

The Right to Food Situation of Indigenous Peoples and Small Holder Farmers in Kenya



Centre for Minority Rights Development (CEMIRIDE)

Act for Change Trust

Issue 1: Land Rights and the Right to Food

- Previous recommendations from Norway, the Holy See, and Cabo Verde – Kenya should ratify ILO Convention 169 and implement UNDRIP to safeguard the lands of indigenous peoples.
- Access to land is essential for peasants to secure their right to food; thus, issues of hunger and poverty in Kenya must be viewed through the lens of violations of land rights and climate justice.
- Kenya fails to uphold judgments that support land rights claims.
- Communities are continually displaced, and fishing communities are deprived of access to traditional waters due to the nationalization of resources.
- When families lose their land, they consequently lose their ability to produce food.

Issue 1 Recommendations

We recommend the Kenyan government to:

- Secure land access by enforcing existing land laws
- Fully implement court decisions favouring indigenous peoples
- Develop and implement co-management frameworks

Issue 2: Community Land

- Community Land Act 2016 not fully implemented
- provides for the identification and registration of all community land in Kenya
- Only 11 community lands registered out of possible 2000
- Delayed registration leads to loss of community land affecting right to food

Issue 2 Recommendations

- Fully implement the Community Land Act of 2016
- Allocate budgets for community land registration process
- Review land use frameworks to protect agricultural community land

Issue 3: Indigenous Seeds/Breeds and Farming Practices

- In previous UPRs, Barbados and Bangladesh recommended enhancing food security and reducing hunger and poverty
- Kenya recently adopted National Agroecology Strategy for Food System Transformation (2024-2033) -improve food security for indigenous communities and smallholder farmers.
- There is also Climate Smart Agriculture Strategy 2022-2026 - aims to include indigenous peoples in climate action
- However, retrogressive laws like the Seeds and Plants Act and Livestock Bill 2024 undercut these efforts
- Indigenous seed/breed systems provide 80-90% of seeds/breeds - outlawing them leads to food insecurity for peasants.

Issue 3 Recommendations

- Amend the Seed and Plant Varieties Act of 2012 and Review the Livestock Bill 2024 protect peasants' rights in compliance with Articles 16, 19 and 20 of UNDROP,
- Enhance sustainable agricultural practices – Develop an implementation framework Agroecology Strategy to stimulate sustainable production.
- Document and incorporate indigenous knowledge and technologies in compliance with Articles 16 and 20 of UNDROP

Issue 4: Participation in Climate Change Decision-Making

- Philippines recommended increased participation of indigenous peoples
- Participation also encouraged by UNDROP Articles 2 & 10 and Art 10 of CoK 2010
- Kenya taken steps to include marginalized communities, including IPs, in decision-making
 - a. National Climate Change Action Plan (NCCAP) 2023–2027
 - b. Minorities and Marginalized Communities Unit in the Office of the President.
- Involvement and participation not institutionalised however
- However, initiatives to guarantee IPs' involvement in decision-making not institutionalized.
- current legislation like the Mining Act of 2016 and the Petroleum Act of 2019 , lack clear safeguards

Issue 4 Recommendations

- Implement the Climate Change Indigenous Peoples Engagement Framework
- Develop a mandatory framework for involving indigenous peoples in decision-making in compliance of Articles 2, 10 and 27 of UNDRIP.
- Enact a natural resource benefits sharing framework
- Take measures to enhance the resilience of livestock and food systems to climate change.

THANK YOU!