



Agenda Item No. 5

**REVIEW OF RECENT DEVELOPMENTS PERTAINING TO THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLES**

Speaker: Yator Kiptum
Organisation: Sengwer Indigenous Development Project
Indigenous Peoples: Sengwer
Country: Kenya

Mr. Chairman, members of the Working Group on Indigenous Populations, representatives from UN agencies, International organisations, Indigenous sisters and brothers, Greetings to you all.

I am a representative of Sengwer a minority hunter-gatherer indigenous peoples from Kenya. We are also referred to as Cherangany "...Once the Cherangany were a powerful race called Sengwer...."¹ Or Dorobo. "...We used to go over to Cherangani shooting and the only people with whom we came in contact along the Cherangani Hills were the Cherangani Dorobo, a small tribe of Dorobo."²

Mr Chairman, we form a minority ethnic group in Kenya. We live in West Pokot, Trans Nzoia and Marakwet district in Rift Valley province. We are one of the ethnic communities facing extinction. The British colonial government is a root cause of our current situation.

¹ District Commissioner Elgeiyo/Marakwet, Tambach, Report dated 11th October 1927

² Mr. H.C. Kirk giving evidence before the Kenya Land Commission on 8th October 1932

Mr Chairman, The colonial government, between 1911 and early 1920s, evicted members of our community from the arable Kapchepkoilel plains. Besides, introduced Forest Preservation Policy in 1930s which made all what was our natural home, the forest become government forest. This led again to the eviction of our people from the forest. In doing this the colonial government forced our people to be assimilated to a dominant community and I quote **"The District Commissioner West Suk said he was unable to agree to the move on such conditions in view of the complication that would arise having Cherangany officially residing in 2 separate Districts and under 2 separate provinces. He would reluctantly agree to the move at all out of sympathy with the District Commissioner Tambach's Forest Preservation Policy and provided that Cherangany in question agree to surrender their TRIBAL INDENTITY and become entirely merged in the Suk, subject to the Suk Chiefs, Headmen, Native Tribunals and bound by Suk Native Law and Custom.**

The officer in-charge of Turkana District supported this view and laid down the following condition for the move: -

- (I) That all the Cherangany from Forest areas in question should move to Suk or NONE at all.
- (II) That they should become entirely merged in the Suk, subject to Suk Chiefs, Headmen, Tribunals, Law and Custom
- (III) That they should receive no official recognition whatsoever as Cherangany and that they would have no Chiefs or Headmen as such."³

The colonialist also gave out part of our ancestral land to the neighbouring dominant communities for grazing but we have never gotten the land back and I quote **"...Some time ago Mr. Hosking, the district commissioner at Marakwet and the district commissioner, Kacheliba, met on this boundary and made an arrangement by which we were deprived of a block of land. We didn't get a fair deal. Mr. Hosking said, Let us give the Suk some grass to help them, but the country will remain yours...we agreed to that and now we have lost the land."**⁴.

Mr Chairman, our leaders led by the Late Chief Arap Kamussein and Kipsakas Arap Kabelio appeared before the Carter Land comisión in 1932 to complain about our lost land. The chairman of the comisión said and I quote **"The Chairman informed them that there was no question of the Europeans' land being handed back to them (Sengwer), but the commission might be able to help them in other ways."**⁵ We neither benefited from the colonial nor post colonial government.

In Kenya Land issue is a "time bomb". The first president of Kenya said, **"Our greatest asset in Kenya is Land. This is the heritage we received from our forefathers. In land lies our salvation and survival. It was in this knowledge that we fought for the freedom of our**

³ Memorandum Regarding the Movement of Certain Cherangany Dorobo From Marakwet District to West Suk (1934 -1935).

⁴ Mr. Kipsagas Arap Kapelio, Sengwer Headman, giving evidence before the Kenya Land Commission in 1932

⁵ Chairman, Carter Land Commission, comments on Sengwer land grievances through their headmen Arap Kamussein and Kipsagas Arap Kabelio, on 2nd October 1932

country”⁶. Unfortunately, he did not implement or act as per the speech. Indigenous peoples who lost their land to the colonialist were not given back after independence. Especially, the hunter-gatherer ethnic minorities (Ogiek, Sengwer, etc) have suffered alot. They have become a minority within their own ancestral territory.

Mr Chairman, part of our ancestral land in Trans Nzoia district is now referred to as ‘**cosmopolitant district**’ as well as ‘**Trans Nzoia a small Kenya**’.

Mr Chairman Kenya is an independent country, but 39 years down the line we are still figthing against DOMINION, OPRESSION, DISCRIMINATION, TO GET BACK OUR LOST LAND, OUR IDENTITY (to be recognised as a separate and distinct ethnic group) and DIGNITY.

Mr Chairman, I request that the Working Group on Indigenous Populations to consider sending an expert to carry out investigation on land violation in Kenya affecting indigenous peoples. Besides, as a community we are calling upon the British and Kenya governments; and International Organisations to attend to our situation.

Mr Chairman, I finish by making the following guotations from the principles proclaimed in the Charter of the United Nations that “... **recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world**” and from the Declaration of Philadelphia (1944) “...**Universal and lasting peace can be established only if it is based upon Social Justice**”.

Thank You.

⁶ Back to land speech on 11th September 1964 by the late President of Kenya(J. Kenyatta)