6.1.6 Kenya



Context

The Mau Forest Complex in Kenya's Rift Valley is a major water catchment and the ancestral home of the Ogiek, an Indigenous forest-dwelling community of approximately 52,000 people. The Ogiek have historically practised hunting, gathering and beekeeping, using detailed knowledge of ecological zones and seasons to avoid exhausting forest resources. The forest extends across several counties and is claimed by the state as a gazetted public forest managed primarily through the Kenya Forest Service. This classification sits uneasily with constitutional recognition of community land, including ancestral lands and territories traditionally occupied by hunter-gatherers. The conflict is rooted in colonial dispossession and continued after independence, when the state retained control over forests and other territories occupied by Indigenous communities. Contemporary conservation and climate narratives have reinforced this history by presenting eviction and exclusion as necessary to protect an ecologically sensitive landscape.

Conflict description

At the centre of the conflict is the state's failure to recognise and implement Ogiek rights to occupy, use and govern their ancestral forest. Conservation measures have repeatedly involved forced evictions, destruction of homes and restrictions on livelihoods, despite the community's argument that its own practices have conserved the Mau for generations. The most recent major episode documented occurred in November 2023 in Maasai Mau. In Sasimwani, about 700 Ogiek families were evicted, their homes demolished by officers and residents left in temporary shelters during the rainy season. The study reports loss of property and shelter, arrests and violence against human-rights defenders, and serious impacts on children, older people and women. Displacement undermines access to food, education and healthcare, while severing cultural and religious practices tied to sacred places, forest resources and collective life. Families unable to rent housing have lived in polythene structures or as squatters near trading centres, increasing poverty and the risk of assimilation. Conservation conflict interacts with unclear tenure, historical land allocations and competition among communities. East Mau has experienced recurrent ethnic violence, including clashes in Nessuit in 2006, Ngongongeri in 2016 and Nessuit-Mariashoni in 2018 and 2020. These episodes involved deaths, injuries, burned homes, looting and displacement. The 2020 violence followed attempted evictions of alleged forest encroachers and destroyed more than 78 houses. State agencies, neighbouring communities, county authorities and private companies all hold different claims or interests in the forest and its resources. Weak land administration, poverty, political competition and unresolved colonial injustices deepen the conflict. Most strikingly, the African Court on Human and Peoples' Rights ruled for the Ogiek in its 2017 merits judgment and 2022 reparations judgment, but these decisions remain

unimplemented. Formal recognition without enforcement leaves the core dispute unresolved and permits repeated violations.

Resistance and pathways forward

The Ogiek have resisted through litigation, public advocacy, community organisation and continued assertion of their identity as forest custodians. After a 2009 eviction notice, the community brought its complaint to the African Commission, which referred the case to the African Court. The resulting judgments constitute a major legal achievement, affirming rights that can underpin future restitution, compensation and reform. Civil-society organisations provide documentation, advocacy and legal support, while community defenders continue to challenge evictions despite intimidation. The study also records strong willingness among community members to engage in solutions. The principal pathway is implementation of the African Court judgments, including recognition of Ogiek tenure and reparations. Historical injustices should be addressed through restitution of ancestral territories or fair alternatives where return is impossible. Conservation must shift from exclusion to partnership, drawing on Ogiek elders' ecological knowledge and involving the community in policy design, forest management and monitoring. Access to resources and any project affecting the forest should be governed through Free, Prior and Informed Consent, with fair benefit-sharing where natural resources generate revenue. The study also recommends stronger political representation, community education on land rights, protection of media freedom and inclusive formulation of land and conservation laws. Court rulings and the rule of law must be respected, and violence or eviction cannot remain the default conservation tool. A durable settlement depends on recognising that the forest and the Ogiek are not competing interests: conserving the Mau requires restoring the role and security of the people whose livelihood system has historically depended on keeping it intact.