

Sengwer Women's Experiences of Evictions

*and their involvement in the struggle
for Sengwer land rights*

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Abstract

This report is based on a month's ethnographic research on Sengwer women's experience of eviction in Embobut forest - Marakwet County. It focuses on gender issues and how women from hunter-gatherer indigenous peoples, i.e. the Sengwer are affected by forced evictions. I argue that women's involvement in the struggle towards recognition and realization of land rights, as well as cultural rights, is vital if it is to be successful. Due to adverse gender inequalities witnessed in the community, this paper aims to identify ways through which Sengwer women can be involved in the struggle against forced evictions. The paper widely discusses Sengwer women's experiences of evictions, the importance of the forest and the glades to the Sengwer, the impact evictions have had on families and the involvement of women in the struggle. It further gives an overview of past and current gender issues in the struggle and examines whether women have been involved or not. In reflecting on the research I suggest that existing institutions be strengthened and given the role of sensitizing the whole community on the importance of involving women in the struggle for the recognition and realization of land rights and cultural rights. Furthermore, women need to be aware of their rights; that way, they will be able to join their male counterparts in the struggle for the good of the whole community.

Key words: women; KFS (Kenya Forest Service); Sengwer; evictions; glades and forest; indigenous peoples.

Introduction

Every year, millions of people around the world are threatened by eviction or forcibly evicted, often left homeless, landless, and living in extreme poverty and destitution. Forced evictions commonly result in severe trauma and further set back the lives of those who are already marginalized or vulnerable in society (UN, 2004).

In Kenya today, many indigenous communities have been evicted by the government for various reasons. In the name of conservation, the Sengwer community, especially those living in Embobut forest, have been evicted many times from their indigenous and ancestral lands by the Kenyan government through the Kenya Forest Service (KFS). The forced evictions have affected the socio-economic, cultural and political life of the Sengwer community.

Mass forced evictions mostly occur due to development projects, racial/ethnic discrimination, urban redevelopment schemes, gentrification and urban beautification, land alienation in both rural and urban areas and in situations of armed conflict and ethnic cleansing, or their aftermath. Here, women are disproportionately affected. Not all forced evictions take place on a mass scale, but even where evictions are small scale, they have a huge impact on women (COHRE, 2010). For the Sengwer community, evictions have been carried out under the pretext of conservation. These eviction-based conservation programs, however, are carried out without the full involvement and consideration of the cultural and land rights of the indigenous community in relation to their ancestral land.

The World Bank-funded Natural Resource Management Project (NRMP), which ran from 2007 to 2013 at Embobut and elsewhere, was implemented by the KFS, a government agency which the World Bank Inspection Panel noted primarily used “a compliance and enforcement approach”. The panel also criticized the project’s design, saying it did not take into account the risks to communities. The Inspection Panel further found that the World Bank was non-compliant with its safeguard policies; its project sustained the conditions for further evictions by failing to adequately identify, address or mitigate the fact that the institution it was funding – KFS – was committed to eviction “before, during and after the conclusion of the NRMP” (World Bank Inspection Panel Report: paragraph 27, Executive Summary). The KFS remains committed to eviction.

In contexts such as this, women have been known to face harassment. For this reason I set out to hear from them, through interviews, about their experience of evictions. I also aimed to get a true representation of their involvement in the struggle against forceful evictions and for recognition as a community. It is vital to understand women’s involvement and their decision-making power on issues that affect them and their children more directly in order to both safeguard them from harm and give a greater voice to their successes.

Forced eviction entails direct and indirect violence before, during and after an eviction. Historically women have been the direct targets of psychological or physical intimidation and harassment before an eviction. Stress and anxiety linked with the threat of eviction or actual eviction particularly affect pregnant women.

According to Roy (2004), indigenous women are often described as the custodians of traditions and cultures. They bear the prime responsibility of ensuring the culture and traditions of their peoples are passed on to future generations, and are the most noticeable expressions of their peoples’ distinct culture. I therefore set out to find out if the Sengwer women were recognized for their efforts in the struggle for their community rights, including the cultural rights to which they were said to be custodians.

Study settings

I conducted anthropological research in Embobut (Tangul) Kapyego and Yatoi in Kapcherop Marakwet County. According to the 2009 census report, the Sengwer population is estimated to be around 33,000. The research activities took place in many locations because members of the Sengwer community had dispersed as a result of evictions. My facilitation and stay in the field was funded by Forest Peoples Programme. Members of the Sengwer community still live in the forest in Embobut despite the evictions, hiding from forest guards. It was not always easy to find people, especially women, to interview. I was told they also hid from foreigners as they believed they would reveal their hide-outs to the government, thus exposing them to arrest and more evictions.

Initially I found there were no significant gender issues in the Sengwer indigenous community's struggle for rights, but the position of women was not clearly defined, thus leading to their minimal contribution to the whole process.

Aim and Methodology

The research was aimed at understanding Sengwer women's experiences of eviction and how it affected their families; examining their involvement in the struggle towards the realization of their rights as well as finding out the challenges they faced in the struggle; understanding what women expected from the struggle; and finally getting their preferential view between a community land title versus individual land title.

The research involved two anthropological methods to collect the data for this report. One was in-depth interviews with my research participants on the research objectives. This included listening to narratives from the women I met. The second method was conducting focused group discussions which were moderated by my research assistant. This applied to occasions where I met a group of women and/or community leaders.

Findings

Sengwer women's experience of evictions and the impact on Sengwer families.

Many Sengwer women have been affected directly by forceful evictions that have been carried out in the community for years. Evictions have exposed Sengwer women in Embobut to vulnerability, including psychological torture, physical abuse, assault and extreme poverty due to destruction of homes and shelters, which in Sengwer culture are the spaces traditionally occupied by women and children. During my research I managed to talk to about 30 women who spoke about the problems these evictions had caused.

During evictions, verbal abuse and physical violence, including sexual violence, took place. The women who experienced these violations were not aware of the legal rights or mechanisms they could take in response to the violence. Most women (similar to most community members) were not aware of their legal rights against forceful evictions and violence associated with, and resulting from, these evictions.

I met Sharon (not her real name), a young mother of two, who was probably in her early 20s. Her husband lived and operated in and around the forest. She lived in one of the glades

in Embobut forest, where she took care of their livestock. Sharon had witnessed evictions and had seen people's houses being burnt down. She told me of the day her own house was burnt down, and she was assaulted by a forest scout who was working with the KFS guards carrying out the evictions:

It was around 5am when I heard some noises from outside my hut; I thought the cow had broken its shade to graze. When I came out to find out, a man caught me and warned me not to scream. He covered my mouth and threw me to the ground; I remember being slapped several times and asked if I could go inside to get my belongings. As soon as I had finished, my house was set on fire and I watched it burn to ashes. My utensils and sufurias (cooking pots) were also broken using pangas and completely destroyed. I was arrested and was taken to the KFS camp with my baby on my back and some of my luggage on my head... my husband was not around so I had to call him from a neighbour's phone to inform him of what had just happened.

This was an experience that she said took place on 26 June 2015.

According to an elder I interviewed at Kapkok glade, women were often chased away while men were arrested by the guards during the eviction processes. More recently, though, women had been arrested too. The gender-based tolerance that favored women against arrests had therefore changed. I was able to interview a woman who was arrested on 11 May 2015 at Kapkok glade for being found in the forest without permission. The woman wondered why she was expected to seek permission to be on her own ancestral land.

Women's experiences have changed. They now say officers take advantage of their lesser ability to run and hide whenever they see them coming. Women are therefore arrested and their husbands called on phones to come and pay cash for their release. From this point of view I would argue that women are being used by the officers to source money from the Sengwer community members. This is especially the case given the fact that most women have young children, and the community would not allow them to be away from their children overnight and taken to court the next day. Community members are often forced to give cash in order to secure the release of women.

All women interviewed in the forest and glades reported living in constant fear. They felt the burning of their homes would be inevitable – that it was only a matter of time. Some would not even sit or stand to be interviewed for fear of being caught and arrested.

We will not even be able to sit and tell you all we have as Sengwer women of Embobut; I am here to milk my cows and take the milk for my children who now live with their father and go to school outside the forest and glade. We are never sure when the forest people [KFS guards] will arrive and start destroying the small amounts we have and carry away our tents. But all in all we are not going anywhere, this is our home, our ancestors lie under this soil and we never want to be separated from them.

said Margaret. This is the worry and fear that Sengwer women are subjected to by the forced evictions.

Evictions have made Sengwer women into laborers who work on people's farms in order to provide food for their children. Many live on other people's lands and work as a laborer to sustain their families. Life has become difficult for Sengwer women and their families. Previously, they used to have enough milk from their livestock to sell and consume, but now most children do not drink milk even weekly since their mothers are not settled and are unable to provide as much for them.

We now go for waged labor which does very little to feed our families. Ever since we were evicted from the forest, we have lived in small, cold structures (other people's potato stores) with the children. There has been no life for us since we were moved out of the forest.

The children's education has also been affected by the constant movement. I saw many playing along the river banks on school days. I made an attempt to ask a community member why the children were not going to school and he said:

What have they eaten to sustain them in school? They no longer have milk like they had when we still lived in the forest and the glades. Their school uniforms were burnt during the evictions because as usual they [the KFS] burnt the houses with almost everything inside. Their parents are probably out for kibarua [waged labor] so that these children can eat.

Chebor (her real name), a young woman and mother, is one of the women I spent a lot of time talking with in order to understand her experience of growing up as a Sengwer woman. She said many girls from the community were not able to acquire the formal education that was key to the contemporary world. The reasons she gave towards her own failure to be an elite member of the community were: when they were constantly evicted, her father went away to West Pokot where he had some livestock; her school uniform and those of her sisters were old and got torn; they could no longer go to school; constant moves to escape from the forest guards could force girls out of school more often than boys because they would instead help their mothers take care of the younger children.



Margaret (her real name) is one of the women who has been arrested and arraigned in court for being in the forest without permission from the KFS.



Kopchumba (her real name) tells how evictions have exposed her to being a poor laborer. She cannot access honey and milk to keep her healthy in her later years. She blames it on contemporary leaders for not paying attention to the cries of the Sengwer community.

Evictions therefore affect women and their families from an early age, making it harder for girls to acquire the education that would help them recognize their legal rights, and develop alternative economic ways to provide for their families.

With all these factors and gender roles in place, the Sengwer girl-child becomes vulnerable to early marriage, which has happened to many. With these marriages come many responsibilities that do not give these Sengwer women a chance to champion for the rights of their community. I would therefore argue that evictions not only affect Sengwer women, but also affect Sengwer girls, making them susceptible to harsh experiences and exposing them to situations where they are more vulnerable.

Effects of evictions on Sengwer families.

Evictions have disrupted the family as a social institution. Women are not able to meet their family members because they have moved to different parts of the county to look for lands and alternative homes for their families. The clans and kinship system has been affected by distance, making it hard for people to adhere to the traditional norms that guide marriages and other traditional practices among the Sengwer community. This was clear in an interview with a group of women I met at Yatoi location in Kapcherop. Since they came out of the forest and their family scattered, their children had ended up marrying or having children with close family members. This is forbidden among the Sengwer just as it is forbidden in other communities in Kenya.

Most families have experienced seasonal separation as a result of evictions. Women confess that during evictions men often run away in the fear of being arrested. Some go for long periods of time and so neglect their family roles. This means women are left with the provider role, which proves to be difficult as they have no experience of earning wages or engaging in business. Bringing up children single handedly is also difficult. Some children run away and get lost during the eviction process, and immediate family members take quite a long time to recollect themselves, while extended family members scatter to look for new places to settle. This process of family separation and people going in different directions has led to the loss of many values that guide marriages and other cultural aspects of the Sengwer community like taboos, customs, beliefs and mores.

During an interaction with a group of community leaders and women at Kapkok, it was clear that families had separated. Most men remained in the forest to take care of livestock while women with small kids moved out to live with relatives and rent houses outside the forest.

What women want out of the community land rights struggle.

Most women and community leaders of the Sengwer community of Embobut expect justice on their community land issues. They say they are Kenyans and justice should apply in order for them to be able to use and manage natural resources like other Kenyans. Although women suffer most of the effects resulting from the struggle for justice, they also face a lot of challenges before and during the process.

While most community members want justice and the return of the ancestral land back to the community, women living outside the forest, like those I met in Maron location and Yatoi-Kapcherop, have little hope. Some women would be frank and ask me if I thought they would really get their ancestral land back. They would ask:



These young women shared their experiences of how their education was affected by evictions.

They said education would have given them the courage to fight for their community rights.

Most of you [meaning me and other researchers] have been here, asking us for a lot of stories and you have heard it all. Now do you think we should hope for the return of our ancestral land? Should we just agree with the government that we have left the forest as we negotiate for only grazing permission? Because these evictions and the loss they have caused us are becoming too much. But we still wonder where they want us to go together with our families, leaving our ancestors behind.

Their loss of hope for the land is mainly because they are not aware of the existing policies on land issues and do not understand why KFS would say that it is KFS land when the community has lived there for so many years. I met Kopyatich and Teriki, women in their 60s who have lived out of the forest for about five years because of evictions. They had been born in Kakmelei – part of the forest – and grew up there, but had lived in Yatoi for some time and were facing a lot of challenges, including extreme poverty and malnutrition from the change in foods and environment. The old women claimed that they and young children born after and during evictions had become vulnerable to malnutrition because they no longer had enough milk and honey that they consumed when they lived in the glades. Kopyatich, who is the oldest, commented:

When was a woman even allowed to cut down a green tree? Why don't they just allow women and their children to go back and live in the glades? Our children are suffering from diseases they never suffered from when we lived in the forest; there are a lot of problems and bad health conditions. We would just like to be allowed to access our herbs, good and fresh air and clean water in the forest for our children and grandchildren. A woman is traditionally harmless to the trees. If they [KFS] claim they want to protect the trees, let the government therefore leave women out of evictions if possible.

The women want their ancestral land back and are willing to manage the resources and the forest in cooperation with the government. They do not expect the government to evict them from the land that has been their home. Women are however calling for a greater role in the decision-making process for community matters. Most of them claim to have been left out of the struggle due to lack of information and improper organization of plans and activities.

Whether they will be among the key people or not, Sengwer women of Embobut still expect something from the leaders and activists who are involved in the struggle. Most women however are said to be uninterested in getting involved in the struggle because of the gender roles and responsibilities that culture has assigned to them.



Kopyatich and Teriki narrating how life, as elderly women, had become so difficult for them after eviction.

Importance of the forest and the glades to the Sengwer community.

- The forest and glades provide grazing fields for the livestock. For as long as they can remember, the Sengwer have depended on the forest for rainfall and vegetation for their livestock. The animals also get clean water from the forest.
- The community has sacred places in the forest where they perform their cultural rites and rituals which help them maintain their cultural heritage. Sengwer women, just like every member of the community, cherish their culture. People's culture is practised and well maintained in a familiar environment. The sacred and respected places most valued by the community are within the forest currently under the KFS and the community is not allowed to access these places. I personally visited a cave in the forest that was used by the community cultural specialists to conduct rituals like cleansing and thanksgiving to God after harvests.
- Traditionally, the Sengwer don't visit hospitals for conventional medicines, but instead use herbs from the forest, making it an important health resource for the community. Generations have been taking herbs from the forest and glades for good health. Women who go extracting and collecting herbs do not cut down a tree for herbs but rather extract the specific part of the tree and leave the tree to continue growing. Some parts of the tree that are used for herbal purposes are leaves, roots and the bark. Small children have specific herbs given to them without going to the modern clinics. It is therefore clear that the forest has been important for the Sengwer community regarding health issues.
- The glades have been the community's dwelling place for years. It brings the community members together and is where they live as a whole Sengwer community. Being together in the glades enhances social cohesion. The Sengwer had started a pre-school in the glade (Kapkok) to enable small children to acquire the basic concepts of formal education. This public utility, which had not been registered in the Ministry of Education, played a vital role in educating children. Women were happy that their children, who would not walk as far as Tangul primary school, could access education close to their home. Unfortunately the school was burnt and destroyed by the KFS during the evictions.
- The glades bring the community together, strengthening their social identity, something which is threatened when the community is scattered. Women fear that the continual interference with their community by the government could result in the loss of its culture and identity. People have dispersed and will eventually get assimilated into the neighbouring communities. Living in the glades as one indigenous peoples would reduce the risk.
- The forest and the glade give the Sengwer a healthy environment with clean water and clean air. Water springs flow from the forest and the swamps on the glades. The community members accessed clean water and other natural resources from their ancestral land, and traditionally practised beekeeping where they harvested honey for food and medicinal purposes. These natural products from the forest bring health to the Sengwer community and this is one reason why this community and the forest are attached to each other.
- Forests provide wild fruits and honey. The elderly women I met at Yatoi would describe how they missed their life in the ancestral land. Being away from the only home they had known had exposed them to poor health as a result of a poor diet.

Women's involvement in the indigenous Sengwer rights struggle.

Sengwer women's involvement in the struggle for rights has not been given much weight because the culture and traditions of the community view men as more vocal and powerful in representing the community needs and grievances. Recently, however, women have been given some chances to represent the needs of the community because of the gender equity requirement enshrined in the Kenyan government gender policy. A community leader told me that traditionally it was taboo for women to stand before men and share ideas. Although this taboo is losing prominence, the norm seems to affect women's representation since they have conformed to – and are contented with – cultural expectation. Nevertheless, in this community a woman can represent the community well and at different levels according to her levels of education and the mandate given by the government. An example was the assistant chief of Maron, who was able to hold a leadership position and play the administrative role of organizing public forums where community members met and discussed different issues, including the struggle, in a safe space.

In terms of the direct involvement of women in the struggle for the recognition of their rights, women here often represent community needs at the community level. A very small percentage of them are involved in representing the community at a national level. This small representation is associated with the many gender challenges women have to overcome in order to have a public role. The challenges also include cultural and traditional ones, and socio-economic and political factors, which are further discussed below.

Continuous forceful evictions have not given much time for Sengwer women to be together and join hands in representing the rights of the community. They spend most of their time recollecting their families and looking for new shelters for their children. The continual evictions that have taken place since 2007, with the exclusion of 2012, have affected the unity of women and community members at large. I managed to ask Kiptuga, one of the well-known community elders, why women were not involved in the struggle. He is one of the men I had met often, and had been working with to push for the rights of the community; his experience would therefore be relevant.

He said:

“Any woman has her family at heart. She minds so much about her children and she will not be able to set out for this kind of struggles when her children do not have a comfortable place to stay, enough food to eat, and peace of mind. With all these evictions taking place, women do not see why they should attend meetings and travel far from their children; they do not even have that comfort of leaving their homes especially if they have young children. Their clothes are burnt every other time the KFS come to evict. Where do they get proper clothing to put on when there is need for a national representation? It creates shame for many of them not to have good clothes, given these forums are held away from their native places.”



This is a group of community elders who gathered at Kapyego to discuss critical issues about the community. It is evident that no women were involved, apart from me.

Challenges faced by a woman which affect/hinder her involvement.

Ignorance: women are often unaware of how and when meetings and conferences on community needs are held. This is exacerbated by the fact that the community lives in remote areas and women are often busy with their children. Some said that their husbands did not share information with them, thus minimizing their chances for participation.

Conferences and meetings where community matters are discussed are done far away from the community, making it difficult for women to participate.

Lack of social freedom, often as a result of a male-dominated society, has also become a challenge to women's involvement in the struggle. A woman I met at Ksoyo market told me that the people involved in selecting who should represent the community were all male. Women had minimal chances and opportunities to voice their views. When women were aware of activities, they were all dependent on their husbands allowing them to engage in the activism.

The burden of poverty has pressed down on women's desire to be involved in the struggle. Evictions have exposed women to more poverty than they experienced in the glades in Embobut forest. They have ended up being laborers or farming for wages; these are not easy economic activities for them. The Sengwer are a community who traditionally practised hunting and gathering, and over time have adopted livestock keeping; they mainly depend on honey and animal produce for food. Women today practise small-scale cultivation on small pieces of land that were given to some Sengwer community members as compromised settlements.

Household responsibilities associated with bringing up their children also prevent women from being key participants in the struggle. A woman I met at Yatoi with her child explained to me how difficult it was for her to be an activist. She said she would not leave her child behind to engage with others in fighting for the rights of the community. Being outside the forest has also separated close relatives who could help look after children so other women could attend conferences, court proceedings and other activities.

During a meeting with community leaders at Kapyego market, I was the only female present. I was curious as to why there was no woman among the elders, and I asked why women were left out of the struggle even in moments when they were experiencing evictions and, sometimes, being assaulted. This is what Kibet, one of the strong and vocal participants in the struggle, said:

This is like war. It is a tough struggle that needs men to fight; it requires tough minds and people who can work day and night to push for the needs of the community. Women will not be able to perform this role effectively given they have young ones to take care of, and are worse off by the unexpected evictions and arrests carried out by the KFS guards most of the time. Women are more vulnerable than men to many hardships and that is the reason they are not often involved and do not want to involve themselves in the most activist parts of the struggle.

Many women said that they had not been involved in the negotiations about the compensation for Sengwer families last year. Although the whole community was not involved in proper negotiations, and did not collectively agree to the compensation process, women were most excluded when the beneficiary list was generated. No consideration was made to ensure that women would become beneficiaries given the fact that they bore responsibility for taking care of the children. The compensation issue has exposed Sengwer women to harm. Women, most of whom were not comfortable to be quoted, said that they had been left by their husbands after receiving Ksh. 400,000 from the government. One woman said: “Men ran away to towns and only came back when the money was spent. We women do not have a voice over the use of the money our husbands got from the government. Our names were not there because we were not aware of what was going on.” This was a common concern as many of the direct beneficiaries of the compensation scheme were men, so they had more control over the use of the money.

Way forward

Progress on this issue requires women’s empowerment and the education of women on their rights so that they can understand their role in the struggle. Women need to be enlightened on their constitutional rights so they are able to defend themselves whenever they face problems, and through the right channels. Most of them are not aware of the constitutional rights of indigenous communities and /or of women.

The existing institutions should be strengthened in order to help carry out workshops periodically towards strengthening the capacity of the Sengwer women. The institutions should also restore the quickly eroding culture of the Sengwer by bringing together all the community members from across the three counties (i.e. Westpokot, Trans- Nzoia and Marakwet). There is great need for civic education to be carried out to educate community members on the existing policies that often impact indigenous communities and gender issues.

The whole community should be aware and well informed on the importance of gender equity and gender balance when it comes to representing the community needs and rights. This will reduce chances of conflicts arising between couples and families whenever a woman is involved in the struggle.

Facilitation should be provided where possible to enable women to participate in and represent the needs of the community. If possible, meetings should be held close to their homes so they are able to attend them and give their views.

Most women would like to interact with other Sengwer women and other women from forest dwelling communities from other parts of the Cherangany Hills (like Kapolet and Talau) so that they can exchange ideas and the way forward on women’s representation. They will be able to learn from each group and integrate new ideas into their specific struggles.

Challenges faced during the research

- 1 Tension and constant fear over the KFS guards who would arrest people found within the forest.
- 2 The research area was vast and with bad terrain, it was not easy therefore to access all ridges on the glades because of the long walking distance.
- 3 Most women were very reserved and did not open up to speak, especially the young ones. It was therefore difficult to get information. The name Kimala was given as a nickname to the members of this community in Embobut because of their secretive nature.
- 4 Community members complained of continuous research that is carried out. Most of them now expect that you (the researcher) should provide them with immediate help, specifically money. It was a great challenge to try and explain to them how it was not possible to offer money as a form of immediate help.

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Conclusion

Considering my own experience as a Sengwer lady and having represented the community in different forums, with the latest being the National Colloquium on 3-6 March 2015, together with the findings of this research, I would conclude that women's representation and involvement in the struggle for the rights of the community was insubstantial. Women, especially from the Sengwer community, were not given chances to express their views during the colloquium. The women were shy and avoided situations with a risk of physical conflict. It was therefore hard for them to fight for a chance to speak, just as it was very difficult for me to get that chance. I had to request for the opportunity to give my views, and I was angry and disappointed at how the colloquium regarded the Sengwer woman.

From this research I would say that the evictions affected women and children more than other members of the community. Their lack of involvement in the representation of their community meant they were unable to raise issues and speak of their experiences, and therefore no solutions could be offered. The few women who were involved in the struggle needed to be educated more on rights, policies and gender issues; this is likely to have a positive impact on the Sengwer's struggle for the recognition of their rights.

There is much to be done for the Sengwer girl-child in order to provide a lasting solution to the gender inequalities witnessed. There is a need to devise strategies and frameworks that will work towards supporting girls so they can become strong and courageous women

who will champion the rights of their community. The experiences of a girl will define the woman she becomes. I therefore think supporting their education socially, financially and morally is the way to bring up strong women.

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