

# IWGIA'S WORK IN AFRICA AND, PARTICULARLY, IN KENYA



*IWGIA board visit to Kenya – Photo: Jenneke Arens*



IWGIA's board meets with partner organisations in Kenya, March 2005 – Photo: Jenneke Arens

### General background to IWGIA's work in Africa

IWGIA's Africa program strategy was adopted in April 2004. Its thematic priorities are human rights, land rights, indigenous women's rights, self-organization and empowerment. Geographically, IWGIA focuses on East Africa (mainly Kenya, Tanzania), Central Africa (mainly Rwanda, Burundi, Republic of Congo), and southern Africa (e.g. Botswana). Its key project partners are the Mainyoto Pastoralist Integrated Development Organization (MPIDO, Kenya), the Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT, Kenya), Community Research and Development Services (CORDS, Tanzania), *Unissons-Nous pour la Promotion des Batwa* (UNIPROBA, Burundi) and the *Communauté des Potiers du Rwanda* (COPORWA, Rwanda). IWGIA also works with non-indigenous support NGOs such as the Centre for Minority Rights Development (CEMIRIDE, Kenya) and the *Association pour les Droits de l'Homme et l'Univers Carcéral* (ADHUC, Republic of Congo).

In addition to providing financial support for partner organizations' project activities, IWGIA also supports its African partners to participate in and undertake advocacy work at international level within the UN and at continental level within the African Commission on Human and Peoples' Rights (ACHPR). With IWGIA's support, African indigenous participation at the UN, such as at the Permanent Forum on Indigenous Issues and, previously, the Working Group on Indigenous Populations, has grown strong and visible. IWGIA recently supported African human rights experts and indigenous organizations to effectively establish a dialogue with African governments on the adoption of the UN Declaration on the Rights of Indigenous Peoples. Activities supported included meetings with African government representatives in Kenya, Burundi, Cameroon, the Republic of Congo and the Central African Republic, meetings and workshops with African Permanent Missions in New York and the production and wide dissemination of a document responding to the African governments' concerns. These activities contributed positively to the final adoption of the Declaration and to the fact that most African states voted in favour of the Declaration.

Over the past seven years, IWGIA has worked intensively to assist the African Commission on Human and Peoples' Rights (ACHPR) to integrate the promotion and protection of the rights of indigenous peoples into its work and mandate. When IWGIA first became involved, the ACHPR was not working

on this issue at all. Over the past seven years, however, the ACHPR has established a Working Group on Indigenous Populations/Communities, passed a number of important resolutions on indigenous peoples' rights, published a key document establishing the framework for the ACHPR's work and conceptualization of indigenous peoples' rights, carried out seminars and country visits, published a number of reports and elaborated a legal opinion on the UN Declaration on the Rights of Indigenous Peoples. IWGIA has consistently supported the ACHPR in this work. Since the beginning of the process IWGIA has, furthermore, supported representatives from African indigenous organizations to attend the sessions of the ACHPR, make presentations/statements, write and present shadow reports when government reports are being examined and conduct follow-up activities at national level on their return.

The situation of indigenous peoples in Africa remains very precarious and their livelihoods, culture and future existence are threatened all over the continent. Constitutional and legal frameworks protecting the rights of indigenous peoples continue to be very weak, and almost non-existent. One of the main threats to African indigenous peoples continues to be land dispossession caused by logging, conservation initiatives, encroachment of agriculture, individualization of tenure and state policies unfavourable to nomadic pastoralism. IWGIA supports indigenous and non-indigenous partner organizations to advocate the cause and basic rights of indigenous peoples and to address the issue of land dispossession in particular. IWGIA's project support focuses on Kenya, although projects are also supported in Tanzania, Rwanda, Burundi, the Republic of Congo and Botswana.

## **IWGIA's work in Kenya**

IWGIA's commitment to Kenya began around ten years ago. In 1999, IWGIA carried out a networking trip to the country, mapping out key issues of importance for indigenous peoples and identifying a number of different NGOs and CBOs working to improve the situation of pastoralists and hunter-gatherers. Following on from this networking trip, IWGIA began to establish partnerships with a few, mainly Maasai, organizations. Over the past ten years, these partnerships have grown in number and IWGIA now works with seven organizations in Kenya.

Land dispossession continues to be a major threat to the livelihoods and survival of indigenous peoples in Kenya. From the very beginning of its engagement

in Kenya, land rights advocacy was IWGIA's major focus. Today, IWGIA's main partner organization on land rights issues is the Mainyoto Pastoralist Integrated Development Organization (MPIDO). Starting as a small community-based organization, MPIDO has today developed into one of the main Maasai advocacy organizations in Kenya. MPIDO works in four different districts of Kenya, seeking to improve the land rights situation of the Maasai people through community capacity building, litigation of court cases, lobbying activities at district and national level and international human rights advocacy work within the UN and the ACHPR. IWGIA also supports other organizations that are seeking to make pastoralist communities aware of the mechanisms behind land dispossession and to build community capacity to advocate for their rights. Such partners include the Simba Maasai Outreach Organization (SIMOO).

In Kenya, IWGIA seeks to support organizations that can link up with and influence national policy processes, such as for instance the Constitutional Reform Process; the Land Policy Process; the process relating to the National Policy and Action Plan on Human Rights; the stance of the Kenya government on international instruments and mechanisms such as the UN Declaration on the Rights of Indigenous Peoples and a visit by the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; potential follow-up processes to the adoption of the UN Declaration on the Rights of Indigenous Peoples and the visit of the UN Special Rapporteur. Within this area, IWGIA collaborates with partners such as MPIDO, the Center for Minority Rights Development (CEMIRIDE), the Arid Lands Institute and the Indigenous Information Network (IIN) and supports activities such as: research; workshops; strategic meetings with decision makers; elaboration of memoranda; policy briefs; booklets and other information materials; media work through newspapers, radio and television, etc.

Despite Kenya being a hard-line country and initially opposing the adoption of the UN Declaration on the Rights of Indigenous Peoples, some positive developments can be noted. These include a new draft land policy, initiatives to include indigenous rights issues in the National Policy and Action Plan on Human Rights, and the development of an Indigenous Peoples Planning Framework for indigenous peoples in western Kenya. Furthermore, the Kenya government did not vote against the UN Declaration on the Rights of Indigenous Peoples and allowed the UN Special Rapporteur to visit Kenya.

Women in indigenous communities in Kenya suffer from a range of serious abuses. These include violence, forced marriages, economic deprivation, lack of participation in decision-making, lack of access to education, lack of influence on land matters etc. IWGIA therefore attempts to focus particularly on empowering indigenous women. The situation is particularly serious in northern Kenya where IWGIA supports a women's rights project being implemented by the Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT). This project is aimed at raising awareness and addressing cases of rights violations against women in the districts of Laikipia, Isiolo, Samburu and Marsabit. Empowerment of pastoralist women is also part of the general land rights project being implemented by MPIDO and SIMOO, and some improvements are now beginning to be seen.

IWGIA has, for many years, supported the participation of Kenyan indigenous representatives in relevant UN fora. Priority has been given to IWGIA's key project partners but support is also given to IWGIA's wider network of indigenous organizations in Kenya.

IWGIA has also given priority to supporting its Kenyan project partners to participate in the sessions of the ACHPR. Partners such as MPIDO, IMPACT, CEMIRIDE, the Arid Lands Institute and the Ogiek Welfare Council (OWC – a former project partner of IWGIA) have, over the past six years, regularly been supported to participate in sessions of the ACHPR, and most of them have obtained observer status with that body. Through their participation, statements, shadow reports etc., they have effectively made the ACHPR aware of the situation of indigenous peoples in Kenya and, through informal meetings with Kenya government delegations, they have strengthened the policy dialogue and networks. IWGIA has further supported Kenyan indigenous representatives to undertake follow-up activities in Kenya on their return. These include wide distribution of the ACHPR expert report on indigenous populations to local and national authorities and others stakeholders, along with seminars and media work to make the general public in Kenya aware of the difficult situation of indigenous peoples and of the work of the ACHPR in this respect. □

**Marianne Jensen**  
Africa Programme Coordinator

## LAND RIGHTS OF INDIGENOUS PEOPLES IN AFRICA

By Albert Kwokwo Barume

This book focuses on the situation in Kenya and Tanzania, where indigenous peoples have tried to address the issue of land dispossession and have taken their governments and other stakeholders to court. What was the outcome of these court cases? Were indigenous lands returned to their owners? Why did some cases fail and how can indigenous land rights be better protected? These are just some of the questions this publication addresses.

(Forthcoming book)

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