Conserving the Mau Forest: the Ogiek’s fight for their rights

www.ghrd.org
# Table of Contents

**Introduction**

**Chapter 1: Country background**

1.1 Demographics  
1.2 History  
   - *Early Days*  
   - *British Colonial Rule*  
   - *Mau Mau Uprising and Independence*

**Chapter 2: The Ogiek**

2.1 Background  
2.2 Issue

**Chapter 3: The Lawsuit**

3.1 Prior to the Lawsuit  
3.2 Case  
3.3 Implementation / Current Standing

**Chapter 4: Recommendations**

4.1 Recommendations

**Chapter 5: Conclusion**
INTRODUCTION

The year 2021 marks the fourth anniversary of the landmark ruling in favor of the Ogiek by the African Court of Human and People’s Rights. Historically, the Ogiek, a hunter-gatherer community who rely on the natural resources of the land for survival, were repeatedly, wrongfully, and violently forced away from their ancestral land, the Mau Forest. Although the Ogiek’s persecution began in the late 19th century during Kenya’s colonial occupation by Britain, efforts for their eviction escalated in the early 21st century. Moreover, since 2004 around 50,000 people from the Ogiek community are estimated to have been forcefully evicted on orders by the Kenyan Government. Despite having their rightful claim to the Mau Forest territory affirmed by the African Court of Human and People’s Rights ruling in 2017, the Ogiek are still unable to return to their land. In the absence of support from the Kenyan Government, many members of the Ogiek community currently reside in temporary camps around central Kenya. Every day 50,000 people are waiting for justice to be delivered.

1 Research conducted by Dorá Horvath, under the supervision of GHRD Africa Head Researcher, Fairuz Sewbaks
Chapter 1 aims to highlight the pertinent background information about the Republic of Kenya. First, by outlining the most recently available demographic information on the country (1.1). This followed by a brief retelling of Kenya’s history from its earliest days, through the colonial occupation and its independence in 1963 (1.2), in order to contextualize the Ogiek’s fight for their land.

1.1 Demographics

The Republic of Kenya, commonly referred to as Kenya, is situated on the eastern coast of Africa, bordered by Somalia, Ethiopia, South Sudan, Uganda, and Tanzania. As a coastal state, Kenya's borders also stretch along the Indian Ocean. Overall, the country spans 580,367 kilometers square, of which 11,227 kilometers square is water.

![Map of Kenya](https://www.cia.gov/the-world-factbook/countries/kenya)

The World Population Prospects, a database prepared by the United Nations Population Division, a UN body that provides population estimates for all states across the globe, estimates that in 2021 Kenya’s population is between 54,915,949 to 55,047,512 individuals.

The country’s vast area is divided into 47 counties. The nation’s capital, Nairobi, located in Nairobi County in the southwest, is the largest by population, counting 4,397,073 residents in

---


2019. Only two more counties, both located in the state's southwest region, boast a population above 2 million as of 2019, namely Kiambu County with 2,417,735 and Nakuru County with 2,162,202 inhabitants. It must be noted that Mombasa County, which solely consists of the coastal city of Mombasa located in the southeast, is the second-largest city in Kenya, counting 1,208,333 inhabitants as of 2019. The three smallest counties are Samburu County (310,327 residents) and Isiolo County (268,002 residents), both located in central Kenya, and finally, Lamu County, situated on the coast in the southeast (143,920 residents).

1.2 History

The Early Days

Historically, the area of what is recognized today as Kenya was inhabited by several different ethnic groups. Many of those groups were made up of Bantu-speaking individuals, which denotes a larger ethnic group with distinct cultural identities. It is estimated that Bantu-speaking groups began settling in the area circa 400 CE. Among the Bantu-speakers in the East Africa region, the Kikuyu played a vital role in the development of the state of Kenya.

It is estimated that the Maasai arrived in the area around the mid 18th century from a region north of Lake Turkana, or Lake Rudolf at the time, located in the northwestern Kenyan. The name ‘Lake Rudolf’, which was used between 1888-1975, originates from European explorers, who chose the name ‘Rudolf’ after Austria’s crown prince, Rudolf Franz Karl Joseph. In 1975, then-President Jomo Kenyatta named the body of water Lake Turkana.

---

quickly established themselves as a dominant group in the area, as they met little resistance from the groups already present on the land. In the meantime, the Kikuyu established themselves in the mountains and forests of today’s central Kenya, primarily surviving off agriculture. Thus, by the 19th century, the Maasai and Kikuyu territories bordered one another.\(^{18}\)

Despite the tension between the two groups due to their territorial proximity, conflict was avoided by the significant distress caused by a smallpox outbreak in the region, which affected Maasai and Kikuyu's livelihood and strength. In conjunction with famine, smallpox urged the Kikuyu to move towards the north from what is now central Kenya. The Maasai also battled the disease, and at the same time, their cattle, a significant source of livelihood, was destroyed by the onset of “pleuropneumonia or rinderpest”\(^{19}\). As sickness weakened the two groups and all those who resided in the area, the region’s colonization by Europeans began\(^{20}\). By 1886, the area was divided among German, British, and French colonial rule, with East Africa primarily occupied by the Germans and British\(^{21}\).

**British Colonial Rule**

The British East African Company, a company backed by the British government that served to establish British colonial rule in the region, went bankrupt by 1895. That is when the British government took over the colonization of Kenya under the name East Africa Protectorate\(^{22}\). The colonizers enacted a series of regulations akin to those of other colonial states, which enslaved Kenyans under their rule. This included regulations such as a 'hut tax,' which required families to pay tax on each hut they owned, introduced in 1902. Rules of this nature served to coerce Kenyans into enslaved labor for the colonizers in order to earn a wage. However, the wage earned by enslaved Kenyans was ordered to be paid back to the British

---

colonizers in the form of taxes\textsuperscript{23}. By 1920 the East African Protectorate became a British colony and was renamed Kenya, after Mount Kenya, located at the center of the state.

Following World War II, tensions increased in Kenya, as the majority of colonized Kenyans remained in poor conditions, and those who sought a way out of poverty felt consistently restricted by the British colonizers\textsuperscript{25}.


Mau Mau Uprising and Independence

The Mau Mau, a nationalist political party led by Kikuyu, advocated for an uprising against the colonizers. In turn, the British colonizers banned the Mau Mau from operating in 1950. Nonetheless, the Mau Mau began their fight for freedom in 1952 (1952-1956), which led the British colonizers to declare a state of emergency the same year. Over the next four years, the British colonizers led a series of attacks designed to squash further uprisings. Moreover, attacks aimed at ending their fight for freedom resulted in the murder of thousands of Kikuyu and in the imprisonment of tens of thousands of others. During the state of emergency,
'African political parties,' meaning any political association formed by Africans, including the Mau Mau, were briefly prohibited from forming until 1960\textsuperscript{30}. While British colonial rule exerted significant effort to halt the fight for freedom, the Mau Mau Uprising forced them to reckon with the reality faced by Kenyans’.

Despite the British colonial ruler’s efforts to squash the movement, by May 1963, Kenya was a self-governing state, meaning that elections were held to elect a non-colonial head of state for the first time. By December 1963, Kenya became independent, becoming a republic led by President Jomo Kenyatta, the father of the current leader, President Uhuru Kenyatta, who was inaugurated in 2013\textsuperscript{31}.


CHAPTER 2: THE OGIEK

Having established an adequate background on Kenya, Chapter 2 provides a comprehensive introduction to the Ogiek community. First, by exploring the history of the Ogiek in Kenya, their origins, traditions, and lifestyle as a hunter-gatherer community (2.1). This is followed by discussing the harmful colonial legacies still evident in the community (2.2).

2.1 Background

The Ogiek, or Okiek, also on occasion called Dorobo, is a Kalenjin language-speaking ethnic group, primarily residing along the Indian Ocean coastal area of Kenya and Tanzania. While the name Ogiek, or Okiek, comes from Kalenjin, the name Dorobo was used by the area’s neighboring ethnic groups, such as the Maasai.

Nonetheless, in the latest demographic census conducted by (KNBS) in 2019, both Dorobo and Ogiek featured on the same survey. The survey counted 23,171 Dorobo members and

---


52,596 Ogiek members. While a part of the considerably large Kalenjin language speaking ethnic group, which is an umbrella term encompassing 6,358,113 individuals, divided into 18 distinct ethnic groups, the Ogiek on their own fall in the category of medium-sized ethnic groups in Kenya. In comparison, the Senger, an ethnic group that also falls under the Kalenjin-speakers’ umbrella, counted 167 members.

The Ogiek’s origin is often disputed, with some suggesting that the Ogiek came to the area around a thousand years ago from a region north of Lake Turkana, located in the northwestern part of Kenya. While others suppose that the Ogiek are relatives of pre-Maasai people who resided in the Rift Valley. In both cases, it is hypothesized that the Ogiek were present in the area recognized today as Kenya before the arrival of the Maasai in the 18th century.

As established earlier, the Ogiek are part of a more prominent family of Kalenjin-speaking ethnic groups. At the same time, under the name Ogiek, the ethnic group recognizes an estimated two dozen distinct smaller groups. While each is unique, the smaller groups of Ogiek generally live within proximity of one another in the forests of west-central Kenya. As a result, most recognize Okiek, a language under the Kalenjin umbrella, as their mother tongue. Still, having lived in proximity with other ethnic groups, such as the Maasai, Nandi, or Kikuyu, many Ogiek groups adopted their respective neighbor’s language.

Historically, the Ogiek have resided in forested areas, such as the Mau Forest, in southeastern Kenya. As a hunter-gatherer group, the Ogiek are renowned hunters, using various techniques to trap their prey. Beyond the meat acquired through hunting, the Ogiek’s diet and economy heavily relied on honey. The honey produced within the forest provides the Ogiek with nutrition and a valuable product to trade with their neighbors, often for various grains to supplement their meat and honey-centered diet.

The onset of British colonial rule in the late 19th century coerced significant change in the Ogiek’s traditional activities and way of living. Being slowly forced away from their ancestral land by colonial rule, the Ogiek were unable to continue their conventional hunter-gatherer practices and turned to cultivation instead. Having begun to care for grain farms, the Ogiek lived a more stationary life, even keeping some farm animals. What was already a significant change to the Ogiek’s lifestyle, in retrospect, only marked the beginning of their struggle for their rightful land.

---

The British colonial rule’s persecution of the Ogiek was the first instance of state-initiated evictions from Kenya’s forests. Under the guise of conservation, the British colonial rule enacted several acts which prohibited the Ogiek’s traditional hunter-gatherer activities and codified their forced eviction from their ancestral homeland. At the same time, as the Ogiek were pushed out of the forest, the British colonial occupier’s activities, such as the planting of exotic trees and the cutting down of existing forest areas for profit, began the slow destruction of Kenya’s forests. Especially within the Mau Forest complex, which spans across four of Kenya's counties (Bomet, Kericho, Nakuru, and Narok) and plays a vital role in the Kenyan water ecosystem as it provides for the Sondu Miriu, Yala,

---

Nzoia, Mara, and Nyando rivers which supply most of the country's western population with water\textsuperscript{47}

![A map of present-day Kenya.\textsuperscript{48}](image)

Starting the early 20th century, the Ogiek have been continuously persecuted and forcibly removed from their ancestral homeland. By 1957 the Mau were officially under the colonial ruler’s provision. Even after Kenya’s independence in 1963, the evictions and land disputes continued. The Ogiek watched their land be burned to the ground on the government’s orders, in turn forcing them to resettle numerous times. Finally, after decades of continuous resettlement, uncertainty, and fear, during the 1990s, the Ogiek came head-to-head with the Kenyan government, led by late President Daniel Arap Moi.

The 1990s were marked by a series of conflicts between President Moi’s government and the Ogiek. The cycle began in which the Ogiek pleaded for help and asserted the vital role of the forest in their lives. In response, the Government either promised them changes to come or


were simply denied from making appointments with government officials\textsuperscript{49}. By 1995, the Ogiek were given a five-acre land within the forest to reside on while the rest of the forest remained under the provision of the government. During this time, the destruction of the forest continued, with trees continuously cut down for profit and it was not long before the Ogiek’s land was once again threatened. By 1999 it has become evident that the Mau Forest Complex’s natural resources were largely sacrificed to agricultural activities\textsuperscript{50}. Ever since Kenya’s independence, the Mau Forest Complex saw the destruction of an estimated 37 percent of its original area\textsuperscript{51}.

After a century of prosecution, resettlement, and empty promises, in 2009, the Ogiek, with the help of the Ogiek People’s Development Program (OPDP), Minority Rights Group International (MRG), and the Center for Minority Rights Development (CEMIRIDE), brought their case in front of the African Commission on Human and People’s Rights\textsuperscript{52}.

\textsuperscript{49} Kamau, J. (n.d.). Chapter 5 - Promises and More Promises... Ogiek. \url{https://www.ogiek.org/report/ogiek-ch5.htm}

\textsuperscript{50} Kamau, J. (n.d.). Chapter 4 - Wanton Destruction. Ogiek. \url{https://www.ogiek.org/report/ogiek-ch4.htm}


CHAPTER 3: THE LAWSUIT

Having considered the issues faced by the Ogiek, Chapter 3 explores the lawsuit filed on behalf of the Ogiek community. To begin, the first section introduces the events leading up to the lawsuit (3.1). Followed by the in-depth detailing of the lawsuit’s content, including the presentation of the specific arguments made on behalf of the Ogiek community towards the government of Kenya as well as the decision by the African Court of Human and Peoples’ Rights (3.2). Finally, the chapter addresses the implementation process and current standing of the case (3.3).

It must be noted that the Republic of Kenya became a party to the African Charter on Human and Peoples’ Rights on July 25, 2000.

3.1 Prior to the Lawsuit

In October 2009, the inhabitants of the Mau Forest Complex, the majority of whom were Ogiek, were served a 30-day eviction notice by the Kenya Forest Service, which, as previously established, is a government-backed organization working towards the environmental conservation of Kenya. In response, the African Commission on Human and People’s Rights, hereafter referred to as the Commission, on November 23, 2009, issued an Order of Provisional Measures, a document which served as a written order towards the Kenyan Government to refrain from following through with the eviction notice they have served the inhabitants of the Mau Forest Complex53.

The Commission argued that the evictions must be stopped considering the detrimental consequences upon the Ogiek’s political, social, and economic survival should they be coerced into abandoning the Mau Forest Complex. According to the Commission, all of which the Kenya Forest Service neglected to consider when issuing the eviction notice54.

Finally, as the Government of Kenya failed to respond to the Commission's Order of Provisional Measures, a lawsuit on behalf of the Ogiek community was presented to the African Court on Human and Peoples' Rights on July 12, 2012\textsuperscript{55}.

3.2 Legal Proceedings

The case, African Commission on Human and Peoples’ Rights (ACHPR) versus Republic of Kenya (Case No.006/2012), alleges that the Republic of Kenya violated articles 1\textsuperscript{56}, 2\textsuperscript{57}, 4\textsuperscript{58},


\textsuperscript{57} African Commission on Human and Peoples' Rights. (1981, 06). African Charter on Human and Peoples' Rights. African Commission on Human and Peoples' Rights. \url{https://www.achpr.org/legalinstruments/detail?id=49: Article 2: Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status}

859, 1460, 17 (2)61, 17 (3)62, 2163 and 2264 of the African Charter on Human and Peoples’ Rights65. Together, the articles alleged violations of the Ogiek’s right to life, property, culture, natural resources, development, and religion66.

On March 15, 2013, emphasizing the urgency of the matter, the African Court of Human and Peoples Rights likewise issued an Order of Provisional Measures67. The Order stated that the Government of Kenya “immediately reinstates the restrictions it had imposed on land transactions in the Mau Forest Complex and refrains from any act or thing that would or

63 African Commission on Human and Peoples’ Rights. (1981, 06). African Charter on Human and Peoples’ Rights. African Commission on Human and Peoples’ Rights. https://www.achpr.org/legalinstruments/detail?id=49: Article 21: 1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it 2. In case of spoilation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation. 3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange, and the principles of international law. 4. State Parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African Unity and solidarity. 5. State Parties to the present Charter shall undertake to eliminate all forms of foreign exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.
64 African Commission on Human and Peoples’ Rights. (1981, 06). African Charter on Human and Peoples’ Rights. African Commission on Human and Peoples’ Rights. https://www.achpr.org/legalinstruments/detail?id=49: Article 22: 1. All peoples shall have the right to their economic, social, and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. 2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development
might irreparably prejudice the case, until the final determination of the said application”68. In addition, it ordered that the Government respond to the Court within 15 days after the receipt of the Order of Provisional Measures, outlining how the Order shall be implemented69.

Nevertheless, by September 20, 2013, the African Commission on Human and Peoples’ Rights, on behalf of the Ogiek community, notified the Court of the Kenyan Government’s non-compliance with the Order of Provisional Measures issued on March 15, 2013, by the Court. Although the Kenyan Government was notified of this on September 26, 2013, the Court has not received a reply as of May 26, 201770.

During the Court’s 35th Ordinary Session, between November 27 and November 28, 2014, the case had its public hearing in Addis Ababa, Ethiopia71. This was followed by the Court’s proposal of an amicable settlement between the two parties, a decision made at the Court’s 36th Ordinary Session held between March 9 and March 27, 201572. However, while the parties attempted to settle the matter amicably, after a series of proposals, the Ogiek’s representatives were not satisfied with the terms of the amicable settlement proposed by the Republic of Kenya. Meaning they did not find the terms offered by the Republic of Kenya satisfactory for remedying the hardship faced by the Ogiek community. As such, the Court proceeded with making its judgment of the matter73.

On May 26, 2017, the African Court on Human and Peoples’ Rights found that the Republic of Kenya had violated articles 1, 2, 8, 14, 17(2), 17(3), 21, and 22 of the Charter. In the Court’s view, article 1 was violated as the Government of Kenya failed to recognize the Ogiek as a distinct ethnic group and, as such, has not taken the appropriate legislative measures to ensure the Ogiek’s rights enshrined in the Charter remain inalienable. As for article 2, the Government of Kenya has violated the article by discriminating against the Ogiek considering the community’s applications to be recognized as a distinct cultural group has been repeatedly denied. This, in turn, denies them legal protection enjoyed by other similar groups. Regarding article 8, the Court recognized the importance of land to the religious practices of certain ethnic groups, including the Ogiek. Therefore, the Court found the Government of Kenya to be in violation of article 8 by restricting the Ogieks’ access to their land, in turn prohibiting them from practicing their religion.

Pertaining to land ownership, the Court found that by evicting the Ogiek from their ancestral land without the consent or prior consultation of the community, article 14 was violated by the Government of Kenya. Article 17, which outlines the community’s right to education and the practice of culture was once again violated by the State considering that the Ogiek’s forceful eviction prohibits them from freely practicing their culture. Article 21 outlines one’s right to ‘freely dispose of their wealth and natural resources’, which, in this instance, for the Ogiek would be a right to dispose of the food produced by their ancestral land, which they are unable to access due to the evictions. Finally, regarding article 22, the Court found the Government of Kenya to be in violation of the article as the Ogiek’s eviction has negatively impacted their economic, social and cultural life.

The only article cited in the original application of which was not violated by the Republic of Kenya is article 4, which protects the right to life. While the Court does not deny that the evictions gravely harmed the Ogiek community’s livelihood due to a lack of causal connection between the two variables, article 4 has not been violated in this instance74.

### 3.3 Implementation / Current Standing

Despite the African Court on Human and Peoples’ Rights 2017 judgment in favor of the Ogiek community, the Kenyan Government is yet to rectify the situation. In fact, the Ogiek’s situation significantly worsened following their legal victory. Despite having successfully argued that their eviction from the Mau Forest area was unlawful, in 2018, over 50,000 individuals were evicted from the area\(^{75}\). The evictions were accompanied by violence and fear as the evictees were subjected to physical assault and forced to watch as their properties being burned to the ground. Regardless of the credible allegations concerning the use of excessive force during the unlawful evictions, no arrests or inquiries were made\(^{76}\).

Regarding actions taken by the Republic of Kenya following the Court ruling, the Government, specifically the Cabinet Secretary for Environment and Forestry, Mr. Keriako Tobiko, has established a task force in 2018\(^{77}\). The task force, namely the ‘Taskforce on the implementation of the Decision of the African Court on Human and Peoples’ Rights issued against the Government of Kenya in Respect of the Rights of the Ogiek Community of Mau Complex and enhancing the participation of indigenous communities in the sustainable management of forests aimed at working towards the implementation of the Court case\(^{78}\). The task force did not include any Ogiek community members, nor were they consulted regarding the implementation process\(^{79}\). A memorandum confirmed the lack of progress from the task force addressed to them by the Ogiek community on February 6, 2019, almost two years following the judgment by the Court. In the memorandum, the community pleaded with the

---


task force to promptly implement the Court ruling\textsuperscript{80}. Furthermore, in the same memorandum, the Ogiek underlined the importance of them being consulted by the task force moving forward\textsuperscript{81}. Still, in an interview with Equal Times published on March 11, 2021, Daniel Kobei, an Ogiek member and leader of the NGO Ogiek Peoples Development Program, revealed further concerns. Specifically, while the task force was expected to present a report of their own prior to January 2020 detailing the implementation status, this document is yet to be published\textsuperscript{82}.

As of 2021, the Ogiek’s situation remains uncertain. However, with the task force not fulfilling its duty, the Government continuing with forceful and violent evictions, the community’s fight for their rights is far from over.


\textsuperscript{82} Omuka, S. (2021, March 10). Despite a landmark ruling, Kenya's Ogiek community are still fighting to return to their ancestral land. Retrieved March 22, 2021, from https://www.equaltimes.org/ despite-a-landmark-ruling-kenya-s#YFjWzZP7Q1J
CHAPTER 4: RECOMMENDATIONS

Having established the Ogiek community’s background in detail, Chapter 4 details the actions recommended by Global Human Rights Defence (GHRD) (4.1).

4.1 Recommendations

Based on the previously established facts pertaining to the case of the Ogiek community of Kenya, the following actions are recommended:

1) The task force on the implementation of the decision of the African Court on Human and Peoples’ Rights issues against the Government of Kenya in respect of the rights of the Ogiek community of Mau and enhancing the participation of Indigenous communities in the sustainable management of forests, hereby ‘Task Force’, established by the Cabinet Secretary for Environment and Forestry of the Government of Kenya in 2018 to oversee the implementation of the African Court on Human and Peoples’ Rights (2018), reconvenes as soon as possible and address the following:

   a. the appointment and greater involvement of Ogiek members on the task force in order to ensure that the community is actively involved and consulted on the decisions taken to implement the Court ruling;

   b. the establishment, and publication of deadlines by which the various goals within the Court case are to be attained and steps taken towards them by the Kenyan Government;

   c. the establishment and publication of a monthly review by the task force regarding the status of the implementation until all goals outlined by the Court ruling are reasonably achieved;

   d. the establishment of an annual review dedicated to the Ogiek community’s continuous enjoyment of their rights to their land, culture, and liberty as established by the Court ruling.
2) The Government of Kenya to take immediate steps towards the legal recognition of the Ogiek as a distinct ethnic group and ensure all the legal provisions enjoyed by such groups under the state’s existing legal framework.

3) The Government of Kenya, in cooperation with the ‘Task Force’, is to ensure the legal ownership of the Mau by the Ogiek community, as well as to take steps to ensure their rights to land, culture, and liberty remain protected and inalienable as outlined by the 2017 Court ruling of the African Court on Human and Peoples’ Rights.

4) The Government of Kenya, in cooperation with the ‘Task Force’, is to acknowledge, as established by the 2017 Court ruling of the African Court on Human and Peoples’ Rights, that the Ogiek community is not responsible for the devastating loss of natural resources which have taken place within the Mau Forest Complex. Therefore, as the rightful owners of the land, the Ogiek community is to be appointed as the primary consultants on conservation efforts targeting the Mau Forest Complex.
CHAPTER 5: CONCLUSION

The Ogiek, a hunter-gatherer community, who rely on the natural resources of the land for survival, are repeatedly, wrongfully, and violently evicted from the Mau Forest\(^3\). It is estimated that since 2018 over 50,000 people were forced to abandon their homes and rightful land, the Mau\(^4\). The community endured decades of discrimination and forced internal displacement, while their pleas to the Government of Kenya going unheard. That is why in 2012, the Ogiek community decided to bring their case to the African Court of Human and Peoples Rights, the highest Human Rights body in Africa. Five years after their case was submitted, in 2017, the African Court of Human and Peoples Rights ruled in favor of the Ogiek. Despite the judgment, the Kenyan Government is yet to rectify the situation. Meaning that in 2021, four years after the African Court of Human and Peoples Rights’ decision, the Ogiek are still unable to exercise their right to their land and culture. As the implementation process draws out, the Kenyan Government leaves some 50,000 Ogiek in uncertainty, despite the community’s rightful claim to the Mau Forest territory. Every day 50,000 people are waiting for justice to be delivered.

---

\(^3\) Omuka, S. (2021, March 10). Despite a landmark ruling, Kenya’s Ogiek community are still fighting to return to their ancestral land. Retrieved March 22, 2021, from https://www.equaltimes.org/despite-a-landmark-ruling-kenya-s#YFjWzZP7Q1J

Conserving the Mau Forest: the Ogiek’s fight for their rights

www.ghrd.org