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Erasmus

**Political Ecology, Marginalization, and Indigenous
Food Sovereignty Interactions:
The Case of Ogiek Indigenous People, Kenya**

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List of Acronyms

ISS	International Institute of Social Studies
OPDP	Ogiek People Development Program
KFS	Kenya Forest Service
UNDRIP	The United Nations Declaration on the Rights of Indigenous Peoples
ACHPR	African Commission on Human and Peoples' Rights
MRG	Minority Rights Group
CDA	Critical Discourse Analysis

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Abstract

In environmental conflicts, the evictions of indigenous people from forests conducted under the banner of conservation (green grabbing) is prevalent across the world. These evictions are often based on the premise that conservation can best be accomplished by establishing protected areas where ecosystems can operate in seclusion from human activities. Through the lens of political ecology, this premise seems to be flawed as it misses out on the political, social, and economic issues involved in and influencing these evictions. The Ogiek are an indigenous community that has faced evictions from the Kenyan government in the name of conserving the Mau Forest. Using the political ecology concepts the theory of access, green grabbing, and moral economy, and indigenous food sovereignty, the study investigates the role of political-ecological forces in the marginalization of Ogiek people and how this marginalization affects their food sovereignty. To fulfill this aim, the study sought answers to the subsequent research questions. How do the Ogiek articulate their indigenous land rights against claims by the Kenyan state?: What is the role of green grabbing in denying the Ogiek access to the Mau Forest?: How is the marginalization of Ogiek people affecting their food sovereignty? And What role can a food sovereignty conceptual framework play in rehabilitation of the Ogiek and reclamation of their rights to the Mau Forest? Following the interpretive research philosophy and applying the qualitative research approach, the study gathered data using oral history interviews and folklore methodology. The sample of the study included Ogiek community members and Kenya Forest Service foresters involved in the evictions of the Ogiek people. An analysis of the study's findings reveals that despite the change in livelihood from mainly hunting and gathering to the addition of small-scale farming, the Ogiek still demonstrates a strong bond with the Mau, have knowledge and also the desire to conserve the forest. Also, the study reveals that government actors underplay Ogiek's indigenous conservational knowledge and accentuate the influence of economic and, social and political factors from the colonial times in conservational efforts of the Mau Forest. The study findings that Ogiek's evictions negatively influences their food.

Relevance to Development Studies

From the political ecology of conservation viewpoint, colonial and post-colonial neoliberal forest policies and management practices have wrongfully annexed customary lands of indigenous people under the banner of conservation with no change in the reduction of forest destruction levels. While many scholars have debated that indigenous livelihoods and conservation knowledge can provide a basis for new and more effective frameworks of conservation. However, to achieve this, there is a need the move from the frameworks that appropriate nature inherited from colonialists. In this research project, I employ political ecology theories the food sovereignty concept to analyse the marginalization of the Ogiek indigenous people

Keywords

Political ecology, Ogiek, indigenous people, conservation, environmental conflict Mau Forest

Chapter 2 : Introduction

1.1 Background

In Kenya, Ogiek is one of the largest indigenous tribes that has been facing evictions from different blocks of the Mau Forest Complex since the colonial period to date (Chabeda-Barthe and Haller, 2018). Ogiek are traditionally honey gatherers, who survive mainly on wild fruits and wild fruits and roots, game hunting, and traditional beekeeping. Despite various legal cases against the state by indigenous forest people, statutory recognition and protection of their land rights continue to be a major challenge (Dowie, 2011). The gap between customary and statutory land tenure systems¹ is a significant source of underdevelopment, environmental degradation, and conflicts (Hale, 2006). Continued state violations of indigenous forest land rights in the name of sustainable development and conservation highlight that vulnerable populations lack the power to take advantage of legislation and regain their land rights (Albertazzi et al., 2018). Furthermore, the adopted conservation efforts still allow for land grabbing and logging by political elites and private companies through corruption deals which causes further destructions of forests (Nasi and Frost, 2009; Brandt et al., 2017; Albertazzi et al., 2018). As the studies of Hasan (2014), Basciano et al. (2017) and Rai (2019) infer, the role of the state and individual actors in environmental degradation is grossly undermined and the blame for the destruction is disproportionately placed on indigenous people.

In this research paper, I argue that the recognition of indigenous peoples' land rights cannot be pursued without understanding how the sidelining of indigenous people in well-intentioned environmental conservation efforts affect their culture, self-determination, livelihoods and future. The role played by colonialists, state, and international actors in environmental degradation of forests also needs to be deconstructed and I do this by taking up the case of the Ogiek people and their forced eviction since the colonial times. In spite of extensive research on the Ogiek's relationship with the forest and their marginalization (Nomi, 2004; Spruyt, 2011; Mutugi and Kiiru, 2015; Chabeda-Barthe and Haller, 2018), critical studies concerning the effects of neoliberal forest conservation practices on livelihoods, food sovereignty rights and self-determination are required to inform

¹ Customary land tenure system existed prior to colonialism and it involved land being owned by communities and administered in accordance with their customs. (Amanor, 2008)

Statutory land tenure system- where the government owns all lands but can grant use rights to companies, individuals, and communities in the form of right of use (Manji, 2015)

environmentally just and sustainable forest conservation practices. Using the political ecology lens, this paper examines how political-ecological forces manifested in neoliberal conservation efforts advance the marginalization of Ogiek indigenous people, how this marginalization affects their food sovereignty rights and how the Ogiek accommodate or resist the evictions as political-economic processes change.

1.2 The problematique

As is explained in the United Nations Permanent Forum on Indigenous Issues report, traditionally, hunter-gatherer people are the main marginalized communities in Africa (UN Department of Economic and Social Affairs, 2015). Although the eviction and marginalization of the Ogiek people from the Mau forest began during the colonial period, these evictions have actually continued until today. The current neoliberal forest conservation approaches (for example, via Reducing Emissions from Deforestation and Degradation; REDD+) have further facilitated the Ogiek people's continued marginalization from access to forest resources (Standing and Gachanja, 2014; Dunlap and Brulle 201) encouraging further evictions (Claridge, 2018; Rösch, 2018). Claridge (2018) additionally reiterates that the denial of Ogiek people's access to the Mau Forest Complex not only hinders them from practicing their livelihood activities but also prevents them from conducting their cultural activities that are crucial for sustaining their food systems and traditional customs.

At present, the Kenyan state is seemingly not compelled or willing to ensure that the rights of the cultural and indigenous food sovereignty rights of the Ogiek are upheld as evictions of Ogiek people are still being conducted in violation of the Government of Kenya's domestic and international law obligations (Minority Rights Group International, 2020). What further aggravates the situation of the Ogiek people is the assumption by the state, international and private actors involved in the efforts of rehabilitation, that it necessitates that the forest to be completely freed of human inhabitants (Basciano et al., 2017). The eviction of the Ogiek people by the state in the name of conservation appears to be a facade. This is because the forest's conservation is largely undermined by a mix of private and public actors as well as private logging companies that are directly connected to political leaders which are conducting both legal and illegal logging activities for commercial purposes in the Mau Forest (Albertazzi et al., 2018; Kweyu, 2020; Ministry of Environment and Forestry, 2018). Illegal logging of indigenous trees through

institutionalized corruption by the Kenya Forest Service, poor quality of resource management including badly planned reforestation are some of the major threats to the Mau forest (Ministry of Environment and Forestry, 2018).

The manner in which the Ogiek people's evictions are conducted by the Kenya Forest officials is in violation of their basic human rights (Human Rights Watch, 2019). They have been subjected to physical violence, torching of homes, looting of food stores, and burning down of their crops, beehives and farms (Human Rights Watch, 2019). Presently, some of the evicted Ogiek people have taken refuge in several towns and centres where they rent houses while doing small-scale business and farming activities or are being hosted by people in exchange for offering farming labour services and other manual labour. Some who did not have resources to fend for themselves have set up temporary shelters outside the protected areas of the forest.

The overarching debate in the case of the Ogiek people lies in the question whether the eviction of the Ogiek people from the Mau Forest is the most environmentally just, justified and sustainable ways of rehabilitating the Mau Forest given the historical, social, economic, and political context of the Mau Forest issue. To demystify the Kenyan governments' justifications for denying Ogiek people access to the Mau Forest and to further highlight the implications of this denial, this study proposes to answer the question of how political-ecological forces explain the marginalization of the Ogiek and how this marginalization affects their food sovereignty rights.

1.3 Justification and relevance of research

This study seeks to inform organizations and policymakers involved in the Mau question of the complexities surrounding the environment, politics, culture, and inhabitants of the Mau Forest, thereby contributing to the insights about better management of the forest's conservation. Another significance of the study is that it will demonstrate how unequal power relations between the Kenyan political elites and the Ogiek indigenous people that results in the continued victimization and marginalization of the latter. This will be of particular importance for groups championing for the rights of the Ogiek people such as Ogiek Peoples' Development Program (OPDP) and other NGOs. Also, this study's findings will be important for other indigenous communities in Kenya who are facing a similar plight as the Ogiek, like the Sengwer indigenous people which is being evicted from the Embobut Forest.

A theoretical significance of the study would be to contribute to the political ecology framework through the addition of insights and viewpoints regarding how politics, particularly land politics, may influence environmental issues as well as food sovereignty. This study will achieve this by examining the political dimensions of human/environment interactions in the case of Mau Forest encroachment and the Ogiek indigenous people. Another theoretical significance of the study is that it will contribute to literature about the concept of food sovereignty and indigenous food sovereignty, particularly with regard to forest management and agriculture.

1.4 Research Objectives and Questions

Main Research Objective of this study is to investigate the role of political-ecological forces in the marginalization of Ogiek People and how this marginalization affects their food sovereignty

The specific objectives of the study will be:

1. To investigate how Ogiek people articulate their claims over Mau Forest's resources against the claims by the state
2. To explore how green grabbing has contributed to the marginalization of the Ogiek indigenous people
3. To investigate how the marginalization of Ogiek people impacts their indigenous food sovereignty
4. To investigate the role that an indigenous food sovereignty conceptual framework can play in the context of the Ogiek people.

Main Research Question is: How do political-ecological forces explain the marginalization of the Ogiek People and how does this impact their food sovereignty?

Following are the sub-questions:

1. How do the Ogiek articulate their indigenous land rights against claims by the Kenyan state?
2. What is the role of green grabbing in denying the Ogiek access to the Mau Forest?
3. How is the marginalization of Ogiek people affecting their food sovereignty?
4. What role can a food sovereignty conceptual framework play in rehabilitation of the Ogiek and reclamation of their rights to the Mau Forest?

1.5 Research Methodology

1.5.1 Research Philosophy

The study followed the interpretivism research philosophy. This is because this research philosophy aligns with the present research which seeks to explore the reality of how the marginalization of Ogiek people through evictions from Mau Forest by the government is affecting the Ogiek's food sovereignty rights. Interpretivism emphasizes that social reality is perceived and understood by an individual and this is influenced by his/her ideological positions. As such, it is seen that knowledge is personally experienced and not acquired from an outside source. The interpretivists consider reality to be complex and multi-layered and a particular phenomenon would have different interpretations (Arghode, 2012). In keeping with this interpretivists view, the case of the Ogiek people and the Mau forest is seen to be complex and involves various actors and this research sought to investigate the interpretations of this phenomenon from the Ogiek people and government actors.

1.5.2 Research Strategy and Design

The research strategy followed in this research was a case study which embroils an empirical in-depth investigation, of an organization, community, family or individual (Fridlund, 1997). This strategy was chosen because it would allow detailed and rich information about Mau Forest environmental conflict and the ogiek to be gathered and explored in meeting the aim of the research.

The major research designed employed in social science research are qualitative and quantitative research designs. Quantitative research is the process of collecting and analyzing numerical data (Queirós et al., 2017). Qualitative research design entails gathering and assessing non-numerical data to derive meaning from the data to help inform the understanding of a particular phenomenon (Maxwell, 2012). The research design adopted for this study is a qualitative research design.

In this study, the qualitative design was executed through two major ways which are secondary research and primary research. Largan and Morris (2019) note that secondary research is usually carried out prior to larger scale primary research to assist in clarifying what is to be learned. As such, secondary research was appropriate for this study because it provided a historical background of the struggle of the Ogiek people, theoretical and practical foundations in the areas of political ecology of conservation and food sovereignty for this study to explore the case of the Ogiek people. The secondary research involved the collection

of data from journal articles, government websites, websites of reputable international organizations and books that cover the topics of political ecology of conservation and the plight of the Ogiek people.

The primary research was chosen because it would help to fill in gaps in information that could not be gathered through secondary research (Opoku et al., 2016). The primary research was conducted through oral history research which encompassed oral history interviews and folklore methodologies. Oral history is defined by Hajek (2014) as the systematic collection of testimonies of living people concerning their own experiences. It involves obtaining narrative data from individuals who are alive during a specific event, and who are indirectly or directly involved in that event, or who heard information concerning the event directly from people who participated in it.

The oral history methodology was appropriate for this study because the respondents had a direct experience of the evictions of the Ogiek from the Mau Forest. Hence, they would relevantly highlight the histories of the evictions and its implications in their livelihoods. Ballard (2007) further reiterates that oral history offers a sound methodological and epistemological base for understanding the meaning or significance of events and experience to persons, and the effect of the event on their lives. One of the benefits of using the oral history methodology is that the experience of history is more complex than the subsequent interpretations and narrations by parties who have not experienced the events first-hand (Sommer and Quinlan, 2018). Hence, the use of oral history will divulge this complexity rather than the subsequent existing narrations and interpretations. Oral history methodology is particularly relevant in this study of indigenous forest people since it can divulge their relationship with the forest and the role of the forest in their livelihood more comprehensively (Gimmi and Bürgi, 2007).

Folklore are traditional stories, customs, beliefs, poems and songs passed through generations by word of mouth (Definitions of Folklore, 1996). A folklore methodology involves the collection and examination of these elements. Folklore methodology is often applied in cases where individuals have narrations and written scripts of lived experiences that are passed across generations, hence its relevant in the study of Ogiek's experience of the evictions and implications. The folklore methodology was applied through sourcing songs from the Ogiek people that show their relationship with the Mau Forest land and how it has been affected by the evictions, particularly their food sovereignty rights. The oral history interviews were also conducted with the purpose of answering these same questions.

1.5.3 Study Area

The study was located in the region of Mariashoni in Nakuru District covering an area of approximately 250 Km² and this area represents the center of the Ogiek locations in the north-eastern part of the Mau Forest complex (Micheli, 2014). This area was selected because it is one of the major areas of Mau Forest complex that was occupied by the Ogiek and which has experienced repeated evictions of the Ogiek people since colonial times with the Ogiek people trying to go back to the forest and being forced out again by the government several times. In the latest evictions that started on 1st June (2020) targeting 5,300 members of the Ogiek in Mariashoni, the government had claimed that the move was meant to identify the forest boundaries and restore the water tower (Mureithi, 2020). Those being presently evicted Ogiek people are building temporary shelters or living with other communities in spaces that are outside the protected or gazetted zones of the Mau Forest fenced by the government.

1.5.4 Sampling Technique

I employed a critical case sampling technique in selecting the respondents since it helped the study select the most suitable research participants for the study (Etikan et al, 2016). The critical case purposive sampling is a type of sampling which focuses on a specific case that is considered important to divulge more insights which can be applied to other similar cases (Patton, 2007). The sampling process involved choosing respondents who have the shared characteristics of having experienced the evictions of the Ogiek people from the Mau Forest or being involved in these evictions in any manner (for the civil servants). The sample of the study included 16 Ogiek people members aged 25 and above, 3 foresters from the OPDP and two OPDP leaders- Appendix I. The field research was conducted with the help of a research assistant.

1.5.5 Data Collection Process

Community entry

Being a volunteer at OPDP, having prior rapport with the OPDP leaders and also being an Ogiek, the research assistant knew many members of this program and also knew where most of them were living at the time of the study. The research assistant talked to one of the OPDP leaders about this research study and asked for his help in getting information out to people about the study and request for their participation.

The OPDP leader accompanied the research assistant to Neissut center where the Ogiek who had been evicted from June 2020 were living in schools, churches and temporary shelters at the marketplace. The initial contact with the prospective respondents at this time who were above the age of 25 involved an explanation of the study's significance and a call to participate in free will. Fourteen of the people volunteered to take part in the study. The research assistant later contacted 2 OPDP leaders and also two workers of the OPDP who voluntarily joined the study.

For the Kenya Forest Service Officers, the research assistant visited their offices in Mariashoni to establish contact and ask for their participation after explaining to them about the study. The officers were at first reluctant but 3 of them later agreed after assurance that the information they give will not be used for malicious purpose as states in the consent form.

Conducting interviews

The main data collection tool employed in this study was oral history interviews. This tool was important because it allowed me to ask queries left out of other archives or which had conflicting accounts from the secondary data sources. This role of oral history interviews is reiterated by Janesick (2007) who mentions that oral history interviews provide a more complete, more accurate depiction of the past by expanding the information found in public records, photographs, statistical data, maps, diaries, letters, as well as other historical materials. Furthermore, Leavy (2011) notes that oral history enables persons to recount the personal impacts of change in terms of simple things of life.

For the government employees (the foresters), phone interviews were conducted through their phone numbers which were earlier requested for by the research assistant. For the chosen Ogiek who had phones and can could speak Swahili, I got the contacts from my research assistant and interviewed them myself through phone interviews. For the respondents who did not speak Swahili, (only speak Ogiek), the research assistant who speaks the language coordinated the interview of by translating the questions to Ogiek language and responses to English as I was listening in through a phone call. I conducted 12 interviews of the Ogiek respondents, while the research assistant conducted 4 interviews.

For the interview process, I started by developing a guideline for conducting oral history interviews which stipulated key main questions, probing questions, and length of the interview (30 mins). In the interview guideline, I not only included key interview questions but also highlighted key steps to follow to complete the interviewing. The respondents who

are familiar with the research topic areas (evictions and their implications were recruited. I oriented the research assistant on the interview guideline. Each interview lasted about 30 minutes as agreed earlier with the respondents. I conducted the interviews in two phases to allow respondents to further explain their responses through their experiences.

1.5.6 Data Analysis

Thematic analysis

Thematic analysis was employed in analyzing data gathered from interviews of key informants and OPDP leaders, Kenya Forest employees and Ogiek community members. This technique has been defined as a method that involves identification of patterned meaning in a set of qualitative data (Clarke et al., 2015). The research employed thematic data analysis in several steps, The data gathered in the oral history interviews was first reviewed for error checking and later organized and aggregated. Audio recordings and notes were then transcribed accordingly using a manual process. Specific themes were established which helped to organize meaning and findings. I established a category of analysis which consists of information related concepts. I conducted a thorough review of categories and assigned codes which I later identified concepts related to each code. The review and coding helped me to understand the meaning and interconnectedness of concepts in relation to the study. With reflectivity attached to each information generated from the interview, the construction and reconstruction of historical events of the study was established.

Critical Discourse Analysis

The song identified in this study was analysed using critical discourse analysis. Critical Discourse Analysis (CDA) is increasingly context-sensitive and studies the manner in which inequality, dominance and social power abuse are enacted, reproduced, and resisted by talk and text in both political and social contexts (Fairclough and Wodak, 1997). This is the reason for its use in the case of the Ogiek community. CDA explains the social and political activities that are not just, but it also clearly interrogates them. Many tools exist for undertaking CDA and Huckin (1997) suggested the below CDA tools to be applied when analyzing text.

Table 1: Critical Discourse Analysis Methodology

Element	Interpretation
Framing	This is the presentation of the context found in a text, the angle or perspective taken by the writer. To achieve coherence a text not just be a number of details put together, but instead, it should cause these details to come together to

	form an integrated whole. It is possible to have frames inside frames. For instance, one can frame a news report as a narrative, a story, so that in that particular frame there could be a Good people vs. Bad people frame where one group of the people taking part is treated more favorably when compared to the other group.
Foregrounding	This is the process of the writer placing emphasis on certain concepts (making them prominent inside the text) and not placing emphasis on others. Textual prominence at times may originate from using genres because some genres may have slots which place prominence on whatever information occupies such slots. For instance, the top to down alignment of news reports indicate that those sentences that are found in the initial part of the report will be placed at the fore while those that occur later are positioned in the background.
Background	The eventual type of backgrounding is to totally omit or exclude some things out of a given text. Omission is normally the most powerful element in text formation, because if the writer fails to touch on a particular aspect, it normally stays out of the mind of the reader and therefore, it cannot be scrutinized by the same reader. It is not easy to ask questions concerning something that does not exist.
Topicalization	This is scrutinizing from a close range, the distinct sentences, a person may notice a pattern of sentence topics supporting the textual frame such as the good persons-versus-bad persons frame.
Agent-Patient relations:	Who possesses the highest amount of power and authority? Where the passive is concerned, who is excluded? What formality level is applied inside the text?
Audience	Is the purposed audience required to partake of the views in the song? What relation does the audience have with the author and the topic of the text?

Adapted from Huckin (1997)

1.5.7 Research Ethics

One of the ethical considerations that was observed when using secondary data is the acknowledgment of the original study through in-text citations to avoid issues of plagiarism (Bryman, 2015). The main moral issue that will be evaluated as it relates to the informed

consent of the participants of the study (Drazen et al. 2013). Every respondent that were chosen to take part in the study were informed about the purpose and importance of this research study. The informed consent from the participants was taken in a verbal manner and this signified their acceptance to participate in the study through being interviewed and also for the interview to be recorded for this study. Voluntary participation was also observed in this study, where all participants were not paid to take part in the study but did so at their own free will. Confidentiality was another ethical issue that was considered when carrying out this research project. For instance, as is explained in Kaiser (2012), the names and other personal identifying information of the participants were kept safely with limited access by other people, thus satisfying the ethical requirements of conducting primary research. Finally, the study adhered to the withdrawal policy as part of the ethical consideration. The withdrawal policy allowed the participants to excuse themselves from taking part in the study if they felt that the process has violated their rights. However, all the respondents completed their participation in the study.

1.5.7 Working with the Research Assistant

The research assistant is a member of the Ogiek tribe and a volunteer at the OPDP. I was referred to him by one of bachelors' lecturers after our conversation about my interest in investigating the case of the Ogiek and my travel limitations at the time. He is a journalist by profession and had previously covered news about the Ogiek's plight before. Being a journalist and also undertaking an undergraduate degree which involved a research project, he had some prior knowledge about the confidentiality of data, voluntary participation, and informed consent. Nevertheless, I had explained to him these elements and their importance in my study. He had to sign a non-disclosure form after our agreement on how we would conduct the study and the terms of payment for his services (Appendix 2). Biasness from the of the research assistant may arise from him being an Ogiek and also a member of the OPDP. An advantage of him being an insider is also that he had first-hand, current and deeper information on the Ogiek's livelihoods and the implications of the evictions which added value to his services as a research assistant.

1.5.8 Challenges and limitations of the study

The Ogiek people at Mariashoni were being evicted at the time of the data collection process and it was difficult for the research assistant to get initially contact the 25 respondents I had intended to interview for this study. The research assistant contacted

only 16 Ogiek people members to participate in the study. To compensate for the lesser number of respondents I conducted extensive in-depth interviews by giving them time to provide further explanations and narratives in their responses. Furthermore, I also remained in contact with them and I would give them a call to seek further clarification as I was analyzing data

Another practical limitation that I encountered in the study was the refusal of Kenya Forest Service employees in the study. When first visiting the Kenya Forest Service office in Mariashoni District the research assistant's request to ask for their voluntary participation in the study was turned down because the employees thought that he wanted to interview them and use the information they give for media reporting to make the government 'look bad'. I dealt with this challenge by sending the research assistant my ISS admission letter to show that I am a Masters student here and also a consent form which dictated that I was conducting the study for academic purposes, how I would use the information and protect their personal data in the entire research process. After my explanation, they finally agreed to participate in the study through verbal consent.

1.5.9 Positionality

I acquired a degree of Bachelor of Environmental Science degree for my undergraduate and I have been practicing as an Environmental Impact Assessment (EIA) expert. As an EIA expert, I understand and am aware of the magnitude of environmental conflicts in Kenya and their implications for forest communities. I am familiar with cases of communities constantly being evicted from lands that they have lived on for centuries by the government which claims ownership of these lands as a result of the country's skewed land tenure rules. Studying political ecology concept in the AFES major at ISS has opened my eyes to the reality of political factors have a strong influence on the marginalization of minority groups in environmental conflicts and also the politicization of environmental issues. My bias may arise from my concern that the eviction of the Ogiek people from the Mau forest without proper compensation and relocation procedures have negatively affected their lives.

1.6 Chapterization

The study is structured into five chapters, the introductory chapter provides a background to the study's topic as well as its aim and objectives. It also contained discussions and justifications of methodologies employed in the study. The second chapter is the theoretical framework, and it discusses the political ecology theories and food sovereignty concept in

relation to the topic of the study. The third chapter of the study presents a history of the Mau Forest and Ogiek's relation with the state. The fourth chapter presents and discusses the findings of the study. The fifth chapter is a summary of the major conclusion of the study drawn from the analysis of findings.

Chapter 3 : Theoretical Framework

This chapter first discusses the political ecology theories of land grabbing, the theory of access and moral economy in terms of their underlying assumptions and their application in the case political economy of conservation. The second segment of this chapter elaborates on the relevance and relation of food sovereignty and indigenous food sovereignty principles to the plight of forest dwellers such as the Ogiek in the context of environmental conflicts.

2.1 Political Ecology Theories

Political ecology described as the study of the relationship between social, economic, and political factors within environmental issues strives to unravel the political factors at work in environmental access, transformation, and management (Robbins, 2011). In its widest theoretical sway, political ecology attempts to address issues of natural resource access and distribution as determined by the land tenure system which is the system according to which land is held by an individual or an actual cultivator of the land (Walker, 2005).

Ribot's theory of access explains the role played by power relations in access to land and other natural resources, which field political ecology attempts to investigate. Moral economy illuminates the role of the state in resource allocation vis a vis local community, which is an important element in statutory land tenure systems as addressed by political ecology. Green grabbing rationalizes the grabbing of land by state and international actors in the name of conservation while sidelining local communities and preventing them access to natural resources. This is an important aspect of political ecology as it seeks to address issues in natural resource access.

2.1.1 Theory of access

Access is described as the ability to gain from things such as institutions, individuals, symbols, or material objects (Ribot and Peluso, 2003). A person's access depends on the power that he/she holds, and this involves the means through which they gain, control, and maintain access to resources. According to Ribot and Peluso (2003), different institutions and people have different sources of power as they are positioned differently as it relates to the resources at hand. Considering geographical scales and historical events, it is seen that there is a change in the nature of power and hence how individuals or institutions access resources.

Furthermore, in the application of political ecology to anthropology, Neuman (2014) examines how exercising power influences access to natural resources and in doing this developed an approach that views environmental harm as both an effect and cause of social marginalization. The communities that are socially marginalized are those that belong to minority groups such as indigenous communities that have lower populations compared to other communities in their states. During the opening of the 17th session of the UN Permanent Forum on Indigenous Issues, the speakers mentioned that about 370 million indigenous individuals across the globe were being evicted from lands their ancestors had called home for many years, amidst calls to safeguard their shared rights to natural resources (United Nations Economic and Social Council, 2018). Lands and resources are the sources of collective, cultural, and spiritual identities, and form the foundation of economic livelihoods. However, only a few nations have recognized or taken measures to uphold the rights of indigenous persons to resources, territories, and lands (United Nations Economic and Social Council, 2018). Even where acknowledged, relevant procedures like titling and demarcation are usually not undertaken, whilst land security continues to be an issue. Without being protected, indigenous persons are at the risk of falling behind in efforts to achieve the Sustainable Development Goals.

2.1.2 Moral Economy

The moral economy approach views peasants including forest dwellers as the most revolutionary class and hopes to bring back control of resources to the people by bypassing capitalism (Mamonova, 2016). As a development approach, moral economy seeks to achieve justice, fairness, and goodness for all. One of the themes relevant to the notion of moral economy is forest management. An application of moral economy concept in the case of forest management would advocate for the fair treatment of forest communities and their inclusion in activities related to forest conservation rather than their forceful evictions from forests without proper compensation and resettlement plans by governments. The increasing cases against evictions presented by forest communities in courts indicate the need for an approach that considers the rights of forest communities in attempts to conserve forests. A strength of the moral economy approach is that it critically addresses the role of the state vis a vis the community/rural politics. In this sense of understanding, it highlights the view of the state as an institutional instrument of the elites (Scott, 1977). A criticism of the moral economy approach is that peasant protests are often attempting to tame bureaucracies and markets but not movements to restore traditional systems. In this regard, imply that peasants

will seek collective or individual means to enhance their livelihoods without any drop in their welfare (Popkin and Popkin, 1979). Popkin and Popkin (1979:29) implies that the moral economists believe "that peasants have a fixed view of a proper income, that they will not strive to raise their income beyond that level, and that they are not interested in new forms of consumption." . This criticism is relevant and may point to a limitation of the moral economy approach in development, especially in forest management issues. When applied to the case of forest communities, it fits in with debates that forest communities' ways of living have drastically changed to a lifestyle of overexploitation and overconsumption that would lead to continued destruction of forests.

The moral economy approach is used to analyze the Ogiek's articulation of their claim over the Mau Forest Resources in the context of the claims of ownership and control over the resources by the government of Kenya. It is also be used to discuss the marginalization of the Ogiek people by the government and its effects on the Ogiek's food sovereignty rights.

2.1.3 Green Grabbing

Green grabbing is characterized by the nature and land appropriation for environmental ends and arises as a major cause of concern in the context of wider types of land grabbing (Fairhead et al. 2012). As a feature of the wider land grabbing, green grabbing involves justification of land appropriations using 'green' credentials. These lands are used for fuel or food as is the case of biofuels. It does not always involve wholesale grabbing of land from the rightful claimants but may also mean a change in rules as well as the authority that claimants have over accessing resources for their use, which can also be alienating.

Even though green grabbing is founded on expropriations of resources from a historical perspective, and in the name of climate change and the environment, it has revitalized the trend to a considerable extent. This revitalization has occurred with novel discourses based on climate mitigation that justifiers deployment. The underlying narrative for these posits propagates that climate change can be effectively mitigated by market instruments even as they meet the requirements set for emission thresholds (Liverman, 2009). This is while simultaneously being incompatibility with socio-economic growth and development. The 'economy of repair' logic posits that practices in a specific area that are unsustainable can still be repaired by using ones that are sustainable in another area (Fairhead et al. 2012). These, however, come at a steep price for most of the populations that are already in a vulnerable position as regards their socio-environment (Marino and Ribot 2012). Currently other than ecotourism and biodiversity conservation, policies on climate mitigation which are land

intensive (such as the forest carbon projects and production of biofuels), are gaining prominence (Hunsberger et al. 2017).

Green grabbing as a current phenomenon is founded on colonial and neo-colonial history of alienation shrouded in environmentalism. In the 70s and 80s, peasants that lived in conservation and environment schemes were viewed as destroyers of the environment and also dismissed as custodians of the resources (Brockington and Igoe, 2006). Some of the best-known examples of green grabbing are those that revolve around forest carbon projects. Climate stability is dependent on forests to some degree. Forests also offer a form of livelihood for a major section of the global population (Hunsberger et al. 2017). Carbon offsets have according to the United Nations Framework Convention on Climate Change (UNFCCC); become a measure that is increasingly used in the protection measures of the same. The Clean Development Mechanism of the Kyoto Protocol projects on reforestation and afforestation aim at offsetting emissions. Additionally, governments and companies under the Reducing Emissions from Deforestation and Forest Degradation (REDD) project frameworks, can be compensated in economic terms for the protection of their forests (Campbell, 2009). These policies are based on the logic that they would significantly impact on poverty reduction, conservation, and mitigation (Change, 2010). Nonetheless, there have been criticisms of the forest carbon projects and more so for their leakage. This is because the said projects can postpone and/or displace damage to the environment from a particular site to another (McAfee 2012; Dryzek 2013). Activity leakage can also take place when persons are displaced from offsets and proceed to move to other forested areas (Smith and Scherr 2002). The aim of the REDD and REDD+ projects are the protection of exiting forests while creating new plantations of forests so as to fix the atmospheric carbon. This may require that people are restricted from accessing land due to the degradation of the land.

Green grabbing is used as a lens to explore the appropriation of the Mau forest and explaining how land grabbing impacting the food sovereignty of the Ogiek people in the Mau Forest scenario.

2.1.4 Political Ecology of Conservation

Scholars in the field of social sciences have turned to political ecology frameworks in analyzing environmental resource conflicts across the world. According to Moore (1993), political ecology literature employing macrostructural framework find that one of the main factors shaping conflicts over natural resources in developing nations is the micropolitics of peasant and forest dwellers' struggles over access to natural resources resulting from

skewed land tenure rules by states. According to Bassett and Gautier (2014) in many natural resource conflicts, governments, and private actors under the banners of environmental conservation and sustainable development have been dividing natural resources into development and conservation territories. These divisions are being done at different scales through statutory land tenure rules that erode customary tenure systems (Chimhowu 2019). These neoliberal practices of conservation which are rooted in colonialism and are still being advanced in the world today.

The colonial period was characterized by fortress conservation aimed at protecting biodiversity and natural resources based on the creation of protected territories where ecosystems could function in seclusion from human disruption (Domínguez and Luoma, 2020). The existing modern projects of conservation efforts are reworks of the colonial legacies and are built upon the past practices and models by colonial powers. What is new about the present period is the diversity of practices, institutions and actors embroiled in the division of land and water resources across the world (Franco et al., 2019). A major modern practice of establishing protected areas being practiced across the world is green grabbing (Fairhead et al., 2012). India, Cameroon, and Kenya are some of the leading forest areas where evictions of natives from forests have continued to take place. Large-scale displacement and cultural destruction have been the result of conservation efforts that create protected areas such as green grabbing (Brosius and Russell, 2003).

2.2 Food Sovereignty

Food Sovereignty is a concept that has rapidly developed for the last ten years. It has since then become a reference point for food issues' discourses and more so among the world's social movements (Pimbert, 2009). It is no longer a topic reserved for farmers as it is now increasingly discussed by CSOs, NGOs, and organizations for indigenous people, fisherfolk, and pastoralists. Forests are the indigenous forest communities' livelihood because it is a place to access food in culturally, economic, social, and environmentally appropriate ways to meet their specific circumstances as is the basis of food sovereignty's concept. Attempts to build indigenous food sovereignty frequently include struggles to (re)establish democratic systems of land access and control (Borras Jr et al., 2015). In these struggles, the concept of food sovereignty calls for a novel redistributive land reform which restores and defends indigenous territories and respects and balances the requirements of

varied rural persons. It advocates for agrarian reform through an analysis of the right to land that social movements and indigenous people claim.

Table 2.1: Principles of food sovereignty and Indigenous forest communities

Principles of food sovereignty	Application to indigenous forest communities
Right to access food- Every person should have access to food that is culturally appropriate, clean, nutritious, and safe for consumption (Mulvaney, 2007).	Under this principle, there should a declaration that every person, including indigenous people, has the constitutional right to access culturally appropriate food (Ibarra et al., 2011).
Reformation of the Agrarian Sector- An agrarian reformation that is genuine ought to be implemented and which allows for farming and landless people and more so women, to have control and ownership of the land which they farm (Patel, 2009).	For indigenous people, this would mean these reforms also allow for territories belonging to the natives or indigenous people to be returned to the same.
Protection of Natural Resources- Those who work the land should also have the right to natural resources' sustainable management practices and biodiversity conservation free from any form of restriction of intellectual property rights (McMichael, 2015).	Under this principle, the forest communities should have the right to practice sustainable management of natural resources and conserve biodiversity free of restrictive practices (Ibarra et al., 2011).
Social Peace- Every person has the right not to be faced with any violence thus, food ought not to be used as a weapon (McMichael, 2015).	Under this principle. Indigenous forest communities and ethnic minorities should not be oppressed and marginalized (Patel, 2009).
Democratic control- this principle proposes that peasants and other minority groups should be given the direct opportunity at all levels, to formulate land and agricultural policies (Burnett and Murphy, 2014).	For indigenous forest communities, this principle advocates for their equal participation in matters that affect their social, political, and economic status, which is not tainted with any form of discrimination (Ibarra et al., 2011).

The concept of indigenous food security considers the distinctive offerings of indigenous people in seeking alternative solutions. The offerings include innovations, knowledge, and land-use practices that act as relevant alternatives to globalization (Carrino, 2006). Wittman (2011) adds that the use of community-based controls helps to ensure sustainable production of food and ultimately leads to genuine food security. Related support for the struggles of indigenous people from colonial administrations when addressing issues related to aboriginal title and rights or self-government are seen as crucial necessities for cross-cultural collaborations with the aim of ensuring food sovereignty (People's Food Policy Project, 2010).

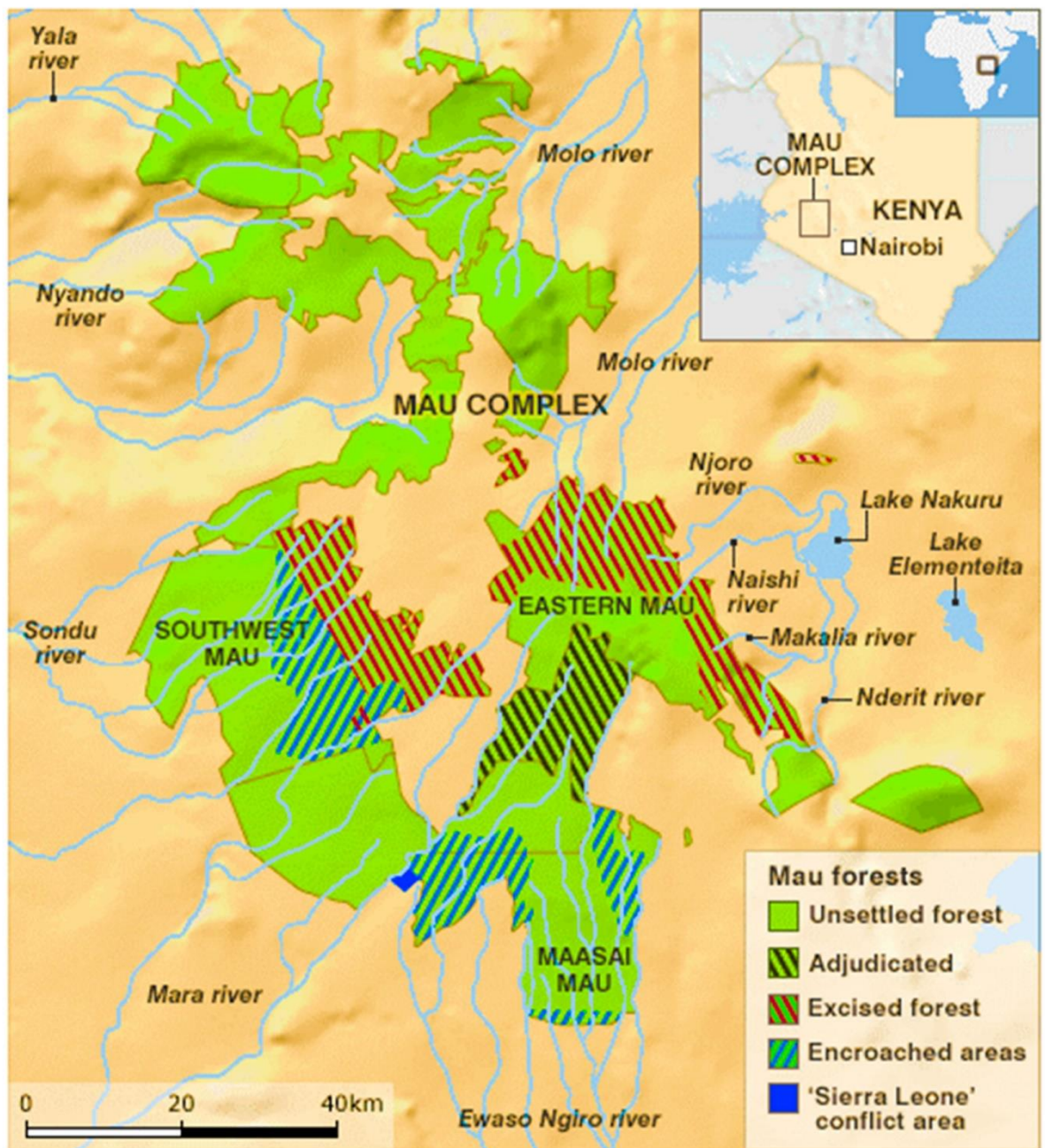
As is explained by Desmarais and Wittman, (2014), an indigenous food sovereignty framework should directly link the health of food to the health of the land. The framework should also acknowledge that the history of social injustice and its role in derailing the indigenous food sovereignty of countries that were colonized (Desmarais and Wittman, 2014). Morrison (2011) explains that this is a crucial contribution and that indigenous food sovereignty comprises of four main aspects: the capability to identify and respond to issues relating to food should be self-determined; the sacred relationships and responsibilities of the land outweigh any colonial policies or laws; these aims are to be achieved via continuous taking part at all levels of the food systems; and that these ends should be achieved via legislative and policy reform. Martens et al. (2016) notes that while indigenous communities play a crucial role in Via Campesina but still an overall indigenous food sovereignty has not been sufficiently examined by scholars.

Chapter 4 : Mau Forest, History of the Ogiek people and the interaction with the state

3.1 The Mau Forest Complex and its Deforestation

Deforestation of the Mau Forest Complex is a significant and ongoing case study of an environmental conflict related to land politics in Kenya. Mau area is a forest complex located in the Rift Valley province of Kenya. It is the biggest indigenous montane forest in East African region. The Mau Forest complex covers an area of about 400,000 acres (Kinyanjui, 2011). It is the catchment area for about twelve rivers, supports tourism through providing ecosystem services of the popular Maasai Mara National Reserve, supports agricultural activities and hydroelectric power generation and is also a habitat for numerous biodiversity species (Kinyanjui, 2011). Presently, the Mau forest has been substantially deforested. Gazettement and de-gazettement of Mau forest reserves and incessant pervasive human encroachments have resulted in the deforestation of over 107,000 hectares over the past twenty years, amounting to more than 25% of the Mau Forest Complex (Odawa and Seo, 2019-Map 1 below). Implication of Mau Forest's degradation in Kenya is significant because of the ecosystem services it offers and also its support for the livelihood of people around the Mau Complex Region (Klopp and Sang, 2011). The colonial and post-colonial governments have been continuously carrying out evictions of indigenous inhabitants of the Mau Forest since 1911. In 1932, the government alleged that the eviction operations were meant to mitigate the deforestation of the Mau Forest (Sang, 2001).

Map 1: Location and Extent of Mau Forest's Deforestation



Source: Odawa and Seo (2019)

3.2 History of the Ogiek people and the interaction with the state

3.2.1 Precolonial forest management and the Ogiek's food system (PRE-1895)

Land rights

In the precolonial period, the land was primarily owned by the communities as customary land. Customary land laws were formed and executed by Ogiek elders in each clan.

It is seen that the clan-based territories were the basis of utilisation, ownership, occupation, governance, and protection of the forest and other associated resources by the Ogiek people (Ronoh et al., 2010). So as to make sure there was consultative use of the territory, issues such as destruction of forests, trespassing, and hunting were dealt with harshly. Moreover, the community did not allow the use of live trees for construction purposes such as in the construction of beehives, and only dead wood was used (Muchemi and Ehrensperger, 2011).

Livelihood

The Ogiek's sources of food were mainly hunting and gathering where they hunted animals and gathered wild produce including fruits, leaves and honey (Distefano, 1990). Honey was the main product used in trade activities with other community members and other communities as well including the Kalenjin, Maasai, and Agikuyu communities ((Ogiek Peoples' Development Program, 2015).

Challenges

In the year 1856, there was attempted encroachment into the Ogiek territory by the neighbouring Maasai community as they sought to expand their land into Laikipia and Mau. This resulted in the two tribes engaging in war as is explained by Kimaiyo (2004). The outcome of the war was that the Ogiek lost the lands surrounding Lake Naivasha but retained those around Nakuru.

3.2.2 Colonial forest management and the Ogiek (1895-1962)

Land Rights

The first forest legislation enacted in Kenya was the Ukamba Woods and Forest Regulation of the year 1897 (Logie and Dyson, 1962). This law was meant to ensure that there was fuel supply for railway locomotives after the completion of the construction of the Kenya-Uganda railway. The colonial government began negotiating with the Maasai in the year 1903 with regard to the transfer of land that belonged to the Ogiek. This led to the development of an agreement between the Maasai and the colonial administration signed in the year 1911 whereby the Maasai handed over the lands in Laikipia, Naivasha, and Nakuru to the white settlers instead of the Ogiek who were the rightful owners (Mwangi, 1998). In doing this, the Ogiek were effectively dispossessed of their land.

In the year 1902, the East African Forestry Regulation was published with the aim of transferring the management of forests to the Forest Department. This allowed this body to gazette or de-gazette forests and also provided guidelines on forest offences and their punishments, authorized licenses issuance for legally permitted activities in the forests and introduced the compounding of offences. By the year 1908, approximately 264410 acres of prime forest land had been given to the white settlers and large chunks of the forest land was owned by private individuals who established tea plantations (Uhlir, 1982).

Livelihoods

However, hunting was outlawed while gathering has been disallowed by preservationist forest policies, laws, and management practices of the colonial government since 1902 (Distefano, 1990; Ronoh, 2011). To supplement their traditional food and for livelihood sustenance, they adapted to livestock keeping and small-scale farming. They plant potatoes, beans, and maize and also rear cattle sheep and goats to date (Ogiek Peoples' Development Program, 2015).

Challenges

The initial forced expulsion of the Ogiek community from their ancestral land was between the years 191 and 1914. This was after the signing of the first pact between the Maasai community and the colonial administration. In this time, colonial soldiers were employed to expel the Ogiek from Mau and move them to Narok. On their part, the Maasai accepted the Ogiek in Narok with the condition that they adopt the Maasai culture and they surrender their animals to them. The white colonial District Commissioner in Narok accented to these demands without even consulting the Ogiek. This led to the Ogiek's refusing to abide by the Maasai demands and hence they remained in Mau Forest (Logie et al., 1962). A second eviction attempt happened in the year 1918 and this again culminated in the Ogiek refusing to surrender their animals to the Maasai and they returned to the Mau forest.

Further attempts to evict the Ogiek people from their territory were carried out by the British colonial government in the years 1926 and 1927. These efforts led to the Ogiek people being confined within native reserves as stipulated by the Native Lands Trust Ordinance of the year 1930 (Nomi, 2004). Under the Forest Act (CAP 385), the government claimed ownership of the forest by virtue. In these displacements, the colonial government suggested that the Ogiek people should be transferred to the reserves of the larger tribes with whom they got along namely the Kalenjin and the Maasai. Sang (2001) explains that these suggestions were provided by a committee comprising of the colonial administration and white settlers who feared that leaving the Ogiek to reside in the forest would result in an

increase in their numbers and more power to claim back their land that had been taken by the white settlers.

The displacements led to the scattering of the Ogiek people to different locations as a way of controlling their numbers and ensuring they are easily assimilated by other tribes. Following the suggestions of the colonial government, disinheritance, and harassment of the Ogiek people continued in the unsuccessful attempts to evict them from the Mau forest (Logie et al., 1962). Ogiek land was formally put under the control of the colonial government by the 1957 Forest Act. During the 1960s colonization came to an end with the independence of the new African states.

3.2.3 Post-colonial forest management and the Ogiek (1963 to present)

Colonization did leave a strong mark on the newly independent state of Kenya. This led to further political, economic and social marginalization of the Ogiek. After attaining independence, the Kenyan government did not interfere with the Ogiek community in the initial 15 years with the first interference happening in 1977. In 1987, ten years later, the Kenyan government banned farming activities and rearing of livestock in forest areas. Spruyt (2011) explains that this ban was applied selectively as it targeted the Ogiek community with the aim of allocating the land to political allies.

In the year 1991, the government started a settlement scheme as a way to address the land problems faced by the Ogiek people. However, this move was simply a political ruse with beneficiaries of the scheme coming from other tribes with political connections namely the Kalenjin and the Agikuyu. Therefore, it is seen that the Ogiek were being evicted to create room for new settlers. Mwangi (1998) explains that since the year 1993, the government has systematically provided huge chunks of land of the Mau Forest for settlement purposes for other communities. People in the political arena including politicians, senior civil servants allocated these lands to people from their communities. This resulted in constant conflict with the Ogiek people who viewed this move as an attempt to alienate them from their ancestral land and hence threaten their livelihood.

In the year 1997, the Ogiek community instituted a class action in the High Court citing harassment and the threat of evictions. However, this case remained unlisted until the year 2012 when it was transferred to the newly instituted Environment and Land Division of the High Court. Judgment was passed on 17th October 2024, with the court ruling in favour of the applicants. The court explained that the Ogiek's right to life was safeguarded under section 77 of the 2010 Kenyan constitution and later reaffirmed in Article 26 of the

2010 Kenyan constitution². The court also explained that the right to dignity of the Ogiek people as stipulated by Article 28 and also their social and economic right stipulated under Article 43 had been violated³. Moreover, the court considered the view that the expulsions were discriminatory and hence were a violation of the protection accorded to the Ogiek under Article 27 of the 2010 constitution and section 82 of the 2008 constitution.⁴

After this ruling, there was a period of inertia characterized by unlawful parceling out and sale of the expunged available land. Concurrent with the class action raised in 1997, an international NGO based in the UK known as the Minority Rights Group (MRG)⁵ made an application to the African Commission as a way to address a notice provided by the Kenya Forestry Service in 2009 with regards to the Ogiek being required to vacate the forest in a 30-day window. Kahura (2018) explains that the case was later taken to the African Court in the year 2012 and this court endorsed the ruling by the Kenyan High Court by determining that the Kenyan government had blatantly disregarded the cultural and religious rights of the Ogiek people (African Court on Human and Peoples' Rights, 2017).⁶ Even after the decision by the African Court on Human and People's Rights, the government is still reluctant to implement the court's decision of returning the Ogiek people.

² Article 26 of the 2010 constitution- Right to life (Every person has the right to life)

³ Article 43 of the 2010 constitution - Economic and social rights

⁴ Article 27 (4) of the 2010 Constitution.- Equality and freedom from discrimination

⁵ Minority Rights Group - is an international human rights organisation created with the aim of working to secure rights for ethnic, national, religious and linguistic minorities and indigenous peoples across the globe.

⁶ African Court on Human and Peoples' Rights - is a continental court established by African countries to ensure the protection of human and peoples' rights in Africa.

Chapter 4: Findings and Discussions

4.1: Introduction to the chapter

This chapter covers the findings of the study, which were derived primarily from the empirical data interviews' responses, a folktale song and secondary data review. Where necessary, direct quotes, as derived from the interviews' responses are given. Based on these findings the research builds trends and patterns on the political ecology, marginalization, and Indigenous food sovereignty interactions in the case of the continued marginalization of the Ogiek. The chapter is divided into four main parts: first, characteristics of the respondents. Second, how the Ogiek indigenous people articulate its claims over the Mau Forest's resources in the context of claims by the state; thirdly, how green grabbing has contributed to the marginalization of Ogiek people; fourthly, how the marginalization of the Ogiek people from the Mau forest has impacted on their indigenous food sovereignty. These are presented in form of themes and subthemes. The chapter ends with a summary of the main findings which form the basis for deriving recommendations.

4.2 A brief description of the respondents

Tables 4.1 and 4.2 give the main characteristics of respondents, as can be seen, all the Ogiek respondents did not possess title deeds of the land they are claiming in the Mau Forest. The Ogieks interviewed were 16 in total and consisted of 12 female respondents and 8 male respondents from the Ogiek people who are also members of the OPDP. They all presently live in areas outside the protected Mau Forest zones located in small centres and towns in Mariashoni location. Some live on land that they have leased while some live on land that they have bought in the new areas

Table 4.1: Characteristics of Ogiek Respondents

*Respondent	Sex	Age	Level of education	Possession of title deed to land	Main Livelihood activity	Number of Evictions experienced	Status in the tribe
R 1	Male	25	Secondary education	nil	Manual labour to farmers	3	Member of OPDP/ Forest scout involved

R 2	Male	27	Tertiary education (University)	nil	Formal Employment	2	Assistant project officer at OPDP
R 3	Female	36	Tertiary education (College)	nil	Small-scale farming	3	Member of OPDP
R 4	Male	67	No formal education	nil	Shopkeeper	5	Member of OPDP
R 5	Male	68	No formal education	nil	Beekeeping	6	Member of OPDP
R 6	Male	61	Primary school	nil	Small-scale farming	5	Member of OPDP
R 7	Female	48	Secondary school	nil	Small-scale farming	4	Member of OPDP
R 8	Male	55	Primary school	nil	Beekeeping	4	Member of OPDP
R 9	Female	60	No formal school	nil	Small-scale farming	5	Member of OPDP
R 10	Male	65	No formal school	nil	Small-scale farming	6	Member of OPDP
R 11	Female	52	Primary school	nil	Small-scale farming	5	Member of OPDP
R 12	Female	47	Secondary school	nil	Small-scale farming	4	Member of OPDP
R 13	Male	40	Primary school	nil	Small-scale farming	4	Member of OPDP
R 14	Female	48	Secondary school	nil	Shopkeeper	3	Member of OPDP
R 15	Female	29	Tertiary level (University)	nil	Formal employment	2	Gender and youth officer at OPDP
R 16	Female	61	No formal education	nil	Beekeeping	5	Member of OPDP

* R 1 refers to respondent number 1, and so on up to the 22nd respondent, represented by R 22

Table 4.2 Characteristics of OPDP Leaders

OPDP Leader	Gender	Age	Role	Education
OPDP Leader 1 (R 17)	Female	54	Finance and administration officer	College
OPDP Leader 2 (R 18)	Male	60	Programs officer	College

Table 4.3 gives a summary of the foresters involved in the study.

Table 4.3 Characteristics of Foresters

Foresters	Gender	Age	Marital status	Level of education	Role	Tribes they belong to
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Forester (R 19)	1	Male	37	Married	College	Conservator in charge of Mau Forest's conservation projects	Maasai
Forester (R 20)	2	Female	46	Married	College	Forester	Kispsigis
Forester (R 21)	3	Male	33	Single	College	Forester	Kikuyu

The research assistant who is a journalist and volunteer at OPDP was also interviewed in this study. He has experienced evictions from the Mau Forest three times. He is referred to as R 22 in this study.

4.3 Ogiek's articulation of claims over the Mau Forest's resources as against claims by the state

The Ogiek respondents believe that the Mau forest belongs to them because the members of the tribe have existed in the forest since their origin and consider it their ancestral home. Though they do not have title deeds for the land they lived on in the Mau Forest before their eviction, they articulate their claims over the Mau Forest through different elements including their conservation of the forest and ancestral occupancy of the land. They further reiterate their claims through the ruling of the court. For instance, R 2, a 27-year-old male Ogiek member mentioned that:

"For decades, the Ogiek people have been living in the Mau forest. The colonial government, the Kenyan government and other communities who immigrated into the Mau Forest Communities found the Ogiek in the Mau Forest." (R 2, 18th June 2020)

R 16, a female 61-year-old Ogiek member further narrates that:

"I was born and raised in Mau by my dad until the time the government decided to give orders since 1988 for people living in the forest to leave. Our land was taken by colonialists and then passed on to political leaders and other communities without us being resettled and given land anywhere else" (R 16, 18th June 2020).

Regarding their conservation of the forest. Respondent 17, a female OPDP leader said that:

"We have been protecting the forest for years even amid evictions by the colonialists and the post-independent Kenyan government. It was a taboo to cut trees without permission from the elders. Those who did so could be fined or even be cursed." (R 17, 18th June 2020)

In a similar vein of thought R 8, a male member of Ogiek member said that:

“We have lived here since the beginning of the world and even my grandfathers’ grandfather was staying at Menete crater. Because the forest belongs to us, we do not fell trees, we only harvest honey and the bees are our friends. But the government does not want to understand that even though we have been working with them as scouts to help curb illegal logging as scouts even without pay.” (R 8, interviewed 18th June 2020).

The theme of claiming of ownership through the ruling of court cases also emerged from some respondents, both from the OPDP leaders and the Ogiek members. For example, respondent 22, the research assistant involved in the study said that

“In 1999 our parents were also assured by the former Kenyan president that the Ogiek people should be given a portion of Mau Forest as their home, and not to be evicted. Therefore, I know Mau as my home. Our people have also been engaged in court processes to articulate our rights over our land in Mau, where the court decided that the Ogiek should be given access to Mau Forest land. However, we do not have title deeds (like some of the other communities), although we requested through the court to have a single title for the whole Ogiek people”. R 22, 19th June 2020).

Similarly, R 18, a male OPDP leader mentioned that

“...even the African Court of Human and People’s Rights offered a judgement that justified our rights as the Ogiek people to secure and utilise our ancestral land.” (R 18, 20th June 2020)

Representing the views of the government, the two foresters indicated the government has a right to claim the Mau Forest since it can better protect it. R 19, a 37-year-old male forester mentioned that

“Mau Forest complex is the largest water tower in Kenya, hence the need for total conservation which can only be effectively done by the government and not individual communities and that is why the government took control of the forest’s ownership and management” (R19, 29th June 2020).

Comparably, R 21, the 33-year-old male forester said that

“Government gazetted the forest land making it government land which it has right of control.” (9th July 2020)

R 20, the female forester, however, seemed to advocate for the inclusion of the Ogiek in the ownership of the Mau Forest. She said that:

“I think the Ogiek are partly owners of the Mau since that is where they originate from and the government can work with them to protect the forest as co-owners of the forest rather than chasing them and calling them squatters.” (R 20, 9th July 2020)

Though two songs were collected through the folklore methodology, the one presented here, titled ‘*Mosorogone emenyo*’ (Do not joke with our land) This song was selected because it not only underlines the relationship of the Ogiek with the Mau Forest but also features the relationship between the Ogiek and the state, which is an important aspect of the political ecology lens (Neumann, 1992). The analysis of the song was done using Huckin (1997) elements of framing, foregrounding, background, topicalization and audiences (appendix 3). It illustrates the Ogiek’s articulation of land ownership in the Mau Forest through the desire to protect it from actors who can destroy the forest. Critical discourse analysis was used to analyze the meaning of the song to answer this study’s research question because this approach views language as a form of social practice and contemplates the context of the language used to be important. It aims to examine ideologies and power relations involved in the discourse with its fundamental goal to alter or halt the political or social issues resulting from inequality (Li, 2020).

Song: Mosorogone emenyo (*Do not joke with our land*)

Mosorogone emenyo, mosorogone emenyo
(Do not joke with our land, do not joke with our land)
Sikosorogone lagokyok, ibinin bo kaplelach
(If you joke with it, it will joke with our children, those of the Kaplelach generation)
Mosorogone emeyo, mosorogone emenyo
(Do not joke with our land, (Do not joke with our land)
Sikosorogone lagokyok, ibinin bo kaplelach
(If you joke with it, it will joke with our children, those of the Kaplelach generation⁷)
Ogase anyun kandoik
(Listen you, leaders)
Mosorogone emeyo, mosorogone emenyo
(Do not joke with our land, do not joke with our land)
Sikosorogone lagokyok, ibinin bo kaplelach
(If you joke with it, it will joke with our children, those of the Kaplelach generation)

⁷ Kaplelach generation is one of the fourteen age sets of the Ogiek people

A critical discourse analysis of the song demonstrates Ogiek's desire to continue protecting the Mau Forest for their future generations and the socio-political tensions between government actors and the Ogiek people in this regard. In the song, the political leaders, who are being cautioned by the Ogiek not to take Ogiek's land are not expected to have the same views as the Ogiek. Also, the agent-patient relations as depicted in the language used in the song shows that political leaders have power over the Ogiek people and that these people are feeling left out. However, the song highlights that the complex nature of land tenure and conservation issues seems to be lost to the Ogiek people in their quest to get their ancestral land rights from the government.

The Ogiek people's articulation of claim over Mau forest is also reiterated in the literature regarding their origins and the court case against the government at the African Court of the People's Rights. For instance, in support of the same position, Claridge (2007) studied the land rights of the Ogiek and discovered that to the Ogiek the Mau forest is their ancestral home and cultural identity because they have lived there since time immemorial. The claims of the Ogiek people to the Mau Forest are echoed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which confirms the rights of indigenous peoples to their traditional territories, lands, and resources (Article 26). Similarly, in its ruling in the case of the Ogiek vs. the Kenyan government in 2017, the African Court on Human and Peoples' Rights (ACHPR) articulated that the Ogiek people had a communal right to their ancestral territory. And that "the Respondent [the Government of Kenya] does dispute that the Ogiek have inhabited this land since time immemorial." (ACHPR, 2017. Despite the affirmation of Ogiek's right to their ancestral land, the Ogiek people's lack of title deed documents as proof of ownership of land in the Mau Forest Complex and this points to the problematic land issues that have been brought about by their eviction from the Forest since colonial times and the gazettement of the Mau Forest.

Two of the interviewed foresters appeared to be cognizant of political issues underlying the manner in which the government claimed ownership of the Mau Forest and gazetted it. Albertazzi et al, (2018) explain that the Kenyan government's claim on the forest is founded on the fact that the power of African governments is strictly linked to the management of natural resources. In the case of Mau Forest, the government's claim demonstrates an association between political issues and natural resources which is vital in many African nations where "politically-mediated access to public resources has been a crucial tactic for buying allegiance and maintaining support for African

leaders” (Mwenda and Tangri, 2005:449). Considering this viewpoint, it is seen that the control over natural resources is a strategic element in the neopatrimonialism dynamics that depict African nations where political leaders maintain authority through personal patronage and occupy administrative offices to obtain personal status and wealth instead of to perform public service (Bratton and Van de Walle, 1993). In the case of the Ogiek and the Mau Forest, there is evidence of political elites illegally acquiring land in the Mau Forest at the expense of the Ogiek people who were living there (Albertazzi et al., 2018). An application of the moral economy’s position regarding consideration of rural politics (Arnold, 2001) to these findings shows a failure of the state to uphold justice and fairness in addressing the Mau environmental conflict rather than considering conservation as independent of such concerns as green grabbing, political influence, Ogiek’s bond with the Mau and their capacity to participate in its conservation.

The theory of access explains how different institutions and people have different sources of power which determine their ability to gain from natural resources (Ribot and Peluso, 2003). In the case of the Ogiek people, they are seen to have political leaders are seen to employ their political power to gain access to Mau Forest resources while selectively denying access to the Ogiek people. Government of Kenya and United Nations Environment Programme (2008) note that during the 1997 election year the Kenyan government planned to create a settlement scheme in the forest range to relocate the Ogiek people. 1,812 ha of forest land was ostensibly set aside for this purpose. Nevertheless, the authors note that main beneficiaries of these were prominent companies and individuals in the then president’s government with only 600 of Ogiek receiving any land (Government of Kenya, Ndungu Land Commission, 2004). Furthermore, President Moi illegitimately allocated part of the land for his Kiptagich Tea Estate (Albertazzi et al., 2018).

4.4 Role of green grabbing in Ogiek’s denial to access the Mau Forest

The responses of the Ogiek people regarding the government’s claims to protect the forest through evictions is seen as holding no ground because the government actors are described to largely contribute to the destruction of this forest. The respondents also use the ruling of the African Court on Human and Peoples’ Rights to further reinforce what they say about the government’s said conservation efforts.

For instance, R 17, a female OPDP leader mentioned:

“We have had several legal battles for the survival of our community because of being mistreated since colonial times. This includes the eviction by the government through the Kenya Forestry Service in 2009, on the grounds of aiming to conserve the Mau Forest as a water catchment area even though other people, including government officials and politicians, are still conducting illegal logging in the forest under the nose of the government.” (R17, June 20th 2020)

When asked whether changes in Ogiek people’s livelihoods leads to the destruction of the Mau Forest, the respondents denied this and rather laid the blame on other communities which were resettled in the Forest and also the commercial illegal logging conducted by the government actors and private companies under the watch of the government.

For instance, R 15, female Ogiek member who works for OPDP answered that:

“The government says that it is evicting us to save the Mau Forest but the truth that is we have been conserving that forest for the longest time and the communities brought in by the government and some corrupt government leaders are the ones who have and are still destructing the forest. Even though we use its resources, our customary rules guide us from destroying the forest. We could only be allowed to pick what was enough for using when harvesting leaves, barks and roots for medicine instead of stocking the medicine. My parents even taught me how to cover the injured part of the root, branch of bark from where medicine is harvested.” (R 15, 29th June 2020)

Another Ogiek member R 9, a 60-year-old small-scale farmer said:

The destruction of the Mau Forest occurred indirectly as a consequence of non-deserving people being resettled in the Mau Forest Complex while we were being evicted. This selectively left Ogiek as victims of the eviction, as corrupt individuals, including political leaders and even government officials benefited from the land allocation rather than the Ogiek” (R 9, 10th July 2020)

In contrast to what the Ogiek respondents said, two of the foresters claimed that the government’s efforts to conserve the Mau Forest do not concern the Ogiek and are not meant to mistreat them but rather to protect the forest for the good of the country. The foresters further claimed that the Ogiek are part of the communities that cut trees in the forest.

R 21, the 33-year-old male forester stated that

“The conservation of the forest is not negotiable. It is not about the Ogiek, but environmental services offered by the Mau Forest. We cannot allow the Ogiek inside the Forest because the forest should not be disturbed.” (R 21 10th July 2020)

R 19, the 37-year-old male forester agreed and said that

“the only way the government can protect the forest which is important for all Kenyans is to get out all people that are not living or cutting trees in the Mau Forest Complex.”

However, R 20, the female 46-year-old forester differed with the other foresters. She said that:

“These people do not understand why the government is so tough on them because their culture has always supported the conservation of forests. They belong to the forest and therefore they were taking care of it as their own property. They were not destroying it as we are seeing today by many other parties. The government evicted them, but the forest is no better than it was before the eviction. The Ogiek know this forest to be their home and that is why they want to be allowed to stay there and take care of it.”

The two of the interviewed foresters claimed that the evictions of the Ogiek from the Mau are in agreement with the narrative that some studies say government propagates. For instance, Klopp (2012) notes that in the view of the importance of the Mau forest as a water catchment west of the Great Rift Valley, the Kenyan government insistence on the eviction of the forest communities should not be understood as marginalization but conservation. These evictions in the name of conservation are seemingly conducted with the selective goal of marginalizing the Ogiek and alienating them from the Mau Forest (Chabeda-Barthe and Haller, 2018). In keeping with this, African Court on Human and Peoples’ Rights also determined that the government’s let-down in acknowledging the Ogiek’s status as an indigenous tribe, as afforded to other comparable groups, deprived them the rights available to other groups, and hence is considered as discrimination (African Court on Human and Peoples’ Rights, 2017).

However, the acts of some Kenyan government officials including previous presidents seem to contradict the goal of the government to conserve the Mau Forest. For example, (Klopp, 2012) notes that the Nyayo Tea Corporation, a parastatal corporation founded in 1986 by President Moi (in a development project funded by the World Bank) with the aim of creating a tea buffer zone to safeguard the forest against logging and encroachments was a way via which forest land had been illegitimately assigned with patronage and political intention. Albertazzi et al. (2018) similarly mention

that, under the front of the “tea buffer zone”⁸, huge chunks of forest lands were illegitimately assigned to civil servants or politicians with links to Moi or shifted to other parties for agricultural purposes or to pave way for construction of infrastructure.

Such examples from secondary data sources demonstrate the manner through which environmental conservation initiatives are turned into means of appropriation and control by the government in power that denies indigenous communities such as the Ogiek access to natural resources. While the need to conserve the Mau Forest cannot be disputed, the approaches are chosen to protect it and the actions of government actors allude to green grabbing tendencies. Under the name of environmental protection, green grabbing embroils changing the authority and rules over access and utilization of resources that can be similarly estranging (Fairhead et al., 2012). Through the gazettelement of the Mau Forest and the subsequent declaration of it as a protected area, the government of Kenya by preventing access to it by the Ogiek, in what the African Court on Human and Peoples’ Rights (2017) terms as discrimination, the government is seen to perpetuate a form of green grabbing. The assumption moral economy that local communities have the desire to protect their environment rather than attempting to raise their income at the expense of environmental protection while those in pursuit of making profit are the ones who exploit the environment (Chernela and Zanotti, 2014) is seen the green grabbing of the Mau Forest by state actors.

The theory of access explanation of how power relations affects access to resources is seen to take life in the case of the Ogiek who have experienced environmental harm as both an impact and effect of social marginalization (Neuman, 2014). This is because the destruction of the Mau Forest has affected their livelihood as they no longer benefit from the Forest’s resources and also where attempts to protect the forest have also led to their marginalization through forceful evictions and denied ancestral land rights.

4.5 Ogiek people’s marginalization and their indigenous food sovereignty

The effects of the Ogiek people’s marginalization through the evictions as explained by the respondents seem to be in accordance with some of the provisions of the indigenous food sovereignty principles. For instance, in relation to culturally appropriate food, the respondents alluded to the evictions inhibiting their food production activities which included hunting, gathering, and beekeeping.

⁸ Tea buffer zone- teal plantation along the forest boundary

The OPDP leaders expressed their deep disappointment at the fact that the Ogiek after having been evicted were forced to adopt new methods of food production such as farming and trade which they were not familiar with and had little skills to effectively conduct them.

R 17, the female OPDP leader said that

“We have experienced weather pattern changing, which also means even our staple food like honey is completely affected because we no longer have a bumper of harvest of honey like we used to, and sometimes it is even hard to get honey, while our access to wild berries that we used to gather have also been completely affected. Also, indicates that hunting is now illegal since “you would be arrested when caught with wild meat” (R 17, 23rd June 2020)

R 1, 25-year-old Ogiek mentioned that

“The traditional food we used to eat since our ancestral days as the Ogiek, such as wild fruits and honey, cannot be accessed since the forest has been destroyed. “Now we have been thought and adopted modern foods. I have not experienced much of the hunting, but I remember when I was young my father would go out with fellow clansmen and come back with wild pig or antelope meat” (June 18th June 2020)

These responses imply a violation of food sovereignty principle regarding access culturally appropriate food which advocates for marginalized groups such as forest dwellers to have access to culturally appropriate food to sustain a healthy life with full human dignity.

In relation to the food sovereignty principle of reformation of the agrarian sector which advocates for the return of territories back to indigenous communities, the respondents referred to their evictions from the Mau Forest and blockage from accessing the Mau forest as efforts to alienate them from the Mau forest and take away their ancestral land.

R 11, a 52-year-old female small-scale farmer who has leased land to farm one said that

“We have become poor because we are now considered squatters by the government which took our land without resettling us or even compensating us.” (R 11, 10th July 2020)

The dispossession of the Ogiek people of their land is also seen to impact their cultural identity since it has prevented them from conducting their customs and traditions closely linked and done in the Mau Forest. Making reference to this, R 10, 65-year-old male small-scale farmer recalls that:

“We were using forests for various purposes including worshipping, but we have been restricted for claims and fear of undertaking other wrongful activities such as cutting of trees, which have been largely performed by other encroaching individuals who are not from the Ogiek people” (R 10, 12th July 2020)

Similarly, R 9, a 60-year-old member of OPDP said that:

“Another mentioned that we used we did all our rituals in shrines located in the forest and got medicine and herbs in the forest, but we are not able to do so now. Even the shrines were destroyed by the KFS foresters.” (R 9, 24th June 2020)

Akin to the provisions of the protection of natural resources principle of food sovereignty. The Ogiek respondents talked about how they protected the Mau Forest which they consider their home and also how their indigenous knowledge of the forest’s protection has been largely ignored by the government in the public conservation efforts. Mentioning this, R 14, a 48-year-old shopkeeper said that

“The government has not recognized us as a people with a unique interaction with the Mau Forest as well as our traditional knowledge and efforts of conserving the forest since our forefathers” (18th June 2020)

Some of the other respondents also mentioned their exclusion and that of their knowledge in afforestation and conservation practices enacted by the government in partnership with other international actors such as the UNEP and this exclusion negatively affecting the Mau Forest. Alluding to this, R 2, an assistant project officer at OPDP mentioned that

“The REDD+ which involves plantations of exotic trees is even leading to the drying up of the swamps in the forest like the Kiputunga swamp.” (R2, 23rd June 2020)

The evictions of the Ogiek people were also conducted in a manner that affected the peace of the Ogiek as explained in the food sovereignty principle of social justice. Indicating this connection, R 15, the gender and youth officer at the OPDP said that

“When the government evicts us, they burn down our houses, our crops in the farm and our food stores just to get us to leave. They even beat us up and shoot in the air to scare us off.” (R15, 20th June 2020)

Another respondent, R 7, 48-year-old small-scale Ogiek farmer mentioned that

“we the women suffer a lot when evictions happen especially when we have small children because we have to take care of them and find a safe place to keep them away from the violence. We

usually go to schools, churches and relatives' places to seek refuge with our young children on our backs. (R 7, 15th July 2020)

The land rights issues between the Ogiek and the government is also seen to escalate the conflicts between the Ogiek and neighbouring communities. Referring to this, R 18, the male OPDP leader said:

“During the period that the government stated that it will allocate land to the Ogiek in their resettlement outside the protected zones of forest, some other communities also came over with the intention of benefiting. These communities feel as though we are a hindrance for them to also benefit from such allocation in the forest settlement area. This has triggered several attacks from other tribes.” (R 18, 20th June 2020)

Democratic control principle as described by Windfuhr and Jonsén (2005) advocates for the equal participation of indigenous people in issues that affect their economic, political and social elements of life. For instance, R 3 Mentioned that

“the government sometimes evicts us without consulting us or even giving us a notice of eviction like what they did last week.” (R 13, 10th July 2020)

In a related response, R 1 said that

“The community forest associations created by the government allows us to participate in the conservation of the Mau Forest as scouts we do get paid, use any resources of the Forest and we are not really involved on how the forest is managed.” (R 1, 9th July 2020)

The principles of indigenous food sovereignty are applied in the analysis of these findings as shown below.

Right to access food

As specified by Article 11 of the International Covenant on Economic, Social and Cultural Rights of 1966, indigenous people, like everyone else, have a right to sufficient food and an essential right to be free from hunger (FAO Right to Food Team, 2009). United Nations Economic and Social Council (2012) emphasizes that the rights of indigenous persons to food and food sovereignty relied critically on their control over and access to the natural resources in the territories and the land they resided in and used. Ogiek's case demonstrates that the causality between the eviction of a community and a violating their right to food can be tough to achieve without recognizing the link between land as a natural resource and food production of indigenous communities (Delormier et al., 2017). While it may be difficult to establish a violation of the right to

food in the eviction of indigenous people, considering it as an aspect of the right to natural resources makes it easier to claim by indigenous people.

In recognition of their denied access to their traditional ways of livelihood and food system, the African Court on Human and Peoples' Rights determined that there was a violation of the right to natural resources, as the Ogiek people were denied access to their traditional food resources derived from their ancestral land. The Court seems to associate the right to food with the right to natural resources, without stating so clearly (African Court on Human and Peoples' Rights, 2017). It demonstrates how access to natural resources is linked to access to natural in the theory of access as being determined by power relations and also the alienation of minority in access of natural resource groups as depicted in the concept of green grabbing.

Reformation of the agrarian sector

The evictions go against the right of the Ogiek to be allowed ownership of their ancestral territories. As Indigenous Information Network Nairobi (2012) notes, issues of access limit the generation of social benefits in community-based natural resource management which is also emergent in the case of the Ogiek. The author also notes that the efforts of involving the Ogiek in Mau Forest's management still denied the Ogiek people's access to the Mau Forest.

Aggarwal and Freudenberger (2013) notes that vital tenancy restructurings are acknowledging or transferring ownership, management and/or use rights over natural resources and land to indigenous persons under the principle of reformation of the agrarian sector. These reforms are based, on the principle that societies can be excellent forest bailiffs. However, in practice, this principle does not always seem to direct the decisions of the people responsible for implementation just as evident in the case of the Ogiek. Reforms can originate as much from all levels of the society, with forces shaping and driving reforms originating from communities, social movements, and indigenous, international donors or the nation (Larson et al., 2010). Such reforms, as explained by Larson and Dahal (2012) should primarily involve the formal acknowledgement of forest rights and advantages for persons already residing in and around forests. Furthermore, it should be propelled by demands for customary or ancestral land rights. In addition to responding to livelihood interests, such reforms should explicitly aim to conserve forests. Reiterating the claim of the Ogiek people over the Mau Forest the African Court on Human and Peoples' Rights, concerning the property right, articulated that the Ogiek people had a shared right to their ancestral territory and that the eviction

of these people from this territory without prior discussion and against their will, violated their property rights stipulated by the Charter as well as the UN Declaration of the Rights of Indigenous Peoples (African Court on Human and Peoples' Rights, 2017).

Protection of natural resources

After decades of state control, numerous forests are still in poor condition (Larson and Dahal, 2012). Centralized state administration, of both protected zones and logging, had mainly failed to control forest degradation and deforestation. Where indigenous or traditional systems had been in place previously, administrations had failed to substitute them with more efficient systems (Addison et al., 2019). The access power constraints proposed by Ribot's theory of access mediate the generation of benefits from community-based natural resource management initiatives and activities (Addison et al., 2019). As such, a community-based natural resource management approach not only gives communities a voice in the management of natural resources within their locality but also allows them to benefit from them and also avert any adverse effects of environmental degradation, in recognition of the right to clean and healthy environment.

From this study's findings, the Ogiek respondents feel that their traditional knowledge is not being integrated into the protection of the Mau Forest by the government. The basis of the Kenyan government policy has been the supposition that local groups do not have the instruments and capabilities to exploit forests and other forest-based resources in a sustainable way. Therefore, communities are excluded from protecting resources themselves, and this has alienated indigenous communities from their ancestral lands (Muigua, 2019). The decision by the African Court on Human and Peoples' Rights seem to agree with the point that destruction of the Mau Forest was not solely brought about by the Ogiek people but by commercial logging (African Court on Human and Peoples' Rights, 2017).

Concerning to the drying up of the Kiptunga swamp due to the introduction of exotic trees mentioned above, in an interview of an Ogiek leader by Chebet(2020) demonstrated that the Ogiek have knowledge of protecting swamps and even practised it in when living in the forest. The elder mentioned that

"Way back in the 1970s through to 1990s, the elders had unwritten regulations governing the swamp. The cows were not allowed to graze into the swamp and there were three clans - Gapyegon, Giptieromu and Giptore tasked to take care of it. We did not introduce any foreign tree around the swamp. They knew the swamp as Mau's heart and did not want anything to poison it" (Chebet, 2020:1)

Social peace

In an attempt to protect the indigenous population from violence, article 10 of the United Nations Declaration on the Rights of Indigenous Peoples which prohibits indigenous persons' enforced exclusion from their ancestral lands. Furthermore, Article 32 of this declaration stipulates that nations should get free, prior and informed consent of indigenous persons prior to accepting any project that touches on their territories, lands, or resources (UN Assembly, 2007). Following the disturbance of the social peace of the Ogiek, the article by Kenya Human Rights Commission (2019) recommends that the Kenyan government protects the internally displaced and evicted people. The article calls for more firm advancement of relevant guidelines to be considered prior to any eviction activity.

Windfuhr and Jonsén (2005) dictate that the food sovereignty principle of social peace advocates for everyone including indigenous communities and ethnic minorities to have the right to be free from violence. The acts of the government enforced through the Kenya Forest Service foresters are seen to be in violation of the social peace right of the Ogiek people. Indigenous people are often evicted from their territories without their free, prior and informed consent (Molintas, 2004). Displacement of indigenous people puts more pressure land and other resources in the proximity, and this increases competition and heightens the risk of skirmishes and conflict. Furthermore, Kenya Human Rights Commission (2019) notes that such displacements can result in immediate tensions between communities or re-emerge as an intensifying aspect in other violent skirmishes like is the case of the Ogiek people where land corruption deals have fuelled violence between Ogiek and their neighbouring communities.

Democratic control

This principle explains that the right of the people whose lives are impacted on by the quality of environment should take part in making decisions concerning that environment in a free manner just as is the case with other public interest areas including in government, healthcare, and education. The work of Elinor Ostrom that won a Nobel prize demonstrated that under proper institutional setup, farmers and other local community members should effectively manage the existing natural resources such as irrigation systems and forests (Ostrom, 1990). Ostrom and Nagendra (2006) add that if the local members are also provided greater participation in resource governance, there

would be better outcomes for both biodiversity and livelihoods. In addition, Principle 10 of the Rio Declaration 60 stipulates that issues to do with the environment should be addressed through joined efforts of all concerned people and from all levels (Colombo, 2017).

The Ogiek's involvement in decision-making processes of matters that affect them in the Mau Forest question is largely missing based on the findings of this study. These findings are similar to other studies investigating the participatory forest management approaches such as that of Mutune et al. (2017) which found that participatory forest management bestowed no real decision-making powers to the established Ogiek people members over important forest resources such as timber and firewood. Indigenous Information Network Nairobi (2012) also found that the Ogiek are marginalized by the government and other conservation partners and are limitedly involved in forums and decision-making processes embroiled in the conservation of the Mau Forest.

In summary, this chapter presented the findings from this study, both from empirical data and secondary sources. They show that:

The members of the Ogiek people together with their OPDP leaders maintain that the Mau forest is their ancestral land which they have a right to occupy and continue protecting it for their future generations. On the other hand, the government through the forest officers insists that the protection of Mau Forest can best be achieved treating it as a protected area with no human disturbance. Critiques of this approach, however, demonstrate continuous forest destruction even with no human disturbance as rarely have the monitoring and enforcement capacity to control large tracts of land without local support and power relations allow the powerful to exploit the forest resources and exclude local actors.

The study also finds that in the name of conserving the Mau Forest the government has marginalized the Ogiek community by forcefully evicting them, denying them their ancestral land rights and denying them access to the forest without proper resettlement and compensation. Meanwhile, destruction of the forest by other actors, including actors from the government and private actors still continuing. Ogiek's efforts and knowledge in conserving the forest since pre-colonial times are largely disregarded by government actors in their pursuit of what they call conservation.

The marginalization of the Ogiek has been used to stop them from accessing the Mau forest resources which were part of their indigenous food production system. The

indigenous foods of the Ogiek included honey, wild fruits, wild game and herbs, all of which were found deep into the forest. Comparing these findings to the food sovereignty principles demonstrates a gross violation of the rights enshrined in these principles in the case of the Ogiek.

Chapter 5: Conclusions and Recommendations

This study set out to investigate the role of political-ecological forces in the marginalization of indigenous people and the impact of this marginalization on food sovereignty, to explain the marginalization of the Ogiek People and how this impacts their food sovereignty. Previous studies about the Mau environmental conflict and Ogiek have majorly investigated the conservation the Mau Forest, Ogiek's land rights and Ogiek's cultural rights in the context of their violation by the state as well as the changes of Ogiek's livelihoods as influenced by the marginalization. my study adds to this literature study attempts to link the implications of Ogiek people's marginalization with the principles of food sovereignty which demonstrates to encompass all these elements of Ogiek's marginalization wholesomely.

On the basis of the empirical data collected over (time period) qualitatively through folklores, and interviews of the members of Ogiek as well as foresters (representing the state interests) I draw the following conclusions :

1. Regarding the articulation of indigenous land rights against the claims by the Kenyan government, the findings revealed a strong connection and bond between the Ogiek and the Mau forest even among the present generations and the desire of the Ogiek to protect this forest for future generations. For instance, the interview responses of the younger Ogiek members (aged 25-36) demonstrated that despite having formal employment, they wished to have the land of their parents in the Mau Forest returned to them because that is 'home' and they would like to protect the land and pass it on to their future generations. This is again reinforced from the analysis of the song highlighting the contentious relationship between the Ogiek and the Kenyan state with regard to the issue of land rights, with the Ogiek people articulating the importance of their ancestral and, not just for them but also for their future generations.
2. The study reiterates the importance of the Ogiek people's customary land right system, as articulated in the court case against the government also. Instead of individual ownership, the Ogiek people wish to be given a single title for the Ogiek community making it a communal ownership.
3. The foresters, who largely represent the interests of the state seem to underline the interplay of the political, social and economic factors from pre-

colonial times which have all contributed to the present situation in advancing eviction of the Ogiek in the name of conservation. Previous literature detailing the Mau Forest's deforestation acknowledge the role of both the colonial and post-colonial governments in this deforestation and criticize the government's eviction of the Ogiek people in the name of conservation. One of the justifications for the green grabbing of the Mau Forest by the Kenyan government is that changes in Ogiek's livelihood have reduced their efficacy in the conservation of the forest since it leads to them cutting trees for construction or agricultural purposes. However, the Ogiek respondents maintain that even with changes in their livelihood, they still desire to and possess crucial knowledge that may be vital for the protect the forest. Do you want to say something about how the foresters were not uniform in all their opinion (gender difference; the community they come from for instance Massai). It is important to note that the foresters who all belonged to different tribed from the Ogiek (Kikuyu, Maasai and Kalenjin) were not uniform in all their opinions regarding the research questions. The male foresters seemed to support the government's eviction of the Ogiek under the banner of conservation while the female forester seemed to support the inclusion of the Ogiek in conservation and upholding of their ancestral land rights.

4. With regard to the food sovereignty principles, the study demonstrated how eviction of the Ogiek not only hinders their cultural way of life and food production but also their autonomy and participation in the conservation of the forest which they call home. The social peace of the Ogiek is threatened through the forceful manner in which the evictions are conducted and also through the escalation of conflict with other neighbouring tribes. Their access to the culturally appropriate food, places of worship and Mau Forests' resources was also hindered. Furthermore, their indigenous knowledge of forest conservation was underplayed in the conservation efforts enacted by the state and international actors.

5. The marginalization in form of the evictions and denial of access to the Mau Forest is hindering the Ogiek's participation in the forest's conservation. Additionally, Ogiek's valuable indigenous knowledge regarding the conservation of the Forest is neglected in the conventional efforts and some of these efforts have harmed the Mau Forest. This inference is deduced from the

case of drying up of Kiptunga Swamp with the Ogiek saying they practised the protection of the swamp successfully before the government took over. An important finding that was noted with regard to state control is that community-based efforts of conservation do not give the Ogiek control over the Forests' resources or the opportunity to participate in decision-making processes.

Recommendations

1. There is a need to recognize the influence of political, economic, and social factors deriving from the colonial times in the development of conservatory measures in the Mau Forest. The disregard of the influence of such factors has led to the creation of haphazard measures in the name of conservation which disproportionately target the Ogiek and alienate them from their land while the forest's destruction is still be conducted by other actors, including government actors. The Ogiek people should be allowed to return to the forest with title deed given to the community along the lines of the customary land rights system.
2. Recognizing the disruption of livelihoods of indigenous people in environmental/land conflicts such as the Mau environmental conflict, the UNDRI Article 32 in similar thought with the social peace principle recommend that the Ogiek should not be forcefully removed from their traditional lands. Rather they should be comprehensive guidelines for and also after evictions for resettlement, compensation as well as community-based conservation.
3. Considering the Ogiek as part owners of the Mau Forest would mean allowing their involvement in decision-making processes concerning Mau Forest's resources and conservation. Such participation should allow the valuable indigenous knowledge of the Ogiek relevant in conserving the forest including knowledge systems of plants, animals, and sacred groves to be integrated into the wider public and market-based conservation efforts such as REDD+.
4. The study recommends that the Ogiek people be made, once again, the guardian of the Mau forest which they know as their home and have protected from before colonial times.

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Appendices

Appendix I: Types of Data Collected and Study Respondents

Research question	Type of data required	Data sources	Data collection method	Adherence to Covid-19 protocols
How does the Ogiek indigenous people articulate its claims over Mau Forest's resources in the context of the claims by the state?	Secondary data	Government publications, national newspaper articles, books, journal articles and reputable websites	Online and off-line literature searching and reviewing	

	Oral historical data, and folklore (songs).	16 Ogiek peoplemembers aged 25 and above years (8 male and 8 female) and the two leaders from the OPDP	Phone interviews and recordings	In case the research assistant had physical contact with respondents, they observed observe 1.5 meters apart and wore masks
	Qualitative interview responses	Key informants (2 OPDP leaders, 3 foresters from the Kenyan Ministry of Environment and Forestry	Phone interviews and recordings	
How green grabbing has contributed to the marginalization of the Ogiek indigenous people?	Secondary data	Government publications, national newspaper articles, books, journal articles and reputable websites	Online and off-line literature searching and reviewing	
	Qualitative interview responses	Key informants (2 OPDP leaders, 3 foresters from the Kenyan Ministry of Environment and Forestry	Phone interviews and recordings	
	Oral historical data, and folklore (songs)	16 Ogiek peoplemembers aged 25 and above years (8 male and 8 female) and the two leaders from the OPDP	Phone interviews and recordings	In case the research assistant had physical contact with respondents, they observed observe 1.5 meters apart and wore masks
How the marginalization of Ogiek people from the Mau forest impacts their indigenous food sovereignty?	Secondary data	Government publications, national newspaper articles, books, journal articles and reputable websites	Online and off-line literature searching and reviewing	
	Oral historical data, and folklore (songs, poems, stories).	16 Ogiek peoplemembers aged 25 and above years (8 male and 8 female) and the two leaders from the OPDP	Phone interviews and recordings	In case the research assistant had physical contact with respondents, they observed observe 1.5 meters apart and wore masks
What role can a food sovereignty conceptual framework can play in the context of the Ogiek people?	Secondary data	Government publications, national newspaper articles, books, journal articles and reputable websites	Online and off-line literature searching and reviewing	

	Oral historical data, and folklore (songs, poems, stories).	16 Ogiek peoplemembers aged 25 and above years (8 male and 8 female) and the two leaders from the OPDP	Phone interviews and recordings	In case the research assistant had physical contact with respondents, they observed observe 1.5 meters apart and wore masks

Appendix 2: Non-Disclosure form

I Anthony Langat will help Valentine Nandako Masika with the research study titled Political Ecology, Marginalization, and Indigenous Food Sovereignty Interactions: The Case of Ogiek Indigenous Community, Kenya.

My role will be to transcribe participant interviews, enter participant data, record interview and act as an Ogiek language interpreter during the interviews.

In this role:

1. I will not disclose the names of any participants in the study.
2. I will not disclose personal information collected from any participants in the study.
3. I will not disclose any participant responses.
4. I will not disclose any data.
5. I will not discuss the research with anyone other than the researcher(s).
6. I will keep all paper information secured while it is in my possession.
7. I will keep all electronic information secured while it is in my possession.
8. I will return all information to the researcher when I am finished with my work.
9. I will destroy any extra copies that were made during my work.
10. Other (researcher add items if needed).



1st July 2020

Signature

Date

Researcher Signature

Full contact information of research assistant

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Appendix 3: Critical Discourse Analysis of the Ogiek Song

Framing	<p>What angle does the speaker take? This is known as the framing of the text since it requires one to examine the frame influence, how the text is viewed.</p> <p>Consider how various frames alter the way of appearance of a painting.</p>	<ul style="list-style-type: none"> • Degradation of the Mau Forest • Environmental concerns over the Mau Forest's degradation • Ogiek community among other communities living in the forest allegedly blamed for the forest's degradation by the state • Evictions of the Ogiek from the Mau Forest in a bid to reverse the effects of its degradation • Fear for future generations of Ogiek people
Foregrounding	<p>On what ideas and issues is the emphasis placed? What topic is the text about or what is the object of interest?</p> <p>Who has been placed at the front part of the text?</p>	<ul style="list-style-type: none"> • Takes a cautioning tone • Failure of the state/leaders • First person point of view (The Ogiek people are the ones cautioning the leaders about their land) • Land is at the foreground of the text (land is a symbol of Ogiek's livelihood, wealth, culture)
Background	<p>What issues of concepts are played down in the song?</p>	<ul style="list-style-type: none"> • Complexity of land tenure issues • Ogiek's role in Mau Forest's destruction

Audience	<p>Is the targeted audience required to agree with the point of view in the song?</p> <p>How does the audience relate to the author and the topic of the text?</p>	<ul style="list-style-type: none"> • The state/political leaders (leaders are not expected to share the same views as the • Other Kenyan communities
Topicalization	<p>What is put at the front of each sentence to how what it is about</p>	<ul style="list-style-type: none"> • ‘Our land’ • ‘Do not joke’
Agent-patient relations	<p>Who owns the highest level of power and authority? Where there is a passive voice, who is excluded?</p> <p>What is the level of formality applied within the text?</p>	<ul style="list-style-type: none"> • The leaders have the power • The community feels left out

Appendix 4: Interview guide

Interview guide for Ogiek community members

1. Articulation of claim to forest land in context of the claims by the state
 - a) How can you explain Ogiek's ancestral claim to the Mau Forest?
2. Green grabbing's contribution to marginalization of Ogiek people through evictions
 - a) How do you think the government's claim of Mau Forest's ownership has contributed to Ogiek community's marginalization through repeated evictions?
 - b) How has the government treated the Ogiek community since its claim of Mau Forest's ownership after taking over from the colonialists?
3. Effect of marginalization of Ogiek people on their indigenous food sovereignty
 - a) Where are you living after the evictions?
 - b) What has changed in the way in which you access your cultural foods since the evictions from the Mau Forest?
 - c) What has changed in the way you interacted with the forest (status of biodiversity conservation efforts by the Ogiek community) since the evictions? Are you able to protect the forest after the evictions?
 - d) What has changed in terms of your access and right over Mau Forest land since the government's claim of Mau Forest's ownership after the colonialists left?
 - e) What has changed in terms of social peace and conflict since the evictions by the government started?
 - f) In what ways have you changed your livelihood activities because of the evictions from the forest?
 - g) Do you want to live in the forest if given your land back?

Interview guide for KFS officers

1. Articulation of claim to forest land
 - a) Why do you think the government gazette/claimed ownership of the Mau Forest Land?

b) How can you explain government's disagreement of Ogiek's ancestral claim to the Mau Forest?

2. Green grabbing's contribution to marginalization of Ogiek people through evictions

a) Do you think government's gazette/claim of Mau Forest's ownership has contributed to the marginalization of Ogiek community through forceful evictions? (yes or no)

b) Explain your answer in a) above

3. Effect of marginalization of Ogiek people on their indigenous food sovereignty

a) What do you observe to be the effects of Ogiek's evictions on their access to cultural foods?

b) What do you observe to be the effects of Ogiek's evictions on their biodiversity

conservation efforts?

c) What do you observe to be the effects of Ogiek's evictions on their livelihoods and peace?