

**Mandate of the Special Rapporteur on the rights of indigenous peoples.**

REFERENCE: UA Indigenous (2001-8)  
KEN 1/2014

10 January 2014

Excellency,

I am writing in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 24/9, in order to express my deep concern about credible reports I have received about **imminent threats of eviction faced by the Sengwer indigenous people** and to inform your Excellency's Government that I intend to issue the attached public statement about this situation.

I have received reports that police are poised to forcibly evict Sengwer indigenous people from their homes in the Embobut Forest area. It is my understanding that, for centuries, the Sengwer indigenous people, also known as the Cherangany indigenous people, have lived, hunted and gathered in the Embobut Forest area in the Rift Valley of Kenya. Today, many Sengwer still live in or near the Embobut Forest and continue to engage in cultural and subsistence practices in the area.

According to reports, police forces have been amassing in the Embobut Forest area in preparation for evictions ordered by your Excellency's Government in pursuit of forest and water conservation objectives. Sources report that since the 1970s Kenyan authorities have made repeated efforts to forcibly evict the Sengwer from the forest for resettlement in other areas.

In light of the foregoing, I urge the Government of the Republic of Kenya to take all necessary measures to ensure that the human rights of Sengwer people are fully respected, in strict compliance with international standards protecting the rights of indigenous peoples. I would like to call your Excellency's Government attention especially to the United Nations Declaration on the Rights of Indigenous Peoples, which in its article 10 provides that "Indigenous peoples shall not be forcibly relocated from their lands or territories", and that "No relocation shall take place

without the free, prior and informed consent of the indigenous peoples concerned and after agreement of fair and just compensation and, where possible, the option of return.” In keeping with this standard, any removal of Sengwer people from their traditional lands should not take place without adequate consultations and agreement with them, under just terms that are fully protective of their rights.

Also particularly relevant in the present context is article 26 of the Declaration, which states “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied otherwise used or acquired”.

Excellency, I respectfully request that your Excellency’s Government provide me with information about what action it is taking to ensure the human rights of the Sengwer people in the context of any efforts to remove them from the Embobut Forest and that your Excellency’s Government provide any other information that it deems pertinent. In light of the apparent urgency of this situation, I request a response at the earliest possible time, but no later than thirty days from the receipt of this communication.

I undertake to ensure that your Excellency’s Government’s response will be taken into account in my assessment of the situation and in developing any recommendations that I make for your Excellency’s Government’s consideration pursuant to the terms of my mandate.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya  
Special Rapporteur on the rights of indigenous peoples