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Thank you, Madam Daez. Congratulations on your election as chair of this year's working group, and thank you for your many years of service on behalf of Indigenous populations.

For indigenous peoples all over the world, western models of development have meant pain and anguish. We have been oppressed and marginalized, and our cultures and territories have been devastated and oppressed by multi-national corporations and governments. Today, this destruction of our cultures and lands continues, due to so-called development projects such as mining, logging, oil exploration, privatization of our territories, and tourism.

The benefits, if there are any, of so-called globalization have not transferred tangible and realistic benefits to the indigenous peoples of Africa and other parts of the world. The impact of neo-liberal economic policies has been very negative. Indigenous communities are never consulted when their territories are invaded in the name of carrying development to the grassroots, and we have no meaningful participation in the development, implementation, or evaluation of development projects which affect us. The end result, needless to say, is displacement of whole communities, destruction of our environments, our traditional economies, lifestyles, and other practices which have sustained us since time immemorial.

We, indigenous peoples, have been denied the opportunity to take part in crucial decisions regarding their development programs that affect us. The process of development must be of free choice, not intimidation, threats, manipulation, violence, or torture. It must allow and encourage freedom of actions and decisions, and take into account our collective rights, and our cultural and social circumstances. We, indigenous peoples, need self-determination more than development propaganda. Therefore, we call on the World Bank and other international financial institutions to recognize our collective rights, to develop strong policies, and set up mechanisms to ensure that these rights are respected.

## Proposal for the Inclusion of the Rights of Indigenous Peoples and Communities in the Kenyan Constitution

The Maasai, like Indigenous Peoples around the world, have been organizing to struggle for their rights, lands, and cultures.

During the process of decolonisation, Kenya's founding fathers saw no reason to place the rights of Indigenous Peoples on the Constitutional Agenda. Indeed, Indigenous Peoples were totally excluded from the process of forming the constitution. We must ensure that the constitutional reform agenda recognizes the active involvement of Indigenous Peoples in the reform process.

The failure of current Kenyan policy regarding Indigenous Peoples to meet contemporary international standards begins with our most fundamental document- the Kenyan Constitution. The constitution itself is an inadequate basis for contemporary policy making.

We propose the addition, in Article 1, of the first part of the Kenyan Constitution, the following sentence: "The Kenyan Society is multi-ethnic, multi-lingual, and multi-cultural."

This notion should be complimented with the inclusion of a new article on Indigenous rights, based on the text of the Draft Declaration of the United Nations on the Rights of Indigenous Peoples, and in Articles 11 and 13 of Convention 107 of the International Labor Organization. We suggest the title of this new article to be: "Of Indigenous Peoples and Communities and Cultures"

We propose the following wording:

A) Indigenous Peoples and Communities have the right to full and effective enjoyment of all human rights and fundamental liberties that are recognized in international law and in this constitution. Therefore, indigenous persons and peoples are free and equal to all other persons and peoples, and have the right not to be subjected to any subversive discrimination based on their origin or indigenous identity.

B) Indigenous Peoples have the right to conserve and strengthen their political, economic, social, and cultural institutions, including their legal systems. In particular, Indigenous Peoples have the right to collective ownership of the lands traditionally occupied by them. National legislation must recognize the modes of transmitting property rights that have been established in indigenous customs.

C) The histories, value systems, and social, economic, political, cultural, and religious aspirations of Indigenous Peoples must be recognized and respected.

Congress should adopt laws concerning Indigenous Peoples and communities that reside within national territory, that are elaborated with their full and effective participation, that have the objective of promoting and protecting their civil, political, economic, religious, and territorial rights.