Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the human rights of internally displaced persons

Ref.: AL OTH 148/2025
(Please use this reference in your reply)

16 January 2026

Dear Mr. Perks,

We have the honour to address you in our capacities as Special Rapporteur on the rights of Indigenous Peoples; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the human rights of internally displaced persons, pursuant to Human Rights Council resolutions 60/4, 53/3, 57/31, 55/2, 60/10, 52/4 and 59/12.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to the your attention information we have received concerning **the alleged human rights violations and abuses arising from ongoing fossil fuel extraction in Lokichar Basin,Turkana County by Tullow Oil (2012-until September 2025) and Gulf Energy Ltd (since September 2025)**

Tullow Oil

without the free, prior and informed consent of Turkana Indigenous Peoples, in violation of international and national law.

According to the information received:

Oil extraction in Turkana began in 2012 when a British company, Tullow Oil, discovered oil in the region (South Lokichar Basin Oil Development Project). Tullow Oil was the operating partner of the oil fields in the South Lokichar Basin, as part of a joint venture with Africa Oil and Total Energies. Tullow Oil exited the project in September 2025, selling its assets to Auron Energy E&P Ltd, which is an affiliate of Kenya based Gulf Energy Ltd.

The land on which these activities occur is communally owned and was leased under compulsory acquisition by the National Land Commission without the free, prior and informed consent of affected Turkana Indigenous Peoples (Nakukulas, and Kapese Turkana Indigenous communities). They were neither consulted nor compensated adequately for the loss of land and livelihoods. The acquisition disregarded the cultural, ecological, and medicinal importance of the land for Turkana People, offering inadequate compensation and dismissing traditional dwellings as insignificant.

Following the enactment of Kenya's 2010 Constitution, which recognized community land ownership, the Community Land Act was passed in 2016 and implemented in 2017. This law required county governments to act as trustees for unregistered community lands and mandated the transfer of compensation funds to community land management committees upon registration. Despite these legal provisions, implementation was slow and hindered by political resistance and lack of awareness, leaving the law's promises largely unmet in pastoralist regions like Turkana.

This has been worsened by the Land Value (Amendment) Act 2019, which introduced zero-rating of land value for rangelands, again disregarding the social, cultural, economic, and ecological value of the lands and traditional economy that sustains Turkana People as pastoralists.

As oil operations expanded, environmental degradation became a growing concern. Tullow Oil facilities store toxic drilling residues improperly, failing to meet the standards of the National Environmental Management Authority (NEMA). Improper storage of toxic drilling waste led to contamination of water sources, resulting in livestock deaths and health issues among local Indigenous Peoples. These practices violated national environmental laws and international standards. The situation is further aggravated today by the continued environmental degradation resulting from fossil fuel operations with serious negative impacts on human rights, including on the right to a healthy environment. Toxic waste and drilling residues are reportedly stored improperly, and rainfall runoff often contaminates community water sources, leading to livestock deaths and health complications. These violations contravene the Environmental Management and Coordination Act (EMCA No. 8 of 1999) and the Environmental Management and Coordination Regulations, 2006, as well as numerous international standards, including the

UN Declaration on the rights of Indigenous Peoples. In addition, this ecosystem plays a key role in climate adaptation and mitigation, and in this context, environmental harm affecting such ecosystem may result in heightened human rights impacts on the communities.

The Indigenous communities faced displacement and restricted access to vital cultural and medicinal sites, threatening their traditional way of life. Meanwhile, displacement has stripped Turkana Peoples of land, trees, and medicinal plants, deemed "valueless" by authorities, while only "temporary houses of no value" were offered in return. Pastoralist Indigenous communities view the shrinkage of pastoral land as systematic displacement and loss of livelihood means, that can only be supported by such a fragile ecosystem which they have depended upon for centuries.

Between 2012 and 2016, payments from Tullow Oil were directed to municipal authorities. In June 2024, the Tullow Oil company deposited a substantial sum with the Turkana County Government, as compensation for land leased for extraction. However, local officials claimed the funds were accrued levies and taxes, not compensation, and absorbed the money into the county's development budget. This sparked indignation among civil society groups and community leaders who argued that the funds should have been transferred directly to the affected Indigenous communities. In response, a petition was filed in July 2025 at the Environmental and Land Court in Lodwar, seeking disclosure of the agreement between the Tullow Oil company and the county government, restitution of the funds, and enforcement of community land rights.

Although the court held a hearing in October 2025, it focused narrowly on access to information, neglecting broader issues related to land rights and compensation. Meanwhile, a government notice issued in October 2025 announced further compulsory acquisitions of land for oil development, again without the consent of the Indigenous communities. This move was perceived as a continuation of systemic marginalization and a violation of both constitutional and international obligations, reinforcing the community's demand for accountability, restitution, and respect for their rights. The Indigenous human rights defenders opposed to the project received threats and were subjected to intimidation.

While the Kenyan Constitution recognizes community land ownership, the right to free, prior and informed consent (FPIC) is not explicitly incorporated into the national legal framework governing land acquisition. Instead, the law provides for "public participation," which, though important, is not equivalent in national law to FPIC, as guaranteed under international human rights standards. These standards, including the FPIC requirement, have been explained in detail to Kenya in orders of the African Court, decisions of the African Commission and by various UN treaty bodies, Special Procedures and others. The Community Land Act 2016, however, remains the primary statute recognizing community tenure and sets obligations for County Governments to act as trustees for unregistered community land, establishing a fiduciary obligation that includes acting in our best interests.

The section 6(3) of the Community Land Act explicitly requires that once community land is registered, any funds held in trust for the community, including compensation for land acquisition, must be promptly released to that community. Reportedly, the County Government of Turkana has failed to comply with this legal obligation, after on 20 June 2024, Tullow Oil paid the County Government KES 258 million as compensation for communities affected by land acquisition for oil extraction, which never reached them. Instead of transferring the funds to the affected Indigenous communities as required by law, the County Government kept it for using it as it deems appropriate. This breach, compounding others, compelled the affected Indigenous communities to file a case before the Environmental and Land Court (ELC) in Lodwar on 24 July 2025. It seeks judicial orders disclosing the terms of the agreement between the County Government and Tullow Oil, seeking restitution of funds secured for their benefit, and enforcement of their rights. Attempts to obtain redress through the legal channels resulted in a hearing on 15 October 2025, however, the court focused narrowly on the issue of access to information, overlooking the community's broader grievances. As a result, the Indigenous communities remain without clear information on the compensation process or lease agreements, and without information on the lack of fair and equitable benefit-sharing, reflecting ongoing and continuous barriers to transparency and participation in decisions affecting their lands and livelihoods.

Urgent concerns regarding further land forceful acquisition, adding to the long-standing pattern of disregard for and gross violation of Turkana People's rights, the Gazette Notice No. 14647 was issued by the Government of Kenya to compulsorily acquire land in Nakukulus and Kapese communities in October 2025. It expresses the intent to compulsorily acquire further areas of Turkana lands for oil wells, again without the effective participation and FPIC of the affected Indigenous communities. This affects Turkana Indigenous Peoples greatly as it reflects an intensification and expansion of the persistent infringement on their collective rights to their ancestral lands, territories and resources, culture, livelihoods, and survival. It also represents a discriminatory privileging business interests over their rights, yet again, and without consideration for either the obligations of the Kenyan State or the responsibilities of the business entities pursuant to international treaties ratified by Kenya and the UN Guiding Principles on Business and Human Rights.

On 18 and 19 November 2025, the Kenya National Land Commission, together with the investor Gulf Energy and the Ministry of Petroleum team, visited the area and demarcated the land they intend to acquire compulsorily without considering the concerns of the Indigenous communities, and contrary to their plea for land lease as opposed to compulsory land acquisition.

While we do not wish to prejudge the accuracy of these allegations, we are expressing our grave concern, should they be confirmed, at what may constitute violations and abuses of the Turkana Peoples rights to their lands, territories and resources, their right to free, prior and informed consent, as well as the right to a healthy environment and the right to the highest standards of physical and mental health.

We are concerned that the fossil fuel extractions are carried out without good faith consultation and without obtaining free, prior, and informed consent of the Indigenous Peoples affected as required under international human rights law and without the necessary environmental protection safeguards, including an adequate environmental, social and human rights impact assessment.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide information on the human rights due diligence policies and processes put in place by your company to identify, prevent, mitigate, and remedy the adverse human rights impacts of your activities, in particular on the rights of Indigenous Peoples, in line with the UN Guiding Principles on Business and Human Rights.

3. Please provide information on whether your company has engaged meaningfully with affected Indigenous Peoples in the framework of its human rights due diligence process. Has it taken the necessary measures, including leverage, to ensure that the right of consultation and the right of free, prior and informed consent are upheld and respected in the context of the South Lokichar Basin Oil Development ProjectIf yes, please give the details, date, and outcome of these consultations, and the criteria for the identification of the affected Indigenous Peoples, and where appropriate, information on the measures of compensation put in place for all concerned persons, with a due assessment of the damages caused.

4. Please indicate whether your company has a human rights policy commitment, informed by human rights experts, that describes what your company expects of all business relationships in terms of human rights, and whether this takes into account environmental human rights impacts. Please indicate whether any such commitment is public and actively communicated, and whether it is embedded throughout the business, including within other policies and procedures.

5. Please provide information on any steps taken by your company to ensure that the affected Turkana People have access to effective, adequate and timely remedies for their human rights abuses arising from fossil fuel extraction in Lokichar Basin, as mentioned above.

This communication and any response received from you will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged abuses and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Please be informed that a letter on this subject matter has also been sent to Gulf Energy Ltd involved in Lokichar Basin Oil development Project, as well as to the home-States of the involved companies (*Kenya and the United Kingdom of Great Britain and Northern Ireland*).

Please accept, dear Mr. Perks, the assurances of our highest consideration.

Albert K. Barume
Special Rapporteur on the rights of Indigenous Peoples

Damilola S. Olawuyi
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of climate change

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw to your attention the UN Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, as these are relevant to the impact of business activities on human rights.

The Guiding Principles have been established as the authoritative global standard for all States and business enterprises with regard to preventing and addressing adverse business-related human rights impacts. These Guiding Principles are grounded in recognition of: a. "States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms; b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights; c. The need for rights and obligations to be matched to appropriate and effective remedies when breached."

According to the Guiding Principles, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principle 13 has identified two main components to the business responsibility to respect human rights, which require that "business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts". Principles 17-21 lays down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when "business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes". Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other 9 attempts to influence the outcome (commentary to guiding principle 25).

The Guiding Principles recommend in particular that business enterprises "avoid causing or contributing to adverse human rights impacts through their activities, products or services, and to deal with such impacts when they occur", and that they "undertake a human rights due diligence process to identify and assess any actual or potential impacts on human rights posed by the company's own activities and by business partners associated with those activities" (paras. 100-101).

In the 2018 report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (Working Group) to the General Assembly, the Working Group noted that "The Guiding Principles clarify that business enterprises have an independent responsibility to respect human rights and that in order to do so they are required to exercise human rights due diligence. Human rights due diligence refers to the processes that all business enterprises should undertake to identify, prevent, mitigate and account for how they address potential and actual impacts on human rights caused by or contributed to through their own activities, or directly linked to their operations, products or services by their business relationships". In addition, this involves (b) Integrating findings from impact assessments across relevant company processes and taking appropriate action according to its involvement in the impact; (c) Tracking the effectiveness of measures and processes to address adverse human rights impacts in order to know if they are working; (d) Communicating on how impacts are being addressed and showing stakeholders – in particular affected stakeholders – that there are adequate policies and processes in place.

We would also like to bring to your attention the report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment A/80/187 presented before the General Assembly, which states that preventive and mitigation measures identified through assessments must be integrated into corporate decision-making, risk management systems and public reporting. In this regard, companies are required to establish and maintain grievance mechanisms and provide adequate redress for human rights violations that they have caused or contributed to.

Finally, the Special Rapporteur on human rights and climate change recommended in a report entitled "The human rights imperative to defossilize our economies" (A/HRC/59/42) that fossil fuel companies should: (a) Urgently develop plans to close down existing operations by 2030, in consultation with the public and their workers, based on participatory assessments of human rights impacts across the value chain; (b) Pay for independent experts who support consultations and joint assessments with workers and the public on the phaseout; (c) Pay for the retraining and reskilling of workers through programmes determined by workers themselves; (d) Cover the full cost of the closure and clean-up of industrial complexes to avoid toxic legacies in terrestrial, freshwater and marine ecosystems, including financial compensation for victims commensurate with the gravity of the human rights abuses, through the effective and meaningful participation of victims in defining remedies based on self-identified needs and priorities, as well as in implementing and monitoring remediation measures; (e) Abstain from offloading closure liabilities by way of divestment; (f) Fully disclose profits made and taxes paid across jurisdictions, including by subsidiaries; (g) Abstain from influencing national and international climate, environmental and human rights policymaking."