

**PRESS STATEMENT ON THE ON-GOING OPERATION IMARISHA MSITU  
EMBOBUT FOREST IN ELGEYO MARAKWET COUNTY – KENYA**

Today, 13<sup>th</sup> May 2024, we the undersigned below representatives of Sengwer Council of Elders and on behalf of Sengwer indigenous peoples of Kenya and specifically, those whose homes and property have been and are being burnt down by Kenya Forest Services guards in Embobut Forest, hereby,

*State that –*

1) We are neither squatters nor encroachers nor internally displaced persons, but the aborigines *the indigenous peoples, the natives of Embobut forest and entire Cherangany Hills. Our ancestors lived here since before Kenya became a British Colony in 1895. The spirits of our ancestors are alive today in Kapkok, Koropkwen and Kaptirbai glades in Embobut forest.*

2) The on-going forceful evictions of members of Sengwer indigenous peoples in Embobut forest  
(I) Is illegal and in contempt of the conservatory order<sup>i</sup> issued by the Court of Appeal at Kisumu on 19<sup>th</sup> March 2021. The order states in part -

a) A conservatory order is issued that pending hearing and determination of the appeal, the status quo in Embobut forest as of today do remain in force, which means those who are in occupation of forest land as of today should not be evicted, but no new persons should be allowed to occupy forest land.

(II) Violates

- articles 10 (2) (b), 21, 22, 23, 25, 27 (1) (2) (4) (6), 28, 29 (a) (c) (d) (f), 40 (1), 43 (1), 45 (1), 53 (1) (b) (c) (d), 56, 57, 63 (2) (d) (ii) and 174 (b) (c) (d) (e) of the Constitution of Kenya
- article 97 (a) (b) (c) (d) (e) (f) (g) of the County Government Act 2012
- United Nations Declaration on the Rights of Indigenous Peoples, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, International Labour Organizations Convention No. 169, African Charter on Human and Peoples Rights among other international human rights instruments

**We affirm our commitment to –**

- a) restoration, conservation and protection of Embobut forest as evidenced –
- In issues we raised with (i) Chief Conservator of Forests in a letter<sup>ii</sup> dated 30<sup>th</sup> May 2022, (ii) CS Ministry of Environment, Climate Change and Forests (MoECCF) Hon Soipan Tuya in our letter of 21<sup>st</sup> November 2022<sup>iii</sup> another letter on 6<sup>th</sup> May 2023<sup>iv</sup>, (iii) County Commissioner Elgeyo Marakwet County<sup>v</sup> dated 12<sup>th</sup> June 2023. We wanted to work jointly with Kenya Forest Services, Kenya Forest Research Institute, MoECCF and Ministry of Interior to – we didn't get any feedback.

- Community indigenous tree nursery we established at Tangul that has over 40,000 seedlings ready for planting
- b) A shared vision where we work jointly with Kenya Forest Services, MoECCF and other stakeholders to restore, conserve and protect Embobut Forest while protecting our rights to live in, govern, manage and own our ancestral lands in Embobut forest on conservation conditions.

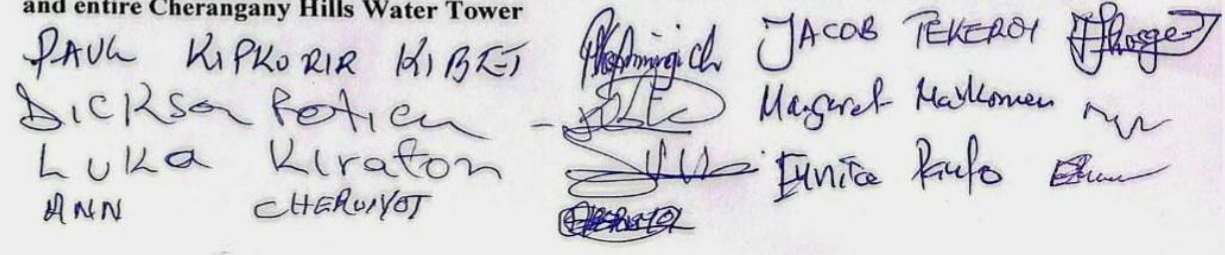
**We call upon –**

- (i) President of the Republic of Kenya His Excellency Hon. William S. Ruto *as the defender of our constitution and rule of law* to –
  - 1) call off the forceful evictions of Sengwer indigenous peoples from their ancestral lands in Embobut with immediate effect
  - 2) initiate a meaningful and constructive dialogue process that will lead to a win for conservation and a win for Sengwer to live in Kapkok, Koropkwen and Kaptirbai glades on conservation conditions
  - 3) direct compensation of families whose human rights have been violated and property destroyed in the ongoing forceful evictions
- ii) The Ministry of Environment, Climate Change and Forestry –
  - To review (*with full and active participation of traditional forest indigenous peoples the hunter-gatherers*) the forest conservation and management act 2016 to recognize the rights of traditional forest indigenous peoples to live in, manage, control and own their ancestral lands in protected areas on conservation conditions
  - To develop (*with full and active participation Sengwer indigenous peoples*) Embobut Forest Management Plan that integrates Sengwer governance structures and by-laws
- iii) Donor agencies (*EU, World Bank, African Development Bank, UNDP, IUCN, IFAD, GEF, The Nature Conservancy, NETFUND, etc.*) that support conservation projects in Cherangany Hills Water Tower to ensure the projects –
  - Incorporate human rights-based approach to conservation
  - Incorporate free prior and informed consent
  - Respect, protect and promote securing the rights of indigenous peoples to live peacefully within their ancestral lands in the forests
  - Do not subject indigenous peoples to continued human rights violations and land injustices, and speak out clearly against any such human rights violations by others
- iv) African Commission on Human and Peoples Rights and United Nations High Commissioner for Human Rights to investigate the human rights violations that the Sengwer indigenous peoples of Embobut forest are being subjected to by the government of Kenya

**Press Brief – Signed by and on Behalf of Sengwer Indigenous Peoples of Embobut Forests and entire Cherangany Hills Water Tower**

PAUL KIPKORIR KIBET  
 DICKSON POTIEN  
 LUKE KIRATON  
 ANN CHERUWOT

JACOB TEKEROT  
 Margaret Makomen  
 Eunice Paulo



**IN THE COURT OF APPEAL  
AT KISUMU  
(CORAM: OKWENGU, MUSINGA & SICHALE, J.J.A.)**

**CIVIL APPLICATION NO. 150 OF 2020**

**DAVID KIPTUM YATOR & 23 OTHERS ..... APPLICANTS  
AND  
HON ATTORNEY GENERAL & 14 OTHERS ..... RESPONDENTS**

*(Application for Injunction and conservatory orders pending the hearing and determination of the appeal from the ruling and orders of the Environment and Land Court at Eldoret (S.Kibunja, J.) dated 13<sup>th</sup> May, 2020 in ELC Pet 15 of 2013 as consolidated with ELC 3 of 2015)*

**ORDER**

The Application by way of Notice of Motion dated 29<sup>th</sup> July, 2020 coming up for hearing on 8<sup>th</sup> March, 2021, by way of written submissions and ruling delivered on 19<sup>th</sup> March 2021 by Hon. H. Okwengu, D.K Musing and F. Sichale JJA., upon perusing and considering the Applicants and Respondents Affidavits and written submissions on record:

**IT IS HEREBY ORDERED THAT:**

- a) A conservatory order is issued that pending hearing and determination of the appeal, the status quo in Embobut forest as of today do remain in force, which means those who are in occupation of forest land as of today should not be evicted, but no new persons should be allowed to occupy forest land.
- b) The costs of the Application shall be in the Appeal.

Dated at Kisumu this 19<sup>th</sup> day of March, 2021.

**HANNAH OKWENGU**

.....  
**JUDGE OF APPEAL**

**D.K. MUSINGA**

.....  
**JUDGE OF APPEAL**

**F. SICHALE**

.....  
**JUDGE OF APPEAL**



*I Certify this is true copy  
Of the original*

**DEPUTY REGISTRAR**



**SENGWER OF EMOBUT CBO  
(SEECBO)**  
Po. Box 152- 30204, Kapcherop  
Email.seecbo@gmail.com

30<sup>th</sup> May 2022

**Chief Conservator of Forests,  
Kenya Forest Service,  
Karura, Off Kiambu Road,  
P.O. Box 30551-00100  
Nairobi**

CC: CS Ministry of Environment and Forest

PS Ministry of Environment and Forest

Head of Conservancy  
North Rift

Ecosystem Conservator  
Elgeyo Marakwet County

Forest Manager, Tangul

Dear Sir,

**Re: Request space for Sengwer Cultural Centre and Indigenous Trees/Bamboo Nursery**

I, Paul Kibor Kitum, chair of Sengwer of Embobut Forest Community Leadership (SEFCF) and on behalf of Sengwer indigenous community members of Embobut forest, kindly request for a space at around Tangul KFS camp (especially on an area we annually carry out cultural and spiritual prayers) to establish Sengwer Cultural Centre and Indigenous Trees/Bamboo Nursery as an initiative to preserve our traditional knowledge, traditional cultural expressions and artefacts; and, to build a cordial working relationship with KFS officers at Tangul, County, Regional and National level geared towards achieving a shared vision to restore, rehabilitate and protect Embobut ecosystem.

Sir, the long standing conflict between Sengwer and KFS/MoEF over Embobut land has become an opening for encroachment by outsiders who have come with large herds of cattle and sheep leading to destruction of Embobut forest and fragile ecosystems – therefore, to restore the glory of Embobut ecosystem – we have decided as a community that as we pursue our ancestral land rights through dialogue, NLC and in court, there's need to work jointly with Kenya Forest Services, Ministry of Environment and Forestry; community scouts; County Government; and development partners to restore, rehabilitate, protect and conserve Embobut forest. Sengwer of Embobut Forest Community Leadership is ready to work with KFS to stop further destruction and restore the fauna and flora of Embobut forest.

We therefore request for 10 acres of land for the proposed establishment of indigenous trees and Bamboo nursery and construction of Sengwer Cultural Centre that besides protecting our

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histories, traditions and practices. The cultural centre will be a centre for intergenerational indigenous knowledge transfer for sustained forest and natural resources conservation and climate change mitigation measures. Further, the centre will be an ecotourism hub in the region.

Attached find forwarded letter by Forest Manager, Tangul.

We look forward for your response and working together to promote sustainable conservation of Embobut forest ecosystem


Yours Faithfully,

**On Behalf of Sengwer of Embobut Forest**



**Paul Kitum**  
**Chairman**  
**Sengwer of Embobut Forest Community Leadership**  
**0707833193**

iii Letter to CS Hon Soipan Tuya dated

**SENGWER OF EMOBUT CBO  
(SEECBO)**  
Po. Box 152- 30204, Kapcherop  
Email.seecho@gmail.com

Ministry Of Environment And Forestry  
P. O. Box 30126 - 00100, Nairobi  
**22 NOV 2022**  
CS OFFICE  
RECEIVED

Hon. Soipan Tuya,  
Cabinet Secretary,  
Ministry of Environment and Forestry  
NHIF Building, 12th Floor,  
Ragati Road, Upperhill  
P.O Box 30126-00100  
Nairobi

CC: 1. PS Ministry of Environment and Forest  
2. Chief Conservator Forests, Kenya Forest Service  
3. Kenya Water Towers Agency  
4. Ecosystem Conservator  
Elgeyo Marakwet County

Dear Madam,

**Re: Working Together (Ministry of Environment and Forestry; County Government of Elgeyo Marakwet; State Agencies<sup>1</sup>; and, Sengwer) to Curb Rising Destruction of Embobut Forest**

We, the undersigned below, on behalf of Sengwer indigenous community members of Embobut forest, call for a cordial working relationship between **Ministry of Environment and Forestry; County Government of Elgeyo Marakwet; State Agencies; Sengwer Indigenous Community; and, Forest Adjacent Community) to Curb Rising Destruction of Embobut Forest**. It is important that we come up with a shared vision to restore, rehabilitate and conserve Embobut forest while protecting our community tenure land rights to live in our ancestral lands in Embobut forest on conservation conditions.

Madam Waziri, the long standing conflict between Sengwer and KFS/MoEF over Embobut land should not be a reason for continued destruction of Embobut ecosystem – currently, many outsiders have encroached the forest with large herds of cattle and sheep – logging, fencing and cultivation of potatoes is going on in the forest leading to massive destruction of Embobut forest and fragile ecosystems against our community governance structures, by-laws, customary beliefs and taboos of forest conservation – the forest is not healthy.

Madam Waziri, Sengwer indigenous peoples have decided that as we pursue our ancestral land rights through dialogue and in court, there's need to work jointly with Kenya Forest Services,

<sup>1</sup> Kenya Forest Service, Kenya Water Towers Agency, Kenya Forest Research Institute, Water Resources Management Authority

Ministry of Environment and Forest and other state agencies to restore, rehabilitate, protect and conserve Embobut forest for the present and future generations. Sengwer Indigenous Peoples of Embobut Forest led by Sengwer of Embobut Forest Community Leadership (SEFCL) and Sengwer of Embobut CBO (SEECBO) is ready to work with KFS to stop further destruction and restore the fauna and flora of Embobut forest.

Madam Waziri, there's need to work together to stop:-

- i) Encroachment of outsiders into Embobut forest
- ii) Overstocking and grazing on natural forests, water springs and swampy areas
- iii) Logging, charcoal and cultivation in Embobut forests
- iv) Fencing/Fences

Madam Waziri, we should work together to implement Sengwer by-laws that restricts habitation of Sengwer families; cultural and spiritual practices; grazing; and, apiculture on designated zoned areas within Kapkok, Koropkwen and Kaptirbai glades.

Madam Waziri, for the community to participate effectively and efficiently in restoration, rehabilitation, protection and conservation of Embobut Forest ecosystem, water springs and riverbanks, we humbly request for your and ministry's good will and support to help us with 10 acres of land in Kapkok glade to establish Sengwer Cultural Centre – the centre will promote intergenerational traditional knowledge transfer on conservation and provide space for indigenous trees and bamboo seedlings establishment.

We look forward for your response and working together to restore, protect and promote sustainable conservation of Embobut forest ecosystem.

Yours Faithfully,

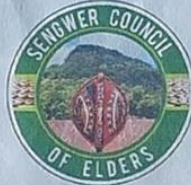
**On Behalf of Sengwer of Embobut Forest**



**Paul Kitum**  
Chairman  
Sengwer of Embobut Forest Community Leadership  
0707833193



**Elias Kimaiyo**  
Executive Director  
Sengwer of Embobut CBO  
0722158158



P.O. BOX 3894-30100, KITALE - KENYA  
Email: [sengwer@sengwer.org](mailto:sengwer@sengwer.org)

6<sup>th</sup> May 2023

Hon. Soipan Tuya,  
Cabinet Secretary,  
Ministry of Environment and Forestry  
NHIF Building, 12th Floor,  
Ragati Road, Upper Hill  
P.O. Box 30126-00100  
Nairobi

CC:

1. Principal Secretary Ministry of Environment and Forestry
2. Chief Conservator of Forests
3. County Commissioner Elgeyo Marakwet
4. Governor Elgeyo Marakwet County
5. HOC North Rift
6. Ecosystem Conservator Elgeyo Marakwet
7. Kenya Water Towers Agency

Dear Sir,

**Re: Request for a meeting between Sengwer, MoEF, County Government of Elgeyo Marakwet, Ministry of Interior, Kenya Water Towers Agency and Development Partners to develop a shared vision to restore, protect and conserve Embobut forest while protecting ancestral land rights of Sengwer**

I, Paul K. Kitum, Chairperson Sengwer Council of Elders on behalf of Sengwer indigenous peoples and Sengwer of Embobut Forest community leadership, hereby request for a meeting between Sengwer, MoEF, County Government of Elgeyo Marakwet, Ministry of Interior, Kenya Water Towers Agency and Development Partners to develop a shared vision to Restore, Protect and Conserve Embobut forest from destructive activities while protecting ancestral land rights of Sengwer Indigenous peoples to live in Kapkok, Koropkwen and Kaptirbai glades in Embobut forest on conservation conditions.

I look forward for your response.

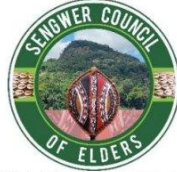
Yours Faithfully,

A handwritten signature in blue ink, appearing to read 'Paul K Kitum'.

Paul K Kitum  
Chairperson



12<sup>th</sup> June, 2023



P.O. BOX 3894-30100, KITALE - KENYA  
Email: [sengwer@sengwer.org](mailto:sengwer@sengwer.org)

### SENGWER MEMO TO ELGEYO MARAKWET COUNTY COMMISSIONER

**Introduction** - Sengwer (nicknamed Cherangani/ny<sup>1</sup>) and grouped with other traditional hunter-gatherer forest indigenous communities<sup>2</sup> as Dorobo<sup>3</sup>, are a traditional ethnic minority hunter gatherer forest Indigenous People. Historically their ancestral land was in entire Cherangany Hills and plains which is now Trans Nzoia, We are an indigenous community who primarily live in Trans Nzoia, West Pokot and Elgeyo-Marakwet counties. During colonial era when creating a new location out of Cherangany location in 1939, the location was named 'Sengwer location' – referring to Sengwer as *the old name of Cherangani and Sengwer is the ancient name of Cherangani*. (See attached copies of historical injustices - The letter from office of the DC of Tambach to the Provincial Commissioner Rift Valley REFCE.NO.348/AGR.11/11 dated 12<sup>th</sup> April 1939 and the Monthly Intelligence Report for March 1939, Letter REFCE.NO.339/ADM.15/6/1. dated 8<sup>th</sup> April 1939). Our population was 33187 and 10729 in 2009 and 2019<sup>4</sup> Population and Housing Census, respectively. See attached historical evidence collected from archives<sup>5</sup>

Based on this brief background history of our community and other factors like land right, culture, economy, social life and conservation we humbly request the following through your office.

1. **Recognition of Sengwer as distinct and separate ethnic tribe in Kenya** - We request to be recognized as distinct and separate ethnic tribe in Kenya. This will bring to an end continued marginalization, oppression and assimilation of our community members by dominant communities. The recognition protect us from of extinction.

During colonial time we were forced to be assimilated "... Yes. I feel very strongly on this question of regulating the grazing. If there is any idea, which I understand there is, of amalgamating the Elgeyo and Marakwet and Cherangani into one tribe..."<sup>6</sup> "...In view of the complication that would arise having Cherangani officially residing in 2 separate Districts and under 2 separate provinces. He would reluctantly

<sup>1</sup> The Kenya Land Commission Report indicates that "... The Cherangany is a nickname given to us by the Maasai. Sengwer acquired cattle from the Maasai through blackmail." The Sengwer Chief Arap Kamussein at A.C Hoey's farm also provided evidence before the Kenya Land Commission in 1932 where he stated that "... We were robbed of our cattle by the Karamojong and then the Maasai laughed at us because we had no cattle, and called us Cherangany (ni)" The District Commissioner of Elgeyo/Marakwet, Tambach Report dated 11 October 1932 also stated that there's a belief that Sengwer who survived after the fall of Kipteperr are called in contempt the Cherangany.

<sup>2</sup> The other hunter gatherer communities include the Ogiek, Yaaku/Yiaku, Watta, Aweer and the Sanye.

<sup>3</sup> The Kenya Land Commission Report and the Colonial District Commissioners monthly and yearly reports also shows that the Sengwer are referred to as the Dorobo. Evidence given by Mr. C.H. Adams acting Provincial Commissioner Rift Valley Province before the Kenya Land Commission was that "... The Dorobo problem has risen because these people, living in small scattered groups, spread over large areas without any property... lived from hand to mouth by hunting and bee keeping ..."

<sup>4</sup> "... We used to go over to Cherangani shooting and the only people with whom we came in contact along the Cherangani Hills were the Cherangani Dorobo, a small tribe of Dorobo." - Mr. H.C. Kirk giving evidence before the Kenya Land Commission on 8<sup>th</sup> October 1932

<sup>5</sup> "... Chairman. Would you say they were in the process of being absorbed by the Elgeyo or Marakwet? Mr. Hoey. No. I would not actually say that. I don't think they have reached that position yet. I noticed yesterday how emphatic they were on the Sengwer. Chairman. You say they are closely allied to the Dorobo? Mr. Hoey. I think undoubtedly they are." - Mr. A.C. Hoey giving evidence before the Kenya Land Commission on 3<sup>rd</sup> October 1932

<sup>6</sup> Mr. A.C. Hoey giving evidence before the Kenya Land Commission on 3<sup>rd</sup> October 1932

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agree to the move (of Cherangany from Marakwet to West Suk) out of sympathy with the District Commissioner, Tambach, Forest Preservation Policy, and provided that Cherangany in question will agree to surrender their tribal identity...”<sup>5</sup> “...the Cherangany from forest areas in question should move to Suk...they should become entirely merged in the Suk, Subject to Suk Chiefs, Headmen, Tribunals, Law and Custom”<sup>6</sup>. “...I agree then the recommendation reported in the prescription that – wherever possible the Dorobo should become members of and be absorbed into the larger tribe which they have most affinity.”<sup>7</sup>

We are not squatters neither are we internally displaced persons nor are we branch of another tribe - we have our community governance structures, leadership and by-laws. We are the aborigines of Cherangany hills.

2. **Restoration and Rehabilitation of Embobut forest** - Embobut forest is not healthy. As we pursue our ancestral land rights to have our rights to live in, manage, govern and own Kapkok, Koropkwen and Kaptirbai glades in Embobut forest on conservation conditions – there’s urgent need through your office and the office KFS Ecosystem Conservator that we build as sustained collaboration and good working relationship with state and non-state actors, adjacent and downstream communities to develop a shared vision to restore, rehabilitate and protect Embobut forest and Cherangany Hills Water Tower while respecting, recognizing, protecting and promoting securing our ancestral land rights to live in, govern, manage and own community lands in Embobut forest on conservation conditions’

Sir, the collaboration seeks to root out all illegal activities in Embobut forest i.e fencing, logging, charcoal burning, overgrazing, encroachment by outside communities and have Sengwer community members who are living in the three glades (Kapkok, Koropkwen and Kaptirbai) in Embobut forest to peacefully as the wait for Court of Appeal at Kisumu to decide on our case filed.

The following forest blocks be recognized as community forests - Kipteberr, Sogotio, Kerer, Chemurgoi, Koisungor, and other gazetted forests as Sengwer community forests for conservation – these are our community lands as stipulated in Article 63(2)(ii)(d) of the Constitution of Kenya.

In addition, Kipteberr Mountain and forest be recognized and protected as Sengwer spiritual and cultural site – for conservation and ecotourism centre to bring income to the community, county and national government.

3. **Sengwer community forest scouts** – community scouts be trained, provide them with uniform and small monthly allowance to supplement KFS manpower on conservation matters or whatever is needed to help on matters of conservation under supervision of the Sengwer council of elders and KFS Forest Manager at Kapyego.
4. Support **Sengwer community tree nursery initiatives** – like the one at Tangu and other nurseries in areas where Sengwer inhabit in Cherangany hills to help the community’s participation in restoration and conservation of degraded forests and fragile ecosystems in Cherangany hills.
5. Set aside 10 acres of land close to Tangu KFS Camp for Sengwer to establish indigenous trees and bamboo nursery and Sengwer Cultural and Information/Research Centre where they can partner up with Universities and Research institutions on rich Indigenous traditional knowledge on conservation sustainability. It will double up as an ecotourism centre to promote tourism in Embobut forest and its

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<sup>5</sup> Captain M.R. Mahony District Commissioner, West Suk, comments during a meeting in Kapenguria on 17<sup>th</sup> September 1935.

<sup>6</sup> Mr. C.B. Thompson, Officer in Charge, Turkana district Dated 17<sup>th</sup> September 1935

<sup>7</sup> Memorandum by Mr. C.H. Adams acting Provincial Commissioner Rift Valley to the Kenya Land Commission of 1932

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environs – this will bring an income to the community and revenue to county government of Elgeyo Marakwet.

6. Offer community job seekers government employment opportunities both County and National to the community in the spirit and letter of Article 56 of Constitution of Kenya. We need to benefit directly from affirmative action funds because we have been left behind for many years in terms of development on top of that the community have been experiencing forceful evictions since 1980s until July 2021.
7. Support Tangul and Maron primary schools to be elevated as boarding schools to help Sengwer children study peaceful while their parents struggle for Land Tenure Rights. Meanwhile a short-term strategy through your office, kindly introduce school feeding programme at Tangul primary school.
8. We request recognition of Sengwer Council of Elders because it is legally registered by the registrar of societies with its own structures and leadership and they play a key role in peace, conflict resolutions and management - email address [sengwer@sengwer.org](mailto:sengwer@sengwer.org)
9. Finally, we humbly request your office to call for a meeting between Sengwer Council of Elders and Cherangany Council of Elders to help resolve long standing conflict on name dispute. The conflict has created disharmony, disunity and derail development.

We look forward to work together restore, rehabilitate and conserve Embobut forest and other forests in Cherangany Hills to ensure there's peace and sustained development for all communities.

**Yours Faithfully,**

**On Behalf of Sengwer Council of Elders and Sengwer Indigenous Peoples of Cherangany Hills.**

**Paul K Kitum  
Chairperson**