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# IMPACT OF ARMED CONFLICTS ON THE PROTECTION AND CONSERVATION OF NATURAL WORLD HERITAGES :CASE OF VIRUNGA NATIONAL PARK.

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## Abstract

*The article 2 of the Convention on the Protection of Word Heritage provides that “natural heritage can be natural sites or precisely delineated natural areas of outstanding universal value from the point view of science or conservation or natural beauty”.<sup>2</sup> UNESCO’s Word Heritage Convention (1972) sets out to protect the World natural and cultural heritage, in the Democratic Republic of Congo, Virunga National Park was inscribed on their list in 1979.<sup>3</sup> The Virunga landscape is home to some of Africa’s richest biodiversity. Unfortunately, the area surrounding the Virunga National Park has also been the site of some of the continent’s most intense social and political conflict.<sup>4</sup>The duty of protection and conservation of biological diversities in natural Worlds Heritage is primarily to the State government which has the responsibility of the protection of it territorial integrity. In DRC, Virunga National Park has been invaded by both foreigners and national armed groups since two decades. The failure of the State government to ensure it territorial integrity has engendered illegal exploitation of the fauna and the flora in this natural World Heritage site. Despite both, the ratification of Multilateral Environmental Agreements by the DRC government and some national rules relatives to the protection of environment such as the right to a healthy environment<sup>5</sup>, the right to enjoy World Heritage Sites<sup>6</sup> and conservation of natural World Heritages, the implementation is still facing out to the continuity of both foreign and national armed group’s activities in Virunga National Park.*

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<sup>2</sup> Article 2 of the 1972 Convention on the Protection of Worlds Heritages.

<sup>3</sup> A. Craford & J. Bernstein, ‘Multilateral Environment Agreements’, International Institute of Sustainable Development, 2008, available at <http://http://www.iisd.org/pdf/2008/meas> accessed on 5/11/2018.

<sup>4</sup> *ibid*

<sup>5</sup> Article 53 of the Constitution of DRC (2006)

<sup>6</sup> Article 59 of the Constitution of DRC (2006)

## Introduction

The convention on the protection of Worlds heritage provides on it article 4 that –each State party to this Convention recognize that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generation of the cultural and natural heritage referred to in article 1 and 2 situated on its territory belong primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.<sup>7</sup>

This provision cited above confirmed the national government duty in the protection and the conservation of World Heritages sites because human activities have an impact on the environment. Each person has an ecological footprint; he is contributing to the environmental degradation by everything his doing. That is the reason why, in Virunga National Park, some species are in danger because of armed group's presence in this site.

Both principle 25 of the Rio Declaration and principle 17 of the Stockholm Declaration highlight the duty of the State to ensure peace and to control the environment resources notably, the principle 25 of the Rio Declaration provides :– Peace, development and environmental protection are interdependent and indivisible<sup>8</sup> and princi17 of the Stockholm declaration stipulate: –Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environment resources.<sup>9</sup>

The implementation of these rules by the national government could be realisable after resolving the peace keeping issue in the Democratic Republic of Congo, especially in Noth Kivu province.

Experience and scientific expertise demonstrate the prevention of the environmental harm should be the –golden rule<sup>10</sup> for the environment, for both ecological and economic reasons. It frequently impossible to remedy environmental injury: the extinction of species of fauna flora, erosion, loss of human life and dumping of persistent pollutants in to the sea, for example, creating irreversible situations. Even when harm is remediable, the costs of rehabilitation are often prohibitive. An obligation for prevention also emerge from the international responsibility not to the cause of significant damage to the environment extra territorial, but the preventive

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<sup>7</sup> Article 4 of the Convention on the Protection of Worlds Heritages.

<sup>8</sup> Principe 25 of the Rio Declaration

<sup>9</sup> Article 17 of the Stockholm Déclaration.

approach seeks to avoid harm irrespective of whether or not there is transboundary impact or international responsibility.<sup>10</sup>

The Virunga National Park protection should also be considered as a golden rule by the DRC government since it is inscribed on UNESCO World natural Heritages and its biodiversity has a great impact on the global ecosystem.

### **Overview of the Virunga National Park in DR Congo**

First of all, we should underline that the Virunga National Park is one of the oldest Parks in Africa; it was created in 1925 in the period of Belgium colonisation in Congo belge. It's situated in the North Kivu Province at the East side of DR Congo.

Virunga National Park is unique with its active chain of volcanoes and rich diversity of habitat that surpasses that of any other African park. Its range contains an amalgamation of Steppes, Savannas and plains, marshlands, low altitude and afro mountains forest belt unique to afro alpine vegetation and permanent glacier and snow on Mont Rwenzori whose peaks culminate in 5000 m height. The property includes the spectacular massif of Rwenzori and Virunga mountains containing the two most active volcanoes in Africa.<sup>11</sup>

By its diversified relief with chain of volcanoes, mountain, steppes and savannas with wonderful landscapes, biological diversities with many rare species; Virunga National Park was a great source of budgetary takings in the DR Congo before its invasion by rebel groups during multiple war conflicts in the country.

Virunga National Park offers the most spectacular mountain landscape in Africa. Mt Rwenzori with its jagged relief and snowy summit, its cliffs and steep valleys, the volcano of Virunga massif covered with an afro-alpine vegetation of trees ferns and lobelia and its slopes covered by dense forest are the place of exceptional natural beauty. The volcano which erupts at regular intervals of few years constitutes the dominant land feature of the outstanding landscape. The park presents several other spectacular panoramas like the eroded valley in Sinda and Ishango regions. The park also contains an important concentration of wild life, notably elephants, buffalo and Thomas cobs and the largest concentration of hippopotamuses in Africa, with 20000 individuals living on the banks of lake Eduard and along the Rwindi, Ruchuru and Semuliki rivers.<sup>12</sup>

The Unique characteristic of Virunga National Park, have been a primary reason of tourist attraction during the 4 last decades before the different DRC's war. The sector

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<sup>10</sup> NICOLAS Robinson, *Traning manual on International environmental law*, in – Pace law faculty publication, Pace university, 2006, pp.32-33.

<sup>11</sup> Virunga National Park, available on <http://whc.unesco.org/uploads/activities/documents/activity-562-4.pdf> [accessed on April 5, 2018]

<sup>12</sup> Ibidem

of tourism doesn't realize generous benefits as it have been doing when the park was not yet invaded.

Virunga National Park is located in the center of Albertine Rift on the great rift valey. In the southern of the park, tectonic activities due to the extension of the earth's crust in this region has caused the emergence of Virunga massif comprising eight volcanoes, seven of which are located totally, or partially in the park. Among them there are two most active volcanoes of Africa notably Nyamulagira nearby Nyiragongo which between them are responsible for two fifth of the historic volcanic eruptions on the African continent and which are characterised by the extreme fluidity of the alkaline lava<sup>13</sup>, the activity of Nyiragongo is of a word importance as a witness to volcanism of a lava lake: the bottom of catastrophic consequences for the local communities. The northern sector of the park include 20 percent of the massif Mont Rwenzori, the largest glacial region of Africa and the only true alpine mountain chain of the continent. Its border the Rwenzori mountain national park of Uganda., inscribe as Word Heritage, with which it share the –Pic Marguerite||, the third highest summit of Africa 5, 109 m.<sup>14</sup>

Apart of the park, volcanoes are also touristic zones which are among the most visited natural sites in the World. The Nyiragongo volcano within the Virunga National Park still active and it last eruption was in 2002. The protection and security of these sites is primarily a state government duty on the territory of which they are located.

Due to it variation in altitude from 680m to 5,109 m, rainfall and nature of the ground, Virunga national park possesses a very wide diversity more than 2 000 premier plants species have been identified of which 10% are endemic to the Albertine Rift. The Afro Montana forest represents about 15% of the vegetation. The Rift Albertine also contains more endemic vertebrate's species than any other region of the African continent and the Park possesses numerous examples of them. The Park contain 218 mammal species, 706 bird species, 109 reptiles species and 78 amphibian species. It also serves to refugee to 22 primates species of which three are the great ape mountain gorilla (gorilla beringei beringei)<sup>15</sup>, the Easter plain gorilla (gorilla beringei graueri) and the Eastern chimpanzee (pan troglodyte schweinfurthi), with a third of the world population of mountain gorillas.<sup>16</sup>

The savannas zone of the park contain a diverse population of ungulates and the density of biomass and wild life is one of the highest of the planet (27,6 ton Km<sup>2</sup>). Among the ungulate there are certain rare animals such as the okapi (okapi johnstoni)

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<sup>13</sup> Virunga National Park, available on <http://whc.unesco.org/uploads/activities/documents/activity-562-4.pdf> [accessed on April 5, 2018]

<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> Ibid

endemic to the Democratic Republic of Congo, and the red forest duiker (*Cephalofus rubidus*) endemic to Mont Rwenzori. The park also comprises tropical zones essential for the wintering of Palaearctic avifauna.<sup>17</sup>

So to speak, it was purely normal for the UNESCO to inscribe the Virunga National Park on World's natural Heritages sites for many criteria which it satisfies. The biological diversity added to the unique relief and landscape of the Virunga National Park are determinants of its originality from other African parks. As it is the oldest park in Africa, the conservation and protection of this World Natural heritage should be among the prior preoccupations of the Democratic Republic of Congo government.

### **1. Integrity**

The park is characterized by a mosaic of extraordinary habitats that extend over 790 000 ha. The property is clearly delineated by 1954 ordinance. The wealth is well protected despite the economic and demographic challenges to its periphery.<sup>18</sup>

The park contains two highly important ecological corridors as they connect the different respective sectors. The Muaro corridor connects the Mikeno sector and the Nyamulagira Sector, the West side connects the North to the center sector of the Virunga Massif. The presence of the Queen Elisabeth National Park, a protected area contiguous with Uganda, also constitutes an ecological land and corridor connecting with the center and the north sector.. Also Lake Edward forms an important aquatic corridor.<sup>19</sup>

Nowadays, the integrity of the Virunga National Park is still threatened by illegal exploitation of natural resources and illegal trade of some rare species within it. The deforestation highest is profiting to some charcoal mafia who are still exploiting the forest by cutting trees which are the most important components of a good environment in the Park. The illegal trade of ivory is intensifying the elephants poaching in the Park by some members of armed groups.

### **2. Protection and management requirements**

The property has benefited from the Status of national park since 1925. Its management authority is the Congolese Institute of Nature and Conservation (ICCN) the body which has lost numerous agents killed on active service. The park encounters management's problems. To assure the perpetuation in resource value of the property, the park must be managed on a scientific basis and possess a management plan which will facilitate, among others, a better delineation of the

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<sup>17</sup> Ibid

<sup>18</sup> Virunga National Park, available on <http://whc.unesco.org/uploads/activities/documents/activity-562-4.pdf> [accessed on April 5, 2018]

<sup>19</sup> Ibid

different zones. Strengthened surveillance is required to assure the integrity of the park boundaries. It would reduce poaching, deforestation, and pressure on the fishery resources (which risk increase) notably activities by isolated armed groups. To this end, the strengthening of staff and availability of equipment as well as the training of the park staff are of primary importance.<sup>20</sup>

In addition to these above cited recommendations, the number of Park staff should be increased as long as their actual number is unable to control the entire territory of the Virunga Park notably 790 000 ha. The availability of equipment is also an important factor in the protection and the conservation of the Park since, guardians are not facing only to track civilians poachers or charcoal mafia, but armed groups which are using guns to impose their integration in the Virunga National Park.

Improvement and strengthening of the administrative and surveillance infrastructures would contribute toward reducing the pressure on the rare and threatened species such as the mountain gorilla, elephants, hippopotamuses and chimpanzee. In view of the important increase of the population, the establishment of buffer zone in the entire sector is indispensable and a matter of urgency. Another priority is to establish a trust fund to guarantee sufficient for the long term protection and management of the property. The promotion of a local and controlled tourism could increase the income and contribute toward new regular financing for the maintenance of the property.<sup>21</sup>

The instauration of a good leadership is essential for to ensure security in the Virunga Park zone which have been invaded by war conflicts since about two decades. That is the reason why the protection and conservation issues look hard to understand and difficult to solve in Virunga National Park.

### **The impact of conflicts on Virunga National park**

The illegal presence of members of armed group constitutes the most frequent reason of illegal exploitation of natural resources in the Virunga National Park. By their presence, both the fauna and the flora are threatened since they are exploiting the forest by building houses, searching for firewood, poaching and trading some rare species such as elephant meat, ivory and some animal's pelts.

Environmental threats to the Virunga landscape, prior to the recent conflict, were numerous: widespread deforestation driven by energy and construction demand feeble environmental legislation; weak institutional capacity; inappropriate agricultural practices, the degradation of the environmental inside protected areas,

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<sup>20</sup> Ibidem

<sup>21</sup> Virunga National Park, available on <http://whc.unesco.org/uploads/activities/documents/activity-562-4.pdf> [accessed on April 5, 2018]

posing a threat to biodiversity; and inadequate approaches to environmental education and awareness.<sup>22</sup>

### **Direct and Indirect impact of armed conflicts on Biodiversity**

Measuring the environment losses suffered by the Virunga National Park over this period is difficult due to the absence of reliable data before the wars, and the difficulty of collecting such data during times of insecurity.<sup>23</sup> Despite these constraints, some observations can be made that point toward significant direct and indirect impact resulting from the local level rebellion and international armed conflict that have plagued the region since the 1980s. According to Kalpers and Mushenzi (2006), these include<sup>24</sup>:

#### **Direct impacts on biodiversity:**

- Direct and often deliberate destruction of the environment (i.e. deforestation or land clearing to limit or stop ambushes);
- The use of park-based natural resources to finance conflicts; and
- Movement and settlement of refugees displaced by conflicts, and the extraction of park based natural resources by these populations.

#### **Indirect Impacts:**

- Logistical constraints and safety threats to park staff;
- Financial constraints as funders withdraw in the face of armed conflict and tourism receipt decrease; and
- A shift in priorities as national authorities let environmental considerations slip down their list of priority issues and resources are diverted to the humanitarian crisis.

Threat to the park pre-date the 1994 Rwandan refugee crisis. Mobutu's decision to end single party rule in 1990 led to the formation of a number of rebel groups in Virunga National Park Northern Sector, patrol posts were attacked, guards and their families killed, looting increased and IZCN (ICCN's former name when the country was known as Zaire) increasingly lost control of the north of the park.<sup>25</sup> This insecurity prompted UNESCO in October 1993 to conduct an evaluation of the park

<sup>22</sup> Karpers, J. (2001) –Volcano under siege: Impact of a decade of armed conflicts in the Virungas, *Biodiversity Support Program*, Washington, DC.

<sup>23</sup> Hart, T. And R. Mwinyihali (2001) –Armed Conflict and Biodiversity in Sub-Saharan Africa: The case of Democratic Republic of Congo, *Biodiversity Support Program*, Washington DC.

<sup>24</sup> A. Craford & J. Bernstein, 'Multilateral Environments Agreements: Case Study of the Virunga National Park', international institute of sustainable development, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf) [accessed April 10 2018]

<sup>25</sup> Kalpers, J. And N.Mushenzi (2006) 'Les années de crise (1992-2003)' quoted in Languy, M. and E. De Meraude (eds) (2006) *Virunga : Survie du premier parc d'Afrique*. Lannoo, Tielt, Belgique.352pp.



and subsequently place Virunga National Park on the list of World Heritage Sites in Danger, a decision taken before the Rwandan genocide.<sup>26</sup>

In neighbouring Rwanda, the January 1991 offensive of the Rwandan Patriotic Front (RPF) in the northwest of the country signalled the first time the Virunga massif become a theatre of military operations.<sup>27</sup> Strategists realized that the forest zone between Rwanda, Uganda and DRC provided cover and retreat option, and as the RPF began the cover of Sabyinyo volcano (which lies at the border of the three countries) to move around the region, the transboundary area became the site of infiltration (by the RPF) and searches (by the Rwandan Armed Forces, FAR). Hundred of mines were laid in the forest, particularly along the Rwanda-DRC border.<sup>28</sup>

### III.2 The Rwandan refugee crisis impact (1994-1996)

The environment and protected areas were not severely affected during the hundred days of Rwanda's genocide in 1994. However the victory of RPF (Rwandan Patriotic Forces) triggered the mass displacement of two million Rwandan, mainly hutu fearing Tutsi retributions; many fled to Zaire (DRC) across the Virunga, with livestock in tow. On July 15 alone, 500,000 arrived in Goma, with a further 300,000 following in the few days.<sup>29</sup>

These refugees came to Goma seeking water, firewood and food, all things readily available in the Virunga Park.<sup>30</sup> Five refugee camps were constructed (Kibumba, Mugunga, Katale, Lac Vert and Katindo), and by the end of 1994, 72,000 refugees were settled on the border of the park.<sup>31</sup> They would stay there for over two years, and have a significant impact on the Southern Sector of the Park.<sup>32</sup>

Key impacts were:

- **Deforestation:** Cutting and collecting firewood for building and cooking quickly became a threat to the park. At the beginning of the

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<sup>26</sup> Multilateral Environments Agreements: Case Study of the Virunga National Park, at 15, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf) [accessed April 10, 2018]

<sup>27</sup> Kalpers, J. And N. Mushenzi (2006) 'les années de crise (1992-2003)' in Languy, M. and E. De Meraude (eds) (2006) Virunga : Survie du premier parc d'Afrique. Lannoo, Tielt, Belgique. 352pp.

<sup>28</sup> *ibid*

<sup>29</sup> Karpers, J. (2001) -Volcano under siege: Impact of a decade of armed conflicts in the Virungas, *Biodiversity Support Program*, Washington, DC.

<sup>30</sup> Kalpers, J. And N. Mushenzi (2006) 'les années de crise (1992-2003)' in Languy, M. and E. De Meraude (eds) (2006) Virunga : Survie du premier parc d'Afrique. Lannoo, Tielt, Belgique. 352pp.

<sup>31</sup> *Ibid*

<sup>32</sup> A. Craford & J. Bernstein, 'Multilateral Environments Agreements: Case Study of the Virunga National Park', international institute of sustainable development, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf) [accessed April 10 2018]

crisis, 40.000 people were entering the park every day to look for wood; this figure went as high as 80.000 on certain days over the next 27 months. Within two years, 105 Km<sup>2</sup> had been affected by deforestation and 35 K m<sup>2</sup> completely cleared.<sup>33</sup>

- **Poaching:** With many refugees having retained their weapons and ammunitions, poaching increased in the Southern Sector, particularly attacks on antelope, elephants and buffalo.<sup>34</sup>
- **Security:** The security situation deteriorated, primarily due to the presence in the camps of ex-Rwandan armed Forces soldiers, and Interahamwe and Hutu power rebels (those responsible for the genocide). IZCN (Institut Zairois pour la Conservation de la Nature) the former congolese wildlife authority, lost complete control of portions of Nyamulagira and Mikeno Sectors.<sup>35</sup>
- **General disorder:** Illegal activities in the park as result of period's disorder.<sup>36</sup>
- **Fall in tourism receipts:** the refugee crisis and the state of insecurity led to a significant drop in tourism to Virunga National Park.<sup>37</sup>

The fact that Rwandan and not Congolese were primarily responsible of the environmental destruction around the Park generated significant tensions between the local populations and the refugee camps. In addition, the international community's shift in focus from conservation activities to the humanitarian crisis after a feeble response to the Rwandan genocide was soon matched by president Mobutu, and environmental destruction ceased to be considered a priority area during the crisis.<sup>38</sup>

The great consequence of the Rwandan crisis on the Virunga National Park is the establishment of the FDLR (Forces Democratique pour la Liberation du Rwanda) defence within the park and the increase of deforestation and poaching which are their daily activities.

### III.3 The FDRL impact on the Virunga National Park.

<sup>33</sup> Kalpers, J. And N.Mushenzi (2006) 'Les années de crise (1992-2003)' in Languy, M. and E. De Meraude (eds) (2006) *Virunga : Survie du premier parc d'Afrique*. Lannoo, Tielt, Belgique.352pp.

<sup>34</sup> A. Craford & J. Bernstein, 'Multilateral Environments Agreements: Case Study of the Virunga National Park', international institute of sustainable development, , available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf) accessed April 10 2018]

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Ibid

<sup>38</sup> Hart, T. ,and R. Mwinyihali (2001) 'Armed Conflicts and Biodiversity in Sub-Saharan Africa: The Case of the Democratic Republic of Congo', *Biodiversity Support Program*, Washington DC .

The FDLR ( Force Démocratique pour la Liberation du Rwanda) is the most influent armed group in the Virunga National Park which was created by Rwandan former combatants after the refugees crisis caused by the genocide in 1994. Apart of FDLR, others armed group are doing illicit exploitation of natural resources in Virunga park, but the FDLR is the most supported and the park territory under its control is bigger than others armed groups.

An illegal charcoal cartel is helping to finance one of the most prominent militia in central Africa and destroying part of Africa's oldest national park. Nursing alliance with Congolese army and the Democratic Forces of Liberation of Rwanda (FDLR) is a kingpin in Africa's great lake regions organized crime network and continuing to threat human security. For years, the group has helped sustain its activities by exploiting valuable natural resources, including minerals, ivory, fish, and marijuana. But one of the FDLR successful revenue generating businesses is the illicit charcoal trade in Democratic republic of Congo's cherished Virunga National Park.<sup>39</sup>

By doing this illicit charcoal trade, the increase of deforestation is evident in the Park and it constitute immediately an imbalance into the ecosystem since some species are becoming endangered and the flora also threatened.

Headquartered deep in the remote southern sector of Virunga, the illegal charcoal trade is lucrative. Some have estimated it has an annual value of up to \$35 millions. The FDLR and it collaborator have developed tremendous business acumen, increasingly motivated by profit incentives and enabled by high-level state cover. As one park ranger told enough, –armed group have turned Virunga into their sanctuary|. The FDLR is under sanction by both the United State and the United Nations, and it charcoal trafficking activities constitute an ungoing violation of both sanction regimes.<sup>40</sup>

The deforestation of the park have been used by FDLR as a mean of financing the war into the park, they have established a crime network by protecting their charcoal trade business. Unfortunately, some local and national politic authorities are implicated in this illegal charcoal trade, that why the eradication of the FDLR in Virunga National Park have taken time. The corruption of politicians by these rebels has created an obstacle to the cessation of deforestation in the park.

The illegal charcoal trade is also a serious threat to regional human security. By providing to the FDRL and other armed groups, including Congolese State actors it help sustain patterns of corruption and violence. –It's not just FDLR|, a source who

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<sup>39</sup> The mafia in the Park, a charcoal syndicate is threatening Virunga, Africa's oldest National Park, available on <https://enoughproject.org/reports/mafia-park-charcoal-syndicate-threatening-virunga-africas-oldest-national-park>[accessed 20 May 2018]

<sup>40</sup> Ibid

requested to remain anonymous told enough. –Its police, politicians and businessmen. It’s a big mafia<sup>41</sup>

#### **III.4 Impact of others armed groups**

- **The Allied Democratic Forces( ADF)**

ADF is a Ugandan Rebel group based along the Ruwenzori Mountain of eastern DR Congo. They have been living also in the savannas north of Lake Edward and in the rainforest of the lower Semuliki river for several decades<sup>42</sup>. Most of its members are Islamists who want to establish shari’a law in Uganda. The ADF was formed around 1998 by a merger of various streams of discontented sectors of Ugandan society which felt alienated after the overthrow of Idi Amin. The group appear to be receiving external funding from unknown sources.<sup>43</sup>

The presence of the ADF in Virunga National Park is a threat to the conservation and the protection of the environment since they operate by kidnapping some tourist, killing park rangers and doing illegal exploitation of natural resources into the Park. ||.

- **Mai-Mai**

The Mai-Mai is mixed groups that fight among themselves as much as they fight with the government forces. The movement has its origin in the 1960s war, but only really come together after the beginning of the second Congolese civil war in 1998. The main groups that affect rangers in the Virunga National park are the Mai Mai Pareco, Mai Mai mazembe, Mai Mai Cheka, which members have been killing park rangers since 1998.<sup>44</sup>

The most frequent activity that is done by Mai Mai in the Virunga National Park is poaching and illegal exploitation of natural resources. Up till now, the real purpose of these groups is not well defined since they can fight any other armed group and sometime support the government. Their presence is prejudicial to the conservation of the biodiversity in the Park since they still doing illegal exploitation of natural resources.

- **Mouvement du 23 Mars (M23)**

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<sup>41</sup> Ibid

<sup>42</sup> Militia Groups, Virunga National Park, available on <https://virunga.org/archives/militia-groups/> [accessed April 5 2018]

<sup>43</sup> Militia Groups, Virunga National Park, available on <https://virunga.org/archives/militia-groups/> [accessed April 5 2018]

<sup>44</sup> Idem

In the South, the M23 was born of the CNDP which used to be under the leadership of the rebel General Laurent Nkunda, currently under house arrest in Rwanda. It came into being in April when former members of the CNDP mutinied under pretext that the march 23 2009 agreement that ended the CNDP war of 2007 and 2008 were not respected. Although there are rebellions against the government, there is an understanding on all sides that the park need to be protected and that the park's rangers must continue their work in the area that are controlled by the M23. This is fairly unique, partly as a result of Virunga s status as a Word Heritage site offering legitimacy to rangers claims to be neutral in the current, because park is gradually being rebuilt as a government institution genuinely trying to fulfil it role.<sup>45</sup>

M23 operations have also made a negative impact on the Virunga National park for they occupied a part of the virunga national Park for about three years. Even though this armed group is already dissolved, traces left by it are still visible in the north Kivu province especially the Virunga National Park. They participated also in the deforestation of the park by doing illegal trade of charcoal and killed some animal in poaching for their daily food.

#### **IV. Challenge faced by the government in the protection and the conservation of VNP**

As written above, the duty of protection, conservation and control of World Heritages Sites is primarily attributed to the State in which they are located. Nevertheless, the Democratic Republic of Congo is facing too many challenges for to ensure the protection and the conservation of virunga National park such as :

- The invasion of the park by Rwandan genocide refugees;
- The establishment of FDLR headquarter into the Park;
- The illegal exploitation of natural resources by FDLR and others armed groups;
- The corruption of some high paced politicians dealing with armed groups ;
- The business of weapons exchanged with some natural resources such as ivory and some pelts.
- The support of armed group by both national and foreigner's politicians.
- The reduced number of rangers in the Park and
- The lack of ranger's equipments since they are facing to armed groups in the park.

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<sup>45</sup> Militia Groups, Virunga National Park, available on <https://virunga.org/archives/militia-groups>[accessed April 5 2018]

## **V. International community and DRC government actions for the conservation of the Virunga National Park.**

The management of the Virunga national park is done by ICCN (Institut Congolais de la Conservation de la Nature) which is directed by Emmanuel de Merode. Through this institution, the duty of conservation and protection of World heritages Sites in RDCongo by the government is supposed to be undertaken.

The Congolese Institute for the Conservation of the Nature (ICCN) is dealing with some United Nations agencies such as the united nation Economic Social and Cultural Organization (UNESCO) and the United Nation Environment Program (UNEP) for the implementation of international environmental law rules in the protection and conservation of World Heritages sites in DRC.

Some Non Governmental Organizations are also dealing with the ICCN in it mission of nature conservation by ensuring the protection and conservation of some rare species and endangered species in the Virunga National Park such as the mountain gorilla which are protected by the World Wild Found .

As cited above, both the United Nations and the United States have provided sanctions to the FDLR for it charcoal trafficking activity which constitute an ongoing violation of both sanction regimes.

The European parliament resolution 2015/2728(RSP) of 17 December 2015 on the protection of Virunga national Park in the Democratic Republic of Congo, provides at it article 10 that – The European Parliament commends the management authorities within the park for their effort to ensure a sustainable income from natural, solar and hydro energy generation, which improve the income of much of the local population without destroying the natural area and which is within the permitted development activities for a world Heritage Site.<sup>46</sup>

By the implementation of this resolution which has started on the ground with building of some hydroelectric barrage into the park, the charcoal traffic will decrease and it will be so for the illegal deforestation in the park.

The article 11 of the European parliament resolution cited above stipulate that: – The European parliament points out that, since 1990, conflict with armed guerrillas who lives inside and around the park have resulted in serious breaches of human rights and much of the violence; point out that the Democratic Forces of the Liberation of Rwanda, a group of guerrilla accused of committing atrocities during the genocide that took place in Rwanda in the spring of 1994 and that also spread to eastern DRC, has been living in the park since 1996 and it still hiding outcross the border in Virunga while Mai Mai militia are also reported to have killed, raped and injured

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<sup>46</sup>Article 10 of European Parliament Resolution, 2015/2728 (RSP),

many people and to have destroyed villages within the boundary of the park; urges the DRC government to disarm the rebel and to restore security in the park region, regret furthermore that the repression of human right activists and journalists in the DRC has increased; calls once more on the DRC government, to recognize and respect freedom of the press and media and uphold the rule of law and human rights.<sup>47</sup>

The DRC government have launched some military operation for to disarm armed group which are established in the Virunga national park such as :

- Operation Kimya
- Operation Sukola I
- Operation Sukola II
- Operation rwenzori ,...

But thus far, the FDLR , the ADF, the Mai Mai are still invading the Virunga National Park and human rights are still being violated by them in this region. Efforts of the DRC government in the protection and conservation of this World Heritage Site are facing to the support of armed group by some corrupted national authorities and foreigners governments.

## **VI. Multilateral environmental agreements and State's responsibility in the protection of environment and world heritages sites**

### **VI. 1 Multilateral Environmental Agreements**

The State of DRC is part of most of Multinational environmental agreements relative to the protection of environment. The duty of implementation of these rules is primarily to the State government which unfortunately have failed to ensure the integrity of it territory invaded by both foreigners and nationals armed groups in World heritages sites such Virunga National Park.

Despite of the proliferation of relevant environmental conventions and the DRC's participation in them, environmental destruction continues in Virunga park. Corruption has undoubtedly played a role, but the near-collapse in governance has been brought about in part by chronic local and refugee population, its habitats destroyed by overfishing and charcoal production, its animal killed for meat and ivory. Conflict has significantly contributed to the fact that the UN's environmental conventions are not able to achieve their stated objectives in the park.<sup>48</sup>

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<sup>47</sup> Article 11 of European Parliament Resolution, 2015/2728 (RSP).

<sup>48</sup> A. Craford & J. Bernstein, 'Multilateral Environments Agreements: Case Study of the Virunga National Park', international institute of sustainable development, , available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf) [accessed April 10 2018]

The issue of corruption is an obstacle to the eradication and the disarmament of rebel groups in the virunga National park since some political authorities are dealing with them in the illegal exploitation of natural resources such deforestation and illicit charcoal business.

The principle 17 of Stockholm declaration provides that —Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources.<sup>49</sup>

According to the principle 24 of the Rio Declaration (1992), —Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflicts and co-operate its further development, as necessary.<sup>50</sup>

The development and the peace are two complementary factors which cannot be separated in the State issue of protection and conservation of environment. The government issue of protection of national integrity depend the most to the peace and security on the national territory.

This is the reason why, the principle 25 of the Rio Declaration provides: – Peace, development and environmental protection are interdependent and indivisible. ||<sup>51</sup>

Under the Convention on Biological Diversity, government are required to develop national biodiversity strategies and actions plans, and integrate them into broader national plans for environment and development. Plans are centered on key sectors; each relevant to VNP and each impacted by conflict: forestry, agriculture, fisheries and energy. Increasingly, biodiversity conservation is being understood as a critical dimension of national security, especially where the illegal exploitation of biodiversity resources is fuelled by conflict and conversely, where the sustainable management of the resource base can be an important tool for building peace and cooperation.<sup>52</sup>

These element highlighted above are reconfirming the role of the national government in the biodiversity protection. The great issue faced by the DRC is the security within protected sites and the lack of dialogue between belligerent with the state government for to ensure the respect of International environmental law within the protected sites.

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<sup>49</sup> Principle 17 of the Stockholm Declaration, 1972

<sup>50</sup> Principle 24 of the Rio Declaration, 1992.

<sup>51</sup> Principe 25 of the Rio Declaration

<sup>52</sup> A. Craford & J. Bernstein, 'Multilateral Environments Agreements: Case Study of the Virunga National Park', international institute of sustainable development, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf) [accessed April 10 2018]



The DRC ratified the Convention of Migratory Species of Wild Animals in 1990 (CMS), and the convention is important to Virunga National Park given the park's position. Its birdlife is rich primarily due to the park's position at the confluence of central and east Africa birdlife, with any migratory species either wintering in the park or stopping there during their migrations.<sup>53</sup>

Migratory species are still threatened since the illegal traffic of charcoal is increasing deforestation which makes difficult the guaranty of a good environment to migratory species.

The CMS has proven itself as a vital tool for the protection of the mountain gorillas (listed in the appendix 1 of the convention as an endangered species, and subject of the gorilla agreement), which are listed as appendix 1 species, meaning that signatory countries must work to conserve and restore their habitat.<sup>54</sup>

In DRC, the World Wildlife Found Program is dealing with the State government in the protection of the mountain gorillas that are inscribed on the list of endangered species in the World despite of challenges due to insecurity in the Virunga Park.

The illegal trade in endangered species worth an average of US\$20 billion each year is now the third largest contraband business in the word, after the trade in illegal drugs and weapons.<sup>55</sup> The UN Convention on the Illegal Trade in Endangered Species of Wild Fauna and Flora (1973, CITES), was established to curb this trade.<sup>56</sup>

In the DRC, a collapse in anti poaching enforcement and significant increases in corruption after two decades of conflict have meant that the illegal trade in animals and products like ivory is typified by the high return, the relative low risk of capture, and weak, if not non-existent, enforcement. While CITES has helped to raise awareness regarding to impact of illegal trade in endangered species, it still has shortcomings, which are relevant to the DRC.<sup>57</sup>

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<sup>53</sup> Languy M. And E. de Merode (eds) 2006 *Virunga :Survie du premier parc d'Afrique*.Lanoo, Tielt, Belgique. 352p.p

<sup>54</sup> A. Craford& J. Bernstein, 'Multilateral Environments Agreements: Case Study of the Virunga National Park', international institute of sustainable development, p.35, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf)[accessed April 10 2018]

<sup>55</sup> Giovanini, Dener(2006) –Taking Animal Trafficking Out of the Shadows: RENCTAS Uses the Internet to Combat a Multi-Billion Dollar Trade|, Vol.1, n°2,Pages 25-35, <http://www.mitpressjournal.org/doi/abs/10.1162/itgg.2006.1.2.25?journalcode=itgg>[accesssed September 29, 2008] quoted in Multilateral Environments Agreements: Case Study of the Virunga National Park,2008,p.36 , available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf)[accessed April 10 2018]

<sup>56</sup> Ibid

<sup>57</sup> A. Craford& J. Bernstein, 'Multilateral Environments Agreements: Case Study of the Virunga National Park', international institute of sustainable development, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf)[accessed April 10 2018]

The implementation of the above cited convention is facing to issues of corruption in the country that makes problematic the eradication of illegal trade of rare species. In addition to the corruption, the traffic of rare species is most frequently gained by armed group that are still having control of some spaces within the Virunga national Park.

Adopted in 1971, the Convention on Wetland of International Importance, also known as the Ramsar Convention, promote the conservation and wise use of wetland through local, regional and national actions and international cooperation. Under the convention, contracting parties are required to designate at least one wetland at the time of accession for inclusion on the list of Wetland of International Importance (the —Ramsar List<sup>58</sup>) and to promote its conservation. The DRC ratified Ramsar in 1996, and in that year Virunga National Park was designated a Ramsar Site.<sup>58</sup>

As a Ramsar site, Virunga National Park deserves a specific attention on challenges that are making obstacles to the conservation and the protection of its biological diversity.

In its second paragraph, the European parliament resolution 2015/2728 RSP on the protection of the Virunga National Park in the Democratic Republic of Congo; —Deplore the fact that Virunga National Park has also become one of the most dangerous places in the world when it comes to wildlife conservation, note with deep concern that armed groups have been involved in illegal exploitation of park's natural resources through mining activities and charcoal productions used both to sustain their military operations and for personal gain; deplore; also, the fact that armed groups have been involved in large scale poaching for food purposes and for war sustaining trade in ivory and bush meat; note with concern furthermore, that poor discipline, irregular pay and lack of food have resulted in military personnel becoming increasingly involved in illegal activities, including artisanal mining, charcoal production and wildlife poaching; note that while the park is in an area of great wilderness, its two million acres (790 000 hectares) have huge protection problems, especially with limited government funding; note that on 15 April 2014, the Chief Warden, Belgian prince Emmanuel de Merode, was seriously injured by three gunmen and that more than 140 rangers have been killed in the Park on active service in the past decade,<sup>59</sup>

For conservationists working in the region, the MEAs hold little practical value on the ground. Consultation in the area indicates that in many cases, people working and living in the area have limited or no knowledge of environmental laws, both

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<sup>58</sup> Ibidem

<sup>59</sup> European parliament resolution 2015/2728 RCP available on <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2015-0475>

domestic and international; this extend to local, provincial and international authorities; ICCN; guards; and magistrates, lawyers and judges.<sup>60</sup> For those aware of the MEAs, they are seen useful in theory, but the practical ability to implement them on the ground is lacking, as the State and ICCN have little capacity to meet MEA conservation objectives. Conservation lobbyists working on the ground in VNP to identify and report infractions on domestic and international law also have a hard time working with the convention. Oftentimes they face an uphill; chronic corruption has meant to be protecting against them particularly with regard to trade in animal and their product<sup>61</sup>

This is not to suggest that multilateral environmental agreement have had no impact on park. The 1979 designation of VNP as a World Heritage Site brought international attention and tourism to the park and it unfortunate placement on the list of World Heritage Sites in Danger in 1994 brought more international attention to the environmental crisis. Trilateral initiative surrounding transboundary resource management, particularly with regard to mountain gorilla conservation, have helped protect the species while building relationship and trust between DRC, Rwanda and Uganda. However the conventions themselves drafted and signed before policy makers and researchers had started to link about environmental impact and drivers of conflicts, can and should do more to protect VNP against the threats posed by conflicts.<sup>62</sup>

## **VI.2 DRC's government responsibility on the protection of natural World Heritages.**

Implementation and enforcement is important for the effectiveness of national environmental legislation. Where national environmental legislation calls for further regulation it is important for the government to enact the required regulations and to ensure enforcement mechanisms are in place. It is also expected that the government would put in place the right structure, system and tools, skills, incentives, strategies, coordination and partnership for all stakeholders, and assign roles and responsibility to competent staff members to enforce laws and strengthen the legal and institutional framework for environmental management. It is equally important for the government to promote and to monitor compliance, and evaluate the effectiveness of national

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<sup>60</sup> Personal interview, Goma, April 2008 in Multilateral Environments Agreements: Case Study of the Virunga National Park, at 23, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf) accessed April 10 2018]

<sup>61</sup> Ibidem

<sup>62</sup> Multilateral Environments Agreements: Case Study of the Virunga National Park, p. 24, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf) accessed April 10 2018]

legislation to ensure that enforcement requirements are in place, laws are enforceable, and they do deter violations.<sup>63</sup>

As written above, armed conflicts impact on the conservation and protection of biodiversities in the Virunga National Park in DRC are numerous and constitute the biggest issue in the environmental protection in this country. The government has shown its inability to ensure its territorial integrity over the two past decades.

The article 52 of the constitution of the DRC provides that: —All Congolese have right to peace and security both nationally and internationally. No individual or group of individuals may use the portion of the national territory as a base of subversive or terrorist activities against the Congolese State or any other State<sup>64</sup>.

In addition to this article above, the article 53 stipulates: —Everyone has the right to a healthy environment conducive to their full development. She has the duty to defend it. The State ensures the protection of the environment and the health of the people.<sup>65</sup>

Unfortunately, the implementation of these constitutional provisions is not noticeable on the territory of DRC. More than 15 armed groups have been invading the Virunga National Park since about three decades. They are threatening the protection of environmental biodiversities in the park by poaching, deforestation, fisheries and other activities that are illegal in this natural world heritage inscribed in 1979 on the list of UNESCO's world heritages.

According to the article 59 of the same constitution: —All Congolese have the right to enjoy the common heritage of Humanity. The State has a duty to facilitate its enjoyment.<sup>66</sup>

Virunga National Park in North Kivu, an eastern DRC's province, is among more dangerous zones for travelers and tourists because of rebel groups which are still operating within. Either civilians or guardians are attacked and some of them are killed in the Park. The most recent attack against rangers was in April 2018 when six rangers were killed during an ambush in the central sector of the park.

The article 69 of the Democratic Republic of Congo constitution provides: —the president of the republic is the head of State. He represents the Nation and he is the symbol of national Unity. It ensures the respect of the constitution. It ensures, by its arbitration, the regular functioning of the public authorities and the institution as well as the continuity of the State. It is the guarantor of national independence, territorial

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<sup>63</sup> Nicholas A. Robinson *Training Manual on International Environmental Law*, in —Pace Law Faculty Publications, Pace University, 2006, p.18.

<sup>64</sup> Article 52 of the Constitution of DR Congo 2006

<sup>65</sup> Ibid Article 53

<sup>66</sup> Ibid Article 59

integrity, national sovereignty and respect for international treaties and agreements. ||<sup>67</sup>

The national integrity of the DRC have been violated for about three decades now, the State's government has proved its inability to ensure the territorial integrity by disarming rebel groups who are invading world heritage sites such as Virunga national park. This is the reason why five UNESCO's world natural sites are in danger on its territory. This is an obstacle to the biodiversity protection and the sustainable ecosystem management.

## **VII. Recommendations**

- The DRC government should resolve the crisis of leadership for to establish leaders who are able to eradicate corruption and to plan armed mission that can disarm rebel groups in the Virunga National Park.
- The government should focus its priority to finance security forces for to ensure the territorial integrity of the State and therefore to protect and conserve World Natural heritages which are many on its territory.
- There is also a need to enlarge the number of rangers in the Virunga National park, to increase the budget for the conservation mission since they are still facing to equipments' deficiency.
- There is a need to launch a military operation against FDLR which constitute the most dangerous threat on the Virunga National Park.
- There is a need to finance more projects for the building of hydro electrical barrages for to avoid the deforestation in the region of Virunga national park.
- The government should ensure its State territorial integrity by riposting to any tentative of invasion or the slightest presence of illegal armed group on its territory for to protect World heritages sites and to prevent violations of human Rights.
- There is a need to respect the liberty of media which are still reporting violation of international environmental law rules within the Virunga National Park.

## **Conclusion**

Armed conflicts in the Democratic Republic of Congo have been threatening environmental biodiversities in the Virunga National Park since about two decades and the State government's duty to protect this natural world heritage have not been

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<sup>67</sup> Article 69 of the Constitution of DRC (2006)

assumed because of invasion of both foreigners and national armed groups which are exploiting illegally this site's resources.

Presently, five of the 31 sites on the list of World Heritages in Danger are found in DRC: Garamba National park, Kahuzi-Biega national Park, Okapi Wildlife Reserve, Salonga National Park and Virunga National park. All are on the list because of threat posed by armed conflict. With 16 percent of the world's sites in danger, the DRC therefore has more threatened, globally important heritage area than any other country. This should position the country as one of particular interest for UNESCO and the Convention Secretariat, and one where their energy and attention should be focused.<sup>68</sup>

By proving its inability to protect the Virunga National park biodiversities and to ensure the right to a healthy environment to all citizens, the Congolese government is violating both Congolese constitution and the Convention concerning protection of World Heritages. The article 4 of the Convention concerning the Protection of World Heritages: || Each State party to this Convention recognize that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to article 1 and 2 and situated on its territory, belong primarily to that State. It will do all it can to this end, to the utmost of its own resources and , where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain||<sup>69</sup>, and the article 53 of the DRC's constitution provides —Everyone has the right to a healthy environment conducive to their full development. She has the duty to defend it. The State ensure the protection of the environment and the health of the people||<sup>70</sup>

According to principle 24 of the Rio declaration, —Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and co-operate in its further necessary||.<sup>71</sup>

The States government of DRC has a great part of responsibility in the protection and conservation of this site which is first part of it territory before being inscribed to the list of UNESCO's natural world's heritages. The eradication of illegal armed groups is a government duty because the territorial integrity of the State must be respected and ensured by the government of every sovereign State.

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<sup>68</sup> Multilateral Environments Agreements: Case Study of the Virunga National Park, p.30, 2008, available on [http://www.iisd.org/pdf/2008/meas\\_cons\\_conf\\_virunga.pdf](http://www.iisd.org/pdf/2008/meas_cons_conf_virunga.pdf)[accessed April 10 2018]

<sup>69</sup> Article 4 of the Convention for Protection of World Heritages

<sup>70</sup> Article 53 of the DRC constitution

<sup>71</sup> Principle 24 of the Rio Déclaration

The ratification of multilateral environmental agreements by a state doesn't suffice when the state government is not making effort for a good implementation of provisions of multinational agreements in its domestic law.