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Ogiek Claims on Mau Forest Complex

The Ogiek indigenous community has a population of about 20,000 people across the country inhabiting mainly the Mau Forest Complex and Mt Elgon. The population of the Ogiek in the Mau Forest Complex is about 15,000 people. Ogiek people have a bona fide claim of Mau Forest Complex and over the years, and even after independence, they have lived in and used the Mau Forest Complex. It's the source of their livelihood of hunting and gathering. However, there is now a paradigm shift whereby the government demonizes our traditional hunting livelihood of hunting and terms it poaching while they term tourist professional hunters as hunting. This gives a double standard approach. For economic sustenance, the Ogiek practice small-scale agro-pastoralism. The Kenyan history of over 150 years document and acknowledge the existence of the Ogiek in the Mau Forest Complex. Our claim is *"Mau forest is our home, we are not encroachers we are forest dwellers, we don't cut trees we nurture them for our livelihood, we hung our beehives, it's our sure 'hospital' we get herbs, it's a sacred mother earth to our traditions"*.

The Ogiek wishes to inform the world that we have a strong stake in the Mau Forest Complex and therefore we do not wish to be victims of eviction in the name of climate change or environmental conservation. We made our issues known to the Kenyan government since 1997 and resisted the move by the government to settle people from other districts for political mileage. The 1997 Court case no.HCCA635/97 was an indicator of dissatisfaction of the adjudication done by then KANU government to settle non-Ogiek in the Mau Forest Complex.

We wish to underscore specific claims/demands of the Ogiek community in the Mau Forest Complex:

1. The Ogiek community land in the Mau Forest Complex should be legitimized as their reserve like other mainstream communities in Kenya. The Kenyan National Land Policy recognizes community

land and therefore we are appealing to government to recognize the Ogiek claim of a reserve on the basis of the National Land Policy which reads as follows:

3.3.1.2 Community Land

63. Community land refers to land lawfully held, managed and used by

A specific community as shall be defined in the Land Act. Families

And individuals within the community are allocated rights to use the land in perpetuity, subject to effective utilization.

The ultimate ownership vests in the community.

The Kenya Forest Act of 2005 reads as follows:

Kenya Forest Act 2005 Art.46 (1) a member of a forest community may, together with other members or persons resident in the same area, register a community forest association under the Societies Act.

The Kenyan Forest Act of 2005 recognizes the existence of forest communities among which the Ogiek people are well known forest dwellers in the country. The government should quickly ensure that the Ogiek people are protected from any intended move to evict them.

2. The Ogiek people are known to be custodians of the forest and natural resources in the Mau Forest Complex. They therefore will support any move by the government of Kenya to protect and conserve this great natural resource in partnership with the Ogiek people.

The prayers of the Ogiek community staying in the Mau Forest Complex is that the Mau Forest Task report adopted by the cabinet and parliament to evict all people in Mau should state clearly that the Ogiek people, whom they describe in their report as forest dwellers, should not be evicted from the Mau Forest. The government initial excision of the Mau Forest Complex was to settle Ogiek so that they do not seem to stay in the forest as squatters. The manner in which the settlement was done didn't take into consideration the Ogiek traditional land boundaries of 'koinotwek' (regions) and 'keitonik' (family lineage). This angered the Ogiek community hence the HCCA 635/1997 case, which has not been heard to date which is a sign of justice delayed is justice denied.

Removing or evicting Ogiek from their environment is a sure end of their existence hence they will be a forgotten community that you can only read about in the history books. It will mean the death of their culture and language and cause a negative transformation of their livelihood.

3. The Ogiek Community does not want any form of compensation; neither do they seek an alternative land elsewhere apart from the Mau Forest. The **Convention on Biological Diversity (CBD)** imposes obligations on governments *to respect, preserve and maintain indigenous people's knowledge, innovations and practices* and *to protect and encourage their customary use of natural resources*. At the same time major advances in international law have more clearly defined the rights of Indigenous Peoples and these advances have been consolidated in the recently adopted **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**.

Our appeal to our government is to revoke any attempt to evict the Ogiek from their ancestral land and to respect the Traditional Environmental Knowledge, which has enabled the Ogiek over many years to coexist with the Mau Forest environment. The Ogiek agree that the Mau Forest Complex encroachers should vacate and be compensated or otherwise as per the Mau Forest Taskforce report. The Ogiek have therefore, rejected any form of compensation since they want to remain in their ancestral land.

The Ogiek people are concentrated in the following areas; **Mariashoni location, Nessuit location, Sogoo, Nkaroni, Kiptungah, Tertit, Tinet area and Saino, Sasismwani, Olopirik, Nkareta and Olmekenyu**. The government should allow us to remain in our traditional areas of the Mau Forest Complex to be able to survive as a people and continue our traditional livelihood and culture.

Land retains a focal point in Kenya's history. It was the basis upon which the struggle for independence was waged. It has traditionally dictated the pulse of our nationhood .It continues to command a pivotal position in the country's social, economic, political and legal relations.(Report of the commission of inquiry into irregular/illegal allocation of Public land – The Ndungu report 2004p.xvii)

Yours faithfully,

Signed



Mr. Daniel Mpoiko Kobei
Executive Director
Ogiek Peoples Development Program (OPDP)