

EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

Adoption of the agenda and organization of work

Provisional agenda Item VI: Ten years of implementation of the United Nations Declaration on the Rights of Indigenous Peoples: Good practices and lessons learned.

Oral presentation presented by: Christine Jepkemoi, Endorois Welfare Council, Kenya.

Introductory comments.

Christine Jepkemoi kandie is my name. I come from Kenya, representing Endorois indigenous community. Endorois Welfare Council is our umbrella organization.

Body statement

My community inhabited Lake Bogoria for over 300 years before we were evicted by the government in the 1970s. In 2003, MRG and CEMIRIDE, acting on our behalf, took our complaint to the African Commission on Human and Peoples' Rights to demand that the Kenyan government recognize our rights to Lake Bogoria.

In 2010, we [won our landmark case](#). The Endorois' rights over our ancestral land were recognized and the Government of Kenya was required to reconstitute our land back to us, compensate us for our losses and pay us royalties from exploitation of our land for tourism and other purposes.

The process for reclaiming this land has been full of challenges because the government remains unwilling to cooperate with us in implementing this decision.

Although they informally recognized us as an indigenous community during our engagement and dialogue, no benefits came from this recognition. We remain marginalized and do not benefit from employment opportunities and other development agendas purely because of our status as a Tugen tribe.

The Endorois community despairs. As I speak, we have lost one location (Arabal) to cattle raiders from a neighbouring community. Two other locations are partly occupied, Chebinyiny and Mochongoi Location. More than 30,000 people are displaced from this menace. This situation worsened this year with 7 school-going children killed, 5 women killed. For the last four years a total of 31 people have been killed. We experience this insecurity two years after celebrating the success of our community engaging with the African Commission to implement the decision.

We need urgent intervention over this from government. I believe the government is using the existing humanitarian crisis in Kenya to divert attention from our issue. Despite celebrating ten years since the implementation of UNDRIP, we continue to still lose our lands, with women and children being the most affected.

Why is it difficult for the government to implement the ruling of the African Commission?

Why do indigenous communities in Kenya continue to suffer on their own land?

Several other indigenous communities in Kenya have taken their issues to regional and international mechanisms after the government has failed to respect and recognize their rights. Example to this is Ogiek and Sengwer communities. It is very important for States to take preventative measures and provide a healing ground for historical injustices as provided for by Kenya's Truth Justice and Reconciliation Committee report.

The County Government of Baringo has over the last 3 years paid 10% of the benefits it receives from the proceeds collected in gate collections to Lake Bogoria by Tourism Venture. However, they have made it clear that this was not part of implementing the Commission's ruling but rather a recognition to land ownership.

I wish to take this opportunity to congratulate the Kenyan government for establishing a Taskforce on the implementation of the African Commission ruling, although we were not included in the Task Force. Upon the expiry of its one year term, the Taskforce could not extend its mandate due to the lack of a committed budget. We have been left with an uncertain future on this matter.

Recommendation

Although Kenya abstained during the vote of UNDRIP, the rights enshrined in the instrument are in line with International human rights standards and my people are entitled to these rights, just as any other indigenous people in the world. I ask that my country change its position, accept the Declaration and implement it at home.

The Kenya Government should consider the recommendations and concluding observations made by the committee on the Elimination of Racial Discrimination on the situation of indigenous people concluded in June 2017.

Although there are a number of laws aimed at protecting indigenous people in the Kenyan Constitution, these laws have not been effectively implemented in practice and there remains a lack of budget facilitating this. I strongly recommend that let these laws be put into practice.

I thank you for this opportunity to speak