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**FOURTH 4TH SESSION OF THE FORUM ON EMRIP
INDIGENOUS PEOPLES AND THE RIGHTS TO PARTICIPATION IN DECISION MAKING
11 and 15 JULY 2011.**

STATEMENT ON BEHALF OF THE SAMBURU WOMEN - KENYA

Thank you madam chair, for this opportunity, I speak on behalf of *Samburu Women for Education & Environment Development Organization (SWEDO)* from Kenya.

The Samburu are nomadic pastoralists, community recognized as indigenous and marginalized group in the new Kenya constitution and also in the last 2009 national population census. They rely on livestock production as their economic mainstay; livestock like camels, goats, cattle and donkeys, which they openly graze on their communal land. Their movement migration depends on weather patterns which currently are hard to predict due to the effects of global warming. They have been displaced by inter-tribal conflicts, drought, government operations- disarmaments and lack of government concerns towards the Samburu community and this puts the community at high risk of facing extinction.

The UN instrument recognizes indigenous women people's rights. In places like Kenya; minorities like Samburu women saw themselves given a raw deal: they **lost** the rape case against the British Army which took place in Kenya, this still remains historical injustices on ancestral land including inaccessible justice, education and policies directed to our people are mainly top-down and discriminatory. Recognizing is not sufficient but the enforcement and ratification of the declaration so that governments have a platform for them.

There have been a number of International instruments which includes CEDAW, UNDRIP, ILO PRO169 that have been put forward to rectify the marginalization of the indigenous women. The Kenya New Constitution 2010 has provisions of affirmative action's including the gender dimensions and elaborate bill of rights. It has provision and devolution that will ensure that indigenous people and the management of community land and natural resources and recognition of community based land rights. We request the forum to put a mechanism where all the state parties with indigenous people should ratify these instruments.

Leadership is a thing to reckon, women cannot assume leadership position because of the inscribed status. The legal structure, The Kenya 2010 Constitution reinforced women representation in all spheres but traditional legal systems might make it hard to change the status quo easily. There are various efforts in various reforms processes such as Truth, Justice and Reconciliation commission, reforms in the judiciary, land reforms, and electoral reforms, among others. This has been the biggest gift for minorities and indigenous peoples in Kenya but it remains to see how much this power will be given out during implementation and execution of new constitution.

The discrimination has locked out the pastoral women from ownership of land, participate in development, and get involved in the leadership structures of the community and decision making. Though they are a minority they deserve recognition based on the human rights principle that "All human beings are equal and have dignity". In addressing this silent form of discrimination based on descent and occupation, the pastoral women will find recognition both by the government and the community that they are a special group that has been marginalized and excluded from key decision making in the society.

The international human rights instruments have addressed the problem of discrimination noting specific articles in every convention. States have been urged to address the same by being signatories to the conventions and to come up with special measures and recently the problem of discrimination affecting the indigenous and tribal peoples.

For the indigenous women to enjoy the freedom the constitution gives them, they need to be in complete control of their destiny. We welcome the study on Item: 4 indigenous peoples rights to participate in decision making and we recommend the indigenous peoples should be consistently given high priority to equal access to quality education and their economic participation and respectively welcome item : 5 on UNDRIP to disseminated and translated into indigenous language in Kenya.

Finally, we would request that all state parties should listen to voices of the indigenous peoples and give a priority to matters affecting indigenous peoples in their countries irrespective of their numbers, sex, social, economic, and political status among others.
So let us give hope to minorities like Samburu women.

Thank you all for your kind attention

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