



Nature of the Mau Forest Evictions in Kenya

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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. The Ogiek community of the Mau Forest complex in Kenya have fallen victim to this. The government declared the forest a protected area and hence evicting them contrary to Chapter Four of the Kenya Constitution that gives all Kenyans regardless of where they live, fundamental rights and freedoms. The evictions raise the question of what happens to the evictees' human security. It is against this backdrop that this study set out to examine the nature of Mau Forest evictions in Kenya. The study used descriptive research design and had a sample of 472 respondents who included 384 household heads, 1 County Commissioner, 2 Deputy county commissioners, 7 chiefs, 32 village elders, 10 Police Officers, 1 UNEP Representative, 1 UN Habitat Representative, 10 Officers from Kenya Forest Service (KFS), 5 officers from Kenya Wildlife Service (KWS), 5 heads NGOs, Directore (NEMA), 10 Heads of CBOs. The study applied simple random and purposive sampling techniques. Interviews, questionnaires, FGDs and observation were used to collect primary data while secondary data was gathered from publications. 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 the Mau forest evictions had negative effects on Ogiek 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 study recommends that, the government adopts a more humane and sustainable relocation policy and provide alternative ways of livelihood to the victims.

Key Words: Evictions, Mau Forest Complex, Ogiek Community, Protected Areas

I. INTRODUCTION

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 Kenya, 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 Kenya, 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 according to the International Union for Conservation of Nature and the UNEP-World Conservation Monitoring Centre (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 Kenya, 2017).

Survival Kenya (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.

In the Cherangany Hills of Kenya, the government carried out forced eviction of Sengwer communities from their in January 2014, in a way violating, the Kenyan constitution, and court orders (Claridge & Kobe, 2023). 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.

For the Ogiek, the Mau Forest Complex is an "ancestral home", a source of food and shelter, and a place of cultural, religious, and spiritual significance. Survival Kenya (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, 1990)

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, 2017). 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 examine the nature of Mau Forest evictions on the human security of the Ogiek community, Kenya.

II. LITERATURE REVIEW

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, 2020). 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.

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 18th 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 19th 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 (Vernizzi, 2011).

The expulsion of the Native Americans was later on institutionalised 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.

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).

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. A case in point is the Quilombo community in Brazil 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 rollout program of providing these communities with titles of the land, most of them remain without.



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 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. 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).

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 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.

III. METHODOLOGY

The research utilized a descriptive research design to examine the nature of Mau Forest evictions in Kenya, focusing on the Mau Complex as the study area. The study population comprised household heads from the Ogiek community, as well as various stakeholders including government officials, NGO heads, and representatives from environmental agencies. Purposive, census, and simple random sampling techniques were employed to select participants, resulting in a sample size of 472. Data was collected through questionnaires, interviews, focus group discussions, and observation, with both primary and secondary sources utilized. To ensure reliability and validity, expert opinions were sought, and instruments were thoroughly reviewed. Data analysis involved editing, coding, and tabulation for quantitative data, while qualitative data was analyzed using thematic techniques. The findings were presented descriptively using frequencies, percentages, narratives, and verbatim quotations, with the assistance of statistical software such as SPSS and Microsoft Excel. The map of the Mau Forest is presented in Figure 1.

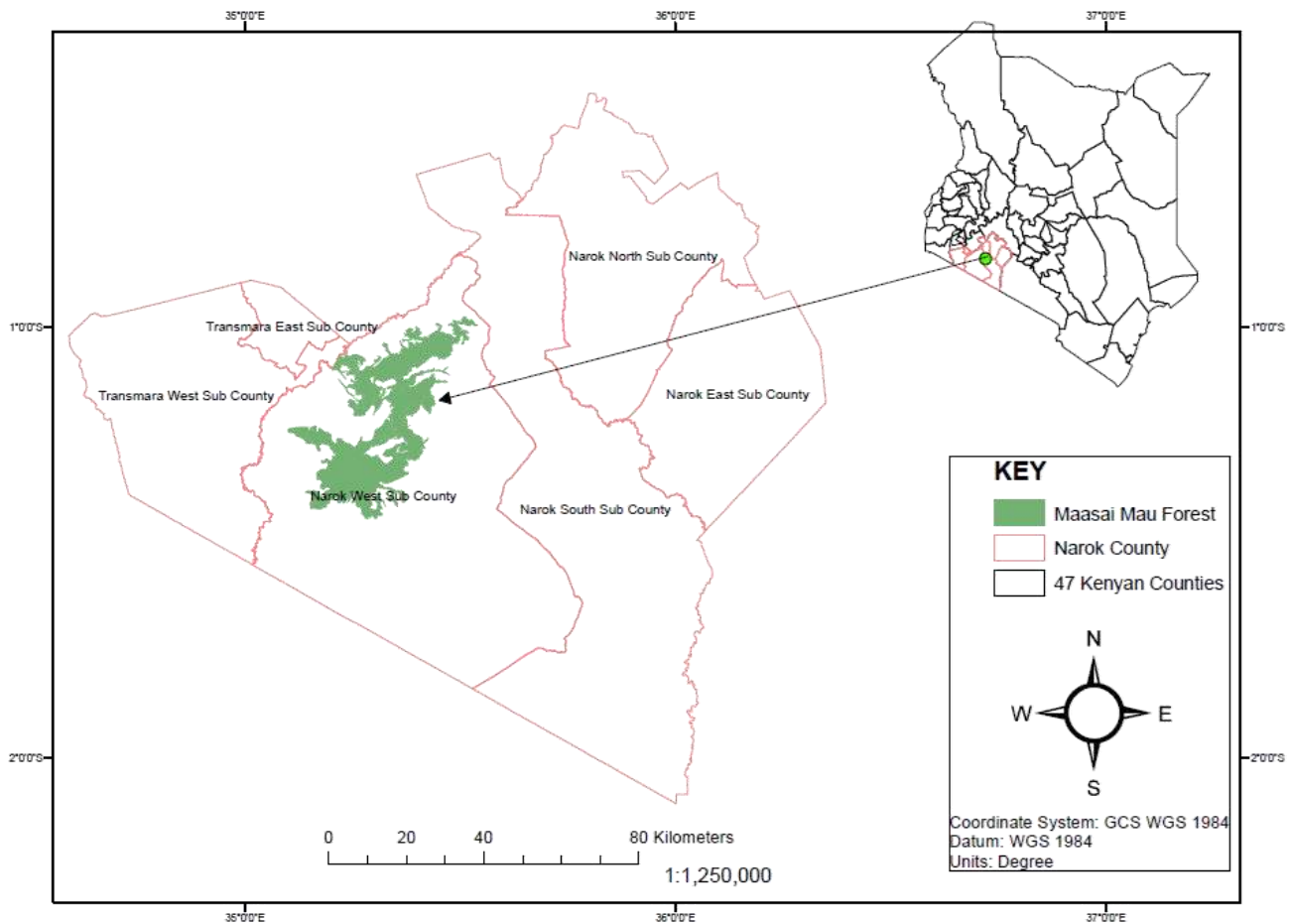


Figure 1
Map of Study Area
Source: GIS Map (2022)

VI. FINDINGS & DISCUSSION

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 2.

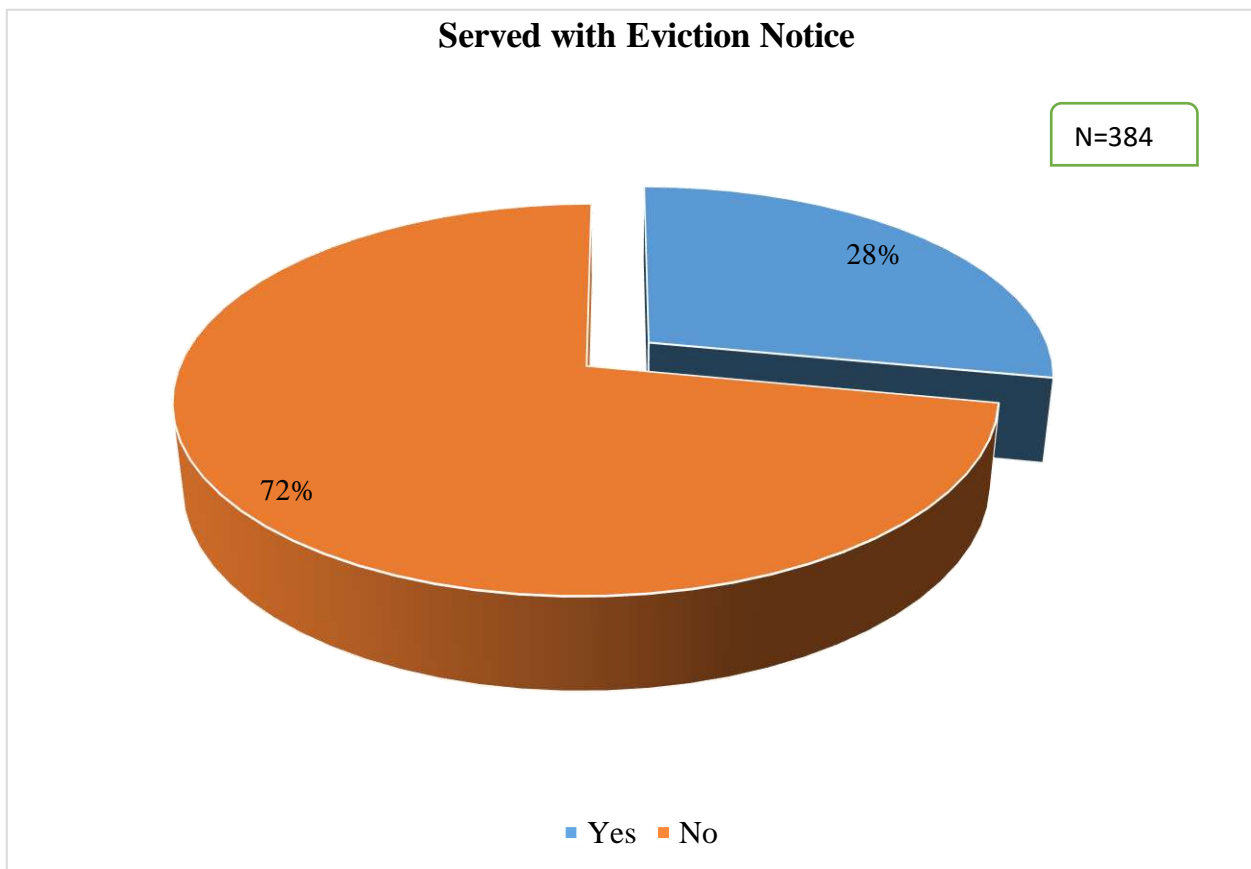


Figure 2
Respondents Served with Eviction Notice

The results in Figure 1 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 Halász et al. (2011) that acknowledge the involvement of the government in serving eviction notices and campaigns before actually carrying out the evictions (the Ogiek People). 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 (2014) 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, 3rd November, 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, 3rd November, 2022).

This study however noted the low reception of the notices issued by the government despite the communication efforts. As outlined by the Kenya Water Towers Agency (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, 24th 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 Koech and Iteyo (2023). 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 redio 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, 21st 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.

4.2 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 3 represents the responses of household heads.

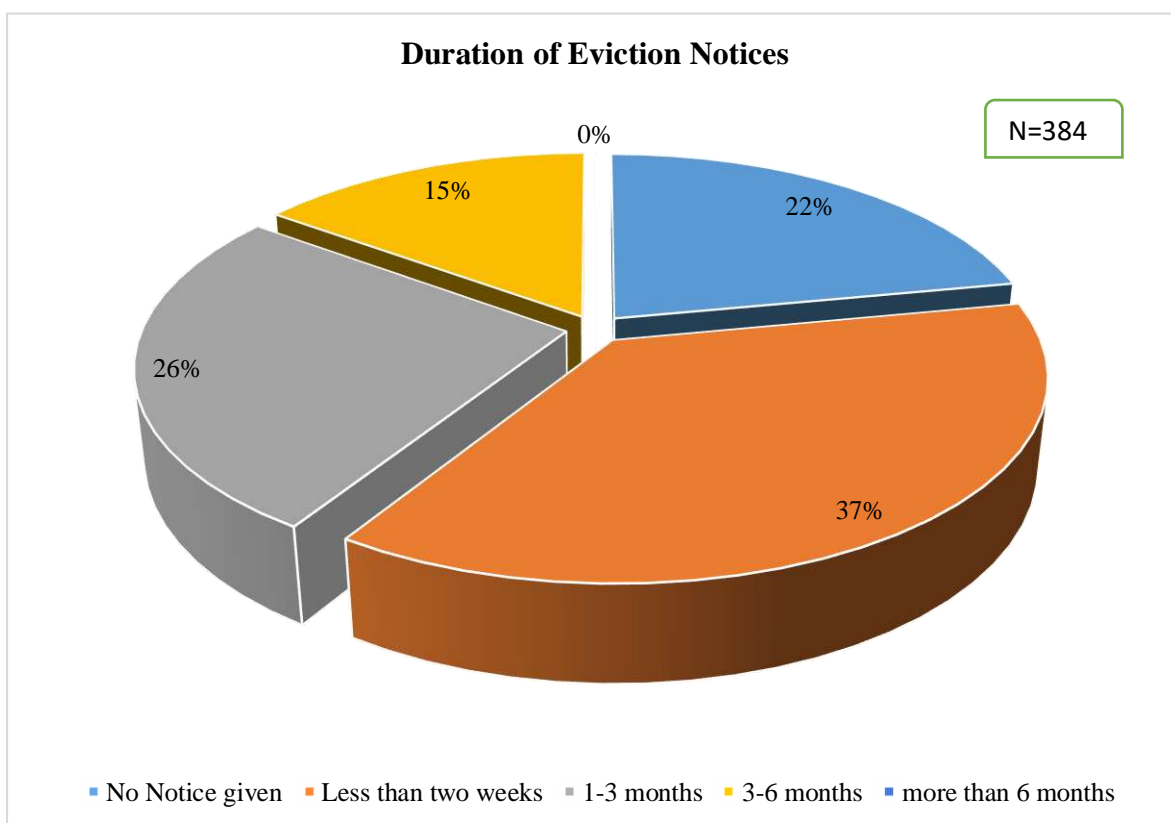


Figure 3

Duration of Eviction Notice

As shown in Figure 3, 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 Brown et al. (2023) 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 Nkoben. (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 Nkoben (FGD, village elders, 22nd 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, 23rd 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, 19th 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 United Nations High Commissioner for Refugees (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 (Askew et al., 2013).

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.

4.3 Conduct of evictions

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.

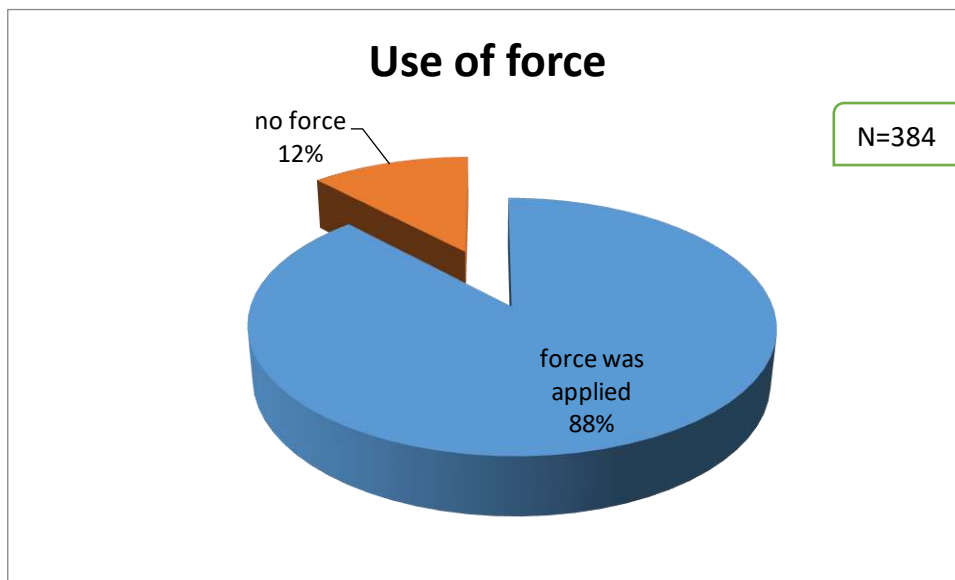


Figure 4
Use of Force

The results in Figure 4 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, 21st 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) (FGD with village elders, 22nd 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, 3rd 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, 3rd 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, 7th December, 2022).

This study thus underscores the inhumane evictions through findings from the respondent population. These findings are further linked to previous findings by Angote (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.



4.4 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 1.

Table 1
Other Eviction Behaviours

	Strongly Agree	Agree	Strongly Disagree	Disagree	Don't Know	Total SA+A	Rank
How evictions were conducted	%(f)	%(f)	%(f)	%(f)	%(f)	%(f)	
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

The results in the Table 1 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 its report, Amnesty International (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, 24th 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 14th 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, 14th 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 Acharya et al. (2022) 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 et al., 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 Kipkeu et al. (2014) 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, Koech and Iteyo (2023) 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.

4.6 Provision of Alternative Shelters

From the responses, 3% (12) of the respondents strongly agreed that alternative shelter was provided, 5% (19) 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 21st 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 6th 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 Koech and Itoyo (2023) 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.

CONCLUSIONS & RECOMMENDATIONS

5.1 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.



5.2 Recommendations

The study strongly advocates for governmental adoption of a more compassionate and sustainable relocation policy, emphasizing the necessity to provide viable alternative livelihood options for affected individuals. Prioritizing humaneness and sustainability, such measures are imperative to mitigate the adverse effects of displacement, ensuring the well-being and resilience of affected communities in the face of environmental or developmental changes.

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