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Surveillance and Law Enforcement in DR Congo's Lomami Park

Annual Report to The Wildcat Foundation February 2015 – January 2016

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1. Summary:

Robust surveillance and active law enforcement are necessary to ensure conservation of vulnerable wildlife in DR Congo. Over the last two decades, following Congo's civil war, many of the country's remaining wilderness areas became magnets for criminal gangs, including the TL2 area straddling the three rivers, Tshuapa, Lomami and Lualaba (**Figure 1**). These gangs are composed of renegade soldiers and former militia fighters. They operate from remote bases where they control exploitation of commercial bushmeat, ivory and other forest products of high value.

Conflict with entrenched poaching gangs becomes inevitable as wildlife populations dwindle and, as happened in the TL2, the remaining concentrations become a focus for legal protection. Poaching gangs operate with a wide range of covert support, including accomplices within the national army (FARDC). They maintain contacts with politicians, businessmen, and occasionally even church leaders who benefit from the gang's activities. These collaborators use political influence to block efforts to control hunting and other illegal exploitation of wildlife. In the TL2 area with few park guards and unarmed monitoring teams, control of the park became dangerous in the face of well-armed and ruthless gangs. Most sources of conservation funding explicitly exclude support for enforcement that might lead to armed conflict.

The Wildcat Foundation funding allowed us to initiate a three-pronged approach to law enforcement in the Lomami Park and surrounding landscape. This included: (1) reinforcement of standard park guard protection; (2) legal follow-through for apprehended poachers and accomplices, and (3) support through ICCN (park agency) for operations by the state security services where the park guard force is unable to counter the full threat.

Wildcat Foundation support allowed us to develop and deploy a dedicated project unit, PALL (*Programme d'Appui sur l'Application de la Loi pour la PN Lomami*), to gather information, coordinate arrests of wildlife criminals, and support the following trial and retribution if convicted. PALL, in coordination with ICCN, has built an operational collaboration with a wide range of administration, security and information services in the Maniema and Tshopo (formerly Orientale) Provinces. The PALL initiative has permitted a level of law enforcement and legal follow-up for wildlife crimes unprecedented in recent years.

In this report we review progress made on four objectives of the Wildcat grant over the past year and provide an overview of how we plan to further develop enforcement of wildlife law in the TL2 landscape for the upcoming year.

2. Context and specific objectives for the first year.

In early 2015 the legal, surveillance and security context for the Lomami Park and its surrounding buffer zones (collectively termed the TL2 landscape) included the following:

- The Lomami Park, a provincially mandated protected area, spanning two provinces in central DR Congo covers a total of 8,880 km². (**FIGURE 1**). The park has been reaffirmed by the administrations of Orientale (now Tshopo) and Maniema Provinces. A proposal for its classification as the country's eighth national park, *Parc National de la Lomami* (PNL) has moved through several levels of government to the Prime Minister's office where we hope the statute will soon be signed.
- Since 2012, armed ICCN park guards are mandated to patrol the Lomami Park. In early 2015 its guard force consisted of only 6 individuals. None of these guards were well trained. Three were under disciplinary suspension or had a debilitating illness.
- PNL and its buffer zone have no known mineral reserves despite past prospection by artisanal miners. The landscape is a source of abundant wildlife that supports a major commercial bushmeat trade focused on the city of Kindu and other surrounding communities. Hunting was significantly reduced in the PNL starting in 2013 but remains mainly uncontrolled in the buffer zone. Among the Lomami Park's wildlife is an important remnant elephant population. There are also an exceptional number of Congolese endemic species including the bonobo, the okapi, the newly discovered lesula monkey (*Cercopithecus lomamiensis*), the dryas monkey (*Cercopithecus dryas*) and the Congo peacock (*Afropavo congensis*).
- A former Mai-Mai militia leader and prison escapee, Thoms Basele Mesandu, uses the TL2 forests as a retreat for himself and his gang. He is responsible for systematic rape, murder (including one of our staff in 2013), looting, burning of several villages and possession of illegal military grade weapons. Thoms and his gang poach elephants and control bushmeat trade in the landscape.
- Three other elephant poaching groups based just north of the park became particularly active at the end of 2014.
- Early in 2015, the Congolese administration recognized the major civil threat posed by the outlaw bands in the TL2 landscape. The three provinces that include the landscape agreed to initiate security operations during the year. These are widely supported by local communities. Local informants come forward with information on the gangs' movements and activities.

Objectives of the Wildcat Foundation Grant for 2015:

Objective 1: Develop an EAGLE affiliate to apprehend and follow-up on wildlife crime in central DR Congo forests

Objective 2: Support and reinforce on-going patrols and security operations in the Lomami Park;

Objective 3: Extend Patrols and security sweeps into more remote areas, particularly within areas occupied by elephants;

Objective 4: Ensure that new ICCN guard hires are integrated into security patrols throughout the park;

3. Progress and developments on Project Objectives in 2015

Objective 1. Develop an EAGLE-like initiative to apprehend and follow-up on Wildlife Crime in central DR Congo forests

This is a modification of the original objective as stated above, and is explained below.

PALL: a wildlife law program based in Lukuru Foundation's TL2 Project.

In 2014, we created a sub-project, PALL (*Programme d'Appui sur l'application de la Loi pour la PN Lomami*), led by TL2 employees who had shown proven capacity to gather information and to apply it to the protection of the park and surrounding communities. Their effectiveness depends on a facility to communicate and collaborate with local communities, field staff, government authorities and security services. The development of PALL's network of local informants has been particularly important in developing effective security operations in the landscape.

PALL was initiated in Maniema Province, targeting the hunting and sale as bushmeat of totally protected species and most importantly bonobo. This involved surveillance of markets and wildlife meat transport routes and communication with ICCN/TL2 patrol teams operating in the park. In 2015, PALL recorded 12 cases, totaling 22 bonobos killed in the TL2 landscape, including 1 bonobo confirmed killed in the national park (**FIGURE 2**). Arrests and seizures of illegal meat were made in nine cases. Seven cases were brought before a magistrate, and at least 6 cases resulted in fines or incarceration (**TABLE 1**).

The provincial minister in Maniema requested PALL's assistance to monitor compliance with the 2015 closed hunting season in the TL2 landscape (**Annex Obj.1a**). The team trained and placed monitors at check-points and evaluated their performance. Three cases of illegal bushmeat trade were recorded during this exercise and illegal bushmeat was seized. In two of three cases the apprehended served time in jail or paid a fine (**TABLE 1**).

The PALL unit consists of two main operatives: Leon Salumu, director, based in Kindu in the south of the landscape and Robert Abani, assistant, who operates from Kisangani and covers the north. Each has established a network of informants and collaborators in DR Congo's information service (ANR), the provincial military commands (FARDC) and the provincial ministries of the environment. PALL is active in Maniema Province (southern Lomami Park) and Tshopo Province (previously Orientale Province and northern part of Park). A significant part of the southwestern park border is limited by Sankuru Province. PALL is currently extending its activities in this province.

The network supporting the elephant poaching in the TL2 landscape was revealed by PALL, from the militia-poachers' bases to their military backers in Kisangani and Kindu who supply arms and ammunition and acquire illegal ivory in return (**FIGURE 3**). PALL used information and evidence confirmed through photos, recordings and testimony (termed *Moyens de Verification* or MoVs) to lobby members of the administration and military not involved in illegal activities to initiate raids (3 camps destroyed), confiscate illegal ivory (total= 141 kg) and arrest 19 persons (of a total of 45 identified), including poachers, ivory and elephant meat transporters and buyers (**FIGURE 4, Annex-Obj.1b**).

Where MoVs were strong enough, PALL was able to leverage administrative or legal pressure leading to two military officers involved in the poaching rings to be imprisoned. (**TABLE 2**). In a third case a commander who benefited from the illegal ivory trade, but who was shielded from direct involvement in the poaching and traffic of arms, meat and tusks was sanctioned and relieved of most responsibilities.

Figures 3 and 4 show that investigations are ongoing and further arrests and operations will be required in 2016. Some poaching gang members have been identified by informants, but not yet arrested; the locations of bases have been determined, but not yet raided. The TL2 landscape is a large forest, with few settlements, limited transportation infrastructure and a very spotty communication grid. The poachers for the most part, know the forest far better than the army or other services responsible for their pursuit and arrest.

The insecurity recorded along the Lomami River in the center of the Park (**FIGURE 3**) included attacks carried out by Col. Thoms's gang, the militia most responsible for terrorizing communities adjacent to the park, as well.

<http://www.bonoboincongo.com/2015/10/04/villages-and-gunfire-along-the-lomami/>

Monitoring Thoms's militia gang was a constant focus of PALL over the past year. Although Leon and Robert operate mainly outside the park, they stay in close communication with the TL2 team leaders and patrol leaders based in the park. The PALL leaders assist patrols by negotiating interventions by security forces when these are needed and monitoring their execution. PALL also supports the parks' agency, ICCN, in its relationship with territorial and provincial administrations by providing information and accompanying fact-finding missions.

The flow chart (**FIGURE 5**) shows the inputs from PALL at various points along the wildlife legal chain in the TL2 landscape. During 2015, the TL2 project was responsible not only for the contributions shown above the legal chain (placing informants, monitoring threats, supporting legal counsel and the providing media coverage), it was also responsible for some of the inputs that are shown below as State responsibility. In 2015, for ICCN patrols, TL2 provided not only the staff and the equipment, but also supervision, training and data analysis. As ICCN gains capacity, they will take on more responsibilities, but the PALL initiative will remain best placed to develop criminal databases, lobby the administration, and monitor legal cases.

Increasing the capacity of civilian and military courts to understand and apply wildlife law is a key area for continuing development. In seven of the 17 cases detailed in TABLES 1 and 2 misunderstanding of the law led to errors or shortcomings in its application.

A first workshop to remedy this, held in Kindu in June 2015, familiarized military and civilian judges, some for the first time, with DR Congo's environmental law and introduced them to the challenges in the TL2 area. A workshop in Kisangani in March 2016 (**Annex_Obj.1c**) provided further inputs for legal professionals, including in this case, lawyers working in Tshopo province.

PALL contributions had a major impact in halting illegal exploitation of African Grey Parrots. Recognizing the unsustainable level of captures, high associated mortality and the flouting of CITES trade limits, PALL and the TL2 staff set out to document the parrot trade from field through shipment to Kinshasa for international export (**FIGURE 6**). A network of informants

and good working relations with authorities resulted in a suspension of trade in Maniema Province in January 2016 and subsequent arrests (**Annex-Obj.1d, e**). See also:

http://www.bonoboincongo.com/2016/03/10/african-grey-parrot-bust-_-now-what/

Why is PALL EAGLE-like rather than an EAGLE affiliate?

We admire EAGLE and appreciate the training they provided to Leon in 2014. There are two reasons we decided to operate in parallel with EAGLE rather than as an affiliate:

First, we are not attempting a national reach, nor would that be effective for the TL2 landscape given the de-centralized approach to law enforcement in DR Congo. Our objective is to identify and follow through cases in and around Lomami Park. This already reaches into three provinces and, to do it well, is a major effort. The PALL process (**FIGURE 5**) depends on relationships and contacts in government, ICCN and the security services at a local and regional level. TL2 field staff also feed information to PALL and strategic decisions are made in consultation between PALL and TL2.

Second, our measures of success differ from those of EAGLE. PALL objectives often aim towards specific high-level targets rather than maximizing numbers of arrests. Cases may need to be built slowly, often deferring pursuit of underlings in order to provide required MoVs. We also realize that there are certain militia members where elimination rather than arrest is the solution sought by the FARDC and security services. We do not interfere; although we provide information, we do not take part in commando led operations. As to media, in most cases PALL prefers not to appear before the camera or microphone. Key spokespeople include the governor, minister and the ICCN park director as well as other authorities. (see annexes **Obj.1b** and **Obj.1d**). A low profile, we believe is important to our effectiveness and sustainability.

It would be very useful to have two or three other EAGLE-like initiatives in DR Congo. These programs would collaborate as needed based on evidence and cases in hand.

Objective 2. Support and reinforce on-going patrols and security operations in the Lomami Park.

Patrols in the Lomami Park serve two purposes:

1. Patrols detect and remove illegal hunting and other destructive activities;
2. Patrols provide basic data to assess the status and trends of key fauna and threats.

The staff of DR Congo's national parks' agency, ICCN, is gaining capacity to direct surveillance patrols throughout the park. At present, however, it is TL2 field leaders, accompanied by ICCN park guards or military, who are primarily responsible for organizing and managing patrol missions, collecting field data and providing proper reporting.

In 2015, 133 patrols, totaling 939 patrol days, were carried out by TL2 technical staff accompanied by at least one park guard or military escort. **FIGURE 7 a,b and c** provides a summary of 2015 patrol coverage and results that are accessible to ICCN. These can be used to evaluate the effectiveness of protection and guide further effort.

The ICCN has three major capacity gaps that must be resolved before the Institute can lead surveillance and reporting for the Lomami Park:

- 1) There must be enough ICCN park guards to carry out the work;
- 2) There must be ICCN supervisors trained and capable to design and guide patrol missions, to verify that the correct information is recorded, to produce basic reports and to maintain the patrol data base;
- 3) There must be the capacity within the ICCN to map, analyze and to present data for specific purposes to support improved park protection.

In 2015 the following progress was made on the above needs 1 and 2:

1. In order to increase the number of competent park guards, ICCN with collaboration and support of the Lukuru Foundation's TL2 project, organized a recruitment and training for a first contingent of new guards for the site. Candidates were recruited in November 2015 and in early February 2016, 27 new guards, including three women, took the oath to serve the ICCN in protecting the Lomami Park as armed eco-guards.

The GFA/KfW project plans to support a second training adding an additional contingent of guards (**Annex_Obj.2a**). Further information about the ICCN/TL2 project training is covered under presentation of Objective 4 below.

Threats within the park, in particular from heavily armed poaching gangs, require armed surveillance well beyond ICCN's current capacity in the Lomami. ICCN, the TL2 project and FARDC have collaborated over the past three years to lead patrols and maintain protection of field bases in vulnerable areas of the park. This relationship was formalized in Maniema Province in February 2015 in a memo between ICCN and FARDC's 33rd military region (**Annex_Obj.2b**). FARDC provides contingents of 4 to 6 soldiers to be based on a rotating

basis in each of the park's four field camps in the province. This expands on an earlier relationship for the security of Obenge base camp in Orientale province (now Tshopo Province) with what was then the 9th military region initiated in 2013. We are grateful to the FARDC for taking on this responsibility but keenly aware that protecting nature is not part of their professional training. ICCN Park guards are necessary and cannot be replaced by FARDC.

2. To train park guard officers that already have a knowledge of the Lomami Park and a commitment to its protection, USFWS provided scholarships for project staff to attend 2-year park management training courses in Cameroon at Garoua college, Ecole de Faune de Garoua (EFG). Four candidates were selected and are currently in training; two of these will return to the project at the end of June, 2016. In January, we initiated procedures with the ICCN to allow these graduates to serve on the ICCN Lomami National Park management staff.

Objective 3. Extend Patrols and security sweeps into more remote areas, particularly within the elephant zone.

The Lomami Park elephant population is concentrated in the northern part of the Park. The PALL informant network and TL2 patrol teams identified four areas where militia-poachers killed elephants in 2015 (**FIGURE 4**).

We recorded more than 50 elephants killed in the TL2 landscape in 2015. Only one killing was confirmed in the park. Two other killings just to the east may also have been elephants of the Park population, but most of the elephant poaching was recorded from a population south of Opala and peripheral to the TL2 landscape.

Three major Security and anti-poaching, operations were organized by FARDC to eliminate the militia poaching gangs in the TL2 landscape and adjacent areas (**FIGURE 8, Annex_Obj.3**).

The military operation based in Lowa on the Congo River, was initiated in June 2015, following Thom's pirating of river barges. Merchandise, and fuel were looted. Ransom payments, reportedly totaling \$2,400 were extorted from a captain and passengers. There was a major confrontation between Thoms's gang and the military at the port town of Mochaliko on the Congo/Lualaba River in July. This is distant from the park, but it was followed by further confrontations in the buffer zone further west as Thoms fled back to the more remote forest. Fourteen people were arrested, and as many as ten others were killed. The operation succeeded in driving Thoms, at least temporarily, out of Tshopo Province.

Two additional operations are still on-going, one in Tshopo Province, south of Opala and one in Maniema Province west of the park in the Balanga West buffer zone, the latter area is where Thoms's and the remainder of his gang relocated.

The security operation south of Opala resulted from PALL revelations regarding the collaboration of several high-level military leaders based in Kisangani with elephant poaching gangs (**TABLE 2**). Based on PALL information, two military officers were arrested transporting ivory and both have implicated others. A general has been removed from active duty. The objective for 2016 is to dismantle the poaching bases in the forests south of Opala used by the Ranger-Kitona gang, arrest poachers and recover arms. The last known poaching incidents occurred in December 2015 when 11 elephants were killed.

The security sweep in West Balanga is also the result of close communication between PALL, ANR, ICCN and the military command in Maniema. Information arriving as this report is written continues to identify accomplices of Thoms who are FARDC military, businessmen, and his relatives and concubines, and who are part of the supply chain of arms and ammunition (**TABLE 3**).

Maniema is currently the hardest hit by vengeful torture, rape, and property destruction. As we write, at least 5 villages have been emptied as villagers fled following attacks by Thoms's gang. Maniema's FARDC command, in collaboration with neighboring Sankuru Province launched a major operation in December 2015 involving over 150 troops in pursuit of the militias. There have been a number of significant skirmishes and the operation continues.

Pursuit by state security forces in combination with permanent military presence at Obenge in the elephant core zone, since February 2013, appears to have made access to the Park and its elephants more difficult for Thoms's gang both for the past two and a half years. Patrol teams have found abundant elephant sign and no evidence of elephant poaching in the areas they have managed to reach.

Thom's gang is only known to have killed two elephants in the Yese-Bimbi area in 2015 (**FIGURE 4**). In contrast, his gang had killed dozens of elephants in the park before 2012 when he had unhindered access before the arrival of FARDC's contingent at Obenge. The TL2 project, largely facilitated by PALL, help in strategic logistical ways (access to our motorized dugout, critical rations) allowing rapid deployment of FARDC.

Meanwhile, as their elephant poaching decreases, Thoms and his gang are turning to other criminal activities. The piracy on the Lualaba River affected the economy of Kisangani and Kindu and made Thoms's pursuit a government priority. The current operation in Maniema, west of the park, was initiated when Thoms fled to this area from Tshopo Province and started a campaign of rape and looting to dominate local villages and gain access to their gardens.

The military sweeps outside the park have improved security within the park and provided a practical model for collaboration between the National Park Agency (ICCN) and the Congolese National Army (FARDC).

The collaboration protects both the park and the communities that surround it. The relationship with FARDC, however, requires constant monitoring and communication between ICCN, the project and FARDC hierarchy, as terms of reference are modified with the evolving security context. A key need is to strengthen communication and collaboration across provincial borders to ensure criminals cannot seek refuge in one province to escape from another.

The priority for 2016 is to increase TL2/ICCN surveillance patrols in the more remote areas of the park's core elephant range, areas we have not been able to reach over the last two years. We have initiated a series of 10 patrols in the elephant range to determine elephant occupancy in areas we have not recently visited. These will be followed by a systematic elephant census (transect dung counts) planned for July through September 2016.

Combined evidence from the military operations, PALL informants and TL2/ICCN patrols suggest the Park's elephants were spared major poaching in 2015. This will be verified over the next two months.

Objective 4. Ensure that new ICCN guard recruits are integrated into security patrols throughout the park.

Beginning in December, 2015, ICCN, Lukuru and FARDC initiated a two month training for the 27 new park guard recruits under mandate of the ICCN Director General in Kinshasa (**Annex_Obj.4a**). Many of the candidates chosen for this first training had already worked with the TL2 project, some for a number of years, and thus had a good understanding of the geography of the park, forest navigation skills, and knowledge of the fauna, basic field data collection and data handling. They will be leaders in the training and integration of new guards who did not have this same experience.

The training took place from the 7th of December 2015 through the 7th of February 2016 (**Annex_Obj.4b**). The candidates themselves helped clear the site for the training camp near the village of Dingi in Maniema Province. Training was led by Mr Benjamin Kali head of LAB (Lutte Anti Bracconage) in Lomami Park and formerly based in the Okapi Reserve where he held the same post. He introduced the students to the ICCN mandate and mission including the role of the park guard in protecting the park and ethical behavior. The students learned the use of compass, GPS and other instruments. Four FARDC trainers covered military dimensions of the training, including discipline, tactical training, and management and use of arms. A summary of the training can be seen here:

<http://www.bonoboincongo.com/2016/02/18/trained-and-ready-for-a-national-park/>

All 27 trainees successfully completed all parts of the program. There were no withdrawals. There are now 24 men and three women comprising a new corps of park guards. They were chosen from the communities around the park, many had originally been with the TL2 project, some for five years or more.

4. Outlook for 2016 and beyond.

We expect PALL to continue to grow in its efficacy and the depth of its reach. It is already a principle player in actions to counter threats to the Park and to wildlife in the TL2 Landscape.

PALL priorities in 2016 will include engagements in response to the following threats:

1. Hunting and commercialization of totally protected species;
2. Ivory trafficking;
3. Criminal gangs use of the forest and exploitation of buffer zone communities;
4. Hunting during the non-hunting season.

The new group of guards soon will operate from our TL2 base camps and join ongoing patrols. We hope to reduce our reliance on the military for routine patrols.

For 2016 a major effort has been designed to get patrols on the ground through most of the northern part of the Park. This is the elephant zone and we believe that the militias have

been mainly scattered by the on-going military sweep, making it possible to do a 2016 elephant census.

Below are two specific challenges we hope to address this year:

1. Within the Park staff the lack of OPJ (*Officiers de Police Judiciaire*) or people deputized to make arrests. At the request of ICCN a special training will be held in which new park guards, other ICCN staff and PALL staff receive the training and are licensed.
2. Within the provincial courts, a lack of judges or lawyers that understand DR Congo's environmental law. We held two workshops addressing this during the first year of this grant, but see that the priority of environmental law will only be understood if such gatherings and discussions continue to take place.

Acknowledgements.

We close this report with heartfelt gratitude to the many collaborators in the TL2 landscape, some of which have contributed to the efforts for law enforcement at significant personal risk to life and property. This includes at least four FARDC military we are aware of, wounded or killed in skirmishes with poaching and militia gangs.

We end with special thanks to The Wildcat Foundation for recognizing and responding to the need for security in the park and buffer zone, this is critical to the protection of Lomami's wildlife. When criminals threaten local communities, the park too is threatened. We greatly appreciate the financial support allowing us to develop new approaches in solving the crisis of wildlife crime in central Africa and the considerable contribution this makes to protection of the magnificent wildlife heritage of the Lomami National Park.