



Towards a critical mass for social justice in community territorial governance in Kenya – Nairobi 28th March 2017

Organised by: Forest Peoples Programme, Forest Indigenous Peoples Network, ICCA Consortium, Natural Justice, UNDP GEF SGP

Summary of what was decided:

*We all should focus on supporting existing communities in their current struggles. We could do this through allying as a movement rather than an organization, with the immediate purpose of supporting communities to secure their collective land titles under the Community Land Act. Whether as ICCAs, whether using the Whakatane Mechanism, and whether working with UNDP, Forest Peoples Programme, Natural Justice, the Forest Indigenous Peoples Network or other organisations and communities, present and not present in the meeting, we can all contribute to enabling this movement, that may take the form of a loose alliance or network. Such as network will be stronger as **it will unite more and more diverse capacities and qualities: legitimacy, legal skills, communication skills, technical arguing about conservation issues, personal and professional connections...** All this is available in Kenya but needs to come together in effective solidarity. If it is great to say that such alliance/network is needed and desired... this is not enough to create it or keep it alive. **Fortunately the GSI is there and the organisation that will shortly be assigned from GEF SGP the GSI grant for the ICCA national strategic initiative should pick up from where our meeting left, run with the idea of the network/alliance and support it...** Thr Kenyan communities, the organisations that support them, and the Kenyan society as a whole, must seize - rather than miss - this crucial opportunity and moment.*

Nancy Chege --chair for the day's meeting - **welcomes everyone** on behalf of the co-organising partners

All participants introduces themselves: 11 women and 9 men (more arrive later)

Notes taken by Justin Kenrick (FPP)

1. WHAKATANE MECHANISM

Introduction to Whakatane Mechanism (Justin, Forest Peoples Programme):

FPP interest in this meeting is to see if we can develop an effective alliance to secure communities ability to sustain and be sustained by their lands/ environment.

1.1. History of Whakatane Process (Justin):

Why was it created?

At the 2011 IUCN convened meeting in the town of Whakatane, New Zealand, the Whakatane Mechanism was created to fulfil the WCC 2008 resolution 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” (Res 4.052), and thereby ensure sustainable rights based conservation.

What has happened since?

There have only been 3 Whakatane processes since then, and conservation continues to displace or refuse to return lands to communities, as noted in the UN SR for IPs report in 2016, and despite the UN SR for HR and Environment’s March 2017 report stating that conservation has to respect Human Rights, and that doing so is the best way to protect biodiversity.

1.2. Ogiek of Mt Elgon use of Whakatane to try to secure their lands (Kitelo, Forest Indigenous Peoples Network)

When 200 police came to disrupt our small meeting to consider our future, that was the beginning of my involvement in the struggles against our land dispossession. The first generations made claims during colonial times, then my fathers group made claims after independence, now there is my generation which has the ability to read maps and the laws, and speak English. My parents and grandparents never knew how to read the laws, and land dispossession happens because of laws.

This is the background to the conflict: in our experience Conservation is laws that are written to dispossess.

History of dispossession of Ogiek from their lands by conservation.

In 1938 the forest reserves were created and Ogiek displaced from them. In 1964 Kenyan Government killed 6 community members who wouldn’t move from their lands, and then in 1968 the NP was created and all Ogiek displaced to the Trust land higher up. In 2000 the Trust land was gazetted into a Game Reserve at the request of Mt Elgon County Council (which had no representation from the small communities like ours) and since then we have had no official lands, but our community remained and there have been evictions since, and we tried unsuccessfully to appeal against this and then had to go to court having given up on dialogue.

Whakatane Process at Mt Elgon:

FPP introduced us to the Whakatane Mechanism following discussion at IUCN to try to address situations of historical land dispossession under the pretext of conservation.

Interim discussion:

[Grazia (ICCA Consortium): what land the Ogiek are claiming?

Kitelo: We are in discussion on reasonable claims. There are claims that have been granted by the constitution that we see as recognition that these are our lands, so we are going to seek for constitutional interpretation to seek the return of all the

gazetted lands. The Whakatane discussions have been on the management of these areas because we want to separate the issue of ownership and management.

Julius Mucheme (Ermis): Chepkitale area is Trust Land so it is being held in trust for the community so it is easy for the community to have full control. The gazetted forest is with the KFS so efforts to bring that might need more effort. The Chepyuk phase 1 and 2 are more alienated than phase 3. Then there is the bigger area outside the forest that used to be their ancestral domain that has of course gone to private title.

Grazia: you also have the National Park

Ministry of Environment and Natural Resources (just arrived during Kitelo's talk): Uncomfortable that you are saying that KFS has been overseeing the forest destruction.

Kitelo: I would want a longer conversation with you, but the shamba system in the Mt Elgon area has been completely misused. In all this forest area there are 3 places where the shamba system can apply.

Min of Environment: How can you say this when KFS is supposed to achieve 10% national forest cover?

Kitelo: Forget Mt Elgon, speak of just near Nairobi where the destruction is happening and it is very clear in the news. I think we need to be at a time when we speak honestly about what is happening.

Julius Muchemi: Also the Government opening up Chepyuk for settlement destroyed forest

Kitelo: We need to look at forest management being a shared responsibility. I look at a time when the issue will be resolved and all of us need to get involved and be interested in protecting forests. We should be able to speak from the same script based on what is happening on the ground. Forest conservation should be shared by everybody. While indigenous communities have more direct relationship with the forest everyone benefits.

FPP proposes Whakatane Assessment:

When Justin came to visit the community KFS threatened to shoot the tyres of his vehicle to stop him visiting the community, and it was helpful for FPP to experience what we were experiencing everyday.

Whakatane Assessment is just about bringing dialogue – in this case IUCN brought Ministry, KFS, KWS; and FPP brought the communities - and we had a **roundtable** to ask what the

conflict was about? We identified the different interests of Ogiek, KFS, KWS, County Council, which led to a **field visit** to assess the situation, followed by a roundtable to assess the situation and create a **road map**.

What were the results?

- Assessment was that Ogiek presence secures sustainability
- Mt Elgon county council agreed to try and seek an out of court settlement
- Ogiek developed bylaws which we are seeking recognition of by County Govt
- KWS trained community scouts who arrest charcoal burners/ elephant poachers
- We are seeking community ownership on conservation conditions, e.g. through using our bylaws according to the Community Land Act
- The out of court discussion is still ongoing

Discussion:

Judy (UNDP): In relation to the court case: which areas and what is the status?

Kitelo: we started in 2008 in relation to the Trust lands, but they took that trust to mean it is their lands to do whatever they want with without consultation. When we went to the Ministry they said we needed to agree with the County Government on that. In 2013 the Council passed a full county resolution to revert the land to the community.

Anne Martinussen (UNDP): Your description is very positive but then on the ppt it says burning of homes resumes in 2008?

Kitelo: As you were surprised, so were we. There is a way Government works I am still learning. The County Commissioner comes and gives notice, but there is no boundary. The discussion was: as we settle things out of court we should do this amicably. Even with the burnings that happened as late as last year, we have to continue with the dialogue. The only other option is killings, and in Government they can want to scare people with the force they have, but you have to keep on with the conversation. You can see here we are having this conversation with Government.

Gloria (PhD researcher): how did you arrive at the boundary?

Kitelo: A month ago is when we wrote down the boundary. The idea of historical land claims is that they are about boundaries that were there even before the Government came. In April we are having discussions with the Sengwer who were our neighbours but who were then pushed away. After we make the claim there will be discussions with others also.

Much appreciation for listening to me

JK presents on where Whakatane is now – add from Gino’s notes: *I (Justin) didn’t take any notes of my talk but judging by the question what I outlined was that with only 3 Whakatane assessments in 6 years there is a real question as to whether IUCN and conservation more generally is willing to resource such a mechanism and apply a human rights framework to conservation through recognising ancestral communities’ tenure rights. The science is clear that ‘protected areas’/ socio-ecologies that are community owned and managed (often with support from conservation bodies) re far more effective than state or privately owned protected areas. There are two key factors:*

- (1) One is to have inalienable community ownership so that you can plan sustainably for the future, and have the ability to control individuals in your community and individuals or forces from outside who seek to exploit your lands. If you don’t have that security, then very often you are in desperate material state and your only choice is whether you extract and destroy the ecosystem before an outsider does.*
- (2) The other key factor is to recognise that there are always a few people who don’t care for people and also don’t care for the environment, and communities who have long term security and ownership and relations have developed very clear ways of controlling them. It is less clear that there are effective ways to control the same individuals in state or private conservation, in corporations, or state bureaucracies or politics.*

Discussion:

Questions:

Sasha Kinney (Researcher/ community organiser): How are Whakatane Assessments initiated? How to control those who don’t care in community?

Gloria: Conservation being captured by elites (Laikipia – large conservancies owned by individuals). Africa fear that if you let areas be in control of communities they will become deserts?

Judy; Does Whakatane cover only a section of the community? How did you handle the diff communities’ livelihoods, the don’t care element?

Answers:

Justin: Interesting that the questions are all about how to control those in communities who don’t care, but not about how to control those who don’t care in Ministry, KFS, etc. It is interesting and it is because we have been taught that we need control from the top, but we can see from where the world is environmentally going that this doesn’t work. I also work with my community in Scotland where community lands are increasing all the time, and in those places the population is increasing and livelihoods are improving: community lands are the future not the past.

Kitelo: Bylaws removes those who don’t care: it should be simple, if you don’t care then you don’t belong to that community. The discussion we’ve been having with NLC is ‘community tenure on conservation conditions’ – those conditions are just

bylaws, and we are seeking to have the bylaws to be recognised by the County. For now we have to take them to KFS but

Kitelo: Sengwer are not able to be here with us, because the EU are coming with a billion shillings to support KFS while thinking that the community is not even there (the EU project doesn't even mention the existence of the Sengwer on their lands). If we want communities to sustain these areas, then they need support and need these interactions that are happening now.

TEA BREAK

2. COMMUNITIES DEALING WITH EXTRACTIVES (Gino)

NATURAL JUSTICE

Their challenges and strategies

2.1. Save Lamu (Mohammed Nzembwana, translation by Helima of NJ)

Challenges:

Lamu people are the first IDPs since shifita war when they were displaced. From 1971 the Govt settled up country people from Mt Kenya to Lamu that further marginalised Lamu people in terms of land, and because they were first to be given loans for grain etc ahead of Lamu people. Lamu people were also told to stop using their forests, and then had to rely on tourism and fishing.

In 1996 his Association instituted a case against the allotment of this Trust land, and in 1999 there was a ruling against the allotment. The LAPSETT project (allocated of 70,000 hectares) intends to use a huge area to conduct their project threatening their tourism (coral etc.) and fishing. They were stopped from mangrove cutting by the Govt (for environmental reasons) but they had a way of cutting that was sustainable, yet this project intends to cut 25% of the forest so how can the Govt justify this? Mangroves help the heat from the ocean affecting their lands.

Strategies:

Save Lamu has a litigation process. One of the things LAPSETT will affect will be that it will impact on local waterways and local transportation, and fishermen will be badly affected by the dredging.

2.2. Malindi Rights (Mbobo)

Challenges:

Our mangrove within the coastal area are cleared by the salt farms and we experience pollution as regards air and water



Strategies:

The importance of networking to the struggle

[Gino – can you add to this? I had to attend to something else during Mbobo’s presentation]

2.3. Friends of Lake Turkana (Andrew)

Challenges:

We work on environmental justice, resource governance and community strength: Massabit and Turkana County and part of Samburu. We started mainly on the dam. Lake Turkana is important as an ecosystem, as a form of livelihood (fishing) and rangeland and biology around it – it is not a proper desert because of the lake. Recently with the discovery of oil in the south of Turkana we began engaging communities because the companies had intentions to do exploration around the lake. We worked with communities on what this exploitation means for communities who didn’t want any exploitation around the lake. Turkana is communal land so you need to get an agreement with the community to access land. You also have LAPSETT coming in.

Strategies:

We try to inform communities and engage the media, engage in legal processes, feed our comments into EIA processes, lobby MPs, and MCs. We have worked with NJ and learnt something of the law, and see that a lot of laws are not aligned with the new constitution. It is the communities that we try to work with to give them an understanding and give them a voice so they can speak for themselves.

2.4. Gino - Analysis of these 3 cases:

Range of different strategies: protest to litigation.

- How does decision making happen?
- How are people involved in the making of laws?
- What are the implementation/ compliance issues?

Kenyan laws and regulations in Kenya are there but the problem is compliance. Participation is enshrined in the constitution, but are they real? India case: the group doing the project have to ensure that people understand what you are on about.

In the EIA process there are specific requirements, so the groups we are working with are doing audits of projects that are up and running (e.g. salt companies in Lamu, of construction of the port in Lamu). So you monitor what is happening in a way that can be presented as evidence to the authorities, which can subsequently be used in court. Like Whakatane, you are bringing Government closer to the point of impact. So at the County Government level you try to bring them in to deal with the issues in an appropriate way. The continual presence of an active citizen to know the law and collect the evidence, where



most people have given up on the Environmental Authority. One solution is to not give up on the EIA but to get it moving.

A road in Northern Kenya: everyone wanted this road but the issue of impact on livelihood e.g. a pit is dug to get material to build the road leaving a hole that cattle or people fall into. So if projects do go ahead we have to think about the impacts, e.g. building a culvert under a road so that a village continuously gets flooded. So the need is to continuously audit, ground truth.

The monitoring of LAPSETT by the community has shown that the environmental management plan required by law has not been fully developed, so they tell the EIA to develop these.

Discussion:

Questions:

We have very good laws but they are not being complied with, how to?

Claudia – have you engaged with human rights organisations? Is it strategic to ask about human rights issues?

Answers:

Gino – its not been a strategic approach we have taken. Options for people when looking at non-compliance? People need to have the information, and there is the law saying that within 21 days of the request the info should be provided.

Mbobo (Malindi) – we also communicated with KNCHR so we know info is shared internationally, but we have not yet received a response from the other side.

3. ICCAs - Territories and Areas conserved by IPs and local communities

3.1. Issues of equity in conservation, community land rights and ICCAs (Grazia)

These can be approached case by case in which either one of conservation or community land rights is in trouble.

ICCA says that communities are most often not well understood in their role as caretakers of their environment and natural resources – in terms of management, governance and learning from previous generations, and passing on understanding on to future generations. Regulations have been placed on the land without taking advantage of what has been community conserved areas.

The ICCA Consortium tries to start from this acceptance of the fundamental role of communities that enables people, conservation and government to all benefit, apart from (as Justin says) those who are just there to steal the resources.

Grazia explains what ICCAs are – please see <http://www.iccaconsortium.org/> - She shows lots of photos of beautiful places (lands & natural resources) that are cared for and used by communities.

ICCAs stand for territories and areas conserved by IPs and local communities – I much rather call it seeds or heart of diversity that is at the same time biological and cultural. Don't get stuck on the term ICCAs, we use it to communicate between these thousands of cultures that all have different names in different languages.

ICCAs exist all over the world in different cultures, and are characterised by:

- (1) **A community with a natural territory that has a strong bond**, that caring and belonging is the most fundamental quality of an ICCA. The bond is made of livelihood, of culture, of language. It cannot be quickly built, it requires time and requires relationship
- (2) **A community with the governance capacity and power to take and enforce decisions.** It may not be de jure, but the community has de facto that capacity
- (3) **These decisions and practices have led to the conservation of nature**

Land and territory that is governed and managed collectively by a community, often these are embedded in a culture and values so deeply that it is hard to see the institution. It is conservation that is embedded in livelihood and culture.

ICCAs cover all sorts of ecological contexts. Over time communities have figured out how to not be overcome by conditions that will have – so a pastoral community may have a forest which you don't use except in situations of threat to survival. People have real strong pride, even though they can be seen as the last of the last when they are begging in the cities.

3.2. Are ICCAs under threat?

ICCAs are under threat by:

- (1) the expropriation of the commons throughout the world following the birth of the nation state and before that colonialism. Starting with the enclosure of the commons in the UK, leading to the ongoing expropriation today.
- (2) 'development' including mining and fossil fuel extraction etc.
- (3) land encroachment by others

All this in the context of wars, violent conflicts, active acculturation (money, education, evangelisation, movies, etc.), inappropriate recognition by governments (e.g. seeing it as a great land for tourists, and so kicking out the people who have kept the land beautiful), climate change.

The most serious external threat is eviction, whether because of infrastructure, palm oil, and these can combine private interests and public institutions. This leads to the erosion of local knowledge and the loss of the institutions that were able to govern the commons.

3.3. What Strategy to defend them

- (i) Local responses: internal organising/ analyses
- (ii) Info dissemination/ transparency
 - alerts
 - alliances
- (iii) diplomatic action
- (iv) legal action
- (v) resistance, demonstrations and civil disobedience

3.4. What do people want?

To be recognised as having the right and capacity to govern their ancestral domains. When the Ogiek were organised they could stop charcoal burning and elephant poaching but their right and capacity are not recognised by government.

3.5. International policy:

Huge change starting at 2013, mostly though CBD but also IUCN and the Declaration (UNDRIP) which is a declaration but there are many other treaties and decisions which have to be incorporated in national laws (e.g. CBD).

ICCAs as protected areas, but as directly governed by indigenous peoples, but IPs are often frightened of being recognised as PAs given how the nation sees PAs. But they can be listed as conserved areas rather than as protected areas and communities can also say list our area but keep it private, and only if tomorrow an extractive industry arrives then we can say this is an ICCA and help protect.

e.g. Australia has recognised ICCAs for a long time – they have a policy (not a law) that recognises collective ownership and care by Aboriginal traditional owners and so in agreement designate these Indigenous Protected Areas (IPAs) and support them to do so. Today nearly 50% of Australia is under IPAs. The problem is this is a policy not a law so a new Government can easily change it so it is not secure.

e.g. Columbia: more than 30% of Columbia/ 80% of forests) is under collective ownership of indigenous peoples: 34 million hectares. They can do what they like but don't have rights to the subsoil so the Government can bring mining or oil companies, but only if the 'ICCA' is not listed in the national protected area. So some IPs who want to escape mining, oil and gas legislation, but they then have to share governance with the State, but they want to remain under their own governance and so ?



e.g. Senegal: they are using the decentralisation law so the municipality can declare conserved areas locally – communities are taking advantage of this.

e.g. Philippines: communities can claim land rights to their ancestral land if they can prove the bones of ancestors, rules etc. but like Colombia the Government has the rights to the subsoil, so many are seeking to become ICCAs, and the IP alliance in the Philippines are pushing a new law (in its 4th reading) to secure IP rights to protect themselves from underground exploration.

Questions fro Grazia to everyone:

- Are there ICCAs in Kenya?
- Are there problems affecting them?
- Would it be desirable for them to have formal recognition?

Discussion:

Gloria (BC): In Africa context who is and who isn't an IP?

Grazia: we are not just talking of IPs but we understand that IPs have original claims to the land. We follow ILO 169, but most importantly IPs self-define.

KENDRA: definition is quite a problem in Kenya because some of our nature communities have been eroded by religion takin away their culture, but others are still following their tradition, but the Kayas come to mind as people who are following their traditions. It would be difficult to define this in Kenya – the law which governs the forest act proposes Community Forest Associations or the Beach Management Unit – the law brings you to say that you create an amalgam that brings out the remaining cultural ways and putting that into these institutions.

Grazia: I am not sure what you are aiming at. But in Europe we are using the term ICCAs a lot even though we have few IPs. But if a community has the capacity to care for their environment, to have the bylaws and demonstrate the ability to govern and manage your lands then in some ways you should be recognised. Some would say that the best way to recognise that would be to give collective land rights to communities. When you demonstrate effective ability to govern your land shouldn't you be given the power to manage and govern your lands? What kind of recognition is the most appropriate?

WWF: Kaya Coastal forest have their own ways of managing their forest and have established their bylaws that people respect. Then there are fishers who also manage their resources and the fisheries law provides for local communities to come up with management units who are responsible for managing their own area.

LUNCH BREAK



4. ICCA CONSORTIUM (GRAZIA)

Communities are members, Honorary members are not communities but expert supporters, then there are supporting organisations like FPP and NJ.

4.1. The Consortium works to:

1. **Provide appropriate support to ICCAs** for self-awareness and self-strengthening
2. **Getting ICCAs recognised at the international level**, e.g. flash events at CBD,
3. **National level networking and advocacy**: with the idea of creating a critical mass for effective advocacy, the Consortium is creating ICCA networks at national level e.g. WGII in Indonesia that contains AMAN, the largest IP org in the world, and the largest HR org in Indonesia (HUMAN) and WWF Indonesia (the biggest conservation org in Indonesia) and key mapping etc. organisation. They are figuring out which sort of legislation can best help recognise ICCAs in Indonesia. In other places they form coalitions to address particular problem. Or in Philippines formed a federation of Indigenous Peoples

4.2. GIS National Strategic Support Initiative:

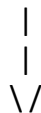
1. **Organise consultations** to present a paper on situation of ICCA situation
2. **Identify where ICCAs are**
3. **Identify 4 to 10 emblematic ICCAs**
4. **Start developing a network/ alliance** that can also provide a peer to peer validation of entries for international ICCA registry.

Discussion:

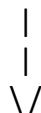
Kitelo: The ToR for a strategic analytic assessment. Could they include the struggles for the recognition of land rights by IPs.

Grazia: The network takes whatever form it needs to take, but with funding from GEF SGD, and with a Strategic organisation [enabling/ guiding it]

GEF SGD funding



Strategic organisation (if IP movement decides to be this then it will have resources to support a network and emblematic cases)



ICCA network in a country



If you decide to go for the recognition of land rights then that is what the network will do

5. Sengwer community situation (presented by Kitelo)

The Sengwer were unable to come because they are having meetings today with the EU Human Rights people because there is an EU project that is going to happen in the same places as where the World Bank NRMP project happened.

Their biggest challenge is evictions which is happening all the time. The story of forest peoples all over Kenya is the same, all have been evicted by conservation. For the Sengwer it is 23 times, and they have had their houses burnt so have to put up hidden temporary homes. The last idea by the Government was to give them compensation. Just as some communities who lost their homes were given compensation because of electoral violence, so the Sengwer were told they were getting compensation for the evictions, but once they received it they were told this was compensation for being moved off their land.

The message they wanted to carry here was: don't let our struggles be the struggle of the Sengwer but the struggle that others can see, support and recognise as their own.

6. PRESENTATIONS OF GROUP WORK

6.1. GROUP 2 Presentation: Mr Koko (Mwalimu teacher):

What helps communities fend off injustices in the name of conservation?

1. If we have strong positions by individuals in struggles for rights, standing firm for rights, not for yourself but for everybody, regardless of whether you are a civil servant or not. Because rights are for all, let's have strong positions when fighting for rights.
2. If awareness can be taken direct to the grassroots level where we have the common man, everyone shall be knowing their rights and be ready to defend them.
3. If ICCA forums can be handled involving people from the Government, then sharing shall be like someone holding position shall hear me and what I am effected by then we will share well and things will be ok.
4. If we foster good personal relations let us look at each other as part and parcel of everything we are talking about

5. Conservation becomes an injustice when Government responds to business men who engage them during election time and they may be bound by agreements that do not assist the common man but the businessman
6. The 2010 Constitution has some framework but implementation is now the problem, because those in power are not implementing the guidelines.
7. **Mwambi added:** The resources of ICCA, the spirit of the constitution touches on the issues and spirit of ICCA, but these are not fully captured in the laws, and we need the Community Land Act regulations to be written. The political will is not there but we need to make sure the regulations are put in place.

Added from Claudia's notes from Group 2 and ensuing discussion:

8. Challenges associated with the implementation of progressive Kenyan law

- Constitution formal recognition but lack of proper implementation influenced by colonial processes associated with land. Difficult to prove in court the ancestral possession of land.
- While Kenya has progressive law in terms of environment and social objectives, the civic space is shrinking in a tricky, not obvious and not open way. This shrinking space is happening even through using legal instruments e.g. classification of community organisations as terrorists and freezing their accounts.
- International pressure as a strategy to press the government to respect international environmental and human rights' commitments can be limited because the government tends to frame it as Western interventionism and uses this means/ excuse to reject action. The lack of respect of environmental and human rights mirrors/continues a colonial process of dispossession towards local communities and a lack of respect their basic human rights.

9. How to make accountable governmental officials who lack a true interest in safeguarding the environment?

- Challenges with business ideology and conflict of interests behind the politicians actions. Business people support all political candidates and expect favors once elected. Also once in power, government officials get benefits from business to get favorable treatment in e.g. project approvals. Example given: a man who is the biggest share holder in coal power plant and a powerful oil exploration business man getting favorable treatment by governmental officials.

- 10 "Community land now": community land registration was specified as a priority. The social movement on community land rights needs to be a focused and powerful force - more powerful than those forces who want to stop communities from

securing their lands, - while at the same time acknowledging each community's distinct focus and uniqueness. If this movement is excellent for conservation and sustainable use, then more alliances and more visibility can emerge.

6.2. Group 3 Presentation (Judy):

Muchemi (ERMIS), Samorai (OPDP), Gathuru (Kivilini Trust), Gino, Grazia, Judy

1. Is there any movement / organization?

- ✓ There are many
- ✓ **ICCA Kenya** has been meeting since 2012, has representatives from: Sacred national sites, pastoralists, conservancies. There is a national secretariat/working group – volunteer organisations, KENVO, ERMIS, RECONCILE, EAWLs/KFWG, WWF,
 - Indigenous people: ILEPA, Endorois group,
 - Individual Technical experts
 - With support from SGP: Had several kayas, BMU,
 - There was a grant to UJAMAA to support the different communities

2. What is common about the issues/initiatives?

A. The struggle for community land tenure rights, and for access and use:

- The constitution is very progressive, it identifies the affirmative actions
- The Indigenous forest community network [FIPN] have been seeking community land tenure rights
- Is it possible to demonstrate how the indigenous knowledge /practices have worked for conservation efforts?

B. Strengthening community governance structures:

- Struggles by different communities with different issues, access, rights, outside intrusion

e.g. The Ogiek [Mau?] have a community project:

- Strengthening community governance systems)
 - developing the traditional rules/practices /
 - leadership is made of male elders - there are efforts to bring in women & youth
- Question: isn't this introducing fragmentation of the membrane that has been working for centuries?
- The struggle from 1991 has been with women leaders at the fore –front

C. The communities have different struggles:

- Is it possible to identify the 4-10 best case example –
- Are there any organization's that have applied for the grant?
- The National had 3 model, there are chapters /
- ERMIS - has helped mapping of ancestral areas

- Rift valley – Ogiekof Mau / Endorois / Sengwer/ Ogiek of Mt Elgon
- What tenure (ownership, access and user rights, governance and control)
- There is need to consult widely on the community land -
- Identifying the common vision /objective – with as many actors as possible
 - community land, governance of forest/land/natural resources?

D. Action Points:

Strengthening the community governance system (how?)

- Identifying 4-10 best working ICCA/flagship/emblematic communities using them to build the case for ICCAs/ for community controlled conservation
- Strengthening 'ICCA Kenya': Re-look the name? Need for a mapping strengths of different organization. Proposal done – waiting for feedback

Justin asked: Mwambi's point in our (Group 2) presentation about the need for communities to prepare for the CLA reminds me can Muchemi provide the maps ERMIS made for the Sengwer and for the Ogiek of Mt Elgon for them to use in the CLA process. [Muchemi agrees]

6.3. GROUP 1 Presentation:

See power point

7. ACTIONS FROM THE DAY

7.1. ACTIONS from the day:

1. [Presenter of Group 1, young woman: Meet again to establish this Movement] [Kitelo: call it **Community Land Now**] [Nancy: alliance or network or forum:]
2. **What do our ~~orgs~~ communities need?** [Kitelo: Who are these that feel they need each other? Main agenda is that communities need their rights to their lands, what do we gain by having this synergy, so that Ogiek at Mt Elgon gain rights to their land as others do. Why are we unable to get our lands? If we come together then, e.g., we can all go to the Minister to say we need land registration] [JK: A movement succeeds by responding to the moment, and the moment is to secure community lands under the Community Land Act]
3. **What have we already achieved?** What is our experience? Learn from that too.

7.2. Concluding remarks from the organisers:

Gino: a critical mass requires a number of organisations to be on the same page, whether as a movement or as discussion. There are so many organisations in Kenya working on these issues



Justin: We need to be able to come together in a strong movement that is bigger than the forces we are up against, but also acknowledges the uniqueness of each community's situation

Kitelo: We have to thank ourselves since we have come here. There are many not here who have almost given up, we need to find a way to work together to succeed.

Grazia: The crucial thing is Community Land Now – you have the capacities, you have the policies, there should be a focus around community lands now. From the Consortium you will have greater visibility and be stronger if you say you are wanting to conserve your lands. But you don't need to do that, but if you do the Consortium is very much there to support.

Nancy: Thanks everyone for coming [and she herself is thanked for excellent chairing]