

Ref: TG AFR 41/2021.2166

Mr. Werner Myburgh  
Chief Executive Officer  
Peace Parks Foundation

15 October 2021

Dear Mr. Myburgh,

### **AMNESTY INTERNATIONAL'S RESEARCH INTO CASES OF UNLAWFUL USE OF FORCE BY BANHINE NATIONAL PARK RANGERS**

I am writing on behalf of Amnesty International to inform you of the preliminary findings following our research on cases of unlawful use of force by park rangers in the region of Banhine National Park and to request information regarding Peace Parks Foundation activities in relation to these cases.

As you may know, Amnesty International is a global movement of more than ten million people working to ensure the protection and realisation of human rights worldwide. We are independent of any government, political ideology, economic interest, or religion, and are funded mainly by our membership and public donations. We campaign and advocate to improve human rights through impartial and thorough research on human rights issues all over the world.

In 2021, Amnesty International initiated research into human rights abuses committed against local communities in the region of Banhine National Park, Mozambique. Our research revealed that, during an incident on 3 November 2020, rangers apparently used unlawful force, shooting unarmed and peaceful local residents, and failed to provide assistance and medical aid to those injured. We understand that Peace Parks Foundation manages the Banhine National Park in partnership with Mozambique's National Administration for Conservation Areas (Administração Nacional de Áreas de Conservação - ANAC).

We are setting out our key findings in this letter to give you an opportunity to review and respond to them prior to publication. We have also posed some questions to give you an opportunity to clarify the policies and role of Peace Parks Foundation in relation to the shooting.

### **BACKGROUND**

#### *Human rights responsibilities*

As a preliminary matter, Amnesty International believes that Peace Parks Foundation has a responsibility to respect human rights. While the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) were developed in the context of business enterprises, they have also been applied to non-government organisations, including conservation NGOs, which engage in commercial activities.<sup>1</sup>

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<sup>1</sup> Report of the Independent Panel of Experts of the Independent Review of allegations raised in the media regarding human rights violations in the context of WWF's conservation work, Embedding Human Rights in Nature Conservation: from Intent to Action, 17 November 2020, [https://wwfint.awsassets.panda.org/downloads/independent\\_review\\_independent\\_panel\\_of\\_experts\\_final\\_report\\_24\\_nov\\_2020.pdf](https://wwfint.awsassets.panda.org/downloads/independent_review_independent_panel_of_experts_final_report_24_nov_2020.pdf); In its latest annual report, Peace Parks Foundation states that it was in fact incorporated as a company on 4 April 1997, and that "the group's business ... includes the support of training conservation and tourism managers" and that the group also earns management fees for financial administration. Peace Parks Foundation, Annual Report 2020, p. 68, [https://www.peaceparks.org/wp-content/uploads/2021/07/2020\\_Peace-Parks-Foundation\\_Annual-Review.pdf](https://www.peaceparks.org/wp-content/uploads/2021/07/2020_Peace-Parks-Foundation_Annual-Review.pdf)

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According to the UN Guiding Principles: “The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights.”<sup>2</sup>

The responsibility to respect human rights requires that companies should “[a]void causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur.”<sup>3</sup> In order to meet this responsibility, companies should put in place a “human rights due diligence process to identify, prevent, mitigate and account for how they have addressed their impacts on human rights.”

Effective due diligence must be commensurate with risk, adequately resourced and geared towards the prevention of harm to others. Companies should also establish “[p]rocesses to enable remediation of any adverse human rights impacts they cause or to which they contribute.”<sup>4</sup> This process of human rights due diligence “should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships.”<sup>5</sup>

### *Banhine National Park and Peace Parks Foundation*

In 1973, Mozambique’s government formally created Banhine National Park in Gaza province.<sup>6</sup> Mozambique’s National Administration for Conservation Areas (Administração Nacional de Áreas de Conservação – ANAC) is responsible for managing Banhine National Park as well as other protected areas.

Amnesty International understands that in 2013, Mozambique’s government changed the boundaries of the park through the Decree 90/2013.<sup>7</sup> With the new boundaries, the area of Banhine National Park increased from 5,600 square kilometres to 7,250 square kilometres.

Since at least 2017 Peace Parks Foundation is involved in the management of the Banhine National Park. In July 2018, Peace Parks Foundation also announced the signature of the Banhine National Park Partnership Agreement with ANAC.<sup>8</sup> According to the 2018 Annual Review published by Peace Parks Foundation, the partnership agreement “further enables both parties to more effectively develop Banhine National Park.”<sup>9</sup>

## **METHODOLOGY**

As part of its research into the incident on 3 November 2020, Amnesty International interviewed residents living in the region. Amnesty International also reviewed official documents published by Mozambique’s government and other organizations, media reports, and academic papers.<sup>10</sup>

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<sup>2</sup> Principle 11, United Nations Guiding Principles on Business and Human Rights.

<sup>3</sup> Principle 13(a), United Nations Guiding Principles on Business and Human Rights.

<sup>4</sup> Principle 15(c), United Nations Guiding Principles on Business and Human Rights.

<sup>5</sup> Principle 17(a), United Nations Guiding Principles on Business and Human Rights.

<sup>6</sup> Mozambique’s government, Diploma Legislativo nº 46/73, <https://www.biofund.org/mz/wp-content/uploads/2015/03/ParqueBanhine-DiplomaLegislativo-46-73-Criacao.pdf>

<sup>7</sup> [https://biofund.org/mz/wp-content/uploads/2018/09/1536135368-ParqueBanhine\\_Decreto%2090\\_2013\\_AlteraLimites.pdf](https://biofund.org/mz/wp-content/uploads/2018/09/1536135368-ParqueBanhine_Decreto%2090_2013_AlteraLimites.pdf)

<sup>8</sup> Peace Parks Foundation, Joining Forces to Develop Banhine National Park, July 26, 2018, <https://www.peaceparks.org/joining-forces-to-develop-banhine-national-park/>

<sup>9</sup> Peace Parks Foundation, Annual Review 2018 Reconnecting Africa’s Wild Spaces to Create a Future for Man in Harmony with Nature,

<sup>10</sup> The documents include: Mozambique’s Ministry of Tourism, Parque Nacional de Banhine: Plano de Maneio, August 2010, <http://www.anac.gov.mz/wp-content/uploads/2017/07/Plano-de-Maneio-de-Banhine-Final.pdf>; Armando Uleva Guenha, Towards Understanding the Impact of Community-Based Natural Resource Management on Household Livelihoods: a Case Study of the Combomune Community Project, Mozambique, Master thesis, 2010, [https://researchspace.ukzn.ac.za/xmlui/bitstream/handle/10413/8561/Guenha\\_Armando\\_U\\_2010.pdf?sequence=1&isAllowed=y](https://researchspace.ukzn.ac.za/xmlui/bitstream/handle/10413/8561/Guenha_Armando_U_2010.pdf?sequence=1&isAllowed=y); Frank Vollmer *et al.*, Charcoal income as a means to a valuable end: Scope and limitations of income from rural charcoal production to alleviate acute multidimensional poverty in Mabalane district, southern Mozambique, World Development Perspectives, 7-8 (2017), <https://www.sciencedirect.com/science/article/pii/S2452292917300838?via%3DIihub>;

Amnesty International has withheld the names and other identifying information of local residents to protect their safety.

## **PRELIMINARY FINDINGS**

### *1) Charcoal production in the region of Banhine National Park*

Amnesty International understands that there have been frequent security operations targeting people producing charcoal in the region of Banhine National Park since at least 2017. According to interviewees, park rangers often accuse local people of producing charcoal inside the boundaries of Banhine National Park. However, some interviewees also state that they have used the same areas for charcoal production for many years and that they have never been consulted or informed about changes to the park's boundaries.

Amnesty International has found no evidence to date of efforts by park authorities to consult with, or inform, local residents regarding the 2013 boundary changes.

### *2) Shooting on November 3, 2020*

According to interviewees, on November 3, 2020, a shooting in the region of Banhine National Park occurred a few hours after a security operation against charcoal production in the park. After hearing about the operation, local residents told Amnesty International that they gathered on the road to wait for the rangers to talk to them about the operation. They said they blocked the road using a large log to make sure the rangers would stop.

Interviewees told Amnesty International that the rangers arrived accompanied by the police. When the rangers stopped their vehicles, four men chosen to represent the community raised their (empty) hands as sign of peace and walked towards the rangers and police. Interviewees said that the rangers suddenly started shooting at the local residents. According to the interviewees, shots hit six persons. Three were seriously injured. Interviewees told Amnesty International that local residents ran away while the rangers left the area after removing the log. Interviewees said that the rangers provided no assistance to six persons who had been shot.

Interviewees told Amnesty International that at the time of writing (October 12, 2021) the victims had not received any compensation, an official investigation by Mozambican authorities into the incident had not progressed beyond a preliminary stage, and that they believed that no park rangers had been held to account.

Based on the information we have gathered so far, Amnesty International believes that the use of force by the rangers under the circumstances described was neither necessary nor proportional, and therefore appears to have been unlawful under international human rights law. The local residents were unarmed and raising their hands, without posing an immediate threat to the rangers and police. Both the police and the rangers also failed to ensure that assistance and medical aid were rendered by leaving the area immediately after the shooting. As such, Peace Parks Foundation has failed to meet its responsibility to respect human rights in its role as manager of the Banhine National Park.

### *3) Dyck Advisory Group (DAG) / Environmental Management Conservation Trust (EMCT)*

As you may be aware, recent research by Amnesty International documented violations of international humanitarian law, including war crimes, by Dyck Advisory Group (DAG), in the armed conflict in Cabo Delgado, Mozambique.<sup>11</sup> Dyck Advisory Group (DAG) is a private military company registered in South Africa.

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<sup>11</sup> Amnesty International, Mozambique: "What I saw is death": War crimes in Mozambique's forgotten cape, March 2, 2021, AFR 41/3545/2021, <https://www.amnesty.org/en/documents/afr41/3545/2021/en/>

According to our research to date, since at least 2018 DAG has provided Peace Parks Foundation with support for anti-poaching activities in several protected areas in Mozambique. For example, Peace Parks Foundation' annual reports for the years 2018 and 2019 referred to technical support related to anti-poaching activities in Limpopo National Park.<sup>12</sup>

In 2020, it appears that the partnership between Peace Parks Foundation and DAG continued under a different name: Environmental Management and Conservation Trust (EMCT). In a progress report covering the first semester of 2020, Peace Parks Foundation noted that “the Environmental Management and Conservation Trust (formerly the Dyck Advisory Group) and Peace Parks Foundation are stepping up their endeavours to curb the escalating and destructive wildlife crime in and around Key Mozambique Protected Areas.” The protected areas mentioned include the Banhine National Park.<sup>13</sup>

We have not been able to identify, from reports published by Peace Parks Foundation, if the partnership with DAG and/or EMCT is ongoing or if the partnership with DAG and/or EMCT has terminated.

### **FURTHER QUESTIONS**

We would like to invite you to respond to the above findings, as well as to provide any additional information that might assist our understanding of Peace Parks Foundation's human rights policies and roles in managing the Banhine National Park. We would be grateful if you could reply to the following questions:

- 1) Can you please describe Peace Parks Foundation's roles, responsibilities, and activities regarding the management of Banhine National Park?
- 2) Does Peace Parks Foundation have a human rights policy? If so, can you please provide details of the policy and how human rights due diligence policies and procedures are implemented? If not, can you please explain why not?
- 3) Please provide a map (and, if possible, GIS file formats) of the old and new boundaries of Banhine National Park;
- 4) Please provide existing documents related to Banhine National Park and the local communities, including environmental and social assessments, annual environmental audit reports, programmes supporting local communities, resettlement and compensation plans, public announcements and minutes of consultation meetings held with local communities.
- 5) Can you please provide information on how security activities are carried out in Banhine National Park, including which organizations (public and private) are involved, what their responsibilities are, as well as any protocols and codes of conduct used, particularly in relation to the use of force?
- 6) Did Peace Parks Foundation carry out any investigation into the incident that occurred on November 3, 2020 including the alleged unlawful use of force and lack of provision of assistance and medical aid to the victims of the shooting? If so, please provide an overview of the findings of that investigation, including the number of persons participating in the incident, the results of the anti-charcoal operation (for example, any fines, arrests, criminal

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<sup>12</sup> Peace Parks Foundation, Annual Review 2018: Reconnecting Africa's wild spaces to create a future for man in harmony with nature, [https://www.peaceparks.org/wp-content/uploads/2019/07/PPF\\_Annual-Review-2018\\_Draft-15\\_web\\_smaller2.pdf](https://www.peaceparks.org/wp-content/uploads/2019/07/PPF_Annual-Review-2018_Draft-15_web_smaller2.pdf); Peace Parks Foundation, Annual Review 2019: Reconnecting Africa's wild spaces to create a future for man in harmony with nature, <https://www.peaceparks.org/wp-content/uploads/2020/08/Peace-Parks-Annual-Review-and-Financial-Statements-2019.pdf>

<sup>13</sup> Peace Parks Foundation, Counter-poaching in key national parks in Mozambique: progress report January – June 2020, August 2021, <https://middleburgeccentric.com/wp-content/uploads/2020/08/Geos-PPF-Progress-Report-8-14-20.pdf>

investigations), as well as any findings into the use of force by park rangers. If no investigation was carried out, please explain why not.

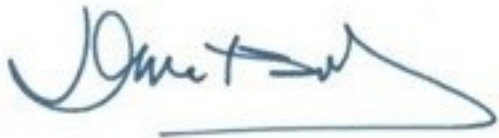
- 7) Is Peace Parks Foundation aware of other incidents of alleged unlawful use of force in Banhine National Park or in other protected areas managed by Peace Parks Foundation in Mozambique? If so, has Peace Parks Foundation conducted any internal investigations into other incidents? If so, please describe the incidents, findings of the investigation and any measures taken as a consequence;
- 8) What is the scope of the partnership between Peace Parks Foundation and Dyck Advisory Group (DAG) / Environmental Management Conservation Trust (EMCT) regarding protected areas covered, activities carried out and the policies concerning the use of force (including firearms)? Is this partnership continuing?
- 9) Does Peace Parks Foundation carry out any human rights due diligence when hiring and training its security personnel? Does this include vetting potential employees against human rights criteria? If so, please provide details.

Amnesty International is committed to providing information that is well-informed and objective. We seek this information to ensure that any public reporting we undertake accurately reflects the views of Peace Parks Foundation.

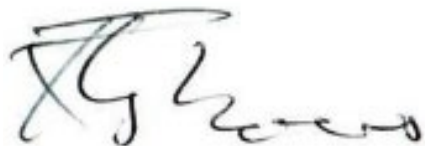
We invite you to comment on any part of the text of this letter. We would appreciate it if you would provide supporting factual information that would allow us to verify any claims that you make in responding to our questions. We may include part or all of your response in any public reporting we undertake. To enable us to consider incorporating this into our report, please respond by email by the close of business of 29 October 2021.

Thank you in advance for your time in addressing these urgent matters.

Yours sincerely,



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Amnesty International



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