

URGENT REQUEST TO Mr. KERIAKO TOBIKO TO STOP FORCED EVICTION OF THE OGIEK COMMUNITY NOW!

July 20th, 2020

On Wednesday, July 8th, 2020, members of the Ogiek community reported that the Kenyan police and the Kenyan Forest Service had started evicting people from the Mau Forest. As of 9th July 100 Ogiek families (approximately 600 people) have been displaced; their houses have been destroyed, leaving them without shelter, vulnerable to Covid-19, and unable to access their ancestral lands, their source of food and livelihood. The total number of Ogiek affected by these evictions will increase in the coming days as these evictions are ongoing. According to the 2017 judgment of the African Court on Human and Peoples' Rights ('African Court'), the Ogiek Community has the right to live in the Mau Forest. For these reasons, we, as civil society and international organizations, urge Mr. Keriako Tobiko (Cabinet Secretary of the Kenyan Ministry of Environment & Forestry) to stop these evictions immediately.

The following twenty-six organizations stand in solidarity with the community and express our gravest concerns regarding the reports of ongoing forced evictions, given the following circumstances:

- Evictions are being carried out during the Covid-19 emergency. Families have seen a drastic reduction in income due to market challenges and movement restrictions. This is not in accordance with the moratorium on evictions for the period of the Covid-19 pandemic declared on May 11, 2020 by the President through the Cabinet Secretary for Interior and Coordination of National Government. The right to adequate housing in particular is critical to protect Kenyans from the spread of Covid-19. The forced evictions and subsequent homelessness expose communities to the virus, which clearly undermines the efforts by the Kenyan Government to control its spread.
- The evictions are carried out without prior notice, with use of excessive force and in violation of the Constitution of Kenya, the Land Act 2012 (as amended in 2016) and international law.
- In 2017 the African Court declared that the "Mau Forest has, since time immemorial, been the ancestral home of the Ogiek people, and that its occupation by the Ogiek people is paramount for their survival and the exercise of their culture, customs, traditions, religion and for the well-being of their community." For these reasons, the Court held the Ogiek have a right to remain on their ancestral lands.
- The evictions will have negative social, economic and cultural consequences which will affect the Ogiek's livelihood, local biodiversity and food security. Non-timber forest products traditionally handled by indigenous peoples play a crucial role for subsistence, commerce and for the preservation of biodiversity, as does traditional forest beekeeping, carried out by the Ogiek. The Ogiek culture and the importance of their activity for the protection of their territories has also been recognized internationally (by Slow Food and UN-IFAD). Indeed, the [Ogiek Honey Slow Food Presidium](#) was launched to protect the Mau Forest ecosystem and promote the value of the Ogiek people's ancestral culture through honey, their most important product.

For these reasons, the signatories demand the Ministry of Environment & Forestry:

1. To immediately stop the evictions of the Ogiek community in the Mau forest;
2. To provide shelter, food and sanitary products for the affected families, and act in line with World Health Organization advice on Covid-19 by doing so;

3. To start implementing the African Court's judgment by:
 - a. Including indigenous peoples in political processes whenever they are impacted by decisions that affect them and adopting collaborative forest management approaches premised on indigenous peoples' right to self-determination and the recognition of their customary ownership rights;
 - b. Undertaking a delimiting, demarcation and titling exercise in consultation with the Ogiek community to establish the official borders of the territories in which the Ogiek have communal property rights in the Mau Forest complex.
4. To define a shared and collaborative forest management plan for the protection of the traditional forest together with representatives of the Ogiek community.

WHY THE CURRENT EVICTION OF THE OGIEK FROM THE MAU FOREST IS ILLEGAL

Ogiek land rights have been formally recognized:

The African Court categorically stated that the Mau Forest is the ancestral home of the Ogiek community and represents an area on which they rely for their livelihoods, traditions and culture. It held that the preservation of the forest could not justify the denial of the Ogiek peoples' land rights, underscoring that there was no evidence that their removal would help protect the forests.

The judgment, which ordered the Government to uphold the Ogiek Peoples' rights, formally recognized their time-immemorial title and their critical role in the sustainable management of the forests and ecosystems. Nevertheless, the Government has failed to comply with the judgment and violations of the African Charter on Human and Peoples' Rights (including the rights of propriety, culture, religion, natural resources, non-discrimination and development) remain ongoing.

Kenyan law requires the Government to comply with its international law obligations and respect the rule of law, but unfortunately, in the Ogiek case, it has failed to do so. In addition, Chapter Four of the Kenyan Constitution contains a Bill of Rights, which makes international law a key component of Kenyan law vis-à-vis the protection of minorities and marginalized groups.

The Kenyan Government purports that these evictions are intended to remove Ogiek who are considered to be living outside of the territory that has been allocated to them. However, the Government has never clarified nor communicated where the official border of the community's territory lies. In addition, evicted Ogiek families have been rendered homeless in the midst of the rainy season with nowhere to shelter from the rain and cold or the Covid-19 pandemic. In some cases, families have been separated. Women and children in particular are being temporarily housed in neighboring communities and schools. With their livelihoods interrupted, the victims of these evictions are now relying on food aid from well-wishers.

NOT ONLY THE OGIEK

It is not just the Ogiek people who have been victims of illegal evictions. Earlier this week, Amnesty Kenya, together with eight other civil society organizations, urged the Kenyan Forest Service to stop the eviction of the Sengwer community from Embobut forest ([July 13th press release](#)).

SIGNED BY:

Ogiek Community organizations

1. Mariashoni Community Development - MACODEV
2. Ogiek Honey Slow Food Presidium
3. Ogiek Peoples Development Program - OPDP
4. Ogiek Youth Traditional Food Custodians Slow Food Community

Kenyan organizations

5. Baraka Agricultural College
6. Biodiversity and Biosafety Association of Kenya (BIBA-K)
7. Defenders Coalition
8. Kenya Human Rights Commission
9. Mandeleo Endelevu Action Program
10. Network for Eco-farming in Africa - NECOFA
11. PAWA254
12. Seed Savers Network
13. Slow Food Kenya
14. Team Courage

International organizations

15. Cultural Survival
16. Forest Peoples Programme
17. Indigenous Terra Madre network - ITM
18. International Indigenous Women's Forum - FIMI
19. International Work Group for Indigenous Affairs - IWGIA
20. International Land Coalition - ILC
21. Minority Rights Group International
22. Slow Food
23. Slow Food Youth Network
24. SONIA for Just New World
25. The Oakland Institute
26. Former UN Special Rapporteur on human rights and the environment, John H. Knox