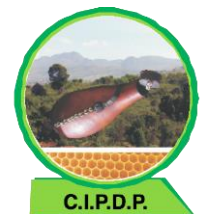


Ogiek of Mt Elgon & the Whakatane Process



Peter Kitelo
Chepkitale Indigenous Peoples Development Project (CIPDP)



Where does it come from? IUCN

- **Unjustified dispossession of IPs:** IPs have been custodians of biodiversity since time immemorial.
- **New Conservation Paradigm** – the idea that collective community *tenure* with strong conservation conditions – is the best way to conserve forests.
- **IUCN 2008 World Congress:** Indigenous Peoples' rights and livelihoods were seen as fundamental to developing successful conservation strategies:

Resolution 4.052 acknowledged the need to develop a “*mechanism to address and redress the effects of historic and current injustices against indigenous peoples in the name of conservation of nature and natural resources*”

Where does it come from? **International LAW** supporting community tenure

- **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** - *affirms many rights already contained in international human rights treaties, and applies these to the collective rights of indigenous peoples, for whom many aspects of life are shared, such as ownership of lands and resources.*
- **African Commission (ACHPR)** – recognises rights of indigenous peoples to their ancestral lands:

(204) “The African Commission notes that . . . ***jurisprudence under international law bestows the right of ownership rather than mere access.***”

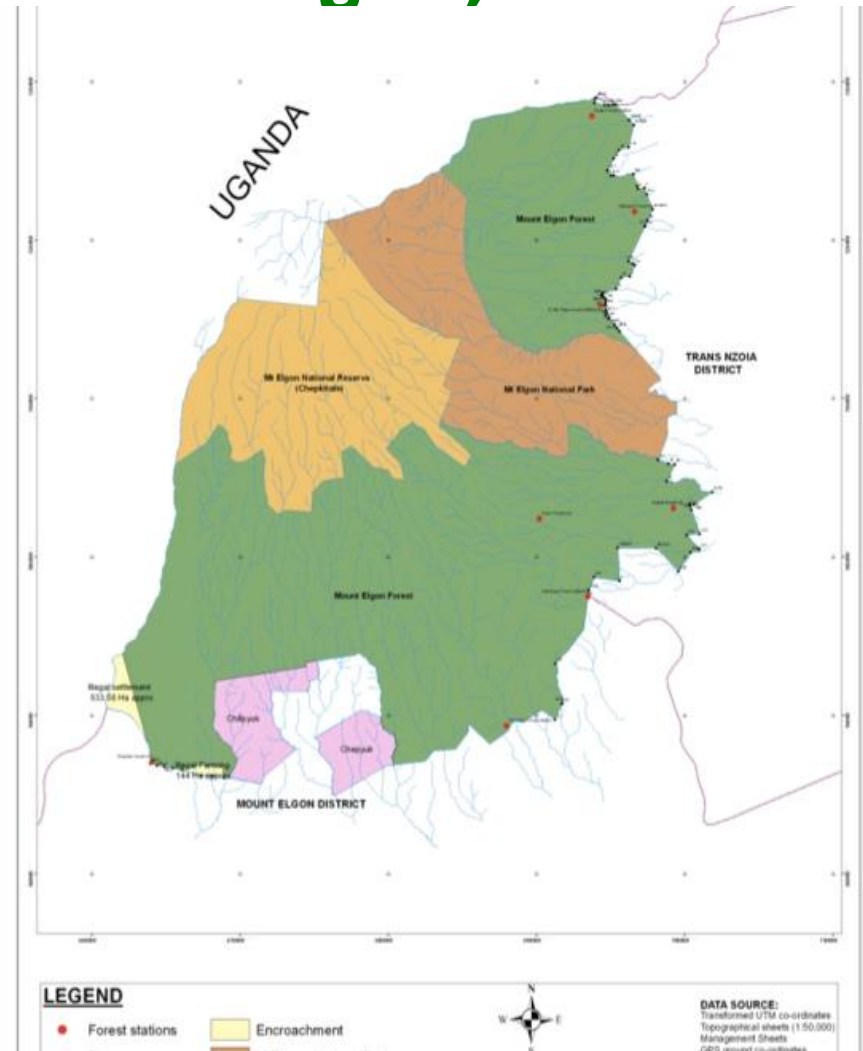
How does Whakatane work?

- It works through **multi-stakeholder fieldwork** in a protected area and through **high-level dialogue**.
- It enables park authorities, government, and the peoples affected to **develop a common strategy** to transform conflicts in protected areas & promote good practice.



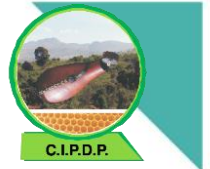
History of Conservation enclosure (of Ogiek land at Mt Elgon)

- 1938: Chepkitale > “Native Reserve” > Trust Land 1942
- 1968: Creation of Mt Elgon National Park
- 1971: First phase of Chepyuk resettlement scheme
- 2000: Creation of Chepkitale National Reserve
- 2006-2008: Violence in Chepyuk
- 2008: Ogiek start Legal case
- 2011: Whakatane Assessment





Whakatane Assessment at Mt Elgon



1. PREPARATORY ROUNDTABLE brought stakeholders together:
IUCN, World Bank, Ministries, KWS, KFS, FPP, Thai IPO, Ogiek

- **Fundamental question** from the 1st Roundtable meeting:

“At Chepkitale, how best can (i) the forest and wider ecosystem be preserved, (ii) the wildlife be protected, (iii) the Ogiek live in a way that ensures their cultural, social and livelihood needs are met, and (iv) economic revenue be generated?”

2. FIELD ASSESSMENT at Chepkitale, Mt Elgon

IUCN, FPP, KWS, KFS, Thai IPO, County Council, Ogiek

Community ownership can meet all these needs

3. SECOND ROUNDTABLE > DEVELOPING A ROADMAP

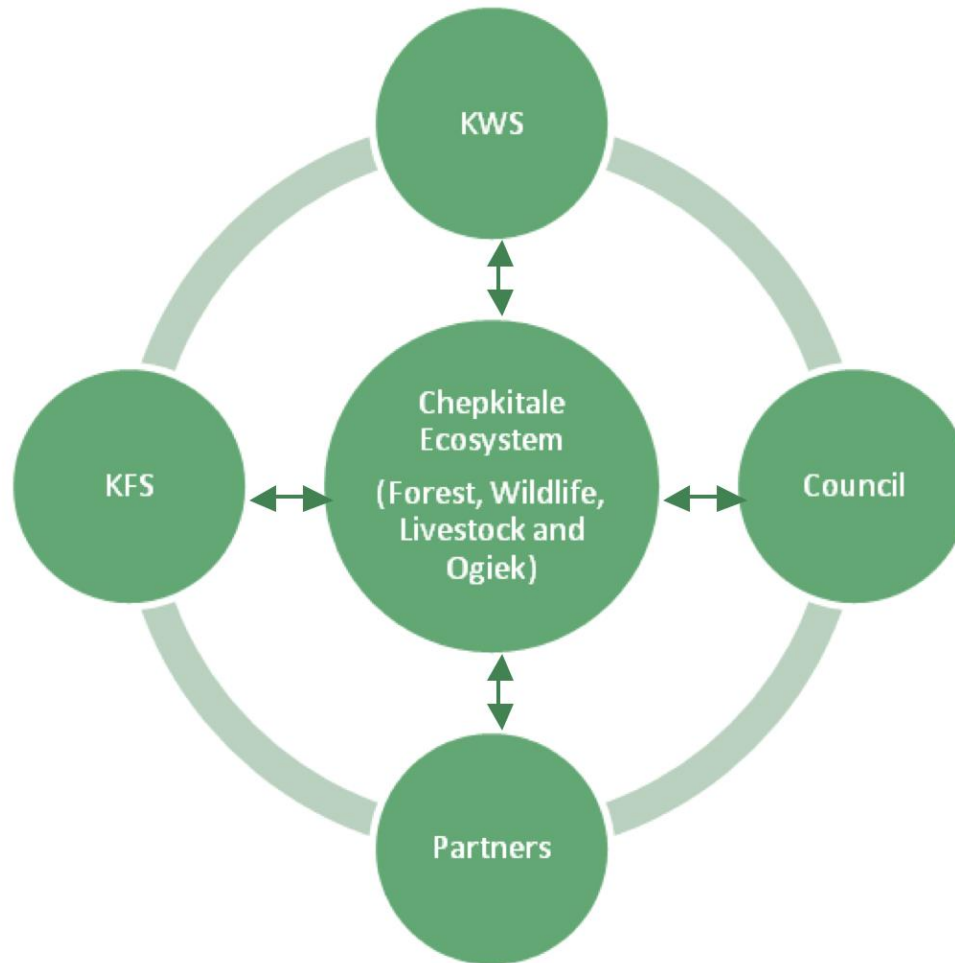


Forest
Peoples
Programme

www.whakatane-mechanism.org info@whakatane-mechanism.org



Assessment of situation at Mt Elgon



Current results of Whakatane Process and of Ogiek struggle at Mt Elgon:

- **Mt. Elgon County Council** unanimous resolution to revert the land back to community (2013)
- **Ministry of Environment** team makes positive assessment of sustainability of Ogiek (2013)
- **Sustainability bylaws** developed by Ogiek (2013)
- **Community rangers arrest intruders:** stopping charcoal burning & elephant poaching (2013-2015)
- **Ogiek show KFS,** KFS destruction of indig forest (2014)
- **Seeking legal ownership:** National Land Commission, Community Land Bill, Forest Forum, etc (2012-2015)
- **Training of Community scouts:** KWS training community rangers at their training school in Manyani (2016)

OGIEK BYLAWS - LABOT DECLARATION

8th July, 2013



- The community's bylaws form the customary laws of the Ogiek community of Chepkitale and are binding to each and every member of the community
- Charcoal burning is totally prohibited
- Poaching is strictly prohibited
- Commercial farming is prohibited
- The community's governing council is installed
- The struggles to reclaim all our territories continues

Lessons Learned - Ogiek perspective

- **Forced evictions** of our community by conservation agencies left our forests and elephants “free for all” to destroy, including loggers, charcoal burners and poachers
- **‘Benefit-sharing’ and ‘compensation’** without community title just fuels conflict and destruction.
- **When people talk genuinely**, there is always a way out, where community considers forests and conservationists consider community
- **There is need for people to agree on real action** on the ground, then law can follow
- **The community is key** moving forward because they never forget, this matters to them