

Editor's Note: Click [here](#) to access the video from the CLAN media briefing on illegal evictions.

Kenyan communities report illegal evictions during COVID-19

Government agency uses forest conservation as excuse for violating rights guaranteed under ground-breaking court ruling

Nairobi, 23 July 2020 – As cold weather prevails mid-year in Kenya and temperatures plummet in the highlands where traditional forest peoples live, COVID-19 is surging across the country. But rather than being able to shelter safely in their homes, Indigenous and forest dwelling communities are being evicted from their ancestral lands, and their homes and farms destroyed [by their own government](#).

Community Land Action Now (CLAN) has chosen to speak out. CLAN is a network of community leaders and community-based organizations. Its members are pastoral, settled and forest communities.

In the Mau Forest, the Kenya Forest Services (KFS) [has demolished over 300 Ogiek homes](#), and fences, farms and livestock have been destroyed. Children and other vulnerable community members have been left homeless during the pandemic.

In Embobut Forest in the Cherangany Hills, the [KFS has burned 28 homes](#) belonging to extremely poor Sengwer, including their blankets, utensils and other essential belongings.

In both cases, the government is arguing that the evictions are necessary in order to conserve the Embobut Forest and the Mau Forest, large closed canopy forests in Kenya and important watersheds. The government has repeatedly claimed that preserving this ecosystem takes priority over land claims of the Ogiek, Sengwer and others. Yet, a growing body of evidence shows that honouring land rights is the *foundation for conserving forests* sustainably, including those of national and watershed importance. This is [the path](#) which so many modern [governments now take](#) and [global conservation](#) organizations agree.

In its [May 2017 judgment](#), the African Court of Human and Peoples' Rights declared that the Ogiek were *not* responsible for the depletion of the Mau Forest, and its conservation could *not* be used to justify their eviction, nor could it be used to deny them their rights to practice their traditional livelihoods.

The Court also ruled the Mau Complex was indeed the ancestral land of the Ogiek, to which they therefore hold rights. It asked the Ogiek and the Government of Kenya to put forward proposals for working with this reality. The Ogiek submitted a step-by-step plan of action to the Court; the plan respects and protects Ogiek as owner-conservators, issuing them with community land titles subject to rigorous conservation conditions. It also states clearly that most of their ancestral land within these domains will be designated as protected Community Forests and habitation limited to natural glades and moorlands. The Ogiek outline how they will work with KFS to zone and manage the forest well. But three years on, the Government has failed to make detailed submissions, causing the African Court reparations hearing to be postponed until September 2020.

Likewise, the Sengwer's traditional knowledge system – now captured in [written bylaws](#) – long served to conserve their forest home. This forest culture still, like the Ogiek, holds intact forest sacrosanct even as lifestyles have been undermined by decades of government policy, which have left the forests vulnerable to illegal logging, poaching and encroachment by outsiders.

The Sengwer are also pursuing justice in the courts, although they have appealed repeatedly to enter a practical ‘win-win’ partnership with KFS as accountable on-site guardians, as have the Mau Ogiek and Elgon Ogiek. Donors have stood by time and again to help but cannot fund projects where human rights including land rights [are denied](#).

Many Kenyans who are not forest peoples, but pastoralists and settled farmers, are also suffering the brunt of an administration which underestimates the tolerance of modern rural communities to poorly-conceived strategies and which are sometimes implemented with brutality by armed forest guards.

Communities continue to dispute [claims by government](#) to forests they [traditionally own](#). A number of new public forests have been [announced by KFS](#). These include [70 new forest gazettements in 2017](#) alone, across 11 counties.

“We wonder which County will be next” said Mr. Mali Ole Kaunga, Member of Il Ngwesi community in Laikipia County. “So many communities are wrongly losing their natural forests and the chance to prove they too can protect and conserve.”

Communities also deplore the lawlessness around evictions. “It is unlawful and also immoral for Government to evict people without proper notice and in cold seasons—even ‘in the name of conservation’,” said Mr John Mwaiseghe, Member of Mdawida community, Taita Taveta County. “We believed government would honour its [additional pledge](#) in May 2020 to not evict people during COVID-19”.

Mr Wilson Kipsang Kipkazi, member of the Enderois community in Baringo adds: “It is also unlawful to deny the Constitutional declaration that the ancestral lands and forests lawfully used by communities are community land. Legal routes for recognition of ancestral lands or transfer from Public to Community Lands are being curtailed by amendments even preventing us accessing legislators on forest matters without consent of the Service. The Community Land Law of 2016 binds communities to protect their forests and other resources, but which we cannot easily do for as long as government goes slow on surveying and titling our lands. The Forest Law of 2016 provided for Community Forests—but now draft policy implies these will be only for new plantations which communities are advised to develop. First, we need assurance that our *existing natural forests and woodlands* will not be taken from us”.

“Kenyans may question if communities can *really* protect natural forests. We know we can,” said Mr Peter Kitelo, Member of the Elgon Ogiek community, Bungoma County and Chair of the CLAN network. “Foresters and officials only need to look at the evidence of so many brother and sister communities on all continents.”

Communities were already acknowledged as owner-conservators in over 448 million hectares of forests [by 2017](#). Many Community Forests are even now designated as [Forest Parks and Reserves](#) of [national importance](#), and [scientific studies](#) testify to their [success](#).

“The Mau Taskforce, for example, was shown NASA satellite imagery last year, illustrating how the major areas not burned in the raging fires in the Brazilian Amazon in mid-2019 were the millions of hectares, including protected parks, owned by forest peoples,” said Mr. Yator Kiptum, Member of Sengwer community of Cherangany Hills, Trans Nzoia County.

[Community owned forests](#) have also been the flagship of expanding natural forest protection in [Africa](#), including in Namibia, The Gambia, and [Tanzania](#), and are now evolving in Liberia and the Democratic Republic of the Congo (DRC).

Specifically, the Community Land Action Network (CLAN) asks that the government of Kenya:

1. **Stop evicting traditional forest peoples**, listen to the sacrifices they are uniquely willing and able to make to save their forests for themselves and all Kenyans, and agree a practical and fair path forward with each community;
2. **Honour the protection due to still-untitled community lands** throughout the country by ceasing to 'grab' and turn our woodlands and forests into Public Forests; invest instead in helping us declare and manage these as **Protected Community Forests** on our own community lands;
3. Respond in the spirit of devolution and fairness to requests to return **County Forests and Wildlife Reserves to the customary communities** from whom they were taken;
4. Recognize that the old strategies of granting access, use rights and benefits is meaningless **for as long as our forests are not recognized as our own**; and,
5. **Uphold the rule of law.**

###

For more information about Community Land Action Now, a network of rural community leaders in Kenya, contact: info@communityland-now.org

For interview requests, contact Nancy Moss: nmoss@burness.com.

List of Organisations and Individuals Endorsing the Statement

1. APEM ONG (Actions pour la Promotion et Protection des Peuples et Espèces Menacés – DRC)
2. Centre for Minority Rights Development - CEMIRIDE
3. Cercle des Droits de l'Homme et de Développement (CDHD), Republic of Congo
4. Chepkitala Indigenous Peoples Programme
5. CIDH The Network of the Independent Commission for Human Rights in North Africa
6. Congolese Women's Network Corporation
7. Dynamique Mondiale des Jeunes (DMJ) / World Dynamics of Young People (WDYP)-Cameroon
8. Environnement Ressources Développement et Nature (ERND)
9. Green Development Associates-Cameroon
10. Hakijamii
11. Human Health Aid Burundi
12. IMPACT Kenya
13. IMPECT Association, Thailand
14. Indigenous Livelihood Enhancement Partners (ILEPA)
15. International Centre for Ethnic Studies, Sri Lanka
16. IPACC (Comité de Coordination des Peuples Autochtones d'Afrique)
17. Kalahari Peoples' Fund
18. L'Unissons nous pour la Promotion des Batwa (UNIPROBA), Burundi
19. Le Réseau Ressources Naturelles (RRN)-RD Congo
20. Lelewal Foundation, Cameroon
21. Maison de l'Enfant et de la Femme Pygmées (MEFP)- RCA

22. Marioshoni Community Development CBO
23. Mbou-Mon-Tour (MMT), DRC
24. Narasha Community Development Group
25. Nareto Latia Indigenous Peoples' Programme
26. Ogiek Peoples Development Program (OPDP)
27. Organisation pour le Développement et les Droits Humains au Congo (ODDHC), Republic of Congo
28. PACEP (Pastoral Communities Empowerment Programme), Kenya
29. Pour l'Organisation Initiative pour la Protection des Femmes Autochtones et de l'Environnement "IPROFAE"- DRC
30. Programme D'Intégration et du Développement des Peuples autochtones du Kivu (PIDP), DRC
31. Réseau des Associations Autochtones Pygmées (RAPY-RDC)
32. Réseau Congolais Forestier
33. Réseau Ressources Naturelles (RRN), DRC
34. Sengwer Indigenous Peoples Programme
35. SESDev (Social Entrepreneurs for Sustainable Development), Liberia
36. Single Mothers Association of Kenya
37. Slow Food Kenya
38. Sustainable Development Institute-Liberia
39. The Dullah Omar Institute University of the Western Cape
40. Tin Hinan, Niger
41. Ujamaa Community Resource Team (UCRT), Tanzania
42. UOBDU (United Organisation for Batwa Development in Uganda)
43. Wumweri Ghodu CBO
44. Rachael Knight
45. Peter Veit, Interim Director, Governance Center, Director, Land and Resource Rights Initiative, World Resources Institute, Washington DC
46. Liz Alden Wily, Independent Community Land Specialist
47. Yash Pal Ghai, Katiba Institute
48. Active Society Nepal (ASN)
49. Adivasi Navjeevan Gathan Navjyoti Agua (ANGNA)
50. Adivasi Women's Network, India
51. AIPP (Asia Indigenous Peoples Pact)
52. Almaciga
53. AMAN Bengsibas (Aliansi Masyarakat Adat Nusantara Bengkayang, Singkawang dan Sambas, Indonesia)
54. American Jewish World Service (AJWS)
55. APA - Amerindian Peoples Association (Guyana)
56. Asociación Consejo Nacional de Desplazados de Guatemala (CONDEG)
57. Association du Développement et de la Promotion des Droits de l'Homme (ADPDH)
58. BATANI (International Indigenous Fund for development and solidarity)
59. Center for International Environmental Law (CIEL)
60. Centre for Human Rights and Development (CHRD)
61. Centre for Research and Advocacy, Manipur, India
62. Centro Juventude Covalima (CJC)
63. Centro Producción del Espacio, Chile
64. Comisión Intereclesial de Justicia y Paz - CIJP, Colombia
65. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos
66. Corporación Desarrollo Solidario - CDS, Colombia

67. ELPAGAR (Lembaga Pemberdayaan Pergerakan Rakyat, Indonesia)
68. Emmaus Aurinkotehdas ry, Finland
69. European Network for Indigenous Peoples (ENIP)
70. FERN
71. FIAN International
72. Forest Peoples' Programme (FPP)
73. Global Initiative for Economic Social and Cultural Rights (GIESCR)
74. Gobierno Territorial Autónomo de la Nación Wampis (GTANW) - Peru
75. Habitat International Coalition - America Latina (HIC-AL)
76. Human Rights Implementation Centre, Bristol University
77. Human Rights Watch (KHRW), India
78. Hutan Kita Institute
79. ICCA Consortium
80. India Indigenous Peoples (IIP)
81. Indigenous Nationalities Women Youth Network (INWYN)
82. Indigenous Peoples Forum Odisha
83. Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL)
84. Indigenous Peoples Rights Program, Institute for the Study of Human Rights, Columbia University
85. Indigenous Peoples' Research and Development (CIPRED)
86. Indigenous Peoples' Foundation for Education and Environment (IPF), Thailand
87. Indigenous Women League Nepal - IWL Nepal
88. Indigenous Women Legal awareness group (INWOLAG)
89. Initiative for Economic and Social Rights (Serbia)
90. Instituto de Estudios para el Desarrollo y la Paz - INDEPAZ, Colombia
91. Interamerican Association for Environmental Defense (AIDA)
92. International Institute for Environment and Development (IIED)
93. International Network of Human Rights (RIDH)
94. Kalpavriksh, India
95. Kapaeeng Foundation, Bangladesh
96. Kirat Youth Society (KYS), Nepal
97. Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)
98. LemBAH (Lembaga Bentang Alam Hijau, Indonesia)
99. Link-AR Borneo
100. Londres 38 espacio de memorias, Chile
101. MEPA Trust (Marine Ecosystem Protected Areas Trust), Antigua and Barbuda
102. Minority Rights Group International
103. Namati
104. National Indigenous Women's Federation (NIWF)
105. New Wind Association, Finland
106. NGO-Federation of Nepalese Indigenous Nationalities (NGO-FONIN)
107. Nirmanee development Foundation
108. Observatori DESC
109. OGAWS (Organic Growers and Women's Society), Samoa
110. Organización: Centro Interdisciplinario de Investigación y Desarrollo Alternativo, U Yich Lu'um
111. PACOS Trust
112. Palenke Alto Cauca - Proceso de Comunidades Negras (PAC-PCN), Colombia
113. Pgakenyaw Association for Sustainable Development (PASD), Thailand

114. PPKS (Perkumpulan Petani Kelapa Sawit, Indonesia)
115. PROGRESS Kalimantan
116. PUSAKA (Indonesia)
117. Rainforest Action Network
118. Resguardo Indígena Cañamomo Lomaprieta, Colombia
119. SADIA (Sarawak Dayak Iban Association), East Malaysia
120. Siemenpuu Foundation
121. Slow Food
122. Slow Food Youth Network
123. Social Rights Advocacy Centre
124. SONIA (Society for New Initiatives and Activities for a Just New World), Italy
125. Tebtebba, Philippines
126. The Chibememe Earth Healing Association (CHIEHA)
127. The Oakland Institute
128. The Wanjiku Agenda kenya Foundation
129. Tuvalu Non-Profit Organisation (TANGO)
130. Unnayan Onneshan, Bangladesh
131. Women4Biodiversity
132. YMKL (Yayasan Masyarakat Kehutanan Lestari), Indonesia
133. Youth's Action Committee for Protection of Indigenous Peoples (YACPIP)
134. Youth's Forum for Protection of Human Rights (YFPHR)
135. Professor John Knox, Former UN Special Rapporteur on Human Rights and the Environment, Henry C. Lauerman Professor of International Law Wake Forest University School of Law
136. International Indian Treaty Council (IITC), Arizona, USA
137. Hawai'i Institute for Human Rights (HIHR)
138. Continental Network of Indigenous Women of the Americas (ECMIA), Peru
139. Chirapaq, Center of Indigenous Cultures of Perú
140. Mountain Indigenous Knowledge Centre, India
141. Punganay, Cagayan Valley Indigenous Peoples Alliance, Philippines
142. Algys-Blagosloveniye, Russia
143. Association of Indigenous Village Leaders in Suriname (VIDS), Suriname
144. Mulokot Foundation, Suriname
145. Ethnic Council of the Kichwa Peoples of the Amazon (CEPKA), Peru
146. Federation of Native Communities of Ucayali (FECONAU), Peru
147. Missionary Oblates USP, USA
148. Union des peuples autochtones pour le reveil au développement (UPARED), Burundi
149. Actions pour le Développement Durable (ADeD), Benin
150. World Rainforest Movement (WRM), Uruguay
151. Support for Women in Agriculture and Environment (SWAGEN), Uganda
152. Indigenous People's Rights Initiative, India
153. EcoNexus





Centre for
Minority Rights
Development

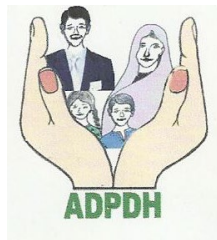


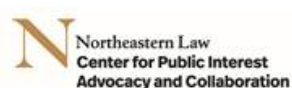
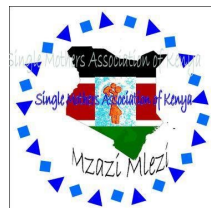
Green
Development
Advocates

For a Green Congo Basin



The Global Initiative
for Economic, Social and Cultural Rights







Londres **38**
espacio de memorias



PACOS TRUST



Centro Interdisciplinario de Investigación y Desarrollo Alternativo A. C.



Support for Women

EcoNexus

