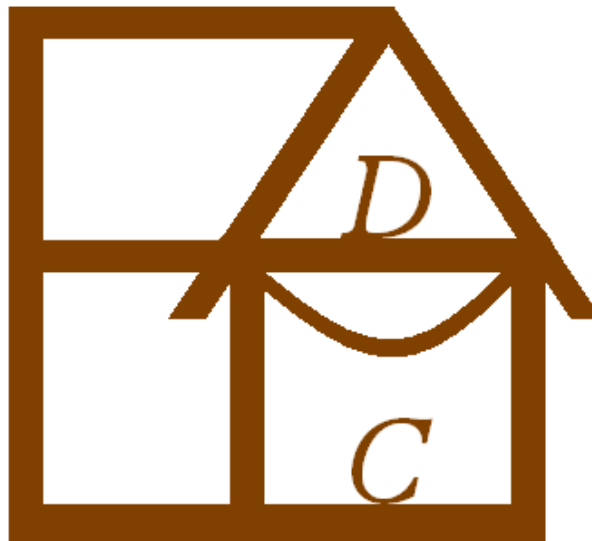


**MANUAL ON GENDER AND COMMUNITY
DEVELOPMENT: THE ROLE OF ENDOROIS WOMEN IN
SAFEGUARDING COMMUNITY'S RIGHTS**



ENDOROIS WELFARE COUNCIL

P.O BOX 921-20100 NAKURU

TEL: +25472154964

Email -ewcbogoria@hotmail.com

Table of Contents

Abstract	3
ACKNOWLEDGEMENT.....	4
1.0 INTRODUCTION	5
1.1 Profile of the Endorois community.....	5
1.2 Endorois quest for justice through judicial systems.....	6
1.3 Impacts of legal and institutional reforms on the Endorois Case.....	8
1.4 Endorois Welfare Council (EWC) and its role in securing community’s rights.....	11
1.4.1 EWC’s mandate.....	11
1.5 Local and international advocacy initiatives employed by EWC the towards securing the implementation of the Endorois decision	12
2.0 ROLES OF ENDOROIS WOMEN IN SAFEGUARDING COMMUNITY’S RIGHTS.....	15
3.0 CHALLENGES AND OPPORTUNITIES OF ENDOROIS WOMEN IN SAFE GUARDING COMMUNITY’S RIGHTS.....	19
3.1 Challenges Facing Endorois Women And Girls In Safeguarding Community Rights.....	19
3.1.1 Dire lack of reproductive healthcare for women.	19
3.1.2 Inadequate Education for the Girl child	20
3.1.3 Poverty.....	22
3.1.4 Difficulties In Accessing Basic Needs.....	22
3.1.5 Gender and ethnic Disparity	23
3.1.6 Security and Violence	23
4.0 CONCLUSION	26
REFERENCES	27
Appendix 1.....	28

Abstract

This manual gives an account of the journey of and issues that have affected the indigenous and minority Endorois community in the post independent period in Kenya's history. The manual has also attempted to bring to the fore the important role that the Endorois women have played and are continuing to play in their quest for recognition of land rights and social justice. The manual has pointed out the important role played by the leadership of this community including the council of elders and the EWC. The Endorois women have a greater responsibility in ensuring that the community is not only recognized but also benefits from its natural resources given their strategic social-cultural position in the society.

ACKNOWLEDGEMENT

This manual has been developed by EWC Council with technical and financial support from ECSR-Net and is based on information collected from previous EWC work including: Publications, Reports, Field Experiences and Engagements with the EWC Partners and Stakeholders. The manual is intended to support capacity building initiatives by the Endorois women forum including field-based trainings and information dissemination. It aims at empowering Endorois women to meaningfully participate in securing their rights including the implementation of the 2010 unprecedented ruling by the African Commission on Human and Peoples' Rights (ACHPR).

1.0 INTRODUCTION

1.1 Profile of the Endorois community

The Endorois are an agro-pastoralist community with a population of approximately 60,000 members who have lived for centuries in the Rift Valley province. They speak Kalenjin and were originally grouped under one of the five Tugen clans within the larger Kalenjin group, which in turn has over 20 sub-clans historically; the Endorois lived around Lake Bogoria, one of the larger lakes in the Rift Valley region.

The Endorois have great respect for their ancestral land, to which they assert their right as a collective, meaning that the land belongs to the community and not to the individual. The area surrounding Lake Bogoria is fertile, providing green pasture and medicinal salt licks, which help raise healthy cattle. Prior to their displacement, the Endorois depended on livestock such as cattle, goats and sheep. They also practiced bee-keeping activities. They spent rainy seasons in the lowlands near Lake Bogoria and migrated to the Mochongoi Forest during the dry seasons.

In addition to securing their livelihood, the land is also considered to be sacred and inextricably linked to the cultural identity of the community (Bergström, 2010). Thus, two important blessing rituals are performed at the lake. The eastern side of the lake is used as a point of healing, while the western is a place of blessing. Additionally, the Endorois' ancestors are buried around the lake, and the community visits their graves for children's naming ceremonies and other rituals related to their ancestors. This spiritual connection with ancestors is important for the well-being of the community (Bergström, 2010). The Endorois' historical prayer sites, places for circumcision rituals, and other cultural ceremonies are situated around Lake Bogoria. These sites were used on a weekly or monthly basis for smaller local ceremonies, and on an annual basis for cultural festivities involving Endorois from the whole region. The Endorois believe that the spirits of all Endorois, no matter where they are buried, live on in the Lake. The Endorois also

consider the neighboring Mochongoi forest to be the birthplace of the Endorois and the settlement of the first Endorois community. Aside from a confrontation with the Maasai over the Lake Bogoria region approximately three hundred years ago, the Endorois have been accepted by neighboring tribes as legitimate owners of the land.

The Endorois continued to occupy and enjoy undisturbed use of the land under the British colonial administration, although the British claimed title to the land in the name of the British Crown. When Kenya gained independence in 1963, the British Crown's claim to Endorois land was passed on to the County Councils. The County Councils held this land in trust, on behalf of the Endorois community, who remained on the land and continued to hold, use, and enjoy it (MRG, 2009). However, in 1973, the Lake Bogoria area was gazette by the Government of Kenya (GoK) as a game park, and within a couple of years the establishment of the Lake Bogoria Game Reserve was carried through. Thus, the Endorois community was evicted from their hitherto ancestral land and scattered over three districts (as they were): Baringo, Koibatek and Laikipia (Bergström, 2010).

1.2 Endorois quest for justice through judicial systems

The Endorois community first launched their campaign in Kenya's domestic courts, challenging the manner in which the Baringo and Koibatek county councils (as they were) allocated revenue collected from the park—which left the community out of the profit structure and, consequently, poor and destitute—the legality of their eviction from the park; continuous denial of access to grazing land, cultural and religious sites. The foregoing violated their constitutional and statutory rights.

The claim was pursued through different strategies including political mobilization and filing of cases in local courts by and on behalf of the Endorois Welfare Council (EWC), but no lasting solution acceptable to the community was been forthcoming (Ochieng Odhiambo, 2012). In 1998 a long process was begun, which ultimately led to a judgment

in 2002 by the High Court of Kenya dismissing the Endorois' case on technical grounds, stating that all necessary provisions of law had been adhered to when the disputed land was set aside for the use as a game reserve. Furthermore, the judgment was critical to the identity of those persons bringing the claim, stating that "in any case, there is no proper identity of the people who were affected by the setting aside of the land to form the game reserve" (Morel & Singoei, 2004). After exhausting all local remedies, the Endorois took further action with the help of the Centre for Minority Rights Development (CEMIRIDE) and Minority Rights Group (MRG) International by lodging a claim at the African Commission on Human and Peoples' Rights (ACHPR).

The communication by the Endorois community to the African Commission took six years to process, much of the delay arising from the inept manner in which the GoK handled the matter before the Commission. Ultimately, at its 46th Ordinary Session in Banjul, Gambia in November 2009, the African Commission delivered its decision, which became official upon being adopted by the African Union (AU) Summit in February 2010. It agreed with the Complainants and found that the GoK was in violation of Articles 1, 8, 14, 17, 21 and 22 of the African Charter. It went on to make far reaching recommendations for remedies to the Endorois community. The Endorois community went ahead and organized for celebration in Loboï after the favorable decision by the ACHPR in February 2012 where representatives from government and international human rights organizations attended among other guests.

THE AFRICAN COMMISSION RECOMMENDATIONS

The recommendations of the ruling to the Government of Kenya included;

- Recognizing the rights of ownership to the Endorois and Restitute Endorois ancestral land.
- Ensuring that the Endorois community had unrestricted access to L. Bogoria and surrounding sites for religious and cultural rites and for grazing their cattle.
- Payment of adequate compensation to the community for all the losses suffered.
- Payment of royalties to the Endorois from existing economic activities and ensure that they benefit from employment possibilities within the reserve.
- Grant registration for the Endorois Welfare Council.
- Engage in dialogue with the complainants for the effective implementation of these recommendations.
- Report on the implementation of these recommendations within three months from the date of notification.

1.3 Impacts of legal and institutional reforms on the Endorois Case

Prior to the promulgation of the Constitution of Kenya (2010), trust land (now community land) was vested in a body, to wit, County Councils (now County Governments), subject to the beneficial ownership of communities 'ordinarily' resident in the land. Thus, the rules that govern eminent domain (when the Kenyan state desires to acquire trust land for a specific purpose) are severely skewed against the interests of communities. The disadvantages flowing from the weak legal protection of a community's interest under the trust lands become evident in the case of the Endorois.

Beginning in 1973, the government designated the most important parts of Endorois land as a game reserve. This decision was not preceded by prior informed consultation “in good faith and through the representative institutions” of the community in line with international standards. Indeed, it is unclear whether the process was fully compliant with even the minimalist requirements of section 7 of the Trust Lands Act. All that happened was unilateral promises made by the state ostensibly to ameliorate the resulting vulnerabilities arising from the community’s impending displacement (Henrard et al., 2013).

Unfettered access to L. Bogoria, construction of cattle dips, building of schools, and most importantly relocation to land of equal value constituted the most significant—however unfulfilled—promises made by state officials to the community leadership. The removal of the community from L. Bogoria procured in this context of unequal bargaining power and coercion was neither consensual nor based on informed appreciation of the scope of the state’s intrusion on the community livelihood. The weak legal protection of the Endorois community after the annexation has led to at least two effects: corporate privatization of these lands and exploitation of natural resources appurtenant thereto without much challenge by the community. Several powerful state and non-state interests are involved in L. Bogoria Game Reserve including: Kenya Wildlife Service (KWS), Geothermal Development Corporation (GDC), private hoteliers, universities and mining companies have various ongoing projects.

These developments are defined as beneficial to the ‘nation’ but have a disproportionate negative impact on the local community both in terms of environmental destruction and threats to livelihood security.

KWS coordinates the wildlife protection and tourism industry which earns the country in excess of USD 1 billion annually (Brand Kenya, 2014). At present, about 25 million KES comes from tourism revenue at the park each year of which 2500 goes to the

community but rotates around the 16 locations i.e. community members at each location only get a share once every 16 years. In 2001, Corby Ltd., a Kenyan firm with political links to the ruling elite, was licensed to mine rubies close to Wasseges River which feeds into L. Bogoria. The local community had no involvement in the project and their reports on the serious environmental ramifications to National Environment Authority (NEMA) in 2004 were ignored. Further, the mining activities involved heavy excavation and movement of soil and rock as well as heavy extraction of water from the river. It is reported that drinking water from the river results in sickness, vomiting and diarrhea.

In another significant development, a biotechnology firm, Genecore International, sold an enzyme it had extracted from L. Bogoria—a special type called an “extremophile”—to Procter & Gamble, its business partner, which ultimately used it to develop an extremely successful line of “Tide bleach” that is used to stone-wash denim. While Genecore adamantly defended its “biodiversity expeditions”, no informed consent either from the indigenous Endorois or the Kenyan state preceded the research. In 2004, the Kenya Wildlife Society in conjunction with the International Centre for Insect Physiology and Ecology (ICIPE) announced their intention to bring an international law suit against Genecore for its violations of intellectual property rights. However, the community’s role in the foregoing was never defined, and to date, the community has not been informed about any action taken by the state.

In its quest to diversify energy sources to drive Kenya’s sources to propel the country to a mid-income economy by 2030, Geothermal Development Corporation (GDC)—whose portfolio was previously handled by Kenya Electricity Generation Company (KenGen)—has identified L. Bogoria as an important site for geothermal energy production. The Endorois community does not expect to benefit from the project, because the experience of communities around L. Naivasha is similar: there, geothermal energy has been produced for close to 20 years without any benefits going to indigenous and local

communities. Environmentalists have further warned that excessive release of sulphur oxide associated with geothermal energy generation will result in acid rains that will further destroy the fragile Lake Bogoria ecosystem and the community's livestock-based livelihoods will be further jeopardized.

Lake Bogoria being the centre of the community's religious and traditional practices, the Endorois are therefore committed to the effective protection of the site. While the Commission decision provides an opportunity to do so, the aforementioned legal and institutional factors and developments, especially the current interests of powerful actors in the land, clearly complicates implementation of the Commission's recommendations.

1.4 Endorois Welfare Council (EWC) and its role in securing community's rights

The Endorois Welfare Council (EWC) is a registered civil society organization that was founded in 1995 by elders from the Endorois community in response to the gross violation of their rights. It has its head office in Nakuru Town - Nakuru County and field office at Lobo cultural centre in Baringo County. The EWC's full council of members (elected community representatives) oversees the overall functions of the organization and ensures that it meets its short, medium and long term goals. Implementation of the daily programme activities is carried out by members of the secretariat.

1.4.1 EWC's mandate

After a successful litigation process at the African Commission on Human Peoples' Rights (ACHPR), EWC refocused its mandate around three major areas:

- (1) Advocating for social justice, good governance, and protection of human rights, natural resources, and cultural diversity
- (2) Overseeing the implementation of the ruling the Endorois case at the African Commission on Human and Peoples' Rights (ACHPR);

(3) Building the capacity of the communities for sustainable development.

Through EWC's advocacy initiatives, the Endorois community has gained more recognition from Kenyan government as major stakeholder in ownership and use of resources around Lake Bogoria. This was recently witnessed when Kenya wildlife service invited the community to participate as key partners in the review of the Lake Bogoria management plan and signing prior and informed consent on utilization of soda lakes biological resources and the inclusion of EWC in the Lake Bogoria revenue sharing committee.

1.5 Local and international advocacy initiatives employed by EWC the towards securing the implementation of the Endorois decision

Seven years after the ruling and despite considerable efforts by the community to advance its implementation, the Government of Kenya has yet to take any significant steps to comply with the recommendations. Instead the Government of Kenya has taken a number of steps that have continued and intensified the violation of the Endorois' rights and contravene the Commission's decision. One such step was the nomination of Lake Bogoria as a World Heritage site without consultation or consent from the rightful owners of the site—the Endorois. Therefore, the designation is inconsistent with international human rights law, which requires that indigenous people's free, prior and informed consent is obtained before measures that may affect them are adopted or implemented. Of the seven recommendations of the Commission, only one has been implemented which is the registration of the Endorois Welfare Council (EWC). As a result of the failure of the Government of Kenya to implement the substantive provisions of the decision, the Endorois are currently able to participate within the management and decision-making processes regarding the Lake Bogoria area, but only on issues of revenue sharing.

Since the adoption of the decision, EWC and its partners have sought opportunity to engage with the Kenyan government with a view to establishing a common framework for negotiated implementation. Internally, the EWC has formed several committees within the community to develop necessary 'negotiation tools' as part of its preparation for the negotiation process.

The following committees were formed;

- The Lake Bogoria management committee
- The compensation committee
- The Boundary committee

The EWC also formed forums that would give Endorois community members more opportunities to engage in the negotiation process. This included;

- The Endorois Women forum
- The youth forum and
- The religious leader's forum.

As a consequence of efforts by EWC and partners, the government of Kenya went ahead to establish a task force in the August 2014 headed by the solicitor general with mandate of advising the government on how to implement the Endorois decision. However, the Taskforce never executed its mandate largely within its time limit of one year due to lack of timely and adequate funding by the government.

Currently the EWC together with the working committees have so far developed the following tools for negotiations.

- Draft Endorois boundary map
- Lake Bogoria management plan (Consultation with KWS, County government of Baringo and stakeholders is on-going for the review of the existing management plan.)
- Draft report on immaterial losses.

The EWC has also made several presentations at the international forums including the UN and ACHPR sessions to advocate for the implementation of the ACHPR decision.

2.0 ROLES OF ENDOROIS WOMEN IN SAFEGUARDING COMMUNITY'S RIGHTS

Women from minority and indigenous communities in Kenya find themselves caught in the most vulnerable situation due to their ethnic identity as well as gender putting them at particular risk. There is a sense of frustration for many women from these communities at the traditional gender roles that place much of the responsibility for meeting the family's basic needs on them. Like other women, minority and indigenous women in Kenya also face discrimination on the basis of cultural practices within their own community. The issue that impedes women's equality in Kenya is the fact that until the passage of the 2010 Constitution, many women did not benefit from formal legal protection related to marital relations and family life. Despite constituting half of the population, women only hold title to less than 5 per cent of land in Kenya, (Jennipher Kere, the Executive Director of Women in the Fishing Industry Programme), because they generally do not own assets such as land. Therefore, women's economic empowerment through access to credit and other services is substantially undermined.

Endorois women have however shown strength and determination on issues of community development and in advancing their community's rights, including in relation to the implementation of the African Commission decision and beyond.

- i. Unprecedented ruling by the African Commission and women's participation in implementation efforts

Endorois women have started to more actively engage in efforts to advocate for the implementation of the ruling. Following traditional rules and customs, the Endorois struggle for land had been mainly led by men. However, with the support of ESCR-Net members, over the course of the last few years, Endorois women have increasingly participated in efforts to advocate for the implementation of the ruling as

well as in the EWC governance structure. In 2016, EWC, with the support of ESCR-Net, organized its first women's workshop, bringing to Nakuru (Kenya) 25 women from the 16 locations where the Endorois live today.

The women's workshop held in Nakuru was the first of its kind within the Endorois community and covered three themes:

(1) The main challenges that have prevented women from participating in advocacy aimed at ensuring implementation of the ACHPR ruling and how to overcome these challenges

(2) Women's participation in the EWC governance structure (3) Women's economic independence, as a prerequisite to political and other forms of participation and leadership.

The workshop also created a space where Endorois women initiated a dialogue with key EWC male leaders and Endorois elders, proposing concrete ideas about the participation of women in the political sphere of the community.

ii. Towards shared leadership

During the workshop, Endorois women requested key EWC male leaders to ensure that each of the main EWC committees include at least five women paralleling the principle set by the Kenyan constitution for governmental bodies. They also pressed for the inclusion of women as co-chairs of the following committees: compensation, benefit sharing, management and boundaries, and future governance structures, such as a potential community land management committee, that might have to be created in accordance with the Community Land Bill, Endorois women also identified priorities regarding compensation, recommending a focus on collective, forward looking compensation, which would focus on education, home care for the elderly, improvement of roads to ensure access to schools and hospitals, access to water,

improvement of security and dialogue with members of the county governments where the Endorois are located (Baringo, Laikipia and Nakuru county governments).

The inclusion of women in efforts towards the implementation of the ACHPR ruling and in the community political structure is supported by several factors. To begin with, women and children suffered deeply as a result of the displacement. They lost loved ones, as well as access to religious sites, grazing lands, water sources, community bonding activities and education. However, their names have not been registered as potential beneficiaries of land restitution and compensation independently from those of their husbands and fathers. Widows, single mothers (including girls) and divorced women might face even higher hurdles to access resources. The inclusion of women is further supported by the human rights principles of equality and meaningful community participation.

Endorois women can strengthen the fight for the land, by adding new perspectives to the strategic approach adopted by the community and by highlighting community needs that reflect their own day-to-day experiences.

iii. Meeting basic community needs

The loss of land affected men, women and children in the community. The Endorois are forced to live under challenging conditions since their pastures are down sized by the creation of the Game Reserve. Women have however taken up the roles of providing for their families through farming activities. Although the area is arid, some crops do well, and this includes water melon, vegetable, maize and passion fruits. Cash crop farming tends to be controlled by men in some families; women provide for their families and are in charge of food crop produce which include hand irrigated vegetables garden and from common pool resources that are obtained free of charge.

This Endorois elder agrees that many women have taken over the role of men as breadwinners, because loss of livestock has reduced the responsibility of men to provide food for family, and water and pasture for the animals.

Moreover, there is also a significant proportion of the Endorois who are engaged in tourist-oriented businesses, for example, they make curios from trees, mats, baskets and beadwork which are sold to tourists visiting the national reserve or to the neighboring communities. A small percentage of the community members are employed in the tourism sector. These include salaried employees who work in the Lake Bogoria tourist hotel, or who are employed by the Kenya Wildlife Service as administrators, tour guides or wardens in the National Reserve. Some provide entertainment at social functions at the game reserve and hotels. It is important to note that women participate more in the tourism sector than men. This is because women have organized groups and, with support from WWF, participated in ecotourism activities, like managing the camp sites, cultural centers and the selling of curios.

A summary of some of key milestones achieved by the Endorois women forum

include:

- Successful elections of the leadership of Endorois Women Forum
- Inclusion of Endorois women in the Lake Bogoria Revenue sharing committee
- Participation of Endorois women in 2015 ACHPR session in Banjul Gambia
- Participation in a capacity building workshop organized by ESCR -Net in August 2016 with representation of women from all the 16 locations.

3.0 CHALLENGES AND OPPORTUNITIES OF ENDOROIS WOMEN IN SAFEGUARDING COMMUNITY'S RIGHTS

The Endorois are a community of more than sixty thousand people who have lived in the Lake Bogoria area for centuries. They have been classified by some as the bona fide owners of the land by their neighbours and surrounding communities. However, as we have seen above, this indigenous community was forcefully evicted from their ancestral land at Lake Bogoria by the Kenyan government in the 1970s.

The Endorois were not only being forced from fertile lands to semi-arid areas but were also divided as a community and displaced from their traditional and ancestral lands, furthermore the Government of Kenya continues to deny the community effective participation in decisions affecting their own land, which is in violation of their right to development. Over time, the eviction caused economic, social and cultural devastation among the Endorois community.

While Endorois women have shown strong leadership in safeguarding their community's rights and advancing community development, they also face significant challenges that impede their ability to develop and function effectively as leaders.

3.1 Challenges Facing Endorois Women And Girls In Safeguarding Community Rights

3.1.1 Dire lack of reproductive healthcare for women.

Endorois women are often in need of safe maternity care, and this is not found in the locations where they have currently settled.

It is not uncommon for a woman, her child or both of them to die during child birth. To understand the contributing factors to the high mortality rate, we'll reflect on their forceful eviction from Lake Bogoria region that caused the Endorois to settle in remote

locations with poor infrastructure, and roads which are barely passable by car. This can only mean that women in labour have no safe means of travelling quickly to hospitals. It is important to also note that, the remote areas hardly have adequate healthcare facilities and proper maternity care units. This leaves the Endorois women with only one option which is to rely on midwives for deliveries. The midwives do not have even the most basic medical supplies such as protective gloves thus posing danger to both the mother and the child. Underlying reproductive health conditions which have gone untreated or unnoted may create high-risk pregnancies and deliveries for many women.

Adequate health care services, which is a fundamental right protected by the Constitution, remain inaccessible for many minority and indigenous communities, because of problems of both physical and financial access. According to the Kenya National Commission on Human Rights, maternal mortality rates reflect clear disparities in access to health services across regions. In its recent report on reproductive and sexual health rights, the Commission stated that material mortality in Northeastern province, home to the majority of Kenya's pastoralist groups, was more than three times the national average. This statistic is borne out in discussions during field visits. Not only pastoralist women, but women from every community reported that access to health services and to maternal health services in particular, was inadequate.

3.1.2 Inadequate Education for the Girl child

Another pressing concern is the lack of access to education for Endorois girls. Education, a constitutionally protected right in Kenya, is a top priority for the Endorois, who are struggling to ensure that their children can attend school. However, this need cannot be adequately met among the young girls. Girls easily drop out of school at a much higher rate than boys, and the reasons for this include dangerous access roads to the schools.

Although female genital mutilation has been banned in Kenya, it still occurs in the community, making it difficult for girls who undergo FGM to continue with their studies.

Similarly, early marriages mean that many girls leave school at a young age and begin having children. The lack of sanitary towels meant that many Endorois girls stop attending school when they begin menstruating.

Intense workload that includes activities such as farming, taking care of livestock, running small businesses, and feeding and caring for numerous children, that must be done on a daily basis so often keeps the girls out of school to help their mothers. Furthermore, pastoralist lifestyle of the Endorois people requires setting up homes and re-establishing routines on a frequent basis, tasks which fall on women and girls to manage, resulting in school drop-outs.

Women from all minority and indigenous communities also described access to education for girls as a paramount problem. Statistics bear out their concern; while Kenya generally has a high literacy rate, almost double the proportion of women (21 per cent) compared to men (12 per cent) are illiterate. The Kenya National Bureau of Statistics released data on school attendance by county (age three years and above), which while imperfect, gives a sense of educational parity concerns in regions where minority communities live.

For minority and indigenous communities, educational success is key to enabling them to capitalize on constitutional gains and to advocate for their own rights. For small communities in particular, interviewees noted that service providers, such as teachers and medical personnel, only rarely come from the communities that they serve. Moreover, while the new Constitution provides for affirmative action for women and marginalized groups and special posts through the devolved government system, some communities expressed concern that because of lack of access to education they do not have any individuals from their communities who can meet the educational requirements to fill the available posts.

3.1.3 Poverty

The government defines the poverty line as income below 1,562 Kenyan Shillings (less than US\$20) per person per month in rural areas. Government data reflects the fact that the highest poverty rates are in regions where minority and indigenous communities have traditionally lived. In 2006, Turkana district had the highest poverty rate at 94 per cent, with nearly half a million people living in poverty.

The poverty rate in Samburu was 73 per cent and in Isiolo, home to Gabra, Somali and other pastoralist communities, it was 71 per cent. West Pokot, home to many Pokot pastoralist communities, had a poverty rate of 69 per cent and Baringo, home to the Il Chamus and Endorois communities, had a rate of 59 per cent. This data is in sharp contrast to poverty rates of 22 per cent in Nairobi and 37 per cent in Mombasa, the country's major cities where the poverty line is placed at less than 2,913 Kenyan Shillings (US\$40).

3.1.4 Difficulties In Accessing Basic Needs

The Kenyan Constitution protects the right to adequate food, sufficient water, housing, and sanitation. Meeting these basic needs is a key concern for many minority women, who have the primary responsibility of providing them for their families. Housing and sanitation, especially for communities who have been displaced, is often inadequate. Many people in Kenya face problems of inadequate housing but many indigenous communities such as the Endorois have had to deal with this challenge for decades.

A good illustration of the above is the displacement that was caused by the 2007-2008 clashes in Kenya. While the government took immediate action to address the plight of people who were displaced by the post-election violence, displaced indigenous groups still languish without any government assistance.

3.1.5 Gender and Ethnic Disparity

The overlap of gender and ethnic discrimination expresses itself differently depending on the history and culture of each particular group, and past interactions with the government and other communities. Pastoralist women such as the Endorois Women, view the unequal educational attainment of pastoralist girls as a problem of government policy that has marginalized pastoralist areas as well as the result of harmful practices perpetuated by their own communities. For minorities and indigenous peoples, transmission of culture can be a critical way of maintaining identity in the face of assimilation and marginalization. But some cultural practices marginalize and discriminate against women and children.

Women from the Endorois community have expressed that women who have not undergone FGM generally are not selected to perform certain important roles, such as hosting and preparing food for meetings of the elders, because they are not considered to be competent to participate in important community matters.

3.1.6 Security and Violence

The pushing of the community out of their indigenous place into less familiar territories where they were divided up also exposed them to cattle rustling attacks, especially from the more superior armed Pokot group. After years of sending fruitless pleas to government for protection from these armed raids, the Endorois elders expressed fear that sections of the community, especially those found west of Mochongoi Forest in Baringo County face the danger of extinction due to impoverishment and deaths caused by cattle rustling and a harsh environment that does not allow for quick regeneration of livestock and people after the raids.

The vulnerability of women and girls to violence during conflict or generalized insecurity is evident. The chief executive of the Consortium for the Empowerment and

Development of Marginalised Communities (CEDMAC), Jarso Mokku, identified insecurity and the resulting health and psychological trauma as the number one issue facing minority and indigenous women in Kenya. Conflict and insecurity negatively affects women and girls not only through direct violence perpetrated against them, but through limitations on their freedom of movement, which results in reduced access to food and water, and interrupts education. This can have a significant negative impact on girls' schooling, when they are unable to travel to their schools because of insecurity.

Quoting a press release dated May 2017 by MRG; "the Minority Rights Group International (MRG) is concerned by the deliberate targeting of indigenous women and children by armed groups in Baringo County, Kenya". Seven indigenous children and two indigenous women were killed in a recent raid incident at a school where they had taken shelter. MRG's contacts within the indigenous Endorois community report that at least two Endorois women have also been badly wounded in attacks. In March 2017, the Kenya National Human Rights Commission estimated that the conflict in Baringo County had led to at least 10,000 displaced.

Despite multiple policy initiatives throughout the years, the Kenyan state has failed to effectively provide security to populations in pastoralist areas. Kenya's Constitution, laws and treaty obligations also outlaw harmful practices and provide specific protection for children and youth. Despite these important legal protections, minority women continue to suffer the consequences of harmful practices, often with little intervention from the state.

Women and girls from pastoralist communities are often the main losers from state discrimination and government failure to provide security in the areas where they live; women also face discriminatory harmful practices from within their own community. In pastoralist communities, identity remains a powerful force for pastoralists, but some

cultural practices are also a source of gender discrimination. Poverty and lack of access to education has exacerbated this double discrimination for pastoralist women.

a) Legal Issues

The Kenyan Constitution in itself has implicitly recognized the challenges discussed above. It has through a number of measures designed policies to remedy the situation, including

- women's rights provisions
- protections for marginalized groups
- affirmative action programmes
- Special funds designed to 'equalise' resources across the nation.

The Constitution mandates that the fund be used 'to provide basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.

There is a need for education and training programs, child care, prevention of early marriages and abuse of girl children, midwife training and supplies, and women's empowerment programs. The Endorois women should be offered more trainings/programs that are specifically meant for women, which will educate them on their rights and discuss the importance of the girl child in Endorois society. Issue of women's land ownership should be addressed in such programs, as within Endorois society, women cannot hold title to land or property such as cattle.

4.0 CONCLUSION

While there is strong leadership from individual women in many of the minority and indigenous communities, the majority of women face ongoing violations of their human rights as women, as indigenous peoples, and as minority group. Trapped in a cycle of poverty that they attribute directly to decades of marginalization, they fear that they and their children will not be able to take advantage of gains in the new Constitution.

Many minority and indigenous women express deep frustration about this negative relationship with the larger Kenyan society, especially the relationship with the government itself. Despite a lack of faith in the government's ability to bring change, communities have nevertheless clearly identified actions that could be taken by the state and other actors to support minority and indigenous women's empowerment.

Through capacity building initiatives such exchange visits, training on land rights and human rights the Endorois women are now taking an active role in implementation of the Endorois case and other development issues. The Endorois women were able carry out elections to elect women their new committee members for The Endorois women forum. The Endorois women have begun showing willingness to participate in elective leadership and other spheres of development. The EWC and its partners should continue facilitating Endorois women to participate in training workshops and exchange visits. The Endorois women forum should be facilitated by EWC and partners to enable it to develop its annual work plan through a consultative process and further to support the initiatives developed in the work plans.

This manual concludes that minorities and indigenous peoples are in dire need of positive action to improve their lot. Their situation has resulted from historical, legal and political factors. For minorities and the socially excluded, political choices remain limited by the same structures that constrain their voice in other situations. However, through

collective action and shared leadership, Endorois women hope to mobilize and organize their community to effectively secure land rights and social justice.

REFERENCES

International Commission of Jurists (Kenya Section), *The Political Economy of Ethnic Clashes in Kenya*, Nairobi, Scan Communications, 2000.

International Commission of Jurists et al, *The Lie of the Land: Addressing the Economic, Social and Cultural Root Causes of Torture and other Forms of Violence in Kenya*, <http://www2.ohchr.org/english/bodies/cescr/docs/infongos/OMCTKenya41.pdf/>

Kenya Human Rights Commission, *Foreigners at Home: The Dilemma of Citizenship in Northern Kenya*, http://www.khrc.or.ke/resources/publications/doc_download/11-foreigners-at-home-the-dilemma-of-citizenship-in-northern-kenya.html

Kenya Human Rights Commission, *The State and Land: Case Studies in Corruption and Mismanagement*, Nairobi, 2000

Minority Rights Group International, *Recognizing Minorities in Africa*, Briefing Paper, London, May 2003.

Mohamed Matovu, Report highlights risks to minority and indigenous women in Kenya 13th December 2012, by Daniel <http://oneworld.org/2012/12/12/report-highlights-risks-to-minority-and-indigenous-women-in-kenya>

Rebecca Marlin, *A closer focus on Endorois women reveals strength and resilience in the face of hardship*, Minority Rights Group International, retrieved 29/1/2018 from <http://minorityrights.org/2015/02/25/a-closer-focus-on-endorois-women-reveals-strength-and-resilience-in-the-face-of-hardship/>

Singoei, K., *The Endorois' Legal Case and its Impact on State and Corporate Conduct in Africa* (Netherlands: Tilburg Law School, 2011)

Appendix 1



Endorois Welfare Council and Kenya National Human Rights Commission meeting in Nakuru



EWC leaders at the KNHRC boardroom in 2016



Field based training for the Endorois women



Endorois women participating in a capacity workshop organized by EWC and ECSR -Net in 2016



A member of the Endorois Women Forum addressing community members during an outreach meeting at Endorois cultural centre in Lobi.



Members of the Endorois Women Forum and EWC elders during an exchange visit to Hell's gate national park and Olkaria Geothermal plant in Naivasha