

Summary of the Partnership Agreement for the Salonga National Park between ICCN and WWF

Foreword:

The new Partnership Agreement between the Congolese Institute for the Conservation of Nature (ICCN) and WWF for the Salonga National Park (SNP) signed on 7 October 2021, aims to support ICCN in the management of the park according to international standards, firmly placing human rights at the centre of conservation work to foster inclusive, community-centred conservation in Africa's largest forest national park. The agreement, in which both parties have sought to address the commitments made as part of WWF's Management Response to the Independent Panel Review Report, seeks to strengthen joint engagement and contributions toward more inclusive and sustainable conservation. It prioritizes community development, respect of rights and professionalized law enforcement, bringing in specialized partners to embed rights-based approaches in conservation work and the government's anti-poaching efforts. All activities under the partnership will be undertaken on the basis of and in compliance with WWF's social policies and environmental and social safeguards framework, in order to avoid or mitigate any negative impact linked to the activities.

There is a general recognition of the need to improve conditions for local communities living in the most vulnerable contexts in the DRC. While WWF will press for improvements in rights protection and access to justice, the protection of human rights is a responsibility of the state and a consortium of actors – including the government of DRC, the United Nations, donor governments, and other conservation and development organizations, alongside communities and community representatives – is needed to effect change. It is therefore important to note that a major component of the new Agreement is the setting up of a foundation to take over the management of the Salonga National Park, as soon as it is established. So while the signing of the new Partnership Agreement is a milestone, it is the start of a transition period towards a longer-term set up for Salonga National Park that brings in other partners with relevant expertise. Under the present Partnership Agreement as well, the Parties have agreed to recruit and contract specialized partners, a human rights organization (Jurec) and a law enforcement advisor (Chengeta Wildlife) to deliver essential elements related to human rights and professionalization of the government-led law enforcement activities.

Summary of Agreement:

This document provides a high level summary of the key principles and commitments laid out in the new Partnership Agreement signed between the Congolese Institute for the Conservation of Nature (ICCN) and WWF for the Salonga National Park (SNP) signed on 7 October 2021.

The below SUMMARY is for informative purposes only, it is not a legal document and no rights can be derived from it.

PURPOSE OF THE AGREEMENT: The purpose of the new Partnership Agreement is - in short - to establish the mechanisms to :

- A. Improve and maintain the state of conservation of the SNP;*
- B. Raise the management of the SNP to the level of international standards;*
- C. Maintain the natural ecosystems of the SNP, its biodiversity and its environmental services;*

- D. *Develop a community conservation program around the SNP and other priority programs included in its development and management plan;*
- E. *Enhance the resources of the SNP, in particular through carbon credits or payment for any other service rendered to global ecosystems, scientific research and tourism;*
- F. *Contribute to strengthening the capacities of ICCN and the skills of its staff assigned to the SNP so that, at the end of the partnership, these staff have proven technical and managerial skills;*
- G. *Mobilize the funding necessary to achieve the object of this Agreement and the technical expertise necessary to preserve the SNP.*
- H. *Work for the development, creation and operationalization of a separate independent legal entity, the 'Salonga Foundation' to manage the SNP.'*

ICCN's KEY RESPONSIBILITIES under the Agreement are:

- to ensure that all activities are in line with the strategies, policies and laws in terms of conservation and development of natural resources as well as human rights, and that the activities contribute to the development of the local communities concerned.
- as the employer of the ecoguards, to lead on and be responsible for all law enforcement operations and activities, and improve both the efficacy of law enforcement and human rights protections, with strategic and technical support and advice from the Law Enforcement Advisor.

The Agreement is explicit on (a) ICCN's responsibilities for Law Enforcement activities, (b) ICCN's management responsibility and oversight of eco-guardians, (c) ICCN employing eco-guardians and the latter's reporting line directly to the ICCN Deputy Director. The agreement states that ICCN has responsibility for recruitment, assignment, administrative sanctions and disciplinary measures for all ecoguards.

ICCN has also explicitly undertaken to:

- *ensure that all law enforcement operations and activities are compliant to the Principles Regarding WWF's Support for Enforcement and Rangers;*
- *ensure that the Guide of Conduct for ecoguards applies to ICCN staff responsible for law enforcement and lays out their responsibilities for upholding human rights, with special regard to the rights of indigenous peoples, and for conducting their operations lawfully;*
- *ensure that ICCN personnel responsible for law enforcement are trained to uphold Human Rights commitments, and are trained on relevant E & S safeguards;*
- *strengthen disciplinary measures governing ecoguards through monitoring and a binding correctional system to strengthen professional conduct and ethics. While ICCN is responsible for the recruitment, assignment, administrative sanctions or other disciplinary action for all ecoguards, the Site Director has the right to propose disciplinary measures, including dismissal, in the event of inappropriate or illegal behavior of the part of the ecoguards, including a violation of the Guide of conduct;*
- *establish training and continuous monitoring of eco guards and ensuring the integration of Ecoguards women from neighboring communities.*
- to hold the relations on a political and administrative national level.

WWF's KEY RESPONSIBILITIES under the Agreement are:

- to provide coordination of the SNP Management Unit (SNPMU) and of activities implemented in the SNP under the partnership. The SNPMU is composed of: a Site Director ad interim proposed by WWF; a Deputy Director proposed by ICCN; a Human Rights coordinator proposed by ICCN; a Rural Development Officer

from WWF; a Community Conservation Officer from ICCN; an Administration and Finance Officer from WWF and a Human Resource Officer proposed by ICCN.

- to mobilize funding whilst ensuring transparency of finance and administration of the program.
- to support the preparatory work leading to the establishment of the Salonga Foundation.
- to lead on good management practices including supporting the proper implementation and respect by all Parties of environmental and social safeguards.
- to ensure biological monitoring and research, build infrastructure and work in the landscape for inclusive community development and conservation as well as the development of ecotourism.

WWF will pay annually to ICCN a fixed amount of USD 150.000,- (one hundred fifty thousand US Dollars) as institutional support to ICCN's General Directorate¹.

PARTNERSHIP WITH A HUMAN RIGHTS ORGANIZATION TO EMBED RIGHTS-BASED APPROACHES:

The Parties have agreed to recruit and contract a human rights organization to deliver essential elements of this partnership agreement, such as the promotion of human rights within all activities of the partnership, the establishment and management of a complaints mechanism and lead on conflict resolution and mitigation with communities. Details of the human rights organization's tasks are agreed and outlined in an Annex (Annex 1) to the Agreement. ²

PARTNERSHIP WITH A LAW ENFORCEMENT ADVISOR TO PROFESSIONALIZE ANTI-POACHING

ACTIVITIES: The Parties have agreed to recruit and contract a Law Enforcement advisor to deliver essential elements of this partnership agreement, such as to provide strategic and technical support to ICCN with respect to law enforcement activities and to contribute to the development of the anti-poaching strategy, standards and operational procedures, to provide mandatory training to all law enforcement staff on respect for human rights and on ESSF, to monitor law enforcement activities and to identify and escalate issues. Details of the law enforcement advisor's tasks are agreed and outlined in an Annex (Annex 1) to the Agreement.³

ACTIVITIES UNDERTAKEN ON THE BASIS OF WWF ENVIRONMENTAL AND SOCIAL SAFEGUARDS

(ESSF): The Parties have agreed that all activities under the partnership will be undertaken on the basis of and in compliance with WWF's social policies and environmental and social safeguards framework, in order to avoid or mitigate any negative impact linked to the park management activities.

PROMOTION OF COMMUNITY DEVELOPMENT: As one of the Guiding Principles of the Agreement, the parties have agreed to a more inclusive approach to conservation of the SNP including by promoting community development and a community-led conservation programme around the SNP.

¹ As an update, in 2020 ICCN established a new Human Rights Directorate at the headquarters in Kinshasa.

² As an update, following the above commitment of the parties, a human rights organisation has already been selected (Jurec) after due diligence and selection processes have been undertaken and an agreement is already in place (on the development of a complaints mechanism). After signing the new Agreement with ICCN, the contracting with Jurec will be updated, by including their tasks as agreed in the Annex, into the agreement with them.

³ As an update, following the above commitment of the parties, a Law Enforcement organisation has already been selected (Chengeta) after due diligence and selection process have been undertaken. After signing the new Agreement with ICCN, the contracting with Chengeta will be finalized, by including their tasks as agreed in the Annex, into an agreement with them.

NO INVOLUNTARY RESETTLEMENT: The Agreement is explicit on the fact that parties undertake to ensure that no involuntary resettlement will take place for local and indigenous populations currently residing in the Salonga National Park, in accordance with WWF's ESSF.

ESTABLISHMENT OF PARTICIPATORY GOVERNANCE STRUCTURES: The Parties have agreed to operationalize new participatory governance structures for the management of the Salonga National Park and its intervention zone, with strong representation of local communities.

The Site Coordination Committee (CoCoSi) will include representatives of civil society, customary authorities and local communities. The CoCoSi is an advisory body whose tasks include to facilitate exchanges and ensure the harmony of relations between the actors intervening on the site and in its periphery, including local communities and indigenous peoples.

The parties have also agreed to strengthen the operationalization of Local Development Committees as units to promote participatory and community development.

ESTABLISHMENT OF A PROTOCOL FOR ESCALATION OF INCIDENTS: As part of its commitment to implement all activities under the partnership on the basis of WWF's ESSF, ICCN has agreed to the development and implementation of a clear protocol and reporting forms for escalation of non-compliance and incident reporting related to activities under the partnership. The protocol will include reporting in case of non-compliance with ESSF, WWF's Policy Statement on Human Rights or any other WWF Social Policy. Also, within six months of the signing of the agreement, clear and appropriate processes and procedures will be established to effectively respond to human rights violations raised against any SNP staff.

ESTABLISHMENT OF AN INDEPENDENT MONITORING AND EVALUATION MECHANISM: The Parties have agreed to develop a mechanism for independent monitoring and evaluation of the activities under the partnership, which will include periodic monitoring and evaluation on whether the agreed safeguards measures are being effectively implemented.

ESTABLISHMENT OF AN EFFECTIVE GRIEVANCE MECHANISM: The Parties have jointly committed to establish and maintain a robust complaints mechanism to serve all communities across the SNP and buffer areas, through which those affected by WWF's projects or by the activities under the partnership can raise concerns and seek resolution. The Human Rights Organization will lead on the development, implementation and management of the grievance mechanism and seek engagement of all relevant stakeholders in the development process.⁴

WORK TOWARDS THE ESTABLISHMENT OF A SALONGA FOUNDATION: Parties will work for the development, creation and operationalization of a separate legal entity, the 'Salonga Foundation', to take over the management and governance of the SNP as soon as it is established, with the aim to establish the entity within 18 months after signing the Agreement.

After the first two years of the implementation of the Agreement, a mid-term evaluation will be carried out by experts. Parties have also agreed to undertake periodic reviews by an independent assessor to ensure agreed safeguard measures are actually implemented.

⁴ As an update, following this commitment of the parties, this work started in July with the human rights organization, Jurec.

The Agreement may be terminated at the option of either party for failure to perform, improper performance, or late performance of the other party's obligations, whereby a breach of the integrated (ESSF and other) mechanisms and policies will also constitute a breach of the terms of the agreement.