BRAZZAVILLE (12 November 2010):

“I commend the Government of the Republic of Congo for the significant steps it is taking to recognize and protect the rights of marginalized indigenous peoples of the country. Significant challenges remain, however to advance and implement these initiatives so that they can result in real improvement in the conditions of these peoples.

“During my 11 day visit to the Congo, I visited a number of indigenous communities in the departments of Likouala and Lekoumou, and I met with many government officials, United Nations agencies and civil society organizations in Brazzaville. I would like to express my appreciation for the support of the Government, in particular the Ministry of Justice and Human Rights, and the United Nations country team in Congo for the indispensable support they provided for planning and coordinating the visit.

“I have learned about the various initiatives and policies put in place by the Government to advance the rights of indigenous peoples. In particular, I welcome the development of a bill for a law on indigenous peoples, and am pleased to have heard from government and parliamentary officials that the bill will very likely be adopted into law during the current session of Parliament, before the end of the year. I urge the Government of Congo and the Parliament to ensure enactment of the law without amendments that would weaken its provisions, and to adopt the necessary implementing legislation (décrets d’application) as soon as possible.

“This law will be the first of its kind on the African Continent, and it provides an important example of a good practice in the region for the recognition and protection of the rights of indigenous peoples. With its promotion of this legislation, along with its agreement to a National Action Plan to diminish the disadvantaged conditions of non-dominant indigenous groups, the Government of Congo is committing to action that is generally in keeping with international standards in this regard.

“In this context, I encourage the Government to keep in mind the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted by the United Nations General Assembly in 2007 with the support of an overwhelming majority of the countries of the world, including the Republic of Congo. I also urge ratification by Congo of the International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries, which would complement the law on indigenous peoples and provide a comprehensive legal framework to further advance the rights of the indigenous peoples of Congo. I am pleased that I have received from Government officials positive indications of a willingness to take the necessary steps to ratify this Convention.

“The draft law that is currently before Parliament has a strong potential to assist the
indigenous peoples of the Congo in securing their rights, but it will require a strong and concerted effort by multiple ministries and agencies of government to ensure its full implementation, in light of the extreme circumstances of disadvantage in which indigenous peoples of the Congo still find themselves.

“I have observed first hand that indigenous peoples in Congo such as the Baaka, Mbendjele, Mikaya, Luma, Gyeli, Twa and Babongo, which collectively have been known as Pygmies – live an extremely marginalized existence. Many of them live in encampments on the outskirts of villages, without adequate housing or access to basic social services such as health and education. They are subjected to deep-seated discriminatory attitudes that manifest themselves in inequitable social arrangements, including in many instances labour relations that amount to forms of serfdom or involuntary servitude.

“Although chronic underdevelopment and poverty is pervasive throughout the country, particularly in rural areas, I have observed markedly worse conditions of extreme social and economic disadvantage among the indigenous people that are not part of the majority ethnic Bantu of the country.

“Therefore, I call upon the Government of Congo to ensure, not just adoption of the proposed law on indigenous peoples, but also its full and meaningful implementation. This will require the development of practical arrangements to ensure that policies and programs are developed across the board that implement the rights envisaged by the law. The Government should strive to ensure that a deeper awareness of the rights of indigenous peoples is incorporated into a range of government agencies, programmes and initiatives, which would allow for a holistic approach to addressing indigenous disadvantage across the country. Such an approach should be compatible with the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, thus ensuring not just social and economic wellbeing, but also the integrity of indigenous communities and cultures, and their self-determination. The National Human Rights Commission and the proposed Inter-Ministerial coordinating committee on indigenous peoples should play a leading role in this regard.

“Additionally, a concerted effort needs to be made to raise awareness about the rights of indigenous peoples among the general Congolese population, in order to change entrenched discriminatory attitudes and foster a sense of understanding and respect among all Congolese citizens.

Finally, United Nations agencies, other international institutions involved in Congo such as the World Bank and concerned governments from other countries with the capacity to provide financial and technical assistance, should develop or redouble efforts to cooperate with the Government of Congo to advance the rights of indigenous peoples, in a manner fully consistent with international standards.”

On 26 March 2008, the United Nations Human Rights Council appointed Professor S. James Anaya as Special Rapporteur on the rights of indigenous peoples, for an initial period of three years. Professor Anaya is a Regents Professor and the James J. Lenoir Professor of Human Rights Law and Policy at the University of Arizona (USA).