

Committee: Special Session on Indigenous Affairs
Country: Kenya

Indigenous affairs has been an ongoing topic for years due to the discrimination and limited representation of these people. Indigenous people are vastly spread throughout Kenya. Within Kenya, the people who mainly identify as Indigenous are pastoralists and hunter-gatherers. Pastoralists are estimated to make up 25% of the Kenya's population, while there are approximately 79 thousand hunter-gatherers. The issues that continue to face the Indigenous tribes are limited land and resources, poor service delivery, poor political representation, discrimination, and exclusion. Within the oncoming years in Kenya, resources are becoming more restricted, resulting in these conditions for the Indigenous to worsen.

I. Indigenous Peoples, Healthcare, Mental Health, and Wellness

There are many factors affecting Indigenous health and wellness, including high levels of infant mortality, malnutrition, cardiovascular illness, HIV/AIDS, and tuberculosis. Overall, Indigenous people face a poor sense of life. Many of the Indigenous are facing poor living circumstances in Kenya, which plays a strong factor in their physical and mental health. Majority of the pastoralists are living in poverty and are facing illness. In order to provide solutions to the healthcare of First Nations, the African Medical Research Foundation is vastly spread throughout isolated parts in Kenya where Indigenous people may be living. Some of the main factors that are resulting in poor Indigenous health care is proximity to animals, difficulties in getting and maintaining treatment, and environmental conditions. Kenya believes in guaranteeing the health care of First Nations and providing proper treatment facilities and resources for the Indigenous. In order to effectively treat patients while still using traditional Indigenous healing practices, Kenya supports merging the African Medical Research Foundation with Indigenous communities to come up with ways of treating patients while being respectful to Indigenous culture and heritage. The UN Special Rapporteur on Indigenous Peoples, in his mission to Kenya, urged the state to ensure access to adequate health care services for indigenous peoples. He suggested that the 'system of mobile clinics in pastoralists areas should be reinforced, and the use of traditional medicines and health related knowledge should be encouraged and legally recognised'. Kenya National HIV/AIDS and Sexually Transmitted Diseases Control program has been set up and there is also HIV counselling and testing centres are available.

Indigenous peoples tend to face more mental health issues due to the constant discrimination and racism that they face. Kenya plans to ensure the development of our mental health care system by providing resources and support systems. A way of providing this for the youth is to have these resources at schools where it is easy to access. Since substance abuse and alcoholism occurs more frequently amongst the Indigenous due to evictions and resettlements of the communities, Kenya believes in ensuring that the Indigenous communities are no longer evicted so they can stay on their land and are able to have their land rights. The delegation of Kenya strongly believes in expanding national health systems and education programs for one's Indigenous population. In order to combat infant and mother mortality within

Indigenous communities, Kenya supports guaranteeing the availability of trained personnel during and after pregnancy. The support systems provided should be accessible for all First Nations communities, affordable, and non-discriminating.

II. Indigenous Land Rights, Climate Change Impacts, and Environmental Protection of Resources

Indigenous people often live way below the regular living standards and their access to basic human rights are often violated. Indigenous history does not prepare them to handle factors such as climate change which results in them having to relocate or abandon their practices and resort to modern technology and practices to cope. Within Kenya, the Indigenous are mainly facing resource insecurity which worsens every year due to increasing competition of resources. Article 63 of the Kenyan constitution states the guarantee of the Indigenous communities to their land and territories. Kenya believes community land consists of land lawfully held, managed or used by specific communities as community forests, grazing areas or shrines and that it includes ancestral lands and lands traditionally occupied by hunter-gatherer communities. Kenya believes in helping the Indigenous cope with climate change impacts by coming up with solutions that will protect their communities and resources while still incorporating Indigenous rights.

Indigenous people are often misrepresented or have a lack of misrepresentation. The Indigenous rights of their land and resources have always been threatened; they have a lack of representation at parliaments and no respect of their rights. In Africa, the misrepresentation of the Indigenous people is an ongoing issue. Kenya supports the UN conferences where Indigenous voices are heard. The obstacles that Kenya may face if providing full legal structure to Indigenous people is resource-based conflicts due to limited resources, land rights, and land ownership. The delegation of Kenya believes that in accordance to law, natural resources which include all minerals, wildlife, water bodies, and national forests, vest in the state under the control of the President as the guardian of the resources. The Kenyan government has put together a Draft National Land Policy, published in December 2005, which seeks to address some of the critical issues related to land rights in Kenya, such as access to land, land use, tenure, planning, redressing historical injustices, environmental degradation, conflicts, unplanned proliferation of informal urban settlements, an outdated legal framework, institutional framework and information management. The Draft Policy is important for indigenous peoples in that it recognises the rights and forms of land tenure of pastoral communities and other marginalised groups.

III. Indigenous Peoples, Poverty, and Development

Indigenous communities are some of the poorest communities in the world. This is a result of government spending cuts, natural disasters, and globalization impacts. The general socio-economic development in Kenya is inhibited by a lack of a proper infrastructure which is particularly worse in areas inhabited by Indigenous peoples who often live in inaccessible, remote and underdeveloped regions due to years of marginalisation and discrimination. Kenya

believes that in order to stimulate economic growth within the Indigenous communities, the current government has adopted the Investment Programme for the Economic Recovery Strategy for Wealth and Employment Creation.

The Kenyan government has also established two strategy papers: the Economic Recovery Strategy (ERS) 2003 to 2007, and the Strategy for Revitalization of Agriculture (SRA). The ERS is a broad development framework to revive the economy, create jobs and reduce poverty. ERS recognises agriculture as a critical sector for economic recovery. The delegation of Kenya also believes in establishing proper development programs and agencies in order to improve the living circumstances of the Indigenous communities. The creation in 2008 of a Ministry of Northern Kenya and Other Areas is a significant step that is aimed at addressing the continued underdevelopment of where a number of Indigenous communities are located.