

## Expropriation without compensation of the Pygmies of Lobaye due to industrial logging in the Central African Republic

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### ABSTRACT

Underdeveloped countries in general, and the Central African Republic in particular, seek to escape poverty by fully exploiting their natural resources. Forests are one of the resources that contribute enormously to GDP, with significant economic benefits. However, this forest, along with the habitat and living environment of the Pygmies, is destroyed every year due to development needs. Pygmies are expropriated due to industrial logging without compensation. The objective of this study is to analyze the damage that logging causes to vulnerable populations, such as the Pygmies of Lobaye. Documentary research and surveys of the local population were used to collect the data contained in this work. The testimonies of Pygmies who frequent urban areas such as the central market of Mbaike were examined and integrated into this study.

Approximately 10% of the national territory is covered by forest, located particularly in the southwest and southeast of the country. It is the habitat of the Pygmies with an ecosystem rich in multiple biodiversity and a variety of natural resources such as Non-Timber Forest Products (NTFPs) which ensure the food and health security of Pygmies and Timber Products (TP) requested by forestry companies. For reasons of economic emergence, the State grants exploitation permits to industrial and especially foreign forestry companies.

The French, Lebanese, Chinese, and Russians are sharing the forest to the detriment of vulnerable Pygmy populations. Furthermore, artisanal logging companies are multiplying in Lobaye, in unfair competition with industrial companies. The Pygmies suffer injustice due to their expropriation through the destruction of their habitat by logging companies. During the country's numerous military and political crises, logging permits were fraudulently granted by phantom logging companies that destroyed Pygmy camps. Some logging companies, during periods of crisis, support armed groups to protect their property.

The customary land tenure system used by the Pygmies to appropriate land is recognized by the country's Constitution and national legal instruments. More than 95% of the rural population benefits from this right of use, which was implemented well before colonization. The introduction of the modern regime did not eliminate the right of use, which continues even today in urban areas. This regime is justified by the illiteracy experienced by the Pygmies and the insufficient financial means to begin the process of allocating a plot of forest land according to the terms of the modern regime. There are currently approximately 100,000 Aka Pygmies in the Central African forest. Data on their number in the Lobaye Prefecture is not available. The State, logging companies, and artisanal logging operators do not collaborate with the Pygmies to demarcate the portion of the forest to be exploited. The Pygmies are marginalized and do not have the right to seek justice to defend their property rights based on the customary regime.

Everyone refuses to recognize their land ownership rights. In the future, they risk finding themselves in a forested area transformed into savannah. The deforestation rate in the CAR is alarming, and the Lobaye Prefecture is no exception. The deforestation rate is estimated at 0.13% per year, representing 30,000 hectares of forest disappearing each year. Illegal logging, military-political conflicts, and timber trafficking are exacerbating the dispossession of the Lobaye Pygmies. Innovative strategies aimed at domesticating trees and plants and privatizing the forest for the benefit of the Pygmies represent avenues for redress and compensation for the Pygmies for the harm caused to them over the past several decades.

The CAR is beginning to benefit from Carbon Credits through institutions such as Chinko. Facilitating this process and extending it to forestry operations could lead to a program benefiting Pygmies in the payment of carbon credits. This article analyzes the injustice suffered by Pygmies and the denial of recognition of their customary land ownership rights, as well as their marginalization by other stakeholders in the exploitation of natural resources. It proposes avenues for redress through ecological renovation and the domestication of trees and plants useful to Pygmies, ensuring the sustainability of their habitat.

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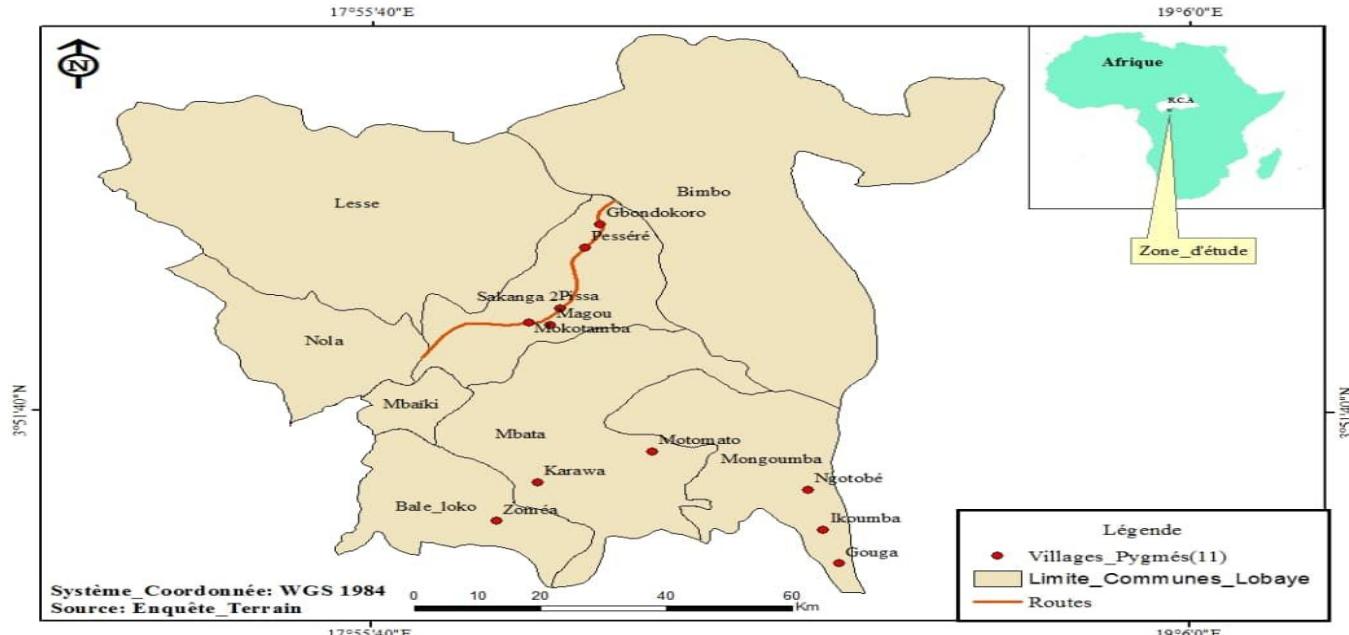
## 1 INTRODUCTION

Expropriation is both a tool and a method used by the State to reclaim property that has already been legally assigned. It is justified by the implementation of Projects of General Interest (PIG), placed under the authority of the State. Thus, the generic

term "expropriation for public utility" is used, referring to the resumption by the State or a public administration of private property for the purpose of building public infrastructure or facilities such as schools, roads, hospitals, and sports facilities such

as stadiums (Félix Ngana,). Generally speaking, this practice is accompanied by compensation to offset or mitigate the psychological, familial, social, economic, and cultural shock caused by this loss. Compensation is a gesture of recognition to the victims of the sacrifices made to develop their property and support their resettlement, thereby guaranteeing their human dignity. Expropriation differs from eviction. The latter applies to illegal occupants, squatters who are driven off a property, generally without compensation. This is what Pygmies in the Central African Republic in general and in the Lobaye Prefecture in particular are experiencing in the face of industrial logging, because they do not have a Land Title (TF) for the forest they occupy. Consequently, they are driven from their habitat without compensation. Since the beginning and well before the modern land tenure system, the

forest has been universally recognized as the habitat of the Pygmies. What is universal is above the law. It is a natural property right based on the customary land tenure system that positive law recognizes. In this context, the term expropriation of Pygmies due to logging is justified, because the land belongs to the original occupants. They are not illegal occupants or squatters, so they should be victims of eviction. Eleven Pygmy villages were identified as part of this work (Figure 1). This article presents the forest as the legal habitat of the Pygmies and must be spared from logging permits in all its forms that expropriate them. Expropriation procedures must apply in their case. The study analyzes the consequences of deforestation on the survival of the Pygmy habitat and proposes strategies for the sustainability of the living environment of these populations.



**Figure 1: Map of Pygmy villages identified in Lobaye**

## 2. ISSUE

From its origins, the territory of Ubangi Chari, which was occupied during the colonial period and which today is the Central African Republic, was occupied by primitive peoples. Contacts with the West and the Arab-Muslim world resulted in sociocultural transitions in the way of life of the colonized. However, some peacefully opposed civilization to protect their sociocultural realities. This is the case of the Pygmies, the subject of this study. Urbanization and development have failed to integrate them into modernity as we know it today. Their preferred habitat remains the forest, which is in sharp decline due to industrial logging. Others have accepted this Western or Arab-Muslim civilization and lost their roots, their land, and their identity, as evidenced by the example of the Ndris in Bangui and the Gbidigui in Gbabéa in Sibut (Félix Ngana, 2004). By losing their cultural identity, they no longer identify as Ndris or Gbidigui, but claim to belong to the major ethnic groups (Banda, Gbaya, Mandja).

There are nine industrial logging companies in the forest in the south of the country. Seven are located in the Lobaye Prefecture and two in the Mambéré Kadéï Prefecture until 2010. By logging this forest, the Pygmies are being expropriated without any compensation, as their ownership rights to the forest are not recognized in relation to a logging permit issued by the state for economic reasons linked to development processes. On this point, the Pygmies are classified among nomadic populations who do not have a fixed habitat. However, their nomadism is seasonal and takes place within a specific living environment that revolves

around a camp and areas for gathering, hunting, and collecting Non-Timber Forest Products (NTFPs), essential to their survival in this environment, which we consider hostile for a civilized person.

The recognition of the Pygmies' right to inhabit the forest and the respect of their human dignity by the Central African State and logging companies constitute the issue of this study. The end of the forest would mean the end of the Pygmies. Indeed, the prospects for redressing the trauma experienced by the Pygmies, resulting from their expropriation without compensation, require the implementation of strategies that ensure the sustainability of forest ecosystems by integrating them into the carbon credit process and the mechanisms of the Green Fund.

## 3 MATERIALS AND METHOD

Field research and documentation were used to collect the data contained in this article. Research was conducted from 2001 to 2004 as part of a doctoral thesis, defended in June 2004, on the representation of urban spaces by marginalized populations in the Central African Republic. The study showed that Pygmies are an integral part of the marginalized populations. Those in the Lobaye Prefecture are heavily impacted by concessionary companies from the colonial period and today's logging companies.

This thesis laid the foundation for this study. Documents on human rights and respect for human dignity in the allocation of land were consulted. Voluntary guidelines for the governance of land tenure address the situation of vulnerable populations. Field trips to Mbaïki, the capital of the Prefecture, made it possible to update

information relating to the expropriation of Pygmies without compensation.

## 4 RESULTS

The Aka Pygmies of Lobaye hold a Natural Land Title (NLT) for the forest they occupy. This form of occupation is not illegal. They are not squatters. It is universally recognized that these indigenous peoples live in the forest. Similar examples are observed in other regions of the world, such as in the Amazon with the Amerindians. Their history and mastery of ecosystems resemble that of the Pygmies of Lobaye.

### 4.1 The Property Rights of an Authentic but Marginalized Population

The Pygmies have been present in the Lobaye forest since 2400 BC (Elora Hervé, 2018). Ancient Egyptian sources record the presence of small people in the Central African forest. The discovery of the Ubangi-Chari region only took place in the 1800s of our era (Jean-Pierre Tuquoi, 2017). At that time, the Pygmies were already present. As such, they were land chiefs and were expected to cooperate with explorers until the establishment of the colonial administration from 1903 to 1958 (Pierre Kalck, 1992). Fear of the Whites strongly influenced the primitive populations of the time. They were preparing to flee and hide as soon as the arrival of the Whites was announced. During the establishment of Canton chiefs in the savannah zone in the center of the country, no Pygmy was appointed Canton chief in the Lobaye forest area.

**Table 1: Administrative procedures for expropriation of Pygmies not complied with**

N°	Procedures	Observation
1	Public utility investigation: Article 2 of Law 61.262	Not complied with
2	Land survey	
3	Public utility declaration	
4	Preliminary investigation: verification of the public interest of logging permits	
5	Investigation duration: 15 to 30 days	
6	Land survey: inventory of resources and owners to be expropriated: Article 5 of Law 61.262	
7	Individual notification to persons affected by the expropriation: Article 23 of Law 61.262	
8	Transferability order	

Source: Félix Ngana, 2022

Not all Pygmy expropriation procedures are complied with. An agreement should exist between the State, logging companies, and the Pygmies, pursuant to Article 4 of Law 61.262 of December 23, 1961. The State does not consider them or consult them when granting logging permits to forest industries. The juxtaposition of customary land tenure with modern land tenure is not favorable to

Furthermore, illiteracy constituted a real obstacle between Westerners and the indigenous populations. The Pygmy way of life did not harmonize with Western culture. They have no access to modern schools and cannot read, write, or speak the colonizer's language. The education system has remained traditional to this day. Perceived as subhuman, their habitats were not respected but allocated by the colonial administration to concessionary companies and, today, to logging industries by the state, without any consultation with these original occupants. Land allocation procedures according to the modern land tenure system are not part of their culture.

The reasons for their marginalization are multiple. The preservation of their sociocultural realities forces them to withdraw from modernity because of its demands, establishing their camps deep in the forest, far from the outside world (Félix Ngana, 2004). Securing their land is a real problem in the face of the allocation of logging permits, initiated by the colonial administration and perpetuated by the current authorities for economic reasons.

### 4.2. Non-application of expropriation procedures to Pygmies: Law 61.262 of December 23, 1961

Under Central African legislation, the State has a legal right to use its public authority when it comes to the implementation of Projects of General Interest. In this context, the legitimate right of individuals is exercised through an exchange of powers between the administrative and judicial authorities. In the case of the Pygmies, administrative procedures are not respected (Table 1).

the Pygmies. The public interest of a logging permit remains to be demonstrated. The great defenders of forest biodiversity are opposed by the destroyers of the forest, namely the State and logging companies. On the legal front, it is a "laissez-faire" approach. Those affected by logging permits suffer in silence. Legal proceedings are never implemented (Table 2).

**Table 2: Legal procedures for expropriation of Pygmies not complied with**

N°	Procedures	Observation
1	Amicable transfer	Not complied with
2	Agreement on compensation	
3	Intervention by the judge to transfer ownership	
4	Intervention by the judge to set compensation	
5	Order by the judge to each expropriated party	
6	Publication in the mortgage office	
7	End of procedures	
8	Payment of compensation	

Source : Félix Ngana, 2022

### 4.3 Recognition of Pygmies' Property Rights and Human Dignity

Pygmies are no longer considered subhuman, much less primitive peoples. They enjoy full freedom like everyone else, in accordance

with international conventions, declarations, and other legal provisions (Table 3).

**Table 3: International Legal Instruments**

Year	Legal Instruments
1948	Universal Declaration of Human Rights
	Article 5: No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment
	Article 13, paragraph 1. Everyone has the right to freedom of movement and residence within the borders of each State
1957	Adoption of International Labour Organization (ILO) Convention 107 on Indigenous and Tribal Populations
1981	African Charter on Human and Peoples' Rights
1989	Convention No. 169 on Indigenous and Tribal Peoples
1990	Designation of Indigenous Peoples by the United Nations
2006	Submission of the Aka Pygmy residential settlements of Lobaye to the UNESCO World Heritage List (not yet validated)
2007	United Nations Declaration on Indigenous Peoples

**Source: Texts and conventions on human rights**

This suggests that these texts do not apply to the Lobaye Pygmies. They are referred to as indigenous peoples, who are the "descendants of those who inhabited a country or geographical area at the time when population groups of different cultures or ethnic origins arrived there and subsequently became predominant, through conquest, occupation, colonization, or other means" (OHCHR).

The UN declaration recognizes the urgent need to protect indigenous peoples. The African Charter on Human Rights states: "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter without distinction of any kind, such as race, ethnic group, color, sex,

language, religion, political or other opinion, national or social origin, property, birth or other status" (African Charter on Human and Peoples' Rights, June 21, 1981). In the context of the Pygmies, the question of a person's height is important. In this regard, everyone has the right to these provisions regardless of height. In the Central African Republic, short people are referred to in the local Sango language as "Baminga," which means Pygmies. For some, this is a tasteless insult, for others the term "Baminga" is a joke among friends. At the national level, legal instruments exist to secure Pygmy land tenure (Table 4).

**Table 4: Legal Instruments at the National Level**

Year	Legal Instruments
1958	The slogan of the Founding President of the CAR: ZO KWE ZO (all men are equal)
1960	The Law Recognizing Customary Land Tenure in the CAR
2003	The Constitutions of the CAR: Art. 1: The human person is sacred and inviolable. All public officials and organizations have an absolute obligation to respect and protect it
2008	Law No. 08-002 of October 17, 2008, establishing the Forest Code of the Central African Republic
	Art. 14: Pygmies and indigenous populations have the right to exploit forest resources for their own consumption
	Art. Article 18: Indigenous peoples cannot be evicted from the territories they occupy before the creation of protected areas (...) it cannot take place without their free, prior and informed consent
	Art. 33: Any concession of a portion of the State's forest domain for industrial exploitation is subject to prior consultation with the local populations, including indigenous peoples

**Source: Analysis of some legal instruments**

Attached to their culture, the Pygmies are not concerned about these legal instruments that advocate in their favor. They do not use them to claim their right to ownership of the forest they have occupied since ancient times. Their relationship with other forest-dwelling ethnic groups is one of underestimation and submission. They make no demands even if they are treated unfairly. How can the Pygmies' land or habitat be secured under all these conditions?

#### 4.4 Industrial Forestry Companies in the Lobaye Prefecture

Logging began in Lobaye after the Second World War (Suchel Jean-Bernard, 1968). A single company could hold a concession of

30,000 hectares of forest with invaluable resources. An inventory of timber resources to be exploited was established by the Tropical Forestry Technical Center (CTFT) between 1960 and 1964. The quantity of valuable timber species was between 60 and 100 cubic meters per hectare. Of these useful species, two were more widespread and more widely exploited: Ayous and Sapelli (Suchel Jean-Bernard, 1968). The Pygmies were marginalized. Of the nine industrial companies in the Central African Republic at this time that had a sawmill, seven were located in Lobaye (Table 5).

**Table 5: Colonial industrial forestry companies in Lobaye Prefecture in 1964**

Forestry companies	Machining M3/year	Production in 1964 (m3)	
		Logs	Sawing
Machining			

Industrial Forestry Company (SEFI)	30.000	73.199	22.178
African Forestry and Agriculture Company (SAFA)	12.000	20.970	5.092
African Equatorial Timber Company (SABE)	8.000	5.181	1.828
General Woodworking Company (EGTB)	5.000	6.070	3.906
Forestry Company of 55 (CF55)	4.000	7.248	2.648
Workshop and Sawmill Batalimo (ASB)	3.000	8.034	3.102
To the United Carpenters and Cabinetmakers (AMER)	3.000	7.929	2.851

Source : Suchel Jean-Bernard, 1968, P. 326

Some villages still bear the names of these logging companies today. This is the case of the village of Gbatombè, before the village of Mbéko, which is known as Sabé (African Equatorial Timber Company), located 20 km from Mbaïki.

#### 4.5 The disappearance of the forest means the disappearance of the Pygmies

Forests are disappearing worldwide. This situation affects Brazil, Indonesia, the Democratic Republic of Congo, Russia, Australia, and Canada. The most affected continent is Africa, with a loss of 4.41 million hectares each year. South America ranks second, with more than 2 million hectares lost per year. According to studies, the deforestation rate in the Central African Republic is low compared to the Central African region (World Resources Institute,

2017). For centuries, the Aka Pygmies have lived in harmony with their forest environment, relying on it for food, medicine, and cultural practices.

However, increasing deforestation, caused by logging, agricultural expansion, and industrial activities, has led to profound changes in their way of life. Thus, the causes of deforestation in the Central African Republic, and more specifically in Lobaye, are multiple. First and foremost, there is logging. Intensive logging, often for commercial purposes, is the main cause of deforestation, leading to the decline of the forest, which is considered the habitat where the Pygmies live. They are humiliated by forced expropriation due to the opening of roads in the middle of the forest for logging (Figure 2).

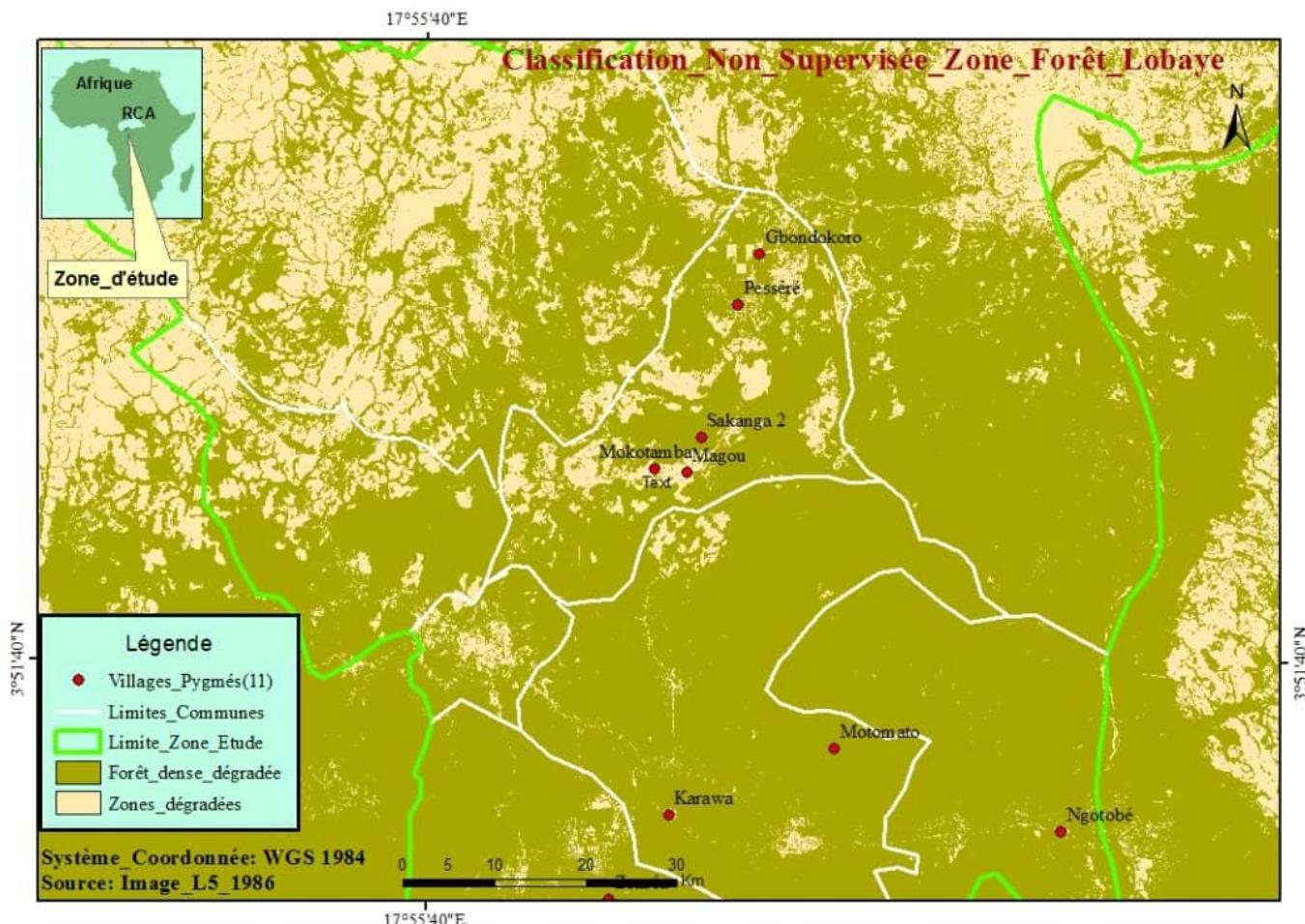


Source: Excerpt from the thesis by Félix Ngana, 2004, p. 21

**Figure 2: Expropriation of Pygmies without compensation due to logging in Lobaye**

Mining activities are expanding in Lobaye. Mineral extraction and the expansion of mining activities are causing forest recession by destroying and polluting the land. This situation is causing Pygmy villages to move further away. The expansion of agricultural

activities in the face of population growth and urbanization is partly responsible for the decline in forest cover in Lobaye (Ngana Félix, 2022). Slash-and-burn agriculture and the conversion of forests to agricultural land are also causing forest recession and the displacement of Pygmy villages (Figure 3).



**Figure 3: The progression of deforestation and destruction of Pygmy habitats.**

For several decades, intense logging has been taking place in the Lobaye region of the Central African Republic, forcing the Aka Pygmies to move deeper and deeper into the forest. The loss of their natural habitat is forcing them to migrate to urban areas or neighboring countries. It is now clear that, far from being a factor in development, this intense industrial logging is a threat to the life and survival of the Pygmy population.

The disappearance of the forest would mean the disappearance of the Pygmies. This threat directly affects the lives of the Lobaye Pygmies on several levels. The lives of the Pygmies are dangerous. The primary consequences of this logging affecting the Pygmies are physical and cultural. Indeed, as this excessive use of nature reaches increasingly remote areas of the forest, it leads to the progressive impoverishment of the forest ecosystem. As a hunter-gatherer people, the Pygmies are seeing their food system fall into recession. The food security the community had previously enjoyed is experiencing disruptions that are detrimental to their livelihoods.

Some trees rich in fruit and bark are being cut down. Others are being bulldozed. A multitude of seeds necessary for food are being destroyed, etc. In addition, traps set for animals are being crushed and nets dragged along. Game is taking refuge deeper and deeper into the forest, which is also affecting the Pygmy population's way of life. The same is true for water, as road construction equipment

passes through to harvest and collect timber for export, causing streams to become ponds. They dry up or become polluted. This already scarce commodity then becomes an additional need for Pygmies.

In addition to these consequences that physically threaten the Pygmies, other issues come into play when it comes to this exploitation. Spiritual, moral, and sociocultural issues are also highlighted. Indeed, the sacred places of the Pygmies are often desecrated due to the presence and passage of vehicles, when they are not simply destroyed by bulldozers. The rhythms of traditional practices are also disrupted, as they are normally practiced in close connection with the forest. These massive changes lead to extreme disruption of the Pygmies' habitat and general living environment, while generally creating conflicts between them and their Bantu neighbors.

#### 4.6 Sustainability Strategies for the Pygmy Natural Land Title

Since ancient times, the Pygmies have been the primary occupants of the Lobaye forest. Their habitat needs to be secured, as the services their forest provides to humanity are enormous. The climate change we are experiencing is due to the significant decline in forest cover worldwide. Several countries have made commitments to forest restoration. Lobaye is a poor prefecture, like other prefectures in the CAR, in terms of development processes.

The strategies needed to ensure the sustainability of the Pygmy Natural Land Title extend beyond the national framework.

Industrial logging companies with permits officially issued by the state in Lobaye are of French, Chinese, Lebanese, Russian, etc. origin. Measures must be taken to compel them to compensate the Pygmies, as in the normal expropriation process. Recognizing the land rights of these populations would be the first step in this sustainability strategy. It is essential to recognize and respect the Pygmies' land rights to their ancestral lands. They are unfamiliar with the paperwork known as a title deed.

The need to implement sustainable forest management practices that take into account the needs of local indigenous populations is recognized by all those working on this issue. Several NGOs have formulated Advocacy for the Rights of Indigenous Peoples. These advocacy and resilience efforts by the Pygmies must be supported to protect their rights and culture from the logging industries that expropriate them.

## 5 DISCUSSIONS

Aren't we used to say "he who pollutes pays"? But what should we do to those who naturally protect forest ecosystems by ensuring good governance of their biodiversity when we learn that they are being treated unfairly? They deserve justice and reparation. The tools for this justice and reparation are the Carbon Credit and the Green Fund. The mechanisms for implementing these tools must prioritize prohibiting the expropriation of Pygmies' habitats due to industrial logging. Support for their reconversion is possible if the forest disappears.

How can we support Pygmies so that they control the sale of carbon, or participate in it? Carbon credit sequestration has already generated 1.22 billion francs in the country (Hervé Ndoba, Central African Minister of Finance and Budget, 2024) in a small area. The CAR is a major carbon sink, and Pygmies play an essential role in preserving the forest (Bahuchet Serge, 1984). The quest for development and the general well-being of the population also concerns the Pygmies. They need to be protected from the harmful effects of industrial logging and climate change.

## 6 CONCLUSIONS

Deforestation has disastrous consequences for Pygmy populations, particularly in terms of loss of habitat, livelihoods, and culture. It causes the destruction of their natural environment, depriving them of food, medicinal plants, places to live, and places of worship, often forcing them to settle in precarious conditions on the outskirts of large villages belonging to major ethnic groups who use them as slaves. It is intolerable that a person today claims to have their own Pygmies. "I have my own Pygmies who work for me in the fields." They hunt for me and do other activities for me according to my needs" (Village Chief after the toll booth 5 km from the town of Mbaïki, 2002). After this Chief's death, his children inherited his Pygmies. The expropriation of Pygmies' land without compensation due to industrial logging is at the root of this humiliation.

Pygmies who leave the forest must learn to farm for themselves and their families, to build their huts, as do the larger ethnic groups. Who will support them in this process of reconversion? Those who leave lose their cultural identity. Everyone says this in the Sango language: "I sigui ti i awe. I yeke Baminga encore ape," which means in English: We have already left. We are no longer Pygmies. They settled along major transportation routes and eventually assimilated into the Gbaka, Mbati, Modjombo, and Gbaya ethnic groups. The strategy of compensating the Pygmies

was a way to facilitate their reconversion, once the forest was no longer their home.

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