



WHAKATANE MECHANISM



Pilot Whakatane Assessment Kenya

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Agenda

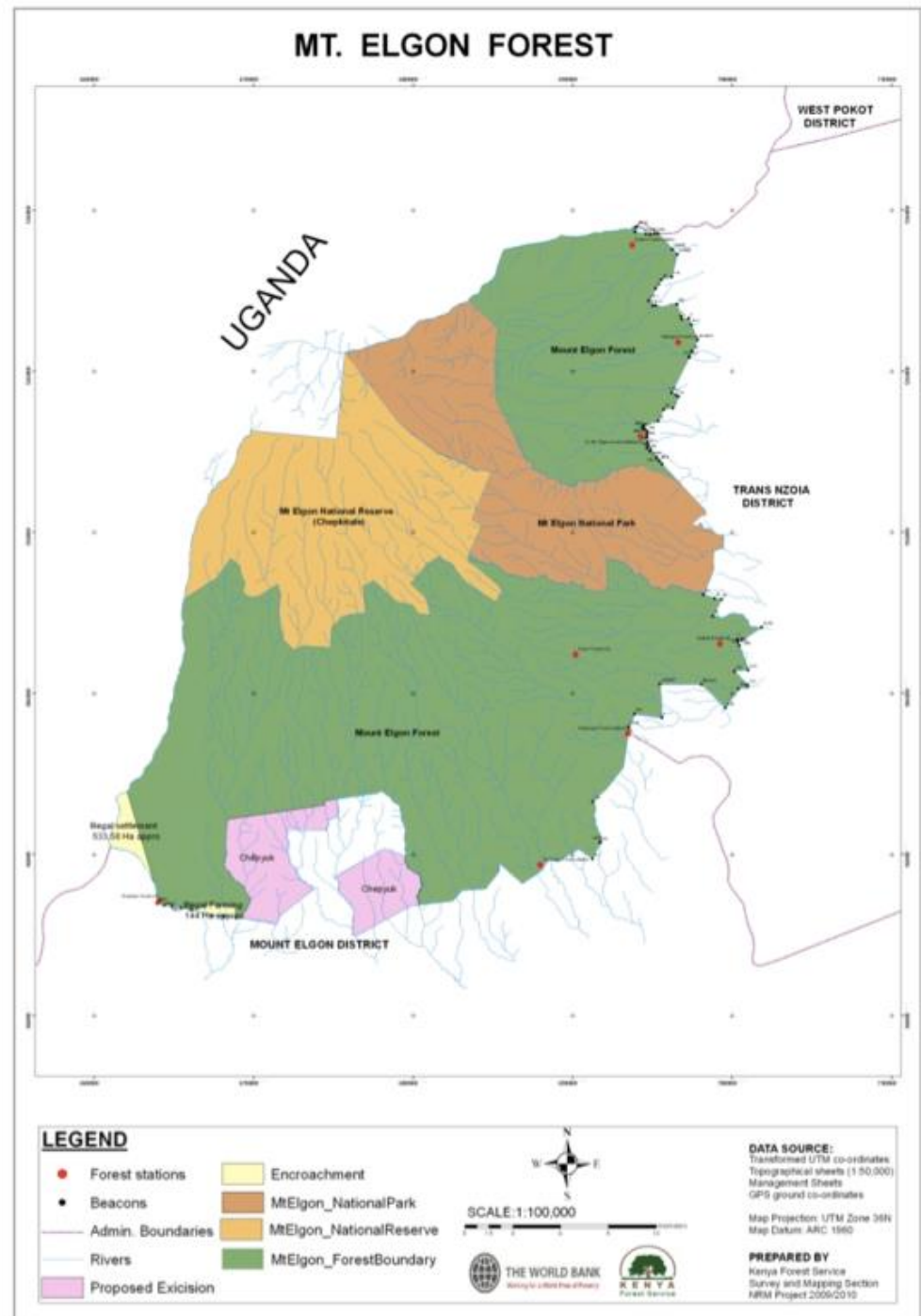


1. History of Mt Elgon (Kibelio)
2. The pilot Whakatane Assessment (Ali)
3. Findings of the scoping study (Justin)
4. Main outcomes from the second roundtable in Nairobi and the pilot Whakatane Assessment (Kipkeu)
5. Progress and Follow-ups on the outcome (Kitelo)
6. Lessons Learned (Kitelo)

1. History of Mt Elgon

Fred Kibelio, CIPDP

- Pre-colonial period
- Colonial era and land expropriation, “white settlements”
- 1938: Chepkitale becomes a “Community Reserve”
- 1968: Creation of the Mt Elgon National Park
- 1971: First phase of Chepyuk settlement scheme
- 2000: Gazettement of the Chepkitale national reserve
- 2000-2008: Ogiek community tried consultations with the Council
- 2006-2008: violence in Chepyuk
- 2008, Ogiek community sued the government
- **Numerous forceful evictions**
- 2011: pilot Whakatane Assessment



2. History of the pilot Whakatane Assessment - Ali Kaka, IUCN ESARO

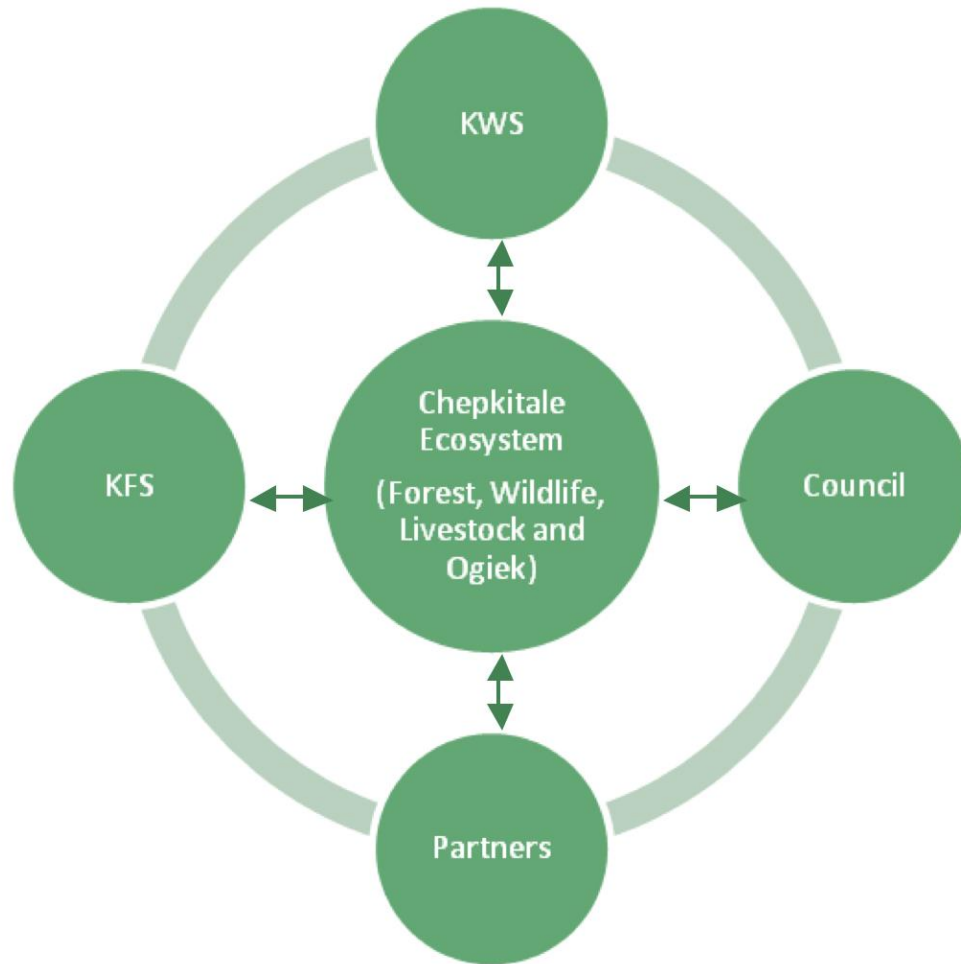
- **FPP staff visit to Ogiek community** after being introduced by an indigenous rights advocate in a conference in Arusha.
- **Ogiek called on the Whakatane Mechanism** as they were fearing further evictions from Chepkitale, Mt Elgon
- **Initial Consultations and dialogue** with high-level decision-makers and community leaders
- **1st Roundtable** at the IUCN regional offices in Nairobi - with all the key stakeholders: including the Ogiek community representative, CIPDP, Mount Elgon County Council, IUCN, FPP, SIPP, World Bank, IMPECT from Thailand, Kenya Wildlife Service (KWS) and Kenya Forest Service (KFS).
- **Scoping Study** visit to Chepkitale, Mt Elgon, to consult with the Ogiek Community and assess the situation. The team consisted of the Ogiek representatives, Mount Elgon County Council, IUCN, FPP, IPACC, IMPECT, KFS and KWS.
- **2nd Roundtable** All previous participants, plus Office of the President and Ministry of Forests and Wildlife. World Bank unable to attend but requested to be kept informed

3. Findings of the scoping study

Justin Kenrick, FPP

- **Key Question:** *”At Chepkitale, how best can the forest and wider ecosystem be preserved, the wildlife be protected, the Ogiek community live in a way that ensures their cultural, social and livelihood needs are met, and economic revenue be generated?”*
- **Study teams overall evaluation:**
 - The **current situation is sustainable** for forest, wildlife, grassland and Ogiek.
 - **More in-depth studies needed** to evaluate longer term sustainability.
- **Ogiek**
 - **They have strong conservation byelaws:** *“If we are given another land, we will not be able to keep our laws”; “Culture is you, your land and your language”*
- **Forest**
 - **The Ogiek need the indigenous forest:** indigenous trees provide pollen for the bees and during the dry season the Ogiek can graze their cows beneath them
- **Wildlife**
 - The Ogiek often work with KWS to protect the wildlife and stop poachers.
 - *“There are poachers going there, where there are no Ogiek. The poachers came from the neighbouring country because they can pass through the areas where the Benet were also evicted”*. Also one Ogiek said: in the KWS parks, they have wild fires because there is no cattle to make the grass shorter.

SIPP Perspective - Yator Kiptum



4. Outcomes from the 2nd Roundtable - Michael Kipkeu, KWS

- Establish/strengthen community structures and develop formally recognized regulations (e.g. by-laws; protocols etc)
- As part of this, community rangers will be trained by KWS to ensure that the area is effectively and equitably governed
- Exchange lessons from the experience in Mt Elgon at the international level, going both ways

4. Outcomes of pilot Whakatane Assessment - Michael Kipkeu, KWS

- The Ogiek held very positive discussions with Mt Elgon county council, KFS, KWS and IUCN
- The County Council officially agreed to give land ownership back to the Ogiek Community
- Once the status is changed, KWS agreed to provide expertise and advice to the Ogiek to manage their land as a community conservancy
- All parties involved agreed on a programme of work
- This tested the process of the Whakatane Assessment

5. Progress and Follow-ups on the outcome – Peter Kitelo, CIPDP

- 2012, Mt. Elgon County Council passed a full council resolution to revert the land back to the community
- 2012, The community notified the court of their willingness to pursue an out of court settlement with the government
- Improved working relationship between the Community and Conservation Agencies
- 2013, The Attorney General asked the ministry of Environment, Water and Natural resources (MEWNR) for its opinion
- 2013, The (MEWNR) send a team to the field to seek an internal report to assist in their decision.
- 2013, community wrote their sustainability bylaws

Cont.. Progress and Follow-ups on the outcome – Peter Kitelo, CIPDP

- Cooperation has led to arrests of charcoal burners by community and handed over to KFS for action.
- 2014, KWS and the community have identified community rangers to be trained by KWS
- 2014, cooperation between community and KWS has led to the arrest of several elephant poachers
- 2013 – date, community has been strongly talking against misuse of PELIS program in Mt. Elgon
- 2012-date, regular meeting between stakeholders, three reports available
- 2012-date, community making follow-up with the legal process including Community Land Bill, Historical Land Injustices Bill and engagements with the National Land Commission and the MEWNR
- 2014, used as a learning experience for discussions between the Pygmies communities and DRC government representative in PNKB
- 2014, presented progress to the WPC in Sydney
- 2016: First batch of community rangers being trained by KWS training school Manyani

6. Lessons Learned – Peter Kitelo, CIPDP

- 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
- There should be a steering committee once agreements have been reached
- The community is key moving forward because they never forget, this matters to them



WHAKATANE
MECHANISM



KENYA
WILDLIFE
SERVICE



Chepkitale
Indigenous
People
Development
Project



Forest
Peoples
Programme

