

**STATEMENT ON BEHALF OF OGIEK PEOPLES' DEVELOPMENT PROGRAM AT THE 57TH
ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS
4TH – 18TH NOVEMBER, 2015
BANJUL, GAMBIA**

Your Excellency, the Chairperson of the African Commission on Human and Peoples Rights

Honourable Commissioners distinguished Members of the NGO Forum, States Representatives, Ladies and Gentlemen.

The Ogiek are hunter- gatherers and depends so much on forest space for the exercise of their traditional livelihoods and preservation of their culture. Collection of wild fruits, hunting, honey harvesting were a daily routine. The Ogiek had maintained their traditional knowledge systems in conservation of the Mau Forest resources. The elders had a sound management plan that ensured these forests remained intact.

Ogiek land rights struggles began during the Colonial period and persisted in the independent government. The Ogiek community have suffered dispossession of their ancestral land without consent and without the provision of compensation. The Ogiek have lost vast tracts of their traditional land to state-sponsored conservation efforts, which has resulted in the forceful eviction of Ogiek communities from their ancestral lands and forests. These evictions interfered with the Ogiek self-determination as a people. We acknowledge that justice is indivisible and therefore many of our rights have been violated.

In response to these challenges, the Ogiek have resorted to the Court interventions. In 2009 the Ogiek moved to the African Commission who issued preliminary provisions measures to prevent government efforts that could prejudice the Ogiek from further human rights violation. However, the provisional measures have been ignored hence the frequency of illegal land transactions involving titling, individuals grabbing Ogiek land and perpetual eviction and arrests of Ogiek e.g. in Ngongonger (Eastern Mau), is a case in hand in which goes against the recommendations by both Mau Task Force Report and Ndungu commissions which pointed out illegal land transactions in Kenya, including Mau forest, and nullified them.

In 2012, the ACPHR referred the matter to the African Court of Human and Peoples Rights and in 2012 its first hearing happening, on 27th November 2014, in Addis Ababa. We are grateful to the Commission for all the efforts. Now, we are reliably informed that the Kenya Forest Service is in the process of securing title deeds for all public forests in total disregard of the ongoing Court cases as cited above. We therefore request for quick intervention as we wait for Amicable

Settlement of the case. It is equally sad that the government of Kenya is wooing Ogiek community to accept to be included a Internally displaced persons (IDPs)and be compensated with Kes 210,000(USD 2100) which is not equalivalent to the their ancestral land which can be quantified as our ancestors cannot be left alone an attended , Ogiek are not IDPs in their own land.

Madam Chair, with the supervision of the Commission we are going to explore the process of Amicable Solution on the Ogiek Case and in that regard we request the process to be expedited for the long awaited justice to prevail.

As I conclude, I would like to share with you the topography in Ogiek habitat. The community has limited access to necessary services, like health services and good education. Marginalization, land grabbing and constant evictions of the Ogiek has disoriented the community leading to impoverished life. In this situation, it is difficult for the community to self-actualize their goals given they receive little support from national and county governments to improve their situation.

The Ogiek community is, therefore, eager and trusts the African Court and the mechanisms it has in place for delivering justice.

I thank you,

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