

Country Technical Note
on Indigenous Peoples' Issues

Democratic Republic of the Congo



Enabling poor rural people
to overcome poverty



Country Technical Notes on Indigenous Peoples' Issues
DEMOCRATIC REPUBLIC OF THE CONGO

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IWGIA

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ACRONYMS AND ABBREVIATION

ACHPR	African Commission on Human and Peoples' Rights
AECID	Spanish Development Agency
AfD	French Development Agency
AfDB	African Development Bank
AfDF	African Development Fund
AWF	African Wildlife Fund
BTC	Belgian Technical Cooperation
CAF	Common Assistance Framework
CAFOD	Catholic Agency for Overseas Development
CAMV	Centre for the Support of the Indigenous Pygmies and Vulnerable Minorities
CARPE	Central African Regional Program for the Environment
CAS	Country Assistance Strategy (World Bank)
CAT	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBD	Convention on Biological Diversity
CBFF	Congo Basin Forest Fund
CBFP	The Congo Basin Forest Partnership
CCPR	Human Rights Committee
CEDAW	Convention/Committee on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CI	Conservation International
CIDA	Canadian International Development Agency
CITES	Convention on International Trade in Endangered Species
COMIFAC	Central African Forests Commission,
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
COSOP	Country Strategic Opportunities Paper
DFID	Department for International Development
DGPA	Dynamique des Groupes Peuples Autochtones de RDC
DRC	Democratic Republic of the Congo
ERND Institute	Environnement, Ressources Naturelles et Développement
FAO	Food and Agricultural Organization
FCPF	Forest Carbon Partnership Facility
FIP	Forest Investment Program
FIPAC	International Forum on Indigenous Peoples of Central Africa
FPIC	Free, Prior Informed Consent
FPP	Forest Peoples Programme
GEF	Global Environment Facility
GIZ	German Agency for Technical Cooperation (formerly GEZ)
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus/Acquired ImmunoDeficiency Syndrome
IASG	Inter-Agency Support Group on Indigenous Issues
IBRD	International Bank for Reconstruction and Development
ICCN	Congolese Nature Conservation Institute
ICCPR	International Covenant on Civil and Political Rights
ICERD	Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights •
IDA	International Development Association

IDP	Internally Displaced Person
IEC	Independent Electoral Commission
IFAD	International Fund for Agricultural Development
ILO	International Labor Organization
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
ITTA	International Tropical Timber Agreement
IUCN	The World Conservation Union
JICA	Japanese Development Agency
LINAPYCO	National League of the Pygmy Associations of Congo
MECNT	Ministry of the Environment, Nature Conservation, and Tourism
MONUSCO	UN Stabilization Mission in the Democratic Republic of Congo
MRG	Minority Rights Group
MPTF	Multi Partner Trust Funds
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ODA	Official Development Assistance
OHCHR	The Office of the High Commissioner for Human Rights
OP	Operational Policy
OSAPY	Organization for Settlement, Literacy and Advocacy for Pygmies
PAP	Priority Action Plan
PIDEP	Programme d'Intégration et de Développement du Peuple Pygmée au Kivu
PNFoCo	National Forest Management and Nature Conservation Program
PRSP	Poverty Reduction and Growth Strategy Paper
RAPY	Network of Pygmy Associations
RC	UN Resident Coordinator
REDD	Reducing Emissions from Deforestation and Degradation of Forests
REPALEF-RDC	Réseau des Populations Autochtones et Locales pour la Gestion Durable des Ecosystèmes Forestiers de la République Démocratique du Congo
REPALEAC	Réseau des populations autochtones et locales pour la gestion durable des forêts denses et humides d'Afrique Centrale
RN-N	Rainforest Foundation Norway
RN-UK	Rainforest Foundation UK
RRN	Réseau Ressources Naturelles
SIDA	Swedish International Development Cooperation Agency
SNV	Netherlands Development Organization
STD	Sexually Transmitted Diseases
TRIPS	Agreement on Trade-related Aspects of Intellectual Property Rights
UEFA	Union for the Emancipation of Indigenous Women
UGADEC	Union of Gorilla Conservation Associations for the Community Development of Eastern DRC
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDAF	United Nations Development Assistance Framework
UNDG	UN Development Group
UNDP	UN Development Program
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural organization
UNFCCC	UN Framework Convention on Climate Change
UNFPA	United Nations Fund for Population Activities
UNJHRO	UN Joint Human Rights Office
UNHABITAT	UN Human Settlements Programme
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Emergency Fund

USAID
WB
WCS
WFP
WHO
WIPO
WWF

US Development Agency
World Bank
Wildlife Conservation Society
World Food Programme
World Health Organization
Convention establishing the World Intellectual Property Organization
World Wildlife Fund

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Country Technical Note on Indigenous Peoples' Issues **Democratic Republic of the Congo (DRC)**

Summary

The DRC is a multi-ethnic country with some 250 ethnic groups, including several indigenous Pygmy groups. The concept of "indigenous" has recently begun to be used in relation to Pygmy peoples, who, according to recent estimates, number about 660,000 (1% of the total DRC population). Found over most of the country, these peoples live in the forest as nomadic hunter-gatherers (30 to 40,000), or as semi-nomadic and sedentary communities. As a result of campaigns, forced evictions, etc., these indigenous Pygmies have had to more or less give up their traditional lifestyle and now live in settlements outside the forest. A sizable group live as IDPs in the still conflict-ridden eastern part of the country.

The semi-settled and settled indigenous Pygmies live in dismal poverty and their situation is by all accounts far worse than that of other poor ethnic groups (e.g., the Bantus). They have no right to access land or use the forest and thereby sustain themselves; they lack decent job opportunities, and they lack access to health care and education. They are the victims of pervasive and sometimes extreme discrimination and they have no political representation at the local or the national level. All this puts their traditional culture at risk.

The Congolese state has done little to recognize and protect the rights of indigenous Pygmies, but a Report outlining a Strategic Framework for the Preparation of a Pygmy Development Program has recently been validated and made public, and could represent the first steps towards reframing national strategies, including those for indigenous peoples. The legislation on land and the Forest and Mining Codes are of interest to indigenous peoples, but are not fully implemented and the situation on the ground shows that indigenous peoples' interests and needs are seldom taken into account.

The DRC is party to the most important international and regional human rights instruments which, according to the Constitution, should automatically be transposed into Congolese legislation. The justice system is deficient, however, and laws giving effect to the provisions are hardly implemented. The provisions put forward by the Conventions therefore have no impact on the situation of the indigenous Pygmies. The DRC has also ratified a number of international and regional environmental conventions and is a member of several regional environmental institutions. A number of indigenous and non-indigenous NGOs and networks promote the rights of indigenous peoples.

IFAD's current project portfolio includes two large agricultural projects who target indigenous peoples, and funds have been set aside for that purpose; two small project have also been financed through the Indigenous Peoples' Assistance Facility.

The DRC benefits from a large number of donors (UN agencies, bilaterals, international financing institutions, NGOs, etc.). A substantial part of the external funding is given within the Common Assistance Framework (CAF). Although these donors work with relevant issues (health, education, etc.) and in areas where indigenous people live, there does not seem to be a concerted, targeted effort to reach them. IFAD and the WB appear to be the exception and 13 (out of 30) active WB projects have triggered the safeguard policy OP4.10. The DRC also receives funding from several environmental funding mechanisms. As a rule, these funds follow a policy that aims to secure the participation and engagement of indigenous peoples.

There is a definite need for most donor agencies to include indigenous peoples on their work agenda in accordance with, e.g., the UNDG guidelines and IASG recommendations. The most urgent challenges when working with indigenous communities will be (1) to ensure their free access to health care and offer them the possibility of free primary education; (2) to alleviate if

not eradicate the discrimination they endure; (3) to provide land tenure security; (4) to make sure that they benefit from forthcoming regulation on Community Forests and are able to access user rights; (5) to ensure their inclusion in all participatory processes, and their right to free, prior and informed consent; (6) to promote accountable indigenous peoples' representation through leadership development.

1. The indigenous peoples of DR Congo

1.1 The national context

The Democratic Republic of the Congo (DRC) has the third largest population and the second largest land area in sub-Saharan Africa (equivalent to Western Europe). It is rich in natural resources: fertile soils, immense water resources, and enormous mineral wealth. Forests cover approximately 62% of the national territory and the DRC's biodiversity is a globally important asset. However the country also ranks last in the 2011 Human Development Index (HDI). Prolonged armed conflicts¹ and years of poor economic management have left the DRC one of the poorest countries in Africa.

The DRC is a multi-ethnic country with some 250 ethnic groups, including several indigenous Pygmy groups. Seven hundred (700) local languages and dialects have been identified but there are four national languages: Kikongo, Tshiluba, Kiswahili and Lingala. French is the official language.

1.2 Terminology

The Pygmy people² are generally recognized as the most ancient occupants of the current Congolese territory. "Pygmy" is a generic term referring to various peoples throughout Central Africa, including the DRC. These peoples are known in anthropological literature by many different names (e.g., Sua /Mbuti/Bambutu/Twa, etc.), but these are not necessarily the names used by the people themselves. The current trend seems to be to group most indigenous Pygmies under the name Twa, with or without the plural prefix Ba (Batwa), or under the term "indigenous".³

Indigenous Pygmies have, until recently, been referred to as "vulnerable people" rather than "indigenous" since the concept of indigenous is often considered controversial in an African context. The Congolese Constitution from 2006 thus recognizes the existence of ethnic minorities and vulnerable groups within its borders but does not mention indigenous peoples (*peuples autochtones* in French).⁴ Today, the concept, as understood internationally and by the African Commission on Human and Peoples' Rights (ACHPR),⁵ has gained a certain acceptance and is now increasingly being used even in government documents⁶ in relation to Pygmy peoples, who are considered to be the only peoples in the DRC to whom the term "indigenous" can be applied.

¹ The Great African War lasted from 1998 to 2003 and involved eight countries. To this day, the security situation in the eastern part of the DRC remains unstable.

² "Pygmy" is a term used by Europeans and refers to their small height. Certain Pygmies consider the term demeaning and prefer the expression indigenous Pygmy/Peoples, which is the term used in this Country Technical Note.

³ For a discussion on terminology see, e.g., WB IPP405 (2007), 14.

⁴ See Art. 11, 12, 13 and 51 of the 2006 DRC Constitution at <http://www.constitutionnet.org/files/DRC%20-%20Congo%20Constitution.pdf>

⁵ See ACHPR Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities (ACHPR & IWGIA 2005).

⁶ See, e.g., DRC's Poverty Reduction and Growth Strategy Paper (PRSP, 2006), para.111.

1.3 Demography and location⁷

There is no comprehensive census of the indigenous Pygmy peoples, and their number has always been based on estimates. While earlier estimates gave around 250,000, recent reports put the number as high as a tentative 660,000 (1% of the total DRC population).

The indigenous Pygmies live scattered over more than 60 territories⁸ in nine of the country's 11 provinces (see Table 1). Many of them live in the tropical rainforest and wetlands of the Bandundu, Equateur, Orientale, Kasai Oriental and Kasai Occidental Provinces. Others live in the eastern provinces of North Kivu, South Kivu and Maniema where the environment is characterized by plateaux, high mountains and the great lakes on the border with Uganda, Rwanda and Burundi. The greatest number (almost 50%), however, are found in Katanga Province, where woodlands and savannah dominate (See Map, Annex 1).

Despite the vastness of the Congolese territory, the different eco-systems they live in and the isolation of their communities, these groups recognize that there is a common link between them in terms of their origin and lifestyle.

Table 1: Documented Indigenous Pygmy Numbers by Province

Province	Numbers	% of Total	Name	Lifestyle
Equateur	172,197	26	Twa	Sedentary or semi-sedentary
Orientale	16,804	3	Mbuti	Nomads in process of sedentarization
Bandundu	56,210	8	Twa	Semi-sedentary
Kasai Oriental	n.d	n.d.	n.d	Nomads
Kasai Occidental	n.d	n.d.	n.d	Nomads
Maniema	4,452	1	Twa	Semi-sedentary
Katanga	320,930	48	Twa	Sedentary
North Kivu	25,871	4	Twa	Sedentary
South Kivu	63,600	10	Twa	Sedentary
Total	660,064	100		

Source: Strategic Framework (2009), 20.

1.4 Different lifestyles

Until the 1950s, the indigenous Pygmies lived as nomadic hunter-gatherers depending entirely on the forest or the savannah and its produce. Today, only a few smaller groups have retained this way of life and the indigenous Pygmies can be grouped into three categories: the nomadic, the semi-nomadic and the settled indigenous Pygmies. These categories represent different stages of overlapping lifestyles and in no way preclude the fact that most, if not all, indigenous Pygmy peoples remain extremely closely attached to the forest or the savannah, which they consider to be the centre of their spiritual and intellectual life.⁹

⁷ The following sections are mainly based on the report "Strategic Framework for the Preparation of a Pygmy Development Program (2009). This World Bank document is based on field work in indigenous communities and prepared with the active participation of indigenous Pygmy representatives and support NGOs.

⁸ A territory is an administrative division within a province. There are 147 territories in the DRC.

⁹ See, e.g., WB IPP405 (2007), 16.

1.4.1 The nomadic forest dwellers

Only some 30,000 to 40,000 indigenous Pygmies are considered to still live as hunting and gathering nomads. They may also do some fishing in the rivers and lakes and cultivate small garden plots. Nomadic groups are found among the Mbuti in Province Orientale, the Twa in North Kivu, the Aka in Equateur Province and among the Twa (or Cwa) of the two Kasai provinces.¹⁰

Traditional access rights to indigenous Pygmy territories are based on family lineage and social groupings. Areas for gathering and hunting tend to be extensive and overlap with other uses and users. Indigenous Pygmy forest dwellers usually gather in small camps consisting of a few families and live in simple huts made of leaves and branches. They will move on to new hunting grounds as soon as the resources in a specific area have been exhausted. This may happen 4-6 times a year (see Map, Annex 1).

Indigenous Pygmies are monogamous. Girls marry when they reach sexual maturity (12-14 years old) and move to reside with or near their husband's parents. While men hunt, collect wild honey, fish, etc., the women gather wild plants and berries and may also engage in simple agricultural activities. There is a long-standing tradition of mutually beneficial exchanges with the Bantus—game, ivory and forest produce being bartered against metal tools, clothes, etc.

Traditional Pygmy society has been characterized as essentially egalitarian. Men are born heads of family while women manage household resources and decide on important family matters. At the group level, decisions are taken on a consensus basis but elders are acknowledged and respected for their wisdom as the keepers of the group's knowledge of their environment (sites, plants, animals), their practices (pharmacopeia, hunting, fishing, gathering), their religious beliefs (holy sites, initiation rites, rituals, etc.) and cultural heritage (music, dances, etc.) for which the indigenous Pygmies are famous.

1.4.2 The sedentary and semi-sedentary indigenous Pygmies

Today, most indigenous Pygmies live in permanent settlements on the edge of forests or in the periphery of Bantu villages. However, it is difficult to establish the number of fully sedentarized indigenous Pygmies (i.e., those that have stopped hunting altogether) as the degree of sedentarization varies considerably across communities and regions and depends on the possibilities of shorter or longer trips to the forest, and on work opportunities. Some groups, like the Mbuti in Province Orientale, tend to spend up to 1/3 to 2/3 of their time in hunting and gathering camps far away in the forest.¹¹ For other groups, the forest still provides a fundamental part of their basic needs, while others living in certain parts of North Kivu and Katanga seem to have nearly or completely severed their link to the forest and depend on agricultural or other activities (mining, fishing, craftsmanship, etc.). In the most advanced cases of sedentarization, indigenous Pygmies may have settlements that are the same size as the Bantus'.

The sedentarization process is, to a large extent, the result of campaigns conducted during and after the colonial period,¹² but has accelerated since independence with the expansion of logging and mining concessions, the establishment of national parks and other nature conservation initiatives¹³ and the promotion of agriculture, which are all encroaching on the indigenous Pygmies traditional territories. In most of these cases, evictions take place and

¹⁰ See Table 1. According to some reports, most Cwa have, however, given up their hunting.

¹¹ See WB IPP405 (2007), 17.

¹² The DRC was a Belgian colony until 1960.

¹³ Today protected areas cover some 8-9% of the national territory but the Congolese government plans to increase this to 15%. The country has five Natural World Heritage Sites, more than the rest of Africa combined.

sedentarization is being forced upon the indigenous peoples without prior consultation and without any or sufficient compensation.¹⁴

1.4.3 Indigenous Pygmies as internal refugees

Indigenous Pygmies have been greatly impacted by the Great War and the ongoing armed conflicts in, particularly, the eastern part of the country. Many have been forced to leave their forests and live as Internally Displaced Persons (IDPs).¹⁵ Their exact number is not known but estimates for North Kivu alone suggest that, in 2010, "10,000 (2,400 families) ethnic Bambuti Pygmies were living in dozens of camps around the volatile province after fleeing conflict in their home areas. Most live in harsh conditions, lack access to basic services, including education, and have no hope of returning to the rainforests where they came from".¹⁶

2. Socio-economic profile

Surveys made in connection with the national Poverty Reduction and Growth Strategy Paper (PRSP, 2006) concluded "that poverty in the DRC is a generalized, chronic, mass phenomenon" affecting more than 70% of the overall population, being more prevalent in rural areas. Overall social indicators are among the worst in the world and it is considered unlikely that the DRC will achieve most of the Millennium Development Goals.

It is generally agreed that the indigenous Pygmies belong to the poorest and most vulnerable communities in the country, with poverty rates as high as 84.8% (See Annex 2).¹⁷ The Congolese PRSP,¹⁸ however, only mentions "indigenous peoples" twice (in connection with forests) and there does not seem to be any official surveys, let alone disaggregated statistics, on their situation. The following socio-economic profile is therefore based on information found in World Bank projects' Indigenous Peoples' Plans (IPP) and the Strategic Framework for the Preparation of a Pygmy Development Program (2009).

2.1 The lack of rights to access land and forest

For most indigenous peoples, poverty is related to the lack of rights and access to land and forest, as this impacts negatively not only on their livelihood and economic resources but also on their social and cultural identity. Indigenous Pygmies still living as traditional hunter-gatherers and with practically no material goods do not necessarily consider themselves as being poor since the forest meets their vital needs and allows them to live with dignity and in harmony with their environment. These fundamentals of the traditional lifestyle are today under threat or have already disappeared in the course of the sedentarization process, without being replaced by other benefits (secure land tenure, access to public services, etc.). Unable to enjoy the rights accorded to other citizens, and marginalized from policies and decision-making, sedentary indigenous Pygmies feel poor and vulnerable.¹⁹

¹⁴ To name but a few examples of evictions: during the 1960–1970 period, between 3,000 and 6,000 individuals were forced out of the Kahuzi–Biega forest in the eastern part of the DRC in order to establish the Kahuzi–Biega Park. In Beni in North Kivu and in the Ituri district of Province Orientale, the ancestral lands of indigenous Pygmy families have been taken from them to become logging concessions.

¹⁵ The total number of IDPs in 2010 was estimated to be at least 1.8 million people—1.4 million of whom were in the provinces of North and South Kivu.

¹⁶ "Looking for solutions for North Kivu's vulnerable Pygmies" News Stories, 21 May 2010. Accessed 09.12.2011 at <http://www.unhcr.org/4bf6570e6.html> See also ACHPR 2011:61.

¹⁷ See World Bank Indigenous Peoples' Country Brief – Democratic Republic of Congo: Socioeconomic status of the Pygmies in the Democratic Republic of Congo (2011b).

¹⁸ PRSP 2006:4 and 34. The Section on Forestry states that it "will be essential to continue the dialogue among all stakeholders, and in particular to ensure that the indigenous people and other marginalized groups have equal opportunities to participate in managing forest resources, and to access benefits. See at WB's Web site: http://siteresources.worldbank.org/INTCONGODEMOCRATIC/Resources/PRSP_DRC_0407.pdf

¹⁹ See State of the World's Indigenous Peoples (2009) and WB IPP521 (2011).

The lack of land is a common denominator for the settled or semi-settled indigenous communities. Access to land for subsistence purposes on the outskirts of the forest and near Bantu villages has proved difficult: it usually depends on the goodwill of the local Bantu and is often only given in exchange for agricultural work. Such land, however, is not considered as being officially occupied, and may therefore be allocated to someone else by the local authorities, or simply taken over by individuals from other ethnic groups if they so wish.

The Forest Code acknowledges certain traditional user rights²⁰ to forest produce but it is still not being fully implemented and the rights of indigenous Pygmies are not recognized in practice. This affects many indigenous Pygmies' livelihoods. A case in point is that of the indigenous Pygmies evicted from the National Parks of Virunga²¹ and Kahuzi-Biega. In both cases, the land plots received in compensation are too small to sustain them and they have little or no access to the resources in the parks. In the case of Kahuzi-Biega, the Congolese Nature Conservation Institute (ICCN), which manages the National Parks, gives them just one day a week to collect firewood, and this is not enough for them to light a daily fire or get wood to build their homes.²²

The Forest Code also opens up the possibility of having community-based natural resource management zones (community forests), although specific standards and guidelines are still pending. Congolese civil society, including indigenous peoples' associations, has long called for a participatory zoning process. However, experience shows that indigenous peoples on the ground are usually excluded from decisions that affect them and their lands within the process of converting forestry concession titles. According to civil society reports, the UN-REDD program,²³ too, is failing to involve and consult with local communities and indigenous peoples, who, in many cases, do not even seem to have been informed about the process and lack knowledge about REDD and its implications.²⁴

It should be noted that the DRC has ratified several international declarations and resolutions that emphasize adherence to the principle of Free, Prior and Informed Consent (FPIC). Although such international instruments, according to the Constitution (Art.25), are to be automatically transposed into domestic legislation, however, there have been no firm government commitments to FPIC. This means that there are no specific requirements that indigenous peoples must be meaningfully consulted about, or participate in decision-making, or give their free, prior and informed consent to activities on their traditionally-owned lands and territories, particularly with regard to forest zoning, management, gazetting and commercial concessions

2.2 Economic poverty

Ending up as landless squatters on the edge of Bantu villages, indigenous Pygmies have become increasingly dependent on a cash economy to which they have very limited access. So far, few if any indigenous Pygmies seem to be involved in the management and running of protected areas or drawing any income or other benefits therefrom.²⁵ In the larger settlements, people may work as craftsmen, labourers or "in the informal sector of the economy, without the security of a contract ... [They] are frequently paid less than other workers²⁶ and often expected to work longer hours. A relationship of personal debt ('bondage'), often spanning generations, in some cases lead to situations of forced labour or

²⁰ Forest Code, articles 36 and 39.

²¹ See WB IPP324 (2008), 89.

²² See ACHPR (2011), 71. The indigenous people have therefore decided to bring a case against the State and ICCN.

²³ The UN programme for Reducing Emissions from Deforestation and Forest Degradation in Developing Countries.

²⁴ See FPP "Consultation with indigenous peoples and others affected by REDD initiatives in the DRC: An example of best practice?" (2010) at <http://www.forestpeoples.org>

²⁵ The probable impoverishment of indigenous peoples as a result of the establishment of national parks has been documented for those living outside the Virunga and the Kahuzi-Biega National Park. See WB IPP324 (2008), 91.

²⁶ See ACHPR (2011), 64.

servitude. This is particularly the case in respect of the youth and men and women who work on the plantations of their Bantu neighbours. ... Indigenous children are disproportionately exposed to hazardous conditions of work".²⁷

The overall economic situation of the indigenous Pygmies therefore gives cause for concern, especially since forest, mining and agricultural sectors in post-conflict DRC are expected to become the cornerstones for economic growth and development, and the number of protected areas is to increase from some 10% of the national territory to 15%. Such developments will mean more land alienation, more evictions, and more forced sedentarization.

2.3 The lack of access to basic infrastructure and services

Indigenous Pygmies' status and access to health services are poorly documented. However, several studies report that although access to public primary health care is generally very limited, especially in the forest areas, the indigenous peoples are worse off than the Bantus.²⁸ As the result of a lack of food security, many indigenous Pygmies suffer from malnutrition and all diseases affect them more than other population groups, especially tropical parasites, STDs, tuberculosis, infectious diseases, etc. Infant and maternal mortality rates are very high. Indigenous women are often the victims of sexual abuses, in particular during armed conflicts, and this has contributed to the spread of STDs including HIV/AIDS in the indigenous communities.

Other factors that affect indigenous peoples' health situation are related to their lifestyle (poor hygiene, consumption of unclean water, promiscuity, smoke-infested houses, alcoholism, etc.) as well as certain cultural practices (e.g., early marriages). The most damning factor, however, is their exclusion from the healthcare system because they are unable to pay for treatments and medicine; they are also discriminated against by the Bantu health workers. This means that they are not being reached by immunization campaigns and do not receive vital health information.²⁹

Pygmy illiteracy rates are often over 80% and close to 100% for women; this is much higher than for their Bantu neighbours (40-60%). Few indigenous children attend school because of school fees, deficient school infrastructure and discrimination from teachers as well as Bantu children. Enrolled indigenous children often have an erratic school attendance due to trips to the forest for several days or weeks and they are hampered by the fact that their parents have received limited education or are illiterate and do not speak the language of instruction (French). The result is that there are relatively few well-educated indigenous Pygmies, and they are weakly represented in public services, civil society organizations and church structures.³⁰

2.4 The lack of respect for their human and fundamental rights

Pervasive and, at times, extreme discrimination has been documented and condemned by numerous international and national reports.³¹

While the relations between indigenous peoples and the Bantus were traditionally based on complementarity, they are now characterized by confrontation and conflict. Discrimination is typically manifested through negative stereotyping, the denial of rights and social exclusion. During the Great War and the ongoing armed conflicts, indigenous Pygmies have been particularly exposed to inhumane treatment from all belligerent parties. Alleged war crimes—

²⁷ See ILO/ACHPR Report (2009), 124.

²⁸ See Strategic Framework, (2009), 28; WB IPP521 (2011), 28.

²⁹ See WB IPP521 (2011).

³⁰ Strategic Framework (2009), 30.

³¹ See, e.g., UN documents: CCPR (2006), §26; CERD (2007), §18 & 19; and Strategic Framework Report (2009), 30.

including crimes against humanity and acts of cannibalism—have been reportedly committed against Batwa in the Ituri area.³² Appalling sexual violence against indigenous women has also been documented.³³ These acts have been explained by the fact that indigenous Pygmies were regarded as “subhuman” and that their flesh, according to traditional Bantu beliefs, had magical power.³⁴

In everyday life, abuses include “forced labour, rape, theft of their harvest, and seizure of hunting and gathering equipment”.³⁵ All this “is perceived as appropriate and normal, including by some law enforcement officials and much of Bantu society. Trying to resist would be perceived as a Pygmy rebellion and they would be tried by customary Bantu tribunals. The access of indigenous people to the judicial system is always difficult and although the DRC legislation establishes a right to free legal assistance based on the gravity of the sentence faced by an indigent person, this form of legal assistance is often beyond the reach of particularly indigenous people for a host of reasons: they often do not know nor understand their rights; they lack birth certificates and national identity cards, etc. Trials are usually to their disadvantage and punishments are often cruel. Even officials of the legal system appear to have largely internalized these beliefs and attitudes, which effectively excludes most Pygmy communities from access to legal services and justice.”³⁶

2.5 The lack of political participation at local and national levels

The political and administrative systems in the DRC have always been closely intertwined with the customary Bantu system of chiefdoms. Because the indigenous Pygmies have no hereditary chiefs, they have been excluded from participating or being represented in the country’s administrative and political institutions, and the Association of Customary Chiefs has no indigenous members.³⁷ At the local level, most indigenous settlements are considered neighbourhoods within a Bantu village and under the authority of a Village Chief who is usually a Bantu. However, the recognition of administrative interlocutors for the Pygmy communities is beginning to emerge and Pygmy contact persons are being designated.³⁸

Indigenous Pygmies seldom register their births, marriages and deaths. This has to do with several factors (distance to the civil registry offices, poverty and the discriminatory attitude of civil servants). Without registration or a national ID card, they are in principle not allowed to vote. However, in connection with the 2006 elections, the distribution of voting papers by the Independent Electoral Commission (IEC) was perceived as a symbolic recognition of their individual and communal citizenship, and therefore had a considerable political and psychological impact, resulting in a high electoral participation.³⁹

2.6 The cultural impact of sedentarization

The lack of access rights to the forest is damaging for the indigenous Pygmies’ cultural and spiritual well-being: “they can no longer obtain the plants that used to serve them as medicine for curing illnesses. ... Most of their religious activities and rites, for example the initiation of

³² See MRG Report “Erasing the Board” (2004).

³³ See Dorothy Jackson “Twa Women. Twa Rights in the Great Lake Region of Africa”, MRG Report (2003),13; CESCR (2009), §17; and UN Human Rights, “DRC 1993-2003. Report of the Mapping Exercise documenting the most serious violations of human rights” (2010), 334.

³⁴ The allegations are that Pygmy flesh would make a man bulletproof and having sexual relations with a Pygmy woman had a curative effect on a number of diseases, including HIV/AIDS. See A.K. Barume, *Land Rights of Indigenous Peoples* (2010), 263.

³⁵ Strategic Framework Report (2009), 30.

³⁶ *Idem*.

³⁷ ILO/ACHPR (2009), 48. The Constitution of DRC recognizes the institution of ‘customary authority’, and foresees the adoption of a law to regulate this. However, no law has yet been adopted to this end.

³⁸ Strategic Framework (2009), 24.

³⁹ *Ibid*.

males, which can be performed only in the forest, have become impossible because of their new environment."⁴⁰ It also means that their incomparable knowledge of the forest and their hunting techniques are being lost.⁴¹

Sedentarization also means acculturation and the loss of social and cultural identity. The indigenous Pygmies and their animist beliefs are under strong pressure both from the various evangelizing churches and from the Bantus who want them to become "their brothers in Christ". To resist is seen as a sign of backwardness and primitiveness. Their music, too, seems to be gradually disappearing from sedentary camps. On the other hand, it has been noted that arts and crafts such as pottery, braiding and weaving are flourishing and the indigenous Pygmies are known for the high quality of their work.

Indigenous Pygmies often have ambiguous feelings toward their own culture, which they see, on the one hand, as an archaic symbol that is the cause of their marginalization and rejection by many Bantus, but, on the other, as a precious cultural heritage that has to be protected and preserved. This tension runs through Pygmy society and their relations with and attitudes toward the Bantu.⁴²

3. DRC legislation and indigenous peoples

3.1 Legal and constitutional recognition of indigenous peoples

According to the Constitution, all Congolese citizens are equal before the law, and racial and ethnic discrimination is prohibited.⁴³ Yet it is precisely because of discrimination that the indigenous Pygmies' human and fundamental rights are not respected, that the abuses they suffer are not sanctioned⁴⁴ and that they are treated as second-class citizens.

Several articles of the Constitution could benefit indigenous Pygmies. It recognizes customary law and customary courts in the area of property rights,⁴⁵ and it protects the right to both individual and collective property "acquired according to law or custom".⁴⁶ However, no legislation has followed up on these constitutional provisions so far.

The Congolese state has repeatedly been urged by the international community to recognize and protect the rights of indigenous Pygmies⁴⁷ but no specific policy for the promotion and protection of indigenous populations' rights has yet been instituted. However, in 2009, a Report delineating a Strategic Framework for the Preparation of a Pygmy Development Program was validated through a national workshop organized by the Ministry of Environment, Nature Conservation and Tourism (MECNT). Among its many recommendations, it suggested the creation of a new legal framework (an "Indigenous Peoples Act") that "would underscore existing citizen and human rights and, where appropriate, incorporate new specific rights".⁴⁸ In October 2011, a national Indigenous Pygmy Forum organized under the High Patronage of the President of the Republic recommended holding a national multi-donor round table to reframe national strategies, including those for indigenous peoples.

⁴⁰ See A. K. Barume, *Heading Towards Extinction?* (2000), 81.

⁴¹ See State of the World's Indigenous Peoples (2009), 35.

⁴² Strategic Framework (2009), 23.

⁴³ See Art. 12 and 13 of Constitution.

⁴⁴ See, e.g., ACHPR, (2011), 22.

⁴⁵ Constitution, Articles 153 and 204, para.28.

⁴⁶ *Ibid.*, Art. 34.

⁴⁷ See, e.g., CERD Concluding Observations (2007), §18-21; CESCR, Concluding Observations (2009), §17.

⁴⁸ Strategic Framework (2009), 37.

3.2. Legislation relevant to indigenous Pygmies

Legislation of specific interest to indigenous Pygmies includes Law N° 73-021 on land (1973), the Forest Code and the Mining Code, both from 2002.

Law N° 73-021 on land makes the state the sole owner of the soil and subsoil. Promises to settle the question of land in relation to traditional communities by means of a presidential ordinance have never materialized, and land matters are therefore treated in accordance with the respective rules of each community. These differ considerably and give little protection to indigenous peoples' land rights. Large areas of indigenous peoples' lands have thus been lost and turned into protected areas⁴⁹ or concessions. Although the law establishes that indemnity should be paid, this seldom happens in the case of evicted indigenous Pygmies.

Law No. 011-2002 or the Forest Code does not transfer any rights concerning the land itself but deals only with forest products and services. Several of its dispositions could nevertheless be valuable for indigenous peoples since they include taking customary use rights into account; establishing the principle of benefit sharing; introducing the concept of "local community forest" and encouraging effective local and indigenous community participation in forest management. The Code is not yet fully implemented and, by the end of 2011, several regulations addressing, e.g., community forest rights were still pending.

Law No. 007-2002 or the Mining Code provides for direct benefits for the State, the province and the territory from the revenues obtained from the exploitation of certain materials. Again, this rarely means that indigenous peoples gain any benefit from this, as they are not represented at the communal level.

The right to culture and intellectual property is guaranteed by the Constitution's Article 46, and Congolese law protects sites of cultural importance.⁵⁰ However, indigenous peoples' access to the source of their cultural and spiritual sustenance—their traditional forests and savannahs—is severely compromised by the continuing take-over and destruction of their traditional lands and there is an urgent risk of immediate and irreparable harm to the cultural and spiritual well-being of the indigenous peoples in the DRC, which threatens their survival as distinct peoples.

4. International and regional human rights treaties and declarations

The Democratic Republic of Congo has signed and ratified a wide range of international and regional human rights instruments including a number of international environmental conventions, (see complete list in Annex 3). All these instruments could be of great significance for indigenous peoples since, according to Article 215 of the 2006 Constitution, they are automatically transposed into domestic legislation once they have been ratified.⁵¹ As long as the justice system is deficient on all counts,⁵² however, and laws giving effect to the provisions are hardly implemented, the provisions put forward by the Treaties, Conventions, etc., have practically no impact on the situation of the Congolese people, let alone indigenous Pygmies. The Treaty bodies have, furthermore, been hampered in their monitoring by the fact that the Congolese government has not provided its periodic reports in a regular manner.⁵³ The same has occurred with its reports to the African Commission on Human and Peoples' Rights.

⁴⁹ An example of this is the creation of the Wildlife Reserve of Lomako-Yokokala in 2006. See ILO/ACHPR (2009), 105.

⁵⁰ Both the Forestry and the Mining Codes emphasize that all actions in those domains must be done with strict adherence to the protection and conservation of cultural property, including respect for sacred sites. See ILO/ACHPR (2009), 73.

⁵¹ This has, e.g., been the case with the CRC and led to the adoption on 10 January 2009 of the Child Protection Code.

⁵² See CESCR (2009), § 10.

⁵³ DRC submitted its latest report to CESCR in 2009, 21 years late.

4.1. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

The DRC was among the 30 African states that voted in favour of the Declaration (September 2007).⁵⁴ Indigenous peoples' rights to lands, territories and resources and the right to Free, Prior and Informed Consent (FPIC) have a prominent place throughout the Declaration, and although it is not a legally binding document for the signatories, it is becoming a standard-setting document to which civil society organizations in the DRC increasingly refer to.

4.2. International human rights treaties

The DRC has ratified seven of the nine core international human rights treaties:⁵⁵

- The International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol 1 (ICCPR-OP1);⁵⁶
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
- The Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol;
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol;
- The Convention on the Rights of the Child (CRC) and its 2 Optional Protocols;
- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol;

The DRC has furthermore ratified a number of UNESCO conventions of importance to indigenous peoples (Convention concerning the Protection of the World Cultural and Natural Heritage; Convention for the Safeguarding of the Intangible Cultural Heritage; and Convention on the Protection and Promotion of the Diversity of Cultural Expressions), as well as several universal human rights instruments related to armed conflicts.

The DRC is party to the eight core ILO Conventions,⁵⁷ including C110 and C111 (Elimination of Discrimination in respect of Employment and Occupation); C138 and C182 (Abolition of Child Labour), which are specifically relevant to indigenous peoples. It has not ratified ILO Convention No.169 on Indigenous and Tribal Peoples in Independent Countries but there have been promises by government representatives to set the ratification process in motion.⁵⁸

The DRC is also Party to several international conventions related to environment, biodiversity and climate change such as the Convention on Biological Diversity (CBD); Agenda 21; the UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol on the Reduction of Overall Emissions; the Ramsar Convention on Wetlands;⁵⁹ the Convention on International Trade in Endangered Species (CITES) and the International Tropical Timber Agreement (ITTA).

⁵⁴ Prior to the UN General Assembly's adoption of UNDRIP, and in response to concerns raised by several African states regarding, among other things, the right of self-determination and respect for territorial integrity, nine amendments were inserted in the original text. See A.K. Barume, "Responding to the Concerns of the African States" in *Making the Declaration Work*, edited by Charters and Stavenhagen, (2009), 170-181.

⁵⁵ The DRC has not signed the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the Convention for the Protection of All Persons from Enforced Disappearance (CPPED).

⁵⁶ The DRC has not signed Optional Protocol 2 regarding the abolition of the death penalty.

⁵⁷ C87 & C98 (Freedom of association and collective bargaining); C29 & C105 (Elimination of Forced and Compulsory labour); C100 & C111 (Elimination of Discrimination in respect of Employment and Occupation); and C138 & C182 (Abolition of Child Labor).

⁵⁸ See ACHPR (2011), 23.

⁵⁹ In 2008, the Ngiri-Tumba-Maindombe became the largest Ramsar Wetland Area of International Importance. This vast (twice the size of Belgium) area of rainforest, rivers and lakes on the eastern side of the Congo River is home to several indigenous Pygmy groups.

Regarding intellectual property rights, the DRC has ratified the WIPO Convention and TRIPS (Agreement on Trade-related Aspects of Intellectual Property Rights). The DRC has also endorsed the UN Millennium Declaration.

4.3 Regional human rights instruments

At the regional level, the DRC has ratified or signed the following human rights instruments:

- The African Charter on Human and Peoples' Rights (ACHPR)
- The African Charter on Rights and Welfare of the Child (signature)
- The Protocol to the ACHPR on the Rights of Women in Africa
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights

4.4 Other relevant regional instruments

The DRC has ratified the African Convention on the Conservation of Nature and Natural Resources. It is also member of the Central African Forests Commission (COMIFAC), the coordinating entity on forests for the Central African Region, and has adopted its Convergence Plan, a road map for conservation initiatives in the Congo Basin.⁶⁰

It is a member of several environmental institutions, including CBFP—the Congo Basin Forest Partnership, a non-binding partnership based on a voluntary agreement between the 10 member states of COMIFAC, donor agencies, international organizations, NGOs, scientific institutions and representatives from the private sector.

5. National and grassroots organizations

The DRC has many NGOs promoting the rights of indigenous Pygmies. Some of them have been created by indigenous Pygmy activists; others are NGOs supporting the indigenous cause. Several of these NGOs have formed larger networks that operate at the national, regional or provincial level. The majority of these organizations have limited funding and only a few have a website. The following list includes some of the major networks and NGOs (see also Annex 4).

DGPA—*Dynamique des Groupes Peuples Autochtones* de RDC groups together several networks and NGOs from all the provinces with indigenous peoples and works with advocacy, documentation and capacity building.

OSAPY—Organization for Settlement, Literacy and Advocacy for Pygmies is a national NGO (1998) based in Kisangani (Province Orientale). It focuses exclusively on defending and promoting the rights of Pygmies.

LINAPYCO—the National League of the Pygmy Associations of Congo affiliates a large number of local church institutions and NGOs. It is active in South Kivu, North Kivu, Katanga and Orientale provinces in the areas of human rights, community development, women and youth and environmental programs.

RAPY— the Network of Pygmy Associations (2002) is formed of 10 local organizations and Pygmy associations. The member organizations work in South and North Kivu. RAPY produces guidebooks in local languages and documents human rights abuses.

CAMV—the Centre for the Support of the Indigenous Pygmies and Vulnerable Minorities works out of Bukavu with indigenous populations in the provinces of South Kivu, North Kivu, Maniema, Orientale, Katanga, Equateur and the town of Kinshasa. It publishes two news bulletins: *Echo des Pygmées* and *Le Forestier*. <http://www.camv-pygmees.org/>

⁶⁰ The core of this road map is land-use planning in 12 priority landscapes, which are large ecosystems with consistent biological and socio-economic features. See section 7.2 below.

UEFA—Union for the Emancipation of Indigenous Women is involved in a number of environmental and education activities in South Kivu and Equateur provinces.

PIDEP—Programme d’Intégration et de Développement du Peuple Pygmée in Kivu is an NGO created in 1991 by indigenous Pygmy activists. Its activities focus on ensuring “customary security” through mobilization and awareness raising.

RRN—Réseau Ressources Naturelles is a monitoring and governance platform (2002) with more than 250 member organizations from all 11 provinces. Member organizations include well-organized umbrella organizations as well as small, local grassroots organizations. <http://www.rnrndc.org>

DGPA, LINAPYCO and RRN are members of a Climate-REDD Working Group that collaborates with the government and the donor community.

6. IFAD operations in DR Congo

IFAD’s project portfolio in the DR Congo was reactivated in December 2002 after having been suspended since 1993 due to the conflict situation. In 2003, a Country Strategic Opportunities Paper (COSOP) was adopted, outlining the strategic axes for IFAD operations in the country. The general objective is to improve food security among poor rural communities by supporting the transition from emergency assistance to development. Specific objectives are to: (1) Support the growth of agricultural production; (2) Improve marketing channels; (3) Strengthen organizational capacities among small producer groups; and (4) Increase the access of impoverished communities to health and nutrition services. A key challenge is also to strengthen women’s capacities and the power of women to act. IFAD will adopt an integrated regionally-based approach (combining economic and social activities and community development) and IFAD’s future operations will be placed geographically according to four criteria: the zone must have considerable agricultural potential, ease of market access, a small requirement for security and the zone must have received little assistance up to now.

The 2003 COSOP for the DRC does not specifically take into account indigenous peoples since IFAD, at the time, was only at the beginning of its engagement with indigenous peoples.⁶¹

IFAD’s current project portfolio includes two large agricultural projects—the Agricultural Revival Programme in Equateur Province and the Integrated Agricultural Rehabilitation Programme in Maniema Province, plus two small project financed through the Indigenous Peoples’ Assistance Facility.

In line with IFAD’s Engagement with Indigenous Peoples Policy (2009) and its Strategic Framework, indigenous peoples are among the beneficiaries of the two large projects, and funds specifically targeting them have been allocated. Both projects aim to develop specific intervention strategies in order to ensure that indigenous Pygmies will be reached. The small project only targets indigenous women and men. Its objective is to teach the indigenous women to process their agricultural products (oil palms) and thereby generate an income.

⁶¹ See IFAD Engagement with Indigenous Peoples Policy (2009), 15.

6.1 IFAD Projects in the DRC

AGRICULTURAL REVIVAL PROGRAMME IN EQUATEUR PROVINCE⁶²

Programme type	Rural development
Project ID	1244
Approval date	21 Apr 2004
Implementation period	2005-2013
Total cost	USD 22.6 million
IFAD loan	USD 14.8 million
Total cost benefiting ethnic minorities	USD 2 million
Executive agencies	Ministry of Agriculture, Fisheries and Livestock
Indigenous beneficiaries	Pygmies

Background

The programme is jointly financed by IFAD and the Belgium Survival Fund and is consistent with IFAD's strategy for the country as detailed in the Country Strategic Opportunities Paper (COSOP) in its aim to improve food security among poor rural communities by supporting the transition from emergency assistance to development. The programme contributes to strengthening the capacity of the rural poor and their organizations, raising agricultural and natural resource productivity, increasing rural income and reducing the vulnerability of livelihoods to major risks. It is also a key tool in policy dialogue with the government.

Programme Area

The programme area covers the territory of Bumba and the Hinterland of Mbandaka in the Equateur Province. Bumba provides a favourable setting for the programme because the area has no gold, diamonds, coltan or other mineral resources. There has been no ethnic or civil conflict in Bumba, and direct military clashes only occurred when the province was living under autarchy during the war. Economic activity has been regenerated at the local level, prompted by communication between the province and other parts of the country, by means of telephone lines and river transportation between Kinshasa and Bumba. In terms of productive prospects, Bumba has major potential for the production of rice, coffee, palm oil, maize, cassava and other food crops, while the Mbandaka Hinterland's main potential lies in fisheries.

Beneficiaries

An estimated 70,000 poor households (55,000 farmers, 10,000 fishers and 5,000 Pygmies) benefit from the programme. In particular, it targets the most vulnerable strata of the rural community such as women, specifically widows, and Pygmies living in the Mbandaka Hinterland. Beneficiaries also include around 500 soldiers who benefit from IFAD support to the process of disarmament, demobilization, repatriation, reinstallation and reintegration (DDRRR) into the agricultural sector.

Programme Objective

The overall goal of the programme is to contribute to enhancing food security and improving the livelihoods of the rural poor. The programme's development objective is to restore and improve sustainable livelihoods for rural communities. Specifically, the programme aims to: (i) restore and improve agricultural productive assets, promote equitable and sustainable access by farmers to markets and raise agricultural income; (ii) restore and improve the productive assets of the fisheries sector, promote equitable and sustainable access of fishermen (and women) to markets, and raise their income; and (iii) restore and improve the access of rural communities to basic social services. A special focus is placed on addressing the development constraints faced by the poorest rural categories, in particular widows, Pygmies and other vulnerable groups.

⁶² Source: President's report [EB 2004/81/R.17/Rev.1]; Supervision reports (2007, 2008, 2009)

Programme Components and Activities

The programme has four components, namely:

(i) Support to the rehabilitation of the agricultural sector

The agricultural component includes the following sub-components: (i) capacity-building for farmers to set up a farmers' organization network, and to manage structures and processes for goods and service delivery to network members; (ii) supply and management to ensure the delivery of agricultural work tools in a sustainable manner; (iii) establishment of a sustainable multiplication and dissemination system for seeds and plants, and a participatory methodology for the adaptation and dissemination of technologies to promote the multiplication of rice varieties (New Rice for Africa) and other crops; (iv) sustainable access to agricultural services, training and information; (v) improvement of agricultural marketing and development of a market information system including establishment of a community rural radio; and (vi) rehabilitation and maintenance of feeder roads, including support for beneficiaries (farmers and transporters) to set up a feeder road maintenance fund.

The component also includes a specific community development programme in Mbandaka to assist Pygmies, a marginalized group, in improving their livelihoods, and the provision of a fund to implement a local DDRRR operation in Bumba. The programme includes an agricultural development fund co-managed by the PMU and beneficiaries.

As of 2009: An intense plan of capacities' strengthening has to be developed to guarantee the agricultural sector development. The production has reached 44% of the expected results and the group commercialisation has not been set up.

(ii) Support to the rehabilitation of the fisheries sector

This component supports: (i) capacity-building of fishermen (and women) to set up an organization network, and to manage structures and processes for goods and service delivery to network members; (ii) supply and management to ensure the delivery of inputs and tools for fisheries in a sustainable manner; (iii) improvement of processing and marketing relating to fisheries, and development of a market information system managed by beneficiaries; and (iii) development of specific infrastructure for the fisheries sector.

As of 2009: an intense capacities' enhancement plan has to be developed and measures have to be taken to guarantee the reconstitution of the FSREH (Fonds de Soutien pour la Relance de l'Économie Halieutique). No activity for the enhancement of organizational and technical capacities has been organized.

(iii) Rehabilitation of social services

This component includes: (i) community capacity-building to set up a network of community-based organizations to diagnose and prioritize their needs in the social service sector, prepare and implement action plans, and establish local committees for the management of specific sectors; (ii) improvement of the health and nutrition sub-sector, and in particular increase access for women and children, rehabilitation of health centres, supply of basic drugs, development of a programme for HIV/AIDS awareness and prevention; (iii) improvement in access to drinking water and sanitation; and (iv) rehabilitation of the education sector including the building of schools, supply of materials for teachers and development of a functional literacy programme. The programme includes a social development fund co-managed by the PMU and beneficiaries.

As of 2009: during 2008, 228 organizations have been structured and re-grouped into 7 unions and a capacity-building training for the organisations is taking place. The infrastructure rehabilitation is underway but the costs have risen and the amount necessary has to be re-evaluated.

(iv) Programme management unit

This component supports the coordination, monitoring and evaluation of all programme activities and deals with the financial management of the programme. Programme implementation is the responsibility of an autonomous PMU under the Ministry of Agriculture,

Fisheries and Livestock. A liaison office has been established in Kinshasa and its cost will be shared with future IFAD projects in the country. A programme steering committee involving all stakeholders has been set up at the local and national level. The local steering committee meets twice yearly and is composed of beneficiaries' representatives, civil society representatives (NGOs, religious organizations), local authorities and the local administration. The national steering committee meets yearly and is composed of representatives of the key stakeholders (from the Ministries of Agriculture, Fisheries and Livestock, Rural Development, Finance, Planning, Environment, Health and Education) and the local steering committee. The programme has set up a monitoring and evaluation (M&E) unit, which uses the methodology outlined in IFAD's M&E guide.

Strategy

The following principles guide the implementation of the programme:

- (i) Flexibility and adoption of a learning-by-doing approach;
- (ii) Synergy with different partners within and outside the programme area and the empowerment of rural communities;
- (iii) Following a market-driven approach;
- (iv) Strengthening of existing local organizations and avoidance of opportunism;
- (v) Rehabilitation, and gender equity and mainstreaming;
- (vi) Equity, conflict prevention, anti-corruption measures and participatory monitoring and evaluation.

The programme uses a sustainable livelihood approach to support beneficiaries, rebuild the structures and processes necessary to deliver goods and services, and improve livelihoods. Using a bottom-up approach, the programme is helping the target group set up three strong democratic community organization networks for the delivery of goods and services to the agricultural and fisheries sectors, and social services. These organizations are also being strengthened to enable them to participate in the peace consolidation and reconciliation process at the local level and to lobby in favour of the rural poor. The programme provides beneficiaries' organizations with sector development funds and strengthens their capacity to carry out relevant activities or contract private or public service providers to implement their action plans. The programme uses the labour-intensive system to rebuild feeder roads and to support beneficiaries in establishing a feeder road maintenance fund. A provision has been made by the programme to support local DDRRR in the territory of Bumba.

Innovative Features

The programme has been implemented in a post-conflict context where public and private services are weak and there is an urgent need to respond to the numerous and wide-ranging demands of the target communities. The main innovative features are:

- (i) The strategic choice for the programme to have a two-pronged approach incorporating short-term measures to support beneficiaries in the establishment of a delivery system that caters for urgent needs (tools and seeds, market information) and medium-term measures to promote the capacity-building of the relevant organizations;
- (ii) Separate funding for the social and economic sectors, and the co-management of the development funds by beneficiaries and the PMU so as to mitigate the risk of corruption; and
- (iii) Technical assistance arrangements that combine strong international technical support in the first year and yearly international short-term support for programme implementation.

INTEGRATED AGRICULTURAL REHABILITATION PROGRAMME IN MANIEMA PROVINCE⁶³

Programme type	Rural development
Project ID	1392
Approval date	17 December 2008
Implementation period	2010- 2020
Total cost	USD 39.02 million
IFAD grant	USD 23.33 million
Total cost benefiting ethnic minorities	Approx USD 4.30 million
Executive agencies	Ministry of Agriculture
Indigenous beneficiaries	Pygmies and Bantus

Background

The programme is jointly financed by IFAD and the OPEC Fund for International Development and is in cooperation with the United Nations Office for Project Services. The programme is fully in line with the IFAD Policy on Crisis Prevention and Recovery, the regional poverty reduction strategy and the IFAD Strategic Framework 2007-2010. Its objectives also tie in with those of the 2003 country strategic opportunities paper, i.e. enhanced food production and food security, capacity-building for farmers' organizations and improved access to basic social services. The programme respects national priorities as set out in the national strategy for poverty reduction, and is in line with the priorities set at the agriculture round table held in March 2004 and the medium-term national investment plan for the implementation of the New Partnership for Africa's Development, adopted in 2005.

Programme Area

Maniema Province was severely damaged by war during the period 1996 to 2003, and the effects – in terms of human lives lost, plundering and sexual abuse of women – have had serious consequences for the local population. The province suffers from chronic food shortages, very low incomes and little access to basic social services due to: (i) the decline in agriculture, livestock and fish production; (ii) deteriorated roads, bridges and social infrastructure; and (iii) weak organizational and intervention capacity among the population.

In addition to the Bantu, who form the majority of the total population, the province is inhabited by indigenous peoples, Pygmies commonly called Bambuti. The Pygmy population that inhabits the forest is calculated at 5,410 people. The Pygmies practise hunting and gathering as their principal economic activity. In the towns where they live, they practise agriculture at a very basic level, mostly because of the difficulties in accessing the land and the lack of agricultural equipment. The Pygmies maintain unequal relations with the other ethnic groups and therefore feel themselves to be victims of marginalization and, in certain cases, of exploitation by other groups. It should be added that the armed conflicts that affected the province of Maniema also harshly affected the Pygmies who were caught between the belligerent parties. The Pygmies were attacked in their environment by the armed groups that took up position in the forest; this reduced the possibilities of the Pygmy communities finding necessary supplies and reduced their possibility of hunting and gathering.

Benefiting

The main target groups are: (i) small rural producers – amounting to approximately 8,000 households – unable to profit from the province's agricultural potential (including Pygmies who live off hunting and gathering and Bantu households that use rudimentary tools to cultivate tiny plots); (ii) small breeders who make use of some land using slash-and-burn techniques, and who lack farming equipment (15,000 households); (iii) 7,500 households headed by women (including victims of sexual violence); (iv) 8,000 households headed by young people, demobilized soldiers; and (v) marginalized groups (3,700 households) including street

⁶³ Source: President's report [EB 2008/95/R.17]; Formulation Report (Document de Conception)

children, victims of social conflict, internally displaced people, abandoned people and people living with a disability or HIV/AIDS.

In line with the IFAD Policy on Targeting, the approach adopted by the proposed programme includes: (i) geographic targeting; (ii) positive discrimination and social self-targeting; and (iii) technical self-targeting. Geographic targeting will be supported by vulnerability mapping and the use of technical criteria such as access to agricultural services. This method will enable the programme to reach isolated communities, such as Pygmy households and small producers who do not benefit from the services offered by the government or NGOs.

Programme Objective

The programme's objective is to contribute to a reduction in poverty and food insecurity and to improving the living conditions of communities in Maniema Province. More specifically, the programme focuses on: (i) increasing the incomes of communities by reviving agricultural production, increasing breeding and fishing activities and improving access to markets; and (ii) enhancing access to health care and drinking water.

Programme Components And Activities

The programme has four components:

(i) Rehabilitation of infrastructure and rural feeder roads.

The component's objective is to improve agricultural products' physical and economic access to the market, to increase the beneficiaries' income generation and to develop the economic exchanges between the territories of the province, on the one hand, and between Maniema province and its neighbouring provinces (in particular North and South Kivu and Orientale provinces), on the other.

The principal activity of the component will be the rehabilitation of 100 km of the RN31 road connecting Kasongo to Kindu, (which is 240 km long) and which constitutes the principal axis for the evacuation of agricultural products within the project area and towards the rural and urban markets and the mining zones of Maniema Province.

(ii) Revival of agriculture and fishing.

This component aims to rehabilitate sustainable agricultural production, improve productivity and increase the income of producers, while emphasizing intensification, diversification and development. The activities of the component are: i) reinforcement of the producers' capacities, ii) enhancement of agricultural and fishing activities by improving producers' access to seeds and improved minnows, and to small agricultural and fishing equipment and technologies for better production performance.

(iii) Improved access to health care and drinking water.

The objective of the component is to improve the access of the populations living in the intervention zone and to improve their health conditions and their access to drinkable water.

The component will be coordinated around two sub-components that will be implemented on the basis of the needs identified by the populations within the context of the local development plans (PLD): (i) improvements in the health situation of the populations; (ii) improvements in access to drinkable water.

(iv) Programme management.

Strategy

Programme implementation will rely on a strategy that involves the various social and socio-professional groups – farmers' organizations, locally-elected representatives, women, young people and socially marginalized groups – in the planning, implementation and evaluation/supervision of activities. The programme will take account of the beneficiaries' priorities by (i) organizing participatory planning workshops led by the people concerned and facilitated by technical service providers; (ii) presenting micro-projects to the local development fund; and (iii) implementing micro-projects. The local population will help build and maintain infrastructure using labour-intensive (HIMO) methods under the guidance of public technical services. NGOs, the private sector and public services will be called upon as the main service providers to ensure the development of local capacity and expertise.

Innovative Features

The programme will introduce important innovations in development, namely:

- (i) Participatory planning in the elaboration of local development plans;
- (ii) Development of local expertise (public and private) through capacity-building, ensuring the scaling up of programme activities;
- (iii) Establishment of a local development fund to finance micro-projects in areas identified as suitable by the community; and
- (iv) The integration of young people into the transportation of agricultural products.

In addition, IFAD has funded two projects in DR Congo under the **Indigenous Peoples Assistance Facility (IPAF)**:

- Transformation and enhancement of agricultural products by indigenous women in Bunyakiri village, Kalehe territory, province of South Kivu (*Projet de transformation et de valorisation des produits agricoles par les femmes autochtones de Bunyakiri*), 2008, implemented by *L'Union pour l'Emancipation de la Femme Autochtone (pygmée)* U.E.F.A
- Enhancing the territories/traditional lands of indigenous peoples through community forestry at Walikale (*Valorisation des Territoires/ Terres Traditionnelles des Autochtones Pygmées par la Forestierie Communautaire à Walikale*), 2011.

Organization : *Programme d'intégration et de développement du peuple pygmée au kivu*

Area of project implementation: Democratic Republic of the Congo, North Kivu Province, Walikale Territory

IP Group: Batwa, Bambuti and Babuluko Indigenous peoples

Grant amount : USD 27,000

Project description: The forest is the natural habitat for indigenous peoples. Their knowledge and traditional practices contribute to the protection of the forest and its natural resources. Accordingly, this project will be implemented in Walikale territory and will support indigenous peoples in setting up local communities' forests (LCFs). The creation of these communities' forests will provide a significant foundation for land tenure security in indigenous territories, addressing poverty in indigenous communities and climate change. The project will also promote access to natural resources by indigenous communities and also by neighbours who are not members of the indigenous community.

7. International organizations

Official development assistance (ODA) to DR Congo is characterized by a large number of donors (UN agencies, bilaterals, international financing institutions, NGOs, etc.). In 2006, the major donors,⁶⁴ developed a Common Assistance Framework (CAF) and a United Nations Development Assistance Framework (UNDAF). This joint strategy is aimed at coordinating donor support for the implementation of the Government's Poverty Reduction Strategy Paper and its Priority Action Plan (PAP), giving priority to the implementation of the five PRSP pillars on Governance, Growth, Social Sectors, HIV/AIDS and Community Dynamics.⁶⁵ To co-ordinate this implementation, 15 thematic groups (*groupes thématiques* or clusters) were established. CAF has, to a great extent, provided a basis for harmonizing approaches and programs and

⁶⁴ The following donors adhere to CAF: the World Bank Group, the European Commission, the International Monetary Fund, the African Development Bank, the United Nations system, and key bilaterals—Belgium, Canada, France, Germany, Japan, China, the Netherlands, Italy, Spain, Sweden, the United Kingdom and the United States.

⁶⁵ See, e.g., DFID Country Plan for DRC (2008) <http://www.oecd.org/dataoecd/32/50/40692153.pdf>

85% of development assistance to the country is today pooled into Multi Partner Trust Funds (MPTF),⁶⁶ and multilateral organizations (UN agencies and WB).

The DRC also benefits from several large environmental funds.

7.1 UN agencies

UN agencies working⁶⁷ in the DRC include MONUSCO (UN Stabilization Mission in the Democratic Republic of Congo), OHCHR (the Office of the High Commissioner for Human Rights),⁶⁸ UNDP (UN Development Program), UNHCR (UN High Commissioner for Refugees), OCHA (Office for the Coordination of Humanitarian Affairs), UNAIDS (Joint United Nations Programme on HIV/AIDS), UNFPA (United Nations Fund for Population Activities), UNHABITAT, UNESCO (United Nations Educational, Scientific and Cultural organization), UNICEF (UN Children's Fund), FAO, IFAD, WFP (World Food Programme) and WHO (World Health Organization). UNDP is by far the largest agency,⁶⁹ and is the UN Resident Coordinator (RC) of the UN Country Team.

The UN agencies all work within sectors highly relevant to the situation of indigenous peoples (humanitarian aid, health, education, forestry, etc.) and they have activities in all the provinces where indigenous people live. Yet, as observed by representatives from the Working Group on Indigenous Populations/Communities of the African Commission during their visit in 2009, "the specific problems faced by the indigenous people in DRC [are] not taken into consideration"⁷⁰ and when the UN agencies' programs could benefit indigenous Pygmies, this often does not happen because of the marginalization they suffer.⁷¹ It is also noticeable that program-related documents⁷²—with the exception of IFAD's—seldom mention indigenous peoples and, when they do, it is often as an aside.⁷³ On the ground, there may be cases where indigenous peoples do benefit⁷⁴ but a concerted, targeted effort to reach indigenous Pygmies does not seem to exist.

In other parts of the world, several of these agencies have, however, developed policies and programs addressing indigenous peoples' issues.⁷⁵ They all belong to the UN Development Group (UNDG) which, in 2008, developed Guidelines on Indigenous Peoples' Issues.⁷⁶ They are also members of the Inter Agency Support Group on Indigenous Issues (IASG), established to support and promote the mandate of the UN Permanent Forum on Indigenous Issues (UNPFII) within the United Nations system.⁷⁷

⁶⁶ MPTF include the Pooled Fund (humanitarian aid), the DRC Recovery Fund, the Emergency Response Fund (ERF), the Global Fund, etc.

⁶⁷ With the exception of UNFPA, IFAD, UNESCO and UNEP, all of these agencies have country offices in the DRC.

⁶⁸ In 2008, the OHCHR country office was integrated with MONUC (today MONUSCO) into one office: UNJHRO.

⁶⁹ UNDP administers several large programs (Democratic Governance, Poverty Reduction and Recovery, HIV/AIDS and other Pandemics, and Humanitarian Assistance) as well as the activities of MONUSCO.

⁷⁰ ACHPR Report 2011:27.

⁷¹ Ibid.: "UNICEF has a legal and social protection program that takes all categories of children into consideration.

However, in order for indigenous children to benefit from this assistance, they need to be enrolled in schools targeted by UNICEF".

⁷² I.e., documents available on the Web.

⁷³ See e.g., OCHA Plan d'Action Humanitaire (2012). This document covers several areas including health and education but only mentions indigenous people as beneficiaries in a logframe on Non Food Goods and Emergency Shelters. http://www.reliefweb.int/sites/reliefweb.int/files/resources/F_R_470.pdf (accessed 01.12.2011).

⁷⁴ The WFP supplementary feeding program in Equateur province also benefits indigenous Pygmies.

⁷⁵ This is, e.g., the case of UNDP in Asia; FAO adopted a policy on indigenous peoples' issues in 2010. A UNICEF/WHO initiative in the Republic of Congo and Cameroon is targeting indigenous Pygmies (see E/C.19/2011/10 at UNPFII Web site <http://www.un.org/esa/socdev/unpfii/> (accessed 01.12.2011).

⁷⁶ United Nations Development Group Guidelines on Indigenous Peoples' Issues (2008) available from <http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf> (accessed 01.12.2011)

⁷⁷ The IASG is, at the country level, represented by the UN Resident Coordinator (RC).

7.2 Bilateral international development agencies

The following countries and their bilateral international development agencies—Belgium (BTC and Belgian Survival Fund), Canada (CIDA), France (Afd), Germany (GIZ, formerly GTZ), Japan (JICA), China, the Netherlands, Italy, Spain (AECID), Sweden (SIDA), UK (DFID) and the USA (USAID)—are all CAF partners and coordinate with the UN agencies. Several of them, as well as other non-CAF partners, provide funds directly to programs within specific areas, in particular the environment, and these are implemented by large NGOs. CARPE (the Central African Regional Program for the Environment), for instance, is a regional USAID initiative that supports the development of local, national and regional capacity in 12 critical landscapes. Six of these landscapes are in the DRC.⁷⁸

Several of these bilaterals (e.g., CIDA, GIZ, AECID, NORAD) have policies on indigenous peoples' issues.

7.3 International financial institutions

7.3.1 The World Bank

The World Bank (WB) is by far the main international financial institution involved in development activities that directly or indirectly target indigenous peoples. WB's assistance to the DRC is governed by the Country Assistance Strategy (CAS) for 2008-2011,⁷⁹ which is part of CAF.

As of the end of 2011, the WB was funding or co-funding 30 projects in the DRC (see Annex 6 for complete list). Most are integrated projects, targeting various sectors simultaneously that are generally of relevance to indigenous peoples (health, education, social services, forestry, infrastructure, transport and institutional building). Thirteen projects, or almost 50%, have triggered OP4.10 and include an indigenous peoples' plan (IPP).

The WB heightened its attention to safeguard issues after 2006, when the World Bank's Inspection Panel, acting on a formal complaint made in 2005 by Pygmy organizations and support organizations, came to the conclusion that there had been a failure during the design of two projects⁸⁰ and that "the necessary initial screening to identify risks and trigger the safeguard policies had not been carried out so that crucial steps would be taken to address the needs of the Pygmy peoples and other local people".⁸¹ As a result, an Action Plan was implemented and, according to a recent Project Completion Report, this plan "significantly helped the affected indigenous pygmy groups by improving their general living conditions while respecting their socio-cultural specificities".⁸² There are, however, still projects that do not trigger OP4.10 although they address issues in areas where indigenous peoples live, or trigger OP4.10 several years after project initiation (see Annex 6). It is also difficult to assess what kind of impact this safeguard policy has during project implementation, since the project

⁷⁸ These landscapes are (1) Lac Tele-Lac Tumba, which is a transboundary area on the western border with the Republic of Congo (Brazzaville); (2) Maringa-Lopori-Wamba (north-central region); (3) Salonga-Lukenie-Sankuru (central region); (4) Ituri-Epulu-Aru in the northeast; (5) Maiku-Tayna-Kahuzi-Biega in the northeast, including the Tayna Gorilla Reserve; and (6) Virunga, a transboundary area on the eastern border with Rwanda. CARPE is currently in the second of a planned three-phase. See <http://carpe.umd.edu/>

⁷⁹ See <http://go.worldbank.org/3NRDONER00>

⁸⁰ The projects "Emergency Economic and Social Reunification Support" and "Transitional Support for Economic Recovery Credit".

⁸¹ See WB Inspection Panel Investigation Report and Recommendation: Transitional Support for Economic Recovery Credit (TSERO) and Emergency Economic and Social Reunification Support Project (EESRSP). (2006).

⁸² Implementation Completion and Results Report —Emergency Economic and Social Reunification Support. Report No: ICR00001976 (2011d), 8 and 10.

progress descriptions⁸³ or the Implementation Status & Results reports do not refer to the IPP/IPPF.

7.3.2 African Development Bank

The AfDB Group is another major donor. The Bank's intervention for the 2008-2012 period falls within the overall framework of two priorities, namely: (i) support for good governance, and (ii) promotion of pro-poor growth (agricultural infrastructure, road rehabilitation, and access to water and sanitation). The Bank does not have specific safeguard policies, and refers to "vulnerable people" in most of its documents, including its guidelines for environmental and social management plans. In its Policy paper on Civil Society, however, the Bank emphasizes the importance of consultations with indigenous organizations.⁸⁴

7.3.3 Environmental Funding Mechanisms

The Global Environment Facility (GEF) has, through UNDP and IBRD/IDA, supported the government's National Forest Management and Nature Conservation Program (PNFoCo).⁸⁵

The Multi Donor Trust Fund for Forest Governance is financed by Belgium, the European Union, France, Germany, Luxembourg and the Netherlands and one of its purposes is to promote the application of the Forest Code.

The UN-REDD Program's Multi-Donor Fund and the World Bank's Forest Carbon Partnership Facility (FCPF) have funded the REDD+ Readiness process.⁸⁶ The Strategic Climate Fund⁸⁷ is funding the Forest Investment Program (FIP).⁸⁸

The REDD process is also funded by the Congo Basin Forest Fund, (CBFF),⁸⁹ a multi-donor fund administered by the African Development Bank. It was set up in 2008 by the UK and Norway and prioritizes activities for which ownership by the beneficiaries and their participation can be clearly demonstrated and established. The CBFF has funded several large projects in the DRC, such as, e.g., the Bonobo Conservation Concession project in Equateur Province.

As a rule, these environmental funds follow a policy that aims to ensure the participation and engagement of indigenous peoples. The FCPF and the UN-REDD Program have developed guidelines focusing on the participation of indigenous peoples.⁹⁰ GEF is developing its own safeguard policies, addressing the concerns of indigenous peoples in particular. FIP has two indigenous observers on its decision-making body and the FIP Indigenous Peoples and Local Communities Dedicated Initiative has been established to provide these communities with grants to support their participation in the development of FIP investment strategies, programs and projects.⁹¹ Indigenous peoples are, together with women, the main beneficiaries of the CBFF.⁹²

⁸³ See, e.g., the SOPE FY10 report at <http://www.worldbank.org>

⁸⁴ See AfDB Cooperation with Civil Society Organizations – Policy and Guidelines (1999), 10 and 21 at <http://www.afdb.org/en/documents/environmental-social-assessments/>

⁸⁵ PNFoCo aimed at: i) creating institutional capacity to ensure implementation of the new forest policy; ii) ensuring that the forests' social, economic, and environmental functions are preserved in the long term; iii) ensuring that forests contribute meaningfully to improving the livelihoods of rural populations; and iv) expanding the network of protected areas to 15% of the country's land area.

⁸⁶ The REDD+ program is administered by the National REDD Coordination within MECNT.

⁸⁷ The Strategic Climate Fund is a multi-donor Trust Fund within the Climate Investment Funds.

⁸⁸ FIP provides financing for readiness reforms and public and private investments, identified through national REDD readiness or equivalent strategies. DRC is one of 8 recipient countries. See Web site <http://www.climateinvestmentfunds.org/cif/node/5>

⁸⁹ <http://www.cbf-fund.org>

⁹⁰ See Guidelines at: <http://www.forestcarbonpartnership.org/fcp>

⁹¹ See Web site <http://www.climateinvestmentfunds.org/cif>

⁹² <http://www.cbf-fund.org>

7.4 International NGOs

A large number of international NGOs work in the DRC, either in connection with multi-donor projects or with their own programs. Many are specialized NGOs within, for instance, the fields of health, environment, agriculture, etc. They include, among many others: Red Cross (from different countries), Médecins sans Frontières, La Première Urgence, CARE International, Oxfam-Novib, Save the Children, Trocaire, Netherlands Development Organization (SNV), Caritas, ACTIONAID, PACTWORLD, Catholic Agency for Overseas Development (CAFOD), Dan Church Aid and Norwegian Church Aid.

Environmental organizations include IUCN (World Conservation Union), Rainforest Foundation (RN-UK and RN-Norway), FPP (Forest Peoples Programme), Greenpeace. CARPE's involvement in the six landscapes in DRC is managed by WWF (World Wildlife Fund), AWF (African Wildlife Fund), WCS (Wildlife Conservation Society) and CI (Conservation International).

A few of these NGOs work specifically with indigenous peoples. FPP, for instance, has received funding from SIDA to implement a project to enable forest communities—especially women and indigenous peoples—to protect their human rights and their right to free, prior and informed consent (FPIC) in REDD pilot areas.⁹³ RN-Norway is working to ensure the forest rights of indigenous peoples through advocacy/lobbying and with participatory mapping of their forest territories.⁹⁴ According to their Strategic Plan for Conservation, WWF involves local communities and indigenous peoples in the planning and execution of field programs, respecting their cultural as well as their economic needs.⁹⁵

8. Opportunities and challenges

Over the past decade, important progress has been made regarding indigenous issues at the national level: the concept of “indigenous” is now widely accepted and the Pygmies’ identity as indigenous peoples with specific needs has been recognized; steps towards a strategic framework for a Pygmy Development Program have been taken; indigenous organizations and networks have grown stronger and, together with supportive NGOs, asserted their rights, challenging the WB in 2005 (successfully) and more recently the State and the ICCN (judgment pending); indigenous representatives are taking part in forums and processes in which relevant issues and concerns are being discussed.

Much of this is due to the work done by the African Commission on Human and Peoples’ Rights, the World Bank and to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. With the exception of the WB and IFAD, however, it seems as if the donor community in DRC has not yet taken on board the idea that there are indigenous communities in the country and that specific measures are needed to improve the situation of these communities, who live in dismal poverty and suffer multiple abuses of their human rights.

Targeting development efforts towards indigenous communities must therefore be included on the work agenda of the multilateral and bilateral donor agencies in a concerted way, by applying their own policies for indigenous peoples and/or the UNDG guidelines and IASG recommendations.

Specific efforts will have to be made in order to reach the indigenous communities and different approaches will have to be developed. To do this, the donor community can greatly benefit from seeking the advice of, and collaborating with, local and national organizations,

⁹³ FPP at: <http://www.forestpeoples.org>

⁹⁴ RN Norway at: <http://www.regnskog.no/Languages/English>

⁹⁵ See WWF Plan of Action at: http://wwf.panda.org/what_we_do/where_we_work/congo_basin_forests/wwf_solutions/

NGOs and networks—indigenous or supportive of indigenous peoples. Among some of the most urgent challenges to be faced when working with indigenous communities will be:

- to ensure free access of indigenous women and men to health care and offer them the possibility of free primary education.
- to alleviate if not eradicate the discrimination against indigenous peoples. Measures, including training in basic human rights and monitoring the treatment received by Pygmies, should therefore be taken at all levels by project holders and others dealing with community work.
- to ensure their right to access land and forests. Without land tenure security, efforts to improve the livelihood of sedentary indigenous Pygmies will not be sustainable.
- to make sure that indigenous communities will benefit from the pending Community Forests Regulation and will be able to access user rights that can not only contribute to their livelihood but allow them to maintain their culture and traditions.
- to ensure that indigenous men and women are included in all participatory processes, obtain the necessary information and are given the opportunity to voice their opinion and exercise their right to free, prior and informed consent.
- to promote accountable indigenous peoples' representation in negotiation processes. Indigenous communities usually lack the institutions that could represent them and capacity development at the local level should include leadership development.

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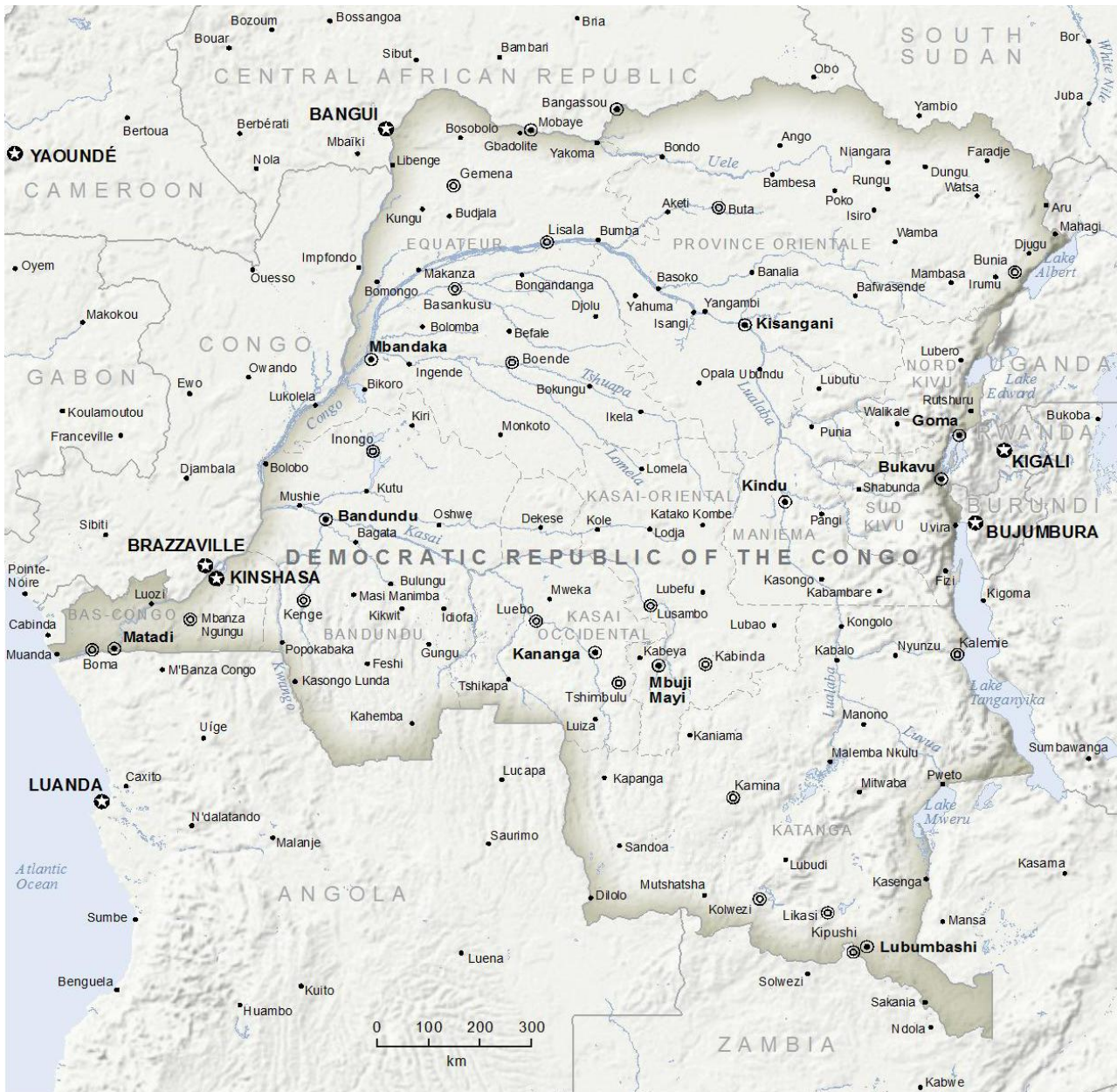
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<http://www.ohchr.org/EN/countries/AfricaRegion/Pages/ZRIndex.aspx>

10. Annexes

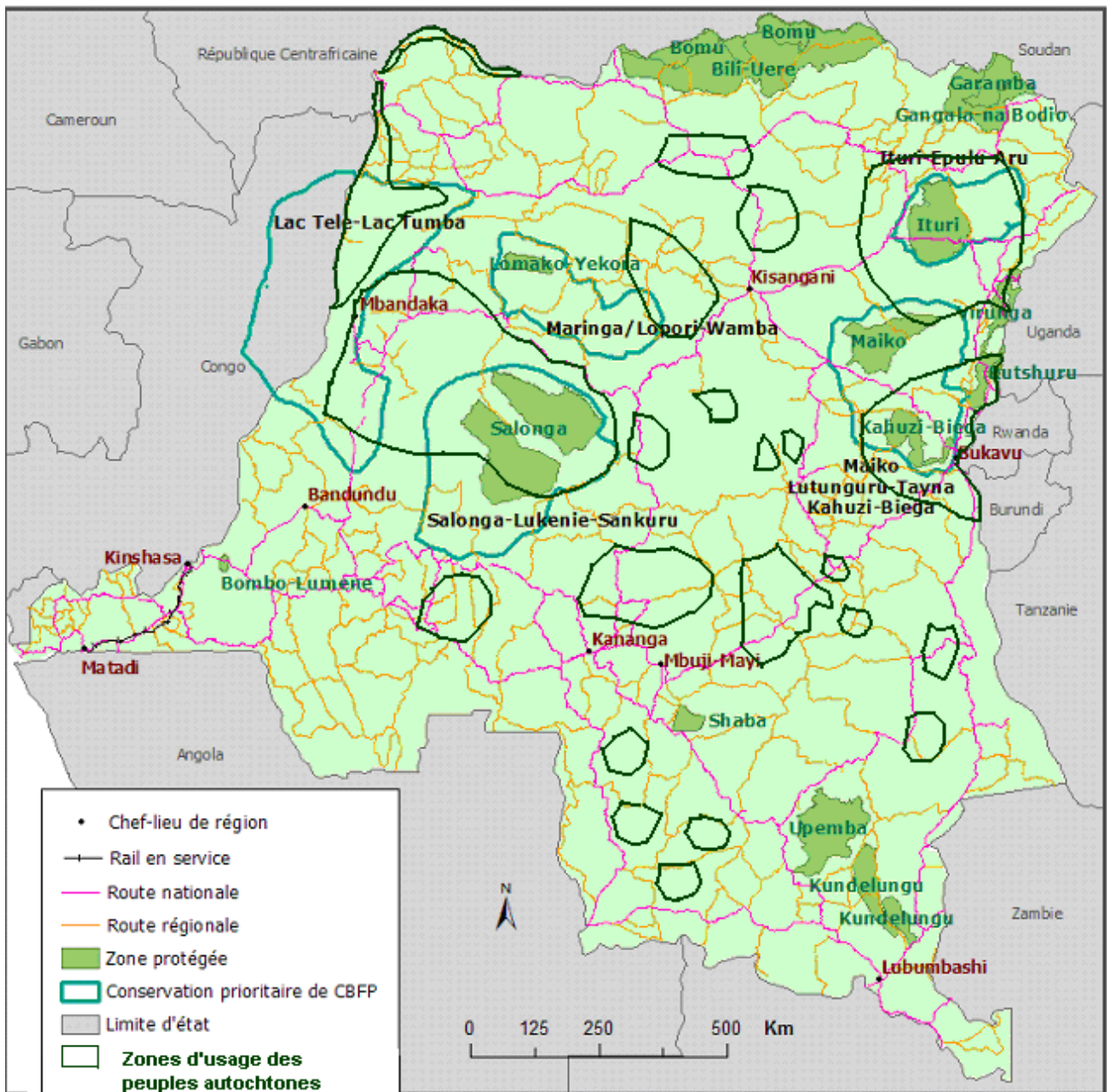
Annex 1. Reference Map and Map of Indigenous Peoples' Use Zones

Reference Map



Source: OCHA (2011), iv.

Map showing the use zones of indigenous peoples in the DRC



Source : WB IPP324—Cadre de Politique pour les Peuples Autochtones (CPA) du PNFCo – AGRECO (2008), 84.

Annex 2. Socioeconomic indicators

Table 1

Poverty and human development indicators in the Democratic Republic of Congo, by ethnicity, 2005

Indicator	Pygmies		Non-Pygmies	
Proportion of population living in rural areas	95.0		70.0	
Proportion of population that is female		51.6		50.4
Average age	26.7		20.9	
Median age	24.0		16.0	
Proportion of female-headed households	6.6		17.1	
Average age of household head	41.7		43.3	
Average household size	3.2		5.3	
School enrolment rate (age 6–11)	18.7		56.1	
Adult literacy rate (% ages 15 and older)	30.5		65.0	
Labor force participation rate (% ages 15 and older)		85.9		73.8
Adult unemployment rate (% ages 15 and older)	1.0		6.2	
Proportion working in informal sector (%)	100.0		90.2	
Poverty rate (%)	84.8		71.7	
Poverty gap	39.4		32.4	
Number of households surveyed	29		11,930	
Number of individuals surveyed	110		64,454	

Source: World Bank Socioeconomic status of the Pygmies in the Democratic Republic of Congo (2011b), 2.

Note: Authors' estimates are based on 2004/05 census data. The authors indicate that "the sample in the '123' survey is not large enough to lead to robust findings", but clearly shows that "differences in poverty between the Pygmies and the rest of the population are large".

Annex 3. List of International and Regional Human Rights and Other Legal Instruments

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

International human rights treaties

- The International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol 1 (ICCPR-OP1);
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
- The Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol;
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol;
- The Convention on the Rights of the Child (CRC) and its 2 Optional Protocols;
- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol;

Universal human rights instruments related to armed conflicts

- The Convention on the Prevention and Punishment of the Crime of Genocide;

- The Four Geneva Conventions of 1949 and the two additional 1977 protocols;
- The Convention relating to the Status of Refugees and its 1967 Protocol;
- The Rome Statute of the International Criminal Court.

Other international Conventions

UNITED NATIONS

- The Convention against Transnational Organized Crime (CTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

UNESCO conventions

- The Convention concerning the Protection of the World Cultural and Natural Heritage
- The Convention for the Safeguarding of the Intangible Cultural Heritage
- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions

ILO

- C110 and C111 (Elimination of Discrimination in respect of Employment and Occupation)
- C138 and C182 (Abolition of Child Labor)

International conventions related to environment, bio-diversity and climate change

- CBD—The Convention on Biological Diversity and its two Protocols (Cartagena Protocol on Biosafety and Nagoya Protocol on Access to and Utilization of Genetic Resources)
- Agenda 21
- UNFCCC—UN Framework Convention on Climate Change and its Kyoto Protocol on the Reduction of Overall Emissions
- The Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer
- The Ramsar Convention on Wetlands
- CITES—Convention on International Trade in Endangered Species
- CMS—Convention on the Conservation of Migratory Species of Wild Animals
- UNCCD—UN Convention to Combat Desertification...particularly in Africa
- ITTA—International Tropical Timber Agreement
- The Nuclear Non-Proliferation Treaty (NPT)
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their disposal
- The Rotterdam Convention. On the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in internal Trade
- The Stockholm Convention on Persistent Organic Pollutants

International conventions regarding intellectual property rights

- WIPO Convention
- The Berne Convention for the Protection of Literary and Artistic Works
- The International Convention for the Protection of Producers of Phonograms
- TRIPS—Agreement on Trade-related Aspects of Intellectual Property Rights

The UN Millennium Declaration

Regional human rights instruments

- The African Charter on Human and Peoples' Rights (ACHPR)
- The African Charter on Rights and Welfare of the Child (signature)
- The Protocol to the ACHPR on the Rights of Women in Africa
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights

Other regional conventions

- The African Union Convention on the Prevention and Combating of Corruption
- African Convention on the Conservation of Nature and Natural Resources
- Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements and Management of Hazardous Wastes within Africa
- Pelindaba Treaty on the African Nuclear Weapons-Free Zone

Membership of regional bodies related to forests and environment

- COMIFAC—Conference of Ministers Responsible for the Forests of Central Africa
- CEFDHAC—the Conference of the Dense Humid Forests of Central Africa (1998)

- CFBP—The Congo Forest Basin Partnership.

Annex 4. List of National and Grassroots Organizations

DGPA—Dynamique des Groupes Peuples Autochtones de RDC groups together several networks and NGOs from all the provinces with indigenous peoples and works with advocacy, documentation and capacity building. DGPA is member of the Climate-REDD Working Group established by civil society members and collaborating with the government, donors and international donors.

OSAPY— Organization for Settlement, Literacy and Advocacy for Pygmies is a national NGO (1998) based in Kisangani (Province Orientale). It focuses exclusively on defending and promoting the rights of Pygmies.

LINAPYCO—the National League of the Pygmy Associations of Congo affiliates a large number of local church institutions of different denominations as well as NGOs. It is active in South Kivu, North Kivu, Katanga and Orientale provinces. Its areas of intervention include human rights, community development, women and youth and environmental programs. LINAPYCO is member of the Climate-REDD Working Group.

RAPY— the Network of Pygmy Associations (2002) is formed of 10 local organizations and Pygmy associations. The member organizations work in South and North Kivu. RPY produces guidebooks in local languages and documents human rights abuses against Batwa and Bambuti communities in eastern DRC.

CAMV —the Centre for the Support of the Indigenous Pygmies and Vulnerable Minorities is an NGO working out of Bukavu with indigenous populations in the provinces of South Kivu, North Kivu, Maniema, Orientale, Katanga, Equateur and the town of Kinshasa; it publishes two news bulletins: Echo des Pygmées and Le Forestier. <http://www.camv-pygme.org/>

UEFA—Union for the Emancipation of Indigenous Women involves a number of environmental and education activities in South Kivu and Equateur provinces.

PIDEP—Programme d'Intégration et de Développement du Peuple Pygmée au Kivu is an NGO created in 1991 by indigenous Pygmy activists. Its activities focus on ensuring "customary security" through mobilization and awareness raising of indigenous populations with regard to their rights and identity.

RRN—Réseau Ressources Naturelles is a monitoring and governance platform (2002). It has more than 250 member organizations and is represented in all of the DRC's 11 provinces. Member organizations include well-organized umbrella organizations as well as small, local grassroots organizations. RNN is member of the Climate-REDD Working Group. <http://www.rnrndc.org/>

ERND Institute—Environnement, Ressources Naturelles et Développement is an institute working with projects related to natural resource and forest management, and gives legal and administrative support to the indigenous population through its network of local lawyers.

UGADEC—Union of Gorilla Conservation Associations for the Community Development of Eastern DRC works to create community reserves in the area between the Kahuzi Biega National Park and the Maïko National Park.

REPALEF-RDC—Réseau des Populations Autochtones et Locales pour la Gestion Durable des Ecosystèmes Forestiers de la République Démocratique du Congo is a network connected to the regional indigenous environmental network REPALEAC (Réseau des populations autochtones et locales pour la gestion durable des forêts denses et humides d'Afrique Centrale) and the Central African Forests' Commission—COMIFAC

CNCJA—Conseil national de concertation des jeunes autochtones de la RDC is the national indigenous youth council.

Réseau CREF is a network of 34 NGOs created in 2003 and working in North Kivu. Its main aim is to re-establish the forest and to defend the rights of the local communities who depend

on the forests of North Kivu. It works in many areas and its activity plan for 2005-2013 has a component entitled "Pygmy dignity" focussing on legal assistance. <http://reseaucref.org/>

CEDEN—Cercle pour la défense de l'environnement is an NGO working in Equateur Province for the promotion and strengthening of indigenous and local people's forestry rights.

APRODEPED—Action pour la Promotion et la Défense des Droits des Personnes Défavorisées is an association of jurists working for the protection of disadvantaged persons, including indigenous peoples and their struggle for the recognition and promotion of their rights. Its webpage at <http://aprodedeped-rdc.org/> is under construction.

Héritiers de la Justice (Heirs of Justice) is a human rights organization specializing in promoting peace in the Great Lakes Region, particularly in Sud Kivu, where it has established Mediation and Defense Committees, formed of local community leaders (priests, teachers, nurses, civil servants, etc.) working on a voluntary basis in the prevention and resolution of local conflicts and the protection of people's rights. Its Secretary General, Pascal Kabungulu Kimembi, a prominent human rights defender, was murdered in 2005.

<http://www.heritiersdelajustice.org>

APDMAC—Action d'Appui pour la Protection des Droits des Minorités en Afrique Centrale works for the protection of indigenous rights in eastern DRC.

APDMA—Association for the Promotion and the Defense of Maniema's Indigenous Minorities' Rights.

APPL—Association of Pygmy Peasants of Lokolama, Equateur

CELCO—Free Evangelical Community of Western Congo works on literacy programs and agriculture in the western part of the country.

CIDB—The International Centre for the Defense of the Rights of the Batwa works in Equateur province and Kinshasa.

CODELT—The Council for Environmental Defense through Legality and Traceability supports local communities and indigenous populations.

REFADD—Réseau des Femmes Africaines pour le Développement Durable is working on the promotion and participation of women—including indigenous women—in sustainable natural resource management and has, since 2004, been involved in forestry management.

Annex 5. List of Active World Bank Projects in the DRC (18.12.2011)⁹⁶

1. **P128452 BPRP-funded support for capacity building at the DRC PRSP unit 2011/Closing Date N/A**

Total Project Cost: USD 0.6 million (Belgium Poverty Reduction Partnership Program).

Major Sectors (%) Central government administration (50%), Sub-national government administration (30%), Public administration - Information and communications (20%).

Themes (%) Other economic management (50%) Other public sector governance (20%) Vulnerability assessment and monitoring (30%).

IPP: Policy not triggered.

2. **P120709 CONGO DRC - Pro-Routes Project (Additional Financing) 2011**

Total Project Cost: USD125.2 million (IBRD/IDA 63.30; UK-DFID 46.0; Others 15.9).

Major Sectors (%): Roads and highways (34%); Agricultural marketing and trade (31%); Central government administration (18%); Sub-national government administration (17%).

Project Development Objectives: to re-establish lasting access between provincial capitals and districts and territories in four provinces (Province Orientale, Katanga, South Kivu and Equateur) in a way that is sustainable for people and the natural environment in the area of influence of the project. Indigenous peoples affected by project: Aka, Batwa and Mbuti indigenous groups in some of the project areas.

IPP: Reference is made to IPPs for the area, all elaborated in 2007/2008 in relation to the original P101745—Pro Route project (IPP250 Kisangani-Bunduki and Fizi-Kasomeno), to P081850—Emergency Economic and Social Reunification Support Project (IPP248 for RN1, RN2, and RN4) and to P088619— Emergency Living Conditions Improvement Support Project (IPP499 for Akula-Zongo [published 2011]).⁹⁷

3. **P117382 DRC Establishing Capacity for Core Public Management 2011/2015**

Total Project Cost: USD29.9 million (IBRD/IDA).

Major sector: General public administration sector (100%).

Themes: Decentralization (25%); Public expenditure, financial management and procurement (25%); Other public sector governance (25%); Managing for development results (25%).

Project Development Objectives: to strengthen core public administration functions of selected central and provincial institutions in the recipient's territory.

IPP: Policy not triggered.

4. **Polio Control Additional Financing to Health Sector Rehabilitation Support**

Total Project Cost: USD30 million (IBRD/IDA)

Major sector(s): Health and other social services (Health) (98%), Public Administration, Law and Justice (Public administration - Health) (2%)

Themes: Child health (53%), Health system performance (9%), Other communicable diseases (19%), Population and reproductive health (19%)

Project Development Objective: to ensure that the target population in project health zones has access to, and uses a well-defined package of, quality Essential Health Services (EHS).

IPP: IPP521 (2011).

Remarks: P088751—Health Sector Rehabilitation Support was initiated in 2004/2005. Two Integrated Safeguards Data Sheets were prepared in 2004 and 2005. Neither of them included Indigenous Peoples (OD 4.20) as a Safeguard Policy to be applied.

⁹⁶ See under Project and Programs at WB's Web site: <http://go.worldbank.org/3DSRFXRWTO>

⁹⁷ See Project Information Document AB5764 (2011) at: <http://go.worldbank.org/PE0AQIVTNO>

5. P126683 Emergency Social Action Project 2. Additional funding 2011

Total Project Cost: USD6.8 million (IBRD/IDA).

Major sector(s): Health and other social services (81%), Public Administration, Law and Justice (19%).

Themes: Social safety nets (2%), Other public sector governance (2%), Other social protection and risk management (48%), Conflict prevention and post-conflict reconstruction (48%).

Project Development Objectives: to improve access to social services by the poor and enhance management of development resources at the community level. The second Additional Financing will focus on the construction or rehabilitation of about 50 community economic or social infrastructures including agricultural roads, micro-irrigation, water supply, agricultural inputs and the rehabilitation of small markets.

IPP: IPP 405 elaborated in 2007 in connection with original project (P086874).

Remarks: According to Appraisal Report: "No long term or cumulative adverse impacts were identified... in the Indigenous Peoples Development Plan (IPDP). The second Additional Financing will support an estimated 65 small sub-projects that can only have positive long term impact on the population, including access to basic social services."⁹⁸

6. P126214 FIP Investment Plan Preparation Grant 2011/n.d.

Total Project Cost: USD 0.25 million (IBRD/IDA).

Major Sectors (%): Agriculture, fishing and forestry (100%).

Theme (%): Climate change (100%).

MDG: Environmental sustainability.

IPP: Policy not triggered.

7. P122251 Malaria Control Additional Financing to Health Sector Rehabilitation Project 2010

Total Project Cost: USD 80 million (IBRD/IDA).

Sector: Health (100%).

Theme: Malaria (100%).

Project Development Objective: to combat/eradicate malaria. The original project was focused on the provinces of Bandundu, Equateur, Kinshasa, Katanga and Maniema. The focus on implementation of the additional funding will be in the provinces of Katanga, South and North Kivu

IPP: IPP460 gives the TOR for IPP 521.

Remarks: IPP460 states that "the Strategic Framework for the Pygmy Development Program (December 2009), supported by the Bank and endorsed by the DRC Government, informed the Additional Financing to prepare an IPPF in the aim to ensure proper documentation of inclusion and social benefits for indigenous people. The Indigenous Peoples' (IPs) safeguard policy (OP 4.10) is therefore triggered in recognition of the fact that the Batwa people (indigenous pygmy communities) are located within the health zones supported by the project, including selected activities financed under the original financing and the Additional Financing. An Indigenous Peoples Planning Framework (IPPF) will be prepared under the remaining part of the original financing".⁹⁹ See also project mentioned above: 4—Polio Control Additional Financing.

8. P106982 Growth with Governance in the Mineral Sector Project (PROMINES) 2010-2015

Total Project Cost: USD 90 million (IBRD/IDA USD50.0; UK-DFID USD40.0).

Sector(s): Public Administration, Law and Justice (99%), Tertiary education (1%).

⁹⁸ Integrated Safeguards Datasheet —Appraisal Stage 2011 Report No.: AC6302.

⁹⁹ Integrated Safeguards Datasheet —Appraisal Stage 2010 Report No.: AC5863.

Themes (%): Other public sector governance (55%), Rural policies and institutions (16%), Education for the knowledge economy (3%), Economic statistics, modeling and forecasting (4%), Public expenditure, financial management and procurement (22%).

Project development objective: to strengthen the capacity of key institutions to manage the minerals sector, improve the conditions for increased investments in and revenues from mining, and help increase the socio-economic benefits from artisanal and industrial mining in project areas

IPP: Policy not triggered.

9. P092537 Multi modal transportation 2010-2015

Total Project Cost: USD 601 million (IBRD/IDA 225.0, Borrower: 376.0).

Sector(s): Railways (70%), Ports, waterways and shipping (10%), Aviation (10%), Public administration-Industry and trade (5%), Public administration-Transportation (5%).

Theme(s): State enterprise/bank restructuring and privatization (50%), Export development and competitiveness (20%), Corporate governance (10%), Infrastructure services for private sector development (10%), Administrative and civil service reform (10%).

Project Development Objectives: (i) to improve transport connectivity in the Democratic Republic of Congo (DRC) in order to support national economic integration; (ii) to restore Société Nationale des Chemins de Fer du Congo (National Railway Company of DRC - SNCC) to financial and operational viability; and (iii) to implement a sector-wide governance plan and strengthen transport state-owned enterprises' (SOEs) operational performance.

IPP: Policy not triggered.

10. P120898 Emergency Urban and Social Rehabilitation Project Additional Financing (ERL) 2010¹⁰⁰

Total Project Cost: USD 40 million (IBRD/IDA).

Sectors: Education (Secondary education) (50%), health and other social services (Health) (50%).

Themes: Malaria (50%), Education for All (50%).

Project Development Objective: to help the DRC face urgent post-election challenges by: (i) providing resources to maintain macro-economic stability and fund critical expenditure in the immediate future; and (ii) addressing urgent rehabilitation and social needs in Kinshasa, which is key to political and social stability. The component Malaria reduction and prevention in Bandundu Province would finance the distribution of up to 3 long-lasting insecticidal nets per household in Bandundu province (about 2.8 million in total), as a means of reducing malaria-related infant mortality.

IPP: Policy not triggered.

Remarks: If the project targets territories in Bandundu Province with an indigenous population, OP4.20 should have been triggered.

11. P115318 Street Children Project 2010/2015

Total Project Cost: USD 10 million (IDA).

Major Sectors: Other social services (71%), Public administration - Other social services (13%), Primary education (8%), Media (8%).

Themes: Social safety nets (35%), Gender (21%), Vulnerability assessment and monitoring (13%), Participation and civic engagement (23%), Education for all (8%).

Project Development Objective: to improve the delivery mechanisms for prevention and support services for street children, primarily in Kinshasa.

IPP: Policy not triggered.

Remarks: The possible occurrence of indigenous street children should be investigated.

12. P118658 Emergency Social Action Project – 2nd Additional financing 2010

¹⁰⁰ The original ERL project (P104497) was initiated in 2007.

Total Project Cost: USD 35 million (IBRD/IDA).

Major sectors: Other social services (77%), Public Administration, Law and Justice (23%).

Themes: Social safety nets (13%), Other public sector governance (23%), Conflict prevention and post-conflict reconstruction (64%).

Project Development Objectives: to improve access of the poor to social and economic services and increase the availability and management of development resources at the community level. The activities to be financed under the proposed Additional Financing comprise: (i) rehabilitation and construction of small-scale community-based infrastructure; (ii) capacity building primarily for beneficiary communities and local executing agencies; and (iii) project coordination and management.

IPP: IPP405 (2007) elaborated for original project.

13. P092724 Agriculture Rehabilitation and Recovery Support 2010/2015

Total Project Cost: USD 130 million (IBRD/IDA USD 120.0, local communities US \$10.0).

Sectors: General agriculture, fishing and forestry sector (50%), Roads and highways (36%), Public administration - Agriculture, fishing and forestry (14%).

Themes: Rural services and infrastructure (68%), Other rural development (7%), Rural markets (2%), Rural policies and institutions (19%), Water resource management (4%).

Project Development Objectives: to increase agricultural productivity and improve marketing of crops and animal products on the part of smallholder farmers in targeted areas. The project area is inhabited by the Bambenga people, an indigenous Pygmy group.

IPP: IPPF359 (2009).

Remarks: According to the Project Appraisal Document: "On May 13, 2009, prior to appraisal, an IPPF was prepared and disclosed in-country and at the Bank's Info-shop. During the preparation of the IPPF, consultations were organized with the indigenous people, and preparation included both social scientists and environmentalists. The indigenous people were broadly supportive of the project objectives and outcomes. However, before the negotiations, the project team received a letter from a representative of a local NGO complaining about the consultation process with indigenous peoples during the preparation of the Indigenous Peoples' Planning Framework. In response to this, the project team will undertake additional consultations on an ongoing basis to ensure that all stakeholders are well informed about the project and their concerns are taken into account during implementation."¹⁰¹

14. P120647 Statistical Capacity Building 2010/2011

Total Project Costs: USD 0.22 million (Trust Fund For Statistical Capacity Building).

Major Sectors: Public Administration, Law and Justice (Central government administration) (80%), Public Administration, Law and Justice (Sub-national government administration) (20%).

Themes: Decentralization (34%). Poverty strategy, analysis and monitoring (33%), Economic statistics, modeling and forecasting (33%).

IPP: Policy not triggered.

Remarks: It would be relevant to include an indigenous perspective since statistical information on indigenous Pygmies is currently not available.

15. P117558 Addressing Sexual Gender-Based Violence in South Kivu 2010/2012

Total Project Costs: USD 1.95 million (State And Peace Building Fund).

Major Sectors: Health and other social services (Other social services) (100%).

¹⁰¹ See Project Appraisal Document regarding an Agriculture Rehabilitation and Recovery Support Project, Report No: 49169-ZR, (March 4, 2010), 104. According to Report No. ISR4386 Implementation Status & Results for same project (May 2011 – a few months after delayed start) "the major immediate challenge facing the Project is the lack of complete information on the project for the beneficiaries and different stakeholders. The PIU was instructed to organize as soon as possible (at least before end of September 2011) technical workshops in each district to disseminate the right information regarding project objectives, activities and procedures."

Themes: Gender (30%), Social safety nets (10%), Other social development (10%), Population and reproductive health (10%), Conflict prevention and post-conflict reconstruction (40%).

MDG: Promote gender equality & empower women; Improve maternal health.

IPP: No documents available when accessed (20.12.2011).

Remarks: It is well-known that many indigenous women suffer severe abuses based on sexual violence, so safeguards policy should be triggered.

16. P096414 BCF-IBI Carbon Sink – Bateke 2009/2015

Total Project Costs: USD 4 million (Carbon Fund).

Major Sectors: Agriculture, fishing and forestry (Forestry) (80%), Energy and mining (Renewable energy) (20%).

Themes: Climate change (100%).

Project Development Objectives: to promote the afforestation of 4,220 hectares on the Bateke Plateau, contributing to the supply of fuel wood to Kinshasa, while creating a carbon sink capable of sequestering around 2.4 million tons of CO₂ over 30 years.

IPP: Policy not triggered.

17. P100620 Forest and Nature Conservation Project 2009/2015

Total Project Cost: USD79 million (IBRD/IDA 64 million, Borrower 15 million).

Major Sectors: Public administration - Agriculture, fishing and forestry (52%), Forestry (27%), General agriculture, fishing and forestry sector (21%).

Themes: Other environment and natural resources management (17%), Biodiversity (5%), Environmental policies and institutions (56%), Indigenous peoples (10%), Participation and civic engagement (12%).

Project Development Objectives: to improve the capacity of the Ministry of Forests and Nature Conservation to manage forests and to enhance the collaboration among government institutions, civil society and other stakeholders.

IPP: IPP324 (2008).

18. P083813 Support for the Rehabilitation of the Protected Areas System 2009/2014

Total Project Cost: USD 55.6 million (ECHO 12.5, GEF 7.0, UNESCO 3.4, Bilateral Agencies (Unidentified) 23.0, NGOs of Borrowing Country 2.1, Borrower 6.5, Foundation/S (Identified) 1.1).

Major Sectors: Agriculture, fishing and forestry (100%).

Themes: Biodiversity (39%), Other rural development (21%). Land administration and management (21%), Environmental policies and institutions (19%).

Project Development Objective: to enhance the capacity of the Congolese Institute for Nature Conservation (ICCN) to manage targeted protected areas.

IPP: IPP300 (2008)

Remarks: According to Implementation Status & Results document: "At the park level, the delegated management contract with the Frankfurt Zoological Society (FZS) is providing support to indigenous pygmy groups adjacent to the Mikeno Sector (the mountain gorilla sector) of the Virunga National Park".¹⁰²

19. P111621 Rehabilitation and Participatory Management of Key Protected Areas in the DRC 2009/2015

Total Project Cost: USD 70 million (GEF 6.0; GEF - Associated Ida Fund 64.0).

Major Sectors: General agriculture, fishing and forestry sector (52%), Forestry (32%), Public administration - Agriculture, fishing and forestry (16%).

Themes: Biodiversity (53%), Indigenous peoples (5%), Environmental policies and institutions (16%), Other environment and natural resources management (26%).

¹⁰² Implementation Status & Results 2011, Report No: ISR5354.

Project Development Objectives: to increase local community and civil society participation in forest management by: (a) preparing participatory zoning of forested areas, including the clarification of their use, sensitization of local communities and use of conflict management mechanisms; (b) carrying out local consultations on the management of forests for various environmentally sustainable uses; and (c) organizing consultative fora among all stakeholders to improve transparency, management and protection of forest resources, all through the provision of goods, services and training.

A stated outcome of targeted thematic: Indigenous peoples (5%): Empowerment, security & social inclusion.

IPP: According to Project documents, an IPPF —Cadre de Politique pour les Peuples Autochtones—dated September 8, 2008, has been produced but it was not available on the web as of the end of 2011.

Remarks: Only project to directly target indigenous peoples.

20. P091092 Urban Water Supply Project 2008/2014

Total Project Cost: USD 190 million

Sectors: Water supply (95%), Public administration - Water, sanitation and flood protection (5%).

Themes: Access to urban services and housing (76%), Other public sector governance (24%).

Project Development Objectives: to increase sustainable access to water in selected urban areas and the efficiency of REGIDESO.

IPP: Policy not triggered

21. P090872 Additional Financing for Private Sector Development and Competitiveness Support 2008/2010

Total Project Cost: USD 60 million (IBRD/IDA).

Major Sectors: Transportation (Railways) (39%) Finance (Micro- and SME finance) (25%) Finance (Payments, settlements, and remittance systems) (16%) Public Administration, Law and Justice (Law and justice) (14%) Finance (General finance sector) (6%).

Themes: Law reform (29%) Micro, Small and Medium Enterprise support (29%) Other financial and private sector development (14%) State-owned enterprise restructuring and privatization (28%).

Project Development Objectives: to increase the competitiveness of the economy and thereby contribute to economic growth.

IPP: Policy not triggered

22. P104041 Enhancing Governance Capacity 2008/2013

Total Project Cost: USD 50 million (IBRD/IDA).

Major Sector(s): Central government administration (50%), Sub-national government administration (50%).

Theme(s): Administrative and civil service reform (29%), Decentralization (29%), Public expenditure, financial management and procurement (28%), Other accountability/anti-corruption (14%).

Project Development Objectives: to create an effective multi-level governance system based on the principles of transparency and solidarity.

IPP: Policy not triggered

23. P1017457 High-Priority Roads Reopening and Maintenance Project (PRO-ROUTES) 2008/2013

Total Project Cost: USD 122.2 million (IBRD 50.0, UK-DFID 57.8, Borrower/ Recipient 15.90).

Major Sectors: Roads and highways (65%), Central government administration (18%), Sub-national government administration (17%).

Themes: Infrastructure services for private sector development (33%), Conflict prevention and post-conflict reconstruction (33%), Other social development (17%), Environmental policies and institutions (17%).

Project Development Objectives: to re-establish lasting access between provincial capitals and districts and territories in 3 provinces in a way that is sustainable for people and the natural environment in the project's areas.

IPP: Reference is made to IPPs elaborated in 2007/2008 for the original P101745—Pro Route project (IPP250 Kisangani-Bunduki and Fizi-Kasomeno), P081850— Emergency Economic and Social Reunification Support Project (IPP248 for RN1, RN2, and RN4) and P088619— Emergency Living Conditions Improvement Support Project (IPP499 for Akula-Zongo [published 2011]).

24. P086294 Education Sector Project 2007/2012

Total Project Cost: USD 150.5 million (IBRD/IDA 150.0, Borrower 0.5).

Major Sectors: Primary education (81%), Central government administration (14%), Tertiary education (3%), General education sector (2%).

Themes: Education for all (33%), Social safety nets (17%), Public expenditure, financial management and procurement (17%), Administrative and civil service reform (17%), Education for the knowledge economy (16%).

Project Development Objectives: to prevent further deterioration in the delivery of essential services for primary education ... The Project covers the entire country. All public and publicly-subsidized primary schools will be targeted for the Project's support for reduction of school fees and the distribution of text books (Components 1 and 2 of the Project). Classroom rehabilitation will especially target areas most affected by the conflict.

IPP: Policy not triggered

Remarks: That the indigenous safeguard policy does not apply seems surprising since the project covers the entire country and includes delivery of essential services for primary education.

25. P104497 Emergency Urban and Social Rehabilitation Project (ERL) 2007/2012

Total Project Cost: USD 180 million (IBRD/IDA).

Majors Sectors: Justice (Central government administration) (32%), Education (General education sector) (25%), Transportation (Roads and highways) (22%), Water, sanitation and flood protection (Water supply) (14%), Health and other social services (Health) (7%).

Themes: Malaria (13%), Education for All (24%), Other urban development (13%), Urban services and housing for the poor (25%), Debt management and fiscal sustainability (25%).

Project Development Objective: to help the DRC face urgent post-election challenges by: (i) providing resources to maintain macro-economic stability and fund critical expenditure in the immediate future; and (ii) addressing urgent rehabilitation and social needs in Kinshasa, which is key to political and social stability.

IPP: Policy not triggered.

26. P098187 Debt Buy Back Operation

Total Project Cost: USD 0.9 million (Debt Reduction Facility).

Major Sector: Finance (General finance sector) (100%).

Theme: Other financial and private sector development (100%).

IPP: Policy not triggered.

27. P088751 Health Sector Rehabilitation Support 2005/2013

Total Project Cost: USD 150 million (IDA).

Major Sector(s): Health (90%), Sub-national government administration (7%), Central government administration (3%)

Theme(s): Health system performance (25%), Child health (25%), Malaria (24%), Population and reproductive health (13%), HIV/AIDS (13%)

Project Development Objectives: to ensure that the target population of selected health zones has access to, and is using, a well-defined package of quality essential health services.

Restructuration of project: 2010. The restructuring involved: (i) modifying key indicators and specifying targets, including adding relevant IDA core indicators; (ii) extending support to malaria control, integrated in essential primary health care services, to health zones that until recently were supported by an emergency project; (iii) assigning full responsibility for implementation of the project, including fiduciary management, to the Ministry of Health.

IPP: IPP521 (2011). It will be followed by an IPPF.

28. P088619 Emergency Living Conditions Improvement Support Project (PUAACV) 2005/2012

Total Project Cost: USD 82 million (IBRD/IDA).

Major Sectors: General transportation sector (50%), General water, sanitation and flood protection sector (15%), Energy and mining (Power) (15%), Public Administration, Law and Justice (13%), General education sector (7%).

Themes: Participation and civic engagement (16%), Urban services and housing for the poor (17%), Municipal governance and institution building (17%), Conflict prevention and post-conflict reconstruction (33%), Infrastructure services for private sector development (17%).

Project Development Objectives: to assist the government in improving living conditions by strengthening the socio-economic situation in key urban centers and in two isolated areas, i.e., by (i) improving delivery of basic services in provincial capitals and key medium urban centers; and (ii) restoring key transport links to reconnect two isolated regions.

IPP: IPP499 (IPDP) 4 Vol. 2007-2008. Vol.3 relates also to Involuntary Resettlement (OP/BP 4.12).

29. P086874 Emergency Social Action Project 2004/2013

Total Project Cost: USD 63 million (IDA 60.0, Borrower 3.0).

Major Sectors: Primary education (64%), Other social services (20%), Health (8%), Roads and highways (8%).

Themes: Other social protection and risk management (23%), Participation and civic engagement (22%), Improving labor markets (22%), Rural services and infrastructure (22%), Gender (11%).

Project Development Objectives: to improve access of the poor to social, and economic services, and increase the availability and management of development resources at the community level. The Project will contribute to the restoration of basic public and social services and help the government consolidate the peace process and its social and economic recovery efforts, helping conflict-affected communities return to productive social and economic life.

IPP: IPP405 (2007).

30. P071144 Private Sector Development and Competitiveness Project

Total Project Cost: USD 123.8 million (IBRD/IDA 120.0, Borrower 3.8).

Project Status: While performance of the regional trade facilitation project for Africa is satisfactory, the project has fallen short of its potential due to the restrictive capital structure of the Africa Trade Insurance Agency (ATI) and a misalignment of products offered by ATI with market requirements. Three changes are proposed: (i) capital restructuring of ATI; (ii) expansion of product lines offered; and (iii) consolidation of the existing individual IDA projects under a single project number.

IPP: Policy not triggered.

