

## **East African Indigenous Peoples Seek Spaces of Biodiversity Convention to Assert Rights**

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*By Maurice Malanes*

**NAIROBI, Kenya -- Leonard Tobiko, a young Kenyan Masai elder, never heard about the United Nations Convention on Biological Diversity, which is supposed to help protect him and other indigenous peoples elsewhere from being deprived of their land and resources.**

It was only after Tobiko underwent a recent “capacity-building workshop” on what the Convention on Biodiversity was all about that he was enlightened about the international agreement, which his country and 187 other nations had signed since it was opened up for signing in 1992.

“This is one good news I will share with my community,” he said, referring to what he learned about the Convention in a five-day workshop, which he and 53 other participants, most of them indigenous peoples from the East African region, attended in this national capital last June 20-24.

Co-organised by the non-government and Nairobi-based Indigenous Information Network and Tebtebba, a Philippine-based international indigenous resource centre, the workshop sought among other things to inform indigenous peoples in the region about the Convention on Biological Diversity and enable them to engage with and convince their governments to respect and implement it.

A crucial provision of the Convention discussed during the workshop was Article 8 (j). Under the article, signatory governments are expected to “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval of and involvement of the holders of such knowledge, innovations and practices.”

The same provision also mandates signatory-governments to “encourage the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices.”

After learning about the Convention, threatened indigenous peoples from the region have committed themselves to assert their rights to their indigenous lands where they have grazed their cattle and livestock for ages and to their forests where they have long hunted or gathered food for their survival.

Through their simple and sustainable lifestyles, these indigenous peoples are acknowledged by the Convention for helping conserve and preserve the biodiversity resources in their territories.

Representatives from the hunting-gathering Ogiek people of Kenya’s 400,000-hectare Mau forest, for example, said that after learning about the Convention on Biological Diversity, they

would aggressively pursue their battle against the continuing move by government to evict them.

“From this time on, we will not back out from an environmental case we filed against the government even if it continues to consider us as squatters in our own lands,” said Simon S. Ngayami, a representative of the Ogiek Welfare Council, an organization of the Ogiek lobbying for the recognition of their rights to the Mau forests.

Ngayami said the only property he had was a small bag of clothes because his family’s house was burned down just after he packed his things to attend the workshop here.

Ngayami was among the hundreds of Ogiek people left homeless last June after local police demolished and burned down their homes at the Mau forest in Narok District.

Kenya Lands Minister Amos Kimunya, as the local press reported, justified the demolition of the families, saying the decision to evict the families was “a collective cabinet move to reclaim the water catchment area,” which, he said, the now homeless families had illegally occupied.

Since 1994, the Kenyan government has rescinded protected status from 4 percent (about 68,000 hectares) of the remaining Mau forests, claiming that the territory is needed to open settlements for the country’s landless people. But this scheme pushed out the Ogiek, the original inhabitants of the Mau forests, and paved the way for other dominant tribes and loggers to intrude into the forests, which were conserved through the simple hunting-gathering lifestyles of the Ogiek.

The Ogiek have filed an environmental case against the government in 2001, which has yet to be resolved and which Ngayami said he and his community would continue to pursue despite the pressures and threats to their lives.

Maasai junior elder Adam Kuleit Ole Mwarabu of the Parakuiyo community in Tanzania also said that by asserting their indigenous rights under the Convention on Biological Diversity, the pastoralist Maasai people may yet re-claim their ancestral lands.

“As part of our tradition, we live close to our animals, grazing them where the pastures are greener, and returning again to where we came from after our grazing lands regenerate,” said Mwarabu. “But in recent years, we see other people coming to and squatting on our land. So we raised the awareness of our people to guard and defend our land. But the courts always rule in favour of the other people who encroach into our lands.”

Mwarabu said he and his people had demanded some three billion Tanzanian schillings as compensation for damages when they were evicted and their houses burned in their community in 1994 and 1995 and were not at all relocated as the government promised.

“We were given some money just enough to buy a few packs of cigarettes and a few bottles of water,” he said, lamenting that he and his people up to now have yet to be properly compensated.

Mwarabu said he and his people were always disadvantaged because they could not afford to employ the services of lawyers who could defend them from unjust evictions.

But after the five-day workshop here in which he and the other East African indigenous representatives participated, Mwarabu said he and some Maasai elders would plan out a delegation with their Prime Minister and engage government about its obligations under the Convention on Biological Diversity.

As East African indigenous leaders look forward to engage with their governments to fulfill the

mandates of the Biodiversity Convention, Lucy Mulenkei of the Nairobi-based Indigenous Information Network challenged the various indigenous representatives to also attend the regular Conference of Parties.

“Sometimes, we indigenous peoples have to bring our issues at the international level so our governments can listen to us,” she said. “In effectively participating in international conferences, we can help shape policies that affect us. Otherwise, global policies that affect us will be defined by the scientists and representatives of corporations and the rich countries.”

Mulenkei, however, stressed the need for indigenous peoples to be well-informed and to be aware of policies and international agreements, which they could use to assert their rights.

Joji Cariño of Tebtebba also said indigenous peoples’ participation in global conferences could help “change mindsets” of policy-makers. She cited how governments used to view “protected areas” as simply “nature without people” and so protected areas should be “under government control and put under scientific management.”

“As indigenous peoples, our view is that protected areas or nature should coexist with people,” said Cariño, as she cited how indigenous peoples’ representatives in the last World Parks Congress were able to push that national parks should not displace indigenous peoples, and those displaced should be compensated and properly relocated.

Like an Asia regional capacity-building workshop held in the Philippines last April, the recent workshop here for Eastern African indigenous peoples, according to the organizers, sought to equip indigenous peoples to “fully and effectively participate” in an international meeting in Spain in early 2006 when governments will decide on an international regime on the “access to and benefit-sharing of biodiversity resources.”