

1. SENGWER REQUEST THE FOLLOWING URGENT ACTIONS

We, the Sengwer, are requesting the following urgent and necessary action:

- 1. Active support to the National Land Commission**, the Taskforce on Historical Land Injustices, to consult with forest-dwelling communities and ensure that their needs and rights are properly met in the planned Community Land Bill and in the review of the Forest Act. Inclusion of forest dwelling communities in consultations over the review of the 2005 Forest Act, to ensure it recognises their rights and helps end these conflicts.
- 2. A direct, exclusive dialogue between the affected communities of indigenous forest-dwelling peoples, the KFS, and government authorities regarding rights-based conservation.** In the case of Embobut in the Cherangany Hills, this dialogue should be confined to the authorities and the Sengwer people.
- 3. Arising from this dialogue, the piloting of rights-based conservation projects** at Embobut, Mt Elgon and Mukogodo (with the support of the respected Katiba Institute to provide legal and other support to communities), to enable them to develop processes by which:
 - a. conservation activities are managed and carried out **by forest-dwelling communities**; and, in return
 - b. **communities' customary law rights to ancestral land are recognised**, and their right to live on these lands is secured
- 4. The immediate cessation of the continued harassment of the Sengwer communities**, which continues to prevent them from safely returning to their homes, in full compliance with the High Court injunction secured by the Sengwer in March 2013. This will also help to create the conditions for the ring-fenced dialogue outlined above to succeed.

2. REQUEST FROM KENYA'S FOREST DWELLING COMMUNITIES (including the Sengwer)

We, Kenya's forest dwelling communities, seek cooperation and successful conservation:

The conflict between the demands of forest conservation and our land rights ***need not exist***. Traditional forest communities are potentially ideal conservators.

Our proposal is that:

In return for restitution of our customary forestlands through a transfer from public to community land status, we are willing to be legally bound

to rehabilitate, conserve, and manage our forests for the people of Kenya. In fact, we look forward to that responsibility even although we know it will take a lot of work on our part.

Specifically our proposal is:

1. **That we are made the custodians of our forests.** The communities and forests being as follows:
 - The Ogiek of the Mt Elgon forests
 - The Sengwer of the Cherangany Hills forests (including Embobut Forest)
 - The Yaaku of Mukogodo Forest
 - The Aweer of Boni and Dodori Forests
 - The Sanye of Lamu County
2. **That this starts on a pilot basis in 3 of these forests:** Mt Elgon, Embobut, and Mukogodo Forests.
3. **That we are granted provisional title on condition that we protect our forests.** Our collective titles to be confirmed through the issue of community land titles, after verification by the Forest Dwelling communities' representative body (aided by impartial conservation bodies) that such sustainable use and conservation is being pursued, and that land has not been alienated, leased or lent to outsiders.
4. **That we are formally empowered to manage these forests** on behalf of the people of Kenya (including being empowered to keep outsiders out) with support from conservation agencies; and that wherever a community has been designated the formal custodian no evictions are attempted.
5. **That NLC requests technical support for us from the conservation agencies** to help us to pursue the most effective conservation practices with the guidance and oversight of those agencies.
6. **That we accept that these lands will be held in perpetuity** by the community for the present and future community, and that grant of community entitlements will exclude the right to sell or transfer those lands.
7. **That government cease attempting to evict traditional forest dwellers** and cease making divisions among traditional forest dwellers by bribing them to leave in return for compensation.

This is a win-win for land rights and conservation, and it can enable Kenya to demonstrate to the world how to bring to an end to such conflicts: The best solution to conservation and water tower protection and rehabilitation lies in meeting our land rights on condition of us protecting those forests. We historically protected those forests and we can do this again. This includes protecting against wrongful occupation and use by outsiders, against clearing and degrading practices, and actions to rehabilitate the forest. We want the bees, the wildlife, the canopy of trees, the diversity of trees and plants, and the water to come back. Our culture and our forest-based livelihood depend upon this.

We had a very good meeting with the NLC's Taskforce on Historical Land Injustices in September 2014 to present this proposal in much greater detail (please see attachment) and are very happy to work closely with them if directed by the President.

