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**Unite Nations On Human Rights
Sub-Commission on the Promotion and
Protection of Minorities
Working Group on Minorities
10th Session
1st -5th March, 2004
Geneva, Switzerland.**

Agenda, Item 3(a)

Thank you Mr. Chairman,

My name is Daniel Mpoiko Kobei; I am a Kenyan representing a minority, hunter-gatherer community called Ogiek in Kenya.

Sir, I consider a great privilege to be part of this august house and a more so amidst the 10th Session of United Nation Working Group on Minorities. Being a minority from a minority community of approximately 22,000 people out of a Kenyan population of about 30 million people according to 1999 national census.

For more than 3 years Kenya has been undergoing a constitutional review process with aim of coming up with a people driven constitution.

We the minorities are hoping that the constitution review process going on in Kenya may have a place for the minority communities, hence the long awaited dreams of minorities including self-determination, rights to our ancestral land, rights to our languages, rights to our cultural heritage, absolute control over our knowledge, rights to our legal system, rights to all form of institutions, free and prior informed consent to many activities that affect our peoples and the right to participate in all decision making whether political or otherwise as long as it affect our people.

In our case Ogiek, we are faced with untold suffering of being denied the true ownership of our ancestral lands in Mau Forest Complex in Rift Valley and Chepkitale Area in Mt. Elgon District, hence being denied our sacred places, herbal knowledge and the blessings of the mother earth in place of multinational companies (Raiply company, Timsales Company etc.) who harvest our trees without our consent. The previous KANU government demarcated our land and distributed to the well connected majority communities and issued them with the title deeds despite of the High Court order of 1997 of constitutional suit no. HCCA 635/97. The influx of majority communities to our lands was due to our forest resources and the fertility of our soils. From the days of our ancestors we lived and eat from the forest, we made our livelihood to the envy of many, in other words we have lived, work and walked in the footprints of our ancestors.

Recently the current Kenyan NARC govt, minister for Environment and Natural resources announced that Ogiek should be left in the state forest (East African Standard Newspaper Of 16th January 2004) to preserve and conserve forest without being allowed total ownership of the land and natural resources from the forest and other resources. In this case we live in a life only determined by whoever is in power, meaning, if the Ogiek people are not given true ownership of the land the future governments may evict us as it has been the case before i.e colonial era(*Eviction took place in the following years 1911-1914, 1918,1926-1927, 1939-41 and 1958, the aim of colonialist was that Ogiek should be assimilated to the major communities because they were too few which they resisted*) and post-colonial period (1977 and 1987). The Chepkitale land in Mt Elgon Forest was declared a game reserve on 6th June 2000, leaving the Ogiek people homeless in their on land. The land problems amongst the Ogiek is one of the basis of their social, political and economic woos. This has lead to them having more than 95% illiteracy, living below poverty line and having no political representation in all spheres of government.

Sir, may we suggest to this august house the following ***recommendations***:

- 1) We are therefore, requesting the Working Group On Minorities (WGM) to try and come up with lasting solutions by contacting the Kenyan government to settle Ogiek in their ancestral lands i.e Mau Forest Complex and Chepkitale area and allow them to have a full control of their resources and rights as stipulated in the International Convention of Civil and Political Rights (ICCPR) article 1.1 and International Covenant on Economic on Economic, Social and Cultural Rights (ICERD) 1.1, of which Kenya is part of this treaties.
- 2) Land court case (**constitutional suit no. HCCA 635/97**) from the Ogiek community dating 1997 has never been finalised, the case was basically asking for our land Rights in the great Mau Forest Complex. hence we are requesting WGM to call on the Kenyan government to ensure that justice prevails in this case as per United Nations Declarations on Minorities(UNDM)
- 3) Ogiek people should allowed to participate in decision making in all the political spheres and development in Kenya, this should include Political representations i.e special seats to be allocated to them in parliament as per ICCPR article 25, ICERD article 5,c, e and UNDM article2.3

A lot may be said about Ogiek e.g lack of political representation, illiteracy, poverty etc. The great solution for the community is to be given recognition in all aspects and above all to own their ancestral land and develop, as it is their livelihood

Thank you;

Daniel M. Kobei

**Chairman Ogiek Peoples Development Program (OPDP)
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