

Agenda 5. Indigenous people and their relation to land.
By Joseph Karia of MAA DEV Association

Madam chairperson, indigenous brothers and sisters, government representatives, may I, on behalf of the MAA development association and on my own behalf, congratulate Madam Dias for her re-election as chairperson rapporteur of this working group.

In 1895, present-day Kenya became a British protectorate, the British ^{Administration} possibly appreciated the potential of using the institutions of chieftainship as a tool for incorporating the native populations into their protectorate framework. ~~This was predominantly so in the case of the most numerous and more or less permanently settled agricultural peoples.~~ Amongst all the tribes inhabiting the territory, the British protectorate recognized none as having legal rights to the land. When, within a legal context, this non recognition is considered or interpreted, ^{it means it is appropriation} it must be remembered that this same legal framework was put into place by an alien colonial power with incomplete knowledge of local conditions, an alien power acting exclusively to advance its own particular interests.

In 1904 the British protectorate entered into an agreement with the Masai Paramount chief Ole Gilisho. This resulted in moving the Masai from the most fertile land in the rift valley to the less desirable land in the south. The matter did not end there. A subsequent agreement was entered into between an unauthorized chief, Laibon Lenana, in 1911. This led to ~~the~~ ^{total} removal and relocation of the Masai to the extreme northern and southern regions of the province. The colonizer's first act was to identify and demarcate, for themselves, the land taken from the Masai. Their second act was to collectively put the Masai into native reserves without considering their traditional land ownership. This policy expedited and perpetuated such anger that, in 1912/1913, it led the Masai to file suit against the British government. ~~The decision which came down was based on a technicality.~~ The classification of land - and the resulting disenfranchisement of the Masai - was substantially carried over from ~~the~~ colonial to ~~the~~ post colonial era. After independence, crown lands became state lands and tribal reserves were renamed tribal lands. When the land ordinances were enacted, transferring power from the colonial administration to land control boards, many things happened: unscrupulous manipulation and mal administration by land officers and community leaders resulted in the change of the land tenure system. This resulted in landlessness and declining economies, speeding a high poverty rate in the community.

^{Indigenous Peoples}
Governments in Africa have failed to provide their countries with the basis for equitable and sustainable development. Indigenous regions have become increasingly dependant on central government subsidies and remittances which, in most cases, are not readily available.

On the basis of democratic development, self-reliance and unity - African governments should strive for social justice and equality of opportunity. This will assist

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in bringing about and ~~accelerating~~ sustainable production from the land through introduction of correct land use and management practices.

Governments must also find ways of improving marketing and credit facilities in the rural indigenous regions, creating employment opportunities to eradicate poverty and insuring services such as clean water provision, education and health care. These are prerequisites to a ~~higher~~ ^{table} living standard.

There are many influential and conflicting interests at work in the Masai indigenous territories resulting in fierce competition over land. The three most powerful of these interests are the livestock industry, wild life conservation and agriculture.

The livestock industry, which is the mainstay of the Masai people, is decreasing at an alarming rate due to the increase of the two other sectors. This has expedited immigration to urban centres ~~by the youth~~ ^{by the youth} in order to look for employment, which ~~largely~~ ^{largely} is not available. This tendency has resulted in the erosion of culture and traditional norms.

Wildlife conservation is becoming the most practiced and supported policy of many African governments. Particularly in the regions where indigenous peoples live. This, of course, results from profits that can be earned through tourism.

The land of indigenous peoples is therefore exploited and grabbed for these endeavours, which do not ~~assist these people in any way~~ ^{assist these people in any way} provide them with basic services.

~~Since there are~~ ^{Because of} ethnic dimensions and questions of political dominance as well as subservience attached to the question of land rights – this issue, which concerns the very basis of livelihood and survival of the ~~indigenous~~ ^{indigenous} communities in Kenya, has for a long time been disguised as a matter of socioeconomic status. As a result, the level of poverty has increased, ~~to an~~ ^{to an} unimaginable level.

Happily, this matter is slowly coming out into the open due to the emergence of local interest groups; however, they only have very limited resources and capacities to articulate their ~~the~~ concerns.

Madame chairperson, sister and brother delegates,
Thank you.

^{Peoples}
THE INDIGENOUS MUST BE ACCORDED LEGITIMATE
RIGHTS — TO MANAGE THEIR NATURAL RESOURCES
AND TERRITORIES.