



Call for the Finnish Government to suspend funding to Kenya Forest Service

24 January 2018

From: Forest Peoples Programme and fellow organisations (listed at end)

To: President of the Republic Mr. Sauli Niinistö
Minister for Foreign Affairs, Mr. Timo Soini
Minister of Foreign Trade and Development, Mr. Kai Mykkänen

We call on the Finnish Government to immediately suspend its forestry related funding to the Kenyan Government and Kenya Forest Service (KFS).

On the 8th December 2017, the Finnish Government decided to continue this funding for the KFS with €9.5 million funding for the [Private Forestry and Forest Enterprise Support in Kenya' project](#). This is funding the ongoing human rights abuses by KFS that involve the burning of homes, forced evictions, and now their killing of a Sengwer community member.

KFS bases its approach to forest conservation on evicting forest communities from their ancestral lands. These are the very communities who have the knowledge and commitment to protect their forests. KFS's outdated

exclusionary and unjust approach leaves communities' forests open to exploitation by others including by KFS.

The World Bank Inspection Panel in 2013 described KFS as a government agency that is committed to evictions, and criticized the Bank's Natural Resource Management staff for not recognising the severe consequences.

However, KFS has continued this out-dated and counterproductive approach to conservation and has committed egregious and ethnocidal human rights abuses against the indigenous Sengwer and Ogiek peoples of Embobut and Mt. Elgon.

FINNISH GOVERNMENT NEEDS TO TAKE NOTE OF THE EU's DECISION

On 16th January 2018, the [EU suspended the WaTER forest conservation project, after one Sengwer community member was shot by KFS guards while looking after his cows on his ancestral lands.](#)

The EU-funded '[Water Tower Protection and Climate Change Programme](#)' (WaTER) is a European Development Fund (EDF) programme with the Government of Kenya.¹ The Project's objectives are primarily concerned with protecting highland forest areas for reasons of water security and climate change mitigation/prevention.

The project includes the ancestral forest lands of the indigenous Sengwer peoples of Embobut, and the indigenous Ogiek peoples of Mt. Elgon, but has been undertaken without adequate understanding of human rights implications, nor of the record of its implementing partners in the Kenyan Government, resulting in severe human rights violations.

Most recently large numbers of KFS Guards arrived among the Sengwer on Christmas day, 2017. The Kenyan authorities appear to have deliberately chosen a holiday period to avoid national and international scrutiny. In an operation that is ongoing in January 2018, KFS are burning Sengwer family homes, in the process destroying possessions such as food stores, school uniforms and school books , and stealing their livestock. Community members are also being shot at with live ammunition, and in an escalation of violence and intimidation, KFS appears to be deliberately targeting elders and community leaders who are willing to speak out about the attacks. This has

¹ 10th EDF, CRIS Ref: FED/2012/024-208, €31 million

already resulted in the death of Robert Kirotich, in the first of what are likely to be many more deaths, unless funders such as Ministry of Foreign Affairs suspend their funding to the Kenyan Forest Service until it changes its approach and undertakes to respect the rights of its communities.

FINNISH GOVERNMENT NEEDS TO SUSPEND ITS FUNDING OF KFS IN KENYA

The Finnish Government has been the main supporter of KFS over many years and shares responsibility for funding these human rights abuses. It has sustained its funding despite having long been alerted to the terrible abuses being perpetrated by KFS.

We support forest indigenous communities in Kenya who are calling on the Finnish Government to immediately suspend all of its funding to the Kenyan Government that relates to forestry, especially the €9.5 million '[Private Forestry and Forest Enterprise Support in Kenya' project](#)', and make clear that key human rights and social conditions must be met before any lifting of such a suspension of Finnish Government funding. These include:

- (1) Insisting the Government of Kenya and KFS immediately stop these human rights violations in Embobut and elsewhere.** For the Sengwer at Embobut, these violations include the torching of their homes, and the harassing and killing of community members.
- (2) Initiating an independent human rights assessment of KFS's activities on communities' lands.** Specifically, ensuring that the Sengwer and Ogiek participate from the start in an independent human rights assessment of the WaTER project and are involved in validating the final study.
- (3) Restructuring forest conservation agencies and projects** so that they respect human rights and the Kenyan constitution, are based on modern conservation science, and secure the collective land rights of those people who have the knowledge and commitment to care for their lands and secure their forests.

The stakes could not be higher. Immediate decisive action by the Finnish government is essential in the light of recent and ongoing abuse against the Sengwer detailed above and in the light of:

- The Finnish Government's extensive commitments and policies on human rights²;
- the 15th January 2018 [report by three UN Special Rapporteurs](#) calling for the suspension of EU funding to the WaTER project in Kenya until measures have been taken to uphold international standards on indigenous peoples' rights;
- the 26th May 2017 [Africa Court ruling that the eviction of the Ogiek of the Mau Forest Complex in similar circumstances was unlawful](#); and
- the fact that [Robert Kirotich has now been killed](#) by KFS, and that KFS has not diminished its violence since his death,

We call on the Finnish Government to immediately suspend its funding to the Kenyan Government that relates to forestry, especially the €9.5 million '[Private Forestry and Forest Enterprise Support in Kenya' project](#)'.

IP Hub Africa

Yours Sincerely,

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FPP is a UK-registered Charity (No. 1082158) and registered as a non-profit Stichting in the Netherlands. FPP was founded in 1990, and works to support the rights of indigenous and other peoples who live in forests and depend on them for their livelihoods. We work to create political space for forest peoples to secure their rights, control their lands and decide their own futures. FPP has Special Consultative Status to the United Nations Economic and Social Council (ECOSOC), and Observer Status with the African Commission on Human & Peoples Rights (ACHPR).

² see: <http://formin.finland.fi/public/default.aspx?nodeid=49583&contentlan=2&culture=en-us>; and <http://formin.finland.fi/public/default.aspx?nodeid=49583&contentlan=2&culture=en-us#indigenous>; and <http://formin.finland.fi/public/download.aspx?ID=144034&GUID=%7BC1EF0664-A7A4-409B-9B7E-96C4810A00C2%7D>



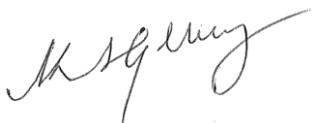
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FERN is a non-governmental organisation (NGO) and a Dutch Stichting created in 1995 to keep track of the European Union's involvement in forests and coordinate NGO activities at the European level. Our work centres on forests and forest peoples' rights and the issues that affect them such as trade and investment and climate change. All of our work is done in close collaboration with social and environmental organisations and movements across the world.



Kate Geary

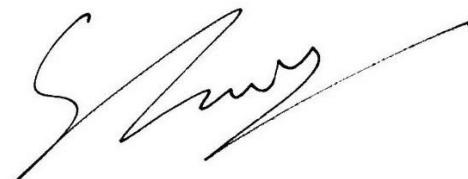
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BIC partners with civil society in developing and transition countries to influence the World Bank and other international financial institutions (IFIs) to promote social and economic justice and ecological sustainability. BIC is an independent, non-profit, non-governmental organization that advocates for the protection of rights, participation, transparency, and public accountability in the governance and operations of the World Bank Group and regional development banks. This mission rests on the core premise that socially and environmentally sustainable development is not possible without the informed and active participation of local communities.



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RFUK is committed to both human rights and environmental protection. Indigenous peoples' participation as well as their knowledge of the local ecology are now recognised as the most effective way of protecting the environment. We have been helping indigenous and local communities to protect millions of hectares of rainforest over the last 26 years and we will continue empowering forest people to secure lands and sustain lives for future generations.

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FoEF is one of over 30 national organisations which along with thousands of local groups make up FoE-Europe. FoE-Europe is the single largest grassroots environmental network in Europe. FoE campaigns on today's most urgent environmental and social issues, challenging the current model of economic and corporate globalization, and promoting solutions that will help to create environmentally sustainable and socially just societies. FoE seeks to increase public participation and democratic decision-making, with greater democracy being both an end in itself and vital to the protection of the environment and the sound management of natural resources.

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IIED promotes sustainable development, linking local priorities to global challenges. We support some of the world's most vulnerable people to strengthen their voice in decision making.

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LifeMosaic helps to build the capacity of communities and movements to protect their rights, cultures and territories and to determine their own futures. LifeMosaic is a Not for Profit Company Limited by Guarantee (Registered company number: SC300597) and a Charity Registered in Scotland (Scottish Charity number: SC040573).

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Natural Justice: Lawyers for Communities and the Environment specialises in human rights and environmental law in Africa in pursuit of both social and environmental justice.

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The **ICCA Consortium** is an international association dedicated to promoting the appropriate recognition of and support to ICCAs (territories and areas conserved by indigenous peoples and local communities)

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Together with environmental justice groups from poor and developing countries, Both ENDS works towards a sustainable, fair and inclusive world. We gather and share information about policy and investments that have a direct impact on people and their livelihood, we engage in joint advocacy, we stimulate the dialogue between stakeholders and we promote and support sustainable local alternatives.