

**INFLUENCE OF MAU FOREST EVICTIONS ON HUMAN SECURITY OF THE  
OGIEK COMMUNITY, KENYA**

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**A Thesis Submitted in Partial Fulfillment of the Requirements for the Conferment of  
the Degree of Doctor of Philosophy in Peace and Conflict Studies of Masinde Muliro  
University of Science and Technology**

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**DECLARATION**

This Thesis is my original work prepared with no other than the indicated sources and support and has not been presented elsewhere for a degree or any other award.

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**CERTIFICATION**

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## **DEDICATION**

This work is dedicated to my grandchildren and hope they will follow in my academic footsteps.

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## ABSTRACT

Protected areas such as national parks, conservation zones, and nature reserves are globally defined so by governments primarily to preserve the natural environment for the benefit of flora and fauna, that is, for the public good. Eviction of Forest communities is a result of this endeavour and the Ogiek, a forest community in the Mau Forest complex in Kenya, is a victim to this. The government declared the forest a protected area and hence evicting them contrary to the Constitution that gives all Kenyans regardless of where they live, fundamental rights and freedom, guaranteeing their human security. The evictions raise the question of what happens to the evictees' human security. It is against this backdrop that this study had a general objective of interrogating the influence of Mau Forest evictions on the human security of the Ogiek community. The specific objectives were to examine the nature of Mau Forest evictions, assess the effects of Mau Forest evictions on Human Security of the Ogiek community and, examine the Challenges and Opportunities resulting from the evictions of the ogiek community from Mau forest. Public interest and human needs theories underpinned the study. The study used descriptive research design and had a sample of 472 respondents who included 384 household heads, 1 County Commissioner, 2 Sub-County Commissioners, 1 UNEP representative, 1 UN Habitat representative, 1 Director, National Environment Management (NEMA), 3 Kenya Water Towers Authority officers, 10 Kenya Forest Service (KFS) officers, 10 Kenya Wildlife Service (KWS) officers, 7 Chiefs, 32 Village elders, 5 NGO heads, 5 CBO heads and 10 Police officers. The study applied simple random and purposive sampling techniques. Interviews, questionnaires, Focus Group Discussions and observation were used to collect primary data. Secondary data was gathered from published and non published works. SPSS version 26 was used to analyse quantitative data and presented in tables, graphs, and charts. Narratives and verbatim quotations were used to present the qualitative data. The study found that 99% of the respondents were original residents, 88% experienced inhumane, brutal forced evictions. Another 28% received eviction notices, 72% did not, and 80% of evictions involved police brutality and 77% shelter destruction. The data revealed that the Mau forest evictions had negative effects on Ogieks' human security, including deaths (86%), injuries (97%), destruction of homes (98%), farms (80%), livestock (52%), illness (95%), lack of sanitation (92%), gender-based violence (69%), disruption of schooling (100%), loss of culture (94%), separation from family (88%), loss of livelihoods (98%), and increased human-wildlife conflicts (78%), and 100% of respondents feared for their safety. The research revealed that the evictions present challenges and opportunities for both the Ogiek and the government. The top five challenges ranked in order of percentage are Psychological challenges (100%), Communication challenges (100%), Technological challenges (100%), Cultural preservation challenges (100%), and Governance and administrative challenges (100%). The second highest-ranked challenges are economic, health, educational, human rights, and political challenges, with a 99% agreement rate. The study concludes that although the evictions have compromised the human security of the Ogiek community by causing them to lose their homes, property, and livelihoods and expose them to environmental, climatic, and social danger, there is still a chance for the community to benefit from adapting contemporary ways of life. The study recommends a clear and transparent guidelines regarding evictions, and further reckons that, the government adopts a more humane and sustainable relocation policy by providing alternative ways of livelihood to the victims.

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## **LIST OF ABBREVIATIONS AND ACRONYMS**

**ACHPR:** African Commission on Human and Peoples' Rights

**ARPIP:** Action Research in Poverty and Participation

**AIDS:** Acquired Immunodeficiency Syndrome

**AU:** African Union

**CBNRM:** Community Based Natural Resource Management

**CBO:** Community Based Organisations

**CEMIRIDE:** Centre for the Minority Rights Development `

**CFAs:** Community Forest Areas

**CIEL:** Centre for International Environmental Law

**CKGR:** Central Kalahari Game Reserve

**COICA:** Confederation of Indigenous Organisations of the Amazon

**COVID 19:** Corona Virus Disease

**DCC:** Deputy County Commissioner

**DRC:** Democratic Republic of Congo

**ERND:** Environment Resources Naturellers Development

**EMPAFORM:** Empowering Communities for Forest Management

**FAO:** Food Agriculture Organisation

**FGDs:** Focus Group Discussion

**GBM;** Green Belt Movement

**GOK:** Government of Kenya

**GSU:** General Service Unit

**HRM:** Human Right Monitors

**HIV:** Human Immunodeficiency Virus

**HRW:** Human Rights Watch

**ICESCR:** International Covenant on Economic, Social, and Cultural Rights

**ICCAs:** indigenous and community conserved area

**ICRC:** The International Committee of the Red Cross

**IDMC:** Internal Displacement Monitoring Centre

**IDP: Internally** Displace Persons

**ITU:** International Telecommunication Technology

**IUCN:** International Union for Conservation of Nature

**IWGIA:** International Work Group for Indigenous Affairs

**KFS:** Kenya Forest Service

**KNBS:** Kenya National Bureau of Statistics

**KNCHR:** Kenya National Commission on Human Rights

**KWS:** Kenya Wildlife Service

**KWTA:** Kenya Water Towers Agency

**MMUST:** Masinde Muliro University of Science and Technology

**MRG:** Minority Right Group

**NACOSTI:** National Commission for Science, Technology & Innovation

**NAFCO:** National Agriculture and Food Corporation

**NEMA:** National Environmental Management Authority

**NGO:** Non-Governmental Organization

**OCHA:** Office for the Coordination of Humanitarian Affairs

**OCS:** Officer Commanding Station

**OPDP:** Ogiek Peoples Development Programme

**PNKB:** Parc National Kahuzi-Biega

**SDMHA:** School of Disaster Management and Humanitarian Assistance

**SGBV:** Sexual and Gender Based Violence

**SPSS:** Statistical Package for Social Sciences

**TCO:** Total Cost of Ownership

**UN:** United Nations

**UNDP:** United Nations Development Programme

**UNDRIP:** United Nations Declaration on the Rights of Indigenous Peoples

**UNEP:** United Nations Environment Program

**UNESCO:** United Nations Educational, Scientific and Cultural Organization

**UNHCR:** United Nations High Commissioner for Refugees

**UNFF:** **United** Nations Forum on Forests

**US:** United States

**WASH:** Water Sanitation and Hygiene

**WCMC:** World Conservation Monitoring Centre

**WHO:** World Health Organization

**WWF:** World Wildlife Fund

## TRANSLATIONS

<b>Term</b>	<b>Language</b>	<b>English</b>
<b>Mabwaita:</b>	Ogiek	Family altar or prayer tree
<b>Boda boda:</b>	Sheng	Motorcycle Taxi
<b>Ngesero:</b>	Ogiek	Place of ancestors at the banks of a river
<b>Linda</b>	Kiswahili	Protect
<b>Msitu:</b>	Kiswahili	Forest
<b>Nyumba</b>	Kiswahili	House
<b>Kumi:</b>	Kiswahili	Ten
<b>Nyumba kumi</b> policing	Kiswahili	Cluster to 10 houses for community
<b>Baraza:</b> dissemination	Kiswahili	Public gathering for information

## OPERATIONALIZATION OF KEY CONCEPTS

**Community health:** The physical, mental, and social well-being of a group of individuals who share a common location, identity, and interest.

**Forest Community:** Indigenous group of people (Ogiek) who have inhabited the forest for many years

**Habitat:** Area which aims to protect species and considered home to them.

**Human security:** United Nations' seven elements: financial stability, assurance of sufficient food supply, maintenance of good health, protection of the environment, safety and security at the individual level, security within the community, and stability in the political realm.

**Natural monument:** A natural monument is a designated region reserved for the conservation of a specific natural feature, which could be a land formation, underwater mountain, cave system, geological feature, or even a living organism such as an ancient forest.

**Protected area:** Areas that aim to safeguard ecosystems, habitats, and cultural values, as well as traditional systems for managing natural resources.

**Protected landscape:** A place where the ongoing interaction between humans and nature has generated a unique region with notable ecological, biological, cultural, and scenic value.

**Strict nature reserve:** A type of protected area which is designated to preserve biodiversity and potentially geological or geomorphological attributes leading to human access and usage being tightly regulated and limited.

**Tribal peoples:** Tribal peoples are a group of individuals who are not considered indigenous to the area they live in.

**Forest eviction:** Forest eviction refers to the act of government authorities, private organizations, or other actors removing, displacing or relocating individuals or communities living in or using forested areas.

**Violent Forest evictions:** Forcibly removing communities from the forest by use of physical force.



## CHAPTER ONE

### INTRODUCTION

#### 1.0 Background to the Study

Globally, protected areas such as national parks, conservation zones, and nature reserves are defined by governments primarily to preserve the natural environment for the benefit of flora and fauna, that is, for the public good. According to Chan et al. (2019), there are over 120,000 protected areas in the world covering around 13% of the earth's land. While the level of restriction varies across protected areas, people who depend on the resources within these areas often face strict limitations on their activities. In the case of tribal communities, this can mean being compelled to change their traditional way of life or relocate, resulting in the loss of their connection to their territories and livelihoods (IUCN & UNEP-WCMC, 2012).

Brockington and Igoe (2006) found that over 70% of parks in tropical areas are inhabited, with an even higher percentage of parks relied upon by surrounding communities. These communities are removed from these places often because they are deemed "the enemies of conservation" (Survival International, 2014). This is because they are seen as engaging in activities deemed harmful to the protected areas. This approach more often than not fails to recognize the valuable role the communities can play in conserving the environment, as they are often the "eyes and ears" of the forest (Survival International, 2014). Instead of blaming communities for the degradation of habitats and loss of species, which is often caused by more politically powerful actors such as poachers, timber smugglers, and

tourism businesses, it can be argued, efforts should be made to work with these communities and harness their knowledge and expertise (IUCN & UNEP-WCMC, 2012).

According to Oviedo (2006), the land of such communities contains 80% of the world's biodiversity, and the majority of the 200 most biodiverse places on Earth are located within their territories. Tribal peoples' sustainable ways of living on the land have often contributed to the high diversity of species found there. The concept of preserving "wilderness" areas by excluding people originated in North America in the 1800s, when aboriginal people were excluded from the national parks. This approach failed to acknowledge how the inhabitants had shaped and nurtured these areas, and instead believed that "scientific" conservationists knew best and had the right to remove any individuals from these areas (Guha, 2000). Yellowstone National Park in the United States was the world's first national park, but Native Americans who had lived there for centuries were eventually forced to leave, resulting in battles between the government and the Shoshone, Blackfoot, and Crow tribes (Dowie, 2009). Some governments have used eviction of tribal peoples from parks as a means of paternalistically and artistically forcing them to assimilate into mainstream society. For example, Botswana removed the Bushmen from the Central Kalahari Game Reserve in part due to this attitude and a false claim of "overhunting" by the Bushmen (Survival International, 2017).

Survival International (2014) indicates that in 1983, the *Wanniyala-Aetto*, or "forest people", of Sri Lanka were evicted from their former homelands in what is now the *Maduru Oya* National Park. The community had already lost much land to dams, settlers, and logging, and *Maduru Oya* was their last refuge. On the outside of their forests, they had been made to change everything from how they dressed to how they lived, and to

conform to the “mainstream” while being treated as “demons” and “primitives” by their new neighbors and the authorities. Their self-sufficiency within their forests had been destroyed and they struggled with desperate poverty and all that comes with it.

The fact that a number of communities reside in forest areas is a significant factor in India. According to McNeely & Scherr (2003), although some communities may have had different practices, many others lived in harmony with the environment, relying on the biodiversity of forest ecosystems for their production and reproduction systems. These local communities, which make up around 20% of India's population and are estimated to number around 200 million people, depend on the preservation of forest biodiversity for their livelihoods (Kesavan & Swaminathan, 2008). According to Posey (1999), there is a close relationship between the location of some communities, forests, and poor areas. Forests are a critical source of life for rural populations, especially those who are poor, as an estimated 60% of forest products constitute their food supply. In rural areas of India, forests provide almost 80% of the energy needs. Despite this, the conservation approach in India typically views the needs of local communities as incompatible with conservation interests.

In the 1970s, the only village that was relocated outside the Sariska Tiger Reserve was Karnawas, as per Survival International (2014). In the past, the village of Umri was also at risk of displacement since the local authorities had already proposed the land for this purpose. However, despite the construction of essential infrastructure like wells, the government officially designated the area as forest, and the Ministry of Environment and Forests did not ultimately consider it suitable for displacement. In the 1990s, an attempt was made to displace the village of Haripura, as well as other villages such as Pilapan,

Kankwadi, and Kirashka. Nevertheless, these attempts were unsuccessful, and the villagers returned to their former settlements inside the reserve.

The indigenous peoples of Central Africa, also known as "Pygmies" (a term many of them dislike), have been subjected to persecution for a long time. The name Pygmies encompasses various groups of people living in and around the Congo Basin, including the Baka in Cameroon, the Baluma in Congo, and Batwa in the Great Lakes region (Ndameu, 2001). As forest dwellers, their survival is dependent on their land, and they have been disproportionately affected by conservation efforts. When parks and forest reserves are created, hundreds of communities have been forcibly removed from their ancestral land (Woodburne, 2009). In Central Africa, indigenous peoples have been evicted out of the forests without any alternative settlement end up on the roadsides or seeking refuge in neighbouring villages, with heavy and often violent restrictions on their access to the forest (Lewis, 2012). Once displaced, they lose their vital connection to their land, and the knowledge and wisdom passed down from the older generation to the young is lost, which negatively impacts their health and well-being (Survival International, 2014).

In Cherangany Hills, Kenya, the government carried out forced eviction of Sengwer community in January 2014, in a way, violating the Kenyan constitution, and court orders (Claridge & Kobe, 2020). The government justified the eviction by claiming that it was necessary to prevent deforestation and protect water sources. The Sengwer, who had lived in the forest for generations and were responsible for its maintenance, were labelled "squatters" by the government. More than a thousand homes, along with food supplies, blankets, and school materials, were burned during the eviction.

According to John Distefano (1990), Ogiek have historically maintained their cultural and economic distinctiveness despite interacting with more numerous neighbouring groups. The Ogiek also have a common recognition, among themselves and others, that they are the original inhabitants of many parts of Kenya. The Ogiek share cultural features such as *mabwaita* structure, honey lore and exploits, and artefacts, including hives, elephant spears, forest capes, social honey adzes, honey baskets, huts, and pottery types (Kamoet, 2011). Their verbal lore and songs also exhibit similarities even where there has been non-Ogiek influence, and while Maasai or Kipsigis cultural influences are recognizable, underlying Ogiek similarities are stronger when Ogiek groups are compared. Despite sometimes adopting language and cultural items from neighbouring groups, the Ogiek have maintained their core cultural values and economic patterns.

To the Ogiek, the Mau Forest is an “ancestral home”, a source of food and shelter, and a place of cultural, religious, and spiritual significance. Survival International (2014) warned that the removal and eviction of the Ogiek from their ancestral environment would likely result in the death of their culture, language, livelihood, and ultimately their existence. Thus, the Ogiek's habitation in the Mau Forest Complex is critical to their survival as a distinct ethnic group (Distefano, 2001)

Throughout history, the Ogiek community has been known for inhabiting forested areas, including the Mau Forest in southeastern Kenya. As a hunter-gatherer society, the Ogiek are highly skilled in hunting and trapping techniques. Their traditional economy and diet heavily rely on honey produced within the forest, which provides the community with sustenance and a valuable commodity to trade with neighboring communities. In exchange for honey, the Ogiek often trade for grains to supplement their diet which is centred on

meat and honey (Kratz, n.d). However, since the early 20th century, the Ogiek have continuously faced persecution and forced evictions from their ancestral homeland. The colonial rulers took over the Mau Forest in 1957, and even after Kenya's independence in 1963, land disputes and evictions persisted. The government repeatedly ordered the burning of Ogiek homes, forcing them to relocate multiple times. In the 1990s, the Ogiek even directly challenged the Kenyan government, led by the late President Daniel Arap Moi, after decades of uncertainty, resettlement, and fear (Global Human Right Defense, 2021).

The concept of human security has its genesis in the gradual emergence of human needs, coupled with the threats posed by both natural and anthropogenic hazards (Matanga, 2018). Today, the concept has undergone a drastic expansion to incorporate issues such as economics, environment and culture. This is attributed to the scholarly works of figures such as Chattopadhyay, Christian, Ulman & Sawyer, (2018). The concept of human security is linked to human development by the United Nations Development Program (UNDP) in 1994. In light of this, there is a widely held assertion that human security contributes to human development and that the core elements of human life such as survival, dignity and livelihood are so essential. This makes the concept of human security to be a people-centred approach to addressing the bedevilling human threats. Imperatively, the evictions of the Ogiek community from Mau Forest pose a huge threat to their survival thus jeopardizing their security and the pursuit of economic development and prosperity. Notably, the eviction has deprived them of what they claim to be their ancestral land. Additionally, since they depend on the forest for their livelihood, this too has been constrained by eviction.

## **1.1 Statement of the Problem**

The idea of eviction of forest communities like the Ogiek is based on the view that some areas such as national parks, forests, among others, should be protected (Guha, 2000). This is done oblivious to the kind of impact these evictions would most likely have on the human security of the evictees.

Even though the Ogiek have for many years co-existed with nature by living in the forest, the government declared the Mau Forest a protected area leading to evictions that have had far reaching ramifications on their security (African Court on Human and People's Rights, 2013). The evictions happened despite chapter four of the Kenya constitution (2010) and particularly Article 19 (2) and article 21(3) that gives all Kenyans fundamental rights and freedoms which the government is expected to guarantee and protect.

The two articles give a clear indication of what the government must do or ought to do, which is to protect the fundamental rights and freedoms of all its citizens. The government has the duty to protect these communities at all costs (Guha, 2000). When evictions occur, the question that follows is what next to the evictees? It is against this backdrop that this study set out to examine the influence that the evictions have on the human security of the Ogiek community.

## **1.2 Research Objectives**

The general objective of the study was to interrogate the influence of Mau Forest evictions on the human security of the Ogiek community, Kenya.

The specific objectives were to:

- i. Examine the nature of the Mau Forest evictions in Kenya
- ii. Assess the effects of Mau Forest evictions on Human Security of the Ogiek community in Kenya
- iii. Examine the Challenges and Opportunities resulting from the evictions of the Ogiek community from Mau forest, Kenya

### **1.3 Research Questions**

- i. What is the nature of the Mau Forest evictions in Kenya?
- ii. What are the effects of Mau Forest evictions on the human security of Ogiek community?
- iii. What are the challenges and opportunities that have resulted from the evictions of the Ogiek community from the Mau Complex in Kenya?

### **1.4 Justification of the Study**

The study justification was done on the basis of academic, policy and philosophical justifications.

#### **1.4.1 Academic Justification**

The impact of land evictions on the human security of indigenous communities has been a topic of concern to researchers and policymakers in recent years. The Ogiek community, in particular, have been subjected to evictions since colonial times, leading to loss of their homes, livelihoods, and cultural heritage (African Court on Human and People's Rights, 2013). Several studies have examined the impact of land evictions on the human security of indigenous communities, including the Ogiek community in Kenya.



The study on the influence of Mau Forest evictions on the human security of the Ogiek community in Kenya is academically justified due to its contribution to the existing body of literature on indigenous people's land rights and their influence on human security. The study is particularly relevant in the context of Kenya, where indigenous communities have been historically marginalized and excluded from policy-making processes, leading to land grabbing and evictions (Amnesty International, 2018).

Studies have highlighted the negative impact of evictions on the human security and well-being of indigenous communities elsewhere. A study by Choudhury and Ahmed (2018) found that evictions led to loss of land, livelihoods, and social networks, leading to mental health issues, poverty, and social exclusion. Another study by the Forest Peoples Programme (2014) documented the impact of evictions on the human security of indigenous communities in Central and West Africa, highlighting the loss of access to food, water, and healthcare.

In the context of Kenya, a study by Human Rights Watch (2018) documented the impact of evictions on the Sengwer community in the Embobut forest, highlighting the loss of livelihoods and cultural heritage. The study also documented the lack of consultation and participation of the Sengwer community in the decision-making processes related to forest management, leading to human rights violations.

The need to understand the influence of evictions on human security of the Ogiek community in Kenya is apt. The study focused on the Ogiek community's experiences and perceptions of evictions through naturalistic data collection methods such as interviews and observations; which provided valuable information on the influence of land evictions on the community's human security

This study addresses the literature gap on the Ogiek community's human security in the context of evictions. Although there is some literature on the Ogiek community's land rights and the impact of evictions, there is limited research on the specific effects of evictions on their human security. This study will fill this gap by providing empirical data on the influence of the Mau Forest evictions human security of the Ogiek community's human security.

#### **1.4.2 Policy Justification**

The policy justification for this study is that it informs the policymakers of the influence of these evictions on the human security of the Ogiek community, provide evidence-based data to guide policy interventions that can protect them.

The findings of this study will inform policy makers specifically members of parliament, and those of county assembly who have legislative power. It is of value to the policy implementers especially on how to implement government directives without infringing on people's rights. Further the study is of importance to the civil societies, especially those championing the rights of the people. With the data herein, they can, face the policy makers and implementers with facts.

#### **1.4.3 Philosophical Justification**

The study adopted interpretivist research philosophy. Interpretivism involves researchers to interpret elements of the study, thus integrating human interest into a study (Diana, 2017). Interpretivism is “associated with the philosophical position of idealism, and applies approaches such as social constructivism, phenomenology and hermeneutics, approaches

that reject the objectivist view that meaning resides within the world independently of consciousness”.

The interpretivist research philosophy adopted in this study is supported by various philosophers, including Immanuel Kant, Arthur Schopenhauer, Friedrich Nietzsche, and Max Weber (Diana, 2017). These proponents emphasize the importance of subjectivity and interpretation in understanding human experiences and behaviour.

Kant argued that human experience is shaped by our perceptions and interpretations of reality, and that our knowledge of the world is limited by our own cognitive faculties. This aligns with the interpretivist approach, which recognizes the importance of subjective interpretation in understanding social phenomena (Kant, 1787).

Schopenhauer also emphasized the role of subjectivity in shaping our understanding of reality. He believed that our experiences are filtered through our own consciousness and that we cannot truly understand the world objectively (Schopenhauer, 1818).

Nietzsche argued that there is no objective truth, and that our understanding of the world is shaped by our own perspectives and interpretations (Nietzsche, 1873). This aligns with the interpretivist approach, which recognizes that meaning is constructed through social processes and subjective interpretation.

Max Weber also supported the interpretivist approach, emphasizing the importance of understanding the subjective experiences of individuals in order to understand social phenomena (Weber, 1904). According to the interpretivist method, the researcher must comprehend differences between persons as social actors. Furthermore, interpretivism

studies typically focus on meaning and may use a variety of methodologies to reflect various facets of the topic.

Knowledge in the study was derived from the existing social phenomenon. Knowledge generated was not laws but meaning as the goal of research was understanding (Schopenhauer, 1818). The research thus operated on the assumption that “access to reality is only through social constructions such as language, consciousness, shared meanings, and instruments”. Further, the research was based on naturalistic approach of data collection such as interviews and observations and the desired information, was about what Ogiek think and do, what kind of problems they are confronted with, and how they deal with them.

### **1.5 Scope of the Study**

The study was limited to examining the influence of Mau Forest Evictions on the human security of the Ogiek community, leaving out other communities. The focus is on the Ogiek because they are traditionally forest dwellers, ie, the forest is ‘home’ and hence their human security is severely compromised when evictions occur. The other communities around Mau forest are migrants with the purpose of exploiting the forest for economic reasons, and hence when evicted they have an option of going where they came from. For the Ogiek, there is no other place to go to. The study was conducted in the ‘Maasai Mau’, which is one of the seven blocks of Mau Forest where the Ogiek are found. The study covered the period from 1992 to 2022. Field data collection was done between October and December 2022.

## **1.6 Chapter Summary**

The chapter has discussed the background to the study, statement of the problem, research objectives and research questions. It has further considered academic, policy and philosophical justifications as well as the scope of the study. The next chapter reviews literature thematically.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 Introduction**

This chapter contains reviewed literature that is done thematically and is broken down into the following sections based on the specific objectives of the study; The Nature of Forest evictions; the influence evictions on Human Security, and finally, Challenges and Opportunities resulting From evictions of forest Communities. The chapter also contains conceptual framework where the theories that underpins the study are discussed.

#### **2.1 The Nature of Evictions of Forest Communities**

Protected areas, such as forests, national parks, and game reserves, have historically been the ancestral lands of many indigenous peoples. These indigenous groups are often removed/displaced from these homelands on the ground of conservation of environment. The evictions can have devastating consequences on both the people and the environment they have long cared for and cultivated (Schmidt-Soltau & Brockington, 2006).

It is important to differentiate between changes that are imposed on local communities and those that they freely choose to make. In some cases, authorities directly cause communities to relocate from protected areas to make way for conservation. In other instances, restrictive protected area legislation limits their livelihood options, leading to involuntary relocation. And at other times, communities may choose to leave in search of better opportunities elsewhere (Cernea, 2005; Brockington & Igoe, 2006). These different forms of change often overlap, highlighting the complexity of the issue. The rigid

categorization of how local communities are affected by protected areas as either forced or voluntary is not a useful approach.

The Indigenous population constitutes a relatively significant percentage of the combined global population but accounts for almost a quarter per cent of the poorest people. This is worsened by political, social and economic structures that oftentimes culminate in extreme marginalisation and discrimination. This in turn makes them more vulnerable to the risks of deposition, especially in the events of violent conflicts, climate change, developmental projects and natural disasters (Amnesty International, 2007). The past few decades have witnessed numerous documentations regarding the intensified violence, forceful and illegal evictions and grave violations of the fundamental human rights against the indigenous population, a phenomenon that is coupled with the bulging population of their aboriginal lands, water and other essential natural resources.

### **2.1.1 Forest Evictions**

The world continues to witness evictions in general, of which most are carried out both in rural and urban settings. The evictions in the rural areas mainly stem from the urge to establish huge developmental projects including infrastructural-related projects, and due to avoidance of both natural and human-induced disasters. This in many instances has seen the people being evicted from their ancestral habitats. Similarly, urban settings have as well reported scores of numerous evictions for various purposes including the beautification of the city, expansion of the city and the need to establish developmental projects (Diana, 2017). Such evictions have been found to hit the severely marginalized and vulnerable populations, especially the indigenous peoples, ethnic and racial minorities, and squatters to mention a few.

Similarly, the world has experienced evictions of forest communities from forests as much as several research studies have shown that forest degradation can be significantly slowed down by the stewardship of forest-dwelling communities (Dowie, 2010). Given the importance of sustainable forest management for mitigating and adapting to climate change, tribal peoples who have lived in and around forests for centuries could play a critical role in this regard. However, conservationists often criticize this idea, as they believe that the presence of tribal communities in forests is harmful to wildlife and ecosystems. Many governments even promote the eviction of tribal communities to promote safaris, establish protected areas, and attract tourism despite the high cost paid by these communities for conservation (Nolte *et al.*, 2013).

### **2.1.2 Forest evictions in USA**

The United States of America (USA) presents one of the classic examples of contemporary evictions. The country's experience with evictions can be traced back to the 18<sup>th</sup> century when it vigorously embarked on establishing national parks across its federal states. Regarding this, the Native Americans became the primary casualties (Schopenhauer, 1818). Precisely, the country's first national park, Yellowstone was established in the early 1870s and it oversaw massive displacement of the native population which was ongoing unabated. Such a move was stimulated by the emergence of the Conservation Movements in the late 19<sup>th</sup> century which spearheaded the safeguarding of both natural lands and essential resources which implied the unacceptability of any human domiciling, particularly of the hunters and gatherers, especially in the protected areas (Emily, 2011).

Historically, the land was regarded by the whites as an essential resource whose prosperity would not be achieved until the natives were completely driven out. Given the rapid



expansion of the country to the West, which was considered to be rich in natural resources, investors thronged the area with the notice of minimal investment to garner huge profits to the detriment of the native people. To secure their fortune, the whites initiated the relocation programs which saw the Indians being dispossessed from the American expansion with the motive of providing them with a conducive environment to continue with their traditional lifestyle and eventually assimilate them. However, the intrusion by the Anglo-Saxons influenced the relocation program and perceived as temporal, the reservation of the land until it could be utilized for the commercial-related interest of expanding America. Notably, the evictions were oftentimes accompanied by intense racism as was seen with the neglect and disregard of the rights of the Natives. This brought to the limelight the demeaning perceptions against the Natives who were deemed to be barbaric and much inferior to the Whites. Again, the nature of the evictions was slightly embedded in assimilation which failed drastically (Emily, 2011). The establishment of this first national park severely constrained the activities of the aboriginal people. In as much as the Native Americans continued with the traditional practices, the laws of the park constrained them rendering them incapacitated to survive. Eventually, they were forced off and ultimately resettled in the reservation areas. In the events where valuable minerals were discovered in the Indian Lands, the whites thronged the area to exploit the resources without proper compensation or sharing profits with the inhabitants. Instead, they would be trapped into the signing of treaties which saw them being driven away completely while the whites were left with the area to engage in their commercial activities.

The expulsion of the Native; Americans was later on institutionalized following the enactment of the Indian Removal Act sponsored by the then president, Andrew Jackson.

This law gave the government the legal authority to dispossess natives from the Eastern lands for the exchange lands located west of the Mississippi River. The Act was met with fierce resistance, especially from the Cherokee tribe. They challenged the Act at the Supreme Court on the argument that it was incompatible with the previous laws that insulated the Indian lands from intrusion by the white inhabitants. The Court ruled in their favour but the then president, Andrew Jackson dismissed the ruling and demanded their immediate dispossession from their aboriginal land (Laltaika & Askew, 2021). In a nutshell, the nature of the US forceful evictions has been characterized by dynamism including continuous discrimination, the use of armed resistance, the legal challenge to mention a few.

### **2.1.3 Forest evictions in Europe**

In Europe, the Roma and the Travellers have been facing a long decade of pervasive and systemic discrimination, rejection, social disenfranchisement and marginalization in all aspects of life. Human Rights Groups including Amnesty International, Human Rights Watch, and the European Human Rights Commission alongside other organizations have documented increased forced evictions of the Roma Communities in their homes and settlements which require the attention of the respective European countries with the full backing of the mechanisms within the region as well as the international community. The Roma are the remnants of the earliest Indian immigrants that found themselves in Europe approximately 1,400 years ago. Their population is estimated at close to 12 million in Europe, with at least 6 million residing in the Euro Zone (Armillei, 2018).

Based on their race and ethnicity, the Roma communities have suffered evictions in countries such as France, Bulgaria, Slovakia, Serbia, Greece, Italy, and Romania among

others according to Amnesty International alongside other relevant organizations (Mukabi, 2015). These communities have been deliberately denied access to proper housing, educational facilities, and health and water sanitation. Further, they have faced discrimination in the labour market which constrains them to access better jobs to enable them to pay their rent at the market rates. Their deliberate exclusion from accessing these essential services, especially proper housing has rendered them with no option but to find accommodation wherever possible, particularly in the informal settlements. Lack of security of land tenure, they have become vulnerable to constant evictions coupled with other human rights violations (Mukabi, 2015). On several occasions where they have been provided with housing, they are constantly segregated and settled outside the urban settings. For instance, in France, they have been severally evicted and settled in temporary camps with precarious conditions. The French government has acted in contravention of both domestic and international legal instruments that protect indigenous and ethnic minorities (Armillei, 2018). Again, in Italy, they have been settled in camps where they face constant evictions as was demonstrated by the shutting down of the Tor de 'Cenci camp in 2008. In Romania, they have been moved away from the cities to suburbs with precarious conditions. The aforementioned cases point to the continued violation of the Romani's fundamental human rights by the states which are obligated under the provisions of the International Laws to protect and safeguard the rights of the ethnic minorities and the indigenous people as well.

In 21<sup>st</sup> century Europe, thousands of Romani continue to be subjected to precarious conditions in segregated camps and the springing shelters in slum areas, irregularly habitant under fears of coercive evictions, harassment, and discrimination, without the

security of tenure and with little hope of being integrated into the European community. Unfortunately, the evictions have been continued with the motive of “cleansing” certain administrative units of the Romani inhabitants, evicting them to remote and suburban areas or even retaining them in racially segregated camps (Nolte *et al.* 2013). However, in response to these violations, the Romani have attempted to fight back, particularly through litigation as the respective states have continued to act in contravention of both regional and international human rights standards, including the European Convention on Human Rights and the International Covenant on Economic, Social and Cultural Rights. They decided to lodge their case at the European Court of Justice on Human Rights pending determination.

#### **2.1.4 Forest evictions in South America**

Latin America serves as a home to a significant population of indigenous population. However, these groups of people continue to suffer from the wider consequences that mainly emanate from the continued injustices in the vicissitudes of history, coupled with the colonization of the continent. The colonization oversaw their displacements by the European colonizers who took control of their settlement areas and essential natural resources. This period also witnessed entrenched slavery and the suppression of their cultures. Persistent conflicts and the perpetrated massacres against them led to the decimation of the indigenous population (Gabbert, 2018). These among other discriminatory and inhumane acts were continued by the newly born post-independence Latina countries. The indigenous population were denied their basic rights. The continued demand for land resources and the pursuit of economic growth and development has led to the persistent displacements and oppression of these groups.

In this context, Brazil is considered one of the Latin American countries that play a host to a significant proportion of the indigenous population with most of them domiciling in the North or Central West region of the country, especially in the Amazon Forest. In as much as Brazil has a huge landmass at its disposal, disputes over the traditional territories of the indigenous people remain constant. The country has and continues to witness the displacements of the indigenous populations with the motive to pave way for the agricultural-related activities including the breeding of cattle, the need to expand the sugarcane industry and the cultivation of soy as well as the developmental projects initiated by the government. A case in point is the Quilombo community which has faced the threat of evictions to pave way for the expansion of the Space Launch Centre. According to them, land and its related resources are not only associated with social and economic cohesion (Stocks, 2005). Despite the government's roll-out program of providing these communities with titles of the land, most of them remain without. The first phase of the Space Launch saw the re-settlements of a section of these communities to an infertile land, scarce of natural resources which in turn have jeopardized the ability of these communities to remain self-reliant. In addition to their hurried relocation, the majority of the evictees failed to receive any financial assistance, compensation as well as access to credit for agricultural production. Again, the government is yet to provide some of them with essential services including clean water, healthcare, and education. Such failure constitutes the gross violations of International Laws, especially the laws that govern the fundamental rights of the indigenous population, most of which Brazil is a party (Gabbert, 2018).

### **2.1.5 Forest evictions in Asia**

Evictions have been a common phenomenon in Asia, especially in Southeast Asia. Most of these evictions have been triggered by a myriad of factors including the need to accelerate the economic pace of the rising Asian economies. The indigenous communities in these areas have been widely affected by development-induced evictions since most of these countries are contending with the need to attract global capital investments. Regarding this, huge sums of money are being channeled to facilitate the improvement of urban settings with the motive of making them more attractive to foreign investors. In as much as these cities are thirsting for infrastructural transformation to meet the ever-growing demands of the dynamic urban population, the mannerism in which they are done has culminated in the massive displacement of the people, with the indigenous population being the most affected category of people. For instance, in the Philippines, the indigenous people, especially in both Mindanao and Caraga regions have been faced with coercive evictions from their lands following the government's resolution to permit logging and other development contracts. Additionally, the flourishing exploration of the mining sector by investors has seen the ruining of the settlements of some of the indigenous population without the proper compensation from the government (Eder, 2013).

The UN Special Rapporteur on the Rights of Indigenous Peoples stated that roughly 50% of protected areas around the world have been established on lands that were traditionally inhabited by tribal people, resulting in cultural destruction and displacement from their ancestral lands for over a century. In India, conservation efforts have led to the eviction of around 450 families from the Baiga and Gond communities in 2014 to protect tigers in the Kanha Tiger Reserve. Activists reported that many of the affected families did not receive

the promised compensation and rehabilitation benefits from the government (Dowie, 2010).

Baiga communities who have carefully managed the tiger's habitats over generations are annihilated by forced evictions," said Stephen Corry, director of Survival International, a UK-based international organization that campaigns for rights of indigenous tribal people and UN contacted people (Nepstad *et al.* 2006). The tribal communities were not involved in poaching, but they were the best conservationists. Similarly, in 2017, the government destroyed around 8,000 homes and forcefully evicted nearly 40,000 people from protected areas. For instance, in April 2017, more than 148 houses were demolished, and 156 families were evicted from that kola and Sargodu Forest Reserve in Karnataka, as per an opinion leader.

In 2014, over 1,000 people from Bodo, Rabha, and Mishing tribal communities were evicted from the Orange National Park in Assam. Additionally, a 2018 study by the Housing and Land Rights Network found that in most reported eviction cases, state authorities did not adhere to established national and international standards. The study also revealed that evictions consistently resulted in multiple human rights violations. India is not alone in this treatment of tribal people, as this type of exploitation and land hounding happens globally, with tribal people being the most vulnerable victims.

#### **2.1.6 Forest evictions in Africa**

The situation of tribal communities in Cameroon, a country in Central Africa, is unsatisfactory despite the country being a signatory to the UN Declaration on the Rights of Indigenous Peoples. Most tribal people in Cameroon reside in or near forest areas that are

often rich in minerals, oil, and timber resources. Out of the country's total forest area of 22.5 million hectares, 17.5 million hectares are classified as productive forests and are being allocated to logging companies by the Ministry of Forestry and Wildlife (Gabbert, 2018).

The Cameroonian government has already awarded several mining contracts and logging rights to foreign companies. For instance, the Chad-Cameroon Pipeline Project has disproportionately affected hundreds of thousands of tribal communities and is a classic example of forced displacement and destruction of cultural sites. Some evicted tribal households were even deemed ineligible for compensation because the government abruptly rejected their ancestral claim on the land (Gabbert, 2018). Eviction of tribal communities represents the most severe form of human rights violation. Although over two-thirds of the Bakossi National Park is comprised of community forest areas (CFAs), less than 10% of tribal people have the right to govern their CFAs.

The Baka people, who have coexisted with the forest in Cameroon for generations, are now facing deprivation of basic necessities such as food, shelter, and water, and many are living on the outskirts of towns (Ndameu, 2001). According to reports, the government in Cameroon is using intimidation, harassment, threats, and violence against those who resist eviction from their ancestral lands (Ndameu, 2001).

Several international conservation organizations have expressed concern for endangered wildlife species, particularly in Asia and Africa, in the last two decades (Laltaika & Askew, 2021). In Cameroon, the creation of protected areas and sanctuaries has increased significantly in the past ten years. The World Wildlife Fund (WWF) is one such international organization that collaborates with the Cameroonian government to protect



wildlife and establish sanctuaries (Barume, 2010). However, reports suggest that many conservation-focused projects funded by WWF in Africa and Asia have violated the human rights of tribal communities (Barume, 2010). In 2016, the WWF was accused by Survival International of funding and providing logistical support to anti-poaching eco-guards who allegedly abused and victimized indigenous pygmy communities in Equatorial Africa (Survival International, 2016).

There exists a lengthy history of persecution of indigenous tribal groups in Central Africa, who are sometimes referred to as "Pygmies," a term many of them do not prefer. The name includes various but sometimes closely related groups living in and around the Congo Basin, such as the Baluma in Congo and the Batwa in the Great Lakes region (Gabbert, 2018). Because they predominantly reside in forests and rely on their land for subsistence, they have suffered the most due to the conservation movement, with many communities displaced from their ancestral territories during the creation of parks and forest reserves (Lewis, 2012).

The land seizures are not relegated to the past, and they are not isolated occurrences. Across Central Africa, indigenous peoples have been coerced out of the forest and compelled to settle near the roads or in neighbouring villages. Their access to the forest is strictly, frequently brutally, controlled. Once a community is displaced, their crucial connection to their land is ruptured (Wells, 2010). The older generations are unable to impart the knowledge necessary for their grandchildren to thrive on their land, and the community's health frequently suffers.

The Bushmen of southern Africa have also faced the challenge of eviction for years. Their ancestral spirits are an integral part of the healing ceremonies that the elders of the

community of Bushmen in Central Africa perform. However, the community has been devastated by the loss of their land and livelihoods, leading to a significant increase in depression, alcoholism, and HIV/AIDS (Barume, 2000). Despite their determination to return to their ancestral territory and fight for their rights, the Bushmen have been banned from hunting and punished harshly if found with game. Although a 2006 judgment recognized the community's rights to return and live in the reserve and hunt there, it has been largely ignored in practice, and only a few named in the court case have been allowed to return, with their family members requiring permits to visit and their children unable to inherit the permits (Oviedo, 2006; Survival International, 2014). Unless there is a change in this situation, the Bushmen in the reserve may not survive beyond the current generation.

Sensibly to Africa, dozens of its inhabitants are indigenous to the continent. Most of these societies have existed long before the advent of colonization all with special traits, norms and identities as eschewed by the United Nations (UN) description. The continent through the African Union (AU) is cognizant of the ubiquity of indigenous people as demonstrated by the establishment of the African Commission's Working Group on Indigenous Population to address the bedeviling challenges faced by the indigenous population on the continent (Barume, 2010). Additionally, the continent through the African Human Rights Charter provides among other things protection against evictions. The Charter is also categorical to the fact that eviction should only take place as the last option after all the available alternatives have been determined and exhausted. Notably, the Charter mirrors the provision of International Laws, especially those that relate to the indigenous population. This is a clear demonstration that the continent is committed to safeguarding

and protecting the rights of these vulnerable populations (Pelican, 2015). While the media has mainly focused on the agribusiness-related evictions of the indigenous population in the continent, these groups of people are increasingly suffering from the pervasive dispossession of their aboriginal lands and resources from the conservation related projects, extractive industries, developmental projects, especially the infrastructure, and change in the climatic conditions.

The evictions of the indigenous population stemming from agribusiness-related initiatives are richly embedded in history. A classic example could be found in Tanzania where the government and the indigenous Barbaig pastoralists have been embroiled in a legal battle at the Tanzania Court. This was preceded by the eviction of the Barbaig pastoralists from what they claimed as their ancestral lands, approximately 10,000 hectares to pave way for the construction of the National Agriculture and Food Corporation (NAFCO), currently, a dysfunctional government's owned corporation to aid in the cultivation of wheat with the sponsorship of the Canadian government (Laltaika & Askew, 2021). However, the pastoralists lost the case against the government because they failed to prove the allocation of their claimed land by the erstwhile land authorities and secondly was that they failed to showcase that they constituted native Tanzanians even though they settled in Northern Tanzania, the district of Hanan'g. Despite this happening precisely three decades ago, the Barbaig indigenous communities are yet to recover from the negative effects inflicted on them by evictions. Regarding this, the nature of this eviction is mainly characterized by the litigation path which only benefited the government at the detriment of the Barbaig pastoralists (Peter, 2007).

In Eritrea, extractive industries have been a curse to the indigenous population. One of the indigenous populations, the Kanama community suffered a blow following the decision by the government to issue an exploratory license to one of the foreign companies, to extract copper metal. The community was evicted by the Eritrean government to pave way for the initiative. Consequently, the community, especially in the area of the Barentu filed a high-profile lawsuit against the Canadian mining company, the Nevsun Company Limited. The community claimed that they had suffered numerous things among them being the loss of land, loss of daily livelihoods as well as their freedom. As a result, the company found itself being entangled in one of the historic legal contention in Canada (Rosch, 2017). The company was accused of perpetrating egregious violations of fundamental human rights against the Kanama alongside other workers employed in their mining operations by coercing them to work in the harshest and poorest conditions. However, the case was yet to be concluded pending the final verdict. Such delay in the justice dispensation remains a threat to the Kanama indigenous population which continues to face constant harassment and discrimination from the government authorities.

### **2.1.7 Forest evictions in Kenya**

Kenya has experience a number of forest evictions. In the Cherangany Hills, the government carried out eviction of Sengwer community from 2014 (Claridge & Kobe, 2020). The government justified the eviction by claiming that it was necessary to prevent deforestation and protect water sources. More than a thousand homes, along with food supplies, blankets, and school materials, were burned during the eviction.

There are also the Mau forest evictions done with the reason of saving the Mau ecosystem and of which the main victims have been the Ogiek. The Ogiek community is one of

Kenya's forest communities whose lifestyle is solely dependent on the natural habitat based on culture and way of living. The Ogiek community relies on activities such as their special arts of hunting and beekeeping, which are only possible in the Forest where they live. Since the Colonial period, the Ogiek have faced the threat of eviction from the Mau Forest which has literally threatened their existence as a community (Muia, 2015).

The rate of encroachment in Mau reached an alarming rate as reported by conservationists and government officials. The residents got involved in clearing the forests so that they could set up settlements and farmlands which was viewed as an illegal activity by government officials and conservation groups (Kerubo, 2021). This illegal settlement led to prolonged droughts in the country, the death of wild animals, loss of yields, and alteration of the Mau ecosystem.

Further, more than 50,000 people were reported to be irregularly allocated land in the forest by corrupt government officials. Since the year 1974, forest cover approximately 40%, has been depleted by citizens through encroachment and deforestation (Islam & Mungai, 2016). Amidst this, some citizens have been able to acquire title deeds that show that they have legal ownership of the land. The conservation groups around the Mau complex link the drying of the rivers in this area to the encroachment. Additionally, high peak flows are experienced in some areas while the low base flow is experienced in others. In recent times Mau basin has faced complete challenge of drying up leading to an imbalance in the ecosystem. A task force on the Mau Forest complex commissioned in 2010, revealed that for over 50 years, the government land policy had contributed to encroachment since it encouraged uncontrolled gazettement and cutting of forests and irregular issuance of land to the public (Klopp & Sang, 2011).

The illegal settlements, intense deforestation, and heavy encroachment have been a threat to the Mau ecosystem for a long period (Kerubo, 2021). However, the evictions are conducted in ways which are unlawful, and the involved residents are abused in various ways. Unlawful force is used by police officials while serving evictions to the residents. The Kenyan and international law requires adequate notice and compensation to be given to the residents before eviction (World Bank, 2020).

Human Rights Watch (2019) reported that during evictions, people are beaten, their crops and properties destroyed, and homes burnt making them homeless and vulnerable to harsh weather conditions. Further, some people go missing and others lose their lives amidst the cruel treatment of police. The residents are usually ordered to return to their original homes despite having legal ownership documents of the land and having resided there for more than 30 years. The eviction plans do not consider those people who have documents allowing them to reside in the areas in question. In other instances, the government officials proceeded to cancel title deeds that had been issued to the residents (Wangigi, 2021). The contention has been that the land allocation was irregular and corrupt officials were involved in the activity. Both past and current government officials have been investigated and those found involved have been purported to face the law. In Narok County, for instance, residents in the complex area have been subjected to injuries, deaths, and emotional abuse. Their households, crops, and stores are destroyed, and the government fails to investigate the matter.

The conservation of Mau Forest by the Kenyan authorities was highly prioritized since 2004. Between the years 2004 and 2006, people were evicted for severe offenses, in accordance with Amnesty International and Kenya National Commission on Human

Rights. An award of an injunction by the Nakuru High court halted the evictions on behalf of those individuals who claimed to possess title deeds which the government went ahead and nullified. However, the court said that revoking title deeds was unlawful without court orders (Claridge, 2017).

Claridge (2017) further stated that court permissions were once again sought in 2018 by the relevant authorities to nullify the titles on the ground that the acquisition of Mau land was unlawful. The petition was therefore given in June 2019 and prompting the cancellation of title deeds and the planning of evictions which was underway. The people who earlier held on possession of land were hence to be removed as well. The officials informed Human Rights Watch that all individuals unlawfully residing in the area were to be evicted regardless of the possession of ownership documents.

It was reported that instances of police officers using power to demolish or worse still burn down houses and granaries. The operation which took a period of three days left several residents injured, arrested, and some detained. Some of the residents reported that upon trying to gain access to salvage their belonging, they were barred and beaten mercilessly by the police. The number of deaths recorded by the Human Rights watches was way less compared to the actual number recorded by the community leaders. Women seemed to be the most vulnerable as they ran back to save their children. A certain woman is reported to have slipped into a ditch while carrying her young daughter and the two of them succumbed to injuries and later died. In addition, there were reports that some residents committed suicide out of the frustration of losing land and other properties (HRW, 2019).

Claridge (2018) stated that there is an intimate bond between the indigenous people and the environment they reside in. They not only draw physical provision but also spiritual

connection. Both the natural and social dimensions are intertwined with their cultural diversity. Across the world, the indigenous people are working hard to balance their traditions, knowledge and the western imposed knowledge and customs. There is an intense challenge of maintaining their way of living with the conflicting views of the surrounding world.

Moreover, for centuries the indigenous people have fought to survive by coping with various ways of hostile climatic conditions and have triumphed in creating sustainable livelihoods. Due to their diverse knowledge systems which intensely connect them with nature, the indigenous communities have managed to fend for themselves and protect the environment for future generations. In addition, their cultural cohesion has enhanced their resilience and promoted their ability to mitigate and adapt to the harsh climatic conditions. This way of life has not only been beneficial to them but also to the environment and the communities around (Barume, 2010). The other communities have been able to deal with the complex nature of the environment by emulating some of the Ogiek's way of living. The Ogiek have fiercely held their culture and have successfully shunned outside influences which might bring negative impacts to their culture.

Claridge (2017) states that the Ogiek have lived in Kenya's Mau Forest since immemorial times and are the custodians of the environment on which they depend for most of their needs. Their lives are uniquely shaped to adapt in forests, and they view Mau Forest as a complete package that provides food, shelter, education, and heritage. Essentially, Mau Forest provides the Ogiek community with all sense of pride and ownership. The term 'Ogiek' means one who takes care of plants and wild animals –care takers of the forest. Therefore, the survival of ancient Mau is greatly related to the presence of the Ogiek in it.



Unfortunately, the eviction of Ogiek out of the forest begun before independence. This means the rights of Ogiek to own land has always been denied and disregarded repeatedly (Barume, 2010).

In the present day, this community has proceeded to keep bees and tend farms for crop production. Despite having lived in the Mau Forest for years, the Ogiek people do not have title deeds hence making them vulnerable to eviction by the government. The lack of ownership documents has made it easy for the government to term the Ogiek community as illegal residents in the forest. The Kenyan government upholds that evictions are essential for the most important water catchment area, which is the Mau Forest complex. The Ogiek community upholds and supports the eviction of other communities to enhance the conservation of the forest. However, they want to be exempted since they are dedicated in protecting the forest because it is the source of their livelihood and wellbeing. Furthermore, the forest has been their ancestral home. Kerubo (2021) states that the Ogiek and other indigenous people in Africa have a leading role to play as guardians of local ecosystems and in conserving land and natural resources such as the Mau Forest Complex.

In 2017, the Ogiek won a milestone victory when an international court in Arusha, Tanzania ruled that the Kenyan government had breached the Ogiek's rights by evicting them out of their ancestral land (Claridge, 2017). This was after more than 20 years of legal battle against evictions. However, the Kenyan government showed signs to be withdrawing from its promise to follow the court's decision. There seemed to be lack of robust mechanism to enforce which is the mandate of the government. The Court had ruled that the Ogiek have the right to live in the Mau Forest and that it was unlawful for the government of Kenya to evict them. Towards the end of June 2020, the Ogiek were

evicted, and their households demolished by Kenya Police and Kenya Forest Service security personnel. The operation led to at least 30,000 Ogiek families being homeless. The evictions took place despite the authorization to halt the evictions being given a few days before.

The Court affirmed that the Ogiek community are indigenous people, and their ancestral home is the Mau Forest. For so many years the Ogiek have taken the Mau Forest as their source of livelihood. The Court further affirmed the Ogiek's "right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use", as the UN Declaration on the Rights of Indigenous Peoples states. Rather than respect the verdict of the African Court on Human and Peoples' Rights the government of Kenya proceeded to demolish the homes of the Ogiek as well as destroy their properties. Additionally, the Sengwer indigenous communities were evicted. The worst aspect of this operation is that it was carried out during the coronavirus pandemic. The community was not only deemed homeless but also rendered vulnerable. Conservation of the environment is an integral endeavor, but it must be carried out in a manner that promotes humanity and the rule of law (Lang, 2020).

Environmental activists and government officials both state that the Ogiek are not immune to practices that destroy the forest as purported. Just like the other communities in this area, they also clear trees to get farmland and other quick profit activities. The old ways of life which they held when they were just hunters and gatherers and bee keepers have changed (Ministry of Environment and Forestry, 2018). The Ogiek have taken up activities such as livestock grazing and food crop production which are not compliant with forest conservation. However, the Ogiek Peoples' Development Program director, Mr. Kobei,

acknowledged that the report described only a few people who violate the laws. The large number of the community has tried maintaining the conventional way of life. Further, he stated that other communities who had joined the forest largely practised unsustainable habits but not the Ogiek. The director insisted that if the forest was left entirely for the Ogiek to protect they would practice sustainable industries inside, like beekeeping and farming outside the forest.

Chabeda-Barthe & Haller (2018) reported that the Ogiek have innovated ways to support their basic needs for example, nurturing traditional methods of apiculture in Mau Forest. However, challenges in forest land access have led to them engaging in bold steps, such as selling off land to the Kalenjin in what is called “distress land sales”. The neighbouring Kikuyu community, on the contrary, have held their status on land ownership status despite repeated tribal wars which happen during general election times.

Kiage (2019) stated that when the government gazetted Mau Forest as a government-protected area, the Ogiek people lost their sovereignty resulting to a collapse in their traditional economy. The politically influenced people intended to use the forest for other activities such as large-scale farming, charcoal burning, and setting up industries. These activities led to adverse environmental consequences which destructed the Ogiek’s natural and cultural lifestyles. The Ogiek, are commonly called the ‘caretakers’ of the forest and for years they have lived in harmony exhibiting a symbiotic relationship with nature. This has been achievable by traditional ecological knowledge through generations. Unfortunately, the Ogiek have been driven away from their land by the government citing environmental deterioration. The disregard of the Ogiek culture, has contributed to poverty, loss of identity, illiteracy, and poor health (The Ogiek Welfare Association,

2005). The injustice of introducing immense exotic forests within the indigenous has made the area unproductive and useless for the biodiversity such wild animals, bees, and wild plants. The survival of the indigenous Mau Forest is largely related with the existence of the indigenous people.

The Kenyan government embarked on an initiative to dispossess the inhabitants, especially in the forested areas. Such a program has been characterized by the destruction of social amenities with the majority of the settlers being rendered homeless. Ostensibly, these evictions were and have been made effective to protect the country's forests. This was preceded by environmental concerns, especially the loss of forest cover by both the environmental groups and the United Nations. The loss of forest cover, they argued had devastating impacts both at the national and international levels, including livelihood loss, droughts, and declined access to basic goods and services offered by the environment (Jebiwott *et al.* 2021). In response to these serious concerns, the Kenyan government has partly carried out dozens of evictions from the forested areas and displaced the people it deemed were domiciled in these areas illegally. In this context, Mau Forest is one of the largest forests in Kenya and Africa at large. The forest is a host to rare species of flora and fauna. Further, the forest serves as a home to the Ogiek's indigenous community who are mainly hunters, gatherers and honey-keepers and have been domiciled in this area since time immemorial, making their survival deeply attached to the forest.

The Ogiek community is approximated to totaling at least 30,000 and constitutes some of Africa's remaining forest inhabitants. This group is well adapted to the forest life and they regard the Mau Forest as their refuge, school, and cultural identity that furnishes them with a vital sense of pride and destiny. Undoubtedly, the survival of the Forest is therefore

inherently interlinked to the survival of the Ogiek. The community has been subjected to constant arbitrary coercive evictions from their ancestral lands by the Kenyan government without effective consultation or compensation. This perpetual act could be traced before independence as well as post-independence. The community's right over land has been blatantly ignored and disregarded. Since then, the Kenyan government has instead allocated the land to third parties including the political class and Okayed the commercial logging to continue without sharing the reaped benefits with the Ogiek (Kimani, 2018).

The early 1990s saw the Kenyan government allocating parcels of land to the non-Ogiek both inside and outside the Mau Forest, which the Ogiek regarded as their ancestral lands. This initiative witnessed the landless non-Ogiek being settled on the disputed lands. This was followed by the evictions of the indigenous Ogiek to pave way for the settlements. These actions according to them were a blatant violation of their customary rights in the contended land. The dispossession of the Ogiek from their aboriginal lands and the refusal to permit them to access their spiritual home has constrained them from practising both cultural and religious rites. These evictions have threatened the very existence of this vulnerable group. In response to what they describe as perpetual discrimination and violation of their rights, they have objected their evictions with both local and national authorities, task forces and commissions. Further, they have also initiated rounds of judicial proceedings in the national justice systems which have largely proved futile (Micheli, 2014).

The Kenyan government through the Kenya Forestry Services (KFS) issued a 30-day eviction notice to the community in 2009 alongside other settlers of the Mau Forest,

demanding an immediate evacuation from the forest. The group perceived this as a perpetration of the historical land injustice already suffered and having exhausted domestic litigation without significant fruits, they decided to challenge the government's commission of course with the support of the Minority Rights Group International (MRG), and the Ogiek People Development Programme alongside the Centre for the Minority Rights Development (CEMIRIDE). They argued that the Kenyan government, in contravention of the African Charter on Human and People's Rights had disregarded their rights to property, natural resources, culture, religion, development, freedom from discrimination, and equality. In the same year, in November, the Commission, alluding to wider ramifications in the spheres of social, political and economic survival of the community and subsequently the inflicted harm of the eviction was operationalized, rendered an order urging the Kenyan government to halt the implementation of the notice of eviction. The community was never evicted but the government continued to subject them to precarious conditions (Fuchs, 2016).

Following the reluctance of the Kenyan government to address the puzzling Ogiek's question, the Commission referred the case to the African Court on Justice and Human Rights and in July 2012, where the Court declared itself gripped by the matter. On March 2013, it issued an order similar to that of the Commission. The order encompassed the immediate reinstatement of the restitution the Kenyan government had imposed on land transactions in the Mau Forest Complex; desist from any activities that would prejudice the community until the Court renders its ultimate decision in the case (Ministry of Environment and Forestry, 2018). Again, the Kenyan government failed to comply with this order which in turn ushered in the continuation of the harassment and intimidation of

the community including the violent eviction of approximately 1,000 Ogiek coupled with police brutality and intimidation in March 2016.

The study by Kweyu *et al.* (2020) presents a critical issue in Kenya concerning the eviction of the Ogiek community from their ancestral lands in the Mau Forest. The author reports that the Kenyan government has justified the evictions as necessary to protect the Mau Forest Complex, a vital water catchment area. However, this argument appears to be in conflict with the 2017 court ruling that found the Kenyan government to have violated the Ogiek community's rights to their ancestral lands. The study suggests that the Kenyan government has disregarded the court ruling and continued its campaign to evict the Ogiek community. This study raises questions about the government's commitment to protecting the environment and indigenous communities' rights. It highlights the need for further research on the social and environmental impacts of the eviction on the Ogiek community and the Mau Forest ecosystem. Additionally, it suggests the need for stronger legal frameworks that protect the rights of indigenous communities and ensure their participation in environmental decision-making processes.

At least 100 Ogiek's families including those in the Maasai Mau totaling to at least 600 people have been evicted and reduced homeless (Angote, 2016). Such intensified conduct by the Kenyan government to subject the community to arbitrary and forced evictions from Mau Forest was found to have violated the seven Articles of the African Charter on Human and People's Rights including the right to property ownership and natural resources. Most significantly, the Court through its 2017 judgement recognized the community as indigenous and that they had a critical role in the protection of their local ecosystem and the conservation of their ancestral territories and natural resources. It specifically pointed

out that the government's conservation motives should not be utilized to justify the illegal Ogiek evictions.

The government ignored the ruling and continued with its urge of conserving the Forest. As of July 2020, the government is alleged to have claimed at least 45,000 hectares of the Ogiek's ancestral lands, especially in the Eastern Mau (Amin, 2022). These are the areas where the community had claimed and was adjudicated by the African Court in their favour. Surprisingly, the Kenyan government reiterated that their evictions had complied with the 2017 judgement. Moving forward, there is a need for the government to safeguard the customary rights of the Ogiek to their ancestral lands as demanded by the African Court as well as the Kenyan Law. However, this is pegged to the political will of so doing. Failure by the government to comply with the 2017 judgement has led to intensified pressure from the right groups led by the MRG and OPDP, which demand the immediate refrain of the government with its "illegal" eviction which was worsened by the then COVID-19 pandemic. Further, they continue to demand the release of the Task Force Report and the full participation of the government in the processes of the African Court in good faith by committing to comply with the 2017 landmark judgement which they argue that failure to comply will worsen the unprecedented suffering of the indigenous Ogiek and further constrain the legitimacy of institutions that advocate for human rights, particularly in the glares of the victims seeking justice for the violations of their fundamental rights (Diana, 2017).

The study by Zocchi *et al.* (2020) highlights the issue of eviction, which has become an emerging contemporary issue affecting disadvantaged communities worldwide. The author argues that most of the scholarly studies on the Ogiek community tend to focus on specific



reasons for their evictions, without fully exploring the underlying causes of this issue and possible remedies. This suggests a need for more robust research to uncover the existing loopholes in addressing this emerging menace. Additionally, the study points out that most studies tend to generalize the applicability of international laws in addressing the plight of indigenous people, with little regard to the existing conflicts between some domestic laws and international laws. This makes it difficult to effectively comprehend the legal battles between the indigenous population and the government. The author calls for an in-depth exploration and understanding of the conflicting laws to provide better explanations for the legal battles between the evictees and the evictors. The study provides valuable insights into the complexity of the issue of eviction and highlights the need for a multidisciplinary approach to address the underlying causes and offer possible solutions. It suggests the need for legal frameworks that protect the rights of indigenous communities and ensures their participation in decision-making processes concerning their lands.

The Ogiek remain one of the last surviving indigenous people in Africa. However, they have and continue to face numerous violations of their fundamental rights, perpetrated on them by the Kenyan government (Sifuna, 2021). The nature of their eviction is largely characterized by constant harassment and discrimination, legal squabbles with little prospect of settlement, and the continued disregard of the existing domestic and international legal factors that protect the indigenous population.

## **2.2 The Effects of Evictions on Human Security of Forest Communities**

The questions that guide human security explanations include; security from what? Security for whom? And, security by what means? The agenda for peace and security,

according to the UN, should enhance liberation from fear and neediness (UNDP, 2011). Essentially, for human security to be counted present, people should be safe from repression, hunger, persistent threats and diseases. Additionally, individuals should be protected from activities that disrupt their lives, whether at home, in the community, or at work. Human security therefore entails prioritizing the basic requirements of people in order to facilitate their survival. The aspect of human security basically assures people that they are safe in their communities, and they are having access to the requirements of life without denial. Moreover, the enjoyment of other elements of life such as economic nourishment, environmental preservation, self-confidence, and freedom from violence and political tyranny is essential to human security (Barnabas, 2021).

The Commission on Human Security has defined human security as the way to safeguard the most essential aspects of human life, which promote freedom and fulfillment. Human security entails the protection of fundamental freedoms that are critical to life, as well as safeguarding individuals from severe and widespread threats and situations (OCHA, 2010). Most importantly the basic needs of individuals should be prioritized and people should be protected from anything that can cause harm to their lives.

Human security integrates three freedoms; freedom from fear, freedom from want, and freedom from indignity. Freedom from fear means that individuals are protected from threats towards their integrity; violence that could emanate from their own state or external sources; protection of violence from groups or individuals and towards other groups or individuals. Freedom from want means that individuals should be protected so that they be able to meet their basic needs (Kweyu *et al.*, 2020). All aspects of life including social, economic, environmental, and cultural should be met. Freedom from indignity applies to

the promotion of improved standards of life among people and giving them a chance to engage in activities that provide empowerment opportunities for them.

The issue of human security is not a one-sided affair. Several actors are needed to make the aspect of human security work to its full potential. That is, it is the primary responsibility of a nation to provide protection to its citizens while other bodies such as civil society, NGO and international corporations offer support towards the cause (Kweyu *et al.*, 2020). Human security is multi-selector and includes seven interconnected dimensions namely, Economic security, Food security, Health security, Environmental security, Personal security, Political security, and Community security.

The Commission on Human Security identifies two main strategies for human security: protection and empowerment. Protection involves measures taken by various entities such as states, NGOs, international agencies, and private sector organizations to safeguard people from threats that they cannot control, such as natural disasters, financial crises, and conflicts. This approach is referred to as "top-down" since it is primarily implemented by the state. The Commission emphasizes the need for systematic, comprehensive, and preventive protection measures. While states are primarily responsible for implementing these measures, other actors such as civil society, NGOs, and international bodies play an essential role (OCHA, 2010).

Samorai (2020) examines the notion of empowerment as a means of building resilience to challenging circumstances. The author emphasizes the significance of "bottom-up" strategies that seek to strengthen the capacity of individuals and communities to make informed decisions and take action on their own behalf. According to the study, empowerment not only enables people to realize their full potential, but it also enables

them to participate in devising and implementing solutions that ensure human security for themselves and others. The author points out that human security is multi-faceted and consists of seven dimensions, namely economic, food, health, environmental, political, community, and individual security. The study provides valuable insights into the concept of empowerment and its relationship to human security. It suggests that empowering individuals and communities is critical in promoting their resilience and enhancing their ability to make informed choices. However, the study does not provide empirical evidence to support the effectiveness of empowerment strategies in promoting human security. Therefore, future research should explore the effectiveness of empowerment strategies in promoting human security in different contexts.

### **2.2.1 Effects on Economic and Food security**

Food security includes food being available, accessible, consistent and properly utilized (FAO, 2003). It is noted that lack of food can cause hunger and famine leading to severe health problems such as malnutrition (UNDP, 1994). The destruction of Mau complex has significantly interfered with food and economic security of the local inhabitants. The deteriorating condition of the complex has led to the increase of droughts frequency and sometimes floods which is detrimental to productivity of foodstuffs consequently affecting the sustainable supply of food (Chaudhry, 2021). For instance, evictions drive people out of the land they relied on for food production, this did not only affect the food production activities but also interfered with sources of income. Lack of enough food causes hunger, starvation and malnourishment making people weak, sick and other times people die.

According to ICRC, economic security is defined as the ability of a community, household or individual to meet their basic needs in a dignified and sustainable means. However, there is a variation depending on what a certain individual may require, their cultural life and the environment around. It is worth noting that different people have different needs and preferences and therefore satisfaction of their wants may not necessarily be the same. Gandhi (2022) defined economic security as the ability people have in meeting their fundamental needs on a regular basis. Basic needs refer to food, shelter, clothing, and hygiene. Impoverishment and loss of dignity among Individuals, households, and communities is brought by lack of economic security. Economic security helps people to plan and invest in the future concerning their lives and those of their kin. There is a reduction of fear and anxiety about the future in turn promoting the overall well-being of individuals (Gandhi, 2022).

According to Fahy (2021), food security refers to the ability individuals have in accessing sufficient and nutritious food. Further, he stated that conflict contributes to the largest cause of global hunger today. More than 60% of food-insecure individuals happen to reside in zones dominated by conflicts. Conflict drives people out of their homes forcing them to leave behind the means that support their livelihood. Conflict also brings division among the communities and makes residents neglect the long-term economic strategies for fear that they will never get the benefits if they are forced to vacate. For instance, people who engage in farming activities or in the food processing business may not be in position to carry on with their activities because of the instability caused by eviction thus bringing the issue of food insecurity (Juma, 2012).

According to UNDP (2020) Economic security means an assured basic income for individuals, usually from productive and remunerative work, or, in the last resort, from some publicly financed safety net. Food security on the other hand entails ensuring that all people at all times have both physical and economic access to basic food. The two forms of human security are important as they concern the well-being of individuals. Forest evictions threaten economic and food security of forest communities either directly or indirectly. The main threats to economic security include poverty and unemployment while the main threats to food security include hunger and famine. Evictions in many cases leave evicted communities destitute and more vulnerable to many to issues that threaten their security.

Chaudhry (2015) explains that economic security refers to the ability to sustain a livelihood either through work-related activities that provide continuous financial income or through government-sponsored social security systems. Work-related security is based on seven interconnected measures, namely income security, representation security, job security, labour market security, work security, skill reproduction security, and employment security. In many developing and underdeveloped nations, the majority of the unemployed population relies on primary economic activities, such as farming, grazing, hunting and gathering, fishing, and mining and drilling, which are often unreliable and inconsistent sources of income generation.

Reid (2012) noted that various actions such as mining, dam construction, and conservation projects that lead to evictions can have equally damaging consequences. The affected indigenous people who were previously self-reliant and secure become refugees overnight. Deprived of their land and sources of income, they are often forced to rely on hand-outs,

leading to poverty, poor health, malnutrition, alcoholism, and mental illness. Their resettlement to the periphery of mainstream society often results in conflict and tension with their new neighbours (Brockington & Igoe, 2006). Although various groups may be affected by evictions from protected areas, tribal communities suffer disproportionately due to their absolute dependence on their land to support their livelihoods. Additionally, they are often separated from the local economy that generates income (Venter et al., 2014). The loss of their land has profound spiritual and historical significance, rendering it irreplaceable.

When communities are evicted, they usually lose not only their homes but also their possessions and sources of income. This includes the materials used to construct their houses, as well as household items like cooking utensils. Some community members may have operated small businesses, such as shops or kiosks, which are also destroyed during evictions. These evictions can be particularly devastating for families who had been living in protracted displacement for several years and had slowly been rebuilding their lives. In some cases, humanitarian organizations had invested in infrastructure such as latrines, water pipes, health centres, and schools, which are also destroyed during forced evictions, negatively impacting children's education, the opportunity to access health services and the economic sector of these people. Additionally, many families cannot afford new building materials, which can leave them homeless and without any means to rebuild.

The eviction within the forest has compromised the lifestyle and livelihood of many families (Juma, 2012). Once people are displaced, a lot of socio-economic challenges are associated with it. The struggle to meet livelihood needs in the new environments encountered could differ from the places they are evicted from. Adjusting to the cultural,

economic, social, and other values of the place they relocate subjects' individuals and communities to stress (Tiony, 2016). People living around the Mau Forest mostly happen to partially or wholly depend on the forests resources to provide food and other economic resources which they sell to meet their basic needs. For instance, the Ogiek people have primarily lived in the Mau Forest, and they recognize this place as their ancestral land. Upon eviction, the life they are subjected to outside the forest becomes so strenuous to adjust. They find it difficult to provide their families with food and meeting their economic needs also becomes difficult. Mostly the agricultural production and forests resources production are the main activities that the Ogiek community get involved in hence interfering with them leads to a great extent of destabilization (Kong'ani *et al.* 2018).

Juma (2012) further observed that the Ogiek community majorly suffers economically in the new areas as they compete for resources and opportunities. The social challenge is also realized in a major way as the Ogiek people struggle to interact with other communities where they seek refuge upon eviction. From his study, Tiony (2016) recommended that the government should provide evictees of Mau Forest Complex and all other forest areas with proper assistance according to the standards set by international human rights. Access to basic facilities and settling them in appropriate sites should be adhered to.

In a study conducted by Kong'ani *et al.* (2018), they found that people in Mau Forest depended on various activities around the forest to meet their livelihoods. The most important activity mentioned was crop production, livestock rearing and harvesting forests resources. These are the main activities that people engage in to meet their basic needs, particularly food. However, there are individuals who engage in activities such as petty trading and casual labour which also form part of the economic system of the area. All



these people are affected by evictions in different capacities and everyone tends to bear a different loss from their counterparts when the government imposes evictions to them. The findings of the survey revealed that a significant proportion (96%) of the participants grew maize as their primary crop, followed by beans, peas, carrots, potatoes, cabbages, and tree tomatoes. Furthermore, more than 50% of the households grew at least two of these crops. These crops form the main source of food to the people living in Mau Forest and it is evident that driving them out creates a huge gap in food production as well as economic growth since the surplus is always sold to other communities who are not involved in such activities. Most residents are known to rear livestock as cattle, goats, sheep, and donkeys and also chicken. These animals provide food in terms of protein and sometimes sold to provide money for catering for other needs that people have. Moreover, there is heavy dependence on wild fruits gathering and honey which contributes to food supply as well as being sold in the markets. It can be seen that food and economic security both are dependent and hardly can one discuss either without mentioning the other.

The study by Kong'ani *et al.* (2018) provides important insights into the dependence of communities living around the Mau Forest on various activities for their livelihoods. The study was conducted through a survey of residents in the area and highlighted the importance of crop production, livestock rearing, and forest resource harvesting in meeting basic needs. However, the study does not specifically focus on the issue of evictions and its impact on the livelihoods of the indigenous Ogiek community. This is the gap that the current study seeks to fill, by exploring the underlying causes of the continued dispossession of the Ogiek and possible remedies to their plight. The current study also aims to delve into the conflict between domestic and international laws that have made it

difficult to comprehend the legal battles being fought between the evictees and the evictors. The study by Kong'ani *et al.* (2018) provides important background information, but the current study seeks to add to the existing literature by specifically addressing the issue of evictions and its impact on the indigenous Ogiek community.

A lot of properties are lost during evictions including the materials used to build homes and other infrastructure. For the individuals who have small businesses such as kiosks, their stock and business structures are destroyed and in many cases, they lack compensation hence starting afresh elsewhere is a challenge. Many displaced who had been living in protracted displacement for many years end up even in detrimental situations as evictions end nullifying all the recovery efforts achieved after initial displacement. Many families are often unable to afford new building materials. Evictions not only destroy personal properties but also the infrastructural efforts made by humanitarian actors. The demolishing of schools negatively impacts children's education, demolition of health centers makes people suffer with untreated ailments, and the destruction of water pipes leave people with no water to use exposing them to unhygienic circumstances (Juma, 2012).

Casual labor, petty trading, and humanitarian assistance from local and international humanitarian organizations which is the major livelihood avenue for people also suffer intensely during evictions (Samorai, 2020). Essentially, these grounded livelihood arrangements are disrupted as relocation activities take much of the people's time in looking for areas to set up temporary houses. Disruption and loss of established livelihoods lead to food insecurity and accelerate poverty.

Tribal communities are often deprived of fair compensation during evictions due to three primary reasons. Firstly, tribal peoples are often left out of official population data as they are non-state societies. Even when population statistics are available, they may be incomplete. Secondly, governments frequently disregard their customary or informal rights, which makes it challenging for tribal communities to seek legal remedies for evictions. These factors collectively make it difficult for tribal families to receive adequate compensation for evictions (IUCN & UNEP-WCMC, 2012).

### **2.2.2 Effects on Community and Personal Security**

Human Development Report of 2019 affirmed that Community security includes protecting people not to lose traditional attachments and values and protect them from tribal or sectarian brutality. Thus, it explains a nexus with personal security as the people are in danger of physical abuse from different angles. Evidently, evicting individuals, especially from the forest violates their security to a great extent. The indigenous communities face prejudice since their way of living is considered primitive compared to the surrounding who carry out other activities such as farming. Their social lives are disregarded as termed backward while their counterparts are considered civilized (Boisen, 2017). This brings discrimination when compensation is being done to the evictees. The communities who practice farming will be compensated because their loss is tangible but the Ogiek are disregarded.

Rosenow-Williams & Behmer, (2015) asserted that women and girls are exposed to huge threats towards their personal security including physical and sexual abuse while looking for firewood at the periphery of the camp. Sometimes they also must walk for long

distance in search of water making them prey to violent people. The study recommended that the humanitarian units involved should aspire to provide sustainable solutions that make women and girls collect firewood in areas that are safe and easily accessible. Also, other sources of energy could be provided to minimize the personal insecurity that is accompanied by collecting firewood. The fetching of water from distant places has also posed personal insecurity among individuals.

Pachauri & Rao (2013) affirmed that women spend a lot of energy and time on chores that are not paid unlike the male counterparts. These activities make them forego income generating activities and leisure risking their economic and health well-being. Upgrading to modern energy sources has the ability to improve the living conditions of women and promote their welfare assisting those overcome by adverse effects of eviction. This is evident among the evicted people, where women have the bigger burden to adjust regarding the household chores such as energy and water collection and cooking for their family members.

Jelle *et al.* (2021) asserted that during the first days of eviction, people lack housing and even putting up makeshifts ones tends to be a challenge. This situation makes women and girls feel vulnerable to sexual violence. Privacy and dignity among people are ignored making people prone to gender-based molestation. In addition, the sharing of the small space available makes them feel that their dignity and privacy are disregarded. Women and girls fail to report the attacks to relatives since they fear being stigmatized and exposed to shame and embarrassment.

Eviction affects men and women differently. Therefore, humanitarian agencies have the responsibility to incorporate a gender perspective into the humanitarian activities they

undertake (UNHCR, 2008). Both men and women view matters of security from different perspectives. However, putting too much emphasis on women-based issues has made the men issues seem disregarded hence making the issues gender-discriminating. It is worth noting that both genders face different repercussions of evictions due to the different nature of their duties and activities. For instance, poor women often suffer disproportionately from lack of food, water, shelter, and other essential services because of their low position in society. Usually, the places they settle in are neither safe nor productive, their lack of coping mechanisms and available assets make them non-resilient in case of crises (Jelle *et al.* 2021). In addition, the inability to present their concerns suppresses their initiative to adapt. Similarly, UNDP highlights the need to have women as the people who bring change and the resilience and adaptation of communities and households greatly depends on them (Dyan, *et al.* 2013).

According to Jelle *et al.* (2021), social networks provide social support and protection for communities affected by evictions and displacement. Unfortunately, eviction can often disrupt these social networks as people are dispersed. This can make it difficult for IDPs to adapt to new locations without the support of their social networks. However, some IDPs use their social networks to access donations or loans to purchase building materials after being evicted. In some instances, after a forced eviction, people in the affected community send their children to work instead of school.

The Bushmen of southern Africa were traditionally hunters and gatherers, but many have been forced to abandon their way of life. However, the last remaining Bushmen who rely largely on hunting live in Botswana's Central Kalahari Game Reserve (CKGR) (Ikeya, 2001). In 2006, the High Court recognized their right to live and hunt in the reserve after a

prolonged legal battle against the government (Dowie, 2009). Despite the court's decision, the government has not issued any hunting permits to the Bushmen, treating them the same as commercial poachers. Many have been arrested for attempting to feed their families, and Survival International has received numerous reports of torture of Bushmen by park guards since the 1990s, including incidents in 2012 and 2014 (Carter, 2013). The organization is urging the Botswana government to stop the violent abuse of Bushmen and acknowledge their right to hunt in the Reserve.

Forest communities are used to the Forest lifestyles and thus removing them from this natural habitat makes them lose the very fabric that defines their identity as a people hence threatening their very existence as a community. In 1983, the Wanniyala-Aetto people, also known as the "forest people," were forced to leave their ancestral lands in what is now the Maduru Oya National Park in Sri Lanka. The tribe had already lost much of their land to dams, settlers, and logging. Their displacement resulted in loss of self-sufficiency and poverty, and they were treated as "demons" and "primitives" by their new neighbours and the authorities (Guha, 2000). Similarly, the Maasai people of Ngorongoro, Tanzania have been living as pastoralists in the region for over 250 years but have faced multiple waves of evictions over the past 40 years (Survival International, n.d.).

During the 1950s, the land was split into two areas: The Serengeti National Park, which prohibited human settlements, and the Ngorongoro Conservation Area, where the Maasai were permitted to live and graze their animals. However, over time, the Maasai were forced into smaller and smaller areas and prevented from grazing in many locations, including the important Ngorongoro Crater (Lasgorceix & Kothari, 2009). This area was

critical for the Maasai as it provided rich grasses and water sources. The Maasai were also prohibited from burning to encourage new grazing, which led to a decline in the quality of the grass and the proliferation of coarse species.

In 1974, the Maasai people were removed from Ngorongoro Crater floor without any prior notice by paramilitary personnel, which led to several problems, including overcrowding of people and animals in smaller areas. According to Lasgorceix and Kothari (2009), the twenty years of conservation rule that followed brought falling living standards and increasing poverty for the Ngorongoro Maasai. The Maasai were also forced to remove themselves from an area for one safari hunting company in 2009, and another company was accused of abuse, intimidation, and harassment. The Ngorongoro Crater has become so severely degraded that UNESCO threatened to remove its World Heritage status. In response, the government called for the removal of thousands of Maasai who were still grazing their animals in the crater in early 2010 (Survival International 2014).

While the Maasai have been continuously squeezed into smaller areas of land, tourism ventures, and safari hunting companies have been given land and governmental support, often at the direct expense of Maasai families. In 2010, over half a million tourists visited the Crater, causing ongoing problems for the Maasai. Despite a plan in 2013 for further Maasai evictions, local and international pressure halted the evictions, and the Prime Minister acknowledged that the Maasai pastoralists are excellent conservationists and have been there since time immemorial (Survival International 2014).

In January 2014, the Kenyan government evicted the Sengwer communities from their ancestral home in the Cherangany Hills, in violation of international law, the country's constitution, and several court orders. The government claimed that it was necessary to

prevent deforestation and protect water supplies, despite the fact that the Sengwer had been caring for the forest for generations. The government referred to the Sengwer as "squatters," and over a thousand homes were burned, along with food stores, blankets, and school materials. The World Bank, which provides funds to the agency that carried out the eviction, had investigated the matter, and the President had appealed directly to the Kenyan government, to ensure that the Sengwer's rights are protected. Although the Sengwer community has mostly returned to their land, they still face ongoing threats and harassment.

Community security aims at safeguarding people's cultural values, identities, heritage, and rights, and thereby create a safe environment for all members. This involves protecting individuals from harmful traditional practices and promoting personal security. However, the legacy of colonialism and post-colonial government policies in Kenya has led to the creation of landed and landless classes, which has contributed to legal and illegal encroachment on public land, including forests, and forced landless individuals to resort to "illegal" activities such as logging, farming, and housing in forests. Furthermore, inadequate and inequitable settlement plans have allocated land to the political class's friends and families, while local communities have been subjected to repeated evictions and gross human rights violations, particularly in the Rift Valley region and around the Mau Forest Complex. Ethnic clashes that are experienced especially during election periods pose a lot of community and personal security in this region (Waweru, 2019). The struggle to obtain basic necessities also leads to congestion in camps where people relocate to. The bitterness and dissatisfaction that people go through as a result of having been



displaced from their homes lead to unending violence among themselves (Koome *et al.* 2021).

Raleigh & Dowd (2013) affirmed that violence destabilizes peace among individuals and communities and it is difficult to grow economy without peace among people. Also, it is difficult to settle people as squatters whereas they initially owned land and they have to abandon their homes, livelihoods and familiar territories. People are occupied with activities of attacks and self-defence making it hard to concentrate on important development ventures. Instead of peaceful co-existence and exploiting the synergy between the different communal groups in the country, hatred has almost become a norm. The differences between the different communities have led to tension, suspicion and mistrust.

According to Hickman (2011), violence within the community leads to psychological torture. The displaced people tend to suffer depression and others go to extremes of committing suicide. The productivity nature of people is lessened and the economy is eventually ruined. It saddens people to turn dependent on other people for help to meet their needs yet they were self-sufficient in the beginning before the evictions turned them homeless, helpless and hopeless. The long-term effects of psychological torture are that it causes severe problems to individuals and later translate the problem to communities (Hernandez *et al.* 2014).

Wangeeci *et al.* (2014) states that individual and community security is affected and students can longer go to school. Learning gets disrupted as students become unable to attend classes. With eviction, learners and teachers are affected with absenteeism becoming common (Mung'ou, 2018). Concentrating on studies becomes difficult with the

tension of being driven out hence lowering the academic performance generally. Eventually the development and future of the involved students becomes compromised. School-going children have been prevented from accessing schools. Mostly the boys are engaged in fighting thus preventing them from going to school, on the other hand the girl child has to help in household chores and take care of the young ones as the parents seek the suitable place to relocate to. Furthermore, it is difficult to convince boys who have already become militia to go back to school hence impacting negatively on their education and development. The female gender suffers from rape and trauma which deter them from relating with other people so they tend to keep away from schools.

According to Mung'ou, (2018), many women and girls have been victims of rape and psychological torture during forced evictions. Girls and women who are subjected through these inhumane acts become stigmatized their whole lives. Although perpetrators carry out rape to subdue people, it leaves the affected individuals with permanent scars which cannot be removed. Wachira (2012) observed that there are gangs that take advantage of the situation caused by eviction to terrorize communities by controlling the places they move into asking for incentives from them. In most cases the evictees lose a lot of property to these gangs making them start from scratch once again.

### **2.2.3 Health Security and Environmental Security**

Environmental security protects people from both natural and man-made environmental hazards. Threats to environmental security include intensive deforestation, natural disasters, pollution, and ecosystem degradation, loss of biodiversity, desertification, and inaccessibility to clean water. Generally, forests are pollution-free and have plenty of

environmental resources. In addition, biodiversity is an invaluable environmental resource for the aesthetic BJHGFV of forests. Due to the critical role in the pollination process and food chain, it is also vital for ecological sustenance (Chaudhry, 2015). Moreover, environmental security of the local inhabitants has direct or indirect connection with plants and animals. Initially Mau Forest blocks were zoned according to the diverse types of vegetation cover and the altitude in which they grew. For instance, the montane forest, existed below 2300 metres, and above this level, there was mixed bamboo and grasslands forest. At higher levels and near the peak of the Mau escarpment, much of the forest had variety of *Juniperus*–*Podocarpus*–*Olea* (Kinyanjui *et al.* 2014).

Within the past three decades, increased encroachment and large-scale forest destruction have eventually led to the loss of biological diversity of the Mau Forest Complex (Chaudhry, 2015). For instance, the South West part of Mau reserve still has the intense montane forests whereas there has been great deforestation in other parts. Mbinga *et al.* (2013) affirmed that with rampant encroachment and anthropogenic activities, many flora and fauna species are disappearing. For example, *Juniperus procera* (African Pencil cedar), *Albizia gummifera* (Peacock Flower tree) and *Polyscias fulva* (Parasol tree) are some essential indigenous tree species which were used for setting up structures, making furniture, and preparing beehives which is a major source of livelihood. These essential tree species are also fundamental in the industries with relation to paper and pulp, medicinal purposes and source of fuel.

According to Jelle *et al.* (2021), evictions incidents are carried out at night making the relocation of these families to favourable places impossible. Arrangement of transport to alternative places is hindered since the operation is hasty and a lot of risks are involved.

Mostly, the places people locate to have poor sanitation conditions and are devoid of sanitation facilities. The nucleated bushes and scrubs around attract disease-causing and spreading insects such as mosquitoes. The evictees are hence exposed to diseases without immediate means of seeking medical attention. Lack of proper shelter to prevent excessive heat and cold makes evictees vulnerable to either high temperature at daytime or cold temperatures at night. The variability in temperatures during the daytime and night increase risk of range of diseases among the evicted people.

The Mau Forest Complex holds plenty of natural flora and fauna which contributes significantly to water catchment function and generation of energy among other uses which support households' needs and also commercial purposes. However, this has been threatened by the continued encroachment into the forest premises (Chaudhry, 2015). It has been reported that more than 54,727 hectares of land has been encroached for settlements, charcoal production, and timber extraction by local communities. In the east Mau and the south-west Mau, local communities are known to utilize fires to clear land where they construct houses and also practise farming. The intense encroachment has led to severe forest degradation in various parts of the Mau Forest Complex including the South Western, Eastern, and the Maasai Mau block, threatening the entire ecosystem of the complex. In totality, approximately 161,871.5 hectares has faced destruction as people seek settlements and other economic activities over the past three decades (Baldgya *et al.* 2007). This loss of such huge amount of land has caused loss of the ecological functions that the complex plays not only for the region but also for the country and other countries.

Knight *et al.* (2014) states that a lack of proper housing is related to blood borne infections among residents, their mental wellness is affected, and people are prompted to engage in

substance use lifestyle. Diseases are easily contracted, and communicable diseases could be on the rise when people are experiencing unstable housing patterns. Usually, the evictees settle in places that are congested and devoid of sanitary facilities. Outbreaks of diseases such as diarrhoea and cholera are rampant. The distance to the health facilities tends to be far hence most patients fail to seek health interventions.

Kennedy *et al.* (2017) further state that evictions from what individuals' view as home could severely impact not only the physical health of people but also their mental well-being. Cases of people who suffered mentally because of eviction have been recorded. In addition, some people disappeared amidst eviction, and they have not been traced by their relatives. Also, some people end up becoming hopeless upon seeing they have lost everything and therefore commit suicide. All these are adverse effects of eviction on the health and well-being of individuals.

Jelle *et al.* (2021) affirmed that during forced evictions Water, Sanitation, and Hygiene (WASH) facilities are not readily available. The humanitarian bodies that are in the forefront in providing these services may not be present immediately following an eviction. Lack of proper sanitation facilities in the relocated areas leads to open defecation among the people. The wastes contaminate the water which individuals use for drinking eventually predisposing them to severe ailments such as diarrhea or cholera, which are fatal. Infectious disease outbreaks are common among evicted people who are forced into crowded and unsanitary conditions. Evictions heighten the burden among parents and other caregivers towards their children and the needy members of the community. Another challenge is inaccessibility to health care because access to herbal medicine may be impossible in the new location. The herbs used by the indigenous communities may not be

found in the new area they relocate to. Forced evictions cause people to experience anxiety, psychological distress, and despair.

Scarcity of clean water tends to affect the health of people and people suffer from diseases such as cholera and other vector borne diseases. The poor condition and scarcity of public medical facilities make people seek traditional medicine men who diagnose and treat ailments through traditional interventions which are herbs and sometimes spiritual powers. Additionally, temperature rise due to the change of climate caused by anthropogenic activities is causing increased incidents of malaria and dengue fever where these diseases were never found. Consequently, the large-scale deforestation in the Mau Forest has affected many medicinal plants and trees that local communities traditionally used for the treatment of some life-threatening diseases. For example, *Prunus Africana* is an evergreen indigenous tree found in the rain-forests and highlands of Africa. It was also abundantly available in the Mau Forest Complex. This tree was an important source of timber and its bark was used to treat prostate disease (Mbinga *et al.* 2019). However, as communities continue to clear forests for settlements and crop cultivation space the tree species has been become endangered. Thus, loss of forests has significantly caused abrupt climatic conditions, variability in the rainfall pattern with higher average temperature and consequent food crises and severe health issues (Chaudhry, 2015).

The Mau Forest Complex has vital importance such as storing water, regulating river flows, mitigation of floods, ground water recharging, soil erosion prevention and reduction of siltation, water purification, biodiversity conservation, and helps in microclimate regulation. Despite the fact that Mau complex is one of the key water catchment areas in the country and also in the region, anthropogenic activities are having detrimental negative

impacts on the water supply to the surrounding regions. Rosenow-Williams & Behmer, (2015) affirmed that deforestation was rampant at the camp periphery. Women and girls had to look for firewood while the men cleared forests to set up shelters in the areas that they would settle. In addition, some residents get into the business of firewood selling and charcoal burning to make a living.

Scholten (2016) affirmed that evictees and members of the host communities, should be involved in environmental rehabilitation activities. These should mainly focus on women and the youth who are normally not included in the restoration agenda. This initiative provides basis for income generation since the surplus seedlings will be sold elsewhere. Therefore, the environmental, community and economic security of the people will be addressed simultaneously. From this study, alternative sources of energy apart from firewood and charcoal were recommended to combat deforestation. For example, in Ethiopia, portable ethanol stoves which run on ethanol from local sugar factories are used. These stoves reduce firewood collection activities hence the time is directed to other activities. Personal security is enhanced among the people who risk going to the forest for firewood collection and there is an improvement in indoor and outdoor air quality due to the lack of smoke or soot production and the limited risk of fire linked to a non-spill tank construction.

Displaced individuals often experience persistent anxiety about being forced to leave their homes, and their recovery from displacement is frequently hindered. Many have endured displacement multiple times, with some enduring such conditions for more than five years. The act of forced eviction is frequently marked by violence, and those displaced rarely receive adequate notice to relocate in a dignified manner. Additionally, they often lack the

means to prevent the loss or destruction of their possessions and have no control over where they may be relocated (IWGIA, 2011).

During evictions, women are particularly vulnerable to sexual violence due to the absence of protective social networks and shelters. These incidents usually occur at night during the relocation process, and mostly affect families who were not able to arrange for transportation or alternative relocation areas before being evicted. Jelle et al's (2021) study found that women felt vulnerable to rape and sexual violence in the first few days after eviction before they built their makeshifts. Many women did not report these attacks to the police, relatives or neighbours due to fear of being stigmatized. However, none of the male IDP participants interviewed discussed sexual violence against women. When asked about it, they either denied it or mentioned that women were more vulnerable to theft during evictions.

The situation of the Batwa in the Kahuzi-Biega Forest in the DRC serves as an example of the negative impact of conservation policies that prioritize the protection of natural resources over the needs and rights of indigenous communities. These policies are promoted by conservation organizations and supported by large donors in developed countries (IWGIA, 2011). The Batwa, who are an indigenous group and one of the most marginalized minorities in the Great Lakes region, have long lived in the forest as a traditional, forest-dwelling community, and have a close relationship with the Kahuzi-Biega Forest in the South Kivu region of the DRC.

The Kahuzi-Biega Forest, which is home to critically endangered Eastern lowland gorillas, was made into a national park called Parc National Kahuzi-Biega (PNKB) in 1970 under the direction of a Belgian conservationist (Lyamahesana, 2014). The creation of the park



resulted in the forced relocation of some Batwa families within the forest. In 1975, the park was expanded from 60,000 to 600,000 hectares, leading to the eviction of 3,000 to 6,000 Batwa individuals and depriving them of access to their ancestral lands without any compensation (Lyamahesana, 2014).

The Batwa people have experienced severe consequences as a result of their eviction. This has resulted in their loss of access to their ancestral land, preventing them from engaging in their traditional way of life, cultural practices, and livelihood. They are also denied participation in decisions related to their land. The IWGIA (2011) reports that the Batwa have been forced to relocate to non-Batwa communities that discriminate against them and are not compensated for the loss of their ancestral lands. In addition, they are deprived of basic social services, such as education and healthcare.

#### **2.2.4 Effects on Political Security**

Political security is defined as the protection of citizens from government tyranny, systematic infringement of human rights, and threats from armament (Hassan, 2015). In addition, it is an established agenda that promotes the protection of people from regimes that practice political repression, systematic torture, and mistreatment of citizens (Owino, 2021). The individuals and communities being evicted face an increasingly militarized approach propagated by the government and conservationists. A lot of antagonism is geared towards the indigenous communities and as such they are portrayed as poachers, criminals, and squatters despite having resided in the area since time immemorial.

Lunstrum & Ybarra (2018) observed that evictions are normally security-provoked, and the authorization is mobilized by interlocking axes of difference that articulate notions of

territorial trespass with that of a radicalized enemy. The indigenous communities are painted as environmental violators to the outside world without the government presenting evidence of the environmental crimes they are involved in. In particular, “forest sequestration through forest conservation approaches is creating chronic patterns of abuse and human rights violations” in protected areas. The intervention and provision of funds given by the conservation bodies especially the international ones under the misdirected notion that is for conservation purposes have worsened the measures applied by the government including extra judicial killings and failure to address those abuses (Tauli-Corpuz, 2016).

The Mau Forest has become a topic of political interest for politicians, who have used it to further their own agendas, thus bringing it into the public eye. In 2009, the Kenyan government launched a strategic rehabilitation plan aimed at restoring the forest, which resulted in the eviction of many squatters and forest-dwelling communities (Kagwaja et al., 2010). However, this issue was highly politicized, creating ethnic alliances and disagreements among the elites due to their diverse vested interests. The Maasai supported the government's efforts to evict the squatters and restore the Mau, while the Kalenjin opposed the evictions, leading to uncertainty in the implementation of the proposed plans. Consequently, the task of preserving East Africa's largest water towers has become extremely contentious, despite its critical implications for local, national, and regional human security.

Kobusingye, Leeuwen & Dijk (2017) state that political and historical dynamics are associated with land conflicts. Evictions adversely affect how individuals access land and change the land governance rules. These dynamics in turn lead to tribal conflicts between

local communities especially during the election periods. There is also a lot of tension and grievances among the residents blaming the authorities for failing to set up proper institutions that are mandated with natural resources administration in their areas. The ways in which such problematic conflict-induced changes in land access and governance are dealt with by policymakers is critical for post-conflict stability.

Musaki (2010) stated that although some evictees had other places they would call home, the Ogiek's do not have any other place to seek refuge upon evictions. They were born and brought up in the Mau Forest and so were their forefathers. The irony in the eviction is that there are rich occupants who have taken advantage and grabbed land. The properties associated with the rich such as farms and industries remain intact as the poor are languishing in camps where they set up shelter. The eviction of people from Mau becomes political in the sense that some of the evictees come from outside Mau and claim to have lost their possession documents so that they remain unedited. The uncertainty of who are genuine residents of this area makes well-wishers from international bodies find it difficult to help them. The help that could have benefited the real occupants ends up being withdrawn.

Anaya (2004) revealed that Indigenous peoples' lands protection has been withheld since it does not match the Western requirements. The ideology held since colonial times is that agriculture is the most productive and valuable use of any land. This means that people who do not practice cultivation should not own land. Further, this justifies the reason why the indigenous people should lack possession rights. Cultivation was taken as the measure of civilization hence the indigenous people were seen as primitive (Boisen, 2017). Due to the patrimonial governance and outdated legislations that were used during colonial times

and that no longer serve purpose, evictees are assured of little protection (Jelle, *et al.* 2021).

The increasingly militarized approach propagated by the conservation establishment creates antagonism towards indigenous communities, who are cast as criminals, poachers, and squatters on lands they have traditionally and sustainably occupied for centuries, if not longer (Fortress conservation, 2012). It paints them to the outside world as climate violators often without any evidence of the damage they are purported to have caused to the environment. In particular, “forest sequestration through fortress conservation approaches is creating chronic patterns of abuse and human-rights violations” in protected areas, including extra-judicial killings and the obstruction of justice by governments who fail to remedy and redress those abuses (Tauli-Corpuz, 2016). This is often achieved with the complicity of large international conservation NGOs who fund and help administer protected areas under the mistaken belief that it will assist conservation.

The principal struggle of the Adivasis of India revolves around the recognition of their customary land rights and control over their traditional territories and resources (Bijoy, 2003). Adivasis largely correspond with the State recognized ‘Scheduled Tribes’ and are also commonly referred to as ‘tribal people. The vast majority of Adivasis live in India’s forests, which have been at the center of their traditional way of life for hundreds of years (Ajit, 2007). Indeed, these communities maintain a symbiotic relationship with the forest, relying on it for their physical, cultural, and spiritual needs, while contemporaneously protecting its environmental integrity.

During these evictions, the Batwa were violently driven out without warning and forced to find shelter among non-Batwa communities who discriminated against them. No relocation

arrangements were made to assist the Batwa, they have received no compensation and have lived in extreme poverty as squatters in various rural areas surrounding the PNKB ever since (Barume, 2000). Conversely, non-Batwa have been allowed to remain in the park and some have received compensation. Any attempts to seek redress in domestic courts have been unavailing.

The DRC has seized ancestral Batwa land without their consent or prior consultation. The forest from which they are now excluded provided them with security and sustenance as a source of food, medicine, and fuel. In addition, the Batwa's ancestral territory is seen as sacred, inextricably linked to the spiritual and cultural integrity of the community and its traditional way of life. As such, the dispossession of the Batwa's lands involves the violation of a series of inter-related human rights that have ongoing consequences for the community, threatening their very survival. To date, the DRC has failed to provide adequate redress (Lewis, 2000). For this reason, in 2015, MRG and Environment Resources Naturelles ET Development (ERND), a local NGO, lodged a complaint on behalf of the Batwa of the PNKB before the African Commission on Human and Peoples' Rights (ACHPR or the Commission). The case remains pending.

Due to the deep-rooted ethnic discrimination that they experience, the Batwa are excluded from local political councils and decision-making processes outside of their own group, further marginalizing the community and rendering it politically vulnerable. They are chronically landless as non-indigenous customary laws do not recognize their rights. Landless and vulnerable, many Batwa must work the lands of their non-Batwa neighbors without pay in a situation the ACHPR has described as resembling slavery (IWGIA, 2011). Their makeshift settlements are far removed from health and education centers that they

would have difficulty accessing in any case due to persistent and insidious discrimination and lack of access to roads, arable land, water and sanitation. They suffer high rates of malnourishment, disease, and mortality because of the harsh living conditions they experience on the outskirts of the park. The human toll has been enormous: by the early 1980s, 50 per cent of the Batwa expelled from their ancestral lands in the PNKB had perished. In recent years, the situation has continued to deteriorate as the DRC fails to uphold the Batwa's human rights (Lewis, 2000). This includes failure to protect the ancestral lands from commercial poaching, illegal mining, and timber extraction, even though the United Nations Educational, Scientific and Cultural Organization (UNESCO) declared the Kahuzi-Biega Forest a World Heritage Site in 1980.

These activities (fueled by the presence of armed rebel groups in the region following the Rwandan Civil War) have resulted in deforestation and a drastic decline in the endemic animal and plant species the PNKB was created to protect. Corrupt Park guards either engage in illegal exploitation of the park or turn a blind eye to it. They allow non-Batwa communities to remain in the forest undisturbed even though they engage in activities far more harmful to the environment than those derived from the Batwa's traditional, low impact lifestyle. Moreover, the Batwa do not benefit in any way from the exploitation or revenue garnered from conservation and tourism royalties collected in relation to their ancestral land (Lewis, 2000). Whereas the Batwa's traditional knowledge allowed them to protect the forest and safeguard the territories and animals, now, some Batwa risk heavy fines, imprisonment, and even death by returning to the forest to collect herbs and wood and to hunt. Encounters with park guards have turned increasingly violent as members of the Batwa community report being beaten, tortured, and arrested. Some have been shot

dead while others have been harassed and intimidated for denouncing human rights abuses and standing up for their community's rights. As tensions have escalated, park guards have resorted to collective punishment, raiding nearby Batwa villages, harassing and intimidating members of the community, destroying their property and burning down their houses.

## **2.3 Challenges and Opportunities resulting from Evictions of Forest Communities**

Evicting forest communities from their dwelling place results in a number of challenges and opportunities to both the evictees and the evictors.

### **2.3.1. Challenges**

Forest communities face a variety of challenges as a result of evictions, which included the legal, social, food, health and economic hurdles (Jelle *et al.*, 2021).

#### **2.3.1.1. Lack of Legal Recognition**

The lack of legal recognition is one of the significant challenges faced by indigenous forest communities worldwide. This challenge often leads to their eviction from their traditional lands and territories, which not only violates their fundamental human rights but also negatively impacts their social, cultural, and economic well-being (CIEL, 2016).

Legal recognition of indigenous rights is a fundamental aspect of the international human rights law. Indigenous people have the right to self-determination, which includes the right to determine their political status, pursue their economic, social, and cultural development, and freely dispose of their natural resources. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the right of indigenous people to own, use,

develop, and control their lands, territories, and resources. The UNDRIP also affirms the right of indigenous people to participate fully in all decisions that affect their lives, lands, and resources (United Nations, 2007).

Despite these international human rights norms, many countries lack legal recognition of indigenous rights, particularly in relation to land tenure and ownership. This lack of legal recognition leads to the marginalization of indigenous people, who often face discrimination, forced eviction, and the loss of their lands and resources (Barume, 2000). Moreover, the lack of legal recognition of indigenous rights undermines their ability to participate fully in decisions that affect their lives, livelihoods, and communities.

Indigenous forest communities are particularly vulnerable to the lack of legal recognition of their rights. These communities often live in remote areas and depend on forests for their livelihoods, cultural practices, and spiritual beliefs (Alden, 2021). However, governments often view forests as valuable resources for commercial exploitation and development projects, leading to the displacement of indigenous forest communities. Without legal recognition of their rights, indigenous forest communities have no legal basis to claim ownership of their traditional lands and resources, making them vulnerable to eviction.

Studies have shown that lack of legal recognition of indigenous people's land rights is a significant driver of forest loss and degradation (Zocchi *et al.* 2021). In many countries, forests are considered state property, and governments often grant concessions to private companies for logging, mining, or plantation development, without consulting or obtaining the consent of indigenous forest communities. This approach has led to conflicts between



indigenous forest communities and companies, resulting in forced eviction, violence, and loss of livelihoods (Sifuna, 2021).

The lack of legal recognition of indigenous rights also affects their ability to access basic services such as healthcare, education, and social welfare. Indigenous forest communities often face discrimination and marginalization from mainstream society, leading to a lack of access to these services (UNDP, 2014).

Legal recognition of indigenous rights is a critical step towards protecting the rights of indigenous forest communities. The UNDRIP provides a framework for the protection of indigenous rights, and many countries have adopted laws and policies to recognize these rights. For instance, in Brazil, the constitution recognizes the rights of indigenous people to their traditional lands and resources, and the government has established a legal mechanism for the demarcation of indigenous territories (Alden, 2021). The recognition of indigenous rights is not only a legal issue but also a social and cultural one. Governments and civil society organizations should work towards creating awareness and promoting the rights of indigenous forest communities. This includes supporting indigenous-led initiatives that promote sustainable forest management, community development, and cultural preservation (UNDP, 2014).

One study conducted by the Rights and Resources Initiative found that, in 2018, only 18% of forested countries recognized the legal rights of indigenous peoples to their lands and resources. In contrast, 47% of forested countries had no legal framework for recognizing and protecting indigenous land rights, while 35% had legal frameworks that were inadequate in recognizing and protecting these rights. This lack of legal recognition and

protection leaves indigenous forest communities vulnerable to forced evictions and displacement (Wangigi, 2021).

Even when legal frameworks exist, they may not be implemented effectively, leaving indigenous forest communities in a precarious situation. For example, in Brazil, the 1988 Constitution recognizes the right of indigenous peoples to their traditional lands. However, in practice, these rights have been continuously violated, with indigenous peoples facing eviction, violence, and displacement due to the expansion of agribusiness and extractive industries (Chefor *et al.* 2021).

In addition, the lack of legal recognition of indigenous land rights can also be attributed to the historical and ongoing discrimination against indigenous peoples. This discrimination is reflected in policies and practices that prioritize economic development over indigenous land rights, such as the granting of concessions to extractive industries and the development of large-scale infrastructure projects on indigenous land.

The lack of legal recognition of indigenous land rights has significant implications not only for the human rights of indigenous peoples but also for environmental conservation. Indigenous forest communities are often the guardians of some of the world's most biodiverse and ecologically significant forests, and their displacement can have devastating consequences for the environment and the global fight against climate change (Chefor *et al.* 2021).

Efforts to address the lack of legal recognition of indigenous land rights have been ongoing. The United Nations Declaration on the Rights of Indigenous Peoples, adopted in 2007, sets out a framework for the recognition and protection of indigenous land rights.

Furthermore, there have been several high-profile legal cases in recent years where indigenous peoples have successfully defended their land rights, such as the Sámi people in Norway and the Wampis Nation in Peru (Alden, 2021).

However, more needs to be done to address this challenge. Governments must take action to recognize and protect the land rights of indigenous peoples, including the implementation of effective legal frameworks and the enforcement of existing laws. Furthermore, civil society organizations and indigenous communities themselves must continue to advocate for their rights and take action to defend their lands and resources (Chefor *et al.* 2021; Aden, 2002; United Nations, 2007).

#### **2.3.1.2. Homelessness and Destitution**

The Adivasi communities who were evicted from their lands lost access to the ancestral forests that had been their primary source of livelihoods for generations. They are no longer allowed to enter the forest to gather firewood or other forest products, and their cattle are prohibited from grazing in the area. Furthermore, the authorities have cordoned off their farming lands, preventing them from growing any crops (CIEL, 2016).

The Sengwer people, an indigenous ethnic minority living in the Cherangany Hills of Western Kenya, rely on the natural resources of Embobut Forest for their livelihoods, culture, and health system (CIEL, 2016). Historically, their economy was based on beekeeping, hunting, and gathering, although some Sengwer now keep cattle and cultivate small family gardens within the forest. However, since colonial times and even after Kenya gained independence, the Sengwer have been consistently denied access to their ancestral lands, as well as the right to own, manage, and protect their forests. As a result, there has

been a significant loss of forest cover and destruction of the forest ecosystem, along with vital water resources. Illegal modifications of forest boundaries and irregular land allocations to non-Sengwer communities in 1992 exacerbated the situation. With their rights denied, the Sengwer were powerless to resist the more powerful people and interests that seized their lands, resulting in an increasing trend of forced evictions (Kosgei, 2015).

Further, (Kosgei, 2015) notes that these ongoing evictions of the Sengwer people violate the 2010 Kenyan Constitution, which grants indigenous people the right to their land. Moreover, this approach to forest conservation is counterproductive. By emptying the forest of its traditional custodians in the name of conservation, the forest is left in the hands of organizations and individuals who have no long-term commitment to caring for the forest ecosystem, but instead seek to maximize profits from its natural resources.

According to Kiruga (2019), the original home of the Ogiek community was Mau Forest, but other people continued to move in between the mid-1980s and the late 2000s, eventually settling on about a quarter of the forest area. The government decided to evict people to save the forest from massive destruction. The evicted individuals end up residing in villages, and other informal settlements around the protected land. During the first days of eviction, people live in makeshift shelters as they await the humanitarian aid to arrive.

UNHCR defines evictions as permanent or temporary evacuation of resident individuals, families, or communities from their home without providing them with any means to access any form of security. This situation hence leaves people homeless and destitute without any avenues to earn livelihoods, no access to health and legal capacities. Inequality among residents intensifies, social conflict increases leading to more economic and social

vulnerabilities among the marginalized groups of the community who include women, children, minorities, and indigenous peoples (UNHCR, 2019).

Evictions involve complete infringements of all internationally regarded human rights, which includes rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman, and degrading treatment, and freedom of movement (Kiruga, 2019). Forced evictions are often linked to the absence of legally secure tenure, which constitutes an essential element of the right to adequate housing. The evictions share many consequences like those resulting from arbitrary displacement, including population transfer, mass expulsions, mass exodus, ethnic cleansing, and other practices involving the coerced and involuntary displacement of people from their lands and communities.

The eviction of people by the government from the Mau Forest has also led to homelessness and poverty. The failure of the government to observe the International and National laws of eviction which provide for a systematic procedure that includes fair compensation and resettlement of the victimized has largely contributed to homelessness (Wangigi, 2021). The lack of adherence to the eviction guidelines is an important aspect brought out by Wangigi (2021). The law also provides for the government's consultation with the governed before the execution of the policy of eviction. Therefore, lack of adherence to these laws leads to dire straits among the evictees including homelessness.

The gross disregard by the government and failure to abide by international laws and human rights concerning evictions has left the evictees with no idea of where to relocate. Left without option, they resort to building temporary shelters to house themselves and their families. Coupled with the plight of poor housing conditions is the congestion

problem among the people displaced during the eviction from the Mau Forest (Wangigi, 2021). Hundreds of Ogiek, for example, have had to take refuge at a catholic mission in Enosupukia since their eviction from the forest, with their condition worsening daily. The result of these processes has been tens of thousands of the Ogiek people being further harassed in the areas where they are concentrated and condensed after eviction from their original residence in the forest and, thus, homelessness. For that reason, increased poverty levels have come about among the evictees (Wanderi, 2020).

Most of the land title deeds held by the Ogiek and non-Ogiek people who resided in the Mau Forest have also been cancelled. In addition to this, the police have used abusive means in the process of eviction. Numerous cases of torched houses and granaries, killed livestock, crops destroyed in the farms, looting and other forms of destruction have been reported during and after eviction by communities such as the Ogiek, who have been known to inhabit the forest for a long time. The results of the eviction processes have left the evictees exacerbating in poverty and other vulnerabilities (Nnoko-Mewanu, 2021). The violation of the Kenyan Eviction Guidelines by the authorities in charge of evacuating communities from the Mau Forest has thus been a major part of the root causes of lack and deprivation among the evictees.

### **2.3.1.3 Marginalization and Discrimination of Forest Communities**

CIEL (2016) affirmed that local people despite having intense and profound knowledge of forest ecosystems, are not included in the conservation programs run by the government. Hence the programs set up usually fail to meet the specific requirements of the natural environment. Women experience discrimination during allocation of the resources provided by the government or even the humanitarian agencies. Both the social and

financial assistance fail to reach women properly since men are considered first. For the families headed by women then they are prone to suffer from lack of access to these resources. Moreover, men have their share of problems since they risk joining military recruitment either on their own will or by being coerced to seek solace from the displacement menace. Additionally, children suffer losing parents and guardians through the abusive nature of evictions which leave parents or guardians injured, disabled, lost or dead (Tiony, 2016).

Politicians have been playing politics with matters concerning environmental conservation and human rights. They fail to sensitize local people by uniting them and educating them on the necessity of conservation. The local people are not encouraged to work with the government towards the protection and conservation of the Mau Forest (Njane, 2019). The side lining of these residents makes them hostile and hence engage in more lucrative activities. Policies and legislations on conservation should be implemented.

Witter (2021) in her study included the defiance theory where it was observed that environmental harms increase as the legitimacy of conservation policies, tactics, and authority decline. Wildfires, poaching and invasive species often increase following evictions of indigenous communities. When the residents feel that a lot of force is being used on them against certain practices, they tend to engage more in those activities. People feel justified to engage more in what is termed illegal by the authority without worrying about the repercussions. Political ecologists have warned that abusive and violent approaches accompanied by military assistance are counter-productive because they do not sufficiently tackle the main causes of encroachment and may give moral justification for those already marginalized to engage in activities that are not environmentally friendly.

Marginalization and discrimination are other challenges people evicted from the Mau Forest face. Partly contributing to this has been the ignorance depicted by the government and the eviction itself (Albertazzi, 2018). The forced removal from their primordial home in the forest without consultation by the territorial and the national government and the failure of compensation has been seen as discrimination by the evictees. The local government was expected to initiate dialogue with all the residents, local authorities and school authorities likely to be affected by the evictions on the importance of forest conservation (Chelimo, 2021). The lack of attention to this by the government is particularly troubling since the evictees are faced with multiple severe consequences. On that account, the victims tend to feel ignored and side-lined by the law.

Discrimination has been reported from the cancellation of the people's land title deeds, with the blame being laid on the need to help rehabilitate and restore the Mau Forest to its previous state. The over 10,000 title deeds were cancelled because it was an effort to evict 100,000 people and prevent the destruction of the Mau Forest. The torching and demolition of houses by the police and that done by the people themselves as a result of being forced by the abusive police has been a violation of their rights, thence, a form of discrimination (Chaudhry, 2021). The government has not reversed the cancellation of their title deeds which is a violation of the traditional interests of the forest community, despite the effort by the evictees to ask for recognition of their rights to the land within the Mau Forest, having lived in it and conserved its resources for a long time as explained by Wangigi (2021). He terms this as land injustices. They, therefore, deem this as discrimination against their community.



The evictees feel socially, economically and politically marginalized due to the eviction, which they think, is an ethical displacement. Their perpetrators, which in this case are the police under the government's guidance, employ abusive means as an execution of the eviction policies (Chaudhry, 2021). The land rights violation compounds this with the claim that the title deed holders acquired them illegally and un-procedural, resulting from a lack of awareness. The qualitative techniques used to analyse data, as shown by Moinani *et al.* (2020) in the analysis of speeches made by leaders in the Mau Forest debate, showed that language techniques such as lexicalization, metaphors, and rhetorical questions served to express the speakers' hatred, contempt and dislike for the forest conservation cause. Consequently, such people as the Ogiek evictees are disparaged.

#### **2.3.1.4 Increased Poverty**

Poverty is one of the major causes and the outcome of forced eviction because the poor people are the ones that face eviction leaving them desperate. World Bank (2012); Islam & Mungai, (2016) state that the UN human rights conventions regards Impoverization as a violation of human rights. The housing conditions of people upon being evicted fail to meet the standards. During the first days of eviction, people suffer food insecurity and the little they get to feed on could not be nutritious enough. Young children suffer from malnutrition and have stunted growth. Lack of housing and even ability to put up makeshift ones often tends to be a challenge. People get exposed to vulnerable weather making them sick and the means to seek medical attention are challenging. Women and girls are exposed to sexual violence and rape because of the deplorable living conditions. Lack of privacy and dignity make people living in camps prone to gender-based molestation. In addition, the sharing of small space available makes them feel that their

dignity and privacy are disregarded. Women and girls fail to report the attacks to relatives since they fear being stigmatized and exposed to shame and embarrassment (Jelle *et al.* 2021). The governments normally lack capacities to sustain and rehabilitate the affected communities for a long time. Therefore, the women end up engaging in illegal activities which make them vulnerable to harassment by government authorities. The gender-based violence is associated with the vulnerability of people due to lack of basic needs (Mentis, 2020).

There is break down in social cohesion especially when elderly people and others who lack physical ability remain in the relocated villages. The inability to keep pace with the young and vibrant hinder people to stay together in families and clans as they did before the eviction. The impact hit harder especially among the women and children. There are pushed to live as migrant workers to afford needs which are mainly food and shelter. The right to education among their children is violated as schools are far away and also children have to assist parents in household chores. The security in the located places also makes parents not entrust their children to walk long distances for education purposes. The young children suffer malnutrition and high mortality rate because of the food and health insecurities. The women face harassment from the forest security when they ‘illegally’ access the forest for firewood collection. The forest officials ask bribes from them while some physically and sexually abuse them. They therefore must walk long distances in the heat of the sun to look for whatever sources of energy they might get (Kirui, 2018). The failure of government to provide other ways for the women to sustain their domestic needs increases their poverty and vulnerability levels. There has not been much effort to include

indigenous knowledge on forest and water regeneration making the government seem uninterested in holding a participatory approach to conservation.

The eviction of people from the Mau Forest has substantially led to increased poverty among the many thousands of evictees. The Kenyan government has failed to abide by the eviction guidelines in the process of executing the evacuation of communities residing in the Mau Forest which are clearly outlined in the constitution as seen in the Ministry of Lands (Wangigi, 2021). Such people as the Ogiek have been an indigenous group residing in this forest (Smith-Morris *et al...*, 2022). They have utilized its resources as a means of earning a living by such practices as beekeeping and farming. The removal from the Mau Forest has thus deprived them of their only source of livelihood.

The increase in poverty has also resulted from the cancellation of the title deeds of most of the evictees. Their lives social and economic lives have consequently been affected since such practices as farming, beekeeping and hunting cannot be carried out. They have ended up in destitute conditions without any idea of where to go or who to turn to (Nyangweso, 2020). Most of them have formed temporary settlements after the eviction with neither compensation nor resettlement. Coupled with lack of proper housing facilities, the government has continuously posed an opposition against the formation and prevalence of these settlements (Roberts & Okanya, 2022). The interventions by the government have thus further exposed the evictees to more vulnerabilities including increased poverty.

The ignorance exhibited by the government and its officials in the process of eviction worsened the poverty situation. The abusive police officers torched down the people's houses, destroyed the crops in their farms and some burnt down their granaries. More so, the officers would force the people to burn down their own houses. This eviction from

their ancestral territories without compensation has been a violation of their land rights as Antkowiak (2020) explains. The destruction and looting of their property by the police have left the evictees in heightened rates of poverty. The eviction processes, having been majorly directed towards the poor, have left them challenged with the in-affordability of formal housing thus susceptibility to hardships and destitution (Roberts & Okanya, 2022).

Kosgei (2015) affirmed that evicted communities usually do not have strategies on how to hold public consultations concerning their grievances. In most cases, the opportunity to air their issues is denied and decisions are made by other people without involving them. In cases, where monetary compensation is given, it is not sufficient to cater for all the properties lost and it barely meets the needs of the families. A lot of questions accompany the mechanism employed during the financial compensation as most of the financial is allocated to men leaving the women interests unrepresented. This seems to be gender biased since the women also have responsibilities and their livelihoods might be touched in one way or another. Also, monetary compensation is not sustainable since these communities majorly depend on land and natural resources to survive (Abbot & Malinda, 2016). The monetary compensation can only be short-lived and upon diminishing people get back to the forests or get into lucrative business to sustain their families.

### **2.3.1.5 Limited Access to Information and Resources**

Access to information and resources is essential for any community to thrive. In the context of indigenous forest communities, limited access to information and resources can have devastating effects on their livelihoods and well-being. This challenge can manifest in many forms, including limited access to educational opportunities, healthcare services, legal aid, and government programs (Ogra, 2008).

Indigenous forest communities face a myriad of challenges, including limited access to information and resources. This challenge has been identified in various studies as one of the major barriers to development and progress for these communities. According to Cherotich (2022), limited access to information is a significant challenge for indigenous forest communities in India. The authors argue that this challenge is due to several factors, including poor infrastructure, inadequate communication channels, and language barriers. As a result, indigenous forest communities are often unable to access critical information about government programs, healthcare services, and other essential resources.

Similarly, in Brazil, limited access to information and resources is a significant challenge for indigenous forest communities. According to Moinanii & Baraza (2021), indigenous forest communities in Brazil face a range of challenges, including inadequate healthcare services, limited access to educational opportunities, and limited access to legal aid. The authors argue that these challenges are exacerbated by a lack of government support and funding for indigenous forest communities.

Another critical issue related to limited access to information and resources for indigenous forest communities is the digital divide. According to the World Bank (2020), the digital divide refers to the gap between those who have access to information and communication technologies (ICTs) and those who do not. Indigenous forest communities are often among those who lack access to ICTs, which can limit their ability to access critical information and resources. For example, a study conducted in the Peruvian Amazon, (Smith *et al.* 2022) found that limited access to ICTs was a significant challenge for indigenous forest communities. The authors argue that this challenge is due to several factors, including the high cost of internet access and limited infrastructure in remote areas.

In addition to limited access to information and resources, indigenous forest communities also face challenges related to language barriers. According to (Saba, 2020), language barriers can limit indigenous forest communities' ability to access critical information about government programs and services. The authors argue that this challenge is due to a lack of translation services and language support in government agencies and other organizations.

Limited access to resources can also affect the ability of indigenous communities to assert their legal rights in eviction cases. For example, in Brazil, indigenous communities face significant challenges when trying to obtain legal representation in cases involving their land rights. A study by Cherotich (2021) found that many indigenous communities lack access to legal assistance due to a lack of financial resources, language barriers, and a lack of information about their legal rights. In addition, many lawyers are unfamiliar with indigenous laws and customs, which can make it difficult for them to effectively represent indigenous clients. This can leave indigenous communities without proper legal representation, making it difficult for them to effectively defend their rights in court.

Another challenge faced by indigenous communities in eviction cases is limited access to information. Indigenous communities often have limited access to information about their legal rights and the eviction process, which can leave them at a disadvantage when trying to defend their land rights. In some cases, governments may fail to provide adequate information to indigenous communities, or may deliberately withhold information in an attempt to weaken their legal position. In other cases, indigenous communities may not have the necessary resources to access information about their legal rights, such as legal documents and court procedures. This lack of information can make it difficult for

indigenous communities to effectively defend their rights in court (Agrawal & Redford, 2009).

However, there are some efforts to address this challenge. For example, in Brazil, the Brazilian government has implemented several programs aimed at improving access to information and resources for indigenous forest communities. According to Survival International (2014), these programs include providing healthcare services and educational opportunities for indigenous forest communities. The authors argue that these programs have had some success in addressing the challenges faced by indigenous forest communities in Brazil. Similarly, in India, the government has implemented several programs aimed at improving access to information and resources for indigenous forest communities. According to (Agrawal & Redford, 2009), these programs include the provision of legal aid and government programs for indigenous forest communities. The authors argue that these programs have had some success in addressing the challenges faced by indigenous forest communities in India.

One potential solution to the challenge of limited access to information and resources is to provide legal aid and other support to indigenous communities. For example, some organizations have worked to provide legal representation and support to indigenous communities facing eviction. In Brazil, the Indigenous Missionary Council (CIMI) has provided legal support to indigenous communities facing eviction and has been successful in some cases in defending indigenous land rights (Survival International, 2014). Other organizations, such as the Forest Peoples Programme, provide legal support and advocacy on behalf of indigenous communities facing eviction and other threats to their land rights.

In addition to legal support, there are other measures that can be taken to improve access to information and resources for indigenous communities. For example, governments can work to improve access to legal documents and court procedures for indigenous communities, and can provide translation services to help overcome language barriers. In addition, governments can work to improve the economic conditions of indigenous communities, such as by providing access to education and training programs that can help to build skills and increase income. This can help to ensure that indigenous communities have the resources they need to effectively defend their land rights (Survival International, 2014).

### **2.3.2 Opportunities**

Forest communities have a strong dependence on the ecosystems they inhabit and have developed complex social systems over centuries to ensure the sustainable use of natural resources. These communities are highly motivated and effective at protecting their environment. In contrast, a strict protected area approach sees the use of land and resources as irreconcilable with conservation efforts. This approach is often ineffective as poorly paid park guards are unable or unwilling to apprehend major offenders, and instead, focus on local people. Evicting tribal peoples from their homes is counterproductive as it often surrounds protected areas with resentful people who remain dependent on its resources. Moreover, studies show that ecosystems suffer when those who manage the land sustainably are forced to leave, and that wildfires, poaching, and invasive species often increase following evictions. In Nepal's Chitwan National Park, a study showed that the density of tigers in the human-free "core zone" was lower, likely because the communities'



management of the outer areas gave tigers an improved habitat (Dash & Kothari, 2013; Agrawal & Redford, 2009; Survival International, 2014).

The agricultural technique known as shifting cultivation or swidden agriculture involves clearing land for cultivation and then allowing it to regenerate after a few years. This method has been widely condemned by governments and conservationists as "slash-and-burn," but recent scientific research has revealed that shifting cultivation systems can actually foster an extraordinary level of biodiversity. Communities that practice this method, such as the Kayapo people of Brazil, actively manage the plant species in forest areas, creating important habitats that benefit biodiversity (Survival International, 2014). Shifting cultivation also contributes to biodiversity by creating a "mosaic" of diverse habitats. Hunter-gatherer communities in the Congo basin have been found to improve the forest environment as a habitat for wildlife, such as forest elephants.

Despite these ecological benefits, shifting cultivation has generally been banned or communities that practice it have been displaced, resulting in serious impacts on both the communities affected and their nutritional health. Villages inside India's tiger reserves, for example, create special grassland habitats for grazing animals that are crucial prey for tigers (Woodman, 2004). A decrease in biodiversity would occur if the villages within India's tiger reserves were removed, forcing the Forest Department to find alternative ways to maintain these grasslands.

### **2.3.2.1 Forest Communities Assist in Controlling Wildfires**

The extent of damage caused by devastating wildfires could potentially be reduced by engaging Aboriginal people to utilize their traditional knowledge and practices that have

been refined over tens of thousands of years. Professor Bill Gammage of the Australian National University observed that the forests in both Australia and North America had a "park-like" appearance, characterized by trees that were spaced out with no brushwood underneath (Gammage, 2012). However, early colonialists were unable to recognize that this was due to sophisticated and extensive land care because of their inherent prejudices. As an expert in Aboriginal land management, Gammage has demonstrated that Aborigines developed elaborate fire management systems to provide for their needs (Gammage, 2012). There is a growing realization in Australia that Aboriginal land management practices can help reduce the risk of large, destructive fires. In the past 90 years, wildfires have caused Australia almost US\$7 billion in damage. Similarly, in Amazonia, the incidence of wildfires is lower in indigenous territories (COICA, 1989). However, with the outlawing and criminalization of controlled burning as part of shifting cultivation practices, the benefits of indigenous land management are being curtailed. Satellite images provide conclusive evidence of the role played by indigenous territories in preventing deforestation (Carter *et al.* 2013). Tribal people are able to use forests in a more sustainable manner when they live on their own land, and their land rights are recognized and enforced, and when they are certain that the land will remain theirs in contrast to the incoming farmers, loggers and ranchers who clear swathes of trees at a time.

Satellite imagery of Amazonia shows that indigenous territories appear as green islands surrounded by deforested areas. According to a large-scale analysis comparing protected areas to community-managed forests, the latter are more effective at reducing deforestation rates (Carter *et al.* 2013). This is not surprising, considering that communities have a vested interest in protecting and managing the forests they depend on for their livelihoods.

In contrast, protected areas may exist only on paper or may be poorly managed by staff who are underfunded, unmotivated, and potentially corrupt (Survival International, 2014). Historical evidence supports the notion that people have historically hunted limited numbers of grazing animals to control populations and prevent overgrazing. In Yellowstone National Park, for example, studies have shown that humans were effective at controlling elk and bison herds. However, after tribe's people were removed from the park, park guards shot over 13,000 elk to control their numbers, and bison culling continues to this day (Survival International, 2014).

Despite the numerous challenges, eviction from the Mau Forest has provided opportunities such as forest communities assisting in controlling wildfires. The occurrence of bush-fires resulted from negligence with others resulting from accidental or intentional happenings. Practices carried out by communities in the forest to earn a living played a key role in causing bushfires (Githumbi *et al.* 2021). Their eviction from the forest has enabled the Kenya Forest Service in association with other groups to control wildfires as it is one of the measures important for the eradication of bush-fires. Kiage (2019) refers to this as suppressing forest fires.

Communities living in the Mau Forest have been engaging in socio-economic practices that enhanced bushfire's rise and spread, thus destroying the forest's atmosphere. The practice of timber harvesting for charcoal burning, the use of fire as a hunting method for hunter-gatherers, and deliberate arson have all been causes of fires in the Mau Forest (Ojoatre, 2021). Other causes include traditional pasture and agricultural field burning practices as Optiz-Stapleton *et al.* (2021) explains. The beekeepers like the Ogiek may engage in farming practices that expose the forest to bush-fires. That is the use of fire for

honey harvesting. The abundance of dry vegetation due to bush clearing has also facilitated the occurrence of wildfires. Their activities do not consider avoiding fire or sparks, especially when it is hot, dry or windy; hence the fire-related activities they engage in cause the fires.

Eviction from the forest has largely enabled the control of wildfires. The exit of the forest communities has provided convenient working space for such groups as the Kenya Forest Service, which can now effectively curb wildfires. There has been an efficient working space for forest conservation measures which in this case is control of forest fires (Langat *et al.* 2019). The effectiveness of their activities is due to the eradication of communities carrying out practices that promote wildfires (Githumbi *et al.*, 2021). Other minor causes, such as deliberate arson and campfires, can be easily controlled without forest communities.

### **2.3.2.2 Forest Communities Control Poaching**

The indigenous people possess an unparalleled understanding of their land due to their close relationship with it over multiple generations. This knowledge allows them to efficiently manage their territories by comprehending the connections between the resident flora and fauna. The complex systems governing hunting and harvesting enable them to maintain social order and safeguard their resources. Many tribes have implemented regulations against killing certain animals, including the young, pregnant, or "totem" creatures, as well as over-harvesting species. Hunting and fishing are typically only permitted during specific seasons. These regulations lead to effective rationing of resources within the tribe's territory, promoting biodiversity and allowing plants and animals to flourish.

The Bushmen, who hunt for subsistence to feed their families, are being subjected to beating, torture, and arrest by the government under the guise of being "poachers". However, there is no evidence to support the claim that their hunting practices are unsustainable, and in fact, it is compatible with conservation efforts. The Bushmen are highly motivated to protect the wildlife on which they depend (Oviedo, 2006). On the other hand, when conservation initiatives take away tribal peoples' control over their land and resources, it undermines their ability to sustain themselves from the land. This can lead them to become allies of poachers, as they have extensive knowledge of tracking and hunting. Tribal people are the best equipped to prevent, catch, and report poachers, but when they are removed from their land, they become less able and motivated to do so. This results in the need for extensive funding for "guns and guards" preservation programs to control poaching, which is often ineffective and leads to an "arms race" between poachers and guards. This harms everyone, including the wildlife. The eviction of the Maasai from the Ngorongoro landscape resulted in a surge of poaching, leading to the near-extinction of the rhinoceros' population (United Nations Environment Program, 2009). As a result, removing natural and low-cost guardians from the land can have serious and negative consequences for conservation efforts.

Tribal people inhabit some of the world's most biodiverse regions, and they have a vested interest in preserving these habitats because their lives and livelihoods depend on them. Therefore, conservationists should form alliances with tribal people, learning from them, respecting them, and helping to defend them and their lands. However, many tribal communities are in urgent need of support, but they rarely receive it from conservationists, who they believe are too closely tied to industries like oil, mining, and plantations (Porter-

Bolland *et al.* 2012). While parks can protect some land and seas, mines, roads, dams, urbanization, agribusiness, monoculture plantations, and industrial projects threaten natural habitats and the people who depend on them, both inside and outside the park's boundaries.

It is crucial to recognize the land rights of indigenous communities in protecting nature, as their territories serve as a crucial barrier against habitat loss. Conservationists should also acknowledge and support the traditional methods used by tribal communities, like shifting cultivation, to sustainably live on their land (Gammage, 2012). Rather than stigmatizing and criminalizing complex forest farming systems, conservationists should recognize their importance in maintaining biodiversity and providing nutritious food without agrochemicals. The conservation industry holds significant financial and political power in many governments worldwide, which could be utilized to advocate for better protection of tribal rights and against threats to biodiverse tribal lands. However, portraying tribal peoples as "encroachers," "poachers," and "damaging" to biodiversity risks alienating them and their allies, with disastrous consequences for both biodiversity and tribal peoples.

The Parks Service in New South Wales has committed to a "statement of reconciliation" recognizing that the indigenous custodians of the land are the native people. The Australian government aims to restore certain areas of land to Indigenous communities to be co-managed with the government. According to the Parks Service, co-management can improve the safeguarding and management of biodiversity values by incorporating indigenous knowledge and practices. Around one-third of the parks in Australia are classified as "indigenous protected areas" where the land is jointly owned and managed by indigenous communities and the Parks Service. However, the level of genuine "joint"

management is debatable as the state maintains most of the power and control. A significant and innovative approach is recognizing and endorsing Indigenous and Community Conserved Areas (ICCA). Despite increasing global recognition and admiration for ICCAs, these areas will remain vulnerable unless the conservation industry adopts grounded approaches instead of externally imposed conservation initiatives.

The eviction has also promoted the control of poaching. The eviction for the conservation plan has led to displacement of the Ogiek from the Mau Forest, thus paving the way for control of ignoble practices like poaching. The prevalence of communities living in the forest encouraged poaching (Langat *et al.* 2021). The poachers have found it easy to carry out their criminal acts of wildlife killing and trafficking. The ease of poaching resulted from communities living in the forest (Mwiwawi, 2019), making it easy for the poachers to access wild animals through direct and indirect aid. At times, these communities could be used as accomplices by the poachers. The cases of poaching have reduced considerably with the evacuation of forest communities from the Mau Forest.

Authorities like the Kenya Wildlife Service have played a crucial role in controlling poaching. The collaboration of the communities with the authorities to curb the rising cases of poaching has also greatly helped curb the depraved act of wildlife destruction (Kweyu *et al.* 2020). Evacuation from the Mau Forest has eased the zoning of the land, thus creating a clear outline of the area prohibited from human residence (Albertazzi, 2018), even though there have been reports of logging and grazing after that. There are also some evictees who pledge support to help implement the control of poaching by reporting any illegal wildlife trade. The support has enabled control of poaching.

Coupled with the support of the people is the establishment and implementation of other policies to control policies. Such policies have included the establishment of tougher laws against the killing and sale of wild animals. That is, outlawing the purchase and sale of parts and products of wild animals, thus protecting them. With the eviction, more wildlife scouts have been recruited to ensure coverage of a wider area in the Mau Forest during patrol services thus sanction of poachers (Mutune *et al.* 2017). Scouts work together with game wardens to eradicate poaching (Kithiia & Koech, 2020). Eviction of people from the Mau Forest has also enabled conducting of wildlife censuses to establish the population of wild animals like elephants. Evicting people from the Mau Forest has been vital in controlling poaching.

#### **2.3.2.3. Improvement of Livelihoods**

Agrawal & Redford (2009) observed that the number of displaced individuals translated to the quantity of projects taken by the government or even the international actors in humanitarian interventions. This is because the people evicted need households, food, and social amenities among other basic needs. When people are evicted, there is food distribution to them and helping them set up households in places that they have relocated to. The building of infrastructures including schools, roads, and health centers bridges, and connection to the grid are all crucial to help people adapt and become resilient.

Oldekop *et al.* (2015) acknowledged that protected areas are associated with productive socioeconomic results as well as significant conservation impacts. Improved conservation and better socio-economic results are achieved by inclusion of local people in the management strategies of the forest. The inclusion of local people in the management empowers them and therefore economic inequalities are eliminated. There is a promotion



of livelihoods among the indigenous people and maintenance of cultural values. This is achieved when the non-indigenous communities are driven out, hence leaving the indigenous people.

MRG (2017) reported that there was increase in advocacy activities raising awareness among the public and the media concerning how the indigenous people were affected by the policies implemented during eviction. An approximate of 100 people were involved in conducting meetings in counties such as Nakuru, Uasin Gishu, and Narok where the forest extends. The meetings focused on the inclusion of women, the youth, and the minority groups in matters of land ownership. The role that these minority groups play in government and their livelihoods' sustenance holds an essential part in resilience. These discussions yielded positive outcomes such as Ogiek students being awarded bursaries to secure their education. In addition, health centres were set up and provided with equipment so that the health of the people would be taken care of. There was an improvement in the transport system by upgrading roads.

Worldwide, the concerns of the indigenous people have been expressed. The Ogiek presented their issues at the UN Permanent Forum on Indigenous Issues and made statements at the World Conference on Indigenous Peoples. This brought huge support from international communities, and it is known that the intervention of international communities recognizes the rights and hence programs to promote that which will be undertaken (Mentis, 2020). It's not easy for the Ogiek to contradict their own state government concerning their rights but it becomes easier when international actors are involved. Their interventions bring a huge impact, and the government heeds their advice

and gives them a chance to work together to bring amicable solutions. The solutions benefit the evictees as well as the ecosystem.

Furthermore, MRG (2017) reported having funded paralegal training for both men and women among the Ogiek, this initiative would assist people to defend their own rights in the community without depending on organizations. Dependency on organizations to air their concerns was rife with disappointments since it was not done as per their desire. Eunice Chepkemoi, the gender officer of OPDP, stated that many community members were previously experiencing land violations, but they have now gained the knowledge to claim their land rights independently in court. This paralegal knowledge has enabled them to be more proactive in the community, engaging with local politicians and participating in media events. This self-sufficiency has reduced their dependence on the organization.

The eviction from the Mau Forest has also paved way for the improvement of livelihoods. Despite having been a forced eviction with failure to enact the eviction guidelines and violation of the rights of victims (Albertazzi, 2018), the eviction has enabled improvement of livelihoods for both the evictees and wild life. That is, the wild plants and animals. The people evicted have been able to interact with the neighbouring communities. An instance is the interaction of the Ogiek of the Mau Forest with the Nandi residing in their areas of new settlement after eviction. The adoption of such practices as farming from the Nandi (Chefor *et al.* 2021), has greatly improved their livelihoods.

The eviction from the Mau Forest has enabled carrying out of conservation measures for the water sources in it. The Mau Complex, being the single most vital source of water for urban areas, industrial and direct human consumption has thus been protected from further pollution with the evictions (Nyangweso, 2020). There has been reduced soil erosion and

siltation, water purification and other water conservation measures have been undertaken as explained by Tarus and Nadir (2020). The undertaking of these measures has come about as a result of the negative impact on the Mau Forest caused by illegal and ill-planned settlement (Tarus & Nadir, 2020). There has thus been a supply of clean water safe for consumption.

The evacuation has enabled the improvement of the livelihoods of the evictees in a number of ways. Beekeeping, which has been one of the main economic activities carried out by such indigenous communities as the Ogiek (Zocchi *et al.* 2020), has been a tremendously improved practice hence the improvement of their livelihoods. The modernization of the beekeeping activities has been an opportunity rising from the eviction despite the large number of negative economic impacts faced by the evicted. The intensification of beekeeping has consequently provided a source of income for the groups of people involved. There has also been hybridization of the traditional and modern beekeeping methods thus an expansion of the practice into the deforested and cultivated areas of the Mau Forest. The ethno botanical knowledge has been a current technological intensification in beekeeping among the Ogiek of Mau Forest (Barstow, *et al.* 2021). The eviction has therefore been crucial in the improvement of the livelihoods of the evictees.

#### **2.3.2.4. Rehabilitation of the Ecosystem**

Mau forest is associated with a range of ecosystem benefits which are microclimate regulations, control for soil erosion, carbon sequestration, and biodiversity habitats for both animal and plant species. Moreover, the complex helps in water purification, ground water recharge and most importantly it is a fundamental water catchment area in the country (Njane, 2019). Having the ecosystem deteriorating in years, measures to safeguard

have been supported both locally and internationally. The most vital measure being undertaken is the eviction of squatters from the Mau Forest. Evicting squatters who practice agriculture and have established households here helps restore the ecosystem. To achieve sustainable development, therefore it is crucial to conserve the forest and all that pertains to it. To sustainably conserve the ecosystem, the ability to manage should be considered and only activities that are in harmony with it should be allowed. The activities carried out such as beekeeping, hunting, and gathering by the indigenous people are ecosystem friendly and therefore cause no harm (Githumbi *et al.* 2021). Women and the youth are actively involved in environmental restoration agenda. This initiative provide basis for income generation since the surplus seedlings will be sold elsewhere. Therefore, the environmental, community and economic security of the people is addressed simultaneously. The embracing of clean energy has been achieved hence the residents do not have to cut down on fuel production

Njane (2019) acknowledged that time for restoring Mau Forest had reached since debates on its encroachment and destruction had been held for a long time. Further she suggested that the first measure to be undertaken was to evict the encroachers who were illegally residing there. These efforts will contribute to increasing the forest cover, recharging rivers and springs which are almost completely dry, and increasing the volumes of water supply. Additionally, there will be flourishing of biodiversity in the forest since no outside interference that cut down their thriving (Albertazzi, 2018). The microclimatic condition around the area will be improved since more carbon will be sequestered by the increased volume of forest. The well-being of the Ogiek largely depend on the forests resources

therefore there is great satisfaction among them while the forest is rehabilitated and restored.

The eviction of the settlers of the Mau Forest has also enabled the rehabilitation of the ecosystem. Residence in the forest has been a major cause of degradation and pollution. Timber harvesting through logging has led to vast bare grounds, encouraging soil erosion (Moinanii & Barasa, 2021). Wood extraction from the forest and agricultural expansion (Moinani *et al.* 2020) by the native residents of the forest has both been derivative agents and thus a reason for the eviction processes (Rouillé-Kielo, 2021). The exit has provided an efficient channel for the rehabilitation and restoration of the ecosystem as it has minimized the human activities that lead to environmental pollution and degradation.

The government and other organizations have employed a series of actions to rehabilitate and restore the ecosystem, including the National Environmental Management Authority and the National Environmental Tribunal. Wangigi (2021) highlights their functions in managing environmental issues like those seen in the Mau Forest. Reparative measures have been undertaken to restore the important environmental components to their original undisturbed state (Rotich & Ojwang, 2021). Some of the vegetation, however, has been permanently altered and can only be rehabilitated to return it close to its original state. There have been attempts to restore or replace environmental structures, such as indigenous trees, which have been altered or eliminated. To pave the way for the success of these activities, eviction from the Mau Forest has been a milestone.

The eviction has enabled the carrying out of such activities as soil erosion control through re-forestation and forest re-wilding. Coral rehabilitation, which aims at restoring the ecological functioning of the environment, has also been possible after the eviction of

residents from the Mau Forest. The involved groups have participated in eradicating invasive species and encouraged the choice of appropriate species to counteract further environmental degradation (Moinani, 2020). Tree logging for sale and charcoal burning has also been prohibited to maintain an acceptable tree population in the forest. Consequently, as brought out by Moinani, Baraza and Ong'au (2020), eviction from the Mau Forest has created an opportunity to rehabilitate the ecosystem into a self-sustainable unit.

A case study of the Bolivia's Kaa Iya del Gran Chaco National Park also shows some opportunities of the forest community. The name "Kaa-Iya" refers to the "spirit guardians of the forest" in Guaraní, while the "Yande yari" or "our grandmother" is the name given to the Bañados de Isoso inland delta of the Parapetí. This demonstrates the significance of the protected area as a source of wildlife, fish, and other resources that are utilized by neighbouring Isoleño communities in the Isoso TCO. The Isoleños place a great emphasis on environmental conservation in the establishment and management of the KINP, recognizing its importance to their quality of life and identity as a people (Redford and Painter, 2006).

The Kaa-Iya del Gran Chaco National Park and Integrated Management Areas were established by the presidential decree in 1995. The protected area management plan, developed by the Kaa-Iya Project in 2001, incorporated both biological and socio-economic information to zone the protected area into different categories of use. These included fully protected areas (IUCN Categories I and II), extensive non-consumptive use (IUCN Category II), extensive consumptive use such as hunting, fishing, and gathering (IUCN Category VI), and intensive consumptive use such as livestock ranching areas.

Horn of Africa has experienced a range of inter and intra state conflicts over the years, this has resulted in unwanted deaths and displacement of persons. As conflict overflow, environmental resources on the other hand decline resulting in vulnerability of the people in the region with an increase in exposure to environmental hazards and reduced capacity to cope with them. These conflicts arise as a result of the struggle on who should be in control, access to forest and forest resources and historical claims over the forests. The change in forest cover in most developing countries has been because of conversion of forest into agricultural land and larger infrastructural development (Sayer *et al.*, 2005).

Non state actors are suitable in ensuring that human security is maintained in the world. Some of the roles in ensuring human security are facilitation of negotiations between warring parties. Provision of relief when governments are unable to respond to emergencies, this is mostly done by organizations such as the ICRC and Oxfam. During internal conflicts they are often more flexible than state actors, as they can easily build local capacity since they are not affected by political and public scrutiny and hence there is no fear of losing credibility. They also benefit from close involvement with the local communities (Merlinsky, 2017)

Various studies indicate that advocacy has been used to arrest environmental degradation. The Amazon in Brazil, the world's largest tropical rainforest (UNEP, 2009), is one such forest that has been undergoing deforestation. Zhouri (2004) wrote that in the 1980s the approach to advocacy to preserve the Amazon was to boycott timber, a method that environmentalists changed in the 1990s in the advent of sustainable development. The mainstream NGOs developed what they called a Forest Steward Council which made the NGOs gain influence over international policies.

The task force on the Mau Forest termed the destruction a national crisis in the making (2009). This led to initiating advocacy efforts by various organizations geared towards saving the Mau Forest. Despite the advocacy efforts undertaken by various groups, no research from the literature reviewed, has been done to document how these NGOs efforts have impacted on the rehabilitation of the Mau Forest.

### **2 3.2.5 Forest Communities Co-management of National Parks**

In the 1990s, a council that represented a large group of Isoleño Guarani and Ayoreo people came to an agreement with the Bolivian government. The council decided to give up their land titles in a specific area to create a national park. Simultaneously, they became the managers and owners of a community-owned indigenous territory adjacent to the park. As a result, they became the first official indigenous co-managers of a national park, specifically the Parque Nacional de Kaa-Iya Del Gran Chaco. The land was previously occupied by ranchers and settlers who grew soya and cotton. Upon their later removal, the local indigenous communities can now use only certain areas of the national park. The main objective of the project was to grant the indigenous communities official land titles. However, the agreement had some drawbacks, as the tribes had to relinquish their rights to certain areas and resources, including mineral resources, to the state. Additionally, the park is bisected by a massive gas pipeline, which the affected communities have no control over and were not consulted about. Despite these drawbacks, the project is a positive step that prioritizes the rights and needs of the communities and is considered "their" park by the majority of the community (Kaa-Iya Project 2001).

The researchers Fargeot and Sutherland (2018) conducted a systematic literature review of the Mbendjele approach to conservation in the Congo Basin. The authors identified several



gaps in the case study, including the need to assess the sustainability of the Mbendjele approach over time and the potential for the approach to be scaled up and implemented in other communities. The Mbendjele people used handheld devices to map their forests and report incidents of poaching, logging, and violence against local people by forest guards. The authors found that this approach was effective in reducing illegal activities in the forests and improving the security and livelihoods of the Mbendjele people. The Mbendjele people were able to negotiate with external organizations for assistance in defending their lands, and the project was successful in encouraging tribal communities to take a leading role in conservation efforts. This approach has enabled tribal communities to take an active role in defending their lands and lives. The Mbendjele approach could be used as a template for other indigenous communities facing eviction challenges, as it empowers them to participate in the conservation process actively.

However, Fargeot and Sutherland (2018) noted that there were limitations to the Mbendjele approach. For example, the use of technology may not be feasible in other contexts, and the approach relied heavily on the involvement of external organizations. The authors suggested that more research was needed to assess the long-term sustainability of the Mbendjele approach and to determine whether it could be adapted and scaled up for use in other communities. Despite the progress made by the Mbendjele community, there are still gaps that need to be filled in the approach. For instance, there is limited access to information and resources necessary for successful conservation efforts (Fargeot & Sunderland, 2016). This is a significant challenge for many indigenous communities facing evictions as they may lack the knowledge and resources necessary to fight for their land

rights. As a result, they may be forced to accept whatever compensation is offered by governments and multinational corporations, even if it is inadequate.

Therefore, there is a need for a more comprehensive approach that considers the human security of indigenous communities facing eviction challenges. A study on the influence of evictions on the human security of the Ogiek people could help to fill the gaps identified in the Mbendjele approach. The study could examine the impact of evictions on the economic, social, and cultural aspects of human security (Albertazzi, 2018). It could also explore ways of empowering indigenous communities to participate actively in conservation efforts while safeguarding their human security. By doing so, the study could contribute to the development of more effective policies and practices for conservation that are respectful of the rights and needs of indigenous communities.

The Mbendjele approach presents a promising way of approaching conservation that empowers indigenous communities to take an active role in protecting their lands and lives. However, limited access to information and resources remains a significant challenge for many indigenous communities facing eviction challenges. Therefore, there is a need for a more comprehensive approach that considers the human security of indigenous communities facing eviction challenges, including the Ogiek people (Zocchi *et al.* 2020). A study on the influence of evictions on the human security of the Ogiek people could contribute to the development of more effective policies and practices for conservation that are respectful of the rights and needs of indigenous communities.

## **2.4 Knowledge Gaps**

On the nature of forest evictions, a plethora of scholarly research has been predicated on the plight of various indigenous groups around the world. Most of them have focused on several issues including but not limited to fundamental human rights, forceful eviction, especially under the guise of both domestic and international laws, systemic historical injustices perpetrated by the governments as well as the widespread consequences that emanate from maltreatment of these endangered group of people. Despite the existing literature on minority groups, little has been done to unravel interlink between forceful eviction and human security. Notably, given the complexity and the puzzling discourse of human security, most studies have largely failed to pinpoint the fundamentals of the human security concept that applies to minority groups. Like any other minority groups, the Ogiek indigenous groups have also attracted a mosaic of scholarly research, most of which have been premised on several issues including continued forceful eviction, the legal battle between the group and the government, the socioeconomic impacts of evictions as well as systemic historical humiliation imposed on these communities, to say the least.

On the effects of forest evictions to human security, Juma (2022) dwelt on the socio-economic impacts of deforestation and eviction of the Ogiek community in Mau Forest. It established that such eviction has interfered with the Ogiek's lifestyle and means of livelihood for several families. She identified logging, farming, and settlement as the major contributors to deforestation. Again, the study established that such eviction has an impact on Ogiek's culture, fuelled internal displacement, and violated fundamental human rights. However, the study was restricted to the devastations of deforestation without paying attention to the threats posed by such activities on human survival, especially food, water,

and health security among others, making the current study highly relevant. Claridge (2018) restricted her research to legal redress, particularly litigation as a tool for community empowerment. She expounded this by describing the successful legal challenge by the Ogiek community against the Kenyan government at the African Court of Human and People's Rights. According to her, litigation provided the basis for community engagement through which the Ogiek were empowered to better advocate for their rights. Notably, the study provided for a legal framework that could resolve the plight of the Ogiek but the method remains a challenge since it has been constrained by the lack of political goodwill to enforce the Court's decision. In as much as it focused on litigation as a remedy to forceful eviction, it has failed to connect such eviction to human security thus making this study relevant.

On challenges and opportunities, Kimaiyo (2004) predicated his research on the land-related cases of Ogiek and systemic historical injustices perpetrated by the government on the community. The study revealed other communities' attitudes towards minority groups including stereotypes, segregation, and denial of rights. It explored the origin of the Ogiek land issues which he found to be highly politicised and threatened the community. He considered the politicization of land issues as the leading threat to the community disregarding other elements of threats related to eviction such as inaccessible means of livelihood premised on economic security. The failure of Kimaiyo's study to explore other potential threats to the survival of the Ogiek community makes the current study relevant. Another study by Onyango and colleagues (2018), documented the significant impact of evictions on women's incomes, access to basic services, and cultural norms and behaviors. The authors argue that addressing the disparate impacts of evictions on men and women is

crucial to achieving gender equality and protecting the Ogiek people. However, it failed to demonstrate interlink between forceful eviction and human security. Again, it focused on the gendered impact of evictions, particularly on women at the detriment of the male gender yet all the sexes have been threatened by the continuous forceful evictions. Finally, Barnabas (2021) study investigated how the Ogiek people's quality of life has changed since they were forced to abandon the Mau Forest, highlighting the negative effects the evictions have had on the mental and physical health of the Ogiek population, such as an increase in waterborne infections and mental health issues. However, the study failed to include other aspects of human security such as economics, food, and environmental impacts. In a nutshell, the discerned studies indicate that while some aspects of the evictions from the Mau Forest have been studied, a significant gap remains unattended, especially those that focus on the drivers of the evictions and their impact on the Ogiek survival. Comprehending these drivers and their influence is crucial for developing policy interventions that adequately address the problem and improve the threatened survival of the Ogiek people.

## **2.5 Conceptual Framework**

The study is anchored on two theories namely Public Interest Theory and Human Needs Theory.

### **2.5.1 Public Interest Theory**

The theory of public interest, also referred to as Public interest theory of regulation is associated with Pigou A. as contained in his book, *The Economics of Welfare of 1938*.

The theory posits that the behavior of governments is driven by the desire to serve the public interest, which refers to the well-being of the general public and society as a whole. It argues that regulations should be designed to maximize social welfare, and that cost/benefit analysis should be employed to determine whether the benefits of regulation outweigh the costs. The theory assumes that governments are benevolent and have the capacity to rectify societal failures through regulation. According to this theory, governments should regulate prices to prevent natural monopolies from overcharging, establish safety standards to prevent accidents such as fires or mass poisonings, regulate employment to counteract the employer's power over employees, and oversee security issuance to protect investors from fraud, among other things. The theory has been used both as a prescription for what governments ought to do and as a description of what they actually do, at least in democratic countries (Macmillan, 1938).

In the context of forest evictions in Kenya, the public interest theory would argue that the state has a responsibility to protect the rights of affected communities and ensure that their well-being is not compromised (Gilbert, 2019). This theory recognizes that the pursuit of power by states can sometimes lead to abuses of human rights and violations of the public interest. Therefore, the state must be held accountable for its actions and decisions, and it must be guided by ethical and moral principles in its conduct.

The public interest theory emphasizes the importance of transparency, accountability, and participation in the decision-making process, particularly in issues that affect the public interest. In the case of forest evictions in Kenya, the state must engage with the affected communities, listen to their concerns, and provide them with adequate compensation and support to rebuild their lives. The state must also work with civil society organizations and

international agencies to promote sustainable development and protect the environment (Amin, 2022).

This theory is used in this study to understand why the government carries out evictions of people from forests, which in this case is Mau Forest. The assumption is that the government looked at the public good by regulating activities in the forest. Hence the theory underpins the independent variable, which is Mau Forest evictions.

The public interest theory clearly focuses on the action of government in carrying out forest evictions, the independent variable of the study. It does not however touch on the human security, the dependent variable. There was therefore need to introduce a second theory, and hence the Human Needs Theory .

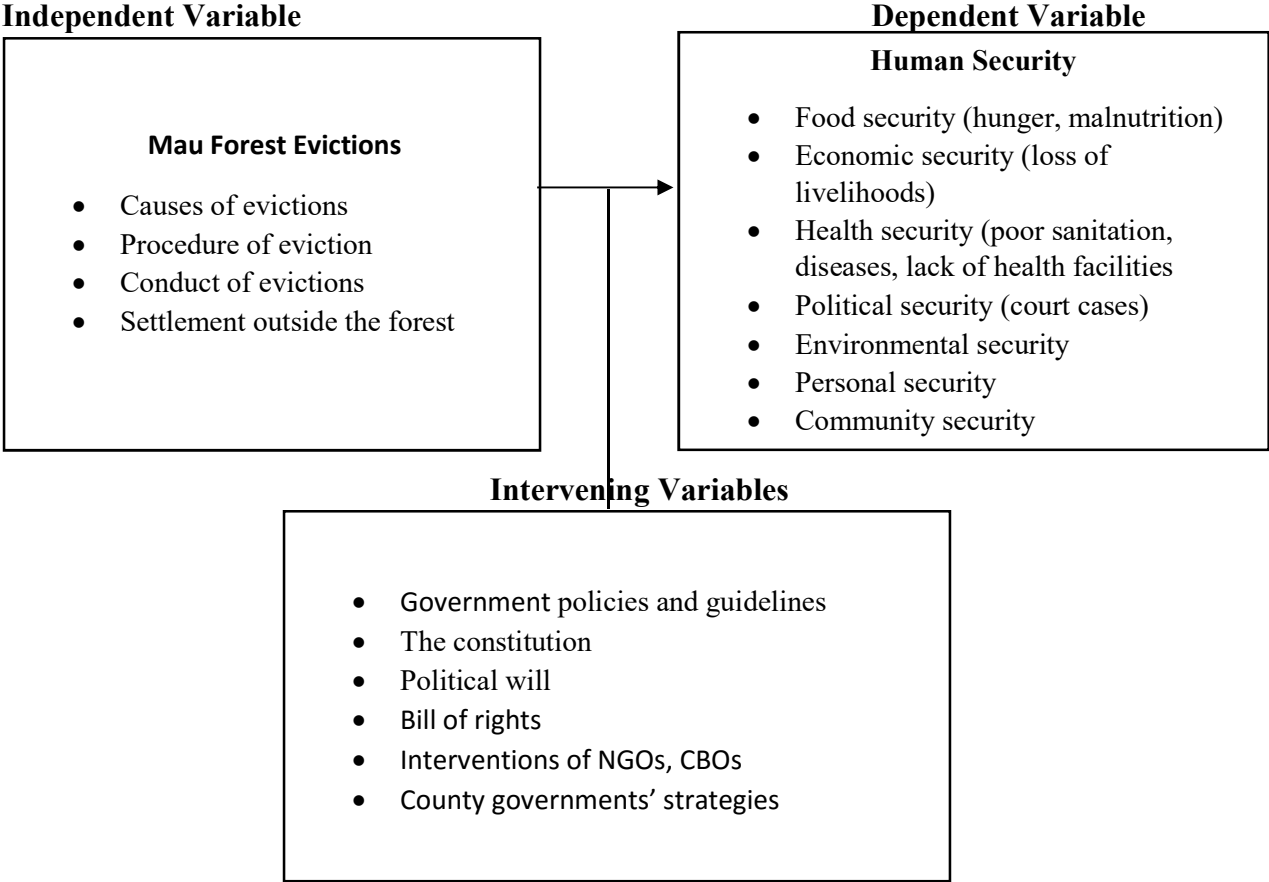
### **2.5.2 Human Needs Theory**

Human needs theory is associated with John Burton, among others. . Burton applied this theory to social and political conflicts, particularly in cases of prolonged conflict. According to Burton, neglected universal human needs often lead to groups resorting to violence to meet their needs and assert their rights. In his view, education and culture can manipulate issues and dehumanize opposing parties, leading to conflicts. Burton identifies recognition, identity, personal development, and security as the most important needs in understanding destructive social conflicts. He also argues that the failure of existing state systems to meet the need for identity is the main cause of modern ethno-nationalist conflicts (Burton, 1990). Forest communities, just like other communities have needs and rights as enshrined in various laws. It is on this basis that many court rulings around the world have often protected the rights of these communities (Amin, 2022). When these

communities get evicted, they are denied various rights including rights to decent homes, right to security and protection and in some cases right to life with dignity as enshrined in the humanitarian charter. This denial of rights takes away the fundamental needs that are advocated for in the human needs theory. Therefore, the study will bring into perspective all the fundamental needs that enhance human security.

**2.5.3 Conceptual Model**

This study used a conceptual model indicating the relationship between variables as follows:



**Figure 2.1: Conceptual Model Showing Interaction of Variables**

**Source: Researcher, 2022**



Eviction of the forest communities are carried through the enforcement of police and other Government Agencies and are not friendly to the evictees at all. Evictions are marred by brutality, threats and torching of houses among other factors which are likely to influence the human security of residents in Mau Forest. When police are brutal towards the evictees, they undermine their ability to achieve food security, economic security, political security, health security among others (Amin, 2022). The torching of houses and food stores by the authorities who drive people out leads to poverty and economic backwardness among the residents.

The intervention from the government, NGOs, bill of rights, laws and politics could influence how the human security would be upon eviction. For instance, if the favorable government policies are established, upholding the bill of rights and affirmative land laws then human security will be achieved. On the contrary, unfavorable government policies, disregard of the bill of rights and hostile land laws will lead to deterioration of the state of all elements of human security (Samorai, 2020).

## **2.6 Chapter Summary**

This chapter has reviewed the literature thematically based on objectives. The chapter is broken down into the following sections: The Nature of Forest evictions; the effects of Forest evictions on the Human Security, and Challenges and Opportunities resulting from Forest Evictions. This chapter has also looked at the conceptual framework and the conceptual model. The next chapter discusses research methodology.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.0 Introduction**

This chapter outlines the methodology that was used in conducting the research. The chapter presents the research design, study population and sampling techniques employed. It further presents the data collection instruments that were employed in the research and the procedures for data collection, analysis, ending with the chapter summary.

#### **3.1 Research Design**

This study utilized descriptive research design. According to Kombo and Tromp (2006), a research design refers to a set of conditions for collecting data in a way that combines relevance with the research objective. Mugenda and Mugenda (1999) see descriptive research design as an attempt to collect data from members of the population to determine the status of that population with respect to one or more variables. And Bell (1993) on his part, explains that descriptive design seeks to uncover the nature of factors involved in each situation, the degree in which they exist, and the relationship between them.

Descriptive research design involves the method of collecting information by interviewing or administering a questionnaire to a sample of individuals. It is often used to gather information about people's attitudes, opinions, habits, or social issues. In this study, this design was used in the achievement of the three specific objectives as demonstrated in table 3.1.

**Table 3.1: Research Design**

<b>Research objectives</b>	<b>Research design</b>
Examine the nature of the Mau Forest evictions, Kenya	Descriptive design
Assess the effects of Mau Forest evictions on the Human Security of the Ogiek People in Kenya	Descriptive design
Examine the Challenges and Opportunities in evictions of the Ogiek forest community from the Mau Complex in Kenya	Descriptive design

**Source: Researcher, 2023**

As shown in table 3.1, in objective one, the nature of Mau evictions were described, effects of the evictions on the human security of the Ogiek described in objective two, and in objective three, challenges and opportunities associated with the evictions described.

### **3.2 Study Area**

The study area was The Mau Complex. The Mau Complex is the largest forest in Kenya covering over 400,000 hectares of land and has stretched through 7 counties. Mau complex is not only the largest forest in Kenya but also the most fundamental water catchment in the country. More than 12 rivers that drain into Lake Victoria, Lake Nakuru, and Lake Naivasha happen to originate from this complex (Chebiwo & Langat, 2015; Korir, 2016). To combat climate change, Kenya has made commitments that include reducing emission levels of greenhouse gas and mitigating the perils associated with weather extremes such as floods and droughts. It is to this effect that the government of Kenya decided to evict people from the forest in 2004 to reclaim the forest land that had been encroached on by the public (UNEP & GOK, 2012).

The Mau Forest Complex, located in the south-western highlands of Kenya, is a vast area covering a large continuous block of montane indigenous forests in East Africa. The

forests are situated on the western slopes and part of the crest of the Mau Escarpment, which is a raised land block forming the western wall of the Great Rift Valley, with a steep rise from the floor and sloping away more gently to the west. The complex has five main Forest Reserves, namely Eastern, Western, South-western Mau, Trans-Mara, and Ol Pusimoru, with a combined area of approximately 199,300 hectares. Additionally, there is an ungazetted forest block called Maasai Mau, covering approximately 46,000 hectares. In early 2001, a total of 59,134 hectares within the Eastern Mau, South-western Mau, and Western Mau were designated for gazettelement. The study, which focused on the Maasai Mau Forest, one of the 22 Forest Blocks within the Mau Forest Complex, was conducted under the Narok County Government. The Maasai Mau Forest, registered as a trust land under the Trust Land Act (Cap 288), is the most threatened block of the Mau Forest Complex, covering approximately 46,278 hectares and surrounded by 13 Administrative Locations, including Ol Posimoru, Olokurto, Naituyipaki, Naisoya, Nkareta, Ereteti, Ololulunga, Ol Shapani, Melelo, Enabelibel, Sogoo, Sagamian, and Tendwet.

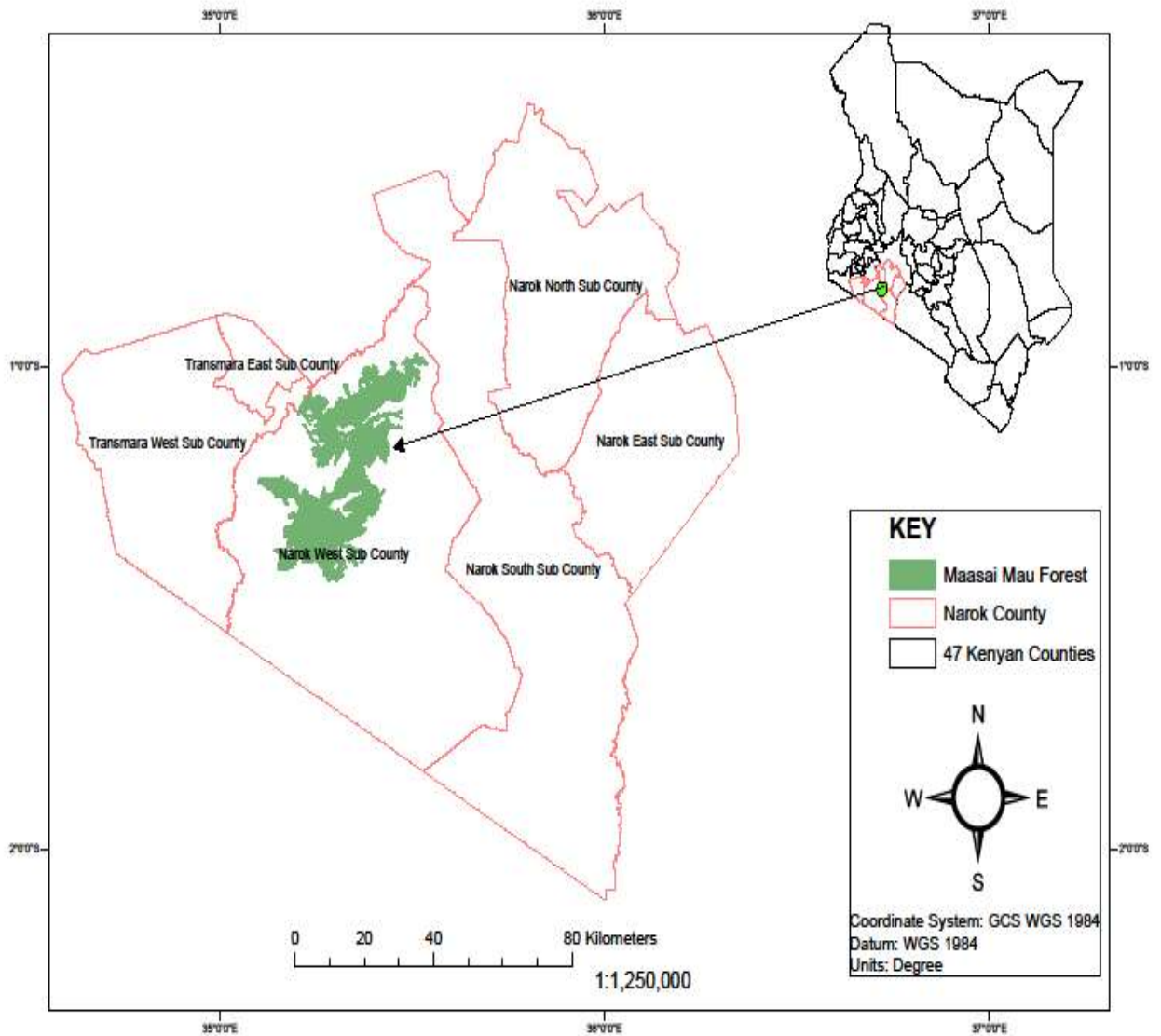
The Social Economic activities include agriculture by downstream communities, tourism activities and provision of ecosystem goods for surrounding communities. The complex also has social importance such as cultural heritage, spiritual connection, and recreational value among others. The Maasai Mau provides non-timber forest products, including medicinal plants, wild honey, and wild fruits, many of which are consumed locally. Local communities also use the forest as dry season pasture (KNA, 2021). In the year 2018 the government launched operations to evict people from the forest to reclaim the forest that was slowly diminishing. During the first phase of the eviction in July 2018, about 7,700 people were evicted from the forestland which saw over 12,000 acres of the forest

reclaimed. Security forces demolished homes and social amenities, including schools, churches, and health clinics, rendering many people destitute during evictions. In the second phase conducted in the year 2019, the 3,300 families living in the Maasai Mau moved out voluntarily after the government gave a 60-day eviction notice recovering a total of 35, 000 acres of forest land.

The Mau region boasts fertile volcanic soils and receives some of the highest rainfall in Kenya. Precipitation varies from approximately 1,000 mm annually in the east, where there is a seasonal pattern, to 2,000 mm in the west, where it is more or less constant throughout the year. The forests located west of the scarp crest are drained by numerous streams that are part of the Sondu and Mara River systems, which flow into Lake Victoria, and the Southern Ewaso Nyiro system, which flows into Lake Natron. The Eastern Mau serves as the main watershed for Lake Nakuru, through the Njoro, Makalia, and Enderit rivers (Olang & Kundu, 2011). The surrounding areas are intensively farmed, and human population densities are about twice as high on the western side of the forest than on the east. Vegetation patterns in the area are intricate, with a wide range of altitudinal zones from west to east, including lower montane forest below 2,300 m, thickets of bamboo mixed with forest and grassland, and montane sclerophyllous forest near the escarpment crest (Kinyanjui, 2011).

The study was carried out among members of the Ogiek community in the Maasai Mau Forest Complex, which spans seven blocks: South West Mau, East Mau, Transmara, Mau Narok, Maasai Mau, Western Mau, and Southern Mau. The Ogiek population is estimated at 52,000 individuals (Ogiek Peoples Development Programme, 2022). The Mau Forest Complex is home to the Mau Ogiek and is the largest water tower in the region, serving as

the primary catchment area for 12 rivers that drain into Lake Baringo, Lake Nakuru, Lake Turkana, Lake Natron, and Trans-Boundary Lake Victoria (Oruya-Oginga, 2013). The Mau is divided into 22 areas, with the Ogiek residing in 12 of them: Marishooni, Nesuit, Saino, Sururu, Kiptunga, Sogoo, Nkaroni, Tinet, Sasimwani, Oltpirik, Nkareta, and Olmekenyu (Kenya Forest Service, 2014).The map of the Mau Forest is presented in Figure 3.1.



**Figure 3.1: Map of Study Area**

Source: GIS Map, 2022

### 3.3 Study Population

According to Cooper and Schindler (2011), a study population refers to a group that the research focuses on. The study population was composed of Household heads from the

Ogiek community, village elders, Chiefs, NGO heads, CBO heads, County Commissioner, Deputy County Commissioners, police officers, UNEP representative, UN Habitat representative, Kenya Forest Service (KFS) officers, Kenya Wildlife Service (KWS) officers, National Environment Management (NEMA) director and director, Kenya Water Towers Authority. The target population, defined by Mugenda and Mugenda (2003) as the entire group a researcher is interested in or the group about which the researcher wishes to draw conclusion was the house hold heads.

### **3.4: Sampling Techniques and Sample Size**

This section presents the method used to determine the study sample size from which data was collected. It also describes the sampling techniques used in selecting elements to be included as the subjects of the study sample. A sample size is a sub-set of the total population that is used to give the general views of the target population (Kothari 2004).The sample size must be a representative of the population on which the researcher would wish to generalize the research findings.A sample is a smaller number or the population that is used to make conclusions regarding the whole population. Its purpose is to estimate unknown characteristics of the population. Sampling therefore is the systematic process of selecting a number of individuals for a study to represent the larger group from which they were selected (Marshall & Rossman, 1999; Mugenda and Mugenda, 1999).

#### **3.4.1 Sampling of Household Heads**

According to KNBS (2020) Maasai Mau, the study area has a total of 15,000 households that provided the unit of analysis. The sample size for the household heads was determined using Fisher *et al.* (1983) cited by Mugenda & Mugenda (1999). In this regard therefore,



since the target population is greater than 10,000 households; the desired sample population was determined using Fisher's formula for sample size determination. The formula is as stated

$$n = \frac{z^2 pq}{d^2}$$

Where n=desired sample size (the study population is greater than 10,000).

z=the standard normal deviate at the confidence level of 95% is 1.96.

p=the proportion of the target population estimated to have characteristics being measured is set at 50%

q=1-p (probability of non-success)

d=level of statistical significance set at 0.05

$$n = \frac{(1.96)^2 * 0.5 * (1-0.5)}{(0.05)^2}$$

=384 households

### **3.4.2 Sampling of Key Informants**

Key informants for the study were village elders, Chiefs, NGO heads, CBO heads, County Commissioner, Deputy County Commissioners, Police Officers, UNEP representative, UN Habitat representative, Kenya Forest Service (KFS) officers, Kenya Wildlife Service (KWS) officers, National Environment Management (NEMA) director and Kenya Water Towers Authority officers.

The study used purposive sampling on the following County Commissioner (1 out of 1), Deputy County Commissioners (2 out of 2), UNEP representative (1 out of 1), UN Habitat representative (1 out of 1), Director, National Environment Management (NEMA) (1 out of 1), and Kenya Water Towers Authority officers (3 out of 10). Census technique (Mugenda and Mugenda, 2003) applied on the following Kenya Forest Service (KFS) (10 out of 10), officers, Kenya Wildlife Service (KWS) officers (10 out of 10), and Chiefs (7 out of 7). Simple random sampling applied to: Village elders (32 out of 60), NGO heads (5 out of 50), CBO heads (5 out of 50) and Police Officers (10 out of 50).

### **3.4.3 Sample size**

The study's sample size was 472, the breakdown being as follows: 384 household heads, 1 County Commissioner, 2 Sub-County Commissioners, 1 UNEP representative, 1 UN Habitat representative, 1 Director, National Environment Management (NEMA), 3 Kenya Water Towers Authority officers, 10 Kenya Forest Service (KFS) officers, 10 Kenya Wildlife Service (KWS) officers, 7 Chiefs, 32 Village elders, 5 NGO heads, 5 CBO heads and 10 Police officers.

### **3.5. Sources of Data**

The study employed both primary and secondary data. Primary data was collected using questionnaires, interviews, and focus group discussions, and observation checklist while secondary sources were also being used to get information relevant for the study.

The questionnaires were administered by trained research assistants and were filled in by the respondents (Kothari, 2004). The respondents were given the time frame within which

they were required to respond to the questioners. Upon completion, the research assistants took back the questionnaires while ensuring high rate of completion before returning.

### **3.5.1 Secondary Data**

According to Mugenda and Mugenda, 1999, secondary data is documented data, published or otherwise. The study therefore utilized both published materials like books, journal articles, among others, and unpublished works like government reports and research papers among others. The study used secondary data especially in the discussions of the findings and in authenticating the findings. Secondary data was gathered through perusing and reading the content of the materials selected with certainty of extracting valuable data on the dependent and independent variables. The materials included: the legal and policy frameworks on the Mau Forest Complex and the evictions, theses, books, journal articles, official reports specifically of the government including of non-governmental actors, and any other materials deemed valuable to this research. Content analysis applied to this data.

### **3.5.2 Primary Data**

According to Tromp (2006) primary data is 'pure' in the sense that no statistical operations have been performed on it and it is original. The study relied on questionnaires, interviews & focus group discussions and observation.

## **3.6. Methods of Data Collection**

### **3.6.1. Questionnaires**

The study employed structured questionnaires (Appendix III) to collect quantitative data from Household heads. Tromp (2006) describes a questionnaire as data collection

instrument suitable for obtaining data from large group of respondents, and to Kothari (2004) the tool is preferable because it tends to be free from interview bias since the responses are respondents' opinions. They are suitable for collecting current information which includes respondent opinions.

Questionnaires were administered directly to the household heads who filled them on their own to give required data for the study. Respondents had freedom to respond, particularly when it came to some sensitive administrative issues on evictions and human security. The unstructured questions allowed the participants to explain further their own opinions and feelings on the question of evictions.

### **3.6.2. Key Informant Interviews**

According to Pickard (2013), the use of key informant interviews allows the researcher to document various perspectives of reality and understanding of why people think and act in the different ways that they do. Thus, the study employed structured interviews with open-ended queries. The interviews, that were recorded, were used to collect data from various officials whose work was directly linked to the issues of conservation as well as Mau Forest eviction. The method applied to: village elders, Chiefs, NGO heads, CBO heads, County Commissioner, Deputy-County Commissioners, police officers, UNEP representative, UN Habitat representative, Kenya Forest Service (KFS) officers, Kenya Wildlife Service (KWS) officers, National Environment Management (NEMA) director and Kenya Water Towers Authority officers.

### **3.6.3. Focus Group Discussions**

Focus Group Discussions involves engaging a small group of respondents in a discussion. Focus Group Discussion allows the researcher to assess and gain an in depth understanding of attitudes, beliefs, desires and reactions of the respondents (Kamberelis & Dimitriadis, 2013). Hence, from this method, the researcher can easily observe and interpret participant's reactions and thoughts. The study used Focus Group Discussions to get information from village elders. A total of 4 FDGs were conducted. Each FGD consisted of 8 village elders (Lindlof & Taylor, 2002). Result it had a total of 32 participants. The FGDs were conducted in the local language and lasted approximately two hours each. The discussions were guided by an FGD guide that covered topics such as the history of forest evictions in the area, the impact of evictions on local communities, and the role of the government in addressing the issue.

### **3.6.4. Observation**

Observation is a data collection method that involves the systematic recording of behaviors, events, and other phenomena in a natural or structured setting (Stevano & Deane, 2017). In the context of the study on the influence of Mau Forest evictions on the human security of the Ogiek community in Kenya, the researcher used observation to collect data on the impact of the evictions on the community's access to food, water, healthcare, education, and other basic needs.

During the observation phase, the researcher was present in the field to observe and record the behavior and activities of the Ogiek community members who were evicted from the Mau Forest. The researcher used a checklist to systematically record the data (Weiner,

2007). The observation checklist included the items of human security as outlined in appendix 10.

By using the observation checklist, the researcher systematically recorded the impact of the Mau Forest evictions on the human security of the Ogiek community members (Taylor, 2002). The data can be analyzed to understand the specific effects of the evictions on different elements of human security and inform policy recommendations for improving the well-being of the Ogiek community.

**Table 3.2: Summary of study population, sample size, sampling technique and data collection method**

<b>Population category</b>	<b>Population size</b>	<b>Sample size determination</b>	<b>Sampling technique</b>	<b>Sample size</b>	<b>Data collection method</b>
Household heads	15000	Fishers <i>et al</i>	Simple random	384	Questionnaire
County Commissioner	1	Census	Purposive	1	Interview
Deputy county commissioners	2	Census	Purposive	2	Interview
Police Officers	30	30%	Purposive	10	Interview
Chiefs	7	Census	Purposive	7	Interview
NGO heads	50	10%	Simple Random	5	Interview
CBO heads	50	10%	Simple Random	5	Interview
UNEP Representative	1	Census	Purposive	1	Interview
UN Habitat Representative	1	Census	Purposive	1	Interview
KWTA Officers	10	30%	Purposive	3	Interview
KFS officers	100	10%	Purposive	10	Interview
Director NEMA	1	Census	Purposive	1	Interview
KWS officers	100	10%	Simple Random	10	Interview
Village elders	60	50%	Simple random	32	FGDs
<b>TOTAL</b>				<b>472</b>	

**Source: Researcher, 2023**

### **3.7 Reliability and Validity of Instruments**

#### **3.7.1 Reliability**

Reliability is the accuracy or precision of a measuring instrument (Orodho, 2003). To enhance reliability, the researcher looked for errors in the instruments based on expert advice and made the necessary corrections.

Reliability is the extent to which results are consistent over time. It is concerned with the probability of replicating results of a study under a similar methodology. This is achieved when the research tools are considered reliable

In this study, the research instruments were subjected to overall reliability analysis of internal consistency. This was measured using Cronbach's alpha values (Cronbach, 2010) as a coefficient of internal consistency. Internal consistency measured the correlations between different items on the same test and whether several items that propose to measure the same general construct produce similar scores between 0 and 1. For the purpose of this study, an internal consistency value of 0.7 was used as a threshold.

An instrument is considered reliable when presented to the same respondents at varying periods and the resultant responses are similar (Weiner, 2007). In this study, the reliability of the research instruments was established using Cronbach Alpha Coefficient (CAC) analysis.



### **3.7.2 Validity**

Validity is defined as the accurate and meaningful measure of inferences and how they relate to the research results (Hayashi, Abib & Hoppen, 2019). For a tool to be valid it must accurately portray what it measures (Pandey & Pandey, 2021).

The study tools were presented to a panel of experts at the department of Peace and Conflict Studies in Masinde Muliro University of Science and Technology to check whether all the items were included. The experts' opinions were afterwards included to enhance validity of the study. The questionnaires were divided into several sections each addressing specific objectives for enhancement of construct validity. There was review of the research tools by the researcher's supervisors to test their validity. This remedied any ambiguity and vagueness in the research instruments, thereby increasing the validity of the information that gathered and analyzed for future research on the issue of conflict management. The questionnaire's validity was assessed using content and construct validity.

The researcher trained two research assistants for two weeks before the data collection process began. They were trained on the objectives of the study, the purpose, and methods of data collection. This means that research assistants were made aware of the purpose of the study as well as the methods used to collect data. They were taken to the study area to familiarize with it so that they would be ready to assist the researcher (Stevano & Deane, 2017).

### **3.8 Data Analysis and Presentation**

Data analysis is examining what was collected and making deductions and inferences. In analysis, the study followed the procedure of editing, coding, classification, and tabulation of raw data as recommended by Kothari (2004). Qualitative data obtained from FGDs, and interviews was analyzed by narrative report using thematic techniques. In this regard, it was transcribed and then organized into themes and categories that emerged.

#### **3.8.1 Analysis and Presentation of Qualitative Data**

The qualitative data obtained from focus group discussions and interviews was analyzed through a narrative report using thematic techniques. The data was transcribed and organized into themes and categories that emerged during the analysis. The themes and categories were then reviewed, categorized, tabulated, and recombined to ascertain meaning related to the study's initial objectives, research questions, and issues. Qualitative data from questionnaires, interviews and focus group discussions was presented using thematic narrations. The data collected through observation was presented through photographs followed by a narrative description.

#### **3.8.2 Analysis and Presentation of Quantitative Data**

The quantitative data from the questionnaires was edited, coded, and entered into a computer spreadsheet in a standard format to allow descriptive statistics analysis. The Statistical Packages for Social Sciences (SPSS) edition 26 and Microsoft Office Excel 2019 were used to analyze the quantitative data. The data was presented descriptively in terms of frequencies and percentages. The emergent findings were used to support the data from the questionnaires.

The findings of the study were presented in tables, bar charts, and pie charts. The tables and charts were used to illustrate the distribution of data and to present the relationships between variables.

### **3.9 Limitations of the study**

The study faced several challenges during the data collection process. Firstly, the sensitivity of the subject matter, coupled with ongoing conflict in the sampled areas, made respondents cautious about participating in the research. There was suspicion that the study aimed to justify the eviction of the Ogiek community from the Mau forest or support fundraising efforts by NGOs. Additionally, some individuals suspected of benefiting from the illegal allocation of land were resistant to the researcher's inquiries (Stevano & Deane, 2017). To mitigate this challenge, the research team employed a community entry strategy that involved building trust with community leaders and obtaining informed consent from participants.

Secondly, the terrain in the Maasai Mau forest was difficult to navigate, and the study team had to use boda boda (motorcycle taxi) to reach some destinations. This mode of transport was not only risky but also limited the number of people that could be transported at once. Additionally, the research was conducted during the October-December period, which was characterized by long rains and festive seasons, which at times impaired timely conduct of the research (Stevano & Deane, 2017). To address these challenges, the research team developed a flexible schedule that allowed for adjustments to accommodate the weather and local events.

Finally, cultural barriers, including language differences, were encountered during the data collection process. Some community members spoke the Ogiek language, which made communication difficult for the research team (Zochi et al., 2020). However, the team included bilingual interpreters who were fluent in both English and Ogiek languages, to help bridge the language barrier. Additionally, the research team worked with community members who were knowledgeable about the local customs and culture to help facilitate communication with study participants.

Despite the challenges encountered, the research team was able to mitigate them successfully. The team employed several strategies, including building trust with community leaders, using local interpreters, and developing a flexible schedule, to overcome these challenges (Stevano & Deane, 2017). These strategies helped to ensure the validity and reliability of the study's findings.

### **3.10 Ethical Considerations**

The researcher obtained permission to proceed with the study after presentations both at school and the department, from the Directorate of Post-Graduate Studies, Masinde Muliro University of Science and Technology (MMUST). A research permit was obtained from the National Commission for Science, Technology & Innovation (NACOSTI). Consent of the respondents was sought after being briefed on the objectives and nature of the study, prior to research. All respondents willingly accepted to participate in the study as well as consenting to their photograph being taken during the process. In addition, all sources used for secondary data were acknowledged through in-text citation and at the reference section. Anonymity policy was strictly observed (Stevano & Deane, 2017). Nothing that can be

used by persons foreign to the study to identify the respondents was exposed. The researcher assigned unique codes for purposes of identification of respondents and the code log was kept secret.

### **3.11 Chapter Summary**

This chapter has highlighted the methodological approaches that were employed in this study and further underscored data collection techniques used. The process of coming up with accurate and meaningful inferences has also been explained. It also highlights the procedure of data collection by stating the channels that were pursued in collecting data. The next chapter (Chapter Four) presents the results of the study in line with the first objective.

## CHAPTER FOUR

### NATURE OF THE MAU FOREST EVICTIONS

#### 4.0 Introduction

This chapter presents analysis and discussions of the study findings in line with the first objective of the study; examining the nature of Mau forest evictions. The first section, however presents a comprehensive overview of the demographics of household heads who participated in the survey. In addition to providing a snapshot of the respondents' personal characteristics, this section also delves into the ways in which these factors may have influenced their responses to the questionnaires.

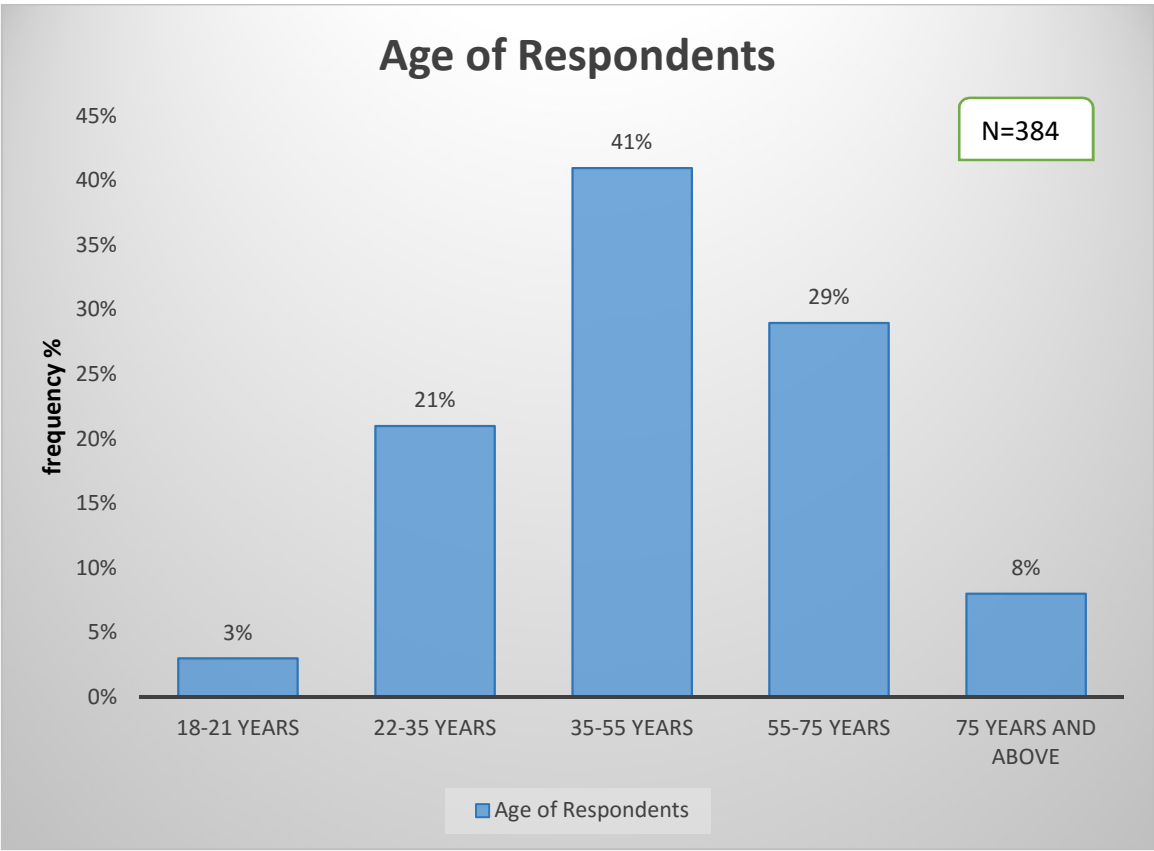
#### 4.1 Socio-Demographic Characteristics

The data on the socio-demographic characteristics of the household heads in this study was obtained from 384 survey questionnaires distributed to the household heads. All the 384 questionnaires received a positive response from the respondents, who agreed to participate in the survey after being informed about the goals of the study. The response rate for the questionnaires was therefore 100%, which can be attributed to the dedication of the researcher to the data collection process. The socio-demographic information of the household heads is a key factor in understanding the findings of this study. By examining the characteristics and backgrounds of the respondents and their households, the research gains an insight into the backgrounds of the respondents' attitudes and emotions represented by their opinions in the study questionnaire (Zochi *et al.* 2020). Additionally,

the high response rate of the survey ensures that the sample is representative of the target population, which enhances the validity and reliability of the study (Tiony, 2016).

### 4.1.1 Age of Respondents

The household heads despondence provided the following information as shown in Figure 4.1.



**Figure 4.1: Age of respondents**

**Source: Field Data (2022)**

From the study, 12 (3%) respondents were aged between 18-21 years, 81 (21%) were aged between 22 and 35 years, 157 (41%) were aged between 35 and 55 years of age, 111 (29%) were aged between 55 and 75 years while 31 (8%) were aged above 75 years.

The results of the study are in agreement with the national census data from KNBS (2019) where the total population of the country is described as a young population with majority still below the retirement age set at 60 years in the constitution. Further, in the region of study, the census data reveals that the age group of most household heads is at an average of between 25 to 65 years with a cumulative percentage of 82.5% while a cumulative percentage of 15.3% are aged above 65 years and a low percentage of 2.1% below 25 years.

This study considered those below 75 years to be the prime ages for most household heads in the Ogiek community due to their productivity and ability to provide for their families. According to the Kenya National Bureau of Statistics, KNBS (2019), 20 to 50 is the prime reproductive age in Kenya, which applies to the Ogiek community. Majority of respondents in this study were aged 33 to 55, supporting this idea. This suggests that the Ogiek community household heads is made up of primary providers. This dynamic is important to the study because it gives primary data from household leaders' validity. The age of Ogiek household heads is a key demographic factor. Most Ogiek household heads are young adults who provide for their families. This dynamic is essential to the study because it allows for primary data collection from household leaders.

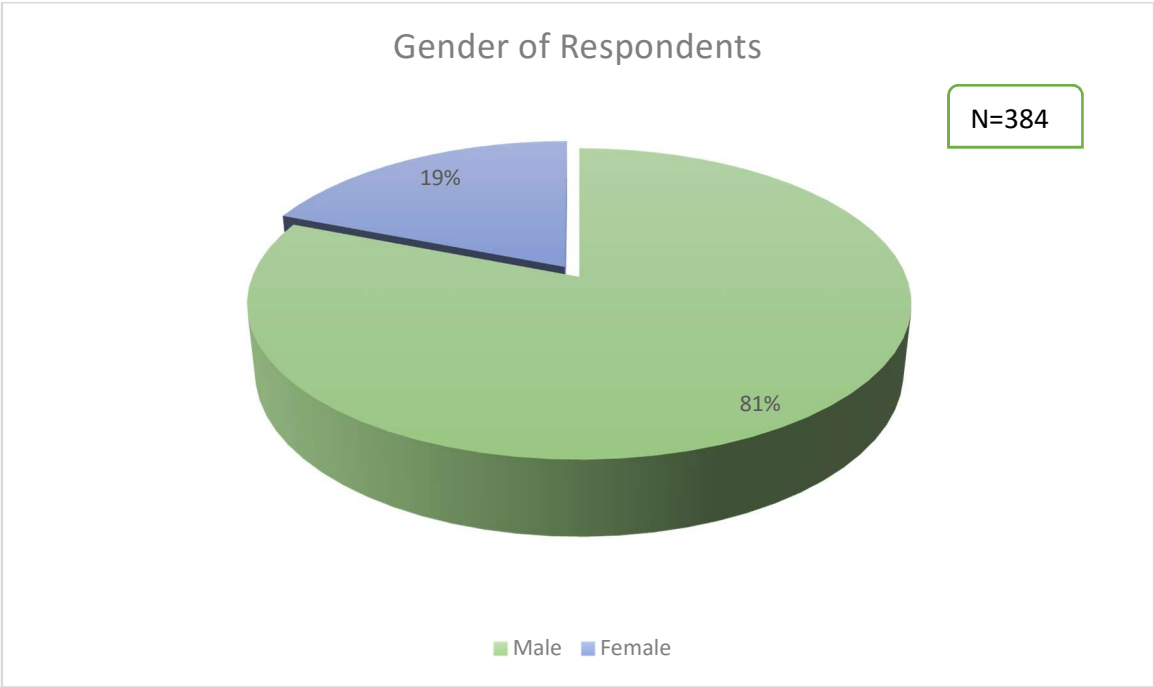
A key aspect of this study that is worth noting is the age distribution of the respondents. The sample population included a mix of respondents of different ages, with a larger number of older respondents who are above the age of 75. These older respondents are likely to have a wealth of knowledge about the history of the community, as they have lived through many significant events and changes within the community. However, due to their advanced age, they may not be as familiar with current affairs and modern life as



younger respondents. On the other hand, respondents who are below the age of 55 are likely to have a greater understanding of current affairs and modern life due to their exposure to formal education and the influence of contemporary society (Claridge, 2018). This diverse knowledge base is crucial for this study, which is focused on examining the human security situation within the community after the evictions. By considering the perspectives of both older and younger respondents, the study can gain a more comprehensive and nuanced understanding of the issues at hand.

**4.1.2 Gender**

This study sought to know the gender of respondents from the study sample. The responses are outlined in Figure 4.2.



**Figure 4.2: Gender**

**Source: Field Data (2022)**

From the results of the study outlined in the figure 4.2, 81% (311) of the respondents were male while 19% (73) of the respondents were female. An examination of the figures describes a larger percentage of male household heads in comparison with the fewer female household heads. As outlined by KNBS (2019) most households in the country are outlined in the traditional African structure where the household leadership duties are accorded to the eldest male in the family, often the husband or the firstborn child, (Tenjei *et al.* 2022) depending on the scenario. The Ogiek community are also aligned to this traditional family system with defined gender roles as outlined in the primary data of this study.

In the traditional Ogiek society, multiple generations lived in one home in traditional Ogiek family unit. The households generally display their focus on family and community (Tenjei *et al.* 2022). The father was usually the family leader and made family-related choices. In the father's absence, the mother took over. The oldest son was likewise respected and expected to take on comparable obligations as the father as an adult. Ogiek men and women had different roles and duties. Men were responsible for food, leadership, and protection and would have worked in agriculture, artisanship, and other fields (Tenjei *et al.* 2022). Women were mostly housewives. They bore children and managed domestic responsibilities including gathering firewood, fetching water, and preparing husbands' meals. Domestic chores were considered as women's communal responsibility. This traditional way of life justifies male-dominated homes, as noted by Kweyu, (2022), who observes that despite foreign pressures on the Ogiek community's cultural and traditional structure, most members have kept their cultural origins to protect their identity. The

authors emphasize that the traditional inclusion of gender roles in traditional African civilizations was introduced to create efficiency in the society and resolve issues quickly.

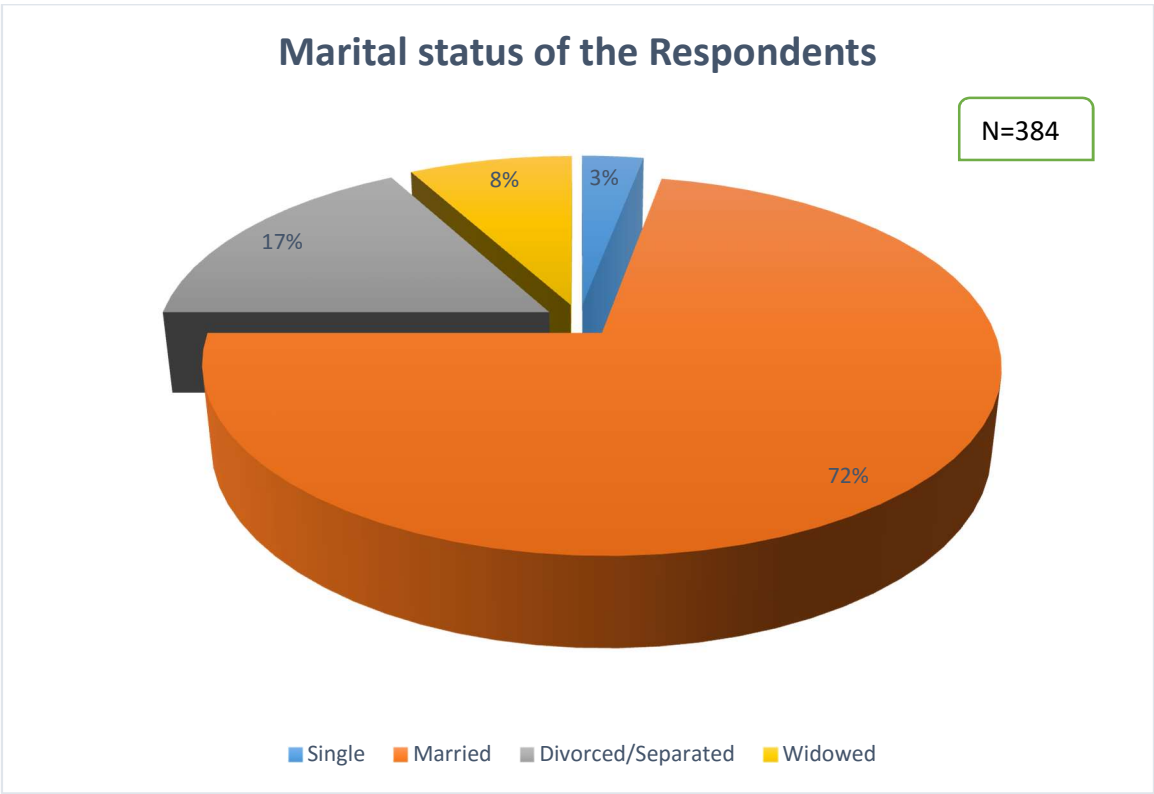
In this research, the ratio of female household heads is greater than in other Nilotic populations, according to Amin (2022). This mismatch in population numbers is due to unforeseen relocations and cultural interferences, according to research that was conducted by Tenjei *et al.* (2022). Each woman had her own home and fields. The bride's father and other male relatives presented her to her new family during the wedding. The bride would be given a house and fields to manage when she married. This early responsibility and external reasons explain the growth in female household heads (Amin, 2022). The Ogiek's traditional marriage norms may have altered through time owing to social, cultural, and economic considerations. Today, Ogiek marriage rituals and gender roles may be more flexible and vary by group. Christianity's entry into traditional African culture influenced polygamist communities (Kweyu *et al.* 2020). The Ogiek were not spared by modernity and Christianity, and some converts preferred new ways of life away from their polygamist customs (Kweyu, 2022). Death of household heads also affected Ogiek household makeup percentages. The Ogiek emphasize family and community and presumably preserve many old cultural rituals and customs.

In this research, the gender imbalance between male and female was examined, based on census statistics by KNBS (2019) where in the area, the number of households led by males was at a record 87% compared to the female headed households at 13%. This research recognizes the variables behind the varied populations, which KNBS (2020) claims include cultural customs in the Ogiek community where the widowed were remarried and in some cases the male relatives of the dead took the role of leading the

home. Random evictions displaced some families from ancestral houses, resulting in incomplete family structures.

### 4.1.3 Marital Status

The respondents were required to state their marital status in the questionnaires provided. The results were as outlined in Figure 4.3.



**Figure 4.3: Marital status**

**Source: Field Data (2022)**

In the study, 3% of the respondents which was 12 respondents were single household heads who had no previous marriage history, 72% (276) of the respondents were married household heads living with their families, 17% (65) respondents were either divorced or separated and were living in separate households with their previous spouses, while 8%

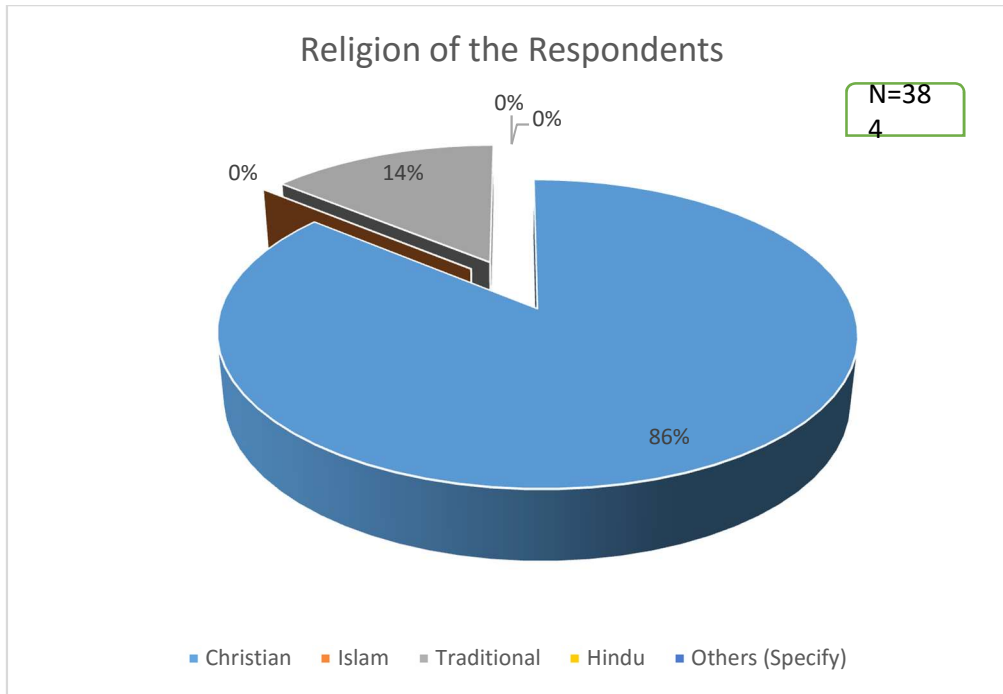
(31) respondents were widowed household heads who had previously lost their spouses. This study data aligns to the KWTA reports (2020) that define the composition of the Ogiek community either living in the water catchment areas or who had been previously relocated in a bid to sustain the water catchment areas. This report outlines full family compositions in most of the households with both the male and female spouses at a percentage of 70%. The remaining households (30%) according to the reports are comprised of widowed or separated families that include people who separated from their families to protect their ancestral lands while their families were relocated for safety. Further, the KNBS (2019) census reports define a married population amongst the Ogiek community with several households (79%) composed of both male and female spouses living together.

As a traditional society that values culture and community, the Ogiek community is based on traditional family structures; Traditional Ogiek culture revered family. The family anchored the community's economic, social, and political structures (Claridge, 2018). Gender roles in the family constituted the economic aspect of the society, while social order, including household heading and decision making, constituted the social structure; hierarchical and bloodline-based, making the basis of the Ogiek political order. Lineages are families with a common ancestor. Lineages were responsible for maintaining social order. The eldest man in a family was traditionally the spokesperson. All bloodline males made decisions. Men from multiple families worked together to solve multifamily problems. This traditional way of life reflects current data where the family is still considered a sacred composition of society and each member of the community yearns to be a family member keeping true to family values (Amin, 2022).

This study outlines the composition of households through the marital status of household heads to define the nature of the Mau evictions. According to Amin (2022), societal factors such as community wars, conflicts, and displacements are linked to basic family structures. Families with a robust composition, including extended households, are affected more than single-headed households with no societal commitments. The authors Kweyu *et al.* (2020) describe community members' emotional attachment to ancestral land where they buried loved ones. Psychologically, evictions can have a large impact on community members, even when compensation is offered. In this study, it was important to define the marital status of the respondents, which gives diversity on the degree of evictions' influence on specific households, emotional levels from these influences, and strength of opinions on evictions.

#### **4.1.4 Religion**

The respondents were asked to indicate their religious affiliation and the results are shown in Figure 4.4.



**Figure 4.4: Religion**

**Source: Field Data (2022)**

In the study, 86% (330) of the respondents were Christians while another 14% (54) were traditionalists. There were no Muslims, Hindu or other religious groups recorded in this study data amongst the Ogiek community. According to KNBS (2019) majority of the Ogiek community fall under the Christian religious group at 92% while 8% of the population consists of traditionalists, who prefer the traditional ways of life in the forest terming Christianity as an unnecessary modernity.

The large number of Christians among the Ogiek people may have something to do with the impact of colonialism and missionary work in Kenya. The researchers Nderitu & Omosa (2018) in their study outline that the 19th-century influx of European missionaries facilitated the fast expansion of Christianity throughout the nation. As a socially and economically oppressed group, the Ogiek tribe may have been especially open to the

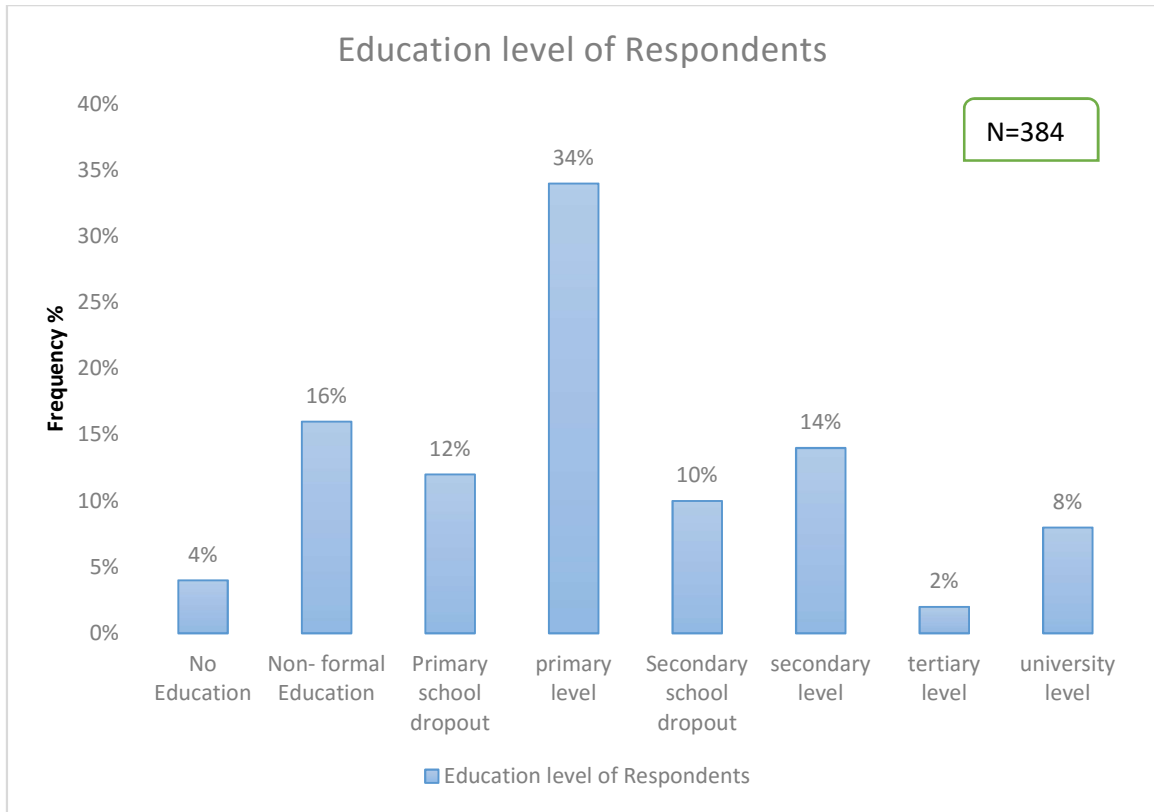
persuasion of these missionaries and the promises of salvation that followed with their conversion to Christianity. A large number of Africans who converted to Christianity did so, as outlined by Kimani (2018), not because they were forced to but because they found the faith to be personally meaningful and applicable to their own cultural and socioeconomic situations. Therefore, it's possible that the high proportion of Christian responses among the Ogiek tribe is the result of a real and voluntary adoption of Christianity.

From the study, there is a sizeable group of traditionalists who participated in the survey. Despite the prevalence of Christianity, some of the Ogiek people's old religious beliefs and traditions have survived. Mugambi (2017) backs up the results of this study, outlining that many African Christians have effectively blended their old beliefs with their new religion to form a syncretic religious identity. It's also likely that some Ogiek people have opted to reject Christianity in favour of sticking to their old ways of life. According to Nderitu & Omosa (2018), the Ogiek tradition was one roust tradition that included religious intercessors who knew the ways of the forest and had a deep connection with nature. These individuals believed in their tradition and passed the teaching down to their generations which can still be traced back to within the community.

#### **4.1.5 Education**

The respondents were asked to indicate their educational backgrounds, and the findings are as shown in Figure 4.5.





**Figure 4.5: Educational Levels of Respondents**

**Source: Field Data (2022)**

From the study, 4% (15) of the respondents had no form of education, 16%(61) had informal education, 12%(46) were primary school dropouts defining a population that did not make it through to the final primary school examinations, 34%(131) respondents were primary school graduates, 10%(38) were secondary school dropouts while another 14%(54) respondents were secondary school graduates. The data shows that 2% (8) of the respondents had post-secondary education in tertiary institutes while 8% (31) were university level graduates.

These findings align with the KNBS (2020) reports that indicate education levels amongst households in the Mau region with 80% of the respondents having a formal type of education while 20% of the respondents include a minority 8% with no education at all

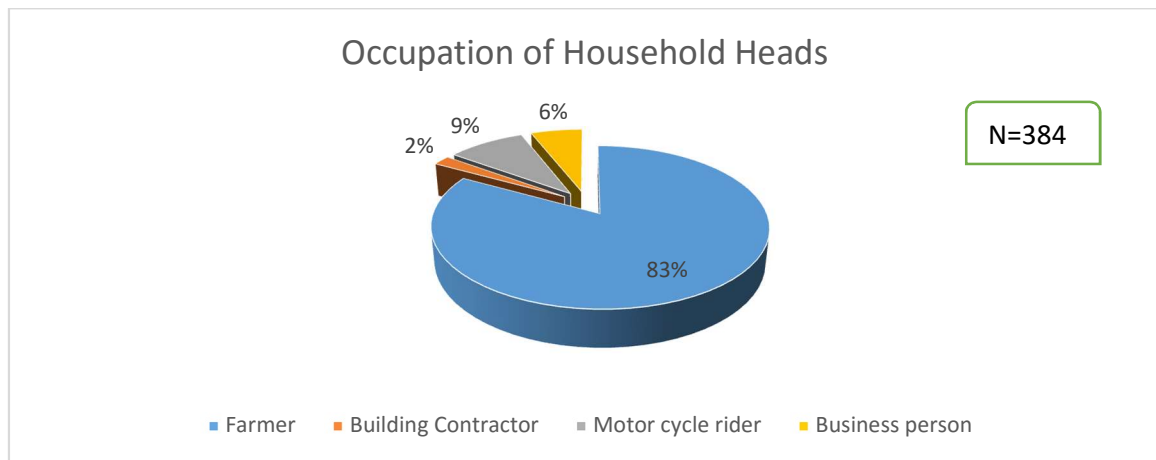
while another 12% with traditional non- formal education. Another study by Ogolla (2018) found that marginalized and disadvantaged communities in Kenya, such as the Ogiek tribe, often face significant barriers to education due to poverty, geographical isolation, and discrimination. These barriers can prevent individuals from enrolling in or completing formal education, leading to a higher percentage of respondents with no education or informal education, which may explain the high percentage of respondents with no education or informal education at 4% and 16% respectively.

The high rate of respondents who did not complete elementary or secondary school is also noteworthy. This could be due to external factors like a lack of resources or a lack of a welcoming classroom setting, as well as internal factors like the struggles that the student faces. Many students in Kenya, especially those from disadvantaged backgrounds, have difficulty finishing their education due to a lack of financial resources and inadequate support from schools and communities, according to a recent study by Nyagah *et al.* (2018). Rather than being the result of a lack of effort on the part of the Ogiek respondents, this finding suggests that systemic and structural problems may be to blame for the high attrition rate. The high rates of primary and secondary school dropout among the Ogiek respondents (12%) and (10%) may be explained by this. In spite of these challenges, the Ogiek community has shown remarkable resilience and determination by achieving a comparatively high percentage of respondents with primary, secondary, postsecondary, and university education. This is consistent with the findings of a study by Mwangi (2018) which found that members of Kenya's most disadvantaged groups are eager to make substantial personal sacrifices in pursuit of higher education that will help them break out of their current socioeconomic ruts. The relatively high percentages of respondents with

post-secondary education (2%) and university education (8%) may reflect this determination.

#### 4.1.6 Economic Activity/Occupation

Respondents were asked to state their occupations and the results are as shown in Figure 4.6.



**Figure 4.6: Occupation**

**Source: Field Data (2022)**

During the study on the occupation of the household heads in the Ogiek community, an open question was used where a trend of different occupations was noted. In the study, 83%(318) of the respondents were farmers, 2% (8) respondents shared a common occupation as building contractors, 9%(35) respondents worked as motorcycle riders while another 6% (23) respondents were business persons involved in different levels of entrepreneurship. This study data reflects the results of the KTWA (2020) reports that was majorly assessing the economic value of the Ogiek community in the water catchment regions of the Mau Forest where 80% of the respondents were found to be fully dependent on the forest for their daily income having activities including bee keeping, maize farming,

potato farming and other subsistence farming including tending vegetables. A further analysis of the KNBS (2019) census data reveals that the Ogiek community have also embraced modernity and some members of the community including a majority of youth (62%) have engaged the motorcycle riding business which has taken the country by storm. This census reports also acknowledge business owners at 16% and specialists with formal education at 19%, a category that may include the building contractors in the current study.

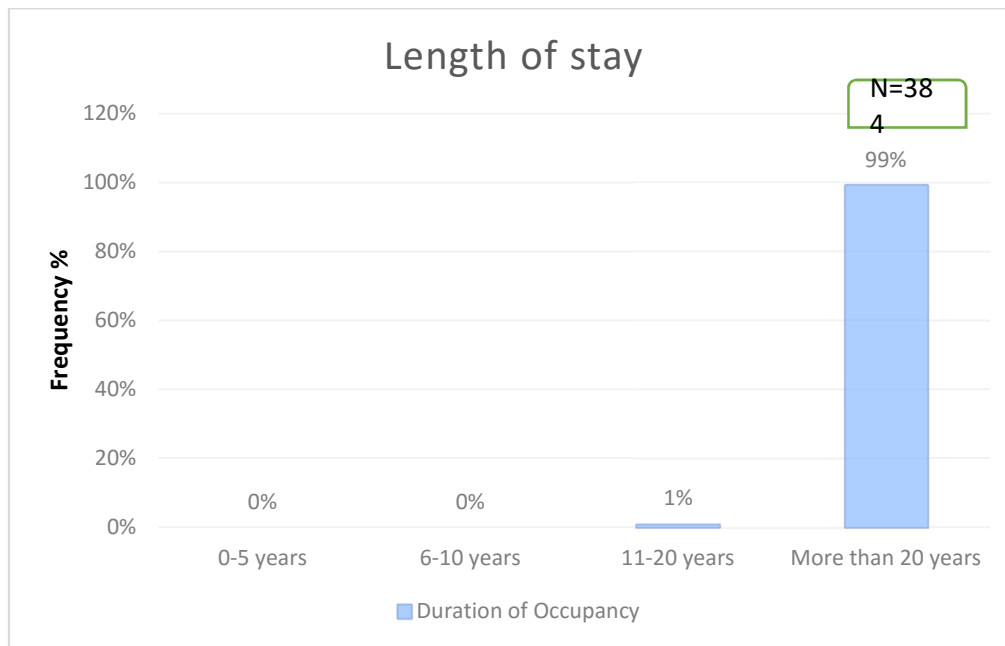
The data on occupational backgrounds among the Ogiek community highlights the diverse economic roles and activities within the community. While agriculture remains a central pillar of the Ogiek economy, the presence of alternative occupations and entrepreneurial ventures suggests a dynamic and adaptable community that is willing to embrace new opportunities and challenges. According to Kipkorir (2018), farming has always played an important role in the Ogiek economy and culture, providing a source of living for the majority of the tribe. The results showing that the majority of the respondents were farmers suggest that the sector likely remains vital to the Ogiek.

It is also worth noting the presence of a small percentage of respondents who identified as building contractors and motorcycle riders. This suggests that some members of the Ogiek community have sought alternative forms of employment outside of agriculture. A study by Njoroge (2018) found that many rural communities in Kenya, including the Ogiek tribe, have diversified their economic activities in recent years due to changing market conditions and the need to adapt to new opportunities. The presence of business persons among the respondents is also noteworthy. This could be due to the entrepreneurial spirit and innovation within the Ogiek community, as highlighted in a study by Kirui (2018). The study found that many marginalized and disadvantaged communities in Kenya,

including the Ogiek, have developed creative and innovative ways of generating income and wealth through entrepreneurship and small business development.

#### 4.1.7 Length of stay as Evictees

This study sought to know how long the respondents have lived as evictees. The results were displayed in the Figure 4.7



**Figure 4.7: Length of Stay**

**Source: Field Data (2022)**

From the data, 99% (380) of the respondents were initial inhabitants of the Mau complex with more than 20 years of occupancy at the study area, another 1% (4) respondents have stayed in the complex between 11 and 20 years. This study data aligns with both the KNBS (2019) and KWTA (2020) reports that describe the Ogiek community as original inhabitants of the Mau Complex region with their ancestral roots linking back to the forest. In the KWTA (2020) report, the Ogiek community settled in the Mau Forest in the pre-

colonial period with the first record of the hunting and gathering community in 1903 by the researcher C.W. Hobley, Tenjei *et al.* (2022). Since then the Ogiek community have been on record occupying the forest region where they have adapted into hunting and farming over the years.

The Ogiek culture is deeply rooted into the forest way of life where they have mastered the art of bee keeping, hunting and gathering. The existence of the Ogiek community in the Mau complex was noted by the colonial government of Kenya in the year 1932. In a bid to promote modernization of the communities, the government working together with the Kenyan tribes, began the promotion of settlement schemes in the region where the communities were intentionally driven away from the forest to designated settlement regions in a bid to promote the development of urban communities from these traditional communities. This marked the beginning of the evictions in the Ogiek community. Further, during the focus group discussions, one of the village elders gave a brief history of the Ogiek community outlining their first intrusion by the government.

The Ogiek of Sorghet were evicted in 1932. They were pushed out of the forest where some went and camped at Soliat area at a place known as Kabokyek (a derivative of the Ogiek name) and a second group camped at Chepalungu. While at Soliat, the elderly got sick from anthrax which attacked some of their cattle too leading to life loss of both the Ogiek people and their cattle. In the midst of this calamity, some people decided to go back to their homes in Sorghet with nothing except their children. The aim of the colonialists was to forcefully assimilate the Ogiek with neighbouring Kipsigis and Maasai communities so that no one would complain about going back to Sorghet which was their main ancestral land (FGD with village elders, 21<sup>st</sup> October 2022 -Sogoo).

As outlined by the NEMA report (2020), the Ogiek community is classified as an indigenous community of the forest who inhabited the forest for various reasons including settlements and hunting, which was their basic way of life. The results of this study

acknowledge the indigenous characteristic of the Ogiek community through the long duration of stay of the respondent sample. The respondents who had stayed in the forest for more than 20 years can be described as the original Ogiek community with their ancestral roots linked to the forest. These respondents have basically known the forest as their homes developing both emotional and mental connections through memories and adaptations. A study by the Kenya Water Towers Agency (KWTA) report (2020) describes the Ogiek community as the largest forest-dwelling community in the country since their first occupation of the Mau complex. The report further outlines that the Ogiek community have an established spiritual, emotional and economic attachment to the forest. An excerpt from the report includes a description of the Ogiek community.

They are a nomadic hunter-gatherer group dependent on the forest for food (honey), medicine, shelter and preservation of their culture. Their traditional, religious, and cultural lifestyles revolve around access to and the use of natural resources of the forest (KWTA, 2020).

This excerpt clearly outlines the attachment of the Ogiek to the forest which has basically defined their economic, social, political and cultural activities Tenjei *et al.* (2022). Just like described in the FGDs some of the members of the Ogiek community after experiencing calamities in the settlements provided by the colonial government resorted to go back into their original ways of lives and seek retribution from the forest including cures for the unknown diseases that they had contracted.

In this study, a small percentage of the respondents show signs of not being original inhabitants of the complex through their not so long duration of stay as reflected in the questionnaire responses. The respondents recorded a maximum occupancy period of 20 years. During the interviews, a chief said that:

It is very hard to identify who the real Ogiek are since there are so many outsiders from neighbouring communities/ counties who have moved to the forest more so the Maasai-Mau-Government land (Interview with chiefs, 19<sup>th</sup> October, 2022).

This study thus acknowledges the inclusion of foreign persons into the Ogiek community which may have resulted from intermarriages which as outlined by Tenjei *et al.* (2022) was a major eruption of trade and social activities between the Ogiek and the neighbouring communities leading to mixed settlers in the community. These activities are still carried out by Ogiek community to date and social activities such as trade compliment the Ogiek community's way of life which has majorly been limited to bee keeping and farming since the government had previously declared hunting illegal.

According to the findings of this study, the Ogiek has been occupying the Mau forest complex for generations, with some respondents stating that their families have been living in the forest for over 200 years.

This finding is consistent with the human need theory, which posits that individuals have basic needs that must be met in order to live fulfilling lives. For the Ogiek community, their basic needs such as food, shelter, and water have been met through their long-standing occupation of the Mau Forest complex. The evictions not only threatened their physical security but also their cultural identity and way of life, which is closely tied to their relationship with the forest.

Furthermore, it is crucial to consider the public interest theory when addressing the issue of long-standing occupation of forest areas by indigenous communities, which is not unique to the Ogiek. A global study conducted by Mistry *et al.* (2016) reveals that the eviction of indigenous communities from forests is a widespread occurrence, often driven by the



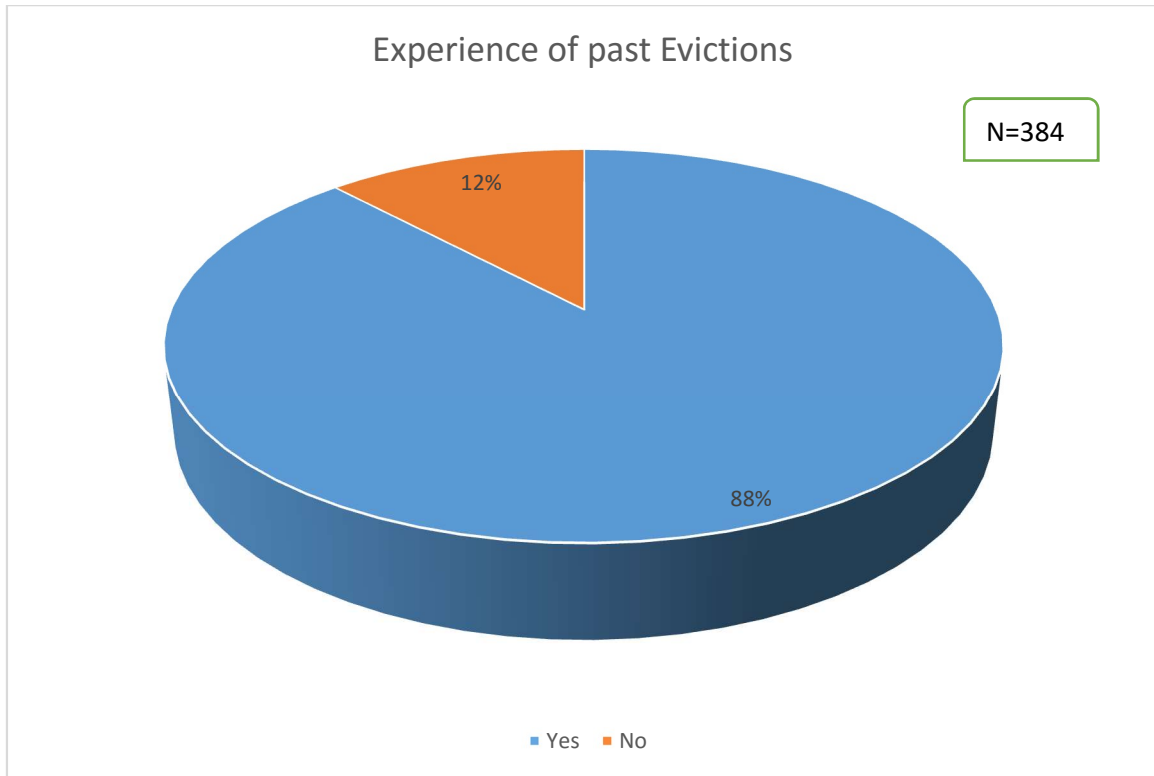
interests of powerful actors such as the state or private corporations. This highlights the importance of considering the public interest theory in understanding and addressing the eviction of indigenous communities from forest areas. In the case of the Ogiek community, their displacement was carried out to conserve the Mau Forest complex, which is a vital water catchment area and a crucial resource for the energy sector of the country.

## **4.2 Nature of Mau Forest Evictions**

In this segment of the findings and discussions, the study delves into the nature of evictions in the Mau forest region of Kenya, using a qualitative method. The section examines the causes of evictions, procedure, conduction and finally settlement of evictees.

### **4.2.1 Experience of Past Evictions**

The survey also solicited information from respondents (household heads) on their prior eviction experiences. The respondents were requested to give a yes or no answer in the survey questionnaires noting previous experiences of forced evictions whether in person or just being a witness. The results of the study were then visualized in the Figure 4.8.



**Figure 4 8: Experience of past Evictions**

**Source: Field Data (2022)**

From this study, 88% (338) of respondents were in agreement that they had faced previous forced evictions from their homes within the Mau complex. However, another 12% (46) had not faced forced evictions prior to this study. According to the KWTA report (2020) reports, the evictions in Mau Forest are carried out intermittently by the government describing the figures of this study. The government in its plans has laid out phases of relocations in the previous past where the evictions were carried out in phases as outlined in the report including the years 2008, 2009, 2012, 2018, 2019 and the most recent evictions in 2020. This study through interviews, defined layout eviction procedures by the joint enforcement units which is a security team that facilitates the evictions of the communities from the Mau Forest Complex as outlined the Sub County Commissioner

informant. According to the Deputy County Commissioner who is a key respondent in the study, the operation is entitled “Operation Linda Msitu”.

*Mwanzo hii operesheni tunafaa kuitaja vilivyo kama “Operation Linda Msitu”. Kwa mipango yetu, tunaungana na wanajamii wanaoathirika katika mikutano huku tukiwajulisha umuhimu wa kulinda raslimali za nchi yetu ya Kenya. Baadae tunawapa kumbukumbu Kwa njia ya barua zilizohidhinishwa Kwa muhuri wa serikali. Hizi kumbukumbumbu huwa za muda wa miezi 6 baada ya kuwapa wanamikoo taarifa kwa muda wa miezi mitatu. Katika huu muda wa kumbukumbu tunawajumulisha wanajamii, wanahabari na wahusika wengineo katika mikutano nmabaraza yanaongzwa na hili ofisi na kuwajumuisha viongozi wa nyumba kumi kuwapa taarifa kamili kwa mipango ya serikali. (To begin, we should use the right terms for these operations” Operation Save the Forest”. in our plans, we come together in community sensitization campaigns which is often carried out for 3 months prior to the official eviction notice. The vacation notice is often given an allowance of 6 months during which, my office leads campaign meetings, including brokering negotiations on the relocation of the residents. These meetings are essential and involve a large stratum of the community to ensure proper communication of the government plans) (Interview with Deputy County Commissioner, 18<sup>th</sup> November 2022).*

According to Kweyu (2022), the first evictions in the Ogiek community were carried out in the year 1975 by the Kenyan government. Successively there have been repeated evictions over the years in a campaign to restore the water catchment areas of the Mau Forest which is an important resource to the climatic conditions of the country. As outlined by the director NEMA, the Mau Forest is an important water catchment unit in the country which has been affected by the constant encroachment through settlements, agriculture, firewood and charcoal burning and deforestation for timber and logs used in buildings and for commercial purposes. In an interview with the friends of the Forest conservationist group this study outlined the Ogiek community living in the forest as a threat to the ecosystem of the forest due to the community’s external interactions and social life. One of the respondents said that:

Ogieks allowed outsiders to join in their way of life which made them demand more land from the forest cover for settlement. Even though we acknowledge the indigenous families that initially cohabited with the forest, the present Ogiek have morphed into modernity changing their trends and traditional ways of life, including their cultures. They initially did not practice farming; crop planting necessitates the clearing of bushes to create room for farming. These people used to use reeds, sticks and bamboo barks for building. But the trend has changed, today, they have resorted to the modern way of building where they use timber which necessitates felling big trees which are important in the forest ecosystem. Initially, this community majorly depended on honey as their source of food. Interactions with other communities have led to the need of a diversified food source including maize, potatoes and even cattle keeping. Keeping in mind that this was initially a hunting and gathering community, they have become a danger and a menace to the forest. (Interview with NGO Head with, 14<sup>th</sup> November, Sogoo 2022)

This study identified two most recent phases of the evictions which classified as phase me and phase II by the incumbent authorities. The phases I and II though not inclusive of the initial phases by previous governments include the 2012 evictions up to the 2019 evictions.

In the interview of the Kenya Forest Services these two phases are clearly outlined.

The first phase of evictions took place at Nkobon in Narok south where the program was implemented fully including the compensation of the communities involved. The second phase included the 2019 evictions in the Mau Narok in Narok North which is a part of the Mau complex of the Maasai Mau. (Interview with Kenya Forest service officer, 22<sup>nd</sup> November, 2022).

However, this study identifies some members 12% (46) of the Ogiek community who have not experienced the forced evictions. As outlined in the KWTA (2020) reports, the evictions in the forest complex are carried out in inclusion of governmental financial plans which enables the compensation of the affected communities. This involvement of community compensations thus provides a systematic eviction procedure where some indigenous members of the Ogiek community have not yet been reached. Through consistent meetings with the community members, the government however involves the residents on the plans of evictions which are still under process. The study further outlines

that the reports of the 2019 evictions are yet to be fully compiled and in addition to the court ruling by the African court in 2017, the task force is still working on solutions with the community to reach an amicable deal.

### **4.3 Causes of Evictions**

The research delved into the question of why evictions? The respondents were asked to rate their level of agreement with various statements on a 5-point scale. In this case, 384 heads of households from the Ogiek community in the Mau complex provided responses, and their responses are captured below in Table 4.1.

**Table 4.1: Causes of the Evictions**

Causes of evictions	Strongly Agree % (F)	Agree % (F)	Strongly Disagree % (F)	Disagree % (F)	Don't Know % (F)	Total SA+A % (F)	Rank
Encroachment of forest by non-forest	100% (384)	0%	0%	0%	0%	100%(384)	1
Destruction of water towers	5% (19)	19% (73)	63% (242)	13% (50)	0%	24% (92)	2
Clearing of the forest settlement	2% (8)	12% (46)	67% (257)	18% (69)	1% (4)	14% (54)	3
Increased farming activities in the forest	7% (27)	6% (23)	65% (250)	22% (84)	0%	13% (50)	4
Deforestation and logging	9% (35)	2% (8)	53% (203)	18% (69)	18% (69)	11% (43)	5
Destruction of bio-diversity by Ogiek	6% (23)	1% (4)	91% (349)	2% (8)	0%	7% (27)	6

**Source: Field Data (2022)**

#### **4.3.1 Encroachment of the Mau Forest by Non-Forest communities**

Encroachment of the Mau Forest Complex by non-forest people is seen as a major cause of the evictions from the Mau Forest in Kenya. As the demand for land and resources in the region has increased, non-forest people have increasingly settled in the forest, often with

the support of the government. This has led to conflicts over land and resources, and has contributed to the pressure on the Ogiek to leave the forest.

In this study, these findings are ascertained by the different interviews with the director NEMA and KFS officers who decry the encroachment of the forest by non-community members including political figures with personal interests. And one of the key informants, a chief, in an interview had the following to say:

The government should find a balance between the Ogiek land and the forest ecosystem without having to draw them away in the evictions which to some point seem malicious because some former senior government officials who are not in any way affected by the evictions own large tracks of land such as the Kiptagich tea farm in the Olenguruine area, another example being the Samburet area where individuals have self-assigned large tracks of land a fact known to the government and the community but rather than acting on the invaders, the government has shifted the blame to the innocent civilians. (Interviews, chiefs, 19<sup>th</sup> October, 2022).

The sentiments made by the chief were echoed by one of the village elders.

The elder pointed out that:

There has been encroachment of Mau forest for a very long time. There are evaders whom government have been ignoring ever since the time of independence. During the onset of the encroachment Ogiek were already existing in the forest and by then there was no destruction of the echo system. However, the evaders whom comprises of well-known and connected individuals started to interfere with echo system as they have established their farms within the forest land. The most traumatizing thing is that Ogiek are being blamed for this. This is why most of them are against eviction (FGD with village elders, on 21<sup>st</sup> October, 2022).

Several recent studies have documented the role of non-forest people encroachment in evicting the Ogiek community from Kenya's Mau Forest. According to a UNEP (2018) report non-forest people have invaded the Mau Forest, often with government support. Non-forest people have cleared large tracts of land to create farms and other developments,

according to the report. WWF (2019) report indicates that non-forest people contributed to the degradation of the Mau Forest and pressured the Ogiek to leave. Non-forest people invaded the forest and destroyed large areas to create farms and other developments. The study shows how these encroachments have hurt the Ogiek and other indigenous communities, who have lost traditional lands and resources. UNDP (2022) report highlights the role of non-forest people in evicting the Ogiek from the Mau Forest. The report highlights the need for more effective measures to protect the Ogiek's rights and interests, including loss of lands and resources.

#### **4.3.2 Destruction of Biodiversity**

Respondents strongly disagreed that the Ogiek have participated in the destruction of the biodiversity in the forest. 91% of them strongly disagreed with this research statement, 2% of the respondents disagreed while 6% strongly agreed with this statement. Another 1% only agreed with the research statement. This data aligns with the findings of the FGDs with the household heads who hold strong opinions that being bee keepers and tenders of the forest, the Ogiek community are in no position to destroy their source of life. One of the respondents, a chief, said the following to confirm their non-involvement.

The forest has been traditionally inhabited by the Ogiek people whose hunting and gathering lifestyle is sustainable. This lifestyle includes a human living in a way that most or all the food is obtained through foraging and hunting in the same way most omnivores who are natural inhabitants of the forest do. Hunting and gathering communities stand in contrast to the more sedentary agricultural societies who rely on cultivating the land and rearing animals. This community relies on a natural provision and when kept in their natural form would act as a predator in the natural habitat (Interview, chief, 12<sup>nd</sup> December, 2022).



However, a discussion with the environmental management communities seems to define a different perspective in this context. An observation from the NEMA director had this to say:

The Ogiek have hurt the Mau Forest. They have exploited the forest to create land for settlement. They have invited other communities to come and settle in the forest through buying and selling of land and through intermarriages (Interview, director NEMA, and 22nd November, 2022).

However, previous studies have outlined the importance of the Ogiek to the biodiversity of the forest. The Ogiek have a long and rich history of living in and around the Mau Forest, and have developed a unique set of practices that have helped preserve the forest and its biodiversity, according to the UNEP (2018) report. The Ogiek have a deep spiritual connection to the forest and play a crucial role in its conservation and management, according to the report. WWF (2019) recognizes the Ogiek's role in conservation and management of the Mau Forest. The study highlights the negative impacts of evictions on the Ogiek and calls for effective measures to protect their rights and interests.

#### **4.3.3 Deforestation and Logging**

This study had the question of whether respondents agreed deforestation has caused a destruction to the forest and hence a good justification for evictions. From the study, 9% of the respondents strongly agreed, 2% agreed with the research statement while the largest number of respondents cumulatively disagreed with 53% strongly disagreeing and 18% disagreeing further another 18% did not take a side in this argument. The results of this study, are in agreement with the discussions of the FGDs which noted that the deforestations were not the doings of the Ogiek community rather they were carried out by

individuals with a high influence in the political arena with a high taste for such resources.

One chief said the following.

As a member of the OPDP, I can confirm that our tradition as the Ogiek people is heavily intertwined with the forest that we are not allowed by our customs to carry out deforestations. In our community, trees are sacred and in the sense we preserve the sacred trees. You would not harm your source of livelihood would you? Now that is the same case to our community. We survive in the forest, without the forest we are not a people and destroying the forest is of no benefit to us (Interview, chief, 2<sup>nd</sup> December, 2022).

Several studies have lobbied behind the Ogiek as a community to rid them of the accusations of forest destruction. The International Work Group for Indigenous Affairs (IWGIA) (2018) report highlights the importance of trees to the Ogiek community, noting that the Ogiek have a deep spiritual connection to the trees in the forest and have traditionally relied on the forest for their livelihoods, culture, and identity.

In an interview with a head of non-governmental organization called Human Right Monitors she pointed out that:

Eviction of Ogiek from their ancestral land which is in Mau forest is violation of their rights. This is because they have no other place they can call home. Before the government evict them, it should do some research to understand who the main destructors of the ecosystem in Mau are. The government might be shocked to establish that Ogiek are innocent and play critical role in taking care of the ecosystem in Mau (Interviews, head of NGO (HRM), 3<sup>rd</sup> December, 2022).

The Ogiek have lived in and around the forest for a long time and have developed unique practices to preserve it. Further, UNFF (2020) report recognizes the Ogiek's role in conserving and managing the Mau Forest. This was supported by a village elder in a FGDs who outlined the forest as their home and a home of bees.

The Ogiek tribe in this forest is a very small population that cannot influence the forest. We have no relationship with tree destruction. As an elder in the community I know that every tree is important in all aspects of our life, when we destroy the trees we miss on their fruits. There are groups of trees within this forest that we hold sacred to our tradition and there's no way me or my progeny would indulge in their destruction. These are the works of the outsiders and the tea plantations are the greatest deforesters in this area. (FGD, village elders, 23<sup>rd</sup> November, 2022)

A report by UNDP (2018) highlights the importance of the Ogiek to Mau Forest conservation and management. The Ogiek have a long history of living in and around the forest and have developed unique practices to preserve the forest's biodiversity, according to the report. The report highlights the negative impacts of evictions on the Ogiek and calls for more effective measures to protect their rights and interests. WWF (2019) recognizes the Ogiek's role in conserving and managing the Mau Forest.

#### **4.3.4 Destruction of Water Towers**

As to whether destruction of water towers was a reason for evictions, only 5% of the respondents strongly agreed that the destruction of the water towers by the Ogiek community was a justification for their evictions, 19% agreed with the research statement while the majority cumulatively disagreed with the arguments with 63% strongly disagreeing and another 13% disagreeing with the sentiments. This study's results were in line with the FGDs where the respondents argued that they too depended on the water sources and that their bees would not survive away from water sources thus it was the duty of every individual in the community to preserve the water sources. One of the village elders had the following to say:

In our culture we have always had a strong connection to the water sources in this forest including deep within. These sources hold a great

cultural significance for our community, and are an integral part of our way of life. For example, one of the water sources in the forest is known as "Ngesero," which means "the place of the ancestors" in our language. This water source is considered to be a sacred site, the water sources are a source of life and a gift of the ancestors to our dimension and we believe that it is connected to the spiritual world in a way that goes beyond our understanding. We often perform rituals and offer prayers at this site as a way of honouring and respecting our ancestors while praying and interceding for our generations and on our own behalf. It is a taboo to anger the ancestors and we would not dare their wrath (FGD, village elders, 23<sup>rd</sup> November, 2022).

Evidence suggests that the water sources in the Mau Forest are of great cultural and spiritual significance to the Ogiek community, and that their conservation is essential for the long-term sustainability of the community. Being a diverse community, to increase their chances of survival, the Ogiek people often took liberty in the preservation of water sources and that the water sources were often left in their original states (UNESCO, 2020). Another study by IUCN (2020) recognizes the water sources as a spiritual pillar in the community where community meetings would be held as a sign of communion with the ancestors. The Ogiek depended on these water sources and their destruction would not only mean going against the community but it would also imply an individual was at war with the ancestors.

#### **4.3.5 Increased Farming Activities in the Forest**

From the study data, 7% of the respondents agree that farming activities have justified the eviction of the Ogiek community from the Mau Complex. 6% of the respondent agreed with this research statement, 655 of the respondents strongly disagreed while another 22% disagreed with the research statement. However, according to the KWTA (2020) reports, the increased farming activities in the region has been a contribution of both the Ogiek community and the intruders. The research notes that as the Ogiek become more and more

modernized, they have developed an appetite for the exotic foods that were non-existent in their previous diets. This statement is confirmed by a key respondent, from the conservationist groups.

The Ogiek community, who traditionally relied on hunting and gathering for their livelihoods, have undergone a significant lifestyle change in recent years due to the expansion of farming in the Mau Forest. As farming activities have increased in the forest, the Ogiek have been forced to adapt and adopt new ways of making a living. Many Ogiek have turned to farming as a way of generating income and supporting their families. However, this change in lifestyle has had a number of negative impacts on the forest and its biodiversity. The expansion of farming in the forest has led to the destruction of natural habitats, as trees and other vegetation are cleared to make way for crops. This has had a negative impact on the forest and its wildlife, as many species depend on the forest as their habitat for survival. The Ogiek have also faced a number of challenges as a result of these changes, including the loss of their homes, their livelihoods, and their cultural practices and traditions. The Ogiek have a long and rich history of living in and around the forest, and have developed unique practices that have helped to preserve the forest and its biodiversity. The loss of these practices and traditions has had a negative impact on the forest and its biodiversity, and has contributed to the ongoing degradation of the forest. (Interview, CBO head, 18<sup>th</sup> October, 2022)

Several studies have supported the view that the uptake of farming as a new lifestyle by the Ogiek is harmful to the region. Emma (2020) examined the impacts of farming on the forest and its wildlife, and found that the expansion of farming in the forest has had a negative impact on the forest and its biodiversity. Growing's study highlights the need to balance the need for income with the need to protect the forest and its biodiversity, and calls for more effective measures to protect the rights and interests of the Ogiek and other indigenous communities in the region.

An official of Green Belt Movement pointed out the impact caused by the dynamic nature of the Ogiek community over the time. The official established that:

Over the time Ogiek community has abandoned its former ways of life which was mainly based on hunting. Currently Ogiek community is involved in farming within the forest as they have known that to have belonged to them ever since time immemorial. Due to the effectiveness of farming in forest as a result of good climatic condition in the soil Ogiek have been experiencing good harvest thus attracting other surrounding communities who clear forest in order to get land where they can do farming. In the process of evictions all the communities living in forest should be treated equally in the eviction process (Interview, NGO head (GBM), 20<sup>th</sup> October, 2022).

A second study by Njagi (2019), also examined the impacts of farming on the Mau Forest and its biodiversity. The study found that the expansion of farming in the forest has led to the destruction of natural habitats, and has had a negative impact on the forest and its wildlife. The study emphasizes the need to protect the rights and interests of the Ogiek and other indigenous communities in the region, and calls for more effective measures to ensure the long-term sustainability of the forest and its biodiversity.

#### **4.3.6 Clearing the Forest for Settlement**

From the study data, 2% of the respondents strongly agreed that the evictions were because of clearing the Forest for Settlement. 12% agreed that this is a probable course while the majority, 67%, strongly disagreed that this is a probable cause with another 18% disagreeing that this is a probable cause. The results of this study reflect the census reports by KNBS (2020), which describe the population growth of the Ogiek community as very low with a rate of less than 50 births per year. This implies that the community suffers no internal pressure to clear more land for settlements. The results of this study were supported by director NEMA in an interview through the following statement:

The nature of the Ogiek lifestyle as a forest community in relation to the protection of biodiversity and conservation of the forest is a cardinal one. The Ogiek value the forest since it is their livelihood. The forest is the Ogiek. To the Ogiek, the forest offers places of

worship which includes shrines, caves and mountains. They also rely on the forest for herbal plants which while harvesting, they do not destroy or harm the trees. The forest further offers a burial site to the community. The forest is a source of food for the community and it's the home to their bees. The Ogiek community naturally have evolved to be a part of the forest and the encroachment by the outside world is more devastating to the forest than the specific community that call the forest their ancestral home (Interviews, director NEMA, 22<sup>nd</sup> November, 2022).

However, in an interview, a key informant, from the Kenya Forest Service noted the following:

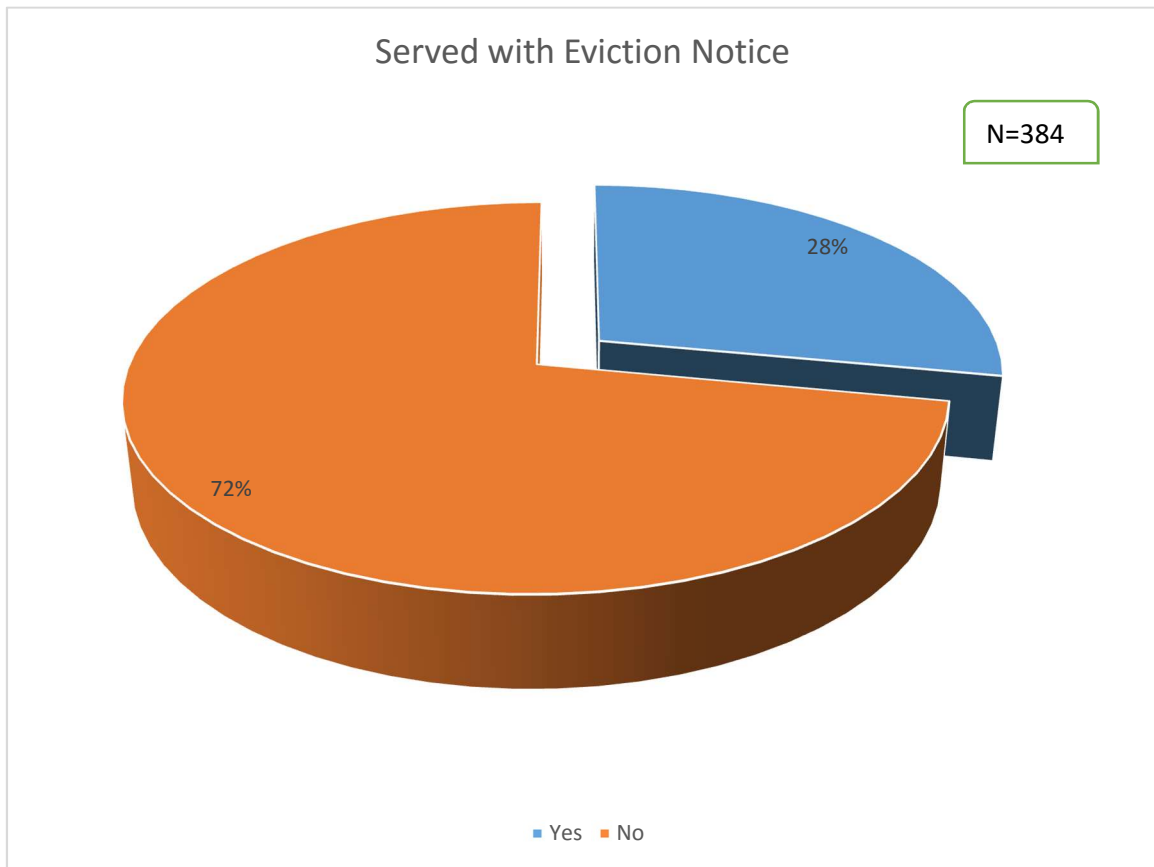
The largest threat to the Mau Forest is the government. The government has been in the forefront in allocation of land for tea farms where the largest tea plantations in the country are found within the Mau Forest Complex. From 1973-2003 more than 36,780 ha of forest cover were lost in the eastern Mau Forest and as recently as 2001, the government has exercised logging in 67000 ha to settle displaced agricultural communities (Interviews, KFS officer, 21<sup>st</sup> December, 2022).

Several studies have noted the low population growth of the Ogiek community. Ogiek and other native communities of Mau Forest were the focus of a study by Kimani, (2018). The researcher found that the number of Ogiek has remained relatively constant over the past few decades. The study reflects the findings of another similar study by Kariuki (2019), which indicates that the low population growth among the Ogiek has not significantly altered the forest cover in the area. Thus no internal population pressure to warrant the destruction of trees for settlement and further notes that the destruction of trees for settlement is not a warranted need for evictions of the Ogiek community.

## 4.4 Eviction Procedure

### 4.4.1 Eviction Notice

The study sought information on whether or not eviction notice was given prior to evictions. The respondents (household heads) in a YES or NO response, responded as shown in the Figure 4.9.



**Figure 4.9: Respondents served with eviction notice**

**Source: Field Data (2022)**

The results in Figure 4.9 indicate that 72% (276) respondents did not receive any eviction notice prior to their evictions. However, another 28% (108) respondents acknowledged the



receipt of eviction notices that were given prior to the eviction exercises. The results of this study are in agreement with the Ogiek People's Development Program (OPDP) (2020) reports that acknowledge the involvement of the government in serving eviction notices and campaigns before actually carrying out the evictions. However, the report notes the laxity of the government officials in serving the eviction notices to all individuals with assumptions that when served through the meetings all the locals are covered. In the reports the individuals that actually had knowledge of the evictions prior to the eviction dates included a total of 69% of the community while the remaining percentage were divided between hearing of the eviction plans from friends at 20% and those residents that were totally ambushed with eviction orders on the eviction dates at 11%.

The government put out measures including serving the Ogiek community with notices after the eviction and sensitization campaigns. These notices were meant to create awareness of eviction plans while serving the affected with the necessary information on their resettlement and actionable plans after the evictions. As outlined in the KFS (2020) report, several residents were served with these notices in campaigns organized by the county commissioners and other involved security bodies. In an interview with the county commissioner, the following was stated;

Yes, sufficient notice was given of 3-6 months, 3 months public Barraza's and 3 months' time to plan to move out. However, the notices were also met with resistance where the community members stuck to the narrative that those are their ancestral lands are they are bound to go nowhere. Through political interference which has been duly noted by this office, the residents saw themselves as targets hence the resistance and lack of preparations for the evictions (Interview, county commissioner, 3<sup>rd</sup> November, December, 2022).

Similar sentiments were made by Deputy- county commissioner who noted to have specifically headed the campaigns including the Barazas in a bid to sensitize the locals on the eviction plans in the affected region.

I have participated in the process of seeing into it that the occupants of the affected areas move out with a plan. I conducted a total of 62 Barazas in the previous evictions including sensitization meetings on the importance of conservation of the Mau complex. I went out on the campaigns “Operation Linda Msitu” in the entire county including Narok North and Narok south talking to the occupants to move out of the forest on their own. A 6-month notice was given. Further we used three months in holding public awareness campaigns through chiefs, *Nyumba Kumi* leaders, press briefings, government spokespersons and Barazas where I was always present. I carried out Barazas in all the 62 affected regions in the phase 2 evictions. (Interviews, Deputy county commissioner, 3<sup>rd</sup> November, 2022).

This study however noted the low reception of the notices issued by the government despite the communication efforts. As outlined by the KWTA (2020) report, the county government and the security agencies did well in their campaigns. However, the campaigns were directed at a community level while not taking into account the individuals who were the resultant evictees in the programs. The study further recommends that the government should involve the households at a personal level since most of the people often do not attend the social Barazas due to the isolated way of life of the Ogiek community. Traditionally, the Ogiek community were isolated from their neighbours and would only confine into a few hunting clans which included their political system. Thus, keeping true to their traditions, this community was often aggressive to intruders and often faced self-isolation in the forest as outlined by Kweyu *et al.* (2020). This isolative behaviour can be linked to individual preferences where the members of the community view the meetings as those with a political agenda thus end up making their judgements with predefined

attitudes. In the focus group discussions, one village elder defined the political nature of these meetings.

*Mimi niliwahi enda kwa mkutano moja. Hapo walikuwa wamejaza maneno za kisiasa. Hakuna suluhisho ilipeanwa. Hao wakubwa unajua wanamiliki shamba huku, tena mashamba zao zinazalisha mahindi, lakini sisi wanyonge ndio wanataka tutoke bila kutuambia tunaenda wapi. Tunakwambia huku juu hatuambiwi vizuri ni wapi tunaenda. (I had attended one meeting; however, the meeting was filled with political iterations. No solutions were offered in that meeting. The same people who held the meetings were the same people who own large tracts of land in this area with big maize plantations. However, it is the poor who are evicted without a fallback plan. We stick to this place because we have no idea on where we are moving to next) (FGD, Village elders, 24<sup>th</sup> November, 2022).*

The study acknowledges the involvement of eviction notices in the influenced communities. However, this has not been the case in prior evictions that were witnessed by other respondents. Prior to the formation of the task force, the community members often were ambushed with evictions equalling a witch hunt as described by Ndiretu & Omosa (2018). The writers note that the evictions were organized in the offices by the security officials and implemented by security teams including the GSU special police unit who were tasked with eradication of human settlements in the defined areas. These units are generally action units and with no clear instructions. They did their best in instilling fear in the residents to avoid reoccupations. The writers further noted that these table meetings did not factor in the human factors including giving the residents notices prior to the evictions. In the focus group discussions one of the elderly victims of the previous regime evictions recounted the events.

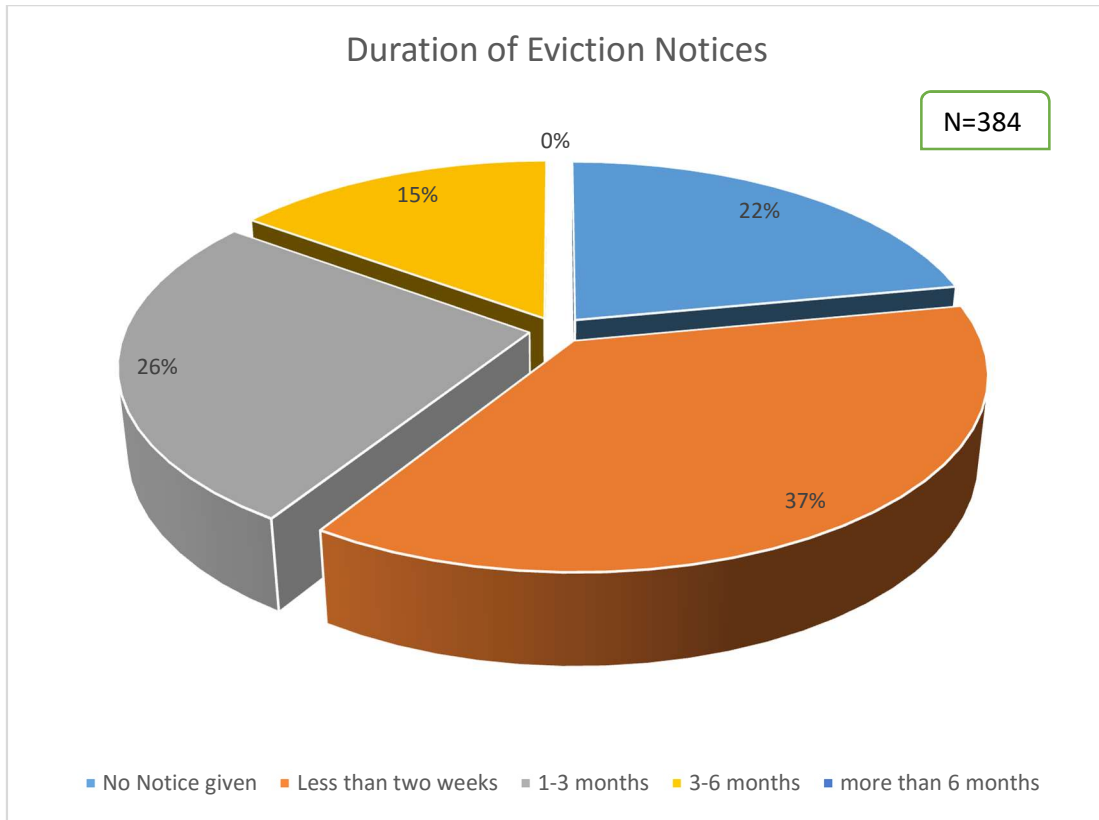
*Mimi nilishuhudia evictions za mwaka wa 2002 hadi 2010. Visanga nilivyoshuhudia havifai kwa binadamu yeyote. Mwanzo hakuna taarifa ulosikia kutoka kwa serikali kuhusiana na uhamishaji wa watu. Habari tulizisikia tu kutoka kwa radio kwamba serikali imeikaza msako wake wa kuondoa wakazi wa Mau na kabla ya kufumba walikuwa wamefika*

*kwa milango yako. Hapo ilibidi tumetoroka na maisha yetu kwani hao polisi wa fanya fujo uone walikuwa wakifyatua chochote kilichokuwa kikitembea. Ole wako ukipatikana miongoni mwao. Watu walijeruhiwa hata nilipoteza ndugu wangu aliyepigwa rungu magotini akijaribu kasalimisha mifugo aliokuwa amewapeleka malishoni kando ya kijiji. Tulikosa taarifa kabisaa lakini tukavamiwa kama wezi.* (I did witness the evictions from 2002 and 2010. Whatever I did witness was so inhuman. In the beginning through the radio stations a presenter would acknowledge the government tightening its grip on the evictions of the forest dwellers. In the next minute they would be knocking on your door. It necessitated running away for our dear lives. The policemen would rough up whatever living organism they found around. It was so unfortunate to be present in that instance. People were hurt and in person I lost my brother who had just gone to graze the cattle in a nearby field. We had no idea that these people were coming to our village next but they proceeded to hunt us down like thieves (FGD, Village elders, 21<sup>st</sup> October, 2022).

A further recommendation by the KWTA in the 2020 report explained the importance of legal procedures being followed in the implementation of the eviction programs. The evictees should not feel as if their rights are not taken into considerations, rather the evictions should involve amicable agreements between the government parties and the evictees who are members of the community. Through the interviews, this study discovers the efforts of the incumbent government where the security teams are involved in extensive campaigns to sensitize the community while serving them with eviction notices which should be the due process to manoeuvre through human rights and evictees satisfactions in the relocation process.

#### **4.4.2 Duration of Eviction Notices**

The study further sought to know the duration of the eviction notices that were served to the respondents just before the actual evictions. The data in the figure 4.10 represents the responses of household heads.



**Figure 4.10: Duration of eviction notice**

**Source: Field Data (2022)**

22% (84) of the respondents did not receive eviction notices, 37% (142) of the respondents received urgent notices less than two weeks before evacuation, another 26% (100) of the respondents received a 1 to 3-month evacuation notice before the evictions while another 15% (58) of the respondents received a 3-6-month evacuation notice. However, no respondent in this study acknowledged receiving evacuation notices more than 6 months prior to the evictions. This study data is in agreement with the OPDP (2020) reports which outline a variance in the reception of the eviction notices by the residents in the current administrations. This varying reception as outlined in the reports result from the few teams allocated into the campaigns and sensitization programs. In the report, the researchers acknowledge that a minor percentage below 30% of the population received timely

eviction notices, while the remaining 70% were served with the same notices indicating a 6-month graze period but on a later date which nullified the 6 months. In the focus group discussions one village elder who received a three-day notice confirmed these reports.

*Mimi pamoja na familia yangu tulipata barua muda mchache tu kabla ya uhamishaji. Tulijaribu kuenda kwa chifu kumweleza kuwa tulihitaji muda wa kujipanga kwani hata watoto wetu walikuwa wakijitayarishia mtihani. Tuliambiwa hakuna muda kwani taarifa ilitolewa kitambo na ilikuwa tu kwa bahati mbaya ilitufikia kwa huo wakati. Alisema mipango na mikakati ilishatayarishwa na kuhama ilikuwa inabidi na kwa huo wakati ulotengwa. Hatukuwa na budi ila kuwasubiri kwani hatukuwa na mipango yoyote. Muda huo haukutosha kujipanga. Walipokuja na matingatinga, walitubeba na vitu zetu na kutuleta hapa Nkobeni. (Together with my family, we received the notice a few days to the actual eviction day. We tried negotiating with the area chiefs and the community leaders since we needed time to prepare including our children who were preparing for exams. However, we were told that the notices were soon expiring and everyone in the area had received a similar notice but through bad luck we received it late. They told us that the plans were already in place and that we were to get ready by the time indicated in the notice. Together with my family, we had to wait since that limited time was not enough to make any plans. They came with their tractors loaded our stuff and brought us to this settlement in Nkobeni (FGD, village elders, 22<sup>nd</sup> November, 2022).*

Further interviews with the sub- county commissioners and the county commissioner revealed a communication trend that is not individualized rather taken as a community operation. In their interview, the sub- county commissioner acknowledged community Barazas and meetings. The county commissioner also acknowledged these Barazas which are community meetings organized with special sittings that are time limited and confined to a specific setup. In a report from the forest conservators picked up by this study through an interview with the Kenya Forest Service officer the respondent had the following opinion.

Whenever we reclaim land people have to be evicted and the sensitization through the public Barazas was enough to inform the public on what the government was intending to do. Further these

Barazas made sure that what the government intended to do was done.  
(Interview, KFS officer, 23<sup>rd</sup> November, 2022).

However, through previous human rights studies and community studies by UN (2015) it is noted that in such a scenario of a governmental operation to evict a community from their ancestral land, it is important that the community is first duly notified through thorough campaigns and special personalized meetings. The government is tasked with providing professional services including mental care during the eviction notice period. These studies are also supported in the 2017 African Community court proceeding reports where the court made recommendations for future eviction processes as well as recommendations on compensations of the individuals who lost property due to the unplanned evictions with no notices given. During the interviews, one key informant, a member of the conservationist group, said that:

They should be moved in a systematic way, respecting the human rights and their personal properties. It is important to conduct door to door campaigns to ensure that everyone is in the same boat in these evictions. The importance of this sensitization plans is to give room to the individuals to seek shelter from their fellows and neighbours who are willing to accommodate them. They are further accorded the time to seek alternative sources of income away from their comfort zone which confers a smooth transition of life to the affected. Further my feeling is that these eviction notices should even be given a year prior to the eviction process to ensure continuity in the education of the children who have to be transferred to new schools in a bid to pursue learning (Interviews, NGO head, 19<sup>th</sup> December, 2022).

In the context of the public interest theory, the lack of proper notification during the eviction process of the Ogiek community can be viewed as a failure by the government to prioritize the community's welfare. According to this theory, the government is responsible for ensuring that the needs and interests of all members of society are adequately protected and promoted. The eviction process, when not done properly, can compromise the public interest by causing harm to individuals and communities. The lack of proper notification,

therefore, may have resulted in the violation of the public interest, leading to resentment and mistrust towards the government among the Ogiek community.

Studies show that proper notification before eviction can lead to a peaceful and organized transition. For instance, a study by UNHCR (2019) on eviction and displacement in Africa recommends that governments should provide adequate notification, engage with communities, and provide assistance in the relocation process. In contrast, a lack of notification can lead to violence, as seen in the case of the eviction of the Maasai community in Tanzania in 2009 (Fratkin, 2011).

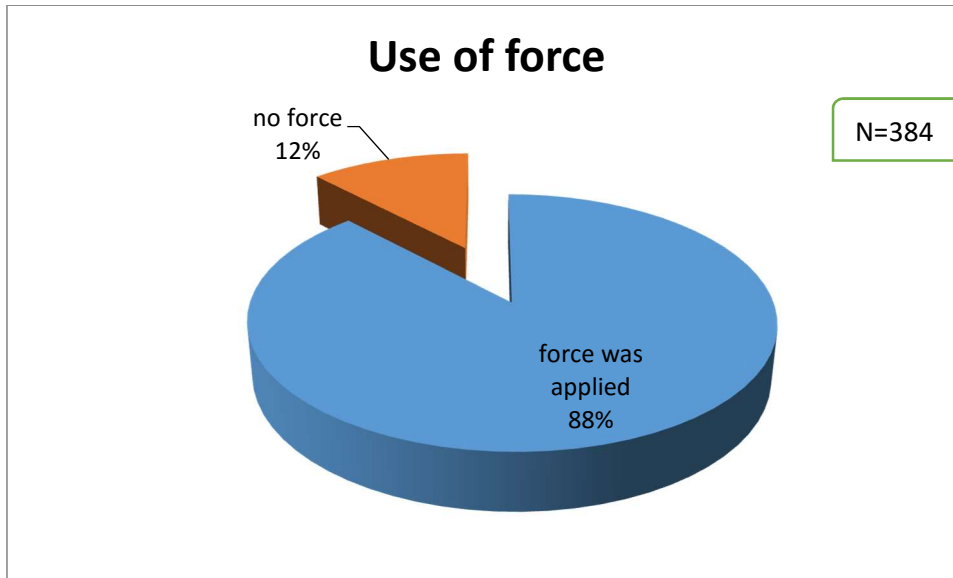
According to Tenjei *et al.* (2018) the government is tasked with serving the individual interest of the citizens and in any case the individuality cannot be met in a government system, then the government can be considered as a disservice to the nation. The African community court reports of 2017 also recommend the importance of notifying the individual members of the community of the possible eviction plans by the government and maximizing the outreach of the security agencies involved to reach the individual household heads. These recommendations are further cemented by the KWTA (2020) reports on their recommendations section.

## **4.5 Conduct of evictions**

### **4.5.1 Use of Force**

The study sought to understand how evictions were conducted. Here, household heads gave responses indicating the unfriendly manner in which evictions were conducted as captured in Figure 4.11.





**Figure 4.11: Use of force**

**Source: Field Data (2022)**

The results in Figure 4.11 show that 88% (338) of respondents agree that the evictions were not done in a humane way and the other 12% (46) of the respondents who had not witnessed evictions before were not able to describe the nature of the evictions. This results show a common agreement between the household heads that the evictions were not in any way humane and the results in this study are reiterated by the KWTA (2020) reports which gave account of court orders from the African court that supports the inhumanity of the government actions citing that the government violated the articles 1,2,4,8,14,17,21 and 22 of the African Charter which are all put to the protection of indigenous communities and their relocation compensations.

During the focus group discussions, the village elders showed the inhumanity in the eviction processes where accusations were made against the government on accounts of human rights violations including the limitation of freedom of speech, destruction of property, rape and molestation of the residents by the enforcement agencies who were the

main facilitators of the programs. On one account, an elder gave the following recollection of events:

The evictees lost all their sources of income with no alternatives provided, their properties were damaged and even some of their animals forcefully snatched from them. Homes were destroyed and the members of the community left to fend for themselves where some were forced to sleep by the roadsides in the biting cold (FDG with village elders, 21<sup>st</sup> October, 2022).

A second a village elder who happened to be is a member of the OPDP, in an FGD gave a similar recount of events where they noted that the evictions were in no way humane as they deprived the evictees their basic human rights.

*Hao washambulizi walikuwa wa kupora Mali na kuharibu chochote walichokutana nacho. walipokuja kijijini mwetu, walichoma nyumba bila kujali ni nini kilichondani ya hizo nyumba. Mimi nilipoteza ali yangu yote Kwa moto ulowashwa kwa nyumba yangu. Pamoja na watoto ilibidi nimetafuta jinsi ya kujitafutia usalama. Ulikuwa wakati mgumu sana. Kwa muda, tulilala kwa baridi bila chakula na hata watoto waligonjeka. Serikali haikutupatia suluhu baada ya kutufurusha makwetu. Bado naomba usaidizi wa serikali juu watoto wenyewe hata hawana namna ya kusoma. Mwenyewe nataabika sana.* (The facilitators did not spare anything at all, they destroyed anything in their way. I recall an encounter in my village where houses were burnt. They lit the fires without caring what was in the houses. In my own capacity I lost everything in the fire and I had to look for safety with my children as my only possession. It was a dark time. We had to sleep in the cold and were hit by diseases and constant hunger. The government never gave alternatives to our destroyed sources of income. I am still devastated and seeking out to the government to help alleviate my situation. These kids need basic things like education) (FDG with village elders, 22<sup>nd</sup> November, 2022).

The study data further outlines a percentage of the respondents who did not know if the evictions were either humane or inhumane. These respondents in particular are the same respondents from the previous section of the study who acknowledged that they have never experienced any case of evictions in their stay at the forest.

However, when consulted, the security teams and Community Forest Associations (CFAs) involved in the evictions defined a controlled rational program that was not in any violation of human rights. One of the head of CBOs (CFA) pointed out that:

The residents in Mau forest had been given notice of eviction by the government. In fact most they had complied and it is only a few of them who had defied the order thus creating conflict. Most of them claimed that they had not seen the order from the government and therefore they should be given more time. Currently we are in the process of fencing the forest to ensure that encroachment will never take place again in future. As an organization were also trying to involve the evicted communities in the process of rehabilitating the forest. I will urge the government to evict all the individuals living in forest (Interview with CBO head, 3<sup>rd</sup>November, 2022).

In another interview key respondent county commissioner did assert that in the evictions that they have taken part have always been humane:

From the time that I have been here, we have only witnessed peaceful evictions. The operation “Linda Msitu” has an outlined guidebook including a code of conduct that is accorded to the facilitators of the program. Initially before beginning the program, we create the alternative settlements which in this case are located at Nkobon in Narok. In the alternative settlements social amenities are provided and together with the local churches and other involved humanitarian organizations, we have built schools and hospitals in these settlements. The basic human rights are met in these settlements and the settlers are even accorded basic health services with an option of access to other governmental services. In addition to providing the alternative means, we provide a notice for peaceful relocations and this is done prior so that the residents on their own accord can move into the settlement regions before the official evictions. The official evictions are carried out by members of the disciplined forces and are carried in organized teams within the books (Interview with County Commissioner, 3<sup>rd</sup>November, 2022).

In the KWTA report, (2020), the government has been on the forefront on the community engagement to notify the community members on the importance of the eviction processes to the general well-being of the country and its resources. A key informant, said the following.

Mau forest is key to modulating water flow and climate change in the country including the ever rising temperatures globally. The Ogiek as a people understand the point of conservation better and thus the conservation of Mau Forest is paramount and has to be done but in a humane way. The evictions should take care of the human aspect including livelihoods and the psychological aspects. Otherwise, if brutality and force is to be applied, it might end up making the Ogiek mistake the idea of conservation of the forest to be malicious when in fact they know of active government officials who own junkies of forest lands around their homesteads who are not affected by the evictions. They should be moved in a systematic way respecting human rights conventions and offered alternative settlement (Interviews with CBO head, 7<sup>th</sup> December, 2022).

This study thus underscores the inhumane evictions through findings from the respondent population. These findings are further linked to previous findings by ACC (2018) who defined the evictions as inhuman and limiting to the basic rights of individuals including property destructions with no alternatives provided. The report further outlines the consequences of the inhumanity in the evictions which include unplanned pregnancies, increase in HIV infections amongst the evictees, poverty and even death in the extremities in some scenarios.

#### **4.5.2 Other eviction behaviours**

Through a five-point opinion scale, the respondents were required to indicate how much they agreed with specific statements in the survey questionnaire. The results of the study are shown in the Table 4.2.

**Table 4. 2: Other eviction behaviours**

<b>How evictions were conducted</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Don't Know</b>	<b>Total SA+A</b>	<b>Rank</b>
	<b>%(f)</b>	<b>%(f)</b>	<b>%(f)</b>	<b>%(f)</b>	<b>%(f)</b>	<b>%(f)</b>	
Threats, harassments and intimidation from government administrators	73% (280)	16% (61)	3% (12)	8% (31)	0%	89 (341)	1
Brutality by police and other security agents	73% (280)	7% (27)	3% (12)	17% (65)	0%	80% (307)	2
Destruction and torching of shelters	68% (261)	9% (35)	7% (27)	16% (61)	0%	77% (296)	3
Provision of Alternative shelter for the evictees.	3% (12)	5% (19)	62% (238)	28% (108)	2% (7)	8% (31)	4
Giving evictees time to leave the forest	1% (4)	7% (27)	72% (276)	14% (54)	6% (23)	8% (31)	5

**Source: Field Data (2022)**

#### **4.5.3 Time Allowed to Exit the Forest**

The results in the Table 4.2 shows that 1% (4) respondents strongly agree that the evictions were done in humane manner allowing them room to exit the forest, another 7% (27) respondents agreed that the evictions were done politely allowing people time to exit the forest. A majority of the respondents 72% (276) strongly disagreed with the research statement that the evictions were carried out politely allowing people time to exit the

forest. Further, 14% (54) respondents disagreed with this research statement. However, 6% (23) respondents did not take any side in this research statement and chose the “I don’t know” option. The results from this study are consistent with previous reports by UN (2020), which showed that the intensity of the evictions varied between members of the community. However, in their reports OPDP (2020) the board outlines a rather uncontrolled eviction program where the residents were forcefully evicted without having the time to recollect their belongings to move out. In the FDG discussions one of the village elders had this to say:

The evictions are often so hurried and the last minute evictees suffer the most. At the start of the operations often the security teams are accompanied by their leaders which regulate their codes of conduct. However, when the day peaks, after visiting several homes, they begin to mess up the evictions. People are hurriedly told to leave and their property destroyed by the waiting policemen. Often, this occurs when the leaders are already off from the operation grounds and the officers find offence that the residents have not moved away in spite of their knowledge on the operations. (FGDs, village elders, 24<sup>th</sup> November, 2022).

However, when carrying out interview discussions with the security teams, it was evident that the teams treaded with caution in their previous eviction engagements. A report from the deputy county commissioner and the county commissioner’s office revealed that the teams were organized and trained adequately before being sent out into the eviction fields. The teams were also given strict instructions to keep true to their service and avoid bad imagery of the police. These reports are backed up by the KWTA (2020) reports of a research which was majorly carried out between the security agencies and the Ogiek community. A respondent from the joint security agency said;

The communities were given eviction notices before the evictions. Further, during the evictions, no force was used and the county government in liaison with the security teams provided transport

for the evictees ensuring that they took with them all their property.  
(Interview with KWS officer 14<sup>th</sup> November 2022).

Another key informant from the joint security agency of the study outlined the evictions as very humane and carried out in the politest way possible:

The evictees who had crop farms were registered during the evictions and were given a permit to regularly tend their crops as they await the harvest time. The evictions were meant to be of both beneficial to the country and the evictees thus their property was of essence. Together with the security teams about 4000 households saw a proper demise from this protected property. The farmers whose livestock remained behind were also accorded help in their relocation. The exercise was a total success (Interview, police officer, 14<sup>th</sup> November, 2022).

In the context of human needs theory, the concept of "polite evictions" is controversial as it implies that the eviction process is carried out in a manner that respects the human needs of the affected community. However, as this study shows, the Ogiek people were not given enough time to prepare or collect their belongings before being forcefully evicted from their homes. This violates their basic human needs for shelter and security, as outlined by Maslow's hierarchy of needs. The study conducted by Muthoni et al. (2019) also found that evictions conducted in a manner that disregards human needs can lead to psychological trauma and emotional distress for the affected community.

From a public interest theory perspective, the use of forceful eviction as a tool for conservation can be seen as a violation of the rights of the Ogiek community and a failure to account for the public interest in preserving the natural resources of the Mau Forest Complex. While conservation policies may be important for protecting the environment, they must also be developed in a way that recognizes the traditional rights and land use practices of indigenous communities.

Historically, conservation policies have been used to marginalize and displace indigenous communities, often transferring control of their land to external actors or the government (Cheboiwo and Were, 2018). However, such approaches fail to account for the public interest in preserving the environment and the rights of all stakeholders, including indigenous communities. In the case of the Mau Forest Complex, a public interest approach would require the government to work with the Ogiek community to develop conservation policies that respect their traditional rights and practices while also promoting sustainable land use and environmental protection for the benefit of all.

A study by Mwangi (2018) highlights the importance of engaging with local communities in conservation efforts in a way that respects their traditional knowledge and practices. The study recommends the use of participatory approaches that involve the affected communities in decision-making and allow them to contribute their knowledge and expertise. In the context of the Mau Forest Complex, this approach could involve working with the Ogiek people to develop a conservation strategy that takes into account their needs and practices while still protecting the forest ecosystem.

Furthermore, a study by Kiptugen *et al.* (2021) suggests that the government's eviction program could be seen as a missed opportunity to engage with the Ogiek community in a way that benefits both parties. The study recommends that the government work with the community to develop alternative livelihoods and income-generating activities that are sustainable and compatible with conservation goals. This approach could help address the economic challenges faced by the Ogiek people as a result of their displacement, while also promoting forest conservation.



#### 4.5.4 Provision of Alternative Shelters

From the responses, 3% (12) of the respondents strongly agreed that alternative shelter was provided, 5% (190) of the respondents agreed that alternative shelter was provided, 62% (238) respondents however strongly disagreed on the opinion of provision of alternative shelter, 28% (108) of the respondents disagreed on this opinion and another 2% (7) respondents had no information on shelter provision for the evictees. This study data agrees with previous reports by KNBS (2019) where the Ogiek community was depicted as scattered over homesteads where they took shelter from well-wishers after their evictions from their homes. During a FGDs session, one of the key respondents, said:

Previous evictions prior to the phase one and phase two evictions were carried out of impunity. These evictions lead to deaths, diseases and unwanted pregnancies due to the inhuman operations that were involved. Initially speaking from history, the first evictions were carried out in a rather proper way and the colonial government gave options for settlement to the evictees. However, as time went by, the evictions became politicized and marred by corruption, the leaders saw to it that funds set aside for compensations were embezzled. The residents were then forced out of their homes without any compensation. People were left stranded some sleeping by the road sides, others drinking dirty water and they suffered from illnesses that they hadn't had before thus the deaths that came after the evictions. However, I would like to acknowledge the two previous evictions, these evictions were a bit organized and even settlement farms were provided for the affected. They were even provided with schools for their children in the settlement schemes (FGD, Village Elder, on 21<sup>st</sup> October, 2022).

The results of this study are further supported by the writers Tenjei *et al.* (2022). After being evicted from the Mau Forest, the Ogiek were often provided with settlement areas in which they were expected to resettle. However, these settlements were often inadequate, with few or no resources or infrastructure to support the Ogiek communities. Many of the settlements were located in remote, inaccessible areas, making it difficult for the Ogiek to access basic services such as healthcare, education, and clean water. In addition, the

settlements were often characterized by political conflict and instability, with different factions vying for control over the limited resources available. As a result, the Ogiek who were forced to resettle in these areas often found it difficult to rebuild their lives and maintain their traditional way of life. In many cases, the settlements provided for the Ogiek after the evictions were more like detention camps than real communities, and the Ogiek have continued to struggle to defend their rights and their way of life in the face of ongoing discrimination and marginalization. Additionally, in the process of struggling for their rights, the community has gradually been subjected to poverty.

The head of Action Research in Poverty and Participation (ARPIP) in his argument indicated that:

Ogiek were subjected to poverty through the eviction process as most of them lost some of their valuables. Due to force applied during eviction process there was destruction of properties where some animals were injured to an extent that they could not walk while others died. To be particular, there was one man who lost all his five cows which he used to milk and sell the produce and in return get money to pay school fees for his children. Currently that man is depressed and he is living in a shanty which he constructed by the side of the road. His children are no longer going to school. The case of this man is just an example showing that the provided means for survival by the government to the evacuated community was inadequate (An interview with NGO head (ARPIP), on 6<sup>th</sup> December 2022).

The provision of shelter is a crucial component of human security, and the inadequacy of settlements provided to the Ogiek people after their eviction from the Mau Forest highlights the impact of displacement on human security. According to the UNHCR, (2020) shelter is a basic human need that requires access to adequate housing, land, and property. The provision of inadequate shelter can lead to negative impacts on mental and physical health, as well as increased poverty and insecurity. The findings of this study suggest that the provision of inadequate settlements to the Ogiek after their eviction has

had negative consequences on their human security, particularly in terms of economic and personal security.

The public interest theory emphasizes the need to analyze the impact of forced displacement on human security in light of the relationship between the state and marginalized communities. According to this theory, the state's failure to provide adequate settlements to the Ogiek can be viewed as a manifestation of the state's exercise of power, which curtails the Ogiek's access to essential services and impedes their ability to preserve their traditional way of life. This perspective is supported by the findings of a study conducted by Wanderi (2020), which posits that forced displacement frequently stems from power imbalances between the state and marginalized communities, with the state employing its power to control resources and land.

To address these challenges, it is important to recognize the rights of the Ogiek people to adequate housing and property, as enshrined in the international human rights law. This can be achieved through the provision of adequate settlements with access to basic services, as well as support for the Ogiek to maintain their traditional way of life and participate in the conservation of the Mau Forest. A study by Vernizzi (2011) highlights the importance of community participation in conservation efforts, as it empowers marginalized communities to take ownership of conservation efforts and ensures that their voices are heard.

#### **4.5.5 Conduct of Police and Other Security Agents**

From the responses, 73% (280) of the respondents strongly agree that there were instances of police brutality in the evictions, 7% (27) agree that there were police and security

agents' brutality, while 3% (12) strongly disagree with this research opinion and another 17% (65) disagree with this opinion. No respondent in this study decried the lack of knowledge on police brutality. This study's findings are in agreement with the findings of the African community court in 2017 which outlined the police brutality in their reports that led to the declaration of compensation to the Ogiek community. A statement from the court as outlined by one respondent from the conservationist groups in the interview read:

There have been reports of police brutality during evictions of the Ogiek community from the Mau Forest in Kenya. In some cases, police have used excessive force against the Ogiek, including beatings and shootings, to forcibly remove them from their homes and lands. There have also been reports of police destroying Ogiek homes and property during the evictions, and of police targeting Ogiek leaders and activists who have spoken out against the evictions. The use of police brutality during evictions can have serious consequences for the Ogiek community, including physical injury, trauma, and loss of property. It can also discourage Ogiek people from resisting or speaking out against the evictions, for fear of retribution or violence. The use of police brutality during evictions is a violation of the rights of the Ogiek and other indigenous communities, and it is important that such incidents be investigated and that those responsible be held accountable (Interviews, NGO head, 14<sup>th</sup> November, 2022).

During the FGDs an elderly member of the clan who experienced the 2002-2010 evictions gave a recount of the events of the evictions:

*Naweza shuhudia madhila waliotufanyia hao polisi. Nakumbuka asubuhi hio walipofika katika kijiji chetu wakiwa wamejiami na bunduki na polisi wa kila aina. Hatukupewa taarifa mbeleni na hata hatukupewa muda wa kukusanya virago vyetu. Waliingia katika maboma yetu wakifyatua bunduki kwa hewa na kupiga kelele kama wawindaji. Walitupa dakika mbili za kutawanyika. Tulijawa na hofu na hatukuwa na budi ila kujisalimisha. Ukienda kuchukuwa kitu ubebe marungu zilitembea. Yaani walikuwa kama wawindaji waliokuwa wameona swara. Walionekana kufurahia unyama waliokuwa wakitenda. Wengi wetu tuliumia. Nakumbuka wengine hata walipatwa na marisasi. Kuna huyu rafiki yangu tuliokuwa tukimwita Kotongik alipatwa na risasi ya kichwa na huo ndo ulikuwa mwisho wake. Nikikumbuka kisa hicho najawa na machungu sana. Sitasahau hiyo siku. (I can testify to the brutality of the police and security officials*

who carried out the evictions. I remember the day when the police arrived at our village, accompanied by a group of armed guards. They did not give us any warning or notice, and they did not allow us to gather our belongings or make any preparations. They simply marched into our village, shouting and firing their guns into the air, and ordered us to leave in 2 minutes. We were terrified and had no choice but to comply. As we tried to gather our belongings and leave, the police and guards became more aggressive and began beating us with their batons and sticks. They were completely out of control, and seemed to be enjoying the violence they were inflicting on us. Many of us were injured, and some were even shot. I saw one man, a close friend (Iron smith) who was shot in the head and killed on the spot. It was a horrific scene that I will never forget) (FGD, village elder, 23<sup>rd</sup> November, 2022).

The behavior of the police and other security agents during the evictions of the Ogiek people is a clear violation of human rights, as highlighted by various reports. These reports reveal the use of excessive force by the security forces, which not only infringes on the human rights of the Ogiek but also undermines their dignity and autonomy. According to the Human Needs Theory, such actions are a result of the failure of the government to meet the basic human needs of its citizens. In this case, the basic human need for security is not being met, as the Ogiek are being subjected to violence and forced removal from their homes and lands.

The public interest theory also sheds light on where government officials and those in positions of power are expected to act in the best interest of the public they serve (Wangigi, 2021). However, in the case of the Ogiek people's eviction, it is evident that the government failed to act in the public's best interest. Despite the Ogiek being a minority group with limited power and influence, the government used its power to forcibly remove them from their ancestral land.

According to a report by Amnesty International (2020), the Kenyan police and other security forces were involved in "violent and unlawful evictions" of the Ogiek from the

forest, using "excessive force" and "tear gas" to remove them from their homes and lands. The report cites numerous accounts of police brutality, including beatings and shootings, and describes the evictions as "systematic and coordinated" efforts to remove the Ogiek from the forest. Another study by the African Commission on Human and Peoples' Rights (2020) found that the Ogiek have been subjected to "repeated and ongoing forced evictions" by the Kenyan authorities, often with the assistance of police and security forces. The study notes that the Ogiek have been "violently removed" from their homes and lands, and that their homes and property have been "systematically destroyed" during the evictions. The study also highlights the "severe and long-lasting consequences" of the evictions for the Ogiek, including loss of homes and livelihoods, and trauma and injury.

The respondents in the study strongly agree that the evictions were carried out in a manner that led to destruction of shelters. The finding aligns with reports from the Amnesty International (2020) which outline the inhumanity in the evictions of the Ogiek from the Mau complex between the years prior to 2017. In the report the police are shown to have broken down homes of more than 90% of the evictees in a bid to prevent them from coming back to these settlements. The reports note that the police and the government considered the destruction of these homes as the final statement of evictions after several attempts of peaceful evictions. During the eviction deadlines the police units would destroy the homes as a final statement to the locals who were then forced out of vicinity. During the focus group discussions one member of the community had the following remarks:

The evictions were done at night with some having no prior notice for preparations. There was looting of property and the shops and the houses were all raided and all the property torched. This forced us to camp by the road side from the safety of our homes during the night.

Children were cold and crying. It was a very long night (FGD, village elders, 23<sup>rd</sup> November, 2022).

Data from the security agencies however revealed a different direction on the eviction process. A police officer for example, said the following:

Even when carrying out the evictions, we must never lose sight of the environment that we are striving hard to protect. These homes have several chemicals that when exposed to fire produce chemical variations that are not only harmful in the air but also when washed down by rains choke the environment. In my capacity, during the evictions we sensitize the community on the importance of removing all their belongings including their roofs to limit the harm already done to the environment. We discourage fires from all aspects including those home owners who feel that the fires are meant to purify their exit (Interview with Police Officer, 2<sup>nd</sup> November, 2022).

In an interview with a CBO head (EMPAFORM) it was well articulated that:

Evacuation process should not involve use of force and instead the community should be convinced why they have to move out of forest. This can be done by empowering community as a way of providing them with an alternative means of survival. Currently we are empowering the community by mobilizing other stake holders to offer their contributions so that we can construct simple houses for the evicted individuals whose houses were destroyed. It is so unfortunate that the number of individual who need a shelter is very high than the resources we have something that we could have avoided if eviction did not involve burning down of the houses as such materials could have been reused (An interview with CBO head, 2<sup>nd</sup> December, 2022)

According to Amnesty International's research report (2020) due to use of force shelters were destroyed and set ablaze during the Ogiek's eviction from the Mau Forest. The study depicts the evictions as planned and organized attempts to forcefully remove the Ogiek from the forest, and it cites multiple allegations of police violence, including beatings and gunshots.

From the results of the study, the respondents define the enforcer's way of handling evictions as unfriendly. The results of this study mimic a previous study by ACC (2018) who investigated the nature of crimes committed by the governmental agencies involved in

the evictions of the Ogiek from the Mau complex in 2012. In the study, the writers describe the teams as destructive forces that are on a mission to eradicate the forest of its inhabitants. Their main goal remains clearing of the forest and the end results justify the means.

The teams involved in the evictions as outlined in Kenya forest service reports consists of a multiagency team including members from the Kenya Forest service, Kenya wildlife service, national county government rangers, the rapid development unit and the police units including the general service units KWTa (2020). This multi-agency team was formed in 2017 after the declaration by the African court that the Ogiek community that was displaced from the Mau ranges needed to be compensated due to the violations by the government. In an interview with the Mau bodies involved in these operations, this current study defines an organized body that has different segmented roles in the eviction process. In an interview a Police officer acknowledged the existence of this multi-agency team:

I am aware of the operations of the joint enforcement unit within my jurisdiction and it is a government organized program aimed at the outreach of the affected evicted communities. This team is tasked with the planning of systematic evictions including sensitizations of the communities, serving the communities with eviction notices and enforcement of the evictions. The operation of this team is not only limited to the evictions, but also to follow up on the progress of the evicted members of the community who are properly documented and stored safely for follow up services. This team operates under an outlined code of conduct and generally was created to serve the locals (Interviews, Police Officer 9<sup>th</sup> December, 2022).

However, this study in contrary to the government's position outlines previously recorded atrocities by the enforcement agencies. In a report by UNDP (2020) the body acknowledges these atrocities committed by the enforcement agencies which is defined by brutality in the operations. Through embedded photographs and observations, the writer



gives accounts of torture by the enforcement agencies, rape and violence in the eviction processes which are supposed to be friendly and of service to the community. The following account was derived from FGDs with the village elders in this current study.

*Wacha nikueleze mwanangu hao polisi wa GSU wakishaletwa mambo yanakuwa yameharibika. Hawataki kujua wewe ni binadamu ama mnyama. Mwanzo kazi yao ni kufurusha watu na ukiwasikia kwa umbali tarajia viboko vyako. Wanakuja wakiharibu manyumba, wakipiga mifugo hata na watoto. Hawataki kujua wewe ni mtoto ama mama mjamzito. Utapigwa na nyumba yako ichomwe. Hawakuwa wanatupatia hata ruhusa ya kutoa vitu vyetu kwa nyumba, mwanzo ni kikundi cha vijana na wamebeba bunduki na marungu. Hapo huwezi pata salamu. Walikuja kufyeka na hio ndio kazi yao. (Let me tell you my son, upon seeing these GSU police who carry out the evictions, it's a turn for the worst. They don't want to know if you are human or an animal. To begin with, their job is to get rid of people from the allocated area and in case you wait for them you are in for their beatings. They carry a wave of house destructions and they beat animals and even children. They don't care if you are lactating or expectant. You will receive beatings and your house will be destroyed. They never even give one an opportunity to get belongings from the houses. They are a group of young servicemen who are heavily armed. They do not offer greetings. They came to clear and that is their job) (FGD with village elders, 23<sup>rd</sup> November, 2022).*

Several cases of property destructions, inhuman treatment, beatings, rape, burning of houses and personal wound inflictions are some of the cases of brutality outlined by WWF (2019). A report by UN (2015) further notes that from the first evictions of the Ogiek community from the Mau complex in 1975, several idle unreported cases of violence and brutality make the generations within the society. These evictions in their part were seen as a war imposed on the community by the government. The community members have previously undergone cases of beatings, arson and unwarranted arrests during the enforcement of the evictions. One key informant, during an interview, underlined the brutality thus:

The people sent to enforce the evictions were brutal/ unfriendly, they burnt homes, destroyed property and even burnt houses with everything inside. They also carried out looting in shops and would take up the edibles and burn up the remaining. They participated in beating of people, arresting without cause, arson, rape and a lot of people were reported missing from the evictions. It was such a dark time in the lives of the affected families (Interviews, NGO head, 14<sup>th</sup> November, and 2022).

The influence of the brutality of the police in the evictions is still relived in the community. As mentioned by the writer Mugambi (2017) the psychological toll of the Ogiek evictions weigh in on the community and to some point, some members of the community consider themselves as a minority without rights. An investigation by UN (2020) also revealed a community clouded with a post-traumatic stress disorder due to the unwarranted states in their allocated settlements coupled with past experiences in the evictions process. A CBO head (Friend of the forest organization) in an interview described the gravity of the brutality of the enforcers:

The police actions were brutal, horrific and inhuman. They did not even spare schools and learning materials provided by the government. The police forcibly evicted an estimated 2750 families, about 10,000 people, and burned homes. In the Narok evictions, there was a destruction of seven primary schools affecting 2721 students. (Interviews, environmentalists' groups, 5<sup>th</sup> December, 2022).

However, the reports by the county commissioners and the other security bodies tend to be in agreement with the 9% minority in this study who claim to have encountered friendly enforcers. According to the commissioner, the evictions were very friendly since they entailed a process that began from an initial sensitization. The commissioner further gives a figure of about 400 families who voluntarily exited the region without harassments and on personal accord. Further, one key informant even acknowledges a personal effort in providing transport assistance to affected families who reached out. These arguments are

also further cemented by the KWTA (2020) reports that describe the process as articulated with no property destruction, no human brutality and no force applied.

However, it is important to note that the experiences of the respondents may not be representative of the entire Ogiek community. A study by de Haan et al. (2016) found that people's perceptions of the nature of the eviction process can be influenced by their social position and political affiliation. It is possible that those who had a favorable relationship with the enforcers or were less politically vocal may have had a different experience.

The public interest theory can shed light on the nature of evictions. According to Venter (2014), the government's primary objective is to serve the best interests of the public. However, the eviction of the Ogiek people from their ancestral land suggests a lack of consideration for their welfare. This marginalization of the Ogiek people is a clear indication of the government's disregard for the public interest theory. Furthermore, the power dynamics at play in conservation projects, where the needs and rights of local communities are often neglected in favor of conservation goals, also highlight the government's failure to prioritize the public interest (Wanderi, 2020).

The manner in which the eviction process was conducted can also have implications for the human security of the Ogiek people. The use of force and brutality can have lasting psychological effects on individuals and communities (Korir, 2016). Additionally, the loss of property and resources, as well as the displacement from traditional livelihoods, can have significant economic and social influence on the Ogiek community. These findings are in line with the dimensions of human security identified in the study, including economic, health, and personal security.

In contrast, the reports by the county commissioners and other security bodies claiming that the evictions were friendly raise questions about the credibility of their accounts. This highlights the importance of considering multiple perspectives and sources of information when analyzing complex issues such as evictions. A study by Saito *et al.* (2019) emphasizes the need for transparency and accountability in conservation projects, as well as the involvement of local communities in decision-making processes. This can help to ensure that the needs and rights of marginalized groups such as the Ogiek people are taken into consideration in conservation efforts.

#### **4.5.6 Conduct of Government Administrators**

From the study data, 73% (280) of the respondents strongly agree with the research statement that the evictions were carried out through constant harassments and intimidations from the government administrators. 16% (61) further agreed with this research statement. However, another 3% (12) strongly disagreed with this statement while 8% (31) disagreed with this research statement. This research data accentuates previous studies on the Ogiek people where the UN Special Rapporteur on the rights of indigenous peoples UN (2015) found that when the Ogiek tried to stand up for their rights and maintain their traditional way of life in Kenya, they were met with threats, intimidation, and violence from the government. For the purpose of intimidating and silencing Ogiek leaders and activists who have spoken out against the evictions, the report cites numerous instances of threats and intimidation, including verbal threats, physical assaults, and arrests. This was further reiterated by a village elders of the study during the FGDs:

As a leader of the Ogiek community and a member of the Ogiek Peoples' Development Program (OPDP) I can confirm that the government has used a lot of threats to subdue our rights. Previously before attending the Gambia court which gave directives on our compensation, we used to face unending threats including government officials walking away from our meetings that were meant to find a common bargain for the Ogiek people. Even after the court orders it is still difficult to convincingly approach the government who are wary of the politics in these evictions. I personally would like to appreciate the incumbent government of the little positivity in their operations to reach the locals in a bid to reach a proper bargain, however as much, I still call for more opportunities to be heard by the government. We are not animals but people who can sit down and have a conversation (FGD, village elders, 23<sup>rd</sup> November, 2022).

When the Ogiek tried to resist the evictions, they were met with systematic harassment and intimidation by Kenyan authorities, according to a second study by the International Work Group for Indigenous Affairs IWGIA (2014). As the Ogiek have fought for their rights and their traditional way of life, the study notes that they have been met with threats, intimidation, and violence from the authorities, including beatings, arbitrary arrests, and detention.

However as noted in the FGDs the current government has shown a positive stance towards the Ogiek community. Backed by the KWTA (2020) reports, the government is actually developing a rapport with the existing community members including holding consistent barazas on the importance of a pristine ecosystem. According to a UNDP (2017) report, the Joint Task Force has promoted fruitful discussions between the Ogiek and the government, paving the way for a fresh cooperative approach to land management in the area.

The Ogiek and other indigenous communities in the Mau Forest now have a voice in the management of their traditional lands and resources thanks to the work of the Joint Task

Force, as noted in a report by the United Nations Development Program UNDP (2017). The new system has encouraged a more cooperative and all-encompassing method of land management in the area, as it is based on the principles of consultation, participation, and consent. The report also states that the Joint Task Force has helped create new land-use plans in the Mau Forest that are sensitive to the rights and needs of indigenous communities like the Ogiek. These plans have provided a framework for the sustainable use of forest resources and helped clarify land tenure rights of the Ogiek and other indigenous communities.

#### **4.6 Settlement of Victims**

The study inquired into what happened after evictions as far settlement was concerned. It was whether or not the victims were settled.

In response to this inquiry, one of the village elders during FGDs stated that:

After eviction from Mau we had to look for a place to live, and one of the option that we had was to rent a house in one of the nearest town centres. I used the money I had saved after selling honey for a while to rent a single room which although was dilapidated was better than staying in internally displaced camps. The small room kept me and my family going as we waited for things to improve. Although we thought government could allow us to go back to the forest to obtain more honey this permission was not granted and therefore, we had to look for another means of survival out of the forest (FGD with village elders, 24<sup>th</sup> November, 2022).

In agreement with, another village elder in a FGD pointed out that:

When eviction was being carried out, we were stranded and most of us tried to get shelter in the nearby town. However, due to the high population of evictees, the rent was increased as there was high demand for houses in the area. As for me, I had

to construct a temporary simple house by the side of the road where I was sure that no one can claim the ownership of that part of the land. However, it was still difficult for us because the city council police were against it as it was making the road impassable (FGD with village elders, 22<sup>nd</sup> November 2022).

The eviction process was vigorous as the evictees were on their own. The evictees were not offered an alternative means of stay. This means that there was the likelihood of another conflict occurring because the rouses such as houses and food in the area did not sustain the rapidly increasing population among the evictees and the host community.

In another FGD, a village elder narrated what he went through in the settlement process after eviction. The elder had the following to say:

After we were evicted from Mau Forest we had no place to go. The first day we had to spend the night in a culvert but the following day my brother in-law invited us to his home to stay for a while as we waited for a way forward. Combining my family together with that of my brother in-law family we ended up being 17 people in that family and therefore our host had to work so hard to meet all our needs. As a man I found the situation humiliating because I had to depend on another man for food and a place to live (FGDs with village elders, 24<sup>th</sup> November 2022).

Eviction from Mau was to some extent humiliating and could have led to psychological issues. This is because Ogiek as a community had established a bond among themselves and as well as with their home environment. The discomfort caused by eviction was traumatizing especially where some had to depend on their relatives for survival.

In an interview however, the county commissioner had the following to say regarding the eviction of the Ogiek from the Mau Forest.

The government had put across appropriate measures to ensure eviction is done appropriately. For instance, there was request for people to vacate from the forest prior to the eviction. However, most of the people declined. After eviction there

was establishment of IDP camps to settle the evictees. Moreover, to ensure there is proper settlement, evictees were allowed to conduct logging where they could obtain materials for constructing new houses (Interviews, county commissioner, 3<sup>rd</sup> November, December, 2022).

The key respondents opined that the government had provided the victims with a solution. The government decided to send a new set of surveyors to begin the work afresh thus, triggering the genesis of the departure from Mau Forest. Accordingly, Ogiek refused the government's plan anchored in the "Allocation of the Land at Mauche Settlement Scheme" where each household was to be entitled to 5 acres of land. Instead, Ogiek elders demanded a boundary to separate the proposed forested area to be Ogiek's trust land. Several events unfolded including the scheme that was worked out in the State House. Kiplimo (2016) records that through this scheme, more than 3000 Ogieks located in the Nesuit slum were relocated to Teret, Likia and Sururu areas where demarcation was on course. Private surveyors were deployed to accelerate the process (Kiplimo, 2016). The relocated persons were accorded acting leaders and provided with relief food and mobile clinics to facilitate the provision of health services in the camps established by the government authorities.

Additionally, the victims were also given hand-outs in the form of a small stipend and were even allowed to engage in other economic activities including selling trees and logging to meet their basic needs. During an FGD with the village elders, it was stated that:

They gave us some little money for survival. This is what they expected us to buy food, clothes, beddings and everything else that was needed. The money was not enough. Furthermore, the government was not consistent in the plan, and this hurt our people so much (FGD with village elders, 24<sup>th</sup> November 2022).



During this period, a section of the community tasted the government's benevolence as they were accorded temporary settlements as the demarcation process was ongoing. However, only those that decided to collaborate with the then-regime benefitted from this short-lived benevolence. Similarly, having been forcefully evicted, a section of the Ogiek community decided to seek refuge in the neighbouring communities, others were hosted by their relatives while others were forced to provide for themselves and to cater for their shelters. Accordingly, they decided to establish temporary shelters with the aid of friends, relatives and well-wishers, particularly the Non-Governmental Organizations (NGOs) that fell for their predicaments.

In an FGD a villager elder argued that:

Eviction of the Ogiek community has always been done in an inhuman way. The government evict them forcefully but fail to provide them with another meaningful way of living. Even though in 1995 evictions, the Ogiek were allowed to conduct logging as means of income this was a new means of survival to them and it was difficult since they had no ready market for the trees they were logging. This means they knew livelihood they were subjected to by eviction was tough for them (FGD with village elders, 24<sup>th</sup> November 2022).

In an interview NEMA director, it was pointed that:

Provision of logging as means of survival of the Ogiek who were evicted from the forest had more negative impacts on the forest than when Ogiek were living in the forest. This is because other communities found a way of conducting illegal logging in pretence that they were also from Ogiek community. On the other hand, this made it difficult for the Ogiek to survive outside the forest because they were subjected to new means of life without proper considerations. In the long run, the Ogiek community ended up going back to the forest (Interview with Director NEMA, 22<sup>nd</sup> November, 2022).

Jenkins and McCloskey's (2020) suggested that for effective eviction and resettlement to occur there must be proper organizations. The government must be ready to support the

evictees, until they adapt to the new means of life failure to which the government is likely to experience some resistance where people are likely to go back to their former means of life.

During the wake of the COVID-19 pandemic, the Ogiek community faced yet another brutal eviction. Despite the temporary Court orders that were to insulate them from eviction, the government blatantly ignored such orders and unabatedly continued with the eviction. Led by the officers from the Kenya Forestry Services (KFS), thousands of Ogiek were evicted from Mariashoni, Logoman, Kiptunga and Nessuit forests situated in Eastern Mau (Nakuru County) and from Nkareta in Maasai Mau Narok County. The brutal eviction saw hundreds of Ogiek houses demolished, torched, farms and crops confiscated. Regrettably, the government failed to put up measures to cater for the evictees. Instead, they had to struggle on their own to make ends meet. With thousands of Ogiek rendered homeless, they were reduced to squatters and denied access to essential needs including food, water and other necessities. Others also faced starvation since their crops and livestock as well as other belongings were confiscated. In the context of resettlement, a section of Ogiek found shelters with their relatives who felt their plight. Consequently, this inevitably resulted in overcrowding which in turn bore extra risks of spreading the COVID-19 virus. Some decided to settle in the nearby educational centres following the guidelines by the World Health Organization (WHO) on Covid-19 prevention. Others resorted to neighbouring communities including the Mariashoni area where they were provided with temporary shelters while others were accommodated by their neighbouring kinsmen. Again, the Church played an instrumental role in the settlement of a section of Ogiek since they were temporarily hosted, and provided with essential needs including

food, shelter and water. The church, especially Catholic provided comfort amid their tribulation. Additionally, the affected families also received donations including temporary shelters, food, water and health services, especially the NGOs.

During an FGD with villagers, one of them pointed out that:

Eviction of Ogiek by government during the time of covid-19 pandemic triggered a lot of aggression among the Ogiek and other communities around the area. To begin with, these evictions made Ogiek depend on the mercy of the well-wishers for survival while on the other hand some of them were involved on criminal activities such as cattle rustling which escalated aggression between them and their host communities. Among the area affected by aggression there were cases of consequential murder. This would have been avoided if only there was good plan prior to the eviction day (FGD with village elders, 24<sup>th</sup> November 2022).

Jebiwott (2021) suggests that, as a way of survival, a section of Ogiek decided to settle anywhere they deemed secure by establishing temporary houses. The latter however triggered ethnic violence between the Ogiek people and the non-Ogiek who had illegally settled in Mau Forest. The clashes began in Olpusimori and subsequently encroached on Mariashoni and Nessuit. Such ethnic clashes claimed the lives of at least 3 Ogieks, dozens were injured and a score of Ogieks were arrested.

In the post-eviction, all the elements of human security were profoundly affected which in turn threatened the survival of the Ogiek community. With their crops and livestock confiscated, their accessibility to quality food was constrained. Reportedly, some faced acute starvation that in turn interfered with their health conditions. Without proper access to clean and efficient water, Ogiek's life was greatly threatened thus, endangering individual security. Since the survival of Ogiek is inextricably linked to Mau Forest, their

eviction deprived them of accessing essential environmental resources thus interfering with their survival. On the aspect of health security, a large section of the community was denied access to health services and had to depend on the mercies of well-wishers who established temporary mobile clinics to attend to their health needs. Such clinics were never enough to cater for thousands of Ogieks who were in dire need of health services. Accordingly, their health vis-à-vis their survival was threatened. In a nutshell, the constant evictions of the Ogiek by the Kenyan government blatantly violate the fundamental human rights of the community. Such rights are deeply interconnected to the survival of mankind. Therefore, forceful evictions of the community interfered with their survival which in turn endangers personal security from all perspectives.

#### **4.7 Chapter Summary**

The chapter gave an important insight into the respondents' demographic data outlining the major descriptive characteristics of the household head respondents of this study who were members of the Ogiek community. The chapter further delved into a discussion of the first objective of the study which aimed at examining the nature of the Mau Forest evictions of the Ogiek community. The results of this study unmasked a disorganized eviction plan by the previous regimes where the Ogiek forest community were seen as infiltrators into the forest instead of care takers or keepers of the forest instead being meted with destructive punishment of inhumanity and individual rights infringement. However, upon the declaration of the African Community court in 2017, the Ogiek community have been seen as a deserving original forest community who deserve better treatment from the government. As much as there are still evictions ongoing, these evictions are carried out on mutual grounds and have been mandated to a joint security agency which is also tasked

with finding an amicable solution to this internal problem without the needs of evictions and property destruction. The chapter four concludes the first objective of the study paving way for the chapter five which will present further findings and discussions on the effects of Mau evictions on the Human security of the Ogiek people.

## **CHAPTER FIVE**

### **EFFECTS OF MAU FOREST EVICTIONS ON HUMAN SECURITY OF THE OGIEK COMMUNITY, KENYA**

#### **5.0 Introduction**

This Chapter presents results and discussions of the effects of Mau forest evictions on the human security of Ogiek community. A demonstration is made on how the evictions have impacted negatively to the community in relation to the seven elements of human security, namely: economic, health, food, environmental, personal, and political and community security. The chapter focuses on effects immediately after the evictions, all of them negative.

#### **5.1 Effects on the Specific Elements of human security**

In examining the effects of Mau Forest evictions on human security of the Ogiek people, this study sought information on how the evictions influenced their lives and those of their neighbours. From the questionnaire responses the findings were captured as shown in Table 5.1.

**Table 5.1: Effects of evictions on human security of the Ogiek community**

Effects of evictions	Yes % (F)	No % (F)	Don't Know	Rank
<b>Economic security</b>				
Loss of income/ livelihoods	98% (376)	2% (8)	0%	1
Killing of livestock	52% (200)	46% (176)	2% (8)	2
<b>Health security</b>				
Illness caused by extreme weather	95% (365)	5% (19)	0%	1
Lack of proper sanitation	92% (353)	8% (31)	0%	2
<b>Food security</b>				
Destruction of farms and crops	80% (307)	17% (65)	3% (12)	1
<b>Environmental security</b>				
Human-wildlife conflicts	78% (300)	12% (46)	10% (38)	1
<b>Personal security</b>				
Destruction of homes/shelter	98% (376)	2% (8)	0%	1
Injuries	97% (372)	3% (12)	0%	2
A feeling of being marginalized	87 (334)	13% (50)	0%(0)	3
Deaths	86% (330)	10% (38)	4% (16)	4
Increased sexual and gender-based violence	69% (265)	22% (84)	9% (35)	5
<b>Political security</b>				
Lack of proper representation in leadership positions	93% (357)	7% (27)	0%	1
<b>Community security</b>				
Disruption of schooling	100% (384)	0%	0%	1
Safety concerns in the community	100% (384)	0%	0%	1
Loss of culture	94% (361)	6% (23)	0%	2
Separation from family	88% (338)	12% (46)	0%	3

**Source: Field Data (2022)**

The respondents (house hold heads) reported various effects of evictions, categorized as, economic, health, food, environmental, personal, political, and community security.

### **5.1.1 Economic Security**

The most significant effect of the evictions on economic security was the loss of income/livelihoods, reported by 98% of the respondents (n=376), followed by the killing of livestock, reported by 52% of the respondents (n=200).

### **5.1.2 Loss of Income/ Livelihoods**

Loss of income is a significant effect on the Ogiek people as a result of Mau evictions. Majority of the respondents (98%) agreed that the evictions had led to the loss of sources of income and livelihoods. Another 2% of the respondents however felt that the evictions were not a cause for loss of livelihoods. This finding was supported in the FGDs where village elders gave views on their job losses.

Being a motor cycle rider, I had to move with my family during the eviction process. Moving with my family meant that I ventured into a new route where I was prone to mugging or getting lost. Majorly my job has been centred on our village and the movements and the evictions have resulted into a loss of my customer base and a whole new market to explore. I have had to keep my motorcycle at a neighbouring village until things settle. For now, I have no business and I have to look for other means of survival such as soft loans (FGD, village elders, 21<sup>st</sup> October, 2022).

Loss of sources of income among the Ogiek community due to the evictions from the Mau Forest Complex has not only led to food insecurity but also an overall decrease in their standard of living. This aligns with the human needs theory, which highlights that individuals require certain basic needs to be met to achieve an acceptable standard of living (Woodburne, 2000). The loss of livelihoods and income has negatively impacted the Ogiek people's ability to meet their basic needs, including access to food, water, shelter, and healthcare. As identified in a report by the Food and Agriculture Organization (FAO)



(2017), this loss of income is further exacerbated by a lack of alternative livelihood opportunities in the settlement areas, leading to increased poverty and food insecurity.

Moreover, the public interest theory contends that government decisions should prioritize the well-being and benefit of the general public over the interests of a particular group or individual (Witter, 2021). However, in the case of the Ogiek community's eviction from their ancestral land, it appears that the government's decision was motivated by the interests of a selected few rather than the public interest. The Ogiek people, who have relied on their land for their livelihoods, have been marginalized and have lost their sources of income due to this decision. The unequal power dynamics at play here suggest that the government may have been swayed by the interests of those in power rather than considering the needs of the broader society (Wells, 2010). Therefore, it is crucial to prioritize the public interest and consider the potential impacts of decisions on marginalized communities to ensure equitable outcomes for all.

As outlined by a report by Amnesty International (2020), the Ogiek people have lost their sources of income in the evictions which has led to families going hungry and even needing special help to meet their daily energy requirements. The loss of sources of income has been weighty on the individuals who depended on their income for self-sustenance and those of their families. The report further outlines the involvement of community help groups including some humanitarian groups in the settlement schemes in a bid to help alleviate the problem. The findings of this study are further supported through a report by UN (2015), which classifies the Ogiek community as facing serious poverty from the loss of their livelihoods including bee keeping and herbs trading. The community herbalists have been rendered jobless. The report further adds the normal Ogiek family

lives below the dollar mark classifying the community as in dire need of external invention from the government or international bodies.

### **5.1.3 Killing of Livestock**

The respondents were asked whether they are in agreement with the statement, killing of livestock resulted from evictions. There was almost an equal division amongst the responses where 52% of the respondents attributed the killing of livestock to the evictions while another 46% disagreed that the evictions led to the killing of livestock while another 2% had undecided claims on the research statement.

The findings are in support of the ACC (2018) reports which outlined the killing of livestock as one of the government atrocities on the Ogiek community during the evictions. One of the respondents, a village elder, during the FGDs supported this view with sentiments on how his 20 heads of cattle were burnt in their shed during the evictions.

I inherited two heads of cattle from my father, one female and one male. Through my inheritance I have managed over the years to build a name for myself and my family. In the Ogiek culture, cattle are an investment and when someone owns a good herd, then the person is considered rich. I had developed my herd to 20 heads when the ordeal struck. This was about 10 years ago. We had barely slept when we heard ululations and wails from the next homestead, their house was on fire and a lot of noise was coming from their side. I thought I heard a gunshot or two but amidst the chaos I could not make out whether it was or was not actually a gunshot. I jumped from my bed, leaving my wife and kids behind at the safety of the house while rushing out to see what was up. Upon reaching the door I was received by the sight of my own cattle shed on fire. An announcement came over a loudspeaker that we were required to exit. The government was taking back what was theirs and it was very painful to watch one's decades of hard work go down the drain but due to the unsafe conditions, my safety and my family's safety were the first issues of concern. I can never forget that day (FGD, village elders, 21<sup>st</sup> October, 2022).

Further this study defines a near half of the respondents who define the evictions as not attributed to cattle killing and that their livestock were not killed in the process. These sentiments were evidenced in the FGDs where one of the respondent witnesses, a village elder, of the evictions said the following:

I can recall the situation at these evictions with which I have experienced more than four evictions. In the evictions, the police would come rough up the residents telling them it's time to move out while throwing their belongings out of the houses, the security officers then made sure the people obliged and they would make sure to destroy the basic structure of the houses to pass along their messages. You were given about 15 minutes to pack and leave while an officer would be alert waiting for your exit. At the elapse of the time, you would be forcefully or leniently forced out of your house and homes depending on your submission. All the cattle were set free and it was upon you to rough your cattle up. I did not witness the killing of livestock during all the four evictions though (FGD, village elders, 21<sup>st</sup> October, 2022).

Killing of livestock during evictions highlights the importance of considering the human needs theory in policy formulation. According to the theory, human beings have certain basic needs, including food, shelter, and safety, that must be met for them to lead a fulfilling life. Therefore, evicting people without considering their basic needs can result in significant violations of human security.

The findings agree with the findings of Adhiambo (2016) who defined isolated cases of inhumane treatment in the evictions where the areas that were handled by the junior security officers without the supervisions of their bosses suffered the most inhumanity. The writer describes that the evictions led to cattle death through burning of cattle houses with cattle and cattle being killed by stray bullets whose shooting had been meant to scare away the villagers. However, these incidences were isolated and not common to all the evictees as described by the writer.

Livestock plays a vital role in the livelihoods of the Ogiek community, as they rely on them for food, income, and cultural practices. The killing of livestock during the evictions not only results in immediate economic losses but also long-term consequences for the community's food security. This observation is consistent with the research of Kweyu (2022) on pastoralists in Kenya, where the author found that the loss of livestock leads to food insecurity and malnutrition, as the pastoralists lose a vital source of protein and income.

In addition, the study's findings suggest that the loss of livestock has implications for the environmental security dimension. The Ogiek community is known for their unique conservation practices, which have been instrumental in the preservation of the Mau Forest Complex. The killing of their livestock not only affects their livelihoods but also disrupts their conservation efforts, as they may resort to alternative livelihood strategies that are detrimental to the environment. This finding is consistent with the research of Onyango *et al.* (2019) on the linkages between livestock ownership and conservation practices. The authors found that livestock ownership can enhance conservation practices, as it provides incentives for the community to preserve natural resources.

## **5.2 Health Security**

The most significant effect of the evictions on health security was illness caused by extreme weather, reported by 95% of the respondents (n=365), followed by the lack of proper sanitation, reported by 92% of the respondents (n=353).

### **5.2.1. Illnesses Caused by Extreme Weather**

The Mau Forest is located in an area prone to high rainfall throughout the year. Being a tropical forest, the region also experiences extended periods of high heat throughout the year. In the case of the Ogiek evictions by defining the extremities of the weather conditions, the respondents were asked if the evictions led to exposure to the elements leading to illnesses caused by the extreme weather conditions. 95% of the respondents agreed with the research question while another 5% did not agree with the research question. This study's data was in agreement with the findings of Kweyu (2022) who outlined several diseases associated with the evictions of the Ogiek from the Mau Forest. During the FGDs one of the respondents, a village elder, gave an early history of the Mau evictions by the colonial government.

Ogiek of Sorghet were evicted in 1932. They were pushed out of the forest. Some went and camped at Soliat area at a place Kabokyek, named after the Ogiek. While at Soliat the elderly got sick. They were attacked by anthrax and all their animals died. Some people died too (FGD, village elders, 24<sup>th</sup> November, 2022).

The minor percentage of the respondents who felt the illnesses were not caused by the extreme weather conditions were of the opinion that the illnesses were caused by the carelessness of the evictees since during the evictions the government gave the Ogiek settlement options that were not far away from their homes. Another respondent, a village elder, in the FGD supported this by stating:

These settlement camps in the first place were located on a different plane of the rift valley region. The areas were prone to continuous sunshine which the Ogiek had not well adapted to. People developed complications from the long sun exposures and the heat was a torture to most. People died in the evictions too, they contracted diseases from drinking unclean water and sleeping in the cold. Some were bitten by insects such as mosquitos and could not attend to health care

services for the fear of being arrested (FGD, village elders, 24<sup>th</sup> November, 2022).

The Ogiek community that were evicted from their homes suffered untold experiences. Some of the people who were evicted in the night did spend the rest of the night by the roadsides in a bid for their security. By the road side these people did not have any shelter against the weather elements and thus contracted diseases some long term, some short term. The writer Adhiambo (2016), gives this narrative through respondents in her study. Some of the respondents even experienced death as a result of the untold illnesses and the distance from their known remedies. The writer outlines, bilharzia, malaria, dehydration and heatstroke as the main weather-related illnesses recorded by the Ogiek people.

The assertions made by Adhiambo (2016), were complimented by the narration given by an NGO head (HRM) in an interview. He said:

Eviction subjected Ogiek in a new environment which mostly comprised of shanties which had poor sanitation and lacked clean water. This environment led to spread of diseases which are mostly associated with improper hygiene. Some of these diseases were new to the Ogiek community and therefore they were hesitant to seek proper medication without realizing that they were in great danger. Instead most of Ogiek communities tried to seek intervention from herbalist who lacked knowledge and skills to terminate those diseases. A good number of Ogieks have lost lives in the hands of herbalist who treated bilharzia, cholera and other such illnesses as a mere disease (Interview with NGO head on 6<sup>th</sup> December, 2022).

The human needs theory asserts that human beings require basic needs such as food, shelter, and healthcare for their survival and well-being. The eviction of the Ogiek people from their homes in the Mau Forest Complex deprived them of these basic needs, leading to adverse effects on their health and well-being. Samorai (2020), found that displacement and eviction lead to increased vulnerability to diseases, malnutrition, and mental health problems. The study also noted that vulnerable populations, such as indigenous communities, are at higher risk of experiencing adverse health effects due to displacement.

Moreover, displacement can result in food insecurity, as communities lose access to their traditional sources of food and livelihoods. The researchers, Onyango *et al.* (2019), found that the eviction of the Ogiek community from the Mau Forest complex resulted in a loss of access to forest resources, including medicinal plants, wild fruits, and game meat, which were essential to the community's diet and culture. The loss of these resources resulted in food insecurity, which further compounded the health challenges faced by the Ogiek people.

The lack of access to healthcare is another critical challenge faced by the Ogiek community after their eviction. Sifuna (2021) found that forced displacement often results in limited access to healthcare services, as displaced populations may not have access to medical facilities, medicines, or health professionals. The study also noted that displaced communities often face challenges accessing mental health services, which are critical for addressing the psychological trauma resulting from displacement.

### **5.2.2 Lack of Proper Sanitation**

Proper sanitation is an important aspect of health, as it plays a crucial role in protecting the well-being of individuals and communities. Access to proper sanitation facilities, such as toilets and hand washing stations helps to prevent the spread of diseases and infections, which can have serious negative impacts on health. Poor sanitation can lead to the transmission of diseases such as diarrhoea, cholera, and typhoid, which can cause illness and even death, particularly among vulnerable populations such as young children and those with weakened immune systems. Proper sanitation is also important for protecting the dignity and rights of individuals. Lack of access to proper sanitation facilities can lead

to difficulties with personal hygiene and can cause embarrassment and discomfort. In this study, the respondents were asked if the evictions led to the lack of proper sanitation amongst the community members using a research statement and 92% of the respondents acknowledged the statement while 8% of the respondents denied that the evictions resulted into a lack of sanitation.

The results of this study echo findings by the KNBS (2019) census in Kenya where 90% of the inhabitants of the Mau region were reported to have limited or no access to diligent modern sanitation including treated water sources, pit latrines and proper waste disposal practices. The individuals were defined as highly at risk of vector borne diseases by the census. The settlement camps were heavily populated, with residents having limited access to social amenities such as pit latrines that were designed to serve approximately 50 people per latrine. During an FGD most respondents were in agreement with this study's findings and the following was said by one of the respondents who is a village elder.

After losing our homes, we had nowhere to go. The rationale of our evictions was what we were infiltrators of the natural resources of the country. We were described by various names by the government including unlicensed poachers of the wild. We were thus a menace that needed to be discarded and that was the main aim of the evictions. Those who were lucky were taken to settlement camps without any belongings. Just the members of the family. At the camps they were forced to put up structures from leaves to protect them from the outward elements likely to pose negative consequences on their lives. Being that there was no source of clean water at the camps, they were forced to eat drink from the nearby rivers where they used to bathe. A large number of people suffered untold illnesses. Further those of us who remained at the mercy of our neighbours had a similar story to tell. The Maasai gave us a small piece of land from the community land where we put up makeshift shelters including using the bushes for nature calls. We had to adapt and the children generally were poor at adapting and became sick with some of them dying (FGD, village elders, 24<sup>th</sup> November, 2022).



The findings highlights the need to consider human needs theory in the conservation of forests and displacement of indigenous communities. Human needs theory, as presented by Woodman (2004), argues that human needs should be the central concern in development and conservation initiatives. The theory identifies nine basic human needs, including subsistence, protection, affection, understanding, participation, leisure, creation, identity, and freedom. The Ogiek people's eviction from the Mau Forest Complex has led to the violation of many of these basic human needs, including subsistence, protection, and identity.

This study also agrees with the findings of another study by Zochi *et al.* (2020) in Kenya, which highlights that displacement and inadequate resettlement support lead to significant challenges in meeting basic human needs. The study found that displacement led to challenges such as loss of property and resources, displacement from traditional livelihoods, and inadequate compensation and resettlement support from the government. The findings of this study are consistent with the challenges faced by the Ogiek people, who have been displaced from their traditional livelihoods and forced to live in settlement camps without proper sanitation, water, and waste management facilities.

The findings are further consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) report 2020, which recognizes the rights of indigenous peoples to their lands, territories, and resources. The eviction of the Ogiek people from the Mau Forest Complex is a violation of their rights as indigenous peoples and highlights the need for the government to recognize and protect the rights of all indigenous communities.

The findings are further agree with Kweyu (2022) who gives a detailed view of the evictions and their influence on the human population. The writer outlines that being

generally traders, the Ogiek people had a unique way of life and the balance of life was attributed to the forest. They would get their water from the clean source springs of the forest. The Ogiek had good systems to manage their waste which majorly comprised of organic wastes and the management benefited the forest too. However, upon their eviction from the forest, the Ogiek were exposed to unnatural conditions that they were not used to. Further the writer notes that, with the mentality of the clean river waters, they were exposed to water borne illnesses such as bilharzia and typhoid.

### **5.3 Food Security**

The most significant effect of the evictions on food security was the destruction of farms and crops, supported by 80% of the respondents (n=307).

#### **5.3.1 Destruction of Farms and Crops**

80% of the respondents agreed that the evictions led to the destruction of their farms and crops while another 17% disagreed with this research statement. However, another 3% of the respondents neither agreed nor denied this research statement and chose to say they did not know whether the evictions actually caused the destruction of farms and crops. This study data thus reveals two different sides in the community response which can be attributed to the witnessed evictions just as discussed in the FGD. One of the village elders supported this thus.

The evictions were grounded on the notion that we, the Ogiek people, had invaded the forest carrying out farming activities that were not supposed to be done in the forest. I recall well that night of 2002 when the policemen visited our village. I had a family of four and we were all beneficiaries of our small farm where we had some vegetables to keep us going. I heard one of the policemen label me as a criminal.

The policeman said “This is one of the people who are ruining our forests with their farms.” I was earmarked and thus was a higher target amongst the surrounding houses. My farm was just at my doorstep as opposed to my neighbours who had their small farms at the various points of the forest away from the homes but within the villages for protection against the monkeys. First, even before the policemen began concentrating on us, the farm was levelled to the ground. This was our complimentary means of survival apart from the hunting and the bee keeping. It meant that my source of livelihood was destroyed and that we didn’t know where our next meal would come from. (FGD, village elders, 21<sup>st</sup> October, 2022)

This was not an isolated case within the society and just like the 308 respondents, the community members acknowledged in unison by majority that the evictions saw the destruction of their farms and crops. However, the minority, 65 respondents, were beneficiaries of the new policies of the joint task force evictions of 2019. These respondents had their crops preserved for them and had a harvest even after the evictions. One of the respondents, a village elder, had the following to say in support of the more organized 2019 evictions:

I can testify that the government has tried to be lenient on the Ogiek people after the declaration of the African community court. As an evictee, I had a potato farm that I was tending during the evictions. However, due to the eviction schedule, the crops had not matured and with all my investment lying in the farm I took the option that was described by the deputy county commissioner that we needed to register with our farms so that we could come back for the harvest when they are ready. I submitted my name and true to their word I was allowed to weed my crops and tend to them until I finally harvested and said a final goodbye to my home. (FGD, village elders, 21<sup>st</sup> October, 2022)

The findings of this study correspond to the conclusions of Adhiambo (2016) who defined the loss of farms and crops during the evictions. The writer through interviews defines cases of community evictees having to bear with the biting pain of hunger while they initially had foreseen a bumper harvest from the promising crops that were destroyed. The writer further gave accounts of the settlers who wallowed at their misfortunes where all

their investments were destroyed in the farms together with the crops and that they had nothing to live off in their new settlements.

The study conducted by Kweyu (2022) found that the destruction of farms and crops during evictions was a common phenomenon across Kenya. The study highlighted the influence of evictions on the food security of affected communities, which often led to a range of negative consequences such as malnutrition, displacement, and even conflict.

In an effort to articulate the issue of destruction of the farms and crops, the NGO head had the following to say in an interview:

Due to the dynamic nature of the Ogiek community, the community has started to involve itself in farming where they could use harvest to feed themselves and trade with neighbouring communities. This means that during the time of evacuation from the forest the community had crops in their farms. The government refused to give any of the victim a chance to harvest their product and instead destroyed the crops and even set some of them on fire. Most of the Ogiek community members, currently are beggars as the government has failed to provide them with basic necessities after evacuation (An interview with NGO head on 3<sup>rd</sup> December, 2022)

In the context of the public interest theory, the power dynamics at play during evictions can be viewed as a means for the state to assert control over natural resources. The eviction of indigenous communities, like the Ogiek, can be seen as an exercise of state power to ensure public interest. In this view, the destruction of farms and crops during evictions may be interpreted as a deliberate tactic employed by the state to weaken the economic power of the community, with the intention of reinforcing its authority and protecting the greater good of the public.

## **5.4 Environmental Security**

Human-wildlife conflicts were the most significant effect of evictions on environmental security, reported by 78% of the respondents (n=300).

### **5.4.1 Human-wildlife Conflicts**

The respondents were asked to respond on whether they agreed or disagreed with the research statement that human-wildlife conflicts are an effect of the Mau evictions on the Ogiek community and those of their neighbours which in turn influence the human security. 78% of the respondents agreed with the research statement while 12% of the respondents did not agree with the research statement. Another 10% said they were not aware of any human-wildlife conflicts wherein they chose the “I don’t know” option on the response questionnaire. According to the reports by ACC (2019), the Ogiek after the night evictions were left at the mercy of the wild animals and the forest elements. This report resonates the findings of this study where several witnesses of the court recorded to have been involved in night struggles with wild dogs which roam the area.

Human-wildlife conflicts have been a significant issue in many parts of the world, and the Mau Forest Complex is no exception. As discussed earlier, the eviction of the Ogiek community from the forest has led to several environmental and social impacts including deforestation and loss of biodiversity. These impacts have also resulted in increased human-wildlife conflicts in the area, affecting the Ogiek community's human security. According to a study by Wanderi (2020), human-wildlife conflicts have been prevalent in Tanzania, affecting both the community and wildlife. The study highlights that such conflicts are mainly caused by competition for resources, habitat fragmentation, and

wildlife movements outside protected areas. This situation is similar to what is happening in the Mau Forest Complex, where the Ogiek community and wildlife are competing for limited resources, leading to conflicts.

Human needs theory can also provide insight into the human-wildlife conflict in the Mau Forest Complex. According to this theory, human needs are universal, and when they are not met, they lead to conflict (Galtung, 2016). In the case of the Mau Forest Complex, the eviction of the Ogiek community has resulted in the loss of their traditional way of life, including their livelihoods and cultural practices. This loss has resulted in frustration and anger, leading to conflicts between the Ogiek community and wildlife. Furthermore, the lack of proper compensation and resettlement support from the government has only aggravated the situation, as the Ogiek community struggles to adapt to their new way of life. Therefore, addressing the human needs of the Ogiek community, such as access to resources and compensation for their loss, can help reduce human-wildlife conflicts in the area.

Another study by Naidoo *et al.* (2016) highlights the importance of community participation in mitigating human-wildlife conflicts. The study suggests that involving the community in conservation efforts can help reduce conflicts by promoting co-existence between humans and wildlife.

In agreement with Naidoo *et al.* (2016) findings, the head of CBO (Community Based Natural Resource Management (CBNRM)) stated that:

The conflict between animals and human beings has radically increased in recent years within the Mau complex area. The increased conflict has been as a result of struggle for survival between humans and animal. Ever since, the two have been enemies and it is now time for man to learn how to protect

wildlife, and how beneficial it can be for him in the long run. As a community based organization we are working close with Ogiek community to enlighten them on the importance of peaceful coexistence with wild animals and obtain ultimate benefit from them. A good example, is the training of community on Apiculture farming; how they can practice beekeeping in forest without degrading the biodiversity there. I consider bee keeping a more beneficial activity than logging and practicing of agroforestry within Mau forest (An Interview with CBO head on 5<sup>th</sup> December 2022).

In the case of the Mau Forest Complex, involving the Ogiek community in conservation efforts can help reduce conflicts and promote the sustainable use of resources. The government can work with the Ogiek community to develop conservation strategies that take into account the needs and perspectives of the community. By doing so, the government can create a sense of ownership and responsibility among the Ogiek community towards conservation efforts, leading to long-term benefits for both the community and wildlife.

One village elder said the following:

On the night of the evictions, together with my family we were forced to seek shelter by the road side to avoid the roaming wild dogs that the area is prone to. The night was full of animal cries and the animals also sensed something was wrong making them even bolder. One of my uncles was bitten by a rattle snake in the night when he sat on the ground. During the night we had to keep the fire burning next to our sleeping position and took turns in keeping watch. I recall at one-point dead in the night a pack of wild dogs was watching us from a distance. I could feel their staring eyes and the cows were restless throughout the night because of the presence of these hunters. We were however lucky to not have been attacked by hyenas because some of my friends who had camped further away told us of hyenas who were menacingly laughing and confronting them during the 4 nights that they slept in the bushes (FGD, village elders, 24<sup>th</sup> November, 2022).

A study by Kuyah *et al.* (2014) found that the evictions of the Ogiek have disrupted the traditional land use patterns of the community, leading to increased human-wildlife conflicts. The Ogiek have traditionally used a variety of strategies to coexist with wildlife, such as building fences and using traditional methods of crop protection. However, with

the loss of their traditional lands, they have been unable to practice these strategies, leading to increased conflicts. Elephants and other wild herbivores invade the farms in the dead of the night leading to human wildlife conflicts. Further, the writers Gichohi *et al.* (2015) in their report describe a human- wildlife conflict where the evictions of the Ogiek led to increased poaching in the Mau Forest Complex. The Ogiek who traditionally practiced sustainable hunting and played a role in conservation efforts in the Mau Forest veered off from their traditional practices and turned to illegal poaching as a means of survival. This has led to further disruption of the ecosystem and increased human-wildlife conflict.

## **5.5 Personal Security**

The most significant effect of the evictions on personal security was the destruction of homes/shelter, reported by 98% of the respondents (n=376), followed by injuries, reported by 97% of the respondents (n=372). Deaths were reported by 86% of the respondents (n=330), and increased sexual and gender-based violence were reported by 69% of the respondents (n=265).

### **5.5.1 Deaths**

According to the results of our study, deaths were considered to be an effect of the evictions on the lives of the Ogiek people and their neighbors. A significant majority 86% (330) of the respondents acknowledged deaths as a possible outcome of the evictions, while 10% (38) of the respondents rejected this statement. A further 4% (15) of the respondents indicated that they had no knowledge about the potential impact of the Mau forced evictions on the community.



It is important to note that the evictions from the Mau Forest have had significant negative consequences on the Ogiek people and their neighbors. Displacement can result in a range of adverse outcomes, including the loss of access to resources, social disruption, economic hardship, and in some cases, illness, malnutrition, and even death. Vulnerable populations, such as the elderly, children, people living with disabilities and those with pre-existing health conditions, are particularly at risk of experiencing these negative effects.

During an FGD the main cause of deaths amongst the Ogiek community was resulting from evictions was discussed. The respondents linked the deaths to the evictions and stated that the deaths in the community were linked to the evictions from the Mau complex. In a key informant interview, a member of the UN Habitat rep. had the following to say:

People died as a result of the evictions with some being burnt in their houses while asleep. The people living with disabilities could not rescue themselves and died in the chaos, some people fell into pit latrines while trying to escape the beatings. Mothers who were expectant and vulnerable at the moment collapsed while trying to escape. Even after the evictions, death still followed the community, the sick died while trying to navigate the exposure to the harsh weather elements. People contracted diseases from their new environments and died. Death followed the Ogiek from the onset of the evictions and to make matters worse very few of these deaths were attributed to their original causes (Interviews, UN Habitat representative, 13th October, 2022).

The findings of this study are supported by a case study of the Ogiek community in Kenya which found that the eviction of the Ogiek from the Mau Forest had serious influence on their health and well-being (Adhiambo, 2016). The evictions led to the loss of access to resources such as firewood, medicinal plants, and clean water, which had previously been provided by the forest. This, in turn, resulted in increased rates of respiratory infections, malaria, and malnutrition among the Ogiek. Some residents were exposed to new

infections including bilharzia from drinking water from open sources which they thought were safe from their forest experience. A village elder in an FGD said:

As much as there were deaths that occurred directly from the evictions on the eviction day and the days that followed, worse scenarios occurred after the evictions. People with wounds were infected, most of my fellow people contracted diseases that we could not even identify. I recall this disease known as anthrax, we never knew the cause and most of my community members were not immune to it. People died. To make matters worse, we had no support from the government and we were not willing to get any help from the health institutions because of the probability of getting arrested. We feared for our lives, people starved to death. It was a horrifying and helpless situation (FGD, village elders, 21<sup>st</sup> October, 2022).

It is clear that the evictions of the Ogiek from the Mau Forest have had serious and potentially deadly consequences. The loss of access to resources such as firewood, medicinal plants, and clean water as a result of the evictions has also had negative impacts on the health and well-being of the Ogiek. These impacts, along with the social disruption and economic hardship caused by the evictions, can contribute to increased mortality rates and negative health outcomes among the Ogiek. The eviction of the Ogiek community from the Mau Forest in Kenya has had serious and potentially life-threatening consequences, including increased mortality rates. Studies have found that evictions in urban areas are associated with increased mortality rates among displaced individuals in low- and middle-income countries (Chen *et al.* 2014).

### **5.5.2 Injuries**

This study also examined the potential for injuries to occur as a result of the evictions of the Ogiek people from the Mau Forest. The research found that injuries were a potential outcome of the evictions on the Ogiek community and their neighbours. This was in an effort to understand the full range of effects that the evictions had on the human security of

the Ogiek people. The effects of the evictions on human security were examined based on the aspects of human security, including health. Injuries resulting from the evictions directly impacted the health aspect of human security, leading to physical harm and trauma. From the respondent population, 97% of the respondents who were constituted of household heads in the Ogiek community acknowledged the injuries they suffered due to the evictions. Further, 3% of the respondents defined the evictions as safe without risks such as injuries.

In an interview a key informant opined that the evictions caused untold injuries which up to date are still bedevilling some the Ogiek. He stated:

We have been taking care of the members of Ogiek communities who were injured as a way of extending a hand to them and also welcoming them to our organization. A case of one man whose leg had to be amputated after he got a deep cut on his leg the night they were being evicted. Due to the traumatizing situation that was surrounding eviction process; the man was unable to seek medical attention and therefore the leg got seriously infected causing a lot of pain. With our assistance the man was taken to hospital where they found the leg was beginning to decompose and the only remaining option was to amputate it. Currently the man can do little to help his family (Interview with NGO head on 14<sup>th</sup> November 2022).

In another instance where FGDs was being conducted by the researcher the community members, they outlines the main cause of injuries in the evictions as heavily attributed to the hurry in the eviction process where several households were expected to be evicted on the same day. The rush in carrying out the activities led to poor precautions in the process with safety not being prioritized. This definition was outlined by a respondent from the FGDs with village elders:

I experienced the phase 2 evictions. The eviction process in itself was physically harmful, even as much as the authorities tried to take care of us during the eviction, they were outnumbered by the members of individual communities and thus they would use commands and rough tones to make sure the people were cooperating. I recall an officer shouting at my wife who was organizing both the children while helping out in the process. It was a nightmare since she had to endure multitasking and taking care of the kids, one of my children accidentally was standing under some piled furniture which came crumbling down on him and had a broken arm. There's nothing the officers could do and I was forced to compromise between my property and the safety of my child. I sought for opportunity to take my son to the clinic but I was not given the opportunity and thus we had to improvise a sling and watch the boy drown in pain as we packed our belongings and wanting to evacuate in the next minute just to get the boy better help (FGD, village elders, 21<sup>st</sup> October, 2022).

Further, members of the community who had witnessed evictions from the previous regimes had an adverse account of events. The economic security of the Ogiek community was greatly affected by the evictions, as they lost their homes and livelihoods. Many of them were forced to abandon their farms, which were their main source of income. This resulted in a loss of income and food insecurity, as they could no longer sustain themselves through farming and beekeeping which was part of income generating activities such as selling or exchange of honey with other commodities. In addition, the evictions had a negative impact on the environment, as the Ogiek people had been living in harmony with the forest for centuries. The study found that the eviction process disrupted this balance, leading to environmental degradation.

The evictions also had a significant impact on the personal security of the Ogiek community. The community members were traumatized by the evictions, as they had to watch their homes and property being destroyed. They also had to leave their ancestral land, which was a source of identity and cultural heritage. The study found that the

eviction process had a psychological impact on the community members, leading to depression, anxiety, and post-traumatic stress disorders.

The legal and political security of the Ogiek community was also affected by the evictions. The community members felt that their rights had been violated as they had not been consulted or compensated for the loss of their land and property. The study found that the eviction process was carried out without due process of law, which led to a lack of trust in the government and the justice system.

In the FGDs, the household heads narrated painful experiences including traumatic injuries that some of their household members have not recovered from to the current point in time.

One of the elders had the following to say:

I am an elder of the Ogiek community and a member of the OPDP, I have witnessed different evictions done by different leaders in the government. The atrocities by the previous leaders, outlined in our appeal at the African court outlines how much the residents of the Ogiek community have suffered at the hands of the government. The police were very brutal with the evictions and they beat up anything they found moving in the compound. The government specifically trusted the GSU who are trained to inflict pain on rioters to handle the evictions of our lands. These policemen were very ruthless, they beat up children, dogs, women, elders and youth, who in particular received the most beatings. After the evictions you would find people with dislocated jaws, dislocated arms, others suffering major injuries such as broken legs, and open wound injuries that saw the death of most of my peers. We had no proper medical care to take care of the injured and thus were facing a really bad situation since we could not reach our trees. It was a nightmare (FGD, village elders, 23<sup>rd</sup> November, 2022).

The author, Adhiambo (2016), describes the influences of the evictions on the forest community which is the Ogiek community. According to the writer, the community suffered injuries from the eviction process which were warranted by the African Community court in 2017 as injustices to the community. According to ACC (2018), the

government failed to take care of the Ogiek during the evictions where the evictions were done at a community level rather than at individual levels. The resultant effect of the community level of operations saw the individual members suffer injuries while trying to do as commanded. Though the court ruled out the direct infliction of injuries by the government officials and security officers, the court noted that the resulting injuries came about as a result of the eviction proceeds thus warranting a responsibility to the government.

### **5.5.3 Destruction of Shelter**

The respondents were requested to define the destruction of shelters as an effect of the Mau evictions on human security of the Ogiek people. The destruction of shelter also had implications on the safety and protection aspect of human security, while the stealing of livestock threatened the economic aspect of human security. All the respondents gave a view on this study statement. From the study, majority of the respondents, 98% acknowledged that the evictions resulted into shelter loss. However, 2% refuted this claims and acknowledged that no shelter was lost in the evictions. The findings of this study were supported by the findings in the FGDs where the respondents gave their views with a strong claim on the destruction of houses as both an eviction means and a means of ensuring that the community members did not come back to their previous residences in the forest. One of the community elders shunned the destruction of shelter during the evictions:

*Mimi nimekuwa mkaazi wa hii forest tangu nizaliwe. Baba yangu alizaliwa humu, hata babu yake na babu zao. Yanayotendeka kati ya wanaOgiek na serikali ni mambo ya kutisha sana. Iweje wewe mwenye makazi yako ukaja kwa wengine na kuwafurusha kwa madai*

*yasiyo ya kimsingi? Sisi wanaOgiek tumeishi humu tukiulinda misitu tulivyoagizwa na mababu zetu, tumejenga kwa miji iliyotengewa ujenzi. Hatuharibu misitu kabisaa. Sasa haja gani serikali iliyoleta upanzi wa majani chai katika misitu kuja kutuharibia makwetu. Nyumba zetu zimebomelewa tukaachwa bila makazi tukiambiwa tutafute pa kujikinga kwani sisi ni wahalifu wa kuharibu raslimali. Natamani kujulishwa kama hii raslimali sisi hatufai kufaidika kama wenyeji. Mbona nyumba zetu na makao yetu kuharibiwa. Haki ya wanaOgiek iko wapi? (I have been a resident of this forest since my birth. My parents, their parents, grandparents and even great grandparents were inhabitants of this forest. The wrangles between the Ogiek and the government are so disheartening. How is it that you who has a home come to other people's homes and drive them out without justification? As the Ogiek people we have lived here taking care of the forest just as advised by our ancestors, we have only erected our homes in designated areas. Our houses were destroyed and we were rendered homeless while being told that we should look for options because we are criminals who have invaded the country's natural resources. I'd love to know if these natural resources are not meant for us as the original residents. Why are our houses destroyed? Where are our rights (FGD, village elders, 21<sup>st</sup> October, 2022?)*

According to Adhiambo (2016), the Ogiek people suffered immense losses as their shelters were destroyed in either the eviction process or after the evictions in a reclamation bid by the government of Kenya. The writer further outlines that the settlement camps were provided as an option to the evictees. These camps established in the precolonial period were already run by initial evictees and could not viably contain the new evictees. These options were just another dead-end trap to have the evictees move from their homes resulting to loss of shelter. These findings were further cemented in a key informant interview:

In order to complete the reclamation process of the forest, first we have to get rid of human encroachment. Second, we have to get rid of human influence to pave way for nature to take over. Here, we demolish all the man-made structures to create room for disintegration. After their destruction we can choose to move them away or alternatively leave nature to take over of the ruins. We plant trees and tend them until nature takes its course (Interviews, Director NEMA, and 22<sup>nd</sup> November, 2022).

This study findings agree with reports from the Amnesty International (2020) which outline the inhumanity in the evictions of the Ogiek from the Mau complex between the years prior to 2017. In the report, the police are shown to have broken down homes of more than 90% of the evictees in a bid to prevent them from coming back to these settlements. The reports note that the police and the government considered the destruction of these homes as the final statement of evictions after several attempts of peaceful evictions. During the eviction deadlines, the police units would destroy the homes as a final statement to the locals who were then forced out of vicinity. During the focus group discussions, one elder had the following remarks:

The evictions were done at night with some having no prior notice for preparations. There was looting of property and the shops and houses were all raided and all the property torched. This forced us to camp by the road side from the safety of our homes during the night. Children were cold and crying. It was a very long night (FGD, village elders, 22<sup>nd</sup> November, and 2022).

A discussion by the security agencies however reveals a different direction on the eviction process. One key respondent from the agency said the following:

Even when carrying out the evictions, we must never lose sight of the environment that we are striving to protect. These homes have several chemicals that when exposed to fire produce chemical variations that are not only harmful in the air but also when washed down by rains choke the environment. In my capacity, during the evictions we sensitize the community on the importance of removing all their belongings including their roofs to limit the harm already done to the environment. We discourage fires from all aspects including those home owners who feel that the fires are meant to purify their exit (Interviews, Police Officer, 14<sup>th</sup> November, 2022).

It is said in the study that the Ogiek have been violently evicted from their lands and that their houses and property have been systematically damaged during the evictions. The



Ogiek have been compelled to abandon their homes and lands by a variety of aggressive tactics, including the demolition and torching of their dwellings.

According to the human needs theory, property is one of the basic human needs that are essential for survival and well-being. The Ogiek community's eviction from their homes and lands, resulting in the destruction of their property, has affected their well-being and security. The Ogiek's loss of property is a significant challenge that has contributed to their displacement and poverty. The United Nations Development Programme (UNDP), (2020), states that property rights are fundamental to social and economic development, and their violation is a form of discrimination that perpetuates poverty and inequality. The government's failure to adequately compensate and resettle the Ogiek community has resulted in significant socio-economic challenges, including the loss of property and resources.

Relative to the public interest theory, the government's action in evicting the Ogiek community and destroying their property was motivated by the perceived public interest. The government aimed at asserting control over the forest land, arguing that it was necessary to protect the environment and promote sustainable resource management. However, this assertion has been challenged by the fact that the government has not only evicted the Ogiek community but also restricted their access to the forest resources, which has negatively impacted their livelihoods and well-being. This suggests that the government's actions may not have been solely motivated by the public interest, but rather by a desire to consolidate power and control over the forest resources.

To address the challenge of property handling, the study recommends that the government should respect the property rights of the Ogiek community and compensate them

adequately for the loss of their property. This recommendation is supported by the UNDP's assertion that respecting property rights is fundamental to social and economic development and that property rights violations perpetuate poverty and inequality. The study also recommends that the government should involve the Ogiek community in the conservation of the forest resources and recognize their role in sustainable forest management. This recommendation is supported by a study conducted by the International Union for Conservation of Nature (IUCN) that found that involving indigenous communities in forest conservation efforts leads to more effective and sustainable conservation outcomes.

Further, Amnesty International's research (2020) confirms that shelters were destroyed and set ablaze during the Ogiek's evacuation from the Mau Forest. The study depicts the evictions as planned and organized attempts to remove the Ogiek from the forest, and it cites multiple allegations of police violence, including beatings and gunshots.

The findings of this study thus define shelter destruction through two main components, first, during the evictions the Ogiek were driven from their homes and the homes destroyed to pave way for nature. Secondly, the Ogiek were not offered alternative accommodative shelters to mitigate the initial shelter loss. As described by the author Adhiambo (2016), the settlement camps offered inadequate housing or no housing at all to the evictees, thus culminating into shelter loss.

The destruction of shelter during the evictions of the Ogiek people from the Mau forest complex has significant effects on their human security. According to the Human Needs Theory, shelter is a basic human need that is critical to survival and well-being. The loss of shelter not only exposes individuals to the potentially dangerous elements but also creates

insecurity, making it difficult for them to recover and rebuild their lives. The destruction of shelter, therefore, has a direct impact on the overall well-being of the Ogiek community, affecting their economic, health, and environmental security.

The public interest theory, on the other hand, suggests that the destruction of shelter during evictions is not only a violation of the rights of vulnerable populations but also a failure to consider the welfare and basic human needs of these communities. This theory asserts that government actions that result in the eviction of indigenous communities from their ancestral lands without adequate alternative housing options are driven by political and economic interests, rather than a concern for the environment. Jenkins and McCloskey's (2020) study supports this theory, revealing that such evictions are often motivated by factors that prioritize certain economic and political interests over the public interest.

Moreover, the destruction of shelter during evictions has significant psychological effects on the affected individuals. As highlighted in a study by Uwizeye and Mukakarangwa (2021), the loss of shelter can cause psychological trauma, leading to anxiety, depression, and post-traumatic stress disorder. The trauma associated with the loss of shelter can also affect the overall sense of personal security, making it difficult for individuals to trust others or feel safe in their new surroundings.



**Plate 5.1: The Researcher with respondents, showing the extent to which a victims shelter was destroyed**

**Source: Field data, 2022**

#### **5.5.4 Increased Sexual and Gender-Based Violence**

In this study, the respondents were requested to give information on increased sexual and gender-based violence as an effect of the evictions of the Ogiek from the Mau forest. The study aimed at describing the influence of the evictions on the human security of the Ogiek people. From this study, a definitive 69% of the respondents felt that the evictions led to increased sexual violence and gender-based violence amongst the Ogiek people. However, another 22% of the respondents did not attribute sexual violence and gender-based violence as influences of the evictions of the Ogiek people from the Mau Forest. A

minority of the respondents, 9% had no knowledge of the gender based violence and instead chose the “I do not know” option on the respondent questionnaire.

The results of this study were in agreement with the reports by UN (2015) where writers define increased sexual violence during the eviction of the Ogiek by the government. The report outlines several complaints of rape and other injustices by the security agents including beating the most vulnerable members of the population such as women and children. Studies have shown that eviction from their homes and lands can have devastating effects on the physical and psychological well-being of affected communities, particularly women and children. According to a study by the Norwegian Refugee Council (2018), forced displacement can result in increased risk of sexual and gender-based violence (SGBV), including rape, sexual assault, and forced prostitution. Women and girls are often at higher risk of SGBV during displacement due to their vulnerability and the breakdown of social structures that normally provide protection.

Furthermore, the power dynamics between the government and the Ogiek community may have contributed to the prevalence of SGBV during the eviction process. According to the public interest theory, actions taken by those in power should be for the greater good of society. However, in the case of the government's eviction of the Ogiek community from their ancestral lands, it can be argued that the government failed to act in the public interest. The power imbalance between the government and the Ogiek community allowed for the occurrence of sexual and gender-based violence during the eviction process, which was not in the public interest.

During the FGD meetings, the respondents who were comprised of village elders defined a messy eviction that included sexual violence and violence against children.

Individual members of the Ogiek community suffered separation from their families. These individuals were exposed and remained vulnerable to the authorities and the neighbouring communities including members of these communities who were irrational about humanity and violence. These individuals at the mercy of their captors faced untold sufferings that resulted into sexually transmitted infections and unwanted pregnancies. The Ogiek women were attacked by uniformed policemen who raped the girls and women and beat them up during the evictions. In the Ogiek culture HIV and AIDS were not common infections in the community in our original homes. After the evictions there were several reported cases of these sexually transmitted infections and pregnancies that could not be traced back to individuals. The evictions saw a lot of unreported sexual atrocities to our women which can be clearly evidenced in the existing population with fatherless children, children born of underage moms and the deaths attributed to the rising cases of HIV infections (FGD, village elders, 24<sup>th</sup> November, 2022)

However, in the previous eviction, according to KTWAA (2020) reports, the evictions were handled in a humane way in that the security teams ensured that there were no cases of human violations that saw a large number of the residents move from their homes willingly into the settlement camps for those who had no options for shelter. This viewpoint was also reiterated by the county commissioner who ruled out cases of sexual violence and gender-based violence in the evictions that they handled. During the FGDs some members of the village elders supported this view of events.

The 2019 evictions were one of the most peaceful evictions and the best well-coordinated evictions in the history of the Ogiek people. The government was agenda-centered and as a member of the OPDP leadership, I can testify that the residents were accorded the respect that they were supposed to be accorded in the evictions. There were no cases of arson and no gender based violence including inhumanity (FGD, village elders, 22<sup>nd</sup> November, 2022).

As outlined by Amin (2022), as much as the previous regimes have shown different levels of atrocities to the Ogiek community, the African community court declaration of 2019 gave the community a light from the international community into their sufferings and

discriminations which led the government to change their eviction tactics to a more humane and friendly way that could be acknowledged by the community members.

The absence of sexual and gender-based violence during the eviction process is a positive outcome as such violence can have long-lasting effects on the physical, emotional, and psychological well-being of individuals and communities. However, it is important to recognize that sexual and gender-based violence is a pervasive problem in many displacement situations, and steps should be taken to prevent and respond to it in all contexts. A study by the International Rescue Committee (IRC) found that the risk of sexual and gender-based violence is higher for women and girls in displacement situations due to factors such as lack of privacy, inadequate lighting, and lack of access to healthcare and legal services (IRC, 2018). The study also found that perpetrators of sexual and gender-based violence are often members of the community or security forces responsible for providing protection.

The public interest theory sheds light on the dynamics of sexual and gender-based violence in displacement situations. This theory suggests that when power imbalances exist between different groups, such as the government and the Ogiek community, it may result in the marginalization of certain groups and the commission of violence against them. The Ogiek community's status as a marginalized group with limited political power and representation underlines the importance of considering the public interest in addressing their vulnerability to violence during eviction and displacement (Amin, 2022).

In addition to the prevention and response to sexual and gender-based violence, addressing the underlying power imbalances between different groups is also important for promoting human security in displacement situations. A study by the United Nations Development

Programme (UNDP) found that addressing power imbalances and promoting social inclusion can improve the well-being of marginalized groups, reduce violence and conflict, and promote sustainable development (UNDP, 2019). Therefore, efforts should be made to empower marginalized groups such as the Ogiek community and ensure their meaningful participation in decision-making processes that affect their lives and livelihoods.

#### **5.5.5 A Feeling of being marginalized**

From the study data, 87% (334) of the respondents acknowledged that they had felt marginalized from the government who were inclined to have them exit their homes. However, another 13% (50) of the respondents acknowledged that they did not feel marginalized from the government in a bid to have them move. This study's findings resonate with the findings of (ACC, 2019) that led to the declaration of marginalization of the Ogiek by the Kenyan government. In the reports, the court ruled out that the government had been issuing threats to the locals to have them move. Other than threats the court outlined other forms of marginalization including not providing government service to the Ogiek people and poor representation.

A key informant in an interview lamented about the mistreatment and marginalization of Ogiek. He said:

Ogiek community has been marginalized ever since due to their small numbers compared to other major communities. My claims are well indicated to national politics where no Ogiek community member get any meaningful position at national level thus we have no one to present the grievances of the community. Other than distribution of power, the community is also marginalized in shearing of the resources by the government. Children from Ogiek community hardly goes to school as they are busy doing farming and other sorts of activities. It is time government establish programs to support Ogiek community not just evicting them (Interview with CBO head, on 5<sup>th</sup> December 2022).



The Ogiek people were also not involved in public shared amenities such as hospitals and any injury leading to hospitalization of the Ogiek would be considered as a result of poaching leading to arrests. The court also outlined that the Ogiek who were found hunting in the forest were considered as poachers and were subjected to anti-poaching laws of the country. These findings were confirmed in the FGDs through a unanimous agreement that the government was leaning against the Ogiek people. One village elder said the following:

I remember when the Kenyan government began the phase one campaigns to evict us Ogiek from the Mau Forest in 2009. The Kenya Forest Service came and tried to force us out of our traditional lands, but we resisted and argued that we had a right to live there. Unfortunately, the evictions led to a number of clashes between us and the authorities, and several Ogiek were killed in the violence. Then, in 2017, the government announced plans to establish a wildlife conservancy in the Mau Forest, which would have displaced us and other indigenous groups living in the area. We strongly opposed the plan and launched a legal challenge, arguing that it violated our rights and threatened our way of life. The case is still ongoing. More recently, in 2019, we accused the government of failing to consult with us on plans to build a dam in the Mau Forest. We argued that the dam would have a negative impact on our livelihoods and the environment, and called on the government to halt the project. The government denied the allegations and said that it had followed the necessary legal procedures. These are just a few examples of the many instances of conflict and harassment that we, the Ogiek, have faced at the hands of the Kenyan government (FGD, village elders, 24<sup>th</sup> November, 2022).

According to ACC (2019), the Ogiek have suffered several governmental marginalization instances in a conflict over land and development. The Ogiek have also faced discrimination and persecution in other areas. These findings justify the findings in this study where the Ogiek have struggled to access education, healthcare, and other basic services, and have faced marginalization in the job market. The Ogiek have also reported instances of police brutality and abuse, and have accused the authorities of failing to

protect them from violence and intimidation by other groups such as their neighbours, the Maasai, who lay claim to the Mau forest.

## **5.6. Political Security**

The most significant effect of the evictions on political security was the lack of proper representation in leadership positions, reported by 93% of the respondents (n=357).

### **5.6.1 Lack of Proper Representation in Leadership Positions**

The study sought information on the representation in leadership of the Ogiek people. In the study, the resident household head members of the Ogiek community through questionnaires were asked if the lack of proper representation in leadership positions was a resultant effect of the evictions from the Mau forest ranges. Here, 93% of the respondents said yes while 7% of the respondents said no. The results of this study in comparison with the reports by Amin (2022) gives a near identical conclusion where the writer defines low representation of the Ogiek community in leadership positions because of the assimilation of the Ogiek into other communities. The results of this study are further confirmed in the FDG where one of the respondents gave an account of the assimilation of the Ogiek people by the other communities.

Another group from Sorghet went and settled at Chepalungu. The aim of the colonialists was for the Ogiek to be assimilated by the Kipsigis so there could be no one to complain about going back since Sorghet was very fertile (FGD, village elders, 23<sup>rd</sup> November, 2022).

The assimilation of the Ogiek community was the initial step in the disintegration of the community as a whole and also marked the beginning of the misrepresentation of the Ogiek community. A study by Kweyu *et al.* (2020) reveals that the tussle and land rows

between the Ogiek and the government have been majorly carried out between the government as a supreme power and the Ogiek as subjects. The land rows have not had any legal proceedings in the country and have often involved political declarations where through conservation declarations the government has made uncontrolled efforts into the reclamation of the Ogiek land. This fact is outlined by one of the OPDP leaders who were present in the African Court committee fighting for the Ogiek rights. An elder said the following:

As the Ogiek people, we are so disadvantaged because we are not represented in the government positions. In the Ogiek leadership it is through our learned volunteer friends that we learned about the possibility of suing the government because of the atrocities we have experienced in the past. Prior to the African court proceedings of 2017, the Ogiek have immensely been treated as aliens in this country. Through subdivisions and occasional evictions, the Ogiek community are doomed in that even those with the best political ambitions cannot meet the quorum needed for the votes. This community has been disintegrated and in 2019, there were around 52,596 members of the ethnic Ogiek community scattered all over the central rift regions. The number of the concentrated pure speaking the Akiak language was as low as 500. The quorum is never enough to send a representative into any political position. As much, the government has also side-lined the Ogiek in administrative positions for the fear of motivating an uprising. Until after the 2017 African court declaration, the Ogiek were poorly represented and the development of the OPDP is a step towards the representation of my people (FGD, village elders, 22<sup>nd</sup> November, 2022).

The findings of this study are supported by the UN (2015) reports that defined the lack of leadership representation amongst the Ogiek community due to their low turnout during the voting process. The report outlines that the disintegration of the community has led to an assimilated community that lacks the ability to raise a representative in to the leadership positions. The report also records that members of the community at the settlement camps are also too busy fighting for their daily livelihoods that they lack the motivation to fight

the system within the system. The Ogiek have been known to fight the government through moving back into their homes after evictions and hoping the government tires on the daily harassments.

## **5.7 Community Security**

The effect reported on community security was the disruption of the school calendar, which was reported by all respondents (n=384), loss of culture and separation from family were reported as having effects on community security, with 94% (n=361) and 88% (n=338) of the respondents, respectively.

### **5.7.1 Disruption of Schooling**

This study sought information from the respondents regarding the disruption of schooling as an effect of Mau evictions on the Human security of the Ogiek people. As noted by the residents in the FGDs, these disruptions were common to Ogieks children as well as neighbouring communities; who shared the same learning Institutions. This was supported by 100% of the respondents

The disruption of the school learning program as a result of the evictions of the Ogiek people from the Mau forest complex is not only detrimental to the academic performance of the affected students but also to the future of the community. The Human Needs Theory postulates that education is a basic human need that is critical to the growth and development of individuals and communities. The disruption of the school calendar and the subsequent impact on the academic performance of Ogiek students is a clear violation of this fundamental right. From a public interest theory perspective, the evictions of Ogiek

from the Mau forest is meant to safeguard the biodiversity and thus restore the forest cover; which will serve the interests of many people but the right to property under Article 14 can be restricted in the public interest and where such restriction is necessary and proportionate. However, it rejected the Government's public interest justification for evicting the Ogiek from the Mau Forest – the preservation of the natural ecosystem intentional disruption of the academic calendar by the government may be seen as an attempt to exert power and control over the Ogiek community. This view is reinforced by reports of government's use of force and intimidation in evicting the Ogiek people from the Mau Forest complex.

Furthermore, a study by Kiprono *et al.* (2021) found that the disruption of the school calendar as a result of forced evictions is not unique to the Ogiek community. The study explored the impact of the evictions on the education of children in the Mathare slums of Nairobi and found that children who experienced evictions were more likely to miss school and perform poorly academically. This study supports the notion that the disruption of the school calendar as a result of forced evictions has a negative impact on the academic performance of affected students, regardless of their socio-economic background.

The findings of this study are mirrored in the findings of the KNBS (2019) reports that outline a decline in school going population amongst the affected community and their neighbours. An elder said the following:

The evictions were derogatory to the Ogiek community in terms of their social life and ways of the community. These evictions have always been politically driven and the members of the community can attest to the establishment of schools in these affected areas during the periods of political tensions in the country when the government and political teams want the votes of the residents. Such was the case in 1972 when the colonial government introduced Shamba system in the

community. The members of the community were awarded with schools and these amenities were shared with the neighbouring communities. However, in any eviction event since the establishment of these schools most of the community members are moved away leaving the schools in place either in ruins from destruction or just standing there with no students to attend just like ghost towns. Further, these evictions have interrupted our formal education systems that were intertwined into our culture. During the circumcision periods, members of the community would have both girls and boys in separate locations where they were taught the fundamentals of the community and life. I would like to appreciate the joint efforts by my able peers who formed the OPDP movement in a bid to fight for the education rights of our students and children. It is also impossible to have a student learning away from home because the day you send them to school could be the last time you set your eyes on your kids. It is a tough world to survive (FGD, village elders, 21<sup>st</sup> October 2022).

As outlined in the reports by Ochieng *et al.* (2016) the evictions of the Ogiek were disruptive to the academic calendar as many Ogiek families were forced to move multiple times leading to students missing school more frequently. Additionally, the report outlines that the trauma and stress caused by the evictions had a negative impact on the mental health and well-being of Ogiek students, making it more difficult for them to concentrate and learn in school. This study's findings are also supported by other studies including the study by Mutua (2018). The writer outlined that the lack of stable housing and access to education resources caused by the evictions had a negative impact on the academic performance of Ogiek students. During a review of the performance of the Ogiek students in the national examinations, the researchers Chepkonga *et al.* (2020) found out that the Ogiek students showed lower scores compared to the non-Ogiek students which led to a conclusion by the writers that the poor performances might have resulted from the disruptions caused by the evictions, including lack of stable housing and access to education resources.

### **5.7.2 Loss of Culture**

In a bid to define the effects of the Mau evictions on the human security of the Ogiek people, this study through the respondents who were household heads members of the Ogiek community sought information on the loss of culture as an effect of the Mau evictions on the human security of the Ogiek people and that of their neighbours. In this study, there were 384 respondents. Out of the respondents, 94%, a majority of the population agreed that the Ogiek suffered a loss of culture. Another 6% of the respondents however refuted the claims on the loss of culture.

The loss of culture among the Ogiek community is a significant human security challenge that has resulted from the Mau evictions. The Ogiek community, which has a rich cultural heritage, has suffered cultural erosion due to the constant evictions from the forest. According to the human needs theory, culture is a basic human need that provides individuals with a sense of identity, belonging, and continuity (Ngugi, 2020). Therefore, the loss of culture can have a devastating impact on the overall well-being and human security of individuals and communities. In this regard, the loss of culture among the Ogiek people is a serious human security concern that cannot be ignored.

The loss of culture among the Ogiek community is not unique to the Mau evictions. Several studies have documented the cultural erosion that indigenous communities experience when they are displaced from their ancestral lands (WWF, 2019). In a study by Gilbert (2019), the author explores the cultural impacts of the displacement of the Gitxaala Nation in British Columbia, Canada. The author notes that the displacement of the Gitxaala Nation resulted in the loss of their cultural heritage, including traditional knowledge, language, and spirituality. Similarly, WWF (2019) examines the cultural impacts of forced

displacement on the indigenous communities of the Amazon. The author notes that the displacement of indigenous communities results in the loss of cultural practices, identity, and social cohesion.

In addition to the loss of culture, the Mau evictions have resulted in the loss of traditional knowledge and practices among the Ogiek people. Traditional knowledge and practices are critical to the cultural heritage and well-being of indigenous communities. The loss of traditional knowledge and practices can also have a negative impact on the environment and natural resources (Kiage, 2019). Therefore, the loss of traditional knowledge and practices among the Ogiek people is a significant human security concern.

The findings of this study are mirrored in a study by Tenjei *et al.* (2022) who defines the original cultural practices of the Ogiek as hunting, gathering and trade. The writers describe that these major cultural activities have suffered erosion from the constant evictions of the Ogiek community including the anti-poaching ban imposed on the Ogiek in a bid for conservation efforts. In the focus group discussions, the respondents unanimously agreed that there has been a cultural erosion in the Ogiek community since the first eviction in 1932. One of the village elders said the following:

The main aim of the colonial leadership evictions of the Ogiek community was to promote modernization of the community. To begin, the government at that point in time attracted the Ogiek to their churches where missionaries were situated. Few individuals were enticed by the modern medication of the white man including their unique spices and foods offered freely in the schools and other mission centres. This was the beginning of the loss of the Ogiek culture. People who came up from these meetings carried with them potato seedlings and maize seeds that would introduce farming in a community largely known for trading. These people also came back with more advanced methods of acquiring food through land tillage which became an option to the hunting lifestyle of the Ogiek community. The colonial introduction of modernity into the Ogiek



community was inevitable despite the opposition by elders of the community (FGD, village elders, 24<sup>th</sup> November, 2022).

The writers Nderitu & Omosa (2018) further show how the missionaries eroded the culture of the Ogiek people through the religious point of view. The Ogiek people were introduced to a new deity and the ancestors to whom they prayed were considered obsolete by this new religion. This reformed the belief of the individuals in the community who shunned the traditional system as cultist and that the fundamentals were all lies. The sacred places and the ancestral worship places and shrines in the community became obsolete due to the introduction of this new religion in the community. These arguments are further cemented by the findings of this study where a majority of the respondents in the demographic data came out as Christians instead of the traditional religion. During the FGD, an elder who happened to be also a leader of the OPDP showed a major concern of the abandonment of the Ogiek cultural ways as a major cause of the evictions.

There were cases of intermarriages with the neighbouring community after the exposure of the community to their neighbours in 1932. These intermarriages brought in a new lifestyle to the Ogiek people and instead of hunting, gathering and bee keeping, they became devoted livestock keepers, farmers and expanded their trades. These new activities led to the evolution of the community into a generation that had a strong desire for the new beautiful modern life thus abandonment of the traditional way of life in the forest. Due to the introduction of the Christian worship, some worship places were destroyed by these devotees and the community reliance on the ancestral blessings became compromised. The loss of our culture also saw the invitation of unknown diseases in the community. Diseases that were initially not present in the community such as typhoid were speculated as early as 1940. In a meeting organized by the government in 1972, the community members were classified as a danger to the forest because we had started taking up land to put up modern structures that contrasted our building methods. This led to the destruction of the forest and people would not even fear building next to the shrines. The Ogiek were lost and the forest paid back in full where the animals went away, it was becoming more and more difficult to get a kill. The robust medications also started depreciating

which was a way of the ancestors warning of the new culture. Had the Ogiek stood by our own principles, we would still have a healthy lifestyle in the forest (FGD, village elders, 24<sup>th</sup> November, 2022).

The report by Nderitu & Omosa (2018) outlines the effects of culture loss and assimilation of the Ogiek community. The first influence is the loss of the deep connection between the forest and the people. Initially the Ogiek had a deep cultural and spiritual connection to the forest and relied on it for their livelihoods, as well as for their physical and cultural survival. This loss of a spiritual connection manifested as mental problems and economic problems including having to develop new forms of livelihood such as farming. The loss of culture also did impact the forest. The conservation efforts of the community were now turned into clearing land for settlement, encroaching boundaries for building, and even destruction of the wider forest ecosystem.

### **5.7.3 Separation from Family**

Families are important because they provide individuals with a sense of belonging and support. Families can offer emotional, financial, and physical protection and can help individuals to feel loved and valued. Families can also provide a sense of identity and can pass down cultural traditions and values from one generation to the next. In addition, families can be a source of encouragement and can help individuals to develop important life skills and coping mechanisms. In a bid to define the effects of the Mau evictions on the human security of the Ogiek people, this study sought information on the separation from family as an effect of the Mau evictions on the Ogiek community and that of their neighbours. In this study, 88% of the respondents agreed to the research statement while 12% had conflicting ideas.

Separation from family is a significant issue that affects the human security of individuals and communities, particularly in situations of evictions. The human needs theory suggests that one of the fundamental needs of humans is the need for social connections and belongingness. Separation from family members can lead to social isolation, which can have adverse effects on mental health and well-being of an individual. In addition, separation from family members can also result in economic insecurity, as individuals may lose their support systems and means of livelihood.

A study conducted by the Internal Displacement Monitoring Centre (IDMC) in 2019 found that forced evictions resulted in separation from family members for more than half of the internally displaced persons (IDPs) surveyed. The study notes that separation from family members can cause trauma and stress for individuals and can have long-term effects on their mental health. Similarly, a study by the Norwegian Refugee Council (NRC) in 2017 found that separation from family members was one of the most significant concerns for IDPs, particularly children, in conflict-affected areas. The study highlights the importance of family reunification programs in mitigating the negative effects of separation on IDPs.

The public interest theory sheds light on the issue of separation from family in the context of evictions. The theory suggests that the state's actions and policies during the eviction process can impact the extent to which families are separated (Kiage, 2019). If the state prioritizes the public interest and ensures that adequate notice and compensation are given to the evicted community, families are less likely to be forced to separate in search of new livelihoods and shelter. However, if the state fails to prioritize the public interest and uses excessive force or violence during the eviction process, families may be separated as individuals flee for their safety. Therefore, the public interest theory highlights the

importance of balancing the interests of the state with the interests of the evicted community to minimize the negative impact on families.

The findings of this study reflect the findings of Adhiambo (2016) who was investigating the effects of the evictions on the Ogiek community. In her study, the writer defines that 90% of her respondent population could not trace back the existence of their extended families who they were separated from. The writers describe the lonely lives of the individuals in the community who lost their parents and other family members in the evictions. Further during an FGD, village elder narrated a sombre state in the community as families lost beloved ones through physical separation or death. He said:

A neighbour lost a husband in the evictions. I am one of the members of the community who are fighting for the rights of women who are suffering from all these happenings. That a widow narrated to him that, it was the night of the evictions in 2002, where family were sound asleep and the night was still young. That she heard a loud bang just next to the house followed by noise and war screams. She looked at her partner who was sound asleep but realized he was not moving. She tried waking him up but he was silent. Then saw blood that was flowing towards the beddings of the children. All the 4 children were quite awake and were confused with the little one crying out. That she knew she had lost her man and it was a moment to protect the children. Before she could make a step the grass thatched roof of the house was already on fire. She was forced to flee with the children into safety (FGD, village elders, 22<sup>nd</sup> November, 2022).

Another respondent who lost their family after the evictions gave the following testimony:

The last time I saw my brother and his family, we had decided to take separate routes because the government was on our necks and we had no lace or enough resources to accommodate the whole family caravan which included more than 20 souls, we separated on the basics and extended family basis where each of us led 10 people with the hope of finding someone who would agree to accommodate us. I was lucky to have found a Maasai elder who was concerned about the welfare of my community members. He welcomed me and my family into his home and until today we live as a family. For my brother and the other portion of the family we haven't seen one another close to 2 decades now and every effort I make at tracing them has been very

unsuccessful. There's a part of my heart that went away with them and that hole is still vacant. I always seek the ancestors' protection for my brother and the family that I lost every time I kneel down to pray (FGD, village elders, 24<sup>th</sup> November 2022).

As outlined by Ochieng *et al.* (2016), the writers describe that the Ogiek families were forced to move into different locations cutting family ties and connections. The study also found that the trauma and stress caused by the evictions had a negative impact on the mental health and well-being of Ogiek individuals, making it more difficult for them to maintain relationships with family and friends. Further, the writers outline that the daily life struggles of the evictees including pursuit for food, shelter and sanitation has had a negative impact on the community's basic family setup where everyone is competing for the limited resources. Chepkonga *et al.* (2020) also defines that many Ogiek individuals reported feeling isolated and disconnected from their families and communities as a result of the evictions. The authors suggest that this may be due to the disruptions caused by the evictions, including the loss of stable housing and access to social resources.

#### **5.7.4 Safety Concerns in the Community**

From the study data, all the respondents reported feeling unsafe in the community. Through a questionnaire response 100% (384) respondent household heads recorded feeling insecure in the community. The results of this study are in agreement with the discussions in the report by ACC (2019) which outlines that the Ogiek community has faced a number of challenges that have made them feel unsafe in their own community. These include government evictions, ongoing conflict in the region, and discrimination and marginalization from wider society. These issues have had a significant impact on the Ogiek's sense of security and well-being. The report further gives outlines of the safety

fears of the Ogiek including the fear of their own government. The report outlines that even though the government's efforts are aimed at preserving the forest, they have had a negative impact on the Ogiek, who depend on the forest for their livelihoods. The evictions have been met with resistance from the Ogiek, who have protested and sued the government over the matter.

Further the report notes that in addition to insecurity from evictions, the Ogiek have faced discrimination and marginalization from the wider Kenyan society. They have historically been discriminated against due to their indigenous status and have often been left out of decision-making processes that affect their lives. This has contributed to their feeling of being outsiders of mainstream society and not being fully accepted or protected by the government. These arguments are further outlined during the FGDs in this study. One of the key informant, had the following observations.

Mishandling the process of the Ogiek evictions will cause the Ogiek to turn militant to other communities and the government itself. The government should find a way to accommodate the Ogiek by settling them in arable lands like Mau-Narok and Molo, where the government owns large pieces of land. The government should never lose sight of the environment and the people at large. The forest should be protected as well as the residents (Interviews, NGO head, 19th December, 2022).

Another NGO head said the following:

The government should not use force and intimidations in evicting the Ogiek from the Mau complex. Instead, the government should not be evicting the Ogiek people. The Ogiek community should be involved in the rehabilitation of the Mau Forest. They should be guarded just like other citizens and given the support they need to guard the forest. They have been the forest keepers since time immemorial (Interviews, NGO head, 14<sup>th</sup> November, and 2022).

According to Adhiambo (2016), the importance of feeling safe as a community cannot be overstated, and this is especially true for the Ogiek people in Kenya. The Ogiek have faced

a number of challenges that have made them feel unsafe in their own community, and addressing these issues is crucial for the well-being and prosperity of the Ogiek people. Ensuring that the Ogiek feel safe is essential for their fundamental human rights, social cohesion, economic development, cultural preservation, political participation, and overall well-being of the people. It is important that the government, civil society, and the wider community work together to address the challenges facing the Ogiek and ensure that they feel safe in their own community. The writer further concludes that it is imperative that the government and the wider community take steps to address the issues facing the Ogiek and ensure that they feel safe in their own community. The steps may involve supporting the Ogiek in their efforts to preserve their traditional way of life, advocating for their rights, and working to reduce conflict and discrimination in the region.

## **5.8 Chapter Summary**

This chapter was discussing the effects of Mau forest evictions on human security of the Ogiek community which is the second objective of this study. The findings area proof that the Ogiek community have faced several influences of the evictions including deaths, injuries, destructions of homes, shelters, source of income, farms and crops, killing of livestock, illnesses caused by extreme weather, lack of proper sanitation, increased sexual and gender-based violence, disruption of schooling, lack of proper leadership representation, loss of culture, separation from family, loss of income and increased human-wildlife conflicts which have all threatened the basic security and safety of individuals in the community. The next chapter of this study, chapter six, presents the results and discussions of objective three of the study; the challenges and opportunities in the Mau Forest evictions.

## **CHAPTER SIX**

### **CHALLENGES AND OPPORTUNITIES RESULTING FROM MAU FOREST EVICTIONS OF OGIEK COMMUNITY**

#### **6.0 Introduction**

This Chapter presents results and discussions on the challenges and opportunities resulting from evictions of the Ogiek community from the Mau Forest. On the challenges, the study looks at the challenges faced by both the Ogiek and the government. Similarly, on opportunities, the study examines the opportunities that are evident to the Ogiek community and the government as a result of the evictions.

#### **6.1 Challenges Faced by Ogiek as a Result of Evictions**

The study, as stated above, sought to assess the challenges faced by the Ogiek community as a result of evictions. The challenges are the difficulties that the Ogiek have faced that are not directly touching on their human security. The results from the questionnaires are outlined in Table 6.1.



**Table 6.1: Challenges faced by Ogiek as a result of Evictions**

	Agree	Disagree	Don't know
Integration	100%	0%	0%
Communication	100%	0%	0%
Governance and administrative	100%	0%	0%
Legal	98%	1%	1%

**Source: Field Data (2023)**

The results in Table 6.1 show that the Ogiek face four challenges due to the evictions, with all categories ranking highly in terms of agreement among the respondents. These are Integration (100%), Communication (100%), Governance and administrative (100%), legal (98%) .

**6.1.1 Integration challenges**

The findings revealed that the evictions have presented significant challenges to the community, particularly in the dimension of integration. The Ogiek people have a long-standing history of occupation and utilization of the forest, and their eviction has resulted in displacement from their homes. This has led to an increase in conflicts between the Ogiek and other communities, as they compete for resources and land outside of the forest. During the focus group discussions, a village elder confirmed these findings and stated as follows;

I can attest to the challenges faced by the household heads in my community. Many families have been forced to leave their homes in

the forest and have resettled in areas where they do not have traditional land rights. This has resulted in conflicts with other communities over land and resources, which has led to violence and insecurity. Parents are worried about the safety of their families and the future of their children, as they struggle to find a new source of livelihood. I have lived in this community for many years, and I have seen first-hand the impact of the evictions on our people. We used to live in the forest, and we had everything we needed there. But now, we have been forced to leave, and we are struggling to survive. Our children are no longer able to go to school, and we cannot afford basic needs like food and medicine. We are constantly worried about our safety, as we have to compete with other communities for resources. (FGD, village elders, 24<sup>th</sup> November, 2022).

These findings are consistent with Maslow's hierarchy of needs where human needs are arranged in a pyramid form, with basic physiological needs at the base, followed by safety needs, love and belonging needs, esteem needs, and finally self-actualization needs. When individuals are deprived of their basic needs, such as food, shelter, and safety, they are more likely to engage in conflict to protect these needs. This is particularly relevant in the context of the Ogiek evictions, where households have been deprived of their traditional livelihoods and are struggling to meet their basic needs.

### **6.1.2 Communication challenges**

The findings reveal communication as a big challenge. The data showed that 100% of the respondents agreed that communication was a significant challenge. This implies that the community was not adequately prepared for the evictions, and the government did not provide sufficient communication channels to address the community's concerns. Communication challenges may have led to misinformation, misunderstandings, and lack of coordination, which further exacerbated the challenges faced by the community. During the focus group discussions, a village elder confirmed this finding and stated:

Communication challenges were a significant issue during the evictions. We were not aware of the government's plans, and there was no proper communication about the eviction process. This lack of communication made us feel helpless and frustrated, and we were unable to take appropriate measures to protect ourselves and our property (FGD, village elders, 22<sup>nd</sup> November, 2022).

The human needs theory posits that communication is an essential need for human beings, and it plays a crucial role in satisfying other needs such as safety, security, and social belonging. In the case of the Ogiek community, communication challenges led to a lack of access to essential information, which affected their ability to meet their basic needs. This finding is consistent with an external study by Holtzhausen and Zerfass (2019), which found that effective communication is critical in addressing social and environmental challenges. The lack of communication channels during the evictions may have contributed to a breakdown in trust between the Ogiek community and the government. According to a study by Tshuma and Ncube (2021), trust is a crucial factor in building sustainable relationships between communities and governments. The lack of trust can lead to further marginalization, which may hinder the community's ability to access essential resources and services.

### **6.1.3 Governance and administrative challenges**

Governance and administrative challenge appeared as a top challenge, with a 100% agreement rate among the respondents. And during the focus group discussions, a village elder confirmed these findings and stated the following to show a reflection of the frustrations and grievances felt by the Ogiek community, which has been struggling to protect their rights for years.

Lack of clear policies and proper governance structures is the primary reason for the challenges experienced by the Ogiek community. The

government's lack of clear policies and accountability mechanisms has resulted in the eviction of our people from their ancestral lands, which has caused significant harm to our way of life (FGD, village elders, 23<sup>rd</sup> November, 2022).

A study conducted by the United Nations Development Programme (UNDP) in 2018 found that good governance is essential for sustainable development. The study emphasized the importance of transparent and accountable governance structures that prioritize the needs of marginalized communities. Lack of such governance structures in the case of the Ogiek community has resulted in significant challenges, as highlighted in the current study. Another study conducted by the World Bank in 2020 identified the challenges faced by indigenous communities, including discrimination, exclusion, and marginalization. The study highlighted the need for policies and governance structures that respect the rights and needs of indigenous communities, ensuring their participation in decision-making processes that affect their lives. The findings of this study align with the challenges experienced by the Ogiek community due to the lack of clear policies and governance structures that prioritize their rights.

#### **6.1.4 Legal challenges**

The study established that there were legal challenges facing the Ogiek community. 98% of the respondents had faced legal challenges. During the focus group discussions, a village elder stated the following in confirmation to the findings:

We have faced many legal challenges, and this has caused us a lot of pain and suffering. We have been in and out of court, trying to get justice for our people, but it has been a long and difficult process (FGD, village elders, 24<sup>th</sup> November, 2022).

The findings are consistent with a study conducted by Akinyi and Okello (2021) on the legal challenges faced by indigenous communities in Kenya. The study found that legal

challenges, such as lack of legal representation and inadequate access to justice, were significant challenges faced by indigenous communities in Kenya. This link highlights that the Ogiek community's legal challenges are not unique to them but are part of a broader problem that indigenous communities in Kenya face.

## **6.2 Challenges faced by the government as a Result of Evictions**

The study explored the challenges faced by the government due to the evictions. This was done through interviews and FGDs. The challenges include legal and policy; socio-economic challenges, and humanitarian as well as health.

### **6.2.1 Legal and Policy Challenges**

Under the legal and policy challenges, the study found that the government faced various challenges due to the lack of clear policies, failure to adhere to national and international laws, and failure to implement court orders and recommendations on the eviction process. Lack of clear policies on eviction of forest communities was number one among the legal challenges that the government faced. A KFS officer said the following during an interview:

As a government representative, I acknowledge that the lack of clear policies on the eviction of forest communities has been a challenge. However, it is important to note that the government has made efforts to address this issue. For instance, the government has developed the Community Land Act, which seeks to recognize and protect community land rights. The act provides a legal framework for the recognition and protection of community land, which includes forest lands. In addition, the government has established the National Land Commission, which is mandated to address issues of land ownership, use, and management, including forest lands (Interview, KFS officer, and 7<sup>th</sup> December, 2022).

Furthermore, the failure to adhere to national and international laws protecting the rights of indigenous communities was another challenge. Additionally, the failure to implement court orders and recommendations on the eviction process was a challenge. A representative from the joint force committee said the following during an interview:

I agree that there have been challenges in adhering to national and international laws protecting the rights of indigenous communities. However, it is important to note that the government has taken steps to address this issue. For example, the government has ratified international human rights treaties, which obligate the state to protect the rights of indigenous communities. In addition, the government has established various institutions such as the National Cohesion and Integration Commission, whose mandate is to promote and protect human rights and prevent discrimination (Interviews, KFS, and 7<sup>th</sup> December, 2022).

Notably, the rights and freedoms of the indigenous communities are deeply entrenched in both international and national legal instruments. However, despite the existence of these instruments, the government of Kenya continues to act in disregard to some of the provisions enshrined in these instruments. Consequently, it has been observed that the continued eviction of thousands of indigenous communities from the forested areas contravenes a range of human rights embodied by the international legal instruments to which Kenya has consented (Tiony, 2016). These treaties include but are not limited to the International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966), the African Charter on Human and People's Rights, and the International Covenant on Civil and Political Rights (ICCPR, 1966). This was emboldened during an interview with the key informant who had this to say;

Kenya is a party to several international legal instruments that protect against forceful eviction. Ideally, it should adhere to this provision and uphold the rights of indigenous communities like the Ogiek. On the contrary, the government in pursuit of its selfish interest has acted in total disregard of these instruments.

Specifically, it has denied the Ogiek right to adequate housing, right to legal redress, and right to compensation among others. This was justified by Ogiek's decision to petition the government to the African Court of Human and People's Rights, which the Court identified blatant violation of fundamental human rights that should be enjoyed by Ogiek. Unfortunately, despite that landmark ruling, the government is yet to treat the community with respect (Interview, UNEP Representative, and 13<sup>th</sup> October 2022)

This assertion was supported by another key informant who had this to say;

You see, the government is a party to various legal instruments that protect against forceful eviction. It is expected that it should domesticate such laws and embed them in the domestic laws. Indeed, it has tried to domesticate them but a lot needs to be done since it is still constrained by a lack of clear eviction policies. The government should utilize this challenge by strengthening the existing national policies and laws that guide eviction. By so doing, it will magnify its international image as a law-abiding country (Interview, KFS officer, 19<sup>th</sup>, December, 2022).

The challenge of disregard to the court orders by the government was reaffirmed by the following key informant who had this to say;

The Kenyan government has never taken seriously the Court orders that seek to address the plight of the Ogiek. It has acted in total disregard to the orders. For instance, recently, the African Court of Human and People's Rights issued a landmark judgment that largely sided with the Ogiek. Among the directives were the immediate cessation of forceful eviction of the Ogiek community, compensation for the damages caused during eviction as well as safeguarding their fundamental rights. Instead of adhering to such powerful orders, the government remains reluctant to execute these orders despite the pressure from human rights activists as well as other relevant stakeholders. This culture of impunity has worsened the Ogiek's condition and is high time the government should refrain from such uncalled acts and address the plight of the indigenous groups, particularly the Ogiek. Again, the government has limited options but to redeem itself from the blames that emanate from the relevant stakeholders. In so doing, the government will be strengthening the existing governance structures like the judiciary that are embedded in the democratic culture. Ultimately, this will strengthen our fragile democracy (Interview, UN-Habitat Representative, and 13<sup>th</sup> October 2022).

### 6.2.2 Socio-economic Challenges

The government as a result of evictions is constrained by the wider socio-economic ramifications that characterise such eviction. From the onset, the government seeks to protect the forested areas from human settlements and encroachment. A lot of resources including finances and manpower are set aside to achieve this goal. Consequently, it runs additional cost of operation since it has to relocate the evictees to different areas through the initiation of a resettlement program, reintegrating them to their new homes, providing them an enabling environment to secure their livelihoods, providing them with necessary basic needs including shelter, food and water as well as granting them new homes. These among others require a huge amount of money to effect and it remains a challenge to the government. Again, oftentimes, the government is faced with several resistances from the evictees who are reluctant to vacate their ancestral lands. Consequently, enforcement officers sometimes lose their lives as a result of brutal confrontation that emanates from the resistance. One of the government officials had this to say during the interview;

Most people are acutely aware of the socioeconomic challenges that characterise the eviction process with a lot of emphasis placed on the evictees. The evictees indeed faced several challenges that are socioeconomic. Nothing much is mentioned of these challenges on the government side. I want to assure you that the government too is challenged by the eviction process, most significantly is the dilemma that arises from the need to relocate and where exactly should the relocation be. Besides, the relocation headache is the reintegration program which is even much costly. Am working here as an enforcement officer and trust me as a representative of the government, we undergo numerous challenges. For instance, many of my colleagues have lost their lives during the eviction process, several are nursing injuries and since most of us hail from different ethnicities, we find it difficult to communicate effectively hence this is a great challenge to us (Interview, County Commissioner, 3<sup>rd</sup> November 2022).



This was reinforced during the focused group discussion with the council of elders.

As the representatives of the government, we are tasked with the facilitation of the implementation of government initiatives at the grassroots. As village elders we normally face harassment, brutal attacks and even being disowned by our people since they see us as traitors. Regarding this, some of us have to contend with psychological traumas and stress which have even caused the death of some of us. Again, it is expected that we should be treated with dignity since we are the ears and eyes of the government on the ground. However, this has not always been the case since most of us are living miserable lives, especially during the eviction process (FGD, Village elders, 23<sup>rd</sup> November 2022).

Additionally, some of the security officers in the area are challenged by the language barrier. This in most cases has inflicted misunderstanding between the evictees and these officers (Ocheje, 2007).

### **6.2.3 Humanitarian and Health Challenges**

Under the Humanitarian and Health Challenges, the study found that the respondents agreed that physical harm and injuries resulting from the eviction process were a significant challenge on the side of the government. The government is mandated to protect citizens from harm, thus, making them go through harm was a big challenge. Lack of access to basic healthcare and social services was also a humanitarian challenge. Psychological trauma and emotional distress also was a challenge as the government should protect the citizens against such, but not to expose them.

During an interview with a chief, he stated following:

As a community leader and a chief, we acknowledge the challenges especially those related to the humanitarian and health services. We recognize that the eviction process may have resulted in physical harm, loss of property, and displacement, leading to a lack of access to basic healthcare and social services. We understand that psychological

trauma and emotional distress are also significant challenges that need to be addressed urgently (Interviews, village chiefs, 12<sup>th</sup> October, 2022).

During an interview with one of the key informants, he had this to say;

Today, the realm of international law has witnessed steady growth, thanks to many complex issues that are emerging and need the attention of the states. In light of this, the issue of forceful eviction, especially in indigenous communities has gained global attention. Accordingly, we have witnessed the formulation of new laws that specifically protect indigenous communities. Regarding this, international humanitarian law can never be ruled out of the equation since it has been instrumental in addressing the humanitarian needs of the vulnerable population, especially indigenous groups. It demands the states treat with humanity the vulnerable group. On the contrary, most of the states, Kenya included tend to ignore the provisions of this law since they subject vulnerable populations to inhumane treatment. Unfortunately, in the case of the Ogiek, the Kenyan government has acted selfishly and with disrespect to international humanitarian law. This in turn has created a lacuna for immense humanitarian challenges that bedevil the community. Moving forward, I hold the view that the Kenyan government should redeem itself by acting in good faith in the execution of the aforementioned component of international law (Interview, NEMA Director, and 22<sup>nd</sup> November 2022).

Notably, the government saw this challenge as an opportunity as was asserted by the senior official from the national government who acknowledged the weakness of the government in abiding by the principles of humanitarian law. However, he noted that the government has strived to abide by the rules and norms that protect against forceful eviction and that the criticisms were just but a challenge to the government to strengthen the existing laws and improve them for the betterment of the indigenous communities. He noted the following;

The government is at a crossroads since it is faced with the pursuit of self-interest at the expense of the existing international norms and rules. Kenya has tried and is a party to various international legal instruments that protect against violation of human rights. I am acutely aware that the government has faced numerous criticisms in the wake of the Ogiek eviction. You know, the idea behind eviction is to mainly protect our indigenous forest against extinction. It is a painful realization but we have to do it. However, I acknowledge

that there is an urgent need for the government to reconsider the utility of international laws when handling vulnerable populations. Currently, the government has learned from its failures and is working tirelessly to improve on its weakness. I know this is possible and achievable (Interview, Director NEMA, and 22<sup>nd</sup> November 2022).

The inhumane treatment was echoed during the focused group discussion.

Denial of basic needs by the government has been normalized in this area. Imagine I was seriously injured during the eviction and when I resorted to medical attention, I didn't receive proper medical care. Again, after eviction, some NGOs and well-wishers thought it wise to provide us with clothes, shelter, and water. However, some of these pieces of stuff *zilipotea Kwa hewa* (...got lost in the air). We were told that we can't receive some of these goodies as some powerful persons had said so (FGD with village elders, 23<sup>rd</sup> November 2022).

This was magnified by an official from a Non-governmental Organization that was operating from the area. He had this to say;

Oftentimes, we find it extremely difficult to access the evictees owing to numerous complex challenges including road blockades, constant attacks on the humanitarian workers, and much worse the clash between the NGOs operating in the area the security personnel. This was also a challenge faced by some government officials (Interview, NGO representative, 6<sup>th</sup> December, 2022).

### 6.3 Opportunities experienced by Ogiek as a result of Evictions

The study identified some opportunities on the side of the Ogiek as a result of evictions. The opportunities are grouped into six: economic, social, environmental preservation, educational, political, and cultural opportunities. The findings as captured in Table 6.2 highlight the various opportunities that are there for the Ogiek community as a result of the evictions.

**Table 6.2: Opportunities experienced by Ogiek as a result of Evictions**

	Agree	Disagree	Don't know	Opportunity
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				Rank
<b>Economic opportunities</b>				
Potential for compensation or reparations for land loss	72%	21%	7%	1
Increased opportunities for entrepreneurship and small business development	70%	18%	12%	2
Access to new land for cultivation or grazing	70%	25%	5%	2
<b>Social opportunities</b>				
Increased social cohesion within the Ogiek community	68%	31%	1%	1
Increased awareness and support from the broader public for Ogiek rights and issues	62%	32%	6%	2
Potential for increased engagement and partnerships with government and other stakeholders	58%	37%	5%	3
<b>Environmental preservation opportunities</b>				
Potential for restoration and conservation efforts in the Mau Forest	65%	32%	3%	1
Increased involvement and participation in sustainable resource management practice	63%	36%	1%	2
Potential for increased tourism opportunities	61%	33%	6%	3
<b>Educational Opportunities</b>				
Increased access to education for Ogiek youth	64%	35%	1%	1
Potential for development of Ogiek-specific education programs and curriculum	63%	36%	1%	2
Potential for increased awareness and education for non-Ogiek populations about Ogiek culture and history	63%	36%	1%	3
<b>Political Opportunities</b>				
Potential for increased representation and participation in government and decision-making processes	62%	37%	1%	1
Increased attention and support from international organizations and governments	61%	39%	0%	2
Potential for increased advocacy and lobbying for Ogiek rights and issues at national and international levels	60%	37%	3%	3
<b>Cultural security</b>				

Preservation of Ogiek cultural heritage	61%	38%	1%	1
Increased visibility and recognition of Ogiek culture	61%	39%	0%	2
Strengthening of community bonds	60%	38%	2%	3

**Source: Field data (2023)**

### 6.3.1 Economic Opportunities

In terms of economic opportunities, the study found that the majority of respondents agreed that the evictions had increased opportunities for entrepreneurship and small business development (70%). Additionally, there was potential for compensation or reparations for land loss (72%) and access to new land for cultivation or grazing (70%). These results suggest that the evictions have had both positive and negative effects on the economic opportunities of the Ogiek people.

During the focus group discussions, one of the village elders said;

We have been able to engage in small businesses that were not possible before the evictions. We have started selling firewood, charcoal, and other goods that are in high demand. We have also started small farms where we grow crops for our own consumption and sale to neighbouring communities. This has helped us to sustain our families and create employment opportunities for the youth. We have received some compensation for the land that we lost, but it was not enough to cover all the damages. We are still struggling to find new grazing land for our livestock, and this has affected our traditional way of life (FGD, village elders, 24<sup>th</sup> November, 2022).

These findings are consistent with a study by Bird *et al.* (2012), which found out that land reform and restitution are key factors in achieving economic security and poverty reduction for indigenous communities. The study emphasizes the importance of recognizing indigenous land rights and providing access to land for cultivation and grazing, which can lead to increased food security and income generation.



**Plate 6.1: Researcher and a Bee Farmer**

**Source: Field data, 2022**

### **6.3.2 Social Opportunities**

Concerning social opportunities, the study found that the evictions had increased social cohesion within the Ogiek community (68%). Moreover, there was increased awareness and support from the broader public for Ogiek rights and issues (62%), and there was potential for increased engagement and partnerships with government and other stakeholders (58%). These results suggest that the evictions have created opportunities for the Ogiek people to build stronger social networks and relationships.

As a leader in the community and a member of the OPDP, I can say that the increased social cohesion within the Ogiek community is a positive outcome of the evictions. We have come together as a community to support each other in ways we never did before. We have started community projects such as building a school and a health centre. We have also started sharing our resources and skills to help those who were affected the most by the evictions. Before the evictions, we were scattered and did not work together as a community, but now we have become stronger and more united. The increased awareness and support from the broader public has also been helpful. We have received support from NGOs and other organizations that have helped us in our struggle to regain our land. We have also received support from individuals who have donated resources to help those affected by the evictions. This support has been encouraging and has given us hope that we can achieve justice for our people (FGD, village elders, 24<sup>th</sup> November, 2022).

These findings are consistent with a study by Ryan and Deci (2017) on the human needs theory, which posits that humans have three basic psychological needs: autonomy, competence, and relatedness. Autonomy refers to the need to feel in control of one's own life, competence refers to the need to feel effective and capable in one's actions, and relatedness refers to the need to feel connected to others. The increased social cohesion and support from the broader public observed in the Ogiek community after the evictions can be seen as addressing the relatedness need, which in turn can contribute to the fulfilment of the other two needs.

Moreover, the potential for increased engagement and partnerships with government and other stakeholders (58%) is promising as the elder stated:

We hope that the government will recognize our rights to our ancestral land and work with us to find a solution that is fair and just. We are willing to engage with the government and other stakeholders to find a way forward. We believe that by working together, we can find a solution that benefits everyone (FGD, village elders, 24<sup>th</sup> November, 2022).

These findings are also consistent with a study by Chaudhri (2021) on the importance of stakeholder engagement in natural resource management. The study found that stakeholder engagement can improve the management of natural resources and can lead to sustainable outcomes. The potential for increased engagement and partnerships with government and other stakeholders observed in the Ogiek community after the evictions can be seen as a step towards improving natural resource management in the Mau Forest and promoting sustainable outcomes.

### **6.3.3 Educational Opportunities**

The study found that the evictions had the potential of increasing access to education for Ogiek youth (64%). Moreover, there was potential for the development of Ogiek-specific education programs and curriculum (63%) and potential for increased awareness and education for non-Ogiek populations about Ogiek culture and history (63%). These results suggest that the evictions have created opportunities for the Ogiek people to learn more about their culture and history and to benefit from education.

During the focus group discussions, one of the village elders confirmed the findings of this study.

We have seen more of our children enrolling in school since the evictions. Before, we had to travel long distances to access schools, but now there are schools closer to us. This has made it easier for us to educate our children (FGD, village elders, 23<sup>rd</sup> November, 2022).

The elder also mentioned that the evictions had sparked interest in developing education programs that catered specifically to the Ogiek community.

We have always felt that our children were not learning enough about their culture and history in schools. Now that we have more access to education, we can develop programs that incorporate our culture and history into the curriculum. This will benefit not only the Ogiek



community but also non-Ogiek populations who will learn about our way of life (FGD, village elders, 24<sup>th</sup> November, 2022).

These findings are consistent with a study conducted by Chefor *et al.* (2021) on the impact of displacement on education in India. The study found that forced displacement had a negative impact on education but also created opportunities for education programs that incorporated the culture and history of the displaced communities. Similarly, the evictions in Mau Forest not only created challenges for the Ogiek community but also created opportunities for education programs that can incorporate Ogiek culture and history.

This agrees with a study by Chepkonga *et al.* (2020) on the role of education in promoting social cohesion that found that education can promote social cohesion by increasing understanding and appreciation of different cultures. The potential for increased awareness and education about Ogiek culture and history can promote social cohesion between the Ogiek community and non-Ogiek populations.

#### **6.3.4 Political Representation**

The study found that the eviction of the Ogiek has the potential of creating political opportunities for the community. The Ogiek people are able to increase their representation and participation in government and decision-making processes, as well as receive increased attention and support from international organizations and governments. There was also potential for increased advocacy and lobbying for Ogiek rights and issues at national and international levels.

During the focus group discussions, one of the village elders, said:

We were never consulted before the eviction. But now, we have been recognized, and our leaders have been invited to speak in government meetings. We are also receiving more attention from international

organizations, which is making our voices heard at the international level. This has given us hope for a better future (FGD, village elders, 21<sup>st</sup> October, 2022).

Research by Cherotich (2022) supports the findings of this study, demonstrating that political empowerment is essential for the security and well-being of indigenous peoples. The study found that political empowerment leads to greater control over resources and decision-making processes, which can enhance community resilience and well-being. Similarly, a study by Chepkonga *et al.* (2020) showed that political empowerment is essential for promoting human development and reducing poverty. The study further highlights that political empowerment is a key driver of human development and well-being, underscoring the importance of political opportunities for the Ogiek community.

#### **6.4 Opportunities experienced by the government as a Result of Evictions**

This study aimed at identifying opportunities the government has due to the evictions. The results of the study were obtained through interviews with key informants.

##### **6.4.1 Land use and development**

Under the Land use and development, the study found out that there are three prominent opportunities. The first one is the development of infrastructure projects, such as roads or dams, which might have been impeded by the Ogiek community's land use practices.

The Deputy County Commissioner captured this in an interview by saying the following:

I believe that the eviction of the Ogiek community presents an opportunity for development in the region. We can now undertake infrastructure projects such as roads and dams that were previously impeded by the Ogiek's land use practices. This will improve connectivity and access to markets for the region's residents. The creation of new commercial or agricultural opportunities for non-Ogiek individuals or companies who can now access the land

previously occupied by the Ogiek will also boost economic growth in the region. The increased revenue generation through increased tax collection or other forms of resource extraction presents an opportunity for the government to finance development projects in the region (Interviews, Deputy County Commissioner, and 3<sup>rd</sup> November, 2022).

In another interview one of the KWS Officers depicted how the eviction of Ogiek is an opportunity to the surrounding communities and Kenya in general. He said:

The government is already planning on how it will establish a dam within the forest which can be used to harvest water to be used for farming and other domestic uses. This is a great opportunity for the farmers who mainly depend on the rain in their farming which sometimes disappoint them. The construction process will also involve labour which will be sourced from this area thus boosting the community economically. Such opportunities could not have been realized were it not for the eviction of the Ogiek (An interview with KWS Officers on 18<sup>th</sup> October 2022).

The present day is characterized by an era of widely expansive infrastructural development. Majority of these infrastructural projects have however resulted to numerous adverse effects that are bound to cause future as well as present forest loss. The projects have been inclusive of but not limited to dams, canals, roads, railways, and ports (Haller *et al.* 2022). However, it is stipulated that the expansion and development of infrastructure can take place simultaneously with the mitigation of the adverse social and environmental effects bound to occur. The aspect is a vital one in the general development of nations via such projects in the forested areas. An epitome of this is the Mau Forest with the evacuation of the Ogiek community.

Infrastructural development plays a vital role in any nation. It is an aspect that promotes economic growth by enabling such practices as trade, empowering businesses, and enhancing the connection between workers and their workplaces or jobs. Further, it creates many opportunities for citizens (Campbell *et al.* 2022). The eviction of the Ogiek from the

Mau Forest has thus been of great importance to the government's establishment of infrastructure in the area. Their departure from the forest has provided a great opportunity for the government's ardent need to develop projects that are crucial for the developmental use of land. The opportunity is exhibited in various ways including the impediment that would have been present had the Ogiek continued to reside in the forest.

During an interview, an officer from the KFS officer stated the following concerning this opportunity;

The removal of communities from the Mau Forest provides an opportunity of great importance to the Kenyan government. It is an opportune time for the government to grab this opportunity to develop such projects as dams and roads using measures that ensure minimal harm to the environment as they improve the country's economic status. This is an important venture that will enhance the use of the land together with its development. So being the case, there is need for the citizens to support the government in the process of improving land usage for the benefit of all (Interview with an officer from KFS, 20<sup>th</sup> December, 2022).

The views were supported by a UNEP representative who articulated the following;

With the evacuation of communities who previously resided in the Mau Forest, it is necessary for the Kenyan government to seize this opportunity and develop infrastructural projects in the areas left. There are numerous ways through which these activities can be carried out while ensuring minimal damage to the environment. Such include the mitigation of all the ventures which are bound to cause further environmental pollution and degradation. With this in consideration, the government can use the evacuated land for such projects as roads, dams, and even railways (Interview with UNEP Representative, 13<sup>th</sup> October, 2022).

As such, the eviction of the Ogiek from the Mau Forest has paved way for the infrastructural development procedures vital for the growth of the country. In this case, the government has a conducive environment with which it can proceed in these activities without impediment from communities that would have been in residence in the forest.

The impediment could have resulted from the activities of these individuals including their agricultural practices (Singh, Venkatramanan & Deshmukh, 2022). With their presence in the forest, it would be impossible for the government to engage in the building of such projects as roads and dams. It is therefore vital for the Kenyan government to seize this opportunity with immediate effect to mitigate the negative effects that are already being witnessed as a result of activities that were previously ongoing in the forest.

More so, the eviction of the communities from the Mau Forest has created an opportunity for the government to engage in activities that generate more revenue for the nation. There have been many channels through which the government has garnered revenue, important for the developmental processes in the nation. For instance, the government imposes taxes on persons who carry out activities in the forest. The income that such persons gain from tree felling is taxed by the government either as capital gains or ordinary income (Sheko *et al.* 2023). The taxation has provided the government with a lot of funds which are sought for in the present economic times. The evacuation of the Ogiek from the Mau Forest has been key in ensuring that the government has primary control over the forest with minimal disturbance from the activities of the indigenous populations.

Furthermore, the government has earned revenue from the Mau Forest with the eviction especially through the forest revenue system. The forest revenue system is a policy which generally involves the sale of forest products and services. In management of forested areas, the system is used by governments to achieve the set goals. Most of the forest revenue is collected from the charges imposed on the process of production of major forest products especially those that are produced from forest plantations (Sheko *et al.* 2023). These include traditionally manufactured products such as wood pulp, lumber, wood, fruit,

medicines, newsprint, and other writing materials. In other instances, bush meat is of great concern in forest revenue.

An NGO head was in support of this, stating the following;

The evacuation of residents of Mau Forest is one vital step towards environmental conservation for the government. The evacuation has eradicated most of the aspects that have continuously led to the degradation of the Mau Forest and its environs. In addition, there has been great opportunity for the government to improve the country's economy via such factors as the forest revenue system. The system includes taxing individuals for the respective products emanating from the use of the forest plants. This system is a vital organ of the economic aspect of the country (Interview with NGO head, 19<sup>th</sup> December, 2022).

The idea was further supported by the Director NEMA who stated:

The eviction of the Ogiek from the Mau Forest is a sign of future hope for the revival of the ecology of this forest. There have been many opportunities that have resulted from these evictions and these have included the creation of informal job opportunities, an important aspect in revenue generation in the country. Together with taxation of forest products, the creation of job opportunities has enhanced the situation by limiting the number of unemployed individuals considerably (Interview with Director NEMA, 22<sup>nd</sup> November, 2022).

The generation of revenue from the Mau Forest also includes the creation of informal job opportunities. There are many unexploited opportunities from which a high number of individuals can be employed in the management of the resources present in such forests as the Mau. In this regard, the government has an opportunity to mobilize effort towards resource management in the Mau Forest which will be crucial in the provision of employment for the many individuals who seek the same (Dumenu *et al.* 2023). As such, the Mau Forest holds numerous reservoirs of economic value whose exploitation by the government is bound to enhance the revenue collection activities important for the economic growth of the country.

The evacuation of the Ogiek from this forest has further provided chance for the expansion of tourism activities in the area. Tourism is an activity that would have been hindered by the activities of the communities previously residing in the forest. Tourism will have positive impacts on the Mau Forest as such activities promote the maintenance and improvement of the structure of the forest. The government can earn more revenue from tourism compounded by the improvement of the forest's environment. With infrastructural development in the forest, there is the promise of increased tourism with subsequent economic growth as explained by Raihan (2023). The environment is an important aspect in tourism activities, be it natural or man-made. It is an essential part of all the processes involved in tourism.

During an interview a representative of the UN Habitat pointed out that;

There has been great opportunity for the government to promote tourism in the Mau with the eviction of indigenous communities. The activities of these communities in the forests would have been of great hindrance to the activities of the government in promoting tourism. However, the government should engage them in these activities as it works towards the improved tourist attraction in the region. Tourism is important for the nation. A lot of revenue for the government can be generated from tourist activities in the area. Many individuals can also earn from these activities for example through the sale of their cultural designs together with engaging in other activities (Interview with UN Habitat representative, 13<sup>th</sup> October, 2022).

The government thus has been presented with a great opportunity to manage the forest effectively to enhance tourism since the relationship between tourism is complex yet undeniable. With the improvement of tourism activities, more income is generated as the environment undergoes continued management (Telbisz *et al.* 2023). Tourism therefore helps to ensure a safer environment. The safety includes better protection of nature and other resources with the assurance of higher water quality. This is intertwined with the

development of infrastructural projects in the Mau Forest. Together with other services provided, tourism can generate a high income which can be invested in the environmental programs and the projects undertaken in infrastructural development by the Kenyan government.

According to a UNEP Report (2020), the development of infrastructure projects in forests can lead to environmental degradation, loss of biodiversity, and disruption of the livelihoods of indigenous communities. Additionally, the creation of new commercial or agricultural opportunities for non-indigenous individuals or companies can result in the exploitation of natural resources and the marginalization of indigenous communities (Claridge, 2017). Therefore, the eviction of the Ogiek community presents an opportunity for the government to prioritize sustainable development practices that take into account environmental conservation and the protection of indigenous people's rights.

Furthermore, according to a second study by Claridge (2018), the eviction of indigenous communities often results in a loss of cultural heritage and identity, which can have negative impacts on their mental and emotional well-being. The creation of new economic opportunities for non-Ogiek individuals or companies may also result in increased competition for resources and exacerbate conflicts over land use and resource access.

#### **6.4.2 Conservation Opportunities**

The evictions have presented a massive step towards the achievement of environmental conservation practices in Mau.

In an interview, a key informant stated the following in support of this notion;

There have been many ongoing activities in the interior of the Mau Forest. Most of these have been aimed at ensuring that people living



in the forest earn a living. However, the destructive effects that have emanated from the practices have been far reaching and of high intensity. Many individuals residing in the forest have been engaging in activities that deviate their intended purposes and end up resulting to severity of the pollution and harm caused to the forest environment. Their eviction has enabled to government to replant and ensure the commencement of practices aimed at maintaining the natural structure of the forest while mending and improving areas that had been affected (Interview with KWATA officers, 18<sup>th</sup> November, 2022).

The idea was further articulated by a KFS officer who stated the following;

It is worth noting that the evacuation of communities from the Mau Forest has been positive in many ways. These have included the promotion of environmental conservation practices. In this case, the evictions have given the government an opportunity to work on improving the forest's environment through such practices as replanting trees where they had been cut and educating the people living in the region around the forest on the important ways through which they can ensure that the forest is well taken care of and thus conserved. The government should also take this opportunity to ensure that it includes these people in its activities. More so, it has been an opportune time for the government to enforce environmental protection laws (interview with KFS officer, 21<sup>st</sup> December, 2022).

The evictions have as well provided the government with the opportunity to enforce environmental protection laws. There are many laws in the country governing the use of natural resources and conservation of the environment. In regard with the Mau Forest, there has been gross ignorance of these laws by the individuals residing in the forest as well as those involved in such activities as commercial ones. This being the case, the government has had the opportunity to enforce these laws in protection of the natural environment from pollution and further destruction as in Muigua's article (2023). The government is expected to enforce the laws present in such areas of the constitution as the National Environmental Act and other environmental protection regulations like Articles 69, 70, and 42 (Muigua, 2023). Full implementation of this will ensure that the forest is

adequately protected from pollution and other harmful practices carried out by humans such as inappropriate farming.

In an interview UNEP Representative said the following regarding environmental laws in Kenya;

Environmental laws are important in the conservation of the environment. These laws govern the use of natural resources and ensure that pollution and destruction of the environment is stalled or limited to the minutest levels. The laws protect the land, soil, air, and water. The Mau Forest evictions provide a great chance for the government to implement such laws as this would not be applicable with communities residing in the forest. The fines and jail sentences that the laws would sentence individuals conflicting with the regulations are important in ensuring that the environment is highly conserved. The environment is the basis for the existence of all living organisms on the planet thus necessitating conservation. The government should therefore seize the opportunity to ensure that the laws are enforced and followed to the latter for the success in the conservation of the Mau Forest (interview with UNEP Representative, 13<sup>th</sup> October, 2022).

The enforcement of environmental protection laws was also articulated by an official from the KWS officer who said that;

The environmental laws aim at protecting the environment and health of human beings as well as wild animals. The laws are focused towards ensuring a balance so that pollution is minimal and conservation is maximal. In that case, the evictions from the Mau Forest have given the Kenyan government a chance to execute the enforcement of environmental laws. With the forest free from communities carrying out activities that may conflict with the activities of the government in conservation, it is the rightful time for the government to fully take over the protection of natural resources including the air, land, soil, and water. The punishments for people violating these laws are crucial for the eradication of practices that promote the continued destruction of forests and the environmental pollution (interview with KWS officer, 18<sup>th</sup> November, 2022).

The presence of the Ogiek in the Mau Forest was a barrier to the enforcement of these laws. With the success in their eviction, the government can also achieve the enforcement

of environmental laws (Rao, Bhaskaran & Nagendra, 2023). Without the laws, it is impossible for the government to establish proper control of the use of natural resources in the forest. It should therefore be oriented towards their enforcement since the laws are present but not enforced fully. Collaboration with other stakeholders and communities residing in the region is important for the success of these activities.

The eviction from the Mau Forest, with regards to environmental conservation, has also paved a channel for the improvement of forest health through forest and ecological resilience. The term is broad and refers to the ability of a forested area to respond to disturbances and recover quickly with minimal effects by the resistance of damage (Cheer *et al.* 2023). The ability to undergo disturbance and reorganize can only be achieved with total collaboration of the government and the citizens together with other stakeholders in the conservation processes. The government can now enhance the ecological resilience of the Mau Forest since the threat of colliding with communities residing in the forests has been widely eradicated.

A key informant stated the following during an interview with regards to the opportunity for the government to improve ecological resilience for the Mau Forest;

There are many factors that promote the destruction of forests in this country. All of these lay their basis on activities carried out by humans and can therefore be mitigated by the same. For the government to create an environment safe for its citizens and tourists who visit different regions in the country, it should strive to enhance ecological resilience. In the Mau Forest for instance, the government should ensure that the structure is strong and resilient enough to resist the negative effects that would emanate from the ongoing human activities most of which are somewhat unavoidable such as technological development. The improvement of forest health will be a major remedy to the government's problems including minimal sources of revenue for the country (interview with NEMA Director, 22<sup>nd</sup> November, 2022).

The residence of individuals in the Mau Forest has aggravated the situation to a level almost at the ecological threshold. It is therefore necessary for the government to seize this opportunity and restore the inherent resilience of the Mau Forest before it is too late. In all these activities, the government should be sure to include other stakeholders and citizens for the achievement of the desired goals. The achievement of ecological resilience will ensure resistance to such adverse conditions as fires and climate change (Keith *et al.* 2023). The success in this venture will ensure that the Mau Forest can recover quickly in case it is exposed to dangers and changes in the environment. The mobilization of effort towards this goal is bound to ensure successful maintenance of the original structure of the Mau Forest. With this, the government will be able to raise revenue through ways like tourism, creation of employment, and taxation of major forest products.

Conclusively, the evictions of the Ogiek from the Mau Forest have been vital in the enhancement of environmental conservation practices. The government has been presented with the opportunity to implement conservation practices that would never have been achieved with the Ogiek residing in the forest since their land use practices would have been a hindrance (Ahammad *et al.* 2023). The government should exploit this opportunity to protect the forest and its environs from further harm by promoting environmental conservation practices. The activities are to be aimed at improving forest resilience and promoting the safety of citizens in the region via the mitigation of polluting activities.

The following is a response from a KFS officer in an interview confirming these findings.

The removal of the Ogiek community from the Mau Forest area presents an opportunity for us to enforce environmental protection laws, which will go a long way in ensuring sustainable use of the

forest resources. We can now monitor and regulate activities such as logging, charcoal burning, and poaching, which were previously carried out by the Ogiek community, and were difficult to control. We can now implement sustainable land use practices such as agroforestry, which will promote reforestation and contribute to the restoration of the degraded areas within the Mau Forest. This will, in turn, improve the ecosystem services such as water regulation and climate regulation, which are vital for human security. The degraded areas within the Mau Forest have also been a major contributor to carbon emissions, and the removal of the Ogiek community presents an opportunity for us to restore the forest, which will contribute to carbon sequestration. This will not only mitigate the effects of climate change but also improve the livelihoods of the surrounding communities (Interviews KFS officer, 14<sup>th</sup> December, 2022).

In agreement with KFS officer, the Green Belt Movement projected that things will normalize in the next five years within Mau complex after eviction. The official of this particular non-governmental organization indicated that:

After the eviction of Ogiek from Mau Complex we have managed to prepare thousand hectares of land which we will be planting trees after crop harvest here. We are in the process of planting seedlings which will be transported to Mau soon for replanting. We are mobilizing all our members to put in their resources to ensure this process is successful. We are projecting that within five years with proper effort all land that had been grabbed will be fully covered with forest (An interview with NGO head on 14<sup>th</sup> November, 2022).

These findings agree with the findings of a study conducted by FPF (2018) that notes that the Ogiek community has been instrumental in the conservation of the Mau Forest ecosystem. The study shows that the Ogiek's land use practices such as honey harvesting, rotational grazing, and selective harvesting of forest products have contributed to the maintenance of the forest's biodiversity. However, with the removal of the Ogiek community, the government has an opportunity to implement new conservation practices that are aimed at restoring the degraded areas within the Mau Forest (Fusch, 2023).

### 6.4.3 Easy dissemination of information and data collection

The evictions have presented an opportunity towards the re-integration of the indigenous forest communities into the major countrywide population by the government. Their departure from the environs of the forest has been crucial in the development of such aspects as the formation of *barazas*. Among the Ogiek, there has been the development of *barazas* where the people and their leaders can meet to carry out activities such as discussions on the problems affecting the community and their resolutions (Wafula, 2019). In this regard, the evacuation has further promoted the enactment of government policies important for the development of the Ogiek and the country wholly.

More so, their evacuation has enabled the improvement of agricultural skills through governmental programs. There are branches of agriculture that have greatly been improved one of the major ones being apiculture, which refers to beekeeping. The Ogiek community is known for its engagement in apiculture as one of their major economic activities (Kenrick, Rowley & Kitelo, 2023). As such, the evacuation has enhanced the impact of knowledge and skills on the modern techniques important for the efficiency of such practices as bee keeping. The activities have been intensive and inclusive of the bee feeding mechanisms, prevention from attack by infections that attack such species, maintenance of the brood, and modern honey harvesting and processing techniques. The government has greatly utilized this event to ensure that they are provided with the required information on the proper agricultural practices.

During an FGD with the elders, there was an elder who pointed out the following;

*Kuna matatizo mengi tunayokumbana nayo na yaliyotokana na kutoroshwa kutoka kwenye msitu wa Mau. Hata hivyo kuna mambo mazuri ambayo yamejitokeza katika harakati za ufurushaji kutoka*

*kwenye msitu Mau. Jamii ya Ogiek kwa mfano imeweza kuidhinishwa na kukubalika kama mojawapo ya jamii za nchi ya Kenya. Serikali imeweza kuwafikia wengi wetu na hivyo basi wakapewa vitambulisho ambavyo ni idhinisho tosha kuwa wao ni wananci wa Kenya* (There are a lot of challenges that have emanated from our evacuation from the Mau Forest. However, the challenges have been accompanied by a variety of positive aspects which have included our recognition and inclusion into the larger Kenyan community. Many of our people have now been reached by the government and given identity cards which are important in their recognition as citizens of Kenya (FGD with village elder, 24<sup>th</sup> November, 2022).

The sentiments were also echoed by a KFS officer who articulated the following;

The evacuation of the Ogiek from the Mau Forest has presented various opportunities both to the government and this community. There has been the opportunity to implement land conservation policies by the governmental and non-governmental associations together with other stakeholders. More so, the evictions have brought forth many opportunities to evictees such as the Ogiek. Presently, there are administrative developments among this community important for their organization and their general development. These have been inclusive of the formation of *barazas* and *nyumba kumi* organizations. Therefore, the evictions have majorly been for the good of the Ogiek as well as the forest's well-being (Interview with KFS officer, 14<sup>th</sup> December, 2022).

The evacuation has also been an enabling factor in the issuance of identification cards by the government among communities such as the Ogiek who previously resided in the Mau Forest. The aspect has been critical in the verification of these communities as Kenyan citizens as explained by Claridge & Kobei (2023). During residence in the forest, the issuance of identification to the indigenous populations was handicapped thus stalling their verification as Kenyan citizens and participation in important patriotic activities such as voting for their desired leaders. Evacuation has therefore been key in bringing them out from their unreachable habitats to where they can be easily accessed by the government and issued with these cards.

The presence and importance of these opportunities was echoed by another village elder. The following was his perspective;

*Imekuwa miaka mingi tangu nilipotoka kwenye msitu Mau. Kuna mengi ambayo nimeshuhudia na mengine kusikia kutoka kwa wanajamii wenzangu na hata kwenye vyombo ya habari. Ni kweli kwamba hali ya ufurushaji kutoka kwenye msitu huu ni ya kuhuzunisha kwani matatizo ambayo wanaofurushwa wanakumbana nayo ni mengi. Japo hali ipo hivyo, kuna mengi mazuri ambayo tumeweza kupata kutokana na uhamisho kutoka kwenye msitu Mau. Kwa mfano, tumeweza kupata vutambulisho pamoja na viongozi. Mambo haya yamekuwa msingi katika kuhakikisha kuwa jamii yetu imetambulika katika nchi. Si hayo tu, jamii yetu imeweza kupata mafunzo mengi kuhusu ukulima wa nyuki. Hili limetupa ujuzi mwingi kuhusu njia za kisasa za ukulima kama vile kuvuna asali. Hivyo basi, uhamisho kutoka kwenye msitu umeleta nafasi nzuri za jamii yetu kujijimarisha kimaisha na kutangamana na wananchi wengine katika shughuli za kidemokrasia kama vile kupiga kura ili kuwachagua viongozi. (It has been many years since I left the Mau Forest. There are many things that I have witnessed and some I have learnt from my community members with others from the news reported. It is true that the conditions of evictions are disheartening as the problems faced by the evictees are numerous. There have however been many opportunities that have emanated from the evictions from the forest. For instance, we have been able to get identification cards together with leaders who can govern us. These have laid basis in ensuring that our community is recognized as one of the Kenyan communities. More so, the community has been able to learn many apicultural practices. The same has given us a lot of knowledge and skills on the modern techniques used in apiculture for example during harvesting of honey. As such, evictions from the Mau Forest have presented us with important opportunities enabling us to develop and interact with the larger Kenyan community as we engage in democratic activities like voting for our leaders.) (FGD with village elders, 22<sup>nd</sup> November, 2022).*

Furthermore, the eviction has enabled the government to carry out census on this community. Residence in the forested land was a hindrance to the evaluation of the total population of such people as the Ogiek. With the evictions, the government has been able to tally their numbers and establish their population which has been included in the total



population of the country as brought forth by PA Oduor's work (2022) and Kenrick, Rowley & Kitelo (2023). Consequently, local administration has been enhanced through such organizational aspects as the formation of *nyumba kumi*. The latter has been vital in the maintenance of law and order among the evicted communities together with their incorporation into the larger society through the introduction of the same systems as those used to govern other communities.

The previously conducted census has therefore been inclusive of the Ogiek. The Ogiek are said to constitute of 52,000 individuals of the total 50 million Kenyan population. The deduction that the evictions have enabled tallying and inclusivity into the wider population is thus true. Being a minor group, there is a high number of individuals who identify as members of the Ogiek community. However, only a few can speak the Akiiek language (Takácsová, 2022).

## **6.5 Chapter Summary**

This Chapter has examined the challenges and opportunities resulting from the eviction of the Ogiek people from the Mau forest complex. The chapter presents an analysis of the findings of the study, which included an exploration of the challenges faced by both the Ogiek community and the government after the evictions. The study also examined the opportunities that have risen both for the Ogiek and the government following the eviction, as well as the community's involvement in the conservation of the Mau forest complex.

The findings of the study are presented in a tabular format, which shows the responses of 384 Ogiek household heads to the challenges and opportunities resulting from the eviction. The results of the study revealed that the lack of clear policies on eviction of forest

communities, failure to adhere to national and international laws protecting the rights of indigenous communities, and failure to implement court orders and recommendations on the eviction process are the top three legal and policy challenges faced by the Ogiek people.

The study also identifies displacement from their traditional livelihoods and economic activities, loss of property and resources burial sites ,religious shrines, and inadequate compensation and resettlement support from the government as the top three socio-economic challenges faced by the Ogiek people. Physical harm and injuries resulting from the eviction process, lack of access to basic healthcare and social services, and psychological, trauma and emotional distress are the top three humanitarian and health challenges. Further, the study identifies the potential for increased stability in the region, the opportunity to increase government control over the area, and the reduced risk of potential terrorist activity or other security threats as the opportunities experienced by the government following the eviction. The chapter also presents a discussion on the community's involvement in the conservation of the Mau Forest Complex and recommendations on the best conservation modes that do not harm the community. Finally, the chapter highlights the importance of creating an understanding between the government and the community with a common goal of forest preservation. This chapter paves way for the final chapter of the study which gives a summary, conclusions and recommendations for further studies.

## CHAPTER SEVEN

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 7.0 Introduction

This chapter presents the summary of findings, conclusions, recommendations and suggestions for further research.

#### 7.1 Summary of Findings

The study had 3 specific objectives as follows: to examine the nature of Mau Forest evictions in Kenya, to assess the effects of Mau Forest evictions on the human security of the Ogiek people in Kenya, and to examine the challenges and opportunities resulting from the Mau Forest evictions in Kenya. The summaries of the findings are as bellow.

##### 7.1.1 Nature of Mau Forest Evictions

To examine the nature of Mau evictions, the research looked at causes of evictions, the procedure of evictions, how evictions were conducted and finally settlement of evictees. This basically entailed examining the how and why of the evictions. Under the causes of evictions this study established that the government arrived at the decision of evicting the Ogiek community from the Mau Forest due to environmental reasons, that is, the need for reclamation of the forest land and the preservation of the forest from further encroachment and damage. There was encroachment of the Mau Forest by non-forest communities leading to destruction of biodiversity, deforestation and logging, destruction of water towers, increased Farming activities in the forest and the reduction of the forest vegetation

cover through clearing the Forest for Settlement. All these reasons compelled the Government to come up with the decision of evicting and banning all human activities in the Mau Forest to provide room for conservation, as a way to mitigate climate change.

As far as the conduct of the evictions are concerned, the study found that even though the government agencies argued that they were careful and carried out the evictions in a humane manner, most of the evictees experienced brutality during the exercise. Further, procedure of eviction was not well communicated and followed. Notices of evictions were not given and where given, there was inadequate time to prepare. For example, notices could be delivered and within no time evictions were carried out. The eviction process majorly involved the removal from the forest without actual relocation plans for the evictees. According to the findings, evicting security teams engaged in inhumane conduct.

When it comes to the procedure of the evictions, the study found that the actual removal followed a rather uncontrolled plan where the security teams acted without being monitored. The presence of police issuing threats, intimidation and harassments, destruction and torching of shelters, and being forced to move out without being allowed time to pack belongings was the reality the evictees faced. The evictees would just be ordered out without provision of alternative shelters or in most cases without a survival package and thus endangering the security of the people.

### **7.1.2 Effects of Mau Forest Evictions on the Human Security of the Ogiek Community**

When it comes to the effects of Mau forest evictions on the human security, the study found out that the evictions had direct effects on the seven elements of human security on

the Ogiek. The elements are economic, health, food, environmental, personal, community and political securities.

Under economic security, the eviction resulted in the loss of their traditional livelihoods, such as hunting, gathering, and beekeeping. The loss of livelihoods caused a significant loss of income, leading to increased poverty and unemployment.

On health security, the study found that the Ogiek were exposed to extreme weather conditions and lack of sanitation facilities, resulting in illnesses such as pneumonia and malaria, among others.

Under food security, the study found that the destruction of farms and crops resulted in food insecurity leading to malnutrition and hunger.

On environmental security, the study found that the evictions resulted in human-wildlife conflicts as the Ogiek people were forced to move to areas outside the forest. They faced the risk of attacks by wildlife and the destruction of property. In addition, the Ogiek people were forced to sleep in the cold and come into contact with animals.

As far as personal security is concerned, the study found that the eviction resulted in the destruction of homes and shelter, leaving the victims without adequate protection from the negative effects. This exposure led to injuries and deaths, particularly to the elderly and children. The eviction also undermined personal security through increased risk of sexual and gender-based violence, particularly against women and girls.

Under political security, the resultant effect on the evictions was lack of proper representation in leadership positions, and lack of legal protection. This made it difficult for the Ogiek people to challenge the evictions in court.

On community security the evictions resulted in the loss of culture, separation from family and social networks, and the loss of traditional knowledge and practices because the community structures were disrupted.

### **7.1.3 Challenges and Opportunities Resulting from Mau Forest Evictions**

On challenges and opportunities, the study finds that evictions have resulted in significant challenges and opportunities to both the Ogiek and the government.

On the side of challenges to the Ogiek, the study found that the challenges are, integration, communication, governance and administrative , and legal.

The government has also faced challenges. They include legal and policy-related challenges, lack of clear policies on eviction of forest communities, adhering to national and international laws protecting the rights of indigenous communities, and implementation of court orders and recommendations on eviction processes and also a humanitarian and health challenges.

When it came to opportunities, the study found that the evictions have exposed the Ogiek to some opportunities that include economic, social, educational, and political. There are for example opportunities for entrepreneurship and small business development, and access to new land for cultivation or grazing. There are also social opportunities such as increased social cohesion within the Ogiek community, increased awareness and support from the broader public for Ogiek rights and issues, and potential for increased engagement and partnerships with government and other stakeholders. On education, there is the opportunity of Ogiek children being exposed to formal learning systems as they have to be subjected to formal schooling.

On the government side, there are opportunities for land use and development, including the development of infrastructure projects such as roads and dams that might have been impeded by the Ogiek community's land use practices. The study found that there are opportunities for environmental conservation, including increased ability to enforce environmental protection laws in the Forest. The evictions give the opportunity to implement conservation practices, improved forest health or ecological resilience that might not have been feasible with the Ogiek's land use practices.

## **7.2 Conclusion**

The study yielded the following conclusions, three from the specific objectives and one overall conclusion.

### **7.2.1 Specific Conclusions**

In relation to the findings on the nature of Mau Forest evictions, the study found out that the evictions were done in disregard of the normal procedures of the evictions. There were elements of cruelty and inhuman treatment of the evictees. As a result, the Ogiek, suffered displacement and loss of property. The study therefore concludes that evictions were brutal and lacked a human face.

As far as the effects of Mau forest evictions on the human security is concerned, the study found that the evictions had negative influence on all elements of human security. The evictions affected livelihoods and negatively influencing the food, economic, health and environmental security. The study therefore concludes that the evictions disregarded the wellbeing of the Ogiek who were made vulnerable and hence their rights were infringed.

As to the challenges and opportunities to both the Government and Ogiek, the study found that despite the negative effects and challenges brought by evictions, there are opportunities for both Ogiek and the Government and the study concludes that the evictions have exposed the Ogiek to modern sustainable ways of making a living.

### **7.2.2 Overall Conclusion**

The Ogiek community in Mau Forest experienced foreclosures without standard procedures, causing displacement, loss of property, burial sites, religious shrines, resources, and lack of government compensation. The evictions were ostensibly for public welfare but disregarded the Ogiek's human needs, resulting in devastating negative effects. Despite this, the evictions offer an opportunity for the Ogiek to adopt modern, sustainable survival strategies.

## **7.3 Recommendations**

The study's recommendations are as follows:

### **7.3.1 Nature of the Mau Forest Evictions**

The study recommends that the government adopts a more humane and sustainable approach to evictions and that the evictions should adhere to the laid-down procedures of being carried out in a manner that respects the rights and dignity of affected communities.

### **7.3.2 Effects of Mau Forest Evictions on human security of the Ogiek Community**

The study recommends that in order to address the negative influence of evictions on the human security of the evictees, the government should prioritize the development of proper



compensation and resettlement plans and further ensure that any loss of property, resources, and livelihoods that are experienced as a result of evictions are compensated.

### **7.3.3 Challenges and Opportunities Resulting from Mau Forest Evictions**

The study, on the challenges and opportunities resulting from the evictions, recommends that the government should capitalise on the opportunities that the evictions have brought to the fore by ensuring that the Ogiek like other Kenyans benefit from the fruits of independence.

### **7.4 Suggestion for Further Research**

This study looked at the influence of Mau evictions on human security of the Ogiek. The study recommends studies on;

- i. The impact the evictions have had on other communities that surround the Mau forest.
- ii. An evaluation of the conservation dimension in forest evictions.
- iii. The challenges of adapting to a new life outside a traditional habitat.

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## APPENDICES

### **Appendix 1: Introductory letter**

Dear Respondent,

I am a PhD. Student at Masinde Muliro University of Science and Technology (MMUST) conducting an Academic research on **Influence of Mau Forest Evictions on the Human Security of Ogiek Community, Kenya**” as a requirement of the qualification for the award. The findings of this study will contribute immensely to the human security of the Ogiek People. Your honest response will make you a contributor to the reduction drug abuse in the in the area.

I will appreciate if you take some time to answer the questions contained in this questionnaire.

The information that will be obtained in this research is confidential and will only be used for the purposes of this research and not for any other purpose.

Yours Sincerely

Betty Koech

## **Appendix 2: Consent Form**

### **Introduction**

You are invited to participate in Academic research on “**Influence of Mau Forest Evictions on the Human Security of Ogiek Community, Kenya**”. It is worth noting that the findings of this study will contribute immensely to the human security of the Ogiek community. Your honest response will make you a contributor to the reduction of suffering in the in the area. I will appreciate if you take some time to answer the questions contained in this questionnaire. The information that will be obtained in this research is confidential and will only be used for the purposes of this research and not for any other purpose.

### **Purpose of the Study**

The general objective of the study is to examine the influence of violent Mau Forest evictions on the human security of the Ogiek as a forest community in Kenya.

### **Potential Participants**

For you to participate in this study you must fit in in the following categories, household heads in Ogiek and neighbouring communities, County Commissioner, Deputy county commissioner, and Assistant county commissioners, chiefs, assistant chiefs, Police officers, Conservationist organizations, environmentalist groups, UNEP, UN Habitat, ministry of environment, Kenya Forest Service (KFS), Kenya Wildlife Service (KWS), National Environment Management Authority (NEMA)

### **Terms and Conditions**

- Participation of this study is voluntary
- All information will remain confidential
- Information is for academic purposes only
- You can quit participation at your will

I will ( ) or I will not ( ) participate in this study.

If not, give reason:.....

Name: ..... ID No:.....

Signature..... Date .....

Betty C Koech, Contact 0722240106

**Appendix 3: Questionnaire for Household heads**

**PART A: SOCIO-DEMOGRAPHIC INFORMATION**

Age	18-21.....1	
	22-35.....2	
	35-55.....3	
	55-75.....4	
	75 and above.....5	
Gender	Male.....1	
	Female.....2	
Marital Status	Single.....1	
	Married.....2	
	Divorced/Separated.....3	
	Widowed.....4	
Religion	Christian.....1	



	Islam.....2 Traditional.....3 Hindu.....4 Others(Specify).....5	
Education	No Education.....1 Non formal Education.....2 Primary school dropout.....3 Primary level.....4 Secondary School dropout.5 Secondary level.....6 Tertiary level.....7 University level.....8	
What is your Occupation (Please state in the Space provided)	.....	

**PART B: NATURE OF MAU FOREST EVICTIONS**

How long have you stayed in the area (Tick one)

0-5 Years	
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6-10 years	
11-20 Years	
More than 20 Years	

1. Have you faced evictions before (Tick one)

Yes	
No	

2. Were the eviction(s) done in a humane way? (Tick one)

Yes	
No	
I don't know	

3. Do you think the people sent to enforce the evictions were brutal / friendly (Tick one)

Brutal/Violent	
Friendly/Patient	

4. Did you get an eviction notice (Tick one)

Yes	
No	

5. If Yes in 5 above, how long were you given to vacate the area? (Tick one )

<b>Period of Notice</b>	
No Notice given	
Less than 2 weeks	
1-3 month	
3-6 months	
More than 6 months	

6. How were the Evictions conducted?

<b>How evictions were conducted (Process)</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Don't Know</b>
	<b>%(f)</b>	<b>%(f)</b>	<b>%(f)</b>	<b>%(f)</b>	<b>%(f)</b>
Through threats, harassments and intimidation from government administrators					
Brutally by police and other security agents					
By destruction and torching of shelters					

Alternative shelter was provided for those with no place to go					
In humane manner allowing people enough time to leave the forest					

7. What caused the evictions?

<b>Causes of evictions</b>	<b>Strongly Agree % (F)</b>	<b>Agree % (F)</b>	<b>Strongly Disagree % (F)</b>	<b>Disagree % (F)</b>	<b>Don't Know % (F)</b>
Encroachment of forest by non-forest					
Destruction of water towers					
Clearing of the forest settlement					
Increased farming activities in the forest					
Deforestation and logging					

Destruction of bio-diversity by Ogiek					
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**PART C: Effects of Mau Forest evictions**

How did the evictions affect your lives and the lives of your neighbors?

<b>Causes of evictions</b>	<b>Yes % (F)</b>	<b>No % (F)</b>	<b>Don't Know</b>
Loss of income/ livelihoods			
Killing of livestock			
Illness caused by extreme weather			
Lack of proper sanitation			
Destruction of farms and crops			
Human-wildlife conflicts			
Destruction of homes/shelter			
Injuries			
Deaths			
Increased sexual and gender based violence			

Lack of proper representation in leadership positions			
Disruption of school calendar			
Loss of culture			
Separation from family			

8. Do you feel marginalized by the government from time to time? Yes..... No.....

9. Do you have safety concerns under these circumstances? Yes..... No.....

**PART D: CHALLENGES AND OPPORTUNITIES IN MAU FOREST EVICTIONS**

10. The Ogiek have experienced the following challenges as a result of the evictions, how much do you agree with the following research statements. (tick appropriately)

	Agree	Disagree	Don't know
Security and Conflict challenges			
Psychological challenges			
Communication challenges			
Technological challenges			
Cultural preservation challenges			

Governance and administrative challenges			
Economic challenges			
Health challenges			
Educational challenges			
Political challenges			
Cultural challenges			
Legal challenges			
Environmental challenges			
Social challenges			

**Opportunities experienced by Ogiek as a result of Evictions (tick appropriately)**

	Agree	Disagree	Don't know	Opportunity Rank
<b>Economic opportunities</b>				
Potential for compensation or reparations for land loss				
Increased opportunities for entrepreneurship and small business development				
Access to new land for cultivation or grazing				
<b>Social opportunities</b>				
Increased social cohesion within the Ogiek community				
Increased awareness and support from the broader				

public for Ogiek rights and issues				
Potential for increased engagement and partnerships with government and other stakeholders				
<b>Environmental preservation opportunities</b>				
Potential for restoration and conservation efforts in the Mau Forest				
Increased involvement and participation in sustainable resource management practice				
Potential for increased tourism opportunities				
<b>Educational Opportunities</b>				
Increased access to education for Ogiek youth				
Potential for development of Ogiek-specific education programs and curriculum				
Potential for increased awareness and education for non-Ogiek populations about Ogiek culture and history				
<b>Political Opportunities</b>				
Potential for increased representation and participation in government and decision-making processes				
Increased attention and support from international organizations and governments				
Potential for increased advocacy and lobbying for Ogiek rights and issues at national and international levels				
<b>Cultural security</b>				
Preservation of Ogiek cultural heritage				
Increased visibility and recognition of Ogiek culture				
Strengthening of community bonds				

**Source: Field data (2023)**





#### **Appendix 4: Key Informant Interview Schedule**

1. Have you witnessed/ faced forced evictions before?
2. Were the eviction done in a humane way?
3. Do you think the people sent to enforce the evictions were brutal / friendly?
4. How did the evictions affect your lives and the lives of your neighbors?
5. Did you lose your sources of income?
6. How did the evictions affect your lives and the lives of your neighbors?
7. Did people die as a result of the evictions?
8. Were people hospitalized?
9. Were you given alternative shelter by the government?
10. How do you cope outside the forest?
11. Are there schools where the children go study?
12. Do you face harassment from the government from time to time?
13. Do you feel safe as a community under these circumstances?
14. How best can the conservation efforts be implemented without hurting the community?
15. How can the community coexist with nature
16. Are there ways in which you think there can be an understanding between the ogiek and the government on conservation issues?

## **Appendix 5: Focus Group Discussion Guide**

1. Have you witnessed / faced forced evictions before?
2. Were the evictions done in a humane way?
3. Do you think the people sent to enforce the evictions were brutal / friendly?
4. How did the evictions affect your lives and the lives of your neighbors?
5. Did you lose your sources of income?
6. How did the evictions affect your lives and the lives of your neighbors?
7. Did people die as a result of the evictions?
8. Were people hospitalized?
9. Were you given alternative shelter by the government?
10. How do you cope outside the forest?
11. Are there schools where the children go to study?
12. Do you face harassment from the government from time to time?
13. Do you feel safe as a community under these circumstances?
14. How best can the conservation efforts be implemented without hurting the community?
15. How can the community coexist with nature?

16. Are there ways in which you think there can be an understanding between the ogiek and the government on conservation issues?

## **Appendix 6: Observation Checklist**

1. Observe the nature of the MAU Evictions
2. Observe the impacts that are visible from the evictions
3. Observe challenges faced by stakeholders
4. Observe opportunities arising from the evictions

## **Appendix 7: Interview Schedule for heads of NGOs and CBOs**

1. How long has your organization been in existence in this area?
2. What programs/assistance are you offering?
3. Who are your main group of people that you target?
4. How do you identify the groups of people that need help?
5. Are the government agencies cooperative as you help needy families?
6. What are the challenges you face in mitigating the adverse effects of the evictions on the victims?
7. What strategies do you think the government should use in balancing the conservation of Mau forest and the Ogiek's welfare

## Appendix 8: Approval Letter from the University



### MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST)

Tel: 056-30870  
Fax: 056-30153  
E-mail: [directorofps@mmust.ac.ke](mailto:directorofps@mmust.ac.ke)  
Website: [www.mmust.ac.ke](http://www.mmust.ac.ke)

P.O Box 190  
Kakamega – 50100  
Kenya

#### Directorate of Postgraduate Studies

Ref: MMU/COR: 509099

21<sup>st</sup> September, 2022

Betty Chemutai Koech  
CPC/H/14-70229/2020  
P.O. Box 190-50100  
KAKAMEGA

Dear Ms. Koech,

**RE: APPROVAL OF PROPOSAL**

I am pleased to inform you that the Directorate of Postgraduate Studies has considered and approved your PhD proposal entitled: *"Effects of Mau Forest Evictions on the Human Security of Ogiek Community in Kenya"* and appointed the following as supervisors:

1. Prof. Chrispinous Iteyo - SDMHA - MMUST
2. Dr. Ruth Simiyu - SDMHA - MMUST

You are required to submit through your supervisor(s) progress reports every three months to the Director of Postgraduate Studies. Such reports should be copied to the following: Chairman, School of Disaster Management and Humanitarian Assistance Graduate Studies Committee and Chairman, Department of Peace and Conflicts Studies. Kindly adhere to research ethics consideration in conducting research.

It is the policy and regulations of the University that you observe a deadline of two years from the date of registration to complete your PhD thesis. Do not hesitate to consult this office in case of any problem encountered in the course of your work.


We wish you the best in your research and hope the study will make original contribution to knowledge.

Yours Sincerely,



Prof. Stephen O. Odebero, PhD, FIEEP  
DIRECTOR, DIRECTORATE OF POSTGRADUATE STUDIES

Appendix 9: NACOSTI Research Permit



**REPUBLIC OF KENYA**

**Ref No: 772375**



**NATIONAL COMMISSION FOR  
SCIENCE, TECHNOLOGY & INNOVATION**

**Date of Issue: 27 September 2022**

**RESEARCH LICENSE**




**This is to Certify that Ms. Betty Chemata Koech of Masinde Muliro University of Science and Technology, has been licensed to conduct research in Narok on the topic: EFFECTS OF MAU FOREST EVICTIONS ON THE HUMAN SECURITY OF OGIEKI COMMUNITY IN KENYA for the period ending : 27 September 2023.**

**License No: NACOSTI/P/22/20634**

**772375**

**Applicant Identification Number**

**NOTE: This is a computer generated License. To verify the authenticity of this document, please scan the QR Code using QR scanner application.**



*Walter Mburu*

**Director General**

**NATIONAL COMMISSION FOR  
SCIENCE, TECHNOLOGY & INNOVATION**

**Verification QR Code**



THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is Guided by the Science, Technology and Innovation (Research Licensing) Regulations, 2014

CONDITIONS

1. The License is valid for the proposed research, location and specified period
2. The License any rights thereunder are non-transferable
3. The Licensee shall inform the relevant County Director of Education, County Commissioner and County Governor before commencement of the research
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies
5. The License does not give authority to transfer research materials
6. NACOSTI may monitor and evaluate the licensed research project
7. The Licensee shall submit one hard copy and upload a soft copy of their final report (thesis) within one year of completion of the research
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice

National Commission for Science, Technology and Innovation  
off Waiyaki Way, Upper Kabete,  
P. O. Box 30623, 00100 Nairobi, KENYA  
Land line: 020 4007000, 020 2241349, 020 3310571, 020 8001077  
Mobile: 0713 788 787 / 0735 404 245  
E-mail: [dg@nacosti.go.ke](mailto:dg@nacosti.go.ke) / [registry@nacosti.go.ke](mailto:registry@nacosti.go.ke)  
Website: [www.nacosti.go.ke](http://www.nacosti.go.ke)

**Appendix 10: Authorization Letter from the Ministry of Interior and Coordination of National Government**



**OFFICE OF THE PRESIDENT  
MINISTRY OF INTERIOR & COORDINATION OF  
NATIONAL GOVERNMENT**

Telegrams: "COUNTY", Narok  
Telephone: Narok (050) 22433  
If calling or telephoning ask for the  
undersigned  
When replying please quote

County Commissioner's office  
Narok County  
Po Box 4-20500  
**NAROK**

RE: SR.ADM.15/6 VOL.II/155

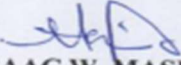
29<sup>th</sup> Sept, 2022

All Deputy County Commissioners  
**Narok County**

**RE:RESEARCH AUTHORIZATION: MS.BETTY CHEMUTAI KOECH**

The above named student of Masinde Muliro University of Science and Technology has been authorized to carry research on "*Effects of Mau Forest Evictions on the Human Security of Ogiek Community in Kenya*" in Narok County for a period ending 27<sup>th</sup> Sept, 2023.

Please accord them the necessary assistance.

  
**ISAAC W. MASINDE OGW  
COUNTY COMMISSIONER  
NAROK COUNTY**

C.C.  
Ms.Betty Chemutai Koech

**Appendix 11: Authorization Letter from Ministry of Education**

  
**REPUBLIC OF KENYA**  
**MINISTRY OF EDUCATION**  
State Department of Early Learning and Basic Education

FAX NO. 050-22391  
When replying please quote;  
Ref. COE/NRK/RES/VOL1/272

COUNTY DIRECTOR OF EDUCATION  
NAROK COUNTY  
P.O BOX 18  
NAROK  
DATE: 29<sup>TH</sup> SEPTEMBER, 2022

**TO WHOM IT MAY CONCERN**

**RE: RESEARCH AUTHORIZATION – MS. BETTY CHEMUTAI KOECH.**

The above named is of Student of Masinde Muliro University of Science and Technology. She has been authorized to carry out research in Narok on *"Effects of Mau Forest Evictions on the Human Security of Ogiek Community" in Kenya for the period ending 27/09/2023.*

Please accord her the necessary assistance.

  
**ANTONY MAKORI**  
**FOR: COUNTY DIRECTOR OF EDUCATION**  
**NAROK**

  
FOR: COUNTY DIRECTOR OF EDUCATION  
OF EDUCATION  
29 SEP 2022  
NAROK COUNTY  
P.O. Box 18-20500, NAROK

  
SGS

C.C  
- County Commissioner – Narok  
- Ms. Betty Chemutai Koech

**Appendix 12: The researcher conducting an interview with former Bomet Governor**



**Appendix 13: A Photo showing the researcher conducting an FGD with village elders at Nkaroni in Sogoo Location Maasai Mau**



**Appendix 14: A researcher conducting interview with KFS official in Narok County**

