



The 5th International NGO Forum on World Heritage at Risk

Manama, Bahrain, 22 - 23 June 2018

Resolution

Kahuzi-Biega National Park, Democratic Republic of Congo: Human rights violations against the Batwa Indigenous people

We, the Civil Society Organizations who have attended the conference “The UNESCO World Heritage and the Role of Civil Society” organized by World Heritage Watch on 22-23 June 2018 in Bahrain, coming from 24 countries in 6 continents, as active and concerned citizens dealing with Natural and Cultural World Heritage properties at different places, and as civil society actors complementing the responsibilities carried by States Parties, would like to bring the following to the attention of the World Heritage Committee:

Since the creation of the Kahuzi-Biega National Park in 1970 and its inscription as a Natural World Heritage site in 1980, the Batwa have been first evicted, and then excluded from the access and use of their traditional territories now included in the Park area. This has had, and continues to have, devastating effects on the Batwa, directly contributing to the impoverishment of their communities and significant cultural and linguistic loss.

This has been confirmed by the African Commission on Human and Peoples Rights, which reviewed the situation of the Batwa in around Kahuzi-Biega in 2003 as part of a review of the status of Indigenous peoples in Africa. Their conclusions are damning:

Land should have been given to the Batwa, but this did not happen. Now the Batwa are forbidden to hunt in the park, and forbidden to collect park products. They have no food resources or medicinal plants, and the forest is no longer their place of worship. The Batwa have been culturally and psychologically shattered by the loss of their forests.¹

The Batwa have continued to face exclusion since this early experience of eviction, and this continued and sustained violation of their rights to their traditional territories and cultural landscapes places them in an extremely vulnerable position. When Batwa individuals seek access to their traditional hunting and gathering areas, they face a high risk of violence from park officials. This was demonstrated last year with the violent killing, by Park guards, of a young Batwa boy (17 years) who was gathering produce in the Park area with his father. This continues to be the case despite significant work at a national level in the DRC to establish a

¹ ACHPR 2003, *Report of the African Commission's Working Group on Indigenous Populations/Communities*, Doc. DOC/OS (XXXIV)/345, at page 13 (emphasis added). (The ACHPR adopted this report, including its recommendations, on 20 Nov. 2003 by Res. 65 (XXXIV) 03).

positive negotiation and conflict resolution between the Batwa and the Park authorities through the IUCN Whakatane dialogue process.

A group of 6 civil society organisations from the DRC and elsewhere brought this urgent situation to the attention of the World Heritage Centre and IUCN in January this year. The same group of organisations has also raised these issues directly with the World Heritage Committee in advance of this session.²

However the State of Conservation draft decision (see Doc. WHC/18/42.COM/7A, p. 71) regarding the Kahuzi-Biega National Park, to be considered and adopted at this session, makes no mention of the historic or on-going violations of the human rights of the Batwa.

This is both disappointing and contradictory to the aspirations expressed in the UN Declaration on the Rights of Indigenous Peoples, a critical piece of international law to which the World Heritage Convention should be aligned. It is also contradictory to the objectives expressed in the World Heritage Sustainable Development Policy that States Parties should ensure the effective participation of Indigenous Peoples in World Heritage processes affecting them and “actively promote Indigenous and local initiatives to develop equitable governance arrangements, collaborative management systems and, when appropriate, redress mechanisms”.

It is therefore recommended:

The World Heritage Committee, UNESCO and IUCN should insist that the Government of the Democratic Republic of Congo:

- Recognise the on-going human rights concerns that exist in the Kahuzi-Biega National Park with regards to the rights of the Indigenous Batwa communities
- Urgently commit to proceeding with the collaborative road map negotiated between the Kahuzi-Biega Park authorities and the Batwa communities under the IUCN Whakatane mechanism
- Ensure the full and effective participation of the Batwa people in the management, governance and benefits of the Kahuzi-Biega National Park, through their representative institutions
- Ensure unrestricted access of the Batwa to Kahuzi-Biega for religious and cultural rites, and for gathering and small scale hunting activities

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² Centre D’Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables (CAMV), Environnement Ressources Naturelles & Développement (ERND), Rainforest Foundation Norway, Minority Rights Group International, International Work Group for Indigenous Affairs, Forest Peoples Programme.