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Conflicts Between Indigenous Pygmy Peoples, the Local Community and the Kahuzi-Biega National Park in Eastern of the DRC: Conflict Management Strategies towards Perspectives for Peaceful Cohabitation

Jean De Dieu Mangambu-Mokoso^{1*}, Marie Fundiko Cakupewa², Didi Afundi Ndetshala³, Josue Aruna Sefu⁴ & Henoc-Pascal Baguma Cihusi⁵

¹ Université Officielle de Bukavu, Bukavu, Sud- Kivu, R.D Congo

² Université du Cinquantenaire de Lwiro, Lwiro, Sud-Kivu, R.D Congo.

³ Institut Supérieur des Techniques Médicales de Basoko, Basoko, Tshopo, R.D Congo.

⁴ Congo Basin Conservation Society CBCS-Network, D.R Congo.

⁵ Protestant University of Central Africa, Yaoundé.

*Author for Correspondence ORCID ID: <https://orcid.org/0000-0002-8590-6017>; Email: mangambujd@gmail.com

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Consequences of Conflict Between the Park, Strategies to Resolve Such Conflicts, Kahuzi-Biega National Park, DRC.

The main goal of this study was to document and analyse the consequences of conflicts between Indigenous Pygmy peoples and local communities on one side, and the Kahuzi-Biega National Park (KBNP) on the other. Furthermore, the study aimed to develop strategies to manage these conflicts drawing up effective recommendations for sustainable solutions. The park was created in 1970, with a 600-ha surface area. By the 1975 ordinance, the area was extended increasing its surface area up to 600,000 ha. To collect data, we used a literature review and field surveys, including a one-month pre-survey and a two-month survey. Several techniques were applied (direct disengaged observation; documentary technique; group discussions; individual semi-structured interviews). The data were analysed using SPSS174 software. The results confirm existing conflicts between the KBNP, the indigenous Pygmy peoples and the other riparian communities. The conflict has resulted in killings, clashes using knives, bullets and rifles, and a massive return of indigenous Pygmy peoples into the park. This conflict has taken root as a result of the unpreparedness of the indigenous peoples in the process of their relocation outside the KBNP before the creation and enlargement of the protected area. Moreover, other riverside communities and the indigenous Pygmy peoples are in conflict with the Park due to the non-access to the protected area.

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INTRODUCTION

In general, land disputes are never definitively resolved. In a way, this situation reflects the shortcomings or the limitations of the arbitration bodies in resolving conflicts (Goetschel & Péclard, 2006; Lionel, 2021). Shortcomings should not, however, overshadow their competence and the efforts made in some situations to ensure that social cohesion is maintained (Lewis, 2003).

Arbitration bodies have two kinds of shortcomings when it comes to resolving disputes: structural limitations and arbitrary judgments (Kakule, 2013; Lionel, 2021). With structural limitations, we mean shortcomings that relate to the attributes of arbitration bodies, whether customary or state bodies (Dukes, 2004; Somerville, 2016).

Touraine's (1965) *action-based approach* considers a conflict to be an antagonistic relationship between two or several actors, both of which tend to dominate the social opportunities of one of the parties. Conflict is at the root of cultural, social, political and economic dynamics. Therefore, the existence of a conflict implies two apparently opposed conditions: on the one hand, actors, or more generally, units of action defined by borders, and which cannot therefore be purely abstract 'forces'; on the other hand, an interdependency of units which form the components of a system.

From this action-oriented and systemic perspective, conflicts arising around the Kahuzi-Biega National Park (KBNP) are antagonistic and

contradictory based on the control and exploitation of natural resources in the KBNP. These conflicts are expressed both in violence (arrests, killings, evictions, etc.) and non-violence (negotiations, mediation, legal action) between the KBNP/ ICCN (*Institut Congolais pour la Conservation de la Nature*) and the riparian communities, particularly the indigenous Pygmy peoples, and between the latter and other communities.

It is clear that the shortcomings of state institutions are widely linked to their inability to resolve conflicts. The main reason is that these conflicts generally arise from land claims based on local "customary" norms and practices. Customary norms are often overlooked by politico-administrative bodies that manage such institutions (Saïd & Acheikh, 2010). The current state normative framework, in this case, the new Land Law, is not operational until the land registration operations have been carried out. Land registration operations are facing enormous economic, social and political difficulties (Coser-Lewis, 1983; Kujirakwinja et al., 2013, UNEP, 2014; Stiles, 2014).

This paper also discusses the fact that the conservation of protected areas is increasingly contingent on, but can only succeed through, the participation of local communities, who benefit from this conservation. The new conservation policy strategy consists of providing local communities, highly dependent on natural resources from the protected areas, with high agricultural and/or pastoral potential, with a sustainable production system. This chapter will

first focus on the consequences of the conflicts around the park before suggesting strategies for peaceful cohabitation.

The vulnerable situation of people living alongside the KBNP and the general state of poverty affecting almost all the rural communities in the study area do not exempt communities living in and around the KBNP. According to Tubiana (2017), when a population is deprived of its resources and only receives a few benefits, it usually puts significant pressure on the park. The park constitutes the only repository of a range of usable and useful products for local communities living in extreme poverty. Forest products often include for example firewood, charcoal, bamboo, timber, mushrooms etc.

As a result, the dynamics of conflict persist and have been amplified, initially in 2018 by the resettlement of indigenous people in the KBNP, and then through several incidents that have resulted in human deaths, either through clashes and/or indigenous demonstrations.

For this reason, this study is primarily focusing on the dynamics of the conflicts around the KBNP. It further includes perspectives for sustainable solutions to be implemented for peacebuilding and for peaceful coexistence between the KBNP and the neighbouring populations, especially the Indigenous peoples/pygmies. *The main question is whether there are any conflicts between the indigenous Pygmy peoples, the local community and the Kahuzi-Biega National Park in the east of the Democratic Republic of the Congo (DRC). What are the effective mechanisms for achieving lasting peace between the KBNP and the Indigenous Pygmy peoples and other neighbouring communities?* To answer the preliminary question, some secondary questions are addressed:

- What are the consequences of the conflict between the indigenous pygmy peoples, the local community and the Park And Why have the pygmies moved back into the Park?
- What are the sustainable organizational and institutional strategies and mechanisms for

ending these conflicts and promoting social cohesion and stability with indigenous peoples/pygmies?

The aim of the study is to document and analyse the consequences of the conflicts between the Indigenous pygmy peoples, the local community and the Park, and to develop strategies for solving the antagonisms and suggesting effective ways of achieving a lasting peace

METHODOLOGY

The Kahuzi-Biega National Park

Created in 1970, the KBNP was extended in compliance with the 1975 ordinance. Spanning an area of 600,000 ha and located astride the Albertine Rift and the Congo Basin, the KBNP is an outstanding habitat for the protection of tropical rainforest and the Eastern Lowland Gorilla (*Gorilla beringei graueri*), which has a population of just 250 individuals (Mangambu, 2016).

As a vast area for the primary tropical forest, the KBNP includes dense lowland tropical rainforests as well as Afro-montane forests mixed with bamboo forests and a few small areas of sub-alpine grasslands and heaths on the Mount Kahuzi (3,320 m) and Mount Biega (2,790 m) (Mukumba et al., 2021).

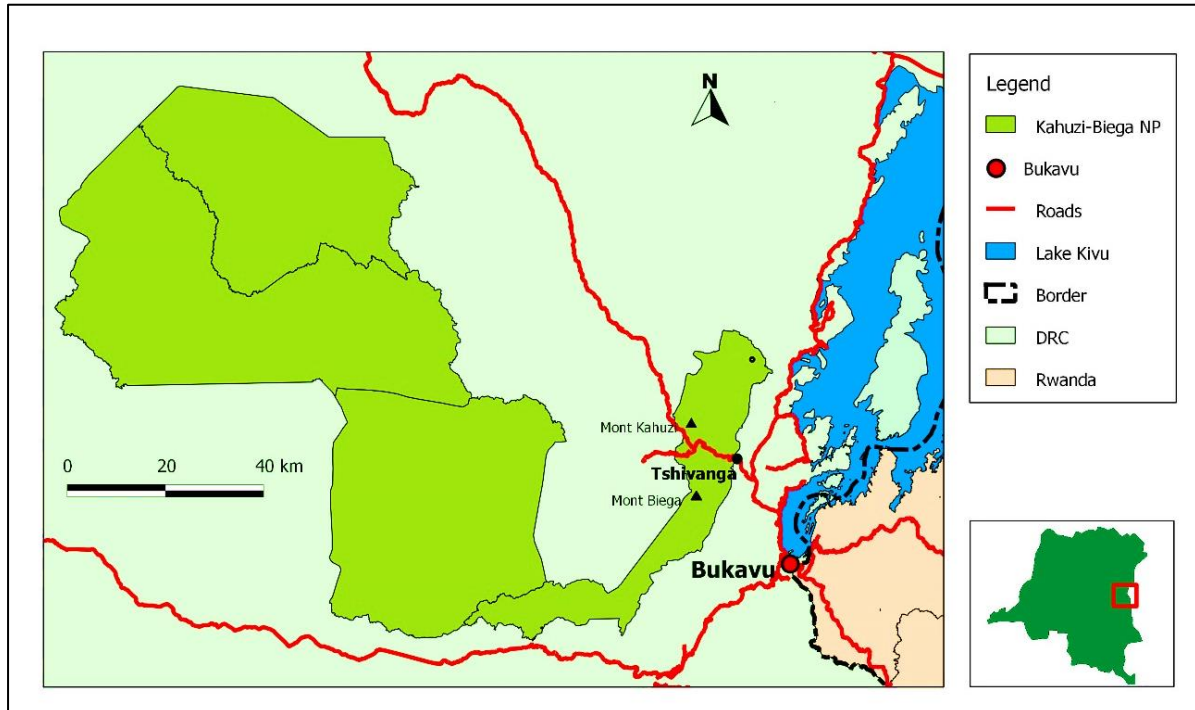
The Park is dominated by two impressive extinct volcanoes, Kahuzi and Biega. According to Mangambu (2016), the KBNP is one of the three important protected areas for biodiversity conservation in the Albertine Rift. The Park is endowed with 136 species of large mammals (15 of which are endemic to the Albertine Rift), 335 species of birds (29 of which are endemic), 69 species of reptiles (7 of which are endemic), 44 amphibians (13 of which are endemic) and more than 1,200 plant species (218 of which are endemic).

According to the same author, the Park was also recognised as a Centre of Plant Diversity by the IUCN and WWF in 1994, with at least 1,178 species recorded in the high-altitude zone. The lower part of the Park is yet to be investigated.

While most of the property is uninhabited, a number of villages were included in the Park when it was extended in 1975, leading to disputes with the local communities. Such issues need to be addressed to enhance the effectiveness of conservation actions. Since 1980, the KBNP has

been promoted as a World Heritage Site. However, as a result of increasing insecurity caused by rebellions and armed militias since 1996, the KBNP was placed on the List of World Heritage in Danger in 2017.

Figure 1: Administrative structure of the Kahuzi-Biega National Park, DR Congo.



Source: https://parcnationalkahuzibiega.files.wordpress.com/2011/10/2011_tourism-map-KBNP-bukavu.jpg

Technique Used

To carry out this study, we used a literature review and field surveys.

- Literature review: The literature review was carried out by compiling administrative archives and other documents, reports from several Non-Governmental Organisations (NGOs), the Park, etc.
- Field research: two key steps characterised the field research. These steps include a pre-survey and a survey.

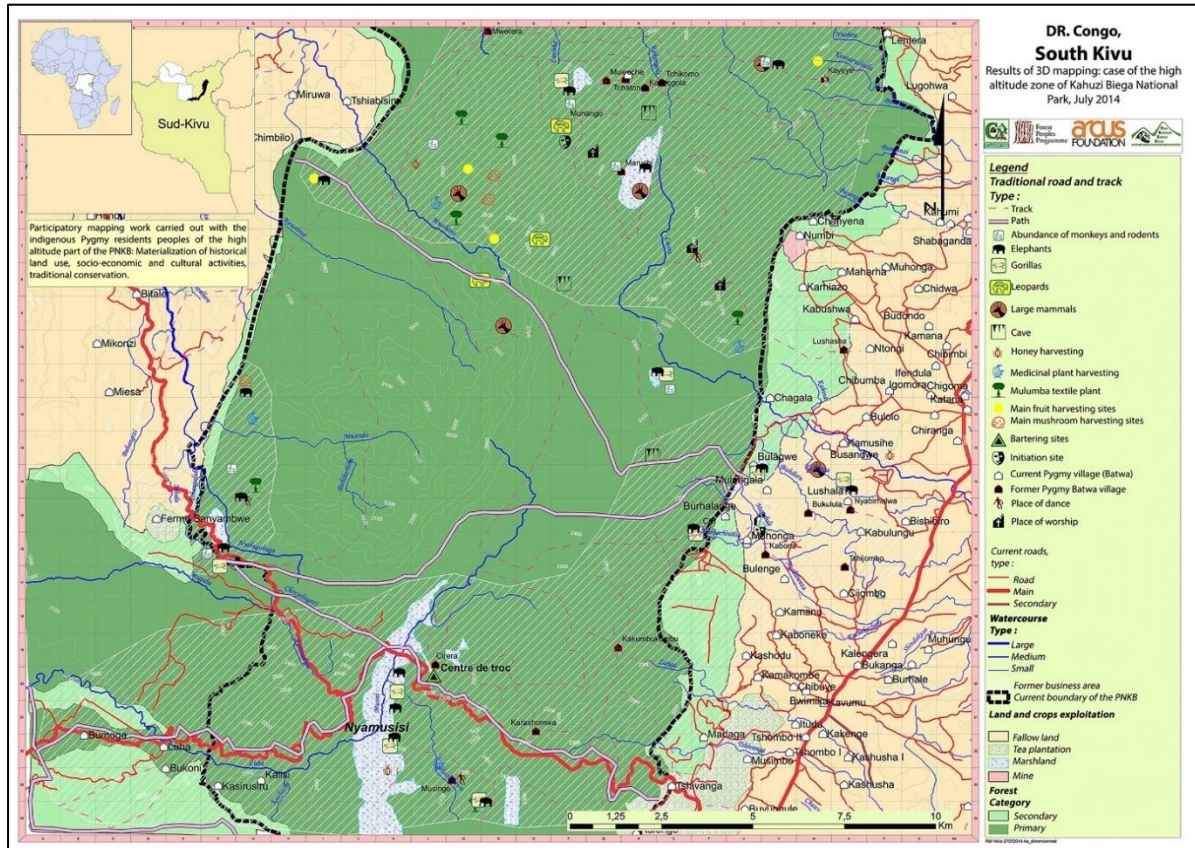
Pre-survey

Two exploratory expeditions, each of two weeks' duration, were conducted among the local population and at the National Park, in November 2021 and January 2022 respectively. Individual interviews and focus group discussions were held

in 15 villages, including 9 in the Kalehe territory and 6 in the Kabare territory, as well as three meetings with the manager of the KBNP. Further meetings were organised with the leaders of various organisations: NGOs that support indigenous peoples and those that support conservation, religious groups that are members of civil society, etc.

Overall, 8 pygmy settlements were visited. The ultimate goal of this expedition was to identify sites that could be investigated, to test the data collection tool, to make initial contact with locals and Park leaders, and to give prior notice of the team's arrival in the next few days for in-depth surveys. This approach enabled the communities to be prepared, the research objectives to be reframed, and the research team members to gain confidence for a longer stay in the villages.

Figure 2: Digitized map of the Pygmies supplemented by a model showing the former customary areas in KBNP



Sources: (CAMV/Forest Peoples Programme 2014 map supplemented by our data).

In the two territories (Kalehe and Kabare), the pre-survey identified several research sites and the villages where the pygmies hunted in the Park were localised. Furthermore, individual interviews were held with 2 land managers, 2 environmental service supervisors and 2 agricultural officers.

Several data-gathering techniques were applied at this stage. The techniques essentially included: disengaged direct observations; documentary techniques; focus group discussions; semi-directive individual interviews. Interviews were conducted in local languages including Swahili, Mashi, Kitembo and Kihavu. Individual accounts of resource persons with long experience in the area were also taken into consideration as indicated by some of the interviewees.

Interviews were conducted with a wide cross-section of the population: men, women, young people, the elderly, local leaders and public

administration executives, representatives of NGOs and religious leaders.

The Survey

The survey was conducted in two stages. The first phase covered two areas, Kabare and Kalehe. This part ran from 12 March to 15 April 2022. The second phase covered diverse patrol sites and some pygmy camps from 10 to 19 July 2022).

A purposive sampling technique was used to select villages. Considering the difficulty of using a probability sample representative for the entire population of the villages selected participant selection and groups of informants were based on the availability, access, and capacity of resource persons as established during the pre-survey. We did so mainly due to the lack of reliable data from census/civil registers in many villages and the time it would have taken to compile such registers. In order to take account of the divergence of opinions expressed by the stakeholders, the

interviews and surveys took account of gender as proposed by Moreau et al. (2004), Touré (2010), and Gavard-Perret et al. (2011). Using the non-probabilistic Howell (2004), Acar and Sun (2013) method, a sample of 400 people was selected for

the survey, which is distributed as follows in *Table 1*. Data processing focused on finding percentages and arithmetic averages of the qualitative data measured.

Table 1: A sample of people surveyed in the Kahuzi-Biega National Park

Surveyed	Effective number	Percentage
Park Ecoguards	55	13,75
Local Authorities	70	17,5
Indigenous Pygmy	100	30
Local Community	100	30
Non-Governmental Organization pro-Park	20	5
Non-Governmental Organizations pro Pygmy	20	5
Traditional Chiefs	35	8,75
Total	400	100

The techniques used were: participatory research, mainly building on the approach of Accelerated Participatory Research Method (*Méthode Accélérée des Recherches Participatives*) and observation (Chambers, 1994; Pretty et al., 2002; Lewis et al., 2008) directly. These techniques were used during an expedition to the project area; as well as semi-directive interviews in groups and bilaterally, based on a previously elaborated interview guide. Data collection also includes testimonies from at least one person with long experience in each village selected.

Data Processing

Survey data were entered into an Excel spreadsheet and then processed using SPSS174 data processing software. The comparative analysis was applied to discuss the results. This analysis essentially consisted of/ comparing opportunities and local management methods in the DRC with those in Cameroon and Gabon.

FINDING AND DISCUSSION

CONFLICT BETWEEN THE KBNP AND THE LOCAL PEOPLE

Relations between the KBNP and the local communities (the Indigenous people and the neighbouring population "*Bashi, Bahavu and Batembo*") have been fraught with tension ever since the park was declared a National Park in 1970 and the communities living within its boundaries were evicted.

During the past few years, in addition to the eviction procedures which have involved the use of force, some Indigenous population defenders have, on several occasions, launched offensive actions against the Ecoguards to counter governmental measures against illegal logging activities or the dismantling of militias or armed groups, including the Pygmies and other riparian tribes (*Bashi, Bahavu and Batembo*). Local chiefs, in particular, have attempted to prevent timber from entering the local market. But such measures have occasionally led to violent opposition from local people and armed groups. Several reports suggest that these measures have been orchestrated by economic interests seeking profit from the exploitation of the Park's resources through the local population.

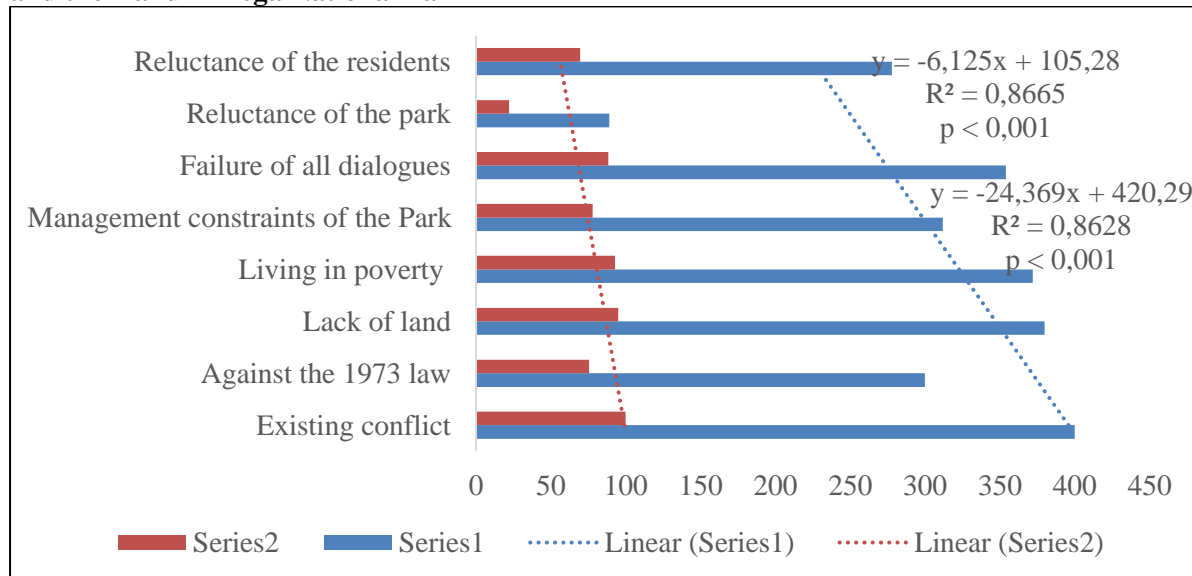
According to our investigations about the root causes and the state of conflict between the Indigenous Pygmy peoples, the local community and the KBNP (Figure 3), we found that they are very significant, close to 1.

Of the 400 respondents, apart from the Park Wardens and some local authorities, 310 people (77.5%) disagreed with Law No. 73-021 of 20 July 1973 relating to the General Property Regime, the Land and Real Estate Regime and the Security Regime. This Law stipulates that the land is the exclusive, unalienable and un-prescribable property of the State, by virtue of Article 53 of the DRC Land Law. While Article 7 of the Forestry

Code stipulates that forests are the property of the State, the Customary authority is also recognised by the Constitution of the DRC (Art 207 of the Constitution). Land chiefs have long enjoyed real power over land and forests at the local level. “We are the only ones who have protected this forest,

which has now become a park. Therefore, we cannot be deprived of our forest”. According to the traditional chiefs and the indigenous people, they deserve to be clarified as to their position in the advent of co-management.

Figure 3: Origin and status of conflicts between Indigenous Pygmy peoples, the local community, and the Kahuzi-Biega National Park



According to the field surveys, 100% of the population surveyed reported the existence of conflicts and the documentation of several reports of allegations of serious human rights violations by the staff of the Congolese Institute for Nature Conservation (ICCN) in the KBNP. We have below compiled the events described by our respondents.

Generally speaking, we observed that access to land is a source of dependence on natural resources that, in turn, correlates more than 95% with the socio-economic characteristics of households.

In this way, according to the surveys, over 93% of the population living along the KBNP is perpetuated/maintained by the lack of economic prospects, forcing the poor to exploit the natural resources around them. In reality, the survival instinct takes priority over the long term, leading to unrest and even the loss of life. The recent increase in conflict is characterised by violence between pygmies and park rangers as a result of their massive return to park areas and acts of

destruction of biodiversity (tree felling, poaching), as well as the greater vulnerability of the pygmies. It is crucial to say that the cause of the indigenous peoples/pygmies around the KBNP seems to be subject to manipulation and recuperation by new players with often diverging interests. Alliances, counter alliances and divergences are developing around the KBNP between a number of players, the most notable of which are the state through the KBNP/ICCN, human rights organisations, nature conservation organisations and local organisational initiatives.

The current state of the KBNP-Population Conflict According to the KBNP

According to the Park authorities and certain activists of the environmental civil society, the DRC's land law and conservation law do not recognise the authorities of the park's original occupants and riparian population to remain in the Park and explore its social, political and ritual functions. Such rituals are essential for the reproduction of customary land tenure systems showing that the "chief of the land" is not the

owner of the land. The latter is merely its administrator and ensures its governance, in the interests of all the members of the lineage society and the indigenous peoples.

Following various negotiations, we have authorised:

- In 2017 the occasional presence of members of the local communities in search of medicinal plants, caterpillars, or dead wood.
- In 2018, members of the Pygmy community in search of land entered the KBNP without prior authorisation, to live there and exploit the natural resources.
- Between 2018 and 2021, the KBNP allowed and sponsored the organisation of two religious ceremonies within the KBNP for members of the Pygmy community.
- According to the head of the Park, despite the goodwill, there are harmful effects on us and our Ecoguards. Indigenous people are now initiating several militias, and the patrols of our KBNP-Ecoguards have often clashed with these militias, such for example:
- In 2019, the presence of community militias and organised armed groups in the KBNP was the focus of several operations as well as patrols by Ecoguards in the so-called *high-altitude sector*, which resulted in violent clashes leading to deaths.
- In April, July and August 2019, the Ecoguards were the target of a temporary kidnapping and at least two attacks by the Pygmy militia.
- Between April and August 2019, Pygmy militia attacked the KBNP patrol post at Lemera.
- Between July and August 2019, there were further clashes with another group of armed Pygmies in the territory of Kalehe (Bogamanda, Kasheke).
- An ambush on 18 June 2021 near the Mugwezi River resulted in the death of two KBNP Ecoguards. The death of these two Ecoguards during a confrontation with

elements of an armed group on a mining site illustrates the ongoing presence of community militias and even armed groups within the KBNP.

According to several reports received and read, the KBNP's eco-guard patrols have clashed several times with a group of armed Pygmies in the territory of Kabare (Kafulumaye - Muyange). These clashes resulted in the death of two Ecoguards and serious injuries. As a result of these misadventures, the KBNP Ecoguards received occasional support from soldiers of the Armed Forces of the Democratic Republic of Congo (FARDC) at the request of the ICCN, as confirmed by the KBNP authorities.

In addition, 15% of the respondents declared that park rangers had died on duty to protect the park in situations of confusion arising from their conflict with the local population. The population of highly protected animals is slaughtered as a result of these armed conflicts. Some of the animals are sometimes disturbed in their natural habitat by bushfires.

In response to these disasters, the KBNP has on several occasions called for support by the FARDC to combat the militiamen. Such requisitions happened both in response to assaults on the Ecoguards by militias or armed groups and further as part of planned operations against these militias or armed groups (Nyatura, CNRD, Raia Mutomboki, etc.) who have taken refuge in the KBNP for illegally exploiting resources.

Current State of the KBNP-Population Conflict According to the Local Community

In our study, 100% of the indigenous Pygmy people, the local community, and 10% of the 17.5% of the local authorities surveyed claimed the Park authorities were sending Ecoguards and the FARDC to kill local people who entered the Park looking for dead wood and medicinal plants. According to the organisation of traditional chiefs, the so-called *Whakatane dialogue process*, we initiated several dialogues between the KBNP and the Indigenous population in 2014. These discussions were relaunched in 2019 with the

high-level dialogue and the Bukavu roadmap. The aim of such dialogue was to ease tensions and enable conflicts over access to the KBNP to be resolved in an inclusive, consensual and non-violent way. It should be noted that attempts to voluntarily relocate certain Pygmy communities outside the Park have been organised since the end of 2019, but this process faced the problem of granting them land outside the Park for their resettlement and killings:

- In November 2020, clashes in Kabamba resulted in 4 (four) deaths, including three Pygmies and a soldier from the regular army FARDC, as well as several injuries on both sides. The dead were buried on 1 December 2020 in Kabumbiro in the Kalehe territory.
- In 2020, the authorities (KBNP and FARDC) conducted several operations which resulted in the arrest of a number of human rights defenders. The last were considered by the authorities to be leaders of community militias belonging to armed groups whose mission was to illegally exploit natural resources within the KBNP perimeter (see the arrest of Chance, Raia Mutomboki, Wazalendo/Nyatura/CNRD).

In 2021, several important operations took place:

- Three in Kabare territory and five in Kalehe: Arrest of a Pygmy militia leader on 21 January at the KBNP in Kabare territory,
- From 7 to 11 May 2021, the Ecoguards carried out another operation called GAZELLE in the KBNP from the Kasirusiru patrol post in Kabare territory.
- From 27 July to 7 August 2021, Ecoguards patrols were held in the area of the Mugwezi River mine.,
- November - December 2021: Operation SAFISHA was launched by the FARDC in response to the assault on Bukavu on 3 November 2021 by an armed group (CPCA-A64) which then took refuge in the KBNP.

The operation even became a joint one and was extended to the Park.

- As a result of these recurring clashes between the Ecoguards, supported by the regular army, and various militias, a number of legal cases and disputes were brought to court to establish responsibilities, because very often, it is the local population who pay the heavy price as collateral victims.

Different Conflict Management Strategies Were Tried Before in the KBNP but Failed

Out of the interviews, 100% confirmed that NGOs had accompanied the dialogues between the indigenous Pygmy peoples (PAPs), the local community and the Congolese authorities at ICCN and KBNP. The aim of these dialogues was to facilitate exchanges between the authorities (local, provincial and national) and the PAP on the various claims leading to regular confrontations.

The dialogues initiated include the following:

- The first in 2014 was focused on obtaining an implementation roadmap, commitments for the creation of pilot spaces for PAPs within the KBNP.
- The second in 2018 focused on safeguarding the achievements of peaceful cohabitation between PAPs and members of the Bashi riverside community.
- And the third, called *the 2019 "high-level" dialogue*, was organised between the PAPs and the ICCN on the sustainable protection of the KBNP and peaceful cohabitation, with the support of the Centre d'accompagnement des Autochtones. (CAA)

During this forum, several solutions were suggested at five levels (central government, provincial government, ICCN and KBNP, customary chiefs and vulnerable minority Pygmy peoples). The dialogues enabled problems and solutions to be identified at several community and state levels. As such, they enabled targeting bodies that could be involved in various actions such as advocacy. In certain contexts, these dialogues contributed to stopping violence and the

rapid and advanced destruction of ecosystems. Finally, they have enabled the problems posed by the PAPs to be included on the topic's agenda discussed in certain CDMs (Dialogue and Mediation Frameworks) set up in villages around the KBNP, such as Kabare and Kalehe, as well as by NGOs working in conflict resolution and human rights.

According to our surveys, 64.5% of the respondents stated that the strengths of these dialogues were that they encouraged direct exchanges between the protagonists on their respective demands relating to the conflicts between the PAP and the KBNP in particular. Moreover, several key recommendations of the demands were retained, the allocation of land to the pygmy peoples living along the river, the possibility for the pygmy peoples to collect non-timber forest products (NTFP), and the funding of socio-economic activities for the people living along the river, such as schools, hospitals and income-generating activities. None of these resolutions have been implemented, or only partially, for the satisfaction of the majority of the victims. The various dialogues also enabled certain organisations supporting the PAPs to introduce extrovert models of demands. In their final declarations, all the parties' round tables unfortunately noted that 88.5% of the cheques in all these dialogues had been returned.

Constraints on Any Conflict Management Initiatives or Strategies in the KBNP

Among our respondents, 78% showed several constraints that are generally linked to the management model of the KBNP and the lack of a special statute governing this National Park.

These constraints included:

- Poor planning of studies on existing and recurring conflicts.
- Poor definition of the stakeholders (actors) in the conflict, leading to poor involvement of the population.
- Lack of a specific operational plan for the KBNP-Population conflict resolution strategy

(prioritisation of conflicts, insufficient funds allocated, lack of interest from KBNP donors, etc.).

- The ineffectiveness of the conflict resolution strategies previously used by the KBNP.
- Legal constraints and failure to adopt the human rights approach and other international principles for conflict resolution about access to natural resources and revenue sharing in the KBNP.

In addition, 68% of our respondents stated that the new revised KBNP Management Plan (2009-2018) does not list the sustainable development actions planned by the KBNP, but only aims to protect the Park. The enhancement of human rights, the protection of Pygmies and the local communities is not a management priority in the KBNP, despite its IUCN Category II status. This field observation supports the findings of Mukumba *et al.* (2021) as shown in the general introduction, which states that these people are marginalised in the KBNP.

Consequences of the Conflict between the KBNP and the Local Population

As a result of these multiple conflicts, tourism is no longer frequent because of the widespread insecurity in the Park. The report by the International Union for Conservation of Nature, IUCN 2018, shows that armed groups, militias and poaching gangs have had a major impact on tourism revenues. In places that are inaccessible as a result of these disturbances, the boundaries are being overrun by cultivators and other peasants and farmers. Unfortunately for the indigenous peoples, the Park receives most of the income from conservation activities, and its benefits are channelled through the central office in Kinshasa, which in turn, decides how it is used without constraint.

According to the KBNP authorities, the indigenous Pygmy people have destroyed the Park's flora and fauna in the high-altitude area. The indigenous people are determined to exterminate protected species at all costs and claim their hills which have been incorporated

into the Park. The conservation project is frowned upon by the local people because the so-called "protected" area is the source of income they need to survive, while the coltan mining favours non-natives.

According to the Pygmies, their land is sacred. They added that today, the lack of arable land, the destruction of the social and cultural fabric, rape and sexual violence, forced recruitment into armed groups, illegal arrests, loss of human life, increased mortality among pregnant women and during childbirth, and infant mortality are all consequences of the dispossession of their ancestral land.

Based on our analyses, the study noticed that the negative consequences are the most numerous and destructive of the social climate between the local residents of the KBNP and the Park authorities. Such factors have affected the physical integrity of individuals, their social development, their social organisation, as well as their collective and individual psychosocial balance. In addition, several indigenous peoples have decided to return to the Park, voluntarily or unwillingly. As one can observe, the recurrent return of the pygmies to the KBNP is the result of the lethargy in the management and resolution of ongoing crises between them and the KBNP.

THE CYCLICAL RETURN OF PYGMIES TO THE PNKB

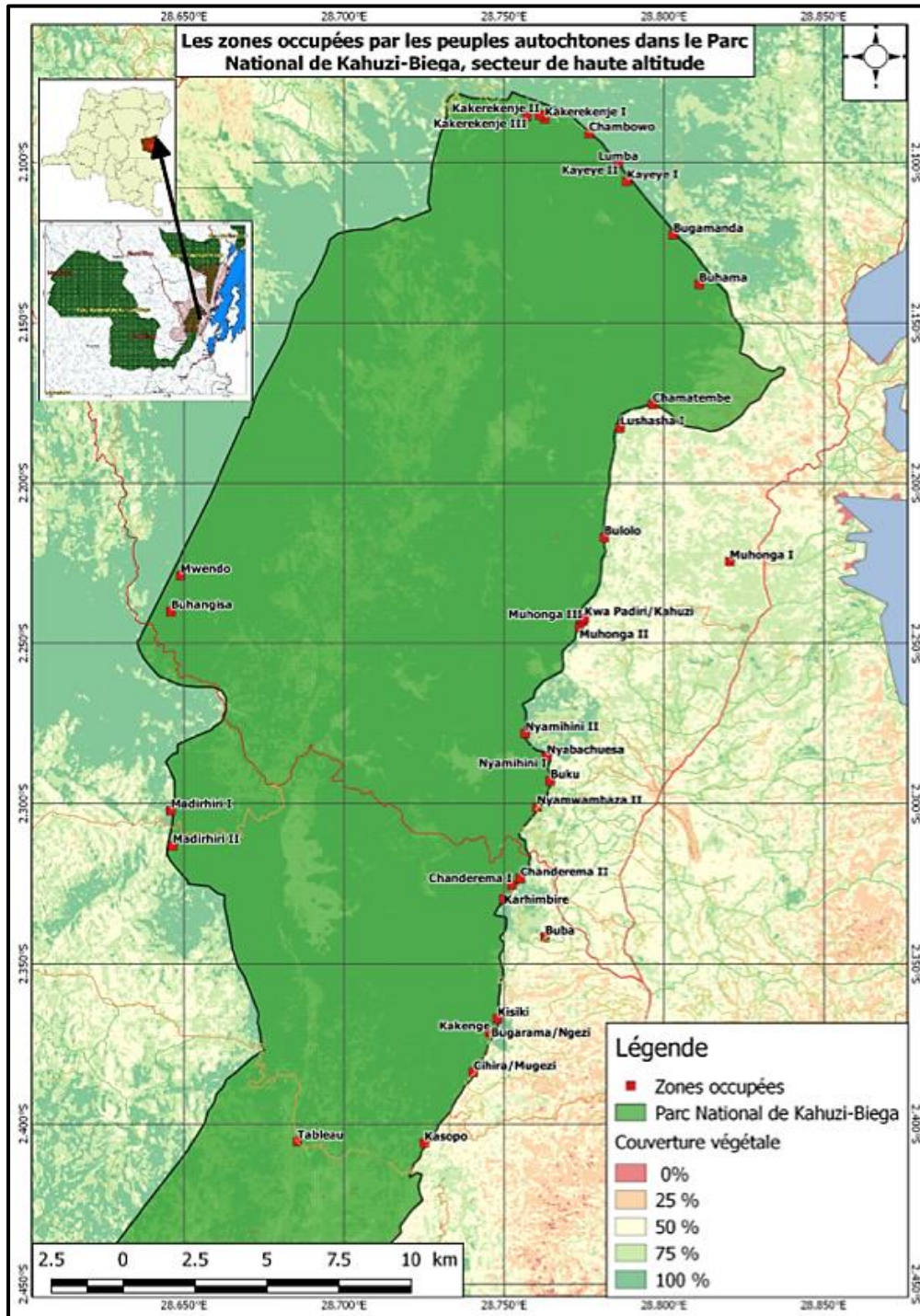
According to both parties, against all expectations, in October 2018, almost 40 indigenous Pygmy households from the village Buhobera in Kalehe decided to return to the KBNP. They declared unfulfilled promises by the Congolese authorities on land issues. The same for the trial and error in the land acquisition, the

intervention strategy, the lack of understanding and harmonisation with the beneficiaries about the concept of land with the non-state and state partners on the issue of land for Pygmy local residents. "*We have become landless displaced persons in our own country, and yet in front of us was our customary land, which contains everything we need to survive*", said a Twa from Buhobera, once interviewed after they had entered the KBNP. According to the KBNP, the Buhobera Pygmies will gradually be joined by several other Pygmies (or Barwa=Pygmies=Twa) from Kabare and Bunyakiri (Figure 4).

The Pygmies opened up the forest and used the Bantu as workers to make charcoal and saw planks. Some will engage in subsistence farming in small areas. Others will use non-natives to dig artisanal gold, according to the KBNP. Given the present situation, and the extreme poverty of the Pygmies and their ongoing survival issue, it is hardly surprising to observe such abuses. "Returning to the Park seemed like a temporary opportunity to make the most of it", declared a local leader in Kabare.

According to the Pygmies, they complain over their exclusion from working as Ecoguards in the Park. Very few of them do this job. They are paid less than their peers from other communities. As a result of this denial of access to the forest, their knowledge of traditional medicine is in danger of being forgotten by the new generation, which no longer has access to it. It's like in traditional African society, where people identify with its hill (customary land) and its forest. The dispossession of their land has left the indigenous Pygmy residents without any identity. This creates a sense of uncertainty and insecurity for present and future generations

Figure 4: An overview map of the various illegal occupation sites by KBNP managers between 2018 and 2022.



CONFLICT RESOLUTION STRATEGIES BETWEEN THE KBNP AND THE LOCAL POPULATION

Our research results have shown that in an environmental conflict, stakeholders use two kinds of communication. The first is economic, in which a cost/benefit analysis is made. All the externalities are then translated into money before

any activity can take place. Secondly, there is a human language in which we find values that can be ecological, cultural, social, etc. that promise good living together for populations and economic players. In this way/sense, we think of the mechanisms of political ecology, which focuses on environmental conflicts and notes that

the languages used to express them can be very different

The study also found that the current state of affairs in relation to the KBNP-population conflict is a conflict linked to the loss of income, jobs, public revenue, and environmental services. Moreover, traditions, customs, rules, laws and policies about access to, use of, and management of natural resources are intended to bring order and predictability to those situations where competition and conflicting interests prevail within communities.

In this sense, we believe that conflicts are often unavoidable because natural resource specialists are increasingly involved in mediating between diverse stakeholders. However, we have found that participatory conflict resolution, which builds trust and strengthens communication between the various parties involved, does not exist between the KBNP and the local population. It does not promote inclusive solutions that emerge from the broad point of view of the stakeholders. Therefore, it does not make the policies, institutions, and processes that govern access to land, natural resources and the benefits of these resources more transparent.

To mitigate the recurring conflicts around the KBNP, several initiatives, both institutional and private, have been implemented. They are linked to the radical change that occurred over the past few decades. The initiatives aim to reconcile the protection of protected areas with development so that the people living around protected areas can feel involved. Based on the various conflict management and diplomacy approaches previously attempted by KBNP that have failed, we have suggested three other mechanisms for resolving this conflict. Such strategies include the applicability of the *new conservation paradigm* to the KBNP, good governance and the environmental conflict resolution mechanism.

Conflict Management Strategy as a Way Out of the Crisis

The issue of the rights of local and indigenous people is more than ever at the heart of the

international forest resource management agenda (Sikor & Stahl 2011). Indeed, these population groups are requesting a set of rights inherent in land and forest tenure, local cultures and their involvement in the natural resources management adjacent to their biotopes, which have now become protected areas and sources of several conflicts. Facing these demands and the social pressures from both the grassroots and the NGOs that claim to represent them, the international community and several states have developed various legal mechanisms both recognising and promoting the rights and duties of these vulnerable social categories with regard to biodiversity.

One of the responses to riparian stakeholders' demands for environmental justice is undoubtedly the natural resource conservation approach based on promoting and respecting their rights (Campese et al. 2009).

The *Whakatane mechanism*, which promotes and supports the respect for the rights of indigenous peoples and local communities and their free, prior and informed consent in protected area policies and practices, as required by IUCN resolutions, the Convention on Biological Diversity (CBD) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It is an initiative aimed at assessing respect for human rights in protected areas in order to resolve conflicts between the management authorities and indigenous people (Freudenthal et al., 2012).

This Whakatane mechanism assesses the situation in the various protected areas around the world where people are negatively affected and suggests solutions and implements them in line with the new conservation paradigm.

To resolve the conflicts between the KBNP and the riparian populations, the following factors have to be taken into consideration:

- The conservation strategy
- The community conservation strategy promoted by ICCN,

- The application of the new IUCN conservation paradigm and
- The application of the IUCN's good governance of natural resources.

We did not address the strategic management of conflict transformation in our research for several reasons. The main reason is that conflict transformation implies rehabilitating individuals to personally engage in processes of change, in order to recreate sustainable conditions for peace and justice (Lederach, 2003). This does not fit with the objectives of this work.

Community Conservation Strategy

The strategy for community conservation in the DRC was drawn up in 2008 on the initiative of the ICCN to manage protected areas during the post-conflict period. It is a document that should, in principle, be given legal backing in order to organise this sector of protected area conservation to support the new conservation law. The first phase of its application (*Stratégies de Conservation Communautaire -RDC (CoCo-RDC): 2008-2011*) was tested between 2008 and 2011. The second stage of this strategy aims to involve the local community, the riparian community and the indigenous population in participatory management and development, i.e. the management of protected areas.

Its role is to help reduce poaching and the destruction of the Park and to channel ICCN's support for local development. They are each run by a steering committee made up of almost 10 to 12 people locally elected. They were elected during a general meeting including full members, members and supporters.

Only full members can vote. A spokesperson was elected to be in charge of the executive of the Community Conservation Committee (CCC) and to look after its day-to-day management in accordance with the nine guiding principles on which this Programme for the involvement of the surrounding population in conservation and integrated development is based. As set out in the National Community Conservation Strategy drawn up by ICCN in 2008, which are as follows:

- Ensure greater community involvement in the conservation of natural resources.
- Promote conservation-development activities and income-generating activities to help improve communities' living conditions.
- Identify and promote the equitable sharing of revenues generated by the conservation of the KBNP at local, national, sub-regional and international levels.
- Strengthen support for local communities through minimising the sources of conflict with them.
- Promote partnerships with the private sector and other development partners to obtain their effective involvement in community conservation activities according to the PPP (Public Private Partnership) principle.
- Encourage local people to participate in the sustainable management of natural resources by establishing a climate of trust and dialogue between various stakeholders.
- To develop and strengthen the partnership between the various stakeholders in order to optimise their involvement in the management of natural resources.
- To promote the rational and sustainable use of natural resources inside and outside the KBNP by local communities while ensuring sustainability.
- Achieve greater involvement of stakeholders in decision-making and the sharing of responsibility for the sustainable management of natural resources.
- Promote the effective involvement of women in the sustainable management of natural resources (shared responsibility and decision-making) at national, provincial and local levels.

In reference to the planned community conservation activities in the Development and Management Plan (PAG: 2013-2018), it is stated that the involvement of local communities in the conservation of the KBNP is a priority area for

conflict resolution. In addition, the Park has continued an approach that attempts to reconcile strict protection with integrated conservation. This has been maintained by the Park since the 1980s, with an exclusive model for the protection of the natural resources of the KBNP.

We are therefore confident that considering the mission assigned to the Community Conservation Committees by the Community Conservation Strategy (CoCo), it is a framework for resolving conflicts and expressing concerns on the ground.

Applicability of the New Conservation Paradigm to the KBNP

The understanding of the scale, location and nature conservation values of the lands over which indigenous peoples exercise their traditional rights is central to the implementation of several global conservation agreements (Garnett et al., 2018). Indigenous participation in the management of protected areas is emerging as a new paradigm in global conservation (Glon & Chebanne, 2012). The new approach to conservation and protected area (PA) management does not aim to protect nature from the local population, but to protect or restore the population's sustainable relationship with its environment. This means that protected areas must no longer be established technocratically or dogmatically, but rather require sensitivity, foresight and appropriate consultation. Protected areas must be managed with the participation of local communities and indigenous peoples (Phillips, 2003).

In light of the new conservation paradigm, the PAG 2009-2018 management tool, version 2013, theoretically mentions community participation, sharing of revenue from Park conservation, promotion of gender equality and dispute resolution. To protect and sustainably manage the KBNP's biodiversity, we propose that this new paradigm be applied and integrated into the 2020-2029 Management Plan (PAG), which is currently being drawn up for the KBNP. The PAG 2009-2018, a revised version of 2013, did not set out certain challenges that prevented the achievement of the objectives for the sustainable management

of the KBNP, including the conflicts between the "population, the park and other entities".

The applicability of the new conservation paradigm proposed by IUCN promotes community participation, respect for local tradition, sharing of revenues from Park conservation, promotion of gender equality and dispute resolution. It lacks the key element of promoting the rights of pygmies, valuing their cultures and traditions, sharing the benefits of conservation and tourism in an equitable and balanced way, and addressing issues of access to and use of customary land.

For the KBNP, we believe that this applicability will consolidate:

- The continuous awareness of the pygmy's spirit or awareness of the problems of the Pygmy community.
- The schooling of some indigenous Pygmy children.
- The opening up of some Pygmy leaders to the outside world through advocacy trips.
- Gradual socio-cultural integration.
- Access for some members of the Pygmy community to formal employment such as eco-guards, journalists, etc.
- The conflicts have opened up economic opportunities in the region through the trade in timber planks and minerals.

This being the case, applicability could transform the way of life of the indigenous population by adopting other types of economic activity, abandoning the traditional mode of production, of hunting and gathering. The continuous awakening of the Pygmy spirit will also be marked by awareness of the problems and cultural mutations for the conservation of the KBNP. Moreover, the KBNP authorities will have to recruit members of the Pygmy communities in the structures and the administration of the KBNP.

These elements of the application of the new conservation paradigm to the KBNP can create a model for conflict resolution that takes into

account the endogenous norms of Indigenous peoples. State norms are exogenous to their way of life. And so exogenous state norms need to be reconciled with the endogenous norms of the Pygmies? Achieving this would be the ideal for lasting resilience.

Compliance with the Conservation Policy and Human Rights Obligations

The new conservation paradigm outlined above determines conservation policy and human rights obligations. Stevens (2014) and Tauli-Corpus (2016) have shown that effective protection of the human rights of indigenous peoples and local communities improves the protection of ecosystems and biodiversity. Therefore, "attempting to conserve biodiversity by excluding them from the management of a protected area is generally doomed to failure". In this context of exclusion, the relocation of indigenous populations has resulted in social implosion and a lack of interest in conservation (Phillips, 2003).

On the other hand, one of the pillars of a protected area management strategy is participatory management which recognises the traditional and customary rights of local and indigenous populations within and around protected areas (Angu et al., 2012). Participation improves relations between stakeholders and deepens mutual understanding of different opinions to minimise conflicts in the sustainable management of a protected area's natural resources (Young et al., 2016; Lambini et al., 2019).

In DR. Congo, the national strategy for community conservation (2007 - 2011) (full version, July 2008) is a breath of fresh air in favour of a paradigm shift in conservation. One of the components of the strategy was to promote the involvement of local communities and indigenous peoples in the establishment, creation and management of new protected areas by: "conducting participatory studies/surveys beforehand. These participatory studies were meant to ascertain the various reasons for creating the protected area; identifying and demarcating together (*participatory mapping*) the different zones according to their use: integral protection

zone, partial protection zone, multiple use zone, etc.; encouraging communities to set up their own protected areas and to participate in the management of these areas. Encourage communities to set up self-managed PAs based on existing examples".

The national strategy for community conservation in protected areas in the DRC (2015-2020) endorses the 2007 strategy, referring to the *Whakatane* mechanism in its chapter on the legal and institutional status of community conservation in protected areas at international and regional levels. It also stresses the importance of considering the rights of Indigenous communities (living both inside and outside the PAs), which strengthens the participatory management of protected areas with neighbouring populations.

Application of the IUCN Good Governance of Natural Resources

For the IUCN, good governance is a form of management that involves both the transfer of roles between stakeholders in the power of implementation and the participation of other private actors such as civil society, environmental protection and human rights associations, etc., in the management of protected areas. According to Rosenau (1992) and Barhalengehwa (2012), in such a case, decisions are no longer the prerogative of the ICCN's central authority, but rather the result of consultations and negotiations between stakeholders. This form of natural resource governance is based on principles and values freely chosen by the local people (Graham et al. 2003).

At the KBNP, the application of good governance of natural resources as advocated by the IUCN, involving co-management in the Park, is conceived as an innovative model to be implemented, to improve the living conditions of local populations and ensure the sustainable conservation of biological resources. (Saleh, 2012).

This strategy, which is modelled on the IUCN model and applied to the KBNP, suggests that all

stakeholders should be aware of the objective from the outset and that the responsibilities of each party should be clarified by maintaining a database on the park. In addition, many protected areas are likely to change their model of governance over time. From this point of view, it is likely that several governance approaches will coexist within the boundaries of the same Park.

Knowing in advance that the KBNP according to the IUCN categorisation is in category II, an operating and management model is suggested in advance on the basis of the elements described below:

- Identification of management objectives.
- evaluation of the site in conformity with the definition of a protected area in accordance with IUCN standards,
- documentation of characteristics,
- proposal of legal status,
- Determination of management objectives, etc.

All this information contributes to the proposal for categorizing a national park, ideally in category III. Ideally, a consultation is held to agree on the category, but the local government always has the final decision, according to the IUCN.

IUCN also recognises the contribution of international agreements and instruments that have established principles of governance and values, such as the CBD, the Aarhus Convention, the UN Convention to Combat Desertification, the Universal Declaration of Human Rights and the UN Declaration on the Rights of Indigenous Peoples.

We believe that the co-management model advocated by the IUCN and applied to the KBNP could help to overcome the conflict between the stakeholders and promote cohesion in the management of the KBNP. It should also be noted that the benefits of co-management in terms of biodiversity protection and the survival of local populations must be proportionate with the time and resources (financial and material) invested and the hopes in the process by local people.

Therefore, as stated in the PAG/KBNP, co-management in the KBNP remains an ideal to be achieved. If it is implemented under the current conditions of conflict between the stakeholders, its sustainability is doomed to failure. Compared to the Benoué reserve in Cameroon, this co-management approach has stigmatized the various users in conflict, both practically and theoretically. Stakeholders were more attracted by promises and short-term benefits than by the sustainability of the expected results (Saleh, 2012). For the KBNP, the IUCN model appears to be adapted to the governance situation, with the legal aspect regulating the protected area, in all cases constituting a barrier to be overcome for all initiatives likely to provide solutions, whether in the context of management or even any kind of conflict resolution strategy.

Impact of Forest Royalties in Protected Areas on Local Development

Forest royalties are one of the main innovative mechanisms for redistributing and share of revenues from industrial logging to peripheral stakeholders such as communes and people living near concessions (Sone et al.; 2017). This is in line with the political objective of strengthening local development funding and reducing poverty in rural areas. However, numerous evaluations of this mechanism and its actual effects on local development have demonstrated relatively low effectiveness and efficiency, as well as proven inequity (Triplet, 2009; Tchéchoupard, 2017). Indeed, in a context characterised by systemic poor governance, a predatory political-administrative elite has seized upon the objectives assigned to such a mechanism.

These royalties of the KBNP can become like the rights of local and indigenous populations, which can be understood as deriving from "a bundle of rights that create constraints and obligations in the interactions between this social category and the various institutions". They can be recognised today through the mechanisms of procedural rights (participation in decision-making, acquisition of information, notification of decisions and other acts, and access to justice) and

substantive or fundamental rights (right to life, personal security, health, to an adequate standard of living, to education, to development, to a healthy environment, to access to natural resources and benefits, to free, prior and informed consent, to self-determination, to representation, to the exercise of customs).

The rights of indigenous and local populations are considered in the legal framework, at least from a formal point of view. Nevertheless, an assessment carried out by the Rainforest Foundation in 2016 clearly showed that the rights of local communities and indigenous peoples were in decline in the management of Central African forests, particularly around protected areas (Pyhälä et al., 2016).

CONCLUSION

The genesis of this process led to the repeating eviction of indigenous Pygmy peoples from the KBNP. The analysis demonstrated the recurrence of land-related conflicts, which constitutes the core around which the other conflicts analysed are structured. These are conflicts linked to the theft of cultures, social conflicts taking the form of discrimination or unequal treatment, and conflicts linked to the exploitation of natural resources, such as timber and minerals. The research reviewed the various root causes of these conflicts and concluded that there are both older and more recent ones.

The oldest root causes are linked to land tenure and are related, among other things, to the eviction of Indigenous peoples from the KBNP, the creation and extension of the KBNP, the lack of specific land allocated to Indigenous peoples after their eviction from the Park, and the refusal to carry out traditional practices within the Park.

The results also illustrate that the consequences of conflict between the KBNP and the local population have led to human death, poaching, illegal fishing, human settlement and vandalism (revenge for frustrations). All of this has moved Indigenous peoples to return to the Park because of the easy access to land and natural resources,

which are fundamental for their social economic independence.

In addition, the insecurity of land tenure in the Park constitutes the driving force behind conflicts due to inequality. The lack of land tenure affects the indigenous peoples as well as other local communities and the Park, creating conflicts around the KBNP. As far as the root causes described, the results of the study categorize them according to a double criterion: the criterion of temporality and the criterion of nature. Does the first criterion highlight *the distant causes* (the eviction of PAPs from the Park without prior preparation, land compensation or sustainable support measures) and *the recent or immediate causes* (the lack of land by local residents, economic insecurity, the illegal exploitation of resources by local residents in the KBNP, the perception of discrimination and the exclusion among pygmies, the failure of the ICCN and its partners to honour the commitments made for these various local residents, and sometimes the instrumentalization of AP? indigenous peoples and local organisations).

While the document on the ICCN's national biodiversity conservation strategy provides guidelines for finding solutions to promote cohabitation between conservation stakeholders, there are however several constraints, such as the poor planning of studies on existing and recurring conflicts, a poor definition of the stakeholders (actors) in the conflict, leading to poor involvement of the stakeholders, etc.

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