

Her Land, Her Voice, Her Power.

Women Leading the
Fight for Land Justice



Investing In Indigenous Women and Girls

SWT's corporate identity and philosophy

Who we are

01. OUR VISION

A just, inclusive, and safe world where Indigenous women and girls live free from harmful cultural practices, violations of rights, discrimination and fear, thriving in strength and pride.

02. OUR MISSION

To advance the rights, leadership, and wellbeing of indigenous women and girls by strengthening governance systems, social movement building, sustainable livelihoods, safeguarding culture, and building resilient communities.

03. OUR GOALS

To empower indigenous women realize their full potential by strengthening their leadership, enhancing their agency to amplify their voices, promoting sustainable livelihoods and climate adaptation to transform communities towards equality and social justice.

04. OUR BELIEF

To promote rights, educating, recognizing and uplifting indigenous' women and girls through collective voices.

Our core values

01. DIGNITY

Honoring every woman's humanity, worth, and voice.

02. SELF-DETERMINATION

Empowering Indigenous women to define their own paths and shape their futures.

03. SOLIDARITY

Standing together in sisterhood, shared purpose, and collective strength.

04. RECIPROCITY

Nurturing mutual care, respect, and balance between people, culture, and nature.

05. COMMUNITY OWNERSHIP

We believe sustainable solutions come from within.

06. EQUITY

Ensuring fairness, inclusion, and equal opportunities for all.

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Preamble

Land is the heartbeat of Indigenous existence. It shapes identity, defines belonging, sustains livelihoods, and holds the collective memory of generations. For the Samburu people, land is not merely a physical space - it is culture, ancestry, spirituality, and the foundation upon which community life is built. To lose it is to lose history. To protect it is to safeguard dignity, survival, and the future.

Yet for decades, Indigenous communities - especially Indigenous women - have been pushed to the margins of land governance. Patriarchal structures, political exclusion, and historical injustices have denied women their rightful place in decisions affecting their territories, resources, and lives. Even though women bear the heaviest burdens when land is threatened - caring for households, securing water, managing pastures, and sustaining families - their voices have too often been silenced.

Across Northern Kenya, however, a powerful movement is rising. From Ol Donyiro to Girgir, Losesia, Umoja, and beyond, Indigenous women are challenging the systems that once excluded them. They are organizing their communities, demanding transparency, confronting land dispossession, and stepping boldly into leadership spaces that were historically out of reach. Their courage is reshaping land governance, protecting ancestral territories, and ensuring that future generations inherit land that is secure and respected.

The story of Ol Donyiro reveals the painful legacy of historical land injustices, failed leadership, and state neglect. But it also reveals something far more powerful - **community resilience**. Where political structures faltered, the people stood firm. Where institutions shut their doors, communities opened theirs.

Through the steadfast support of Samburu Women Trust (SWT), the community documented its history, defended its rights, and continues to pursue justice through constitutional pathways.

Alongside this struggle, the stories of women leaders in Girgir, Losesia, Umoja, and Samburu East demonstrate a transformative truth: **when Indigenous women rise, communities transform**. They bring accountability where there was opacity, unity where there was fear, and justice where there was inequality. They are restoring trust in governance, driving climate resilience, protecting natural resources, and ensuring that land remains a source of life, identity, and hope.

This report is both a testimony and a declaration. A testimony of the struggles faced. A testimony of the victories won. A declaration that Indigenous women will no longer stand at the fringes of land governance.

Their leadership is reshaping history. Their voices are strengthening justice. Their work is building a future rooted in dignity, equity, and ancestral pride.

This is the story of land. The story of women. The story of a people rising to reclaim their place, protect their heritage, and secure their future.

1. Land among indigenous communities in Kenya

Land is the foundation of identity, culture, spirituality, and survival for Indigenous communities in Kenya. For pastoralists, hunter-gatherers, forest peoples, and fishing communities, land is not just a physical space - it is the source of life, knowledge, and continuity. Land determines where one grazes livestock, gathers medicinal plants, accesses water, performs rituals, raises families, and maintains ancestral ties passed down through generations.



Land as a communal heritage

Indigenous communities in Kenya traditionally hold land communally. The land belongs to the community as a whole, not to individuals:

- Decisions on land use were historically made through councils of elders.
- Access to grazing areas, forests, and water points was regulated through customary systems.
- Clan and age-set structures provided rules for land protection, resource sharing, and conflict resolution.

This communal system ensured:

- **Sustainable rangeland use**, following seasonal cycles.
- **Collective responsibility** for forests and water.
- **Strong social cohesion**, as no family could be landless.

Land as identity and spiritual connection

For Indigenous peoples, land carries sacred value:

- It hosts ancestral burial sites and ceremonial grounds.
- Certain mountains, rivers, trees, and forests are regarded as sacred.
- Knowledge of land - migration routes, weather patterns, herbs, and animal behavior - forms a core part of Indigenous knowledge systems.

Losing land means losing identity, history, and cultural continuity.

Land tenure and legal recognition

Kenya's 2010 Constitution made a significant shift by recognizing **community land** as a distinct category equal to public and private land. The **Community Land Act (2016)** operationalized this right, enabling communities to:

- Register their land collectively
- Establish community land management committees
- Protect customary land rights, including those of women
- Determine their own rules for land use and governance

However, implementation remains slow and uneven, especially in remote Indigenous areas.

Historical and contemporary threats

Indigenous lands face long-standing and emerging pressures:

- **Colonial land dispossession**, where large territories were declared “trust land” or alienated for wildlife reserves and ranches.
- **Expansion of conservation areas** without adequate consultation or compensation.
- **Large-scale development projects** (roads, pipelines, minerals, geothermal) often conducted without proper FPIC.
- **Community land unregistered**, making it vulnerable to land grabbing and elite capture.
- **Carbon credit and climate projects** that restrict land use or lock communities into long-term contracts.

These pressures undermine Indigenous tenure security and weaken traditional governance.



Women and land rights

Indigenous women rely heavily on land for:

- Water and firewood collection
- Grazing small livestock
- Farming and food preparation
- Medicinal plant harvesting
- Cultural and spiritual roles

Yet women often face:

- **Limited voice in land governance**
- **Customary barriers to ownership or inheritance**
- **Exclusion from conservancy and land committees**
- **Lack of access to information on land decisions**

Strengthening women's land and tenure rights is central to both gender justice and community resilience.

Land use among indigenous communities

Land is used through traditional systems designed for sustainability:

- **Seasonal grazing (mobility)** helps regenerate rangelands.
- **Sacred groves** protect biodiversity.
- **Collective water management** ensures equitable access.
- **Rotational use of forests** preserves medicinal plants and wildlife.

These practices, refined over centuries, are effective climate adaptation strategies.

Emerging dynamics: conservancies and carbon markets

New conservation and climate-finance models are reshaping land use:

- Community conservancies convert grazing areas into wildlife zones.
- Carbon credit projects monetize land-use restrictions.
- Benefit-sharing decisions are often controlled by a few leaders.
- Women and youth remain underrepresented in governance.

Without strong community governance and inclusive FPIC, these initiatives risk displacing Indigenous systems.

Advocacy priorities for indigenous communities

To protect Indigenous rights, the following are essential:

- **Strengthening community land registration** under the Community Land Act
- **Ensuring FPIC** for all projects affecting land
- **Building the capacity of community land committees**
- **Recognizing women's equal rights to land and leadership**
- **Ensuring fair and transparent benefit sharing** in conservancies and carbon markets
- **Protecting sacred sites and cultural landscapes**

Land is the heartbeat of Indigenous communities in Kenya. It defines who they are, how they live, and what they will pass on to future generations. Protecting land rights is therefore not only a legal obligation but also a cultural, environmental, and moral imperative. Indigenous communities must be at the center of decisions affecting their land - through strong governance, inclusive participation of women and youth, and full respect for their tenure systems and FPIC rights.

Indigenous women's participation in conservation and carbon credit processes

Indigenous women are central to the protection, management, and sustainable use of land, water, forests, and rangelands in Kenya's pastoral and forest-based communities. Their daily responsibilities - herding small livestock, collecting water and firewood, gathering medicinal plants, and protecting household food security - give them intimate ecological knowledge. Yet despite this deep connection, women are often excluded from key decision-making spaces in conservancies and in emerging carbon credit initiatives that are reshaping land use in Indigenous territories.



Women's views and lived realities

Indigenous women consistently express the desire for genuine participation in decisions that affect their land, livelihoods, and cultural survival. Their core concerns include:

- **Transparency in carbon credit agreements**, especially around land rights, benefit sharing, and long-term implications.
- **Clarity on land use restrictions** that accompany conservation or carbon projects, which sometimes limit access to grazing, firewood, and medicinal plants.
- **Protection of tenure rights** for women and their communities.
- **Fair and inclusive benefit-sharing systems** that recognize women's roles in conservation and community development.

While women widely support conservation and climate solutions, they demand inclusion, respect, and equitable benefits.

Engagement, participation, and FPIC

Free, Prior and Informed Consent (FPIC) is a critical right for Indigenous communities. However, in many conservancies and carbon credit projects:

- Women are **rarely consulted**, even though they experience the direct effects of land-use changes.
- Meetings take place at times or locations that exclude women.
- Information is **not shared in accessible formats**, limiting women's ability to fully understand agreements.
- Decision-making processes are dominated by men, elders, or external actors.

This results in **partial or incomplete FPIC**, where women's voices - and therefore community consensus - are missing.

Benefit sharing and use of carbon revenues

Carbon credit income and conservancy revenues often flow into:

- Operational costs of conservancy management.
- Salaries for rangers and administrative roles.
- Infrastructure projects or community development.

However, many women report **not knowing how money is distributed**, who makes those decisions, or whether any portion is allocated to address women's priorities such as water access, girls' education, livelihoods, or GBV response. Without women at the table, revenue management becomes opaque and accountability is weak.

Women's roles in conservancy structures

Where women serve on conservancy boards, their roles are often symbolic - lacking voice, power, or capacity to influence budgets, land use planning, or carbon credit contracts. Yet their inclusion is essential because they:

- Bring **local ecological knowledge** critical for sustainable conservation.
- Ensure **gender-responsive benefit sharing**.
- Strengthen **community legitimacy and trust** in conservation initiatives.
- Safeguard **women's tenure rights**, especially where land is communal.

Why SWT has stepped in

Samburu Women Trust (SWT) recognized that exclusion of women from conservation spaces and carbon credit agreements is both a **rights issue** and a **sustainability challenge**. Without women's participation:

- FPIC is incomplete.
- Land and resource decisions may not reflect community needs.
- Benefits fail to reach households equitably.
- Women's tenure rights are undermined.
- Climate initiatives risk reinforcing existing inequalities.

To address these gaps, SWT has stepped in through targeted interventions.

SWT's support for women's inclusion in conservancy governance

1. Conservancy board training for women

SWT delivers specialized training to women serving - or aspiring to serve - on conservancy boards. The training includes:

- **Governance and leadership skills**
- **Understanding land laws and tenure systems**
- **Carbon credit literacy**, including contracts, pricing, risks, and benefits
- **Budget tracking and financial oversight**
- **Advocacy and negotiation skills**

This equips women to speak confidently, influence decisions, and protect community interests.

2. Strengthening FPIC processes

SWT supports communities to ensure:

- Women are meaningfully included in FPIC consultations.
- Information is shared in local languages and in accessible formats.
- Women understand the implications of long-term land-use agreements.
- Community consent processes are transparent and inclusive.

3. Supporting women's tenure rights

Through legal empowerment, civic education, and movement building under the Indigenous Women Council (IWC), SWT ensures that:

- Women understand their rights to land and natural resources.
- Conservancy structures integrate gender-sensitive tenure guidelines.
- Women can challenge harmful practices, exclusion, or elite capture.

4. Advocacy at local, national, and global levels

SWT works with partners, government agencies, and regional platforms to champion:

- Gender-responsive conservation policies
- Fair benefit-sharing frameworks
- Recognition of Indigenous women as environmental stewards
- Inclusion of women in carbon markets and climate finance governance

Why women's inclusion matters

Including Indigenous women in conservation and carbon credit decision-making is not just a gender issue - it is a sustainability, rights, and climate justice issue. When women participate meaningfully:

- Conservation outcomes improve.
- Community governance becomes more transparent.
- Revenue is distributed more fairly.
- FPIC processes become legitimate and robust.
- Families and entire villages benefit.

SWT's work ensures that Indigenous women are not merely beneficiaries, but **rights holders, leaders, and decision-makers** shaping the future of conservation and climate finance in their communities.



From margins to masters: women reclaiming ancestral land

Stories of hope from Girgir, Losesia & Umoja

Across Girgir, Losesia, and Umoja Women Village, Indigenous women are rewriting the story of land governance - challenging exclusion, confronting patriarchy, and leading reforms that protect ancestral land.

For years, decisions on land were made without the voices of women, even though they bear the greatest burden when land is mismanaged. But today, a powerful shift is underway.

Losesia: when women demand accountability

In Losesia, years of mistrust surrounded land registration. Registers contained names of non-residents, threatening to dispossess Indigenous families.

Namian Lenakwawi - mother, pastoralist, and now a Community Land Management Committee (CLMC) member - refused to remain silent. After receiving training on land laws and community rights, she mobilized women, youth, and elders to seek accurate information, verify names, and participate in public forums.

Her efforts restored trust and sparked wider community education. **“When thirty people are educated, they enlighten thousands,”** she says.

Girgir: breaking barriers in conservancy leadership

In Girgir, trained women confronted long-standing patriarchal norms to secure their first seats on the Conservancy Board. Their participation is already influencing decisions on rangeland management, water points, and community priorities.

One leader reflected, **“Leadership is not about strength. It is about wisdom - and women have always had wisdom.”**

Umoja Women Village: from survival to leadership

Umoja Women Village - built by survivors of violence - is emerging as a model of women-led land governance. From mapping boundaries to advocating for secure tenure, Umoja women demonstrate that those who rebuild their lives can also protect and manage community land.

A movement growing

Despite cultural resistance, time poverty, and limited documentation, Indigenous women are shifting power structures that once silenced them. They are now educators, monitors, and defenders of community land.

This is not just progress - it is transformation.

Indigenous women challenge patriarchy to claim their place in land governance

Across Girgir, Losesia, and Umoja, Indigenous women are dismantling decades of exclusion in land governance. Once denied a voice in decisions about land use, registration, and resource management, women are now stepping into leadership roles that were historically closed to them.

Losesia: Women demand fair representation

When land registers in Losesia were found to include non-residents, women like Namian Lenakwawi led community mobilization to demand accuracy, transparency, and participation. Through capacity building and legal awareness, women now influence land decisions that safeguard ancestral land.

Girgir: Women Enter the Conservancy Boardroom

In Girgir Conservancy, women challenged the belief that leadership is a male domain. Their advocacy secured the first-ever female representatives on the Conservancy Board - shifting how water points, grazing areas, and community resources are planned.

Umoja: Women Claim Space and Security

Umoja Women Village is asserting collective rights through boundary mapping, documentation, and persistent engagement with local leadership. Their struggle is reshaping perceptions about women's capacity to govern land responsibly.



2. The ongoing struggle

Women still face cultural resistance, heavy domestic workloads, and limited literacy. Yet their courage is shifting norms, restoring community ownership, and opening decision-making spaces for future generations. **Indigenous women are proving that just and inclusive land governance is impossible without women at the table.**

Transforming governance through indigenous women's leadership

Our work in Girgir, Losesia, and Umoja Women Village demonstrates a clear truth: **empowered Indigenous women transform land governance.**

Key Impacts



Women leadership

Women now hold leadership roles in the Community Land Management Committee (CLMC) and Conservancy Boards.



Land rights

Communities understand their land rights thanks to women-led education and verification campaigns.



Transparency

Transparency has improved - land registers are being cleaned, verified, and publicly discussed.



Advocacy

Women's advocacy has reduced risks of land dispossession, especially where outsiders were historically included in registers.

Namian of Losesia: After training on land laws and governance, Namian mobilized her community to demand accurate registration and inclusive participation. Her leadership restored community trust and catalyzed a wider movement for land justice.

Why this matters

Women are disproportionately affected by land mismanagement - yet they have been systematically excluded.

Their inclusion ensures:

- Stronger governance
- Better community participation
- Long-term protection of ancestral land

Investing in Indigenous women is safeguarding land, culture, and future generations.

3. Indigenous women claiming space in community land leadership



Her Land, Her Rule: Women Reshaping History

Across Samburu East, a bold shift is transforming land governance. Indigenous women - once excluded from decision-making - are now stepping into powerful leadership roles within Community Land Management Committees (CLMCs) and conservancy structures. Their stories reflect courage, persistence, and the collective will to dismantle patriarchal barriers that have shaped land institutions for decades.



Women must occupy their space Rebecca Lolosoli

In many Samburu communities, land governance was a male territory - closed off to women's voices. But leaders like **Rebecca** are rewriting this old script.

Rebecca has become one of the strongest voices pushing for women's representation in CLMCs. Her message is bold and uncompromising:

“We must ensure that women occupy seven positions - or even ten. Only when we are equal will we grow and move forward.”

Through training facilitated by Samburu Women Trust, Rebecca and other women gained knowledge in land rights, documentation, and governance. Women who once hesitated to speak now confidently challenge misinformation, participate in public forums, and demand their rightful seat at the table.

Rebecca's leadership has helped shift structures, not just narratives. More women are now joining key committees, shaping boundary discussions, taking part in registration processes, and strengthening transparency in decision-making. Her community describes her as ***“the engine oil”*** - the leader who keeps the machinery of progress moving.

Her story is the story of a movement: women rising, pushing back against exclusion, and claiming spaces once considered unreachable.



Trailblazer of Girgir Group Ranch Nabiki Lesuper

In Girgir Group Ranch, a quiet revolution began with the election of **Nabiki**, a woman chosen by the Community Assembly to bring true representation into land governance. It was a historic shift in a society where some elders openly believed:

“A zone led by a woman cannot be considered a zone.”

The engine behind power and progress Pauline Lolngojine

In Losesia, **Pauline** has emerged as a central force in land governance transformation. Her journey began in simple community meetings, where she became inspired by the leadership of women like **Rebecca Lolosoli**. Encouraged by this mentorship, Pauline joined the CLMC and has now served three terms - championing transparency, community participation, and women’s inclusion.

Pauline also served more than six years in the Losesia Conservancy, shaping land management decisions and ensuring women’s needs and perspectives were integrated.

One of her most notable achievements is her leadership in community land registration:

2,410 people registered - a milestone that strengthened legal protection for families and increased participation across gender and age lines.

Nabiki stepped into leadership with full awareness of the cultural resistance she would face. But she did not step back. Instead, she confronted the doubts with honesty and courage, sharing her own struggles - the discouragement, the fear, and the moments she almost gave in.

Rather than silence her, these experiences fueled her. At a community meeting, she challenged the women: **“Stand tall. Leadership comes from within. Do not fear to claim the respect you deserve.”**

Her message ignited others. Women like **Ndurayon Lengupae** echoed her call, saying: **“Being a leader comes from within and from the passion to advocate for women.”**

With each meeting, Nabiki dismantled long-held norms, building a culture of inclusion and changing mindsets that once confined women to the margins. Her leadership has become a beacon - powerful proof that when women lead, the entire community rises.



Pauline is known for cultivating leadership around her. She believes deeply in mentorship and collaboration, often saying: **“Leadership is not a title; it is a responsibility.”**

Her influence has created a ripple effect, encouraging women and youth to enter governance spaces that once felt impossible to access. Pauline’s work demonstrates how one committed leader can reshape an entire system.

A MOVEMENT TAKING ROOT

Together, Rebecca, Nabiki, and Pauline represent a larger transformation - a rising generation of Indigenous women who refuse to be sidelined. Through training, mentorship, advocacy, and sheer determination, they are dismantling patriarchal norms and ensuring that:

- **Land decisions are inclusive and transparent**
- **Women participate meaningfully at every level of governance**
- **Community land is protected for future generations**
- **Leadership is understood as a shared responsibility, not a male privilege**

These women are not just changing policies. They are changing mindsets, rewriting history, and opening doors for the next generation of Samburu girls. Their stories stand as proof that **lasting community transformation begins when Indigenous women lead.**



4. Securing land, strengthening communities, and leading climate action

SWT's work continues to transform communities across Northern Kenya.

Land tenure achievements



Increased women's representation in CLMCs



Children's land registers established

1,500

Title deeds secured in Oldonyiro - 800 for Indigenous women

17,000+

Acres secured for community resettlement



Strengthened negotiation power through FPIC training

- Several HLIs filed, resulting in release of surplus land, regularization of long-term residents, and KDF commitments to vacate occupied land

Climate resilience achievements

20

Acres restored using Indigenous and technical methods

60

Number of beehives given to communities in Isiolo & Samburu. 30 women groups supported on food security

1,000

Bale fodder bank established

150

Community groups funded through grants

87

Community members trained in adaptive practices

Natural resource governance achievements

100

Women trained in digital, security management, documentation in monitoring and reporting across ASAL counties



Environmental reporting strengthened through Kobo Collect

5,000+

The Naramat Indigenous Women Arboretum established, engaging 5,000+ Indigenous women

SWT's work demonstrates a simple truth:

when Indigenous women lead, communities transform. Through secure land rights, climate resilience, and strong natural resource governance, SWT is helping build a future where Indigenous women are not just beneficiaries - but decision-makers shaping their destiny and that of generations to come.



5. OI donyiro community on historical land injustices



est **13,000**

**Samburu people
living in OI Donyiro**

Indigenous women, community leadership, and the pursuit of land justice

OI Donyiro is the only sub-county in Isiolo where the Samburu people live in significant numbers - an estimated 13,000 according to the 2019 National Census. Yet no statistic can capture what this land means to its people.

For the Samburu, land is not simply space. It is identity, the keeper of memory, and the foundation of cultural continuity. The hills carry the songs of our elders; the grazing routes hold the footsteps of our mothers; the rivers store the dreams of our children. To speak of ancestral land is to speak of dignity, belonging, and a future woven from generations of stewardship.

This is why the struggle for OI Donyiro is not an administrative issue. It is a matter of survival.

Why OI Donyiro matters

The Samburu of OI Donyiro have lived, grazed, worshipped, birthed children, and buried generations on this land.

It supports:



23 learning institutions



4 health facilities



Conservancies and their headquarters



Churches and cultural spaces



A GSU camp and administrative offices



20 permanent settlements



Water systems built over decades



Livelihood projects for women and youth

78,468

**Land in hectares
occupied by Livestock
Marketing Division**

This land is not idle. It is a living landscape that holds the entire cultural, social, and economic life of the community. Yet more than 60% - approximately 78,468 hectares - has been occupied by the Livestock Marketing Division (LMD), forcing the community to the margins of their ancestral home.

Leadership failure: a people betrayed

At the moment when protection was needed most, Isiolo County leadership fell silent.

Critical decisions about community land were made in distant boardrooms - far from Kipsing, Lenguruma, Tuale, Longopito, Kawalash, Noloroi, and Ngare Ndare. No elders were consulted. No women participated. No youth were invited. The leaders entrusted with safeguarding communal rights chose bureaucracy and political convenience over justice.

This failure is felt daily:

- Mothers fear their children will inherit land that is no longer theirs.
- Pastoralists watch grazing corridors shrink.
- Schools, ECDE centres, and health facilities stand on uncertain ground.

Where leadership should have stood firm, it collapsed.

A historic stand: the HLI submission

In August 2021, the Interim OI Donyiro Community Land Committee - supported by SWT, the entire community - submitted Historical Land Injustice Claim No. 3740 to the National Land Commission (NLC). It was a bold, evidence-based action demanding recognition and justice.

The NLC reviewed the evidence and acknowledged a historical injustice had occurred. For a moment, the community felt seen. But justice must be implemented - not merely recorded in a report.

The NLC verdict: a decision without the people

In April 2025, the Interim Committee was summoned to a hearing. The community expected due process. Instead, the NLC delivered a verdict without:

- Community consultations
- Public participation
- Validation meetings
- Site visits

How can ancestral land be determined by people who have never stepped on it?

How can justice be delivered without listening to those who live on it every day?

The verdict violates Articles 40 and 63 of the Constitution and betrays the essence of the Historical Land Injustice framework.

The path ahead: seeking justice in the constitutional court

The NLC decision must be challenged to demand:

- Genuine community participation
- Recognition and restitution of historical injustices
- Protection of Samburu ancestral land
- Transparent, constitutional processes
- Safeguarding of community livelihoods and cultural identity

This is the only path that respects Kenya's Constitution and honors the Samburu of OI Donyiro.

What is at stake

If the verdict stands:

- Families may face displacement
- Grazing routes will be lost
- Schools and health facilities remain insecure
- Cultural heritage and sacred sites will be eroded
- Water systems and women's livelihood projects will be jeopardized

This is more than a land dispute. It is a bureaucratic attempt to erase a people.

Where the state failed, the community stood strong

Despite political abandonment, the OI Donyiro community has not walked alone. Samburu Women Trust (SWT) ensured that:

- Lawyers were engaged
- Documentation was strengthened
- Continuous advocacy and mobilization took place
- The Interim Community Land Committee remained supported

This struggle is not only legal. It is about dignity, memory, and the future of a people who refuse to disappear.

Our Land, Our Story, Our Future

The struggle of OI Donyiro is the struggle between erasure and existence, between imposed decisions and lived realities. Ancestral land is not inherited from our ancestors - it is borrowed from our children.

The people of OI Donyiro rise not with anger, but with courage. Not with despair, but with determination. With unity, ancestral blessings, and unwavering support from allies like SWT, their voices will not be silenced.

Their land matters.

Their voices matter.

Their future matters.

And their fight continues.

6. Securing indigenous land rights through gender-inclusive governance

The **Community Land Act (CLA) 2016** operationalizes Article 63 of the Constitution, which recognizes community land as a distinct category of land ownership in Kenya. The Act provides a **legal framework** for identifying, protecting, and formally registering community land - much of which is held by pastoralist and Indigenous communities.



Purpose of the law

The CLA aims to:

- Secure community land rights through **formal collective title deeds**
- Protect customary tenure as a **lawful property system**, not inferior to private or public land
- Enable communities to **own, manage, and benefit** from their land
- Promote **inclusive governance**, especially the participation of women, youth, and marginalized groups

The law marks a critical shift by legally recognizing customary land claims for 6–10 million Kenyans, most of them Indigenous and rural.

Why community land registration matters

Community land registration ensures:

- **Legal ownership and security** against land grabbing
- **Formal governance structures**, such as Community Land Management Committees
- **Clear boundaries**, reducing conflict
- **Eligibility for joint ventures** and benefit-sharing agreements (e.g., conservation, carbon credits)
- **Protection from historical injustices** and dispossession

Once registered, communities can develop bylaws, manage natural resources sustainably, and negotiate transparently with investors.

Gender inclusion in the CLA

The Act explicitly promotes **gender equality and social inclusion** in community land governance. It requires that:

- Women must be **involved in decision-making** processes
- Women and youth are **represented in community assemblies and land committees**
- Customary norms must align with the Constitution, meaning **gender discrimination is prohibited**
- Women have equal access to **land rights, inheritance, and benefits**

In practice, however, discriminatory customs, male-dominated leadership, and limited legal awareness still restrict women's rights. Without deliberate support, women remain at risk of exclusion during land registration, boundary demarcation, and benefit-sharing negotiations.



Customary tenure in Africa – context for Kenya

Most of Africa's rural land remains unregistered customary land. Customary tenure:

- Is community-based and rooted in longstanding local practices
- Continues to adapt through a **hybrid of traditional and modern norms**
- Increasingly incorporates constitutional rights, including **women's rights**
- Is increasingly governed by **elected community institutions**, not only traditional elders

The CLA builds upon this reality by providing legal recognition and protections for customary land systems.

Why the CLA 2016 was enacted

The CLA addresses several historical and governance gaps:

- **Constitutional requirement** to create a law for community land
- Replace the colonial “trust land” system prone to corruption and elite capture
- Protect communities from displacement by investors or government entities
- Promote **equitable access and benefit-sharing**
- Empower communities to manage their natural resources
- Enable economic development through leases, partnerships, and conservation projects
- Provide a pathway for **redress of past land injustices**

Opportunities created by the CLA – through a gender lens

a. Security of tenure

Communities - including women - gain protection from arbitrary land loss.

b. Empowered governance

Communities form assemblies and committees where women must be included and can advocate for their rights.

c. Inclusion and social justice

The Act mandates gender equality in:

- Decision-making
- Benefit-sharing
- Inheritance
- Leadership roles

This opens new space for Indigenous women to influence land and natural resource governance.

d. Economic empowerment

Secure titles allow communities to enter into:

- Conservation agreements
- Carbon credit arrangements
- Resource extraction partnerships
- Eco-tourism and rangeland management ventures

Gender-inclusive governance helps ensure women benefit equally from revenues, jobs, and opportunities.

e. Sustainable resource management

Communities can use their own bylaws - shaped with women's input - to protect:

- Water sources
- Forests
- Grazing lands
- Medicinal plants

f. Strengthened dispute resolution

The Act integrates customary justice systems with modern safeguards, enabling more gender-responsive conflict resolution.

CLA key in implementing challenges

Despite its strengths, the Act faces obstacles:

a. Limited funding and personnel

Implementation has been slow due to lack of government resources.

b. Conflicts of authority

Community Land Committees often clash with traditional elders or political elites.

c. Weak political will

Registration processes move slowly; some officials resist community empowerment.

d. Low awareness

Communities - especially women - often lack information about land rights and procedures.

e. Internal disputes

Boundary conflicts, membership disputes, and fear of land privatization hinder registrations.

f. Gender barriers

Despite legal guarantees:

- Cultural norms still limit women's participation
- Women are underrepresented in land committees
- Women risk exclusion during surveying, mapping, and benefit-sharing

g. Legal ambiguities

Unclear guidelines create space for manipulation and corruption.

h. Risk of land grabs

Incomplete public land inventories allow misuse of "public purpose" as justification for expropriation.

7. Conclusion

Why gender-inclusive community land registration is essential

The Community Land Act 2016 provides a progressive and transformative framework for securing Indigenous land rights in Kenya. However, its success depends on **inclusive implementation** that centers women, youth, and marginalized groups. Gender-responsive community land registration ensures:

- Stronger governance
- Fairer benefit-sharing
- Protection of women’s tenure rights
- Sustainable land and resource management
- Community resilience to climate and economic pressures

Supporting communities (especially women), to navigate the CLA process is essential for justice, equity, and long-term security of Kenya’s Indigenous lands.

Strengthening community justice through customary and inclusive approaches

Indigenous communities in Kenya have long relied on customary systems of justice to resolve conflicts, maintain social harmony, and protect communal values. Before the introduction of formal courts, traditional systems played a central role in managing disputes related to land, livestock, family matters, resource use, and inter-clan relationships.

Today, these systems continue to serve as trusted, accessible, and culturally grounded mechanisms for maintaining peace and cohesion.



Indigenous justice systems as ADR and AJS

Alternative Dispute Resolution (ADR) and Alternative Justice Systems (AJS) are recognized approaches that resolve disputes outside the formal court system. Among Indigenous communities, these systems align closely with:

- Elders' councils
- Clan-based conflict resolution forums
- Age-set deliberation structures
- Women's and youth traditional councils
- Cultural institutions guiding land, marriage, and resource use

These structures emphasize:

- Consensus-building
- Dialogue and negotiation
- Restorative justice
- Moral responsibility
- Reparations and reconciliation

They are rooted in values of respect, truth-telling, communal healing, and long-term peace.

Why ADR and AJS matter in indigenous contexts

a. Accessibility and trust

Indigenous communities often live in remote areas, far from formal courts. Traditional justice systems are:

- Faster
- Low-cost or free
- Conducted in local languages
- Facilitated by trusted elders
- Familiar to the community's cultural norms

This makes ADR/AJS more accessible and legitimate.

b. Strengthening social harmony

The goal is not punishment but restoring relationships - important in tightly knit communities where people must continue living together. Solutions focus on:

- Healing the harmed party
- Reintegrating the offender
- Restoring respect within the community

c. Handling land and resource conflicts

Most Indigenous disputes involve:

- Grazing boundaries
- Water points
- Forest access
- Land use and conservancies
- Livestock conflicts
- Inter-clan disagreements

Traditional systems have nuanced knowledge of land tenure, migration routes, customs, and ecological cycles. They are therefore better placed to manage resource-based conflicts sustainably.



d. Cultural continuity

Traditional justice systems preserve Indigenous cultural identity. They transmit:

- Values
- Oral histories
- Rituals and protocols
- Leadership roles
- Responsibilities between generations

This continuity reinforces cultural resilience.

Gaps and Challenges in Indigenous ADR/AJS Systems

Despite their strengths, traditional systems also face challenges:

- Patriarchal biases that marginalize women and youth
- Limited documentation, making vulnerable to manipulation
- Pressure from modern land markets and political interference
- Weak links to state systems, leading to unresolved or overlapping jurisdictions
- Lack of capacity to handle emerging issues like conservancy disputes, carbon projects, or climate-related conflicts

These gaps create the need to strengthen and modernize ADR/AJS systems while respecting cultural values.

Why Strengthening Indigenous Governance Structures Is Important

a. Recognition by the Kenyan Constitution

The 2010 Constitution acknowledges traditional dispute resolution mechanisms as long as they comply with:

- Human rights
- Gender equality
- Natural justice
- The Bill of Rights

Strengthening these systems helps communities realize their constitutional rights.

b. Protection of Land and Tenure Rights

Strong governance structures ensure:

- Transparency in land decisions
- Fair handling of land-use disputes
- Accountability in conservancy and carbon credit agreements
- Safeguards against land grabbing and elite capture

c. Supporting Women's and Youth Inclusion

Strengthened systems can intentionally:

- Include women elders and young leaders
- Improve gender-responsive conflict resolution
- Promote women's land and resource rights
- Reduce gender-based violence through restorative justice

d. Enhancing Peace and Security

Indigenous areas often experience:

- Cross-border raids
- Resource scarcity conflicts
- Inter-ethnic tensions
- Climate-induced migration

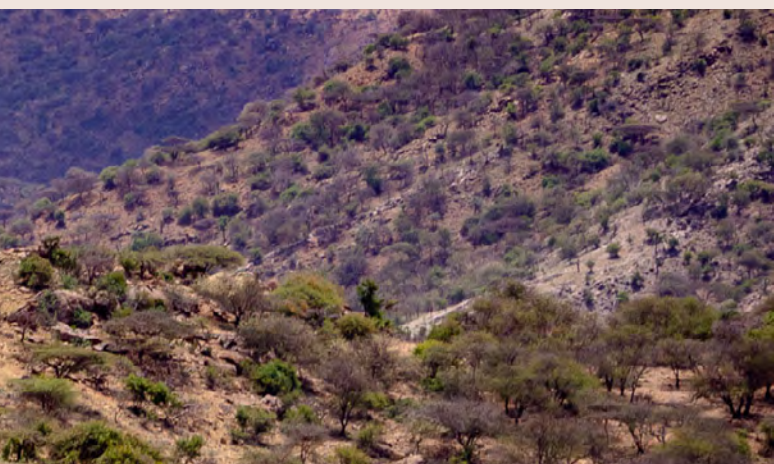
Effective ADR and AJS prevent escalation into violence.

e. Better Integration with Formal Justice Systems

Well-structured governance allows communities to:

- Document decisions
- Maintain records
- Ensure fair representation
- Interface smoothly with courts and county governments

This promotes legitimacy and legal compliance.



8. The role of Samburu Women Trust (SWT) in advancing women's rights, land justice, and community empowerment

SWT plays a vital role in strengthening ADR and AJS within Indigenous communities by:

- Empowering women to become part of justice structures
- Training elders and leaders on human rights, gender equality, and law
- Supporting communities to document customary systems
- Facilitating dialogues between traditional leaders and state institutions
- Advocating for recognition of Indigenous governance in policies
- Ensuring women's tenure rights and voices are protected in dispute resolutions

Through these efforts, SWT helps uphold inclusive, fair, and culturally rooted justice systems that protect both community cohesion and individual rights.

Alternative Dispute Resolution and Alternative Justice Systems remain essential pillars of governance among Indigenous communities in Kenya. They reflect cultural identity, ensure social harmony, and provide accessible justice where state institutions are limited.

Strengthening these systems - while ensuring they uphold human rights and include women and youth - is critical for:

- Peace
- Land protection
- Community resilience
- Sustainable resource management
- Cultural preservation






With support from organizations like SWT, Indigenous justice systems can continue.







Samburu Women Trust (SWT)
Nasaruni Indigenous Women Hub
P.O. Box 1763 - 10400, Nanyuki-Kenya
T: +254 (0) 755 555 211
E: info@samburuwomentrust.org
W: www.samburuwomentrust.org

-  SamburuWTrust
-  Samburu Women Trust
-  Samburu Women Trust
-  Samburu Women Trust
-  Samburu Women Trust

