

At the turn of last century British Colonial Authorities annexed approximately 224,000 acres of Iloodokilani Maasai indigenous peoples land in South Western Kenya for commercial extraction of trona/soda deposits by a British owned Brunner Mond and Company under the Magadi Soda Company at Lake Magadi. In 1924, the Magadi Soda Company was allowed to mine trona/soda in this former Southern Maasai Reserve as the result of a clause in the contested 1911 Anglo-Maasai Agreement, made between representatives of the Maasai community and British government. But there is compelling historical evidence to suggest that Magadi Soda Company had no legal right to do so, and neither does its successor Tata Chemicals Company (BSE: 500770); a Global article 63 and the Community Land Act 2016, place the custodianship of the Land occupied by Tata Chemicals Magadi Soda Company for purposes of extraction of Trona/ Soda automatically under the County Government of Kajiado until such a time when the local community is registered and granted a community title to the land in Magadi. The amount of land that Tata Chemicals Magadi Soda Company is currently actively Mining is 25,000 acres with the remaining 199,000 acres under no visible utilization yet the Maasai indigenous peoples living within this ancestral land have to grapple with stringent regulations enforced by Tata Chemicals Magadi Soda Company thereby violating the human rights and fundamental entitlements of the Maasai indigenous peoples of Magadi; in violation of the global corporate best practice of Human Rights and Business and subjecting the Maasai to ecological degradation, loss of livelihoods and unemployment that are contributing to poverty, conflicts and general despondency.

Based on the foregoing, the Magadi indigenous peoples recommend to the UNPFII that;

1. Tata Chemicals Magadi Soda Company adhere to its obligations under the 2010 Kenyan Constitution Bill of Rights and other international best practices on the rights of indigenous peoples to ensure that the land of the Maasai in Magadi reverts to the community in the context of article 63 on community land and article 250 on marginalized communities, article 40 on benefit sharing as well as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) that clearly states; *"Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."*
2. Kenya Government urgently addresses the activities of Tata Chemicals Magadi Soda Company Limited in Magadi in the context of Kenya's commitments under the Sustainable Development Goals (SDG) and the subsistence, social-cultural-religious rights of the Maasai Indigenous Peoples in securing tenure rights to land and natural resources of Kenya's indigenous peoples in the context of the Community Land Act 2016 Kajiado County Government Legislations and the right to self-determination of the local Magadi Maasai Indigenous Peoples in regard to *the right to their lands and resources that they traditionally owned and occupied.*
3. The Global Indigenous Peoples Movement and collaborators to support and stand in solidarity with the Magadi Maasai Indigenous Peoples as they deal with this historical land atrocity by Tata Chemicals Magadi Soda Company which is tantamount to forced displacement of an indigenous peoples contrary to the UNDRIP that maintains that *"Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return."*
4. The United Nations Permanent Forum on the Indigenous Issues refer the Tata Chemicals Magadi Soda Company to the upcoming United Nations Forum on Human Rights and Business whose theme for a review of its adherence to business and human rights best practices in Magadi and that the Special Rapporteur on the Rights of Indigenous Peoples raise the concerns of the Magadi Maasai Indigenous Peoples that are suffering multidimensional violations under the tyranny of this global corporate giant.

Thank you for your attention