

FORCED RELOCATION OF SENGWER PEOPLE PROVES URGENCY OF CANCELING REDD

March 12, 2014

We, the No REDD in Africa Network (NRAN) together with the Sengwer Indigenous Peoples Programme and the undersigned 66 organizations and over 300 individuals, strongly condemn the massive evictions and forced relocation of the Sengwer Indigenous People, one of the few remaining hunter-gatherers of the world, from their ancestral home in Kenya's Cherangany Hills. The Kenyan government calls the Sengwer People 'squatters and or Internally Displaced Persons (IDPs),' despite the fact that they and their ancestors have lived in the Cherangany Hills since time immemorial; and that Article (63d) of the Kenyan constitution (2010) grants them inalienable rights to their ancestral lands.

Sengwer spokesman Yator Kiptum denounced the "disaster" carried out by a combined force of the Kenya Forest Service (KFS) and Administration Police, a paramilitary unit of the police, now evicting the Sengwer, destroying property and burning homesⁱ. "The government of Kenya is forcing us into extinction," he said.ⁱⁱ According to international human rights law such as the Convention on Genocide, forced relocation of ethnic or racial minorities is a very grave violation and can constitute genocide.

World Bank's complicity

We take great exception to the press statement issued by the World Bankⁱⁱⁱ in which it attempts to distance itself from the forced relocation of the Sengwer People. The cause and effect is perfectly clear; the Bank in its highly controversial role as both carbon credit financier and broker is aiding and abetting the forced relocation of an entire Indigenous Peoples through its Natural Resource Management Plan (NRMP) which includes REDD (Reducing Emissions from Deforestation and Forest Degradation), in the Cherangany Hills.

What is perhaps most disturbing about the statement is the World Bank's offer to the Kenyan government, "to share best practices in resettlement in line with its safeguard policies. These seek to improve or restore the living standards of people affected by involuntary resettlement." The **World Bank is both admitting its complicity in the forced relocation of the Sengwer People as well as offering to collude with the Kenyan government to cover-up cultural genocide.** Claims of being able to restore and improve the living standards of evicted people such as the Sengwer are crude, paternalistic, colonial in nature and above all smack of sheer arrogance on the World Bank's part.

Background

Forced evictions and displacements were started in early 1980s, unsuccessfully. However, from 2007 when an Indigenous Peoples Planning Framework (IPPF) for NRMP was adopted by both Kenya Government and World Bank, there have been almost yearly forced evictions of the Sengwer People^{iv} with the latest evictions being the most violent of them all. It is no coincidence that the evictions began in 2007, the very same the year that the World Bank's Natural Resource Management Project started^v.

In 2013, the Sengwer People moved to court to file an injunction against their imminent removal from their homes and on 25th March 2013, an interim injunction was secured at the Eldoret high-court. These orders were further extended in November and on 18 January 2014; the same court issued further orders requiring that the police arrest anyone breaching the injunction until the matter of community

rights to their land is resolved. The government of Kenya has continued to ignore these court orders, taking upon itself the role of judge and prosecutor of the Sengwer People's case – it continued to burn houses, destroy property – hence force Sengwer families to flee from their ancestral homes and lands – their community land with respect to article 63 of the Constitution of Kenya.

The Sengwer Peoples are being accused of encroaching on and destroying the forests in the Cherangany Hills, leading to the drying up of rivers that provide water to nearby towns and villages. The government of Kenya states that evicting these 'squatters' is the only way to begin the 'conservation' of the ecosystems and specially the forests in the area. This is a complete obfuscation of the truth. The Sengwer Peoples have always preserved these ecosystems in their ancestral land by practicing by living sustainably and are now **facing complete annihilation** under the guise of 'conservation' under REDD.

The Kenyan government insists on not distinguishing between the Sengwer Peoples and a large group of Internally Displaced Persons (IDPs), including those affected by the 2007-2008 post-election violence, and victims of landslides who have settled in the Embobut Forest area. The government's refusal to make this distinction is an attempt to falsely label the Sengwer as "squatters and IDPs."

REDD driving Land Grabs and Forced Relocation of Indigenous Peoples

We are alarmed at the obvious connection between these evictions and the World Bank's funding of the Kenyan government's REDD+ 'readiness' program in the Cherangany Hills through the bank's Natural Resource Management project (NRMP). REDD is a highly controversial emissions reduction scheme that uses forests, plantations and lands in the Global South as carbon offsets and supposed sponges of the fossil fuel carbon emissions and pollution from the Global North.

The head of conservation at the Kenya Forest Service, Mr. Solomon Mibei, is on record stating that "**REDD+ mechanism is a future option.**" He also admitted that the KFS is doing carbon financing workshops with communities. "At the moment, the KFS is conducting workshops with communities living around the Cherangany Hills which includes Embobut forest and the Kakamega forest to educate them on **carbon financing**." Furthermore, the Kenya Forest service was the REDD+ focal point, but due to criticism the focal point was moved to the Ministry, yet the same individual, Alfred Gichu, continues to be in charge.

REDD+ allows rich polluting countries to shirk their historical responsibilities for and contribution to the climate crisis we now face by enabling them to shift the burden to 'developing' countries like Kenya. Instead of reducing emissions at source, which is the only sustainable way to stop the climate catastrophe, such schemes allow them to pretend to reduce emissions elsewhere in the world. Unfortunately as the Sengwer case shows, it is the poorest and most marginalized in developing countries who not only suffer the most from climate change but also the negative effects of the false solutions to climate change like REDD. These false solutions, above all, enable global economic interests to benefit from massive land grabs and the abuse of human and environmental rights.

The World Bank project initially claimed to address land claims of the indigenous communities, as part of the process of ensuring the fair and effective management of the Cherangany Hills forest. This was welcomed by the Sengwer Peoples who thought it would be a great opportunity to address decades of marginalization and loss of access to their ancestral lands which they had faced under the hands of successive Kenyan governments. But this initiative was soon dropped by the KFS and the Bank in 2011(*without consulting Sengwer Indigenous peoples as required by WB OP 4.10*) which claimed that it was 'too complicated' but at the same time continued to fund the Kenyan government's REDD+ work in the Cherangany Hills, thereby further entrenching the marginalization of the Sengwer People^{vi}.

In January 2013, members of the Sengwer Peoples made a formal complaint to the World Bank's Inspection Panel, the organ tasked with the duty of reviewing the impacts of the projects funded by the World Bank^{vii}. The Inspection Panel visited Kenya in May 2013 to assess the eligibility of the complaint and members of the Sengwer Peoples described the loss of access to much of their ancestral lands as well as their traditional right to protect the forests which they have always depended on for their survival^{viii}. Also the community complained of forceful evictions and displacements and lack of free prior and informed consultations as a requirement in the bank's procedures and policies. The Inspection Panel found the complaint to be admissible and a full investigation was recommended, with the final outcome of the investigation expected by the end of the first guarter of 2014.

Unfortunately, the abuses against the Sengwer People are not an exception. The violent eviction of the Ogiek People from the Mau Forest for UNEP-funded REDD is another example of Indigenous Peoples in Kenya being evicted for REDD.^{ix}

The No REDD in Africa Network's Maputo Declaration (2013)^x, declared that REDD-type projects are leading to the displacement of forest dependent communities, servitude, killings, repression and other human rights abuses, and the Sengwer Peoples' plight is a clear example of what we condemn and why there must be no REDD in Africa.

The No REDD in Africa Network has repeatedly denounced that REDD+ is not merely a false solution to climate change, but is emerging as a new form of colonialism, economic subjugation and a driver of land grabs so massive that they may constitute a continent grab.^{xi} We must defend the continent from carbon colonialism.

The forced relocation of the Sengwer Peoples by the AK-47 touting Kenya Forest Service is reminiscent of the forced removals of rural communities by the then South African government during the **apartheid** era. We had hoped that this kind of history would not repeat itself in the continent.

Demands to Government of Kenya:

1. We demand that the government of Kenya immediately and definitively **halt the evictions of the Sengwer Indigenous Peoples**, return their ancestral lands and provide full **reparations** and compensation and provide guarantees that they will not be attacked again.

2. We demand that the government of Kenya should issue a **formal apology** to the Sengwer, duly recognizing these law-abiding citizens of Kenya of as the owners and best custodians of their territory and forests in the Cherangany Hills.

Demands to Governments and the United Nations:

 We request that the UN High Commissioner for Human Rights, the UN Special Adviser on Genocide, the UN Special Adviser on the Responsibility to Protect, the Committee on the Elimination of Racial Discrimination (CERD), the UN Special Rapporteur on Indigenous Peoples, the UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-repetition, the United Nations Permanent Forum on Indigenous Peoples and the UN Expert Mechanism on Indigenous Peoples immediately coordinate, issue statements and take measures to **halt the forced relocation and extinction of the Sengwer People**, as well as propose concrete measures for the recovery of their territory, **reparations, justice** and guarantees of **non-repetition**.

- 2. We demand that governments, companies, carbon traders, the World Bank and the United Nations including UN-REDD, UNEP, UNDP and others immediately cancel these harmful **REDD** and other carbon offset schemes.
- 3. We request that the Office of UN High Commissioner for Human Rights and the UN Special Adviser on Genocide prepare a report on how REDD and carbon offsets are causing violations of the United Nations Declaration on the Rights of Indigenous Peoples.
- 4. We demand the creation of an **International Truth Commission** on the forced relocation of the Sengwer People and abuses associated with REDD, REDD-type projects, the Clean Development Mechanism and carbon trading and carbon offsets in the world; composed of Indigenous Peoples, local communities and experts on human rights, the environment and the climate.

Request to African Commission:

1. We invite the African Commission on Human and Peoples' Rights to prepare a report on the impact of REDD and carbon offsets on the Indigenous Peoples, local communities and land grabbing in Africa.

In closing, we cordially request that the Government of Kenya, the United Nations and the African Commission on Human and Peoples' Rights to respond to these demands and requests, and take the corresponding action.

For the No REDD in Africa Network (NRAN), Sengwer people & undersigned organisations,

Signed by: Nnimmo Bassey & Anabela Lemos

Cc:

- President Uhuru Kenyatta
- United Nations Secretary General Ban Ki-Moon
- President of the World Bank Jim Yong Kim
- UN High Commissioner on Human Rights Navi Pillay
- UN Special Adviser on prevention of genocide Adama Dieng
- UN Special Rapporteur on Indigenous Peoples James Anaya
- UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of nonrepetition - Pablo de Greiff
- UN Special Adviser on the Responsibility to Protect Jennifer Welsh
- United Nations Permanent Forum on Indigenous Peoples
- African Commission on Human and Peoples' Rights and its Working Group on Indigenous Populations/Communities in Africa

- Coordinator of the International Labour Organization (ILO) Programme on Indigenous Peoples -Dr. Albert Barume
- UN-REDD Programme Policy Board and Secretariat
- UNEP, Executive Director Achim Steiner
- UNDP, Administrator Helen Clark
- Kenya National Commission on Human Rights (KNCHR)

LIST OF SIGN-ONS

International and Regional level organisations

No REDD in African Network African Biodiversity Network Indigenous Environmental Network Health of Mother Earth Foundation The Rules Friends of the Earth International World Rainforest Movement Forest Peoples' Programme **Oilwatch Africa** International Rivers Food and Water Watch Food and Water Europe Carbon Trade Watch Young Friends of the Earth Europe **Global Forest Coalition** Focus on the Global South Survival International Global Alliance of Indigenous Peoples and Local Communities on Climate Change against REDD and for Life

National-level organisations

Sengwer Indigenous Peoples Programme, Kenya Justiça Ambiental (Friends of the Earth Mozambique) Timberwatch, South Africa Rainforest Resource and Development Centre, Nigeria Environmental Rights Action (Friends of the Earth Nigeria) Platform, United Kingdom National Association of Professional Environmentalists (Friends of the Earth Uganda) The Woodland League, Ireland ARA (Working Group on Rainforests and Biodiversity), Germany Biofuelwatch, United Kingdom/ United States of America Community Environmental Monitoring, India Amigos da Terra Friends of the Earth Brazil) Both Ends, Netherlands Earth in Brackets, USA

Maendeleo Endelevu Action Programme, Kenya The Rural Initiatives Development Programme, Kenya Landless People's Movement of South Africa Sustainable Development Institute (Friends of the Earth Liberia) Society for Threatened Peoples, Switzerland Re:Common, Italy Xarxa de l'Observatori del Deute en la Globalització. Catalonia The Corner House, United Kingdom Denkhausbremen, Germany WALHI Nasional - FoE Indonesia GardenAfrica. UK Dogwood Alliance, UK EcoNexus Yamasi people, Georgia, USA Asian Pacific Environmental Network, California, USA Links Ecologisch Forum, Belgium Acción Ecológica, Ecuador Landless Peoples' Movement, South Africa Oakland Institute, USA Sustainable Development Institute (Friends of the Earth Liberia) GRAIN DAWN - Development Alternatives with Women for a New Era OFRANEH (Organizacion Fraternal Negra Hondureña), Honduras fsurviBejoe Dewangga Walhi Lampung, Indonesia Klimaat en Sociale Rechtvaardigheid / Climat et Justice Sociale, Belgium Community Action for the Conservation of Nature (CANCO), Kenya Aitec-Ipam Attac France Kulima, Mozambique Kutsemba, Mozambique ADECRU, Mozambique Centre for Civil Society, Durban, South Africa NOAH (Friends of the Earth Denmark) Development Alternatives with Women for a New Era (DAWN), Philippines

Individuals

Elaine Hsiao (USA/ Canada)	Rachel Golden	Laura Ansell (Australia)	Jessica Castro (Puerto Rico)
Demir Baric	Kamal Thapa (Nepal/	Marina Christofidis	Aziz Ahmed
	Austria)		(Denmark/Pakistan)
Alejandra Calzada	Miao He (China/ Belgium)	Roberto Cazzolla Gatti	Melanie Zurba (Canada)
Jon Prescott (USA)	Epeli Maisema	Pau Sanosa (Spain)	Dalia Jawhary
Sieglinde Rode (South	Elyse Curley (Canada)	Alejandra Echeverri	Bruno Monteferri (Peru)
Africa)		(Canada/Colombia)	
Nassirou Gueye (Senegal)	Luciana Ludlow Paz (Mexico)	Christine Kelly (Canada)	Roberto Cazzolla Gatti (Italy)
Laura Máiz (Spain)	Caterina De Vivo (Italy)	Mariasole Bianco	Romina Giugovaz, Italy
		(Australia/Italy)	
Soraya Ponte, Spain	Brett Cease, USA	Shirley Meguinis-Martin, First	Sergio Couto, Spain
		Nations, Canada	
Thomas Manzitti, USA	Caroline Savery, USA	John Bryan, USA	James Igoe, USA

Darlene Bressette	Anglique Sophina, USA	Jill Dufort, USA	Adrienne Fabrizio, USA
Walkswithwolves, USA			
Thomas Waters, USA	William Newman, USA	Sarah Hughes, USA	Premadasi Amada, USA
Mariela Hernandez Cruz, USA	Marina Ortega, USA	Janice Mickle, USA	Linda Fontaine, Canada
Chris Swift, Scotland	Lamine Kane Barrault, USA	Carolina Fleur, USA	Kristin Glenewinkel
Anne Petermann, USA	Greg and Shara Johnson, USA	Sarah Stock, USA	Dianna Zampieri, USA
Lynda Jarsocrak, USA	Jan Myrick	Cherolyn Fischer, USA	Laura Kolnick, Canada
Lori Waller, Canada	Linda Swanaon, USA	Rachos Sacramentos, Canada	Rafa Roszkowski, Poland
Soul Shava, South Africa	Alex Genin	Marcie Timmins, USA	Alice Holemans, Belgium
Lynn Thompson, UK	Carl Wassilie, USA	Ricardo Coelho, Portugal	Sharon Andrew, UK
Crystal Bird, Canada	Mark Covell, USA	Rodney Factor, USA	Joan Russ, Canada
Cory Trotter, USA	Juan Nepomuceno Reza, USA	Steve Lawson, Canada	Brenda Ramirez, USA
Megumi Miyata, Japan	Robin Gladstone, Canada	John Neumeister, USA	Frank Ermineskin, Canada
Fioyd James Rose, USA	John Martínez, USA	Autumn Woodward, USA	Raymond Micklon, USA
Nan Stevenson, USA	Ara Johnson, USA	Heather Farrow, Canada	Elke mauer holler, Germany
Rachel Youens, USA	Michael Borucke, USA	Thor Alexander Almelid, USA	Laurie Tuttell, USA
Dwight Smith, Canada	Anna Faulds, Canada	DENNIS HOERNER, USA	Trish Vanson, Canada
Kathy Bassett, USA	Lydia garvey, US Virgin Islands	Gayle Two Eagles, First Nations, USA	Gayle Klauser, USA
Tara Wiley, USA	Delia Gómez de Agüero, Spain	Paul Mitchell, Spain	Tom Johnson, Canada
Margaret Hammitt- McDonald, USA	CHARLIE SIMONDS, USA	M Pendergast, Canada	Michael Pow, Canada
Zainab Amadahy, Canada	Jerry Rivers, USA	Heidi Pringle, USA	Donna Knipp, USA
Wilson Plain, Canada	L. Bagley, USA	Pauline Hogness, USA	Jeff Hopkins
skye bougsty-marshall, USA	Linda Hayes, USA	Rachael Hedley, Canada	Monte Martin
Guy Reiter, USA	Angela Bush, USA	Kare Thiers, USA	marnie smith, Canada
Sherwyn Zephier, USA	Katherine Leahy, USA	Kari Fjällström, Sweden	Jim adams, Canada
Kristi Collins, USA	Leaf Hillman, USA (Karuk tribe)	Carol White, USA	Jihan Gearon, USA, Black Mesa Water Coalition
Jean Bampoliki, Netherlands	Alma Villanueva, USA	Tom Mccabe, Canada	Anne Dunn, USA
Irl Rickman, USA	Christopher Groden, USA	Alberto Aprile, Italy	John Dart, USA
Jennifer Ire, USA	Jacqueline Green, USA	Rhonwen Maslen, South Africa	Jan Wharekawa, New Zealand
Wendy Goetz, USA	Maïka St-Denis, Canada	Monica Dyer, USA	Judith Deutsch, Canada
Sue Rosenberg, USA	robert Johnston, USA	Eugenie Boudreau, Canada	damon rose, USA
Sharon Garlena,	Hannah Blakeman, USA	Glenda totten-hatch, USA	Paulette eley, USA
Larry Smith, USA	Zara Zsido, USA	Kathryn Barnes, USA	William Callahan, USA
James Cameron, USA	Lora Webb, USA	Carolyn Cullings, USA	James Bourgeois, USA
R. I. Jenkins, USA	Anairda Cordova, UK	Reginald Cottle, Canada	Bob Thomson, Canada
Aly Tharp, USA	Simone Lovera, Paraguay	Rosie Umstattd	monroe edwin jeffrey, USA (International Tribal Association)
Siusaidh Chaimbeul, Mohawk territory, Canada	Diana Somerville, USA	Grace Horowitz, USA	Julie Lipkin, USA
John Weber, USA	Sheila Danko, Canada	Eleanor Perry, UK	Soumya Dutta, India
Anthony Tripp, USA	Louis Head, USA	Ruth Wplk, USA	BERON alain, France
CM Navarro, USA	Timothy Perkins, france	Elizabeth Ramirez, USA	Andrew Fraser, canada
Julie Pelzer, Canada	Lisa Burroughs	Stephanie and John Funiciello, USA	Bill McGuire, USA
Maria Gunnoe, USA (Goldman Prize winner)	Annette Klapstein, USA	Solna Blanchard, USA	Jack Thornburgh, Canada
Natalie Kalustian, USA	Anthony G. Gonzales, USA	Juliet parfrey, USA	Therese Coupez, USA
White Bear, USA (Apache)	Richard Richards, USA	Janet Keating, USA	Robin Blakeman, USA

Alan Cooper, Canada	Frank patton, USA	Fritzi redgrave, USA	Laurie Leyshon, USA
Claire Todd, USA	Nina Hapner, USA	Gloria Filax, Canada	Simeon Gallu, UK
John Parker, Ph.D., USA	John Anderson	Nat Latos, USA	Jose Kat, USA
Casey Pegg, USA	Raul Lima, USA	Andrea Brock, UK	Don & Roberta Thurstin Timmerman, USA
Kristian Boose, USA	Michael Austin, USA	Brian Hill, USA	Philip Strickland, USA
Lana Whiskeyjack, Canada	Hayden Hedman, USA	John Sharkey, Canada	Matt Remle, USA
III Weaver, Turtle Island	Jake Haiwagai`I Edwards, USA	Nikhil Aziz, USA	Michael Tims, Canada
Scott royder, USA	Enzian Thilo Schneider, Germany	David Kraft, USA	Luan Marks, USA
Walda katz-fishman, USA	Patricia Heaton, USA	Patricia Siemen, USA	Georga Grivois, USA
Laura Ankerson, USA	Robert Steininger, USA	Jane Wilson, USA	Robin Youngblood, USA
Brenda Jo McManama, USA	Kurt and Karen Weidner, USA	Kitaka Keambiroiro, Bermuda	Anita Clinton, USA
Paul Densmore, USA	Guy Wells, USA	Nancy Brown, USA	Christian Leahy, USA
Glendabeth brewer, USA	Sara Bissen, USA	Tiffany Adams, USA	Linda Davis, USA
Leslye Abbey, USA	Diane D'Arrigo, USA	Ken Vanden Heuvel, USA	Brad Knight, USA
Ann Lipsitt, USA	Sheila cazzoli	Maury Grimm	Chihiro Geuzebroek, Netherlands
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Katrina Maczen-Cantrell, USA	Rishi Awatramani, USA	Jeanne Bulla	Larry Powell
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Esperanza roncero	Chris Nelson	Jim Gibson	Paul Pfifferling
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Chacity Alain	Marilynn Jesmain	Laura Harrison	Kate Chung
Paige Ruane	Delight Byrne	Christian Mayer	Jessica Cook
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ⁱ Please see NRAN's report on the Sengwer evictions at: <u>http://www.no-redd-africa.org/index.php/27-countries/kenya/96-kenya-preparing-for-</u>redd-in-the-embobut-forest-and-forcing-sengwer-people-into-extinction

ⁱⁱ Kenyan government forcing us into extinction': evictions of Sengwer tribe escalate, Survival International, 24 January 2014 http://www.survivalinternational.org/news/9932

World Bank Statement - http://www.worldbank.org/en/news/press-release/2014/02/06/world-bank-statement-on-embobut-forest-andcherangany-hills-evictions-in-kenya

¹World Bank Inspection Panel, *Report and Recommendation KENYA: Natural Resource Management Project (P095050)*, 29 May '13, pg. 70, available on http://bit.ly/1jtGMMb

^v Project Appraisal Document, World Bank, February 26, 2007, available on http://bit.ly/1jtHtoK

^{vi} Kenya defies its own courts: torching homes and forcefully evicting the Sengwer from their ancestral lands, threatening their cultural survival. Forest Peoples Programme. Available on: <u>http://bit.ly/1eCydMY</u>

^{vii}How the World Bank is implicated in today's Embobut Evictions, Forest Peoples Programme. <u>http://bit.ly/1eCydMY</u>

viii World Bank Inspection Panel, *Report and Recommendation KENYA: Natural Resource Management Project (P095050)*, May 29, 2013, page 70, http://bit.ly/1jtGMMb

^{IX} The Worse REDD-type Projects in Africa: Continent Grab for Carbon Colonialism, <u>http://no-redd-africa.org/index.php/16-redd-players/84-the-</u> worst-redd-type-projects-in-africa-continent-grab-for-carbon-colonialism

^x No REDD in Africa Network Maputo Declaration. <u>http://no-redd-africa.org/index.php/declarations/42-maputo-statement-no-redd-in-africa-network-declaration-on-redd</u>

^{**} African Unite against New Form of Colonialism. <u>http://no-redd-africa.org/index.php/news/14-africans-unite-against-new-form-of-colonialism-</u>no-redd-network-born