

Mary Simalo Simat Presentation

Theme:

Obstacles encountered while promoting the rights of the Maasai indigenous peoples of Kenya which obstacles are slowly being overcome.

I must at outset whole-heartily thank DOCIP to have invited and supported me to attend this symposium. DOCIP deserves commendation for keeping records of IP's struggle worldwide. And finally to have invited FIRST DELEGATES of IP's from all regions of the globe to each to express their experiences from the beginning of their worthwhile struggle. DOCIP secretariat stood steadfastly with IP'S from the first step and both have walked together to the moment.

In any struggle it is always the winner who writes the history. Can we say so for the IP's ? How many IP's have worn their struggles to cast aside. Discrimination, exploitation, exclusion and marginalization to win their rights in line with the UN Declaration of the indigenous peoples? To hazard a guess, I guess very few indeed, if any. So who is now writing the history of the IP's struggle? I believe the struggle continues.

There were many impediments or obstacles placed in the path of the Maasai indigenous peoples in Kenya and surprisingly also in the neighboring Tanzania. These obstacles remain to be being overcome, but what are these obstacles?

It is very important that after each of the UNWGIP session resolutions passed would not be implemented in the Maasai IP's area of Kenya. Resources to disseminate the UNWGIP resolutions to the grassroots were one such obstacle. First Delegates had to resort to opportunism to inadequately inform IP's like asking chiefs to include me in the speakers list. This was sometimes allowed or disallowed most of the times.

As a woman in the Maasai community, culture prohibits women to address public meetings unless under very special circumstances when they must hold on to tuft of grass in her hands (to beseech men?) to ask for permission. Here culture was such an obstacle, which restricts women attendance of public meetings whatsoever. I was such a woman who suffered gender discrimination dictated by culture.

Maasai IP's lands are not vast with poor road infrastructure and communication. 2 or 3hrs could cover distance of 30km, since most of Maasai IP's lands were not titled, the governments could not spend on unadjudicated lands since government could not develop a road, which may in the future be allocated to individuals. This was reason why government could not develop road infrastructure and communications. Under the circumstances getting from place to place to deliver the 'gospel' of IP's rights at the grassroots was very challenging. Hired transport was too high at over 1USD per kilometer.

The GOK despite many requests by Human Rights activists refused to identify a department or Ministry to which HR issues could be discussed or questions. Behind

the scenes however the same governments would one in while address. HR when the state was under a barrage for attacks over abuses from within or without. But this was by one designated as, government spokesman to camouflage the real officer or departments or ministry who directed the spokesman to so respond.

For example Maasai Development Association (MDA), the pioneer organization to champion for Maasai IP's rights was politically sabotaged by the state operations that divided, discouraged and closed its bank accounts. In addition the state presumably through advice of the secret police arm then called the special branch arrested and prosecuted key MDA leaders in court over the trumped up charge 'incitement' to cripple the organization. This also happened to one vocal Maasai IP's organization by the name, OSILIGI (means hope). Above are but a few examples the Maasai IP's rights advocates faced.

Along with Maasai IP's rights organizations other HR organizations had spawned. Example includes; Peoples Against Torture (PAT) Independent Medico-Legal Unit (IMLU), Centre for Minority rights and development (CEMIRIDE), the Kenya lands alliance (KLA) and many more, which specialized in political, social and Economic Rights of Kenyans in general.

Maasai women for Education and Economic Development (MAWEED) in which organization I am the executive Director networked with other HR organizations to learn and partner. In a partnership the state could not "see" the head of partnership and networks. I guess I was in the safety of partner's .In the case with the fate of MDA in my mind. MAWEED took advantage of other HR organization to include for the rights of IP's since rights are indivisible, inalienable and universal.

Additionally, we effectively lobbied Maasai political, cultural and opinion leaders to support our mission to advocate for the rights of indigenous peoples. Next we lobbied leaders of other IP'S to support and champion their rights to belong to IP's. This move ate the core of those against the rights IP's like a malignant cancer. The state did not rest nor gave in.

Emboldened now, we took our struggle to the print and electronic media. This move was the most effective. The state though working behind walls was planning to roll back over gains. This came when the civil society clamored for a new constitution (then called reforms). With the new constitution now in place including a whole array of political, social, economic and cultural rights deliberately excluding the word indigenous peoples, the UN Declaration of the rights of indigenous peoples has been ignored. However, Intellectual Property rights compensation or royalties for the use of their cultures and cultural heritage are included. We have hoped nevertheless better that when we started. Soon we hand over the batons to our youth to carry on the struggle until the UN Declaration of the indigenous peoples is fully realized. The peoples can and will now open up and support to remove whatever obstacles remain. Over now to our youth.