INDIGENOUS FAMILY, MAI-NDOMBE, DRC
PHOTO: ROBERT E. Moïse

PARTNERING WITH INDIGENOUS PEOPLES IN CARPE INITIATIVES: TOWARDS A NEW CONSERVATION PRACTICE

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Acronyms and Abbreviations

ANAPAC-RDC	Alliance Nationale d'Appui et de Promotion des Aires et Territoires du Patrimoine Autochtones et Communautaire (ANAPAC-RDC)
CAR	Central African Republic
CARITAS	A humanitarian organization; Latin word for love and compassion
CARPE	Central Africa Regional Program for the Environment
CFC	Community Forestry Concession
COCOSI	Site Coordination Committee for Protected Areas in DRC
DNH	Do No Harm
DRC	Democratic Republic of Congo
DRG	Democracy, Rights and Governance
FARDC	Armed Forces of DRC
FPIC	Free, Prior and Informed Consent
ICCN	Institut Congolais pour la Conservation de Nature
IP	Indigenous People
IPLC	Indigenous People and Local Communities
KBNP	Kahuzi-Biega National Park
LINAPYCO	Ligue Nationale des Peuples Autochtones de la RDC (LINAPYCO)
LC	Local Communities
NGO	Non-Governmental Organization
NNNP	Nouable-Ndoki National Park
NTFPs	Non-Timber Forest Products
OWR	Okapi Wildlife Reserve
PA	Protected Area
PIDEP	Programme Intégrée Pour le Développement des Peuples Pygmées
PRO-IP	USAID Policy on Promoting the Rights of Indigenous Peoples
RBA	Rights-Based Approach
REDD	Reducing emissions from deforestation and forest degradation
REPALEAC	Réseau des Populations Autochtones et Locales Pour la Gestion des Ecosystèmes Forestiers d'Afrique Centrale
REPALEF	Réseau des Populations Autochtones et Locales Pour la Gestion Durable des Ecosystèmes Forestiers de la RDC (REPALEF)
RFN	Rainforest Foundation Norway
ROC	Republic of Congo
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
USAID	United States Agency for International Development

Key Definitions

Term	Definition
Indigenous Peoples and Local Communities of the Congo Basin	Across the Congo Basin, the term employed to refer to the majority population is "Bantu" (*Bantou*, in French). The term is a linguistic one, referring to peoples who speak languages belonging to the Bantu language family. As the majority population includes those who speak languages belonging to Oubangian and Sudanic language families, applying the term, "Bantu," to all these peoples is linguistically inaccurate, but popular usage is followed in this report. The most common term used to refer to the minority Indigenous population of the Congo Basin is "Pygmy" or *Pygmée,* in French. Indigenous individuals usually refer to themselves with ethnic terms such as Bayaka, Baka or Batwa. Because "Pygmy" is often used in a pejorative sense, the term "Indigenous" or "autochthone" in French is preferred. However, in certain contexts, "Pygmy" is a useful term and has been embraced as a term of self-reference by some Indigenous groups (LINAPYCO 2019). In this report, "Indigenous" or "IP" (Indigenous Peoples) is used for the most part, but the term "Pygmy" is also used when it adds further clarification. Local communities discussed in this report typically comprise both Indigenous and Bantu peoples. See the CARPE Guide to Engaging Indigenous Peoples and Local Communities for further clarification (CARPE 2020).
Protected Areas	PAs are created to conserve wildlife and all biodiversity as well as ecosystem services such as sequestering carbon in trees and soils. In the Congo Basin there several types of PAs with different levels of protection and allowable human habitation (Yale Global Forest Atlas). Of the two PAs were visited in this report, Okapi Wildlife Reserve incorporates Indigenous and local populations within its borders while Nouable-Ndoki National Park does not.
Community Forestry Concessions	A community forestry decree in 2014 enabled the implementation and formal recognition of community forest concessions in DRC and described the concessions as a community's right with a size up to 50,000 ha. It also recognized additional customary claims beyond this size. The concession duration is determined as perpetual. There are now dozens of CFCs set up and planned in DRC (Rainforest UK 2019).

Executive Summary

This report documents research carried out in Republic of Congo (ROC) and Democratic Republic of the Congo (DRC) on the engagement of Indigenous Peoples (IPs) in the initiatives of the Central Africa Regional Program for the Environment (CARPE). The purpose of the study was to assess the current state of engagement of IPs in CARPE initiatives and provide recommendations on how it may be improved. Field research using anthropological methods was carried out in and around two Protected Areas (PAs)—Nouabalé-Ndoki National Park (NNNP) in ROC and Okapi Wildlife Reserve (OWR) in DRC. A visit to a third PA (Kahuzi-Biega National Park in DRC) was scheduled but had to be canceled due to worldwide tightening of travel restrictions in March 2020. In addition, research on the theme of IP engagement was carried out with civil society organizations (e.g., IP organizations, conservation organizations) in various cities in ROC and DRC as well as with CARPE/USAID staff in Kinshasa. The findings of the field research were analyzed, and recommendations made on how best to strengthen the engagement of IPs in CARPE initiatives so they can become full-fledged partners in conservation.

The assessment focuses on PAs and Community Forestry Concessions (CFCs) as these are major areas for CARPE investment in biodiversity conservation. Other CARPE investments such as combating wildlife (and other environmental) crime and climate change mitigation are not explicitly covered. It should also be noted that CARPE implementation is undertaken by a suite of partners, with CARPE and USAID staff serving as funders but also as knowledge managers and convenors, among other roles.

Findings

Engagement

To address the question of how to improve the engagement of IPs in CARPE initiatives, the consultant first considered the question "what are the conditions for such engagement"? At present, there is *no substantial relationship* between CARPE/USAID and IPs at the local level. The local people the consultant spoke to did not know that CARPE exists, while brand recognition of USAID was sporadic and underdeveloped. As a result, there is no avenue of communication for local IPs to learn about CARPE initiatives. Thus, if engagement of IPs is the goal, it will have to be made a policy priority, with appropriate organizational structures and proper resourcing.[1]

Engagement depends upon certain preconditions, including the creation of face-to-face relationships between locals and CARPE staff, Implementing Partners, state conservation authorities, private sector

[1] CARPE staff indicated that partners and conservation agencies are the ones that have direct relationships with IPs. The author responded: "Based on the field research, it appeared to the consultant that the most direct and effective way to increase the engagement of IPs in CARPE initiatives was for there to be a substantive relationship involving direct communication between IPs at its field sites and CARPE itself. As such, this statement was to alert CARPE staff that there is currently no knowledge or perception of CARPE and, if this is a goal, it must be made a policy priority. However, if CARPE prefers to increase its engagement with IPs through a third party, local knowledge of CARPE would be less important. At the same time, direct communication between local IPs and that third party would have to be made a policy priority— leaving this function to either the Implementing Partner or ICCN would be unlikely to lead to improvements in IP engagement, based on the results obtained in this area over the last few decades. In sum, it is up to CARPE to decide through what means its efforts to increase IP engagement might be carried out, but it appears that increased IP engagement is a policy priority for the US Congress."

and other key actors, based on open communication and mutual trust. At neither of the PA sites did respondents consider such relationships to be in place.

The rural social landscape: a single society made up of two social sectors

IPs in and around CARPE sites live in a rural village society, composed of two social sectors: one Bantu and the other IP. (Please refer to CARPE Guide to Engaging Indigenous Peoples and Local Communities for further definitions of IPs and local communities (CARPE 2020).) Because these two sectors are intimately intertwined in various aspects of daily life, initiatives carried out exclusively for IPs can easily produce conflicts with local Bantu, thereby undermining project objectives. Yet because of status differences between IPs and local Bantu—IPs occupying a lower social status—joint initiatives involving the two groups present additional complexities: in some contexts (e.g., forest protection) the two groups can collaborate effectively, yet in others (benefit-sharing, certain development activities), collaboration can easily break down, necessitating that they are dealt with separately to avoid conflict and IP disempowerment.

Customary land management

The institutions that have always been in place to regulate the relations of people to land in the Congo Basin have been those of customary management. Despite the imposition of modern forms of land management in recent history, customary systems have remained the primary means for regulating the relation of people to land at the local level. Customary territories are associated with particular local communities and all their members know precisely the extent of these territories, the resources they contain and the boundaries that delimit them.

Although the Congo Basin is represented as a vast expanse of green on most maps, such graphic conventions mask a fundamental human reality: the region comprises a vast network of collectively-held "commons," that is spaces which local communities depend on for their daily subsistence, which are managed according to long-established customary practices, and rights to which are passed down from generation to generation.

Consent

There appeared to be considerable misunderstanding among different parties around consent processes, including those carried out in the creation of PAs and negotiations regarding zoning. One key aspect of this appeared to be cultural: in the West, consent is usually seen as an agreement between two parties, made at a certain point in time and enshrined in a written document, while among rural Congolese, consent is usually manifested in the creation of an ongoing relationship between two parties, subject to negotiation, which is based on open communication and mutual trust.

Protected Areas

In the PA sites visited, there was a marked discrepancy between the core development principle of Do No Harm (DNH) and the condition of local lives under the PA administration. In particular, livelihoods could be seriously compromised (due to inadequate access to forest areas for basic subsistence activities, the predations of external commercial hunters emptying local forests of fauna and the devastation of crops by animals, particularly elephants, wandering into farms), traditional medical practice could be compromised (due to lack of access to forest areas for medicinal plants), the

reproduction of indigenous knowledge could be interrupted (because of lack of access to forest for the activities in which such knowledge is reproduced), as could other forms of social reproduction (in particular, due to lack of access to sacred sites on customary lands encompassed by the PA). If these various forms of harm, where they exist, are not redressed, it will be difficult for CARPE and its partners to secure the "buy in" of IPs and local communities (IPLCs) for the conservation effort.

Certain local needs for access to customary lands such as access to sacred sites for ritual or social functions, access to medicinal plants, access to areas for gathering have no negative conservation effects and could be effectively integrated into land-use practices within PAs. However, one of the barriers to this has been non-collaborative management approaches that have failed to prioritize developing these kinds of solutions.

The conservation goals of IPLCs usually have a local focus, centering around protecting their customary territories. This is probably the strongest motivation for both sectors to want to join conservation efforts within a PA. As such, being flexible enough to renegotiate local access rights to these territories, e.g., allowing activities with no negative conservation effects, except in IUCN Category I PAs, can serve to renew local ties to their customary lands and provide a strong motivating force for them to create collaborative relations with the PA administration and CARPE.

In each of the PAs visited, management was highly centralized. In addition, if there were any institutional mechanisms allowing for local participation in decision-making and management processes (such as the PA administration-local community coordination committees in DRC), they did not appear to be effective, as the vast majority of respondents reported that their input was rarely taken into consideration by the PA administration. This neglect has had profound effects for the quality of life of locals living in and around PAs: facilitating depredations by eco-guards, allowing compromised livelihoods to endure without redress, producing frustrations around the rupture of social and cultural reproduction and, in general, creating the feeling among locals that they had been abandoned by the PA.

Community forestry

Community forestry has considerable potential to engage IPLCs in the conservation effort, as locals are highly motivated to protect their customary territories and the small scale of CFCs makes management functions much less complex than in large-scale entities like PAs. Yet experience has shown that, if CFCs are not planned and managed carefully, they can easily result in elite capture and the disempowerment of lower-status actors (Djeumo 2001).

Customary decision-making and political process

In Congo Basin forest communities, customary political institutions can be highly "democratic," in that political authority lacks coercive power, authority is usually in an advisory role and decisions for collective action must be ratified by the body politic before they can be carried out. At the same time, in certain key decision-making contexts (e.g., public meetings) the status differences among members of the assembly tends to discourage lower-status actors (IPs, women, etc.) from freely expressing themselves and contributing to decision-making processes. As a result, if special measures are not taken to ensure the active participation of lower-status actors, their voices go unheard.

RECOMMENDATIONS

SHORT TERM

METHODOLOGIES FOR CONSULTATION

When working with Congo Basin forest communities, CARPE should not assume that village-level political culture is "representative democracy," in which it is sufficient to consult only with the relevant customary authorities such as village chiefs, or *chefs de groupement*. Rather, the "customary democracy" one often finds in the village is highly participative, in which the mass of the population has substantial input into decision-making, including the right to refuse directives from those with authority. Thus, before taking any action, one must always seek to consult with a representative sample of the public.

- Hold separate consultations for IPs in any joint (IP/Bantu) initiative to help them articulate their needs and goals, in order to develop plans that can be integrated into the global plans of the initiative.

- Pay attention to the common refrain of IPs when they are asked about their abilities to collaborate with local Bantu: "We can collaborate with the Bantu to protect the forest, but if the distribution of any (material) resources is involved, always provide our share separately so we can manage its distribution."

PROTECTED AREAS

Treat systemic PA corruption as an emergency and make a serious effort to replace the current culture of impunity with one of accountability, transparency and democratic governance. In this effort, employ experts in key subject areas to learn how the system can be reconfigured to comply with USAID policy.

Treat PA insecurity as an emergency and make a serious effort to root it out:

- Provide increased security by creating local community patrols (each LC patrols its own territory) to monitor illegal activity and report to enforcement authorities.
- Try out different models to improve security by pilot testing, seeing what methods work best in what environments.

MEDIUM TERM

IP ADVOCACY AND LOBBYING EFFORTS

CARPE should focus on current legislative processes at the national level in DRC which are of relevance to IPs, including the national IP law and the forest reform law now under consideration. For support in this effort, CARPE should work with national-level IP NGOs and international NGOs already engaged in research and lobbying efforts.

PROTECTED AREAS: CREATE A RAPPROCHEMENT BETWEEN LOCAL AND INTERNATIONAL CONSERVATION

Given the grievances aired by local communities at PA sites, the best way forward for all PAs would be for the relevant stakeholders such as donors, state conservation departments, implementing partners and local communities (IP and Bantu) to commence and continue dialogue over these issues at each PA. This process should begin with a complete demographic and socioeconomic survey of all the

communities in the area, followed by participatory mapping of the customary territories of those communities whose lands were alienated to create the PA, providing CARPE with an accurate picture of the human presence in/around the PA, the identity of the local rights-holders, and the precise nature of the local tenure system.

A "truth and reconciliation" process could then be initiated in which the grievances of all parties can be aired and addressed. This process should be sustained, not sporadic, and should be led by skilled, independent mediators, not Implementing Partners or state conservation departments due to perceived conflicts of interest. Its goals should be addressing the deficits in local well-being caused by the PA and finding a way to remedy them, so that all stakeholders can move forward in common collaboration in the conservation effort.

CARPE and partners can also develop "democratic" structures for PA management, based on full local participation in policy and management decision-making. One possibility would be the creation of "local councils" of customary rights holders who would work with park staff to develop management policies. Such councils should include customary authorities and representatives from different social sectors: Bantu men (rank-and-file), Bantu women, IP men and women. In addition, they should sit on the PA's management committee and be invested with real decision-making authority. If organizational structures exist that allow locals to express their views and participate in management decision-making, a rigorous institutional analysis should be carried out to determine if they are seen by IPLCs as legitimate and trusted If so, they can be employed to facilitate participatory management. If not, organizational structures that locals consider legitimate should be put in place.

Long term

Empowering IPs in conservation

CARPE and partners should approach local-level Bantu/IP dynamics not through the lens of "discrimination" and "victimization," but through a focus on IP "entrepreneurialism" and agency (Moïse 2011). Explore the ways in which CARPE can inspire IP action, creativity and participation in the conservation effort, allowing them to harness their rich cultural heritage to help solve contemporary conservation problems (CARPE 2020).

Community forestry

Community forestry can be a path to realizing conservation objectives throughout the region and not simply an entry point for improving PA management. Yet it is important to recognize that, for community forest efforts to be successful, they require outside institutional support in the realm of management and technical support in various domains.

To avoid elite capture and the disempowerment of lower-status actors, key management principles include: (1) maintaining the participation of all social sectors in negotiations and keeping decision-making in the hands of the body politic, rather than allowing it to be monopolized by a small group of leaders; (2) developing cross-cultural understanding among all stakeholders (donor, local community and implementing partner); and (3) designing flexibility into community forest structures and processes so they can accommodate local variation and diverse conditions.

In terms of technical support, the needs of IPLCs vary significantly, but some common needs include:

- assistance with security to protect local resources;
- monitoring for sustainable production;
- (modest) improvements in infrastructure; and
- assistance with marketing of agricultural produce and/or non-timber forest products (NTFPs).

PROTECTED AREAS

To address human well-being at PAs that CARPE supports, the program should create a "community advocacy" division for its conservation efforts.[2] Its purpose would be to ensure that IPLCs living in and around CARPE's PA sites are not negatively impacted by them—in the realms of livelihood, health, and socio/cultural reproduction—and that their participation in governance processes is sufficiently robust for them to become full-fledged partners in the conservation effort.[3]

The principal organ of the community advocacy division would be a field team that maintains contact with communities living in/near CARPE supported sites and reports directly to policy- and decision-makers in the CARPE administration. It would be charged with assessing the welfare of local communities, developing recommendations for improvements therein, understanding the cross-cultural challenges involved in interactions between PAs and resident communities, and developing recommendations for overcoming them. Although answerable to CARPE, this team should be independent of influences from conservation implementing partners and the state conservation authorities that administer PAs.

For initiatives targeting IPLCs, seek out national- and local-level NGOs embracing a rights-based approach that have direct contacts with local communities, and build relations of trust with them, to use as supplementary implementing partners to build trust and communication. Recommend to conservation implementing partners that they renegotiate the rules of access for IPLCs to their customary territories within PAs.[4] Activities with no negative conservation effects, which would considerably improve relations with IPLCs, include gathering traditional medicines and visiting sacred sites for ritual purposes. In the subsistence realm, most gathering activities would have few negative conservation effects, whereas hunting and fishing activities, if properly supervised by conservation authorities to ensure sustainable offtake, could provide a win-win situation: improved relations between PAs and IPLCs with

[2] CARPE staff thought creating such a unit would not be feasible within CARPE and noted the role of the community coordinating committees (CoCoSi) in PAs in DRC. The author responded: "If it does not seem appropriate for CARPE to create such a division, it could be created by a third party. However, if it is not under direct CARPE oversight, I doubt it will be effective. As to ICCN, please see the comment above. In fact, in neither of the two PAs I visited did IPLCs, or project staff not directly employed by the government, have any faith in the state conservation authorities. I think this is a systemic problem with state conservation authorities in the Congo Basin, not just ICCN."

[3] If the goal is to monitor and address adverse impacts, such an activity could be considered a part of social safeguards and development of redress/grievance mechanisms.

[4] CARPE staff noted that there are legal restrictions on entry into parks and use of resources. The author responded: "Even if the restrictions appear to prevent any use by IPLCs of lands within PAs, I would consult with legal experts, including those from the community advocacy sector, to see if there is any room for negotiation, as laws can be subject to varied interpretations. In addition, it would make a difference if the current restrictions were created by legislation or by ministerial *décrets* and *arrêtés* (the latter being easier to revise)."

no negative conservation effects. Creating schools for indigenous knowledge as mechanisms for its reproduction, i.e., schools for local youth taught by IP elders who still possess such knowledge, as is being done around the Dja Reserve in Cameroon (Smith 2019), is an exciting opportunity to honor indigenous knowledge and tie it to conservation over generations.

Management approaches should be developed for PAs in which a more level, multidisciplinary playing field is created, in which all relevant forms of expertise—conservation, human rights, law and the social sciences—are brought to bear to transform the current management regime into one which provides:

- democratic governance;
- respect for human rights;
- respect for the customary rights of local peoples; and
- respect for the lives of the non-human inhabitants of the forest landscape.

In short, a management regime that will be in full compliance with the 2020 appropriations bill have an honest chance of protecting the environment; and produce sufficient local buy-in to make IPLCs robust partners in the conservation effort. See page 12 below for specific language from this bill.

I. Introduction

The notion that IPs make effective partners in conservation, and that their rights to land and livelihood should be respected, has been recognized in global conservation discourse at least since the IUCN World Parks Conference held in Durban, South Africa in 2003, in which the following targets were adopted, with a projected realization date of 2014:

> **Target 8**
> All existing and future protected areas are established and managed in full compliance with the rights of Indigenous Peoples, including mobile Indigenous Peoples, and local communities by the time of the next IUCN World Parks Congress.
>
> **Target 10**
> Participatory mechanisms for the restitution of Indigenous Peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent are established and implemented by the time of the next IUCN World Parks Congress.

In 2007, this notion gained additional support with the passing of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by a vast majority of member countries. This declaration contains similar principles in relation to the land and livelihoods of Indigenous Peoples:

> ***Article 10***
> Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
>
> ***Article 26***
> 1. Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

> 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned.

In addition to these international legal frameworks, there has been a growing literature on the efficacy of indigenous conservation practice, which, in several cases, has been shown to be more effective than that carried out in state-sanctioned PAs (Barrow et al. 2016, CARPE/IPE 2019, Pyhälä et al. 2016, Tauli-Corpus et al. 2020). Yet despite this recognition of the key role that IPs can play in conservation, progress on the ground has been slow and this principle has yet to take root as conventional wisdom in global conservation practice.

Within the Central African Regional Program for the Environment (CARPE), there has been a growing recognition of the value of IPs in conservation, the need to make them partners in CARPE's initiatives, and the degree to which they, as marginalized, forest-oriented peoples, depend on healthy forests for their survival and well-being (CARPE/IPE 2019, Integra Environmental Services 2017, Russell and Vabi 2013). This recognition has taken the form of a collaborative effort between CARPE and the Democracy, Rights and Governance (DRG) unit within USAID in the form of the Indigenous Peoples engagement initiative (CARPE IPE), which "aims to strengthen collaboration with and leadership of Indigenous Peoples within CARPE's key strategic areas including better management of protected areas, mitigate the threat of the commercial bushmeat trade, and reduce deforestation" (CARPE/IPE 2019). CARPE/IPE aims to address findings from the CARPE III evaluation that "CARPE has been unable to effectively integrate indigenous people into its biodiversity conservation and climate change mitigation portfolios. CARPE needs clear strategies informed by social science and led by subject matter experts if it is to have any chance of having significant impact. A unified program spanning CARPE Landscapes with a dedicated staff trained and skilled to address the very delicate issues of relations with ethnic minorities (specifically, "pygmies" (baMbuti, baTwa) could yield better results could yield better results" (Integra Environmental Services 2017: 11).

Given the underdeveloped capacity in this area, some questions arise:

- Just how can CARPE successfully achieve its objectives in relation to IPs?
- What does it need to know, and put in place institutionally, to be able to do so?

More recently, after the CARPE/IPE initiative was underway, a parallel development emerged on the global conservation scene. Reporting in the popular media exposed another element of the "social side" of conservation: human rights violations visited on local communities by the staff of state-sanctioned PAs in various locations globally, including sites supported by CARPE in the Congo Basin (Buzzfeed 2019). As a result of these revelations, which corroborated previous allegations to this effect (Pyhälä et al. 2016, Survival International 2014), the US Congress launched its own investigations and inserted stringent language for the funding of PAs in its new appropriations bill:

> National Parks and Protected Areas. In lieu of the requirement under this heading in the Senate report, funds made available for national parks and protected areas should only be made available if agreements for the obligation of funds between implementing partners and the Department of State and USAID include provisions requiring that: (1) information detailing the proposed project and potential impacts is shared with local communities and the free, prior, and informed consent of affected indigenous communities is obtained in accordance with international standards; (2) the potential impacts of the proposed project on existing land or resource claims by affected local communities or Indigenous Peoples are considered and

addressed in any management plan; (3) any eco-guards, park rangers, and other law enforcement personnel authorized to protect biodiversity will be properly trained and monitored; and (4) effective grievance and redress mechanisms for victims of human rights violations and other misconduct exist.

Given the convergence of these internal and external factors, the question of how CARPE can engage with IPs more directly to achieve its conservation goals has become ever timelier and it is the purpose of this study to present research and analysis in an effort to answer it. In particular, the study seeks to address the following issues:

ENGAGEMENT

- What are the conditions that need to be in place before effective engagement can take place?
- What does CARPE need to know about IPs (their institutions and the local milieu) to ensure effective engagement?
- What are the proper methods for consultation with IPs and other locals?

CONSENT

- Given that, in the Congo Basin, effective processes for obtaining free, prior and informed consent (FPIC) are nascent in the development and conservation sectors, how does one go about doing it?
- What does consent actually mean? Are there cultural dimensions to it? Does it mean different things to different people (at global, national and local levels)?
- What IP needs must be addressed to assure their well-being?
- What are the current obstacles to meeting those needs?
- How should CARPE monitor local well-being? And what are the management, communication and information-gathering infrastructures that need to be in place to do so?
- Are current CARPE initiatives helping, harming or remaining neutral in relation to local well-being?

GRIEVANCES

- What grievance and/or monitoring mechanisms should be in place to address PA misconduct vis-à-vis IPs and other local peoples?

INDIGENOUS CONSERVATION

- What are IP goals in conservation and what are their motivations for it?
  What particular skills do they have that can be applied to the conservation effort?

The goal of this assessment was to pose these kinds of questions and to give (tentative) answers to them based on field research at the local level, in order to lay the groundwork necessary for developing effective collaboration between IPs and CARPE initiatives. Before addressing these questions, however, it is important to examine issues of relevant to the creation of partnerships between CARPE and indigenous populations with respect to its interventions.

The study begins with issues surrounding the concept of "engagement" and, after a description of the methodology employed, provides a background section that addresses thematic issues that are key to understanding the behavior of the various stakeholders in the conservation sector: international conservation groups, IPs and local (Bantu) communities, state agents and external economic actors. The data collected during the fieldwork is then presented and analyzed, followed by a set of recommendations on the steps to be taken to achieve local IP buy-in for CARPE's initiatives and to make them effective partners in its conservation efforts.

ISSUES OF ENGAGEMENT

THE CONDITIONS FOR ENGAGEMENT

To address the question of how can one improve the engagement of IPs in CARPE initiatives, the consultant started with the question, what are the conditions for such engagement? The first pillar of effective engagement is communication, direct, ongoing communication between decision-makers and those living the consequences of their decisions. A feedback loop between project sites and decision-makers must be created so that decision-makers understand the effects of their policies and actions at the local level and are able to make adjustments to keep outcomes consistent with project goals and objectives.

USAID's new Policy on Promoting the Rights of Indigenous Peoples (PRO-IP) is underpinned by a human rights-based approach and the principle of Do No Harm. Nevertheless, in the eyes of the Indigenous Peoples and local communities (IPLCs) that the consultant spoke to approaches employed in PAs that CARPE is supporting cause considerable harm to them, as manifested in compromised livelihoods, challenges to social and cultural reproduction resulting from loss of access to customary lands, excessive punishments for carrying out traditional activities, and other manifestations of what has been called the "fortress conservation" mentality.

- These forms of harm include, but are not limited to subsistence territories that are significantly reduced or eliminated, animals from the PA (particularly elephants) devastating local farms, the inability to visit sacred sites for traditional ceremonies, physical violence against IPLCs who seek to gather traditional medicine, and other harms to IP livelihoods and well-being.

In such circumstances, it is difficult to ask local people to participate in specific activities that offer the potential for modest improvements in their lives when one is simultaneously doing great harm to them through one's overall approach.[5] For example, if a PA administration offers local peoples a development project to generate revenue, but they are beaten, imprisoned or even killed for collecting medicinal plants on their ancestral lands, then the PA is perceived as being disingenuous, hypocritical, and unworthy of locals' trust.

[5] There is no doubt that forests and wildlife in Congo Basin are under considerable threat. Incursion into PAs for exploitation is widespread. Exploitation generates and bankrolls conflict as well as loss of biodiversity. If effectively engaged, IPLCs can provide critical knowledge, intelligence and action to shore up PAs that have proven to be no match for well-armed and well-connected exploiters. But only if they have a stake in the outcomes.

- To give one example, a Batwa boy was killed for gathering medicinal plants on his customary lands within Kahuzi-Biega National Park (Forest Peoples Programme 2017), but the cases are numerous (see Buzzfeed 2019, Survival International 2014).

And without a relationship of trust, engagement will remain forever limited, as it will be lacking in local "buy-in." As such, trust is a second pillar of effective engagement.

Thus direct, ongoing communication and a relationship of trust between PA administrations and IPLCs constitute two key conditions for any form of effective engagement. Yet, for a robust form of engagement—one that would put donors (and PA authorities) in full compliance with the new appropriations bill—several other conditions are also considered necessary for full engagement:

- The creation of institutional mechanisms to facilitate a full participation of IPLCs in decision-making for the creation of PA management policy and practice
- Recognition of the land rights of locals with customary rights over the spaces encompassed by the PA
- The display of genuine concern for local well-being
- Strict adherence to the principle of DO NO HARM

As a result, three subject areas addressed in the new appropriations bill provided the criteria which the consultant used to assess the potential of CARPE initiatives to produce a robust form of engagement with IPs:

> *1) Democratic governance*: As reflected in precondition #1 (FPIC should be a prerequisite for any initiative or action within a PA)
>
> *2) A respect for the land rights of those with customary rights over the spaces encompassed by the PA:* As reflected in precondition #2 (land and resource claims of IPLCs being considered and addressed in any PA management plan)
>
> *3) A respect for local livelihoods and well-being:* As reflected in preconditions #2 and #4 (land and resource claims of IPLCs being considered and addressed in PA management plans; grievance and redress mechanisms must be in place for victims of human rights violations and other misconduct)

Please note that specific guidance for improving CARPE's and its partners' engagement with IPs can be found in the CARPE Guide to Engaging Indigenous Peoples and Local Communities (CARPE 2020).

LEVELS OF ENGAGEMENT

At first glance, the question of engagement of IPs in CARPE initiatives could be thought of in terms of such pragmatic questions as, "how many members of IPLCs are employed as eco-guards in a PA?" However, the such involvement is a weak form of engagement, in that its underlying assumption is, how can *we* incorporate them into *our* plans rather than understand and address their goals.

A more robust form of engagement of IPs in conservation is considered to be one that: (1) actually achieves local "buy-in" (reflecting a sincere respect for, and support of, the goals of the initiative) and (2) conforms to the guidelines for PA funding outlined in the new appropriations bill. As noted above, this

much more robust form of engagement was the yardstick by which current IP participation in CARPE initiatives was measured and which the recommendations contained in this report embraced. Note, however, that as the Wildlife Conservation Society implements a co-management regime at the two PAs visited for this assessment, their ability to hire IPLCs and otherwise engage is expected to shift to more control, thus changing the dynamic and introducing more opportunity for CARPE and WCS to implement the CARPE IP Guide recommendations (CARPE 2020).

Of course, selection of which elements among the menu of options for IP engagement offered in this report is up to for CARPE and partners. Yet since the appropriations bill has already set a high bar for PA/local relations, the consultant thought it best to set the engagement bar in comparable territory.

BANTU AND "PYGMIES" IN THE CONGO BASIN: WHO IS "INDIGENOUS" (AND NOT)?

For centuries, the Bantu/Pygmy relationship in Congo Basin forest societies has been based on forms of social hierarchy corresponding to their relative levels of economic, political, military and demographic power; yet there has also been a profound degree of interaction and complementarity between the two groups, akin to a society divided into "moieties" (Moïse 2014).

> *Moiety system*: also called dual organization, a form of social organization characterized by the division of society into two complementary parts called “moieties.” Most often, moieties are groups that are exogamous, or out-marrying, and have complementary roles in society. For instance, members of the Raven and Wolf moieties in Tlingit culture traditionally performed certain tasks, such as preparing funerals, for each other. –Encyclopedia Britannica

The following description of the pre-colonial Bantu/Pygmy relationship provides a basic understanding of the deep interconnections characterizing their relations:

Although Bantu and IPs clearly enjoyed different statuses in pre-colonial regional society, IP inequality was limited to specific contexts and there were a number of domains in which sharing and collaboration occurred between the two groups:

- Bantu provided indigenous groups with iron, agricultural food, and trade goods, while they provided meat, honey, ivory, and other forest products
- Bantu and indigenous groups shared rights to forest territories
- Bantu provided military protection, while indigenous groups provided forest reconnaissance and fought alongside their allies in battle
- Indigenous groups provided Bantu with access to the invisible world through various ritual services, while their music and dance skills livened up Bantu social gatherings.

In this way, the lives of Bantu and their indigenous allies were intertwined in several dimensions and the relationship was very much one of mutual support (Moïse 2019).

Bangando patron, center, and Baka clients, Cameroon c. 1908 (Friedrich 1913)

Profound changes have certainly occurred in the societies of the Congo Basin, yet the traditional Bantu/Pygmy relationship has retained many of its basic features, which were endured in the field sites visited by the consultant.

The intertwined nature of these two groups presents practical challenges for outside interventions aimed at partnering with Pygmies in the local setting. For example, when benefits are provided only to the Pygmy population, Bantu often get "jealous" and decry their exclusion. Yet when material goods are given to both groups, Bantu often dominate the distribution, taking more for themselves, with Pygmies receiving less. At the same time, Bantu possess skills and social roles—literacy, agricultural production and positions of political authority—that can be critical to the success of external interventions. Although challenging, these issues can be addressed through an approach which combines joint (IP/Bantu) collaboration in certain domains (including forest protection), with separate interventions tailored to each sector in other domains, and such an approach is developed in later sections. Yet an additional complication posed by this complex social field arises when one attempts to apply the category of "indigenous" to it.

Although Pygmies are usually represented in Bantu oral traditions as the original inhabitants of the forest, Bantu societies have been living in the region since at least 1500 B.C.E. and likely earlier (Moïse 2014, Vansina 1990). In the sense of "who came first," then, Pygmy groups are usually considered to be "indigenous" in relation to Bantu. However, in modern African human rights contexts, the term "indigenous" is defined not on the basis of "who came first," but by virtue of belonging to a cultural group that experiences social marginalization and continues to embrace a cultural tradition that places them outside the dominant culture (Barume 2014). So-called "Pygmy" groups certainly fit all these

criteria and, in local contexts, one could argue that Pygmies should be considered as "indigenous" according to this definition, because they have limited access to various goods, services and prerogatives, while usually adhering to a culture outside that of the dominant society.

At the same time, in the context of external inventions in the development and conservation sectors, local Bantu could also be considered "indigenous" because of the profound marginalization they experience vis-à-vis powerful external actors, along with their desire to maintain a traditional culture outside that of the dominant forces imposed on the locale. In the contexts of PAs, then, this study treats local Bantu as "indigenous" along with Pygmies. Furthermore, following conventional usage, the terms employed for these groups are: "Indigenous Peoples" (IPs) for Pygmies and "local communities" (LCs) for Bantu communities, while their ensemble will be referred to with the term, "Indigenous Peoples and local communities," (IPLCs).

II. Background and Methodology

PAs are complex social fields involving a diverse set of actors and the logic underlying their behavior is not always apparent. Thus, before presenting findings from the field research at the PA sites, key contextual information below offers a set of analytical tools to interpret the behavior of the various stakeholders and explain why their interactions unfold as they do.

Community conservation and centralized conservation

Community conservation in the Congo Basin

Archaeological evidence indicates that the Congo Basin has supported human settlement for at least 40,000 years (Clark 1970, Cornelissen 2002). During that expanse of time, its forests were managed according to local customary management systems and this was done in a sustainable manner, as indicated by the abundant flora and fauna encountered by European explorers upon their arrival in the region in the late nineteenth century (Parke 1891, Stanley 1885).

Over the course of this history, different systems of land management emerged in different parts of the region. In some places, rights of access to the surrounding forest could be open and flexible, but, in many areas, population density and other factors led to the emergence of clearly-defined, formal systems of land tenure. As French forestry expert Alain Karsenty and colleagues report: "(i)n some cases, lineages have a strong authority on the forest territory they claim, access is well codified, and boundaries are precisely known" (Karsenty et al. 2010: 2). Hewlett finds that in southwestern CAR "(e)very local villager or forager knows the limits of different patrilineal territories... (which) are distinguished by small streams or particularly large trees and/or a particular species of tree (1996b: 3-4).

At the same time, formal systems of land tenure can exhibit variety in terms of the social units possessing rights to customary territories: a single village can exercise rights over a particular forest territory, or a much larger area of forest can be shared by several villages within a region. Yet despite such variation, there are principles underlying customary management systems found across the Congo Basin:

- Access to a particular forest territory is limited to the local community, their relatives and visitors, and those who have been given their permission.

- Even though certain sites, such as garden plots, fishing holes, or caterpillar trees, within a community's territory will belong to individuals or families the territory as a whole is "held" by a particular community and is passed on to their descendants to sustain their livelihoods. In this way, the community with rights to it acts as "trustee" of a collective patrimony passed down through the generations.
- Forest territories for a particular village or group of villages are often divided into smaller territories belonging to each of the major clans comprising the village(s). Each clan manages its own territory and usually has a representative such as the clan head, the land chief (*chef de terre*) who is charged with daily management tasks.
- Actual "ownership" of forest territories lies in the mystical realm, as spirits are considered to act as "guardians" of the land, maintaining its fertility and providing the living with access to it; this role can be played by various entities such as spirits of the ancestors, local land spirits or the spiritual being that created the forest.
- Rights to land are transmitted by birth (each individual enjoys access to the territories of his/her mother and father), through marriage (each individual acquires access to those of his/her spouse's mother and father), and by being passed on as a "gift" to friends or partners in alliance relationships.
- Knowledge of the territory—its boundaries, resources and lore—is transmitted to youth by their elders in the course of daily subsistence activities carried out within it.

Although the Congo Basin rainforest is represented as a vast expanse of green on most maps, such graphic conventions mask a fundamental human reality: the region comprises an immense network of collectively-held local commons, spaces which communities depend on for their subsistence, which are managed according to long-established customary practices, and rights to which are passed down from generation to generation.

Map 1: Local customary territories near Lukolela, on the Congo River (Rainforest Foundation UK/Mapping for Rights)

CENTRALIZED CONSERVATION

In the Western tradition, the alienation of common lands for the purpose of "protection" has its origins in the institution of the "royal forest," which the Frankish kings imposed on the lands they conquered, at least from the time of Charlemagne onward (Griffin 2007). In this case, the goal of protection was to create hunting preserves for royalty and nobility that would endure in perpetuity. In addition, as the skills used in hunting were the same as those used in war, royal forests served as training grounds for the warrior elite. When the Normans invaded Britain in 1066, they brought this institution with them and applied it to the landscape in the form of both "royal forests" and "deer parks," royal hunting preserves carved out of common lands. The alienation of land for royal purposes invariably produced conflicts with commoners, yet royals normally prevailed, due to their superior power (Harrison 1993).

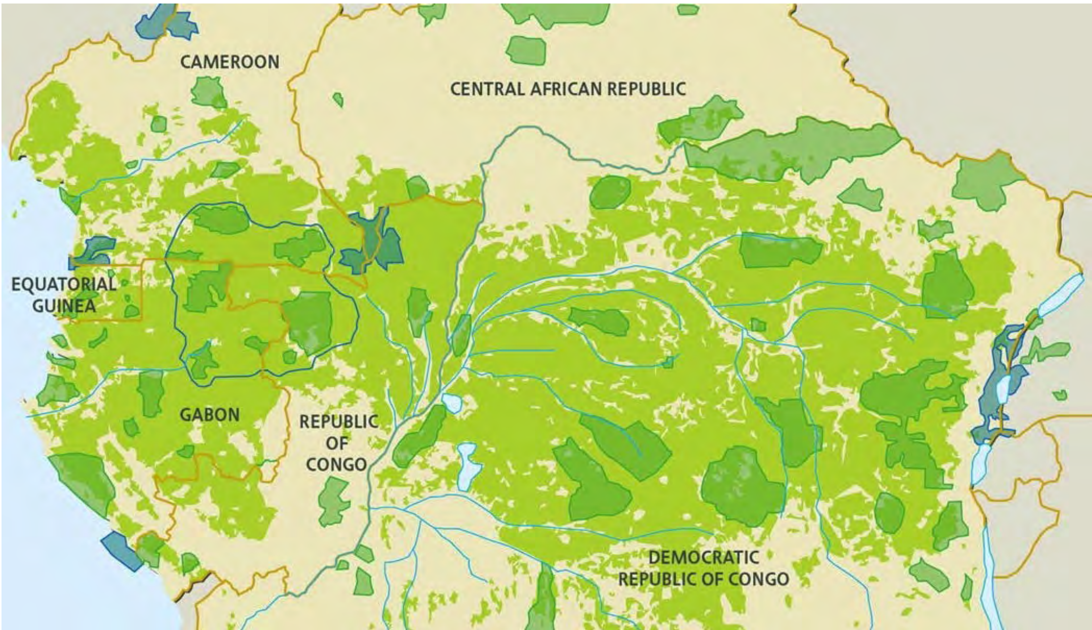
Western traditions of centralized conservation were transferred to the United States in the nineteenth century, with the emergence of the institution of the "national park," which also involved the alienation of common lands and the expulsion of their indigenous inhabitants (Jacoby 2014). Such spaces offered the masses of a newly-industrial society opportunities to achieve physical, moral and spiritual renewal as an antidote to the exigencies of urban life (Worster 1993). In this way, as centralized conservation traditions were transferred to the United States, their goals became more "democratic," in that PAs were no longer serving the exclusive interests of elites but provided benefits to broader publics. As more and more Americans emigrated to urban areas and ceased living on the land, this view of sites within the landscape as "museums of nature"—to be experienced during moments of leisure, but not to provide sustenance to human communities—made increasing sense to an urbanizing America.

The transference of these conservation traditions to the Congo Basin began in the colonial era but has expanded significantly in recent decades with the arrival of international conservation institutions seeking to protect the biodiversity of forest landscapes. In this context, the alienation of common lands for the creation of PAs has been facilitated by colonial and post-colonial legal frameworks in the region, which consider all land not under cultivation to be the domain of the state, as well as the "concessionary" system, through which large tracts of land are consolidated as concessions, which are then leased to external actors by central governments for the purpose of either commercial exploitation or conservation (Coquery-Vidrovitch 1972, Gray 2002, Hardin 2011). The creation of PAs in the Congo Basin has produced land conflicts, yet states have prevailed. In addition to protection of key species and their habitats, national parks provide leisure functions for domestic and international tourism. Furthermore, in some Congo Basin countries (e.g., CAR and Cameroon), PAs have combined the institutional structures of both the "national park" and the "royal forest," in that large expanses of land, referred to as "safari hunting" zones, have been set aside as hunting preserves for the wealthy, from which local land-use is excluded.

Although both community conservation and centralized conservation embrace the same goal of "protection," their institutional features differ in important ways, in terms of scale, purpose and management structures (Table 1 and Maps 1and 2).

Feature	Community conservation	Centralized conservation
Scale	Small territory for local community	Vast concession
Decision-making	Local and "democratic;" feedback loop between land's fertility, decision-makers and users	Central authorities in capital cities
Goals	Reproduction of local community through time	Elite hunting, protection of animal species and habitats, leisure pursuits for broader citizenries

Table 1: Institutional features of community conservation and centralized conservation



Map 2: Protected Areas in the Congo Basin (GRID Arendal open access)

From the local perspective, the creation of PAs on customary lands has three key consequences, which have a direct bearing on their lands, livelihoods and well-being:

1) Decision-making for land management is taken out of local hands and put into the hands of central authorities located in distant capitals.

2) Access to land for subsistence, medical and spiritual use is reduced or disappears entirely, as land is dedicated to protection.

3) The direct feedback loop between the land's fertility and local decision-makers is broken and replaced by a long-distance, administrative feedback loop connecting local, regional, national and international authorities.

From the perspective of donors and those involved in management, PAs present a range of challenges:

1) How to balance local rights with broader protection goals.

2) How to deal with pressure on the land and its resources from external economic forces.

3) How to maintain a feedback loop between the health of the land (biodiversity) and distant policymakers, as communication passes through a chain of administrative channels, in which information can be "lost" as it is passed from subordinates to superiors and from delegated authorities to central authorities. Adding to that challenge is the imperative to generate narratives to funders and the state about "threats" to biodiversity and "successes" in mitigating these threats. Such narratives tend focus on immediate problems rather than longstanding inequities and structures that alienate a core constituency from its natural resource base.

THE ROLE OF CULTURE IN INTERNATIONAL/LOCAL PARTNERSHIPS FOR CONSERVATION

The 2020 appropriations bill raises the bar high in terms of preconditions for funding PAs, most notably in its requirement that they should only receive funding if they first obtain the free, prior and informed consent (FPIC) of affected indigenous communities. However, given that, in the history of PA-creation in the Congo Basin, FPIC has existed primarily as an administrative ideal, but has rarely (if ever) been realized in practice, this requirement presents considerable challenges. At the same time, since FPIC has remained so elusive in daily conservation practice, the question arises, what would it actually look like? What does FPIC even mean? Is its meaning self-evident? Is it something everyone, including those from diverse cultural backgrounds, would immediately recognize if they saw it? Or is it subject to different interpretations by different stakeholders?

In a study of consent in a logging concession in northern ROC, Lewis notes that consent has two very different meanings for Westerners and those working for Western companies and for Congolese forest communities employing customary institutions as a reference point (2008). For Westerners, consent is usually interpreted as an agreement between two parties at a single point in time, enshrined in a written document. For rural Congolese, it is usually defined as the creation of an ongoing relationship of communication and negotiation between two parties, based on mutual trust and sharing of information (Lewis 2008). Although the implications of this difference for transactions between international and local partners will be considered later in this section, the marked difference between these notions of consent does raise a key issue: *culture matters* in these kinds of cross-cultural exchanges.

EXPLORING CULTURAL MEANINGS

Exploring cultural meaning is foundational to the discipline of anthropology. Two principles stand out from the anthropological body of work on culture. First, a basic methodology for carrying out field research with human subjects is to *listen* to them, rather than talk *at* them, or present them with pre-arranged questionnaires (the common practice in much social science research carried out in the Congo Basin). Second, as part of this approach, the researcher should pay close attention to how people "frame" phenomena in their daily speech and action (Lakoff and Johnson 1980), as this process best

reveals the conceptual world out of which any given individual or collective operates. For example, in conversations with respondents at the PA sites, as well as with Institut Congolais pour la Conservation de Nature (ICCN) staff, the PA was referred to as "the Whites (*les Blancs*)" or "the state (*l'état*)." That is, they did not say "our park (or our reserve)," as community members within their community forest might refer to it. Instead, it was identified as something belonging to outsiders, and powerful ones.

Culture matters: the meaning of the land

Turning to the practical details of conservation, an issue that merits consideration in developing international/local partnerships is how each party conceives of the land. In international conservation, the land is often depicted as part of a universal "nature," a (sacred) treasure of "biodiversity," which is a product of billions of years of evolutionary history (Kiik 2018). For IPs and other forest-dwelling communities, however, the Congolese forest landscape is both an ancestral "home" and a repository of a vast field of mystical forces and powers.

The second meaning of the forest is exemplified by a comment made by a *Chef de Groupement* in the Okapi Wildlife Reserve when he discussed the importance of sacred sites for traditional cultural practice. He noted that the sacred site was a repository of customary power, which could be brought to bear to "activate" any human activity, from dispute resolution to initiation of youth to divination to a funeral ceremony. The metaphor he used to describe it was a "faucet." One arrived at the site and, by carrying out the proper ritual procedures, one "opened" it, so that its mystical force flowed out and empowered the activity.

In this way, the forest is a place of sentiment, memory and ancestors; it is a place from which issues a range of mystical and healing forces; it is a fountain of sustenance, a wellspring of fertility. In these latter senses, a key concept in IP cosmologies, and those of local Bantu, is that the various spiritual forces animating the forest for the benefit of human beings, which are often seen as ancestral forces, must be respected. A state of social harmony must be maintained between them and the living, and among the living as well, if the forest is to maintain its fertility. On the other hand, discord, anger and conflict all serve to nullify its life-giving forces and once this state is manifested, for instance by a lack of success in hunting or fishing it must be counteracted with the appropriate ritual measures for fertility to return once again (Ichikawa 1978, Lewis 2008, Moïse 1992, 2003).

Culture matters: issues around consent for land transfers in the creation of PAs

The question of cross-cultural understandings of consent becomes critically important when one considers the creation of PAs and the alienation of local customary lands in the process. Before considering the cross-cultural misunderstandings that can characterize such transactions, however, it is important to describe the procedures in customary practice for sharing rights to land with others. For, although Western notions of consent seem to derive from legal frameworks surrounding property transactions in Western historical experience, Congolese notions of consent derive from customary practices around the giving (and removing) of access rights to land.

When an outsider seeks to enter the forest territory of another community to make use of its resources, he or she must first meet with the appropriate customary authority that has jurisdiction over it (i.e., *chef de clan*, *chef de terre*). If the authority decides to grant access to the outsider, he or she will be obliged to make a payment (*redevance*) at the time of the initial agreement, with regular payments made in perpetuity afterwards (e.g., a basket of fish every fishing season, etc.). However, if the immigrant

user abuses the agreement (by for example overhunting or overfishing), the customary authority can rescind the agreement and send him/her packing. In this way, the customary authority occupies a position akin to "owner/landlord" and the immigrant occupies a position akin to "tenant," while what is granted is shared access/use, rather than private property which can be alienated.[6]

As a result of the cross-cultural differences in how consent is defined, a range of misunderstandings and ill will can be generated by transfers of land in the creation of PAs. Conservation agencies typically have a justification for the transfer of land to create the PA, in which they usually claim that consent for the transfer was acquired or, as in the case of NNNP in ROC, consent was not necessary because the area of the PA was "uninhabited" (Ayari and Counsell 2017). Yet IPLCs consider the acquisition of the lands of the PA to have been unjustified, usually based on a lack of consultation, or, if consultation did occur, because the original parties from the communities did not understand what they were being asked to concede. As one elder living near NNNP explained:

> "At first, we were happy about the creation of the park. But it was only later that we realized what it meant to be a "park." It was only when we tried to go into our forest and were stopped by eco-guards that we realized the park was not going to be good for us."

METHODOLOGY

Research for the study was carried out in the US, ROC and DRC, within multiple contexts:

Pre-field preparation in the US

The consultant carried out preliminary meetings in the US (primarily in Washington, DC) with staff of CARPE, USAID, U.S. Fish and Wildlife Service, the World Bank, conservation NGOs (World Wildlife Fund-WWF, Wildlife Conservation Society-WCS, Bonobo Conservation Initiative-BCI) and individual researchers working in the conservation sector to discuss the themes of the research and develop the research plan.

Meetings with partners in Kinshasa and Brazzaville

In Kinshasa and Brazzaville, the consultant met with staff from CARPE/USAID, WCS, NGOs working in IPLC advocacy and NGOs specializing in IP advocacy to discuss the themes of the research and develop the research plan.

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[6]CARPE staff asked how to deal with customary authorities who may be corrupt. The author noted that: "Some customary authorities can certainly be corrupt. I have seen it mostly in areas where, due to colonial regroupement, the customary authorities no longer live in the areas they manage, which tends to make them view the land and its users in very 'transactional' (i.e., commercial) terms. But I don't think that negates the general point being made here that the customary system allows for outsiders to gain access to community lands (in the role of the 'well-mannered guest') and that that institution provides the framework for how rural people think about consent processes around outside use of customary land."

Field visits to CARPE-supported PAs in ROC and DRC

The consultant completed field visits to two PA sites: NNNP (ROC) and OWR (DRC). A visit to a third site, Kahuzi-Biega National Park (DRC), was scheduled, but had to be canceled due to worldwide tightening of travel restrictions in March 2020. At each of the two sites he visited, the consultant carried out meetings with local authorities (state and customary), conservation staff (managers, social staff, and eco-guards) and local communities, both Bantu and IP.

With authorities and conservation staff, the research method employed was usually individual interviews, whereas in the communities, it was usually focus groups, supplemented by individual interviews. In all local communities, the consultant met with all social sectors: men, women and youth.

IIIA. FINDINGS/SITUATIONAL ANALYSIS

GENERAL THEMES

Before presenting findings from the field visits to each PA site, general comments that touch on commonalities are found below.

CUSTOMARY MANAGEMENT AND IP/BANTU RELATIONS

At both sites, Bantu and IPs have a heritage of intimate exchange relations with one another, which continues to the present. In this way, they both fit the profile of a "single society, with a dual (moiety) organization," as described in the Introduction. This is not to say that the two groups do not have conflicts, but that many domains of daily life are shared between them such as an exchange economy, and shared forest use. In addition, at both sites customary forest management followed the model prevalent throughout the Congo Basin:

- forest territories for each settlement, sub-divided into micro-territories for the different clans comprising the settlement
- clan membership shared by both IPs and Bantu, associated with use of a common territory
- the need to ask permission for the use of natural resources in forest territories other than one's own
- management of the forest territory by a customary authority

APPROACH OF LOCAL COMMUNITIES TO THE RESEARCH

In general, the members of the local communities that the consultant spoke to were happy to be given the opportunity to have their voices heard. In addition, it seemed to give them a certain degree of hope. As one elder IP woman at OWR expressed:

> "This Reserve was started by the Americans. So we're hoping that the Americans can make things right again."

What respondents seemed to be seeking in the interactions facilitated by the research was a chance to air their grievances, but also to be given an opportunity to engage in an open dialogue with PA staff (and donors), in order to search for solutions to the problems affecting their daily lives.

Women, Bomassa village, NNNP (R. Moïse)

Nouabalé-Ndoki National Park (NNNP) in ROC

Sites visited

Fieldwork was carried out in three sites in and around NNNP: Kabo, Bomassa and Bon Coin. The latter two are both in the proximity of park headquarters, but Kabo is approximately thirty kilometers to the southwest.

IP employment

In 2019, IP employment statistics for NNNP are: 21 IPs with full-time jobs (12% of the workforce), but no numbers are available for part-time or temporary workers, which are the types of employment IPs are often offered and tend to seek out.

Recognition of land rights

In interviews with Bantu and IPs in Kabo, their pre-park life was characterized by the following features:

- A clan-based land-management system, in which management authority was exercised by local *chefs de terre*.
- Intimate exchange relations between Bantu and IPs, institutionalized in common clan membership (similar to that found in CAR to the north and east).

- Hunting, fishing and gathering activities carried out throughout the space of the current park.
- Although no permanent villages were established in what is now the park, there were temporary camps throughout it that facilitated ongoing stays for resource procurement. This is a typical pattern for contemporary Bantu groups, which can spend up to a couple months in temporary forest camps, collecting fish, caterpillars and other resources.
- Local IPs in Kabo carried out regular subsistence activities in the space of the park, could travel long distances from the village, especially in the pursuit of game, and could spend years on end doing so. Local Bantu confirmed this, with estimates of extended IP residence lasting from 1-5 years.
- Toponyms (place names) for sites within the current park included places named after tribal wars, clearly indicating human use of the park, albeit with a contested jurisdiction.

Schmidt-Soltau and Cernea (2003), however, estimated that "around 3,000 people had been displaced from NNNP" (Rainforest Foundation UK 2017: 46). In addition, historical, archaeological, linguistic and anthropological literatures stress the importance of the Sangha River as a hub of human activity and a major route for the Bantu expansion (Copet-Rougier 1987, Coquery-Vidrovitch 1972, Giles Vernick 2002, Klieman 2003, Vansina 1990). Furthermore, during the ivory and rubber trades of the 19th and 20th centuries, it is difficult to imagine that these rich forests would not have been exploited. Although only historical research on the area can provide definitive answers to these questions, a plausible scenario is that the villages of the Bomassa, an ethnic group of Bantu fisher/traders, were settled along the river, but both Bomassa and their IP exchange partners (Bangombe and Babenzélé) used the forest hinterlands now within the park for hunting, fishing and gathering. Moreover, even though the Bantu villages in the region were settled along the river, according to local accounts, hunting and fishing camps were distributed throughout the customary territories of the riverine villages and IP communities could reside in them for up to several years at a time.

Local well-being

In Kabo, the IP village appeared to be divided between those who supported the existence of the park and those who preferred that its regulations would be relaxed so they could resume their traditional activities in their customary territories. A primary motivation for those who supported the park seemed to be preventing the entry of external commercial actors (*braconniers*) on to their lands. Along with taking this position, however, there seemed to be the expectation, or hope, that the park would also support them (the IP community) through the offer of employment. As one young man stated:

> "I am for the park so that strangers do not come here and exterminate the animals on our land. But what I wish for is that, with the park being here, they would give us jobs so we can feed our families."

A young woman echoed his sentiments, but wanted to ensure that the park hired both genders:

> "I do not want the park to close, I want it to continue to exist. But what I would like is for them to hire IPs in the park, both men and women. It is not good that they give all the jobs to the Bantu and only a few to the IPs. As a woman, I also want a salary to feed my children... There are girls here who are strong and they know the forest just as well as the men."

In addition to expressing this desire to have increased engagement with the park through eco-guard

employment, IPs in Kabo expressed discontent because their livelihoods were compromised due to lack of access to sufficient land for subsistence, the incursions of *braconniers* and the lack of employment with the park. In terms of the forest lands allotted to them for their subsistence activities, one woman stated:

> "The land given to us for our (forest) activities has to be bigger. The land we have now just does not allow us to make a living."

For Bantu in Kabo, their primary grievance concerning the park was that their livelihoods had been severely compromised because wild animals, especially elephants, from the park wandered into their farms and devastated them, thereby crippling the local agricultural economy:

> "Before we ate manioc, but now it's all eaten by the elephants. There is no solution." (Kabo resident)

> "I had 1600 plantain plants and they were all eaten by elephants. I took photos, wrote up the documentation and sent it to the state. It's been two years now and I have not heard anything." (Kabo resident)

Note: Another Kabo resident had a similar story but has waited five years for a response from the state.

> "Try to take a look at the problems in this park. There is nothing for the local population. We are completely stuck, with no way out. How can the population survive without farms?" (Kabo resident)

Although these animal disturbances struck at the heart of the economy of local Bantu, they also had an impact on IPs, as both social sectors depend on agricultural staples for their basic diet.

Governance

The governance regime for NNNP seemed to be highly-centralized, with a reach that was much more pronounced in its epicenter (the park administration and the two neighboring villages of Bomassa and Bon Coin) and much less prominent in its outlying areas (e.g., Kabo).

In addition, although there were a certain number of IPs employed by the park, no IPs or any other locals appeared to have any significant role in decision-making about what should happen on the ground. As one staff member noted:

> "In administration, there are two styles: centralized and decentralized. Here, everything is centralized. The Director makes all the decisions and you have no freedom to decide anything for yourself, even for matters concerning your own staff." (NNNP staff member)

This predicament of being outside the web of decision-making was also suggested by the fact that the disturbances to local livelihoods noted above had been allowed to endure for so long without resolution. In this way, it was clear that IPLCs resided outside the circle of those who had the power to solve the problems affecting their daily lives.

Additional governance issues related to the management of the park eco-guards. Although no stories of brutality were told, people did talk of ongoing harassment:

> "In the small portion of forest that the park has given us, we should be able to do our activities in peace, without having the eco-guards disturb us and inspect our things all the time. It is our rightful space." (IP woman, Kabo)

Finally, local sentiments appeared to offer certain openings for increasing IP engagement, even if these would not result in direct participation in park governance. In particular, there appeared to be a strong desire, especially among IP youth, to protect the fauna in their hunting territories from the depredations of outside commercial hunters:

> "What I want is for the park to make us—the youth here in Kabo—into the eco-guards. If we were the eco-guards, we could create a united front that could stop all these people from Souanké and Ouesso from coming here because it is our land and the animals are in our territory (cheers of applause)!" (Young man in Kabo)

This strong desire on the part of many locals to protect their lands from outside encroachment seemed to offer an ideal avenue for increasing the engagement of the IP community in the park effort, if budgetary resources were made available.

Effects of policies on the local/PA relationship

Based on their responses, those with employment appeared to accept more readily the current NNNP management regime. However, the extent to which they actually supported its policies is unclear. For those who did not have regular employment, their compromised livelihoods seemed to produce a general sense that they have been abandoned by the park administration. In addition, the fact that many locals felt that the land for NNNP had been alienated without consultation was a source of continuing resentment. At the same time, certain locals defended the existence of the park, at least in principle, primarily as a hedge against "les braconniers."

Epulu River at sunrise (OWR) (R. Moïse)

OKAPI WILDLIFE RESERVE IN DRC

SITES VISITED

Fieldwork was carried out in the following IP villages: Makubasi, Nimbongo and Eboyo, in the vicinity of Epulu, and Babhukéli, about 10 kilometers to the east. In addition, a focus group was carried out in the Bantu village of Koki, about 25 kilometers east of Epulu. Furthermore, interviews with various IPs, local Bantu, state officials and project staff were carried out in the town of Epulu.

IP EMPLOYMENT

The OWR has 190 eco-guards, of which 5 are Mbuti. In their phenology study, they employ six Mbuti (one week per month) and, during their biodiversity surveys, several Mbuti are also employed.

One staff member of the park considered Mbuti to be critical to his work in research and monitoring:

> "We had a team of 70 people for research on forest dynamics and over half were IPs. Their knowledge is *very* important even for scientific terms. In all this (research) work, the IPs are key. For knowledge, the elders are more important. But the youth are critical for climbing trees and obtaining specimens."

Recognition of land rights

Although some consultations were carried out in the creation of the Reserve, elder Mbuti (including village chiefs) claimed they were not invited to participate in them.

In addition, the alienation of the land in the Reserve's creation appears to have been based on cross-cultural misunderstandings and provides a continuing source of resentment among IPLCs. One respondent expressed a common view about the process:

> "The creation of the park was agreed upon by locals under certain conditions, but these were not respected." (OWR staff member)[7]

Both IPs and Bantu expressed resentment against the Reserve for lack of access to their customary territories, even for such non-destructive activities as visiting sacred sites and collecting traditional medicines.

> "Our ancestral territory is named Farama. Three quarters of it is occupied by the park for their research. We can't go there anymore. One quarter was left was for the community. It's not enough for the hunt. It doesn't even allow us survival." (IP resident)

> "Our sacred hills were in the part taken and included as "integrated zone" of the park where any IP activity is restricted. What do they think the park can give us for such a loss?" (IP resident)?

> "All those in high positions consider us (IPs) as *personae non grata*. But we were the ones who gave them the forest that gives them their jobs." (IP resident).

The official statement by park managers on the alienation of the land for the integrated (conservation only) zone was that it was essentially "unused" by the locals and, during their surveys, all they encountered was "three small houses" in one forest camp (*personal communication with park managers*). Judging by the sentiments expressed by local Bantu and IPs, however, it appears that insufficient consultation was done to determine exactly what local needs and uses were for that zone.

In general, IPs seemed very unclear about where the boundaries are for the various zones within the Reserve: agricultural zones, hunting zones, conservation-only zone.

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[7] The author noted that he did not collect data on the original conditions in the park, nor did he look into grievance mechanisms.

Mbuti, Epulu (OWR) (R. Moïse)

Local well-being

The local Bantu and IP perception of well-being was that it was significantly compromised through the reduction of access to their customary territories.

Not discussed by locals, but clearly a factor in the compromised economy, were also the effects of the bushmeat trade emanating from illegal mining operations in the Reserve. As one OWR staff member noted:

> "The zoning is not really the problem. The big problem is external commercial hunters. They'll set 500 - 1,000 traps in the forest. They catch *tons* of meat, which they sell in the mining camps inside and outside the Reserve. The commercial hunters come from Kisangani, Tshopo Province, and Bafwasende. In the north, they come from Wamba."

In addition, like their counterparts at NNNP, local Bantu bemoaned the crippling effects on the agricultural economy of Reserve animals wandering into agricultural zones and devastating their farms.

Although OWR has initiated some responses to these destructive incursions, informants felt that these responses have not been well organized.

> "The OWR tries to do *réfoulement* (chasing the elephants from the farms). But the system of communication between the community and the park is not effective. Eco-guards will fire in the air and then wait two days till they come back" (Park staff).

Locals also complained about the profound lack of services, especially for health and education, available to them in the area. The nearest health center to which they have access is in Mambasa (a 1 1/2 hour drive, in good weather) and, in critical cases, patients often die *en route*. The fact that a modern health center exists in Epulu for ICCN staff, but locals are barred from using it by the administration, only fuels resentment against the Reserve.[8]

Note: A WCS official said that they provide health services to IPs that are former OWR employees (presumably through the ICCN facility), but the consultant was unable to verify this statement.

Health center in Epulu: No locals allowed? (R. Moïse)

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[8] CARPE staff commented that the allegation about health services being unavailable to local communities needs to be confirmed. The author responded: "I heard this from multiple respondents but did not confirm it at the time. In addition, I note in the next sentence that a WCS official said that some IPs enjoyed access to health care at Epulu, as ex-employees. Director Tom Muller should be able to clarify this, as he told me he worked at OWR a couple years before becoming Reserve Director, in September of 2019. If he or anyone else can provide further clarification, please revise, as needed."

Governance

Governance at OWR also seemed to be highly centralized, but characterized by benevolence, at least with the arrival of the new Reserve Director, Tom Muller.

Local people were a veritable archive of information about past expatriates and Reserve administrators who had lived among them. Although they clearly had an affection for certain administrators (especially M. Radar and the current director), most others, and their administrations, were seen in a poor light.

Director Muller is doing significant outreach to IPLCs, created a policy of visiting distant areas of the Reserve to meet with local peoples and eco-guards, and instituted local participation in meetings held to discuss park policies. For their part, locals seemed encouraged by the director's fresh approach, but wondered if he would be able to hold his own against what they saw as the entrenched management regime he had inherited. This management regime is characterized by corruption at various levels as well as biased practices at the level of the PA administration.

Tom Muller: Director, OWR (R. Moïse)

Illegal mining in OWR

> "When the Chinese arrived, the *Chef de District* tried to stop them. And then he was transferred out by the (central) government. The police and the military are protecting the Chinese. So they have high-level connections." (Park staff).

> "Why are Congolese military (FARDC) providing security for an illegal mining town that is all foreigners who are destroying the environment?" (OWR staff)

> "Our biggest problem with the local population is that they do illegal (artisanal) mining in the Reserve. But when we arrest them and put them in jail, they say, 'why are you arresting us, when you let the Chinese get away with industrial mining that is destroying the environment? Why don't you arrest them?' But when we arrest the Chinese, what happens? We arrest them and put them in jail. Then, the next day, we get a call from the *highest levels* in Kinshasa, telling us we have to release them (emphasis in original). So we do. And then they go right back to mining. So, we know who we can arrest and who we cannot." (OWR staff)

In terms of IPLCs, such corruption subjects them, as low-impact artisanal miners, to increased harassment due to this policy of "selective enforcement." That is, locals become "low-hanging fruit" for eco-guards, while the larger, environmentally-destructive actors enjoy immunity from prosecution.

Hiring practices: an invasion of outsiders

> "It's all people from outside, from Kinshasa and other big cities: Bunia, Butembo, Kisangani, etc. They don't know the locals, they don't care about them. Their policy of requiring education for all positions cuts out locals and brings in foreigners." (OWR staff)

> "The locals complain of the arrogance of these people, who don't know the culture and don't care either." (OWR staff)

> "In one administrative division of the reserve, 80% of the employees are Nande (an entrepreneurial ethnic group from North Kivu). They're the ones who hunt, mine for gold and cut wood in the Reserve. You can ask anyone here. And what do you do in return? You give them jobs. All the construction crews here are Nande. So how can locals give any importance to the OWR? How can it be taken seriously?" (OWR staff)

Effects of policies on the local/PA relationship

As at NNNP, the effects of compromised livelihoods and loss of access to customary lands, with no ready form of redress or even communication, produced feelings of abandonment and, for some, resentment. Some explained that these feelings had even led to popular support for armed rebellion against the Reserve.

> "That was the source of Morgan's rebellion [which slaughtered 13 captive Okapi and killed seven reserve staff in 2012]: "it's our land, but we have no role in the management of the Reserve." The communities were united. And they said they would destroy the office so the *autochtones* (locals) could become part of the management again. But Morgan, being the rebel that he was, violated all the conditions that the locals put on him. So they allowed him to get captured." (IP resident).[9]

[9] At least one news report claims that Morgan was a notorious elephant poacher (Mongabay 2012).

SOLUTIONS TO OWR'S PROBLEMS

By way of solutions to OWR's problems, most respondents saw increased local participation in Reserve management as the way forward. As one OWR staff member stated:

> "We need community conservation. We need a participative form of management. We need to involve the local communities in all the activities for managing the Reserve."

IIIB. FINDINGS: CHALLENGES ENGAGING IPs IN CONSERVATION

MACRO-LEVEL CHALLENGES

- Creating a functional interface between two very different cultures—that of IPs and that of PA administrations supported by CARPE—when neither party knows that much about the other.
- A lack of communication mechanisms between the local level and conservation policy-makers.
- Building a collaborative relationship with IPs in the context of CARPE initiatives that is based on open communication and mutual trust.
- In some PA sites, insecurity is a major limiting factor in what you can do on-the-ground.
- Economic actors engaged in illicit extraction can wield a great deal of power and can foment violence to cover their activities. In addition, customary, kinship and patron-client relationships may facilitate access of "outsiders" to PA and buffer zone resources.
- There can be corruption at high levels within state agencies as well as at PA sites.
- There can be marked outsider bias in hiring within PA administrations, thus few locals are hired.

LOCAL CHALLENGES

- Trying to work with a single sector within an integrated social field.
- Governance structures and processes at PA sites in which there is little room for local input.
- At PA sites in which locals have lost access to some or all of their customary lands, in which their livelihoods have been compromised as a result, and for which they have no ready forms of redress available, they can get frustrated and, over the long term, develop feelings of abandonment and resentment, which can discourage efforts at engagement.
- Addressing the material conditions underlying these feelings in an effective and sustained manner so that IP/PA relations can be transformed into functional, collaborative relations.
- Reproducing indigenous knowledge at PA sites in which IP access to land is limited.
- Navigating the hierarchical social field of Bantu/IP relations, in which Bantu tend to get "jealous" when an intervention does not include them, but also tend to dominate resource distributions in "joint" (IP/Bantu) activities.
- Determining which activities IPs and local Bantu can manage collectively and which are best undertaken independently.
- Eliciting the voices of IPs and other lower-status actors, when these are not usually expressed in collective, public settings.
- Determining what consent is, where it needs to be obtained, and when it is obtained.
- Understanding cross-cultural interactions around consent.
- Mastering the process of local consultations: for instance, whom to consult, how to make contact with them, how to carry out consultations.

- Finding venues and mechanisms in which IPs can achieve their conservation goal of protecting their customary lands.
- Finding ways for CARPE and IPs to work together to achieve common conservation goals.
- Engaging with IPs around community forestry in ways that protect their lands yet improve their level of development.

IV. Alternative Models for Protected Areas

The two sites visited by the consultant were characterized by a weak level of engagement of the local communities whose lands were alienated to create the PA in terms of their participation in its planning and management. In both cases, this underdeveloped engagement resulted in the compromised well-being of local communities, little (or no) recognition of their rights to their customary lands, and their virtual exclusion from governance processes. Where engagement was more developed, it manifested largely through salaried employment. For employees and their families, employment solved some of their problems in the realm of livelihoods, but it did nothing in terms of their participation in governance or recognition of their land rights. As such, when engagement was limited primarily to employment, which benefited some locals in some ways, it did not address the profound problems experienced by IPLCs as a whole since the creation of the PAs. In addition, it should be noted that, based on the available data, the situation at the third PA site in the consultant's fieldwork plan, Kahuzi Biega National Park (KBNP), appears to be essentially similar in terms of engagement, although the well-being of local communities there, particularly those of the Batwa, appear to be even more compromised (Forest Peoples Programme 2017, Unrepresented Nations & Peoples Organization 2017). Thus, although the consultant's visit to KBNP was pre-empted by the global COVID-19 pandemic, it appears that the results of the proposed fieldwork would have been consistent with those produced at the other sites.

Yet given the desire of CARPE to engage IPs at the various PA sites it supports, the question arises, are there alternative models for PAs which would be more successful at engaging IPs and would produce better results in the realms of governance, livelihoods and land rights? Among the current PAs in ROC and DRC, the one that appeared to the consultant to have the most potential as an alternative model was Itombwe Nature Reserve (INR), in the South Kivu province of DRC. Although the consultant was unable to visit it for security reasons, he did meet with staff at its current implementing partner, Rainforest Foundation Norway (RFN), which allowed him to gain an understanding of the model they developed for its creation and management.

The Itombwe Nature Reserve (INR)

In 2006, DRC's Ministry of the Environment issued a decree creating the INR, which was to encompass an area of some 15,000 square kilometers in which all human activity would be forbidden. However, the local communities who would have been displaced by the Reserve mounted considerable protests, resulting in the creation in 2008 of a joint working group, which comprised IPLCs, ICCN, conservation organizations, RFN and local NGOs, to redraw the boundaries of the Reserve and create a management plan. At present, this process remains a work-in-progress: although the boundaries have been redrawn, the development of the management plan is ongoing.

According to RFN staff, the area for the Reserve developed by the joint working group is considerably smaller than the original area proposed by the DRC government. In addition, it encompasses the customary territories of five local communities and is divided into five sectors, each of which conforms to the territory of a particular community. Since then, RFN has facilitated the creation of a set of

"community patrols" (*patrouilles communautaires*), trained by ICCN and a local NGO, so that each local community can patrol its own territory. In terms of a management plan, the overall vision of RFN is one of co-management—a "*Reserve Communautaire*"—n which IPLCs would be full participants along with conservationists in decision-making over management issues. As one official stated:

> "Locals have to be in the *Comité de Gestion*. At the table should be IPs, local communities and ICCN. The communities should be involved from beginning to end and all parties should work on how to manage benefit distribution."

The hope of RFN is create a win-win solution to the problem of PA management—a win for local communities and a win for conservationists—which would constitute the "first positive example" of participatory management of a PA in DRC and one that could be used as a model for PA management. At the same time, RFN officials acknowledged that they have found it difficult to be the only advocates at the national level for Itombwe and that their ability to advocate for the IPLCs would be increased if there were other actors engaged in the lobbying effort. As well, the danger to local patrols will need to be monitored, especially in the context of armed conflict.

Although the management plan of INR is still being negotiated, some of its features offer concrete alternatives to those previously employed in Congo Basin PAs which can be used to develop an alternative model for the region. First, by basing the area of the Reserve on the customary territories of IPLCs, it is recognizing their land rights and making zoning entirely consistent with customary geography. Second, it is making substantial use of local peoples as eco-guards. Not only does this represent a significant increase in salaried employment, its policy of having each community patrol its own territory is the most effective way to motivate locals for the conservation effort, since it leverages the profound desire to protect one's ancestral territory from harm, as documented above. Third, by putting IPLCs on the PA's management committee, it is creating the foundation for a new vision of PA management, one based on shared participation.

Using these innovations in PA organization as a point of departure, an alternative model for PA management is proposed, which builds on them, yet takes them a step further. Before doing so, however, an additional feature of the conventional PA model needs to be considered. The innovations developed at INR all lie in the realm of organizational structure, in that they represent alternative ways of organizing a PA so it can increase the well-being and participation of IPLCs. Yet another area in which progress can be made is that of the conservation mission itself.

In global conservation discourse, PAs in the Congo Basin are conventionally talked about as "showcases of biodiversity." Thus, most any description of a PA begins with a listing of all the unique, and typically endangered, species one finds within its borders. At the same time, spaces made into PAs, as well as many other rural areas in the Congo Basin, are the sites with rich histories that contain populations with rich cultural heritages. In keeping with a more inclusive approach to conservation, one integrates IPLC culture, this conceptualization of PAs and other rural sites could be revised to include the historical and cultural dimensions of these locations. Instead of "showcases of biodiversity," PAs could become "living museums" of nature, culture and history. Since traditional culture and history is valued by both locals and external tourism, it is worthy of public celebration. In addition, valorizing these neglected dimensions would serve to foster local pride in the PA, greatly helping to achieve local buy-in for the conservation effort.

Baka Chef de Terre (R. Moïse)

An alternative PA model according the author

The structure of the PA would consist of:

- a federation of community-managed zones, whose areas correspond to local customary territories
- with an overarching PA administration that carries out management functions
- supported by donors who monitor the functioning of the PA and valorize local nature, culture and history

IPLCs would:

- serve as bearers of indigenous knowledge and traditional stewards of the land
- act as co-participants in decision-making for the creation of PA policy and practice
- monitor illegal extractive activity in their customary territories
- preside as ritual officiants for maintaining the customary powers animating the landscape

The PA administration would take on the role of an over-arching support structure that would:

- act as a co-participant in decision-making for the creation of PA policy and practice

- partner with enforcement apparatuses to ensure security
- monitor sustainability of subsistence and development activities
- provide technical support

Donors and/or their proxies would:

- perform continual, on-the-ground monitoring of PA administrations such as safeguarding against corruption, illegal extractive activities and human rights abuses
- perform continual, on-the-ground monitoring of engagement with IPLCs such as ensuring positive outcomes in the realms of governance, local well-being and recognition of land rights
- coordinate technical assistance of community advocacy NGOs, development specialists, community mapping specialists, the private sector and specialists in cultural issues, as needed
- coordinate the forging of connections to external structures for development initiatives
- ensure the reproduction of traditional culture and indigenous knowledge by:
    - documenting and presenting traditional aesthetic practices (music, dance, art, etc.), customary practice, and local history to outside audiences
    - supporting the creation of Indigenous Knowledge schools run by IP elders who teach forest knowledge to youth, so that such knowledge can be preserved
    - supporting traditional medical practice, a specialty among IPs, and its reproduction

V. Community Forestry

The consultant was unable to visit any Community Forest Concessions (CFCs) supported by CARPE during the fieldwork, due to security reasons. However, since community forestry has considerable potential as a tool for engaging IPs in the conservation effort, some of the key issues for undertaking community forestry will be considered here to support CARPE efforts in this domain.

Inspiring local conservation

A CFC is the ideal management unit for local communities, not simply because it is small-scale (in contrast to a vast PA), but because it is theirs. That is, it is the space that sustains their livelihoods, is the focus of their social lives and acts as the repository of their ancestral past. Thus, they have every reason to protect it. This strong incentive is made clear in a speech made by a Bayaka (IP) man in CAR about why his village should create a community forest in the face of intrusions by external actors:

> "We will begin with the paths. They will be monitored by guards at each entry into the forest. And the guards will work in teams to better survey the forest. The forest will be controlled by the guards who will work in shifts. And when we have well protected our farms, the animals in the forest, and the fish in our streams, the future of our children will be assured, as abundance will return once again. But if we just sit by and watch this happen, the village will be destroyed, and the forest will be destroyed. And our misery will be even worse." (Bayaka man, CAR)

In addition, this eagerness on the part of locals to protect their lands means that obtaining consent for a CFC is usually much less challenging than for a PA. At the same time, community forestry is a double-edged sword: it can either empower local people or disempower them. Which outcome occurs depends entirely on how the community forest process is executed at the local level.

What are the challenges (where can it go wrong)?

External challenges

The state

In state discourse surrounding community forestry, there is often a built-in "commercialization bias," in that commercialization appears as a foregone conclusion. Thus, the phase of the CF process which follows attribution in DRC is commonly referred to as "*la phase de l'exploitation*." This phase may or may not jibe with customary use and indeed there may be dispute about how much to commercialize.

An additional threat posed by the state is its projection of administrative logic and culture on to the local level through the community forest process: the concentration of decision-making power and financial resources in the *Comité de Gestion* (management committee) encouraging elite capture, the "collectivist" model of the local community undermining clan autonomy and the rights of customary authorities. There may also be disagreement about the type and level of commercialization and engagement of private sector partners.

External actors

While providing assistance to communities with the administrative requirements necessary to apply for a CFC, powerful external actors can end up hijacking the process and using the CFC for their own ends.

- In Cameroon, logging companies came to regard local community forests as "just another logging permit" as state management favoring commercial logging resulted in a logging "feeding frenzy" in certain areas (Djeumo 2001, Moïse 2017).
- During a study of community forestry in Equateur Province (DRC) in 2018, the consultant saw numerous community forestry permits that had been revoked by the administration posted outside its Community Forestry office in Mbandaka. According to officials, the implementing partner, WWF, had failed to obtain the consent of the local communities and comply with the proper administrative procedures.

Well-armed, outside commercial actors ("poachers" in conservation discourse) can encroach upon local lands and devastate local fauna through intensive exploitation. Even if a local community has made its customary territory into a CFC, if it lacks the capacity to maintain security within it, it can still be overrun by such actors.

Top-down approaches

If a "top-down" approach is employed, in which project activities are "projected" on to the local setting from above, rather than developed in response to local needs, it will be much harder to secure local buy-in and they are much less likely to succeed.

If a top-down approach is employed for local governance structures, allowing collective resources to be pooled and monopolized, then giving decision-making and financial control to small groups of individuals (e.g., management committees) can be an invitation to elite capture and the misappropriation of public resources.

The myth of the local community

In policy discourses on forest issues in the Congo Basin, the tendency is to view the "local community" as a coherent social unit that routinely carries out political functions: decision-making, land management and other tasks. In short, a "community" tends to be thought of as a political unit, with a chain of command, capable of executing collective actions around common goals. In reality, however, many local communities in the Congo Basin are loose agglomerations of varied social groups that have come to reside with one another due to the vagaries of history such as colonial resettlement or migration and they do not necessarily carry out *any* collective activity, political or otherwise (Geschiere 2004). Often, they are much more like "towns" with the village chief acting as a "mayor." In this way, the sum total of individuals sharing access to a large forest territory may not be appropriate for collaborative collective activities.

Many of the activities that policy discourses presume to be carried out at the level of the local community—production, distribution, land-management and decision-making—are indeed carried out by its residents, but they are normally managed at much lower levels of organization: the household, the extended family, the clan, and so on. Thus, to understand how Congo Basin forest societies manage such activities, one has to understand how things operate at these lower levels of organization. For if the "local community" is used as the starting point for the development of management structures within a CFC, it can easily produce negative unintended consequences: elite capture, the marginalization of low-status groups, and the maintenance of too broad a focus to address internal conflicts and social tensions.

Internal challenges

Customary institutions

Contemporary "local communities" are often large agglomerations of people for which structures of decision-making at the community-wide level are not well developed. As such, there are no institutional structures, or cultural precedents, for the sharing of collective resources at the community level.
It is not uncommon for there to be internal tensions within villages among its constituent social groups.

The marginalization of lower-status actors

Lower-status actors (women, IPs) can be marginalized in collective decision-making processes, especially those occurring at higher-levels -- e.g., the village, the local community. Thus, insufficient support for such actors can allow their voices to go unheard of in community forest processes.

The varied needs of LCs

Not only are communities in need of technical assistance to map their territories and legal assistance to apply for their CFCs, they may need:

- technical assistance (from agronomists or other specialists.) for development activities such as alternative economic activities or agricultural innovations
- technical assistance (from wildlife biologists) to develop rules for sustainable hunting and fishing; resource inventories for those wanting to create reserves or do selective logging in their CFCs
- economic assistance to improve health and education systems
- assistance establishing connections to buyers and markets
- security assistance for the enforcement of CFC regulations

How does one do it right?

To avoid the unintended consequences that can be produced by operating out of the "myth of the local community," one must attend to local "micro structures" (those at lower levels of organization), as this is where much management of daily activity occurs: at the level of the clan for forest management and at the level of the household and extended family for mobilizing labor and the sharing of benefits (see Figure 1).

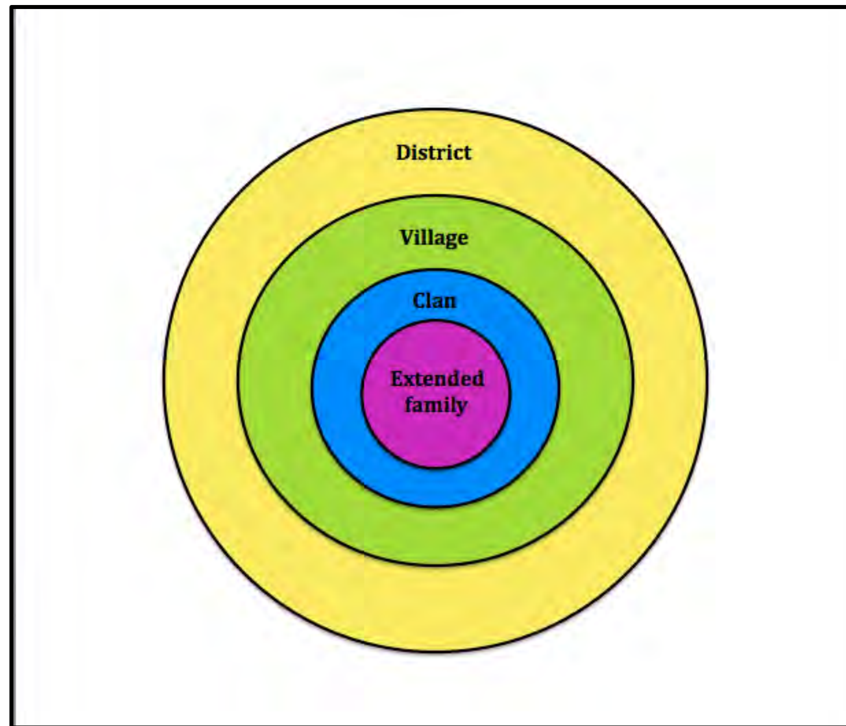

Figure 1: Levels of customary social organization

The clan

In Congo Basin forest societies, the clan is a cornerstone of social identity. It provides the basic sociological boundary between inside and outside ("us" vs. "them"), in that marriage within it is forbidden, with marriage partners being sought only among those belonging to other clans. In addition, it functions as an organizational unit in a range of domains: it often has its own "neighborhood" (*quartier*) within the village, it holds a forest territory, it acts as a unit of mobility, and, in the pre-colonial era, it was politically autonomous, especially for Bantu. For the peoples south of the Congo River bend, Vansina considers the clan (*etuka*) to have been the most important political unit in precolonial village life (1965):

> The *etuka* (clan) was led by a patriarch, possessing insignias of authority, administering the domain, mediating internal conflicts, deciding blood feuds and wars, all with the consultation of the elders of lesser lineages. The *etuka* were independent, even if they were grouped in a single village... the *etuka* always remained sovereign (Vansina 1965).

Although the colonial experience superimposed various authority structures over the village sphere, eroding the political sovereignty of the clan, it continues to provide a sense of psychological and emotional belonging to its members, offers mechanisms to resolve their disputes, occupies a particular space within the village, serves as a landholding group providing access rights to both Bantu and IP users, possesses its own sacred sites, undertakes collective forest activities, selects its own leader, carries out land management, and engenders an ethos of solidarity and independence. Thus, in spite of the bias towards the local community in administrative discourse, community forest structures and processes need to recognize the clan as a critical social unit, especially in relation to decision-making about forest management.

Thus, CFC limits should be based on traditionally recognized clan tenure boundaries. In addition, the governance structures set up to manage a CFC should include the customary authorities and other figures normally taking part in village and clan level decision making. At the same time, the forest-use of those who are not part of the clan structure should also be documented and they should also enjoy meaningful participation in decision making. In general, the division of labor for the different functions within a CFC should correspond to the capacities of the different organizational levels within the community. An alternative to the conventional "community-centric" model is presented in Table 2.

Organizational Level	***Function***
Local community	Obtaining the CFC from the forest administration. Protecting it against external threats. Carrying out occasional civic projects for the common good.
Clans	Management of, and land-use decisions for, clan forests.
Voluntary associations, congregations, other social groups	Mobilization of labor for collective projects that address the needs of particular interest groups in the CFC.

Table 2: Division of Functions within a Community Forest Concession
(from Moise 2019)

From a management perspective, local communities should receive technical assistance not only for the application for a CFC, but also for the development of all the management structures and processes. Furthermore, such assistance should be provided by on-the-ground field teams that have in-depth knowledge of local customary institutions and are fully familiar with the challenges of community forestry. Finally, the entire operation should be subject to continual on-the-ground monitoring to ensure that everyone is acting in the best interests of all sectors of the community, including IPs.

INCREASING THE PARTICIPATION OF IPS

Because the land-use of IPs can differ markedly from that of their Bantu neighbors, it is essential that the full extent of their usage of the forest territory be properly documented during the mapping process.

Separate structures or spaces should also be created in which they feel comfortable enough to reflect on their own needs and goals for community forestry and develop these into coherent land-use proposals that can be put forward to the broader community. This should involve: the production of their own land-use maps, the development of their own management plans, and the creation of their own associations when these do not exist, so they have the time and space to reflect on key issues that concern them in the community forestry process.

In CAR, the official Manual of Allocation Procedures for Community Forests recommends the creation of an "Indigenous Advisory Council" which can serve as an interface between indigenous groups and the different management bodies in which indigenous representatives participate. Finally, IPs must have ample representation in all management organs of the CFC.

VI. Advocating for Indigenous Peoples at Higher Levels

In order to explore the promotion of IP rights at national and international levels, the consultant met with staff at various IP NGOs in DRC:

- Dignité Pygmée
- Réseau des Populations Autochtones et Locales Pour la Gestion Durable des Ecosystèmes Forestiers de la RDC (REPALEF)
- Ligue Nationale des Peuples Autochtones de la RDC (LINAPYCO)
- Programme Intégrée Pour le Développement des Peuples Pygmées (PIDEP)
- Alliance Nationale d'Appui et de Promotion des Aires et Territoires du Patrimoine Autochtones et Communautaire (ANAPAC-RDC)

In addition, he met with staff at CARITAS/Kinshasa, which carries out programs for IPs in DRC, and with Loic Braune, of the World Bank, who supervises programs with IP organizations in the Congo Basin, including development of the long-term strategy for REPALEAC (Réseau des Populations Autochtones et Locales Pour la Gestion des Ecosystèmes Forestiers d'Afrique Centrale), the overarching organization for coordination of IP NGOs in the Congo Basin.

The IP NGO network

Those NGOs that receive ample international support (e.g., REPALEAC and REPALEF) seem to be quite comfortable, but their case seems relatively rare. In contrast, the typical IP NGO appears to be under-financed and struggling. This compromised financial situation has detrimental effects on the ability of the network to make progress on the promotion of IP rights. First, the lack of funds translates into a lack of practical action, as leaders of organizations must be continually looking for funding and workers must accept small salaries and/or salary arrears. Second, the lack of support appears to create competition for funding, which seems to have resulted in a certain degree of infighting among the various IP NGOs. For example, the consultant was told that a group of them have filed suit against REPALEAC for corruption. A third problem, which appears to be related to the general lack of support for the network, is that there is no apparent institutional infrastructure in place for the organizations based in urban centers to interface with local IP communities in rural areas. As a result, the urban-based IP NGOs are in the same position as any other NGOs, in that their connections to the local level occur in the context of specific projects for which they have received outside funding. Still, various organizations the consultant met with are actively carrying out projects with IP communities at the local level, whether adequately funded

or not. In this respect, they appear to have established relations with particular communities at the local level that could be leveraged for future conservation, development and advocacy initiatives.

Yet given this lack of institutional infrastructure throughout the network, a "trickle down" strategy, in which umbrella organizations are supported with the expectation that their efforts will effect change at the local level, seems unrealistic. Under present circumstances, any efforts by CARPE to engage IPs in its conservation efforts, or by USAID to promote IP rights more generally, should treat these two realms— national, regional and international levels, on the one hand, and the local rural level, on the other—as distinct zones of intervention. That is, one should not expect initiatives at higher levels to have much effect on local levels in rural settings. That being said, some of the IP NGOs in urban centers did seem to be involved in significant work at higher levels and, as such, they certainly merit CARPE/USAID's attention and potential support.

HIGHER-LEVEL LOBBYING EFFORTS

One key aspect of the work of some of the IP NGOs the consultant met with is that they are addressing policy issues at the national levels of direct relevance to IPs. In DRC, these include a national IP law and the forest reform law, which are both currently under consideration. These efforts seem worthy of CARPE and USAID's attention as they consider how to support the promotion of IP rights.

In addition, one of the "strong suits" of some of the individuals and organizations the consultant met with was that they were very impassioned advocates for the rights of IPs at national levels and beyond. The biographies of the leaders of these organizations, as well as their staff, were those of individuals who have struggled against severe odds to rise from a very low social status to the position of a well-educated, articulate advocate for their fellow IPs. As such, they appeared to have a motivation, and depth of character, that singled them out from the various non-IP individuals and organizations that are working toward the promotion of IP rights. In this way, they are good candidates to be collaborators in the larger effort to promote IP rights.

At the same time, one area that was not mentioned in the consultant's discussions with them was the possibility of promoting IP traditional culture, as well as expressive culture, at national levels to create more visibility for IPs in national cultures through the performing arts, graphic arts, sports, and entertainment. Having IPs become well-known figures in national cultures could only further the broader cause of IPs in the Congo Basin.

Adrien Sinafasi, Dignité Pygmée (R. Moïse)

VII. Recommendations

Short term

Methodologies for consultations

- One should not assume that village-level political culture is "representative democracy," in which it is sufficient to consult simply with the relevant customary authorities (village chiefs, *chefs de groupement*). Rather, the "customary democracy" (or "rowdy democracy") one finds in the village is highly participative, in which the mass of the population has substantial input into decision-making, including the right to refuse any directives issuing from those with authority. Thus, one must seek to obtain a representative sample of public opinion.

- As a result, consultation methodologies should include focus groups with: local state authorities and customary authorities (*chefs de groupement*, village chiefs and their "notables"), Bantu men (not elders or authorities), Bantu women, Pygmy men, Pygmy women and, if the subject matter is relevant to them, youth as well.

- To this should be added individual interviews for all these social sectors, as some of the most important information does not surface in focus groups, especially with those sectors lower down the social scale, i.e., more "vulnerable" actors, such as women and IPs.

- The litmus test for any intervention should be: what do the rank-and-file in the village have to say about it, as those with power or authority of any stripe (Bantu, Pygmy, local authorities, ICCN, NGO) may have an axe to grind, as they consider the consequences of the proposed intervention for the resources under their control.

Managing Bantu/IP relations at the local level

- Hold separate consultations for IPs in any joint initiative to help them articulate their needs and goals, in order to develop plans that can be integrated into the global plans of the initiative.

- Pay attention to the eternal refrain from IPs whenever they are asked about their abilities to collaborate with local Bantu, as an informant noted:
  - We can collaborate with the Bantu to protect the forest, but if the distribution of any (material) resources is involved, always provide our share separately so we can manage its distribution.

Protected Areas

- An immediate goal would be to determine if, and in what ways, CARPE initiatives are doing harm to local peoples around PAs, followed by more long-term goals of increasing community engagement and improving local well-being.

- Treat systemic PA corruption as an emergency and make a serious effort to replace the current culture of impunity with one of accountability, transparency and democratic governance. In this effort, employ experts in key subject areas to learn how the system can be reconfigured to comply with USAID policy.

- Take seriously the advice of the new OWR director for dealing with entrenched corruption: seek out the good individuals within these institutions and build alliances with them to create substantial change.

- Treat PA insecurity as an emergency and make a serious effort to root it out:
    - Provide increased security by creating local community patrols (each LC patrols its own territory) to monitor illegal activity and report to enforcement authorities. The creation of community patrols (as per the Itombwe model) would greatly increase the monitoring capacity within PAs and IPs are especially well-suited for this task, as they have played this role within customary territories ever since the pre-colonial regime of tribal warfare (Moïse 2011).
    - Train non-local members of eco-guard teams by locals on customary rights, the customary landscape and customary practice within it.

MEDIUM TERM

METHODOLOGIES FOR CONSULTATIONS

- The approach to consultation previously employed by implementing partners in the creation of PAs, in which consultations, if carried out at all, are limited to the period prior to the intervention, should not be replicated by partners with CARPE support.

- Instead, what is needed is direct, ongoing communication with the local level with all social sectors so that a feedback loop is created between CARPE and the effects of its decisions on IPLCs. Moreover, such communication should not be placed in the hands of conservation actors but should be carried out by either CARPE staff or technical assistants coming from the community advocacy sector who are known and trusted by locals.

IP ADVOCACY AND LOBBYING EFFORTS

- CARPE and USAID Democracy, Rights and Governance (DRG) actions should focus on current legislative processes at the national level in DRC which are of relevance to IPs, including the national IP law and the forest reform law now under consideration. For support in this effort, CARPE should work with national-level IP NGOs already engaged in research and lobbying efforts.

PROTECTED AREAS

CREATE A RAPPROCHEMENT BETWEEN LOCALS AND CONSERVATION

- Given the long list of grievances aired by local communities at the PA sites, as well as the ongoing conflicts at several sites—some of which have been lethal—the best way forward for all PAs would be for the relevant stakeholders including donors, state conservation departments, implementing partners and local communities (IP and Bantu), to commence an ongoing dialogue over these issues.

- At each site, this process should begin with a thorough demographic and socioeconomic survey of all the communities in the area whose customary lands were encompassed by the PA as well as any settlements that have arisen since its creation. This should be followed by participatory mapping of

the customary territories of those communities whose lands were alienated to create the PA. Such an investment would provide CARPE and partners with a clear idea of the human presence in/around the PA as well as who exactly the local rights-holders are. While FPIC is an issue only for those communities with land rights in the PA, other stakeholders who have migrated in do need to be consulted.

- Once the rights-holders have been determined, and the extent of their customary lands mapped, a "truth and reconciliation" process should be initiated at each PA site in which the grievances of all parties can be aired and addressed. Unlike previous efforts at Kahuzi-Biega carried out by ICCN, this process should be sustained, not sporadic. In addition, it should be carried out by the donors who are funding the PAs, due to the influence they can bring to bear on the various stakeholders.

- The goals of the process should be addressing the deficits in local well-being caused by the creation of the PA and finding a way to remedy them, so that all stakeholders can move forward with a common collaboration in the conservation effort. In particular, it should focus on:
  - Restoring viable livelihoods to IPLCs through monitored subsistence activities on their customary lands, alternative livelihood activities or employment in the PA administration. Here, subsistence activities that do not produce negative conservation effects should all be considered as options.
  - Giving IPLCs full access to their customary territories for medical and ritual uses as well as for the reproduction of indigenous knowledge.
  - Renegotiating land-use zoning so that it gets FPIC from IPLCs.
  - Making at least half of the eco-guard staff local; locals would be organized as community patrols for their own territories (as in the Itombwe model).

- Develop "democratic" structures for PA management, based on full local participation in policy and management decision-making. One possibility would be the creation of "local councils" of customary rights holders who would work with park staff to develop management policies.
  - Such councils should include customary authorities and representatives from Bantu men (rank-and-file), Bantu women, Pygmy men and women.
  - In addition, the donor or NGO should work with more "vulnerable" actors such as IPs and Bantu women in separate sessions to help them articulate their needs, goals and plans, before these are integrated into community-wide plans.
  - Furthermore, representatives from the local councils should sit on the PA's *Comité de Gestion* and be invested with real decision-making authority.

- Try out different models to improve security by pilot testing, while monitoring to see what methods work best in what environments. Consider anything from increasing local community patrols (each LC patrols its own territory), measures to make 50% local hires for enforcement staff, and other measures, to adopting more robust security measures, as in the African Parks model, which focuses on a strong security apparatus to maintain the PA perimeter, while greatly increasing efforts for local development to assure local buy-in.

Long term

Managing Bantu/IP relations at the local level

- Approach local-level Bantu/IP dynamics not through the lens of "discrimination" or "victimization," but by a focus on IP "entrepreneurialism" and agency (Moïse 2011). Explore the ways in which CARPE can inspire IP action, creativity and participation in the conservation effort, allowing them to harness their rich cultural heritage to help solve pressing, contemporary conservation problems.

IP advocacy and lobbying efforts

- At present, there is *no substantial relationship* between CARPE/USAID and IPs at the local level. The locals the consultant spoke to did not even know that CARPE exists, while brand recognition of USAID was sporadic and underdeveloped at best. As a result, there is no avenue of communication for local IPs to learn about CARPE conservation initiatives. Thus, if CARPE/USAID seeks to develop partnerships with IPs, it will have to become a policy priority.

- In this effort, any positive measures undertaken to support the well-being of IPLCs, to recognize the rights to their customary lands, or to improve the governance structures to which they are subject should be used as *marketing opportunities*, in which the name of CARPE/USAID is clearly associated with the particular initiative. This increased "brand presence" can then be used by CARPE/USAID as social capital to display good will between itself and IPLCs, on the order of: *Le peuple Américain, à travers l'USAID, travaille main dans la main avec le peuple Congolais pour éradiquer l'extrême pauvreté.*

- CARPE should consider providing scholarships to IP students with promise to pursue university studies in any field that will support IP rights.

- CARPE should support efforts to showcase IPs in national cultures as a means for developing a new-found respect for them in the eyes of their fellow citizens.

Additional conservation initiatives: community forestry

- View community forestry as a path to realizing sustainable development throughout the region and not simply as an entry point for improving PA management.

- Add "reducing emissions from deforestation and forest degradation" (REDD+) type investments, bushmeat trade controls, and development activities to the menu of options for community forestry to empower local peoples to pursue conservation and climate change mitigation goals.

- For CFCs, develop democratic management structures similar to those described above for PA management, with full inclusion of all social sectors.

- In addition, take seriously the need for technical support to IPLCs who are embarking on the path to autonomous sustainable management:
    - (modest) improvements in infrastructure
    - monitoring for sustainable production
    - assistance with marketing of agricultural produce and/or NTFPs
    - assistance with security to protect local resources

PROTECTED AREAS

- Given the compromised state of well-being among IPLCs observed by the consultant, and recounted to him, during his field visits to PA sites in ROC and DRC, he strongly recommends that, to address the issue of human welfare in conservation sites, CARPE creates a "community advocacy" division for its conservation efforts. Its brief would be to ensure that the communities living in and around CARPE's conservation interventions are not negatively impacted by them in the realms of livelihood, health, and socio/cultural reproduction and that their participation in governance processes at the sites is sufficiently robust for them to become full-fledged partners in the conservation effort.

- The principal organ of the community advocacy department would be a field team that maintains contact with communities living in/near CARPE sites and reports directly to policy- and decision-makers in the CARPE administration. It would be charged with assessing the welfare of local communities, developing recommendations for improvements therein, understanding the cross-cultural challenges involved in interactions between PAs and resident communities, and developing recommendations for overcoming them. It should be composed of individuals with expertise in fields such as political science, development, anthropology. In addition, it would supervise the work of partners in the community advocacy sector to implement the programs it develops for community welfare, in consultation with local communities and CARPE staff. Although answerable to CARPE, this team should be completely independent of influence from the conservation "implementing partners" and the state conservation departments who administer the PA sites.

- The monitoring staff could include: a permanent "ombudsman," mediation teams (with investigators) and multidisciplinary research teams, which would pursue the research topics noted above and engage in conflict mediation.

  Ombudsman, ombudsperson, or public advocate: an official who is charged with representing the interests of the public by investigating and addressing complaints of mal-administration or a violation of rights.

- The monitoring staff should hold regular meetings with local state authorities, customary authorities and community representatives.

- To ensure sufficient coverage, they could circulate between different PA sites over the course of the year.

- For initiatives targeting local communities, seek out national- and local-level NGOs embracing a rights-based approach that have direct contacts with local communities, and have built relations of trust with them, to use as supplementary implementing partners to help carry these out.

- In addition, due to the considerable cross-cultural challenges involved, such NGO staff should be trained by experts with knowledge of local culture, who should also carry out ongoing oversight at the local level to monitor progress and make adjustments as needed, to ensure the greatest chance of success.

- Begin improving local well-being through the introduction of monitored subsistence activities, the control of animal devastation in agricultural zones, a policy of at least 50% local hires for PA staff,

the creation, and support, of public infrastructure (health centers and schools), and possible commercialization of NTFPs.

- CARPE and its partners should realize that the spaces that have been made into PAs in the recent past are "ancestral homes" for local populations. Although conservationists have focused on local subsistence activities as threats to biodiversity and responded by barring or reducing local access to their ancestral lands, they should realize that the ties of IPLCs to these spaces run very deep and are manifested in several dimensions. In addition to depending on forest lands for their livelihoods, IPLCs depend on them for a range of plant species used in traditional medical treatments to maintain their health (traditional medicine is the principal form of medical practice for IPs).

  Furthermore, sacred sites on ancestral lands are employed for a range of uses, including initiating youth, resolving disputes, installing leaders and burying and honoring the dead. To accept IPLCs as partners is also to accept that they have legitimate ties to their ancestral lands. This is not at all to say that subsistence activities within PAs cannot be regulated to protect biodiversity, but simply to recognize that, as customary owners of the land, IPLCs have legitimate rights to their ancestral patrimonies.

- Recommend to implementing partners that they renegotiate the rules of access for IPLCs to their customary territories within the PA. Activities with no negative conservation effects, but that would considerably improve relations with IPLCs, would be the gathering of traditional medicines and the visiting of sacred sites for ritual purposes. In the subsistence realm, most gathering activities would also have no negative conservation effects, whereas hunting and fishing activities, if properly supervised by conservation authorities to ensure a sustainable offtake, could provide a win-win situation: improved relations between PAs and IPLCs with no negative conservation effects.

- Begin improving local well-being through the introduction of monitored subsistence activities, the control of animal devastation in agricultural zones, a policy of at least 50% local hires for PA staff, the creation, and support, of public infrastructure (health centers and schools), and possible commercialization of NTFPs.

- Management approaches should be developed for PAs in which a much more level, multi-disciplinary playing field is created, in which all relevant forms of expertise—conservation, human rights, law and the social sciences—are brought to bear to transform the current management regime into one which provides:
  - democratic governance
  - a respect for human rights
  - a respect for the customary rights of local peoples
  - and a respect for the lives of the non-human inhabitants of the forest landscape.

- In short, a management regime that will:
  - be in full compliance with the new appropriations bill
  - have an honest chance of protecting the environment
  - and produce sufficient local buy-in to make Indigenous Peoples and local communities' robust partners in the conservation effort.

VIII. Conclusion

There is no need for pessimism concerning the potential for IP/CARPE collaboration. It is feasible and doable. Yet it will take research, investment, diplomacy and negotiation to arrive at a common ground that can provide the basis for a good working relationship between IPs (IPLCs) and CARPE. If CARPE wants IPs to be its partners, it should do what is needed to achieve local buy-in for its initiatives:

Take the new appropriations bill, UNDRIP and the Durban IP targets seriously and take the necessary steps to move toward their realization.

Find ways to be flexible enough to provide IPs with real solutions such as renewed access to land and reproduction of indigenous knowledge.

Do not depend on conservation implementing partners to do it. Do it yourself and/or hire qualified organizations and individuals to help build the necessary institutional mechanisms.

The situation is serious at several of CARPE's sites due to illegal extraction, corruption, violence and loss of life so make every effort to secure the sector and embark down a common path to promote conservation and human well-being.

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