



# REPORT Nº 1

## SOCIAL CARTOGRAPHY AND TECHNICAL TRAINING OF RESEARCHERS AND SOCIAL MOVEMENTS IN KENYA AND BRAZIL

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## EDITORIAL

*The Social Cartography and Technical Training of Researchers and Social Movements in Kenya and Brazil project began in February 2015 and is funded by Ford Foundation. Researchers and members of social movements from Kenya and Brazil compose the working team. They represent the following institutions: University of Nairobi (Faculty of Law), Kenya Land Alliance, Federal University of Amazonas (Post Graduate Program on Social Antropology), State University of Maranhão (Post Graduate Program on Social Cartography and Politics in the Amazon) and the State University of Amazonas (Project New Social Cartography of the Amazon)*

This is the first Report of the Social Cartography and Technical Training of Researchers and Social Movements in Kenya and Brazil project. Its purpose is to share information about the ongoing of the project with researchers and communities in both countries. The present issue contains the **original project (p.5)** as it was approved in 2014 and its developments during the current year. Since the original draft of the exchange project many adaptations and changes have ensued. In the first International Seminar organized in Manaus, Brazil, researchers and social movements from Brazil, Professors of the University of Nairobi and the Kenya Land Alliance representative became acquainted with each other. Here we republish a brief **note about the Seminar (p.15)** that happened in May 2015, followed by a **Record on Future Actions (p.16)** agreed upon at the end of the Seminar. As one can tell from reading the original project and the report on future actions, our objectives and expected outcomes have been adapted as we engage in the implementation of this exchange. Finally, this report includes a **briefing on the actions by the Brazilian Parliament concerning the Brazil- Kenya relation (p.18).**



## New Social Cartography of the Amazon Project

# **SOCIAL CARTOGRAPHY AND TECHNICAL TRAINING OF RESEARCHERS AND SOCIAL MOVEMENTS IN KENYA AND BRAZIL**

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## **A. SUMMARY**

This Project facilitates scientific exchange between universities in Kenya and Brazil, as well as between social movements in these countries, considering their different socio-political contexts. Some of the main objective of this initiative include:

- i) Research procedures relating to social mapping (map workshops, GPS training, ethnographic observation techniques);
- ii) Operational concepts for the use of the ArcGIS geoprocessing system;
- iii) Elaboration of maps as part of the production of booklets, containing interviews with members of traditional peoples and communities.

The transmission of methods and techniques of social mapping, garnered by the experiences of the New Social Cartography of the Amazon Project (PNC-SA), constitute the following intentions: training people in order to assemble a



technical team in Kenya, provided with a mini-laboratory that has all the tools necessary for mapping practices.

Another purpose of the project, along with such mapping, is the analysis and comparison of the legal frameworks of Brazil and Kenya with regard to land rights and natural resource use of traditional peoples and communities, including international declarations and conventions such as ILO no. 169, aimed toward developing a network of research relations and contacts between universities and social movements.

## B. INTRODUCTION

Kenya, an East African country officially known as the Republic of Kenya and Brazil, a country in South America officially known as the Federative Republic of Brazil, are going through a time of great transformations with respect to the legislation that deals with territorial rights, indicating profound implications for traditional peoples and communities.

The 1988 Constitution of Brazil, and the 2010 Constitution of Kenya, both recognize international rights as part of their legislation. In the case of Kenya this includes the recognition of customary rights. In Brazil this embraces land rights for indigenous and quilombola peoples (similar to maroon peoples). For comparative purposes, it may be pointed out that in Brazil, the infra-constitutional instrument known as the ILO Convention no. 169, which concerns indigenous and tribal peoples, was ratified in 2003. This legislation is now under regulatory process, which implies the discussion of the subjects of rights recognized by the Convention (indigenous peoples, quilombolas and other identity groups) as well as the scope of its application. On the other hand, Kenya is not a signatory of Convention no.169 but has established three different regimes of land “domains” by means of the 2010 Constitution: public, private and community. In this way, leading the social unity classified as “community” to be considered as a subject of territorial rights.

While Kenya is in a process of regulating the Constitutional legislation on land rights, Brazil is discussing the regulation of the ILO Convention no. 169.

According to Kenya’s Constitution, there are three classifications of land ownership: private, public and community. “Private land” has the following characteristics: land registered by an individual as freehold tenure, as leasehold tenure, and any other kind of private land declared under an Act of Parliament. “Public land” includes the following aspects: unalienated government land; land held or occupied by any State organ except for those held by the State organ as

lessee under a private lease; land transferred to the State by way of sale, reversion or surrender; land which is not proven to belong to any communities or individuals through legal process; land for which an heir has not been legally identified; and other criteria relating to geography, to physical and environmental aspects, like lowlands or highlands.

Under Article 63 of the Kenyan Constitution, “community land” is referred to as belonging to communities identified on the basis of their ancestry, culture or similar interests. These are lands legally registered in the name of representatives of groups under legal provisions; land lawfully transferred to a specific community through any legal process; any other type of land declared as “community land” by an Act of Parliament; land lawfully held, managed or used by specific communities as community forests, grazing areas or shrines; “ancestral lands” and “lands traditionally occupied” by communities of hunters and gatherers.

Any community land that has not been registered will be held in trust by local governments on behalf of the communities to which they belong. Community land shall not be used outside the terms of legislation, specifying the nature and extent of individual and collective rights of community members.

The National Land Commission deals with national policies on land in Kenya and has the obligation to conduct research about land and the use of natural resources in order to advise the appropriate authorities. Another of its functions is to begin investigations on its own initiative, or due to complaints, on current or historical injustices and recommend appropriate compensation.

From these latest legal provisions on land, there has been debate in Kenya on how to regulate these constitutional articles. Likewise, there is an intense debate in Brazil on the titling and use of traditionally occupied lands. The consequent controversies lead us to a series of questions that, in a sense, justify the idea of this project. It is therefore important to investigate: who will be the subjects of rights to Community land? That is, what “communities” and which effectively are these “community lands”? How to deal with “communities” that make use of lands and natural resources, but do not make “property” claims for such lands and resources? How do the two constitutions previously mentioned, use the expression “traditionally occupied lands”? How to conceptualize the common use of these lands or open resources?

In light of these questions, we have noticed approximations of the legal provisions that guarantee Constitutional territorial rights in different countries. We have also verified unique mobilizations of different political processes for land allocation, which adopt distinct criteria for identification of social groups, that

is, self-definitions, ethnic factors and the so-called “traditional communities”. In this way, identifying who are the “subjects of rights” and what their territorial demands are becomes relevant for the consolidation of this project.

Social mapping, through the experiences of the “New Social Cartography of the Amazon Project”, appears to be a possible instrument that can contribute to the discussion on implementation of laws relating to “community land” and traditional peoples and communities in the Kenyan context, just as it has occurred in the case of the Amazon, in so far as it makes these social groups and their demands more visible. Their worldviews and ways of living, as well as environmental conflicts are represented concretely in situational maps through their own statements and practices.

This context of Kenya-Brazil exchange briefly presented, through exchanging experiences of allocation processes of land access by traditional communities, aims for the following: i) special attention to mapping practices that defend territorial rights of these communities, training social agents and technical teams in such practices; ii) a comparative analysis between the legislation and regulations related to access to land and territories in both countries. The starting point for the execution of these tasks consists of international conventions, such as ILO Convention no. 169 and procedures of social mapping. Thus, contributing to the establishment or creation of teams trained both in law and in social cartography in Kenya, besides a mini-laboratory installed for the production of maps and booklets.

## C. CONTEXT/BACKGROUND

This project seeks to discuss and reinforce the possibilities of the community land tenure regime in Kenya and East Africa in general, based on the Community Land Law Conference: Best Practices for the Protection of Community Land Rights, held in Nairobi, Kenya, from June 3rd - 7th, 2013. Some of the possibilities highlighted during the Conference were the comparisons and exchanges of experience about land rights in Brazil, considering the current legal provisions of ILO Convention no. 169 and the contradictions of its implementation. The legal recognition of traditional peoples and communities in Brazil, claimed by different social movements and affirmed in the Constitution of October 1988, later in the ratification of ILO Convention no. 169, strengthened the mobilization actions of these movements through constitutional provisions.

Therefore, we consider that an exchange of empirical and academic experiences between Kenya and Brazil will contribute to new reflections about the legal possibilities concerning territorial rights, as well as the relations between



universities and social movements in the respective countries.

## D. OBJECTIVES

This project aims to enable scientific exchange between universities in Kenya and Brazil, as well as between social movements in these countries, considering their different socio-political contexts.

### Specific Objectives

- a) Present research procedures adopted in the experiences of PNCSA, especially in the use of the ArcGIS geoprocessing system;
- b) Train thirty (30) people in social mapping: GPS, ArcGIS and map workshop techniques;
- c) Assemble a technical team and a respective mini-laboratory in Kenya;
- d) Produce 02 booklets and 01 situational map;
- e) Compare judicial and legislative aspects associated with land access, its allocation and the management of open lands under modes of common use, based on their respective Constitutions, international conventions and particularly the ILO Convention no. 169.

## E. ACTIVITIES TO BE DEVELOPED

The activities to be developed aim to establish academic and scientific exchange between universities in Kenya and Brazil, based on the experiences of the New Social Cartography of the Amazon Project, whose researchers are distributed across a number of institutions such as: the Post-Graduate Program Society and Culture in the Amazon - UFAM, the Post Graduate Program in Social Cartography and Politics of the Amazon - UEMA, Centre for Humid Tropics Studies - UEA in partnership with the Pontifical Catholic University of Paraná - PUC-PR.

### Activities:

- i) Organize an international seminar in Manaus, during the third month of the project implementation, with 40 participants, including 06 representatives from Kenya who will discuss the project proposal, considering the United Nations Declaration on the Rights of Indigenous Peoples, of September 2007 and its implications, as well as Convention no. 169 of the International Labour Organization of 1989.

ii) Conduct 01 map workshop in the city of Manaus for 03 consecutive days, with 20 participants, discussing PNCSA procedures. Parallel to this activity, execute a social mapping mini-course for one day.

iii) Carry out 02 map workshops in Kenya for 05 days each, with 08 Brazilian participants, 04 being from Manaus (AM), 02 from São Luís (MA) and 02 from Curitiba (PR). We anticipate 20 participants for each workshop.

iv) 02 exchange courses on Brazilian legislation and Kenyan legislation during a period of 5 days for each course, with 15 participants per course. The course in Kenya is expected to present the legislation on land reform and “community land”. The course in Brazil will be focused on agrarian law with emphasis on traditionally occupied lands and infra-constitutional provisions such as ILO Convention no. 169.

v) Produce 01 bilingual book about this exchange experience.

vi) Produce 02 booklets (including social mapping) in Kenya.

vii) Produce 01 situational map showing the contrasts and similarities between the two countries.

viii) Install 01 mini-laboratory in Kenya, at a location to be defined after discussions carried out in Kenya.

ix) Equipment that make up the mini-laboratory: Data show projector equipment, Notebook (14' HD 500G, RAM 4G, i5 Processor with cartography and graphic editing software), digital camera with GPS locator, digital voice recorder, A3 scanner, portable scanner for documents, semi-professional portable HD video camera, GPS device, map library, A3 color printer, black and white laser printer, desktop computer (21', HD 1T, RAM 8G, i7 Processor, with cartography and graphic editing software and GIS Software - ArcGIS v.10.1, no break).

## 1. Training in social mapping

### 1.1 Preparation of the researchers

This phase includes training courses on social mapping and GPS use to mark location points, key steps for the technical construction of maps.

## 1.2 Forming the team for social mapping

The team contains an interdisciplinary group of researchers, including anthropologists, law graduates, geographers and others. One step following the social mapping training courses is conducting map workshops with social agents (community members). During these workshops, the socio-cultural and economic elements considered relevant by the social agents themselves will be discussed in order to compose their maps and be part of the booklets which result from such activities. Researchers collect interviews and photographic records which show the social situations of each community where the workshops take place. During the workshops the team organizes a GPS training course so that the social agents themselves can mark the appropriate location points which will compose the maps referent to their specific territoriality.

## 2 Discussion of legal aspects

### 2.1 ILO Convention no. 169:

Analyse and compare legislation. The legal aspect of the project is mostly under the responsibility of PPGD-PUC-PR, especially highlighting the ILO Convention no. 169 provisions and their use. Some elements pointed out consist of: forms of recognition, including “self-attribution” or “self-recognition”; the right to prior consultation of “indigenous and tribal peoples” (traditional peoples and communities); “territoriality”; social organization; and fundamental freedoms.

We may also approach the notions of “traditionally occupied lands” and “common land”, reflecting on the organizational forms of various traditional peoples and communities.

### 2.2 Comparative Law:

2.2.1-A group of students/researchers and teachers from Kenya, will make presentations for discussions on legal apparatuses which guide the conditions for rights and the possibilities for social mapping of the people and social movements in their own country. Thus, both groups of these countries will construct the instruments to achieve this exchange.

2.2.2- At least two (02) courses to address the legal exchange will be organ-

ized.

The courses will aim to discuss the content of ILO Convention no. 169 in relation to Kenya which will serve for future studies and research.

## Issues addressed

ILO Convention no. 169 contains the following rights for traditional peoples:

1. Indigenous or tribal people are considered those whose social, cultural and economic conditions are distinct from other sectors of the national community, who are also governed wholly or partially by their own customs or traditions, irrespective of formal law. The Convention 169 considers indigenous peoples as those that already inhabited the region before the conquest or colonization. Regardless of the name attached, the legal contents are people, communities, human groups that existed before or formed during or after the conquest, colonization and establishment of independent national states.

2. The form of recognition is the consciousness of differentiated identity, or self-attribution, or self-recognition. This means that recognition and definition of who is part of the group is based on the awareness of their own community, following the customs and traditions mentioned above.

3. Indigenous and tribal peoples should be consulted, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative procedures which may affect them directly.

4. The rights that should be recognized are the following:

- territoriality;
- Social organization;
- fundamental freedoms;
- The people should have the right to choose their own priorities with respect to the development process, to the extent that it affects their lives, beliefs, institutions and spiritual well-being as well as the lands they occupy or use in some way, and to control, as much as possible, their own economic, social and cultural development.

• In addition, they should participate in the formulation, implementation and evaluation of national and regional development programs and plans, which

may affect them directly.

- Self-determination.

5. All these rights need a domestic legal framework in each country to become effective, including aspects of criminal prosecution and court proceedings.

Stemming from this basic content, the study needs the support of two professors and three undergraduate students to analyse how to achieve these rights and enhance such concepts and definitions regarding national legislation. Therefore, the project would need five people.

### 3. Exchange with social movements

Experiences of mobilization of different organizational forms and social mapping practices, carried out by social movements, should be reported and compared in the 02 seminars expected to take place, for the purpose of strengthening their claims to territorial rights.

## 4. Team building

### 4.1 Training

Training of social agents in the use of GPS and social cartography in order to execute map workshops and data collection to assemble the booklets and maps. Train social agents in the technical use of ArcGIS so that they can perform the technical steps in order to produce their own situational maps.

### 4.2 Mini-Laboratory

The objective is to set up a mini-laboratory in Kenya. The social cartography minilabs primarily consists of basic equipment installation (computers, GPS, video camera, printer, scanner, voice recorder, camera, data-show projectors, and ArcGIS-V licensed program 10.1) in higher education units or the headquarters of social movements. The mini-laboratories are also accompanied by appropriate technical and scientific training, able to provide social agents and researchers access to essential software in order to accomplish social mapping and territorial monitoring.

Installation work in physical spaces combined with local demands of mapping and the use of technological resources can consolidate the opportunities of scientific work in universities, reflecting on local realities and their social processes.

For a more complete description, we can point out that since November 2011, the licensed ArcGIS version 10 has been made available, as well as the version 10.1 in early November 2012 and version 10.2 in the end of 2013. Simul-

taneously, training will be provided to local teams, contributing to the monitoring of “traditional lands” and actions related to the intrusion, deforestation and devastation of natural resources in these lands, and for the development of community life. With this initiative, the possibilities for future territorial management become more plausible for traditional peoples and communities, with active role of social agents in the conservation and defence of natural resources. These experiences of exchange can equally contribute to a better understanding of situations of social conflict and for a critical analysis of the impasses to law enforcement in Kenya and Brazil.

## F. SUCCESS INDICATORS

The project intends to cause a multiplier effect on the action of social agents involved within the universities, “communities” and social movements through technical courses. Another relevant indicator is the contribution to the demarcation process of “community land” in line with the Constitution of Kenya 2010, which requires the implementation of new forms of territorial management and action of social movements involved. Thus, we intend to strengthen and train social agents in social mapping techniques that contribute to the consolidation of new rights and land management, besides enabling the construction of a social network between institutions, individuals and movements in both countries.

## G. EXPECTED PRODUCTS

Within the expected final products are: performing four courses, two regarding legal issues and two regarding social cartography, three map workshops, one in Brazil and two in Kenya, one seminar, publication of one book, two articles, two booklets and the consolidation of the physical structure and technical capacity of a minilaboratory for social mapping in Kenya.



## PNCSA concludes the First International Seminar Social Cartography of Traditional Peoples and Communities in Kenya, Zimbabwe and Brazil

June 9, 2015 • 20:24

*Note published in PNCSA website, originally in Portuguese*

The First International Seminar on Social Cartography of Traditional Peoples and Communities in Kenya, Zimbabwe and Brazil was carried out in May 25th to 29th 2015 in Manaus. The activities occurred on the Rio Negro auditorium and on the auditorium at the Arts Center, both part of the Federal University of Amazonas (UFAM). There was also an introductory meeting at the headquarters of Project New Social Cartography of Amazon, in Amazonas State University (UEA). Several Brazilian social movements that keep research relations with PNCSA were represented in this event. The teams discussed technical cooperation possibilities for the realization of social cartography in African countries as well as an academic cooperation focusing on the comparative analysis of traditional peoples and communities' rights in those countries and in Brazil. The project is funded by the Ford Foundation.

<http://novacartografiasocial.com/pncsa-realiza-i-seminario-internacional-cartografia-social-de-povos-e-comunidades-tradicionais-no-quenia-no-zimbabue-e-no-brasil/>

## RECORD on Future Actions

*Manaus, 1st of June, 2015*

*By the end of the 1st International Seminar Social Cartography of Traditional Peoples and Communities in Kenya, Zimbabwe, South Africa and Brazil, the following was agreed upon for the continuation of technical and academic cooperation:*

1. The Kenyan group will preliminarily identify communities which will participate in this project, as well as do an initial survey of these communities. Communities in Isiolo, affected by the LAPPSET Corridor, were indicated for the beginning of our work (after the consideration of Lamu and Turkana);
2. There will be a meeting in Kenya in August 3-7, 2015, with the presence of 3 or 4 Brazilian researchers. Helen, Gabriel and Sheilla were thought of, to be joined by a professor from the universities of Amazonas or Maranhão. WoMin participants from South Africa and Zimbabwe are also invited;
3. This meeting aims for presenting the New Social Cartography Project to Kenyan communities, possible visits to communities, and to better understand the relations of communities with Kenya Land Alliance as well as with the University;
4. Our second international seminar is scheduled to happen in Nairobi in the last week of October and first week of November 2015. Researchers and social movements representatives from Brazil will take part in it, as well as community representatives from Kenya, and possibly from South Africa and/or Zimbabwe;
5. During these two weeks, one or two mini-labs will be installed, possibly in KLA and in the University of Nairobi. A preparatory social cartography workshop will be conducted;
6. Localized map workshops and their publications will be done in 2016;

7. There is a need to revise budgets and project's activities for 2015 and 2016;
8. There may be possible outcomes and activities in South Africa and/or Zimbabwe;
9. Dr. Patricia Mbote e Dr. Collins Odote agreed to write articles about the rights of “maginalised communities” in Kenya for publication in a Brazilian book by August 2015;
10. The academic exchange of professors and post-graduate students will be done in 2016;
11. Dr. Patricia Mbote indicated that three kenyan students may join the Social Cartography and Politics in the Amazon Masters Program (State University of Maranhão) and four students may go to the Law PhD Program in PUC-PR.

# BRIEFING: Actions by the Brazilian Parliament Concerning the Brazil-Kenya Relation

*Marcia Anita Sprandel (with collaboration of Gabriel Carvalho)*

A first briefing (1/2015) surveyed propositions and speeches having as themes “Kenya” and “Africa” in the two houses of Brazil’s National Congress from 01/01/2003 to 31/06/2015.

In this first survey, 09 (nine) propositions about Kenya in the Federal Senate were identified and 05 (five) in the House of Representatives. In terms of speeches, we verified 06 (six) in the Senate and 23 (twenty three) in the House of Representatives. When it comes to Africa, we identified 61 (sixty one) propositions in the Federal Senate and 106 (one hundred and six) in the House of Representatives. As for the speeches, there were 309 (three hundred and nine) in the Senate and 371 (three hundred and seventy one) in the House of Representatives.

Out of 15 propositions identified about Kenya, none is presently in course at the National Congress any longer. Thus, out of 09 (nine) propositions verified in the Senate:

- 05 (five) are messages already examined and approved submitting to the Federal Senate appreciation<sup>1</sup> the name of diplomats Antonio José Rezende de Castro (2006), Ana Maria Sampaio Fernandes (2007), Ministers of Second Class in the Diplomat Career of the Permanent Board of the Ministry of Foreign Affairs, e Marcela Maria Nicodemos (2012), Minister of First Class of Diplomat Career of MRE, indicated to act as Ambassadors of Brazil before the Kenyan Republic, and, cumulatively, before the Uganda Republic<sup>2</sup>, Burundi Republic, Ruanda Republic and Djibouti Republic.

1 It is of the Federal Senate exclusive competence, according to the subsection IV of the article 52 of the

2 Besides representing Brazil before Kenya, the Embassy of Brazil in Nairobi is accredited by the Government of three other countries of Oriental Africa: Burundi, Ruanda and Uganda.

- 02 (two) are requirements already deliberate of Senators Antonio Carlos Valadares e Cristovam Buarque to, respectively, participate in the 20th Session of the Governmental Council of UNO for the environment, to be held in Nairobi, Kenya, in the comprised period from 4th to 8th of April of 2005 and to participate, in mission of representation of the House, World Parliament Forum of Kenya - 2007, to be held in Nairobi/ Kenya, from the 20th to the 24th of January of 2007; and
- 01 (one) refers to the PDS 99/2014, of 08/05/2014, which approves the text of the Agreement about the Aerial Services between the Federative Republic of Brazil and the Government of the Republic of Kenya, signed in Brasilia, on September 14th of 2014, it was, in December of 2014, transformed in legal norm (Legislative Decree 275 of 2014). It accompanies the proposition the Message number 32, of February 7th of 2013, of the Executive Power, which forwards the text of the treaty to the National Congress, as well as the Motive Exposition number 200 (MRE/SAC), of June 8th of 2012, of the State Ministry of Foreign Affairs, which informs that the document, composed of 26 articles, "It has the aim to strengthen the friendship, understanding and cooperation bonds between both signatory country, expected consequences of the establishment of a legal landmark for the operation of aerial services between the territories of Brazil and Kenya, and to beyond these, which will certainly contribute to the densification of the bilateral relations, in the commerce spheres, as well as tourism, culture and cooperation, among others." The Agreement is complementary to the disposed in the Convention about the International Civil Aviation Convention, of 1944. The new text aims, thus, to establish aerial services between and beyond its respective territories. According to the rapporteur of the matter in the Foreign Affairs Commission of the Federal Senate, "the establishment of the regular aerial service between Brazil and Kenya, as well as representing the strengthening if the bilateral relations, indicating the narrowing of bonds with the African Continent. This region comprises countries to which we are connected for a long time by a friendly and solid relationship. In this sense, the agreement in analysis is, to different titles, timely. It, for sure, will favor the commercial and human interchange between our populations. They are, equally, noteworthy the possibilities of amplifying the commercial exchange between both compliant

*countries and the interchange with the other countries in the region. Finally, it is observed that the document follows, in general lines, the treaties of such nature that bonds Brazil to other sovereignties. There is, therefore, the concern about: designation and authorization of Airlines, operation securities and the aviation, air fares, ground support, customs duties, certificate recognition and licenses, information exchange, time approval, protection of the environment, among others. The agreement, after all, adopts the prescriptions of the International Civil Aviation Organization (ICAO) for bilateral instruments that aim the establishment and the exploration of air services between the corresponding territories”<sup>3</sup>.*

- And 01 (one) refers to the PDS 289, of 2011, agreement between the Federative Republic of Brazil Government and the Republic of Kenya Government about the Exercise of Remunerated Activities by the Diplomatic Staff Dependents, Consular, Military, Administrative and Technical, signed in Nairobi, on July 6th of 2010, international bureaucratic document, transformed in legal norm (Legislative Decree 406, of 2011).

On the occasion of the indication of Marcela Maria Nicodemos to occupy the Embassy in Nairobi, through the Message of the President of the Republic number 530, of 2012 (108 of 2012 in the Federal Senate<sup>4</sup>), the Motive Exposition 287/2012, do MRE was attached, signed by former Chancellor Antonio de Aguiar Patriota, with information about Kenya, Ruanda, Uganda and Burundi. For the objective of this research, we transcribe below some of the information about Kenya.

#### *In compliance with the referred Motive Exposition:*

- The relationship Brazil/ Kenya had its formal start in 1963, when Kenya became independent.
- In 1967, it was established a diplomatic mission in Nairobi, which was elevated to the Embassy in 1974.
- In March of 2005, the former Chancellor, Celso Amorim visited Kenya, thirty-two years after the last visit of a Brazilian Chancellor to the country. The visit made it possible to summon the I Reunion

<sup>3</sup> Available on [http://www.senado.gov.br/atividade/materia/detalhes.asp?p\\_cod\\_mate=117496](http://www.senado.gov.br/atividade/materia/detalhes.asp?p_cod_mate=117496)

<sup>4</sup> Available on [http://www.senado.gov.br/atividade/materia/detalhes.asp?p\\_cod\\_mate=109490](http://www.senado.gov.br/atividade/materia/detalhes.asp?p_cod_mate=109490)



of Bilateral Joint Commission, in August of 2005, in Brasilia, occasion when the Sports Cooperation Agreement was signed.

- In 2006, Kenya created its Embassy in Brasilia. The treaties were discussed again as to implement the Cultural Agreement and the Technical Cooperation of the Board- Agreement, consolidated in 1973.
- In August of 2008, the II Joint Commission Brazil-Kenya, in Nairobi took place, to whose end four agreements were signed. The Agreement “Strengthening of Actions to Combat HIV/AIDS in Kenya” resulted from the visit of the Kenyan parliament commission to Brazil in June of 2006, to know in loco “The AIDS National Program”. Another agreement in the health area was celebrated for the implementation of the Project “Support to Malaria Prevention and Control Program”. Agreements to capacitate the Kenyan organs were also signed in terms of fire prevention and combat, as well as to the exemption of visas in diplomatic and service passports. The establishment of three work groups during the II Session of COMISTA constituted relevant opportunity to advance in the identification of possible areas of bilateral cooperation in the social, economy and agriculture sector.
- In July of 2010, the visit of the former President Lula to Nairobi established a landmark in history between the two countries. The visit, the first one of a Brazilian Head of State to Kenya, has given a new stimulus to the bilateral relations. In the occasion, five bilateral acts were signed, in the commercial areas, investments, education, energy, remunerated work of dependents of diplomatic staff and cooperation between the diplomatic academies. The ex-President emphasized the importance of visit interchanges of ministers and businessmen; underscored Kenya potential in the context of the Oriental African Community, which could eventually establish the cooperation with MERCOSUL; and underlined the will to transfer Brazilian knowledge to Kenya in terms of family agriculture.
- The Former Chancellor Moses Wetang’ula made a visit to Brazil in September of 2010 to continue the visit of the Ex-president Lula to Nairobi, demonstrating Kenyan commitment to strengthen the bilateral relations. In a meeting with the former Chancellor Celso Amorim, the reached understanding exam was deepened during the presidential visit and the measures to implement the five bi-

lateral acts subscribed in Nairobi. Themes in the African Regional (Sudan, Somalia) and International Agenda were dealt with (reformation of the Security Council of UN). The visit of Minister Wetang'ula brought, moreover, the signature of Agreement about Aerial Services in the Executive Program to the Agreement of Cultural Cooperation.

- The vice-minister of Kenya Agriculture, in a visit made in March of 2001, reinforced interest in deepening cooperation in Brazil in the agricultural area.
- Kenya, in 2011, supported the candidature of Prof. Graziano da Silva to the charge of General Director of FAO.
- Still in 2011, Kenya expressed its interest in adhering to “More Food Program”. At the moment, presentation on Kenya's part of the list of machinery and the achievement of negotiations with CAMEX related to the Credit Letter is awaited, to the beginning of the project execution.
- In October 2011, ABC sent a technical mission to Nairobi, aiming to analyze the possibilities of cooperation between the two countries in agriculture (manioc production), development of arid and semi-arid regions and water capture, protection of headwaters, disaster managing, sea salvation and forest fire combat (with equipment donation). As a result of the mission, cooperation projects in the mentioned areas are being elaborated.
- Cooperation initiatives already in course in: combat to HIV/AIDS (health agents capacitation); social policies (elaboration of unique registration of beneficiaries); sports (training of soccer coaches and referees); and education of scholarships in Brazil and Brazilian lectureship in the University Kenyatta). The Election Commission mission was also relevant, in 2011, to TSE.
- In the field of food security, it was agreed that initiatives inspired on the “Program of Food Acquisition” (PFA) and in the “School Food National Program” (SFNP) would be implemented in Kenya, in cooperation with FAO.
- There is still a great potential for diversifying the cooperation of bilateral relations, in case the Kenyan Government decides for its strengthening, as it can be attested by the frequency of visits to Brazil of Kenyan delegations. Kenya offers opportunities for the exportation of agriculture machinery, manufactured products,

airplanes and civil construction. It is one of the biggest purchasers of Embraer airplanes in the African continent. There are, also, good perspectives of investment in the country infrastructure. The Brazilian Contractor Queiroz Galvão is at an advanced phase of negotiations to accomplish road streamline in the city of Nairobi, funded by BNDES.

- In the humanitarian cooperation, Brazil has donated, through The Food World Program (FWP), ten thousand tons of food to refugees sheltered in refugee camps, distributed in May of 2012.
- In June of 2012, President Mwai Kibaki came to Brazil to participate in a United Nation Conference about sustainable development (Rio+20). In the occasion, he participated in a dinner offered to the heads of African States by the President of the Republic, by the Governor of Rio de Janeiro, Sérgio Cabral, and by the Mayor of Rio de Janeiro, Eduardo Paes. The event even featured the presence of former President Lula.

## Loans and official financing

- Kenya was benefitted with the approval, in August of 2012, of official credit to Brazilian exportations in the ambit of BNDES, to the amount of US\$ 173 million, to build three overpasses in Nairobi.
- The Contractor Queiroz Galvão, responsible for the project, is currently in commercial negotiation with the Kenyan Government to finalize the projects.

Besides important information about the history and economy of Kenya, the Motive Exposition 287/2012 brings the following board of bilateral acts :

<i>Title</i>	<i>Celebration Date</i>	<i>Validity</i>
<i>Technical Cooperation Agreement</i>	<i>02.02.1973</i>	<i>Into effect</i>
<i>Cultural Interchange Agreement</i>	<i>02.02.1972</i>	<i>Into effect</i>
<i>Joint Communiqué</i>	<i>04.02.1973</i>	<i>Into effect</i>
<i>Joint Communiqué</i>	<i>22.04.1975</i>	<i>Into effect</i>
<i>Aerial Services Agreement</i>	<i>24.10.1990</i>	<i>Pending</i>
<i>Memorandum of Understanding to Establishment of Policy Consultations</i>	<i>07.03.2005</i>	<i>Into effect</i>
<i>Agreement in the Area of Sport Cooperation</i>	<i>12.08.2005</i>	<i>Into effect</i>
<i>Agreement for the Establishment of a Joint Commission for Cooperation</i>	<i>12.08.2005</i>	<i>Into effect</i>
<i>Memorandum of Understanding about Cooperation in the Area of Conservation of Wildlife</i>	<i>08.02.2007</i>	<i>Into effect</i>
<i>Complementary Adjustment to the Agreement of Technical Cooperation between Brazil and Kenya to implement the Project "Institutional Strengthening of Forest Service of Kenya, of the Firefighters from City Hall of Nairobi and of the Firefighters of Ground Support Authority of Kenya</i>	<i>15.08.2008</i>	<i>Into effect</i>
<i>Complementary Adjustment to the Agreement of Technical Cooperation between Brazil and Kenya to implement the Project "Strengthening of Actions to Combat HIV/AIDS in Kenya.</i>	<i>15.08.2008</i>	<i>Into effect</i>
<i>Complementary Adjustment of the Agreement of Technical Cooperation between Brazil and Kenya to implement the Project "Support to the Program of Prevention and Control of Malaria".</i>	<i>15.08.2008</i>	<i>Into effect</i>
<i>Agreement between Brazil and Kenya about Visa Exemption for Diplomatic Passport Holder ,Officials or on Duty.</i>	<i>15.08.2008</i>	<i>Into effect</i>
<i>Agreement about the Exercise of Remunerated Activity on Dependents of Diplomatic, Consular, Military, Administrative and Technical Staff.</i>	<i>06.07.2010</i>	<i>In process at the Nation Congress</i>
<i>Agreement in the Educational Area</i>	<i>06.07.2010</i>	<i>In process at MRE</i>
<i>Agreement about the Cooperation in the Energy Sector</i>	<i>06.07.2010</i>	<i>In process at MRE</i>
<i>Memorandum of Understanding about the Promotion of Commerce and Investments.</i>	<i>06.07.2010</i>	<i>Into effect</i>
<i>Memorandum of Understanding between the Institute Rio Branco and the Institute of Exterior Service of the Ministry of Foreign Business of Kenya.</i>	<i>06.07.2010</i>	<i>Into effect</i>
<i>Agreement about Aerial Services</i>	<i>14.09.2010</i>	<i>In process at MRE</i>
<i>Executive Program about Cultural Cooperation</i>	<i>14.09.2010</i>	<i>Into effect</i>

Two other charts of Motive Exposition in analysis demonstrate that the bilateral commerce has grown more than 300% from 2007 to 2011. We went from US\$ 62 billion (2007) to US\$ 252 billion (2011). It is noted that the trade balance contributes to be widely favorable to Brazil. We export tractors, sowing machinery, harvesting machinery, airplanes, refined sugar and vegetal oils and we import skins and leather as well as tea.

## BRAZIL-KENYA: EVOLUTION OF THE COMMERCIAL INTERCHANGE

(US\$ MILLION, FOB)

DESCRIPTION	2007	2008	2009	2010	2011	2011 (JAN-JUL)	2012 (JAN-JUL)
<i>Brazilian Exportations</i>	59.1	78.7	89.4	121.4	251.4	125.8	80.8
<i>Variation related to the previous year</i>	23.8%	33.1%	13.6%	35.7%	107.2%	164.6%	-35.8%
<i>Brazilian Importations</i>	3.40	5.25	1.76	0.87	0.77	0.55	0.57
<i>Variation related to the previous year</i>	466.7%	54.4%	-66.5%	-50.6%	-11.5%	-6.3%	3.1%
<i>Commercial Interchange</i>	62.5	83.9	91.2	122.2	252.2	126.4	81.4
<i>Variation related to the previous year</i>	29.2%	34.3%	8.6%	34.1%	106.3%	162.5%	-35.6%
<i>Trade balance</i>	55.7	73.4	87.6	120.5	250.6	125.3	80.3

## BRAZIL-KENYA: EXPORTATIONS AND IMPORTATIONS, BY AGGREGATED FACTOR

US\$ MILLIONS, FOB (2011)

DESCRIPTIONS	BRAZILIAN EXPORTATIONS		BRAZILIAN IMPORTATIONS	
	VALUE	PART. %	VALUE	PART. %
<i>Basic</i>	51.3	20.4%	0.01	1.6%
<i>Semimanufactured</i>	37.6	15.0%	0.35	45.5%
<i>Manufactured</i>	162.3	64.5%	0.41	52.9%
<i>Special Transactions</i>	0.2	0.1%	0.00	0.0%
<i>TOTAL</i>	251.4	100.0%	0.77	100.0%

Finally, the document registers that Kenya is a strategic partner in the African continent, once Nairobi is host city of the United Nations Environment Programme (UNEP) and of the United Nations Human Settlements (UN-Habitat). This condition would project the Kenyan capital in the regional diplomacy. The country integrates, still, the East African Community (EAC), comprised by Kenya, Tanzania, Uganda, Ruanda and Burundi, which is the customs union with an estimated population of 125 million people and Gross Domestic Product (GDP) of US\$ 60 billions of dollars.

As for the requirements, these (1) indicate the importance of Nairobi as a host city of UNEP and (2) register the realization in the city, in 2007, of the seventh edition of World Social Forum.





Out of 05 (five) propositions about Kenya identified in the House of Representatives, two were transformed in legal norms (the agreement between the Federative Republic Government of Brazil and the Government of the Republic of Kenya about the Exercise of Remunerated Activities by the Diplomatic Staff Dependents, Consular, Military, Administrative and Technical, which appears twice in the counting, for it had been sent to the Federal Senate, and the creation of the Parliament Group Brazil-Kenya) and two were archived (one communiqué of the Republic President, of 2010, referring to his absence of the country in the period from 2 to 12 of July de 2010, in official trips to Cape Verde, Equatorial Guinea, Kenya, Tanzania, Zambia, South Africa and a requirement of Deputy Orlando Fantasizing - PSOL/SP- de 2006, that the Human Rights and Minorities Commission be represented at the VII World Social Forum, to be held in January of 2007 in Nairobi, in Kenya).

As for the discourses delivered about Kenya in the Federal Senate, the oldest refers to the congratulations given by Senator Paulo Paim (PT/RS) to Wangari Maathai, Kenyan who was endowed with the Nobel Peace Prize of 2004<sup>1</sup>. In April 2005, Senator Antônio Carlos Valadares (PSB/SE) reported his participation in the international meeting held in Nairobi, Kenya, organized by the program Habitat, from the United Nations Organization - ONU, which aimed mainly to the theme of habitation in the worldwide ambit.

In August 2005, Senator Flexa Ribeiro (PSDB/PA) favors the social programs of income transferring, as long as it is of limited duration, exemplifying Bolsa Família, which he considers unable to reduce poverty for good. In November 2006, Senator Marco Maciel (PFL/PE) commented on the position of Brazil in the Weather Convention, on UN, held in Nairobi, in Kenya. In October 2011, Senator Romero Jucá (PMDB/RR) registered the celebration, on September 21, of the Arbor Day; and another subject. In September of 2013, Senator Lindbergh Farias (PT/RJ) praised the speech of the President of the Republic in the General Assem-

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1 Wangari Maathai, who died in 2011, was a teacher and political activist in favor of environment of Kenya, first African woman to receive the Peace Nobel. Maathai founded the Green Belt Movement, a non-governmental environmental organization concentrated in tree plantation, environmental conservation, and women's rights. Maathai was elected a member of the Kenyan Parliament and was an environment resource minister in the govern of President Mwai Kibaki from 2003 to 2005. In addition, she was an honorary counsellor of World Future Council.

bly of United Nations; and another subject.

In the House of Representatives, the first discourse identified, on 05/11/2003, of Dep. Vieira Reis (PMDB/RJ) refers to the visit of a Parliament delegation in Kenya. On the day 13/10/ 2004, Dep. Sarney Filho (PV/MA) greeted the conquest, by Vice-Minister of Environment of Kenya, Wangari Maathai, of the Nobel Peace Prize. This is also the subject of Dep. Paes Landim's discourse (PTB/PI), on 22/11/2004.

On 27/09/2005, congressmen Edson Duarte (PV/BA) and Mauricio Rabelo (PL/TO) greeted the presence of parliament delegation of Kenya. The same way, on 08/06/2006 Dep. Inocêncio Oliveira (PL/PE) greeted the presence of Deputies and Governmental authorities of Kenya in the plenary.

In the months of November and December 2006: (1) Dep. Tarcisio Zimmermann (PT/RS) registered his participation in a preparatory meeting of the World Social Forum and of World Parliament Forum, in Nairobi, Kenya; the support of the African population to President Luiz Inácio Lula da Silva in amplification of diplomatic and commercial relations between Brazil and African countries in PT Government; and invited the Congressmen to debate about participation of a parliament delegation in the World Social Forum and in the World Parliament Forum, in Nairobi, Kenya; and (2) Deputies Fernando Ferro (PT/PE), Antonio Carlos Mendes Thame (PSDB/SP) e Luiz Carreira (PFL/BA) registered the realization of the 12th International Climate Conference, in Nairobi, Kenya. Effects of deforestation in Brazil about global warming.

On July 14th 2015, the Brazilian House of Representatives created a group called Parliament Front Brazil Africa (Frente Parlamentar Brasil África) to combat racism. 195 deputies and 3 senators participate in this group whose president is the deputy Benedita da Silva.





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