

CENTRAL AFRICAN REPUBLIC

There are two groups of indigenous people in the Central African Republic (CAR), the Mbororo and the Aka. The indigenous Mbororo are essentially nomadic pastoralists in constant search of pastureland. They can be found in the prefectures of Ouaka, in the centre-west region; M'bomou, in the south; Nana-Mambéré in the north-west; and Ombella-Mpoko and Lobaye in the south-west. The 2003 census gave an estimated Mbororo population of 39,299 individuals, or 1% of the total population (accounting for 1.4% of the rural and only 0.2% of the urban population respectively). The Aka is also known by the pejorative name of Pygmies. The exact size of the Aka population is not known but it is estimated at several tens of thousands of people. The Aka live primarily (90%) in the forests, which they consider their home and where they are able to carry out their traditional activities of hunting, gathering and fishing. The Aka are found in the following prefectures: Lobaye and Ombella M'poko in the south-west; Sangha Mbaéré in the south-west; and Mambéré Kadie in the west.

The Central African Republic voted in favour of the UN Declaration on the Rights of Indigenous Peoples in September 2007 and ratified ILO Convention 169 on tribal and indigenous peoples in August 2010. It is the first and only African state to have ratified this Convention which, under the terms of the ILO Constitution, entered into force on 11 August 2011. Since then, the country has been in the process of implementing it.

Implementation of Convention 169

Under the terms of the International Labour Organization's (ILO) Constitution, Convention 169 has now entered into force in the Central African Republic. In 2012, the government was to submit the first report on implementation of the Convention 169 to the ILO. The High Commission for Human Rights and Good



Governance (the Governmental institution responsible for human rights matters) is now up and running but as of January 2013, the report has yet to be submitted.

In October 2012, a session was organised in Bangui, with the participation of various stakeholders, including a strong contingent of indigenous peoples, to provide feedback on the study¹ into the CAR's legislation for implementing ILO Convention 169, produced by the international NGO, Rainforest Foundation UK. The study revealed that the country's legislation only very insufficiently and partially incorporates indigenous rights. The study therefore recommends:

- a reform and strengthening of the country's legislation with a view to bringing it into line with ILO Convention 169,

- the adoption of a framework law on the rights of indigenous peoples, and
- a review of projects, programmes and policies to ensure that they comply with the provisions of the Convention.

Legal reforms favouring indigenous peoples

The United Nations Population Fund (UNFPA) and the ILO, in partnership with the High Commission for Human Rights and Good Governance, have designed a project entitled “Support for the Promotion of Indigenous Peoples’ Rights in the Central African Republic” (APPACA), which has received funding from the Secretariat of the United Nations Indigenous Peoples’ Partnership (UNIPP). The project commenced in September 2012. Its overall objective is to improve indigenous peoples’ enjoyment of their rights, as enshrined in national and international legislation, by supporting legal and institutional reforms and capacity building for different actors on indigenous issues. The project will be implemented jointly by the High Commission for Human Rights and Good Governance, UN agencies, indigenous peoples, unions and NGOs.

In 2007, the High Commission for Human Rights and Good Governance introduced a draft bill of law on the promotion and protection of indigenous peoples’ rights. This is now in its pre-validation phase and the draft has to be approved by the National Assembly. Indigenous peoples, however, have still not been consulted on this bill of law and have not participated in its production.

In addition, in December 2012, the government officially launched the process for harmonising legal instruments relating to land in the CAR. One major concern relates to the recognition and incorporation of customary and community land law, to the benefit of indigenous peoples.

Representation and participation of indigenous peoples

No major measure, either political or legal, has thus far been taken by the CAR government to promote the representation and participation of indigenous peoples in decision-making bodies. The only exception is a number of national policy processes where they are involved in the governance structures, particularly the Climate Change and Reducing Emissions from Deforestation and Forest Degra-

dation (REDD). Their complete absence from other policy processes must be noted, however, in particular the Forest Law Enforcement Governance and Trade (FLEGT) initiative.

With the support of NGOs, indigenous peoples are increasingly establishing their own organisations and participating in national and international meetings during the course of which they express their own points of view with complete freedom and jointly sign statements of national and international importance. These organisations include for example: Maison de l'Enfant et de la Femme Pygmées (MEFP) and Association pour la Défense des Intérêts des Bakas de Centrafrique (ADIBAC). Indigenous civil society still remains very weak, however.

It has to be acknowledged that very many indigenous people are still not aware of the interest being shown in them by the international and national community through various legal instruments. Widespread information, awareness raising and education actions are thus still needed for these people. ○

Note and Reference

- 1 **Gilbert, Jérémie, 2012:** «Étude de la législation de la République Centrafricaine au vu de la Convention 169 de l'Organisation internationale du travail relative aux peuples indigènes et tribaux». Rainforest Foundation UK, High Commission for Human Rights and Good Governance of the Central African Republic and Centre for Pygmy Children and Women. February 2012. <http://www.rainforestfoundationuk.org/files/Etude%20l%E9gale%20C169%20RCA.pdf>

Jean Jacques Urbain MATHAMALE, a jurist by training and human rights activist, has been working for the promotion and protection of indigenous rights in CAR since 2008. He participated in the publication "Rapport sur la situation des peuples autochtones des forêts en RCA" ("Report on the situation of the CAR's indigenous forest peoples") in 2009. He is a member of the drafting committee for the bill of law on the promotion and protection of indigenous rights and ILO consultant to the CAR's High Commission for Human Rights and Good Governance for the drafting of, among other things, a national action plan for implementation of ILO Convention 169. He is the coordinator of the NGO, Centre pour l'Information Environnementale et le Développement Durable (CIEDD), one of the objectives of which is to lobby on behalf of indigenous communities for the implementation of projects, programmes and policies in their areas.