



# CONTESTED CLAIMS OVER PROTECTED AREA RESOURCES IN RWANDA

POLICY RESEARCH BRIEF NO 1

**LAND PROJECT**

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## 1.0 INTRODUCTION

The aim of this policy brief is to describe current and historical conflicts over rights to land and natural resources within and surrounding protected areas in Rwanda. We examine the roots of contested claims between citizens and the State and offer some potential avenues for resolving these conflicts in ways that consider both the priorities of the Government of Rwanda and the rights of local communities that depend on protected area resources.

Information and analysis in this brief draws on semi-structured interviews conducted with some government line agencies, several non-governmental organizations,<sup>1</sup> and private sector actors affiliated with Rwanda's protected areas, reports and papers available online, and recent articles in the media.

We begin this brief by providing an overview of protected areas in Rwanda (Section 1). Section 2 then highlights the legal framework governing rights to use and manage land and natural resources in protected areas in Rwanda, as well as rights to the economic benefits generated by those protected areas.

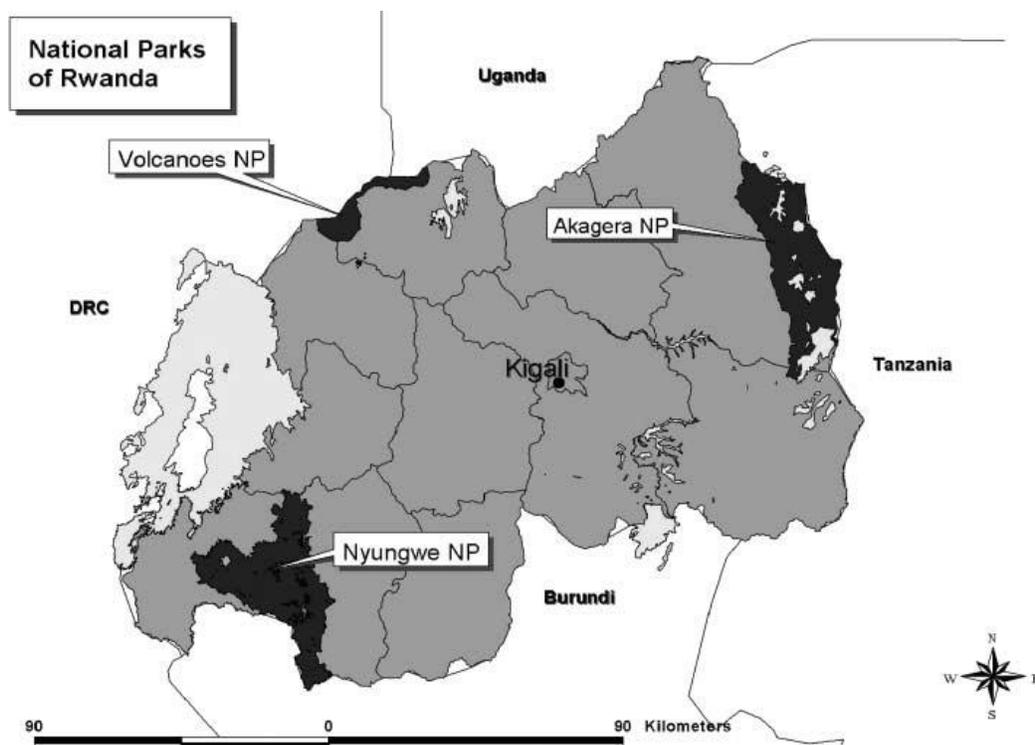
In Section 3, we show how rights to natural resources legally vested in the State have been contested by private citizens and the rationales for these competing claims. In Section 4, we provide measures undertaken by the Government of Rwanda (GOR) and other partners to mitigate or resolve contested claims. The last section presents conclusions and offers some avenues for resolving contested claims through reconfiguration of rights regimes that seek to uphold environmental and biodiversity objectives while also contributing to improved livelihoods for local communities.

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<sup>1</sup> Rural Environment and Development Organization (REDO), International Gorilla Conservation Programme (IGCP), Association Rwandaise des Ecologistes (ARECO RWANDA NZIZA), Association pour la Conservation de la Nature au Rwanda (ACNR), Sabyinyo Community Livelihoods Association (SACOLA), Wildlife Conservation Society (WCS Rwanda), Dian Fossey Gorilla Fund International (DFGFI) – Karisoke Research Center (KRC), Irrigation and Mechanization Task Force of MINAGRI, and Akagera Management Company- African Parks, and Rwanda Development Board (RDB), -Kigali: Rwanda

## 2.0 OVERVIEW OF PROTECTED AREAS IN RWANDA

Rwanda's protected areas cover around 8.5 % of the country's total land area of 26,338 km<sup>2</sup>. An important proportion is made of the three national parks (see Figure 1). The protected areas in Rwanda are comprised of four types: national parks, namely the Akagera National Park (ANP), the Volcanoes National Park (VNP) and the Nyungwe National Park (NNP); forest reserves, including Gishwati Forest Reserve, Iwawa Island and Mukura forest reserve; forests of cultural importance (Buhanga forest); and wetlands of global importance (Rugezi-Burera-Ruhondo wetland complex) (see Table 1). Besides these legally protected forests, there are forests of cultural importance and other remnant natural forests which are only protected to the extent that Rwandan law prohibits human activities in natural forests. (REMA, 2007)<sup>2</sup>.



**Figure 1.** National Parks in Rwanda; Source: Rutagarama and Martin, 2006<sup>3</sup>.

<sup>2</sup>REMA, Forest and Protected Areas, 2005, Kigali: Rwanda. <http://www.rema.gov.rw/soe/chap6.pdf>.

<sup>3</sup> Rutagarama, E. & Martin, A. (2006). Partnerships for protected area conservation in Rwanda. *The Geography Journal* 172: 291-305, Kigali: Rwanda

**Table 1: Protected forests and National Parks in Rwanda**

Name	Management responsibility	Date established	Area (ha)
Akagera National Park	African Parks Network	1934	112,193
Nyungwe National Park	RDB	2004	101,900
Volcano National Park	RDB	1925	16,000
Gishwati Forest reserve	RNRA	1933	6643 <sup>4</sup>
Mukura Forest Reserve	RNRA	1933	1600

Source: Adapted from Africa Forest Forum, 2011; Rwanda Focus Newspaper, 2013<sup>5</sup>

The 1992 Convention on Biological Diversity defines protected areas as a portion of land, aquatic or sea environment which is geographically delimited, dedicated especially to the protection and the preservation of biological diversity and its natural and cultural resources and managed through legal or other effective means.

In order to comply with such international definitions of protected areas, countries typically use legal instruments to prescribe the boundaries of protected areas, restrictions and rights on the use of resources within those boundaries, and the management regimes for protected areas. In many African countries, including Rwanda, the primary responsibility for managing protected areas as well as prescribing rights to

<sup>4</sup> MINAGRI (2013). The 2013 (June) Report of the Commission in Charge of land redistribution in Gishwati. Task Force of Irrigation and Mechanization, Ministry of Agriculture and Animal Resources, Kigali, Rwanda.

<sup>5</sup> Rwanda Focus Newspaper (2013)., Kigali: Rwanda : <http://focus.rw/wp/2013/07/gishwati-residents-evicted-for-environmental-protection/>.

use land and natural resources within protected areas is vested in the government. Governments often point to their mandate to ensure that community or public goods are effectively managed as the rationale for this exclusive vesting of powers over protected areas.

Initial establishment of protected areas in Rwanda was in 1923, starting with the mountain forests: Mukura, Nyungwe, and Gishwati, and closely followed by the gazettelement of the VNP in 1925 and the ANP in 1934 (Nyandwi, 2003). Since then, all national parks have suffered from degradation and weak management, especially Akagera (Rutagarama and Martin, 2006).<sup>6</sup>

Revenues generated from both protected and natural forests, including revenues from tourism, timber and non-timber forest products, were estimated to be 5% of total GDP in 2009 (Kamanzi, 2009)<sup>7</sup> and rose to 18.8% in 2011/2012 (MINECOFIN, 2013).<sup>8</sup> Rwanda's parks are a main source of tourism revenues. Government of Rwanda support for tourism started in 1965 with the establishment of the Ministry of Tourism and Information. In 1973, it was replaced by the ORTPN Office, which was created to promote the tourism industry. Tourism is now an important economic sector and contributes to about two-thirds of foreign exchange earnings in Rwanda. Earnings from foreign tourism rose by 35 percent between 2008 and 2011, with improvements in tourism infrastructure attracting increased numbers of tourists from across the African continent and overseas (World Bank, 2013).<sup>9</sup>

Demographic pressures in Rwanda have posed major challenges with respect to natural forests and protected areas. Common threats facing protected areas include poaching, agriculture encroachment, woodcutting for firewood and construction, bamboo

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<sup>6</sup> Rutagarama, E. & Martin, A.. 2006. Partnerships for protected area conservation in Rwanda. *The Geography Journal* 172: 291-305.

<sup>7</sup> Kamanzi, S. (2009). Forestry contributes 5% to GDP. <http://www.newtimes.co.rw/news/index.php?i=14072&a=22219>.

<sup>8</sup> MINECOFIN (2013). Macroframework-Public Dataset June 2013. Ministry of Finance and Economic Planning. <http://www.minecofin.gov.rw/index.php?id=60>. Accessed on October 3, 2013.

<sup>9</sup> World Bank (2013). Maintaining the momentum with a special focus on Rwanda's pathway out of poverty. Rwanda Economic Updates, May 2013, Edition No 4. Kigali, Rwanda.

harvesting, water collection, medicinal plant collection and beehive placement. Policies to accommodate influxes of returnees, spur economic growth and increase tree cover using non-native species, has diminished natural forest cover from 26% of the country's land areas in 1993 to 21% in 2010 (GoR, 2010).<sup>10</sup> Areas of national parks also have been reduced to accommodate Rwanda's expanding population (Havugimana, 2009).<sup>11</sup> Two-thirds of the surface area of the ANP, estimated at 245,000 hectares in 1934, was de-gazetted in 1997 to accommodate Rwandans returning from exile (Munyaneza, 2012)<sup>12</sup>. The park currently covers 112,193 hectares.<sup>13</sup> Resettlement of former refugees repatriated from the DRC after the 1994 Genocide has sharply contributed to the destruction of Gishwati forest reserves in the northwest of the country. Gishwati's history of deforestation extends over many decades. Gishwati forest covered about 70,000 acres in 1930.

According to Nyandwi and Mukashema (2011),<sup>14</sup> Gishwati forest constituted approximately 28,000 hectares in the 1970s and was depleted to about 61.7 % of this size because of large-scale cattle ranching projects, cattle grazing within the forest, resettlement of new refugees after the 1994 Genocide, clearing of the forest for small-scale farming, and the establishment of plantations of non-native trees. In an effort to stem the destruction of Gishwati, the GOR demarcated legal boundaries and removed inhabitants from the government lands, measures that resulted in a 67percent increase in size from 2,190 to 3,665 acres.<sup>15</sup>

The existing literature on protected areas in Rwanda focuses primarily on their environmental functions, ecosystem benefits, and relationship with tourism. Studies

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<sup>10</sup> REMA (2010). Forest and Protected areas. Rwanda Natural Resource Authority, Kigali, Rwanda. .

<sup>11</sup> Havugimana E (2009). State policies and livelihoods - Rwandan human settlement policy. Thesis. School of Global Studies, University of Gothenburg: South Africa

<sup>12</sup> Munyaneza F (2012). Identification and Mapping poaching Risk Areas in Akagera National Park, Rwanda. Masters dissertation, National University of Rwanda, Huye, Rwanda.

<sup>13</sup> Law no. 33/2010 of 24/9/2010 establishing Akagera National Park, article 1.

<sup>14</sup> Nyandwi E and Mukashema A (2011). Excessive deforestation of Giswati Mountainous forest and biodiversity changes. Ict4d participatory Geographic Information Systems (p-GIS) for natural resource management and food security in

Africa.[http://www.leadinafrica.org/sigp/docpdf/ICT4D\\_article\\_forests\\_nyandwi\\_EN.pdf](http://www.leadinafrica.org/sigp/docpdf/ICT4D_article_forests_nyandwi_EN.pdf) .

<sup>15</sup> Rwanda Natural Resources Authority (RNRA) (2013). <http://www.nafa.gov.rw/spip.php>.

assessing the socioeconomic impacts of protected areas on local communities are scarce. One study by Masozera (2002)<sup>16</sup> examines conservation in Nyungwe Forest through a socioeconomic lens. From our research, it appears that no studies have investigated the issue of contested claims between the community and the state over protected natural resources as well as their respective buffer zones.

### **3.0 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK**

A number of laws and policies relevant to the management of protected areas have been put in place. These include: the Constitution of the Republic of Rwanda as amended to date, the Environmental Policy (2003), the ORTPN Law (2003) the National Land Policy (2004), the Environment Law (2005), the Akagera Law (2010), the Forestry Policy (2010),<sup>17</sup> the Rwanda Wildlife Policy (2013),<sup>18</sup> and the Land Law (2013). Rwanda has also ratified international conventions such as the Convention on Biological Diversity and Convention on International Trade in Endangered Species of Fauna and Flora.

Protected areas are legally classified as state land in the public domain which is reserved for environmental protection.<sup>19</sup> In accordance with policy and legislation, various rights and restrictions can be established by the relevant competent authorities that define each stakeholder's access to direct and indirect use of wildlife resources.<sup>20</sup> Article 64 of the environmental law of 2005 obligates the population to conserve the

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<sup>16</sup> Masozera M (2002). Socioeconomic analysis of the conservation of the Nyungwe forest reserve, Rwanda. M.Sc Thesis. University of Florida.

<sup>17</sup> Rwanda's Forest Policy of 2004 and amended in 2010 was extended the 2011 Future Policy Award under the auspices of the World Future Council of the United Nations in New York. This award recognizes "the world's most exemplary national policies that create better living conditions for current and future generations and that produce practical and tangible results." See: [http://minirena.gov.rw/index.php?id=168&L=1&tx\\_ttnews\[tt\\_news\]=112&cHash=66f56b55d4ec67d80569014ee2f9e934](http://minirena.gov.rw/index.php?id=168&L=1&tx_ttnews[tt_news]=112&cHash=66f56b55d4ec67d80569014ee2f9e934).

<sup>18</sup> Rwanda Wildlife Policy, March 2013, 5.3 Policy Goal: To create conditions where people and wildlife can co-exist and have as little impact on each as possible and Policy Objective 3.2: to manage conflicts between people and wildlife, ensuring that they can co-exist and have as little negative impact on each other as possible.

<sup>19</sup> Law no. 43/2013 of 16/06/2013 Governing Land in Rwanda, State Land in the Public Domain, article 12(4).

<sup>20</sup> Rwanda Wildlife Policy, definitions: Wildlife User Rights.

environment by individual action, collective activities, or associations of the environment.<sup>21</sup>

Rwanda has embarked on considerable institutional transformations in the environment sector. A number of institutions have been formed or restructured to address different environmental needs and priorities. The former ORTPN is now the Department of Tourism and Conservation under the Rwanda Development Board (RDB). The mandate of the department is to conserve the rich biodiversity of Rwanda's protected areas and to develop a sustainable tourism in collaboration with stakeholders for the benefit of all Rwandan people. The Ministry of Natural Resources (MINIRENA) is the overall leading institution of the environmental sector charged with ensuring sustainable management and rational use of natural resources. Under its mandate are two major implementing agencies of environmental sector policies and programs, the Rwanda Environmental Management Authority (REMA) and the Rwanda Natural Resources Authority (RNRA), each with interlinked, but separate mandates.

REMA is mandated to coordinate and oversee the implementation of national environmental policy and associated legislation. RNRA is responsible for implementing national policies, laws, strategies, regulations and government resolutions in matters relating to the promotion and protection of natural resources.<sup>22</sup> While national parks are managed by RDB, forest reserves and other natural forests are managed by MINIRENA, RNRA and the Districts, while protected swamps fall under the authority of REMA.

Article 4 of Law no. 33/2010 of 24/9/2010 establishing Akagera National Park states that the management of the park and its buffer zone is entrusted to the institution in charge of the management of national parks, which is RDB. However, in December 2009 joint management of the park was entrusted to African Parks Network, a non-for-profit company, and RDB. Similarly, NNP is jointly managed by the New Forest Company and

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<sup>21</sup> Organic Law n° 04/2005 of 08/04/2005 determining the modalities of protection, conservation and promotion of environment in Rwanda, article 64.

<sup>22</sup> Law n° 53/2010 of 25/01/2011 establishing Rwanda Natural Resource Authority (RNRA) and determining its mandate, organization and functioning, article 3(1).

RDB. Only ANP and NNP have buffer zones; management of these is entrusted to those institutions in charge of park management.<sup>23</sup>

No management role of protected areas or buffer zones is assigned to ordinary citizens, although section 5.6.3 of the National Land Policy assigns responsibility to all Rwandans to improve the protection and the management of protected areas. Rather, the role of the surrounding communities within protected areas is limited to provision of labor, participating in awareness campaigns, and monitoring engagement of their neighbors in illegal activities through overnight patrols.<sup>24</sup> For example, about 200 people were employed in 2012 by the Akagera Management Company (AMC) for construction work, maintaining fire breaks and roads, and removing exotic plant species, injecting about US\$260,000 into the local economy (African Parks, 2012).<sup>25</sup> Within the buffer zones, communities may engage in activities approved and overseen by the park management, such as bee keeping.

With respect to Gishwati Natural Forest, among the most severely deforested areas in Rwanda, the Government has degazetted 3,437 hectares of the reserve to convert into agricultural land, leaving the remaining 3,206 hectares as protected forest.<sup>26</sup> The government, through a task force on irrigation and mechanization, is currently redistributing the degazetted portion of Gishwati to around 10,000 beneficiaries who were evicted from the designated “high risk” zone of the forest.<sup>27</sup> Beneficiaries who depend solely on agriculture will receive 0.4 hectares of land and those who have other sources of livelihood will receive 0.2 hectares.<sup>28</sup> At a national level, the mean land holding size is 0.59 hectares (EICV 3).

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<sup>23</sup> Law no. 33/2010 of 24.9.2010 establishing Akagera National Park, article 2(1).

<sup>24</sup> Some community members are identified to play role in overnight patrols to monitor the illegal practices by their neighbours and report to the park wardens for measures.

<sup>25</sup> African Parks (2012). Annual Report. Ten Years of Conservation progress

<sup>26</sup> The 2013 (June) Report of the Commission in Charge of land redistribution in Gishwati. Task Force of Irrigation and Mechanization, Ministry of Agriculture and Animal Resources, Kigali, Rwanda.

<sup>27</sup> Rwanda Focus. Gishwati residents evicted for environmental protection. July 22, 2013.

<http://focus.rw/wp/2013/07/gishwati-residents-evicted-for-environmental-protection/>.

<sup>28</sup> Rwanda Focus (2013). Gishwati residents evicted for environmental protection. [ Internet].

<http://focus.rw/wp/2013/07/gishwati-residents-evicted-for-environmental-protection/>.

This redistribution has given rise to contested claims from those who are being displaced from the remaining protected area. However, given that many of the displaced knew they were occupying a government owned forest reserve and that they are being compensated with new land in the degazetted zone, acceptance levels are reported to be high. People who have claimed indigenous rights to forested lands (i.e. those who occupied lands in the current protected zone of Gishwati prior to the 1994 Genocide) have been deemed eligible for compensation by the Government of Rwanda.<sup>29</sup> The valuation process is currently underway, which will inform on the modalities of compensation for around 12 families who hold these indigenous rights.

Allocation of rights to surrounding communities to economic benefits generated by protected areas is provided for in the case of national parks. In 2005, RDB launched a Revenue Sharing Program which allocates 5% of tourism revenues earned by the park to fund community development projects. Further details on the scheme are presented in Section 4.

#### **4.0 CASES OF CONTESTED CLAIMS BETWEEN THE GOR AND LOCAL COMMUNITIES**

Each of Rwanda's protected areas has its own history of contested claims to natural resources, both within the protected areas themselves as well as in the buffer zones. Use of resources in protected areas, such as water harvesting, clearing land for cultivation, harvesting forest products, hunting, and mining, constitutes a major source of conflict between the State and local communities.

Cases of illegal harvesting from protected areas were reported to us during interviews we held with Wildlife Conservation Society (WCS), Rural Environment and Development Organization (REDO), International Gorilla Conservation Programme (IGCP), and

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<sup>29</sup> A committee for the compensation has been appointed and the compensation exercise is underway. Personal communication with Innocent Nzeyimana, Chairperson of the Task Force on Irrigation and Mechanization, MINAGRI

Association pour la Conservation de la Nature au Rwanda (ACNR), among others. The incidence of such cases appears to vary among the different protected areas.

Where one finds a reduction of illegal encroachment and resource harvesting and increased compliance with law and regulations, interviewees claim this is due to the introduction of alternative products and livelihood opportunities, such as water harvesting facilities, apiculture techniques applied in the buffer zone, distribution of livestock such as goats (e.g. through the RDB Revenue Sharing Program), and interventions by development partners like the IGCP in the Northern Province. However, there is also more evidence (as indicated by one interviewee from WCS) of illegal cases as result of stricter conservation measures being imposed by park management authorities. Figure 2 shows how incidences of illegal cases have increased in NNP despite adoption of more stringent protection.

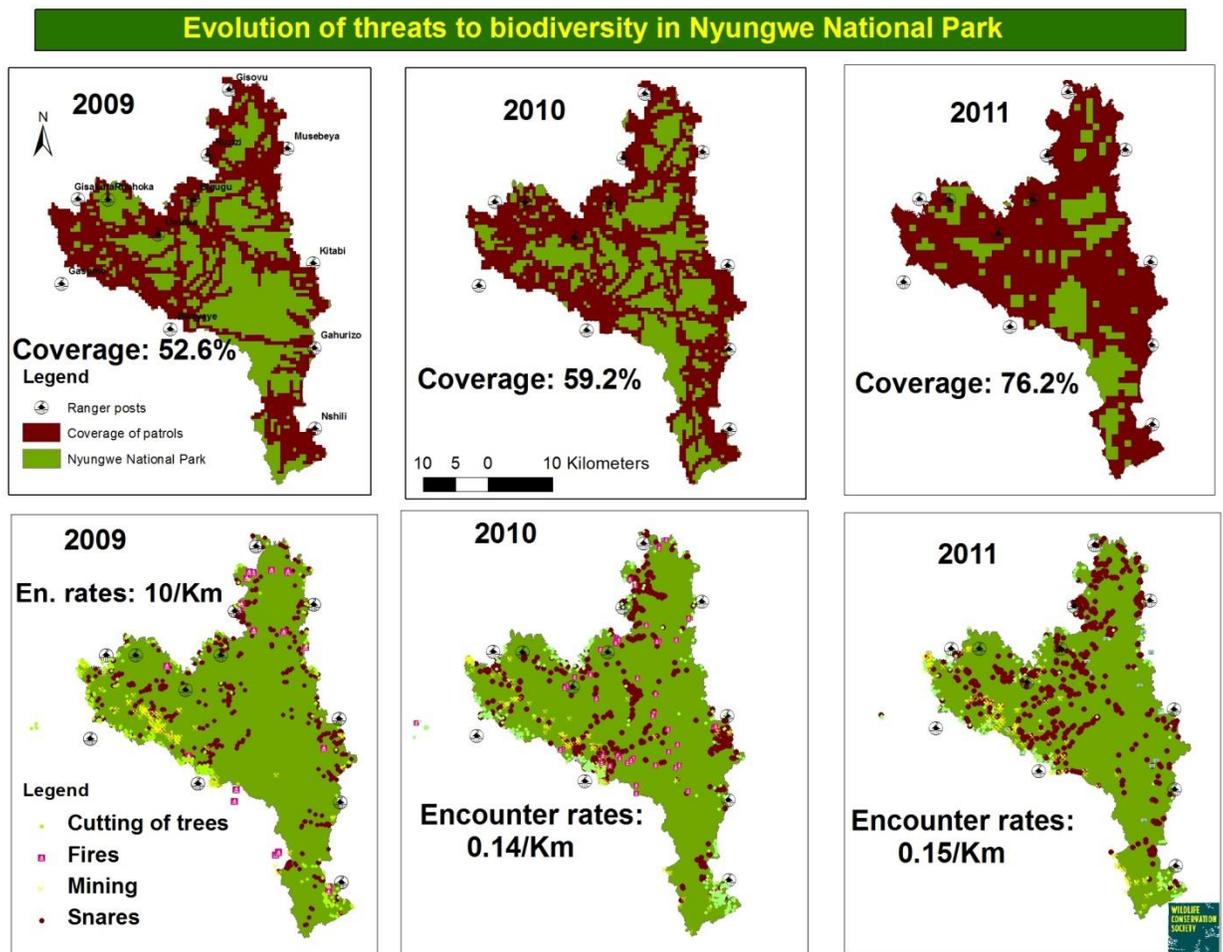
Conflicts over rights to land and natural resources also arise in protected area buffer zones. One interview held with the WCS revealed that the harvesting and replanting of trees by the New Forest Company (NFC) in the Nyungwe Park buffer zone is contested by individuals who were granted formal land rights to plots there during the recent land registration process. The NFC signed a forest concession agreement with the government of Rwanda in 2011 to give the company the right to harvest about 12,000 hectares of different trees planted in the buffer zone and replant new trees.<sup>30</sup> Further investigation is needed to clarify which rights were granted first: those to families to the plots or those to NFC to the concession area?

Similarly, in the VNP, Historically Marginalized Persons (namely the forest dwelling Batwa) claim that they were evicted from the park without any plan to integrate them in new settlement plans by the government in power before the 1994 Genocide. However, evidence to prove whether they were residing in areas currently within the protected areas no longer exists. Since then, they have been resettled based on plans established by the current government administration.

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<sup>30</sup>New Forest Company (2011): [http://www.newforests.net/index.php/hmd\\_article/new-forests-signs-major-forest-concession-agreement-with-the-government-of-rwanda](http://www.newforests.net/index.php/hmd_article/new-forests-signs-major-forest-concession-agreement-with-the-government-of-rwanda).

Figure 2: Evolution of threats to biodiversity in Nyungwe National Park<sup>31</sup>



Source : RDB (2011). Illegal activities in Nyungwe National Park. Annual Report by RDB-Nyungwe, Kigali, Rwanda.

Unlike the ANP, VNP and NNP are not well demarcated and fenced, though VNP has a “buffalo” wall that deters park animals from exiting the park and raiding farmer crops. Certain resource uses in the buffer zones are permitted by communities surrounding VNP and NNP, including bee keeping and collecting medicinal plants and fallen branches. In addition, in the buffer zone surrounding NNP, farmers are allowed to plant some perennial crops such as tea. Prohibited practices in NNP and VNP buffer zones

<sup>31</sup> 1. Coverage : MIST GIS and GPS way points were used to generate the coverage of the patrol effort. Encounter Rates: Encounter rates of illegal activities (mining, bush fires poaching, trees, and bamboo cutting) was measured based on patrol effort (number of kilometers walked). Encounter rates of illegal activities increase as patrol effort increases.

include bamboo harvesting, poaching, and water harvesting, timber harvesting, collecting non-timber forest products (apart from fallen branches and medicinal plants) and mining activities.

Interviewees from WCS and ACNR reported that due to poor demarcation and lack of fencing, NNP and VNP encounter more problems with crop raiding by animals from the parks to the surrounding farms and encroachment into the parks by the adjacent communities. Other problems resulting from failure to fence protected areas are crop damages, house invasions and human injuries caused by wildlife straying outside the parks.

In an effort to address the situation, the government passed Law no 26/2011 of 27/07/2011 on compensation for damages caused by animals.<sup>32</sup> Article 6 of the law provides that a person whose property is damaged by an animal shall be compensated based on real-cost valuation, which is supported by a regulation guiding calculation of the amount of compensation owed.<sup>33</sup> Articles 23 to 25 of the law detail the modalities for awarding compensation. To claim compensation, the person whose property has been damaged has to submit a photograph showing the damaged property, a statement of the testimonies made by witnesses interrogated by cell authorities, and an expert's report assessing the damaged property and its value.<sup>34</sup> For an ordinary citizen, these requirements are both demanding and costly.

In 2012, the GOR also set up a Special Guarantee Fund (SGF) to compensate victims of wildlife damages (African Parks, 2012). However, there are still complaints by adjacent community members who have suffered these damages that compensation is not forthcoming.<sup>35</sup>

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<sup>32</sup> Official Gazette no 34 of 22/08/2011.

<sup>33</sup> Prime Minister's Order no 26/03 Of 23/05/2012 determining the rates, calculating method and criteria for determining compensation to the victim of damage caused by an animal ( Official Gazette no 25 of 18 June 20120).

<sup>34</sup> See article 3 of the Prime Minister's Order no 26/03 Of 23/05/2012.

<sup>35</sup> Internet: <http://igihe.com/amakuru/muri-afurika/u-rwanda/abatuririye-pariki-y-akagera-barashishikarizwa-kubungabunga-uruzitiro-rwayo-rugiye-kuzura>.

## **5.0 MEASURES TO RESOLVE CONTESTED CLAIMS TO PROTECTED AREAS BY THE GOR AND PARTNERS**

Recent policy documents underline the need to combine strong protection of the environment with the incorporation of local government and communities into environmental decision making (Rutagarama and Martin, 2006). Measures undertaken by the government and other partners to resolve contested claims include establishing park management infrastructure, enforcing laws and regulations, building community capacity, introducing more biodiversity conservation measures, revenue sharing, initiating alternative livelihood projects (e.g. water harvesting infrastructures, off-farm activities through cooperatives), and engendering community participation.

Maintenance and construction of park headquarters and park fencing by park management authorities in collaboration with RDB, the police, and with support from military groups in the area have reportedly reduced cases of wildlife damages and park encroachment. In addition Park and Conservation Community Wardens placed in the Volcanoes and Nyungwe National Parks has reportedly played a key role in sensitizing the community to embrace their contribution towards improved protection and conservation of the protected areas. Development partners are also working with members of the community formerly engaged in illegal resource harvesting. These individuals are grouped into cooperatives and receive some support to engage in off-farm livelihood activities, such as bee keeping in the buffer zones and goat raising, to replace resources previously obtained in the protected areas. They are also provided with alternative sources of water, engage in tree planting, and are provided health insurance through their cooperatives.

Community capacity building is done through different trainings and workshops as well as public meetings with local authorities in association with the park management authority. For example, in 2012 the ANP held an ecological management workshop with conservation experts and local stakeholders. Other development partners such as IGCP provide technical skills, management skills, and training targeting women on such topics as how to construct water tanks in response to water shortages, thereby

diminishing the need to fetch water from inside the protected area. Such forums also serve as an opportunity to share ideas on how to improve park management practices. These capacity building initiatives provide community members with a better understanding of their rights vis-à-vis those of the park management and therefore may be useful in overcoming certain contested resource claims.

The Revenue Sharing Program, launched in 2005 by RDB, is a measure which aims to integrate both conservation and development goals. The Program gives back 5% of the total tourism revenues generated from the three national parks to the communities adjacent to the parks in the form of different socio-economic projects such as schools, roads, health facilities, construction of water harvesting infrastructures, etc.

Whereas the intent of the program is to elicit robust community participation, such participation is reportedly not evident. Critics of the revenue sharing program point out that projects often do not address communities' pressing livelihood needs and that people are not directly compensated for the lost benefits from products they used to get from the protected areas.

Rather, the money is directed to development infrastructure such as schools and health facilities, roads, etc., benefits that might otherwise be funded by the GoR through budget allocations to districts. An assessment of the Revenue Sharing Program conducted by RDB in 2011 revealed that the "majority of the projects funded by the program (such as schools, roads, and health centers) have a great impact on social and economic development of the population around the parks in medium to long term, but do not have an immediate effect on conservation objective.

Individuals formerly engaged in illegal activities (e.g. poachers) were also targeted (to provide labor for construction of infrastructure) but on a limited basis (RDB, 2011).<sup>36</sup> The report recommended that the support from the Revenue Sharing Program should be tailored to address the specific and immediate needs of select individuals and households whose actions are still posing a danger to park conservation.

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<sup>36</sup> Rwanda Development Board (RDB) (2011). Assessment of the performance of the Revenue sharing program during 2005-2010: Program implemented in the National Parks of Akagera, Nyungwe, Virunga. Kigali, Rwanda.

Another critique of the Revenue Sharing Program is that the 5% allocation of tourism revenues collected from the three national parks to fund community projects is too low, especially considering population growth and changing needs. They argue that this allocation should be increased to between 7.5 % and 15%.<sup>37</sup> Updated information on population, livelihoods, and poverty levels of communities adjacent to these parks is needed to guide decisions on optimal allocation of revenues to communities in ways that both support livelihoods and decrease dependence on park resources.

## **6.0 CONCLUSIONS AND RECOMMENDATIONS FOR RESOLVING CONTESTED CLAIMS OVER USE OF NATURAL RESOURCES.**

- Information from interviews conducted to inform this paper reveal relatively few cases of contested claims over use of natural resources in the protected areas and their associated buffer zones. The fact that Rwanda's protected areas were gazetted several decades ago could explain why individual and community claims to land are not high. However, it would not explain the fact that levels of encroachment for resource harvesting purposes remain low in parks, despite growing populations (and therefore more needs to be met), and a declining resource base to support livelihood needs. Nevertheless, incidences of encroachment in protected areas and community claims to resources in buffer zones do exist and present challenges for effective natural resource conservation. Further investigation could reveal more cases than our preliminary investigation was able to uncover.
- According to interviewees, cases of illegal harvesting are linked to poverty and limited alternatives for community members to meet their livelihood needs.
- Rwanda exercises a strict approach to protected area management, vesting full management authority in the GOR and park management companies. Surrounding communities are extended no resource use rights in parks and forest reserves, and only limited rights to resources in buffer zones of two of the

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<sup>37</sup> SACOLA Committee member and Director of Karisoke Research Center-Diane Fossey Gorilla Fund

parks. Hence, communities are likely to have a limited stake in conserving resources in and around protected areas. Incidences of encroachment seem to derive from communities relying on various natural resources for their livelihoods, while the fact that they lack rights to the resources and do not share decision-making authority over how they are managed may diminish their incentives to protect and regenerate them.

- Illegal activities are associated with lack of access to adequate and affordable alternatives to products harvested from protected areas. Expansion of alternatives provided to communities is needed to generate incentives to conserve and satisfy community livelihood needs.
- Payment for environmental services (PES) schemes that provide economic benefits to resource users in exchange for refraining from resource harvesting or other environmentally detrimental activities, represent another approach that warrants consideration.
- The governance of the protected areas is significantly entrusted in the GOR and its line entities with limited involvement of the surrounding community. Similarly, laws such as the one establishing the ANP vest the management role of the park and its buffer zone entirely to the Rwanda Development Board. This dilutes the sense of citizen ownership championed by the National Land Policy of 2004 (section 5.6.3) as and the Environmental Law of 2005 (article 64). Mechanisms to engage communities in the protected area management and provide them with meaningful management rights are needed if communities are to feel vested in protected area conservation.
- Likewise, allocating a greater share of park revenues to communities and permitting community members to collectively determine how such funds are invested would likely bolster incentives to protect park resources, as would extending ample opportunities to community members to work in the parks, receive employment training and engage in other educational opportunities.

- The fact that NNP and VNP boundaries are not clearly demarcated potentially creates ambiguity over the rights of the GOR *vis a vis* those of communities. Establishing clear boundaries for the NNP and VNP and defined rights regimes within protected areas and buffer zones in collaboration with local communities has the potential to improve compliance with protected area regulations.
- The process for seeking compensation for damages caused by wildlife entering communities appears to be highly onerous, and could serve to aggravate community grievances over protected areas. Review of the law with an eye toward reducing costly documentation requirements and experts' reports while still ensuring sufficient evidence is produced to prevent fraud is recommended.
- More thinking needs to be given to providing surrounding communities with rights to undertake activities in the buffer zones that are consistent with conservation goals, and ensuring these rights are clear and alleviate livelihood pressures. There exists an opportunity for RDB to work with communities surrounding the parks to come up with a regime for assigning management and use rights in ways that can support both conservation and community livelihood needs. Currently, REMA is in the process of introducing a payment for ecosystem services (PES) program which is intended to combine both objectives of poverty reduction and protecting the ecosystem. These measures could add value to a broader strategy to resolve contested claims and to incentivize protected area conservation.