



Forest Peoples Programme

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- OPEN LETTER -

To: Commissioner Neven Mimica, International Development & Cooperation
Ambassador Stefano Dejak, EU Ambassador to Kenya
Mr. Koen Doens, Head of DEVCO D (EU-Africa Relations, East and Southern Africa)
Mr. Hans Stausboll, Head of DEVCO D2 (East Africa and Horn of Africa)
Ms. Chantal Marijnissen, Head of DEVCO C2 (Environment, Natural Resources, Water)
CC: Messers' Vincent De Boer, David Njuru, and Alain Castermans (EU Delegation, Nairobi);
Isabelle Hubert (D2); Sylvie Prouveur, Franziska Bertz (B2)

16th January 2018

Dear Commissioner,

FOR IMMEDIATE ATTENTION – EU WaTER Project, Kenya

We have appraised DG DEVCO and the EU Delegation in Nairobi of the urgent and egregious human rights risks of the EU WaTER Project *for around 12 months*. We have made clear that the stakes could not be higher: that an indigenous peoples' cultural and physical survival is at stake. We have *repeatedly* requested, on behalf of the Sengwer indigenous people:

1. that the Project be suspended;
2. that a human rights impact assessment be carried out in consultation with the Sengwer
3. that the Project design and implementation be restructured based on the meaningful participation of the Sengwer, to ensure that it complies with the human rights approach and receives community consent.

We warned DG DEVCO and the EU Delegation in a 6th December 2017 letter that a KFS eviction operation was imminent, and reiterated the above requests in a follow up letter sent on the 21st December 2018. DG DEVCO and the EU Delegation were aware from events in April 2017 that KFS operations were being conducted by guards armed with assault rifles which they were willing to use against the Sengwer, with potentially lethal consequences.

Despite all of the above, the DG DEVCO and the EU Delegation in Nairobi has consistently failed - and implicitly refused - to agree to the urgent requests outlined above. As we forewarned, the KFS commenced a large Sengwer home-burning operation on Christmas Day that continues today, including with the use of live rounds being fired.

At a EU-Government of Kenya meeting convened on 10th January 2018, the EU Ambassador to Kenya, Mr. Stefano A. Dejak, declared that suspending the EU WaTER would be a last resort. In the last few days we have spoken to our Sengwer contacts and questioned what the EU is waiting for – is it necessary for community member to die for the last resort to be triggered? No. The Project could and should have been suspended much sooner, to prevent precisely the risk that the EU has been warned of.

Today, we have been informed that two Sengwer community members have been shot by the KFS and one has died. **DG DEVCO must now cancel the Project with immediate effect.** DG DEVCO and the EU Delegation in Nairobi have already demonstrated a shocking abrogation of responsibility; a state of affairs that must not continue.

Yours sincerely,

Tom Lomax, Lawyer
Legal & Human Rights Programme Coordinator

Dr Justin Kenrick
Senior Policy Advisor