



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية و الاجتماعية و الثقافية

Dr Mary Maboreke

African Commission on Human and Peoples' Rights

**31 Bijilo Annex Layout, Kombo North District
Western Region**

P.O Box 673, Banjul

The Gambia

22 February 2017

Dear Dr Maboreke:

Letter of Support to Communication no 276/2003: Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya

The Strategic Litigation Working Group is part of the International Network on Economic, Social and Cultural Rights (ESCR-Net), a network which currently encompasses more than 230 member organizations based in 70 countries and has as its main mission to make human rights and social justice a reality for all. Since 2012, the Strategic Litigation Working Group has been involved in monitoring implementation of the Endorois case.

The Strategic Litigation Working Group reiterates in this letter its support to MRG's and EWC's request for the application by this Honourable Commission of Rule 112(8) of the Rules of Procedure, regarding follow-up on the recommendations of the Commission in Communication n. 276/2003 on behalf of the Endorois Welfare Council v. Kenya. We understand that MRG and EWC have recently presented renewed requests (on 15 November 2016 and 7 February 2017) to refer the above matter to the African Union Sub-Committee of the Permanent Representatives Committee and the Executive Council for non-implementation.

The Working Group highly supports, therefore, the intent of this respectful Commission, expressed at its 57th Ordinary Session (2016), to refer the matter to relevant African Union Policy Organs and once again

encourages the Commission to invite the Sub-Committee of the Permanent Representatives Committee and the Executive Council to require the Kenyan government to adopt a detailed roadmap, in close consultation with the Endorois, establishing a reasonable timeframe for the implementation of each of the Commission’s recommendations on the Endorois case. This is of particular current relevance given that the recently enacted national legislation which should give effect to the Endorois decision - the Kenyan Community Land Act (http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/CommunityLandAct_27of2016.pdf) - is not clear on how communities and community land will be defined and registered, especially in cases where the land has been used for “public purpose” before the enactment of the new law. According to art. 13.2 of the Act, such land will “be deemed to be public land vested in the national or county government, according to the use it was put for.”

The Strategic Litigation Working Group considers that the implementation of recommendations issued by this Honourable Commission in the Endorois case could advance indigenous peoples’ rights not only in the African continent, but also in other continents. Moreover, as implementation has been a challenge for international and regional bodies more generally, the adoption of innovative implementation procedures such as the one encompassed by Rule 112(8) could serve as a model to be adopted by other systems of human rights worldwide.

ESCR-Net’s Strategic Litigation Working Group

Appendix - Members of ESCR-Net’s Strategic Litigation Working Group

SLWG Organizational Members	Country
Asociación Civil por la Igualdad y la Justicia (ACIJ)	Argentina
Action Contre Impunitie Pour Les Droits Humains; Action against impunity for human rights (ACIDH)	DRC
Adalah	Israel
AIDA	Colombia
Amnesty International (AI)*	International
Bulgarian Helsinki Committee	Bulgaria
CALS	South Africa

Center for Constitutional Rights	U.S.
Citizen, Democracy and Accountability/Obcan, demokracia a zodpovednost (CDA)	Slovakia
Center for Legal and Social Studies, Centro de Estudios Legales y Sociales (CELS)*	Argentina
Centro Mexicano de Derecho Ambiental (CEMDA)	Mexico
Center for Minority Rights Development (CEMIRIDE)	Kenya
Center for Economic and Social Rights (CESR)	U.S.
Center for Human Rights and Development (CHRD)*	Mongolia
Center for Reproductive Rights (CRR)	International
Child Rights International Network (CRIN)	International
CIEL	U.S.
Comisión Colombiana	Colombia
Conectas Human Rights	International
Dejusticia*	Colombia
Due Process of Law Foundation (DPLF)	U.S.
Dullah Omar institute	South Africa
Egyptian Initiative for Personal Rights (EIPR)	Egypt
Environmental Defender Law Center (EDLC)	U.S.
Equipo Pueblo	Mexico
Equis	Mexico
FESPAD	El Salvador
FI*	Switzerland
FIDA Kenya	Kenya
FIDH	International
FIAN International	International
FOCO	Argentina

FUNDAR	Mexico
Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)*	International
Habi Center	Egypt
Habitat International Coalition (HIC-LA)	Latin American Office
Hakijamii	Kenya
Harvard Law School Project on Disability (Harvard Law School)	U.S.
Human Rights Law Center (HRLC)	Australia
Human Rights Law Network (HRLN)*	India
ICJ	International
Initiative for Social and Economic Rights (ISER)*	Uganda
Instituto de Estudios Legales y Sociales del Uruguay (IELSUR)	Uruguay
Instituto de Liderazgo Simone de Beauvoir AC (ILSB)	Mexico
Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR (IPPDH)	Argentina
Instituto Latino Americano De Servicio Legales Alternativos (ILSA)	Colombia
Interchurch Organisation for Development Cooperation (ICCO)	International
International Women's Rights Action Watch (IWRAW) Asia Pacific	International
Kenyan Human Rights Commission (KHRC)	Kenya
Kituo Cha Sheria	Kenya
Land Center for Human Rights (LCHR)	Egypt
Legal Resources Center (LRC)	South Africa
Masimanyane Womens Support Center	South Africa
Minority Rights Group (MRG)	UK
Movement for the Survival of the Ogoni People (MOSOP)	Nigeria
Observatori DESC	Spain
Program on Human Rights and the Global Economy at Northeastern University (PHRGE)	U.S.

Pro Public	Nepal
Proyecto de Derechos Económicos, Sociales y Culturales (PRODESC)	Mexico
Right to Education Project (RTE)	UK
Social and Economic Rights Action Center (SERAC)	Nigeria
Social Rights Advocacy Centre (SRAC)*	Canada
Socio-Economic Rights Institute (SERI)*	South Africa
Terra de Direitos (TDD)	Brazil
Tierraviva	Paraguay
YUCOM – Lawyers’ Committee for Human Rights	Serbia
SLWG Individual Members	Country
Andrea Dabizzi	Bosnia
Aoife Nolan	UK
Hossam Baghat*	Egypt
Jackie Dugard	South Africa
Julieta Rossi	Argentina
Lilian Chenwi	South Africa
Malcolm Langford*	Norway
Mario Gomez	Sri Lanka
Mario Melo	Ecuador
Sara Hossain	Bangladesh
Tara Melish	US
Tessa Khan	Thailand