
Democratic Republic of the Congo: The Batwa and their Return to Ancestral Lands in the Kahuzi Biega National Park

A group of riparian Batwa people, exasperated by the extreme poverty following their eviction in order to establish the Kahuzi Biega National Park, decided to return to their ancestral forests. Since then, they regularly clash with the “eco-guards,” sometimes leading to the loss of human lives.

More than four decades after the Batwa were expelled from their ancestral forests—what is now considered the Kahuzi Biega National Park (PNKB, by its French acronym)—a group of Batwa, exasperated by their extreme poverty and by unfulfilled government promises, decided to return to the Park. This was despite legal restrictions in force in the Democratic Republic of the Congo. Since then, these indigenous riverside Batwa regularly clash with the “eco-guards,” sometimes leading to the loss of human lives.

The 1971 creation of the Kahuzi Biega National Park (PNKB) in eastern Democratic Republic of the Congo (DRC) left thousands of Batwa in a very precarious situation. **The indigenous Batwa peoples were culturally destroyed from the loss of their forests.** Despite this fact, the Park was declared a World Heritage Site by UNESCO in 1980. The usurpation of the indigenous Batwas' ancestral lands without compensation, **had and continues to have particularly devastating impacts on Batwa women**—whose main tasks were to feed and take care of their families. Since then, indigenous Batwa women have been stripped of their livelihoods and confined to very precarious living conditions, leaving them exposed to exploitation and violence.

This extreme poverty sometimes leads indigenous riparian Batwa peoples to enter the Park—despite current legal restrictions—in order to obtain vital resources necessary for their subsistence, such as honey or medicinal plants. In effect, Law N° 14/003 on nature conservation from February 11, 2004 **strengthened the repressive regime**, with a view to guaranteeing the protection of species, ecosystems and natural habitats. Article 10 of the aforementioned Law establishes «(...) protection of wild species of flora and fauna at every stage of their biological cycle.» However, the Law also allows for certain exceptions to conservation measures, mainly in the interest of health and public safety, as well as the food security of riparian populations in protected areas. Unfortunately, these exceptions are difficult to implement, as there are no enforcement measures.

Evictions within the PNKB took place over the course of two decades: the 1960s and 1970s. **About 6,000 Batwa were forcibly evicted from their ancestral lands.** Between 1970 and 1985, the Batwa were expelled, respectively, from the hills of Chatondo, Katasomwa, Munango, Kabona, Kakumbukumbu and Bukulula...spaces that until now have been located in an elevated part of the Kahuzi-Biega National Park. These hills are located between the territories of Kabare, Kalehe and Shabunda, in Sud-Kivu province in eastern DRC.

According to the 2017 census carried out by the National Institute for Statistics, and the non-profit organization, the Center for the Accompaniment of Indigenous Pygmies and Vulnerable Minorities (*Centre d'accompagnement des Autochtones pygmées et Minoritaires Vulnérables*, CAMV) in Sud-Kivu, there are approximately 9,608 indigenous Batwa people occupying 101 villages bordering the

high-altitude part of the PNKB—precisely in the territories of Kabare and Kalehe, in Sud-Kivu province.

In 2014, with the support of the NGO, Forest Peoples Programme, CAMV began a dialogue with the Congolese Institute for Nature Conservation (*Institut Congolais de Conservation de la Nature*, ICCN), under the Whakatane Mechanism (1). The interest in that dialogue was for the ICCN/PNKB to recognize the Batwa people's contribution to conservation, and to not see them as competition for the Protected Area, but rather as allies in the sustainable management of the Park. CAMV aims to reconcile the demands of biodiversity conservation with the needs of riparian Batwa communities.

Between 2014 and 2019, there were many other subsequent attempts at conflict resolution between the PNKB and the Batwa (2). The 2014 Dialogue of Whakatane, and the 2018 Dialogue of Miti-Center, sought to find a lasting solution to the problem of lack of lands. Unfortunately, **all of these initiatives were a dead letter** in the absence of a monitoring commission to effectively implement the recommendations. The indigenous Batwa peoples denounce the Congolese government's indifference to their demands. **The Park's largest donor is the German Development Bank KfW.** In 2016 alone, approximately US \$2 million came from KfW (3).

The Return of the Batwa to the PNKB

Against all expectations, in October 2018, some 40 Batwa families from the village of Buhobera in the territory of Kalehe decided to return to the PNKB. Thereafter, many other Batwa people from Kabare and Bunyakiri joined them. The Batwa people used the Bantu people for manual labor to produce wood charcoal and planks. In the current situation, given the extreme poverty of the Batwa and their constant quest for survival, it is not surprising to observe such abuses. "Returning to the Park may have seemed like an opportunity to make the most of the moment," said an autonomous Twa leader from Kabare.

Since the indigenous Batwa peoples' occupation in Kahuzi Biega National Park, violent and sometimes deadly altercations between indigenous Batwa people and park rangers have escalated. Many measures have been taken to calm this crisis. On several occasions, the PNKB tried to use force (burning houses, use of firearms, arrests, threats) to dissuade the Batwa from staying in the Park, but it was all in vain. On the contrary, most of these attempts at deterrence lead to often deadly confrontations.

To date, there have been almost ten deaths, and numerous people have been wounded—both on the side of the Batwa and the park rangers. **Some Batwa leaders are currently languishing in prison, while there are arrest warrants for others.** In this regard, it is worth highlighting the example of Chief Twa Kasula from Muyange village, in the Miti group in Sud-Kivu. On February 24, 2020, this Twa leader and seven other Batwa people—including two women—were given severe sentences of **between one and 15 years in prison, as well as fines.** The military tribunal of the Bukavu garrison sentenced them for illegal possession of firearms and destruction of flora within the Kahuzi Biega National Park, their ancestral territory. Many observers stated that these proceedings did not respect the conditions of due process: the judges heard all eight cases in one day, and delivered verdicts that same day. Furthermore, because the Batwa people did not have the chance to choose a lawyer, the court appointed a public defender the day before the proceedings. Under these conditions, the public defender did not have enough time to prepare the defense for the eight Batwa people (4).

Furthermore, some local organizations that accompany the Batwa are accused of convincing them to stay in the Park permanently. As a result, these organizations face threats from security services.

It is clear that if this return had been authorized and planned in accordance with the 2014 roadmap (which foresaw the establishment of pilot areas within the Park where the Batwa could manage the biodiversity in a sustainable way), it would have been possible to guarantee both the rights of communities and the protection of biodiversity.

Frequent clashes between park rangers and Batwa people, which have escalated since the Batwas' return to the PNKB, should raise questions for all parties in this conflict—both nationally and internationally. Urgent measures must be taken to discourage those who are destroying the world heritage that is the PNKB, and above all, so that the instances of violence we see today do not recur. Adequate and sustainable mechanisms must be implemented to protect and promote the rights of the Batwa, as well as to protect the biodiversity of the PNKB.

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(1) The goal of the [Whakatane Mechanism](#) is to evaluate the situation in different protected areas of the world, and—where communities are negatively affected—propose solutions and put them into practice. It also defends and supports fruitful alliances between peoples and protected areas.

(2) -2014: Recommendations from the dialogue held in Sud-Kivu, between riverside-dwelling Pygmies from PNKB and the Kahuzi Biega National Park from September 25 to October 4, 2014;

-2018: Conclusions from the exchange that took place in Miti-Center (Kabare territory in Sud-Kivu province) on February 2, 2018, about the issue of inter-community tensions that Shi and Twa (Pygmy) communities face, as well as the administration of the Kahuzi-Biega National Park at the Miti-Katana axis in the Kabare territory of Sud-Kivu province;

-2019: Bukavu Declaration that came out of from the high-level dialogue regarding lasting protection of the Kahuzi-Biega National Park, and the peaceful coexistence among the Park, indigenous peoples and other riverside communities.

(3) Conservation Watch, [Fortress Conservation in Kahuzi-Biéga National Park: Evictions and extrajudicial killings](#), September 2018

(4) FPP, [The Kizula trial: punishment without justice](#), February 2020; FPP, update: [Batwa communities and Kahuzi-Biega National Park](#), febrero 2020; Taz, [Der Feind in Grun](#) (only in German), March 2020

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