settings, such as crowd control during demonstrations, and arresting unarmed farmers.

Our research found that local residents generally welcome the increasing number of female park guards, even though they rarely encounter them. Many are however skeptical as to whether more women will lead to fewer conflicts and better relations, in particular as long as women are not well-represented in decision-making positions. It is therefore important to speed up the integration of women in the park's hierarchy, an issue the park is very committed to.

### **On perceptions of the park's approach to community engagement, decision-making, and development projects**

A significant proportion of the people contacted for this research had the feeling that the park does not listen to them, and has a top-down style of management. Many also appeared to have a limited understanding of the park's management structures, including the public-private partnership between the ICCN and the Virunga Foundation.

The creation of Virunga SARL, a company that commercializes the electricity generated by hydroelectric plants built by the Virunga Alliance, has created further confusion. People do not understand that its profits are reinvested in conservation activities and social projects, and therefore see the creation of the company as evidence that the park

is increasingly interested in doing business rather than protecting nature. Moreover the majority of the population in rural areas cannot afford the generated electricity.

The feeling of deriving limited benefits also extends to tourism, the second major component of the Virunga Alliance. The people we interviewed believed that job creation in this sector is overall limited and concentrated in the few areas where tourism takes place. The vast majority of the population in the Virunga area are smallholder farmers with low levels of formal education, which renders it difficult for them to access these jobs. Projects that benefit this group more directly will have a bigger impact on improving park-population relations. In this light, the agricultural projects recently started with the support of the Virunga Alliance are a welcome development, as long as a top-down management will be avoided, and the programs will be designed and implemented together with farmers.

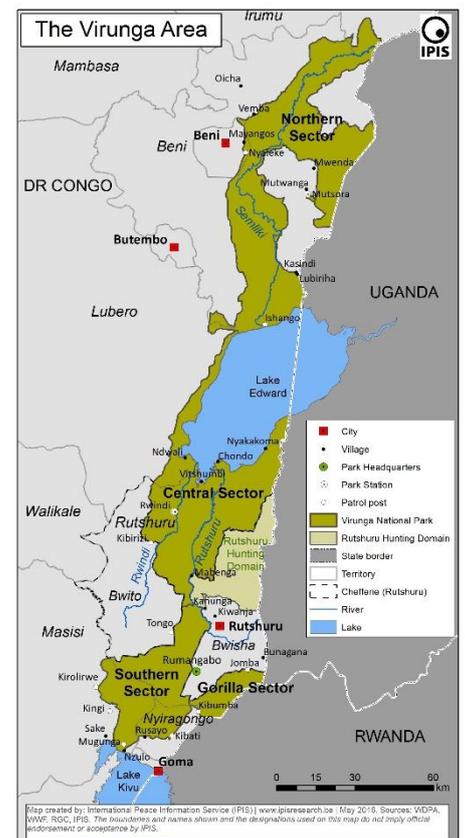
Based on our findings, we conclude that the park should engage more with smallholder farmers and include their views in decision-making processes. At present, the perceptions and difficulties of people living next to the park are not sufficiently addressed. Local NGOs should therefore step up their efforts to bring inhabitants' experiences to the attention of the park and its donors. Exploring the population's views in all their diversity and taking them into consideration is a daunting task. However, it is the only way to improve the currently tense relations between the park and residents of the wider Virunga area.



## Introduction

Virunga National Park, created in 1925, is located in North Kivu province in eastern Democratic Republic of the Congo (see Map 1). It has an extraordinary biodiversity, and is home to the endangered mountain gorilla. The park and its surroundings are a zone of ongoing violent conflict, and one of the Congo's most densely populated areas, with on average between 250 and 300 inhabitants per km<sup>2</sup>.<sup>1</sup>

Similar to other parks in the colonial era,<sup>2</sup> Virunga's creation was accompanied by the dislocation and expropriation of local populations. This sparked conflicts, as people



Map 1. Virunga National Park

<sup>1</sup> 'Rapport de la mission conjointe de suivi réactif', p. 21.

<sup>2</sup> Neumann, *Imposing Wilderness*.

were no longer able to access their ancestral grounds and related natural resources, creating hardship and rancor.<sup>3</sup>

This conflict-ridden past still shapes relations between the park and neighboring populations today. In addition there are many other issues that create tensions between the park and local residents. Based on our research, we established that the people living next to the park identified the following as the main sources of tension:

1. Conflicts around the park's boundaries, access to natural resources and human-wildlife conflict;
2. The park's law enforcement activities and the behavior of the park guards;
3. The park's approach to decision-making, community engagement and development projects.

The conflicts surrounding these issues relate to the relationship between 'the park' on the one hand, and 'neighboring populations', the majority of whom are small-holder farmers, on the other hand. These are not homogenous categories nor the only actors shaping conflict dynamics in the area.

'The park' is shorthand for the park's management and personnel. Through a public-private partnership signed in 2005 and renewed in 2011 and 2015, the *Institut congolais pour la conservation de la nature* (ICCN, Congolese Institute for Nature Conservation) transferred the responsibility for the park's technical, administrative and financial management to the UK-registered non-governmental organization (NGO) the Virunga Foundation.<sup>4</sup> The NGO's director also acts as the park's chief warden. The armed rangers operating in Virunga fall under the ICCN, and have a paramilitary statute.

'Neighboring populations' is shorthand for the hundreds of thousands of people living within a day's walk of the park's boundaries. They constitute a very diverse group that holds differing views on the park. They include customary and administrative authorities, and people exercising a wide range of different professions (such as farmers, fisherfolk, small-scale traders, masons). These women, men, and children belong to different generations and varying ethnic, professional, religious and other social groups. Moreover, they have diverse socio-economic positions and political orientations. Between all these different groups, there are numerous conflicts. We should therefore be cautious not to treat 'the population' as a homogenous group.

Other important actors who influence park-people conflicts are the multiple armed groups operating on the park's territory and the *Forces armées de la république démocratique du Congo* (FARDC, Armed Forces of the Democratic Republic of the Congo). These armed actors facilitate the illegal exploitation of resources and aggravate

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<sup>3</sup> Nzabandora, 'Plantations européennes'; Nzabandora, 'Les leçons des conflits'; Vikanza, *Aires protégées, espaces disputés*; van Schuylenberg, 'De l'appropriation à la conservation'.

<sup>4</sup> The details of the transmission of particular management responsibilities are outlined in 'Management contract between ICCN and Virunga Foundation', March 2015. On file with the authors.

social and political conflicts. While armed groups are important for understanding conflict and security dynamics in the park area, they are not the focus of this report, given that we have discussed their role elsewhere.<sup>5</sup>

Another category of actors who shape conflicts in the park area is politicians. To gain political support and votes, provincial and national members of parliament sometimes use anti-park rhetoric, and encourage people to occupy land located in the park or to resist its policies.<sup>6</sup> However, politicians would not be able to capitalize upon anti-park sentiments, were these not already prevalent. We therefore consider the view that negative feelings towards the park are only the result of ‘intoxication’ simplistic, without denying that politicians indeed aggravate these feelings and use them for self-interested purposes.

A final group of actors of relevance is Congolese authorities other than the ICCN. The Congolese state bears primary responsibility for the security and wellbeing of people in the Virunga area, and their access to basic services. Nevertheless, due to its economic and political weight, the park and its policies heavily shape broader security dynamics and the socio-economic situation in the area. As such, it can make an important difference.

## Methodology

The report’s authors have conducted periodic field research in and around Virunga National Park over a long period of time: Judith Verweijen and Evariste Mahamba in 2010, 2012 and 2019; Esther Marijnen between 2014 and 2019, Janvier Murairi and Saidi Kubuya in 2017 and 2019; and Chrispin Mvano between 2008 and 2018. We have primarily used qualitative research methods, in particular semi-structured interviews with key informants and people living around the park as well as observations, for instance, at illegal charcoal markets. Prior to 2019, we conducted cumulatively over 600 interviews in 55 different locations in and around all three of the park’s sectors (North, Centre and South, see Annex I for more details).

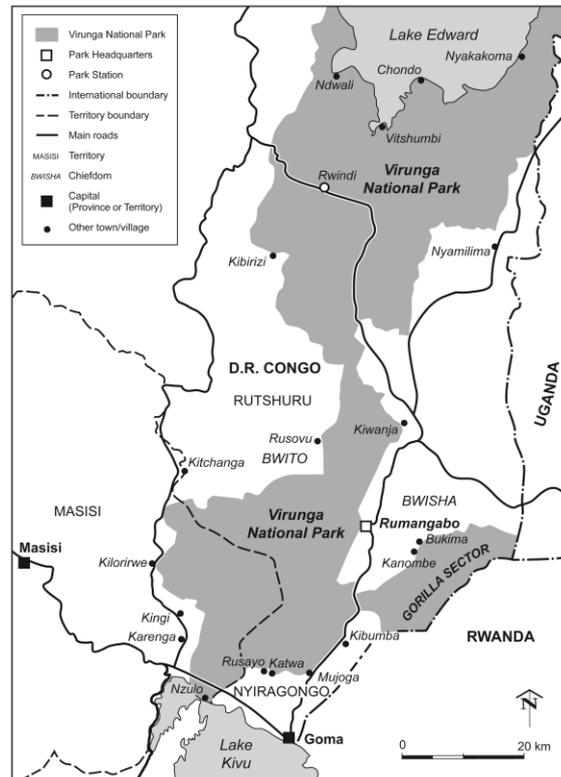
Interviewees included customary authorities; members of community-based organizations; members of armed groups; local and provincial administrators; and members of the security services. In addition, we contacted numerous current and former employees of the ICCN and the Virunga Foundation, including park guards and the park’s chief warden, and staff from national and international NGOs working in the park area.

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<sup>5</sup> The role of armed groups in conflict dynamics in the park has been discussed elsewhere, see Verweijen and Marijnen, ‘The counterinsurgency/conservation nexus’.

<sup>6</sup> Idem; Vikanza, *Aires protégées, espaces disputés*.

In 2019, we explored the perspectives of the population living next to the park in a more in-depth manner, by conducting focus groups in 11 different localities in the park’s southern and central sectors (see Map 2).<sup>7</sup> In each village, we held two focus groups lasting between one and two hours with either eight men or eight women per group. All focus groups except for one (which was conducted in Kinyarwanda) were conducted in Swahili, the lingua franca of the eastern Congo.<sup>8</sup> Participants were selected by our key contact in the village, who was someone from a community-based organization that we knew through the broader network of civil society in North Kivu. The selection was made on the basis of the following criteria: participants had to be from the most common professional groups in the area (e.g. farmers, fisherfolk) and should not be known as community leaders or civil society activists; given that these categories were contacted separately in key informant interviews. In addition, no focus groups were permitted to be made up of people all working in the same profession.



**Map 2. Part of Virunga National Park where we conducted the focus groups**

Information from focus groups was complemented by semi-structured interviews with key informants conducted in the same 11 localities and in North Kivu’s provincial capital Goma. Interviewees included customary authorities, youth leaders and civil society actors, and were generally interviewed in small groups of between two to four people. In addition, interviews were held with eyewitnesses and relatives of alleged victims of abuse. To analyze the park’s law enforcement policies, we also contacted judicial professionals (lawyers, magistrates, and prosecutors), representatives of international organizations, including the United Nations Joint Human Rights Office, and employees of the park.

In total, we interviewed 326 people (see Annex II). Most interviews were conducted on the basis of anonymity; and where sensitive information was conveyed, extra care was

<sup>7</sup> The eleven sites where focus groups were conducted are: the neighbourhood of Lac Vert (part of the city of Goma); the villages of Nzulo (Masisi territory), Katwa, Mijoga, Kibumba (Nyiragongo territory), Kanombe, Nyamilima, Vitshumbi, Rumangabo and Rusovu (Rutshuru territory) and the town (cité) of Kiwanja (Rutshuru territory).

<sup>8</sup> Focus groups were conducted by Evariste Mahamba, Janvier Murairi, Judith Verweijen and Saidi Kubuya.

taken to remove identifying information, implying dates and locations of interviews are withheld in the footnotes.

While building on the findings of our previous research, this report mostly draws on the 2019 research, and therefore discusses dynamics in the southern and a part of the central sector only. The report emphasizes the views of the focus group participants, the majority of whom were small-holder farmers and their families.

During note taking and data analysis, we marked which views were shared by the majority of the focus group, and which views appeared points of contention. We coded majority views to identify recurrent themes and dominant opinions. Observations stemming from key informants were only included in the report when verified by at least three independent sources. The report was also peer reviewed by three scholars with extensive knowledge of the eastern Congo.

The study we conducted in 2019 is subject to a number of limitations. First, it concerns a perception study, which is not necessarily concerned with providing ‘objective analysis’. Nevertheless, we have tried to identify factors that explain the encountered perceptions, and cross-verified events and facts that our interlocutors referred to, in order to not reproduce inaccurate information. Moreover, in this report we highlight the experiences and perspectives shared by most of our informants. Views articulated by a comparatively low number of people are therefore generally not included. As indicated, the encountered views and experiences were diverse; and the scope of this report does not allow for exploring this diversity in its entirety; it therefore emphasizes general trends. Second the overall number of people contacted living close to the park’s southern and a part of the central sector (292 out of 326 interviewees, excluding state security services, see Annex II) is fairly limited. Although many of the articulated views resonated with those of the 600 people contacted during previous research, we are therefore careful about generalizations. Third, the research was affected by severe insecurity in large parts of the research area. This prompted us to work in a relatively rapid manner, which prohibited us from contacting the exact same amount of key informants in all research sites. Fourth, the presence of a white person during the majority of focus groups may have affected responses. Given that parts of the research area are subject to frequent aid interventions, it may have prompted people to foreground discourses of victimization.<sup>9</sup> Fifth, we were not always able to obtain detailed information or documents from the park, which in some cases impeded efforts to verify information provided by interviewees and Congolese officials.<sup>10</sup>

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<sup>9</sup> For a discussion of ‘victimcy’ during field research, see Utas, *Sweet Battlefields*.

<sup>10</sup> For instance, we were not granted access to a mid-term evaluation of the projects of the Virunga Alliance, or statistics and descriptions of cases referred by the park’s judicial officers to courts.



## Chapter 1

# Conflicts around the park's boundaries and resources

At many sites around the park, people contest the location of its boundaries. These contestations feed into a second source of tensions, consisting of people entering the park illegally to cultivate, fish, gather firewood or engage in charcoal production. A third source of conflict is the destruction of crops by wild animals on fields located next to the park. These different conflicts heavily influence people's perceptions of the park, as they have a direct, tangible effect on their everyday lives.

### Boundary disputes

An important cause of disputes around the park's boundaries is different readings and applications of the legal texts that determine these boundaries. Most of these texts date back to the colonial period, such as the decrees of 12 November 1935 and 15 May 1950. They describe the park's boundaries in terms of features of the landscape, such as hills and rivers, and not on the basis of geographical coordinates. In the past, when demarcating the park's boundaries on the ground, these texts were sometimes wrongly

interpreted. Moreover, those placing the markers often took settlement and land use patterns into consideration, for instance agricultural fields and villages.<sup>11</sup>

As a result, the ‘lived boundaries’ that people know and that are remembered across generations sometimes deviate from the boundaries enshrined in legal texts. Both these sets of boundaries, in turn, diverge from those based on the geographical coordinates, which the park currently enforces.<sup>12</sup> ‘The Virunga National Park has its boundaries, and we know our boundaries’ said a focus group participant in Kibumba.<sup>13</sup>

When the park retakes control over areas where it was previously absent, or barely visible, people sometimes believe that it has changed the boundaries unilaterally, and is encroaching on their land. A good example is Lac Vert, an area on the outskirts of Goma. Many residents believe this area was previously not in the park, but part of a national reserve with different boundaries. According to a local chief, ‘We have lived on the hill of Katwa, which has three avenues Katwa, Rutanda and Rushagara for sixty years. But suddenly we were told that the hill belongs to the park.’<sup>14</sup>

To resolve boundary conflicts, the United Nations Human Settlement Programme (UN HABITAT) and the World Wildlife Fund (WWF) initiated a ‘participatory demarcation’ process around the park. Yet, many of our interlocutors questioned the participatory nature of this process. They felt that the park was ultimately not ready to deviate from the boundaries it judged accurate itself. Moreover, they believed the park showed at times limited commitment to the process<sup>15</sup> – an assessment that the park refutes.<sup>16</sup> This sentiment was also expressed by an employee involved in the project, ‘The process did not evolve a lot, we need to modernize the boundaries but the ICCN is not happy to do so, they are very conservative about the issue, they just say “this is the law”. So it was not very participative, and people will revolt one day. They already destroyed many of the signs we placed around the park. We worked on the project for years, but in many of the places we worked there are still conflicts over the boundaries’.<sup>17</sup>

Another factor that has undermined the effectiveness of the participatory demarcation process is ongoing manipulation by interested politicians, businesspeople and authorities, who have distributed land in the park or claim to own land there.<sup>18</sup> This manipulation tends to be effective as it speaks to deeply rooted resentment about the

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<sup>11</sup> Interview with park spokesperson, Goma, 15.01.2019.

<sup>12</sup> Interview with employee of international organization working on boundary demarcation, Goma, 06.06.2014.

<sup>13</sup> Focus group with men, Kibumba, 07.01.2019.

<sup>14</sup> Interview with local authority, Lac Vert, 05.01.2019.

<sup>15</sup> E.g. group interview with local leaders, Mujoga 04.01.2019; focus group with men, Katwa, 03.01.2019; focus group with men, Nzulo, 02.01.2019; focus group with men, Nyamilima, 10.01.2019.

<sup>16</sup> Written communication with the park, 16.08.2019.

<sup>17</sup> Interview with NGO employee, Goma, June 2014.

<sup>18</sup> Interview with civil society actors, Kiwanja, 14.01.2019; interview with lawyer often handling cases for the park, Goma, 15.03.2019; see also Marijnen and Verweijen, ‘Counterinsurgency/conservation nexus’ and UNSC ‘Final report S/2016/466’, p.22.

way the park was created during colonization.<sup>19</sup> People living around the park emphasize that the land owned by their ancestors was expropriated through unfair and non-transparent agreements. Since their ancestors often did not know how to read or write, they were asked to sign agreements they barely understood.<sup>20</sup>

There is also a deeply held belief that these colonial-era agreements contained clauses about compensation in return for the ceded lands, for instance the construction of schools and roads, which were never respected.<sup>21</sup> As a woman in Mujoga commented, ‘The four hills of Nambumo, Nyakakundi, Shaheru and Kitomva, it is our ancestors who sold them, who made agreements with the ICCN. The latter promised wealth to the community, but up to now, this has never materialized.’<sup>22</sup> While various agreements for ceding land in exchange for compensation were indeed signed, their implementation was often delayed and in some cases did not materialize altogether.<sup>23</sup> This situation has undoubtedly contributed to the widespread perception that these agreements were never respected.

Informants also invoked the issue of (perceived) non-respect for compensation clauses to justify why people occupy land in the park: since the park never respected the agreements, why would anyone else? Observed continuities in the park’s management since the colonial era further reinforce this sentiment. The current director of the park is a Belgian aristocrat who bears the title of ‘prince’. Therefore, many people we interviewed – incorrectly – believe that he is a direct descendant of King Albert who created the park during the colonial era. They often call him Albert’s ‘great grandson’, even though he is not a member of the Belgian royal family. ‘Our grandfathers made an agreement with the grandfather of *de Merode* [current park director], we just ask him to respect the relationship our ancestors had with each other’, commented a man in Rusayo.<sup>24</sup>

While historical grievances around the boundaries of the park persist, simply allowing neighboring communities to occupy and cultivate contested land is not necessarily a good solution. Importantly, it can spark yet other conflicts. In areas where land for cultivation is scarce, the resulting land redistribution may not benefit the smallholder farmers who most need it. In 2013, the park decided to tolerate the presence of farmers in large parts of the *Domaine de chasse de Rutshuru* (Rutshuru Hunting Domain), a disputed part of the park. A number of *gros poissons* (literally ‘big fish’), or rich and powerful politicians, businesspeople and army officers, obtained large tracts of the land. They subsequently pushed small-scale farmers off the land and employed them as cheap day laborers on their new concessions. These events not only pitted smallholders against elites, but also aggravated tensions between Hutu and Nande communities in the area.<sup>25</sup>

<sup>19</sup> See also Vikanza, *Aires protégées, espaces disputés*.

<sup>20</sup> E.g. focus group with men Katwa, 03.01.2019; focus group with men, Vitshumbi, 12.01.2019.

<sup>21</sup> Focus group with men, Katwa 03.01.2019; focus group with women, Mujoga, 04.01.2019.

<sup>22</sup> Focus group with women, Mujoga, 04.01.2019.

<sup>23</sup> See Van Schuylenbergh, ‘De l’appropriation à la conservation’.

<sup>24</sup> Focus group with men, Rusayo, 02.06.2015.

<sup>25</sup> Interviews with civil society actors, Kiwanja, 09.01.2019 and 11.01.2019.

## Contested access to natural resources

Conflicts over the park's boundaries are directly related to disputes over the use of its resources. People often enter the park to cultivate land and collect firewood (*kuni* in Swahili<sup>26</sup>), and wood for construction, as well as medicinal herbs, branches used for cultivating beans (called *mitegemeo*), stones, and water.

Where people reject the current boundaries, they believe they have the right to use these resources, as they consider the land on which the latter are located to be theirs. However, even when acknowledging that they do in fact enter the park, many of the people we interviewed still feel entitled to forest resources. An oft-cited reason is deep poverty. As one man put it, 'We do not have a job, we are poor. Instead of stealing from an individual's house, we prefer to steal from the state, the park, for our survival.'<sup>27</sup> This sense of justification appears strengthened by the perceived inequalities between the rich park, supported by international donors, and the poor population. It is further reinforced by feelings of having been unjustly dispossessed from land in the past.<sup>28</sup>

There are also groups who historically had access to the park, but now no longer have the same rights. This mainly concerns Bambuti communities, who used to be able to collect medicine and honey in the park. Many currently live in dire conditions, and feel the park has marginalized them and their knowledge of forest ecosystems, although this knowledge could be harnessed in support of conservation.<sup>29</sup>

Most of the forms of resource exploitation described above are illegal. The exception is collecting firewood and branches on designated days in areas of the park that are locally referred to as zones tampons (buffer zones).<sup>30</sup> For instance, in Rumangabo, in Rutshuru territory, women told they were allowed to collect firewood every Wednesday and Saturday.<sup>31</sup> These authorizations are viewed upon with jealousy in other parts of the park, in particular in Nyiragongo territory. Women there complained that, in contrast to Rutshuru and Lubero, they were not authorized to enter the park to search for branches to support bean plants. As a result, these branches are now no longer readily available, making it difficult to cultivate beans.<sup>32</sup>

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<sup>26</sup> All foreign words in this report that are not in French are in Swahili.

<sup>27</sup> Interview with man once arrested by park guards, Mujoga, 04.01.2019.

<sup>28</sup> E.g. interview with youth leaders, Mujoga, 04.01.2019; group interview with four members of environmental NGOs, Goma, 15.03.2019.

<sup>29</sup> Zahra Moloo, 'Militarised conservation threatens DRC's indigenous people – Part 1', *Inter Press Service*, 14 September 2016, <http://www.ipsnews.net/2016/09/militarised-conservation-threatens-drcs-indigenous-people-part-1/>; Zahra Moloo, 'Militarised conservation threatens DRC's indigenous people – Part 2', *Inter Press Service*, 15 September 2016, <http://www.ipsnews.net/2016/09/militarised-conservation-threatens-drcs-indigenous-people-part-2/>

<sup>30</sup> This was for instance reported in Vitshumbi; focus group with women, Vitshumbi, 12.01.2019.

<sup>31</sup> Focus group with men, Rumangabo, 13.01.2019.

<sup>32</sup> Focus group with women, Kibumba, 07.01.2019; focus group with women Mujoga, 04.01.2019.

Even when people are authorized to occasionally access the park, the rules are not always clear to them. In the village of Rusovu, focus group participants complained that they have to negotiate each time with the park guards to enter the zone to search for stones to pave their houses. Furthermore, small livestock, in particular goats, often stray into the park, and are then intercepted by the guards. Allegedly, their owners then have to pay around 5,000 *Francs congolais* (FC, Congolese Francs, just under USD 3) to get their livestock back. This is a considerable sum for poor households.<sup>33</sup>

The stakes become much higher, and the security implications much more serious, where resources exploitation in the park is protected or organized by armed groups or the Congolese army. One example is illegal fishing on Lake Edward, which is located in the park. There are currently two authorized fisheries, Kyavinyonge and Vitshumbi, and one tolerated fishery (Nyakakoma). A new convention to regulate fishing on the lake signed in 2019 between the ICCN and the Coopérative des pêcheurs de Vitshumbi (COPEVI, fishing cooperative of Vitshumbi) will also acknowledge Kisaka and Lunyansenge as fisheries, but no longer Nyakakoma.<sup>34</sup>

Each of these legal fisheries has a designated number of authorized fishing boats, but in reality there are many more.<sup>35</sup> Moreover, there are ‘pirate fisheries’, which are entirely illegal, such as Kamandi, Kiserera, Talia, Musuku, Mwiirimbo, Ndwali and Chanika.<sup>36</sup> The pirate fisheries are fully under control of armed groups, in particular the *Alliance des forces armées de résistants patriotes Mai-Mai* (AFARPM, Alliance of the Armed Forces of the Resistant Patriots Mai Mai), formerly known as ‘Mai-Mai Charles’. Fishermen pay the Mai Mai around 10,000 *Francs congolais* (FC, Congolese Francs, over USD 6) a week to go fishing. Those who operate illegally around the authorized fisheries sometimes also pay the Congolese navy to go fishing.<sup>37</sup>

Illegal fishing often takes place in spawning grounds and uses unsustainable fishing techniques, such as fishing with fine gauge nets. Due to the widespread use of these techniques and the increase in clandestine fishing, fish stocks in Lake Edward have been severely depleted.<sup>38</sup> Mai Mai groups and other armed actors also poach

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<sup>33</sup> Focus group with men and focus group with women, Rusovu, 14.01.2019.

<sup>34</sup> ‘Convention sur la gestion de la pêche et des pêcheries au Lac Edouard entre ICCN et COPEVI’, 24 June 2019, on file with authors.

<sup>35</sup> In the 1980s the number of authorized fishing boats was: 400 in Vitshumbi, 213 in Kyavinyonge and 87 in Nyakakoma. However, in 1996, 220 numbers were added. Interview with vice president of COPEVI, Vitshumbi, 12.01.2019.

<sup>36</sup> Interview with vice president of COPEVI, Vitshumbi, 12.01.2019.

<sup>37</sup> Interview with civil society actors, Vitshumbi, 12.01.2019; Interview with board member of *Fédération des comités des pêcheurs individuels du Lac Edouard* (FECOPEILE, Federation of committees of individual fisherfolk of Lake Edward), Goma, 16.03.2019, see also UNSC, ‘Final report S/2016/466’, pp.20–21.

<sup>38</sup> Vitshumbi : de la pêche illicite à la baisse de la production halieutique sur le lac Edouard, *Radio Moto*, 16 August 2019, <http://www.radiomoto.net/2019/08/16/vitshumbi-de-la-peche-illicite-a-la-baisse-de-la-production-halieutique-sur-le-lac-edouard/>

hippopotamuses, which has further detrimental effects on fish stocks. In addition, these groups harass and kidnap fisherfolk on the lake, creating a climate of insecurity.<sup>39</sup>

Another resource exploited by armed actors is *makala* (charcoal). The rebel group *Forces démocratiques de libération du Rwanda* (FDLR, Democratic Forces for the Liberation of Rwanda) has far-reaching control over the production and trade of makala in different areas of the park, which the ICCN can often not access due to the rebels' dominance. While some of its soldiers and their relatives are involved in production themselves, the FDLR mostly operates via civilians. The group taxes access to production sites and the kilns (ovens) where the charcoal is produced, and levies taxes at illegal charcoal markets. In exchange, they protect civilians against being intercepted and arrested by park guards.<sup>40</sup> The rebels sometimes also collaborate with the Congolese army.<sup>41</sup>

Efforts to curb the makala trade have had mixed success. Interventions have focused both on the demand and the supply side. Initiatives to reduce the demand for charcoal include the production of so called '*Ecomakala*' made from eucalyptus. However, Ecomakala, also known as *makala biwerewere* (idiot's charcoal), has proven less popular than *ndobo* (makala from old-growth forests), as it is less efficient.<sup>42</sup>

On the supply side, efforts have been made to shut down production sites, including via military operations by the FARDC against the armed groups in control, and hampering transport by setting up ICCN checkpoints along access roads to the park. The effects of these operations have been mixed. In some areas they have managed to reduce charcoal production, though not always sustainably, but in others they have been less successful.<sup>43</sup>

An important reason for these mixed results is the FARDC's ambiguous relationship with the FDLR and charcoal production, which is an important source of income for parts of the army. Other Congolese officials also benefit from the trade in makala, as they tax it at markets.<sup>44</sup> Even some people working for the park are suspected of involvement in the lucrative trade.<sup>45</sup>

Not surprisingly, the civilians who earn a living in the charcoal sector – by cutting trees, transporting and burning logs, and transporting and selling makala – do not want the trade to end. Most of them have few alternative livelihood opportunities. According to inhabitants, in some villages around the park, particularly in the Rusayo and Kingi areas,

<sup>39</sup> Interview with board member of FECOPEILE, Goma, 16.03.2019; see also Esther Nsapu, 'Le cri d'alarme des pêcheurs du lac Edouard face à l'insécurité grandissante', *La Libre Afrique* 23 October 2018, <https://afrique.lalibre.be/26188/le-cri-dalarme-des-pecheurs-du-lac-edouard-face-a-linsecurite-grandissante/>

<sup>40</sup> UNSC, 'Final report S/2017/672', pp.27–28.

<sup>41</sup> UNSC, 'Final report S/2015/19', pp.18–19.

<sup>42</sup> Idem, p. 29; Marijnen and Verweijen, 'Pluralizing political forests'.

<sup>43</sup> UNSC, 'Final report S/2017/672', p.28; Verweijen and Marijnen, 'The counterinsurgency/conservation nexus'.

<sup>44</sup> UNSC, 'Final report S/2011/738', pp. 83, 85, 140.

<sup>45</sup> Interviews, Goma, 29.06.2019 and 30.06.2019.

nearly every household has a member who is engaged in the trade in one way or another.<sup>46</sup> Therefore, even when a particular charcoal network is disbanded, other entrepreneurs can easily step into the void and re-organize the trade.

Similar to other forms of illegal resources exploitation, one of the biggest obstacles to curbing the charcoal trade is that many people implicitly approve of it. During a focus group in Rumangabo, a woman commented, ‘The population does not inform the park guards about makala because those who are engaged in that seek their survival.’<sup>47</sup> Reluctance to provide information or collaborate with park guards is compounded by the involvement of armed groups, which may threaten those who provide information.

### Human-wildlife conflict

In numerous localities bordering the park, such as Kibati, Kibumba, Kanombe and Nyamilima, focus group participants reported that animals from the park, usually primates and buffaloes, ruin their crops. The result is poverty and wasted labor.

A woman in Kanombe said:

Yields are very low, we are next to the park and the animals finish up all the harvest, we live very badly here; buffaloes, elephants, gorillas, they eat everything. And there is no compensation, there is nobody who helps us. And when we complain, the park guards ask us to bring them the animal who has devastated our harvest.<sup>48</sup>

In Rusovu, people living close to the park told us that they no longer breed chickens and turkeys, because baboons eat them.<sup>49</sup> In Kibumba, women complained that they stopped cultivating carrots as buffaloes ate them all, leading to a shortage of carrots and rising prices.<sup>50</sup>

In some places, the problem of crop destruction is seen to have increased in recent years, due to growing concentrations of animals in certain corners of the park, especially buffaloes. A community leader explained:

The problem with animals has existed for a long time but it was not so serious. Before, there were hunters and we put traps so there was not a big problem; the animals were scared [to get close to people]. When they saw the blood of other

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<sup>46</sup> Interviews with multiple inhabitants and local authorities, Rusayo, 04.07.2014; 06.06.2015 and 13.01.2018, interviews with multiple inhabitants and local authorities, Kingi 17.06.2014 and 13.06.2015.

<sup>47</sup> Focus group with women, Rumangabo, 13.01.2019.

<sup>48</sup> Group interview with community leaders, Kanombe, 06.01.2019.

<sup>49</sup> Focus group with men, Rusovu, 14.01.2019.

<sup>50</sup> Focus group with women, Kibumba, 07.01.2019.

animals they were afraid. But now they are protected so they are no longer afraid.<sup>51</sup>

A serious problem for many farmers is that they do not get any compensation from the park for destroyed crops. They report the destruction to park guards, but there is subsequently no further action taken. This is especially difficult where people rent plots of land, as no harvest means no money to pay the rent.<sup>52</sup> The park argues that for them it is often difficult to assess whether crop damage has been caused by animals from the park, or by other animals such as rats or livestock, which are another frequent source of crop destruction.<sup>53</sup>

In a number of places, such as Kanombe and Kibumba, we encountered people who due to the frequent destruction of crops decided to sell their land. Once the money earned from the sale was spent, they ended up in even deeper poverty. The park sometimes buys this land to cultivate bamboo, which makes some people – erroneously – believe that tolerating crop destruction is a deliberate policy to extend the park’s surface. A man commented, ‘We think this silence is ICCN policy, as they want to buy all our fields at a low price. They will end up taking everything because we are tired of these destructions that occur each harvest season.’<sup>54</sup> While the park does not have such a policy, this misperception feeds into negative feelings towards the park. It is therefore important to redress it.

The principal measure taken by the park to reduce human-wildlife conflict has been placing electric fences to keep the animals in, totaling at present almost 100 kilometers. However, in some areas, the fences do not function well or have been sabotaged by poachers. Moreover, people reported that buffaloes are capable of breaking through the fence, while primates simply jump over it. Nonetheless, in several areas, in particular Kibumba, Rumangabo, and Kanombe, we found people asking for more and better working electric fences. Yet some informants considered the fences primarily a way to keep people out of the park, rather than the animals in.<sup>55</sup> Indeed, the park also constructs fences to ‘stop the advance of the agricultural front’ and separate people from rebel groups operating in the park.<sup>56</sup>

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<sup>51</sup> Group interview with community leaders, Kanombe, 06.01.2019.

<sup>52</sup> Focus group with women, Kibumba, 07.01.2019.

<sup>53</sup> Written correspondence with the park, 16.08.2019.

<sup>54</sup> Focus group with women, Kibumba, 07.01.2019.

<sup>55</sup> Interview with youth leaders, Nyamilima, 10.01.2019.

<sup>56</sup> ‘Rapport de la mission conjointe de suivi réactif, p. 22.



## Chapter 2

# Perspectives on park guard-population interactions

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The population's perceptions of the park are to a large extent shaped by their encounters with park guards. Here we explore two main dimensions that influence these encounters: first, people's experiences with the park's law enforcement efforts; and second, their views on park guards' behavior towards civilians. We also address the question of whether increasing the numbers of female park guards could help improve relations between park guards and population.

### Experiences of the park's law enforcement approach

In numerous areas where we conducted research, including Mujoga, Lac Vert, Nzulo, Kiwanja and Nyamilima, our interviewees described everyday experiences with the park guards as quite negative. In the words of a youth leader, 'There are no contacts between the population and the park guards, only when you get arrested.'<sup>57</sup> Indeed, park guards were often presented as the people who prevent you from collecting firewood in

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<sup>57</sup> Interview with youth leader, Mujoga, 04.01.2019.

the park, who take away your goat or chickens when they stray into the park, and who seize your hoe and destroy your harvest, insisting you have cultivated in the park, even though you believe this is not the case.

In 2008, the Virunga Foundation began to restructure the park's management and organization, with the aim of creating a 'new security service' to protect the park's biodiversity.<sup>58</sup> Many old rangers were laid off and new rangers were recruited, who receive a different kind of training, with a stronger emphasis on law enforcement skills and certain combat tactics. These rangers have also adopted a more robust stance towards armed groups involved in illegal resources exploitation, in part via joint operations and patrols with the FARDC.<sup>59</sup>

The park also started to apprehend people more often for entering the park illegally, including poachers and those who collect branches or firewood.<sup>60</sup> Several thousands of people are apprehended on park territory annually.<sup>61</sup> In 2018, 423 of those were sent to justice, of whom 21 were sentenced.<sup>62</sup> The park ascribes the low number of sentenced to the malfunctioning of the Congolese justice system, including it being overstretched and susceptible to corruption.<sup>63</sup> However, judicial officials argue that there is often not sufficient evidence or that the charges are not sufficiently serious to merit sentencing.<sup>64</sup>

Taken together, these policy changes have created the impression among the people we spoke to that the park puts a much stronger emphasis on law enforcement and is much stricter than in the past. The new approach has also reinforced tensions between the park and the population, as other research on this issue similarly concludes.<sup>65</sup> In Kiwanja, women commented, 'In the past, the park guards guarded the animals; nowadays, they bother peasants...we are considered enemies of the park.'<sup>66</sup> And one person said: 'In the past, they [park guards] were good people, but they have changed their behavior now ... they have become animals'.<sup>67</sup>

The park, for its part, argues that its investment in law enforcement has decreased, rather than increased, and that the share of its total budget invested in this domain has sharply fallen between 2012 and 2019. The number of uniformed law enforcement staff has

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<sup>58</sup> Interview with the park's chief warden, Rumangabo, 20.07.2014.

<sup>59</sup> Interview with the park's chief warden, Rumangabo, 20.07.2014, and written correspondence with the park 16.08.2019.

<sup>60</sup> Verweijen and Marijnen, 'The counterinsurgency/conservation nexus'.

<sup>61</sup> Written correspondence with the park, 26.10.2019.

<sup>62</sup> Written correspondence with the park, 16.08.2019.

<sup>63</sup> Written correspondence with the park, 16.08.2019.

<sup>64</sup> Interview with magistrate, 15.01.2019; Interview with secretary at prosecutor's office, 13.03.2019; interview with prosecutor, 15.03.2019.

<sup>65</sup> Kujirakwinja et al, 'Healing the rift', p.v.

<sup>66</sup> Focus group with women, Kiwanja, 11.01.2019.

<sup>67</sup> Focus group with women, Mujoga, 04.01.2019.

diminished from 1050 to 710 over the same period, whereas the number of staff fully employed in community development activities has increased.<sup>68</sup>

Yet, this does not alter the perception among our interlocutors that the park has adopted an overall much stricter approach to those entering the park illegally. Those apprehended are transported to the park's detention facilities where people can be held for 48 hours. After that, they are either freed or transferred to the civilian and sometimes the military prosecutor's office. In some cases, people reported humiliations and rough treatment during these arrests.<sup>69</sup> For instance, in Mujoga, multiple people said that women had sometimes been undressed before they were whipped. In other cases, men's hands were tied behind their back in a painful manner, or they were beaten very hard.<sup>70</sup> The park, however, insists that arrests occur with strict respect for human rights principles, and that park guards are sent to justice if they do not respect these principles.<sup>71</sup>

What renders apprehensions and arrests particularly burdensome is the heavy economic consequences. Farmers are often apprehended at the time of sowing or harvesting, and see their harvests burnt, causing them to lose the entire agricultural season. Furthermore, those caught sometimes have to pay the park (for transport costs or to recover tools) or magistrates (to be released from custody), even when not sentenced. The amounts paid to magistrates generally vary between USD 75 and 150, which represents several months of income for poor households. To obtain this money, people have to collect donations from their extended family, sell goods and plots, and borrow money at usurious rates of interest.

All of this has devastating effects on immediate and future livelihoods. As a local leader commented, 'People are arrested because of makala; they are then forced to sell their fields and plots to pay the fines. Then they have no other work and will return to the park to cut makala. Arresting people is not helpful at all. It's a vicious cycle.'<sup>72</sup>

Another problematic aspect of the current approach to law enforcement is that many of those who are prosecuted have no means to pay for legal counsel, and are not offered pro bono (publicly funded) legal assistance. This lack of support also prohibits them from appealing against their sentence. In addition, those who draw up a *procès-verbal* (PV, official report) of the infraction, the so-called *Officiers de la police judiciaire* (OPJ,

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<sup>68</sup> Written correspondence with the park, 16.08.2019.

<sup>69</sup> Focus group with men Nzulo, 02.01.2019; group interview with youth leaders, Nzulo, 02.01.2019; group interview with local leaders, Mujoga, 04.01.2019; focus group with men, Katwa, 03.01.2019; focus group with men, Mujoga, 04.01.2019; focus group with women Mujoga; 04.01.2019; group interview with youth leaders, Mujoga; 04.01.2019; focus group with men, Lac Vert; 05.01.2019; focus group with women, Nyamilima, 10.01.2019; focus group with men, Vitshumbi, 12.01.2019.

<sup>70</sup> Focus group with women Nzulo, 02.01.2019; focus group with women, Mujoga, 04.01.2019; group interview with youth leaders, Mujoga, 04.01.2019.

<sup>71</sup> Interview with park spokesperson, Goma, 15.01.2019.

<sup>72</sup> Interview with local leader, Rumangabo, 13.01.2019.

Officers of the Judiciary Police) are part of the ICCN. Hence, they may be inclined to show the park guards were right in making an arrest, which can affect their reporting.<sup>73</sup>

That the OPJ of the ICCN are suspected to be partial is all the more problematic given that prosecutors lack the resources and means of transport to conduct investigations themselves. Consequently, magistrates have to fully rely on the reports of the OPJ. Moreover, they often have little knowledge of the remote areas where the infractions took place, and do not know where the park's official boundaries are. At the same time, many infractions concern alleged trespassing on the park. According to a prosecutor, 'We do not have information about the boundaries. As we do not have this tool; it is up to their [ICCN] discretion, their sovereignty, to arrest someone.'<sup>74</sup>

Some magistrates also consider many of the cases brought by the ICCN to be very mild. One of them explained, 'The people we encounter, the majority are poor, when they are summoned, the public prosecutor does not find it judicious to send them to prison and ends their investigation by dropping the case.'<sup>75</sup>

The park for its part, emphasizes that arrests mostly target high-profile, powerful offenders. It also invests in awareness raising among magistrates, in collaboration with international donors, to convey the message that those committing environmental crimes should be punished.<sup>76</sup> The magistrates we interviewed did not always seem to appreciate these initiatives, considering it as encroachment on their autonomy.<sup>77</sup>

Together with human rights defenders, some magistrates also criticized the park's OPJ for sending some of the accused unjustly to the military prosecutor's office. Based on statistics we gathered at registries of military prosecutor's offices in Goma and Rutshuru, which may not be completely accurate, we established that in 2018, around 25% of those arrested by ICCN personnel were sent to military justice. In the words of a military prosecutor, 'It is the policy of the ICCN to send all environmental crimes to the *auditorat* [military prosecutor's office] because the *auditeur* [military prosecutor] has exorbitant power... The civilian prosecutor only has five days of preventive detention. The fifth day, they need to present the accused to the judge to justify detention.<sup>78</sup> But the *auditeur* can keep them for twelve months without presenting them to a judge.'<sup>79</sup>

The park maintains that they only transfer cases to the military justice apparatus when those arrested are in the possession of firearms or part of an armed group.<sup>80</sup> However, according to the legal professionals and human rights defenders we contacted, it is

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<sup>73</sup> Interview with lawyer, Kiwanja, 11.01.2019.

<sup>74</sup> Interview with prosecutor of *Tribunal de Grande Instance* in Goma, 15.03.2019.

<sup>75</sup> Interview with secretary at prosecutor's office, 13.03.2019.

<sup>76</sup> Written correspondence with the park, 16.08.2019; interview with lawyer conducting awareness raising training among magistrates, Goma, 15.03.2019.

<sup>77</sup> Interview with prosecutors, January and March 2019.

<sup>78</sup> If the judge agrees, the accused can be held 15 days in detention, which can twice be prolonged with a month.

<sup>79</sup> Interview with military prosecutor, January 2019.

<sup>80</sup> Written correspondence with the park, 16.08.2019.

doubtful whether there are always sufficient grounds for the ICCN to send civilians to the military prosecutor's office.<sup>81</sup> To explore this problem, we analyzed the register of the military prosecutor's office in Rutshuru, which handles cases only for one part of the park.<sup>82</sup> The register indicated that in 2018, the ICCN had referred 32 cases of people not being FARDC soldiers or park guards to the prosecutor's office, totaling 102 defendants. Of these cases, only eight contain charges of 'participation in an insurrectionary movement' and none mention the 'illegal detention of firearms' (although it is possible a firearm was used in the one case concerning 'illegal hunting'). Most cases list as main charges 'the intentional destruction of flora and fauna in Virunga National Park' and 'illegal fishing', raising doubts about whether they should have been tried in a military court.

### Views on park guard behavior towards civilians

Among the people we interviewed, many saw the park's current law enforcement policy as a departure from previous modes of coexistence between the park and local communities.<sup>83</sup> Before 2008, park guards were reported to fine people who entered the park on the spot, or simply release them, often after consulting with local authorities. They would ask the latter whether the person was from the community, and what their social position and personal history were.<sup>84</sup>

While the practice of fining on the spot without judicial procedure is illegal, some of our interviewees appeared to prefer this type of punishment, as it provides room for negotiation and to take the offender's personal circumstances into account. Indeed, interviewees generally believed that in the past, park guards were more lenient, in particular towards people experiencing difficulties, such as widows, or families with newborn babies. In their view, the present guards no longer show any understanding for people's social circumstances. As a local chief testified:

We lived very well with the previous park guards, we shared a drink and when there was a period of mourning, we could ask for firewood. But now, I do not even know the name of a single park guard.<sup>85</sup>

Several people testified how in the past, park guards would celebrate national holidays in the village, and frequently go there to buy food at the market or to share *musururu* [a local drink] with the population. In those days, the guards' families would often live

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<sup>81</sup> Interview with magistrate, Rutshuru, 15.01.2019; interview with prosecutor, Goma, 15.03.2019; interview with human rights defenders, Kiwanja, 09.01.2019 and Goma, 17.03.2019.

<sup>82</sup> The secretariat of the military prosecutor's office was visited on 11.01.2019.

<sup>83</sup> Group interview with local leaders Nzulo, 02.01.2019; group interview with community leaders, Katwa, 03.01.2019; focus group with women, Mujoga, 04.01.2019; focus group with men, Lac Vert 05.01.2019.

<sup>84</sup> Interview with local leader, Nyamilima, 10.01.2019; focus group with women, Kibumba, 07.01.2019; focus group with men, Kiwanja, 09.01.2019; focus group with women, Kiwanja, 11.01.2019; focus group with women, Vitshumbi, 12.01.2019.

<sup>85</sup> Interview with local leader, Lac Vert, 05.01.2019.

with them in the patrol posts. Moreover, they would intermingle with the local population, not least as they often did not receive sufficient pay, rations or support for health care.

Today, the guards are deployed without family and get their rations delivered to the patrol post. Therefore, they rarely buy food at markets or in restaurants. Several women said to regret this change, as the guards therefore no longer contribute to the local economy in their village.<sup>86</sup> Furthermore, the fact that they are not very often in the village increases their social distance from the population.<sup>87</sup> This sentiment is shared by a few park guards we spoke to, who also regretted the limited possibilities for interaction with civilians while being deployed at a patrol post.<sup>88</sup>

Local authorities and security services, such as the FARDC, similarly experience this distance. In five of the eleven research sites, local chiefs and FARDC personnel claimed that the park guards rarely attend the periodic, village level security meetings. These gatherings bring together the authorities and security services of a particular area to discuss the evolution of the security situation.<sup>89</sup> A soldier commented, ‘They take themselves for gods [*bamungu*], we invite them for the security meetings but they never show up.’<sup>90</sup> The park insists that the park guards always attend the district level security meetings, but that they do not have sufficient capacity to attend all meetings at the village level.<sup>91</sup>

Limited responsiveness was also reported for the warden responsible for maintaining community relations, the so called *conservateur communautaire*. Currently each sector of the park has only one such warden, who appears overstretched and cannot respond to all the queries addressed to them. For instance, in Kibumba, Vitshumbi and Rumangabo, local leaders complained that the community relations wardens are difficult to access, and not very responsive.<sup>92</sup>

Interviewees advanced various reasons for what they described as the aloof, proud, and at times arrogant attitude from the current guards. Some ascribed this behavior to the guards' high salaries. According to one man, ‘Since they are well resourced, they place themselves above the population, they feel themselves superior to others, they already

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<sup>86</sup> Focus group with women, Kibumba, 07.01.2019. Note that the park does source its rations locally, but not always in the very villages adjacent to patrol posts.

<sup>87</sup> Focus group with women, Vitshumbi, 12.01.2019.

<sup>88</sup> Interviews with multiple park guards at different locations between 2014 and 2015.

<sup>89</sup> Group interview with local leaders, Mujoga, 04.01.2019; interview with local leader, Lac Vert, 05.01. 2019; interview with FARDC soldiers, Lac Vert 05.01.2019; group interview with local leaders, Kibumba 07.01.2019, interview with local leaders Nyamilima, 10.01.2019; interview with FARDC officer, Nyamilima 10.01.2019; interview with naval officer, Vitshumbi, 12.01.2019.

<sup>90</sup> Interview with FARDC soldier, Lac Vert, 05.01. 2019.

<sup>91</sup> Written correspondence with the park, 16.08.2019 and 27.10.2019.

<sup>92</sup> Group interview with community leaders, Kibumba 07.01.2019; interview with local leader, Vitshumbi, 12.01.2019; interview with local leader, Rumangabo, 13.01.2019.

have bank accounts.’<sup>93</sup> A man working as guide for the park guards, a so called *pisteur*, provided another explanation, ‘The park guards do not talk to the local chiefs, they do not arrive in the village. Because of the rotations, they do not manage to create relations with the authorities. They are rotated every two months.’<sup>94</sup> As research on the Congolese army shows, long-term deployment of security personnel to the same area and the related familiarization with civilians creates certain risks, namely, of corruption and interference in civilian affairs. Yet, as documented elsewhere, fast rotations also have drawbacks, prohibiting the development of relations of trust with local leaders and populations.<sup>95</sup>

The final reasons people cited for the much larger social distance to rangers they experience than before were the rejuvenation of the ranger body and changes in their training. The current guards are seen to be relatively young, and some of our interviewees believed they lack social experience.<sup>96</sup> Others argued they therefore also sooner use force.<sup>97</sup> Yet others emphasized that they now receive a training that places a stronger emphasis on military-style and law enforcement skills, which is alleged to have changed their mentality. A community leader commented, ‘Their training has changed them; they no longer know how to develop social relations.’<sup>98</sup> These perceived changes are also seen to be at the root of the guards’ occasional ill behavior towards civilians.

### Human rights abuses and accountability

The current low level of trust between park guards and population partly stems from alleged instances of human rights abuse by the guards. This issue is difficult to analyze and discuss. On the one hand, people already frustrated by the strict policies of the park readily accuse the guards of abuses, even when there is no conclusive evidence that the perpetrators were in fact park guards. At times, it is difficult for people to distinguish between FARDC soldiers, ICCN park guards and rebel soldiers. On the other hand, certain supporters of the park seem to too readily deny that abuses have occurred, even if there is not sufficient evidence to exonerate the guards.

A good example is the events that took place on 28 November 2018 in the fishing enclave of Vitshumbi, where a protest demonstration turned violent. This resulted in the deaths of two inhabitants and one park guard as well as the destruction of the office of COPEVI, an ICCN patrol post, and the houses of two local leaders. The demonstration was a reaction to a partial ban on bringing building materials for durable construction into the enclave, which had provoked strong tensions. This ban followed in the wake of

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<sup>93</sup> Focus group with men, Vitshumbi, 12.01.2019.

<sup>94</sup> Interview with *pisteur* (guide to park guards), Katwa, 03.01.2019.

<sup>95</sup> Green, ‘Community Protection Committees’, p. 9; Verweijen, ‘Ambiguity of Militarization’, pp. 208, 294–296; Search for Common Ground, ‘Final Evaluation’, p.9.

<sup>96</sup> Focus group with men, Lac Vert, 05.01.2019; focus group with men, Kibumba, 07.01.2019; focus group with women, Kibumba, 07.01.2019; interview with former park guard, Kiwanja, 11.01.2019.

<sup>97</sup> Focus group with women Kibumba; 07.01.2019; focus group with men, Lac Vert, 05.01.2019.

<sup>98</sup> Interview with community leader, Nzulo, 02.01.2019.

suspicion that COPEVI, the fishery's management authority, was issuing permits for building materials to those not officially registered as fisherfolk, and was anarchically distributing plots of land. The ban also hit people whose houses had been damaged by heavy weather conditions, provoking resentment. To protest the ban, a demonstration was organized for which a large number of school children were mobilized.<sup>99</sup>

Despite the case not having been properly investigated yet, the park issued a press release the same day that ascribed the park guard's death to a 'Mai Mai attack' on the ICCN patrol post. While the communication states that other guards subsequently returned fire, it does not mention the two other deaths.<sup>100</sup> This version was then also diffused by a number of media.<sup>101</sup> Yet other media reports indicated that there were contradictory testimonies and diverging interpretations of the events, highlighting that those killed were not militia members, but civilians.<sup>102</sup>

Indeed, most of the testimonies we gathered during our research in Vitshumbi denied that there had been an orchestrated armed group attack. Moreover, they indicated that the park guard who later died had started shooting first. This could imply that there was disproportionate use of force.<sup>103</sup> Together with information provided by the military prosecutor's office in Goma,<sup>104</sup> these testimonies indicate that the version of the Mai-Mai attack is not well substantiated. The Vitshumbi case therefore raises questions about the standards of evidence used to assess deadly incidents on which there are contradictory testimonies and which require careful, and often time-consuming, evidence gathering and triangulation.

In addition to Vitshumbi, we came across many other testimonies of alleged abuses by park guards.<sup>105</sup> We could not verify the far-out majority of them, and in many cases, found no indications that the perpetrators were in fact park guards. We believe further research is needed to establish the causes of this high level of allegations, but we observed that it correlates to a general negative view of the park in these areas.

A number of allegations did appear credible (see Annex III), as they were corroborated by three different sources independent of one another, and were specific, containing details such as dates, the names of victims and sometimes also of alleged perpetrators.

<sup>99</sup> Interviews with civilian authorities and board member of COPEVI, Vitshumbi, 12.01.2019 and 13.01.2019; interview with board member of FECOPEILE, Goma, 16.03.2019.

<sup>100</sup> ICCN Direction Provinciale, Communiqué officiel, 28 November 2018.

<sup>101</sup> 'Goma: 3 morts après accrochages entre riverains et gardes de parc des Virunga', *Radio Okapi*, 29 November 2018, <https://www.radiookapi.net/2018/11/29/actualite/securite/goma-3-morts-apres-accrochages-entre-riverains-et-gardes-de-parc-des>

<sup>102</sup> 'Ranger, 2 civilians killed in DR Congo national park', AFP, 29 November 2018, <https://www.news24.com/Africa/News/ranger-2-civilians-killed-in-drc-national-park-20181129>

<sup>103</sup> Interviews with local leaders, civil society leaders and security personnel, Vitshumbi, 12.01.2019 and 13.01.2019; and Goma 13.03.2019 and 16.03.2019.

<sup>104</sup> The military prosecutor's office in Goma was contacted on 13.09.2019.

<sup>105</sup> These allegations were encountered during focus groups in Nzulo, Katwa, Mujoga, Lac Vert, Kibumba, Kiwanja, Rutshuru, Vitshumbi and Rumangabo.

The cases include people shot dead by park guards when working on their fields, or when caught fishing illegally. We also came across other cases of the apparent disproportionate use of force against civilians, in particular during confrontations with armed groups on Lake Edward.<sup>106</sup>

These incidents had been reported to officials in only a few cases. Upon enquiring after the reasons, it became clear that people experience a broad range of obstacles to holding park guards to account. Where people were shot inside the park, relatives did not dare to bring a complaint, or thought it was useless, as the victim was technically committing an infraction by being in the park. The experienced power asymmetries with the park further discouraged people from filing a complaint, as they felt it would not have any effect. Others appeared simply afraid to confront such a powerful institution, and some said they did not know whom to approach.<sup>107</sup> In addition, as elsewhere in the world, there are general inhibitions to reporting sexual violence, given the shame and taboos involved, and the risk of being ostracized.<sup>108</sup>

Another obstacle preventing victims from pursuing justice is a lack of the economic and political means to convince security services to conduct investigations, or to recruit a lawyer to assist them. As one radio journalist said:

When someone dies, we do not know how to follow up on the case, we just ask permission from the FARDC to take the corpse away. It's like they have killed an animal or fly, there is not even an investigation.<sup>109</sup>

Recognizing the difficulties for people to report abuses, the park has taken several initiatives to lower the threshold to do so. It has for instance created a *numéro vert* (toll-free line) that one can call to talk to the park, including to report alleged abuses by park guards. While this is a useful initiative, we found during our research that this number is not yet widely known. Moreover, some people seemed to distrust the number, given previous experiences of the park not responding when they tried to contact them. Others stressed that they preferred speaking to someone in person.<sup>110</sup>

Logically, when abuses by park guards go unreported, and the hierarchy remains uninformed, no internal investigations can be conducted. Where allegations do surface, the park can start internal investigations and, when appropriate, transfer the case to the military prosecutor's office. According to a park official, since 1 January 2016, sixteen park guards have been referred to the judicial authorities, for a range of different crimes

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<sup>106</sup> One of these cases was documented by the UN Joint Human Rights Bureau, contacted in Goma on 20.03.2019.

<sup>107</sup> Focus group with men, Katwa, 03.01.2019; focus group with women, Katwa, 03.01.2019; group interview with local leaders, Kibumba, 07.01.2019; focus group with women, Nyamilima, 10.01.2019; focus group with men, Nyamilima, 10.01.2019; interview with widow whose husband was shot in the park; Kiwanja, 11.01.2019.

<sup>108</sup> Focus group women Katwa, 03.01.2019; focus group with women, Mujoga 04.01.2019; interview with psycho-social assistant handling sexual violence cases, Mujoga, 04.01.2019.

<sup>109</sup> Interview with journalist, Nyamilima, 10.01.2019.

<sup>110</sup> E.g. focus groups with men, Lac Vert, 05.01.2019; focus group with women, Kibumba, 07.01.2019 and group interview with youth leaders, Kibumba, 07.01.2019.

and offences, including murder, violence against civilians and poaching. Eight of them are awaiting trial.<sup>111</sup> Yet, it seems that the outcomes of internal investigations and court cases are not always communicated to the villages where the incident took place, creating the impression that the perpetrators were not punished.

Another factor that impedes holding park guards to account is that certain international and Congolese human rights organizations working in North Kivu depend for their funding on donors that also support the park. According to testimonies from (former) employees we judge credible, some of these organizations have an informal policy not to actively follow-up on and publicize cases of human rights abuses committed by park guards.<sup>112</sup> This further undermines the possibilities for poor and marginalized people to hold park guards to account.

The collaboration between FARDC and ICCN seems to further complicate accountability for abuses. There are mixed units of park guards and soldiers, which operate under the command of the park. The latter also pays for rations and fees to the soldiers, and provides them with logistical support.<sup>113</sup> Several of our interlocutors believed the park guards behave worse towards civilians when they operate together with the FARDC, and indeed, some reported abuses.<sup>114</sup> As one man commented, ‘They are meaner during these operations, because they fear armed groups.’<sup>115</sup> Others had observed abuses in the course of joint activities, including people being shot down when working on their fields.<sup>116</sup> In addition to the obstacles already described, reporting in these cases was further hampered by uncertainty about whether the perpetrators were soldiers or park guards, and therefore about whom to report to. In general, there is sometimes a lack of clarity about when operations with the FARDC are ‘joint’,<sup>117</sup> and who bears responsibility for abuses, in particular where FARDC soldiers operate under ICCN command.<sup>118</sup>

Taken together, we believe that these factors contribute to an underreporting of human rights abuses by park guards, leading in turn to insufficient institutional attention to preventing this problem. While the park management acknowledges that a few park guards sometimes commit violations, they believe it only concerns a handful of proverbial ‘bad apples’:

<sup>111</sup> Interview with park employee in Goma, 28.06.2019 and written correspondence with the park, 16.08.2019.

<sup>112</sup> To protect their identities, we withhold date and location of our communications with these (ex)employees.

<sup>113</sup> Verweijen, ‘Ambiguity of Militarization’, p. 238.

<sup>114</sup> Focus group with women, Rumangabo, 13.01.2019; focus group with women, Kiwanja, 11.01.2019; see also UNSC ‘Final report S/2016/466’, p. 22.

<sup>115</sup> Focus group with men, Katwa, 03.01.2019.

<sup>116</sup> Focus groups with women and interview with victim’s relatives, Kiwanja, 11.01.2019; focus group with men Rumangabo, 13.01.2019.

<sup>117</sup> See, for instance, ‘La situation dans le parc suscite encore des tensions’, *Radio France Internationale*, 2 April 2016, <http://www.rfi.fr/afrique/20160402-rdc-parc-virunga-tensions-fdlr-hutus-fardc-iccn>

<sup>118</sup> According to park representatives, the FARDC operate under ICCN command during joint operations; interview with Chief Warden of the central sector, Rwindi, 27.01.2012; interview with spokesperson park, Goma, 15.01.2019.

Yes, there are cases where park guards crossed the line, I do not deny this, but this should not reflect badly on the good reputation of most park guards, and the tremendous sacrifices they make. If we get any information of any violations we act.<sup>119</sup>

As this quote and other interviews indicate, the park appears to ascribe excesses to the agency of individual park guards, rather than to factors within the institution as a whole.<sup>120</sup> Yet the number of possible instances of abuse we encountered (see Annex III) indicates they are not isolated cases. As further discussed below, it is therefore plausible that they stem from specific organizational aspects, such as park guards' training; the types of tasks they are required to do; and dominant discourses and views on the local population.

Within the southern sector, accountability may have also been negatively affected by the rangers' hierarchy. In June 2019, the deputy director of the park, who was also the chief warden of the southern sector, was suspended after a woman filed a complaint against him. She accused him of having sexually abused her for years near the park headquarters, since she was 15 years old, leading her to give birth to a child. In addition, she claimed he had shot at her during an incident in May 2019.<sup>121</sup> These allegations send worrying signs regarding the informal norms held by some members of the rangers' hierarchy, which may be passed on lower down the command chain. Although the park also filed a complaint against the deputy director, the trial against him was soon suspended in less than transparent circumstances, reportedly after he had come to an arrangement with the victim's family. Surprisingly, after being released from prison, he was appointed by the ICCN to lead an anti-poaching unit in another protected area in eastern DRC.<sup>122</sup> Given the credibility of the allegations against him, this appears a striking case of impunity.

### Perceptions of park guards' training and discourses of civilians

Park guards in Virunga operate in an extremely difficult and stressful environment, being often deployed with only a few rangers to remote areas, where armed groups abound. Moreover, significant groups within the population collaborate with armed groups, not only to exploit natural resources, but sometimes also because they

<sup>119</sup> Interview with chief warden, Rumangabo, 20.07.2014.

<sup>120</sup> Interview with spokesperson park, Goma, 15.01.2019.

<sup>121</sup> Cabinet Kalinda avocats, N° 037/CAB/KAL/SM/D1001/19, Plainte à charge de Monsieur le Conservateur Mburanumwe Nzabonimpa Innocent, 10 June 2019, on file with authors; see also CIDDHOPE, communiqué de presse: N/Réf. : 021/CIDDHOPE/POCBG/19, Poursuivez urgemment en justice Mr. MBURANUMWE NZABONIMPA de l'ICCN pour tentative de meurtre et autres exactions, Lubero 27 June 2019, on file with authors; Simone Schlindwein, 'Skandal im Kongo. Der fall des Gorilla-Retters.' *Tageszeitung*, 24 June 2019, <https://taz.de/Skandal-im-Kongo/!5602228/>

<sup>122</sup> Written correspondence with ICCN official, 08.08.2019, and human rights activist 26.08.2019.

sympathize with these groups, or are linked to them through family and other social ties.<sup>123</sup>

Park guards may therefore come to believe that people in the Virunga area act as informants for armed groups, or are part of these groups themselves. As one guard deployed to a patrol post in an isolated area explained, ‘Our job is extremely stressful. We are close to rebels here and we get messages of intimidation by phone. And the people here collaborate with the rebels.’<sup>124</sup> Several people we interviewed shared the impression that the guards sometimes conflate civilians with armed groups.<sup>125</sup> In the words of one woman, ‘Park guards harass men by calling them “*FDLR*” [a rebel group], it is a label that they stick to men. And women are accused of being the wives of *FDLR*’.<sup>126</sup> A local leader of a village close to the headquarters of the park in Rumangabo argued, ‘no, I have never been invited in the compound of the park headquarters. They think we all work with the *FDLR* and will tell them how they can best attack the compound.’<sup>127</sup>

Due to widespread involvement in the makala trade, entire villages are considered as supporting, or even being de facto part of, the *FDLR*. As one park guard said, ‘Rusayo? They are all children of the *FDLR*!’<sup>128</sup> Similarly, in Nyamilima and Vitshumbi, people reported that these villages as a whole are considered Mai-Mai strongholds. A local leader stated, ‘All farmers are called *wazazi* [the parents] of the Mai-Mai’.<sup>129</sup> This was also cited as a reason why those arrested were always directly sent to the military prosecutor’s office.

The boundaries between civilians and rebels are indeed very porous in the eastern Congo. The difficulty of distinguishing between the two groups is further compounded by armed group members not always wearing fatigues and by civilians sometimes possessing arms. Yet conflating the two is dangerous: perceptions of civilians as auxiliaries of hostile armed group make abuses more likely.<sup>130</sup> To avoid this conflation, training and education are crucial, in particular in International Humanitarian Law (IHL), which foregrounds the principle of distinction between civilians and combatants.<sup>131</sup> Furthermore, to avoid casualties in situations where crowds gather, such as demonstrations, training in non-violent and de-escalating crowd control is needed.

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<sup>123</sup> Verweijen and Marijnen, ‘The counterinsurgency/conservation nexus’.

<sup>124</sup> Interview with park guard, January 2019.

<sup>125</sup> Group interview with civil society members and group interview with local leaders, Katwa, 03.01.2019; interview with civil society members, Kiwanja, 09.01.2019; group interview with youth leaders, Nyamilima, 10.01.2019.

<sup>126</sup> Interview with community leader, Mujoga, 04.01.2019.

<sup>127</sup> Interview with local leader, Rumangabo, May 2017.

<sup>128</sup> Interview with park guard, Rwindi, 23.07.2014.

<sup>129</sup> Group interview with local leaders, Nyamilima, 10.01.2019.

<sup>130</sup> Verweijen, ‘Ambiguity of Militarization’, pp. 306–308.

<sup>131</sup> ‘Rule 1. The principle of distinction between civilians and combatants’, IHL Database, International Committee of the Red Cross, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule1](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1).

We are not convinced that park guards' current training and education sufficiently address these aspects. New recruits currently receive a basic, six-month training, provided by a range of (ex)military and civilian instructors, followed by two months of additional, specialized training. The park maintains that the training curriculum is balanced and pays ample attention to community relations, IHL and international human rights law.<sup>132</sup> Yet other sources we contacted believed there is not sufficient training in these domains,<sup>133</sup> given the overall emphasis on physical fitness, endurance, survival techniques and battle-zone tactics. When asking the few park guards we spoke with what their training was about, they also emphasized tactics and endurance, and not those other aspects of their training.<sup>134</sup>

Certainly, given the insecure environment they are deployed to, it makes sense to prepare park guards for the possible dangers they will encounter. Yet a large part of their work consists of law enforcement tasks in calm situations, such as halting farmers working on their fields. Therefore, training must ensure that guards will not conflate modes of operation in combat and non-combat situations, in particular as situations on the ground are often messy, given the intermingling of armed and non-armed actors.

Within the villages where we conducted research, several of the people we interviewed observed a clear negative change in the park guards' attitude towards them since they began to receive training that puts a bigger emphasis on military-style skills. In the words of a woman in Kibumba, 'They are no longer park guards, they are soldiers.'<sup>135</sup> Another woman endorsed this observation, saying 'their ideology has become military. They took on a military mentality and they now treat us like animals.'<sup>136</sup> Indeed, there was a widespread feeling among our interviewees that the park guards have little regard for them. When asking how park-population relations could be improved, a man commented, 'They should teach park guards to understand the value of human beings ... apparently, they have more esteem for animals than for human beings.'<sup>137</sup>

The nature of their tasks and training, and the dangerous context in which rangers operate seem to have changed what it means to be a park guard. Some observers, including former park guards, maintained that the guards are no longer well trained in specific techniques of conserving nature, such as tracking animal movements, and that nature conservation is no longer the main motivation for becoming a guard.<sup>138</sup> Furthermore, casualty rates among park guards are significant, with over 170 rangers

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<sup>132</sup> Written correspondence with park, 16.08.2019.

<sup>133</sup> E.g. Interview with international human rights defender, Goma 20.03.2019; written correspondence with IHL specialist, 29.01.2019; interview with civil society actor, 03.01.2019; interview with human rights defender, Goma, 08.01.2019; interview with former park employee, 21.03.2019.

<sup>134</sup> Interview with three (former) park guards, January 2019.

<sup>135</sup> Focus group with women, Kibumba, 07.01.2019.

<sup>136</sup> Focus group with women, Vitshumbi, 12.01.2019.

<sup>137</sup> Focus group with men, Katwa, 03.01.2019.

<sup>138</sup> Interview with Congolese researcher having worked on the park, Goma, 03.01.2019; interview with former park guard, Kiwanja, 11.01.2019.

having died in the past two decades.<sup>139</sup> The very real prospect of death puts an enormous strain on rangers and their families. A wife of a park guard declared, ‘I am begging my husband to stop being a park guard, the last few years it has become too dangerous.’<sup>140</sup> The extreme dangers and stress to which park guards are exposed discourage some from continuing in the profession. One former guard explained that he resigned from duty as he was not happy with the increasingly military-like tasks and growing insecurity, saying that this was not why he had chosen to become a guard.<sup>141</sup>

For operations in the more isolated and dangerous areas of the park, where armed groups abound, the park has created a Quick Reaction Force (QRF) of around 270 guards that is specialized in more robust and rapid interventions, including combat.<sup>142</sup> The deployment of the QRF among civilians, however, must be carefully considered. According to several interviewees, sending this unit to Vitshumbi in the wake of the deadly demonstration in November 2018 that was described above had counterproductive effects.<sup>143</sup> As a civilian administrator explained, ‘They descended on Vitshumbi fully armed. This caused a panic among the population who thought “they came here to kill us”. They put barricades on the principal road around their camp, which made the population very suspicious’.<sup>144</sup> Rather than sending the QRF, our interlocutors argued, what was needed was dialogue, mediation and reconciliation, to calm the situation.

### Female park guards: improving community relations?

Since 2014, the number of female park guards has slowly increased, numbering today 27 out of 731 guards, or 4%.<sup>145</sup> Could an increase in the numbers of female park guards help improve the tense relations between park guards and population?

In the focus groups we conducted, men and women alike talked about the integration of women into Virunga’s ranger force as something positive, even though few had actually encountered female rangers.

Most focus group participants believed that the presence of more women in the ranger force would reduce the chances of ill or harsh behavior, in particular towards women. As one woman said, ‘We would like the number of female park guards to increase, as

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<sup>139</sup> Jani Actman, ‘Virunga National Park sees its worst violence in a decade, director says’, *National Geographic*, 14 June 2018, <https://news.nationalgeographic.com/2018/06/wildlife-watch-virunga-rangers-deaths-poaching-militia-gorillas/>

<sup>140</sup> Interview with wife of park guard, Kiberizi, 20.05.2018.

<sup>141</sup> Interview with former park guard, Goma, 20.01.2018.

<sup>142</sup> Virunga Foundation, Formulaire de demande de subvention, Projet Complexe Lac Edouard, August 2018, p. 14.

<sup>143</sup> Interview with local leader Vitshumbi, 12.01.2019; interview civil society actor, Vitshumbi, 12.01.2019.

<sup>144</sup> Interview with local leader, Vitshumbi, 12.01.2019.

<sup>145</sup> ‘Rapport de la mission conjointe de suivi réactif’, p. 15.

they can never accept that another woman is forced to undress.’<sup>146</sup> Many others believed that female rangers would be more lenient. In the words of one woman, ‘Women have *roho na huruma* [literally: a soul with pity]. They could more easily accept that a woman enters the park to collect branches.’<sup>147</sup>

Another view that was commonly invoked – by both men and women – was that women have the right to be rangers as there is now *parité* (gender equality) in the Congo, and women should therefore be equally represented in all state services.<sup>148</sup> For instance, a village chief said, ‘Women now have the right to do this work, they are also capable and there are also women in the military and police.’<sup>149</sup>

While the majority of our interlocutors welcomed female park guards, a few expressed their doubts, believing they did not necessarily behave better towards civilians. A woman commented, ‘They have no mercy neither for men nor for women.’<sup>150</sup> A youngster reinforced this idea, ‘Women are more evil than men, they are more dangerous.’<sup>151</sup>

The idea that women can be crueler than men makes some people doubt that female park guards can help resolve the many conflicts between rangers and the population. For some, the nature of these conflicts further excludes a more positive role for female guards. One woman argued, ‘The conflict is around the park boundaries, for that it does not matter whether the park guards are men or women.’<sup>152</sup> Some emphasized that female rangers’ low status further reduced the positive effects. ‘*Biko chini* (‘they are low’ in the hierarchy)... not decision-makers. Maybe when they also take the decisions’, said a man in Vitshumbi.<sup>153</sup>

Indeed, people generally believed that given their low ranks, female park guards had little influence on decision-making. One woman explained, ‘Even if there were women, they would obey the orders given, also to beat us, so there would be no difference in behavior.’<sup>154</sup> Another often-expressed concern was that women working in the same organization have the same ideology as men, ‘Having women as park guards cannot diminish conflicts. The problem is the ideology. When the ideology is bad, there won’t be any change’, said a man in Nyamilima.<sup>155</sup>

As explained above, our interviewees viewed this ‘ideology’ as holding the population in low esteem, and not taking their livelihood needs and rights into account. From this,

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<sup>146</sup> Focus group with women, Mujoga, 04.01.2019.

<sup>147</sup> Focus group with women Mujoga, 04.01.2019.

<sup>148</sup> E.g. Interview with local leader, Vitshumbi, 12.01.2019.

<sup>149</sup> Interview with village chief, Nyamilima, 10.01.2019.

<sup>150</sup> Focus group with women Nyamilima, 10.01.2019.

<sup>151</sup> Interview with youth leader, Mujoga, 04.01.2019.

<sup>152</sup> Focus group with women, Nyamilima, 10.01.2019.

<sup>153</sup> Focus group with men, Vitshumbi, 12.01.2019.

<sup>154</sup> Focus group with women, Katwa, 03.01.2019.

<sup>155</sup> Focus group with men, Nyamilima, 10.01.2019.

we conclude that more female park guards can only lead to positive changes if other aspects of the ranger organization are changed as well, and if they are sufficiently represented in the hierarchy.



### Chapter 3

## Perceptions of community engagement, decision-making and development projects

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In the previous sections, we discussed people's views on park-population conflicts, and how their relations and experiences with park guards shape and are shaped by these conflicts. Both these dimensions, in turn, are influenced by the way the park is seen to engage in decision-making, and to consult and inform local populations, in particular in relation to its management structures and development projects.

## Communication around the park's management structures

Virunga National Park has a complex layered management structure. Under the most recent Public-Private Partnership (PPP) signed between the Virunga Foundation and the ICCN, the park is primarily managed by the NGO until 2040.<sup>156</sup> While the park guards are public servants who work for the ICCN, they are seconded to the Virunga Foundation, which is therefore partly responsible for their actions. A park guard receives a minimum of USD 50 per month from the ICCN – payment of which is often late – and around three times as much from the NGO. The Virunga Foundation and the Virunga Alliance are to a large extent financed by development aid from the European Commission (EC), but their programs also receive significant amounts of funding from Virunga Fund Inc, a US-registered charity.

The people living around the park whom we interviewed are aware that donors such as the EC support it, but they do not know the exact details of the PPP, and therefore who is ultimately responsible for its management.<sup>157</sup>

We heard many reactions like the following:

Virunga is a World Heritage Site, so we know they [Europeans] will never trust the Congolese government to manage the park. But who does manage the park? I know these guards and the FARDC patrolling the park are paid with money from Europe, but it is beyond our reach to know more.<sup>158</sup>

Some people also wonder how much money the park management receives from different donors, and how this money is used. As a representative of a local NGO complained, 'With respect to these partnerships with the European Union, we have no idea what's in them, there is no transparency.'<sup>159</sup>

A perceived lack of transparency also holds true for the income from tourism permits. Thirty per cent of this money is destined for community projects, but according to members of local NGOs we spoke with, it is unclear how decisions on these projects are reached, and who is eligible to implement them.<sup>160</sup> According to the park, the *conservateur communautaire* (warden responsible for community relations) used to have a say in these projects, which were allocated based on criteria such as communities' needs and proximity to the park, as well as the project's scope.<sup>161</sup> Yet

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<sup>156</sup> See management contract between ICCN and Virunga Foundation, March 2015, and Marijnen, 'Public authority and conservation'.

<sup>157</sup> Focus group with men and women, Vemba, 14.12.2013; group interview with civil society members, Kiwanja 23.06.2014; group interview with farmers, Kibirizi 17.06.2015, and interview with members of local environmental NGO, Goma 07.06.2015.

<sup>158</sup> Interview with member of local NGO, Kiwanja, 17.06.2014.

<sup>159</sup> Interview with member of environmental NGO, Goma, 15.03.2019.

<sup>160</sup> Interview with members of environmental NGO, Goma, 15.03.2019; This observation was also shared by representatives of international NGOs we spoke with in Goma on 13.06.2015.

<sup>161</sup> Interview with park spokesperson, Goma, 15.01.2019.

according to some informants, decisions on allocating these funds were not reached in a participatory manner, nor were communities included in the management of the resulting projects.<sup>162</sup> For one observer, ‘Communities are not involved in the decisions and management of schools funded by the ICCN. In some places there is discontent’.<sup>163</sup>

Confusion about the park’s management structures increased when the Virunga Foundation created a private enterprise, called Virunga SARL (*Société anonyme à responsabilité limitée*, or limited liability company). The latter commercializes the electricity generated by hydroelectric dams that were created through a donor-sponsored initiative to promote development in the area. Virunga Foundation – via Virunga SPRL (*Société privée à responsabilité limitée*, or private limited company) – is the sole owner of Virunga SARL, which guarantees that all its profits are reinvested in conservation activities and social development projects. These reinvestments are also at the basis of the claim that Virunga SARL, even though constituted as a private company, does not engage in for-profit business.<sup>164</sup>

However, our interviews indicated that many people do not consider Virunga SARL as a non-profit organization, although they do appreciate its free supply of electricity for street lighting and to infrastructure of public interest. It should be noted that we only conducted research in the surroundings of the hydroelectricity station of Matebe, in Rutshuru, and not the other two stations built by the Virunga Alliance, in Luviro (Lubero territory) and Mutwanga (Beni territory). Our observations therefore only apply to the area around Matebe.

Several of our interviewees stated that the creation of Virunga SARL has fostered the impression that the park’s management is increasingly involved in commercial enterprise. They therefore believe that the park has become a business opportunity.<sup>165</sup> This sentiment appears to have been – unintentionally – aggravated by a number of decisions regarding the functioning of Virunga SARL.

First, to commercialize the electricity, Virunga SARL made an agreement with a number of powerful businesspeople in Goma to distribute the electricity there. Consequently, the electricity bypassed many villages, being directly transmitted to Goma. The inhabitants of these villages saw this as evidence that the project was not for the benefit of people living around the park, but profit-driven.<sup>166</sup> A community leader in Kibumba said:

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<sup>162</sup> Interviews with local NGOs and civil society members, Kiwanja and Goma 04.06.2016 and 15.06.2016.

<sup>163</sup> Interview with member environmental NGO, Goma 15.03.2019.

<sup>164</sup> ‘Rapport de la mission conjointe de suivi réactif, p. 13; ‘Mise au point de la Virunga SARL’, *La Libre Afrique*, 20 December 2017, <https://afrique.lalibre.be/12491/mise-au-point-de-la-virunga-sarl/>;

<sup>165</sup> For instance, focus group with women Kibumba, 07.01.2019; interview with civil society actors Kiwanja, 09.01.2019.

<sup>166</sup> See also ‘Déclaration de la société civile forces vives de Nyiaragongo adressée à l’honorable président de l’assemblée provinciale du Nord Kivu portant sur la disparité dans la sélectivité de la desserte en électricité en provenance de la centrale hydroélectrique de Matebe’, 1 July 2019, on file with authors.

We thought it [electricity] would benefit the community, but we understood that it is mostly a business. The ICCN people came in 2014, and there was a discussion, they said all the houses will be lit and everyone will get a stove, but it was not done, the electricity went to Goma instead of staying in the community.<sup>167</sup>

The park, for its part, says it never made such promises. Yet we encountered this idea in several focus groups, including in Kibumba and Kiwanja, pointing to misunderstandings among the population.<sup>168</sup> Moreover the park emphasizes that it does not distribute electricity in the rich neighborhoods of Goma, but only in peripheral quarters of town, with less well to do residents.<sup>169</sup> Lastly, the hydroelectricity serves to a large extent to support small and medium size businesses in order to generate jobs, with the provision of electricity to households being a secondary objective.<sup>170</sup>

Second, in certain places, such as Kiwanja and Rutshuru, the electricity was introduced via a lump sum charge for connection and use of the electricity. This offer was attractive and many people signed up. After about a year, ‘Cash Power’ was introduced, which is a system where people pay in advance for a certain amount of electricity a month. As a result, people had the idea that the costs of the electricity rose sharply –which the park however says was not the case.<sup>171</sup> According to a civil society activist:

The logic of the electricity was to reduce the pressure on the park. After launching it, people consumed for one year and had electric stoves; at that moment, the price of a bag of makala fell from 15,000 to 8,000FC [from around USD 9 to USD 4.7] ... after this flat-rate system there was Cash Power, but which was never mentioned during awareness raising. And after that Virunga SARL manifested itself (...) With Cash Power, people have turned back to the use of makala. The price has now risen to 20,000 FC [almost USD 12] for three quarters of a bag or six basins.<sup>172</sup>

For people we contacted in the Kiwanja area, the arrival of Cash Power came as a surprise, and they feel misled. In their eyes, the experienced sudden rise of the price of electricity proves that the project is about making profit, and not the protection of the park.<sup>173</sup> This feeling is shared by people who lack the means to subscribe due to what they see as high user costs and the subscription fee of over USD 150. In Katwa, local

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<sup>167</sup> Interview with community leader, Kibumba, 07.01.2019.

<sup>168</sup> Focus group with women, Kibumba, 07.01.2019; focus group with women Kiwanja, 11.01.2019.

<sup>169</sup> Nord-Kivu : La VIRUNGA Sarl prête à s’ouvrir aux discussions avec la SOCODEE dans le dossier électricité’, *Desk Eco*, 16 May 2019, <https://deskeco.com/nord-kivu-la-virunga-sarl-prete-a-souvir-aux-discussions-avec-la-socodee-dans-le-dossier-electricite/>

<sup>170</sup> Written correspondence with park, 16.08.2019.

<sup>171</sup> Idem.

<sup>172</sup> Interview with civil society actor, Kiwanja, 14.01.2019.

<sup>173</sup> Interview with tailor, Kiwanja, 11.01.2019; interview with journalist, Kiwanja, 11.01.2019; interview with civil society actor, Kiwanja 14.01.2019.

chiefs commented, ‘We are very disappointed about the electricity; we are not connected to the electricity from Matebe ... people have no money!’<sup>174</sup>

The park, for its part, argues that the prices charged by Virunga SARL are comparatively low. Moreover, they reflect the high taxes Virunga SARL has to pay and the substantial investments made to produce the electricity and for maintenance. Therefore, they cannot lower the price without incurring losses or endangering future expansion. They also highlight that in a number of villages and towns, such as Kiwanja, Rubare, Kibumba and Rumangabo, they provide street lighting for free. In addition, they supply electricity at no cost to infrastructure of public interest, including schools, hospital and stadiums.<sup>175</sup> Our research shows that these initiatives are highly appreciated by the population.<sup>176</sup>

In sum, while hydroelectricity generation is an important project, it appears that in the area of our research, the positive effects on people’s perceptions of the park have been partly undermined by the creation and operation of Virunga SARL. The latter has created confusion about the park’s management structure, and introduced the idea that its true objective is doing business. For one interviewee, redressing this situation requires enhanced awareness raising efforts: ‘The communities do not know the structure of the park; awareness raising is needed to distinguish Virunga SARL, Virunga Foundation and Virunga Alliance. There is a communication problem around the electricity.’<sup>177</sup>

### Perceptions of participation in decision-making

Many of our interviewees felt that there is limited communication between the population and the park, which is not believed to genuinely listen to them.<sup>178</sup> A local leader in Katwa said ‘the ICCN is another government, despite our demands, there is often no reaction’.<sup>179</sup> They therefore are of the opinion that the park never fully implemented a ‘community conservation’ approach, whereby communities would be involved in decision-making and benefit from the income generated by the park to finance development projects. One observer commented:

The concept of community conservation was declared but at the level of practice, there is nothing well organized or structured...People at grassroots level were never involved in elaborating the community conservation policy. That policy was declared after problems with the park [and the communities] but the park has never wanted to implement it ... the document regulating

<sup>174</sup> Group interview with local leaders, Katwa, 03.01.2019.

<sup>175</sup> Interview with spokesperson park, Goma, 15.01.2019; see also ‘Mise au point de la Virunga SARL’, *La Libre Afrique*, 20 December 2017, <https://afrique.lalibre.be/12491/mise-au-point-de-la-virunga-sarl/>

<sup>176</sup> Focus groups with women Kiwanja, 11.01.2019; interview with local leader, Rumangabo, 13.01.2019.

<sup>177</sup> Interview with members of environmental NGO, Goma, 15.03.2019.

<sup>178</sup> Group interview with local leaders, Kibumba, 07.01.2019; group interview with journalists, Nyamilima, 10.01.2019; focus group with women, Vitshumbi, 12.01.2019; interview with local leader Rumangabo, 13.01.2019.

<sup>179</sup> Group interview with local leaders, Katwa, 03.01.2019.

community conservation is like a doctoral dissertation: the population does not know the contents, it is not comprehensible.<sup>180</sup>

Indeed, from interviews with a number of park employees, we gleaned that they do not always appear to prioritize consulting local populations, believing that relations will improve if socio-economic development is stimulated according to their plans.<sup>181</sup> Limited consultation also seems to have characterized the process around the new convention signed between COPEVI and the ICCN to regulate fishing on Lake Edward. Allegedly, the content of the convention came as a surprise to many residents, sparking demonstrations in Vitshumbi and other villages around the lake.<sup>182</sup>

Many of the international NGOs active in the Virunga area do highly value consultations with local communities and therefore support meetings where local stakeholders exchange ideas about current problems and Virunga's future. However, these meetings sometimes leave participants frustrated as no representatives of the park's management attend, and the results are not always seen to be reflected in official management plans and practices.<sup>183</sup> When we asked an attendee what the results were of a meeting organized in May 2019, he answered:

Unfortunately none, and the meeting will not have the expected results... the concern with Virunga's managers is that they are always arrogant, and they do not get close to the communities living around the park. And this is very often what the residents of the Virunga area claim, the presence of the park managers in small meetings such as this one to 'light the lantern' [bring clarity]. As long as community conservation will not be effective in the Virunga landscape, there will always be conflicts and antagonisms, which will not benefit the conservation of the ecosystem.<sup>184</sup>

These meetings also point to a wider problem around representation. Who represents and can speak for the people living in the Virunga area? Both local NGOs and customary leaders have their own agendas, and women are not well represented within either of these two categories. Employees of NGOs, in particular those headquartered in Goma, tend to be well-educated middle-class figures, and do not always accurately voice the views and needs of the poor in rural areas, who constitute by far the majority of the population.

When Congolese NGOs end up in a relationship of financial dependency on international environmental NGOs, an 'echo chamber' situation may arise. The NGOs

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<sup>180</sup> Interview with members of environmental NGO, Goma, 15.03.2019.

<sup>181</sup> Interview with employee Virunga Foundation, Goma, 02.08.2014; Interview with the park's chief warden, Goma, July 2015; see also Kujirakwinja et al., 'Healing the Rift'.

<sup>182</sup> 'Virunga: marche de contestation contre la convention signée entre l'ICCN et la COPEVI', *Environews*, 1 July 2019, <http://www.environews-rdc.org/2019/07/01/virunga-marche-de-contestation-contre-la-convention-signee-entre-liccn-et-la-copevi/>

<sup>183</sup> Multiple interviews with local authorities in different localities 2018-2019.

<sup>184</sup> Personal communication with meeting participant, 27.05.2019, Whatsapp.

start reproducing what they think international NGOs want to hear, namely, positive stories about the park and the rangers, and the effectiveness of development and community initiatives. Afraid of losing their funding and their privileged access to the park management, these local NGOs thus end up in a situation where they may downplay information that deviates from the dominant script of ‘success stories’. This may cause them to lose credibility in the villages where they work. Vitshumbi is a case in point. A local leader there said, ‘There are certain NGOs that claim to be “representatives of the population neighboring the park”, but this is false, they are there for their own interest. They even have financing from the European Union, and they stay in Goma, but they do not arrive in the field to see the reality of the matter.’<sup>185</sup>

The problem of who speaks for the people living around the park also extends beyond the Congo’s borders. The case of ‘Save Virunga’ which has a website, Facebook and Twitter account is telling. The website, which is only available in English, states that the initiative gives ‘a voice to local communities who depend on the survival of Virunga National Park for their livelihoods. We believe that local communities have a say in the decision and future of the region.’<sup>186</sup> However, none of the Congolese environmental NGOs working in the park area that we contacted knew who is behind this platform or how the stories appearing there are selected.<sup>187</sup> The website is also not likely to be known in many of the communities that the platform claims to give a voice to, as few people can afford mobile Internet or understand English.

### **Development projects: The Virunga Alliance and its perceived impacts**

Instead of financing small-scale local development projects, as it did in the past, the park now prioritizes the Virunga Alliance, ‘an intersection of civil society, the private sector, and state institutions’, as the main vehicle through which to promote socio-economic development.<sup>188</sup> The Alliance focuses on creating economic growth through three components: tourism, hydro-electricity and agriculture.<sup>189</sup> The main theory of change informing its programs is that economic growth will result in job creation, leading people to gain greater benefits from the park, which will in turn encourage them to help protect it. By reducing unemployment among youth, including former and potential armed group members, the Alliance also aims to contribute to peacebuilding in the region.<sup>190</sup>

The question, however, is to what extent economic development can address the non-economic drivers of conflict and armed mobilization in the region, such as geopolitical tensions and political competition.<sup>191</sup> It also remains unclear to what extent the Virunga Alliance can generate local buy-in. While jobs are important, poverty is not the only

<sup>185</sup> Interview with local leader, Vitshumbi, 12.01.2019.

<sup>186</sup> See: <https://savevirunga.com>

<sup>187</sup> Interviews with members of environmental NGOs, Goma, 13.03.2019; 15.03.2019 and 16.03.2019.

<sup>188</sup> Interview with park spokesperson, Goma, 15.01.2019.

<sup>189</sup> See: <https://virunga.org/alliance>

<sup>190</sup> Interview with park representative, Goma, 22.05.2015.

<sup>191</sup> Verweijen and Marijnen, ‘Conservation/counterinsurgency nexus’.

reason for discontent with the park. People's grievances vis-à-vis the park and its management also have historical and political roots. Furthermore, people want to be recognized as credible and equal partners in the conservation of the park's rich biodiversity, and to have a say in decision making.<sup>192</sup> The Virunga Alliance, however, was not designed in collaboration with local populations and authorities. As one member of a local NGO commented: 'The Virunga Alliance came out of the sky for us. We were presented the plan, and were asked to endorse it. We had no input in the design, this is no community conservation'.<sup>193</sup>

One indication that there has been limited consultation is that the initiative has so far prioritized investments that do not directly benefit the majority of the population. The electricity is too expensive, and therefore off limits to the majority of people. Tourism is seen to provide direct benefits only to a fairly small number of people, who are concentrated in the areas where it takes place, which are mostly in the Southern sector.<sup>194</sup> The park, however, emphasizes that within the tourism sector, it has invested locally so far about USD 4,000,000, including on procuring food and for construction, which generates spillovers that go beyond the Southern sector.<sup>195</sup> These effects, however, appear not to have been observed by our interviewees, who mostly focused on the impact on their own villages.

Since the majority of people earn their livelihood through small-scale agriculture, agricultural projects would be of most direct benefit to them. Yet according to some observers, the Alliance has been lagging behind in precisely that dimension. As one of them commented:

Why do they not implement the agricultural axis of the Virunga Alliance? They have not invested in that axis, which is however part of the Alliance. They are there since 2014, what has been envisaged for that program and what has been realized?<sup>196</sup>

The fact that the Virunga Alliance's agricultural programs are not yet widely known may be related to the fact they were only launched in 2018. These programs seek to promote the cultivation, transformation and commercialization of a range of agricultural commodities, including coffee, palm oil, fish, maize, and garden vegetables.<sup>197</sup> As such, they hold significant potential to have a more direct, visible impact on rural populations' livelihoods.

Designing and implementing projects in a participatory manner in a context of protracted conflict, poverty and tensions is not easy, and there are many risks, including

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<sup>192</sup> See Marijnen and Schouten, 'Electrifying the green peace?'

<sup>193</sup> Interview with member of environmental NGO, Kiwanja, 16.06.2014.

<sup>194</sup> Focus group with men, Katwa, 03.01.2019; focus group with women, Kibumba, 07.01.2019; group interview with local leaders, Lac Vert, 05.01.2019.

<sup>195</sup> Written correspondence with the park, 16.08.2019.

<sup>196</sup> Interview with member of environmental NGO, Goma, 15.03.2019.

<sup>197</sup> Written correspondence with the park, 16.08.2019.

of politicization and sparking more conflicts. But as suggested by an umbrella organization of Congolese environmental organizations active in North Kivu, the administrative decentralization process currently under way in the Congo offers new opportunities for the park to support projects with a measure of participation. The newly created decentralized territorial entities are required to draw up local development plans that are to be financed by local taxes and a share of provincial and national taxes. In the future, elected local councils will co-administer these plans, which the park could support with the income from tourism.<sup>198</sup> While perhaps not adequate for large-scale projects, such an approach could lead to projects that are better tailored to people's needs and that are geographically well distributed.

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<sup>198</sup> Interview with members of platform of environmental NGOs, Goma, 15.03.2019.



## Conclusions and recommendations

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There are numerous serious conflicts and tensions between Virunga National Park and neighboring populations. These conflicts must be addressed to reduce insecurity and instability in the area and guarantee the continued existence of the park and its biodiversity in the long term.

Addressing conflicts requires engaging with and listening to the people living in the Virunga area, especially those most struggling to make ends meet. We believe that their views are currently rarely heard and are not sufficiently taken into consideration in decision-making.

To improve the tense relations between park and population, we propose a number of entry points below, based on suggestions from our research participants. However, ultimately, solutions need to be formulated and implemented by people living in the Virunga area themselves, as well as by the Congolese authorities and the park

management. The following recommendations are primarily addressed to these last two groups, as well as their international partners.

*In relation to conflicts around the park's boundaries*

- Take the 'lived boundaries' of the park into account during participatory demarcation processes;
- Vastly increase awareness raising and the provision of information to local residents where the park retakes control of areas, such as currently around Lac Vert, to avoid the feeling that the park has unilaterally changed its boundaries

*In relation to disputes around access to the park's natural resources*

- Put in place a coherent policy regarding the collection of firewood, branches and stones in the park across different sectors
- Develop a more lenient policy to handle small livestock crossing into the park or buffer zones, waiving penalty fees
- Reflect, after consulting with those earning their livelihoods in these sectors, upon innovative solutions to curb the production of charcoal with wood from the park and illegal fishing that simultaneously address supply and demand side
- Make alternative livelihoods activities an integral part of all actions to reduce illegal resource exploitation
- Demand that the higher echelons of the security services and other state agencies intensify efforts to keep their personnel out of these businesses

*In relation to human-wildlife conflict*

- Help people protect their fields against wild animals by supporting those guarding the fields by night, for instance by constructing watch towers, intensifying training in deterrent techniques and providing small-scale financial contributions to those patrolling for boots and pocket lights
- Explore other options to reduce human-wildlife conflicts; such as compensation or insurance schemes

*In relation to the park's strict law enforcement policy*

- Reflect upon how to create positive incentives for people to refrain from committing infractions related to illegal resources exploitation and cultivation in the park
- Halt the practice of sending civilians directly to the military prosecutor, given that the public prosecutor's department can refer cases to military justice, should the investigation reveal that the committed infractions are of a military nature
- Redress the imbalances in judicial procedures between the ICCN, the Virunga Foundation and citizens, in particular by ensuring that defendants receive legal

aid and prosecutors have means of transport to enable them to carry out investigations independent of ICCN logistics

*In relation to rangers' training and work*

- Place a higher emphasis on education in IHL and human rights in park guards' training as well as on community relations, law enforcement in non-violent settings, and de-escalating crowd control
- Develop clearer guidelines for park guards regarding how and how often to contact local authorities and participate in local security meetings; local authorities in turn, should also be trained in working with park guards
- Reflect on the optimal time for park guard rotations taking into consideration that fostering relations of trust takes time
- Rethink at the strategic level when QRF deployment is required and develop guidelines for its deployment in consultation with Congolese experts in conflict dynamics
- Appoint more armed and unarmed personnel specialized in maintaining community relations; and spread them over the different patrol posts
- Integrate more women in high positions in the ranger force and Virunga's management

*In relation to accountability*

- Make it easier for people to report abuses by park guards, including by intensifying awareness-raising campaigns for the *numéro vert* (toll-free line) and by encouraging local authorities and civil society actors to report incidents to the Congolese security services
- The park should clearly communicate the results of internal and judicial investigations into alleged abuses by park guards to the affected local communities
- Donors should provide more resources to human rights NGOs to effectively document and take up cases of alleged human rights violations by park guards; with the support from the United Nations Joint Human Rights Office; these resources should also serve to provide victims with legal aid
- Donors, such as the European Commission, should create and fund, joint investigative missions with ICCN, the military justice apparatus, UN human rights and civilian protection actors and Congolese human rights organizations to follow up on allegations of serious abuses

*In respect of information and communication about the park's management structures*

- Improve communication around Virunga's management structures, in particular through radio programs in local languages, so people can better differentiate between Virunga SARL, the Virunga Foundation, the Virunga Alliance and the Virunga Fund, and understand their different mandates, and

who is ultimately accountable for its management and regressions by park guards

- Provide more information on how the park is funded and how tourism income is managed and distributed through radio programs and information sessions

*In respect of community involvement in decision-making*

- Systematically organize community consultations before taking far-reaching decisions, in particular with the elected councils of decentralized territorial entities, when these are in place after the future local elections
- Create and fund the operating costs of a permanent body with representatives from local authorities, women's organizations and community-based organizations, which consists of 50% women and has a vote in decision making
- Conduct more studies on the population's perspectives on the park as a guide for decision-making and to monitor the effects of policies and programs on park-people relations
- Invest in making the population's perspectives more visible to the park's international donors, for instance by creating a website where youth leaders, community-based organizations and local journalists based in the park area can publish articles and blogs

*In respect of development projects*

- Redistribute a fixed percentage of the money from tourism income to the local development plans of the decentralized territorial entities
- Let local authorities, NGOs and credible subcontractors implement development projects, rather than the park
- Prioritize agricultural and other projects that have a direct impact on the livelihoods of the poorest segments of the population
- Pay more attention to the geographical distribution of development projects to avoid feelings of marginalization among the inhabitants of certain areas



## Glossary of acronyms and words

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AFARPM	<i>Alliance des forces armées de résistants patriotes Mai-Mai</i> (Alliance of Armed Forces of the Resistant Patriots Mai-Mai)
Auditorat	Military prosecutor's office
Auditeur	Military prosecutor
COPEVI	<i>Coopérative des pêcheurs de Vitshumbi</i> (Cooperative of Fisherfolk of Vitshumbi), managing authority of Vitshumbi fishing enclave
Domaine de chasse de Rutshuru	Rutshuru Hunting Domain (contested part of Virunga Park, in parts of which cultivation is tolerated)
EC	European Commission
Ecomakala	Charcoal made from eucalyptus, grown with support from the Ecomakala project
FARDC	<i>Forces armées de la république Démocratique du Congo</i> (Armed Forces of the Democratic Republic of the Congo)
FDLR	<i>Forces démocratiques de libération du Rwanda</i> (Democratic Forces for the Liberation of Rwanda)

FECOPEILE	<i>Fédération des comités des pêcheurs individuels du Lac Edouard</i> (Federation of Individual Fishermen's Committees of Lake Edward)
FC	<i>Franc congolais</i> (Congolese Franc, 100FC is approximately USD 0.06) gros poissons powerful political and economic actors (lit. 'big fish', Fr)
ICCN	<i>Institut congolais pour la conservation de la Nature</i> (Congolese Institute for Nature Conservation)
kuni	firewood
makala	charcoal
makala biwerewere	idiot's charcoal (made from Eucalyptus)
musururu	local drink made from sorghum
mitegemeo	branches used for the vertical cultivation of beans
pisteur	local guide assisting park guards
ndobo	makala from old-growth forests
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHABITAT	United Nations Human Settlement Programme
Virunga Alliance	Public-private initiative to promote socio-economic development in the Virunga area
Virunga Fund Inc.	US-registered charity that funds the Virunga Foundation and Alliance
Virunga Foundation	British-registered NGO that manages Virunga National Park

Virunga SARL

Virunga Société anonyme à responsabilité limitée, or limited liability company; Kinshasa-registered company owned by Virunga Foundation that manages the commercialization and distribution of hydro-electricity

Virunga SPRL

Virunga Société privée à responsabilité limitée, or private limited company; company owned by Virunga Foundation and registered in Brussels that is the unique shareholder of Virunga SARL

WWF

World Wildlife Fund

zones tampons

‘Buffer zones’ or areas of the park where the population is occasionally allowed to gather firewood, water and stones.

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**Janvier Murairi** is the President of the Association for the Development of Farmers' Initiatives (ASSODIP) based in Goma, in eastern DRC. He has worked for over a decade on human rights issues related to the exploitation of natural resources, anti-slavery and prisoners' rights, both as activist and researcher. Most recently, his work has focused on roadblocks and socio-economic conditions in mining sites and conservation areas. For his work on Anti-Slavery, Janvier was awarded the Roger N. Baldwin Medal of Liberty Award 2016.

**Chrispin Mvano** works as a journalist, photographer and independent researcher in North-Kivu, DRC. Chrispin holds a Master's degree in Social, Political and Administrative science from the University of Goma (UNIGOM). Chrispin is specialised in the armed militias active in the region. In the past he has worked for numerous organisations including Reuters and Flemish news platform MO.

### Annex I: Locations of interviews conducted during 2012-2018

North Sector	Beni, Lubiriha, Kasindi, Mayangos, Vemba, Butembo, Kyavinyonge, Oicha, Mutwanga, Kasindi-port, Mutsora, Mwemba, Mavivi (13)
Central Sector:	Kiwanja, Rutshuru, Nyamilima, Katwiguru, Kisharo, Kiseguro, Ishasha, Kinyadonia, Tongo, Kahunga, Mabenga, Vitshumbi, Rwindi, Kamandi, Taliyha, Chondo, Kafunzo, Kitchanga, Nyongora (19)
South Sector	Jomba, Rumangabo, Rugarama, Bunagana, Tongo, Rusayo, Mutaho, Mudja, Kibumba, Rugari, Kalengera, Kingi, Mugunga, Lac Vert, Nzulo, Mubambiro, Lupango, Karenga, Kilolirwe, Kahe, Kyumba, Bwiza, Murimbi (23)
Total	55

### Annex II: Overview of people interviewed during 2019 research

Place		Type	Number M	Number F	Total
Nzulo					
	02.01	Focus group women		8	8
	02.01	Focus group men	8		8
	02.01	Local leaders	3		3
	02.01	Civil society actor	1		1
Katwa (Rusayu)					
	03.01	Focus group men	8		8
	03.01	Focus group women		8	8
	03.01	Youth leaders	2	2	4
	03.01	Civil society actors	2	2	4
	03.01	Pisteur (park guard guide)	1		1
	03.01	Local leaders	3		3
	03.01	Alleged victim of park guard abuse		1	1
	03.01	Army officer	1		1
Mujoga (Kibati)					
	04.01	Focus group women	8		8
	04.01	Focus group men		8	8
	04.01	Youth leaders	2	2	4
	04.01	Local leaders	4		4
	04.01	Park guard arrestee	1		1
	04.01	Psycho-social assistant		1	1
	04.01	Pisteur (park guard guide)	1		1
	04.01	Family of alleged victim park guard abuse		1	1
Lac Vert					

	05.01	Focus group women		8	8
	05.01	Focus group men	8		8
	05.01	Youth leaders	2	2	4
	05.01	Local leaders	3		3
	05.01	Family of alleged victim park guard abuse	1		1
	05.01	Army officers	2		2
Kanombe/Bukima					
	06.01	Focus group men	8		8
	06.01	Focus group women		8	8
	06.01	Youth leaders	2	2	4
	06.01	Local leaders	3	2	5
Kibumba					
	07.01	Focus group men	8		8
	07.01	Focus group women		8	8
	07.01	Youth leaders	2	2	4
	07.01	Former employees in tourism sector	2		2
	07.01	Civil society actors	1		1
	07.01	Local leaders	4	1	5
Kiwanja					
	09.01	Civil society actors	1		1
	09.01	Human rights activists	3		3
	09.01	Focus group men	8		8
	11.01	Civil society actor and lawyer	1		1
	11.01	Focus group women		8	8
	11.01	Former park guard	1		1
	11.01	Tailor	1		1
	11.01	Youth leaders	2		2
	14.01	Army officer	1		1
	14.01	Civil society actor	1		1
	12.10	Eyewitness alleged park guard abuse	2		2
	12.10	Local leader	1		1
Nyamilima					
	10.01	Local leaders	2		2
	10.01	Focus group men	8		8
	10.01	Focus group women		8	8
	10.01	Widow alleged victim park guard abuse		1	1
	10.01	Civil society actors	1	1	2
	10.01	Army officer	1		1

	10.01	Commander of base UN peacekeeping mission	1		1
	10.01	Journalist	1		1
	10.01	Youth leaders	3		3
Vitshumbi					
	12.01	Civil society actor	1		1
	12.01	Focus group men	7		7
	12.01	Focus group women		7	7
	12.01	Community leaders	2		2
	12.01 & 13.01	Local leaders	6		6
	13.01	Youth leaders	2		2
	12.01	FARDC officer	1		1
	17.09	Relative alleged victim		1	1
	17.09	Local leader	1		1
	18.09	Relative alleged victim		1	1
	18.09	Local leader	1		1
	18.09	Civil society actor	1		1
	18.09	Eye witness alleged park guard abuse	1		1
Rumangabo					
	13.01	Focus group men	8		8
	13.01	Focus group women		8	8
	13.01	Civil society actor	1		1
	13.01	Local leader	1		1
	13.10	Relative alleged victim park guard abuse	1	1	2
	13.10	Eye witness alleged park guard abuse	3		3
Rusovu (Tongo)					
	14.01	Focus group men	8		8
	14.01	Focus group women		8	8
	14.01	Youth leaders	2		2
	14.01	Local leader	1		1
Rutshuru					
	11.01	Secretary military prosecutor's office	2		2
	15.01	Magistrate Rutshuru	1		1
	15.01	Bureau chief prosecutor's office Rutshuru	1		1
Goma					
	03.01	Congolese scholar	1		1
	08.01	Human rights activist	1		1

	08.01	Civil society actor of Mugunga	1		1
	08.01	Lawyer handling case over park boundaries	1		1
	08.01	Prosecutor's Office Goma	1		1
	15.01	Spokesperson park	1		1
	13.03	Prosecutor's Office Nyiragongo	1		1
	13.03	Military prosecutor	1		1
	13.03	Military prosecutor	1		1
	13.03	Member environmental NGO	1		1
	15.03	Member environmental NGO	1		1
	15.03	Prosecutor	1		1
	15.03	Lawyer often handling cases for the ICCN	1		1
	15.03	Members environmental NGO	2	1	3
	16.03	Member environmental NGO	1		1
	20.03	UN Joint Human Rights Office	1		1
	27.06	Journalist	1		1
	28.06	Spokesperson park	1		1
	28.06	Representative provincial government	1		1
	29.06	Member environmental NGO	1		1
	29.06	Human rights activist	1		1
	30.06	Researcher	1		1
Location unspecified					
		Park guards	4		4
		ICCN official	1		1
		Military prosecutor	1		1
		Former park employees	2		2
		Human rights & IHL experts	1	1	2
Total			214	112	326

### Annex III: Cases of human rights abuses by park guards of the Virunga National Park after 2010

Note to the annex: As mentioned in the report, we have encountered numerous allegations of human rights violations committed by park guards. We were unable to verify many of those, and in numerous instances it was not clear whether the alleged abuses could really be attributed to park guards. Yet, we were able to verify a number of allegations, which were confirmed by at least three different, independent sources and/or documented by reputed organizations. For this overview, we have opted not to include any personal details of the victims nor of the contacted sources, to protect their identity and not to compromise their security. In addition, we have withheld the exact data and location of the incident, which could give the identity of the informants away.

Year	Description	Civilian Victims	Sources
2010	During joint ICCN-FARDC operations to dismantle an illegal settlement, multiple human rights violations took place, including summary execution, ill-treatment and torture, forced labour, arbitrary arrests, and illegal detention	4 dead, and at least 7 raped by ICCN staff ( MONUSCO reports 63 rapes which also include cases by the FARDC)	<a href="#">Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo</a> , 30 September 2013, S/2013/581, p.10
2011	An ICCN patrol shot at an illegal fisherman	1 dead	Multiple sources, including an eyewitness, contacted during fieldwork
2012	An illegal fisherman was killed by ICCN personnel	1 dead	Multiple sources, including an eyewitness, contacted during fieldwork
2012	An ICCN patrol deployed to stop illegal cultivation shot dead two farmers. Their claim that they acted out of self-defense as the farmers were armed is disputed.	2 dead	Multiple sources, including eyewitnesses, contacted during fieldwork  <i>Union des Agriculteurs, Eleveurs et Pêcheurs au Congo (U.A.E.P.CO)</i> , Suit du rapport circonstanciel du conflit ICCN et population, 20/8/2013, Beni.
2014	A park guard fired live rounds into a crowd that had gathered in front of the ICCN's compound in Rumangabo to protest the park's recruitment practices	1 dead; 2 wounded	Multiple sources, including an eyewitness, contacted during fieldwork  <i>Bureau Conjoint des Nations Unies aux Droits de l'Homme en RDC (BCNUDH)</i> , Rapport hebdomadaire sur la situation des droits de l'homme du 27 septembre - 3 octobre 2014
2014	A joint FARDC-ICCN operation led to an exchange of fire with	10-15 dead	CIDDHOPE, press release N/Réf.: 017/CIDDHOPE/POCBG-PAES/14, <a href="https://bit.ly/2TaAERC">https://bit.ly/2TaAERC</a>

	militiamen, leading to 10-15 civilians being killed		CREDDHO quoted by Radio Okapi, 13/12/2014, <a href="https://bit.ly/2TfK91N">https://bit.ly/2TfK91N</a> BCNUDH, Rapport hebdomadaire sur la situation des droits de l'homme du 13-19 décembre 2014
2015	A fisherman was shot down, allegedly when refusing orders to berth	1 wounded	CIDDHOPE, communiqué de presse N/Réf.017/CIDDHOPE/POC BG/2014 du 15 décembre 2014, « votre rigueur judiciaire sauvera les vies humaines mises en danger par les groupes armés et la coalition FARDC-ICCN à Ndwali! » <a href="https://bit.ly/2TbItGS">https://bit.ly/2TbItGS</a>
2015	An ICCN patrol surprised three farmers working on their field, opening firing when one tried to flee	1 dead	Multiple sources, including eyewitnesses, contacted during fieldwork
2016	A park guard opened live fire on a crowd of day labourers who had gathered to claim their pay. One man was hit by a bullet	1 wounded	BCNUDH, Rapport hebdomadaire sur la situation des droits de l'homme du 3 au 9 décembre 2016
2017	A 12-year old girl gave birth to a child fathered by a park guard	1 raped	Multiple sources, including the victim and her relatives, contacted during fieldwork
2017	The Quick Reaction Force (QRF) exchanged fire with a boat carrying both militia members and civilians, killing seven civilians	7 dead	BCNUDH (UN Joint Human Rights Office); Kivu Security Tracker
2018 & 2019	During joint ICCN-FARDC operations to dismantle an illegal settlement, multiple human rights violations took place, including torture, executions and theft of personal goods	4 dead, 10 tortured	See CIDDHOPE, 2019; COMMUNIQUE DE PRESSE : N/Réf. 005/CIDDHOPE/POCBG/19 <a href="https://ciddhope.files.wordpress.com/2019/03/communique-de-presse-nc2b0005-du-ciddhope-2019.pdf">https://ciddhope.files.wordpress.com/2019/03/communique-de-presse-nc2b0005-du-ciddhope-2019.pdf</a>
2019	Two men producing charcoal were surprised by a QRF patrol, one was subsequently shot dead	1 dead	Multiple sources, including an eyewitness, contacted during fieldwork
2019	The deputy director of the park shot at a young woman he had sexually abused since she was 15	1 wounded and raped	Letter from Radio communautaire Voix de Virunga addressed to the Auditeur Supérieur près de Tribunal Militaire de Garnison in Goma N/R:

			<p>No22/RCVVi/DPT-DHAS/2019, 9 June 2019          Letter from the victim addressed to the Auditeur Supérieur près de Tribunal Militaire de Garnison in Goma, 1 June 2019          Press release CIDDHOPPE Poursuivez urgemment en justice Mr. Mburanumwe Nzabonimpa de l'ICCN pour tentative de meurtre et autres exactions, 27 June 2019, <a href="https://ciddhope.wordpress.com/2019/06/27/1573/">https://ciddhope.wordpress.com/2019/06/27/1573/</a>          Tageszeitung, 24 June 2019 <a href="https://taz.de/Skandal-im-Kongo/!5602228/">https://taz.de/Skandal-im-Kongo/!5602228/</a></p>
2019	An exchange of fire with a boat with militia members who had kidnapped fishermen left most civilians dead	3 dead, 1 wounded	<p>Voice of America Afrique, 23 May 2019, <a href="https://www.voaafrique.com/a/sept-morts-dans-un-affrontement-entre-miliciens-et-rangers/4930088.html">https://www.voaafrique.com/a/sept-morts-dans-un-affrontement-entre-miliciens-et-rangers/4930088.html</a>          Radio Okapi, 24 May 2019, <a href="https://www.radiookapi.net/2019/05/24/actualite/securite/rdc-quatre-pecheurs-introuvables-apres-affrontements-entre-miliciens">https://www.radiookapi.net/2019/05/24/actualite/securite/rdc-quatre-pecheurs-introuvables-apres-affrontements-entre-miliciens</a>          Tageszeitung, 11 June 2019: <a href="https://taz.de/Nationalpark-contre-Menschenrechte/!5606273/">https://taz.de/Nationalpark-contre-Menschenrechte/!5606273/</a></p>



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