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Trapped Outside the Conservation Fortress:

The Intersection of Global Conservation Efforts and Systematic Human Rights Violations



THE
BAY & PAUL
FOUNDATIONS

Baka People in Messok Dja. © Fiore Longo



*“Who would agree to a park?
Who would agree to starvation?”*

– Baka man, Messok Dja

Baka People in Messok Dja. © Survival International



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— TABLE OF CONTENTS —

Foreword.....	4
Acknowledgments.....	5
Introduction	6
Case Studies.....	8
Chitwan National Park, Nepal.....	8
Introduction	8
Violations.....	8
Land Dispossession and Displacement	8
Indirect Human Rights Violations	9
Gross Human Rights Violations	10
Bardiya National Park, Nepal	11
Introduction	11
Violations	12
Land Dispossession and Displacement	12
Indirect Human Rights Violations	12
Gross Human Rights Violations	13
Kaziranga National Park, India	14
Introduction	14
Violations	15
Land Dispossession and Displacement	15
Indirect Human Rights Violations	15
Gross Human Rights Violations	16
Ngorongoro Conservation Area, Tanzania	17
Introduction	17
Violations.....	17
Land Dispossession and Displacement	17
Indirect Human Rights Violations	19
Gross Human Rights Violations	20
Mount Elgon National Park, Uganda.....	20
Introduction	20
Violations.....	21
Land Dispossession and Displacement	21
Indirect Human Rights Violations	23
Gross Human Rights Violations	23
Salonga National Park, Democratic Republic of Congo	24
Introduction	24
Violations.....	24
Land Dispossession and Displacement	24
Indirect Human Rights Violations	25
Gross Human Rights Violations	25
Dzanga-Sangha Protected Area, Central African Republic	26
Introduction	27
Violations.....	27
Land Dispossession and Displacement	27
Indirect Human Rights Violations	28
Gross Human Rights Violations	29
Lobéké National Park, Cameroon	30
Introduction	30
Violations.....	30
Land Dispossession and Displacement	31
Indirect Human Rights Violations	31
Gross Human Rights Violations	32
Nouabalé-Ndoki National Park, Republic of Congo	32
Introduction	32
Violations.....	33
Land Dispossession and Displacement	33
Indirect Human Rights Violations	34
Gross Human Rights Violations	34
Messok Dja, Republic of Congo.....	35
Introduction	35
Violations	36
Land Dispossession and Displacement	36
Indirect Human Rights Violations	37
Gross Human Rights Violations	38
Analysis.....	38
Systematicity Under International Law.....	38
The Pattern Identified in Protected Areas.....	39
Fortress Conservation Leads to Systematic Violations	41
Endnotes	43

— FOREWORD —

Conservationists have forgotten that Indigenous Peoples (“IPs”) have been taking care of nature and biodiversity long before the creation of protected areas. Forced displacements, losses of land, exclusion, and the progressive destruction of culture and indigenous knowledge are the foreseeable consequences of creating protected areas. Today, IPs are mostly excluded from the forests. Forests have served as the ancestral homes of IPs since the beginning of time.

Current policies have created negative consequences that plague IPs across the globe. Protected areas are seen as a curse for “forest peoples,” as IPs are experiencing starvation, poor health, physical violence, bullying, and terror. Eco-guards are a constant threat to their right to life.

Under the guise of buzzwords, including the “fight against poaching”, IPs are arrested, mistreated, and tortured. IPs homes are burnt to the ground, and the list goes on. Large entities wielding power and control take advantage of this unfair playing field. Instead, they knowingly favor repression in their conservation strategy to the detriment of the co-management and/or the effective involvement of communities, most saliently IPs.

Community leaders who voice opposition to restrictions and negative consequences of conservation are silenced by unacceptable methods. International NGOs do not hesitate to weaponize the justice system to shut down our claims. There is little to no restitution or reparations for the harm they cause by depriving IPs of our access to resources.

In light of what is happening in protected areas, all donors should review their strategies and apply a rights-based approach to conservation policies that benefits both communities and biodiversity.

Trésor Nzila Kendet, Development Action Center, Republic of Congo
December 4, 2021

— ACKNOWLEDGMENTS —

This Report is part of Project Expedite Justice’s (“PEJ”) contribution to a more just and equitable world. In particular, this project fuels the quest that IPs and other key stakeholders have followed in pursuing the respect and defense of IPs’ rights when impacted by the creation of conservancy areas. Our main objective with this Report is to amplify those voices and contribute to the conversation with our expertise. Nonetheless, the spotlight should rightly remain on IPs and those organizations that have supported them throughout the years.

We would like to thank all IPs and stakeholders who took their valuable time speaking to us and supporting our research to find the truth. We emphasize that this Report and the views expressed herein represent PEJ’s conclusions and do not necessarily represent, in any way, the opinions of the people and organizations that supported us throughout this process. We will be forever grateful for all the conversations and support generously provided to us along our journey. Together, we will advocate for the affected communities until a change is realized.

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— INTRODUCTION —

Protected areas (“PAs”)¹ are considered one of the leading strategies to counter climate change, particularly since 2017 when a group of scientists called for increased conservation efforts.² The scientists advocated for 30% of the Earth’s surface to become protected by 2030, thereby preventing the 1.5 °C temperature increase that would cause irreversible environmental damage.³ This is called the ‘Global Deal for Nature’ (“GDN”).⁴

Historically, PAs have been problematic, given how they have been established. PAs are usually created on IPs’ ancestral lands, invoking processes including land dispossession, human rights and IP’s rights violations, and the commission of foreseeable violent crimes. These violations are usually perpetrated by empowered, overzealous, and under-controlled law enforcement personnel and park rangers. All of these elements threaten the survival of IPs, who were once the guardians of the coveted lands.⁵ Governments, international conservation organizations, and sometimes private actors are involved in these processes, as shown by BuzzFeed reports in 2019⁶ and investigations by several human rights organizations.⁷

As the support for the GDN grows, a corresponding increase in PAs will foreseeably occur. Proper planning requires a primary focus on IPs from a human rights-centered and compliant perspective. Without integrating IPs’ values and views, the outcome will probably be permanent displacement due to what IPs and other stakeholders

believe will be the largest land grab in history.⁸

This exploratory Report (“Report”) is part of PEJ’s Indigenous Peoples’ Rights and Conservancy Project’s effort to highlight and amplify the claims, research, and documentation that IPs and other stakeholders have embraced for years. In addition, it aims to provide a global view to appreciate the opportunity for action, notably by identifying common elements, trends, and patterns related to the creation and enforcement of PAs. The reported incidents are not isolated events occurring around the world. Instead, the incidents demonstrate that the existing model for creating and implementing PAs generates a systematic pattern of excluding IPs by committing human rights abuses and threatening their security and traditional existence.

This Report was created by combining four months of desk research with interviews of IPs and other stakeholders who shared information, documentation, and research with us. The aim of the Report is to illustrate what an “exclusionary conservation” or a “fortress conservation” policy means by drawing attention to the presence of a systematic pattern of abuse across 10 selected PAs.⁹ The identification of PAs was conducted based on the availability of information and the opportunity to collaborate with IPs on the ground and with other stakeholders. This Report presents an overview of each PA and its history. Further, we provide a summary of findings based on three factors that collectively demonstrate a

systematic pattern. The three factors are as follows: (1) land dispossession and displacement; (2) indirect human rights violations arising from dispossession and displacement; and (3) gross human rights violations and abuses committed against IPs still living inside or in the vicinity of the PAs. Our conclusion includes an analysis highlighting common elements and their legal significance.

This Report should not be construed as exhaustive or tantamount to a fully aired in-depth investigation applying strict and high standards of proof. Nor is it meant to be an indictment against those responsible for these selected incidents. Instead, it is the first step in seeking to address the harms that IPs have suffered, demonstrating that these human rights abuses are not random or isolated occurrences. The human rights abuses result directly or indirectly from a PA creation model that systematically disregards IPs and their rights in the name of conservation.

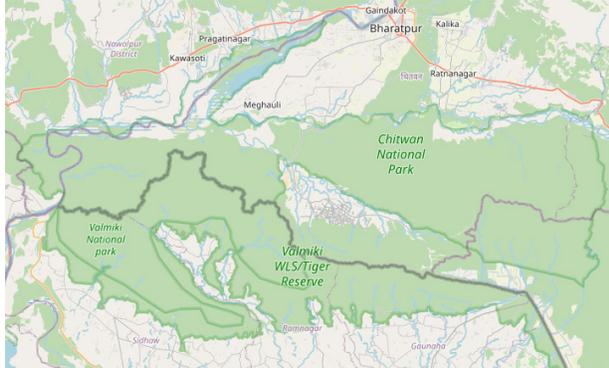
Since 2019, following an increased focus on conservation efforts, several international conservation organizations, including but not limited to, the World Wide Fund for Nature (“WWF”) and the Wildlife Conservation Society (“WCS”),

have tacitly acknowledged shortcomings in the global conservation model and committed themselves to an indignant-led approach to global conservation. However, these improvements are meager at best. Their proposed solutions do not adequately address the core of the problem by failing to comply with the necessary standards and implementation requirements.¹⁰

Given that this report’s objective is to present the pattern underlying the creation and management of PAs, it includes both incidents that occurred before 2019 and ongoing human rights violations and abuses. We hope our Report will serve as an asset for IPs in defense of their rights and a contribution that demonstrates the scale and gravity of these human rights abuses when fortress conservation projects are implemented. Conservation can only achieve its protection objectives if it places IPs at the center of its efforts and couples it with an unwavering commitment to respecting their rights and acknowledging their decision capacity. Moreover, it has been demonstrated that PAs with strong IPs involvement in management and decision-making deliver better results at conservation and human rights protection.¹¹

— CASE STUDIES —

Chitwan National Park, Nepal



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Introduction

Chitwan National Park (“CNP”) was established in 1973 in the Terai region in southern Nepal through the National Parks and Wildlife Conservation Act (“NPWC Act” or “Act”).¹² Several IPs have lived in the area for millennia, such as the Tharu, Kumal, Darai, Majhi, and Bote.¹³

The Government did not obtain consent from IPs while developing and enforcing protected area regulations that highly restrict access and activities in the IPs’ ancestral land.¹⁴ Today, some of their cultural traditions have been criminalized by the overzealous implementation of conservancy laws.¹⁵ Nepali PA regulations are inconsistent with IPs’ protection under international law.¹⁶

The Nepali Government did not act alone. While the Nepali Army has controlled poaching and land encroachment since 1975, WWF has assisted the Government since 1967.¹⁷ WWF notably offers technical and financial assistance to rangers in the form of training, food, means of transportation, and cameras.¹⁸

Violations

Land Dispossession and Displacement

The Nepali Government illegally displaced IPs from the Chitwan district to create a national park that overlaps with their traditional land.¹⁹ In 1973, around 20,000 Tharu people were relocated without compensation.²⁰ As some IPs have managed to stay or return to their ancestral lands, violent evictions in CNP still happen today, mostly carried out by park authorities and personnel of the Nepali Army. These evictions occur in contravention of Nepal’s domestic law that requires landowners’ consent and a resettlement plan.²¹ Despite public reports condemning these incidents, the authorities and many conservation organizations, including WWF, ignore these incidents.²²



Meeting with Bote, Darai, and Kumar people in Chitwan © National Indigenous Women’s Federation (NIWF)

For example, in July 2020, CNP employees, without any warning, torched two homes to the ground and destroyed eight others using elephants.²³

Indirect Human Rights Violations

State-imposed exclusionary conservation policies²⁴ neglect CNP IPs’ reliance



© Raju Chaudhary/ Survival International

on natural resources and their strong socio-ecological and cultural ties with the ecosystem. The separation of local populations from their traditional customs, as well as the loss of their right to make use of the land and resources, has resulted in a severe livelihood crisis.²⁵ There are no programs or budgets to support IPs living in CNP. In contrast, there is a significant budget allocated to wildlife conservation. Furthermore, the increasing number of hotels and lands occupied by outsiders and the interventions on ancestral land severely jeopardize the Tharu, Bote-Majhi, Darai, and Kumal way of life.²⁶

The CNP Regulation grants IPs the right to pursue fishing, their traditional

occupation.²⁷ The CNP warden or officials can issue fishing licenses to IPs. However, IPs have been harassed when they asked for the permit, their goods have been seized, and they have been accused and charged for being/assisting poachers.²⁸ For example, in May 2016, Man Bahadur Kuma and seven other fishermen went to the river to fish with their permits when a group of soldiers found them and beat them for several hours.²⁹ Due to frequent harassment and human rights violations, IPs living within the CNP buffer zone are afraid to enter the park even when they have a license.³⁰ In contrast, hotels near CNP are permitted to have boats and to fish.³¹

Gross Human Rights Violations

The NPWC Act empowers rangers to open fire against suspects of poaching in self-defense, and it stipulates that death resulting from such firing is not deemed an offense.³² Given that there is essentially no accountability, there are many human rights abuses and extrajudicial killings by CNP authorities that fall under the protection of the Act's legal framework. The Act provides for flexible and vague detention regulations, as well as poor reporting and redress avenues.³³

In 2006, park rangers detained, tortured, and killed a man named Shikharam, a farmer from a village located near CNP, based on their suspicion that he buried a rhinoceros horn in his property.³⁴ WWF awarded Kamal Jung Kunwar, one of the three suspects of Shikharam's death, for his involvement in achieving zero poaching for two years.³⁵ Kunwar, who wrote a book, describes waterboarding and torture as a common method for interrogation.³⁶ Torture practices were not limited to Shikharam. Park officials have been using torture to coerce confessions about poaching operations for a long time.³⁷ In general, the Army and National Park officials have justified killings by claiming that the victims were poachers executed in self-defense.

In addition to murder, grave sexual and gender-based violence occurs constantly. Indigenous women are more vulnerable, helpless, and voiceless than any other group.³⁸ After the harvesting season, abuse against women increases as they must cross the Rapti river to collect various goods.³⁹



Phulmati Chaudhary (middle) who was injured by the Army while protesting the attempted rape by a CNP officer. © National Indigenous Women's Federation (NIWF)

In May 2012, Manmati Chaudhary, a Tharu lady, was cutting grass along the Rapti River. One of the three soldiers returning to their post attempted to rape her. When she resisted, the soldier beat her up so violently that her kneecap was permanently damaged.⁴⁰ Another case of mass sexual assault occurred during evictions in 2019 and 2020 when the Army raped twenty-seven women, six of whom were repeatedly raped and killed after refusing to leave their village.⁴¹

Additionally, the Army uses sexual abuse as a form of punishment and torture.⁴² Given the fear of stigmatization, most IPs refrain from filing complaints.⁴³

After 2016, when WWF Nepal became aware of the incidents, it took the position that it was an issue for the Government to solve.⁴⁴ WWF's level of participation and engagement with the

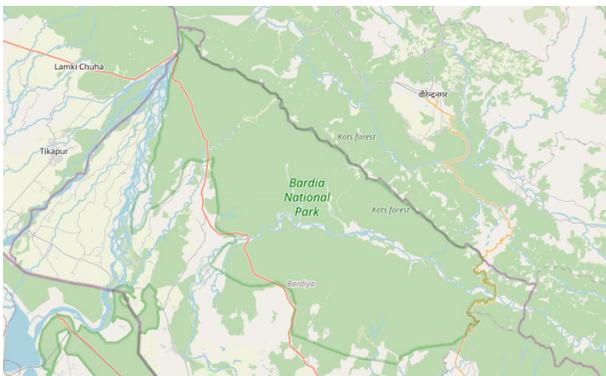


Interview with two wives of Sikharam Chaudhary (second and third persons from the right) who was tortured and killed. © National Indigenous Women's Federation (NIWF)

perpetrators is substantial, including financial support, although no exact figure has yet been identified.⁴⁵ Even though WWF knew of the abuses, it

continued supporting and collaborating with the CNP and the Army, who are accused of several incidents of torture, sexual assault, and murder.⁴⁶

Bardiya National Park, Nepal



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Introduction

Bardiya National Park (“BNP”) is located in the Western Terai Region of Nepal. Initially referred to as Karnali Wildlife Reserve, in 1984, it expanded to its current size, and in 1988 it was designated a national park.⁴⁷ The Tharu constitute the majority of Bardiya’s inhabitants; other tribes include the Sonaha, Raji, and Kumal, all of whom are spread across BNP and its buffer zone.⁴⁸ They consider the Karnali river their ancestral territory and are dependent on

river-based customs, gold panning, and forest resources.⁴⁹ The NPWC Act and the BNP Regulation of 1997 jeopardize IPs' traditional way of life by prohibiting numerous activities.⁵⁰ These regulations were imposed without IPs' consent or consultation, and no compensation alternatives were offered.⁵¹

WWF has supported BNP's rangers by providing funds to the Nepali Government for approximately two decades without ensuring IPs' rights or compliance with WWF IPs' principles.⁵² Furthermore, local youth and unemployed people voluntarily join game scouts and the Army to control poaching in exchange for incentives, such as training and jobs in the park.⁵³ The Sonaha and other IPs remain excluded from the park and buffer zone administration, planning, and decision-making.⁵⁴

Violations

Land Dispossession and Displacement

The Nepali Government displaced thousands of IPs during BNP's creation and subsequent expansion. The military and armed guards forcibly imposed the park's creation on IPs.⁵⁵ In 1969, two villages were relocated, evicting the Sonaha and criminalizing their traditional livelihood.⁵⁶ Seven years later, in 1976, the second round of evictions took place when park authorities involuntarily relocated 1,500 households outside the Karnali Wildlife Reserve.⁵⁷ Following the third wave of evictions in the 1980s, 9,500 people were resettled outside the park.⁵⁸ Since 1983, national park authorities forcibly evicted at least 300 households from their land along the Geruwa river.⁵⁹ Due to the

riverbed shifting, the BNP authority insists that the land now falls within the park boundaries and that IPs are not allowed there.⁶⁰ Park authorities and the Nepali Army continue threatening IPs with eviction to date.⁶¹

Indirect Human Rights Violations

Following the evictions, no compensation has been provided for the loss of livelihoods, cultural traditions, or human rights abuses resulting from the involuntary resettlement. In contrast, there has also been an increase in militarization and police presence.⁶² The coercive imposition of park laws to preserve the wilderness increasingly limits IPs' freedom of movement while failing to provide alternative means of subsistence. Consequently, some Sonaha migrated, and others were forced into exploitative labor. Park restrictions have criminalized IPs' traditional livelihoods and cultural traditions, such as the celebration of ceremonies in sacred sites within BNP,⁶³ and forced them to pay for conventional medicines instead of relying on herbal remedies.⁶⁴ In 2006, conservationists, including WWF Nepal, advocated for a fishing ban to safeguard Gangetic River Dolphins. In 2008, BNP management began granting fishing licenses for the buffer zone with stringent limitations. Two months later, the licenses were canceled after eco-guards detained two Sonaha for alleged poaching.⁶⁵ Despite the fact that there is no evidence that the Sonaha are the primary cause of the dolphin population's decrease, they are denied access, in total, to the river.⁶⁶ As a result, they experience food insecurity, precarious health, and housing issues.⁶⁷



Sonaha men fishing in Karnali River (at the Park boundary). © Sudeep Jana Thing

Gross Human Rights Violations

The Army and the game scouts have threatened Sonahas at gunpoint, shot at them, and thrown stones at them while they were fishing.⁶⁸ The Nepali Army and park authorities arbitrarily arrest and torture IPs for entering the park.⁶⁹ Many Sonaha men were detained for violating the park's rules, and only some were released after paying fines absent any form of judicial proceeding.⁷⁰ Some Sonaha have died while in custody.⁷¹

In March 2010, BNP soldiers killed two women and one 12-year-old-girl as they were collecting tree bark within the BNP.⁷² The UN Office of the High Commissioner for Human Rights and Nepal's National Human Rights Commission found the killings

unjustified. By contrast, the Army and BNP officials claimed that the victims were poachers killed in self-defense.⁷³ This case demonstrates the NPWC Act's loopholes, including the use of weapons even when there is no imminent threat to life.⁷⁴ These three deaths were reported to WWF Nepal and referred to WWF US, which debated whether human rights training for law enforcement employees should be considered. WWF abandoned the proposal because such interference with the Army was deemed unwise given the political context at the time.⁷⁵ As of 2018, armed guards continued to beat and verbally abuse IPs, seize their fishing equipment, and arbitrarily arrest and fine them, if they find them cutting grass or fishing.⁷⁶

Kaziranga National Park, India



© OpenStreetMap contributors

Introduction

Kaziranga National Park (“KNP”) is situated in the Eastern Himalayan biodiversity hotspots of the Golaghat and Nagaon district in Assam. In 1905, KNP was established as a reserved forest and later turned into a game reserve.⁷⁷ In 1950, KNP was declared a wildlife

reserve and, in 1974, a national park.⁷⁸ Due to its location near different borders, the state of Assam became a settling ground for many IPs.⁷⁹

KNP benefits from national and regional Government assistance, as well as participation from national and international conservation organizations such as WWF. Alongside the Forest Department, WWF India provides training, lectures, and workshops on conservation, climate change, and community work for KNP’s staff.⁸⁰ Furthermore, WWF India trains rangers on human-animal conflict management, wildlife monitoring, the Indian Wildlife Protection Act, human rights, general enforcement training and provides them with equipment such as night-vision goggles.⁸¹



Violent evictions in Kaziranga National Park. © BNNVARA

Violations

Land Dispossession and Displacement

KNP's creation and enlargement have dispossessed many IPs from their traditional land. Since its establishment in 1974, the park's size has more than doubled.⁸² IPs opposed both the creation of the reserve in the 1920s and the establishment of KNP in the 1970s.⁸³ Notably, evictions violate the 2006 Forest Rights Act ("FRA"), which entitles IPs that have traditionally inhabited these lands to land tenure and customary rights.⁸⁴ However, in 2009, the Gauhati High Court ruled that historically no forest-dwelling communities exist in Assam, de facto depriving the IPs in KNP of any rights under the FRA framework.⁸⁵

Poaching is used as an excuse to evict IPs. In 2015, the Gauhati High Court issued a mass eviction order, effectively

displacing 300 families from three villages in the KNP buffer zone.⁸⁶ The Government used heavy instruments such as backhoe loaders, elephants, and fire tenders to demolish their livelihood.⁸⁷ When the inhabitants protested this brutality, the police officers opened fire on them, killing two IPs during the clashes.⁸⁸

Meanwhile, the Government had promised resettled villagers official deeds guaranteeing their new land ownership. The promised deeds never materialized. Some villagers began paying revenue taxes based on the promise of receiving land titles, only to be once again removed from their homes.⁸⁹

In September 2020, the Assam Government authorized an additional expansion of 30 km² in the districts of Nagaon and Sonitpur.⁹⁰ The expansion led to a new mass eviction order affecting hundreds of people.⁹¹

Indirect Human Rights Violations



© BNNVARA

The fact that the Government forbids IPs to access their traditional livelihood puts them in a serious and oftentimes permanent state of poverty.⁹² Without compensation or alternative land on which to live, it is impossible for IPs to cultivate their lands and graze their cattle and effectively leaves them in a continual state of lack of sustenance.⁹³

IPs who have been relocated to new villages are plagued by long journeys to reach the forest to extract the resources they need to preserve their traditional way of life. IPs have been rarely employed as agricultural laborers or daily wage-earners when pursuing new economic activities.⁹⁴ Further, some IPs have lost track of their culture when integrated into a new environment in the city.⁹⁵ For the IP city-dwellers, their culture is highly likely to be lost forever.

Gross Human Rights Violations

IPs live in constant fear of being imprisoned, tortured, beaten, or shot by forest officers just for carrying out their daily activities.⁹⁶ IPs in KNP are often killed and assaulted under the KNP 'shoot to kill' policy, which prescribes legal impunity and cash compensations for forest guards who kill suspects.⁹⁷ IPs are often shot for crossing the park boundaries to amass firewood or retrieve cattle because the park's limits are unclear, creating confusion for IPs.⁹⁸ For instance, in 2013, a man looking for his lost cows had presumably entered the forest when he was shot by an eco-guard that believed

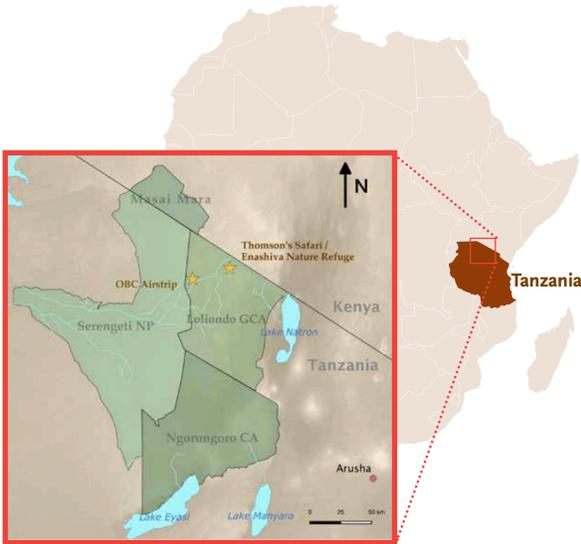
he was a rhino poacher.⁹⁹ In 2016, a 7-year-old boy was shot while walking back home in his village. Both illustrative cases demonstrate the power and control wielded by eco-guards. In nine years, eco-guards killed 62 people, 42 of whom were killed in one year (between 2014 and 2015).¹⁰⁰



Akash Orang, a 7-year-old tribal boy, was maimed for life after being shot by a guard in Kaziranga National Park. © Survival International

WWF promoted an informant network to spy on the community and offered rewards for anti-poaching efforts.¹⁰¹ This has sometimes resulted in false complaints because there is a financial incentive.¹⁰² A farmer was arrested after being accused of possessing weapons. "They hit me on my back and on my shoulder. Then they pulled me into the car and drove me to the office. There, they immediately started interrogating me."¹⁰³ During the interrogation, the authorities tortured him when he denied the accusations. Authorities promised him monetary compensation for what happened when released, but none was ever received.¹⁰⁴

Ngorongoro Conservation Area, Tanzania



© The Oakland Institute

Introduction

Ngorongoro Conservation Area (“NCA”) is a UNESCO Mixed World Heritage Site (1979) and a protected area in Northern Tanzania established in 1959.¹⁰⁵ The Ngorongoro Conservation Area Authority (“NCAA”) administers the area.¹⁰⁶ Before, the NCA was part of the Serengeti National Park.

The Maasai, Barabaig, and Hadza hunter-gatherers live in what now is the NCA.¹⁰⁷ The Maasai are transhumance pastoralists, essentially nomadic, moving with their herds to let the land regenerate. Cattle are an important food source for their milk and blood; the Maasai only kill them occasionally for meat.¹⁰⁸ The Tanzanian Government and foreign corporations threaten the Maasai pastoralist way of life in these territories by intruding and dispossessing them from their land through conservation laws. The Maasai were granted settlement rights

within the NCA in 1959; however, the NCAA has the authority to ban, limit, or control land cultivation, livestock grazing, and the construction of homes.¹⁰⁹ Other laws passed in 1975 and 2009 curtailed Maasai rights to graze cattle and cultivate crops, both within the NCA and game-controlled areas.¹¹⁰ This led to widespread starvation, migration, and consequently an increase in poaching as Maasai used to play a guardian role.¹¹¹ Instead, the International Union for the Conservation of Nature (“IUCN”) and the WWF set up a project in 1981 to combat rhinoceros poaching in the Lake Eyasi region.¹¹²

Violations

Land Dispossession and Displacement



Entrance to a new *boma* built by the displaced Maasai. © The Oakland Institute

The Tanzanian Government has directly and indirectly dispossessed and displaced the Maasai from their territories through different strategies, including enacting laws and policies that favor fortress conservation, such as lending their land to different actors, violent evictions, or starving the pastoralists until they leave. These tactics are employed to expand the PA and allocate village land to foreign and local investors for tourism or agriculture. Furthermore, the Government and the NCAA are emphatic that human and livestock populations endanger the NCA's wildlife, vegetation, and landscape and disseminate their views in the media, including the state-owned Daily News.¹¹³ Under the guise of conservation, the Government organizes the removal of IPs from Ngorongoro.¹¹⁴

The Tanzanian Government has directly and indirectly dispossessed and displaced the Maasai from their territories through different strategies, including enacting laws and policies that favor fortress conservation, such as lending their land to different actors, violent evictions, or starving the pastoralists until they leave.

The Tanzanian Government's 2018 'Multiple Land Use Model ("MLUM") and Resettlement Plan' suggests the NCA rezoning and most IP's removal.¹¹⁵ On 16 April 2021, the NCAA issued eviction letters to 45 persons and ordered the demolition of over 100 structures predicated on a lack of permits. To date, this has been put on hold "until further notice" due to public outrage.¹¹⁶ Despite this, the IPs foresee relocation will happen on a massive scale.

State authorities granted a land lease in Maasai land to Tanzania Conservation Limited ("TCL"), a luxury safari business owned by US-based Thomson Safaris.¹¹⁷ Authorities also gave hunting licenses to UAE-based Ortello Business Corporation ("OBC"), which runs hunting excursions for the country's royal family and their guests.¹¹⁸ IPs were not consulted about the hunting license awarded to OBC in 1992 or the land lease granted to TCL.¹¹⁹ These corporations worked with Government officials, who then turned a blind eye when law enforcement authorities intimidated the Maasai, beat them, confiscated their belongings, and at times shot at them.¹²⁰ In 2009, the riot police, the Field Force Unit ("FFU"), assisted by OBC private guards, burned more than 200 Maasai bomas (traditional homes) in Loliondo, a town in the

game-controlled area.¹²¹ In 2008/2009, Government teams displaced around 3,500 pastoralist families from NCA.¹²² In 2017, Serengeti National Park and NCAA rangers, supported by police from Loliondo, burned down circa 185 Maasai bomas.¹²³ Local leaders claim that the evictions serve to ensure that no more people or livestock will remain in Loliondo.¹²⁴

The designation of Ngorongoro as a UNESCO World Heritage Site in 1979 did not seek the IPs' Free, Prior, and Informed Consent ("FPIC").¹²⁵ Also, the 'MLUM and Resettlement Plan' have not sufficiently taken IPs into account; only at the final stage, a few representatives were included in the process, but the task force continued

sidelining them.¹²⁶ "The looming eviction is a humanitarian crisis of immense proportions. Yet it is a systemic attack on the Maasai of Ngorongoro", said the Pastoralists Indigenous Non-Governmental Organization's Forum ("PINGO's Forum"), an Indigenous NGOs coalition.¹²⁷

Indirect Human Rights Violations



Villagers from Naiyobi village line up for water © The Oakland Institute

Eviction operations cause human rights violations, including widespread homelessness, loss of livestock, poverty, and starvation.¹²⁸ There has been no compensation for properties or food stores and maize fields destroyed. The alleged human rights violations have not been addressed.¹²⁹ Communal and traditional worship places have been destroyed, and many people have suffered from

psychological traumas.¹³⁰ Maasai have also been arrested and seriously injured during the evictions.¹³¹ Dispossession and displacement have given rise to a series of conditions that have violated Maasai rights: the ban on farming and livestock grazing, the lack of a sustainable food security plan, illiteracy, poor roads, and the oppressive Ngorongoro Conservation Area Ordinance, the law

regulating NCA, are all causes of severe hunger and malnutrition.¹³² This has led to the death of children and pregnant women, the spread of diseases, and migration.¹³³ Women have been sexually assaulted because they do not have a place to sleep when they go to nearby towns for food. Moreover, children are dropping out of school.¹³⁴ Overall, Maasai's rights to food, housing, education, life, land, physical and mental integrity, liberty and security of person, and the right to practice and revitalize their cultural traditions and customs are continuously violated.

IPs testified in a recent fact-finding expedition organized by PINGO's Forum that there is widespread hunger, claiming that the Government is "systematically starving" them and that this amounts to "genocide against the Ngorongoro pastoralist."¹³⁵

Gross Human Rights Violations

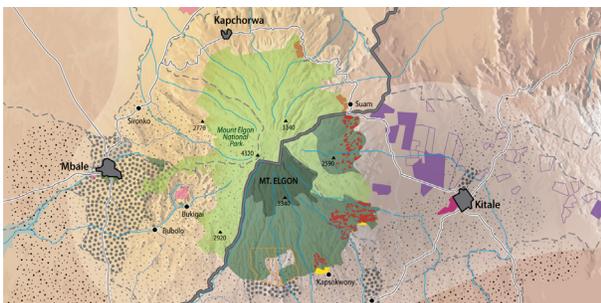
Park rangers, together with different actors involved in enforcement operations, such as the FFU, are committing serious physical assaults on pastoralists. Abuses are frequent in eviction processes where armed authorities attack the population under the pretext of the eviction. These abuses

occur when rangers find IPs carrying out their activities in the park. During the 2009 evictions in Loliondo, 12 men were beaten, and three were seriously injured.¹³⁶ Mr. Masambe Nguya was outside his burning house when a police officer poured petrol on him and set him on fire. Remarkably, Mr. Nguya survived.¹³⁷ Several women were raped by police officers, while other women, forced to leave their houses, had miscarriages. Children were also lost because of the evictions' turmoil.¹³⁸

Park enforcement conditions, allowing guards to engage in corruption and abuse of power against the population, result in gross human rights abuses. In June 2018, soldiers from the Tanzania People's Defence Force accompanied by an OBC employee attacked 12 Maasai, six of them under the age of 14, while they were grazing their cattle outside the Serengeti National Park.¹³⁹

Violence is not only used against IPs but also against individuals and organizations seeking to oppose evictions and human rights violations. NGOs have been blackmailed with de-registration, and human rights advocates have been subjected to harassment, arbitrary arrests, and torture.¹⁴⁰

Mount Elgon National Park, Uganda



© Nieves Lopez Izquierdo,
<https://www.grida.no/resources/8417>.

Introduction

Mount Elgon National Park ("MENP") is a protected area located in eastern Uganda on the border with Kenya.¹⁴¹ Human activities have been increasingly restricted since MENP's inauguration as a PA in 1936.¹⁴² Notably, MENP does not have a buffer zone as other PAs.¹⁴³ The Uganda Wildlife Authority

(“UWA”) is in charge of MENP’s administration and appears allegedly responsible for most of the incidents described below.¹⁴⁴

The Benet, a predominantly pastoralist and gatherer IP, have inhabited Mount Elgon for centuries.¹⁴⁵ Due to

the land-use restrictions and the violent relocations, the Benet had to include crops in their livelihood activities. Still, cattle grazing and gathering from the forest remain essential activities for their sustenance and cultural identity, including spiritual practices.¹⁴⁶

Violations

Land Dispossession and Displacement



Residents of Kween demand more land for settlements. © David Mafabi

MENP’s establishment curtailed Benet forest activities, displaced and improperly resettled the Benet from their ancestral lands.¹⁴⁷ The Benet did not provide FPIC in flawed processes tainted by misinformation, deception, non-compliance with FPIC standards,

or complete disregard for Benet’s participation.¹⁴⁸ As of 1936, they could no longer graze goats, burn charcoal or wood, and cultivate in the forest.¹⁴⁹ In 1951, Mt. Elgon was designated a forest reserve which the Ugandan Government reaffirmed in 1968. At that

time, IPs were still allowed to remain in the forest.¹⁵⁰ From 1936 onward, the Benet people repeatedly requested additional cultivation ground, not to replace dispossessed land but to cover their needs.¹⁵¹ In 1983, as a result of a decade-long clash between the Ministry of Forestry (“MoF”) and the IPs, the MoF relocated the Benet, without their consent, to a 60 km² land below what is known as the “red line” to “promote environmental and economic developmental interests.” Further, the land size was 75 km² instead of 60 km² due to Government miscalculations – however, that extra 15 km² became a matter of controversy.¹⁵² Benet people were poorly informed of the expeditious process completed in less than three months. The Yatui Benet community was excluded from this resettlement and land assignment. Forest officials also took land for themselves or took it back from the Benet as they considered it was too much for the IPs.¹⁵³ In 1990, the Government evicted and resettled the Yatui in a violent process where houses were burnt and cattle confiscated.¹⁵⁴ All land assignment was done based on available land instead of sufficiency to cover the

In 1990, the Government evicted and resettled the Yatui in a violent process where houses were burnt and cattle confiscated. All land assignment was done based on available land instead of sufficiency to cover the Benet’s livelihood needs.

Benet’s livelihood needs.¹⁵⁵

When MENP was created in 1993, it was awarded the highest conservation status and forbade any form of settlement and human activity in the territory.¹⁵⁶ UWA took control in 1996, replacing the MoF. That same year, the Government recalculated the Benet assigned area to reduce it to the original 60 km². In 2002, the parliament reaffirmed this by voting to officially degazette that area.¹⁵⁷ Nonetheless, the Benet remained in the 15 km²-contested land.¹⁵⁸ A Ugandan court confirmed Benet land tenure over that area in 2005, but no official degazetting or implementation has taken place.¹⁵⁹

In 2008, UWA violently evicted the Yatui one more time and resettled them in a temporary location, pending the assignment of definitive land, which remains to materialize.¹⁶⁰ Finally, in 2021, the Benet signed a Memorandum of Understanding (“MoU”) with the Government granting them regulated access to some areas in the park, including cultural sites and grazing areas. UWA has not honored the MoU, instead in April 2021, they tried to nullify it.¹⁶¹

Indirect Human Rights Violations



Protest in Mt. Elgon. © Chebet Mungech

The quality and size of the land assigned to the Benet are insufficient to develop their activities, such as growing crops and grazing cattle.¹⁶² The land does not have enough natural resources essential for Benet culture and livelihood, such as honey and medicinal herbs.¹⁶³ This scarcity forces the IP to go into the forest for essential resources such as water or firewood.¹⁶⁴ The Benet are also forbidden from building permanent structures above the white line, the boundary of the 75 km² area, which affects their right to housing in addition to the constraints they face due to uncertainty surrounding land tenure.¹⁶⁵ Furthermore, their access to spiritual sites, like caves and graveyards, is severely limited.¹⁶⁶ The Benet also suffer from cultural deprivation due to cattle's central role in their traditional practices and social structures.¹⁶⁷

Moreover, when the Benet are discovered in the forest, UWA guards impound their cattle, take their tools, and detain them.¹⁶⁸ This forces the IP to sell their remaining cattle or tools to pay the fines and recover the impounded goods, which triggers a cycle of increasing impoverishment.¹⁶⁹ Another



Protest in Mt. Elgon. © Chebet Mungech

option for the Benet is to pay bribes to UWA guards, which does not guarantee that their property will not be impounded or that they will not be extorted again.¹⁷⁰ On a much larger scale, this is corrupt behavior that is normalized.

Gross Human Rights Violations

UWA rangers commit human rights violations during eviction operations and in the daily life of the Benet when they enter MENP.¹⁷¹ The violations range from bodily harm and beatings to extortions and property confiscation, torture, arbitrary detention, and sexual and gender-based violence.¹⁷² UWA has focused more on law enforcement than conservation and has a very tense relationship with the Benet.¹⁷³ UWA's violent demeanor has reached levels where eco-guards have been ordered to shoot on sight when trespassers are found inside MENP.¹⁷⁴

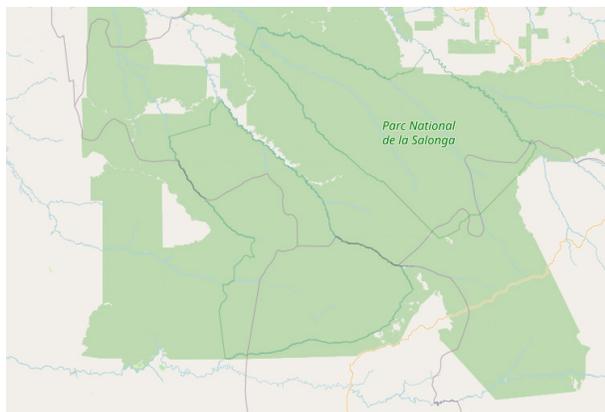
The UWA rangers burn down houses and loot or destroy Benet properties.¹⁷⁵ Further, UWA rangers frequently beat, extort, and detain Benet people when the latter are found in the park.¹⁷⁶ Other reported violations are extrajudicial

executions or forced disappearances, some as recent as 2020, when at least seven UWA shootings were documented.¹⁷⁷ In 2006, UWA officials shot an 8-year-old child in the chest as they were confiscating his cows.¹⁷⁸ This is only one of many incidents where Benet people have been maimed, left in vegetative states, or disabled during UWA law enforcement operations.¹⁷⁹

Regarding sexual violence, it is common for UWA rangers to capture and rape women when they go into the forest to retrieve water or firewood or

while in prison.¹⁸⁰ In one instance, UWA guards arrested Benet people at a bar claiming that they possessed firearms; on the way to the police station, the rangers took turns to push women to the roadside and rape them.¹⁸¹ There is an absence of proper investigations and redress for the Benet, given the nearly nonexistent conviction rate and the lack of adequate compensation.¹⁸² The Benet have also experienced harassment or threats from UWA rangers when they tried to report the incidents to the police.¹⁸³

Salonga National Park, Democratic Republic of Congo



© OpenStreetMap contributors

Introduction

Salonga National Park (“SNP”) is located in the Congo River Basin in the Democratic Republic of Congo. SNP is made of SNP North and SNP South, two regions separated by a 45 km not protected stretch of land commonly referred to as the “Monkoto Corridor.”¹⁸⁴ In 1970, the SNP was established, and it was designated a UNESCO World Heritage Site in 1984.¹⁸⁵ SNP is populated by the Mongo, the Mbole, and the Twa.¹⁸⁶ There are approximately 600

settlements within 50 km of the park’s perimeter.¹⁸⁷ However, a few villages remain within the park.¹⁸⁸ SNP is jointly managed by the Congolese Institute for Nature Conservation (“ICCN”) and the WWF since 2016.¹⁸⁹ IPs perceive the management to be heavily focused on the militarization of patrolling units in the park.¹⁹⁰

Violations



© REDD-Monitor

Land Dispossession and Displacement

According to several human rights organizations, SNP’s conservancy approach appears to be “based on expropriation, impoverishment and punitive

policing.”¹⁹¹ In 1970, when SNP was created, many IPs were forcibly and violently evicted from their villages and relocated to the Monkoto Corridor without consultation, prior notice, or compensation. The IPs could no longer access their forest.¹⁹² IPs have voiced their concerns without success. Human rights organizations recently stated that: “communities who were displaced when their lands were declared protected areas continue to be landless and live in abject poverty, decades later.”¹⁹³ Moreover, WWF approached the IPs living in Monkoto Corridor, informing them of their imminent eviction and transferring them to alternative locations without providing any further explanation.¹⁹⁴ IPs received no information on whether they would have an input on the process, e.g., regarding the timing, the choice of the place of relocation, and compensation, or any indication as to whether their consent would be sought.¹⁹⁵

Indirect Human Rights Violations

SNP local communities depend on the forest for their survival. Before the creation of the park, they relied on bushmeat hunting, fishing, and harvesting non-timber forest products for their livelihoods. After the creation of the SNP, they had to adapt and resorted to agriculture for a living. Nonetheless,

Local NGOs' investigations and documentation uncovered eco-guards' massive commission of human rights violations, including murders, sexual violence, torture, destruction of property, excessive and unlawful use of force, and other inhumane acts against IPs.

arable lands in Monkoto Corridor are not sufficient to meet IPs' basic nutritional needs.¹⁹⁶ IPs increasingly suffer a shortage of resources, forcing them to return to the park for survival.¹⁹⁷ DRC laws prohibit most human activities in national parks and other PAs, including fishing and hunting.¹⁹⁸ Eco-guards enforce these laws and ensure strict compliance denying IPs access to the park. The situation has worsened since 2006 as signs of malnutrition have become visible and ubiquitous.¹⁹⁹ Additionally, the eco-guards prevent IPs from visiting their sacred sites where they normally perform ceremonies.²⁰⁰

Gross Human Rights Violations

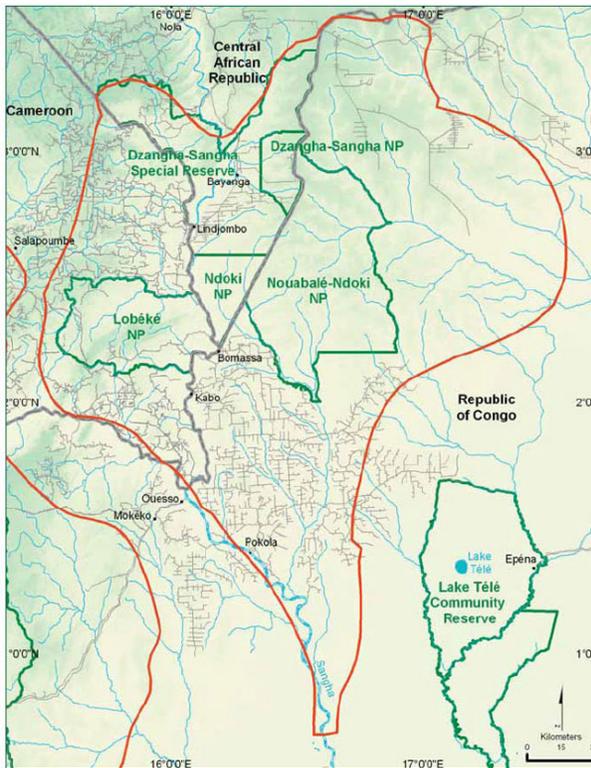
Human rights violations by eco-guards against IPs during anti-poaching are frequent in SNP. Local NGOs' investigations and documentation uncovered eco-guards' massive commission of human rights violations, including murders, sexual violence, torture, destruction of property, excessive and unlawful use of force, and other inhumane acts against IPs.²⁰¹ For example, one man suspected of fishing in the park was publicly executed.²⁰² Eco-guards reportedly brought the victim to the center of the village, tortured him, and killed him in front of other villagers as an example for all.²⁰³ Raping women

also seems to be a common practice among eco-guards.²⁰⁴ Eco-guards tortured and raped at least four women, including two pregnant women.²⁰⁵ One woman suffered a miscarriage, while the second woman gave birth to a still-born child.²⁰⁶ Eco-guards are also reported to constantly conduct arbitrary arrests and detentions, impose illegal fines, and extort IPs.²⁰⁷ To date, these abuses continue.²⁰⁸

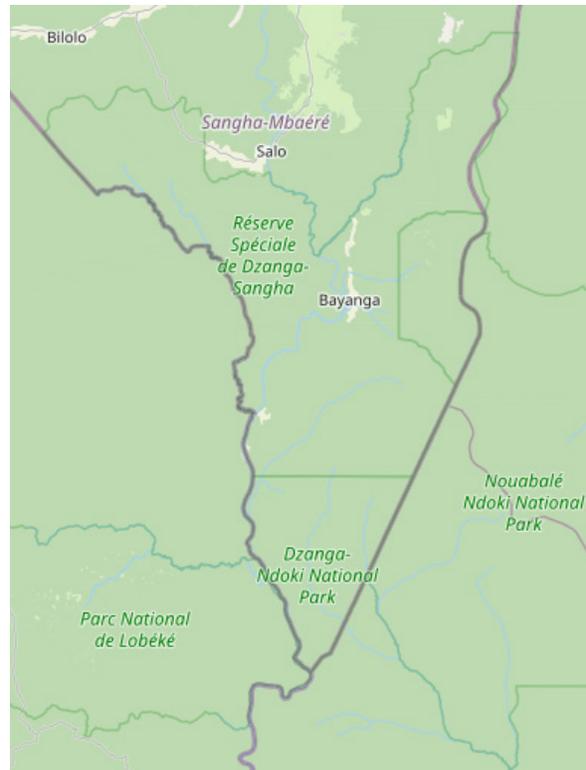
Complaints have been filed before military courts against eco-guards. The proceedings have yielded some positive results, but they remain unsatisfactory compared to the scale of the violations.²⁰⁹ Both ICCN and WWF are aware of the allegations of abuses by

the eco-guards through reports and judicial proceedings, but little has been done to address the issue and to prevent repetition. For instance, eco-guards convicted of looting suffered no change in assignments or disciplinary action for two years before they were finally suspended and removed from the patrolling units.²¹⁰ Furthermore, WWF continues implementing a policy of rewarding eco-guards for their performance in protecting the park.²¹¹ Other contributing factors include lack of proper vetting, poor training and supervision of the eco-guards, insufficient remuneration, the pressure to achieve results, and the park management's briefing suggesting that IPs are a threat.²¹²

Dzanga-Sangha Protected Area, Central African Republic



Map of Sangha Trinational Area. © CARPE/USAID



Map of Dzanga Sangha Special Reserve. © OpenStreetMap contributors

Introduction

Dzanga Sangha Dense Forest Special Reserve (“Dzanga Sangha Reserve”) and the Dzanga-Ndoki National Park form the Dzanga-Sangha Protected Area (“DSPA”) in the Central African Republic.²¹³ Collectively they form the Sangha Tri-National Protected Area (“TNS”) jointly with the Lobéké National Park (Cameroon) and the Nouabalé Ndoki National Park (Republic of Congo).²¹⁴ TNS has been a UNESCO World Heritage Site since 2012.²¹⁵ In 1989, the DSPA was established with the support of WWF, which has co-managed the park since then, although the administrative and legal structure has changed several times since the park’s creation.²¹⁶ Within the DSPA, the Dzanga-Ndoki National Park is a PA where all human activity besides ecotourism and research is forbidden.²¹⁷ The Dzanga-Sangha Reserve only allows for community and economic activities under some restrictions.²¹⁸ The Dzanga Sangha Reserve is an area where conservation and sustainable use considering local community cultural values can be mutually beneficial.²¹⁹ Nonetheless, the reality of community involvement and management is far from ideal.²²⁰ In terms of local communities, the Dzanga Sangha Reserve is inhabited by the Baka people, who are hunter-gatherers, and the

Sangha-Sangha people, who are sedentary fishers and farmers.²²¹

Violations

Land Dispossession and Displacement

Regarding land rights and displacement, indigenous traditional tenure systems were not respected when establishing the DSPA, and no proper FPIC processes occurred.²²² One man from Youbandale told Forest Peoples Program: “We showed [WWF] all the places in the forest, we showed them all the animals – gorilla, elephant, all of them ... then [WWF] took the forest”.²²³

Viewing these actions in the light most favorable to WWF reflects a lack of compliance with international standards consultation

processes. No consent from communities was sought, nor did the processes adjust to the Baka governmental structures and practices.²²⁴ The lack of FPIC processes continued throughout the development of other programs, such as ecotourism.²²⁵ Much remains to be achieved to overcome challenges and the impact on IPs if the goal is to be a “community-driven reserve.”²²⁶ As an old man from Yondo said: “I was born here in Yondo. My father left all this land to me, from Babongo up to Monassau – this land was for the Baka. Then the project shut the forest”.²²⁷

“We showed [WWF] all the places in the forest, we showed them all the animals – gorilla, elephant, all of them ... then [WWF] took the forest”

Indirect Human Rights Violations



© Survival International

Land access restrictions and disregard for traditional tenure systems and practices impact the Baka's human and indigenous rights, namely access to food, health, self-determination, and the preservation of culture. The Baka

people rely heavily on hunting and gathering for their survival. While historically nomadic, the creation of the PA forcefully drove them into sedentarization.²²⁸ When land restrictions are imposed, both in terms of access and

delimitation to certain areas, the Baka cannot carry on their traditional hunting practices and do not have access to sufficient game/food to cover their needs. This methodology deteriorates their cultural identity as hunters and gatherers, which is closely related to their socio-cultural values.²²⁹ The Baka's existence is jeopardized as they cannot access the areas where they used to hunt. Therefore, they are forced to hunt in restricted zones where the animal population is also declining due to illegal hunting and usage by other groups.²³⁰ The Baka are facing extinction given their sustained hunger, alcoholism, and severe health issues.²³¹ Given that cultural knowledge is transferred through generations, the prohibition to practice traditional hunting further threatens the preservation of their culture and, by extension, their very existence.²³²

Gross Human Rights Violations

Regarding human rights abuses committed by eco-guards against IPs, the Independent Panel of Experts described a less concerning situation in the DSPA compared to other parks where WWF is involved. There were fewer issues reported, and the establishment of a human rights center with WWF's support in 2015 contributed to the creation of redress mechanisms.²³³ This is a positive step. Nonetheless, eco-guards

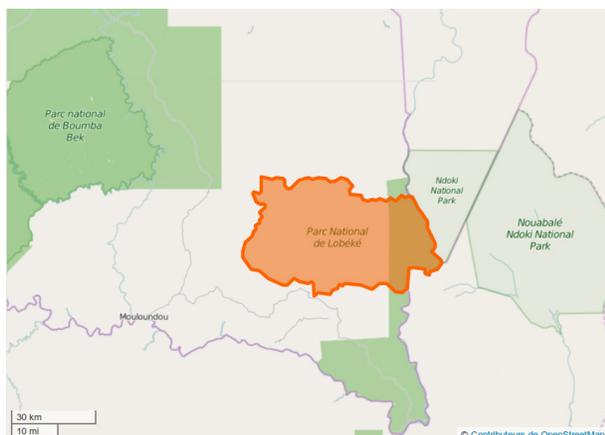
commit human rights abuses against IPs when they allegedly trespass forbidden areas. These incidents are prone to happen as PAs overlap with traditional hunting areas where demarcations are unclear. Eco-guards beat IPs and seize IPs' belongings, including traditional hunting nets and spears, which are allowed. Another concerning situation is the existence of bonuses for eco-guards for anti-poaching operations. Incentives tend to encourage results while overlooking whether proper procedures were followed or if the factual basis to conduct the enforcement operations existed. This consequently results in targeting the weakest actors, such as IPs, instead of focusing on illegal organized poaching

networks that bear the greatest responsibility for the deterioration of the ecosystem in PAs.²³⁴ Similar to other parks, on paper, WWF appears to retain overall control over the park.²³⁵ However, WWF does not directly employ eco-guards in the DSPA, who are instead employed and managed by the Government.²³⁶ WWF did pay eco-guard salaries until 2009 and continued paying for food, fuel, and other mission expenses.²³⁷ Additionally, there are allegations of WWF lobbying to have armed eco-guards in the park and paid bonuses for the confiscation of illegal weapons at least from 2013 to 2015.²³⁸

Given that cultural knowledge is transferred through generations, the prohibition to practice traditional hunting further threatens the preservation of their culture and, by extension, their very existence.

Lobéké National Park, Cameroon

Introduction



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Lobéké National Park (Parc National de Lobéké - “PNL”) is located in the extreme south-eastern part of the Republic of Cameroon.²³⁹ The PA and

its surrounding areas have been home to the Baka people for thousands of years.²⁴⁰ PNL was formally established as a protected area in 2001, and it is part of TNS. The Cameroonian Government manages PNL through the Ministry of Forestry and Wildlife (“MINFOF”) with the support of non-governmental organizations, including WWF.²⁴¹ Upon creating PNL, the Cameroonian authorities, in collaboration with WWF, began using a surveillance mechanism to ensure strict compliance with conservation rules and regulations. The Government deployed a unit of rangers (Gardes Forestiers d’Appui - “GFA”).²⁴² WWF trained them, paid their wages, and provided them with equipment and other logistical support.²⁴³ WWF even committed a portion of its budget to enforcement actions such as patrols and raids.²⁴⁴

Violations



© Fabian von Poser/Lineair

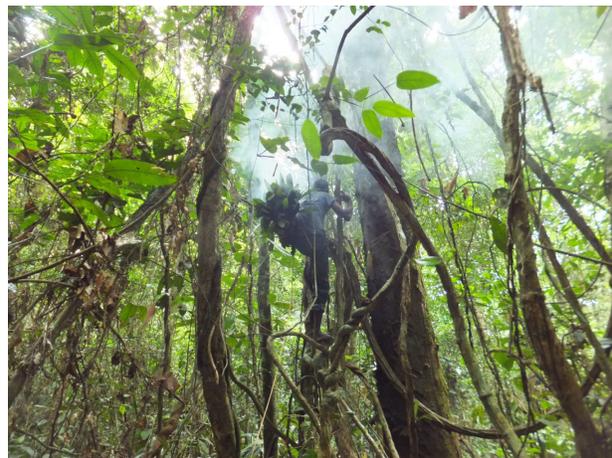
Land Dispossession and Displacement

“Lobéké was not the Baka’s first land theft for a ‘protected area,’ and it would not be the last.”²⁴⁵ The Baka people have been living for centuries on the land affected by the creation of PNL. The Baka’s precarious living conditions were aggravated by the progressive industrial use of their forest and the subsequent deterioration of the natural biodiversity.²⁴⁶ The creation of PNL led to the complete dispossession of their land, which contributed to exacerbating their denial of property rights.²⁴⁷ In fact, PNL contains a significant portion of the ancestral land belonging to the Baka. The Baka were forcibly evicted when the Government officially and formally established PNL in 2001 with the support of WWF. The Baka people never consented to their eviction from their land. They were not properly included in the process of creating the park, nor were they informed of the consequences to their livelihoods, nor informed of their right to live on and use their ancestral land. Moreover, the Baka people never received any compensation for their eviction in clear violation of Cameroon’s Constitution and other national legal provisions.²⁴⁸

Indirect Human Rights Violations

The Baka and other local populations, who live in the outskirts of PNL, have long used the area’s various natural resources for subsistence. They mainly depend on agriculture, hunting, fishing, and fruit harvesting for a living.²⁴⁹

Despite the IPs’ dependence on their land for survival, they have been denied access to the PNL since its creation. The Cameroonian legislation regulating forestry, wildlife, and fisheries activities strictly prohibits any human activities in the PA.²⁵⁰ A small “communal zone” was established within the park in 2001, but hunting is still prohibited, and many Baka are unable to access the zone.²⁵¹ The wildlife guards have harassed IPs inside and outside the park to enforce conservancy rules. Moreover, the same wildlife guards confiscate bushmeat for their consumption, leaving IPs without food.²⁵² Forests hold a special place in the Baka’s hearts and cultures. For generations, these forests have been the place where their children have learned, trained, and grown. The denial of access to the land is a palpable threat to their cultures and traditions. Unless rectified, their cultures and traditions will fade away.



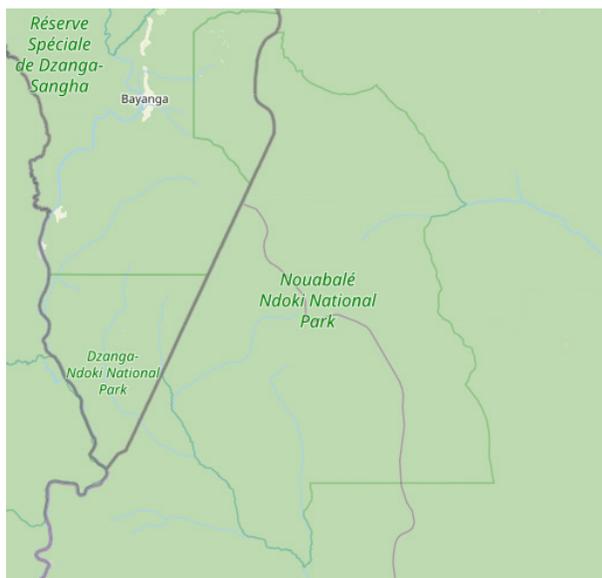
© Simon Hoyte

Gross Human Rights Violations

In addition to the deprivation of means of subsistence, wildlife guards allegedly commit other human rights violations against the Baka. These acts of violence include a wide range of human rights abuses. As reported by Paul Chiy in 2017, “[p]ark guards in Lobéké have long subjected the indigenous Baka who live on the park’s fringes to heinous human rights violations, including beatings, rape, torture, and looting which occur, in part, during violent midnight raids.”²⁵³ Based on allegations of poaching – which are largely unsubstantiated – the rangers raid villages, conduct house-to-house searches, and impose fines on the Baka. For example, a Baka man was forced by wildlife guards, soldiers, and police to carry his father on his back as they beat him until he fell to the ground; they confiscated his ID card and forced him to pay 5000 CFA (around 9 US dollars) to retrieve it.²⁵⁴ While the fine

amount may seem nominal, it has high value for a Baka man whose daily wage in this region is 500 CFA (less than 1 US dollar).²⁵⁵ The same wildlife guards have illegally arrested, detained, and tortured Baka people. It has been described that torture and beatings are normal practices in the fight against poaching. Several reports pointed at a recurrent practice of subjecting IPs to torture with the view of obtaining information of alleged poaching.²⁵⁶ For instance, in 2017, a Baka family, including an 11-year-old boy, was beaten with the blunt ends of machetes by park rangers operating in PNL while gathering information about stolen weapons. Their village submitted a complaint on their behalf to WWF. To date, WWF has failed to respond.²⁵⁷ Similar incidents have been reported.²⁵⁸ All violations described herein, if established, are punishable under Cameroonian criminal law. Cameroonian authorities have repeatedly denied that wildlife guards commit human rights violations.

Nouabalé-Ndoki National Park, Republic of Congo



© OpenStreetMap contributors

Introduction

Nouabalé-Ndoki National Park (“NNNP”) is a PA located in the northern Republic of Congo, and it is part of TNS. It was created in 1993 with the lobbying and involvement of the Wildlife Conservation Society (“WCS”). WCS has managed and co-managed it in different ways since its creation.²⁵⁹ NNNP priorities include anti-poaching and law enforcement.²⁶⁰ In 2013, the Ndoki Foundation, a public-private partnership, was created for the management of NNNP, delegating the PA’s management to WCS.²⁶¹ The PA has a

buffer zone where local communities live, including IPs, and where logging concessions have been granted. In 1999, the NNNP Peripheral Ecosystems Management Project (“PROGEPP”) was created to guarantee wildlife conservation by mitigating the hunting risks associated with logging, as it is common for concession workers to hunt bushmeat, and concession roads grant easy access to the forest to other potentially harmful actors.²⁶² PROGEPP is a joint project between WCS, the Government of Congo, and the logging company Congolaise Industrielle de Bois (“CIB”).²⁶³ PROGEPP provides logistic and financial support for anti-poaching efforts.²⁶⁴

The local community is composed of Bantu (non-indigenous people) and Baka IP (Bambenzele and Bangombé).²⁶⁵ The Baka were mostly semi-nomadic hunter-gatherers, but they have been forced into sedentarism due to the PA and have restricted access to their traditional hunting lands.²⁶⁶ The creation of the NNNP has negatively impacted both the Bantu and Baka, but the Baka are further marginalized due to discrimination from the Bantu, the state, and logging concessions. Also, PA restrictions have a greater impact on the Baka lifestyle.²⁶⁷

Violations

Land Dispossession and Displacement

WCS has denied Baka land in the establishment of NNNP. WCS continuously asserted that the NNNP area was uninhabited and that no permanent settlements existed in the area, but the studies they use to argue this fact do not support that statement.²⁶⁸ Claiming that the NNNP area was and remains uninhabited based on the non-existence of permanent settlements turns a blind eye to the semi-nomadic nature of the Baka people, who are culturally accustomed to long hunting expeditions establishing temporary camps along the way. The NNNP includes the area they consider the heart of their hunting zone.²⁶⁹ Additionally, other studies have proven that the NNNP area was populated and that around 3,000-4,000 people were displaced without consent or compensation in the 1990s.²⁷⁰ Although

some FPIC attempts were made in the early 1990s, they did not authentically involve the communities’ input, especially those who were not represented nor included.²⁷¹ Collectively, these circumstances have forced Baka people into sedentary lifestyles in Bantu land, where they suffer discrimination affecting their economic, social, and cultural

Collectively, these circumstances have forced Baka people into sedentary lifestyles in Bantu land, where they suffer discrimination affecting their economic, social, and cultural rights, and where they are subject to inhumane and exploitative conditions, including slavery.

rights, and where they are subject to inhumane and exploitative conditions, including slavery.²⁷²

Indirect Human Rights Violations

The dispossession of traditional Baka land, access restriction to their ancestral hunting areas, and structural discrimination have had pronounced negative effects on their livelihood and culture. The Baka face malnutrition and sickness due to the precarious conditions they live in and the unavailability of resources.²⁷³ As mentioned above, the Baka are hunter-gatherers, and their ancestral hunting areas are included in the NNNP.²⁷⁴ While the Baka are currently allowed to hunt under very strict restrictions in the buffer zone, this does not allow them to access enough resources to feed themselves.²⁷⁵ All regulations were adopted without their consent.²⁷⁶ Additionally, the Baka are placed in a situation where they compete for bushmeat with logging concession workers and illegal poachers who are allegedly backed by local elites.²⁷⁷ The Baka also face persecution and attacks from eco-guards where their game is confiscated.²⁷⁸ These factors create a culture of fear where the Baka are afraid to enter the forest, even when hunting is allowed in some areas.

The dispossession of traditional Baka land, access restriction to their ancestral hunting areas, and structural discrimination have had pronounced negative effects on their livelihood and culture. The Baka face malnutrition and sickness due to the precarious conditions they live in and the unavailability of resources.

Taken together, Baka cannot practice their traditional hunting style to feed their families. Baka traditional practices and identities are also at risk of extinction as these cultural methods and values cannot be passed on to younger generations, and young Baka are economically displaced.²⁷⁹

Another problem arises from food substitution programs, where the park administration and the logging concessions bring and sell meat from domesticated animals to substitute bushmeat. Baka culture forbids eating meat from domestic animals.²⁸⁰ Also, meat prices are so high that only eco-guards or concession employees can afford it.²⁸¹ Programs that fail to recognize cultural norms lead to greater unavailability of resources, malnutrition, and impoverishment. No compensation has been offered, and Baka people do not have access to the scant economic benefits in-

tended for communities surrounding the park.²⁸²

Gross Human Rights Violations

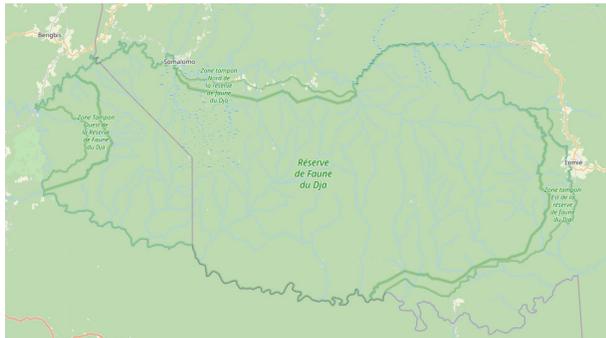
Baka people and other communities are frequently abused by NNNP eco-guards who commit serious human rights violations against them. One distinguishing feature of NNNP is its

strong emphasis on anti-poaching and the significantly militarized nature of its eco-guards, usually of Bantu origin, which intensifies ethnic discrimination against the Baka. Many times, eco-guards are jointly funded by logging concessions.²⁸³ These guards commit abuses in the conduct of anti-poaching patrolling and monitoring operations. Abuses occur regardless of the area classification, such as where park boundaries are unclear, in permitted hunting areas, and even in Baka villages.²⁸⁴ Abuses vary from beatings and tool or game confiscations to raids on Baka villages where the eco-guards

search for bushmeat in villagers' pots and set houses on fire. Extortions and arbitrary detentions are frequent and sometimes lead to killings and torture or other forms of cruel, inhuman, and degrading treatment accompanied by discriminatory comments.²⁸⁵ The lack of accountability leads to an escalating rate of violations and crimes, given the perception of eco-guards' leeway to commit the abuses as impunity is widespread.²⁸⁶ Several international organizations have expressed their concerns with these abuses, and they have even asserted that these crimes can and should be considered systematic.²⁸⁷

Messok Dja, Republic of Congo

Introduction



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Messok Dja is a rainforest located in the northern region of the Republic of the Congo (“ROC”). There are plans to convert the Messok Dja into a PA that would cover 1,456 km² of forest land.²⁸⁸ The Baka IP have lived as semi-nomadic hunter-gatherers in this area for millennia. Their daily existence depends entirely on their deep knowledge of their environment and forest activities.²⁸⁹ The sedentary farming Bakwele (Bantu) communities also live in the area.²⁹⁰ In 2005, WWF began collaborating with

the ROC Government on the Espace TRIDOM²⁹¹ Interzone Congo (“ETIC”), a shared conservation program.²⁹² The ETIC program aims to carry out field activities such as patrolling the territory, enforcing conservancy laws, monitoring the animals in the area, gazetting the PA, monitoring the socio-economic aspect, collaborating with the private sectors, and building awareness.²⁹³ The Government coordinator directs the ETIC eco-guards, who patrol the area around Messok Dja, while WWF assists in the form of salaries and bonuses for the seizure of certain items such as firearms, elephant flesh, other animal trophies, and equipment.²⁹⁴

In 2011, the Government identified Messok Dja as a prospective site for a PA, and WWF has endorsed the idea, claiming that it will reduce wildlife crime and function as a corridor linking national parks in Cameroon.²⁹⁵ While WWF asserts that it has consulted with IPs about the project, the Baka community disputes that claim

and states that they never consented to the creation of the park.²⁹⁶ Although the area does not yet have protected status and there are no formal restrictions to enter Messok Dja, eco-guards have long spread fear through violence among the Baka, de facto limiting their access to the forest.²⁹⁷ Because of the violence and the fact that WWF has been operating in the area for ten years, FPIC is impossible. IPs should have been involved in the formulation of the concept and project design from

the start.²⁹⁸ For this reason, a campaign conducted by Survival International in collaboration with the Baka, detailing the atrocities endured by IPs at the hands of WWF-supported eco-guards, is opposing the creation of the Messok Dja PA.²⁹⁹ This is an ongoing example of how WWF applies a colonial approach to conservation. WWF considered the park to be a “done deal” without IPs’ consent and without informing them about the evictions that were going to take place.³⁰⁰

Violations

Land Dispossession and Displacement



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The planned creation of the PA has forced the Baka people out of their traditional land in the Messok Dja region.³⁰¹ Furthermore, logging concessions in the areas surrounding Messok Dja have further restricted Baka's access to the forest.³⁰² "The forest has been completely taken over," said a Baka person living in Messok Dja.³⁰³

As reported in numerous testimonies and the United Nations Development Program ("UNDP") Final Investigation Report, eco-guards funded by WWF

have stolen the Baka's possessions and burnt their camps.³⁰⁴ In 2011, a Baka village was the target of a particularly violent eviction. 15 wildlife rangers driving WWF cars and motorbikes physically assaulted children, a pregnant woman, and old villagers while they were getting ready for a funeral ceremony.³⁰⁵ At night, the villagers escaped into the forest and reached Cameroon, where they took shelter with their families.³⁰⁶ Two villagers, an elderly man, and a 10-year-old girl died because of the beatings.³⁰⁷

Indirect Human Rights Violations



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The Baka people rely on the forest for their survival.³⁰⁸ Restriction to their traditional activities has negative implications for their health, well-being, culture, and way of life.³⁰⁹ Hunting has become illegal in Messok Dja under national law, undermining the Baka's subsistence and traditional small-scale commercialization.³¹⁰ The Baka are

concerned that they will no longer be able to catch small animals without being harshly punished by the eco-guards.³¹¹ Furthermore, they are unable to carry out their rituals and, as a result, they cannot educate and transfer their culture to their children.³¹² Malnutrition, poverty, infections, addiction, and exploitation are all rising issues.³¹³

Gross Human Rights Violations



A man from a village near the proposed Messok Dja national park shows scars from a beating he received at the hands of eco-guards. © Fiore Longo

Abuses caused by the wildlife guards against the Baka have been documented since at least the late 2000s.³¹⁴ According to the UNDP report, armed eco-guards physically assaulted and intimidated hundreds of Baka persons living in their traditional land.³¹⁵ The allegations against the eco-guards included beatings, criminalization and illegal imprisonment, violent evictions, burning of property, and seizure of food.³¹⁶ Furthermore, detained Baka men have

been tortured and raped inside prisons, at times leading to death.³¹⁷

There are several accounts of eco-guards routinely beating up Baka men, women, and children in their camps and the forest.³¹⁸ “We suffer these terrible beatings when we haven’t done anything. If they see us, they just beat us with machetes,” said a member of the Baka tribe.³¹⁹ Some reports also mentioned an incident where eco-guards pointed a gun at a Baka man forcing him to beat another Baka.³²⁰ In other incidents, eco-guards forcibly removed machetes from the Baka and then used those machetes against them.³²¹ Furthermore, eco-guards have sexually humiliated Baka women by forcing them to take off their clothes and be “like naked children.”³²² Due to these gross human rights violations, IPs in Messok Dja are scared to enter the forest even though this land has not yet become a conservation area.

— ANALYSIS —

Systematicity Under International Law

According to international law, the existence of patterns underlying human rights violations and international crimes are evaluated by applying the elements of ‘systematic’ conduct, as defined in relation to crimes against humanity.³²³ The notion of ‘systematicity’ encompasses the organized nature of a series of acts and the improbability of their random occurrence.³²⁴ We question whether a series of similar acts could be connected and respond to a common dynamic or ‘policy.’ In the

words of judges at the International Criminal Court (“ICC”), “the existence of ‘patterns of crimes,’ [is] evidenced by non-accidental repetition of similar criminal conduct on a regular basis.”³²⁵ To assess patterns, the ICC considers elements such as (1) the commission of identical acts or similar practices; (2) the occurrence of the same modus operandi; or (3) the similar treatment of victims across a wide geographical area.³²⁶ Additionally, other elements developed and followed by case law to

evaluate systematicity are: (1) the existence of a plan or objective connecting the acts; (2) devoting significant resources to those acts; (3) the implication of high-level authorities; and (4) the large scale commission of those linked acts.³²⁷ At this time, PEJ applies the notion of systematicity to determine the existence of a pattern across 10, and possibly more, PAs.

The Pattern Identified in Protected Areas

In the case of documented human rights violations and abuses against IPs through the creation and management of the selected PAs, the following similarities are identified as constituting the identified pattern.

First, the decision to create a PA is taken without the IPs' FPIC or following flawed processes, either with lack of information, rushing the procedures, or misrepresentation. In many circumstances, domestic legal instruments are created and enforced, which notably include the restriction or ban to enter the ancestral lands within the borders of the PA. These are inconsistent with Indigenous rights as well as human rights. As policies and regulations are executed, the IPs are exposed to and suffer a series of evictions, land dispossessions, and

displacements. These forced migrations are often marred by violent crimes or abuses against IP's bodily integrity and property, including beatings, rape, looting, and torching of property. As illustrated throughout this Report, these crimes are committed by eco-guards or law enforcement personnel with the

support of governments, international conservation organizations, and, in some cases, private actors. The process of relocation that follows is precarious, often leading to no land or land tenure insecurity in territories where resources are usually limited and therefore insufficient for IPs livelihood. The violence against IPs does not end there.

Second, another set of abuses comes from eco-guards or other law enforcement officials who commit alleged violations of PA regulations under the guise of anti-poaching. The abuses occur mainly when IPs enter

the PA - to gather the resources they cannot find in relocation areas, exercise their traditional customs, or access sacred sites - and are intercepted by law enforcement personnel. This situation does not happen exclusively inside the PAs but also occurs in buffer zones or even in permitted areas as demarcations are unclear. Eco-guards confiscate IPs' resources and

This process, observed in all of the studied PAs, leads to two main categories of human rights violations. The first category includes violations of the right to food, healthcare, and related human rights violations, as IPs cannot access sufficient resources to cover their needs. Thus, leading to malnutrition and sickness.

weapons, impose fines (real or fake) or extort them, and on many occasions beat them, insult them, or harass them. There are also arbitrary detentions and shootings that lead to injury or death. Other widespread abuses include torture, forced disappearance, and rape. Many of these situations occur due to the eco-guard's militarized focus, deficient human rights orientation, exacerbation of discriminatory dynamics against IPs, incentives for results, and corruption factors. Overall, there is no proper surveillance of eco-guards or law enforcement personnel that would safeguard IPs' rights. There is also perceived impunity as investigations, convictions, and redress is scarce or inexistent in the selected PAs.

This process, observed in all of the studied PAs, leads to two main categories of human rights violations. The first category includes violations of the right to food, healthcare, and related human rights violations, as IPs cannot access sufficient resources to cover their needs. Thus, leading to malnutrition and sickness. The second category includes violations of cultural rights, given that access to ancestral land and the practice of traditional sustenance activities is central to IPs'

The second category includes violations of cultural rights, given that access to ancestral land and the practice of traditional sustenance activities is central to IPs' identity. There is a pronounced impact on their social structure, stability, and on their very existence, as their identity is marginalized by the impossibility to carry out such practices

identity. There is a pronounced impact on their social structure, stability, and on their very existence, as their identity is marginalized by the impossibility to carry out such practices. These violations are contrary to internationally recognized human rights, including the United Nations Declaration on the

Rights of Indigenous Peoples that emphasizes IPs rights to land; to protection, practice, non-assimilation, or destruction of their culture; and their right to development in accordance with their own needs and interests, among others.

Overall, these violations occur in an almost identical manner in all 10 selected PAs, following the same order, dynamics and even involving the same actors, both at the execution and organizational level. Taken together, these elements can be viewed as constituting a pattern. That pattern follows the three

categories mentioned above: (1) land dispossession and displacement; (2) indirect human rights violations arising from dispossession and displacement; and (3) gross human rights violations and abuses committed against IPs still living inside or in the near vicinity of the PAs as a result of fortress conservation.

Fortress Conservation Leads to Systematic Violations

This conservation model occurring in the selected PAs fits the elements described by international law to satisfy the criteria of ‘systematicity.’

First, the commission of identical acts or similar practices, gross human rights abuses of analogous nature have occurred in the 10 PAs. The same modus operandi has been employed in the creation of the PA through land dispossession and displacement, and it’s frequently accompanied by the adoption of conservation laws that are violently enforced. Predictably, this leads to the commission of indirect and gross human rights violations against IPs. These acts can be observed in PAs located in different countries in Asia and Africa, covering a wide geographical area.

Second, a plan or objective connects the incidents across the 10 selected areas: creating and enforcing PAs for conservation purposes. This goal does not need to be illegal in itself or explicitly designed to perpetrate the abuses. Here, the plan is demonstrated by the significant amount of resources devoted to the commission of those abuses, starting with the logistical and operational costs to create the PAs to the expenditure destined to law enforcement personnel and their anti-poaching

operations. Furthermore, many of the decisions that lead to these violations are taken at a high level. High-level Government Officials are involved in the creation of the PAs and the promulgation of legislation. Senior officers in law enforcement agencies and high-level officers in park management

cooperate with the Government and the private sector.

Additionally, those incidents are committed on a large scale, considering the number of victims in the eight countries analyzed in this Report and the persistence of crimes and violations over time. The gravity of these crimes is even more acute because the size of the Indigenous groups living in these areas is

reduced: they threaten their very existence as an ethnic group. An additional aggravating element is the existence and the knowledge of serious complaints and reports by the involved actors, mainly governments and international conservation organizations, and the decision to continue the PA operation without properly addressing and redressing the violations, holding those responsible accountable, and taking appropriate measures to prevent the repetition of such abuses and crimes. The constellation of these elements leaves us with the conclusion that the human rights violations committed in creating and enforcing PAs are systematic under international law.

The gravity of these crimes is even more acute because the size of the Indigenous groups living in these areas is reduced: they threaten their very existence as an ethnic group.

The model applied to the creation and administration of PAs has provided an ideal environment for these abuses to occur systematically. IPs are excluded from the beginning of the process, and every step of the PAs' creation and management intensifies their vulnerability, driving them into a cycle where their rights are constantly violated. It is no coincidence that similar violations are observed in various PAs worldwide where different actors are involved; it

reflects a flaw in the global architecture according to which PAs are created. These crimes and violations are bound to repeat themselves, at the expense of IPs, until they are extinct. The only solution is to include the IPs at the center of the conservation efforts as peer stakeholders with equal decision-making authority, prioritizing their human rights and land rights as a central tenant to the global conservation system.



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— ENDNOTES —

- 1 Protected Area: “a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values”. See further, ‘What is a protected area?’, IUCN, <https://www.iucn.org/theme/protected-areas/about>. In the present Report, the term PA is used to broadly refer to the core protected area and its peripheral areas, such as buffer zones and game reserves.
- 2 ‘An Ecoregion-Based Approach to Protecting Half the Terrestrial Realm’, Eric Dinerstein *et al.*, *BioScience*, Vol. 67, Issue 6, 5 Apr. 2017, <https://academic.oup.com/bioscience/article/67/6/534/3102935>.
- 3 ‘A Global Deal for Nature: Guiding Principles, Milestones, and Targets’, Eric Dinerstein *et al.*, *Science Advances*, Vol. 5, Issue 4, Apr. 19, 2019, p. 1, <https://www.science.org/doi/pdf/10.1126/sciadv.aaw2869>.
- 4 *Ibid.*
- 5 ‘Protecting 30 per Cent of the Earth by 2030 Would Threaten Indigenous Peoples’, Margot Laurie, *NewAge Opinion*, Jun. 29, 2021, <https://www.newagebd.net/article/142208/protecting-30-per-cent-of-the-earth-by-2030-would-threaten-indigenous-peoples>.
- 6 ‘WWF Funds Guards Who Have Tortured and Killed People’, Katie J.M. Baker and Tom Warren, *Buzzfeed News*, Mar. 4, 2019, <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death>; ‘WWF Executives Were Warned of Widespread Atrocities by Anti-Poaching Rangers the Charity Funded’, Katie J.M. Baker and Tom Warren, Oct. 17, 2019, <https://www.buzzfeednews.com/article/katieimbaker/wwf-executives-marco-lambertini-warned-abuses>; For the full list of BuzzFeed News reports concerning WWF, see *Buzzfeed News*, WWF’s Secret War, <https://www.buzzfeednews.com/collection/wwfsecretwar>.
- 7 See, e.g., ‘The Destruction of Congo Basin Tribes in the Name of Conservation – How Will We Survive?’, *Survival International*, Sep. 18, 2017, <https://assets.survivalinternational.org/documents/1683/how-will-we-survive.pdf>; ‘Violation of Indigenous Peoples’ Human Rights in Chitwan National Park of Nepal’, LAHURNIP & NIWF, Feb. 2020, https://www.iwgia.org/images/publications/new-publications/2020/Violation_of_Indigenous_Peoples_Human_Rights_in_Chitwan_National_Park_of_Nepal.pdf; ‘Protected Areas in the Congo Basin: Failing Both People and Biodiversity?’, *Rainforest Foundation UK*, Apr. 2016, <https://www.rainforestfoundationuk.org/media.ashx/protected-areas-in-the-congo-basin-failing-both-people-and-diversity-english.pdf>; ‘Securing Indigenous Peoples’ Rights in Conservation: Review of Policy and Implementation in the Dzanga-Sangha Protected Area Complex’, *Forest Peoples Program*, Jun. 2009, <https://www.forestpeoples.org/sites/fpp/files/publication/2010/04/carperviewjun09eng.pdf>.
- 8 ‘Survival International Launches Campaign To Stop “30x30” – “The Biggest Land Grab in History”’, *Survival International*, Apr. 22, 2021, <https://www.survivalinternational.org/news/12570>.
- 9 Messok Dja is in the process of becoming a PA. It was selected and included within our 10 areas even if it is not a PA yet to show the reader how the pattern we identified occurs even during and since the PA creation process.
- 10 ‘Testimony of John H. Knox before the House Committee on Natural Resources, Subcommittee on Water, Oceans, and Wildlife’, *House Committee on Natural Resources*, Oct. 26, 2021, p. 19-25, <https://natural-resources.house.gov/imo/media/doc/Knox%20Testimony%20-%20WOW%20Ov%20Hrg%2010.26.21.pdf>.
- 11 ‘Indigenous Peoples’ Rights Violated in the Name of Conservation’, OHCHR, Aug. 26, 2016, <https://www.ohchr.org/en/newsevents/pages/conservationandindigenouspeoples.aspx>.
- 12 Nepal, *National Parks and Wildlife Conservation Act, 2029 (1973)*, <https://www.lawcommission.gov.np/en/archives/category/documents/prevaling-law/statutes-acts/national-parks-and-wildlife-conservation-act-2029-1973>; LAHURNIP & NIWF, *supra note 7*, p. 6, 9.
- 13 ‘Unprotected Indigenous Women in the Protected Areas: The Violations of Indigenous Women’s Rights by the Authorities of National Parks & Wildlife/Hunting Reserves in Nepal’ [Unpublished Manuscript], *National Indigenous Women Federation (NIWF)*, 2020, p. 31.
- 14 *Ibid.*, p. 8, 16, 38.
- 15 *Ibid.*, p. 31; NPWC Act, *supra note 15*, Art. 5.
- 16 They “violate rights, including collective ownership, control, use and management of lands and resources, meaningful participation, customary laws and institutions, free, prior and informed consent, indigenous knowledge etc., of Indigenous Peoples and Indigenous women” and there is a lack of awareness among officials and Army about ILO Convention No. 169 and UNDRIP. See further, *NIWF, supra note 13*, p. 8, 12, 16, 38.
- 17 WWF Nepal focuses on the Terai Arc Landscape (TAL) and Sacred Himalayan Landscape (SHL) and Chitwan Annapurna Landscape (CHAL). Under TAL there are four Protected Areas and Buffer Zones including Bardiya National Park and Buffer Zone and the Chitwan National Park and Buffer Zone. See further, ‘WWF’s Work in Nepal’, WWF, <https://www.wwf-nepal.org/>; LAHURNIP & NIWF, *supra note 7*, p. 7.
- 18 ‘Embedding Human Rights In Nature Conservation: From Intent to Action’, *Independent Panel of Experts*, Nov. 17, 2020, p. 112, https://wwfasia.awsassets.panda.org/downloads/independent_panel_report_embedding_human_rights_in_conservation.pdf.
- 19 LAHURNIP & NIWF, *supra note 7*, p. 5-7.

- 20 'Behind Rising Rhino Numbers in Nepal, a Complex Human Story', Alex Dudley, Mongabay, Jul. 19, 2017, <https://news.mongabay.com/2017/07/behind-rising-rhino-numbers-in-nepal-a-complex-human-story/>;
- 'Chitwan National Park: A Violent Conflict on Resource Use Rights in Nepal', Sep. 8, 2019, <https://ejatlas.org/conflict/chitwan-national-park-nepal-a-resource-use-rights-conflict>; LAHURNIP & NIWF, *supra note 7*, p. 21-22.
- 21 Nepal, Land Acquisition Act 2034, 1977, Section 26, <http://extwprlegs1.fao.org/docs/pdf/nep6227.pdf>; Nepal, Immovable Property Requisition Act 2013, 1956, Section 3.2.a, <https://www.lawcommission.gov.np/en/archives/category/documents/prevaling-law/statutes-acts/immovable-property-requisition-act-2013-1956>; LAHURNIP & NIWF, *supra note 7*, p. 7.
- 22 LAHURNIP & NIWF, *supra note 7*, p. 7, 22.
- 23 'Nepal: Authorities Must Stop Ruthless Evictions of Indigenous Peoples', Amnesty International, Jul. 21, 2020, <https://www.amnesty.org/en/latest/news/2020/07/nepal-authorities-must-stop-ruthless-evictions-of-indigenous-peoples/>.
- 24 See, e.g., NPWC Act, *supra note 15*, Arts. 5, 11, 13, 23, 26, 28.
- 25 LAHURNIP & NIWF, *supra note 7*, p. 23.
- 26 *Ibid*, p. 22.
- 27 Nepal, Chitwan National Park Rules 2030, 1974, Art. 10, <http://extwprlegs1.fao.org/docs/pdf/nep6221.pdf>; LAHURNIP & NIWF, *supra note 7*, p. 23.
- 28 LAHURNIP & NIWF, *supra note 7*, p. 23-26; 'Nepali park officials tortured a man to death. Then, the government and the World Wide Fund for Nature Rewarded them', Tsering D. Gurung, The Kathmandu Post, Mar. 3, 2019, <https://kathmandupost.com/investigations/2019/03/03/nepals-park-officials-who-beat-and-tortured-a-man-were-rewarded-by-the-government-and-the-world-wide-fund-for-nature>.
- 29 LAHURNIP & NIWF, *supra note 7*, p. 24.
- 30 Tsering D. Gurung, *supra note 28*.
- 31 LAHURNIP & NIWF, *supra note 7*, p. 23.
- 32 NPWC Act, *supra note 15*, Arts. 21, 24.
- 33 Independent Panel of Experts, *supra note 18*, p. 8, 112-114; Tsering D. Gurung, *supra note 28*; LAHURNIP & NIWF, *supra note 7*, p. 34-35; Katie J.M. Baker and Tom Warren, 'WWF Funds Guards', *supra note 6*.
- 34 'Tsering D. Gurung, *supra note 28*.
- 35 'Nine Organizations in Nepal Honored with WWF Leaders for a Living Planet Award', WWF, Mar. 7, 2014, <https://www.wwfnepal.org/?217490/nine-organizations-in-nepal-honored-with-wwf-leaders-for-a-living-planet-award>
- 36 Tsering D. Gurung, *supra note 28*.
- 37 People have reported being forced to lie on sugar-coated grass in order to attract ant bites. They are forced to lie on their bare backs on a hot rock in the summer and are beaten under the sun. They are forcibly immersed in ponds during the winter. According to interviewees, locals have been compelled to return naked from the park to their communities. See further, LAHURNIP & NIWF, *supra note 7*, p. 18-19; 'Man Found Dead in National Park Detention Centre', The Himalayan Times, Nov. 17, 2006, <https://thehimalayantimes.com/nepal/man-found-dead-in-national-park-detention-centre/>.
- 38 LAHURNIP & NIWF, *supra note 7*, p. 14.
- 39 *Ibid*, p. 14-15.
- 40 LAHURNIP & NIWF, *supra note 7*, p. 15.
- 41 *Ibid*, p. 14.
- 42 'Voices from the Margins: Human Rights Crisis in Protected Areas of Nepal', Sudeep Jana, Jan. 2007, p. 90, 97, https://www.researchgate.net/publication/318329531_Voices_from_the_Margins_Human_Rights_Crisis_in_Protected_Areas_of_Nepal.
- 43 *Ibid*, p. 89.
- 44 Independent Panel of Experts, *supra note 18*, p. 8, 112-114.
- 45 LAHURNIP & NIWF, *supra note 7*, p. 38-39; Katie J.M. Baker and Tom Warren, 'WWF Funds Guards', *supra note 6*.
- 46 LAHURNIP & NIWF, *supra note 7*, p. 38-39; Katie J.M. Baker and Tom Warren, 'WWF Funds Guards', *supra note 6*.
- 47 'Bardia National Park', Ministry of Forest and Environment, <https://www.bardianationalpark.gov.np/index.php/en/>.
- 48 'Tharu Culture, Bardia National Park', Tiger Encounter, Aug. 27, 2019, <https://tigerencounter.com/blog/tharu-culture-bardia-national-park/>; 'Violations in the Name of Conservation', Amnesty International, 2021, p. 14, https://www.amnesty.be/IMG/pdf/20210809_rapport_nepal.pdf.
- 49 'A Vanishing Way of Life', Shradha Ghale, The Kathmandu Post, Mar. 27, 2018, <https://kathmandupost.com/opinion/2018/03/27/a-vanishing-way-of-life>; 'The Politics of Conservation: Sonaha, Riverscape in the Bardia National Park and Buffer Zone, Nepal', Sudeep Jana Thing, Roy Jones and Christina Birdsall, Conservation & Society, Vol. 15, Issue 3, 2017, p. 296.
- 50 NPWC Act, *supra note 15*, Art. 5; See *supra*, Chitwan National Park, Nepal, Introduction; 'The Polemics and Discourse of Conservation in Nepal: a Case Study of Sonaha Indigenous Minorities and Bardia National Park', Sudeep Jana Thing, Jun. 2014, p. 185, https://espace.curtin.edu.au/bitstream/handle/20.500.11937/912/199893_Thing%202014.pdf?sequence=2&isAllowed=y; NIWF, *supra note 13*, p. 7, 15.
- 51 See *supra*, Chitwan National Park, Nepal, Introduction. See also, Sudeep Jana Thing, *supra note 50*, p. 194; NIWF, *supra note 13*, p. 7, 15.
- 52 See *supra*, Chitwan National Park, Nepal, Introduction. See also, 'NIWF, *supra note 13*, p. 17, 27; Independent Panel of Experts, *supra note 18*, p. 118.

- 53 Sudeep Jana Thing, *supra note* 50, p. 191.
- 54 'Bardia National Park (BNP) and Sonaha Indigenous Minorities, Nepal', Environmental Justice Atlas, Jul. 27, 2019, <https://ejatlas.org/conflict/sonaha-indigenous-minorities-bardia-national-park-bnp-management-nepal>.
- 55 'Sudeep Jana Thing, Roy Jones and Christina Birdsall, *supra note* 49, p. 298.
- 56 *Ibid*, p. 295; Shradha Ghale *supra note* 49.
- 57 'Bardiya National Park', Government of Nepal - Ministry of Forests and Environment - Department of National Parks and Wildlife Conservation, <https://dn-pwc.gov.np/en/conservation-area-detail/80/>.
- 58 Sudeep Jana Thing, Roy Jones and Christina Birdsall, *supra note* 49, p. 295.
- 59 Amnesty International, 'Violations in the Name of Conservation' *supra note* 48, p. 20.
- 60 *Ibid*.
- 61 'Amnesty International, 'Authorities Must Stop Ruthless Evictions', *supra note* 23.
- 62 Environmental Justice Atlas *supra note* 54.
- 63 NIWF, *supra note* 13, p. 32.
- 64 Amnesty International, 'Violations in the Name of Conservation', *supra note* 57, p. 23.
- 65 Shradha Ghale, *supra note* 49.
- 66 *Ibid*.
- 67 Amnesty International, 'Violations in the Name of Conservation', *supra note* 57, p. 23.
- 68 Sudeep Jana Thing, *supra note* 50, p. 184.
- 69 *See supra*, Chitwan National Park, Nepal, Gross Human Rights Violations. *See also, ibid*, p. 185; Amnesty International, 'Violations in the Name of Conservation', *supra note* 57, p. 26.
- 70 Sudeep Jana Thing, *supra note* 50, p. 185; Amnesty International, 'Violations in the Name of Conservation', *supra note* 57, p. 31.
- 71 *See supra*, Chitwan National Park, Nepal, Gross Human Rights Violations. *See also*, Amnesty International, 'Violations in the Name of Conservation', *supra note* 57, p. 26; Sudeep Jana Thing, *supra note* 50, p. 185.
- 72 'Investigating Allegations of Extra-Judicial Killings in the Terai - OHCHR-Nepal Summary of Concerns', OHCHR Nepal, Jul. 2010, p. 9, 17, <https://nepal.ohchr.org/en/resources/publications/Investigating%20Allegations%20of%20Extra-Judicial%20Killings%20in%20the%20Terai.pdf>.
- 73 *Ibid*.
- 74 *Ibid*, p. 9.
- 75 Independent Panel of Experts, *supra note* 18, p. 118.
- 76 Amnesty International, 'Violations in the Name of Conservation', *supra note* 57, p. 31.
- 77 'A Chronicle of Law Implementation in Environmental Conflicts: The Case of Kaziranga National Park in Assam (North-East India)', Joëlle Smadja, Nov. 17, 2018, p. 7, <https://journals.openedition.org/samaj/4422>.
- 78 *Ibid*.
- 79 'Tribal Conservationists in India's Tiger Reserves', Survival International, <https://www.survivalinternational.org/articles/3462-tigerconservationists>.
- 80 Independent Panel of Experts, *supra note* 18, p. 125.
- 81 *Ibid*.
- 82 'Kaziranga National Park Extension Plan Gets State Government Nod', Bitopan Deka, EastMojo, Sep. 4, 2020, <https://www.eastmojo.com/assam/2020/09/04/kaziranga-national-park-extension-plan-gets-state-government-nod/>; 'Hundreds Evicted As India's Kaziranga National Park Expands', Akanksha Singh, The Globe and Mail, Dec. 21, 2020, <https://www.theglobeandmail.com/world/article-hundreds-evicted-as-indias-kaziranga-national-park-expands/>.
- 83 Joëlle Smadja, *supra note* 77, p. 9.
- 84 'As Kaziranga Expands, the Fate of Grazing Communities Hangs in the Balance', Eleonora Fanari and Pranab Doley, The Wire, Feb. 26, 2018, <https://thewire.in/environment/contested-boundaries-eviction-in-the-sixth-addition-of-kaziranga-national-park>.
- 85 Joëlle Smadja, *supra note* 77, p. 9.
- 86 'Police Kill Two Villagers During Evictions at Kaziranga National Park in India', Chris Lang, Conservation Watch, Sep. 21, 2016, <https://medium.com/conservationwatch/police-kill-two-villagers-during-evictions-at-kaziranga-national-park-in-india-e9dc0b-cc7e80>.
- 87 'Two Killed in Police Firing Near Kaziranga, Eyewitnesses Say', The Wire, Sep. 19, 2016, <https://thewire.in/rights/kaziranga-firing-two-killed>.
- 88 *Ibid*.
- 89 *Ibid*.
- 90 Bitopan Deka, *supra note* 82; Akanksha Singh, *supra note* 82.
- 91 Bitopan Deka, *supra note* 82; Akanksha Singh, *supra note* 82; 'Evict Illegal Occupants Residing Inside Kaziranga National Park, Orders Gauhati High Court', The Sentinel, Oct. 8, 2020, <https://www.sentinelassam.com/north-east-india-news/assam-news/evict-illegal-occupants-residing-inside-kaziranga-national-park-orders-gauhati-high-court-505835>.
- 92 Akanksha Singh, *supra note* 82.
- 93 'Police Kill Two Villagers During Evictions at Kaziranga National Park in India', Just Conservation, Sep. 21, 2016, <https://justconservation.org/police-kill-two-villagers-during-evictions-at-kaziranga-national-park-in-india>; The Wire, *supra note* 87.

- 94 'Wildlife Conservation and Tribal Livelihood in the Brahmaputra Floodplain. The Case of the Mising Tribe in the Fringe Villages of the Kaziranga National Park (Assam, North-East India)', Emilie Cremin, Jan. 2012, p. 6, https://www.researchgate.net/publication/278761782_Wild_life_conservation_and_tribal_livelihood_in_the_Brahmaputra_flood_plain_The_case_of_the_Mising_tribe_in_the_fringe_villages_of_the_Kaziranga_National_Park_Assam_North-East_India.
- 95 *Ibid.*
- 96 'Tiger Reserve Tribes', Survival International, <https://www.survivalinternational.org/tribes/tigerreservetribes>.
- 97 'India's 'Shoot on Sight' Conservation Terrorises Indigenous Communities', Lewis Evans, The Ecologist, Apr. 20, 2016, <https://theecologist.org/2016/apr/20/indias-shoot-sight-conservation-terrorises-indigenous-communities>; 'India: Park Guard Shoots Child in Infamous "Shoot-To-Kill" National Park', Survival International, Jul. 20, 2016, <https://www.survivalinternational.org/news/11362>.
- 98 'Five Things the BBC Didn't Tell You About Kaziranga', Survival International, Dec. 5, 2016, <https://www.survivalinternational.org/news/11522>; 'Kaziranga: The Park That Shoots People to Protect Rhinos', Justin Rowlett, BBC News, Feb. 10, 2017, <https://www.bbc.com/news/world-south-asia-38909512>.
- 99 'Justin Rowlett, *supra note* 98.
- 100 Survival International, 'Five things BBC didn't tell you', *supra note* 98.
- 101 WWF and TRAFFIC Guidelines for Managing Informants', WWF, <https://www.documentcloud.org/documents/5750380-WWF-TRAFFIC-Guidelines-for-Managing-Informants.html>.
- 102 'Victim of WWF (World Wildlife Fund)', ZEMBLA, min. 21ff, https://www.youtube.com/watch?v=AHH_vlhnCOI.
- 103 *Ibid.*
- 104 *Ibid.*
- 105 'Welcome to NCA', The United Republic of Tanzania Ngorongoro Conservation Area Authority <https://www.ncaa.go.tz/pages/welcome>; 'Ngorongoro Conservation Area, Tanzania', Encyclopaedia Britannica, <https://www.britannica.com/place/Ngorongoro-Conservation-Area>; 'Ngorongoro Conservation Area', UNESCO, <https://whc.unesco.org/en/list/39/>.
- 106 Encyclopaedia Britannica, *supra note* 105.
- 107 'The Indigenous World 2021', IWGIA, Apr. 2021, p. 142-143, https://iwgia.org/doclink/iwgia-book-the-indigenous-world-2021-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWIiOiJpd2dpYS1ib29rLX-RoZS1pbmRpZ2Vub3VzLXdvcmxkLTIwMjEtZW5nli-wiaWF0IjoxNjI4ODM5NjM2LjIleHAiOiJlE2Mjg5MjY-wMzZ9.z1CuM7PcT5CPkV0evx8ve88y6v0vmwDu_51JQ_lwAkM.
- 108 'Tanzania's Endangered Tribe: The Maasai', ArcGis, <https://www.arcgis.com/apps/Cascade/index.html?appid=d75eba6b50e9437c993d43e8491d7226>.
- 109 Tanzania, Ngorongoro Conservation Area Chapter 413 of the Laws (Principal Legislation), 1959, Sections 6, 9, <http://extwprlegs1.fao.org/docs/pdf/tan17716.pdf>.
- 110 A Game-Controlled Area is an area declared for conservation of wildlife outside village land where activities detrimental to wildlife are prohibited, <https://www.tawa.go.tz/conservation/protected-areas/>.
- 111 'Losing the Sergenti - The Maasai Land That Was To Run Forever', The Oakland Institute, 2018, p. 25, <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/losing-the-serengeti.pdf>; Tanzania, An Act to Amend the National Park Ordinance and the Ngorongoro Conservation Ordinance, 1975, <http://extwprlegs1.fao.org/docs/pdf/tan17715.pdf>; 'Ngorongoro Conservation Area', World Heritage Datasheet, <http://world-heritage-datasheets.unep-wcmc.org/datasheet/output/site/ngorongoro-conservation-area/>; Tanzania, The Wildlife Conservation Act, 5, 2009, https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/pdfpreview/wildlife_conservation_act_2009_tanzania_0.pdf.
- 112 World Heritage Draft Sheet, *supra note* 111.
- 113 IWGIA, 'The Indigenous World 2021', *supra note* 107, p. 143; 'Ngorongoro At Tipping Point As Population Soars', Deus Ngowi, Daily News, Dec. 29, 2020, <https://dailynews.co.tz/news/2020-12-285fe9d-69b473e0.aspx>.
- 114 'Report of the Fact Finding Mission Conducted in Ngorongoro Conservation Area', Navaya James Ndaskoi, PINGO's Forum, Apr. 3, 2021, p. 3, <https://pingosforum.or.tz/wp-content/uploads/2021/05/Ngorongoro-Fact-Finding-Mission-Report.pdf>.
- 115 'The Multiple Land Use Model of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options For the Future', Ministry of Natural Resources and Tourism Dodoma, Oct. 2019, p. xii Executive Summary, p. iv Chapter One Background Information, <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/pdfpreview/mlum-final-oct-2019.pdf>.
- 116 'The Looming Threat of Eviction', The Oakland Institute, 2021, p. 3, <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/tanzania-loom-ing-threat-eviction.pdf>.
- 117 'Tanzania's Maasai Evicted in the Name of Conservation and Luxury Safari Tourism', Chris Lang, Conservation Watch, May 11, 2018, <https://medium.com/conservationwatch/tanzanias-maasai-evicted-in-the-name-of-conservation-and-luxury-safari-tourism-423fe65928c5>; 'Tanzania's Maasai Evicted in Favor of Tourism, Group Says', Rodney Muhumuzza, Associated Press News, May 11, 2018, <https://ap-news.com/article/uganda-ap-top-news-parks-environment-think-tanks-656808952a624f66be17fd-cb0e29d372>.
- 118 The Oakland Institute, 'Losing the Serengeti', *supra note* 111, p. 12-13; 'Forced Evictions of Maasai People in Loliondo, Tanzania', IWGIA, Aug. 2017, p. 3-4, <https://www.iwia.org/images/documents/urgent-alerts/urgent-alert-tanzania-august-2017.pdf>.

- 119 'IWGIA Urgent Alert Concerning Gross Human Rights Abuses Towards Pastoralists in Loliondo, Ngorongoro District in Tanzania', IWGIA, Aug. 20, 2009, p. 3, https://www.iwgia.org/images/publications/0745_IWGIA_Urgent_Alert_concerning_Gross_Human_Rights_abuses_towards_Pastoralists_in_Loliondo_Ngorongoro_dist.pdf.
- 120 The Oakland Institute, 'Losing the Serengeti', *supra note* 111, p. 12-21.
- 121 IWGIA, 'IWGIA Urgent Alert', *supra note* 119, p. 1.
- 122 'Tanzanian Pastoralists Threatened: Evictions, Human Rights and Loss of Livelihood', IWGIA, 2016, p. 76, https://www.iwgia.org/images/publications/0727_Report_23_Tanzania_for_eb.pdf.
- 123 IWGIA, 'Forced Evictions of Maasai People', *supra note* 118, p. 1.
- 124 *Ibid*, p. 3.
- 125 'Petition of Indigenous Peoples Residents of Ngorongoro Conservation Area to UNESCO and Its Advisory Bodies Regarding the Violation of Human Rights in the World Heritage Site', Survival International.
- 126 IWGIA, 'The Indigenous World 2021', *supra note* 107, p. 142-143.
- 127 'Eviction of the Maasai from Ngorongoro Hovers on the Horizon', PINGO's Forum, Jun. 15, 2020, <https://pingosforum.or.tz/eviction-of-the-masai-from-ngorongoro-hovers-on-the-horizon/>.
- 128 IWGIA, 'IWGIA Urgent Alert', *supra note* 119, p. 2.
- 129 IWGIA, 'Tanzanian Pastoralists Threatened', *supra note* 122, p. 78.
- 130 IWGIA, 'IWGIA Urgent Alert', *supra note* 119, p. 2.
- 131 The Oakland Institute, 'Losing the Serengeti', *supra note* 111, p. 9.
- 132 Navaya James Ndaskoi, *supra note* 114, p. 11-13.
- 133 *Ibid*, p. 4-8.
- 134 *Ibid*, p. 7, 13-14.
- 135 *Ibid*, p. 5.
- 136 IWGIA, 'IWGIA Urgent Alert', *supra note* 119, p. 1-2.
- 137 IWGIA, 'IWGIA Urgent Alert', *supra note* 119, p. 1-2.
- 138 IWGIA, 'IWGIA Urgent Alert', *supra note* 119, p. 2.
- 139 'Repression Intensifies against Maasai Villagers in Tanzania as They Seek Justice Against Decades of Human Rights Abuses at the East African Court of Justice', Oakland Institute, July 5, 2018, <https://www.oaklandinstitute.org/repression-intensifies-against-masai-villagers-tanzania>.
- 140 'Arrests and Harassments of Human Rights Defenders in Tanzania', IWGIA, Aug. 25, 2016, https://www.iwgia.org/images/publications/0748_IWGIA_Briefing_Note_2016_-_Arrests_and_harassment_of_human_rights_defenders_in_Tanzania.pdf.
- 141 'Master's Project: A Case Study of the "Benet Land Problem" in Eastern Uganda', Anna Dirkse, 2017, p. 8, <https://scholarworks.uvm.edu/cgi/viewcontent.cgi?article=1018&context=rsmpp>.
- 142 *Ibid*, p. 8-11.
- 143 'Observations on the State of Indigenous Human Rights in Uganda Prepared for United Nations Human Rights Council: July 2021, 3rd Cycle of Universal Periodic Review of Uganda, 40th Session of the Human Rights Council', Cultural Survival, Jul. 15, 2021, p. 3-4, https://www.culturalsurvival.org/sites/default/files/CS%20UPR%20submission_Uganda%20July%2015%202021.pdf.
- 144 Anna Dirkse, *supra note* 141, p. 17; 'Indigenous Peoples In Uganda, A Review of the Human Rights Situation of the Batwa People, the Benet People and Pastoralist Communities', Forest People Program, IWGIA, COPACSO, MEBIO and UOBDU, Apr. 21, 2015, p. 4, 14, <https://www.forestpeoples.org/sites/fpp/files/private/publication/2015/04/english-alternative-ngo-report-achpr-uganda-21-april-2015.pdf>; 'The Benet People in Uganda Continue To Suffer From Gross Human Rights Violations', Shua Wilmot, IWGIA, May 5, 2021, <https://www.iwgia.org/en/uganda/4366-uganda-benet-2021.html>.
- 145 Anna Dirkse, *supra note* 161, p. 9.
- 146 *Ibid*, p. ii.
- 147 FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 4.
- 148 FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 11-14; 'Mt. Elgon Benet Indigenous OGIEK, Statement of Grievances', Apr. 17, 2014, p. 6.
- 149 Anna Dirkse, *supra note* 141, p. 10-11; 'Statement of Grievances', *supra note* 148, p. 6.
- 150 Anna Dirkse, *supra note* 141, p. 11.
- 151 FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 11-12.
- 152 Anna Dirkse, *supra note* 141, p. 12; FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 12.
- 153 Anna Dirkse, *supra note* 141, p. 12-13; 'Injustice at Mt. Elgon', Shua Wilmot, Solidarity Uganda, Nov. 9, 2018, <https://solidarityuganda.org/injustice-at-mount-elgon/>.
- 154 'Statement of Grievances', *supra note* 148, p. 9; 'Benet CSOs Human Rights Record Report', Jun. 2021, p. 1.
- 155 Anna Dirkse, *supra note* 141, p. 64-67.
- 156 *Ibid*, p. 14.
- 157 Anna Dirkse, *supra note* 141, p. 14; Shua Wilmot, 'Injustice at Mt. Elgon', *supra note* 153.
- 158 Anna Dirkse, *supra note* 141, p. 14.
- 159 *Ibid*, p. 14-15; FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 4, 13.
- 160 Anna Dirkse, *supra note* 141, p. 16; FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 13; Shua Wilmot, 'Injustice at Mt. Elgon', *supra note* 153.
- 161 Shua Wilmot, 'The Benet People in Uganda Continue To Suffer', *supra note* 144.
- 162 Anna Dirkse, *supra note* 141, p. 64-65; Shua Wilmot, 'Injustice at Mt. Elgon', *supra note* 153.
- 163 Shua Wilmot, 'Injustice at Mt. Elgon', *supra note* 153; 'Statement of Grievances', *supra note* 148, p. 19-20.

- 164 'Five Decades Down The Line, We Shall Not Relent...', Minority Rights Group International, Aug. 27, 2020, <https://minorityrights.org/2020/08/27/we-shall-not-relent/>.
- 165 Shua Wilmot, 'Injustice at Mt. Elgon', *supra note* 153.
- 166 'Statement of Grievances', *supra note* 148, p. 12, 19.
- 167 Anna Dirkse, *supra note* 141, p. 71-72, 79.
- 168 Cultural Survival, 'Observations on the State of Indigenous Human Rights in Uganda', *supra note* 143, p. 3; Anna Dirkse, *supra note* 141, 70-76.
- 169 Cultural Survival, 'Observations on the State of Indigenous Human Rights in Uganda', *supra note* 143, p. 6; Anna Dirkse, *supra note* 141, p. 71, 73, 79-80.
- 170 Anna Dirkse, *supra note* 141, p. 80-81, 102.
- 171 Anna Dirkse, *supra note* 141, p. 16; FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 15-16.
- 172 Anna Dirkse, *supra note* 141, p. 73-82; FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 14; Shua Wilmot, 'The Benet People in Uganda Continue To Suffer', *supra note* 144; Cultural Survival, 'Observations on the State of Indigenous Human Rights in Uganda', *supra note* 143, p. 3; 'Statement of Grievances', *supra note* 148, p. 13-14; 'Benet CSOs', *supra note* 154, p. 1.
- 173 Anna Dirkse, *supra note* 141, p. 17.
- 174 *Ibid.*
- 175 'Statement of Grievances', *supra note* 148, p. 13; Anna Dirkse, *supra note* 141, p. 17.
- 176 'Statement of Grievances', *supra note* 148, p. 13-14; Anna Dirkse, *supra note* 141, p. 73.
- 177 Anna Dirkse, *supra note* 141, p. 17; FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 14-15; 'Benet CSOs', *supra note* 154, p. 4-13; Shua Wilmot, 'The Benet People in Uganda Continue To Suffer', *supra note* 144.
- 178 Anna Dirkse, *supra note* 141, p. 78; FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 16.
- 179 'Benet CSOs', *supra note* 154, p. 4-13.
- 180 'Statement of Grievances', *supra note* 148, p. 14; 'Benet CSOs', *supra note* 154, p. 6; FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 5, 15.
- 181 'Benet CSOs', *supra note* 154, p. 6.
- 182 FPP, IWGIA, COPACSO, MEBIO and UOBDU, *supra note* 144, p. 14-15; 'Benet CSOs', *supra note* 154, p. 3.
- 183 'Benet CSOs', *supra note* 154, p. 6-7.
- 184 'Parc National de la Salonga', UNESCO, <https://whc.unesco.org/fr/list/280>.
- 185 'Salonga National Park', Britannica, <https://www.britannica.com/place/Salonga-National-Park>.
- 186 'Salonga Programme', WWF, https://www.wwf-congobasin.org/where-we-work/democratic-republic-of-congo/salonga_programme/.
- 187 *Ibid.*
- 188 Independent Panel of Experts, *supra note* 18, p. 70
- 189 'New Hope for Salonga National Park in DRC', WWF, May 24, 2016, <https://wwf.panda.org/wwf-news/?268670/New-hope-for-Salonga-National-Park-in-DRC>.
- 190 'Statement: Protected Areas in the Democratic Republic of Congo - A Broken System', Minority Rights Group International, Jan. 25, 2021, <https://minorityrights.org/2021/01/25/broken-system-en/>.
- 191 Minority Rights Group International, *supra note* 190.
- 192 'Severe Human Rights Abuses Reported In and Around Salonga National Park, Democratic Republic of Congo', Rainforest Foundation UK, May 2019, p. 8, <https://www.rainforestfoundationuk.org/media/abf-196ba-89da-4680-8df3-af5d382f7d5f>.
- 193 Minority Rights Group International, *supra note* 190.
- 194 Rainforest Foundation UK, 'Severe Human Rights Abuses Reported', *supra note* 192, p. 8.
- 195 *Ibid.*
- 196 Rainforest Foundation UK, 'Severe Human Rights Abuses Reported', *supra note* 192, p. 10.
- 197 'In the Salonga National Park , 'Model Farms' Initiated by WWF Help Population Embrace Conservation Agriculture', WWF, Apr. 27, 2018, <https://wwf.panda.org/?326930/DRC-In-the-Salonga-National-Park--model-farms-initiated-by-WWF-help-population-embrace-conservation-agriculture>.
- 198 Independent Panel of Experts, *supra note* 18, p. 70.
- 199 Rainforest Foundation UK, 'Severe Human Rights Abuses Reported', *supra note* 192, p. 10.
- 200 Independent Panel of Experts, *supra note* 18, p. 74.
- 201 Transcript of the Interview with Mudodosi Blaise and Willi Eloa, Sep. 14, 2021, p. 2.
- 202 Rainforest Foundation UK, 'Severe Human Rights Abuses Reported', *supra note* 192, p. 5-6.
- 203 *Ibid.*
- 204 *Ibid.*, 6.
- 205 *Ibid.*
- 206 *Ibid.*
- 207 *Ibid.*, 7.
- 208 Minority Rights Group International, *supra note* 190.
- 209 Transcript of the Interview with Mudodosi Blaise and Willi Eloa, Sep. 14, 2021, p. 2.
- 210 Independent Panel of Experts, *supra note* 18, p. 78.
- 211 *Ibid.*, p. 75.
- 212 Minority Rights Group International, *supra note* 190.
- 213 'WWF in the Dzanga-Sangha Protected Area (DSPA)', WWF, https://www.wwf-congobasin.org/where-we-work/central-africa-republic/dzanga_sangha_protected_area/.
- 214 *Ibid.*
- 215 'Sangha Trinational', UNESCO, <http://whc.unesco.org/en/list/1380>.

- 253 “Anti-poaching forces had reportedly raped a woman, tortured a man by tying his penis to “pulleys,” and forced one villager to eat raw bush meat, after which he became ill and died, the lawyer reported. The problem was widespread — four out of five interviewees had reported “nightmare encounters.”” Katie J.M. Baker and Tom Warren, ‘WWF Executives Were Warned’, *supra note 6*. See also, Independent Panel of Experts, *supra note 18*, p. 49.
- 254 Survival International, ‘How Will We Survive?’, *supra note 7*, p. 37.
- 255 *Ibid*.
- 256 ‘A Leaked Report Shows WWF Was Warned Years Ago of “Frightening” Abuses’, Katie J.M. Baker and Tom Warren, BuzzFeed News, Mar. 5, 2019, <https://www.buzzfeednews.com/article/katiejimbaker/wwf-report-human-rights-abuses-ranger>; Survival International, ‘How Will We Survive?’, *supra note 7*, p. 37.
- 257 Katie J.M. Baker and Tom Warren, ‘WWF Funds Guards’, *supra note 6*.
- 258 Survival International, ‘How Will We Survive?’, *supra note 7*, p. 36-37.
- 259 ‘The Human Cost of Conservation in Republic of Congo’, Rainforest Foundation UK, Dec. 2017, p. 30, <https://www.rainforestfoundationuk.org/media/ashx/the-human-impact-of-conservation-republic-of-congo-2017-english.pdf>; ‘Some Questions for Wildlife Conservation Society About Its Partnership With Loggers in the Republic of Congo’, Chris Lang, Conservation Watch, Nov. 13, 2017, <https://medium.com/conservationwatch/some-questions-for-wildlife-conservation-society-about-its-partnership-with-loggers-in-the-republic-3b9c865761f8>; ‘The Congo’s Nouabalé-Ndoki National Park: How Indigenous Lands Became an Emblem of Rooseveltian “Wilderness Conservation” in Africa’, Simon Counsell, Jun. 2018, p. 3, https://c98e7aaa-7bb4-49bb-82c9-a7907d6c7363.filesusr.com/ugd/15e8c4_21670ab71af24e81a8988444fe11083b.pdf.
- 260 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 9, 30, 67.
- 261 *Ibid*, p. 20, 30; Simon Counsell, *supra note 259*, p. 3-4.
- 262 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 30-31, 52, 67; ‘Wild Places - Nouabale-Ndoki National Park, WCS Congo, <https://congo.wcs.org/Wild-Places/Nouabale-Ndoki-National-Park.aspx>.
- 263 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 30-31, 66; Simon Counsell, *supra note 259*, p. 3.
- 264 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 30-31; Simon Counsell, *supra note 259*, p. 3.
- 265 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 14, 31-32, 39, 83.
- 266 *Ibid*, p. 9, 14, 31-32, 39, 83.
- 267 *Ibid*, p. 9, 82-83, 101; Simon Counsell, *supra note 259*, p. 5-6.
- 268 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 46.
- 269 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 31, 42, 47; Simon Counsell, *supra note 259*, p. 5; Survival International, ‘How Will We Survive?’, *supra note 7*, p. 76.
- 270 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 46; Simon Counsell, *supra note 259*, p. 5.
- 271 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 9, 76- 77, 83-84, 88; Chris Lang, ‘Some Questions for Wildlife Conservation Society’, *supra note 259*; CERD, ‘Consideration of Reports Submitted by States Parties Under Article 9 of the Convention – Concluding Observations of the Committee on The Elimination of Racial Discrimination’, 23 Mar. 2009, CERD/C/COG/CO/9, p. 3, <https://undocs.org/CERD/C/COG/CO/9>.
- 272 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 31, 39, 67, 83, 91, 101; Chris Lang, ‘Some Questions for Wildlife Conservation Society’, *supra note 259*; CERD, *supra note 271*, p. 4; Survival International, ‘How Will We Survive?’, *supra note 7*, p. 74, 76, 86, 88, 91.
- 273 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 9, 82; Chris Lang, ‘Some Questions for Wildlife Conservation Society’, *supra note 259*; Survival International, ‘How Will We Survive?’, *supra note 7*, p. 82-86, <https://assets.survivalinternational.org/documents/1683/how-will-we-survive.pdf>.
- 274 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 31.
- 275 *Ibid*, p. 50-51, 84; Simon Counsell, *supra note 259*, p. 6.
- 276 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 83.
- 277 *Ibid*, p. 53; Survival International, ‘How Will We Survive?’, *supra note 7*, p. 76.
- 278 ‘Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 85.
- 279 *Ibid*, p. 42, 91; ‘Conservation Program Accused of Human Rights Abuses’, Cultural Survival, <https://www.culturalsurvival.org/news/conservation-program-accused-human-rights-abuses>.
- 280 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 51.
- 281 *Ibid*, p. 58-59.
- 282 *Ibid*, p. 9, 31, 67.
- 283 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 65-67, 70-71; Cultural Survival, ‘Conservation Program Accused’, *supra note 325*.
- 284 Rainforest Foundation UK, ‘The Human Cost of Conservation’, *supra note 259*, p. 44, 52, 70, 85.

- 285 *Ibid*, p. 52, 67, 70-72, 85; Simon Counsell, *supra note* 259, p. 6; Chris Lang, 'Some Questions for Wildlife Conservation Society', *supra note* 259; Cultural Survival, 'Conservation Program Accused', *supra note* 325; Survival International, 'How Will We Survive?', *supra note* 7, p. 74, 77, 83.
- 286 Rainforest Foundation UK, 'The Human Cost of Conservation', *supra note* 259, p. 71.
- 287 Survival International, 'How Will We Survive?', *supra note* 7, p. 82.
- 288 'FPIC in Messok Dja: A Report and Assessment by FPP for WWF on the Free, Prior and Informed Consent Process Undertaken in Respect of the Proposed Messok Dja Protected Area in Republic of Congo', Lassana Koné and Anouska Perram, Forest Peoples Program, Jun. 5, 2019, p. 3, https://d2ouvy59p0dg6k.cloudfront.net/downloads/final_messok_dja_report_with_french_exec_sum.pdf.
- 289 'Land Theft and Human Rights Abuses in Messok Dja', Survival International, <https://www.survivalinternational.org/tribes/bakamessokdja>
- 290 'Investigating Allegations of Non-compliance with UNDP Social and Environmental Commitments Relating to the Following UNDP Activities: Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic Of Congo, TRIDOM II. (October 2017 – March 2023)', UNDP, Mar. 10, 2020, p. 13-17, https://info.undp.org/sites/registry/secu/SECU_Documents/SECU0009_Draft%20Investigation%20Report_For%20Public%20CommentOddf041323354a-9ca3864d50de9970b7.pdfUNDP.
- 291 Tri National Dja-Odzala-Minkébé.
- 292 Independent Panel of Experts, *supra note* 18, p. 97.
- 293 'TRIDOM Programme', WWF, https://www.wwf-congobasin.org/where_we_work/republic_of_congo/tridom_programme/.
- 294 Independent Panel of Experts, *supra note* 18, p. 97.
- 295 *Ibid*, p. 96; WWF, 'TRIDOM Programme', *supra note* 293.
- 296 'WWF Says Indigenous People Want This Park. An Internal Report Says Some Fear Forest Ranger "Repression"', Katie Baker and Tom Warren, BuzzFeed News, Mar. 8, 2019, <https://www.buzzfeednews.com/article/katiejmbaker/wwf-eu-messok-dja-fears-repression-ecoguards>.
- 297 'A Colonialist Land Grab Is Happening Right Now in Congo', Fiore Longo, Survival International, <https://survivalinternational.org/articles/3607-a-colonialist-land-grab-is-happening-right-now-in-congo>; UNDP, *supra note* 290, p. 17.
- 298 Lassana Koné and Anouska Perram, *supra note* 288, p. 4-5.
- 299 Fiore Longo, 'A Colonialist Land Grab', *supra note* 297; 'Urgent Email - Stop WWF Repeating Its Crimes', Fiore Longo, Survival International, <https://www.survivalinternational.org/emails/messokdja>; 'Letters Implicate WWF in Illegal Land Grab and Human Rights Abuses', Fiore Longo, Survival International, Dec. 20, 2018, <https://www.survivalinternational.org/news/12058>.
- 300 Katie Baker and Tom Warren, 'WWF Says Indigenous People Want This Park', *supra note* 296.
- 301 UNDP, *supra note* 290, p. 26.
- 302 *Ibid*.
- 303 Survival International, 'Land Theft and Human Rights Abuses', *supra note* 335.
- 304 Fiore Longo, 'A Colonialist Land Grab', *supra note* 297; 'Baka Letters', Souanke District Sangha Department Republic of Congo, Dec. 2018, <https://assets.survivalinternational.org/documents/1781/baka-letters-dec-2018-release.pdf>; UNDP, *supra note* 290, p. 18, 28.
- 305 Survival International, 'How Will We Survive?', *supra note* 7, p. 95.
- 306 *Ibid*, p. 95, 98.
- 307 *Ibid*.
- 308 Survival International, 'Land Theft and Human Rights Abuses', *supra note* 335; 'Stop WWF repeating its crimes', Fiore Longo, Survival International, <https://www.survivalinternational.org/emails/messokdja>.
- 309 UNDP, *supra note* 290, p. 28.
- 310 'FPIC in Messok Dja, A Report and Assessment by FPP for WWF On the Free, Prior and Informed Consent Process Undertaken in Respect of the Proposed Messok Dja Protected Area in Republic of Congo', Lassana Koné and Anouska Perram, Forest Peoples Program, Jun. 5, 2019, p. 35-36, 53, https://d2ouvy59p0dg6k.cloudfront.net/downloads/final_messok_dja_report_with_french_exec_sum.pdf; Survival International, 'Land Theft and Human Rights Abuses', *supra note* 335
- 311 UNDP, *supra note* 290, p. 28; 'Armed Ecoguards Funded by WWF 'Beat Up Congo Tribespeople'', John Vidal, The Guardian, Feb. 7, 2020, <https://www.theguardian.com/global-development/2020/feb>.
- 312 Survival International, 'Land Theft and Human Rights Abuses', *supra note* 335.
- 313 *Ibid*; 'The Baka Peoples Don't Want To Be Scared For Conservation', Gabriella Rutherford, Intercontinental cry, Mar. 8, 2019, <https://intercontinentalcry.org/the-baka-peoples-dont-want-to-be-sacrificed-for-conservation/>.
- 314 Transcript of the Interview with Trésor Nzila, 13 Oct. 2021.
- 315 The WWF claims the eco-guards were hired by the Congolese government, but acknowledges that, along with other donors, it contributed to their training and salary through the ETIC. John Vidal, *supra note* 311.
- 316 *Ibid*.
- 317 UNDP, *supra note* 290, p. 27.
- 318 *Ibid*.
- 319 Survival International, 'Land Theft and Human Rights Abuses', *supra note* 335.
- 320 UNDP, *supra note* 290, p. 27.
- 321 *Ibid*.
- 322 *Ibid*.

- 323 Rome Statute of the International Criminal Court, 2002, Art. 7, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>.
- 324 'Situation in the Democratic Republic of the Congo in the Case of the Prosecutor v. Bosco Ntaganda', International Criminal Court, Jul. 8, 2019, para. 692, p. 336-337, https://www.icc-cpi.int/CourtRecords/CR2019_03568.PDF.
- 325 *Ibid.*
- 326 *Ibid*, para. 693, p. 337.
- 327 'The Prosecutor v. Tihomir Blaškić, Judgment', International Criminal Tribunal for the Former Yugoslavia, United Nations, Mar. 3, 2000, para. 203, p. 67, <https://www.icty.org/x/cases/blaskic/tjug/en/bla-tj000303e.pdf>.

“The forest is our life. They’re stopping us from feeding ourselves. We are going to die. We are forest people.”

- Baka man,
Messok Dja