



**The ICCA
Consortium**

Indigenous peoples, local communities and national policy towards the CBD Aichi Targets in the Democratic Republic of Congo



By Dominique Bikaba, Consultant

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Indigenous peoples, local communities and national policy towards the CBD Aichi Targets in the Democratic Republic of Congo

Dominique Bikaba

Executive Director, Strong Roots Congo

ICCA Consortium Consultant

bikaba@strongrootscongo.org

Executive Summary

This report falls within the framework of exploration of the possibilities offered by the legislative, social, and political environment in the Democratic Republic of the Congo (DRC) with respect to the process of recognition and support of Indigenous Peoples' and Community-Conserved Areas and Territories (ICCAs) in the Congolese context. The different sections treat questions relative to:

- The circumstances and characteristics used to distinguish indigenous people and local communities in DRC and attempts to clearly and acceptably define these communities;
- The forms of political authority among local communities and indigenous peoples in DRC with respect to their attachment to the land and natural resources as well as the governance of the aforementioned;
- The similarities and/or differences in established institutional frameworks for the management of natural resources by indigenous peoples and local communities in DRC and their relevance to ICCAs in order to determine the most appropriate mechanisms (legal or extra-legal) for the establishment of ICCAs;
- The types of conflicts that could emerge between and within local communities and indigenous peoples in the ICCA process in DRC;
- The opportunities that exist to facilitate the process of recognition and support of ICCAs in DRC; and
- Recommendations for the ICCA Consortium's work in DRC.

The process of recognition and support of ICCAs in DRC is beginning at a propitious moment, given the objective of the Congolese government to extend the size of protected areas from 10 to 15% of the national territory by 2020, in conformity with the Convention on Biological Diversity's AICHI Objectives. Ecosystems of projected importance for biodiversity conservation are inhabited by local communities and/or indigenous communities, and the expulsion of human communities to create new protected areas in order to promote biodiversity conservation in accordance with the modern conservation regime may actually risk endangering the preservation of these resources. Moreover, the experience of creating existing protected areas – in which communities were expelled without compensation – has exacerbated conflicts between the management of these resources and the survival of communities. Actions that would allow ICCAs to take root in DRC would serve not only as tools to promote the conservation of forest and aquatic ecosystems associated with customary and traditional use and/or ownership by local

communities and indigenous peoples, but also as a means to enhance respect for land tenure rights and land access on which the survival of these communities depends.

0. Introduction

This work intends to bring a deeper understanding of the Indigenous Peoples' and Community-Conserved Area and Territory (henceforth ICCA) in the context of the Democratic Republic of Congo (DRC), as well as of possible ways for their recognition and support in light of the Convention on Biological Diversity (CBD) – more particularly, its Articles 8(j) and 10(c), PoWPA, and the AICHI Targets for 2020, such as targets 11 and 18. This work also aims to contribute to a better appreciation of ICCAs outside the DRC, and to highlight the similarities and differences between Indigenous Peoples and Local Communities in the DRC, the understanding of which is crucial in the context of the CBD.

Thus, this work focuses on the characteristics of the ICCAs that are managed by indigenous peoples and of those that are managed by local communities in the DRC, including their similarities, differences, opportunities, threats and the different kinds of support needed for their recognition and respect.

0.1 Indigenous peoples and local communities in the DRC: An overview



Indigenous peoples represent approximately 1% of the Congolese population, estimated at 71 million inhabitants in 2009. Nearly 710,000 indigenous persons are distributed in 9 of 10 provinces and the city of Kinshasa.¹ The characteristics and circumstances that distinguish indigenous peoples from local communities in forest environments in DRC are actually quite complex.

In the DRC, of all the existing tribes and ethnic groups (estimated to be between 350 and 500 in number), only the Pygmies are considered and recognized as 'indigenous people'.

The others are considered as 'local communities', depending on their particular circumstances as well as whether they are rural or urban. In general, the nomenclature 'local communities' is applied to all non-pygmy tribes living in a rural setting. This designation is based on the fact that the 'pygmies' are recognized as the first inhabitants of some areas inside the territory known today as the DRC. Thus, it is universally accepted in DRC that the 'pygmies' are 'indigenous people'. In the history of the DRC, these people have been called the 'Bambote' or the 'Bambuti' or else the 'Batwa', depending on geographic location. They also have names with which they self-identify, among others: Batwa, Bambuti, Babuluko (Kivu), Bafoto, Baaka (Provinces Equateur and Bandundu), and Bangolu (Province Orientale), Bashimbi, Bacwa (Katanga and two Kasai provinces). They are also designated by other social groups using certain pejorative names, such as Basangobutaka, Banyarurembo, Bakonjamunsila (North Kivu), or first citizens.

¹ Document de Stratégie nationale pour le développement des peuples autochtones en RDC, Banque mondiale et Ministère de l'Environnement Conservation de la Nature, 2009.

The paradox is that, in some regions of the DRC, certain non-pygmy communities occupied forest territories before the pygmies, because the pygmies did not occupy the entire territory known today as the DRC. This fact does not, however, give to those communities the identity of 'indigenous people'. Thus, considering only the period of arrival or occupation of a given territory as the standard of 'indigenusness' would bias the definition of 'indigenous peoples' in DRC in this regard.



Among Congolese non-pygmy communities, some live in forests as hunters and/or fishers; others are farmers and herders, and still others blend forest nomadic and sedentary lifestyles.

Some members of these non-pygmy communities have remained sensitive to the name 'indigenous communities', due to the colonial practice of labeling all Congolese blacks as 'indigenous' and its negative connotation of savage, non-civilized beings, such as the primate in its savage state (monkey) . This colonial appellation made it impossible for many communities to accept to be called 'Indigenous Communities or Peoples', especially those whose members were in touch with colonizers or had -access to formal education.

It is only recently, in the last two decades, that Congolese pygmies' rights activists agreed to call pygmies 'Pygmy Native People' instead of 'indigenous people', given that the term 'indigenous' was marginalizing in the language of the colonizers.

To this day, however, no law in the DRC refers to either 'Pygmy Native People' or 'Indigenous Peoples'; rather, Congolese legislation refers to 'local communities' or 'surrounding communities' [with respect to a forest, protected area, lake or mining site] to refer to any community (local or pygmy) living in a specific location. In other words, although common parlance distinguishes pygmy native people from other rural and forest communities, no law in the DRC has yet codified this distinction, hence assimilating all communities living in a given rural territory, including the 'pygmy native people', to 'local communities'.

The number of 'native pygmies' in the DRC and their distribution have always been subjects of discussion on account of the difficulty of taking a census due, on the one hand, to their nomadic lifestyle and, on the other hand, to the political instability and insecurity in Eastern DRC. Furthermore, the circumstances and characteristics that distinguish pygmy native people from local communities living in DRC forest environments are both time and space-bound, taking into account the fact that they were the first to occupy certain territories as well as their different cultures and lifestyles related to the exploitation and management of natural resources and

notions and applications of territorial economies and politics. Language is not a distinguishing element between pygmy native people and local communities in the DRC, as it is used to distinguish between local communities.

0.2 Common conservation context

The DRC has more than a million square kilometers of forests (1, 127, 211 Km²) covering about half of the national territory (Laporte et al., 1998). Only 23% of these forests are under ‘conserved’ status – either as ‘national parks’, ‘nature reserves’, or ‘hunting domains’ – currently occupying about 10% of the national territory. Thus, 77% of DRC forests have no conservation status and are inhabited by native pygmies and/or local communities, who exploit these forests for their subsistence. According to the FAO, the rate of deforestation in the Congo Basin Forest (where more than 76% are located in DRC) is about 934,000 hectares per year or 0.6%, whereas the annual rate of population growth in DRC is 4%. Waters cover about 3.5% of DRC’s national territory.

Since the 1970s, when most National Parks were created, the Congolese government has demonstrated a steadfast commitment to the consolidation of the management of protected areas and the extension of their size to 15% (about 35 million hectares) of the national territory. The commitment to attain this goal by 2020 was reiterated again in legal terms in 2002 during the review of the Forest Code (*Article 14*), an initiative that the German government, in particular, promised to support at the CBD's Conference of Parties (COP9) held in Bonn, Germany in 2008.

This goal was reviewed in 2010 (at the COP10) in Nagoya, Japan, as well as in Brazzaville during the Summit of Heads of State from the three tropical forest basins, and revised to extend the size of forests under the status of conservation up to 17% (40 million hectares) of the national territory.

According to recent research on ‘The Politics of the Management of Protected Areas in Eastern DRC’ (Bikaba, D., June 2012), the achievement of this goal is threatened by several factors, the most important of which is a poor approach to the creation and management of existing protected areas that excludes both local communities and native pygmies (driven from their forest territories without being offered any accommodation or compensation) from the management and governance of these sites. Moreover, most of the forests that are rich in biodiversity and that would be turned into new protected areas are now occupied by local communities and/or pygmy native people. Accordingly, this research suggests that the most practical approach in order to attain the Congolese government’s goal is that of ‘Community Forests’ in the structure of the ICCA, the only conservation mode that would give communities control over the management and governance of their customary forest or aquatic territories.

0.3 Differences in community characteristics and circumstances

Although local communities and pygmy native people occupy and exploit forest or aquatic spaces for their subsistence in different manners, the pygmies also are differentiated from local communities in DRC by their lifestyle (culture, customs, socio-economy, and social and political organization) as well as their history.

In addition to the fact they are recognized by other Congolese communities as the first inhabitants of the territory known today as the DRC, pygmy native people also self-identify as pygmies, which distinguishes them from every other neighboring local community. While members of various local communities have fostered social relations with one another, such as trade, wedding, funeral and birth ceremonies, etc., pygmy native people still celebrate such events among themselves. In the Kivu provinces, pygmies are known as the guardians of historical information relative to the succession of customary authority in local (non-indigenous) communities. They are also known for certain traditional rituals that have in some cases been appropriated by local communities, such as initiation ceremonies for youth.

Many other cultural and custom-related aspects differentiate pygmy communities, such as their dietary norms, hunting customs, economic practices, and governance and political organization. In this regard, mention should also be made of the following unique cultural aspects: belief in the 'divinity of the forest', distinctive family relationships and marriage, and a social organization that does not rely on a 'system of chieftaincy', but on lineages, small group chiefs and reference to ancestors. The small size of pygmy communities allows for a simple system of social regulation, in which authority resides in the group and not in a single individual. In case of a minor dispute, for example, the intervention of an elderly person is enough to settle the problem.

Thus, local communities differ from pygmy native people in terms of their mode of social organization headed by a traditional authority like a King, clan chief, village chief, etc., and associated with a given customary or forest territory, a structure which pygmy native people have not adopted yet.

Such distinctive characteristics have led to a clear distinction between the so-called 'minority' communities and pygmy native people in the norms of human rights protection.

0.4 Attempts at definitions

Indigenous peoples and local communities are defined in different manners according to the criteria of time and space. In all cases, definitions consider the rural character of the territories where they live, forms of exploitation, management and governance of natural resources (forest, mineral, aquatic, etc.) available in those territories, lifestyle (traditions, customs, cultures, and the modes of resolution of social conflicts), and, finally, traditional knowledge and the methods of transmission of cultural identity from generation to generation. Inhabiting rural territories – forest, customary land, or aquatic – distinguish local communities and pygmy native peoples from urban communities.

a) Indigenous Peoples

Indigenous peoples consist of communities or groups of individuals who have a common ethnic, cultural and religious heritage linked to a given (though loosely demarcated) land area and who are distinguished from other individuals (groups of individuals) who came to conquer these territories prior to conquest by colonizers based upon their lifestyle, customs, culture, beliefs and forms of economic, political and social organization. According to the International Labour Organization's Convention 169 relative to indigenous and tribal peoples in independent

countries, “Indigenous peoples include tribal peoples in independent countries whose social, cultural, and economic conditions distinguish them from other sections of the national community, and therefore, their status is totally or partially regulated by their own customs or traditions or by special laws or regulations”. Also, “The people who are considered indigenous in independent countries, taking in to account that they descended from populations that inhabited the country or geographic region to which the country belongs at the moment of its conquest or colonization or the establishment of the boundaries of the current state, with respect to their legal status, possess certain or entirely distinct social, economic, and political institutions”.

The ‘indigenous’ distinction is generally based on the arrival period and the continuous occupation of a given territory by a community extending over several generations. This community is thus identified with a particular territory, whether it is nomadic or sedentary and is referred to as the first inhabitant of a site (a given territory) apart from any consideration of formal politico-territorial authority. In the DRC, it is universally accepted that only members of the ethnic group whose members identify themselves as ‘pygmies’ are indigenous peoples, hence the term ‘pygmy native people’.

b) Local communities

According to the *DRC Forest Code*, a local community is ‘a population traditionally organized on the basis of customs and united by bonds of clan or parental solidarity that are the foundation of internal cohesion. In addition, it is characterized by its attachment to a given land’. To this definition are added aspects of social organization, language and beliefs that are important elements in the determination of a local community. This law does not, however, establish the difference between ‘indigenous peoples’ and ‘local communities’, considering all groups of people (native pygmies or local) that have these common characteristics as ‘local communities’ of a given site or territory. Accordingly, “indigenous peoples” are considered to be organized in “local communities”, distinct from considerations of political authority.

In the current context of regional politics and in support of the CBD vision, there is a clear-cut distinction between local communities and pygmy native people. In the particular case of Central Africa covered by Forests of the Congo Basin – and especially applicable in the Congolese context –indigenous peoples are members of the pygmy ethnic group who live dispersed across multiple countries in this region, as opposed to local communities that consist of members and groups of other communities living on forest and aquatic ecosystems in rural areas of these countries. Globally, when the time comes for the designation of local communities and indigenous peoples in the CBD system, it will be the responsibility of each country or each region to define parameters to distinguish the respective communities, in addition to the aspects that form the basis of their self-identification. Throughout Africa, the realities of indigenous peoples differ depending on the particular region of the continent.

0.5 Political authority and governance of community areas and territories

Pygmy native people and local communities have different cultures and forms of social cohesion that have created divergent social structures and realities throughout their respective histories.

Both groups identify with the traditional territories that they occupy and the exploitation of resources available there although resources are exploited in different manners and to different degrees, resulting in differing natures of attachment to these territories. Pygmy native people are mostly nomadic, having no particular attachment to a clearly bounded land area, but rather to the availability of natural resources across a territory.

The policies of the countries in which both communities live affect their lifestyles and organization in a multitude of ways, as well as their dependence on and exploitation of resources available in their traditional or ancestral territories. Among these policies, it is worth mentioning the creation of protected areas networks, which seriously marginalized and affected the welfare of these communities.

While the Congolese legislation recognizes both formal (written) and customary land tenure regimes – the customary regime being that which most closely overlaps with the daily practices of rural communities (indigenous peoples and local communities) – land disputes, including those related to natural resources access, constitute the bulk of disputes recorded at both rural and urban levels. More than 93% of cases brought before the court in Bukavu, capital of South-Kivu Province, are land-related issues.



Contrary to local communities, in DRC – which are more sedentary and are attached to a specific territory – pygmy native people are more nomadic and are not necessarily associated with an administratively delimited territory, such as a grouping or chieftaincy. It is for this reason that in forest settings, people talk of ‘camps’ for pygmy native people and of ‘villages’ for local communities.

This has led some to designate the societies of pygmy native people as ‘acephalous’ or ‘without a head’ because they do not have politico-administrative authorities who govern a specific territory (except those pygmy communities that are restricted to camps), unlike larger local communities, which have many authorities who rule the community via interdictions, dogmas and other practical beliefs in order to regulate a society divided in to multiple distinct social groupings. As far as the exploitation of natural resources is concerned, these interdictions and beliefs control access to these resources and the modes of their utilization; in sum, they comprise a system of governance over the forest and aquatic territories that local communities occupy and exploit.

Contrary to some local communities that enumerate local laws to govern the exploitation of and access to natural resources under the oversight of an established authority, pygmy native people rely on traditional prescriptions that they transmit through customary methods from one generation to the next. Thus, the two communities employ different forms of political authority to manage and govern their territories and respective natural resource endowments. However, despite claims to the contrary, the governance of natural resources and forest territories in both local and indigenous communities is based on the authority of a community leader (camp chief,

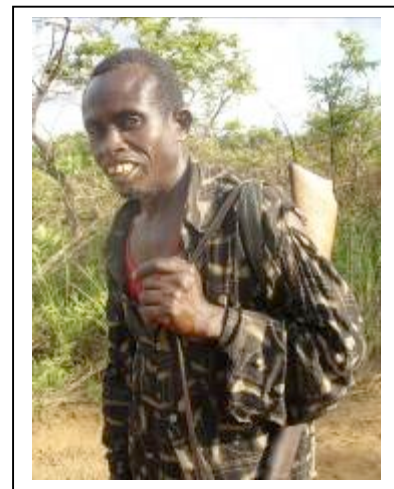
village chief, clan chief, etc.) who regulates the group and ensures that established principles are followed by community members, and authority/chieftaincy is acquired hereditarily.

Thus, although governance models can differ among indigenous people and local communities in the DRC, natural resource management and governance institutions do exist in both societies. These institutions may be religious (traditional), clan-based, social and/or politico-administrative (established by state legislative authority). Unfortunately, increasing populations in both local and indigenous communities are increasingly putting a strain on these institutions. Problems specific to each type of community are arising based upon their different opportunities to access resources and to resolve associated issues, as well as different basic needs and means to satisfy them.

A network of protected areas was created in the DRC between 1925 and 1970, relying upon modern conservation theories that did not integrate the traditional knowledge of pygmy native people or local communities living in those areas prior to their establishment as protected. This network has considerably reduced the political power of these communities and weakened their capacity to govern and manage their territories. Specific grievances still unaddressed to date include the lack of access to forest and land resources by members of the communities that were expelled as a result of the creation of protected areas, in addition to communities' lack of involvement in the management of these protected areas and their exclusion from the sharing of benefits generated by the socioeconomic exploitation of the aforementioned areas. These grievances and related conflicts will only be exacerbated if governments do not change their approach to the management and governance of protected areas in such a manner as to recognize, respect and support ICCAs and their underlying philosophy of giving local communities and indigenous peoples the authority to access resources, to play a role in resource governance, and to use their traditional knowledge in systems of sustainable conservation.

The fact that indigenous people have little access to modern education and training serves as an obstacle to holding decision-making positions in the institutions that emerge out of modern conservation regimes and associated national policies and to reconciling traditional and modern modes of conservation.

Traditional conservation principles center around protection sentiments based on traditional prohibitions with punishments for social deviation. In contrast, modern conservation approaches are based on legal tools that classify conservation areas into either sites for sustainable exploitation or sites for integral conservation, with sanctions for violators. Both types of conservation place man at the center of every conservation success or failure and consider him as the main agent of the destruction of the environment. Accordingly, they both try to put in place mechanisms for the regulation of human actions with respect to conservation.



Aspects that continue to perpetuate and widen gaps between traditional and modern conceptions of conservation include the real will to conserve natural resources (management, governance,

access to and rational exploitation of these resources), the political influence and legislation of various countries, and the sharing of socio-economic benefits generated by the two types of conservation. The ICCA approach is a conservation philosophy that reconciles traditional and modern conceptions and therefore proves more suitable to promote both sustainable conservation and - the welfare of local community members and indigenous peoples in the territories concerned.

1. Local communities, native peoples and the ICCA approach

Indigenous Peoples' and Community-Conserved Areas and Territories (ICCAs) combine an advanced form of traditional conservation with the ideal practice of modern conservation. The points of dissimilarity between traditional conservation and modern conservation lie mainly in their respective governance models, which are reconciled by the innovative ICCAs approach.

Since the creation of the network of protected areas in the DRC, voices have always been raised to advocate for community conservation, i.e. the type of conservation that implicates local communities and pygmy native people in the management of these protected areas. Over the course of the past 20 years, another trend developed in the DRC to promote the conservation of 'Community Forests', whereby communities themselves put in place strategies for sustainable conservation of their forest territories. Because neither of these conservation models are fully recognized by Congolese law, the 'ICCA' concept was quickly taken up by the representatives of indigenous peoples and local communities who attended , a 2012 workshop in Kinshasa titled 'Towards the respect of the rights and capacities of indigenous people and local communities for the governance of biodiversity in the DRC.'

It has been suggested that the project to revise conservation legislation in the DRC should integrate all the aspects of both community conservation and community forests, which paves the way for ICCAs, even if ICCAs and 'Community Conservation and Community Forest' incarnate two different visions in terms of goals and methodologies but closer than what the modern 'protected areas' are. In addition, the DRC, as a member of the CBD, is committed to abide by the conclusions of the Convention, which include the recognition and promotion of indigenous peoples and local communities – especially with regard to the management of natural resources – and respect for their rights, as well as access and benefit sharing from the exploitation of genetic resources and conservation linked to sustainable community development.

Already, *Article 113* of the *DRC Forest Code* stipulates that “for needs with respect to exploitation of their forests, local communities can ask for the assistance of the forest administration. The products of the exploitation will belong to the local community after deduction of fees due to the forest administration for its services. The exploitation of forests belonging to local communities can be entrusted to a third party in accordance with an exploitation contract. This contract must be subject to the approval of the local forest administration.”

The *Forest Code* adds in its *Article 16 §2*: "The coverage area of classified forests can be delineated in such a way that some of their parts are left to the disposition of surrounding populations for the satisfaction of their domestic needs, specifically in terms of forest products

and land for temporary farming’.

Article 43 of the same law maintains that ‘the removal of forest products for domestic ends is permitted in protected forests.’

Furthermore, the *DRC Constitution* stipulates in its **Article 34** that “Private property is sacred. The State guarantees the right to individual or collective property acquired in accordance with the law or customs ... Nobody can be deprived of their private property other than for reasons of public utility and in exchange for fair prior compensation in accordance with the conditions set forth by the law...”

These considerations are in conformity with the main idea of **Article 8(j)** of the *CDB*, which " foresees the necessity for States to respect, preserve and maintain as well as promote utilization of traditional knowledge on a larger scale, with the agreement and participation of the concerned indigenous peoples and local communities.’ They are also consistent with **Article 10 (c)**, which advocates for the protection and encourages the traditional uses of biological resources in accordance with the traditional cultural practices of the communities concerned.

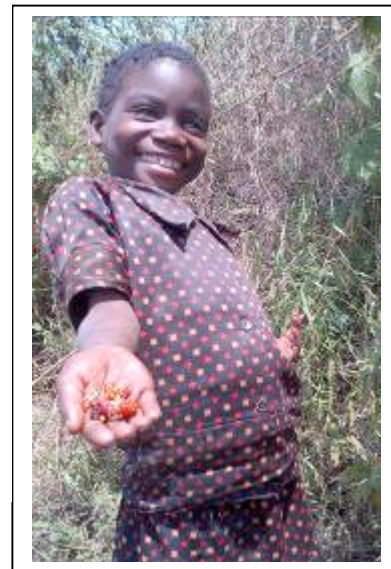
Other relevant international instruments include the **AICHI Targets**, which define a vision that “by 2050, biological diversity will have been valued, conserved, restored and utilized with wisdom, by ensuring the maintenance of services provided by ecosystems, by maintaining the planet in good health and by offering essential advantages to all people.”

The Congolese government’s goal to extend the size of protected areas to up to 17% of the national territory by 2020 corresponds with **Aichi Target 11**, which stipulates that “by 2020, at least 17% of land zones and interior waters and 10% of marine and coastal zones, including zones that are particularly important for biological diversity and the services provided by ecosystems, will have been conserved by means of ecologically representative networks and linked to effectively and equitably managed protected areas and other effective conservation



measures by zone, and integrated into the land and marine landscape.’ Also, **Aichi Goal 19** serves as a link between the perspectives of the Congolese government, the ICCA Consortium, and the wishes of Congolese local communities and native pygmy peoples: “By 2020, the knowledge, scientific base and technologies associated with biological diversity, its values, functioning, state and tendencies, and the consequences of its impoverishment will have been improved, shared and transferred widely, and applied.”

Even though Congolese legal and legislative instruments relative to conservation necessitate further revision to specifically address the theme of native pygmy peoples and local communities, Congolese legislation, political will and current conservation practices recognize and support ICCAs in their effort to respect CBD



commitments. In particular, recognition of and support for ICCAs is a means to address the multiple demands of local community members and indigenous peoples – as well as the whole range of organizations supporting sustainable conservation and the rights of indigenous peoples and local communities – that consistently lobby for legal instruments that clearly recognize the role of local communities and indigenous peoples in the management and governance of natural resources in their ancestral territories, in DRC particularly.

Nevertheless, the mechanisms to be put in to place to establish and govern ICCAs in DRC are not the same for local communities and native pygmy peoples. Their different practices of natural resource exploitation and land occupation must be taken in to account in the process. This implicates the definition of other required benefits to justify the establishment of ICCAs outside the sole objective of sustainable conservation of natural resources, such as, for example, the authority to manage and govern a plot of land, an ancestral forest or aquatic territory.

2. Potential conflicts related to ICCAs in the Congolese context

The potential exists for the ICCA process in the DRC to generate conflicts among concerned stakeholders if appropriate preventive measures are not taken and if conservation legislation remains deficient with respect to codifying community-based conservation standards, which could negatively affect the local communities or indigenous peoples involved in the process.

Article 4 of the *Forest Code* in DRC stipulates the following: “The development of classified forests falls under the competency of the institution in charge of their management. The development of permanent production forests is carried out by the forest concessionaire. The development of community forests is carried out by the community to whom the forest is attributed. The local community can appeal to the assistance of the forest administration or to a third party.” Furthermore, *Article 22* of the same law maintains that: “A **local community** can, at its request, obtain as a forest concession a part or the totality of protected forests among the **forests regularly possessed in accordance with custom**. The modalities for the attribution of concessions to local communities are determined by Presidential Decree from the President. The attribution is free of charge.”

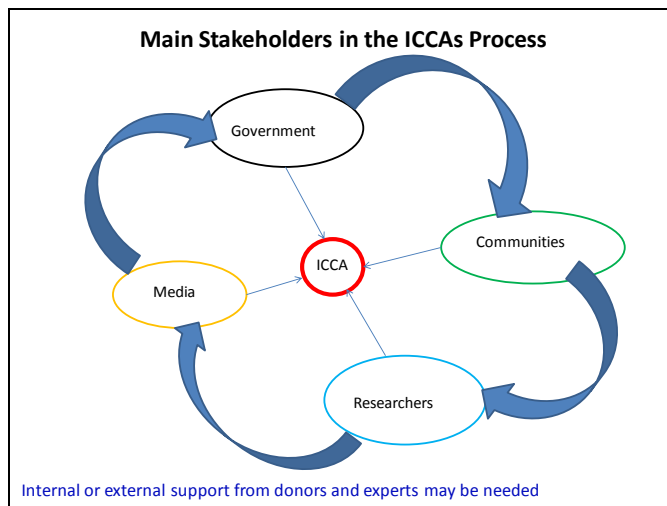


It emerges from this wording of this article that a ‘**local community**’ can only exploit a ‘**community forest**’ in a permanent manner and in the forms decreed by community members after the granting of a forest concession deed. There is thus a conflict between written and customary law and therefore, need for clarification in this regard. Congolese legislators should be supported in order to establish adequate legislation relative to the ‘**community forest**’ and a clear component on the ICCAs scheme.

Additionally, inter-community conflicts are poised to emerge if necessary prevention mechanisms are not put in place. These conflicts may arise from the proven challenges of clear delimitation of an ICCA between communities, the co-management (between different communities) of an

ICCA if the forest territory is occupied by both a local community and a native pygmy people or by several local communities that have different views about the mode of management of the territory, or any other conflict related to the sharing of power and of the social, political and economic advantages and interests resulting from the management and governance of the ICCA. Potential conflicts also may stem from the process of standardizing access to and regulation of natural resources (timber, game, land, water sources, etc.).

Among suggested ways to remedy these potential conflicts is carrying out preliminary studies of the resources contained in an ICCA, the socio-economic aspects of communities living in and around the ICCA, precise determination of the motivations for the preservation of the entity by the community, empowering community members to solve eventual conflicts, and the promotion of the use of traditional knowledge in the process. Moreover, the participation of concerned stakeholders in the process of establishing ICCAs would likely contribute to a considerable reduction of potential conflicts.



On June 26, 2013, a project of law "**Environment Code**" that includes the ICCA scheme as another relevant category of protected areas in DRC was approved by the plenary of the Provincial Assembly of the South Kivu Province (eastern province of the DRC), an initiative that was lobbied by Strong Roots and other conservation bodies. This legal tool intended to regulate conservation and protected areas management in South Kivu is waiting for the provincial Governor's signature to pass into a provincial law, action that would be completed before the end of the month July 2013.

3. Opportunities for the promotion of ICCAs in the DRC

Specific opportunities that exist to facilitate the process of recognition of and support for ICCAs in the DRC include the following, among others:

- The existence of forest territories (more than 73% of Congolese forests) occupied and traditionally preserved and exploited by local communities and native pygmy peoples,
- The Congolese government's stated intention to extend the size of DRC protected areas from 10 to up to 17% of its national territory,

- DRC communities' possession of traditional and cultural knowledge favorable to careful integration in to the process,
- DRC's subscription to international conclusions such as those of the CBD, the UICN and UNESCO that predispose the administration to respect national and international instruments that concern the issue of integration of local communities and native pygmy peoples in the long-term preservation of biological diversity,
- The DRC has more than 76% of the Congo Basin forests, which is about 50% of African forests, a position that gives it the attention of the international community (backers, experts, etc.) to help important initiatives for the sustainable management of these forests,
- The adoption of the "Environmental Code" in South Kivu (one of the DRC provinces) that includes already the ICCAs.

To take advantage of these opportunities, it is necessary to regularly monitor recommendations and conclusions from ICCAs workshops and meetings in the DRC, to support the community-based structures that support the ICCA process in DRC in their conservation and research efforts, and to promote the success of community conservation underway in certain pilot ICCAs around the country. Supporting the Congolese government's process of institutional and legislative restructuring in matters of nature conservation is also a priority, with emphasis on decentralized management of protected areas and natural resources. It has been suggested that national parks and nature reserves could remain managed by specialized institutions attached to National Ministries, while any conservation structure based on community such as ICCAs should be officially and directly supported by provincial and local governments to facilitate more successful and sustainable conservation outcomes (Bikaba, D., June 2012).

4. Recommendations for the ICCA Consortium's work in the DRC

As suggested in the above diagram, the ICCA Consortium should facilitate – through its Regional Coordination body in the DRC – dialogues and discussion between concerned stakeholders involved in the conservation of protected areas. Moreover, the Consortium should ensure that the CBD Protocol ABS is ratified by the Congolese government by working with the CBD's focal points, the ABS and the Consortium's Regional Coordination. It is also necessary to create forums for regular dialogue between the organizers/coordinators of the ICCA process in DRC and the representatives of local communities and native pygmy peoples involved in the management of ICCAs to ensure the evolution of the process and the continuous improvement of adopted approaches.