
Central African Republic ratified ILO Convention 169

Last April, the Central African Republic ratified ILO's Convention on Indigenous and Tribal Peoples thus becoming the first African country to ratify this convention.

ILO Convention No. 169, adopted in 1989, is a legally binding instrument that attaches specific obligations to governments. Together with the UN declaration on indigenous peoples, it is the main international human rights instrument to deal specifically with the rights of indigenous peoples, and provides wide ranging protection for the rights of indigenous peoples. This convention is based on recognising cultural and ethnic diversity and emphasises principles of consultation and self-government.

In CAR, the ratification of the Convention commits the government to a systematic action to protect the rights of the hunter-gatherer peoples of the tropical rainforests and the nomadic herdsman Mbororo and to guarantee respect for their integrity as well as establish appropriate and effective mechanisms that enable their consultation and participation regarding matters that concern them.

The indigenous hunter-gatherer peoples of the tropical rainforests, commonly known as "Pygmies" live a seminomadic life in the heart of the forest, inextricably linked to it, covering the 3.8 million hectares of dense forest in the south-west of the CAR (Ombella-M'Poko, Lobaye, Sangha-Mbaéré and Mambere-Kadei).

A thorough field work produced by The Rainforest Foundation UK (1) depicts their life as hunters and their agricultural and livestock rearing activities that provide them food. They hunt with nets, spears, bows and arrows, or through smoking out holes. They practise slash-and-burn - whereby an area of forest is cleared for planting, and the resulting biomass gathered together and burnt - where they grow cassava, bananas, taro, yam, maize, groundnut, palm oil, coffee, and fruit trees such as mango and mandarin.

"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.

However, almost all of the 3.8 million hectares of dense forest in the south-west of the country legally belong to the state, which is the sole owner of the land. The state cedes portions of forest and it has allocated them for forestry exploitation, "for a period of time equal to the life of the company", 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."

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").

For the indigenous people of CAR who have been long suffering marginalisation from Central African society, the ratification of the ILO Convention 169 may well be a platform from where they can claim the 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.

Article based on "The Situation Of The Forest Peoples Of The Central African Republic", January 2009, The Rainforest Foundation UK, <http://www.rainforestfoundationuk.org/files/The%20Situation%20of%20Forest%20Peoples%20of%20CAR.pdf>; and "ILO Convention No. 169 ratified by the Central African Republic", The Rainforest Foundation UK, http://www.rainforestfoundationuk.org/CAR_ILO_Convention