



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR INTERNATIONAL COOPERATION AND DEVELOPMENT  
Central and Southern Africa, Indian Ocean  
Acting Director

Brussels, 20-12-2020  
DEVCO/E1/LR/sfg  
[devco.e1.dir \(2019\)8495341](#)

Dear Mr. Counsell and Mr. Corry,

Thank you again for your letter dated October 30, 2019 (ref Ares (2019)6725111).

We would firstly like to highlight the European Union's deep-rooted commitment to the protection of biodiversity and the promotion of communities' livelihoods, both to be pursued with the fullest respect for the human rights of indigenous and local communities, in line with paragraph 44 of the New European Consensus on Development.

The EU recognises that protecting the ecosystems that constitute a major source of local communities' livelihoods requires integrated approaches, which place people and peoples' rights at the centre. With this, we believe that our organisations pursue common goals: We all aim to promote environmental protection for the wellbeing of all people, importantly of indigenous and local communities, under full respect of their human and indigenous rights.

However, we acknowledge that pursuing integrated approaches can be a challenge, especially in fragile contexts, where rule of law, governance frameworks, and respect for human rights are weak. In these contexts, the EU is supporting an ongoing process for improvement, conceptualising programmes with the deepest respect for human rights and with the goal of supporting livelihoods in mind. We need to recognise that change does not occur over night, but that continuous progress is our aim.

We must also highlight that the EU's engagement in development cooperation follows principles of government ownership. In line with the Cotonou Agreement, partner countries' own national development strategies provide the basis for EU bilateral cooperation, formalised in National Indicative Programmes jointly signed by partner countries and the EU. Ultimately, this means that the EU provides financial support for policies and programmes decided jointly with the partner country, while remaining politically responsible.

Simon Counsell  
Executive Director  
Rainforest Foundation UK  
[Joe@rainforeststuk.org](mailto:Joe@rainforeststuk.org)

Stephen Corry  
Director  
Survival International  
[ask+request-6989-81824fed@asktheeu.org](mailto:ask+request-6989-81824fed@asktheeu.org)

Against this background, we have compiled available and relevant information in relation to conservation projects funded by the EU in the Republic of Congo, the Democratic Republic of Congo and the Republic of Cameroon. We hope that this information will clarify how the EU addresses issues of human rights in the programmes it funds. To this end, please find an overview of our enquiries and responses in the annex enclosed.

Finally, it is with interest that we have read about the projects Rainforest Foundation UK is implementing in the Congo Basin and the recommendations proposed in various reports. In order to exchange views and discuss how your recommendations can inform the EU's conservation-related policies, we propose a technical exchange in the second half of January between officers of both your and our organisations responsible for programmes in the Congo Basin at technical level. Please let us know when representatives of your organisations will find themselves in Brussels available for a meeting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Francesca Di Mauro', with a stylized flourish at the end.

Francesca DI MAURO

## **Republic of Congo**

In Congo-Brazzaville, the EU provides funding under the contract "*Conservation et Gestion Participative de la création de l'Aire Protégée de Messok Dja et de sa périphérie*", concluded between the European Commission, WWF and the Agence Congolaise de la Faune et des Aires Protégées (ACFAP).

- Firstly, we would like to provide you with an update on the **exchanges between the EU delegation and its implementing partners in Congo-Brazzaville**, as mentioned in point 1 of your letter.

The EU Delegation in Brazzaville communicated with WWF in April 2019 regarding the alleged human rights violations, the safeguards set in place to prevent human rights abuses, as well as the grievance mechanisms in place. WWF subsequently provided explanations of the several actions under way or already completed taken by WWF to prevent and address alleged human rights violations. Next to WWF's own investigations into alleged cases and the collection of further grievances, an expert panel<sup>1</sup> was created to conduct an impartial and independent review of human rights allegations. To prevent further human rights violations, WWF has reinforced trainings on the respect for human rights and rights to customary use for ecoguards, to be gradually extended to all ecoguards operational within the ETIC (*Espace TRIDOM Interzone Congo*) project, as well as drafted a code of conduct for ecoguards and reviewed internal regulations. In addition, WWF has instructed an NGO consortium to carry out the Free, Prior, and Informed Consent (FPIC) process between November 2018 and June 2019, concluding in mixed results regarding consent to the creation of a protected area.

The EU Delegation has further participated in meetings with WWF to ensure that concrete actions are taken to safeguard human rights in conservation projects. As part of this process, WWF has clarified that performance bonuses for ecoguards exclusively apply in cases in which arrested suspected poachers are presented to a judge and convicted, discouraging incentives for unfounded arrests by ecoguards.

In April 2019, WWF also hired the international NGO Forest Peoples Programme (FPP) to assess the ongoing FPIC process. The evaluation confirmed shortcomings in the FPIC process and suggested to readjust the strategy to strengthen engagement with communities on the questions of management and conservation of Messok Dja. In response, WWF management resolved to readjust their strategy to engage in more in-depth exchange and collaboration with communities on conservation and the sustainable use of Messok Dja in general, to build trust and determine opportunities for community benefits and participatory decision-making, which they commit to invest in.<sup>2</sup>

To this end, WWF convened all stakeholders including affected communities and government authorities to a workshop in Ouessou (North of the Republic of Congo) on November 18 and 19, 2019 to present the results of the FPP evaluation and discuss the

---

<sup>1</sup> The expert panel comprises Navi Pilay, former United Nations High Commissioner for Human Rights, John Knox, former Special Rapporteur on human rights and the environment, and Kathy MacKinnon, Chair of the World Commission on Protected Areas (WCPA).

<sup>2</sup> Please find the reports by the NGO consortium, by FPP and WWF's management response here: [www.wwf-congobasin.org/where\\_we\\_work/tridom\\_tri\\_national\\_dja\\_odzala\\_minkebe/](http://www.wwf-congobasin.org/where_we_work/tridom_tri_national_dja_odzala_minkebe/)

reformulation of strategy going forward.<sup>3</sup> The EU Delegation was involved in the definition of the objectives of the workshop and participated. The workshop was marked by constructive exchange allowing all parties present to express their positions and voice their concerns. Community representatives of the 37 concerned village, who had been given an explicit mandate to discuss and express community views, showed themselves favourable to the general idea of a protected area that addresses the human-wildlife conflict, problematic relations with ecoguards and the encroachment of mining and forest concessions on their livelihoods. Concluding the workshop, participants resolved to continue the FPIC process over the course of the next year according to the current national and international laws and regulations applicable in Congo-Brazzaville and to jointly exchange on and decide on the type of protected area to be created, taking into account community grievances.

In addition, the EU coordinates with other donors in order to offer a coherent response to the needs of the region and to learn from each other's experiences.

Moreover, the Technical Assistant associated with the regional ECOFAC 6 program funded by the EU undertook a mission to assess the ECOFAC 6 programs in Congo-Brazzaville in August and September 2019. The Technical Assistant recommended further strategies to improve the management of protected areas around Messok Dja and the FPIC process.

- Secondly, we would like to highlight some of **the enquiries made with human rights bodies and partner governments**, as mentioned in point 2 of your letter.

As part of their regular exchanges with national partners, the EU delegation has enquired with the Congolese Minister of Environment into how the government addresses alleged human rights violations in the ETIC area. The Ministry has subsequently confirmed its ongoing commitment to verify allegations, remedy confirmed abuses, to ensure training and good conduct of ecoguards in terms of respect for human rights.

Moreover, the EU supports human rights through the European Instrument for Democracy & Human Rights (EIDHR). Through this instrument, meetings between the EU delegation and Human Rights defenders regularly take place and serve as a point for dialogue on issues of human rights in Congo-Brazzaville, including those related to conservation policies.

Furthermore, the EU delegation requested a monitoring visit by the Observatoire congolais des Droits de l'Homme (OCDH) which yielded nuanced conclusions. According to OCDH, insufficient tangible elements could not lead to confirm the allegations of torture, rape and physical abuse. However, there were issues of concern with the FPIC process, excessive and unfair detentions perceived by local communities, and the question of access to resources.

On this basis, we are reviewing the grant agreement between WWF and the EU regarding the proposed protected area of Messok Dja.

### **Democratic Republic of the Congo (DRC)**

---

<sup>3</sup> Please refer to this link for further information: [https://wwf.panda.org/wwf\\_news/?356639/Republic-of-Congo-Engaging-communities-in-the-future-of-Messok-Dja](https://wwf.panda.org/wwf_news/?356639/Republic-of-Congo-Engaging-communities-in-the-future-of-Messok-Dja)

In DRC, the EU funds, amongst other projects, the contract between WWF and the government of the DRC for the action entitled “*Programme Agricole Rural et de Conservation du Complexe de Salonga (PARCCS)*”.

- In reference to point 1 of your letter, **the Commission has exchanged with its implementing partners in DRC**, as detailed in the following.

The EU Delegation in Kinshasa has addressed operators in July 2019 reminding them of their duty to respect human rights, national and international standards and prevailing labour law. In parallel, the EU delegation inquired (i) into all measures taken and envisaged to ensure that eco-guards are not implicated in human rights abuse and (ii) into grievance mechanisms in place.

Subsequently, WWF as co-manager of Salonga National Park explained how they aim to safeguard human rights in relation to the park through an array of measures. A code of conduct and specific guidelines for ecoguards are currently undergoing validation by the *Institut Congolais pour la Conservation de la Nature (ICCN)* as the governing body of the park. In addition, re-enforced training measures at recruitment, throughout employment and during awareness-raising sessions serve to strengthen staff's awareness for and capacity on human rights and national regulations. Park management periodically evaluates compliance with the guidelines and regulations. Confirmed violations of human rights are punished in accordance with ICCN procedures and prevailing law in the DRC. WWF is also rolling out its Environmental and Social Safeguards Framework (ESSF), which provides an institutional mechanism to manage the environmental and social risks of WWF's work and includes a response protocol on human rights abuses.

In addition, the EU continuously monitors the project in and around Salonga National Park, including the human rights situation and the implementation of due diligence, monitoring rights of access, forced displacement as a consequence of park zoning, and violations in relation to anti-poaching measures. The EU in concurrence with experts recognises that an interruption of funding would lead to increased incidents of human rights violations on the hands of commercial poachers and present a disservice to improving due diligence.

Moreover, the delegation plans to further address the issue of respect for human rights in relation to conservation with all operators involved in the implementation of EU-funded conservation projects in DRC in December 2019 and to encourage the identification and sharing of best practices.

- Secondly, we would like to highlight some of **the enquiries made with human rights bodies and partner governments**, as mentioned in point 2 of your letter.

The EU delegation in Kinshasa holds regular dialogues with human rights defenders and monitors the human rights situation, including indigenous peoples' rights, addressing the interlinkages between environment and human rights. The latter is achieved for instance through EU-funding to the Forest Peoples Program (FPP), that supports, amongst others, “*La Dynamique des Groupes des Peuples Autochtones*” (DGPA), a network of 43 indigenous peoples' organisations from across the DRC.

### **Republic of Cameroon**

In the Republic of Cameroon, the EU finances conservation activities of the African Wildlife Foundation in Dja Faunal Reserve, Faro National Park and Dja Wildlife

Reserve, and financially supports the Forest Peoples Programme in non-conservation activities.

The EU delegation in Yaoundé regularly **exchanges with partner organisations** in Cameroon, requesting updates on their activities regarding the safeguarding of human rights on a bi-annual basis.

The **African Wildlife Foundation (AWF)** has most recently detailed their activities to ensure human rights standards in November 2019, described in the following.

AWF utilises a rights-based approach to conservation for the Dja Faunal Reserve and Faro National Park that is implemented through the ‘Forum of Actors’, which represents an environment in which the claims of rights holders and obligations of duty bearers can be discussed. By allowing local communities to raise concerns and be informed about the actions of duty bearers, the Forum promotes participation and accountability while providing space for grievances and conflict resolution. An internal performance standards and risk assessment framework is under development.

Following recommendations produced during the 5th session of the Forum du Dja held in Djoum between July 2 and 4, 2019, AWF revised their strategies on anti-poaching and community involvement. Ecoguards receive explicit training on human rights, stakeholders of the ‘Forum of Actors’ are informed on the principles of FPIC, and Baka Indigenous Peoples’ Associations (ADEBAKA, ABAWONI, ABAGUENI, CADDAP, OKANI) receive training on their rights. In addition, AWF resolves to strengthen the participation of Baka Indigenous Peoples in Conservation and Development Activities by empowering Baka communities to engage in participatory-decision making and to determine opportunities for community benefit, as well as by contributing to the recognition of customary Baka lands.

### **Grievance mechanisms**

Grievance mechanisms are operational or in the process of formulation and validation for EU-funded conservation projects. Firstly, the ETIC project has put in place a grievance mechanism, drafted in 2017 and operational since October 2018. The first complaints were received in January and processed in collaboration with the concerned community, a legal expert/attorney of the ETIC project as well as a representative of the respective administrative division. Secondly, a grievance mechanism for the Salonga Park is in its final phase of adoption. It will serve as the basis for ICCN to develop a guide that other protected areas can use for the preparation of their own mechanisms. The adoption is accompanied by an ongoing process to recruit an independent NGO to accompany the implementation of the grievance mechanism as well as investigations into allegations of human rights violations. Thirdly, AWF has committed to establish a complaints mechanism within the Forum of Actors for Dja Faunal Reserve and Faro National Park in Cameroon.

Grievance mechanisms are generally owned by the respective operators of protected areas in coordination with local authorities. While they can form part of activities financed by the EU, the Commission does not hold all indirect project-related documents.

Please be advised that requests for access to documents held by the Commission should be made under Regulation (EC) No 1049/2011. As mentioned in an earlier letter, any request for documentation requires DG DEVCO to consult relevant third parties, in this case the authors of documentation on grievance mechanisms – a process that is likely to

take some time. It might therefore be more feasible if you addressed relevant operators directly with your requests.

Since grievance mechanisms are owned by operators in coordination with local authorities, DG DEVCO does not regularly obtain information on the number, types and outcomes of the complaints received.

### **ECOFAC 6**

The EU delegation in Gabon, in coordination with the Economic Community of Central African States (ECCAS), is currently in the process of strengthening the technical assistance associated to the ECOFAC 6 programme, in order to improve the coherence of projects within the regional programmes, including in relation to the respect for human rights. In particular, the goal is to bridge eventual divergences between conservation efforts and the needs and rights of forest peoples, more broadly aiming to consolidate issues of legality and legitimacy. This could include a study on the impact of conservation projects on indigenous populations.

