



COMMUNITY LAND SUMMIT

PROTECTING THE COMMONS FOR
A SHARED FUTURE

COMMUNITY LAND SUMMIT- 2023

14TH-17TH NOVEMBER 2023
MARALAL, SAMBURU COUNTY

COMMUNIQUE

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The Community Land Summit 2023 is co-convened by IMPACT Kenya, County Government of Samburu, and PARAN Alliance, in collaboration with other partners. This year's theme focuses on Sustainable Development Goal 5: Gender equality and participation of women and youths in land ownership, natural resource management and enhancement of sustainable local economies. The Summit builds on the success of the first ever Community Land Summit in Kenya held in December 2021 in Nanyuki Town, Kenya; co-convened by IMPACT Kenya and the National Land Commission. The Summit further builds on the success of two subsequent Community Land Summits held in December 2021 and November 2022 in Nanyuki Town, Kenya.

We, 500 representatives of Indigenous Peoples, our organizations, and networks in the East Africa Community (Kenya, Uganda, Tanzania, DRC and Ethiopia) including Pastoralists, wetlands and forests dwellers, hunters and gatherers, women, the youth and Persons with Disability (PWD); representatives of the Kenya National Land Commission (NLC), and the Ministry of Lands, Public Works, Housing and Urban Development (MLPWHUD), State Department of ASALs, the County Governments (Samburu, Laikipia, Isiolo, Turkana, Baringo, Marsabit, Wajir, Mandera, Narok, Kajiado, Tana River, Taita Taveta, West Pokot, Garissa, and Siaya), Civil Society Organizations (CSOs) and development partners; participated in the Community Land Summit 3rd Edition held on 14 – 17 November 2023 in Maralal, Samburu County, shared our experiences, lessons learnt challenges, opportunities and aspirations regarding our land rights, gender equality and participation of women and youths in the governance of land and natural resources, livelihoods and conservation efforts, do make this declaration:

PREAMBLE:

- The 2030 Agenda for Sustainable Development's commitment to leave no one behind provides strong impetus to empower indigenous women and girls and advance the rights of all indigenous people.
- Despite the progress made in laws, constitutions, land, and natural resources policies the recent years, indigenous peoples around the world are still among the most vulnerable and marginalized. They are disproportionately impacted by poverty—as many as 33 per cent of all people living in extreme poverty are from indigenous communities.
- Indigenous women have the same rights as other women and are entitled to all the rights guaranteed by international human rights law. However, they are often subjected to multiple and intersecting forms of discrimination, including gender, and income inequalities, which can limit their access to these rights.
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the rights of indigenous peoples, including indigenous women, to self-determination, culture, language, education, health, and employment, among others. The UNDRIP also calls for the elimination of all forms of violence and discrimination against indigenous women and girls, and for the promotion of their full and effective participation in all matters that concern them.
- Although the Declaration on the Rights of Indigenous Peoples drew special attention to the needs and rights of indigenous women and called for action to protect them from violence, indigenous women continue to face disproportionate levels of discrimination and violence.
- Despite these protections, indigenous women continue to face disproportionate levels of discrimination, and marginalization. They are often excluded from decision-making processes in governance of land and natural resources, and face barriers to accessing social and economic justice, and education.
- In a worst-case climate scenario, by 2050, as many as 158 million women and girls globally may be pushed into poverty as a direct result of climate change. Food insecurity caused by climate change is also projected to increase by as much as 236 million more women and girls. If current trends continue, over 340 million women and girls will still live in extreme poverty by 2030. Progress will need to be 26 times faster to reach the no poverty goal by 2030.

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- We recognize and affirm the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) that enshrines among others our rights to land and territories, and meaningful participation in decisions that affect our lives.
 - We affirm our ancestral role in the conservation of our land and nature, and continued commitment to have functional and robust ecosystems for sustainable livelihoods for future generations, and biodiversity conservation anchored on IPs philosophies.
 - We emphasize the importance of our visibility, equity, representation, and meaningful participation in policy decisions that impact on our collective and individual rights, lands, territories, and resources including our livelihoods and conservation efforts.
 - Welcome the decisions arrived at COP27 on Loss and Damage and call for speedy implementation by Parties and facilitate direct access of the resources by IPs worst affected by climate induced hazards.
 - We celebrate our indigenous knowledge, and cultural diversity that leverage and connect our shared efforts and advance the relationship between people, land, and nature, as a core principle for livelihood development, conservation, and sustainable development.
 - Land tenure security is a critical ingredient for rangeland management and pastoralism development. The increased interest on land mostly owned by IPs by government and private entities pose a threat to land tenure security, lives, livelihoods, and biodiversity conservation.
 - Our governments as a longstanding signatory of the Universal Declaration of Human Rights, the African Charter of Human and Peoples Rights, International Covenant on Civil and Political Rights (ICCPR 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR 1976); the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) of the International Labour Organization (ILO) provides for IPs land rights, gender equality and Free Prior and Informed Consent (FPIC).

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NOTE WITH GREAT CONCERN,

- » Indigenous peoples continue to struggle to secure legal recognition of their land, territories, waters and their legal and cultural identity, and other human rights with cases of historical injustices still pending in various national and regional courts.
- » Despite progressive policies and strategies, women and girls continue to face several barriers to securing their land rights including cultural norms, and lack of awareness for their legal rights including inheritance rights.
- » Lack of secure land and territorial rights of IPs continue to pose risks of alienation of IPs land and territories by governments, local and international investors, without Free Prior and Informed Consent (FPIC) contrary to international laws.
- » The increased cases and threats of forced eviction and displacement of IPs from their ancestral lands, loss of life, land and livelihoods, and subsequent criminalization of community livelihoods over contested landscapes, forests, and waters.
- » Slow progress and lack of commitment by national and sub-national governments in facilitating documentation and registration of IPs land, territories, and in resolving land disputes.
- » Some of the new models of conservation often presented as Conservancies, and Wildlife Management Areas (WMAs) pose a significant threat to conservation, hence not tenable to advance community livelihoods and achieve biodiversity conservation. Often such conservation models lack transparency, meaningful and inclusive participation of IPs at all levels, with unequal access to ecosystem-based resources and benefits sharing with IPs.
- » Failure by governments and private investors to embrace and enforce the implementation of the principle of Free Prior and Informed Consent (FPIC) in acquisition of IPs land, disregarding their rights to decision making, negotiation for benefit sharing, fair valuation, and compensation in a timely manner.
- » Increased land degradation and impacts of climate induced hazards disproportionately affect IPs, men women, boys and girls, and persons with disability; reduce land productivity, increased poverty, hunger, weakens resilience and adaptive capacities; and at times have to bear the burden of climate mitigation actions and efforts implemented by governments such as evictions from our land and territories to pave way for Green Energy Projects (solar, wind, and hydropower projects) and or Carbon projects implemented without FPIC.

» Increased cases of inter and intra community, pastoralist-farmers, and human-wildlife conflicts attributed to competition over land, water and pasture leading to loss of lives, property, and livelihoods, with women and children disproportionately affected.

» Inadequate, and or lack of national and sub-national/county level coordination mechanisms, policies and strategies for livestock production, marketing and value addition continues to put IPs pastoralist communities' livelihoods at risk of major losses due to climate hazards such as drought.

» Increasing local and international interest in carbon markets for climate action continue to pose significant risk to land and natural resource rights of IPs especially where land tenure rights are not fully defined and legally secured. Often these projects exclude rights to Free Prior and Informed Consent from communities affected, lack meaningful consultation, transparency in benefit sharing, lack clear accountability mechanisms, and risk deepening gender and income inequalities.

» Limited knowledge and understanding of what carbon markets, local and international policies and laws by most IPs and their organisation expose them to risk of manipulation by local and international investors when entering in such dealings with only anecdotal evidence of benefits and positive outcomes recorded by IPs in East Africa. Most investors and their supporting agents have failed to pursue meaningful consultations, FPIC, benefit sharing, transparency in making the contracts open and accessible to communities, as well as accountability mechanisms.

» Lack of sex disaggregated data on IPs social and economic aspects needed to inform their needs and potential opportunities hinders development and implementation of gender responsive policies and programs on pastoralism, livelihoods, conservation, and carbon related initiatives.



WE COMMIT,



- Recognize, respect, protect and uphold the rights of IPs women rights to land and other productive resources for their social, economic, and political development as enshrined in Universal Declaration of Human Rights, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Convention on Elimination of All Forms of Discrimination (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ECESCR 1976) among other commitments.
- To stand up, speak loudly and defend our rights to land, and natural resources through rightful structures of governments, regional and international instruments; and embrace Alternative Dispute Resolution Mechanism (ADR) in resolving land disputes.
- Lobby and advocate with great importance and urgency for the documentation and registration of collective IPs land rights for legal recognition; and pursue justice for IPs land lost through historical and current injustices.
- Participate actively and inclusively in decision-making bodies to inform gender responsive policies, strategies, and actions on IPs – to share our unique contributions, experiences and rich cultures in land and natural resource governance, livelihoods development, conservation and other areas of IP's life.
- Document and disseminate our indigenous knowledge to inform and advance the national, regional, and global discourse on sustainable, equitable and inclusive livelihoods through conservation of ecosystems and biodiversity.
- Proactively conserve, protect and restore our land and natural ecosystems for sustainable access to ecosystem services needed to secure our livelihoods and conservation of biodiversity.

- Welcome carbon credits initiatives that promote meaningful community participations, respect FPIC, transparency in benefit sharing with clear accountability mechanisms – with more information and awareness for IPs on what carbon market and credits entail, opportunities, and risks to local communities such as sustainable livelihoods including for women, men, and the youth.


- Undertake joint research with other likeminded institutions to document and share IPs experience with carbon markets, challenges, opportunities, and best practices that can inform community preparedness, meaningful engagement with private sector and governments, meaningful consultation, benefit sharing mechanisms, equitable and inclusive outcomes.

- Embrace new technologies that strengthen our capacity to improve our livelihoods and conservation efforts, complement and diversity them and make them more resilient in the wake of intensified land degradation and climate hazards.



CALL ON GOVERNMENTS AND DEVELOPMENT ACTORS TO:

- ✓ Develop, review, and implement social, economic, environment, climate change and other related policies that promote and advance equitable and inclusive IPs rights to land, territories, and natural resources in line with national, regional, and international commitments.
- ✓ Document and register all IPs land and territories for legal recognition of their tenure rights as key ingredient for rangeland management, conservation, and pastoralism development and conservation.
- ✓ Extend the principle of Free, Prior and Informed Consent as ruled once and for all by the African Court of Justice in June 2022 as applying to IP, to all land and water dependent local communities and applied in all proposals which affect local lands, waters, and resources.
- ✓ Embrace and enforce the fair and meaningful compensation, and benefit sharing that takes into account the right value of IPs land and its bundle of rights to avoid commodification of land (e.g. need for pay for annual rent, and not one time compensation for long term use of IPs land where infrastructure are developed, or trade in carbon credit, etc). Fair and meaningful compensation of IPs land and territories should never, and under any circumstances be equated to CSR as this negates their human rights.
- ✓ Prioritize access to justice and resolve historical and current land injustices including those related to conservation through compensation, reparations, and restitution for the loss of land, territories, and livelihoods by IPs without FPIC by establishing robust grievance and redress mechanisms that are transparent, fair, and promote access to justice and rights for IPs. Also strengthen IPs capacity in gender responsive alternative dispute resolution to advance their land and natural resource rights.
- ✓ Deliberately mainstream gender and youth affairs in land management, conservation efforts at policies and program interventions including those related to land and natural resource governance, carbon credits, and conservation efforts to ensure women, youth and persons with disability have secure tenure rights, equal opportunities to participate in decision making and benefit sharing.
- ✓ Promote and provide adequate financing for integrated and sustainable pastoral rangeland use and management including cross boarder initiatives and programs that enhance water, pasture and other ecosystem services for sustainable livelihoods, foster peace, and security.

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- ✓ Strengthen IPs capacity in gender responsive climate mitigation, adaptation, and disaster risk reduction to reduce exposure to climate induced hazards including early warning, use of green energy, water harvesting, destocking, etc
 - ✓ Promote and strengthen capacities of IPs in adoption of gender responsive new technologies in rangelands management for livelihoods and ecosystems conservations to improve, complement and diversify traditional livelihood systems and approaches such as provision of livestock insurance and access to long term credit facilities, and more productive fodder crop.
 - ✓ Develop/review policies that promote livestock production, market access and value chain development in rangelands including cross-border livestock trade, market access, and off taking programs for drought preparedness.
 - ✓ Document IPs knowledge and protect their intellectual property rights including those related to their culture, knowledge, livelihoods, and conservation efforts, among others.
 - ✓ Undertake participatory, inclusive and gender responsive environmental and social impacts assessment on land-based investment projects and disseminate findings through mediums and languages that IPs understand and can engage.
 - ✓ Facilitate equitable access to land, water and other ecosystem-based services for Ips, promote ADR and implement key decisions (such as the decision that repealed Declaration on the 3 miles Strip in Kenya) to allow all communities affected to access water and other natural resources.
 - ✓ Strengthen policy makers knowledge and understanding of IPs life and livelihoods including pastoralism, hunter and gatherers, demystifying, and deconstructing perceptions of and narratives that these are non-productive practices carried out on idle lands.
 - ✓ Respect and uphold the rule of law and international commitments on the rights of IPs (women and men) and facilitate community sensitization on their rights to land and natural resources and how to access justice when those rights are violated.
 - ✓ Follow up and implement the COP27 decision on financing for loss and damage to benefit IPs negatively impacted by climate change hazards.
 - ✓ Review and implement progressive decisions arrived at COP 28 with implication on IPs lives, rights to land, forest and other ecosystems, livelihoods development, biodiversity conservation and sustainable development.