

## CENTRAL AFRICAN REPUBLIC

There are two groups of indigenous peoples in the Central African Republic (CAR) namely 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 region 4 in the centre-east; M'bomou in region 6 in the south; Nana-Mambéré in region 3 in the north-west and Ombella-Mpoko in region 1 in the south-west. The 2003 census gave an Mbororo population of 39,299, or 1% of the population. There is a higher proportion of Mbororo in rural areas, where they account for 1.4% of the population, than in urban areas where they represent only 0.2%. The indigenous Aka population is pejoratively known as Pygmies. The exact size of the Aka population is not known but they are estimated to number several tens of thousands. These indigenous people 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 indigenous Aka live in the following prefectures: Lobaye in the south-west; Ombella M'poko in the south-west; Sangha Mbaéré in the south-west and Mambéré Kadie in the west.

The Central African Republic has voted in favour of the UN Declaration on the Rights of Indigenous Peoples in September 2007.

### General situation of indigenous rights in the Central African Republic

#### Indigenous Mbororo

**T**he indigenous Mbororo continue to suffer significant human rights violations. The absence of a land law makes it very difficult for the Mbororo to continue their pastoral activities. They are prosecuted when their cattle cross another person's land and are constantly driven away from places when seeking pasture. They find their cattle confiscated and payment of ad hoc fines demanded, and many of

their cattle have perished as a consequence of the armed conflicts and ensuing insecurity.

Poverty is an increasing reality among the indigenous Mbororo communities. In fact, many Mbororo now find themselves without cattle following the many conflicts the country has suffered. Unable to pursue any other activity, they are left with no income. In such a situation, they end up having to bear administrative and police harassment.

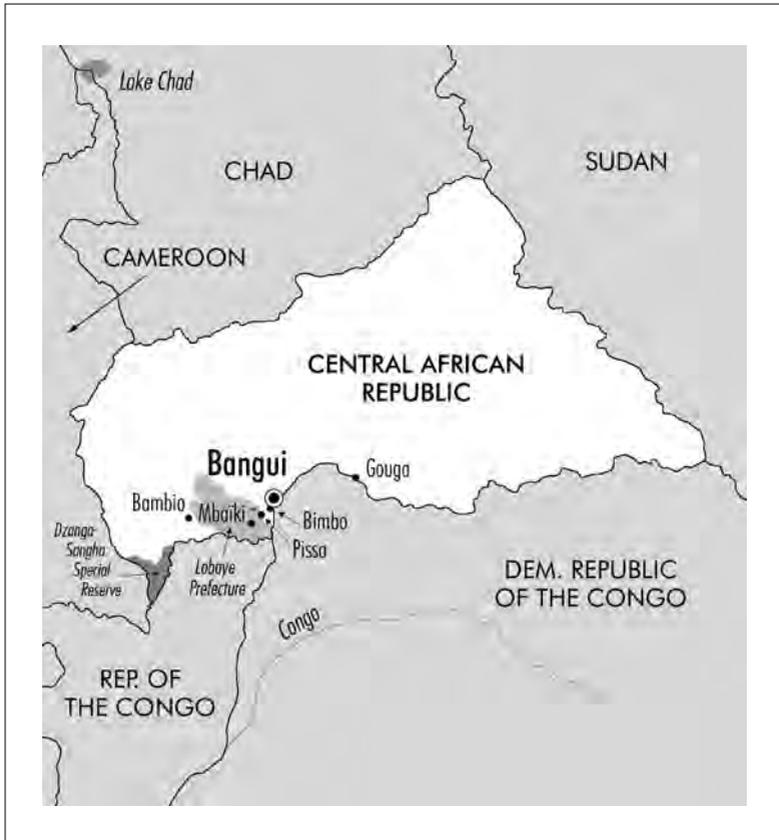
Because of the political/military crises of the past two decades, the indigenous Mbororo living in the rural environment, primarily pastoralists, have been subjected to multiple violations with regard to their assets, their cattle and their survival. Mbororo children are often taken hostage by armed bandits and ransoms demanded for their release. This phenomenon has led to displacement for some, who have left their land and region, and bankruptcy for others, with the consequent ensuing poverty.

### **The indigenous Aka**

The ancestral lands of the indigenous Aka remain unrecognised in legal terms. They live on the edges of Bantu villages or in forests granted to logging companies or transformed into protected areas. Wherever they are, the Aka have no legal security with regard to the land on which they live. They find themselves constantly displaced because of third party private or public interests.

Abusive exploitation of the Aka workforce remains commonplace, whether by the Bantu, industrial logging companies, safari companies or conservation organisations. Their work is never fairly remunerated. In some places, the Aka are subjected to what is virtually forced labour, or are not paid by their masters. This practice, akin to slavery, and according to which the Aka may actually belong to an individual or family, remains entrenched despite national legislation introduced to ban it.

Administrative and police harassment also remains one of the fundamental violations of Aka rights. Many indigenous people are unable to go to Bangui, the capital, alone. To be able to travel inside their own country, the Aka have to be accompanied by someone who is not an Aka such as a member of a civil society organization, an international NGO or a religious institution. In order to travel they need the authorisation of the village chief and are requested all sorts



of papers by police officers, as if they were an object. Failing this, there are yet more fines.

### **Recent legislative efforts**

Over the course of 2010, the Central African Republic made progress on a number of important legal issues related to indigenous rights.

After various information and awareness raising activities conducted by both the government, through the High Commissioner for Human Rights and Good Governance, and national and international NGOs, the CAR ratified ILO Conven-

tion 169 on indigenous and tribal peoples, thus becoming the first African state to do so. The ratification was submitted to the International Labour Organisation on 30 August 2010.

Since 2008, the CAR has also been discussing a bill of law on the promotion and protection of indigenous rights, prepared by the High Commissioner for Human Rights and Good Governance, in the context of implementing existing instruments but also to give particular visibility to the situation of indigenous rights. This law is still under discussion and it awaits the action plan for the implementation of the ILO Convention 169. The national committee working on the law on the promotion and protection of indigenous rights consists of people from the Ministries of Justice, Culture and Social Affairs, the commission on human rights, human rights organizations and representatives of indigenous peoples.

A revision of several codes took place in 2009-2010, such as the Criminal Code, the Code of Criminal Procedure and the Employment Code. These laws are not specific to indigenous peoples but the revisions were influenced to a certain extent by the violations, abuses and violence these peoples suffer. These revisions mean that exploitation, submission to masters, forced labour and the use of minors in different jobs, prostitution, etc., are now considered forms of slavery.

The revised Mining Code and implementing regulations for the Environment Code (not yet published) take environmental impact issues into consideration, particularly the necessary public hearing aimed at obtaining the communities' consent. These amendments could also put a stop to the problems indigenous peoples are encountering in mineral exploitation, logging and conservation areas.

The Central African Republic also submitted its Periodic Report on the rights of the child to the UN Committee on the Rights of the Child. This report gave significant space to all aspects of the situation of indigenous children in the CAR.

The 2008 Forest Code is the first piece of national legislation to define and recognise the rights of indigenous forest peoples. For the first time, the provisions of this text set out customary rights of use and benefits arising from forest exploitation, access rights and, above all, principles of consultation with a view to obtaining the free, prior and informed consent of indigenous peoples, as guaranteed by international legal instruments.

A Voluntary Partnership Agreement (VPA) between the European Union and the Central African Republic, signed on 21 December 2010, provides a framework that includes respect for indigenous rights and for environmental legislation within its principles. Improved forest governance and reforms of the legal framework are at the heart of this agreement.

In addition, in the context of the poverty reduction strategy paper (PRSP), the thematic group “Governance and the Rule of Law” (made up of the government together with the private sector and civil society) is developing action plans that will take indigenous participation into account, including awareness raising on the rules and principles of indigenous rights. ○

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