THE RAINFOREST FOUNDATION UK

SECURING LANDS, SUSTAINING LIVES

THE SITUATION OF THE FOREST PEOPLES OF THE CENTRAL AFRICAN REPUBLIC

JANUARY 2009

This report has been written by: Jean-Jacques Mathamale, OCDH;Saint-Jérôme Sitamon, MEFP; Eloi Tournabia, AIDECOR.

CONTENTS

ACKNOWLEDGEMENTS 4
INTRODUCTION 5
LEGAL FRAMEWORK 6
International context 6
African context 6
Legislative provisions in the CAR 7
THE MAIN INDIGENOUS GROUPS OF THE CAR's FORESTS 9
BACKGROUND TO THE VILLAGES VISITED 10
THE FOREST AND ITS RESOURCES: THE HEART OF RITUAL PRACTICES AND BELIEFS 12
The customary chiefs 12
The Dissemo 12
The Mokondi or Edzengi initiation dance 13
The transfer of mystical powers14
HUNTING AND GATHERING: ACTIVITIES THAT REGULATE THE LIFE OF INDIGENOUS PEOPLES 15
Different methods of traditional hunting 15
Traditional practices under threat 16
Gathering 16
Fishing 17
AGRICULTURE AND LIVESTOCK REARING TO ENSURE FOOD SECURITY 19
TRADE AND INCOME SHARING 20
INSUFFICIENT CONSIDERATION OF INDIGENOUS PEOPLES IN TERMS OF ACCESS TO LAND AND FOREST RESOURCES 21
RELATIONS BETWEEN INDIGENOUS PEOPLES AND BANTU: EXPLOITATION, DISCRIMINATION AND VIOLENCE 23
Exploitation 23
Discrimination 26
Violence 27
CIVIL AND POLITICAL RIGHTS 28
Weak representation 28
Difficulty in expressing their rights 28
ACCESS TO JUSTICE 30
Access to legal services 30
Discrimination 30
Deception and exploitation 31
RIGHT TO HEALTHCARE 33
Spread of disease 33
Absence or remoteness of health structures 33
Cost of medical services 34
Lack of information and inappropriateness of vaccination campaigns 34
Difficulties in accessing drinking water and a healthy environment 35
RIGHT TO EDUCATION 37
Low school enrolment amongst indigenous youth 37
Distance from schools 38
Costs of school enrolment 38
Discrimination 38
Inappropriateness of school timetables and programmes 38
RIGHT TO EMPLOYMENT 39
Lack of access to salaried employment 39
Discrimination 39
Different forms of labour exploitation 40
RECOMMENDATIONS 41

ACKNOWLEDGEMENTS

The NGOs[1] involved in producing this report would like to thank the indigenous communities most warmly for their welcome and their availability.

We would also like to thank the local authorities of the areas visited and all of the people who, during our work, willingly gave of their time to help us.

We would like to thank the Observatoire Congolais des Droits de l'Homme (OCDH) for its methodological and technical support.

We would finally like to thank the Rainforest Foundation UK for facilitating the fieldwork and the publication of this report.

1 Actions pour les initiatives de développement des communautés rurales (AIDECOR), Amis de la nature, BATA GBAKO, CODICOM, Femmes forêt développement, Maison de l'Enfant et de la Femme Pygmées (MEFP), Observatoire Congolais des Droits de l'Homme (OCDH), Organisation Centrafricaine de Défense de la Nature (OCDN).

INTRODUCTION

The indigenous hunter-gatherer peoples of the tropical rainforests, commonly known as "Pygmies" and who are here called "indigenous people"[2], represent a significant minority of the population of the Central African Republic's (CAR) forest zones.[3]

These peoples live a semi-nomadic life in the heart of the forest, inextricably linked to it, living (often with difficulty) alongside their Bantu[4] neighbours.

Field studies and practical experience on the part of local non-governmental organisations (NGOs) working in the forest zones have highlighted the marginalisation of these peoples from Central African society.

And yet the situation of the indigenous peoples of the CAR's forests is still generally very little documented, particularly in terms of their ability to exercise their rights, above all with regard to accessing the land and natural resources on which they depend but also their civic, social and economic rights.

It was in this context that more than 20 representatives of Central African environmental and human rights NGOs conducted several field visits during the months of August to December 2008 with the support of Rainforest Foundation UK. These missions visited different areas of the forest zone in the south-west of the CAR, including Bagandou, Bimbo, Mongoumba, Mbata and Bilolo in the prefectures of Lobaye, Ombella Mpoko and Sangha-Mbaéré.

In visiting indigenous communities, Bantu populations, and local public and private stakeholders, they were able to collect information by participatory means in order to highlight the situation of the indigenous peoples of the CAR's forests. This situation is presented in this report.

2 The Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities identifies the "Aka" and "Mbororo" as indigenous peoples of the Central African Republic. The term "indigenous people" as used in this report relates only to the Aka and other hunter-gatherer groups of the forest zone, commonly known as "Pygmies".

3 Data from the General Population Census of 2003 gives their number as being 12,393 or 0.3% of the country's population. However, estimates made in 2004 by the NGO COOPI (Cooperazione Internationale) indicate that there are probably almost 16,000 in Lobaye prefecture alone.

4 The term "Bantu" is used in this report to denote the non-indigenous populations of the CAR's forest zone. It includes different ethnic groups.

LEGAL FRAMEWORK

International context

The term "indigenous people", around which there is still debate but which refers to the first inhabitants of an area, denotes communities that are native to the territories on which they traditionally live and on which they depend. Because of their different way of life, these peoples are often marginalised from the rest of the population.

In 1957, given the urgent need to address the difficulties faced by indigenous peoples over and above broader commitments to protect fundamental human rights,[5] the international community adopted an initial convention, ILO Convention 107 on indigenous and tribal populations encouraging their integration into so-called "modern" society.

The limitations of this approach soon became apparent, however, and a new convention, ILO Convention 169 concerning indigenous and tribal peoples in independent countries, was adopted in 1989. This convention is based on recognising cultural and ethnic diversity and emphasises principles of consultation and self-government. While this process was still underway, the UN Human Rights Council announced the commencement of a process to draft a Declaration on the Rights of Indigenous Peoples. Adopted on 13 September 2007, this Declaration "establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of indigenous peoples the world over. The Declaration addresses collective and individual rights; cultural rights and rights to identity; rights to education, health, employment, and language as well as other issues. It prohibits discrimination against indigenous peoples and promotes their full and effective participation in all issues affecting them. It affirms their right to remain different and pursue their own priorities in their economic, social and cultural development. The Declaration explicitly encourages harmonious and cooperative relationships between states and indigenous peoples".[6]

5 In particular, the 1945 UN Charter, the Universal Declaration of Human Rights of 10 December 1948, the International Covenants of 16 December 1966 on economic, social and cultural rights, on the one hand, and on civil and political rights, on the other, the 1965 International Convention on the Elimination of all Forms of Racial Discrimination, the 1984 Convention on Torture and other forms of cruel, inhuman or degrading treatment.

6 Press release from the UN High Commissioner for Human Rights, 18 September 2007.

African context

The African Charter on Human and Peoples' Rights of 21 June 1981 sets out provisions of direct concern to indigenous peoples, such as the right to equality and to self-determination.

In 2000, the African Commission on Human and Peoples' Rights established a Working Group of Experts on Indigenous Communities/ Populations, which has served to demonstrate that these peoples are present throughout Africa and which works to highlight the regular violation of their human rights.

There is now a growing awareness throughout the continent of the situation of indigenous peoples, and the initiatives taking place in some African states may presage a process of enhancement of indigenous rights.

Article 164 of the new Constitution of Burundi thus stipulates that, "The national assembly shall be composed of at least 100 members, of which 60% Hutu and 40% Tutsi, including a minimum of 30% women ... plus three members from the Twa ethnic group". In the Republic of Congo, a process involving the authorities, indigenous peoples and members of civil society has produced a draft law "on the promotion and protection of indigenous peoples".[7]

Legislative provisions in the CAR

The CAR, a member of the United Nations and of the African Union, has signed and ratified various international human rights instruments and certain specific related texts that particularly enshrine the rights to consultation, to exercise of cultural rights and the implementation of measures aimed at reducing poverty that directly affects indigenous peoples.

In its preamble, the 2004 Central African Constitution, which is based on the national principle of "ZO KWE ZO" ("all men are equal"), "reaffirms its support of the United Nations Charter, the Universal Declaration of Human Rights of 10 December 1948, the International Conventions of 16 December 1966 on economic, social and cultural rights, on the one hand, and civil and political rights, on the other, reaffirms its support for the African Charter on Human and Peoples' Rights of 27 June 1981", and indicates that the country is a "state of law founded on a pluralist democracy, guaranteeing the security of people and goods, the protection of the weakest, particularly vulnerable people, minorities and the full exercise of fundamental rights and freedoms".

"THE FOREST IS OUR MOTHER"

7 "Les droits des peuples autochtones en République du Congo: analyse du contexte national et recommendations", Observatoire Congolais des Droits de l'Homme (OCDH), June 2006.

There is somewhat of a legal void in the CAR with regard to indigenous issues due, in particular, to the failure to adopt ILO Convention 169. New legislative developments are, however, opening up the possibility of a formal recognition of indigenous rights.

Article One of the new Forest Code, enacted on 17 October 2008, indicates that, "The Central African forest fulfils many functions" and, particularly, "contributes to the survival and well-being of populations, largely indigenous, who are intimately and culturally associated with it", addresses "customary rights of use and indigenous peoples", and introduces the concept of "community forests", which form "the object of a management agreement between a village and/or indigenous community and the state". Article 33 of the Code also states that "any concession of part of the state's forest domain with a view to its industrial exploitation shall be subject to the prior consultation of the local populations, including the indigenous peoples".

The High Commission for Human Rights and Good Governance, attached to the Presidency of the Republic, is currently working to draft a law "on the promotion and protection of the CAR's indigenous peoples".



THE MAIN INDIGENOUS GROUPS OF THE CAR's FORESTS

The indigenous peoples inhabit the four prefectures that cover the 3.8 million hectares of dense forest in the south-west of the CAR (Ombella-M'Poko, Lobaye, Sangha-Mbaéré and Mambere-Kadei).

The fieldwork highlighted the diversity of indigenous groups, which are listed below.

The first large group is formed of the BaAka, who live in Lobaye prefecture and part of Sangha-Mbaéré, the name BaAka having been popularised by the first French field researchers. In the prefecture of Sangha-Mbaéré, and specifically in the sub-prefectures of Nola and Bayanga, this group is known by the name of BaMbenzele. However, in linguistic terms, the BaAka and the BaMbenzele speak the same language, known as Yaka among the BaAka and Mbenzele among the BaMbenzele. There are clearly variations between Mbenzele and Yaka, due to terms having been borrowed from their Bantu neighbours, whose ethnic composition varies from one place to another, but these variations are not sufficient to be able to talk of two different languages.

The other large group is made up of indigenous peoples who have "lost their mother tongue".

In Ombella-M'Poko, the Bambenga speak the language of their Ngbaka neighbours. In Lobaye, indigenous peoples with ethnic tiesto the Bolemba speak the Bolemba language, those with ties to the Mbati/Issongo group speak the Mbati/Issongo language, those with ties to the Bouaka group speak the Bouaka language and, finally, those with ties to the Gbaya Bofi group speak the Bofi language. In Sangha-Mbaéré and Mambéré-Kadéi, two groups of indigenous peoples also speak the language of their neighbours. The indigenous peoples with ties to the Pande/Nzali group and those with ties to the Bofi group speak the Pande/Nzali and Bofi languages respectively. In addition to these two groups, the BaNgombe, sometimes known as Banguidi, speak the same language as the indigenous BaAka in Cameroon. This language, known as Ngombe in the CAR, is very similar to the Oubanguian family of languages in the CAR, such as Ngoundi spoken in Londo village, in the sub-prefecture of Bambio, and Mondjombo and Ngbaka spoken in Lobaye.

The indigenous peoples of the CAR's forests are well-known for their capacity to speak several languages, thus adding yet more to the already noted diversity. Alongside their original mother tongue or their adopted language, they therefore speak other languages fluently, such as Mondjombo, Ngbaka, Mbati, Ngando, Kota, Bogongo, Sangha-sangha, Mpémon, Yangere, Gbaya etc.

BACKGROUND TO THE VILLAGES VISITED

Apart from the BaNgombé group who come from Cameroon, most of the indigenous peoples that were visited stated that they came from the Republic of Congo. At Yatimbo in Ombella-M'poko, and at Motomato in Lobaye, however, the teams met groups stating that they came from what is now the Democratic Republic of Congo.

These examples highlight the importance of permitting cross-border movements on the part of these people throughout the Central African sub-region, the forest being "their home", whether in the CAR, Republic of Congo, Gabon, the Democratic Republic of Congo or Cameroon.

At Yatimbo, the indigenous peoples initially lived on the Congolese side of the border. "We crossed the Oubangui River in search of wild game and gradually kept on moving. Now we've settled at Yatimbo," they explained. At Bilolo, some BaNgombe encampments including Modigui, Abogui, Domicili, Anam, and Zendi, were set up because of the "scarcity of natural resources" in areas of Cameroon from which they came.

Due particularly to declining access to territories and resources and also to their interaction with Bantu populations, the indigenous peoples tend to settle close to or on the outskirts of Bantu villages, from where they depart regularly for fairly long periods of time to live deep in the forest.

At Assiegui and Kendjè, the establishment of indigenous villages was "decided" by their "masters". In the 1940s, the indigenous groups of Bilolo, Assiegui and Kendjè, all of who belong to the same family of the BaNgombe group and who speak the Ngombé language, were "rescued" by the high chief Adoumandjali. They had originally inhabited the region aroundthe confluence of the Mbandja and Kadéi rivers.Adoumandjali's heir, Pierre Ntombo, allocated them the site at Assiegui in 1983 "to get rid of his father's Pygmies, who had become a burden because of the increasing size of their village."

One fact worth noting is that it was generally commented that the indigenous peoples were often the first to settle and then, very quickly, the Bantu joined them. This was the case of Moale, for example where, according to the village men, "The BaAka were the first to occupy this place, then two Bantu men followed us from Bakota because of the hunting."

In this regard, a man at Gouga complained that the lands his parents had been the first to occupy had been invaded by groups of Mbanza from the Democratic Republic of Congo who were looking "to dominate him and his family".

In the village of Lokombe, on the Enyele road, a man lamented the fact that the Bantu had followed them to this virtually uninhabited place in order to "once again cause the same problems that made us leave our villages in the first place".

Finally, some indigenous villages are the result of religious initiatives.

For example, the Mano encampment, 15 km from Bilolo and 20 km from Salo, was set up in 1970 by Charles Perno, a Catholic layman.

The Jericho camp, close to Bobele, the Siriri camp not far from Zomea and the Nazareth and Jerusalem camps at Ngouma, in Moboma commune, were established by Catholic (Siriri, Jerusalem) and Protestant churches and missions (Nazareth, Jericho).

The churches play an important role in the emancipation of indigenous populations, through literacy work, training and education of young people and women. At Moale, Jean-Marie Babe is pastor and customary village chief. He lives in a tile-covered house built by an American church. His daughter also lives in the house with her husband and child. Church followers are well-versed in building work, carpentry and ironwork and are able to read the Bible.

The penetration of the churches into indigenous environments is nevertheless encouraging the gradual disappearance of their ritual practices and beliefs. Jean-Marie Babe, for example, denounces the Edzengi initiation dance and says he would like to "leave the forest".

THE FOREST AND ITS RESOURCES: THE HEART OF RITUAL PRACTICES AND BELIEFS



The customary chiefs

The customary chiefs play an important role in perpetuating customs and beliefs related to the indigenous way of life. These chiefs are traditionally appointed by the community members. They are generally one of the older, wiser and more experienced members of the community. Consensus must prevail, as stated by a man from Mongoumba: "The decision is made on the basis of age and it is generally the wise people in the group who are chosen. The choice is made via consensus".

In some cases, inheritance prevails. At Mondimba, the village chief died recently and a temporary replacement was found in one of his sons. He has two heirs and "if the population wishes the elder of them to take over from his father, then the population will make this known," say the village members.

At Yatimbo, "since the death of the former chief, the camp has been administered by his wife, assisted by Mr Joseph Maliavo". The role could be taken by a son-in-law who has lived a long time with his parents-in-law. Such is the case of Pierre Evanto in Bogani-PK6, who succeeded his father-in-law because the legitimate heir had fallen into disgrace with his father.

The Dissemo

On 29 November 2008 in Gouga village, in the sub-prefecture of Mongoumba, Joseph Otto recited the Dissemo prayer, also known as Dzemo-Dzemo, with passion.

According to Joseph Otto, this prayer, said in the morning before leaving for the forest and in which the supplicant ritually cites all the game and produce he hopes to find, is highly effective. Thanks to this prayer, no-one returns empty-handed from a hunting or foraging trip. Each line of the prayer, expressed in the form of a desire, is followed by the anaphorical reprise "Bando!" which calls for success. This is systematically repeated throughout the whole prayer by one or more family members.

"Dzemo-dzemo!
Bando!
Today!
Bando!
On going to the forest!
Bando!
Let me find game sleeping so that I can stab it with my spear!
Bando!
On passing under a tree!
Bando!
Let me find a hole full of good honey!
Bando!
On climbing a hill!
Bando!
Let me find a field of mushrooms!
Bando!
And then!
Bando!
On collecting the mushrooms!
Bando!
Let me find a great tortoise and take it to eat it!
Bando!"

The supplicant ends his prayer by saying "Yike-eee!"
And the others reply "Heee!"

The Mokondi or Edzengi initiation dance

One belief that remains very dear to the hunter-gatherers of the CAR is the Mokondi or Edzengi initiation dance. According to Edouard Mopalo, from Gouga, interviewed on 30 November 2008, the Edzengi is a mystical initiation dance, generally organised at the initiative of a grand master hunter known as the Tuma. The dance can be organised at any time of the year but often takes place when a Tuma has killed a large animal and wishes to eat it with other initiates.

Once the dance has been planned and the news has spread around different encampments, there are long preparations prior to the initiation day. Families go into the forest, kill wild game and prepare large quantities of food. Young people willingly mobilise to prepare for initiation.

When the day comes to enter the initiation encampment, known as Ndzanga or Ngalo, the candidates, called Bemou, are covered in oil and their faces and bodies painted in different colours. They are placed in a line by the initiates who lead them singing into the sacred forest. As they go, the non-initiates and women must run and hide in the forest to give them free passage.

Some distance from the encampment, the grand master known as Mimbo comes to meet the candidates and dances around them to welcome them and bring them to the camp entrance where the women and other community members are waiting for them. At this point, the Mimbo dances and gets the initiation candidates to dance long and hard, with the crowd joining in.

Next, he frightens off the audience and disappears into his hut. Then, only the initiation candidates are invited to enter the encampment to follow the rites. At this point, the children and women are frightened and chased from the initiation zone.

There are three stages that must be passed to reach the initiation enclosure: firstly, they meet a line of initiates whose task is to verify the



identity and origin of the candidates. The second level involves a battery of tam-tams and other musical instruments, and the third level is a line of grand college initiates, master hunters and the Mimbo covered in leaves. Basically, the initiation ritual is as follows:

The Mimbo, disguised in his suit of raffia leaves, sits on the ground between the legs of the first initiation candidate. All the other candidates sit in a similar fashion one behind the other.

The Mimbo recites expressions and makes gestures which the initiates repeat and copy together.

Then to close the ritual, all the initiates shout out the final phrase loudly and everything comes to an end.

For some time, the Mimbo plays a game of hide-and-seek gradually uncovering and re-covering his face until he uncovers it completely. At this point the initiates are surprised to discover that it is a well-known man from their community.

There then follows a long period of advice punctuated by threats. The new initiates are ordered to keep everything they have seen and heard secret. Any transgression of the Edzengi laws is generally very severely punished.

After the initiation ritual comes the moment of sharing the food that the new initiates have brought. The person who shares it out must ensure that the previously initiated and the oldest receive the lion's share.

The transfer of mystical powers

Indigenous peoples are well-known for enjoying supernatural powers. This power is considered a precious asset and family inheritance that must be passed down from one generation to another. Thus, Pierre Evanto, head of Bogani-KP6 camp, stated that "Everyone has in him a mystical power that he received at birth from his parents or a member of his clan. If, on dying, he has not had the chance to pass on his power to his child or to another family member, his soul will wander the village. The wandering soul will turn into a leopard or a gorilla that will often appear close to the village. This apparition is a threat that must be removed through the appropriate rituals. To pass on the power, the child must hold the head and arm of the dying person until he passes away."

HUNTING AND GATHERING: ACTIVITIES THAT REGULATE THE LIFE OF INDIGENOUS PEOPLES

"We are hunter-gatherers," stated an indigenous person from Moale on opening the discussions in his village.

Different methods of traditional hunting

Hunting is practised in different ways.

Hunting with nets can be organised by a mixed group (men, women, children) from one or more encampments, for one day or for periods of several weeks or months. The technique consists of spreading out a number of nets in the undergrowth and trapping the animals (small and large duikers, antelopes, warthogs etc.) in them with the help of dogs.

Hunting with spears is practised primarily by the men. Men skilled in throwing spears identify, in advance, a place frequented by certain wild animals, often warthogs. They leave very early in the morning to reach this place. Teenagers are often involved in this kind of hunting to prove their throwing skills.

Hunting with bows and arrows is also the privilege of men. Hunters use poisoned arrows and generally leave very early in the morning or towards the end of the afternoon to hunt. This kind of hunting is practised individually and involves small and large monkeys, birds and leopards.

Smoking out holes is practised by children, women, men and the elderly who are no longer strong enough to chase large wild animals. The technique consists of finding holes and smoking them out to dislodge the animals living within them (rats, gophers, porcupines). Often, when out hunting with nets, some animals, such as porcupine, will escape and hide in holes or in the crevices of trees. In such cases, the hunters will use the smoking out technique to dislodge them.

Purse nets are another way in which the indigenous peoples continue to hunt these days, even in areas where wild game seems to be rare. The technique consists of laying these nets where wild animals, generally porcupines, have been observed passing through, and using a stick to make noise in the closed off part of the undergrowth to flush them out. When smoking out holes, purse nets are also placed at the entrance to prevent the wild animals from escaping the hunters.

During the rainy season, the bessolo tree bears fruit that gophers are very fond of. The children collect and store these fruits to make special gopher traps. Some of the bessolo fruits are dried and kept until the dry season when they are crushed and mixed with wild garlic as bait.

As noted by the inhabitants of the village of Bokondjo, “The meat is taken back to the camp where it is shared equally between the men and women, who prepare it. A piece of raw meat is also given to each child, and they cook it themselves.”

Traditional practices under threat

These forms of traditional hunting are still practised in the Central African forests. However, according to reports received, they are often seriously threatened.







Hunting with nets has virtually disappeared from some areas, such as Yatimbo and Bogani-PK6, and is very little practised around Bakota or Gouga. When the indigenous people were questioned on this subject, they replied that, “None of us know how to make hunting nets any more,” commenting that, “Hunting with guns has replaced these practices”. Indigenous people from Bakota gave the same reasons and added that “Pressure from the Bantu means we no longer have the time to make nets or hunt using this method”. In the whole of Bakota encampment, villagers said they had “only three nets”.

Like hunting with nets, the use of bows and arrows has also disappeared from Yatimbo and Bogani-PK6 and is also tending to disappear in other areas such as Gouga.

Indigenous people often hunt on behalf of Bantu, using guns or by laying metal wires provided by the latter.

Hunting with guns is practised day and night and used for all kinds of wild game.

Hunting with wires consists of marking different points over an area of possibly tens of kilometres through the forest and laying metal wires. These are visited at regular intervals to check them. This technique is proving devastating as the traps are placed on identified wild animal routes. Traps that are not visited for several days may have animals rotting in them. It is generally the men that lay these wires with the women visiting them to remove the game and reset the trap.

Gathering

Like hunting, gathering is a very important activity for indigenous peoples.

The main products involved are honey, wild yam, mushrooms, payo (the fruit of the wild mango), wild groundnuts known as vusa, wild beans known as matokodi, wild fruits such as the mobei (a kind of custard apple), mafondo, caterpillars and koko leaves.

In all areas visited, these products were gathered at different moments in time. Honey, for example, can be found all year round although one form is particularly abundant in the dry season, known as Bonguenza, and another in the rainy season, known as Mbasso. Honey is generally gathered by men who are skilled at climbing trees.

Given the diversity of varieties of mushroom and wild yam, these can also be found all year round, as can koko leaves.

Other products are generally gathered in the rainy season (i.e. May to October), and this is clearly the reason why most indigenous peoples are eager to go and camp in the forest at this time, when there is likely to be an abundance of food.

Yam and payo are only gathered by women. Other products may be gathered by any member of the family, woman, man or child.

The names of some of these products vary from one area to another. The indigenous people of Yatimbo, for example, listed five different varieties of honey in the Ngbaka language. These are: ndjoi, generally gathered from the kakaka and ngombe trees; dando gathered from the ngombe and kakaka; nzenze, gathered from the gira and gbado; eba, gathered from the gbado, ngombe and bourounda trees; and, finally, sako which is gathered from the bando and gira trees. Wild yam also has various names, the following of which was given by the indigenous peoples of Bogani-PK6: kpeba, soko and yeekou.

There are five varieties of mushrooms known in the Ngbaka language: touto, touloudengbe, touloumbele, toulouta and kpakpalakpa.

Eight varieties of caterpillars, along with the trees in which they are found, were given by the indigenous peoples of Yatimbo: boyo in the boyo tree, guere-guere in the gbado, soussou in the sombo, mbanga in the kanga, ndossi in the gbado, koussoukpa in the koussoukpa tree, ngouloukou in the ngoka and kouka in the ndjoko.

This abundance of vocabulary is an indicator of the great knowledge the indigenous peoples have of the forest.

Fishing

Practised less than hunting, fishing nevertheless remains an important activity for indigenous peoples, as was noted in Bakota, Bokondjo, Motomato and Mossokpo.

The indigenous peoples of Motomato fish during the dry season using the drainage technique, which consists of damming an area and draining all the water out of it in order to trap the fish.

The indigenous peoples of Bakota stated that they fish by poisoning the rivers, throwing the mashed fruits of the toko tree into the water.



AGRICULTURE AND LIVESTOCK REARING TO ENSURE FOOD SECURITY

At Moale, a man explained that agriculture was a "new activity" for them. In some communities, such as Bokondjo, they state that they have "nothing to do with agriculture". More often than not, however, agricultural and livestock rearing activities do occupy an important place in terms of guaranteeing food security.

The system practised is slash-and-burn, whereby an area of forest is cleared for planting, and the resulting biomass gathered together and burnt. The tools used in this work are the machete, the hoe and the axe.

They grow cassava, bananas, taro, yam, maize, groundnut, palm oil, coffee, and fruit trees such as mango and mandarin.
In some areas, such as Moale and Motomato, you find primarily mixed cropping of cassava, maize, yam, banana, taro and groundnut. In other areas, such as Bakota, the people grow only cassava. The indigenous peoples of Yatimbo seem to prefer to grow bananas whilst at Bogani-PK6 they grow bananas, taro, maize and cassava as well as coffee, palm oil and fruit trees.

Livestock rearing is relatively little practised amongst the indigenous peoples of the CAR's forests. Apart from the indigenous peoples of Bokani-PK6, who raise goats, pigs, chickens and ducks, the indigenous people in the other villages visited only really raised a few chickens. The reason given in Bokani-PK6 was that they had "received basic training at the home of former president David Dacko".

Some indigenous peoples said that they had set up groups to encourage further agricultural activities. In Bokani-PK6, they said that this work "went well when only indigenous peoples were involved".

At Mondimba, men complained of the quality of the agricultural tools they owned. The situation was the same in nearly all of the areas visited, however. In fact, most of the tools were often very old and had previously been over-used by the Bantu. The machetes generally had no handles and a broken end. Everywhere the teams went, people always asked for agricultural tools.

TRADE AND INCOME SHARING

The products of hunting, fishing, gathering, agriculture and livestock rearing are used first and foremost to satisfy the community's basic needs.

Indigenous communities live in extreme cash poverty and only the sale - or barter – of hunted or foraged products enables them to obtain certain foods or manufactured goods such as soap, salt, clothes, kitchen utensils, alcohol and tobacco. The money they make is also often used to pay off their debts to the Bantu.

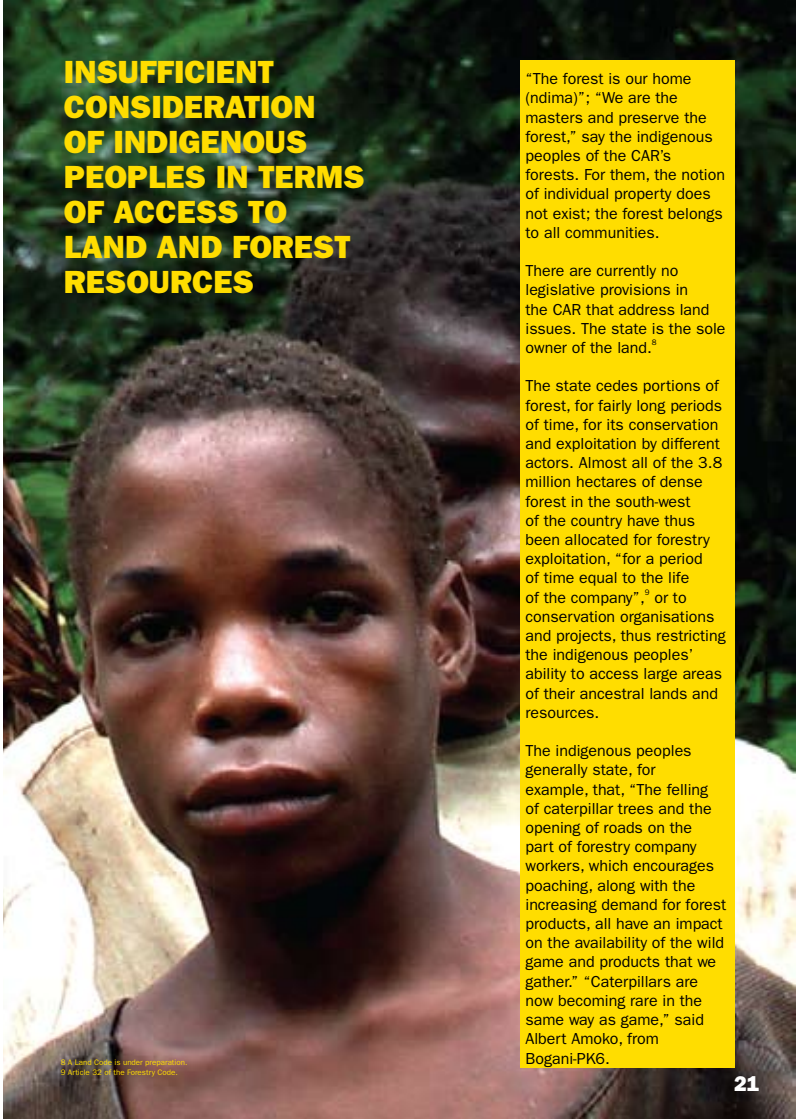
The indigenous peoples of Bogani-PK6 and Route des Manguiers thus sell some of their produce at the Batalimo market, or directly from their encampments to traders coming from Bangui or other urban centres. During the caterpillar season, from July to October, the women from Assiegui say they made 100,000 FCFA.

Apart from the case of Joseph in Abogui camp, near Bilolo, who sells handicraft products, there was no real commercial activity going on in the communities visited.

The indigenous people state that the financial resources obtained are shared by consensus. "Money is shared by agreement between husband and wife," said a man at Motomato, while the women of Bogani-PK6 stated that, "Income sharing is generally by agreement so that the needs of both partners are satisfied".

In other cases, profit sharing is conditional upon the beneficiary actually being involved in the activity. At Ngambo, a woman explained that meat was shared between a couple "when the man and woman have exerted the same effort in the work". At Bakota, a woman indicated that the sharing of financial resources took place in the case of "joint work" but that in the case of "individual services", income was not shared.

INSUFFICIENT CONSIDERATION OF INDIGENOUS PEOPLES IN TERMS OF ACCESS TO LAND AND FOREST RESOURCES



"The forest is our home (ndima)"; "We are the masters and preserve the forest," say the indigenous peoples of the CAR's forests. For them, the notion of individual property does not exist; the forest belongs to all communities.

There are currently no legislative provisions in the CAR that address land issues. The state is the sole owner of the land.[8]

The state cedes portions of forest, for fairly long periods of time, for its conservation and exploitation by different actors. Almost all of the 3.8 million hectares of dense forest in the south-west of the country have thus been allocated for forestry exploitation, "for a period of time equal to the life of the company",[9] or to conservation organisations and projects, thus restricting the indigenous peoples' ability to access large areas of their ancestral lands and resources.

The indigenous peoples generally state, for example, that, "The felling of caterpillar trees and the opening of roads on the part of forestry company workers, which encourages poaching, along with the increasing demand for forest products, all have an impact on the availability of the wild game and products that we gather." "Caterpillars are now becoming rare in the same way as game," said Albert Amoko, from Bogani-PK6.

8 A Land Code is under preparation.
9 Article 22 of the Forestry Code.

“BEFORE WE ONLY HAD TO WALK SHORT DISTANCES TO LAY OUR NETS. NOW WE HAVE TO WALK FOR HOURS”

At Moloukou in August 2008, the indigenous people showed the team a young defoliated sapelli from which caterpillars were falling before maturity, having been unable to find enough leaves for their full development due to tree felling.

At Bayanga, the indigenous peoples of Mossapoula, living 1 km from the Dsangha-Sangha National Park, stated that they were experiencing difficulties in obtaining supplies of wild meat.

In the context of customary law, which continues to play an important role, the lands on which the indigenous peoples live are often the fallow lands of the Bantu, which causes conflict because fallow land belongs to the person who cleared it (“right of the axe”). On the basis of this customary law, a Gbaka from Moloukou threatened to chase out the indigenous encampment settled on his fallow land “if they continue to steal my cassava and don’t wash”. During a visit to Bakota, the head of the Bakota group stated that the indigenous people were within their rights to decide to establish La Liberté encampment at its current location.

In the context of these customary rights, the indigenous peoples have recognised rights of use that enable them to exploit forest products “freely, for their subsistence”,[10] under the terms established by law.

The new Forestry Code also recognises that indigenous peoples cannot be evicted from the territories they occupy when protected areas are to be created, except under exceptional circumstances. In this case, “the relocation of indigenous peoples cannot take place without their prior consent and complete knowledge of the facts”.[11] This same Code also provides for the possibility of allocating “community forests”, particularly to indigenous communities.

The notion of prior consent that is introduced by the Forestry Code is innovative, as it goes beyond the principle of consultation stipulated, particularly in regards to “any concession of part of the state’s forestry domain with a view to its industrial exploitation”. In certain cases, although some indigenous peoples questioned said that they had been invited to feedback workshops on socio-economic studies conducted in the context of forest planning, their opinions were not “taken into account”. According to a man from Anam, this is in part due to the information not having reached them when meetings were organised.

10 Article 14 of the Forestry Code.
11 Article 18 of the Forestry Code.

RELATIONS BETWEEN INDIGENOUS PEOPLES AND BANTU: EXPLOITATION, DISCRIMINATION AND VIOLENCE

Article 5 of the Central African Constitution stipulates that, “All human beings are equal before the law regardless of race, ethnic origin, sex, religion, political belief or social position. The law guarantees men and women equal rights in all areas. In the Central African Republic there are no privileges due to place of birth, person or family”.

Article 6 specifically indicates that, “The protection of women and children from violence and insecurity, exploitation and moral, intellectual or physical abandonment is an obligation of the state and other public authorities”.

Exploitation

The Bantu often set themselves up as “masters”, making the indigenous peoples their “slaves” and compelling them to do unpaid chores (in their fields, hunting etc.) or to work for paltry amounts.

“Fleeing to escape slavery, ill-treatment and injustice” is often given as a reason for moving camp. The Bakota camp at La Liberté was thus created in 2003 to “escape Bagandou because of enforced chores carrying wild game and bad treatment”. At Moale, a man stated that they had settled in this area to “escape the hard labour in the Bagandou palm plantations”.

This “work” includes work in the fields, hunting, portering, providing building materials etc. For these tasks, which are generally very hard and tedious, they are paid a pittance, if anything at all. For example, some indigenous people say they are paid between 500 and 1,000 FCFA for a hunting trip “during which we have to do everything, in other words hunt, smoke the meat and carry it back to the village,” explains a man from Moale.

In some of the areas visited, such as at Mambele where a logging company has attracted thousands of new inhabitants, indigenous people say “they are permanently exploited by the Bantu to go and hunt.” At Lokombe, a team from the local logging company stated that they had sold cured meat to women traders, that they had either hunted themselves or had indigenous people hunt for them. As hunting with guns is practised day and night, it can lead to fatal accidents, as was reported to the field teams on several occasions. And the indigenous people benefit little from the proceeds of their hunting, as they often do not have the right “unless the boss is kind, to anything but the heads and guts of the animals killed,” said a man from Mambele.

At Gouga, according to the indigenous people, most of the water courses used for fishing by the drainage method “belong to members of Mondjombo communities” who get the indigenous people to fish for them and give them an often insignificant share in return.

This “use of their time” by the Bantu was often presented as a reason limiting the BaAka’s



ability to devote more time to their fields. At Motomato, the indigenous people stated that, "we spend most of our time working in the fields of the Bessé, who are the Ngbaka and Mbati". The women of Mondimba indicated that they were "focused on working in the Bantu fields". An indigenous woman from Moale claimed "to work all week for the Bantu and have no time to work in my own fields," adding that, "in the meantime, our children starve to death". This is why "our men only cultivate small plots and never finish the fields they start," states another woman from the area.

Some reports indicated, as in the case of La Liberté camp at Bakota, that most of the chickens reared by the indigenous peoples actually belong to Bantu, who bring them for them to look after and, "once they have reproduced several times they receive one or two chickens in payment".

At Moale, for a grass skirt worth 2,500 FCFA in the Bangui shops, a woman undertook to carry meat for 30 days. During this time, she lost her baby and other women lost their unborn children.

At Moale, it was stated that the Bantu get indigenous peoples to maintain their fields for payment of a few FCFA for a whole day's work (100 to 150 FCFA), while indigenous peoples from Gouga say they receive 50 to 100 FCFA for the same day's work.

Everywhere, indigenous peoples denounce "pressure from Bantu traders", which is such that "to gather a few bundles of koko leaves these days, you have to fell trees or climb them" indicated a man from Moloukou. For caterpillars and mushrooms, villagers stated that the buyers even follow the indigenous peoples to the gathering places to "snatch much of their stock at an extremely low price" before selling it on in urban areas.

During a survey in the PK6 camp, at Batalimo, a Bangui trader was going from house to house distributing second-hand clothes and imposing "an order book" on the people, establishing the quantity, price and quality of forest products required.

During periods when the indigenous peoples are living near the Bantu villages, they say they have to "work hard or fall into debt to buy salt or cassava" of insufficient quantity even for one meal for the whole family, according to a man from Bakota.

Children are also affected by these different forms of exploitation. According to a schoolteacher from Bakota, the "kakoyeurs" (hunters who often travel on foot carrying rattan bags called kako) and koko leaf traders exert such pressure on the children from La Liberté camp that they have virtually no time to devote to their studies. This teacher recounted that this year, out of 19 enrolled, 11 had already dropped out and would clearly not complete the school year.

DISCRIM INATION

Discrimination

When remunerating work, there is one price for the indigenous peoples and another, generally much higher one, for the Bantu. At Bakota, an indigenous person stated that he had worked 10 hours a day for a Bantu for 200 FCFA, instead of the 500 to 1000 FCFA that would seem to be the scale applied to Bantu agricultural workers.

On this subject, the mayor of Batalimo states that, until recently, Bantu who worked in the fields of other Bantu were paid 500 FCFA per day while indigenous people received only half this sum or less for identical work.

Whether selling or bartering, the terms of trade are largely unfavourable to the indigenous peoples as they are set by the Bantu purchaser.

At Yatimbo, for example, the indigenous people state that the Bantu only pay half or a third of the price that they quote.

At Mouloukou, people indicated that the products they obtain from hunting and gathering are sold as a job lot or in unconventional measurements. A "banco", or bowl, of dried caterpillars is thus worth 4,000 FCFA, a packet of koko (the diameter of your arm) 50 FCFA, a full plate (20cm) of shrimps 2,500 FCFA, a full plate of snails (20cm) 500 FCFA, a 15cm piece of yam 150 FCFA. On the urban market, these products sometimes sell for five times as much. For example, a banco of shrimps sells in Berberati for 15,000 FCFA, and a banco of caterpillars can fetch up to 10,000 FCFA in Bangui.

Indigenous peoples from Yatimbo who "mixed with the Bantu to work the fields together" experienced only disappointment, because the Bantu showed no solidarity with them but instead, were more interested in exploiting the indigenous peoples' collective labour.

At all the sites visited, Bantu marry indigenous women without marriage ceremonies, dowries or presents. For example, Bantus from Assiegui have married five indigenous girls and, contrary to custom, no dowry was ever paid to the family, creating conflict between the two communities. It is, however, dangerous for an indigenous man to marry a Bantu girl.

This discrimination is also found in many other places (schools, health centres, work, when exercising their civil rights etc.). These will be considered further on in this report.

Violence

The permanent subjection to which indigenous peoples are victim is underpinned by serious verbal and physical violence. Cases of murders have even been noted.

At Bilolo, statements bear witness to the fact that the indigenous BaNgombe from Bikoula came from Cameroon in 1982 "to escape the most dreadful violence". The indigenous people of Bokani-PK6 "fled their Ngbaka neighbours and masters, who were mistreating them and constantly accusing them of stealing from their fields".

Numerous people indicated that the Bantu tend to give an advance, often paltry, for an indigenous person to carry out a task that they are unable to complete under the required conditions. That person may then be "seized, beaten, and dragged along the ground" before being brought before the chief who "demands reimbursement of the advance at a substantially inflated amount".

In Lobaye, insults are so common that the indigenous people have become accustomed to them. The Bantu often complain of "their characteristic smell", making them sit apart in Bilolo church, for example.

There are reports of violence on the part of soldiers on detachment in Gouga, who pursue and beat indigenous individuals for trivial incidents such as debts of 50 or 100 FCFA, to which they apply unjustified fines as high as 2,000 FCFA. The payment of fines may be commuted to forced labour, and has been carried out in a general atmosphere of passivity on the part of the indigenous peoples affected.

At Yatimbo, an indigenous boy who dared to fall in love with a Bantu girl was beaten and humiliated.

At Modigui, in Sangha Mbaéré, in September 2008, a Bantu woman killed an indigenous person, crushing his testicles and throat, on the pretext that he had not delivered an order for koko, worth 250 FCFA, in due time.

An official of the Lobaye judicial authority highlighted the case of Jean Mosset, an indigenous person who died after being beaten up by a crowd in April 2008, at Bouchia, for having entered a plantation and stolen a bunch of bananas.

At Mbata, an indigenous person was beaten to death in the marketplace after someone shouted "Pygmy thief".

CIVIL AND POLITICAL RIGHTS

Weak representation

Ruling No. 88/006 of 12 February 1988 on the organisation of regional government and administrative districts stipulates in its first article that, “The rural village shall be formed of a group of families having achieved amongst them a community of interest for ethnic, economic, historical or religious reasons”.

Legal and administrative recognition is generally only granted to a small number of indigenous encampments.

Public representation remains highly insecure but is increasing. Since 2004, indigenous encampments have been legally recognised by the administration and elections have taken place to elect their chiefs.

This relates particularly to the following villages: Assiégui, Chief Albert Ndouloungou; Gouma, Chief Antoine Poke; Bakota, Chief Etienne Libia; and Anam, Chief Gaston Fio.

The village chiefs have received training and are supported by a village council.

Article 3 of the above mentioned ruling stipulates that, “The village shall be governed by a village chief elected for 10 years by the whole village under the conditions established in this ruling (...) The village chief shall report directly to the mayor of the commune”.

Since most of the indigenous camps are legally and administratively dependent on a neighbouring Bantu village, any direct representation, or capacity to be involved and defend their own rights, is thus denied.

In some encampments, the supervisory authorities have established chiefs who were selected in advance by their fellow citizens, excluding the desires of the indigenous populations.

This relates to the following villages: PK-6 in Batalimo, Pierre Evanto; Route des Manguiers, Dieudonné Ambokoyade; Sakoungou, Dandra Mosseti; and Ngomokondji, Pierre Wangbo.

In Yatimbo, however, Joseph Maliavo was chosen by his community and is awaiting his official investiture.

Despite this practice, these chiefs are not respected as having positions of authority as outlined in the law, as they are not formalised appointments. In addition, these chiefs often do not have a good knowledge of their powers or mandate and their authority is often ignored and even flouted by the Bantu.

Difficulty in expressing their rights

Article 101 of the Family Code stipulates that, “The civil status of individuals is not established and can only be proven through certificates issued by the civil registry office”.

These certificates, birth certificates and other registration documents, are proof of legal status and of belonging to the nation, by virtue of which one enjoys all one’s ensuing rights. For example, it is only on presentation of a birth certificate that one can obtain a national identity card.

Article 134 of the Central African Family Code indicates that a declaration of birth must be made within the month following that birth. To do this, the health department must forward the information to the registry office in due time.

The indigenous people that the teams met stated that they did declare their newborn children to the health services and to the civil registry office. For example, Joseph Hotto from Gouga highlighted the importance of obtaining birth certificates for his children, which he does with the help of the local midwife.

It was noted on several occasions that the NGO COOPI had provided several registry office records to primary and secondary town halls in Lobaye with the aim of getting free birth certificates issued to indigenous peoples. It has also trained promoters who go to the encampments to record births in association with the indigenous chiefs, who guarantee and validate this process with the parents. The sheets thus validated are then sent to the town halls to produce birth certificates. Many indigenous peoples have been issued birth certificates for their children, although it was noted that, in various areas of Lobaye, the town halls demand fees of 1,000 FCFA.

There are numerous problems hindering the issuing of these certificates in certain communes, including the distance to reach the encampments, the absence of health departments responsible for recording births, the absence of civil registry offices within the town halls, the fees demanded, and the remoteness of secondary civil registry offices.

In Batalimo commune, birth certificates have not been issued for over a year now, not even for hospital births, meaning that the statistics are unknown.

At Yatimbo, no indigenous person has a birth certificate.

In the CAR, all citizens enjoying civil and political rights have a duty to vote. The 2003 General Census of Population and Housing and the 2004 Electoral Census reached nearly all of the indigenous encampments.



The encampments were thus attached to administrative districts and recognised as registered constituencies so that they could host an electoral office.

The local authorities and indigenous chiefs have confirmed that they have conducted census operations.

During the visits, voting cards were noted in the hands of those concerned. The indigenous peoples say they keep these voting cards in their possession instead of national identity cards because the issuing of these “has not yet reached them”.

Indigenous peoples acknowledged taking part in the 2005 general elections,however, none of them stood as a candidate. Nor did they stand for election as chief in the villages in which they were registered, due to lack of the required documents (particularly a declaration of candidacy, a birth certificate and a certificate of nationality) or their inability to obtain these.

During an interview with the village dignitaries in Yatimbo, on 28 November 2008, at the chief’s house, certain dignitaries stated their hostility to any indigenous candidacy for the post of village chief, this opinion being largely shared throughout Lobaye.

One case is worth noting, however: that of Jean-Pierre Takamamene, an indigenous person who is a member of the Gbomboro (Bantu) village council and also general treasurer of the school parents association in the area.

ACCESS TO JUSTICE

"No-one may be arbitrarily arrested or detained. All detainees are presumed innocent until proven guilty following a process that offers essential guarantees for their defence. The legal deadlines for detention must be observed. People may only be sentenced by virtue of a law that was in force prior to the act committed. The right of defence shall be freely exercised before all of the Republic's jurisdictions and administrations".[12]

Access to legal services

Legal services (courts and tribunals) are only established in the capitals of prefectures.

In the smaller units of administrative districts and local authorities, justice is provided by legal representatives such as the police or village chiefs. Article 12 of Ruling No. 88/006 dated 12 February 1988 states the following: "In terms of civil and commercial justice, (the chief) is invested with the power of reconciling the parties. When taking office, he is required to swear an oath before the judge of the local court in the presence of the village council".

Cases between indigenous peoples, for example, failure to honour a commitment, marital conflict, or conflict related to income sharing etc., are heard by the customary indigenous chief in all confidence. This system of justice is reconciliatory, its aim being to bring the two parties to a friendly resolution through wise counsel. The resolution of family conflicts also almost always ends in a reconciliation prayer known as the Mondjonga, at which all members of the family or clan come together around the eldest to repent of the wrongdoings they have caused between them and to demand forgiveness.

In contrast, in cases of serious crimes between indigenous peoples, Pierre Evanto, PK6 village chief at Batalimo says that the case is taken before the relevant authorities. For example, the Mayor of Batalimo, Mr Justin Atela, noted that Pierre Evanto had arrested and brought before him three young indigenous men in September 2008. Like most of those questioned, the Maliavo chief also acknowledged referring situations outside his competence, such as repeat offences, to the Yatimbo village chief.

Indigenous understanding of their rights and legal procedures is often limited.

As chief of the Route des Manguiers encampment, Pierre Evanto is now assisted by village members Pierre Ndayen and Helene Kabousazo, trained by the NGO COOPI which supports them with regard to legal issues.

Discrimination

More often than not, according to Bantu villagers, conflicts between Bantus and indigenous peoples arise because of "a failure on the part of the Pygmies to fulfil their obligations".

The Bantu generally refer the issue to the supervisory authority, namely the village chief (Bantu) who, according to our information, tends to issue a guilty verdict against the indigenous person, even in cases where the situation has no legal basis.

When it is an indigenous person that refers the case to the authorities, it is quite common for matters to be hushed up, as noted by testimonies received at Assiegui, Mbata, Bilolo and Mongoumba.

In this regard, the history of Bokondjo camp is worth recounting. The members of Bokondjo camp left Bagandou three years ago. One villager mentioned a particular altercation following a hunting party during which, "a Bantu broke one of his brother's teeth". He then sold his hunting nets for 2,000 FCFA so that he could lodge a formal complaint but "the village chief just wanted to defend the Bantu". He gave up on the case, leaving Bagandou on his own before being joined by other members of his group.

Faced with such practices, the indigenous people of Yatimbo no longer refer cases to the village chief, not even cases of physical abuse. The pastor of the Fraternal Union of Baptist Churches (USEB) emphasised that indigenous people no longer wanted to defer to the chief and wanted to leave their encampment.

Deception and exploitation

In some areas, soldiers detached to the area fill in for the judicial authorities.

In Gouga, many indigenous people have taken cases of conflict with Bantu to the military unit based on the border with the Republic of Congo. The soldiers often rule in favour of the indigenous people so that they can demand heavy fines from the Bantu.

During September 2008, an indigenous man from Gouga was beaten up by a Congolese citizen over a 50 FCFA debt, causing serious injury. The indigenous man claimed 100,000 FCFA damages from the police, who ruled that the guilty party had to pay 50,000 FCFA. This amount was paid but never handed over to the victim.

12 Article 3 of the Constitution.





RIGHT TO HEALTHCARE

The Constitution of the CAR stipulates that, "The state and other public authorities have a joint duty to ensure the physical and moral health of the family",[13] and that public health and hygiene[14] fall within the scope of the law.

According to the 3rd General Census of Population and Housing (2003), life expectancy amongst the indigenous peoples of the CAR's forests is scarcely 39 years, as opposed to 44 years for the Central African population as a whole.

On the ground, apart from some health campaigns (vaccination campaigns, distribution of impregnated mosquito nets) which all of the indigenous communities contacted stated they had benefited from, their access to health services and healthcare remains highly insecure, increasing the vulnerability of these peoples even more.

Spread of disease

Numerous cases of disease, some of which had virtually disappeared from the country, were observed in indigenous villages: cases of conjunctivitis, yaws, thrush and malnutrition (swollen stomachs of children).

During discussions with the indigenous communities, many of them said that they regularly suffer from headaches, diarrhoea, intestinal problems, respiratory difficulties and toothache.

The team that visited Bilolo noted a case of polio in an indigenous child of between eight and nine years in Anam, and one case of a person suffering from AIDS. The people also said that they suffer from frequent outbreaks of malaria, given that most of them sleep without mosquito nets.

Absence or remoteness of health structures

The different field teams noted that, apart from a small health post on the missionary site at Jericho, 3 km from Bobele village, there were no health structures established within the indigenous communities visited.



13 Article 6 of the Constitution.
14 Article 61 of the Constitution.

Area visited	Nearest health structure	Approximate distance
Jericho missionary site	Jericho health post	0km
La Liberté	Bakota health post	3km
Bokondjo	Bakota health post	3km
Mondimba	Bakota health post	5km
Ngambo	Bakota health post	6km
Moale	Bakota health post	35km
Yatimbo	Yombo health post	More than 10km
Route Manguier	Batalimo health post	9km
Bogani-PK6	Batalimo health post	6km
Motomato	Mbata health post	10km
Mossokpo	Mongoumba health post	More than 6km

Consequently, most indigenous peoples treat themselves using medicinal plants or by buying sometimes dubious pharmaceutical products from itinerant traders commonly known as Boubanguere. At Yatimbo, a village with no health facilities, a resourceful young Bantu has opened up a small store from which he sells medicines to the population and also offers his services for injections in return for a certain sum of money.

Women do not generally receive any pre-or post-natal care and give birth at home, with all the ensuing risks this involves. “A woman may not appear naked before any man other than her husband,” explains an inhabitant of Bakota, adding that they were not “treated like the Bantu” when they went to a health centre.

Indigenous access to the rare health structures existing in their more or less immediate environment is, in fact, often difficult because they feel “marginalised”, as stated by the inhabitants of La Liberté encampment, who consider that they “are not treated the same way as other Bantu patients at the Bakota health centre”, the Bantu often getting priority access to care.

Cost of medical services

Another factor that makes the health situation of indigenous peoples vulnerable is the cost of medical services. Indigenous people from La Liberté encampment deplored “the high cost of services at the Bakota health centre”, while those in Mondimba justified their preference for traditional medicine by their lack of financial resources. Access to health services at Bilolo and Ziendi is difficult for the indigenous peoples because they have to pay, “even for vaccinations and births”.

Lack of information and inappropriateness of vaccination campaigns

Although the indigenous people seem to benefit from vaccination campaigns (research teams in the field did, moreover, attend a state vaccination campaign and mosquito net distribution in Lobaye prefecture), some, for example at Mondimba, lament the fact that “when we are informed of the vaccination campaign, we get there too late, or the vaccines are no longer available”. At Bakota, vaccination campaigns do not seem to take account of the indigenous calendar. “A campaign that falls within a period of abundance of certain products such as caterpillars or honey will have very little chance of finding people in the village or at an accessible encampment,” says a man, adding that the “programme should reach beyond accessible encampments and villages”, in other words target small hunting, fishing or foraging encampments.

Difficulties in accessing drinking water and a healthy environment

The percentage of people with access to clean drinking water in the CAR is 26%. Amongst indigenous peoples this percentage can be considered virtually nil.

The water consumed by indigenous peoples comes generally from sources, backwaters or rivers.

Of all the areas visited, only one had a pump. This was Ziendi near Bilolo, where the health post has dug a borehole. According to reports, access to this drinking water is, however, limited for the indigenous BaNgombe, as it is a paying service. These people generally have to be satisfied with untreated water.

At Bogani, for example, there is only one stagnant water point providing people with water for drinking, washing, and washing clothes and cooking utensils. Members of Mondimba and Moale encampments are forced to travel to a water source 3 km away.

There is no borehole at Yatimbo but a dozen or so shallow wells which are neither covered nor treated and which, by the look of them, give no guarantee as to the quality of the water they contain. The indigenous peoples generally draw from the oldest of these, which are found quite close to their encampment. Before they had their own bucket, they had great difficulty in fetching water because their Ngbaka neighbours refused to lend them theirs.

Indigenous villages established almost permanently near Bantu villages also have few, if any, latrines.





RIGHT TO EDUCATION

Article 7 of the Central African Constitution indicates that, “The state guarantees children and adults access to education, culture and professional training. The state and other public authorities have an obligation to create and ensure the good functioning of state institutions for the education and instruction of young people. Education is free in state establishments at the different levels of education.” Article 6 states that, “The state and other public authorities have a duty to create the prior conditions and state institutions necessary to guarantee children’s education”.

According to the United Nations Development Programme’s Human Development Report 2007/2008, the literacy rate amongst adults in the CAR is 48.6%. Statistics from the 2003 General Population Census in the CAR[15] gives a rate of illiteracy amongst the indigenous population of 95.4%.

Low school enrolment amongst indigenous youth

Young indigenous people are generally educated in their traditional practices by adult members of the family or clan. In addition, they are trained during initiation rites such as the Edzengi, which teaches respect for elders and for tradition, discretion and the ability to keep a secret.

State schools show a very low level of attendance on the part of indigenous youth. Those at Yombo and Yatimbo, for example, have no indigenous pupils. Other schools, such as at Bakota, Moloukou, Batalimo 1 and Motomato, have few indigenous pupils, despite large enrolment numbers in general.

The churches have established schools that take in a large number of indigenous youth (such as the missionary school at Jericho, 3 km from Bobele village) and some that are exclusively reserved for such children (the Central African Associated Catholic School at Route des Manguiers).

15Summary of results from the General Population Census, Planning Ministry, December 2003.

School name	*Total pupils*	*Number of indigenous pupils*
Yombo mixed school	467	0
Yatimbo mixed school	227	0
Bakota mixed school	352	19
Moloukou mixed school	304	21
Batalimo mixed school	723	7
Bilolo mixed school	70	6
Jericho mixed school	118	102
Central African Associated Catholic School at Route des Manguiers	105	105



"WE SENT OUR CHILDREN TO SCHOOL BUT THEY DIDN'T LIKE IT SO THEY DIDN'T GO BACK"

Distance from schools

Very often, the schools are very far from the indigenous encampments. For example, some children in the community of Bokondjo say that they do not go to school because of their distance and because they "prefer to go hunting". At Bilolo, children from Mano are 15 km from Bilolo School and 20 km from Satouba School (Salo).

Costs of school enrolment

School fees (generally 500 FCFA parental contribution, 250 FCFA insurance per child, and 100 FCFA contribution per child toward parent teacher costs) pose a great challenge that indigenous parents have difficulty covering given the level of their incomes. At Mossokpo, the low level of school attendance amongst indigenous children is also partly due to an inability to buy school supplies.

Discrimination

Discrimination of indigenous children at state schools was often noted. At Bakota, a woman stated that "our children are discriminated against", while at Motomato indigenous people stated that "our children are frustrated by the ridicule they receive from Bessé children". This idea was also put forward at Yatimbo where inhabitants spoke of "threats from Ngbaka children". At Motomato, for similar reasons, four girls out of eight children enrolled in school (girls and boys) dropped out of school early.

Inappropriateness of school timetables and programmes

The school year seems little adapted to the indigenous way of life. Periods of high hunting and gathering activity lead to indigenous children dropping out of class as many of them leave for the forest to seek food.

Mr. Mokobe of Bakota School thus noted that children dropped out of school at the same time and always around the same periods. This kind of behaviour is particularly observed during periods of certain seasonal activities such as drainage fishing or hunting with nets.

Chief Pierre Gbiya Ipole from Moloukou 3 noted in an interview that awareness raising campaigns aimed at parents at the beginning of each school year never reached as far as the Ngombo and Mon camps, considering that "it would be a waste of time because the Pygmies are always on the move and have no money to pay the school fees".

RIGHT TO EMPLOYMENT

Article 9 of the Constitution stipulates that, "The Republic guarantees each citizen the right to work, to a healthy environment, to rest and leisure time out of respect for the requirements of national development. It guarantees conditions favourable to self-fulfilment through an efficient employment policy. All citizens are equal in employment. No-one may be unfavourably treated at work or in their job by virtue of their origin, their sex, their opinions or their beliefs".

There is little information on employment amongst indigenous populations but, apart from some opportunities offered by logging companies, they remain highly informal and very insecure.

Lack of access to salaried employment

Only a handful of individuals in the areas visited were in salaried employment.

In general terms, difficulties in accessing salaried work were deplored in all the areas visited.

Where it does exist, employment is virtually always limited to working for logging companies. Only two cases of salaried workers were identified, one was relating to Joseph Bengayo from Bogani-PK6, who has been employed as a prospector for the IFB logging company for 13 years, the other an employee of the Thanry logging company. Joseph Bengayo also stated that the IFB had registered him with the Central African Social Security Office (OCSS), this being the only case identified by the field teams of an indigenous worker obtaining social protection.

In the village of Mossokpo, it was noted that the hospital had trained an indigenous midwife although her situation seemed unclear from the point of view of formal employment.

Discrimination

At Bakota, members of the indigenous community stated that they had no opportunity of accessing jobs. They also admitted that they did not look for work because of the "risk of discrimination". Two of them, recruited by the IFB logging company, resigned because their monthly salaries were half that of their Bantu colleagues, the money due them allegedly embezzled by those responsible for paying them.

At Moale, two indigenous people explained that, "In 2002 some of us went to look for work with the forestry company and were hired. But we were earning between 8,000 and 9,000 FCFA while another worker, non-indigenous and with similar responsibilities, was paid up to 40,000 FCFA". They left the company that same year.

Different forms of labour exploitation

A certain number of indigenous people say that they work for logging companies temporarily and without contracts as "tree spotters", identifying appropriate trees for exploitation. The amount paid depends on the species found: 50 FCFA for a white wood, 500 FCFA for a redwood, 1000 FCFA for an aniegre.

Those surveyed indicated that representatives from the IFB logging company "turn up" in indigenous villages with their lorries and "take at random" a certain number of them to work in the forest without a contract and without any real prior agreement. The indigenous peoples may be asked to stop work at any time, without any explanation and without pay.

Several cases of embezzlement were reported during the field studies.

Two indigenous men from Gouga village, in Mongoumba commune, for example, stated that they were thanked for identifying and pointing out several dozen trees but were never paid.

A tree spotter who identified more than 50 trees for IFB explains that he was verbally dismissed by his boss, who "embezzled the 72,000 FCFA" that was due to him.

Another indigenous person who identified 55 trees for IFB, valued at 55,000 FCFA, was not paid, the amount being considered "very large for a Pygmy".

At Yatimbo, two indigenous people stated they had worked as prospectors for the IFB logging company on monthly salaries of 20,000 FCFA but their Ngbaka supervisors had paid them only 10,000 FCFA and kept the other half for themselves.

It was frequently noted that jobseekers are asked for payment in kind, for example large numbers of chickens or quantities of honey, before they can be recruited. This situation also affects Bantu jobseekers who are even asked for baby goats. This practice also exists when workers go back to work after a technical stoppage.

It was also noted that, before being hired, some jobseekers are asked to hand over a proportion of the salary they are going to earn to their recruiter.

RECOMMENDATIONS

In the light of this report, the Central African NGOs note that the rights of the indigenous populations of the CAR's forests are regularly being flouted and insufficiently promoted and they therefore call on:

The Central African state (government and MPs):

To speed up the process of formulating and adopting the draft law on the promotion and protection of the indigenous peoples of the Central African Republic;

To fully involve the indigenous peoples in the state's development policies.

The international donors and organisations:

To support national institutions and civil society in their actions on behalf of the indigenous peoples;

To encourage the Central African Republic to respect its national and international commitments to indigenous peoples.

International NGOs:

To help local and national civil society organisations to intervene on behalf of the Central African Republic's indigenous peoples, particularly by strengthening their financial, technical and institutional capacities;

To develop advocacy approaches aimed at promoting the rights of the indigenous peoples of the Central African Republic.

Civil society:

To promote all forms of action in favour of the indigenous peoples of the Central African Republic.



THE RAINFOREST FOUNDATION UK
IMPERIAL WORKS 2ND FLOOR
PERREN STREET LONDON NW5 3ED
UNITED KINGDOM

T +44 (0)20 7485 0193
F +44 (0)20 7485 0315
www.rainforestfoundationuk.org
info@rainforestuk.com

Registered charity no. 801436
Printed on 100% recycled paper