“Partnership for action and dignity”

Indigenous peoples evaluating the progress made in the implementation of the Second International Decade of the World’s Indigenous peoples

Mid-term evaluation
Second International Decade of the World’s Indigenous People
2005-2014

Questionnaire for indigenous peoples’ organizations and other civil society organizations

Information presented by Imani Youth Group, Kenya
Unedited version
Part A. General questions on the implementation of the Second International Decade of the World’s Indigenous People:

1. Who are the indigenous peoples in your country?
They are the original inhabitants of a region, practice traditional way of life, such as cultural beliefs, traditions and norms. They are small in tribe and are mostly marginalized. They suffered historical injustices. Examples include Ogiek, Sengwer, Terik, Ilchamuus, Maasai, Samburu, Borana, Elmolo,Keiyo,Nandi etc

2. How many and which indigenous languages are practiced in the country?
They are over 10. In Kenya, each indigenous tribe speak its language meaning that each tribe speak his language. There is no exact figure of how many indigenous people are in Kenya.

3. Has your organization or other indigenous peoples organizations established plans of concrete activities, mechanisms or benchmarks to implement the goal and objectives of the Second International Decade of the World’s Indigenous People? If so please describe them.
Yes;
-Our organization has organized a study tour/visit to organizations to see how they have implemented. The knowledge gained will be ploughed back to the organization as an input
-We will work with the Kenya Government agencies closely especially the Ministry of Culture and social services to give us a wide knowledge on the methodology of implementation of the objectives
-Giving specialized training to our staff for easier implementation.

4. The purpose of the UN Declaration on the Rights of Indigenous Peoples is to constitute the legal basis for all activities in the areas of indigenous issues; it has built a new foundation for the rights of indigenous peoples. How has the Declaration impacted the lives of indigenous peoples in your country?
It has improved the rights of indigenous people such as Intellectual property rights, right to land, and right to self determination etc. The indigenous people’s voices can be heard.

5. Do the indigenous peoples in the country celebrate the International Day of the World’s Indigenous People?
Yes, but is not recognized as a special day in Kenya

Part B. Evaluation of the progress made in the achievement of the goal and objectives of the Second International Decade of the World’s Indigenous People (Objectives 1 – 5 of the Second Decade):

Objective 1 of the Second Decade.

a. Assess the progress made and degree of implementation in relation to promoting non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects;

1. Assess the degree of political representation of indigenous peoples within the governing structures on a local, regional and national level. Has the State any specific provisions or positive action to promote participation and representation, if so please describe.

In Kenya, political representation is very poor for indigenous people. The degree of representation is very low.

2. Identify strengths and/or weaknesses in the State apparatus capacity to approach indigenous issues.

Strengths include qualified people to implement objectives, availability of land for settling the people, availability of funds etc. Weaknesses include lack of protocol in matters relating to indigenous people, Insecurity due to government neglect etc.

3. In what types and sectors of indigenous issues has the Government focused most during the last five years? Agriculture, Health, Human rights and Culture.

4. In what types and sectors of issues have indigenous peoples focused most during the last five years? Food, Lifestyle, Developments and Language
5. Does the State apparatus provide information and public service in languages other than the official national language, namely in indigenous languages? No

6. Are there established public/State institutions, agencies or mechanisms to secure the participation and inclusion of indigenous peoples in the formulation of public policies? If so please describe these mechanisms. No

7. Are there government guidelines on how to formulate public policies with the participation and involvement of indigenous peoples? If so are they been used? No

8. Are indigenous peoples’ institutions/organizations involved in the designing of national development plans? If so, please mention cases of involvement. No

b. Identify key priority areas and strategies for strengthened action in relation to promoting non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of national processes regarding laws, policies, resources, programmes and projects.

- Land: Indigenous people have to be consulted
  - Environment: Training of indigenous people


c. Identify examples of “Good Practice” in the promotion of non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of national processes regarding laws, policies, resources, programmes and projects. (For a template that could be used for the presentation of good practices, see annex II)

- Non eviction of indigenous people in their lands
  - Compensation of the indigenous people incase of damages

Objective 2 of the Second Decade.
a. Assess the progress made and degree of implementation in relation to promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent.

Currently, indigenous people are recognized before any action is taken especially in matters pertaining their land. Consultation is made before any action is made.

1. Does the national education curriculum have a multi-cultural focus and, if so, how is this expressed? NO

2. Do indigenous peoples participate in the formulation of the national education curriculum, if so, how? NO

3. Does the Government apply the principle of free, prior and informed consent in the negotiations with indigenous peoples, if so; please present examples of negotiations. YES. Case of Mau forest eviction notice to communities living in the forest.

4. If official guidelines exist on the application of free, prior and informed consent, have indigenous peoples organizations participated in the development of these guidelines? No

5. How are the indigenous peoples represented in the country’s land titling laws / land reform processes? Not represented at all

6. Are indigenous peoples’ cultural perspectives, including traditional knowledge incorporated into national/local health plans and if so, how? Yes. Case of traditional herbal medicines. The government can license the practitioners. Also traditional birth attendants are equipped with modern knowledge through training and equipments provision

b. Identify key priority areas and strategies for strengthened action in promoting full and effective participation of indigenous peoples in decisions which directly or
indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent.

- Health - Include indigenous people in policy formulation
- Environment - Train indigenous people in environmental conservation techniques

c. Identify examples of “Good Practice” in promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent. (For a template that could be used for the presentation of good practices, see annex II)

- Free, Prior and informed consent
- Respect of human rights

**Objective 3 of the Second Decade.**

a. Assess the progress made and degree of implementation in relation to redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples.

1. Have indigenous peoples developed or implemented initiatives to recover or preserve indigenous peoples’ heritage sites or other parts of their tangible and intangible heritage? Please give examples of initiatives implemented (museums and/or schools of living traditions concerning indigenous peoples). Yes, They have started museums for keeping their artifacts

2. Is there an institution (for example Ombudsman, human rights commissioner etc.) to which indigenous peoples and their communities can turn to seek redress from action taken by Government institutions? If so please evaluate its impact and usefulness. No

3. How is the issue of fair sharing of benefits from the use of genetic resources or other natural resources approached in the country? Please describe examples of positive/negative experiences. Indigenous people’s resources are stolen by multinationals without a share. Examples include Fluorspar mining company where the Keiyo indigenous people were evicted without compensation.
b. Identify key priority areas and strategies for strengthened action in relation to redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples.
-Human rights issues in general

c. Identify examples of “Good Practice” in relation to redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples. (For a template that could be used for the presentation of good practices, see annex II)

-Free, Prior and informed consent
-Respect of human rights

**Objective 4 of the Second Decade.**

Asses the progress made and degree of implementation in relation to adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth.

1. Does the States provide education in mother tongue/bilingual (at what educational level is the mother tongue education offered)? NO

2. Are there indigenous teachers in local schools? YES

3. Are there national programmes to target and secure the quality of education and training of indigenous teachers? NO

4. Are there programmes or initiatives to support the education of indigenous professionals, for example in terms of quota in educational institutions? YES
5. How does the country approach the issue of customary law of indigenous peoples versus national legislation? Please provide examples of action taken (positive/negative). The government recognizes customary law as a source of law in Kenya. Refer case of Wambui Otieno V Umira Kaker clan. Always it as a positive impact.

6. How does your organization approach the issue of gender equality? Are there specific activities for the empowerment of indigenous women, socially, economically, culturally and politically? 30% of opportunities are given to women. Women are empowered economically through provision of small loans to start small businesses.

7. In adapting to and preventing negative impacts from climate change have there been any specific activities/initiatives directed towards indigenous peoples’ communities or livelihoods by indigenous peoples themselves or by the Government? Growing of short duration Crops, Agroforestry, Tree planting projects on bare lands etc. This activities are initiated by the Indigenous organization.

8. Has the Government established specific targets and benchmarks or made any specific commitments on the improvement of indigenous people’s lives? Provision of health care services in grass root and mobile clinics.

9. Does the national budget contain specific budget lines supporting the implementation of activities/programmes on indigenous issues? No

b. Identify key priority areas and strategies for strengthened action in relation to adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth.

Health, Education, Environment and Human rights
c. Identify examples of “Good Practice” in relation to adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth. (For a template that could be used for the presentation of good practices, see annex II)

- Integrity
- Fair practice

Objective 5 of the Second Decade.

a. Assess the progress made and degree of implementation in relation to developing strong monitoring mechanisms and enhancing accountability at the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

1. Is there a government or other report or research documenting the situation of the country’s indigenous population and the numbers of indigenous peoples in the country? No

2. Is there a specific government unit or institution responsible for monitoring and reporting on indigenous peoples’ situations at national level? No

3. Are indigenous peoples identified in the national census? Yes

b. Identify key priority areas and strategies for strengthened action in relation to developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

Human rights

c. Identify examples of “Good Practice” in relation to developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the
improvement of their lives. (For a template that could be used for the presentation of good practices, see annex II)

Fairness, truth and justice