

Country Technical Note
on Indigenous Peoples' Issues

Congo

Country Technical Notes on Indigenous Peoples' Issues

THE REPUBLIC OF CONGO

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Acronyms and Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ADIE	International Agency for the Development of Environmental Information
ADHUC	Association pour les Droits de l'Homme et l'Univers Carcéral
AFRISTAT	Economic and statistic Observatory for sub-Saharan Africa
AU	African Union
AWF	African Wildlife Fund
BDEAC	Banque de Développement des Etats de l'Afrique Centrale/Central African States Development Bank (CASDB)
CACO-REDD	Cadre de Concertation des Organisations de la Société Civile Congolaise et des Peuples Autochtones sur la REDD+/Consultation Framework for Congolese Civil Society and Indigenous Peoples Organisations
CAPP	Central African Power Pool
CAS	Country Assistance Strategy (WB)
CBFP	Congo Basin Forest Partnership
CEEAC	Communauté Economique des Etats d'Afrique Centrale/Economic Community for Central African States
CEFDHAC	Conférence sur les écosystèmes forestiers denses et humides d'Afrique centrale/ Conference on Central African of Moist Forests Ecosystems
CEMAC	Communauté Economique et Monétaire de l'Afrique Centrale/Central African Economic and Monetary Community
CNSEE	Centre National de la Statistique et des Etudes Economique du Congo
COMIFAC	Commission des Forêts d'Afrique Centrale/Commission of Central African Forests
COSOP	Country Strategic Opportunities Paper (IFAD)
DSCERP	Document de stratégie pour la croissance, l'emploi et la réduction de la pauvreté
FAD	Fonds africain de développement
FAO	Food and Agricultural Organization
FCFA	Franc Communauté Financière Africaine
FCPF	Forest Carbon Partnership Facility
FIPAC	Forum International des Populations Autochtones d'Afrique Centrale.
FLEGT	Forest Law initiative, Governance and Trade
GDP	Gross Domestic Product
GEF	Global Environmental Fund
GNI	Gross National Income
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
HRC	Human Rights Council
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IHDI	Inequality adjusted human development index
ILO	International Labor Organization
IMF	International Monetary Fund
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Plan Framework
IWGIA	International Work Group for Indigenous Affairs
NGO	Non-Governmental Organization
OCDH	Observatoire Congolais des Droits de l'Homme/Congolese Observatory on Human Rights
OCHA	Office for the Coordination of Humanitarian Affairs

ODA	Official Development Assistance
OFAC	Observatoire des Forêts d'Afrique Centrale
OHADA	Organization for Harmonization of Business Law in Africa
OHCHR	The Office of the High Commissioner for Human Rights
OFAC	Observatory for the Forests of Central Africa
OP	Operational Policy
OPEC	Organization of the Petroleum Exporting Countries
ORA	Observer, Réfléchir et Agir/Observe, Think, Act
PADEF	Agricultural Value Chains Development Programme/Programme d'appui au développement des filières agricoles
PRECO	Président de Comité/President of Village Committee
PRODER	Projet de développement rural
RAPAC	Réseau des Aires Protégées d'Afrique Centrale/Protected Areas Network in Central Africa
RC	Republic of Congo
REDD	Reducing Emissions from Deforestation and Forest Degradation
RENAPAC	Réseau National des Peuples Autochtones du Congo
REPALEAC	Réseau des Peuples Autochtones d'Afrique Centrale
RIFFEAC	Réseau des Institutions de Formation Forestière et Environnementale en Afrique Centrale
TRIDOM	Tri-National Dja-Odzala-Minkebe (Project)
UFA	Unité Forestière Aménageable/Manageable Forest Unit
UNCT	United Nations Country Team
UNDAP	UN Development Assistance Programme
UNDP	UN Development Program
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNESCO	UN Educational, Scientific and Cultural organization
UNIC	UN Information Centre
UPR	Universal Periodic Review
VPA	Voluntary Partnership Agreement
WB	World Bank
WBG	World Bank Group
WHO	World Health Organization
WRI	World Resources Institute
WWF	World Wildlife Fund

Country Technical Note on Indigenous Peoples' Issues
The Republic of Congo

Summary

The indigenous population of the Republic of Congo (RC) include the Baka, Mbendjele, Mikaya, Luma, Gyeli, Twa and Babongo peoples. Depending on sources, these peoples represent a small minority of 1.25 to 10 percent of RC's estimated population of 4.4 million, primarily of Bantu origin. Formerly known as "Pygmies", a term they find discriminatory and pejorative, they are now known generically as "autochthonous peoples", as stipulated in the 2011 Law on the Promotion and Protection of the Rights of the Autochthonous Population. This law, the first of its kind in Africa— is based on the concept of "indigenous" as understood internationally and by the African Commission on Human and Peoples' Rights (ACHPR).

The autochthonous are present in most of the country's 12 departments but the largest concentrations are found in the north and northeastern part of the country and in the south. Traditionally, these peoples lived as mobile hunter-gatherers depending entirely on the forest or the savannah and the natural resources therein. Today, only a few groups follow this lifestyle; others have chosen—voluntarily or involuntarily—to become more or less sedentary, settling in fixed hamlets near Bantu villages. However, most remain closely attached to the forest or the savannah, which they consider as the center of their spiritual and intellectual life.

The 2011 law is far from being implemented and the autochthonous peoples continue to suffer from their long and on-going history of discrimination, land dispossession and socio-economic and cultural marginalization. This situation is the result of historical factors as well as more recent developments such as nature conservation initiatives, logging concessions, deforestation, oil exploration, commercial plantations and infrastructural developments. Logging, in particular, and its many subsidiary developments continue to be the most serious threats against the forest-dwelling groups' survival. As for the sedentary communities, their access to agricultural land is generally controlled by the Bantu, and as landless squatters on the edge of Bantu villages, they have few job opportunities and are faced with ill treatment and discrimination by their Bantu neighbors. The indigenous communities have also far less access to health care, sanitation, etc., and school education than other groups. The autochthonous do not participate in public life at the village level and have little access to decision making bodies. Indigenous women are particularly vulnerable as targets of sexual abuse, including rape, and multiple forms of discrimination. Within their own community, they are subjected to early marriages and early pregnancies and when sedentary, the women often suffer from the influence that the Bantu's unequal gender relationships have on their men's behavior. Children are also a vulnerable group, exploited as cheap labor and exposed to the worst forms of child labor. Most abuses suffered by the autochthonous remain in impunity since they have little access to justice and their rights as individuals are not respected.

The sedentarization process has entailed profound changes in their traditional livelihoods, their customs, their diet and their culture. They are in general under strong pressure to renounce their cultural characteristics and they are increasingly adopting the Bantu's ways of life, including polygamy. The latter has entailed a whole series of problems related to health in general and to sexual and reproductive health in particular. HIV-AIDS has now become a serious issue.

The Republic of Congo has signed and ratified a wide range of international and regional human rights instruments including a number of international environmental conventions. RC voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) but has not ratified ILO Convention No.169. Congolese civil society is still weak. This is also the

case of the indigenous or indigenous-supportive NGOs. The most active are the Congolese Observatory of Human Rights (OCDH), the Association for Human Rights and Persons in Prison (ADHUC) and the National Network of Associations of Indigenous Peoples (RENAPAC)

IFAD has two large on-going projects based on the second country strategic opportunities program (COSOP 2009) and including indigenous peoples as a target group. ODA is relatively modest as the government itself finances most public spending. The donor community includes UN agencies, bilateral donors and NGOs. As per 01.05.2014, the World Bank was funding 10 projects, five of which have triggered the OP/BP 4.10 safeguard policy.

Although the full implementation of the 2011 Law is still forthcoming, it does represent an unprecedented opportunity for the autochthonous communities who are now recognized as right-holders on par with the Bantu. It also represents a number of challenges and international donor support should be provided within the following areas and include:

- **Support at all levels to the concrete implementation of the 2011 law on indigenous peoples**
- **Support to measures alleviating the discrimination against indigenous peoples, including:**
 - Divulcation and socialization of the 2011 Law and its implications, targeting both the autochthonous and the Bantu.
 - Capacity building of local autochthonous organizations to help and train their members in understanding, claiming and applying their rights.
 - Facilitation of dialogue between Bantu and autochthonous communities, using traditional conflict resolution mechanisms and psychosocial methods.
 - Support to initiatives combatting the prevalent situation of impunity and improving indigenous peoples' access to justice
 - Specifically support initiatives that combat discrimination and violence against indigenous women
- **Support to measures ensuring the autochthonous peoples' rights to land and forests**

In the case of forest-dwelling autochthonous communities,

- Support secure land and natural resource rights for these communities
- Promote and multiply initiatives like the FSC scheme that protect their interests and cultures
- Ensure their access to user rights that contribute to their livelihood and allow them to maintain their culture and traditions
- Ensure and support their participation in decision making bodies, e.g., related to forest governance and within REDD+ processes.

In the case of semi-sedentary and sedentary autochthonous communities

- Ensure that they get access to land and secure tenure so efforts to improve their livelihood are sustainable.
- Support their participation in decision-making bodies at village level

1. The indigenous peoples of the Republic of Congo

1.1 The national context

The Republic of Congo (hereafter RC) lies in Central Africa and covers an area of 341,500 sq. km stretching from the Atlantic Coast and some 1,200 km inland, in a northeastern direction. The Congo River and its tributary, the Oubangui River, form part of the country's borders with the Democratic Republic of Congo (DRC) to the east and the Central African Republic to the north. RC also shares borders with Cameroon and Gabon to the west and Angola (the Cabinda enclave), to the southwest.

RC has an estimated population of 4.4 million,¹ primarily of Bantu origin;² its indigenous population is believed to represent from 1.23 percent to 10 percent depending on sources. RC is one of Africa's most urbanized countries. More than 70 percent of the population lives in Brazzaville, the capital city, in Pointe Noire on the coast, and along the railroad between these two cities (see Maps, Annex 1.). While 45 percent of the population is Christian, traditional beliefs remain widespread (50 percent). Several Bantu languages are spoken, two of which are recognized as national languages: the Munukutuba (50.3 percent), spoken in the south; and the Lingala (13 percent), spoken in the north and east. French is the official language and the only language used in formal education.

The RC straddles the Equateur and has two main seasons—a dry season in June-September, and a rainy season from October-May—with a short dry spell in January-February. Congo's landscape includes coastal plains, low mountains³ and plateaus; 65 percent of the country's area is covered by rain forest.⁴ RC is endowed with numerous rivers with a high hydropower potential and is also rich in natural resources—oil and natural gas, timber, and minerals.

Oil and gas (64 percent of the GDP) have supplanted the forestry sector as the mainstay of the economy. Forestry, however, remains an important sector with most of Congo's forested areas being under logging concessions.⁵ Agriculture (3.3 percent of the GDP) does not meet national food demands but employs 58 percent of the population. Other sectors (trade, transport, industry) are much smaller and although Congo has 19 protected areas,⁶ the tourist sector remains incipient (1.4 percent of total GDP).⁷

The RC achieved independence from France in 1960 and is today a presidential republic. After 25 years of experimentation with Marxism, a multiparty political system was adopted in 1992 and a democratically elected government installed. The mid-1990s were marked by political tensions. In 1997, after a brief civil war, former Marxist President Denis Sassou Nguesso (1979-1992) was elected president. In 2002, a new democratic constitution was adopted in a nationwide referendum. It was, however, only in 2003 that the southern-based rebel groups

¹ Projection for 2013 based on 2007 Census.

² The main Bantu groups are the Bakongo (51.5 percent), who live in the south, the Teke, who inhabit the Batéké Plateau region and the Ubangi who live in the north.

³ The highest point is Mont Nabemba (1,020 m) in the Sangha Department.

⁴ These 65 percent or 22,411,000 ha represent 10 percent of the Congo Basin. One third (or 7,436,000 ha) is classified as primary forest, the most bio diverse and carbon-dense form of forest.

⁵ The annual production is about 1.5 million cubic meters and represents 10 percent of the exports and employs around 16,000 people. See World Bank, Republic of Congo—Joint IDA-IMF staff advisory note on the poverty reduction, growth, and employment strategy paper 2, 2012-2016. (Washington DC; World Bank, 2012), p. 218. <http://documents.worldbank.org/curated/en/2012/04/16259418/republic-congo-joint-ida-imf-staff-advisory-note-poverty-reduction-growth-employment-strategy-paper-2-2012-2016>

⁶ These protected areas represent 10 percent of the country's land mass and include, among others, three national parks, four wildlife reserves, and four sanctuaries to protect chimpanzees and gorillas. See http://rainforests.mongabay.com/congo/conservation.html#.U_hRfmocSFE (viewed 23.08.2014)

⁷ See World Travel & Tourism Council, at http://www.wttc.org/site_media/uploads/downloads/congo2014.pdf (viewed 16.06.2014).

agreed to a final peace accord. Sassou Nguesso was reelected for a second and last term in 2009, and general elections are expected to be held in 2015.

Thanks to its oil production, RC has for the last five years experienced high economic growth (3.8 percent of the GDP),⁸ and with a GNI per capita of US\$2,660, Congo is today rated as a low middle-income country. However, many years of conflict and unstable governments have weakened the country's administration, eroded public accountability, and undercut publicly funded services. Rural poverty (estimated in 2010 to represent more than 20 percent of the population), high youth unemployment, and widespread discontent also contribute in making the country fragile.⁹ RC ranks 140 (out of 187) on the 2013 HDI and 105 (out of 132) on the inequality-adjusted 2013 human development index (IHDI). See Tables 2.1, 2.2, 2.3 and 2.4, Annex 2.

1.2 Terminology

The indigenous peoples of the Congo include the Baka, Mbendjele (also known as Aka), Mikaya, Luma, Gyeli, Twa and Babongo.¹⁰ In Lingala, the autochthonous in the north are called Bambenga and those in the south Babongo. All these peoples have formerly been known as "Pygmies",¹¹ a term they find discriminatory and pejorative, preferring instead to be identified generically as "indigenous peoples".

Although these peoples have for long been recognized as the descendants of the Central African region's first inhabitants, the concept of "indigenous" has until recently been considered controversial in Africa, including RC, based on the notion that "all Africans are indigenous". Today, the concept as understood internationally and by the African Commission on Human and Peoples' Rights (ACHPR), has gained a wide acceptance.¹² This is also the case in the RC, where a law on indigenous peoples was adopted in 2011, making it mandatory to use the term "autochthonous peoples" (*peuples autochtones* in French) when referring to the country's indigenous peoples.

1.3 Demography and location

According to the latest national census (2007) there were 47,473 autochthonous people, or 1.23 percent of the total population; other more recent sources, however, advance the figure of around 300,000 or almost 10 percent of the total population.¹³ The autochthonous are

⁸ In 2010 the country posted the second fastest rate of economic growth in Sub-Saharan Africa.

⁹ World Bank, Country Assistance Strategy 2012. Viewed 15.08.2014 at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/11/16/000350881_20121116110226/Rendere d/PDF/NonAsciiFileName0.pdf

¹⁰ See OCDH: "Les Droits des Peuples Autochtones en République du Congo: Analyse du contexte national et recommandations" (Brazzaville: OCDH & Rainforest UK, 2006). Viewed 10.08.2014 at http://www.rainforestfoundationuk.org/files/droits_autochtones_final.pdf. As pointed out by Serge Bahuchet, there is a real problem in the terminology. "Some names found in the literature are classical ones but obviously of colonial origin. Other names are true ethnonyms (e. g. Baka), others are names given by the farmers, others are local dialectal forms. One name may have different spellings and may even have the plural prefix used by Bantu (e. g., Gyeli or BaGyeli)." See Serge Bahuchet "Languages of African Rainforest "Pygmy" Hunter-Gatherers: Language Shifts without Cultural Admixture" (Leipzig 10-12 August 2006), p. 7. Viewed 12.08.2014 at http://hal.archives-ouvertes.fr/docs/00/54/82/07/PDF/Bahuchet_2006--Leipzig_Version1.pdf

¹¹ The term was originally used by European travelers and refers to these peoples' small stature. It has been largely used throughout Central Africa but is today usually considered to be demeaning. As noted by Serge Bahuchet (ibid.), "the blanket term Pygmy ... covers artificially a mixture of scattered ethnic groups living in Central Africa ..." and conceals their "huge heterogeneity" when it comes to socio-economics, linguistics, and relationships with non-foragers neighbors.

¹² I.e., that the term refers to some communities that have been left behind when it comes to the enjoyment of rights and freedoms. See ACHPR, *Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities in Africa* (Banjul & Copenhagen: ACHPR and IWGIA, 2005), p. 4.

¹³ See <http://www.cnsee.org>. Both figures are estimates. Their nomadic lifestyle, the lack of identity papers are some of the factors that make it difficult to provide accurate figures. The WB's Country Assistance Strategy 2012 (op. cit.) talks about "a sizeable minority, at least 10 percent of the overall population--and as much as 50 percent of the population living in the north of the country."

present in most of the country's 12 departments but the biggest concentrations are found in the north and northeastern part of the country, in Sangha (8,000), and Likouala (13,500); and in the south, in Lekoumou (11,500) and Niari (2,700).¹⁴ See Table 1.1, below. It is a young population: 41% are under 15 and only 5% over 60.

Table 1.1 The autochthonous population in RC, size and location

Provinces	Total population	Autochthonous population	Denomination
Kouilou	91,955	242	Babongo
Niari	231,271	2,770	Babongo
Lékoumou	96,393	11,456	Babongo
Bouenza	309,073	597	Babongo
Pool	236,595	2,558	Babis (Bagyéli)
Plateaux	174,591	3,337	Twa (Tswa, Cwa, Batcha)
Cuvette	156,044	164	
Cuvette Ouest	72,999	748	Bakola
Sangha	85,738	7,885	Mambenga, Mikaya (Milaya), Luma, Gyeli Mbendjele
Likouala	15,115	13,476	Mbendjele, Baka
Brazzaville	1,373,382	71	
Pointe Noire	715,334	74	
Country, total	3,967,490	43,378	

Source: Centre National de la Statistique et des Etudes Economiques du Congo at <http://www.cnsee.org>

Note: The figures for the autochthonous population should be taken with caution and only as indicative. Other estimates put the autochthonous population at almost 300,000.

The autochthonous peoples speak different dialects related to the Bantu and Ubangi languages spoken by their neighbors.¹⁵ Yet, despite this linguistic relatedness between them and the farmers, and despite the fact that their economy has been intimately connected with that of other peoples, they have not "merged into farmers' societies, but have maintained their own identities. Thus, cultural identity without linguistic autonomy is the main characteristics of the Pygmy populations".¹⁶ The various autochthonous groups also acknowledge a certain affinity with each other based on the similarity of their traditional ways of life.

1.4 Different livelihoods

Traditionally, the autochthonous peoples of RC lived as mobile hunter-gatherers depending entirely on the forest or the savannah and the natural resources therein. Today, only a few groups follow this lifestyle; others have chosen—voluntarily or involuntarily—to become sedentary, settling in fixed hamlets near Bantu villages. Only very few (some hundreds) are to be found in the large urban areas of the south—Brazzaville, Pointe-Noire, and Dolisie. These groups represent different stages of overlapping lifestyles but this does not necessarily mean

¹⁴ Many of these peoples are trans-border groups as for instance the Baka who also live in Cameroon.

¹⁵ No distinct "Pygmy linguistic family" has been identified although certain similarities in the specialized forest vocabulary used in Aka (Bantu) and Baka (Ubangi) languages indicate a possible remnant from an ancient common language. See Bahuchet, op. cit., 2006, p. 27ff.

¹⁶ Ibid., p. 2.

that some of them have altogether given up going to the forest to forage (wild fruits, tubers, caterpillars, honey) and hunt. Most, if not all, remain closely attached to the forest or the savannah, which they consider as the center of their spiritual and intellectual life.

1.4.1 The nomadic and semi-nomadic forest dwellers

There is no data available as to the number of people who still live as hunting and gathering nomads, but in the north/northeast (Likouala and Sangha), most of the autochthonous peoples are semi-nomadic and follow to a large extent a traditional lifestyle even if they may spend some parts of the year living in hamlets near Bantu villages. But their entire livelihood, culture and religious practices remain totally linked to the forest and its resources. Traditional access rights to the forest are based on family lineage and social groupings. Areas for gathering and hunting tend to be extensive (between 150,000 and 550,000 hectares) but are usually overlapped by other users for different purposes. The forest dwellers stay in small mobile camps, inhabited by a few families that live in simple huts made of bark, leaves and branches. Camp is moved several times a year.

It has been said that "the forest inhabits the Mbendjele as much as they inhabit the forest".¹⁷ The forest is idealized as the perfect place for people to be: "women ... give birth to their children in the forest just outside camp; every day conversations are obsessed with the forest, with different tricks and techniques for finding wild foods, about stories of past hunting, fishing or gathering trips, or of great feasts and forest spirit performances (*massana*) that occurred, or will occur in the near future."¹⁸ Among the Baka, male initiation rites are addressed to the spirit of the forest and many rites can only take place in the forest. The forest also links people to the past. Different areas in the forest are talked about in terms of the remembered ancestors that spent time there and the events that occurred. When Mbendjele die, they believe they go to another forest where Komba (God) has a camp. They will remain in this camp until they are told to take another path and are born into this world again.¹⁹

The social organization of indigenous people in the Republic of Congo is based on the clan and a common ancestor. Men are heads of family and engage in hunting, fishing, collecting wild honey, etc. Women manage household resources, gather wild plants and berries, are in charge of erecting their huts and may also engage in simple agricultural activities, weave baskets and mats, etc. Relationships are monogamous. Girls marry when they reach sexual maturity (12-14 years old) and move to reside with or near their husband's parents. Besides a strong social cohesion and the sharing of incoming resources, the traditional autochthonous society has been characterized as essentially egalitarian. At the family level, women participate in important family decisions; at the group level, decisions are taken on a consensus basis but elders are acknowledged and respected for their wisdom as the keepers of the group's knowledge of their environment (sites, plants, animals), their practices (pharmacopeia, hunting, fishing, gathering), their religious beliefs (holy sites, initiation rites, rituals, etc.) and cultural heritage (music, dances, etc.) for which these peoples are famous.

1.4.2 The sedentary autochthonous

The process of sedentarization began during French colonial rule.²⁰ Today, an increasing number of autochthonous lives in permanent settlements on the edge of forests or in the

¹⁷ Jerome Lewis, "Forest People or Village People: Whose Voice will be Heard?" In *Africa's Indigenous Peoples: "First Peoples" or "Marginalized Minorities?"* edited by Alan Barnard and Justin Kenrick, (Edinburgh: Centre of African Studies, University of Edinburgh, 2001), p. 7.

¹⁸ Ibid.

¹⁹ Lewis, op. cit..

²⁰ In the 1930's, the French introduced the so-called 'Taming Policy'. Its aim was to free the Pygmies from subjection by their neighbors, win their trust, and with the help of "kind" and "tactful measures" to integrate them fully into the colonial system. Serge Bahuchet & Henri Guillaume, "Aka-Farmer Relations in the Northwest Congo Basin", in *Politics*

periphery of Bantu villages. However, the degree of sedentarization varies considerably across communities and regions and depends on the possibilities of shorter or longer trips to the forest, and on work opportunities. For most of them, the forest or the savannah continue to cover a fundamental part of their basic material and spiritual needs. In some cases, it also gives them employment (in the logging industry); others, however, depend increasingly on agricultural or other activities (menial jobs, petty trading, etc.).

1.4.3 Interacting with the Bantu

There exists a long standing tradition of interaction between the autochthonous and their neighbors. This tradition was originally based not only on mutually beneficial exchanges—metal tools, clothes, etc., being bartered against game, ivory, and forest produce. Seen as gifted with special powers, the autochthonous also held—and still do—an important place in their neighbors' rituals and even participated in them; their knowledge of the forest, their skills as dancers, singers, and musicians, their healing and diviner practices, etc., were and still are both admired and feared.²¹

While these relations still subsist in some places, they have in most cases degenerated into a repressive master-slave relationship, as the result of the abusive French colonial system,²² and, after independence, of the promotion of commercial agriculture (coffee, oil palm, and cacao) where autochthonous labor is used by the Bantu to avoid the hardest chores and attend to other matters.²³ This has established a relationship of domination and exploitation. Bantu "masters" may control a number of indigenous families; consider them as a "property" that can be inherited; do not pay for their work, or pay them with alcohol or very low wages.

2.Socio-economic profile

By enacting Law n°5-2011 of 25 February 2011 on the Promotion and Protection of the Rights of Indigenous Populations, RC has acquired one of Africa's most developed legal and institutional framework when it comes to recognizing the rights of indigenous peoples. However, three years later and although the law was the result of a protracted process which started in 2006 and involved civil society organizations and the Congolese government, the situation of the autochthonous peoples has not changed substantially.

2.1 The lack of human and fundamental rights

2.1.1 Discrimination

To fully understand the situation of the autochthonous of Congo it is imperative to assess the incredible levels of discrimination and prejudice they face in their interactions with the Bantu. Fifteen years ago, the Mbendjele, for instance, "could not eat or drink together with their neighbors, have sexual relations or marry, or sleep in the same houses".²⁴ This discrimination has, since at least the colonial period, been based on a complex web of concepts, stereotypes, myths and untruths,²⁵ which have justified their exploitation and allowed that they often live as

and History in Band Societies, edited by Eleanor Leacock & Richard B. Lee, (Cambridge: Cambridge University Press and Paris: Edition de la Maison des Sciences de l'Homme, 1982) p. 202ff.

²¹ See Bahuchet & Guillaume, op. cit., p. 194ff;

²² In the 1890s, the French opened up the country to large concessionary companies that exploited ivory, rubber, timber and other tropical products with the help of forced (Bantu) labor. This created the need for the Bantu now living away from home to secure the work labor of the autochthonous to hunt and provide food for their families. See Bahuchet & Guillaume, op.cit., p. 201 ff..

²³ Ibid., p. 206.

²⁴ See Justin Kenrick and Jerome Lewis, "Discrimination against the Forest People (Pygmies) of Central Africa" in *Racism against Indigenous Peoples*, edited by Suhas Chakma and Marianne Jensen (Copenhagen: IWGIA 2001), p. 312.

²⁵ Many stereotypes were adopted and enhanced by the French colonizers. See Bahuchet & Guillaume, op. cit., p. 202.

indentured servants without any rights since they “belong” to their “masters”.²⁶ This discrimination has since independence been further enhanced by the official attitude which has tended to perceive the hunter-gatherers’ way of life as primitive and unworthy of the national patrimony.

2.1.2 Civil status

It is estimated that only 32 percent of the autochthonous (against 93.3 percent at the national level) are registered and have an ID card.²⁷ This severely limits them in the exercise of their rights: without an ID card, an individual cannot freely travel, cannot be enrolled in schools, attend health clinics, vote, etc.²⁸ In some cases, the lack of an ID card may also prevent a person from getting the documentation that is needed for going hunting or registering a gun. The main reason behind this situation is that indigenous women prefer to give birth at home because health centers are far away and discriminating. This means that women do not get a “birth declaration”—a prerequisite for later getting a birth certificate and an ID card—or are forced to pay an exorbitant price for getting these documents even if they are supposed to be free of charge (see Table 2.4, Annex 2).

2.2 The lack of rights to land/forest and natural resources

Hunter-gatherers depend on the availability of large tracts of land—forest and woodlands—where their freedom of movement and their access to the natural resources, on which their material and spiritual sustenance rely, are not obstructed. Secure rights to land/forest and natural resources were therefore identified as the most important challenge by the majority of indigenous people consulted during the process leading up to the elaboration of the 2011 Law on the protection and promotion of indigenous populations.

2.2.1 The dispossession process

Since independence, the indigenous peoples of RC have suffered a process of gradual land dispossession as the result of the proliferation of nature conservation initiatives, logging concessions, deforestation,²⁹ oil fields, commercial plantations³⁰ and infrastructural developments (see Table 2.5, Annex 2). Ten percent of the national land area has been turned into national parks,³¹ where all traditional user rights are prohibited, including gathering of dead wood lying on the ground, fire making, and traditional hunting.³² The indigenous peoples have neither been consulted nor are they generally informed about decisions and regulations (like hunting prohibition) that affect them.³³ Those living near conservation areas are often abused and ill-treated by state- or eco-guards. The autochthonous have also been negatively affected by hunting regulations restricting hunting to certain times of the year and protecting

²⁶ OCDH (Observatoire Congolais des Droits de l’Homme), « Les Peuples Autochtones de la République du Congo: Discrimination et Esclavage, (Brazzaville : OCDH, 2011), p. 25 ff. Viewed 23.08.2014 at <http://gitpa.org/Autochtone%20GITPA%20300/gitpa300-16-58congobrazzaTEXTREFOCDH%20RAPPORT%20.pdf>.

²⁷ This also applies to Bantu women living in isolated villages. A large number of autochthonous people did not know whether they had a birth certificate (64.3%). See CNSEE at <http://www.cnsee.org>

²⁸ It is worth noting that in 2002, almost all autochthonous of voting age were exceptionally given voting cards at the request of the candidates so they could vote for them. In practically all the departments the IP voted under the influence of the politicians. See OCDH, “Les Droits des Peuples Autochtones” (2006), p. 35.

²⁹ A significant environmental problem is deforestation caused by fires set to clear the land for agricultural purposes.

³⁰ The RC government has recently donated large areas for the establishment of agro-industrial complexes by South African, Malaysian, Brazilian and Chinese companies. See Republic of Congo: “Growth, Employment and Poverty Reduction Strategy Paper (DSCERP) 2012-2016”, (2012), p. 214. Viewed 21.08.2014 at <http://www.imf.org/external/pubs/ft/scr/2012/cr12242.pdf>.

³¹ These include Nouabalé-Ndoki (1993, 386.592 ha in Likouala and Sangha), and Concouaty National Park (1999, 504.950 ha in Kouilou).

³² See OCDH, “Les Droits des Peuples Autochtones” (2006), p. 61.

³³ In the case of the Concouaty National Park, e.g., Bantu were informed and compensated with sheep, goats and sowing seeds. See OCDH, op. cit. (2006), p. 45.

animals that traditionally are used in rituals. Such regulations have led to lack of food at certain times of the year and the impossibility of celebrating certain rituals.

As for sedentary autochthonous communities, their access to agricultural land is generally controlled by the Bantu or depends on the good will of the Bantu or the local chief.

2.2.2 The legal framework

While the 2011 law, once it is implemented, will provide a legal basis to ensure indigenous peoples' rights to lands and resources,³⁴ the current legal framework does not take the autochthonous communities' collective land rights or form of land use into consideration. The Forestry Code (Law No 16–2000) and its application texts (2002) are based on the principle of "sustainable management" of forest resources but offer little space for community rights to forests. It only encourages the participation of local communities in the management of forests, but field experiences show that this often does not happen.

2.2.3 Timber exploitation

Today, about 50 percent of the country's total forest area is classified as productive forest suitable for timber exploitation, and has been divided in 52 UFA (Unités Forestières Aménageables). Most of these are exploited by foreign concession holding companies and 70 percent of the production takes place in the north, where large groups of forest-dwelling autochthonous live.

The government's vision that underpins the development of the "timber sector" is "to make the Congo one of the global leaders in certified tropical wood, carried by an industry that fully enhances the resource and which is exploited from a forest under sustainable management, playing its role in full of Carbon Sinks and a biodiversity sanctuary, at the service of humanity".³⁵ So far, however, only 27 percent of the total 12.8 million hectares forest area given in concession represents sustainable development with full approval by relevant authorities,³⁶ and only two large logging companies are FSC (Forest Steward Certification) holders.³⁷ The FSC scheme means that forest-dwelling autochthonous communities are involved in mapping the forest resources before exploitation plans are finalized and are thus able to ensure that sites with a special cultural or spiritual value, or areas specifically important for their hunting practices, are protected.³⁸

In October 2012, RC signed an agreement for the establishment of a UN-REDD National Program. So far, there is only one pilot project underway in the Pikounda North region and a national REDD+ strategy is being elaborated. A stakeholder commission consisting of Civil society and indigenous peoples organizations—CACO-REDD+) has been established and social, environmental and governance safeguards for the implementation of REDD+ is currently being developed by a working group on the environmental and social risks and benefits of REDD+.³⁹

Logging, however, and its many subsidiary developments—labor immigration, substantial local infrastructure including towns, saw-mills, roads, etc. and commercial bush meat hunting and

³⁴ Article 31 states that indigenous peoples have individual and collective rights to own, possess, access, and use lands and natural resources they traditionally use.

³⁵ See Republic of Congo: "DSCERP 2012-2016", op. cit. (2012), p. 225.

³⁶ Forty seven percent of the total area is involved in sustainable development process with provisional approval and 25 percent of the total area is linked to permits that have not initiated the slightest process for the management of their forestry development. Ibid., p. 223.

³⁷ See Forest Steward Council at <https://ic.fsc.org/> (viewed 23.08.2014)

³⁸ Sille Sidsen and Marianne Wibe Jensen, "Introduction" Indigenous Affairs 4/2006 at http://www.iwgia.org/publications/search-pubs?publication_id=45

³⁹ See Republic of Congo REDD Desk at <http://theredddesk.org/countries/republic-of-congo#stakeholder-participation>

trading—continue to be the most serious threats against forest-dwelling autochthonous groups' survival.

2.2.4 Climate Change

Historical climate data show that, on average, temperatures have increased and rainfall has decreased in the Republic of Congo in the second half of the twentieth century. Being highly dependent on natural resources for their livelihoods, autochthonous peoples are also highly vulnerable to climatic changes. According to a recent report, autochthonous communities are beginning to perceive and observe changes which might be linked to climate change (increased temperatures, reduced rainfall, changes in length of seasons, etc.) and which impact on their lives in terms of health (water pollution, malaria-carrying mosquitoes) and nutrition (the gathering of wild meat, fish and wild plants has declined severely, etc.).⁴⁰

2.3 Economic poverty

Despite the economic growth of the past years, more than half of the Congolese live under the poverty line and more than a third suffer from hunger or malnutrition (see Tables 2.6 and 2.7, Annex 2).⁴¹ The most affected departments are Likouala, Plateaux and Lekounou, all with a relatively high percentage of autochthonous.⁴²

Economic poverty is not an issue among semi-nomadic forest dwellers who find their material and spiritual sustenance in the forest. It is when they leave the forest and end up as landless and abused squatters on the edge of Bantu villages, that the autochthonous feel poor and deprived. Here they are faced with ill treatment and discrimination, there are few job opportunities and they often have to work for their Bantu neighbors without any kind of remuneration. Their main economic activity remains therefore linked to the forest (hunting, gathering) and depending on the availability of arable land, to small scale agriculture, their main source of income being selling whatever products they get from these activities.⁴³ Jobs in the logging concessions or local industries are scarce and here too they are discriminated in terms of recruitment, working conditions, and salaries.⁴⁴

2.4 Health and education

At the national level, the delivery of essential social services within health and education continues to be poor, especially in the rural areas.⁴⁵ Ethnically disaggregated health and education statistics are not available but statistics for the departments in which autochthonous people live show great disparities with the rest of the country and reports⁴⁶ show that the situation in indigenous communities is even more disadvantaged.

Regarding health, the national rates of access to and utilization of health services in RC have not improved since 2005, and even show a slight decrease.⁴⁷ The departments with a high

⁴⁰ Rainforest UK, "Adaptation des Peuples Autochtones aux Changements Climatiques en République du Congo" (Rainforest UK: 2013), p. 15. http://www.rainforestfoundationuk.org/files/2332765_French_small_file.pdf (viewed 20.08.2014).

⁴¹ République du Congo, "Analyse de la Situation et Estimations des Besoins en Santé et Environnement dans le Cadre de la Mise en Oeuvre de la Déclaration de Libreville" (Brazzaville, 2010), p. 19.

⁴² République du Congo, "Enquête Démographique et de Santé 2011-2012" (Brazzaville, 2013), p. 23. Viewed 13.08.2014 at <http://www.dhsprogram.com/pubs/pdf/PR19/PR19.pdf>

⁴³ See OCDH, "Les Droits des Peuples Autochtones" (2006), pp. 69-73.

⁴⁴ OCDH, *ibid.* p.72.

⁴⁵ Republic of Congo: "DSCERP 2012-2016", *op. cit.* (2012), p. 28.

⁴⁶ See, e.g., OCDH, *op. cit.* (2006).

⁴⁷ See Republic of Congo: "DSCERP 2012-2016", *op. cit.*, p. 58. The Congolese Government declared 2012 the Year of Health, doubling the health budget from US\$96 million in 2011 to US\$197.6 million in 2012.

percentage of indigenous peoples show higher maternal⁴⁸ and child mortality⁴⁹ as well as higher prevalence of chronic malnutrition than other departments.⁵⁰ It is also estimated that indigenous peoples' rate of access to health care is 2 to 3 times inferior to that of other groups.⁵¹ Only 37 percent of pregnant indigenous women get antenatal care (against 94 percent of the general population); only 25 percent (against 45 percent) have access to family planning and 4 percent give birth in a health center (against 93 percent) (see Tables 2.8, 2.9 and 2.10, Annex 2).⁵² This situation is due to many factors: the distance to health posts, lack of ID cards, the discriminating attitude of health workers, as well as the autochthonous' extreme poverty and low education levels, their traditional beliefs and preference for traditional medicine.

Indigenous communities are also disfavored in terms of access not only to safe drinkable water and sanitation but also to vital information on important health activities like immunization campaigns, free malaria treatment for children aged 0 to 15 or HIV/AIDS.⁵³ Various reports also point out that the indigenous peoples are furthermore subject to so-called Neglected Tropical Diseases as yaws⁵⁴ and leprosy,⁵⁵ which is seen as a sign of the marginalization and the neglect autochthonous people suffer from. The health situation of autochthonous tends to further deteriorate when they become sedentary due to nutritional changes, the prevalence of malaria and the risk of HIV/AIDS.

Within education, the national rate of access to primary schools has improved noticeably, an important factor being the policy of free education (elimination of school fees and provision of textbooks to state schools) initiated since 2007. However, there are great disparities between urban and rural areas. The situation in the indigenous communities is characterized by a high rate of illiteracy (estimated to be 98 percent), low school enrolment and retention rates. Several types of factors are at play: schools are located far away, parents cannot meet school costs, the curriculum and school calendar are not adapted to the children's educational needs and semi-nomadic lifestyle, instruction is not given in their language, the teaching staff do not value their culture and lifestyle but reproduce negative Bantu stereotypes (see Table 2.11, Annex 2).⁵⁶

However, the introduction of preparatory schools based on the ORA (Observer, Réfléchir et Agir) educational system seems to have had a certain success in Likouala and Sangha, with a growing number of children, including girls, enrolled.⁵⁷ ORA schools use a non-formal teaching

⁴⁸ In 10 years, the country has reduced the number of women dying in child birth by more than 50 percent, with most of that drop occurring in the last two years.

⁴⁹ The average infant mortality rate before the age of 5 is only slightly higher in rural areas. In Sangha, however, it is twice as high as in Pointe-Noire. See République du Congo, "Enquête Démographique", op. cit., p. 231.

⁵⁰ Ibid.

⁵¹ UNICEF, "Projet descriptif de programme de pays 2014-2018" (2013), p. 3. Viewed 20.08.2014 at http://www.unicef.org/about/execboard/files/2013-PL5-Congo_CPD-final_approved-French.pdf

⁵² *Irin News*, viewed 16.06.2014 at <http://www.irinnews.org/report/97574/in-congo-few-pygmy-women-have-access-to-reproductive-health-services>.

⁵³ The rate of immunization is much lower in rural areas (40 percent against 49 percent) and in departments with high autochthonous population the disparities are even greater: in the Plateaux only 14 percent of the children had received all the vaccinations compared with 63 percent in Niari. See RC, "Enquête Démographique" (2013), p. 151.

⁵⁴ Yaws affects the skin, bones and cartilage and children are the most affected. It is relatively easy to treat and has largely been eradicated in many African countries. See Gérard Salomone & François Taglioni, « La Marginalisation Sanitaire des Îlots Pygmées de la Likouala (Congo) » viewed 10.06.2014 at http://archives-fig-st-die.cndp.fr/actes/actes_2000/salomone/article.htm. Today, WHO has put yaws eradication as a millennium goal and MSF is conducting a large yaw eradication campaign in Likouala among the Aka. Viewed 10.06.2014 at <http://www.msf.fr/actualite/articles/populations-akas-nord-congo-menacees-exploitees>.

⁵⁵ The Ministry of Health (MSASF) is currently organizing outreach activities, supported by specific disease initiatives. These also include leprosy in autochthonous communities.

⁵⁶ World Bank IPP, "IPP 341 Stratégie Nationale d'Éducation des Populations Autochtones du Congo—SNEPAC", (2008), p. 38ff. Viewed 10.05.2014 at <http://www.worldbank.org/projects/P113508/republic-congo-support-basic-education-project-additional-financing?lang=en>

⁵⁷ See UNICEF, op. cit., p. 5.

method based on the ways of life of indigenous peoples. Both indigenous languages and French are used in the three-year integration phase, which prepares indigenous students for integration into mainstream schools.⁵⁸

2.5 The situation of indigenous women and children

Apart from the discrimination and ill treatment suffered by autochthonous in general, autochthonous women suffer discrimination both as indigenous and as a woman.

Rape is a constant threat; it is seldom reported and usually remains in impunity. While a marriage between an indigenous man and a Bantu woman is inconceivable and considered a sacrilege, the opposite, i.e., the marriage between a Bantu and an autochthonous woman, happens more frequently. Such marriages do not require the payment of a bride price or only a very modest sum (5,000) compared with the 50,000 FCFA that the family law stipulates. It also often happens that the woman is simply "on loan", i.e., she is returned to her family once she has produced some children. When going to the market, autochthonous women are often jeered at and chased away. They are often not allowed to use the same water posts as the Bantu and food prepared by them is considered "unclean".

Within their own community, it is not unusual to see girls as young as 10 years old getting married to older men (50 yrs. old) and having early pregnancies.⁵⁹ When sedentary, the women often suffer from the influence that the Bantu's unequal gender relationships has on their men's behavior. They may be discriminated, and, for instance, no longer be allowed to speak on topics that are relevant for them; they have to accept polygamy, and domestic violence becomes more common.

Indigenous children are also a vulnerable group. They often experience problems accessing social services because their parents did not register their births. They may be engaged in the worst forms of child labor, particularly in dangerous activities in agriculture and domestic service. Baka children have been reported to be exploited as cheap labor, sometimes cutting grass at school while children of other ethnic groups attend class.⁶⁰

2.6 Access to justice

The human rights situation in RC often gives cause for deep concern and acts of torture, cruel, inhuman and degrading treatments by public authorities are regularly being reported. The 2006 OCDH report⁶¹ concluded that this kind of human rights violations were more often committed against autochthonous communities than other national communities and were perpetrated by both public authorities and by Bantu living in the same villages as the autochthonous. More recent reports⁶² indicate that the situation has not improved markedly.

Most of these abuses remain in impunity since indigenous peoples also experience discrimination and abuses when it comes to their access to justice and the respect for their rights as individuals. There is no judicial infrastructure in the rural areas and justice is therefore dealt with by the police acting as legal auxiliaries. But police posts are few and far away, and the prospect of having to pay not only legal fees but also bribes to the policemen, deters most autochthonous from complaining. Many contentious issues are therefore often brought before the local Bantu chief and settled by him. If the autochthonous turn to the

⁵⁸ See UN Special Rapporteur on the rights of indigenous peoples, "The situation of indigenous peoples in the Republic of the Congo". UN Doc. A/HRC/18/35/Add.5, 2011) p 8. Viewed 20.06.2014 at <http://unsr.jamesanaya.org/>

⁵⁹ OCDH, op. cit. (2006), p. 40 ff.

⁶⁰ US Department of Labor, Republic of Congo (2012) at http://www.dol.gov/ilab/reports/child-labor/congo_republic_of.htm

⁶¹ OCDH, op. cit. (2006), p. 36 ff.

⁶² OCDH, « Les Peuples Autochtones...: Discrimination et Esclavage » (2011).

modern justice system, they are often ignored or, worse still, met with threats and violence. As for indigenous women, they often have to suffer sexual abuses and manipulation.⁶³

2.7 Cultural impact of sedentarisation

Over the past 40 years, indigenous peoples have increasingly been brought into the cultural world of settled Bantu agriculturalists, although at different speeds and to different extents, depending on the region.⁶⁴ This sedentarization process has meant that many communities take up Bantu activities such as agriculture and animal husbandry for which they do not have the required technical skills and which therefore fail to give them a decent income. Their daily diet is no longer as balanced and as rich in proteins as it used to be and culturally, they are increasingly emulating the Bantu by adopting their ways of life, including polygamy. The latter has entailed a whole series of problems related to health in general and to sexual and reproductive health in particular. HIV-AIDS, which was not a problem a few years ago, is now an issue.

At the same time, the indigenous peoples are under strong pressure to renounce their cultural characteristics and assimilate. Their knowledge and practices are not valued and they are constantly being told that their culture is poorer and "less developed" than other national cultures. With a few exceptions like the Mbendjele in Sangha who still maintain strong links to their culture, this assimilation of the indigenous peoples by the Bantu has severely eroded their traditional knowledge and know-how of the forest, their hunting skills as well as their cultural values.⁶⁵ In the settled indigenous communities, many declare themselves to be Christians and no longer practice traditional rituals. The oral transmission of traditional rites as well as of traditional knowledge no longer takes place systematically and valuable information about, for instance, medicinal plants is going lost.⁶⁶

2.8 Public participation

Whilst indigenous communities are largely egalitarian, they recognize a moral authority that is often consulted at times of conflict. This authority is the family patriarch, who will typically possess a deep knowledge of customary and ritual practices, or otherwise a person chosen for his wisdom and advanced age. But this position is usually not recognized outside the autochthonous community. The major local authority in Congolese villages is the mayor, officially called the PRECO (President of the Village Committee) who is appointed by the sous-préfet (the government's representative at departmental level). The PRECO has an important decision-making role at the village level—especially when the village is in a remote area far from other representatives of the state—which includes resolving conflicts, organizing village events or works, and distributing funds received by the village. However, villages only inhabited by autochthonous are not recognized as such by the departmental authorities but depend upon the nearest Bantu neighborhoods, whose PRECOs are almost without exception Bantu. It is customary that the PRECO designates an autochthonous "chief" that sits in the village committee, but this "chief" has virtually no decision making power and he is generally being marginalized in the committee. At the same time he has no credibility or legitimacy in the eyes of his own community.

Many autochthonous living in remote areas are not familiar with the concept of voting and there are no indigenous peoples elected to public office at regional or national level. Very few state officials are indigenous. Several supportive human rights groups have developed programs to create more awareness among the autochthonous about their rights and there is now a community radio station (Radio Biso na Biso), located 450 miles north of Brazzaville,

⁶³ OCDH, op. cit. (2006), p. 36-37.

⁶⁴ Rainforest UK, op. cit. (2013), p. 12.

⁶⁵ Ibid., p. 14.

⁶⁶ OCDH, « Les Peuples Autochtones... Discrimination et Esclavage », (2011), p. 23.

that works to promote mutual understanding between the Bantu majority and the indigenous minority. A RENAPAC project to mobilize indigenous women for the 2012 elections resulted in a fourfold participation compared with 2007.

3.Laws of the Republic of Congo and indigenous peoples

3.1 The Constitution and indigenous peoples

The current Constitution of the Republic of Congo dates from 2002. As several other African constitutions, it refers in its Preamble to international human rights instruments as sources of standards and declares that "The fundamental principles proclaimed and guaranteed by the 1945 Charter of the United Nations, the 1948 Universal Declaration of Human Rights, the 1981 African Charter on the Human and Peoples' Rights and all duly ratified pertinent international texts ... are an integral part of the present Constitution." The Congolese Constitution does not *expressis verbis* provide for indigenous communities. Articles 8 and 9 however provide for equality for all, and Article 22 states that everybody should enjoy his or her right to a culture.⁶⁷

3.2. Other relevant legislation and policies

Law No. 5-2011 of 25 February 2011 "*portant sur la promotion et la protection des droits des populations autochtones*" (on the Promotion and Protection of Indigenous Populations) is the first of its kind in Central Africa and elsewhere in Africa to target specifically "pygmy" peoples. Article 1 forbids the use of the term "Pygmée", which is seen as "derogatory and discriminating". The term "population autochtone" should be used instead. All its 47 subsequent articles covers a wide range of indigenous rights, including rights to land, health, employment, education, culture and participation in public affairs. The state will ensure that indigenous peoples are consulted in a proper manner, and implement culturally appropriate mechanisms to facilitate such consultations before the formulation or implementation of legislative or administrative measures or programs/or development projects likely to affect them directly or indirectly.⁶⁸

As stipulated by the 2011 law, a permanent inter-ministerial committee has been created at the national level. It is tasked with coordinating the implementation of the law and other initiatives concerning autochthonous peoples, including the National Plan of Action. The law also stipulates that this committee will monitor and evaluate the promotion and protection of the autochthonous populations with the participation of the latter's representatives and civil society (Art. 45). This mechanism will also help the various concerned ministries and governmental bodies with the coordination of their efforts and the implementation of programs regarding the autochthonous peoples.

In the wake of the 2011 law, a National Action Plan on the Improvement of the Quality of Life of Indigenous Peoples, 2009-2013, was developed jointly by the Ministry of Health, Social Affairs and Family, UNICEF and RENAPAC and established significant targets and goals within the fields of health, education and citizenship and legal protection. Implementation has not been optimal and a new revised plan for 2014-2017 was adopted in 2013.

The implementation of the 2011 Law should in time entail amendments in sectorial legislation such as the Forestry Code from 2000 (Law No 16-2000) and its application texts (2002). In accordance with the 1999 Yaoundé Forest Declaration, the code gives priority to sustainable forest management. It does not mention "Pygmies" but uses instead the terms "local populations" and "local communities"; these may participate in the planning and management of the forest units that belong to them (Article 60) and they are entitled to usage rights, which

⁶⁷ For full text of Constitution, see <http://confinder.richmond.edu>

⁶⁸ For full text of law, see <http://www.mappingforrights.org/policies?region=15>

include hunting, gathering and herding (Article 40). Non-timber products from usage rights, such as hunting products, may not, however, be commercialized (Article 42).⁶⁹

Law n°3-1991 of April 1991 on environmental protection focuses on the management, maintenance and conservation of natural resources in general, and, as stated in Art. 1, of “the cultural and historical heritage” in particular. It also emphasizes the prevention of “environmental damage that may affect peoples’ health and property”. These two provisions could apply to indigenous peoples, but these are not mentioned in the law text.⁷⁰

4. International and regional human rights treaties and instruments

The Republic of Congo has signed and ratified a wide range of international and regional human rights instruments including a number of international environmental conventions (see list in Annex 3). In 2007, RC voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). RC has not ratified ILO Convention No.169 on Indigenous and Tribal Peoples in Independent Countries.

4.1 International human rights treaties

RC is party to seven of the nine core international human rights treaties:⁷¹

- The Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁷²
- The International Covenant on Civil and Political Rights (CCPR)⁷³ and its Optional Protocol CCPR-OP-1⁷⁴
- The International Covenant on Economic, Social and Cultural Rights (CESCR)⁷⁵
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁷⁶
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)⁷⁷ and its optional protocol (signed only)
- The Convention on the Rights of the Child (CRC) and OP-CRC-AC.⁷⁸
- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol OP-CRPD⁷⁹

RC has ratified several universal human rights instruments related to armed conflicts, a number of UN conventions and several UNESCO conventions of importance to indigenous peoples.

RC is a member of the International Labor Organization (ILO) and has ratified 22 of its conventions, including C29 and C105 (on forced labor), C100 and C111 (on discrimination within employment and occupation), and C138 and C182 (on child labor), which are specifically relevant for Congolese autochthonous peoples.

RC is also Party to the main international conventions and agreements related to environment, bio-diversity and climate change as well as intellectual property rights. These include the World

⁶⁹ See Forestry Code at <http://www.mappingforrights.org/policies?region=15>

⁷⁰ See law text at faolex.fao.org/docs/texts/con5810.doc

⁷¹ RC has only signed the following two conventions: the Convention for the Protection of All Persons from Enforced Disappearance (CPED) and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

⁷² RC does not recognize Individual Complaints (art. 14).

⁷³ RC accepts Inter-State complaints (art. 41).

⁷⁴ RC has not signed CCPR-OP 2 on death penalty.

⁷⁵ RC has withdrawn art. 13 (3) and (4). It has not signed OP-CESCR

⁷⁶ RC has only signed OP-CEDAW.

⁷⁷ RC does not recognize Inter-State complaints (art. 21), Individual complaints (art. 22) and Inquiry procedure (art. 20).

⁷⁸ RC is not party to CRC-OP-IC, and OP-CRC-SC.

⁷⁹ RC does not recognize the Inquiry Procedure , art. 6-7 of CRPD-OP.

Bank's Forest Carbon Partnership Facility (FCPF) and the United Nations collaborative Program on Reducing Emissions from Deforestation and Forest Degradation in developing countries (UN-REDD+). The country has voluntarily joined the FLEGT (Forest Law Enforcement, Governance and Trade) to control wood poaching and trade related thereof. The Voluntary Partnership Agreement signed on May 9, 2009 defines impartial trade conditions on timber logged from timber concessions of the Congo.

Finally, RC has adhered to the UN Millennium Declaration.

4.2 Regional human rights instruments

RC is member of the African Union and has ratified or signed the following regional human rights instruments:

- The Constitutive Act of the African Union
- The African Charter on Human and Peoples' Rights (ACHPR)
- The African Charter on Rights and Welfare of the Child
- The Protocol to the ACHPR on the Rights of Women in Africa (signed)
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights (signed)

4.3 Other relevant regional instruments

RC has ratified several African conventions and is member of several regional institutions, including the Economic Community for Central African States (CEEAC), the Central African Economic and Monetary Community (CEMAC), the Economic and Statistic Observatory for sub-Saharan Africa (AFRISTAT)

Brazzaville hosts the headquarters of the Central African Regional Development Bank (BDEAC) and the Central African Power Pool (CAPP).⁸⁰

RC is member of the Central African Forest Commission (COMIFAC) and a signatory of the Convergence Plan for improved management and conservation of forests in Central Africa (February 2006), as well as to a number of forest-related regional organizations.

5. National and grass-roots organizations

5.1 Governmental Human Rights Institutions

The National Human Rights Commission was created in 2003 as an independent state institution. Its main objectives are to contribute to the promotion and consolidation of human rights in Congo and, among other things, to conceive and execute educational campaigns for the protection of vulnerable people, including autochthonous peoples.

The International Forum on Indigenous Peoples in Central Africa (FIPAC) is a Congolese intergovernmental initiative that allows states, civil society and indigenous peoples of Central Africa, the private sector, international NGOs and UN agencies to meet and discuss issues affecting indigenous peoples. One key objective is to strengthen REPALEAC, the Indigenous Peoples' network in Central Africa.

5.2 National and local non-governmental organizations

Congolese civil society in general, and indigenous or indigenous-supportive NGOs in particular, are still weak. One of the priorities of the National Plan for the autochthonous population 2009-

⁸⁰ The CAPP is the specialized institution of the CEEAC in charge of implementing and coordinating the energy policy.

2013, has therefore been to strengthen the capacities of the organizations that defend the cause of the autochthonous peoples. Some of the main NGOs are (see also Annex 4):

L'Observatoire Congolais des Droits de l'Homme/The Congolese Observatory of Human Rights (OCDH) was founded by a core group of journalists, lawyers and other activists in 1994 in response to the human rights abuses during the civil war. It has a broad human rights focus and has in collaboration with the UK branch of the Rainforest Foundation strongly advocated for the elaboration of the 2011 Law, among others through a number of surveys and documents on the situation of indigenous peoples.

L'Association des Droits de l'Homme et de l'Univers Carcéral/The Association for Human Rights and Persons in Prison (ADHUC) was established in 1995. It works on the promotion and protection of human rights in general including on the rights of indigenous peoples. ADHUC focuses on human rights education and carries out seminars, conferences, training, etc., and ADHUC is member of a number of national and international human rights networks. ADHUC has worked with indigenous peoples since 2002 and was an active participant in the dialogue with the government of Congo around the development of the law on the rights of indigenous peoples. ADHUC has its head office in Brazzaville and smaller field offices in all the provinces.

Réseau National des Peuples Autochtones du Congo/National Network of Associations of Indigenous Peoples (RENAPAC) was formed in 2007 and is a network of more than 20 Congolese civil society organizations including OCDH working in different areas such as human rights promotion, indigenous rights, biodiversity protection and local development. It collaborates with UNICEF on a number of initiatives, including the formulation of the National Plan (I and II). Website at <http://www.renapac.ifaway.net/>. Along with other civil society organizations RENAPAC is member of the **Cadre de Concertation des Organisations de la Société Civile Congolaise et des Peuples Autochtones sur la REDD+/Consultation Framework for Congolese Civil Society and Indigenous Peoples Organizations on REDD+ (CACO-REDD)** established in 2010.

At the regional level:

Réseau des Peuples Autochtones d'Afrique Centrale/Central African Autochthonous Peoples' Network (REPALEAC) is one of the CEFDHAC' thematic networks and connected to the COMIFAC process.

6. IFAD projects and operations in the Republic of Congo

IFAD's engagement in the Republic of Congo was initiated in the 1980s but interrupted in 1995 due to the Civil war. It was resumed in 2002 and IFAD has to date financed seven projects in the Congo for a total of US\$ 96 million (current amount) —US\$56.0 million being in the form of loans. IFAD's current work is based on the second country strategic opportunities program (COSOP 2009) that defines the framework of the strategic partnership between the Government of the Congo and IFAD for 2010-2014.⁸¹ The general objective of the COSOP is to bring about a sustainable improvement in the income and food security of the rural poor through the development of agricultural commodities chains. This general objective is tied in with the following three strategic objectives: (1) to increase access by small producers to appropriate and effective agricultural and fishery technologies for production, processing, storage, and preservation; (2) to increase access by small producers to transparent markets for agricultural and fishery inputs and products for the targeted chains; (3) to increase participation by rural and producers' organizations in local and national planning and policy-making processes.

The priority target groups are small crop and livestock farmers, fishers, small businessmen, and certain handcraft trades linked to agriculture or to the agrifood stream in the chains

⁸¹ Country Strategic Opportunities Programme (COSOP) 2009 at <http://www.ifad.org/gbdocs/eb/98/e/EB-2009-98-R-20.pdf> (viewed 20.08.2014).

selected. Public, second-tier, and private structures that deliver the products and services needed to develop the targeted chains will also benefit from this support. The interventions directly and proactively target very vulnerable and minority groups, such as “semi-nomadic minority groups (Pygmies)”.

IFAD’s current project portfolio includes:

The Rural Development Project in the Likouala, Pool and Sangha Departments 2009 – 2015 (PRODER III). Similar projects (PRODER I and II), now completed, have taken place in Plateaux, Cuvette and Western Cuvette, Niari, Bouenza, Lékoumou, Kouliou. PRODER III will provide training and agricultural extension services to give small-scale farmers full access to inputs and know-how. The project will also finance the rehabilitation of rural roads to provide sustainable physical access to production basins.

The Agricultural Value Chains Development Programme 2013 – 2018 (PADEF) being implemented in Congo’s 10 rural departments. The target group is composed of small producers of staple food crops and specific actors (merchants and rural women and men entrepreneurs) involved in artisanal agrifood occupations in the selected subsectors. The overall program objective is to bring about a sustainable improvement in food security and the incomes of small-scale producers (farmers, livestock breeders and fishers) and to create sustainable employment for rural people, particularly young people and women.

Both projects target autochthonous people (see Annex 5 for more details). PRODER III has elaborated a base line study on the autochthonous peoples in the project’s targeted three departments and PADEF has identified a proactive strategy taking into consideration the specific situation of the autochthonous.

7. International organizations

External financial support to Congo is relatively modest as the government itself finances most public spending.

7.1 UN agencies

The UN System in RC is represented by the following agencies and offices: FAO (UN Food and Agriculture Organization), IFAD (International Fund for Agricultural Development), ILO (International Labor Organization), UNAIDS (Joint United Nations Programme on HIV/AIDS), UNDP (UN Development Programme), UNFPA (UN Population Fund), UNHCR (UN High Commissioner for Refugees),⁸² UNIC (UN Information Centre) UNICEF (UN Children’s Fund), WFP (World Food Programme), WHO (World Health Organization).

The UN country team has in collaboration with the Congolese government elaborated a Development Action Framework, UNDAF 2009-2013, for the joint assistance to be provided in contribution to the implementation of the Congolese PRSP. The three priority areas are: improving governance; access to quality basic social services; and food and nutrition security. The HIV/SIDA pandemic and social protection for the most vulnerable will be addressed as cross-cutting issues⁸³

7.2 Bilateral international and regional development agencies

Congo’s main bilateral partners include the European Union (EU)—national infrastructure; governance, health, trade, justice and private sector development; the French Development

⁸² As of mid-2013, the Congo hosted over 60,000 refugees and asylum-seekers from Angola, the Central African Republic (CAR), Chad, the Democratic Republic of the Congo (DRC) and Rwanda.

⁸³ UNDAF 2009-2013, viewed 25.08.2014 at <http://www.undg.org/docs/9062/UNDAF-2009-2013-République-du-Congo.pdf>

Agency (AFD)—river infrastructure, health, vocational training environment and bank sector; and China (infrastructure, agriculture, health and education).⁸⁴

7.3 International financial institutions

7.3.1 The World Bank

The objective of the Bank's Country Assistance Strategy (CAS) FY13–FY16 for the Republic of Congo is to help Congo use its large oil revenues to diversify its economy and improve its social outcomes. The World Bank supports governance, capacity building, agriculture, health, HIV/AIDS, education, infrastructure, and private sector development.

Regarding indigenous people, CAS mentions the new law on the rights of indigenous people and notes that the country needs help to implement it. It notes that it will not be possible for Congo to achieve several of the Millennium Development Goals, especially in health and education, without investing in effective strategies for indigenous people.

As per 01.05.2014 there were 10 WB (IDA) active projects with a commitment of nearly US\$134.5 million, the largest share being allocated to health sector services (see Annex 6).⁸⁵ Five of the 10 active WB projects have triggered the OP.4.10 safeguard policy.

7.3.2 Other international and regional development banks and funds

The African Development Bank (AfDB), the Central African States Development Bank (BDEAC), and the Arab Bank for Economic Development in Africa (BADEA) deal mainly with infrastructure, health and sanitation and energy.

7.3.3 Environmental Funding Mechanisms

RC receives GEF funding as well as FGEF (French Global Environmental Facility). An agreement regarding a UN-REDD National Program was signed in October 2012.

7.4 International NGOs

Several INGOs work in RC, some in collaboration with UN or bilateral agencies, others with their own development programs. They include, among others: Rainforest Foundation UK, ACTED (Agence d'Aide à la Coopération Technique et au Développement, France), IECD (Institut Européen de Coopération et Développement) Action AidCordaid (Catholic Organisation for Relief and Development Aid), Médecins d'Afrique, Médecins Sans Frontières, SNV (Netherlands Development Organization).

Environmental organizations include IUCN (The World Conservation Union), US AID/CARPE (The Central Africa Regional Program for the Environment) and Forests Monitor (UK & Congo) that monitors the FLEGT Voluntary Partnership Agreement. WCS (Wildlife Conservation Society) directly manages Nouabalé-Ndoki National Park (under the Nouabalé-Ndoki Foundation) and co-manages Lac Télé, Conkouati, Ntokou-Pikounda, and wildlife in adjacent logging concessions with the Ministry of Forests and logging companies. WRI (the World Resources Institute) and GAF-AG (German Earth observation and geo-information group) are involved in forest information system and forest cover mapping, respectively.

⁸⁴ In June 2014, RC and China signed several economical and technical agreements as well as a protocol on the implementation of a cultural agreement 2014-2016.

⁸⁵ WB, Projects and Operations at <http://www.worldbank.org/projects/search> (accessed 02.05.2014).

8. Opportunities and challenges

Although the full implementation of the 2011 Law on the protection and promotion of indigenous populations is still forthcoming, various initiatives taken since then by the government (e.g., the two national action plans for the improvement of the autochthonous populations' quality of life) and by the donor community represent unprecedented opportunities for the autochthonous communities: they are now recognized as right-holders on par with the Bantu and specific attention is beginning to be taken when it comes to their aspirations and needs, in particular within education and health.

The biggest challenges will be those faced by the government and the donor community. One is to inform and socialize the 2011 Law throughout the country and involving both autochthonous and Bantu communities. Another challenge is to alleviate—let alone eradicate—the century-old discrimination that prevails against autochthonous communities. It would be naïve to believe that this core issue will disappear overnight and the promotion of mutual understanding between the two communities needs to be grounded in a long term and in depth intervention strategy based on psychosocial methods and targeting both the Bantu's racist stereotypes and the autochthonous' distrust and fear of their "masters".

A third challenge is to devise development strategies and approaches that are well-adapted not only to the situation of the autochthonous but also to their culture and beliefs. Such strategies must be implemented in an appropriate manner and at an adequate pace that allow the autochthonous to prepare for their insertion in the national society.

Some initiatives are already trying to bridge the gap between the two population groups: the community radio station "Radio Biso na Biso" that works to promote a dialogue between the Bantu and the autochthonous; the Forest Steward Certification (FSC) scheme, that involves forest-dwelling autochthonous communities in preserving sites and areas that are important for their subsistence, their culture and their spirituality; the ORA educational system that uses a non-formal teaching method based on the ways of life of indigenous peoples. But these initiatives are still few and much more needs to be done in order to reach the indigenous communities. For doing this, the donor community can greatly benefit from seeking the advice of, and collaborating with, local and national organizations, NGOs, and networks—indigenous or supportive of indigenous peoples.

Specific efforts could include

- **Support at all levels to the concrete implementation of the 2011 law on indigenous peoples**
- **Support to measures alleviating the discrimination against indigenous peoples, including:**
 - Support to the divulgation (radio broadcast, audio-visual means in order to reach the illiterate) and socialization of the 2011 Law and its implications. The target group should include both the autochthonous and the Bantu.
 - Capacity building of local autochthonous organizations so they can help and train their members in understanding, claiming and applying their rights.
 - Facilitation of dialogue between Bantu and autochthonous communities, using traditional conflict resolution mechanisms and psychosocial methods.
 - Support to initiatives combatting the prevalent situation of impunity and improving indigenous peoples' access to justice
 - Specifically support initiatives that combat discrimination and violence against indigenous women

- **Support to measures ensuring the autochthonous peoples' rights to land and forests**

In the case of forest-dwelling autochthonous communities,

- Support secure land and natural resource rights for these communities
- Promote and multiply initiatives like the FSC scheme that protect their interests and cultures
- Ensure their access to user rights that contribute to their livelihood and allow them to maintain their culture and traditions
- Ensure and support their participation in decision making bodies, e.g., related to forest governance and within REDD+ processes.

In the case of semi-sedentary and sedentary autochthonous communities

- Ensure that they get access to land and secure tenure so efforts to improve their livelihood are sustainable.
- Support their participation in decision-making bodies at village level

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10. Annexes

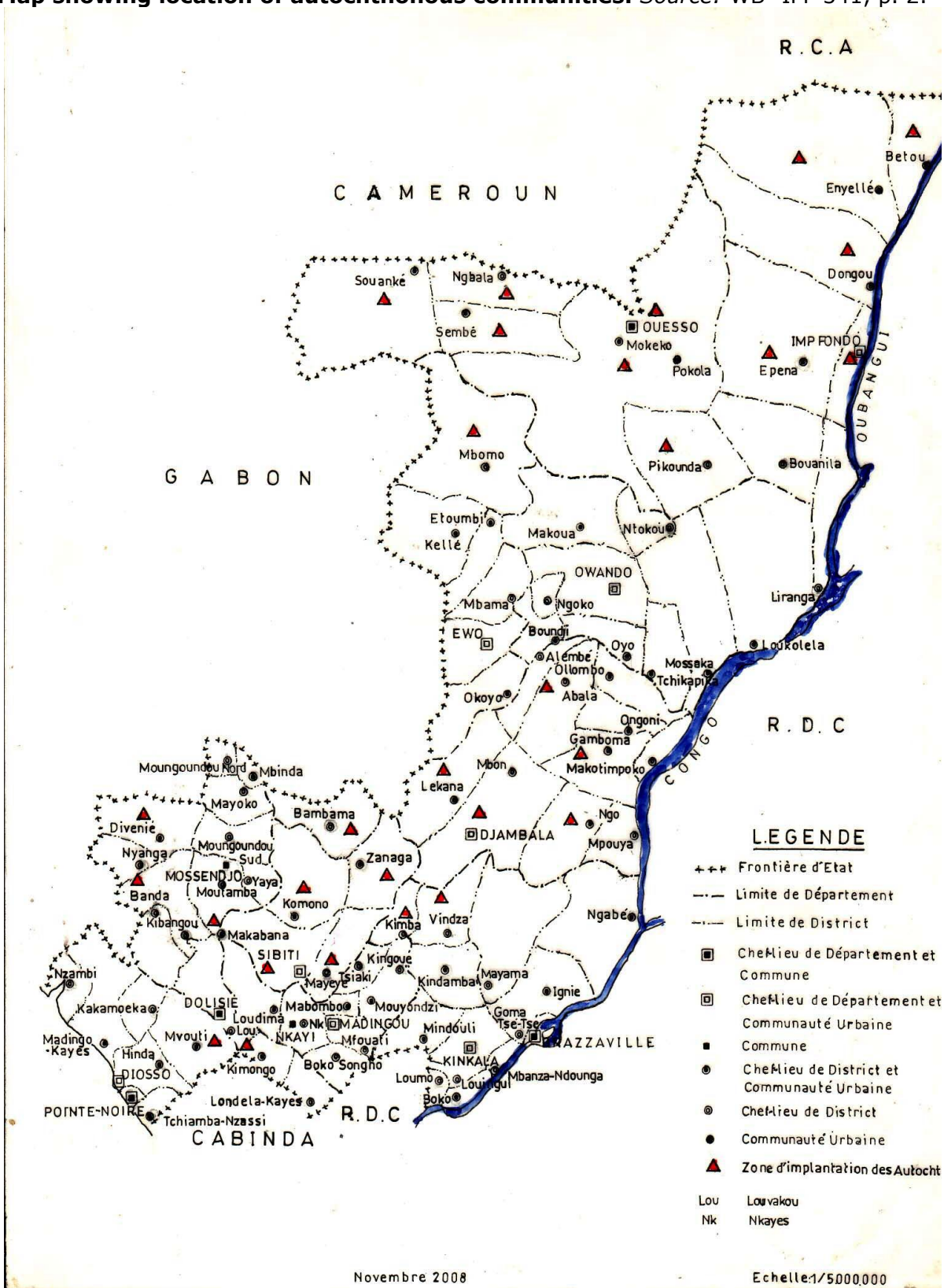
Annex 1 Maps

Political Map

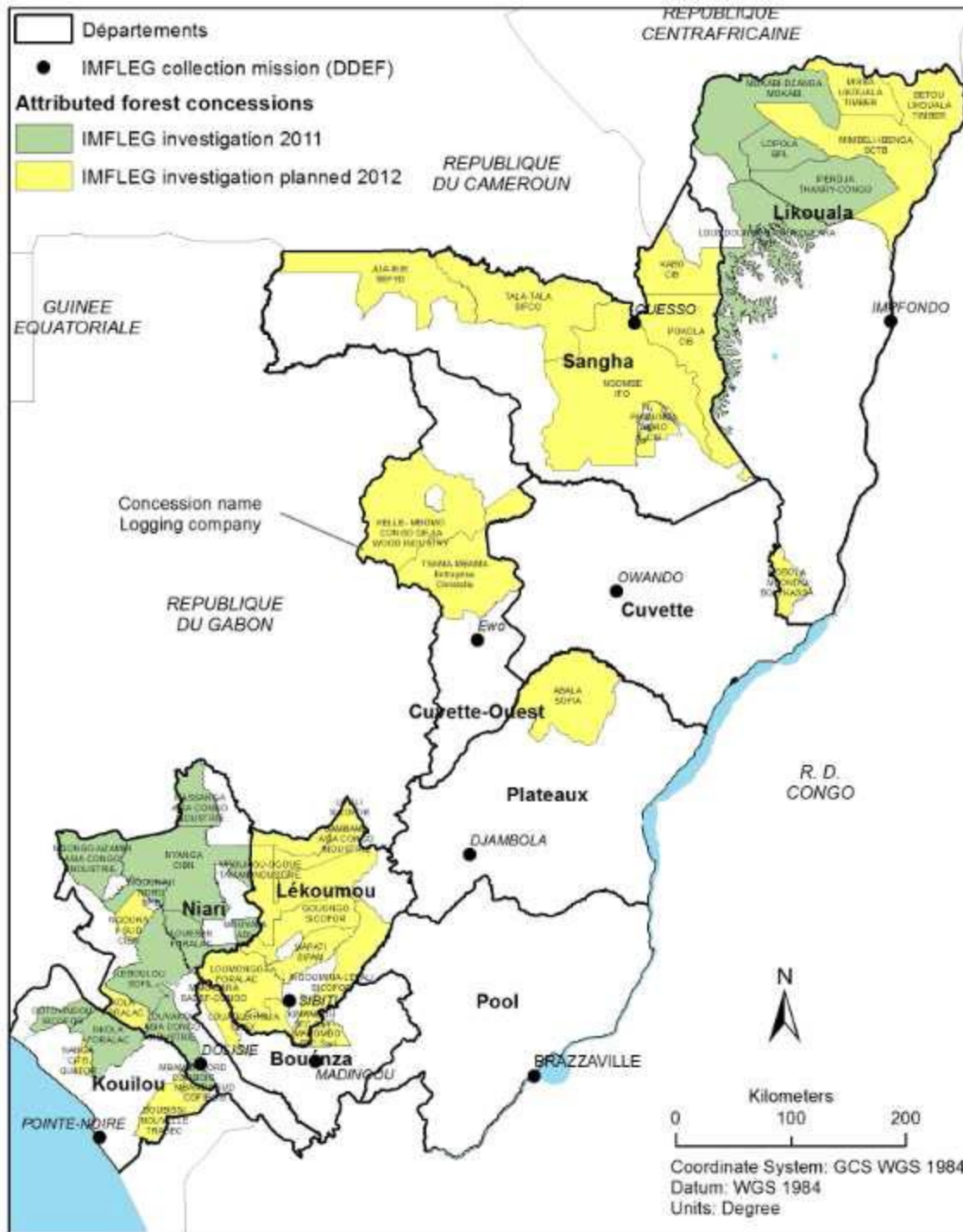


Source: <http://www.mapsofworld.com>

Map showing location of autochthonous communities. Source: WB- IPP 341, p. 2.



Map of logging concessions in RC 2012.



Source: http://www.rem.org.uk/documents/FM_briefing_OIFLEG_RC_2012_e.pdf

Annex 2 Socioeconomic indicators

Table 2.1 Republic of Congo: Human Development Indicators (2013)

HD rank 2013 (out of 187)	140
Inequality adjusted HD rank 2013 (out of 132)	105
HDI (Middle human development)	0.564
Multidimensional poverty index	0.912

Source: UNDP, *Human Development Report* (2014).

Table 2.2 Republic of Congo: Demographic data

Indicators	Value	Year
Population, total both sexes	4,448,000	2013 (est.)
Density (people/km ²)	11.1	2010
Population growth rate	1.94	2014 (est.)
Fertility rate, total (births per woman)	4.7	2014 (est.)
Life expectancy at birth (years)	58.0	2014 (est.)
Crude birth rate (‰)	36.6	2014 (est.)
Crude death rate (‰)	10.2	2014 (est.)
Rural population	1,532,258	2010

Sources: CIA World Fact Book Congo at <https://www.cia.gov/library/publications/the-world-factbook/geos/cf.html>; IFAD at <http://www.ruralpovertyportal.org/>; and WHO, at <http://www.who.org>, accessed 02.09.2014.

Table 2.3 Key Economic Indicators

	Value	Year
GDP (US\$ billions)	14.1	2013
GDP annual growth %	3.8	2013
GNI per capita (US\$)	\$2,660	2013
Labor force (million)	2.890.000	2011
- Within agricultural sector (%)	35,6	
Unemployment %	53.0	2012 (est.)
SECTOR CONTRIBUTION TO GDP (%)		
Agricultural sector (%)	3.3	2013 (est.)
Industry (Mining (oil) sector) (%)	73.9	2013 (est.)
Services (%)	22.9	2013 (est.)
EXPORTS (US\$ billions)	75.1	2013 (est.)
IMPORTS (US\$ billions)	85.0	2013 (est.)

Source: CIA World Fact Book Congo at <https://www.cia.gov/library/publications/the-world-factbook/geos/cf.html>

Table 2.4 Birth registration of children under five years of age

	% with Birth certificate	% without Birth certificate	% registered
Total population	76.8	14.0	90.8
Urban	86.0	8.8	94.0
Rural	63.1	21.6	84.7
Selected provinces			
Likoula	42.3	26.7	69.0
Sangha	69.3	12.4	81.7
Plateaux	55.3	18.1	73.4
Lékoumou	72.6	15.8	88.5
Niari	82.8	11.6	94.4
Pool	59.6	26.7	86.3
Bouenza	75.0	17.8	92.8

Source: République du Congo, "Enquête Démographique et de Santé 2011-2012" (2012), p. 274

Table 2.5 Land Use Patterns 2011

Land Use	Million ha	%
Total land surface area	34,150,000	
Arable land (% of land area)		1.5
Permanent crops (% of land area)		0.2
Permanent pasture use (% of land area)		29.3
Agricultural land (% of land area)		0.3
Forests	22,399,000	
Productive forests	14,062,130	
- Allocated Concessions	12,588,373	
- Non-allocated concessions	1,473,757	
Protected areas	5,249,094	
Total Permanent Forest Domain	19,312,244	
Mining permits (90)	12,052,300	
Oil permits (14)	364,504	

Sources: AfdB, "Gender, Poverty and Environmental Indicators on African Countries" (2014), p. 122-125; WRI, "Interactive Forest Atlas of Congo" (2012).

Table 2.6 Some basic poverty indicators 1990 – 2011

BASIC INDICATORS	1990	2000	2012
Population (millions)	2.3	3.1	4.2
Average life expectancy	55.2	52.3	58.0
Male	53.6	51.3	57.3
Female	56.8	53.4	59.7
Infant mortality rate (per 1,000 live births)	76.6	80.2	64.5
Under Five mortality rate	122.2	126.6	102.5
Maternal mortality rate (per 100,000 live births)	420	540	560*
NUTRITION			
Underweight children under Age Five (%)	n.d.	n.d.	11.8**
Prevalence of undernourishment (% of population)	45	30.1	37.4
Incidence of tuberculosis (per 100,000 inhabitants)	229	353	387
HEALTH			
Access to safe water (% of population)	n.d.	71	72.0
% rural			5.6
Access to improved sanitation (% of population)			14.6
% rural			5.6
BCG immunization coverage (% children)	61	50	95
HIV prevalence (% of population)			2.8
POVERTY			
Population below national poverty line (%)		50.7**	46.5
Population below internatl. Poverty line (US\$2/day)		74.4**	n.d.

Sources: AfdB, "Gender, Poverty and Environmental Indicators on African Countries" (2014); CIA World Fact Book Congo at <https://www.cia.gov/library/publications/the-world-factbook/geos/cf.html>

Notes: *2010; ** 2005

Table 2.7 Percentage of population belonging to the poorest quintile (% of population) and Gini coefficient in selected provinces 2011-2012

	Poorest Q.	Gini
Total population	20.0	33.2
Urban	0.0	24.4
Rural	55.7	41.1
Selected provinces		
Likoula	63.2	50.2
Sangha	37.9	43.1
Plateaux	68.1	46.5
Lékoumou ;	60.0	45.6
Niari	32.6	42.1
Pool	55.8	34.0
Bouenza	30.2	37.0

Source: République du Congo, "Enquête Démographique et de Santé 2011-2012" (2012), p.23.

Table 2.8 Health data 2000-2009

Indicators	Value	Year
Public spending on health: % of GDP	2.5	2011
Physicians per 10,000 people	1	2014
Nurses & midwives per 10,000 people	8	2014
Hospital beds per 10,000 people	16	2000-2009

Source: WHO, Congo Fact Sheet at <http://www.who.org>, accessed 02.09.2014.

Table 2.9 Antenatal healthcare and place of giving birth (selected provinces)

Location	Health care provided by			Place of giving birth		
	No one	Midwife	Doctor	Home	Public Integrated Health Centre	Public Hospital
National Average	6.8	71.0	9.8	7.9	17.8	56.7
Urban	3.7	76.4	13.6	2.3	11.8	67.2
Rural	12.1	61.7	3.1	16.6	27.0	40.6
Selected provinces						
Likoula	9.7	58.8	1.0	11.9	12.1	48.6
Sangha	15.6	70.7	4.2	20.2	3.2	75.6
Cuvette Ouest	6.7	54.7	4.1	13.6	12.2	52.5
Plateaux	11.2	46.9	4.6	15.3	40.8	29.7
Lékoumou	13.8	47.5	2.7	27.5	31.9	35.4
Niari	10.5	67.7	2.1	25.2	17.0	48.8
Pool	3.2	73.4	4.0	4.1	51.0	31.7
Bouenza	19.3	66.1	1.1	17.9	14.2	45.3

Source: République du Congo, "Enquête Démographique et de Santé 2011-2012" (2012), p.126 & p. 133.

Table 2.10 Constraints regarding visiting health care center (selected provinces)

Location	Need permission to go	Need money	Distance to center	Do not want to go alone	At least one of these constraints
National Average	45.0	65.0	40.2	30.9	72.8
Urban	42.2	60.4	32.3	24.5	69.2
Rural	51.1	75.0	57.6	44.8	80.8
Provinces					
Likoula	30.0	69.4	41.2	27.9	72.7
Sangha	46.4	80.9	60.5	23.7	85.6
Cuvette Ouest	24.6	64.9	22.4	19.1	77.9
Plateaux	41.3	60.4	46.7	26.6	65.2
Lékoumou	39.5	75.3	29.5	21.9	79.6
Niari	45.3	75.4	52.1	37.2	80.2
Pool	83.8	89.6	80.0	68.8	93.5
Bouenza	62.3	70.8	61.6	57.9	75.8

Source: République du Congo, "Enquête Démographique et de Santé 2011-2012" (2012), p.140.

Table 2.11 Education data 2012

Education expenditures (% of GDP)	6.2 (2010)	
Indicators	National	Autochthonous
Overall literacy (over 15) (2003 est.)	83.8	n.d
School life expectancy (years)	10.6	n.d.
Men	10.7	
Women	10.5	
Primary School Enrolment rate (gross) (%)	115.3	67.9
Men	117.0	76.9
Women	115.3	59.0
Secondary School Enrolment (gross) (%)	53.7	n.d.
Men	57.5	
Women	49.8	

Source: CNSEE, at <http://www.cnsee.org> and CIA World Fact Book Congo at <https://www.cia.gov/library/publications/the-world-factbook/geos/cf.html> (accessed 02.09.2014)

Table 2.11 Level of instruction in selected provinces 2011-2012

	No instruction		Incomplete Primary		Complete Primary	
	M	F	M	F	M	F
Urban	2.3	3.3	8.5		3.5	5.7
Rural	3.4	11.1	20.0		5.6	9.4
Selected provinces						
Likoula	3.0	9.9	13.3	23.5	6.2	14.7
Sangha	5.7	14.2	19.9	25.9	1.8	5.0
Cuvette Ouest	1.7	3.3	17.7	29.1	9.6	14.0
Plateaux	3.2	11.2	25.0	36.0	5.0	5.1
Lékoumou ;	5.3	16.6	28.0	29.8	7.0	5.5
Niari	2.6	8.7	16.7	25.2	6.5	7.1
Pool	2.3	5.6	23.8	30.6	5.5	11.9
Bouenza	3.2	14.2	15.9	33.1	2.3	6.0

Source: République du Congo, "Enquête Démographique et de Santé 2011-2012" (2012), p. 36-37.

Annex 3 List of international and regional human rights and other legal instruments

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

International human rights treaties⁸⁶

- The Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁸⁷
- The International Covenant on Civil and Political Rights (CCPR) and its Optional Protocol CCPR-OP-1⁸⁸
- The International Covenant on Economic, Social and Cultural Rights (CESCR)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁸⁹
- The Convention on the Rights of the Child (CRC) and its Optional Protocols CRC-OP-AC and OP-SC⁹⁰
- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol OP-CRPD⁹¹
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its optional protocol
- The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)

Universal human rights instruments related to armed conflicts

- The Four Geneva Conventions of 1949 and the additional 1977 protocols I and II
- The UN Convention relating to the Status of Refugees and its 1967 Protocol on Statelessness
- The Rome Statute of the International Criminal Court

Other international Conventions

UNITED NATIONS

- The Convention against Transnational Organized Crime (CTOC) and the Palermo Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- The Convention on the Law of the Sea (UNCLOS III)

UNESCO conventions

- The Convention against Discrimination in Education
- The Convention concerning the Protection of the World Cultural and Natural Heritage
- The Convention for the Safeguarding of the Intangible Cultural Heritage
- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions

ILO conventions

- C29 (on Forced Labour)
- C87 (Freedom of Association and Protection of the Right to Organize)
- C98 (Right to organize and to collective bargaining)
- C29 & C105 (Elimination of Forced and Compulsory labor)
- C100 and C111 (Elimination of Discrimination in respect of Employment and Occupation)
- C138 and C182 (Abolition of Child Labor)

International conventions related to environment, bio-diversity and climate change

- CBD—The Convention on Biological Diversity (1992), its Cartagena Protocol on Biosafety and its Nagoya Protocol on Access and Benefit-sharing.

⁸⁶ RC is not party to the Convention for the Protection of All Persons from Enforced Disappearance (CPPED)

⁸⁷ RC does not recognize Individual Complaints (art. 14).

⁸⁸ RC has not signed CCPR-OP 2 on death penalty

⁸⁹ RC has not signed CEDAW-OP-1.

⁹⁰ RC has not signed CRC-OP-IC.

⁹¹ RC has not signed CRPD-OP.

- Agenda 21
- UNFCCC—UN Framework Convention on Climate Change and its Kyoto Protocol on the Reduction of Overall Emissions
- The Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and its four amendments
- The Ramsar Convention on Wetlands⁹²
- CITES—Convention on International Trade in Endangered Species
- CMS—Convention on the Conservation of Migratory Species of Wild Animals
- UNCCD—UN Convention to Combat Desertification...particularly in Africa
- The Nuclear Non-Proliferation Treaty (NPT)
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their disposal
- The Rotterdam Convention. On the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in internal Trade
- The Stockholm Convention on Persistent Organic Pollutants

International conventions regarding intellectual property rights

- WIPO Convention & 6 WIPO administered treaties⁹³
- WTO—World Trade Organization
- TRIPS—Agreement on Trade-related Aspects of Intellectual Property Rights

The UN Millennium Declaration

Regional human rights instruments

- The Constitutive Act of the African Union
- The African Charter on Human and Peoples' Rights
- The African Charter on Rights and Welfare of the Child
- The Protocol to the ACHPR on the Rights of Women in Africa (signed)
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights (signed)
- African Charter on Democracy, Elections and Governance (signed)
- The African Union Convention Governing Specific Aspects of Refugee Problems in Africa

Other regional conventions and agreements

- The African Union Convention on the Prevention and Combating of Corruption
- The African Economic Community Treaty
- Cultural Charter for Africa
- African Convention on the Conservation of Nature and Natural Resources 1968
- Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements and Management of Hazardous Wastes within Africa
- Pelindaba Treaty on the African Nuclear Weapons-Free Zone

Membership of regional bodies

- New Partnership for Africa's Development (NEPAD)
- African Peer Review Mechanism (APRM).
- Economic Community of Central African States (ECCAS)
- International Agency for the Development of Environmental Information (ADIE)
- Congo Basin Forest Partnership (CBFP)
- Central African Forests Commission (COMIFAC).
- Conférence sur les écosystèmes forestiers denses et humides d'Afrique centrale (CEFDHAC)
- Observatoire des Forêts d'Afrique Centrale (OFAC)
- The Organization for Harmonization of Business Law in Africa'(OHADA)

⁹² RC has 10 Ramsar sites.

⁹³ For details, see <http://www.wipo.int/treaties/en/summary.jsp>

- Réseau des Aires Protégées d'Afrique Centrale (RAPAC)
- Réseau des Institutions de Formation Forestière et Environnementale en Afrique Centrale (RIFFEAC)

Other relevant memberships

- The African, Caribbean and Pacific Group of States (ACP)
- G-77
- The Non-Aligned Movement (NAM)

Annex 4 National and local non-governmental organizations

- **L'Observatoire Congolais des Droits de l'Homme/The Congolese Observatory of Human Rights (OCDH)** was set up by a core group of journalists, lawyers and other activists in 1994 in response to the human rights abuses during the civil war. It has a broad human rights focus and has in collaboration with the UK branch of the Rainforest Foundation strongly advocated for the elaboration of the 2011 Law, among others through a number of surveys and documents on the situation of indigenous peoples.
- **L'Association des Droits de l'Homme et de l'Univers Carcéral/The Association for Human Rights and Persons in Prison (ADHUC)** was established in 1995. It works on the promotion and protection of human rights in general including on the rights of indigenous peoples. ADHUC focuses on human rights education and carries out seminars, conferences, training, etc., and ADHUC is member of a number of national and international human rights networks. ADHUC has worked with indigenous peoples since 2002 and was an active participant in the dialogue with the government of Congo around the development of the law on the rights of indigenous peoples. ADHUC has its head office in Brazzaville and smaller field offices in all the provinces.
- **Réseau National des Peuples Autochtones du Congo/National Network of Associations of Indigenous Peoples (RENAPAC)** was formed in 2007 and is the first of its kind (<http://renapac.ifaway.net/>). It collaborates with UNICEF on a number of initiatives, including the formulation of the National Plan (I and II). Along with other civil society organizations RENAPAC is member of the **Cadre de Concertation des Organisations de la Société Civile Congolaise et des Peuples Autochtones sur la REDD+/Consultation Framework for Congolese Civil Society and Indigenous Peoples Organisations on REDD+ (CACO-REDD)** established in 2010.
- **Association des Peuples Autochtones du Congo (APAC)**, was founded by the autochthonous community in Brazzaville in 2000 s a social, economic and politic association for indigenous rights . It is headed by Ngouélé Ibara, an autochthonous..
- **Mutuelle d'entraide des peuples autochtones** is a kind of mutual solidarity association based in Dolisie (Niari). It is headed by Toto Gonimba, an indigenous activist.
- **Association pour le Développement Socioculturel des Pygmées (ADSCP)** is based in Sibiti and headed by a Bantou activist.
- **Association congolaise pour la défense et l'intégration des Pygmées/Congolese Association for the Defense and Integration of Pygmies (ACDIP)** is headed by a Bantu and based in Djambala (Plateaux).

At the regional level:

- **Réseau des Peuples Autochtones d'Afrique Centrale/Central African Autochthonous Peoples' Network (REPALEAC)** is one of the CEFDHAC' thematic networks and connected to the COMIFAC process.

Annex 5 IFAD projects in Republic of Congo

Rural Development Project in the Likouala, Pool and Sangha Departments 2009 – 2015

Programme type Rural development
Approval date 2008
Implementation period 2009-2015
Total cost US\$18.7 million
IFAD loan US\$8.6 million
Cofinancier: OPEC Fund for International Development: US\$7.0 million
Total cost benefiting Indigenous peoples NA
Executing agency: Ministry of Agriculture

The overall objective is to improve the food security of rural poor people in the Likouala, Pool and Sangha Departments. The specific objectives are to

- increase sustainably the production, productivity and income of rural groups engaged in improving the main crops belonging to the cassava-based farming system; and
- provide sustainable physical access to production basins.

The project will cover 250 villages and reach about 20,000 households, which represents about one third of the total rural population of the three departments covered by the project. Most of the households are engaged in in the local cassava-based farming system. Project planning ensures that the most vulnerable groups will be included in activities and benefits. As the project is taking place in regions with a large autochthonous population, a base-line study has been undertaken.

In accordance with the IFAD Policy on Targeting, project design has been a highly participatory process, involving local governments, beneficiary communities and individual citizens. The targeting strategy comprises three steps:

- identification and selection of production basins;
- selection of villages; and
- selection of farmers' groups within the target villages.

The project has four components: (i) support to agricultural production; (ii) capacity strengthening; (iii) infrastructure to provide access to production basins; and (iv) coordination, communication and management.

Agricultural Value Chains Development Programme (PADEF) 2013 - 2018

Programme type Rural development
Approval date 2011
Implementation period 2013-2018
Total cost US\$17.4 million
IFAD loan US\$9.8 million
RC government: US\$7.0 million (40 percent of total cost)
Cofinancier: OPEC Fund for International Development: US\$7.0 million
Total cost benefiting Indigenous peoples NA
Cooperating Institution Ministry of Agriculture and Livestock

PADEF is implemented in Congo's 10 rural departments, which comprise 820 villages, 70 districts and 55,000 households. Direct beneficiaries will be 15,000 households

The overall programme objective is to bring about a sustainable improvement in food security and the incomes of small-scale producers (farmers, livestock breeders and fishers) and to create sustainable employment for rural people, particularly young people and women.

The project, in line with the COSOP 2010-2014, aims to strengthen:

- access by small-scale producers to appropriate agricultural and fishing technologies for production, processing, storage and conservation
- access by small-scale producers to transparent markets for inputs and agricultural and fishing products for the targeted subsectors
- the capacity of peasant organizations (POs) and local authorities to provide services to their members and increase their participation in local development.

Four components aligned with the specific objectives of the COSOP are implemented: (i) support for agricultural, animal and fish production; (ii) support for the conservation, processing and marketing of agricultural, animal and fishing products; (iii) capacity-building for POs and microfinance institutions; and (iv) programme coordination and management.

Regarding PADEF's autochthonous beneficiaries, a proactive strategy will be adopted in order to fill the gap that separates them from the other beneficiaries. The proactive approach will be based on a better understanding of their situation going beyond generalizations; the identification of categories taking into account their present situation, their aspirations and the constraints to be lifted in order for them to pass from one category to another. Based on PRODER III's base-line study a strategy of true commitment with the autochthonous populations and an operationalized implementation modality will be defined and validated.

Annex 6 List of Active World Bank Projects in RC (per 01.05.2014)⁹⁴

1. P145263 LISUNGI Safety Nets Project for Republic of Congo 2014-2018

Total Project Cost: US\$ 17.00 million

Total Commitment: US\$2.00 million

RC Government: US\$ 15.00 million

Major Sectors (%) Other social services (80%); Public Administration – Other social Services (20%)

Themes (%) Social safety nets (80%); Vulnerability assessment and monitoring (20%)

OP/BP 4.10 not triggered.

2. P145627 Additional Financing for the Agricultural Development and Rural Roads Rehabilitation Project (PDARP9) 2014-N/A

Total Project Cost: US\$ US\$ 10.50 million

Total Commitment: US\$ 2.50 million

RC Government: US\$ 8.00 million

Major Sectors (%): Rural and Inter-Urban Roads and Highways (40%), General agriculture, fishing and forestry sector (27%), Central government administration (17%), Agricultural extension and research (8%), Crops (8%)

Themes (%): Rural services and infrastructure (50%), Rural non-farm income generation (29%), Rural policies and institutions (14%), Rural services and infrastructure (14%), Other rural development (14%)

OP/BP 4.10 triggered: IPPF 607 (2012).

3. P143849 Health Sector Project 2013-2019

Total Project Cost: US\$ 120.00 million

Total Commitment: US\$10.00 million

Borrower/Recipient: US\$ 110.00 million

Major Sectors (%): Health (97%); Compulsory health finance (3%)

Themes (%) Child health (36%); Population and reproductive health (36%); Health system performance (15%); Participation and civic engagement (9%); Social safety nets (4%)

OP/BP 4.10 triggered: IPP 674 (2013)

4. P128628 Skills Development for Employability Project 2013-2018

Total Project Cost: US\$ 30.00 million

Total Commitment: US\$ 10.00 million

Borrower/Recipient: US\$ 20.00 million

Major Sectors (%): Vocational training (80%), Public administration- Education (12%), Adult literacy/non-formal education (8%)

Themes (%): Education for the knowledge economy (87%), Micro, Small and Medium Enterprise support (13%)

OP/BP 4.10 not triggered.

5. P124085 Forestry and Economic Diversification Project (FEDP) 2012-2017

Total Project Cost: US\$32.60 million

Total commitment: US\$10.00 million

Borrower/Recipient: US\$22.60 million

⁹⁴ See under Project and Programs at WB's Web site: <http://www.worldbank.org/en/country/congo/projects>

Major Sectors (%): Forestry (60%), General agriculture, fishing and forestry sector (40%)
Themes (%): Environmental policies and institutions (30%), Rural policies and institutions (30%), Land administration and management (20%), Biodiversity (20%)
OP/BP 4.10 triggered: IPP 557.

6. P122990 Transparency and Governance Capacity Building Project (repeat project) 2012- 2015

Total Project Cost: US\$ 26.30 million
Total Commitment: US\$ 5.00 million
Borrower/Recipient: US\$ 21.30 million
Major Sectors (%): Central government administration (60%), General public administration sector (40%)
Themes (%): Public expenditure, financial management and procurement (70%), Other accountability/anti-corruption (20%), Other public sector governance (10%)
OP/BP 4.10 not triggered.

7. P118561 Support to Economic Diversification Project 2010-2017

Total Project Cost: US\$ 20.00 million
Total Commitment: US\$ 10.00 million
Government: US\$ 10.00 million
Major Sectors (%): Public administration-Financial Sector (39%), Agro-industry, marketing, and trade (35%), Railways (14%), General industry and trade sector (12%)
Themes (%): Micro, Small and Medium Enterprise support (41%), Other Private Sector Development (32%), Infrastructure services for private sector development (13%), Regulation and competition policy (8%), State-owned enterprise restructuring and privatization (6%)
OP/BP 4.10 not triggered.

8. P106975 Water, Electricity & Urban Development SIL 2010-2015

Total Project Cost: US\$ 125.50 million
Borrower/Recipient: US\$ 100.00 million
Total Commitment: US\$ 25.50 million
Major Sectors (%): Sub-national government administration (50%); Water supply (47%); General energy sector (3%)
Themes (%): Other urban development (100%)
OP/BP 4.10 not triggered.

9. P106851 Congo Health Sector Services Development Project 2008-2014

Total Project Cost: US\$ 40.00 million
Total Commitment: US\$ 40.00 million
Major Sectors (%): Health (100%)
Themes (%): Health system performance (P); Other communicable diseases (P); Child health (S); Population and reproductive health (S)
OP/BP 4.10 triggered: IPP 276 (2008) & IPP 674 (2013).

10. P095251 Agricultural Development and Rural Roads Rehabilitation Project 2007-2015

Total Project Cost: US\$ 20.00 million
Total Commitment: US\$: 20.00 million

Major Sectors (%): Rural and Inter-Urban Roads and Highways (40%), Crops (27%), Central government administration (17%), Animal production (8%), General industry and trade sector (8%)

Themes (%): Rural services and infrastructure (29%), Rural markets (29%), Rural non-farm income generation (14%), Rural policies and institutions (14%), Public expenditure, financial management and procurement (14%)

OP/BP 4.10 triggered as a result of the project's Mid-Term Review. IPP 607 (2012).

