

To the Executive Secretary
The Inspection Panel
1818 H Street, NW,
Washington DC 20433, USA

15th April, 2019.

1. We, 1. **Barnabas Mungo Longit - DCM (Rt. SACP)**, 2. **William Kipkwen**, 3. **Barnabas Ngesemwo**, 4. **Benson Kenyatta Krop**, 5. **Amos Chesuswa**, 6. **Joseph Chebobei** and 7. **Solomon Cherongos** live and represent others who live in the area known as **Cherangany Hills** which was the **Natural Resources Management (NRMP)** project area financed by the World Bank; and currently the **Climate Smart Agriculture project area** which is also being implemented within some of our Indigenous Peoples lands and territories again (but this time round in pockets) **without any consultation hence lack of FPIC (Free, Prior and Informed Consent)** engagement with the Cherangany Indigenous Peoples' Community while the project is thought to have been designed to escape the mandatory FPIC mechanism by tactical World Bank staff keen to exclude indigenous peoples in their project plans which we object.

Our contact addresses are found in the signed list below.

2. **The World Bank has totally failed to respond to the Cherangany Indigenous Community's complaints for many years now:** including the most recent one of last year 28th November, 2018 and the latest of 20th February, 2019 without responses to date. We have written complaint letters to the World Bank Kenya Country Director including reminders seeking for responses to our various points of contention or complaints regarding **Cherangany human rights violations** but none has been responded to, which is now a span of five (5) years without any response including on the latest projects:-

i) **Climate Smart Agriculture Project:**

Though World Bank Country Office unsatisfactorily responded to one complaint of our IPO five (5) years ago which aroused so many questions that might have overwhelmed World Bank Officials because that particular response was too wrong, or because it was full of falsehoods that we wanted answered and which haven't been answered to date;

- Climate Smart Agriculture is a new and an ongoing project which has come again and though we have written complaint letter to be consulted and told about it, no response from World Bank yet!

Because of the lack of any response and action for five years from the World Bank and the resultant consultative output to have been anticipated as the outcome-result aimed at resolving the violations complained of in the earlier project, has now made World Bank Management to skip the safeguard mechanism of FPIC that assists vulnerable and

marginalized indigenous peoples' communities like the Cherangany community of Kenya to be recognized in their territory by enabling the IPs to participate in the plans and programs being made in their lands so as to favor them as opposed to the current negative impacts being experienced by this greatly vulnerable and marginalized Cherangany indigenous peoples' community as a result of lack of FPIC hence bringing about unfair competition from prospecting immigrant communities.

This indicates that the **World Bank Policies** and **Bank Procedures** are not implemented in the area of safeguards relating to indigenous peoples' rights in Kenya; and because there are two levels of Government i.e. the **County Government** and the **National (or the Central) Government**, IPs are put in a precarious situation at the Counties because of tribalism or negative ethnicity practiced by County Government Officers in service delivery deliberately denied to IP areas on ethnic grounds. This is so because staffs are mostly recruited on tribal and on political grounds which by extension are controlled by a Governor who is a politician eager not to lose votes hence marginalization of minority IPs which is why United Nations safeguards and World Bank Policies and Procedures must be utilized to assist Vulnerable and Marginalized Indigenous Peoples' Communities like the Cherangany to live like other sectors of society as an empowerment.

ii) **Kenya Urban Support Programme:-**

- **The Upgrades or development of chosen urban centers within Counties to Municipality Status** is the other World Bank funded Project which has also put Indigenous Peoples' towns and urban centers within IP areas to be marginal with no hope of being chosen so as to attain municipality status ever because of lack of infrastructural affirmative action which normally woos trade because of negative ethnicity (tribalism) practiced at the Counties and hence worsening of town growth within IP areas therefore **an anticipated negative town progress in terms of commerce-spread** though the urban project has just started; its negative impacts are anticipated or foreseen to be commercially painful and negative in the long run in terms of IPs' sustained poverty prevalence hence heightening the loss of empowerment in terms of the urban center growth investment in order to enhance creation of governance structures for both administrative and legislative rights now lacking in this IP areas to be impossible.
- **Designing World Bank Projects in Nairobi and at the Counties without input from IPs' expert representative participation rob IPs of the empowerment right to be consulted through FPIC which has been the case in the Climate Smart Agriculture and the Kenya Urban Support Programme Projects.** This Approach of failing to honor FPIC will make IPs to miss out on crucial grand

projects like e.g. Chepngaan Water and Sanitation project etc. which has failed to take off on ethnicity grounds despite having Survey and Design documents ready just because of the same said political and tribal reasons.

3. The **Damages and Harm** we have Suffered and which are now **getting Intensified** are:

- i) **The Cherangany indigenous peoples do not feature in the CRA (Commission on Revenue Allocation) list** of marginalized groups in Kenya and are missing in the **Equalization Fund Document** prepared by the Commission on Revenue Allocation as per the Constitution of Kenya hence missing out for being allocated any such financial resource otherwise supposed to target them because of lack of **recognition** and **identity** of Cherangany IPs as a community.
- ii) **Identity Crisis: Caused by World Bank's funded weird Social Assessment Report (SA) that we now seek for ways of resolving as it is the major source of all the sufferings brought about by lack of IDENTITY and RECOGNITION of Cherangany as a distinct minority indigenous community by both government levels.**
During the resent **headcount of government employees**, Cherangany employees in the **Civil Service** and **the Forces employment** failed to be registered biometrically as their ethnicity is not in the list of tribes in Kenya since **Cherangany is NOT listed as a tribe** or an ethnic community which has caused a lot of bitterness to the Cherangany Community members as those in government employment are forced to be listed as other tribes or listed as belonging to other ethnic communities **for the sake of fulfilling the mandatory government employees' exercise!! THIS IS WRONG.** This is because of the wrong Social Assessment (SA) Report produced through World Bank financing; and the "COLOQUIUM" outcome listing minority tribes which excluded the Cherangany even after earlier Inspection Panel visited!
- iii) **Not recognized as both Minority and an Indigenous Peoples Community:** This happened in two ways:
 - a) **During the wrongly Distorting Social Assessment Report development funded by World Bank, And;**
 - b) **During the Exclusion of the Cherangany peoples' Community to participate in the "COLOQUIUM" at Eldoret organized by World Bank Management without inviting the Cherangany complainant requesters who had requested for Inspection by the World Bank Inspection Panel.**
- iv) **Loss of lands and territories** through **Land occupation and forced assimilation** hence causing **Loss of natural resources and rights with unfair competition:**

Currently this is being wrongly regularized through mapping by government officers from the prospecting rival ethnic communities at the Counties especially ██████████ ██████████ keen on disorienting official Cherangany Hills territory maps by extending and renaming it with a view to winning future funds targeting the five (5) major Water Towers of Kenya namely:- **1. Mount Kenya, 2. Aberdare, 3. Mau Forest, 4. Mount Elgon, and; 5. Cherangany Hills.** The concerned officers undertaking this weird exercise derive their authority of developing the wrong maps from the equally wrong secondary data produced by Ministry of Environment, Water and Forestry Consultants during the Natural Resources Management (NRMP) Project's Social Assessment Report complained of and funded by World Bank.

- v) **Lack of FPIC or consultation:** World Bank Management has failed to honor this human rights enabling instrument. Decisions are now made by government officers who design project-criteria that IPs cannot be able to benefit from, however important a project may be, as the World Bank funding window will always be used by the County Government Officers to deny Cherangany IPs' crucial projects by pointing to this Climate Smart Agriculture Project as they have been doing on the earlier NRMP project saying it is time for other communities and areas to benefit; which is the reason why planning and design of any project must involve IPs to redress this real impending violation with damaging implications of not being able to exploit their natural resources hence FPIC omission correction by World Bank.
- vi) **Non recognition of locally mandated governance structures:** Instead of recognizing the **Cherangany Council of Elders** as the custodians of the natural resources within their territory of Cherangany hills, especially the Cherangany Forest, the NRMP documents financed by World Bank state that Cherangany Forest will be managed by the **Pokot Council of Elders** which is a terrible abuse and conflict- causing statement that can trigger ethnic war.

Failure to offer contracts to Indigenous Peoples Organizations (IPOs): Despite possessing the requisite expertise and competence, the local Non Governmental Organizations (NGOs) run by IPs have never been awarded a contract they have applied for, to provide technical advisory services as Service Providers (SPs) in advertized projects so as to also benefit from exploitation of resources from their area of operation hence failing to be empowered by building the IPOs' capacity by these World Bank financed Projects.

- vii) **IPO (Indigenous Peoples Organization) Non Recognition:**

CHEMUDEP IP Organization does not discharge its human rights obligation effectively currently because of the damaging Social Assessment report in the public domain financed through

World Bank funding which despises or demonizes CHEMUDEP IPO therefore being quoted by government officers during public meetings including some Consultants yet IPOs have the capacity and are the mouth pieces of IPs during difficult times on infringements and violations of rights of citizens especially IPs by cruel governments etc.

We were shocked as CHEMUDEP representative who is a major opinion leader was humiliated by [REDACTED] who told him to leave a meeting that later turned out to be the current World Bank Climate Smart Agriculture Project, claiming that government officers had instructed him on those to participate in that initial meeting saying it was not a World Bank sponsored meeting which was a lie because it actually turned out to be the current World Bank Climate Smart Agriculture Project meeting!! Why was such weird plan told to [REDACTED] [REDACTED] to our organization by the government officers through the chief and why was the purpose of the meeting and its' conveners concealed?

4. **Cherangany community has suffered since colonial period and the historical injustices** have not been officially identified with a view of being compensated and the recent distortions by the World Bank funded **Social Assessment Report** has increased the burdens being suffered even with more harm and damages by causing non recognition which we need corrected through formal interventions and consultation with the Bank Management after your visit and ascertainment of these facts by the Inspection Panel so as to seek for ways of remedying them and to investigate on why World Bank violated its own Policies and Procedures in the **first NRMP** and now in the **two** most current projects of **Climate Smart Agriculture** and the **Urban upgrade programme** without the use of the enabling safeguards.

The undersigned Cherangany Indigenous Peoples Community representatives request for inspection of these complaints by the World Bank Inspection Panel and seek the World Bank Board recommendation for ascertainment of these facts so as to find ways of redressing them in the Panels' recommendation after their findings.

Best Wishes,



1. Barnabas Mungo -DCM (Rt. SACP)
P.O Box 3215-30200
Kitale
TRANS NZOIA COUNTY

Bentley P.

2. Benson Kenyatta
P.O Box 174-30600, Kapenguria
WEST POKOT COUNTY



3. William Kipkwen
P.O Box
Kitale
TRANS NZOIA COUNTY



4. Barnabas Ngesemwo
P.O Box 280-30200
Kitale



5. Amos Chesuswa
P.O Box 480-30600
Kapenguria
WEST POKOT COUNTY



6. Joseph Chebobei
P.O Box 27-30204, Kapcherop
ELGEYO/MARAKWET COUNTY



7. Solomon Cherongos
P.O Box 480-30600,
Kapenguria
WEST POKOT COUNTY