The fate of the forests

... is the fate of the nation, and both are in dire straits, writes Dan Stiles.

As election fever consumes Kenya, the country is heading for disaster as government continues to neglect the most pressing environmental problems.

Many think the economy, corruption, education and health are the major issues, but a responsible government can improve on these aspects relatively quickly. Kenya's forests, the number one environmental issue, have so deteriorated that it will take decades of rehabilitation just to catch up with the country's growing needs for fresh water, hydroelectricity, agricultural output and timber products—assuming proper forest management is ever instituted.

Kenya has now reached the crisis stage. If things do not change, there will be no foundation on which to build the economy necessary to pay for all the other things the country so desperately needs. The elections may provide that chance.

Kenyan must make it known to their candidates that they demand action on the forests. The outcome cannot be as usual, which for the past 20 years has meant dishes out tracts of forest to government supporters, developers and paper mills. The forests must be brought to the forefront of the political agenda. If apathy prevails, and politicians think they can still flaunt the law and grab gazetted forests, Kenya will have no future. Pundits say that in a democracy, people get the kind of government they deserve. Let Kenyans prove they deserve good government by speaking out and by voting for those candidates who listen.

Dr Imre Loefler, chairman of the East African Wild Life Society (EAWLS), has recently said, "Today, it is the governments themselves that have become... the arch destroyers of our region's forests."

A 2001 UN Environment Programme report estimates that Kenya is now down to having 1.7% of its territory under closed forest. Yet the UN Food and Agriculture Organization says a country needs at least 10% coverage to assure adequate water supplies. In spite of this, the government in February 2001 announced its intention to gazette a further 67,180 ha of protected forest and to open this for settlement. This is almost 7% of Kenya's remaining one-million hectares of closed forest and would constitute the biggest single excision since independence. The Guardian newspaper has called the proposed excisions 'suicidal'. What could justify this act given that:

- Kenya has ratified the UN Convention to Combat Desertification as well as the Convention on Biodiversity; the excisions would go against many provisions in both.
- The forests to be excised are in highlands feeding most of Kenya's main rivers and streams and some of its most important lakes for biodiversity and tourism. Sites such as Lake Nakuru, home to the world's largest concentration of flamingos, and the Mara River, crucial to the wildebeest migration, are already being affected by deforestation in the Maasai Mara.
- Forests store and release the water used to produce hydro-electricity, which provides 70% of Kenya's energy, while supplying water to towns and farms. Already there are many reports of the drying up of critical water catchment areas and streams due to deforestation. Some, such as the Kerio, Ewaso Nyiro, Sono, and rivers flowing off the Maasai Mara, are silting up existing hydro-power dams and threatening the viability of new ones due to soil erosion. If forest cover is not increased, power rationing will become a permanent feature, and Nairobi and other cities will experience worsening water shortages, damaging to industry, health and quality of life.
- Reduced forest cover is already affecting local weather patterns, making rainfall more erratic and increasing hail and frost, which hurt the tea and coffee sectors, backbones of the Kenyan economy.

Obviously, nothing can possibly justify the excisions. The government claims it wants to settle land-hungry peasants, although it is unable to identify who these peasants are. As Dr Loefler has pointed out, previous excisions have benefited only "prominent members of the ruling elite. Indeed, any list of the names of the most likely beneficiaries of the government's magnanimity would probably read like a Who's Who in Kenya."

The government has stated that most of the gazetted areas targeted for excision are deforested anyway. Yet the Kenya Forests Working Group (KFWG), an EAWLS subcommittee, sponsored an aerial survey of these areas and proved they were still largely forested. The government did not admit to its lie, and in October 2001 signalled its determination to clear the forests by giving the go ahead to alter the forest boundaries.

This government action simply repeats previous scandalous conduct regarding the Ngong and Karura forests on the outskirts of Nairobi. I remember, when I worked for the UN Environment Programme (for the Desertification Control section, not least) in the 1980s, being disturbed by the sound of incessant buzz-saws nearby. I didn't know at the time, but they were cutting down the 'protected' Karura forest in order to build big houses for rich UN bureaucrats.

Unscrupulous government officials had sold large tracts of the forest to developers. Exactly the same thing was happening to forests in the Ngong area. And the Ngong Road Forest Sanctuary Trust, the Green Belt Movement and the KFWG are now fighting - through publicity campaigns, management plans and court cases - to halt any further illegal developments in these forests.

On 25 April 2002, the Kenya Association of Residents' Associations (KARA), the EAWLS and the Environment Liaison Centre International (ELCI) filed a suit to stop the forest excisions, citing that these were contrary to the Constitution and seven acts of law. The Law Society of Kenya later joined the suit. Justice Richard Kulioba of the High Court granted all the requests
in the application, saying "irreversible harm could be done" if the excisions and land allocations went ahead.

The honourable judge ordered all actions to cease until the court had dealt with the issues raised in the suit. To date, the government has ignored the suit and has not even bothered to file its response or to turn up in court. There are also reports that the government has broken the law by proceeding with land allocations in both the Hombe forest on Mount Kenya and the South Nandi Forest, and by continuing its surveying activity in parts of the Mau.

Following the public outcry and the international criticism the announced excisions provoked, President Moi banned all logging. But then Forest Department officials, backed by powerful politicians, wasted little time in declaring partial liftings of the ban to enable companies that "depend on forest products to provide services" to continue raping the forests. This 'ban', then, was just a PR ploy.

The Ogiek people have lodged lawsuits too, beginning on 25 April 1997, following years of mistreatment, discrimination and being lied to by the government. The latter's duplicity was clearly exposed when recent Ogiek evictions from gazetted forests were justified on grounds of "protecting crucial water catchment areas," followed by announcements that forest lands were to be degazetted to settle landless 'squatters'. The Ogiek provided substantial evidence that the 'squatters' were Kalenjin from Kericho, Bomet and Transmara districts who had never even lived near the Ogiek forests.

The 30,000 Ogiek people, commonly known as Dorobo, once lived in most of the highland forests of Mount Kenya, the Rift Valley area (Loita Hills, Eburru, the Mau, the Cheranganis, Nandi-Tinderet, Maralal, and the Mathews Range/ndoto Mountains) and Mount Elgon. Their ancestors first came to Kenya from the Nile Valley area with other Southern Nilotic speakers (today the Kalenjin) about 6,000 years ago. The Ogiek have a long pedigree of territorial occupation of the highland forests, but they no longer have any viable tracts of territory on Mount Kenya or in northern Kenya. Their way of life focused on hunting, gathering wild plant foods and producing honey. Traditionally, they did not clear land.

As long as such hunting-gathering peoples lived unmolested in the forests, the forest ecosystems and their biodiversity remained safe and sound. Hunting and utilisation were well within sustainable limits. The Ogiek say their tribal name means 'caretaker of all' in their language.

Yet colonial and independent government policies have discriminated against these indigenous forest dwellers, forcing them to change their way of life, very much to the detriment of forest ecosystems and to the people themselves. Their culture, social fabric and economic well-being have suffered terribly.

Kiprotich Sang, secretary of the Ogiek Welfare Council, sums up their present crisis: "There was a massive influx of foreigners," he says, "as the government began secretly allocating land. For us, the history of Kenya has been one of suffering, but now is the worst time. We shall be assimilated or evicted. We shall be made extinct."

The Ogiek saga is not well known to the Kenyan public. Most now live in the Mau Highlands, which provide 40% of Kenya with water. (And yet the government is proposing to destroy another 60,000 ha of this forest by its degazement order - an incomprehensible folly.)

The British colonial government began removing Ogiek from the Mau in 1903 to facilitate logging, mainly for the railroad. Much of the forest land signed over by the Maasai to the British between 1911 and 1914 for white settlement was really Ogiek land. In 1932 the East Mau was gazetted, which turned the Ogiek who had lived there for 5,000 years into 'squatters'. They were evicted. The Kenya (Carter) Land Commission (1937-38) recommended that the Ogiek, or 'Dorobo' as they were called, be resettled on European-owned farms or in Forestry Department camps as cheap labour.

Guy Yeoman, who defended the Ogiek for more than 20 years in the name of forest conservation (see SWARA No. 4, 1980), pointed out that by joining these great labour camps they were "working for their own extinction since every hectare of trees they plant is a hectare of their birthright lost forever."

Soon after the evictions, the colonial government clear-felled vast tracts of primary forest and planted sterile pine plantations. Guy Yeoman again: "To this great injustice has been added the forest policy of replacing the indigenous trees with the exotic, which are useless either for bee-keeping or for medicines." They are also empty of birds and other wildlife. By 1954 the entire Mau was gazetted and the 1957 Forest Act officially rendered it all Crown Land. The Ogiek were now legally landless, although many sneaked back into indigenous forest areas to resume their old way of life.

After independence in 1963, the Ogiek hoped that an African government would be more sympathetic to their plight, but that was not to be. The 1964 Forest Act revision overlooked them. Worse, between 1967 and 1988 the KANU government sporadically continued the colonial policy of evicting Ogiek from the forests, even
closing their schools and ordering forest guards to burn down their houses. Many
were forcibly moved to Narok District.

On the brink of annihilation, the Ogiek organised themselves and began lobbying
administration officials. Their efforts paid off in August 1992 in a meeting with
President Moi, led by then Nakuru District Commissioner Ishmael Chelang’a, who
became a champion for the Ogiek. The president gave the Ogiek elders a kindly
reception and they went away thinking they would be getting their ancestral lands
back. The Ogieks voted en bloc for KANU in the elections later that year.

In 1993 the government appeared to be preparing some old Ogiek lands in the East
Narok DC began evicting Ogiek from the forest. In May 1996, the Ogiek wrote to the
provincial commissioner’s house in Kipini. Some have written seriously, others with humour, but this book
reviewed overleaf is an easy read throughout and essential for anyone interested in African
conservation.

The government response was to arrest and to beat the Ogiek leaders. The Ogiek
eventually obtained legal representation and several lawsuits have been filed. Some
have been thrown out of court, some lost, but a main one still languishes in the court.
Mr Chelang’a, now Rift Valley Provincial Commissioner, warned them that outsiders
were plotting to grab it. He said he would
press for their title deeds. In early 1995,
surveying finally started for the Mauche
(Mau-Chepalungu) Settlement Scheme,
but then the shoe dropped. Each Ogiek
family was to get only five acres. That left a
large area unaccounted for. Ogiek elders
went to President Moi’s Kabarak home to
complain — in vain. People of other tribes
had started to move into the area, some
with the assistance of a cabinet minister.

The Ogiek had to reject the five-acre
plot offers or lose all the rest. In the end,
the outsiders posing as Ogiek got hold of
the title deed applications and had the
Mauche land allocated to them, and well-
connected ministers and politicians
were allocated large properties outside of
the scheme. The government sent in the
military to subdue the outraged Ogiek. In

November 1995, Ogiek men, women and
children started a 40-km march to see the
president in State House, Nakuru. They
were met by police who beat them with
batons and arrested elders while Moi
listened to a choir in State House. PC
Chelang’a, who wanted to help, had his
hands tied by the minister and by State
House officials. He died tragically in 1996
when his helicopter was shot down in
northern Kenya.

The Ogiek area was isolated from all
visitors by the police. Journalists were
ordered away at gunpoint and any Ogiek
willing to be interviewed was arrested. The
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president, “Sir … we ask to be settled
exclusively as a community with our own
cultural entity … in a land reserve like any
other community in Kenya.”

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The 1997 suit was upheld. In it, the
court ordered a cessation of all land surveying,
allocations and title deed allotments.
The government has not responded in five years and the court continues to adjourn when
the matter is mentioned and when no one
appears for the government.

Will this also be the fate of the KARA
/EAWLS/ELCI suit? All Kenyans must
now demonstrate the same courage and
determination the Ogiek have shown in
their struggle, as the fate of the forests is the
fate of the nation.

An Impossible Dream

This book, edited by Ian Parker & Stan Bleazard, is a compendium of writing by seventeen former
Game Wardens of the Colonial Kenya Game Department. The topics range from the historical
origins of the Department and official attitudes towards conservation a century and
more ago, to spending a night haunted by ghosts in the abandoned District
Commissioner’s house in Kipini. Some have written seriously, others with humour, but this book
reviewed overleaf is an easy read throughout and essential for anyone interested in African
conservation.

Produced by the new digital process of publishing ‘on demand’, the book is available
both through the internet
(www.librario.com) and through
East African Wild Life Society
shops at Viking House and on
Riara Road, and also from the
Text Book Centre in Nairobi.

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