Batwa return to their Eden? Intricacies of violence and resistance in eastern DR Congo’s Kahuzi-Biega National Park

Fergus O'Leary Simpson & Sara Geenen


To link to this article: https://doi.org/10.1080/03066150.2021.1970539

Published online: 20 Sep 2021.
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Fergus O’Leary Simpson and Sara Geenen

University of Antwerp, Institute of Development Policy and Management (IOB), Antwerpen, Belgium

ABSTRACT
This article builds on debates about conflicts surrounding territorialisation for conservation. It elaborates on how slow violence can generate covert resistance which in turn transitions toward forms of overt resistance and sudden violence. Taking eastern Democratic Republic of Congo’s Kahuzi-Biega National Park as an example, it argues that the violent reoccupation of the park by indigenous Batwa communities can be explained by three factors: (i) the failure of peaceful strategies of rightful resistance; (ii) an increase in the level of threats to the Batwa; and (iii) the arrival of opportunities for the Batwa to forge alliances with different stakeholder groups.

KEYWORDS
Conservation; territorialisation; resistance; violence; DRCongo

Introduction
In October 2018, hundreds of indigenous Batwa1 people returned to live inside eastern Democratic Republic of Congo’s (DRC) Kahuzi-Biega National Park (KBNP) from where they were displaced during the preceding decades. The event came as a surprise to most outside observers, including local conservation NGOs who had always believed that their relations with the Batwa – who commonly portrayed themselves as the ‘first eco-guards’2 of the park – ‘had always been good’.3 They were further surprised when the Batwa started to ally with rebel groups, acquisitive traders, wealthy farmers, illegal miners and timber cutters in order to exploit the park’s natural resources. This has led to a number of violent confrontations and, by February 2020, the deforestation of hundreds of hectares4 of forest in a part of the park that is home to critically endangered eastern lowland gorillas.

Building on the literature covering conflicts surrounding biodiversity conservation in the Global South, we seek to explain why the Batwa’s decision to return to the forest should not have come as a surprise. In addition to studying the direct violence

CONTACT Fergus O’Leary Simpson, fergusmwsimpson@gmail.com University of Antwerp, Institute of Development Policy and Management (IOB), Stadscampus building S Lange Sint Annastraat, 7, Antwerpen, 2000 Belgium

1We use the terms ‘Batwa’ (plural) and ‘Mutwa’ (singular) to refer to the indigenous people living in and around KBNP. When reporting direct quotations or referenced work, we use the term used by the interviewee or in the text: ‘Twa’, ‘Pygmy’ or ‘Bambuti’.

2Interview with representative of Batwa, Bukavu, 26 August 2019.

3Interview with director of local conservation NGO, Bukavu, 08 November 2019.

4During the course of research, the first author was quoted figures ranging from 400 to 500 hectares of deforestation between October 2018 and January 2020.

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involved in fortress and militarised approaches to conservation (Duffy et al. 2019; Verweijen and Marijnen 2018; Lunstrum 2014; Brockington 2002), the literature sheds light on the long-run social consequences of protected areas, including resistance to the new territorial arrangements they establish (Cavanagh and Benjaminsen 2015; Holmes 2007; Norgrove and Hulme 2006). This work draws extensively on James Scott’s (1990, 1985) writings on the covert forms of everyday resistance that play out under conditions of domination, but also the overt forms of resistance that can emerge which range from peaceful and rights-based resistance to more violent forms of political contestation. We aim to elaborate specifically on what causes everyday forms of resistance to turn violent and burst onto the centre stage.

The case of the Batwa in KBNP is instructive in this regard as it demonstrates the intricacies of different forms of violence and resistance over a long period of time. In this article we argue that the marginalisation and impoverishment the Batwa endured over the decades following their displacement should be seen as forms of incremental ‘slow violence’ (Nixon 2011). We show how, in response, the Batwa developed strategies of covert or everyday resistance (Scott 1985) designed to go under the radar of park authorities. A group of local and international NGOs also helped Batwa to engage in forms of rightful resistance (O’Brien 1996), including several court cases, through international media coverage and formal dialogue processes. We argue that the eventual turn toward sudden and violent reoccupation can be explained by a combination of three factors: (i) repeated failures since 2008 of peaceful, rights-based approaches to transform the consequences of slow violence; (ii) an increase in threats since 2017 to the Batwa livelihoods, dignity and identity; and (iii) opportunities for the Batwa to forge commercial and military alliances with powerful actors around the DRC’s 2018 national election.

This article first provides a detailed overview of the literature on territorialisation, violence and resistance in the context of conservation. Methodological and ethical aspects of the research undertaken for the article are discussed next. The sections after that elaborate on the different stages through which KBNP was territorialised and accompanying slow violence; the ideological, material and rightful dimensions of Batwa resistance in the decades after they were displaced from the forest; and the factors which led the Batwa to violently return to the park, with its consequential social unrest and environmental destruction. The concluding section situates our original contribution to the literature by highlighting the need to understand the interconnections between covert and overt resistance and slow and sudden violence in order to mitigate conflicts between conservation NGOs, states and indigenous peoples in the Global South.

Territorialisation, violence and resistance

Securing land for conservation requires a process of internal territorialisation ‘to establish control of natural resources and the people who use them’ (Vanderveest and Peluso 1995, 385). This involves three main steps. First of all, conservation actors must map and delimit the boundaries of the area they wish to control. Second, they must define how and for whom the land will be managed. Third, they have to create laws, plans
and mechanisms to establish and enforce the new territorial arrangements. The most extreme of these mechanisms involves the displacement of people from their lands and resources. We acknowledge Lasgorceix, and Kothari (2009, 38)’s distinction between three different types of displacement driven by conservation: voluntary displacement occurs when communities move by their own volition; forced displacement takes place through coercion and often in the face of community opposition; and induced displacement happens when communities decide to move as a result of negative circumstances created by conservation. There are also cases where people are allowed to live and use resources inside protected areas but in a more restricted way (Brockington and Igoe 2006).

Once a displacement event has occurred, communities can experience consequences that persist long into the future. These include landlessness, unemployment, marginalisation, impoverishment, food insecurity, morbidity, mortality, and loss of access to common property and ecosystem services (Lasgorceix and Kothari 2009). Often, the costs of conservation displacement are felt most acutely by indigenous populations who depend intimately on the ‘ecological base’ of their lands for survival (West, Igoe, and Brockington 2006; Kabra 2009). For such populations, displacement from lands inside protected areas involves not just a loss of access to material and livelihood resources, but also the loss of cultural values, histories and memories that they ascribe to landscapes, flora and fauna (Lasgorceix and Kothari 2009). As a result, relations between indigenous peoples, states and international conservation NGOs can be particularly contentious (Adams and Mulligan 2003; Dowie 2011). It can seem paradoxical that indigenous peoples are so often excluded from protected areas, when at the same time they are frequently framed as the natural stewards of their environments, possessing knowledge and expertise needed for conservation to succeed in the long-run (Gadgil, Berkes, and Folke 1993; Ostrom 1990; Domínguez and Luoma 2020). Yet as we will discuss later on, the actions of KBNP’s Batwa population provides reason to doubt some of the more romanticised accounts of indigenous peoples’ relationships to nature.

Following displacements, conservation actors seek to assert territorial control by monitoring and enforcing who has access to protected areas and for what purposes. One way of doing so is through a process of ‘green militarisation’, or ‘the use of military and paramilitary personnel, training, technologies, and partnerships in the pursuit of conservation efforts’ (Lunstrum 2014, 816). This approach represents an extreme version of the exclusionary or fortress approach to conservation adopted during the colonial and early to middle to postcolonial periods (Lunstrum 2014). Taking inspiration from Verweijen, (2020) we view territorialisation for conservation as involving different kinds and degrees of violence, which take place over different time scales. We draw attention to the ‘sudden’ acts of physical violence used to establish and manage protected areas through militarised techniques, but also a delayed and subtle form of violence that often follows conservation displacements. Following Nixon (2011, 2) we conceptualise the latter as ‘slow’ violence: ‘a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is not viewed as violence at all.’

In eastern DRC, neither territorialisation for conservation, nor the often associated slow violence, have gone unopposed. In both eastern DRC and Uganda, populations surrounding protected areas have engaged in direct acts of violence against conservation
personnel in order to access park resources (Cavanagh and Benjaminsen 2015; Verweijen and Marijnen 2018). Resistance also occurs when populations openly destroy resources inside protected areas, including rare species and habitats, to protest conservation regulations. For example, Peluso (1993) found that Maasai pastoralists in Kenya started killing rhinoceros and elephants to demonstrate their opposition to conservation. Mariki Svardstad, and Benjaminsen (2015) documented a case in Tanzania where a group of villagers chased a herd of elephants over a cliff to resist conservation practices. In other cases, communities have made use of formal/legal non-violent strategies of ‘rightful’ resistance (O’Brien 1996), such as petitions, court cases, appeals to customary land rights, and mobilising the support of politicians (Holmes 2014; Cavanagh and Benjaminsen 2015; Norgrove and Hulme 2006). The acts of resistance described above can all be conceptualised as ‘overt’ resistance, which can include both ‘violent forms of political action – e.g. riots, rebellion, revolutionary movements’ and ‘less violent forms – e.g. petitions, rallies, peaceful marches, protest voting, strikes, boycotts (Scott 1989, 33).’

Scott (1985, 1990) has also drawn our attention to more ‘covert’ or ‘everyday’ forms of resistance. These include acts such as foot-dragging, desertion, theft, smuggling and sabotage. In the context of conservation, covert resistance often takes the form of clandestine continuation of banned livelihood activities, such as hunting and farming, inside protected areas (Cavanagh and Benjaminsen 2015); the destruction of park resources in ways that are difficult to trace back to a single perpetrator (Kull 2004; Kuhlken 1999; Holmes 2007); the deceptive relocation of park boundaries to reduce the size of protected areas; feigned compliance with, and ignorance of, conservation regulations; and slanderous talk about conservation authorities (Norgrove and Hulme 2006). The ideological foundation of these acts lies in the ‘hidden transcripts’ of subordinate groups, or the discourses of dissent that usually go under the radar of authority figures, which show up in rumour, folktales, songs, expressions, humour and theatre (Scott 1990).

**The relationship between covert and overt resistance**

In this article we focus specifically on the relationship(s) between covert resistance on the one hand, and overt resistance whether peaceful or violent, on the other, although we do not see these two types as mutually exclusive. Broadly following Vinthagen and Johansson (2013, 9), we might contrast ‘everyday resistance’ as an initial, offstage, or later stage activity, with other more sustained, organised and conventional political forms of resistance. Thus, we view resistance to conservation as existing on a continuum ranging from ongoing ‘everyday’ clandestine activities to more open and often sudden forms of political contestation. Nevertheless, what interests us here specifically, is why at certain points in time covert forms of resistance suddenly burst onto the centre stage and formerly peaceful strategies turn violent – while acknowledging that the reverse may also occur.

To begin with, we address why resistance is so often confined to the covert end of the continuum. To understand the reason for this, it is important first to understand the relationship between different forms of power and resistance. This can be summarised as follows: the more acute the power differential between elite and subordinate groups, the lower the chance there is that overt resistance will occur – and vice versa.
According to Scott (1985), for most of history this is what has led subordinate groups mostly to opt for covert, everyday, minor forms of resistance that do not directly challenge incumbent power structures. Holmes (2007, 186) work on resistance to conservation lends support to this observation. He argues that people living close to protected areas are generally driven toward subtle forms of protest due to the fact that they ‘face constraints limiting their potential for open rebellion.’ Such constraints include fear of violent reprisal, the need to balance protest with making a living and the cost of collective action (Holmes 2007), but also the fact that ‘formal or quasi-authorised practices of “rightful resistance” (O’Brien 1996) seem infeasible or compromised by poor governance’ (Cavanagh and Benjaminsen 2015, 728). Acts of high-risk, violent and overt resistance are therefore usually only employed as a last resort (Norgrove and Hulme 2006).

Our literature review exposes two reasons why more covert forms of resistance can move along the continuum toward more overt strategies. The first is when elites threaten subordinate groups’ sense of dignity, autonomy or means of survival. According to this logic, ‘external threats are the main factors behind collective mobilisation’ (Lilja et al. 2017, 44). Bayat’s (1997, 57) research has suggested the urban poor seek to advance their position in relation to elites through a process of gradual encroachment: ‘a silent, patient, protracted, and pervasive advancement of ordinary people on the propertied and powerful in order to survive hardships and better their lives.’ For the most part, this involves quiet, individual and incremental, indeed covert, practices that benefit the poor at the expense of elites. However, when these benefits are in some way threatened, the poor tend to shift toward more direct, audible and collective, i.e. overt, strategies. This pattern can also be observed in the conservation literature. For example, Norgrove, and Hulme (2006) found that the Bamasobo people in Uganda adopted more overt methods of resistance, including non-cooperation and threats of violence, when conservation authorities threatened to consolidate the boundary of Mount Elgon National Park, which would have prevented the Bamasobo from accessing important livelihood resources.

The second reason everyday forms of resistance can move along the continuum toward more overt strategies is when opportunities arise for marginalised groups to shift power relations in their favour. Subordinate groups are more likely to adopt overt forms of political contestation when they find new partners to help them to organise and attract resources (Tilly and Tarrow 2015). It is not uncommon for people living at the edge of protected areas to form alliances with more powerful state and non-state actors in order to receive financial compensation or continued access to land and resources (Beazley 2009; Almudi and Berkes 2010). This is also often achieved through collaboration with human rights NGOs, politicians and even critical anthropologists who can help them to ‘transcend the local and participate in arenas where protected area policy is decided’ (Holmes 2014, 3). Describing events that precede revolutionary actions, Scott (1985, 59) wrote, ‘what had changed was above all the conditions which had previously confined the public expression of these actions and sentiments.’ One way such conditions can shift is when the dominant actor in a power relationship becomes weaker. For example, there are cases where wider socio-political developments (elections, wars, crises of state legitimacy) alter the ‘political opportunity structure’ of social movements, making normally risky forms of political contestation less dangerous and collective action more feasible (Tarrow 1998). According to this logic, acts of overt and collective mobilisation are therefore about exploiting crises among the elite.
Resistance can become more conflictual – even violent – when covert, peaceful or negotiated strategies fail to achieve their desired results. In this regard, Orta-Martínez, Pellegini, and Arsel (2018) show how more contentious forms of political action can occur when governments are unwilling or unable to take the necessary regulatory or penal actions to ensure the rights of marginalised groups. Based on their research concerning local reactions to oil extraction in the Peruvian Amazon, the authors demonstrate how communities used transitions toward more open forms of conflict as a way to reopen negotiations with private companies and the state. Lombard (2016, 226) observed a similar dynamic in the north-eastern Central African Republic, where people used rebellion as a way to ‘secure greater inclusion in social and political orbits broader than those of their home region; specifically, they desired entitlements to “state” largesse.’ It is therefore possible that failed attempts to resolve disputes through rightful means could provoke more violent forms of contestation if communities’ expectations for justice and compensation are not realised.

Uncovering resistance: methodological and ethical considerations

The majority of data were gathered by the first author over a period of six months between August 2019 and February 2020. Working with a team of local researchers, he visited Batwa and Bantu communities around the KBNP’s highland sector in the territories of Kalehe and Kabare. Four focus groups were carried out with Batwa communities, three with Bantu communities and four with members of armed groups. These focus groups provided valuable arenas in which to learn how different stakeholders presented their public transcripts to the outside world. They often involved considerable drama, gesticulation, and creative expression, always orchestrated under the watchful eye of the community chief or appointed leader. Hidden transcripts and everyday resistance, though, are by their very nature more difficult to uncover. To ensure peasant resistance is not misdiagnosed (Ortner 1995) or identified based on the exaggerated claims of elites (Gupta 2001), the researcher must document not just acts of resistance, but also the intentions which lie behind them. We tried to garner insights into such intentions primarily through 136 in-depth interviews with Batwa and Bantu – including members of armed groups – in villages around the park’s highland sector. We performed a further 36 interviews with key informants working for conservation agencies, NGOs and Congolese civil society based in Bukavu. This was complemented with an extensive analysis of letters, declarations, NGO reports, emails and WhatsApp messages.

During the course of the field research, the first author encountered numerous ethical and practical challenges. On several occasions, he was in possession of sensitive knowledge that, if made public, could have fatal consequences for people on either side of the conflict. He noticed how he started to develop his own hidden transcripts when confronted by unequal power relations and conditions of insecurity, and adjusted his manner of speech in the presence of authority figures and armed groups. While this undoubtedly influenced the way in which respondents both perceived and interacted with him, it also enabled him to better understand the way his respondents adapted their own speech and action. He also noticed that he, as a European researcher, was viewed as a potential means

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5Some additional data were collected after this date through a field visit from April to June 2021.
to access opportunities for economic accumulation and political power. All this meant he constantly had to decipher what lay behind the respondents’ public speech. The fact that most interviews were conducted in local languages\(^6\) via a translator only compounded these difficulties. Thus despite the extensive ethnographic data collected for this article, our insight into the hidden transcripts of Batwa remains limited, especially with respect to their intentions. While this undoubtedly constrains our interpretation, we have done our best to ensure the validity through a careful triangulation of data and methods, a thick description of the research context, an acknowledgement of the researchers’ positionality and a critical interpretation of the research findings, taking into account probable biases as outlined above.

**Territorialisation and slow violence in Kahuzi-Biega National Park**

The territorialisation of KBNP occurred in three stages. In the first stage, the Zoological and Forest Reserve of Mount Kahuzi was created by the Governor General of the then Belgian colonial administration through decree No. 81/AGRI on 27 July 1937 (Barume 2000, 68). The reserve was expanded to include the Biega forest in 1951. During this period, the authorities waived certain restrictions so that the Batwa could continue their activities (Barume 2000). In 1970, the second stage transformed the reserve into a national park through Ordonnance-loi no. 70/316, albeit in slightly reduced size, from 75,000 ha to 60,000 ha. The liberated 15,000 ha of land were distributed among sixteen wealthy farmers, none of them living in or on the edge of the park (Mutimanwa 2001). All human habitation and resource use was now forbidden in *de jure* terms, even if this was not always enforced *de facto*. The tighter regulations were justified as a way to preserve the park’s large population of eastern lowland gorillas (Yamagiwa 2008), which had begun to receive international acclaim through the films and photography of Adrien Deschryver, the park’s first warden and a descendant of the last Belgian minister of colonies. The third stage started in 1975, when the park was extended to include a massive 540,000 ha lowland sector through Ordonnance-loi 75/238, yet without previous consultation of communities living in this area, including the Batwa (Barume 2000, 72). Five years later in 1980, UNESCO further justified the territorialisation of the park’s new boundaries in the eyes of the international community by designating it a World Heritage Site.

With the transformation of the reserve into a national park, the forests of Kahuzi-Biega stopped being a source of economic, social and cultural resources for the people who live in and around them (at least on paper). Officially, they became a place of strict preservation, scientific research and tourism. Over a period from 1970 and 1975, indigenous Batwa communities were forcefully displaced from the park.\(^7\) The Congolese conservation agency\(^8\) worked alongside the national army, showing up at people’s houses without warning to demand they move, saying ‘this is no longer your home’.\(^9\) Most Batwa were

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\(^6\)These languages ranged from Kihavu, Kilega, Kiswahili, Kitembo, Kitwa and Mashi.

\(^7\)Barume (2000, 80) estimate 6,000 Batwa were displaced. This is roughly consistent with the NGO PIDP-Kivu’s estimate that a total of 580 families were impacted. The German Agency for Technical Cooperation (GTZ) quote a figure of around 1,000. Our interviews with a retired employee of GTZ suggests that the figure could be as low as 300 individuals.

\(^8\)At the time, the Congolese conservation agency was known as the *Institut Zaïrois pour la Conservation de la Nature*. The name was changed to *Institute Congolais pour la Conservation de la Nature* (ICCN) in 1997.

\(^9\)Interview with Mutwa chief, Katana, 10 September 2019.
pushed to live in villages next to Bantu communities surrounding the park (Barume 2000). They never received land or financial compensation. Barume (2000, 84) found that ‘in all the villages to which they moved after being expelled from the Kahuzi-Biega National Park, the Twa suffer from obvious nutritional deficiencies, poor hygiene, lack of medical care, inadequate housing, a high mortality rate and the impact of armed conflict.’ However, the Batwa were not just deprived of their land and means of subsistence, but also cut off from their identity and spirituality, as inscribed in their ancestral forest.

Batwa were not the only people affected by displacement. Barume (2000, 72) report that around 13,000 Bantu people (including the Bahavu, Balega, Bashi and Batembo groups) were living in the lowland sector of the park before it was extended in 1975. Although some of them refused to leave and were able to continue living in the park due to a lack of enforcement, many were forcibly displaced and moved to villages outside its boundaries. These communities were less severely impacted than the Batwa, partly due to the fact that many were able to seek refuge among other Bantu communities outside the park, but also because Bantus are generally less dependent on forests for their survival. As a result, Bantus were better positioned to take advantage of commercial opportunities in villages and towns outside of the forests. Many became traders, farmers, miners and businesspersons. Moreover, as a result of their more privileged position in Congolese society, Bantus were better placed to demand land and financial compensation from the government. For instance, several Bantu chiefs received money for their lands that were gazetted as part of the Reserve of Mount Kahuzi (Mutimanwa 2001).

By contrast, the Batwa’s marginalisation has limited their ability to access compensation or gain political influence. For the first four decades outside the forest, they had almost no outside support or opportunities to present their grievances to authorities. As we will discuss later on, the few times they have been able to share their struggle in courts of law and other public fora, little or no change has occurred. In turn, park authorities have rarely consulted Batwa in decisions regarding the management of KBNP. In the 1970s they recruited Batwa as guides and trackers to support the process of gorilla habituation for tourism (Mutimanwa 2001), but not to facilitate genuine participation. Based on the discussion above, we argue that Batwa have endured several decades of slow violence, as manifested in their continued dispossession after forced displacement, oppression of their cultural identity, exclusion from jobs and inability to pay for formal schooling.

The two Congo wars (1996–1997 and 1998–2003) added another layer of violence that dramatically impacted the territorialisation of the park. First, the Rwandan genocide of 1994 pushed a great wave of about 450,000 refugees into the area surrounding the highland sector, causing massive pressure on its resources through increased demand for firewood, charcoal and farmland (Yamagiwa 2008). Second, the proliferation of rebels in all areas of the park made it virtually impossible for eco-guards to conduct patrols (Yamagiwa 2008). During the wars, local populations entered the park to extract resources. However, it still was too dangerous for the Batwa to return to live in their ancestral lands due to the presence of the Hutu Forces démocratiques de libération du Rwanda (FDLR) rebel group which took refuge in the park after having been chased from refugee camps near its boundaries. Widespread impoverishment meant that for many people bush meat became the only source of protein, resulting in the disappearance of
approximately half the gorilla population (Yamagiwa 2008). By the year 2000, the Congo-
lese conservation agency Institute Congolais pour la Conservation de la Nature (ICCN) con-
trolled just twenty percent of the highland sector, while rebel groups controlled almost
the entire lowland sector (Yamagiwa 2008). Even though the end of the Second Congo
War in 2003 has led to greater state control over parts of the park, the proliferation of
armed actors still makes it impossible for its 200 or so eco-guards to assert territorial
control over its boundaries. In many regions authority remains pluralised and continually
contested, a characteristic shared by many protected areas positioned in regions affected
by conflict (Lombard 2016). However, all this has not made state authority disappear
entirely, especially in the highland sector where ICCN’s headquarters is located and
regular patrols are conducted. This also happens to be the region around which most
of the Batwa who were expelled during the 1970s now live.

From covert and rightful toward violent resistance

The original act of dispossession and subsequent slow violence that the Batwa endured
unsurprisingly did not go without contestation. However, due to the severe punishments
for breaking park regulations, Batwa mostly opted against risky forms of overt resistance.
But they did engage in covert everyday resistance. As we argue below, illegally entering
the park and collecting resources not only helped them survive, but also enabled them to
make continued claims about their rights to the park. The latter point is reinforced when
analysing the ideology that supported and endorsed their acts.

‘We would sing these songs to remember how we were suffering’

The ideological foundations of Batwa resistance have been forged and sustained through
religious and spiritual ceremonies, storytelling and songs. Together, these practices build
on a common identity which has been further strengthened by a sense of collective grie-
vance. The Batwa’s religious beliefs are a hybrid of Christian and other spiritual traditions.
Batwa would often draw on Christian symbols when describing their relationship with the
forest. For instance, one Batwa chief told us, ‘when all of the world’s people were spread
across the earth from the Tower of Babel, God gave Bambuti the forests that are now
inside the Park.’ Other Batwa referred to the park as their ‘Eden’. Others would cite their
faith in God as what has enabled them to survive in conditions of extreme poverty for so
long. There are also Batwa who believe in spirits that live inside the forest, or that, metaphori-
cally speaking, are the forest. These spirits help the Batwa to perform initiation ceremonies;
give them good health and resources; prepare them for battle; and let them know when
danger is coming. To keep these spirits on their side, these Batwa would go to the forest
and make offerings. Prior to the recent reoccupation, ICCN staff would even occasionally
placate Batwa by allowing them to go into the forest to worship their spirits.

Second, Batwa folk tales and songs entail long and detailed accounts of the injustices
perpetrated against their community. Narratives of victimhood have become a key aspect

10Interview with director of local conservation NGO, Bukavu, 12 January 2020.
11Interview with Mutwa chief, Kalehe, 08 January 2020.
12Focus group with Batwa, Kalehe, 08 January 2020.
13Interview with former employee of GTZ, Bukavu, 06 January 2020.
of Batwa’s subjective experience. They regularly complain about how they ‘are not con-
sidered people like other Congolese! As the majority of Batwa cannot read or write, 
these narratives have been shared through oral tradition during funerals, weddings 
and other social events. When sung and told in Kitwa, the Batwa’s local dialect, such discourses can be partly hidden from authority figures. In the most commonly recounted 
tale, that of their displacement, the park’s first warden (Adrien Deschryver) is described as an archetypal villain. ‘He was a robber, he took things belonging to Bambuti and gave them to the government!’ True or false, they spread rumours that the man had been an ivory trader in cahoots with Mobutu, a depiction closer to a profiteering poacher than the compassionate conservationist seen on YouTube. Narratives of grievance were also often infused with dreams of returning to the forest. As one Mutwa chief now living in the park recounted,

We would sing songs outside and inside the park to remember how we were suffering, how we could live in a good way inside our forest if we returned. For the songs we use a mixture of Kiswahili, Kitwa and Kitembo languages. As most Bambuti did not study, to pass stories down from our ancestors, we teach our songs to little people [children] so they know what the song is about, and then the children sing it to others. This is the way we communicate our way of living. It is not only me or old men that are the keepers of the songs, all of the community must have the songs. The culture is shared between all of us.

This ideology of resistance – in particular the dream of return – took shape in the destitute villages outside of the park where Batwa had been forcefully relocated. Here, the Batwa came together in what Scott (1990, 209) calls ‘communities of fate’, bound together by a shared sense of injustice. The emergence of a coherent and shared ideology of resistance was facilitated by two socio-spatial features of these villages, and by a careful polishing-and-policing by Batwa chiefs.

First, most Batwa villages are located away from other communities and outside the direct sight of government authorities. This enabled the Batwa to vent their anger and resentment in relative safety and seclusion. It also left them less susceptible to the kinds of manipulation ‘from above’ which could have prevented a coherent and shared critique of power from being elaborated (Geenen and Verweijen 2017). Second, these Batwa villages are located very near to the park boundaries. This made it possible for Batwa to return secretly to the forest in order to continue their cultural and spiritual traditions. During stealthy night-time missions, they would enter the park to collect special objects, such as leopard and monkey skins, which they would use to make clothes to crown their chiefs, or herbs used in fetishes. They would also continue their initiation ceremonies.

Batwa chiefs also make sure to carefully polish and police what is said in to an audience and what is said in private, a process Scott (1990, 128) calls ‘surveillance from below’. This was clear during our meetings and focus group discussions. In such discussions the chief would lead the conversation, but when he felt it would back up his account, call upon someone else to take the stage. This was aided by the fact that Batwa communities surrounding the park are organised through vertical power structures, where authority resides primarily with the chief and trickles downwards. But the Batwa also have

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14 Interview with Mutwa chief, Bitale, 28 August 2019.
15 Interview with Mutwa chief, Kalehe, 11 September 2019.
16 Interview with Mutwa chief, Kalehe, 09 January 2020.
17 Observation based on the first author’s own assessment.
strong horizontal kinship ties and powerful bonds both within and between communities, which further enables the regulation of internal and external discourses.

‘When we returned to the forest, we would look for things that could give us money’

Since their displacement, the Batwa have continued their practices of hunting bush meat, fishing, collecting charcoal for cooking, wood for building and medicines for healing. A Mutwa man in Kalehe admitted,

   Even before 2018–2019, we would enter the park. If ICCN met us there we could be killed, so we had to go in secret. When we returned to the forest, we would look for things that could give us money. We would make baskets. We would pick grasses for pregnant women. We would hunt bush meat to feed our children.18

Park authorities knew about these activities, but did not see them as a major threat. The director of a pro-park NGO said, ‘The Bambuti returned to the park in the past to gather resources, but only on an individual basis. It was never all of the Bambuti. They would go one at a time and so it was easy for them to be chased from the park [by eco-guards].’19 On occasion, Batwa would sell Bantus bush meat, leopard and monkey skins, and show them the location of abandoned mining sites inside the forest. For the Batwa, these actions enabled them to access the resources they needed for physical subsistence. However, their actions were also underpinned by a belief that the park and its resources were legitimately theirs. For example, another Mutwa man from Kalehe told the first author, ‘This has never been the park. It has been the land of our ancestors since it was discovered!’20 This resonates with Holmes’ (2007, 188) observation that ‘the continuation of banned practices is itself a political statement, as it contains, alongside other motivations, an implicit statement that these practices should be allowed.’ In line with Ortner (1995) we acknowledge the risk of over-politicising the actions of marginalised groups. Yet when considered in the context of the ideological evidence presented above, one can reasonably conclude that the Batwa’s illegal livelihood activities were also acts of resistance.

More recently the Batwa have been able to engage in forms of rightful resistance against park authorities. In particular, a group of local and international NGOs have helped them to express their grievances in courts of law, through international media, and by way of formal dialogue processes. These forms of peaceful, negotiated resistance have taken place alongside the covert strategies documented above, rather than replaced them. Yet in combination with an increase in threats but also the arrival of opportunities to forge alliances with powerful actors, we argue that the failure of these rights-based approaches drove the Batwa to engage in overtly violent forms of political contestation over recent years.

‘They say they plead for the rights of the Batwa’

For over a decade, the international NGO Minority Rights Group (MRG) and the local Congolese NGO Environnement, Ressources Naturelles et Développement (ENRD) helped the

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18 Interview with Mutwa chief, Kalehe, 09 January 2020.
19 Interview with director of local conservation NGO, Bukavu, 07 January 2020.
20 Interview with Mutwa man, Kalehe, 09 January 2020.
Batwa to open several legal cases against the Congolese government for displacing them from the park without compensation. In 2008, a case was brought before Bukavu’s Tribunal de Grande Instance, after which it was transferred to the Court of Appeal. Another case was taken to the DRC’s Supreme Court in Kinshasa in 2013. MRG initiated yet another case at the African Commission on Human and Peoples’ Rights on behalf of the Batwa in November 2015. Such cases have not been successful although the last two remain pending. In conjunction with these legal actions, the NGO Survival International has helped the Batwa to communicate their plight to a wider audience by publishing articles on their website and through international media channels. From 2014, the international NGO Forest Peoples Programme (FPP) worked with the local Congolese NGO Centre d’Accompagnement des Peuples Autochtones et Minoritaires Vulnerables (CAMV) to facilitate a ‘constructive dialogue’ between ICCN and the Batwa. The aim was to help the Batwa gain access rights to the park for cultural and subsistence purposes. FPP and CAMV have approached this through the ‘Whakatane Mechanism’, which involved a mapping exercise, participatory workshops and training programmes. According to FPP, on at least three occasions ICCN promised to either allow the Batwa to live inside the park or to find land outside the park and allow periodic access to ancestral sites within the forest. However, up to this day no significant changes have been delivered through this process either.

While representatives of FPP and CAMV blame the failure of the Whakatane Mechanism on ICCN’s abandonment of the dialogue process, many Batwa have also now started to distrust the NGOs which claim to support them. In two separate villages, the first author was provided with lists of NGOs that we should ‘not talk to if we want to continue to be friends with the Bambuti’.21 The level of scepticism is exemplified in the statement of one Mutwa chief:

> An NGO invited me in several different meetings, but this NGO lies that they are going to plead for our rights and bring projects. They swallow the money and then claim in their reports that they are pleading on behalf of the Bambuti!22

It appears that the longer the rights-based initiatives of international and local NGOs did not deliver meaningful change, the more the Batwa became disappointed, resentful and frustrated. Yet despite these failures, the organisations that support the Batwa do at least appear to have helped them envisage an alternative existence: in other words, to see the consequences of territorialisation as neither inevitable nor unresolvable, but as an injustice to be challenged and ultimately overturned. Indeed, it may well have been such a newfound appreciation of their rights which led a group of young Batwa to take the risk of open protest toward the second half of 2017.

‘How can we be in a dialogue and now you are killing people?’

Early on the morning of 26 August 2017, a Mutwa man named Nakulire Munganga and his 17-year-old son Mbone Nakulire went into the park to collect medicinal herbs, supposedly to treat diarrhoea and cholera. The two of them were shot at by ICCN eco-guards who were on patrol, leaving the father wounded and his son dead. The Batwa saw this as an infringement on their livelihoods, dignity and identity. The following day, ICCN eco-

21 Interview with Mutwa chief, Kalehe, 12 January 2020.
22 Interview with Mutwa chief, Kalehe, 09 January 2020.
guards took the boy’s body to the Batwa village of Buyungule next to the park. A group of Batwa then moved the body to the ICCN’s headquarters in Civanga to protest the killing. Their chief asked the park management, ‘How can we be in a dialogue and now you are killing people?’ As the hours passed, the tension increased. Some young Batwa men started waving sticks and machetes. According to Forest Peoples Programme (2017) they threatened, ‘We are going to stay here and this evening we are going to build our houses in our forest [KBNP] if you do not give us another place where we are going to live!’

In the months after the death of Mbone Nakulire, an international donor attempted to buy land for Batwa outside the park. A representative of the Batwa in Bukavu described how the director of a local NGO received the money on behalf of the Batwa, but then proceeded to rent a plot of land for only a short period. The NGO director then took the rest of the money to buy himself a house and a car. When the rental agreement came to an end, the owner of the land asked the Batwa to vacate the area. Commenting on the incident, the representative of Batwa in Bukavu said, ‘The organisations that support the Bambuti and also the Congolese government have deceived us!’ Once again, the Batwa’s expectations had been raised but not realised. This event further fuelled perceptions that NGOs only support the Batwa out of personal interest, as opposed to through a genuine desire to help. It thus represented both the failure of rights-based resistance to achieve meaningful change and yet another knock to the Batwa’s sense of dignity and self-worth. It is perhaps unsurprising that it was at this point that their resistance turned violent.

### Batwa returning to their eden

In October 2018, several Batwa families from Kabare launched a land invasion into the park’s highland sector. These Batwa then used their mobile phones to tell the Batwa living on the sides of Kalehe and Bunyakire to join them. Over the course of a month, several hundred Batwa families had returned to the forest. In effect, what had been a mere utopian dream confined to folk tales and songs suddenly started to become reality.

In returning to the park, the Batwa unleashed sudden waves of both social and environmental violence. Since October 2018, there have been several major confrontations between Batwa and ICCN eco-guards reinforced by government soldiers. So far eleven Batwa, at least two eco-guards and a government soldier have died as a result of the conflict. Many more have been injured. Several Batwa chiefs have also been incarcerated in jails in Bukavu and Kavumu. Furthermore, working alongside other actors with an interest in the park’s resources, the Batwa engaged in and facilitated large-scale extraction of timber, charcoal and minerals. The ensuing scramble for the park’s resources has led to the destruction of several hundred hectares of forest in its highland sector – a process which was ongoing at the time this article was published.

The Batwa justified their actions with politicised narratives which point back to the slow violence they have endured for fifty years: ‘They call this a park, but it is not a park, it is our ancestors’ field! They [our ancestors] were chased [by the military] and

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23 Interview with Mutwa chief, Kabare, 11 October 2019.
24 Interview with representative of Batwa, Bukavu, 26 August 2020.
went to live as refugees. That is why we have now decided to return in the park. On multiple occasions, Batwa men said how they were willing to die fighting for their land, while Batwa women said they did not want their husbands to come back until the park was once again theirs. As one chief exclaimed, ‘We would rather be killed than abandon the land of our ancestors for the second time!' Their decision to engage in and facilitate widespread resource extraction and deforestation may seem somewhat surprising given the Batwa’s ancestral connection to the land. But as one Twain explaining, ‘This is our ancestors’ land and we can do as we want with it. If there are minerals, we can mine them. If there are forests, we can make charcoal. We do not have to ask for permission!' To put it simply: the Batwa’s interests had taken on economic as well as political and cultural dimensions during the decades spent outside the forest.

**The role of military and commercial alliances**

It should be noted that the Batwa returned to the park just weeks before the DRC’s national election. These elections typically spark increased political positioning among actors seeking to reinforce their negotiating positions with an incoming government. In this regard, it is possible the Batwa reoccupied the forest as a way to draw attention to their cause during a period in which the structure of wider political opportunities across eastern DRC was in flux. Both before and after the national election, the Batwa also took advantage of existing as well as new opportunities to form strategic alliances with three different groups of stakeholders.

First, the Batwa allied with several armed groups operating in and around KBNP, which provided them with access to weapons and soldiers to assert control over the re-occupied territory. Bienvenu Cisayura’s group had been operating in and around the park long before 2018, but started working with a Batwa community from Kalehe to profit from the resource frontier which they had opened up. This armed group is reported to have helped a group of Batwa attack an ICCN patrol post, killing one eco-guard in the process. For these armed groups, an alliance with the Batwa might serve as a welcome legitimation of their presence inside the park. A Bantu man who had been mining with an armed group inside the park, explained how the Batwa had effectively provided ‘a bridge’ for these armed groups to profit from the park’s resources. For example, Chance Mihonya, the leader of another armed group, started operating in the park’s highland sector not long after the Batwa re-entered the forest. He falsely claimed to be a Batwa ‘protecting his brothers and sisters’ in order to justify his presence in the park. Cisayura’s group had been operating in and around the park long before 2018, but started working with a Batwa community from Kalehe to profit from the resource frontier which they had opened up. Another armed group under the leadership of a certain ‘Morhegane’

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25 Interview with Mutwa chief, Kalehe, 11 September 2019.
26 Interview with Mutwa chief, Kabare, 13 January 2020.
27 Interview with Mutwa chief, Kalehe, 07 January 2020.
28 This was reported in local media and corroborated during field research.
29 Interview with mineral trader, Bukavu, 15 September 2019.
30 Interview with Chance Mihonya, Bukavu Central Prison, 01 June 2021.
worked with a group of Batwa to mine in the Kabare side of the highland sector near the village of Miti.

Second, the Batwa collaborated with businessmen from the provincial capital Bukavu, who typically control the region’s trade networks. Over several months, huge trucks filled with bags of charcoal and planks of wood could be seen leaving the villages on the edge of the park for urban centres in Bukavu and Kavumu. After ICCN, in collaboration with the military and police, started cracking down on this illegal trade, some traders started using boats to travel overnight through Lake Kivu. There were other reports that the Batwa took advantage of opportunities to forge alliances with members of the military, provincial ministers and members of the provincial legislature. Some of these men, who wield considerable influence at the regional and national levels, had owned illegal farms in the park’s ecological corridor. When these farms were disbanded after the park’s current director refused to accept their bribes in April 2018, their owners are reported to have encouraged the Batwa to return to the park. According to the park director: ‘The farmers have promised that they will use all means to destabilise us. And the use of the Pygmies to come and destroy the Park is one of them’ (Tounsi 2019). It is probable that the farm owners did this as a way to create the impression they had leverage over the Batwa, which they could then use to advance their own economic and political agendas.

Third, the Batwa have deepened their commercial relationships with the local Bantu peasants in order to access expertise, financial capital and technology to effectively exploit resources. For example, a group of Batwa living in the Kalehe side of the park started working with Bantus who own a chainsaw. Batwa have also started working alongside Bantu miners. A Batwa chief said, ‘We are not traditionally miners. To mine, we must collaborate with Bantus who have the equipment and expertise to set up mines.’ The same chief installed two guards near an entrance in Mabingu, at the border of Kabare and Kalehe territories, to regulate movement and tax Bantus who want to enter the park. The chief charges Bantus a fee of between 200–500 Congolese Franks to access the forest, after which they receive a paper ‘ticket’ giving them permission to extract resources for a day. Alternatively, Bantu enter the forest in exchange for a percentage of the resources they gather.

**Conclusions**

This article makes three contributions to the literature on the different types of violence and resistance that surround territorialisation for conservation. First, it responds to Lilja et al’s (2017, 40) observation that ‘relatively few scholars have so far elaborated on the inter-linkage of shifting forms of resistance in general and how acts of everyday resistance entangle with more organised and mass-based resistance in particular.’ In this vein, we have provided an in-depth case study of the factors which push covert and rightful forms of resistance along the continuum toward more overtly violent forms of political contestation. Taking inspiration from the literature on resistance and collective mobilisation, we have highlighted the role of threats and opportunities in this process, but also how the failure of peaceful, rights-based resistance can lead to more violent

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31 Interview with village chief, Kabare, 19 October 2019.
32 Interview with Mutwa chief, Kalehe, 13 January 2020.
tactics. However, at this stage it is unclear how long the momentum of overt resistance will last. It is entirely possible, for instance, that Batwa communities could soon be forcibly displaced once again, causing them to revert back to more everyday strategies of resistance in the future.

Second, this article emphasises the intricacies between slow and sudden violence, and the role that covert resistance plays in this relationship. Echoing previous scholarship (Dowie 2011; Lasgorceix and Kothari 2009), we highlight how territorialisation for conservation, which often involves direct acts of physical violence, can give rise to long-lasting negative consequences for indigenous communities living in and around protected areas. In conjunction with Cavanagh and Benjaminsen (2015) and Witter and Satterfield (2019), we frame these consequences as manifestations of Nixon’s (2011) slow violence. Under such conditions, extreme disparities of power between conservation authorities and local communities may make it seem that conflict does not exist, when in fact tensions are bubbling under the surface. Our contribution here, therefore, is that infrapolitical undercurrents of resistance arising out of unaddressed consequences of slow violence can provide and build the latent energy that might generate sudden outbursts of violence decades after a displacement event. In absence of an understanding of the material and ideological components of covert resistance, such outbursts may be misinterpreted as random or surprising, which could prevent effective solutions for peace from being identified.

Third, our findings should bring into question more romanticised notions of indigenous people living in perfect harmony with nature ‘as the world’s best environmental defenders’ (Domínguez and Luoma 2020, 6). We do not doubt indigenous communities can play an integral role in protecting ecosystems through customary systems of natural resource management (Ostrom 1990; Gadgil, Berkes, and Folke 1993). Neither do we doubt that they have suffered disproportionately as a result of displacement in the name of environmental conservation (Dowie 2011; Adams and Mulligan 2003). However, in situations where indigenous peoples have lived outside their traditional lands for long periods of time, they will not necessarily go back to living as their ancestors did, as paragons of Redford’s (1991) ‘ecologically noble savage’. As our case study shows, the Batwa returned to the park not just to regain control over what they saw as rightfully theirs, but also to accumulate economic wealth through the extraction of resources, which resulted in the destruction of hundreds of hectares of forest home to critically endangered gorillas. Based on our findings, the conclusion could therefore be drawn that it may not always be socially or environmentally judicious to advocate for the return of indigenous communities to their ancestral lands inside protected areas. In a fraught and fast-moving political economic context like eastern DRC’s South Kivu Province, such actions also inevitably connect up to elite interests, shadow state networks, wider conflict dynamics and extractives logics.

As a consequence of a better understanding of the interconnections between slow and sudden violence and covert resistance, but which must take into account an appreciation of the colonial histories of protected areas as well as of the political economic systems within which they persist, we believe that a repeat of the social unrest and environmental destruction we have seen in Kahuzi-Biega over recent years can be avoided in other areas. Such an understanding could be used to inform a contemporary conservation movement that is both more environmentally sustainable and socially equitable for future generations of indigenous people living across the Global South.
Disclosure statement

No potential conflict of interest was reported by the author(s).

Acknowledgements

We would like to thank the team of local researchers without whom this research would not have been possible. This included at various points Michel Bazika, Papy Mulume and John Tombola. We would also like to thank three anonymous reviewers whose comments and suggestions have greatly improved this article.

Funding

The research upon which this article is based was funded by grants from FWO (ID V432519N) and VLIR-UOS (CD2019JOI013A102).

ORCID

Fergus O’Leary Simpson http://orcid.org/0000-0001-9219-2182
Sara Geenen http://orcid.org/0000-0002-0933-3974

References


**Fergus O’Leary Simpson** is a Joint-PhD student funded by the Research Foundation Flanders (FWO) at the University of Antwerp’s Institute of Development Policy, Belgium, and the Erasmus University Rotterdam’s International Institute of Social Studies, the Netherlands. He is a member of the Centre d’Expertise en Gestion Minière (CEGEMI) at the Université Catholique de Bukavu, Democratic Republic of Congo (DRC). His research focusses on the intricacies between environmental conservation, natural resource conflicts and armed mobilisation in eastern DRC’s South Kivu Province.

**Sara Geenen** is assistant professor in International Development, Globalization and Poverty at the Institute of Development Policy (IOB), University of Antwerp, Belgium. She is co-director of the Centre d’Expertise en Gestion Minière (CEGEMI) at the Université Catholique de Bukavu, Democratic Republic of Congo (DRC). Her current research interests lie in the global and local development dimensions of extractivist projects, addressing questions about more socially responsible and inclusive forms of globalisation.