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ROLE OF POLITICS IN THE DESTRUCTION OF THE MAU FOREST

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Abstract

The study set out to establish the relationship between politics and Mau Forest conservation in Kenya. An attempt has been made to justify the study both as policy and as scholarly contribution. It is useful not only to Kenyan policy makers but to the global community. It underlines the gaps both theoretically and in literature which the study is likely to fill. Literature review further emphasized the need to investigate the relationship between politics and Mau Forest conservation. The study is guided by the theory of ecologism as espoused in political ecology and where the two hypotheses are drawn the first being that politics play a role in destruction of the Mau Forest and two that there is political interest in the conservation of the Mau Forest. This is strengthened by the fact that the nature of encroachment in the Mau Forest land and the defense of the encroachers by the political class hence the shift from forest conservation to political duel. In terms of methodology, the study relied on both primary and secondary data. The respondents in the primary data were identified through non-probability sampling technique. The secondary data on the other hand was obtained from books, journals, magazines, newspapers, websites and government documents.

Key Words: *Politics and Ecology, Mau Forest, Conservation of Ecosystem*

1.0 Statement of the Problem

The mandate of the Kenya government is to ensure that the natural resources including forests are safeguarded from illegal allocation. This is done through putting in place policies and legislations that empower government institutions towards their mandates.

Many scholars and political players has expressed misgivings on how the government during implementation and enforcement of the policies and legislations on forest conservation. Wangari (2004) has blamed lack of democracy, corruption and abuse of power as sources of environmental degradation. Kagwanja (2010) on the other hand argues that the political class rewarded their political cronies with Mau Forest land. In a speech delivered by Achin Steiner, head of UNEP in Nairobi in 2011 warns governments on negative politics that sabotage government's target in environmental conservation.

When former President Mwai Kibaki in 2010 led in the fencing of Mount Kenya and the Abadare Forests, there were no political outcry yet evictions were made. The government evictions in Embobut and Tinderet Forests in Keiyo Marakwet county and Nandi County respectively raised no much political storm like the 2005 and 2009 evictions in the Mau Forest. To what extent is such involvement and non-involvement by politicians in politicizing forest evictions condition the conservation of the Mau

Forest? In areas that were excised illegally in the Mau Forest even with the presence of policies and legislations, to what extent has politics played a role in the destruction of the Mau Forest? This study therefore, seeks to investigate the relationship between politics and conservation of the Mau Forest complex.

1.1 Objectives of the Study

The broad objective of the study is to identify the relationship between politics and the conservation of the Mau Forest.

2.0 Literature Review

Environmental conservation has been an issue of concern for a long time in the international arena. Much has been said and written on the global environmental conservation. Several scholars have attempted to give their views on environmental conservation and the challenges faced in the process. Some have also attempted, in their areas, to explain the influence politics have in environmental conservation and how environmental conservation has also affected political decisions. This section therefore analyses the various available literature on the subject and their relationship with the study.

The landmark global effort towards environmental conservation was made in 1972 with the establishment of the United Nations Environmental Programme (UNEP). Since then, the environmental issues have taken center stage in the world politics. However, UNEP still remains the major International Organization (IO) whose concern is environmental conservation. According to Neumann (2005), the major players in environmental conservation are the International Organizations (IOs) and government institutions. In the Third World countries, the role of UNEP is to plan and fund the policy formulation and the management of the biodiversity areas. The major IOs are UNESCO, FAO and UNEP.

They all operate under the UN. However, UNEP's roles supersede that of UNESCO and FAO. Since 1972, states, governments and other institutions have held various meetings and conferences to discuss ways and means of arresting the environmental degradation. In the United Nations Conference on Environment and Development (UNCED) meeting held at Rio de Janeiro in June 1992, a declaration was made for states to recognize all humans as the center of economic development and environmental sustainability that will be achieved through proper environmental conservation. One other major climate change convention is the Kyoto Protocol to the United Nations Conventions on Climate Change

(UNCCC), which was adopted on 11th December 1997 and entered into force on 16th June 2005. This protocol binds 37 industrialized countries and the non-industrialized who are signatory to the treaty. The main issue in the protocol is the reduction of Green House Gas (GHG) emissions to the atmosphere by the industrialized countries. The other issue in the treaty is the raising of forest cover to 10% of the total land mass. This is meant to counter the GHG. The industrialized countries who are the major contributors, according to the convention, are to assist the Third World countries achieve this status.

The subsequent international meetings and conventions on environment have dwelt on the responsibility of states and governments, together with IOs, CSOs, industrialists and other institutions where the internationally acceptable environmental conservation

practice is followed. Kenya as a member of the UN and a signatory to the Kyoto Protocol is obliged to conform to the agreements. All the policies, laws and regulations drawn by the government therefore conform to these requirements.

Despite the fact that the international community is in need of environmental conservation, there seems to be a consensus that there are main challenges to the initiative. Leading on these are the industrialized countries. The industrialized countries are the main source of Green House Gas (GHG) emissions which is the leading environment pollutant. To reverse the effects of GHG the Kyoto Protocol observes that the industrialized countries should lead in putting in place measures to reduce the GHG.

This has been a great challenge for both industrialized and non-industrialized countries. There is fear of stopping the industry owners from operating for fear of losing in tax revenue and politics. However there are so many reasons put forward to support the fact that environmental conservation is not only an environmental factor but economic and political as well.

Apart from the view that industrialization is a major cause of environmental degradation, policies of various governments is also part of the causes of environmental degradation. It is the type of policies adopted by governments that determine the success of environmental conservation. These policies are made by states and governments and therefore, good policies ensure successful environmental conservation and poor policies, especially on exploitation of forest resources, lead to unsuccessful environmental conservation. Over-exploitation of forest resources therefore, is caused by economic, social and political forces that are manifest in the market and failed national policies. Sugandy (1994) is more specific on the type of policy needed in order to succeed in environmental conservation. In his view, lack of government policies that promote public awareness and participation in environmental conservation is the main challenge to the success of environmental conservation. After a study carried out by UNEP (2002) on deforestation in African countries weak ineffective policies, laws and regulations are seen as the main cause of deforestation. On the other hand Hurst (1991), who carried out a study on destruction of forests in South East Asia, is of the view that it is the development path chosen by poor nations that cause destruction of forests. To him, this path is chosen because the politics of these countries strive to improve the living standards of their poor populations. He therefore concludes that, politics and ecological conservation can no longer be regarded as separate issues since politics and the survival of the environment are one.

However, to Okidi (1997) it is not only lack of proper government policies and laws that fail the environmental conservation, to him the major challenge is in lack of proper functioning institutions that fail to stop over-exploitation of forests. This is also a view taken by Neumann (2005) who argues that states promote environmental degradation through its failure to implement its laws and policies on environmental conservation. This failure, in his view, originates from the historical events and decisions of the state. He notes that, the political economy of the state that emphasizes on more land accumulation and a development that favours forest destruction is the undoing of environmental conservation. Neumann's sentiments are echoed by Towett (2004) and Ndungu (2010). Towett traces the cause of the destruction of the Mau Forest to the colonial regime, the regime of Jomo Kenyatta from 1963- 1978 and regime of Daniel Moi from 1978 - 2002. To him this was done in the pretext that the excised land was to create settlement for the Ogiek community which was never to be. Ndungu, in a

report he made on illegal allocation of land in Kenya, blames the illegal allocation of the forest land in Kenya on corrupt persons in government institutions. To him this is the root course of forest destructions in Kenya.

According to Semenye (2009), on the other hand, the excision of the Mau Forest land was encouraged by the „*shamba*” system - a system that was introduced by the colonial government in 1915 and perfected by the KANU regimes. This later graduated to a system through which forest land was excised. The excised land was used to reward political and non-political loyalists. To him this historical action could not be reversed since the political class in government lacked the political will to enact and implement laws and policies to foster environmental conservation. It is from this point that this study wanted to understand how politics play a role in the destruction of the Mau Forest. Apart from policies and government institutions being viewed as the major determinant of environmental conservation, politics is also seen as another factor. According to Sartorius and Hans (1968), since the creation of effective forest policies are a responsibility of political leaders, the success of policies depends on how the political class supports the implementation of the same policies. This is echoed by Narendra (1992) who suggests that for environmental conservation to succeed politically driven policies should be used. Ojwang (1993) on the other hand, though not reacting to Narendra’s view, opines that lack of political will is the reason behind the failure by states and governments to contain runaway levels of environmental degradation. In a move to prove that politics determines the way environmental conservation succeeds, UNEP executive director in Kenya, Steiner (2011) warns governments to be wary of negative politics since these types of politics sabotage the governments’ target in environmental conservation.

3.0 Research methodology

3.1. Research design

The study was to find out the relationship between politics and the conservation of the Mau Forest. To achieve this, this study used both descriptive survey and correlation survey. For descriptive survey, the study aimed at collecting information from respondents on their attitudes and opinions in relation to the role of politics in Mau Forest conservation. While for correlation survey, the survey wanted to know whether there is any relationship between the allocations of the Mau Forest resources to politics. This was done by comparing how those who got land in the excised part of Mau Forest are related to politicians or those in power in order to know the extent in which politics have contributed to the destruction of the Mau Forest. The tool that was used in the initial identification process was door-to-door survey which determined how the respondents will be sampled. The study used both primary data and secondary data. The primary data was got through questionnaires while the secondary data was got through internet, journals, books and government publications.

3.2. Research site

This study chose the Mau Forest as geographical context within which the research questions were explored. The Mau Forest is a complex which, according to the Prime Minister's Taskforce on the Mau (2009), comprise sixteen blocks namely; Olposumoru, Mau Narok, Southern Mau (Maasai Mau), Londiani, Mount Londiani, Tinderet, Molo, Lembus, Maji Mazuri, Chemorogok, South Western Mau, Eastern

Mau, Eburu, Western Mau, Molo, and Transmara forest blocks. This study was conducted in Kiptororo location which is adjacent to South Western Mau. The Prime Minister in his report to parliament, Daily Nation (3/11/2009), stated that Mau Forest was Gazetted in 1932 and was 452,007 ha then but 36% of it has been destroyed, with only 289,000 ha remaining.

Purposive sampling was used in choosing the two sub-locations because though it shares the same characteristic of forest excision and evictions of illegal settlers with other sites excised from forests, the area was the epicenter of Rift Valley politics in 2005 referendum and 2007 elections and also in 2013 elections. Again this location was in the first phase of forest excision in 1997 together with the Likia Extension and Mariashoni which are in the Eastern Mau forest Block. The two however, did not attract much political visit like Kiptororo location. This area also became host to the 2009 forest evictees from Southwest Mau where 19, 000 ha was reclaimed, Mau Task Force report (2009). The evictions as reported by the Prime Minister to Parliament, Daily Nation (3/11/2009), saw eviction of 2500 persons from Southwest Mau and 7800 from Maasai Mau. Even though a higher population was evicted from the Maasai Mau, Southwest Mau was chosen as study site since it attracted more political interests than the Maasai Mau.

Kiptororo location is situated in Kuresoi South Sub-County of Nakuru County. It is divided into two sub-locations namely; Chemare and Chematich. Chematich sub-location covers a total area of 26.2 km² while Chemare sub-location covers a total of 102.2 km².

3.3. Population and Sample

This study is both qualitative and quantitative. For the purpose of collection of primary data, the non-probability sampling technique was used. Purposive sampling technique was used to select the households in Kiptororo location. The residents here, apart from that their land was part of that excised from the Mau Forest have firsthand information on the goings on in the Mau Forest. Focused group discussion was held with in the South

Western forest site with fourteen officials from two CFAs (TWRUA and KEUSCOFA). The CFAs provided the needed information on the role politics play in the destruction and conservation of the Mau Forest. Interview schedules were administered to the respondents, who were selected through purposive convenient method. These were; KFS staff, Government officials (Assistant County Commissioner, Chief and Assistant Chiefs), CFC official, and politicians and opinion leaders who were selected by use of convenience sampling method.

For the Household interviews, the respondents were selected by use of stratified sampling method whereby stratification was based on the size of land owned by each household. According to Gay (1981) a correlation research requires thirty (30) cases or more. Basing on the premise, the semi-structured questionnaire was administered to one hundred (100) households/members, through stratified convenient sampling procedure, from both Chematich and Chemare sub-locations.

The residents here own land ranging from below five (5) acre parcel of land to over 100 acre parcel per household with the main commercial activities of the residents being small scale agricultural activities. The households and population of the two sublocations are demonstrated in table 1.

Table 1: Demographic Information of Study Site

Location	Sub-location	Area in km ²	Number of households	Population of residents
Kiptororo	Chematch	26.2	1150	5394
	Chemare	101.2	2781	16111
	Total		3931	21505

Source: Kenya National Bureau of Statistics (KNBS) (2009 national census) Kuresoi

Sub-County

3.4. Data Collection Procedures

The study, in the primary data collection used the following instrument: questionnaires, interview schedules, focus group discussions and observation. Questionnaires were used on the household respondents while structured questions were used in interviewing the KFS officers, loggers and charcoal makers, NGOs, and community forest committee chair, assistant county commissioner, chief and assistant chiefs. Unstructured interviews were used on the politicians and the opinion leaders. Focused group discussions were conducted on Community Forest Associations. Participant observation also used during the data collection exercise. The researcher stayed and mixed with the residents of Kiptororo location. This enabled the researcher to develop a rapport with the local people as well as observing the local's activities in relation to the Mau Forest. For example the researcher familiarized himself with the local community's exploitation of the Mau Forest resources as well as their interaction with the forest guards. In this way, the researcher gained first-hand information on the perspectives of the conservation of the Mau Forest.

In collection of data from household representatives, factors such as; gender, land size, whether politician/civil servant/ relation to either politician/civil servant/, ownership of other piece of land elsewhere, among other factors were analyzed comparatively. This helped to identify the significant political livelihood factors associated with Mau Forest destruction and conservation. The secondary data on the other hand was collected from internet, government documents, books and journals.

3.5. Data Analysis

Data was analyzed both quantitatively and qualitatively. The data emanating from administered questionnaire was analyzed using statistical method set out in the Statistical Programme for Social Sciences (SPSS). Quantitative analysis using SPSS allows for cross-tabulation of various variables being analyzed; the cumulative result being a better multi-dimensional and sectorial analysis of data. Data collected through FGD and Key Informants Interviews (KIIs) were mainly analyzed qualitatively by interpreting some of the thoughts and insights of the respondents. A total of ten themes

on the respondents' perspective on challenges to the conservation of the Mau Forest Complex were identified.

4.0 Discussions of the Findings

4.1. Politics and Destruction of the Mau Forest

The broad objective of the study is to identify the relationship between politics and conservation of the Mau Forest. Based on these, the specific objectives are; first, to establish the politics in the destruction of the Mau Forest, and second is to examine political interest in the conservation of the Mau Forest. For the purpose of this study, two hypotheses were set one that politics has played a role in the destruction of the Mau Forest, and, two that there is there is political interest in the conservation of Mau Forest. This section is to proof the first objective as well as test the first hypothesis.

In this section, the policies and legislations and activities of regimes from 1895 to 2002 will be analyzed in order to get clear picture if the government policies, legislations and politics played a role in the destruction of the Mau Forest. Information from other secondary sources will be used and the primary data will also be used in this part to corroborate the secondary data. The main objective of this section is to examine the policies and legislations that have existed and how, if any, politics have been used to reduce the state of forests in Kenya since the onset of the colonial regime in 1895 to the end of Daniel Moi's regime in 2002. Evaluation of forest conservation policies as formulated and implemented during the successive regimes is of great significance to the study. The plunder of forests in Kenya started with the colonial regime. According to Ndungu (2010), the available evidence shows that at the onset of colonial regime in 1895, the forest cover in Kenya was 30% of the total land size but at independence, it had reduced to 3% of the total land size. Furthermore, from the study, it became clear that the various policies that were used during the colonial regime were carried over to Kenyatta regime later to the regime of Daniel Moi who inherited some policies wholly while amending others and introducing new ones.

The various policies and legislations that have been in place since the colonial regime in Kenya have been used in one way or another to excecise forest land to those the government feel they can be given. According to Towett (2004), the excision of the Mau Forest land started with the arrival of the colonial regime in Kenya. To him, this happened when the Indian Land Acquisition Act of 1894 was extended to the territory – Kenya. Towett (2004) says that the colonial regime used its legislative powers to strengthen the act in order to use it appropriate more land to the white settlers. This was done in 1901 when a new act known as the East African (Land) Ordinance-in-Council Act of 1901 was enacted. The specific objective of this act was to give more power to a government institution in matters of land allocation. To Towett, this law conferred on the Commissioner of the protectorate (later on named Governor) power to dispose of all public land on such terms and conditions he might deem fit. Following this another Act was also enacted in 1902 to strengthen the 1901 Act. This Act was known as the Crown

Lands Ordinance Act of 1902. The act defined Crown Land as;

All public land within the east African protectorate which for the first time is subject to his majesty by virtue of any treaty, convention or agreement (Towett, 2004).

The Act also gave more powers to the Commissioner of the Protectorate on matters of land. However, to Towett (2004), the amendment of the Crown Lands Ordinance Act of 1902 in 1915 opened up the Kenyan forests to the white settlers and it was during this period that the parts of the Mau Forest were excised for human settlements.

The three Acts, that is; The Indian Land Acquisition Act of 1894, The East African (Land) Ordinance-in-Council of 1901 and The Crown Land Ordinance of 1902 together with the amended version of 1915, were only aimed at creating an enabling environment for the white settlers to get the agricultural land. The study sought answers to the question on the role of policies and legislations as well as politics in the excision of the Mau Forest. The various acts enacted by the colonial regime did support the destruction of the forests in Kenya with the Mau Forest included.

The first ever law enacted by the colonial regime on forest conservation was witnessed in 1942 this was The Forest Act Cap 385. According to Matiru (1999), the act's objectives were to address the preservation, protection, management, enforcement and utilization of forests and forest resources on government land. These issues could be implemented in various ways and means. First, section 4 of the Act, permitted powers to gazette, alter boundaries and degazette forest reserve. Second, section 7 and 8 gave directions of issuance of licenses for activities within forest reserves and also prohibition of the same. The Act further gave the powers to the Director of Forestry together with the enforcing officers to enforce the act. Third, section 15 of the Act gave powers to the Minister to make rules with respect to the sale and disposal of forest products and to allow for the degazettement of forest reserves. Fourth, section 9-14 of the Act provided details on the provisions for the enforcement of the Act, the penalties and powers as afforded to the enforcing officers. Fifth, the Act gave guidelines on how all the activities taking place in the forest that concerned the community was to be handled. These included utilization of the forest products for subsistence for example collection of wood fuel, grazing, medicinal plants and honey gathering amongst other activities. These activities, according to the Act, were to be permitted through issuance of a permit from the local forester at a minimal fee. Sixth, for commercial logging and other activities in the forest, the act provided that, approval be sought from the Divisional Licensing Committee, the District and Provincial Environment Committees and the Ministry Level. The Forest Act Cap 385, as formulated proves that there was consideration to forest conservation. However, when it implementation, the Act in its entirety opened avenues for wanton exploitation of forest resources, the Mau Forest included. Ndungu (2010) in his report on the illegal land acquisitions in Kenya, states that the colonial regime made no effort to conserve the forests in Kenya since the forest cover reduced from 30% of total land size in 1895 to 3% of total land size in 1963. This is supported by Towett (2004) who points out that the powers given to the government agencies and officers in The Forest Act Cap 385 was used by the same to excise parts of the Mau Forest land for white settlement. In a nutshell, the colonial regime can only be described as cause of the

destruction of the Kenyan forests, the Mau Forest included, since it used the existing policies then to illegally exploit the forest resource.

The independence was to usher in a new regime that was to change how governance issues were performed in the colonial regime. While in pursuit of this goal, the new regime in Kenya in 1963 enacted laws and pursued the governance structures that were similar in various ways to the colonial regime. This made the new regime in Kenya look like a continuation of the colonial regime. One such example is the law on forest conservation and land laws. At independence, Kenyatta regime inherited all the powers over government land. Concerning forest conservation, the Forest Act Cap 385 of 1942 and revised in 1962 was adopted by the new regime with amendments to make it have reflection of the new regime. At its drafting and enacting, the Act was good for forest conservation. Indeed, the main objective of the carryover of the Forest Act Cap 385 to the new dispensation was with good intention of conserving the forests. The act in itself had good measures put in place to safeguard the forests. However, from the activities that followed it demonstrates that the government officers and the political elite exploited some sections in the Act together with other Acts to allocate themselves forest land. To Karl Marx, the state exists to safeguard the interests of the minority who are rich. This is what was witnessed in the Kenyatta regime in terms of distribution of forest resources.

Those who held state power used the same to appropriate themselves forest resources. The powers given to the president and the ministry officials by the same law to preserve the forest was used to annex the forest land in order to create settlement land for the

„landless“. Between 1963 and 1971 alone, to Towett (2004), 48,000 hectares of land was excised from government forests across the country with East Mau Forest alone having 1700 senior government officials each with 50 acres and above. According to Towett (2004), the period from 1963-1978 witnessed the dishing out of the Mau Forest Land to the members from Kenyatta’s community in the pretext that they were settling the landless members of the Ogiek community (annex 1).

Apart from the lands and forests that were under the jurisdiction of the central/national government, there were those community lands and forests under the Trust Lands Act Cap 288. The main objective of the Act was to give powers to the Local Authorities to hold land in trust on behalf of the communities within their jurisdiction since the first constitution of Kenya, section 115, vested all Trust Lands in the County Councils on behalf of the residents/community (www.kenyalaw.org). However, County Councils were not the final power on the Trust Lands Act, section 53 of the Trust Lands Act Cap 288 conferred direct powers to the commissioner of lands to administer the Trust Lands on behalf of the County Councils. Most forest lands in Kenya fell under this category.

One such County Council was the Narok County Council (now Narok County). The Trust Lands under its jurisdiction extended into the Mau Forest - the Maasai Mau forest block. Despite the legislation, the few powerful people in the Narok County Council opened the Maasai Mau Forest block for settlement.

The development of the Sessional Paper No. 1 of 1968 on Forest Policy was intended to strengthen the Forest Act Cap 385 and also enhance the government's forest conservation efforts. The key factors in the Sessional Paper No. 1 of 1968 was to preserve forest areas for catchment area protection, provision of timber and other forest products, protect forests from fires, grazing and eliminate private rights in gazetted forests, promote sustained yield and develop industrial forestry. Another aim of the Sessional Paper No. 1 of 1968 was to provide the government with guidelines for provision of funds for policy implementation, designate the County Council forests and the establishment of private forests. Apart from the above, it also placed emphasis to the use of „*shamba*“ system in the forests as a way of reforestation and providing employment (www.kenyalaw.org). The „*shamba*“ system was introduced in Kenya in 1943 from South America. The system allowed cultivation in forest land as the cultivators tend the young trees until they became strong enough to withstand any challenges. To Semenye (2009) this system was specifically used on the exotic/commercial plantations.

In as much as the Sessional Paper No. 1 of 1968 on Forest policy was intended to preserve the forests, it brought into the forest a group of people who were not keen on leaving the forest. Initially, the introduction of „*shamba*“ system was meant to engage the members of the community neighbouring the forests but this was not to be especially in the Mau Forest. The communities living in and around the Mau Forest were either hunters and gatherers or pastoralists who had little interest on farming activities. The communities that came to practice the „*shamba*“ system therefore came from as far as central Kenya. According to Towett (2004) and Semenye (2009) these people were later to be considered as squatters/landless and given most parts of the excised Mau Forest land at the expense of the Members of the Ogiek community. The Sessional Paper No. 1 of 1968 was intended for good purpose but the implementers misused it during its implementation since they rewarded their people with forest land thus using the loophole in the sessional paper to destroy Mau Forest.

During the Kenyatta regime, the issue of land acquisition and expansion was the order of the day. Like in the Colonial regime, the laws governing the land distribution and acquisition overshadowed the need for forest conservation. Though the formulation of policies and legislations had a good intention of preserving the government forests, the custodians of the same policies and legislations used the privileges afforded to them to either appropriate themselves or the members of their communities the excised forest land. However, in spite of the fact that the Kenyatta regime witnessed excision of forest land for human settlement, the preceding regime of Moi did more. By 1978 a total of 102, 987.34 ha had been excised from the Kenyan forests against the proposed 12, 246.02 ha (annex 2). During this period additional gazetted forest area of 68, 210.53 ha was made against the proposed figure of 302.30 ha (annex 3). Out of all the excised forest land in Kenya in the period of 1963-1979, a total of 4295.51 ha were excised from the Mau Forest against 1190.43 ha that was gazetted to be legally excised in the same period (annex 4).

From the analysis of the Kenyatta regime, even though there were policies and legislations formulated to conserve the environment they were not adequate enough. There were not enough structures in place such that even the little it could have

achieved failed. The major challenge was the urge to gain more land by those in power and since those in charge were political appointees they had their security in the same hence making them easy target. Politics therefore played a major role in Kenyatta's regime in the destruction of the forests in Kenya with the Mau Forest included.

The regime that came after Kenyatta's regime was the regime of Daniel Moi. The regime covered a period of twenty four years from 1978 to 2002. This section in particular aims to examine the extent to which policies, legislations and politics played a role in the destruction of the Mau Forest.

The period under Moi epitomizes the consolidation of some of the laws on environmental conservation. The first years of his regime, witnessed a lot of activities on environmental conservation. Key among these activities is reforestation. He encouraged reforestation by rallying the Kenyan citizenry to plant trees. In a bid to encourage the tree planting and replanting of felled trees, he coined a Kiswahili phrase „*ukikata moja panda mbili*“ which in English translates, (if you cut one plant two). He also led in various national tree planting activities. It was during this regime that Kenya took part in international conventions on climate change. One such is the participating and signing of the Kyoto Protocol to the United Nations Framework Convention on Climate Change. During his regime also several policies and legislations on environmental conservation were enacted. These are namely; the *Environmental Management and Coordination Act (EMCA) No 8 of 1999*, Sessional Paper No.1 of 1999 on *Environment and Development*, Sessional Paper No. 1 of 1999 on *National Policy on Water Resources Management and Development* and The Water Act of 2002 (www.kenyalaw.org).

The Kyoto Protocol (1998) was mainly concerned with the climate change and the measures to be put in place in order to save the environment. In the protocol the state parties were to, among other things, engage in promotion of sustainable forest management practices, forestation and reforestation. This was to ensure that the state parties attain the internationally accepted forest cover of 10% of the total land size because forests act as the carbon sequestration agency. In pursuit of the protocol agenda, the state parties were to put in place programmes concerned with energy, transport and industry sectors as well as agriculture, forestry and waste management. Since the bulk of the greenhouse gas emission is from the industrialized countries, the protocol made it a mission for them to assist the non-industrialized countries financially and technically to enable them meet the requirements. The Kyoto Protocol required state parties to set up bodies to deal with environment and establish such subsidiary bodies as were deemed necessary for implementation of this protocol. It is on this background that the government of Kenya formulated EMCA along with other bodies that operationalize the Act. These bodies are NEMA, NEC, NERF and NETF. However, at the elapse of the Kyoto Protocol period in 2013, not much of its objectives had been reached internationally.

The Environmental Management and Coordination Act (EMCA) No. 8 of 1999 is the key policy legislation that was to mark the paradigm shift in environmental conservation. The policy provides instruments for the protection and conservation of rivers, lakes, wetlands, and areas of cultural significance, hilltops, hillsides, mountain

areas and forests. The policy instruments to be used by EMCA include; environmental impact assessment, economic instruments such as fiscal incentives, environmental quality standards, restoration orders, conservation orders and environmental easements (www.kenyalaw.org). However, EMCA is not directly involved in the environmental conservation but it is the central figure in the coordination of various institutions involved in environmental conservation. These institutions that originate from EMCA are; the National Environmental Management Authority (NEMA), National Environmental Council (NEC), National Environmental Trust Fund (NETF), National Environmental Restoration Fund (NERF) and County Environmental Committees affiliated to NEMA.

National Environmental Management Authority (NEMA) was legislated as a government body in the year 2000. The main purpose of NEMA is to play advisory, coordinative, facilitative, and executive roles on matters of environmental management. In as much as this authority was empowered it did not do much to stop the blunder of the Mau Forest in 2001 and also in advising the government against the activity. NEMA, since inception has engaged itself with general environmental issues leaving the entire concern of forest conservation to the body created in 2005 under the Forests Act 2005.

National Environmental Council (NEC) like NEMA was a product of EMCA. It is therefore responsible for policy formulation for the purpose of EMCA. The other duties of the council are; to set national goals and objectives that determine policies and priorities for protection of environment and also to promote cooperation among public departments, Local Authorities, private sector, Non-governmental Organizations and such other organizations engaged in environmental protection programmes (www.kenyalaw.org). Like NEMA, NEC has not been active in forest conservation. This is evident since in 2009, long after the establishment of both bodies, the government had to form another organ, the Mau Task Force to study and advise the government on how best to conserve the Mau Forest. Despite the foregoing achievements, it is during Moi's regime that most of the forests in Kenya nearly faced extinction. According to Towett (2004) it was during this period that most of the policies and legislations he inherited from the Kenyatta regime were misused. Between 1986 and 2003, the Maasai Mau Forest Block alone, which is estimated at 46,373 ha and which is also a Trust Land under the defunct Narok County Council, lost an estimated 20,300 ha to settlers. On the other hand, according to EAG Environment Research Policy Analysis (2011), the Eastern Mau Forest block, which is government forest and now under the KFS with an estimated area of 66,000 ha, had a total of 35,301 ha carved out in 2001 for human settlement. Prior to the year 2000, a total of 45,968.54 ha had been excised from Kenyan forests against a proposed 11,970.34 ha. Gazettement of additional Kenyan forests during this period is 32,853.29 ha against the proposed 1343.11 ha. During this period 7559.62 ha being from Mau Forest alone while there were no gazettelement of forests in this region at same period. According to Towett (2004), these excisions were among the many (annex 2) done during Moi's administration in the pretext that settlement was created for the landless, especially for the members of the Ogiek community. Apart from settling the landless, forest land was also excised with the excuse that it was meant to

settle those displaced during the clashes of 1992 and 1997, and also to provide room for institutions. At this time to Klopp (2011), boundaries of gazetted forests were altered and title deeds were issued irregularly regardless of procedure of forest degazettement. It is at this time from the report in the Daily Nation (17/3/2014), that the influential civil servants and prominent political personalities during the KANU regime were allocated huge chunks of land in the Mau Forest. From the excised forests above, a total of 63,160.62 ha were excised from the Eastern Mau, Maasai Mau, Southwestern Mau and Western Mau blocks of the Mau Forest Complex between 1980 and 2001. However, these are recorded excisions only, there could be more. The size of excised forest land went up every time a suggestion arose for settling the landless. For example, a directive from the president that 2000 ha of land be excised /degazetted from the Mau Forest for the purpose of settling the Ogiek and the landless. For Ndungu (2010), this was not to be so, since 10,000 ha were excised instead and allocated to non-squatters. The information collected during the study in the field confirmed the view. It became clear that not all those who benefited from the Mau Forest land were the squatters but civil servants, politicians and their relatives. From the study findings, as tabulated in table 2, among the category of persons who were allocated more than 5acres the majority 95% were civil servants, politicians or relative of either (politician/civil servant) while only 5% had neither a relative politician nor a relative civil servant. On further response, among the category that had less than 5 acres of land only 11% had a relative politician/civil servant or civil servants/politicians themselves while 89% said they had either a relative politician or a civil servant.

Table 2: Relation to or Civil Servant/Politician Verses Size of Land

politician/civil servant/relative of either	Size of land					
	1-5 acres		Over 6 acres		Total	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
YES	7	11%	35	95%	42	42%
NO	56	89%	2	5%	58	58%
TOTAL	63	100%	37	100%	100	100%

Source: Field data collected on October 2013

From the results in table 2, a strong association, between the size of land and being related to either politician or civil servant and being either politician or civil servant was noticed (Spearman's rank of correlation $-1 \leq r \leq +1$). The correlation was highly significant for those with land between 1 and 5 acres being 89% ($r = +1$) and are not related to either politician or civil servant. Only 11% ($r = -1$) of those related to either

politician or civil servant fall in the same category. From the study the correlation was also highly significant for those that got more forest land (≤ 6 acres) though few, but related to politician/civil servant or are either politician or civil servant themselves with 95% ($r = +1$) of them. While only 5% ($r = -1$) had none. The above results demonstrate how

politics have played a major role in the destruction of the Mau Forest. Mzee Cheruiyot, a member of the Ogiek community, who was interviewed in this study, confirmed this view. To him excising parts of the Mau Forest to settle the landless, especially the members of the Ogiek community, was a noble idea. However, this was never to be since even though he and a few other members of the Ogiek community got the pieces of land, most of their kin did not as the „outsiders were brought in by the government“. Arap Korendet, who is also a member of the Ogiek community, confirms Mzee Cheruiyot's statement. He proceeded to inform this study that; “The outsiders took advantage of the low literacy levels of the Ogiek community members to snatch our rights. I did not benefit from the allocation of land and now forced to be a squatter on land belonging to an outsider.” Chief Sigilai of Kiptororo location, who was interviewed in this study, said that block one, which forms Kiptororo location, was excised to settle squatters but many other people came in. His land alone measured more than 100 acres which is a sign how position in government influenced the size of land that one was allocated to. This study also came to get information that one of the chief's brothers got about a 100 acre land across the ridge overlooking the chief's plot. Both the chief and his brother were not members of the Ogiek community.

According to Ndungu (2010), the onset of multi-party politics, in 1991, was a shocker to the KANU government that had known no political competition since 1963. This saw the KANU government device means and ways of luring the electorate, especially from the Kalenjin Rift Valley, to vote for it. This witnessed the mass movement of population and the excision of land from the Mau Forest. This is echoed by Kagwanja (2010) who states that the process continued even after the 1992 elections leading to competition for forest resources and mass deforestation. To him the 1992, 1997 and 2008 violence in areas of neighbouring the Mau Forest are attributed to it since those who participated in it were given forest land. To confirm this claim, after 1992 and 1997 violence, large tract of land measuring 3053.91ha was excised from Southwest and Western blocks of the Mau Forest alone (annex 2). From the interviews conducted in the study, it came to the limelight that most of those who benefited from the forest land were not only civil servants, politicians and relatives of politicians but also they had land elsewhere. This is a sign that those who were given land were not given land because they were landless but as a reward. Arap Rono, a respondent and a beneficiary of the forest land said that he got his 10 acre piece of land courtesy of a politician. “I got my present land because I come to vote to defend our resources from being taken away by foreigners,” said Arap Rono.

But he was not the only one with the same mission. Mr. Ruto, who is not also from the Ogiek community, informed the study that; “It was not only the effort of the politicians but it is also our duty to safeguard or region from the „foreigners“ ”.

Table 3, is a demonstration on how the distribution of land was made in relation to the civil servants, politicians and relations of politicians and also ownership of land elsewhere. Out of those interviewed in this category, 63% of them admitted that they either have a relative politician/ civil servant while 37% had none of the two as relative. This proves that the Mau Forest land excision was more motivated by political interest than settling of the landless and that politics contributed to a large extent toward the destruction of the Mau Forest. 78% of those who had land elsewhere were either civil servants, politicians or had relative politician/civil servant while 22% were none. Again from the same findings 75.7% in the category of those without land elsewhere were neither the civil servants/politicians nor had relative politician/civil servant while 24.3% were either civil servants, politicians or had relative politician/civil servant.

Table 3: Relation to or Civil Servant/Politician Verses Ownership of Land Elsewhere

Relative of either Civil servant/ politician	Ownership of land elsewhere				Total	
	Yes		No			
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Yes	49	78%	9	24.3%	42	42%
No	14	22%	28	75.7%	58	58%
Total	63	100	37	100%	100	100%
% to the total respondents		63%		37%		100%

Source: Field data collected from the field on October 2013

Ndungu (2010) says that in 1990s, the group ranches and land buying companies in Narok and Transmara areas were directed to sub-divide their land. A few, who bordered the Mau Forest of the Maasai Mau Block, encroached into the forest land and sub-divided it as well. Most of those who benefitted from the scheme were the Maasai who later on sold it to the unsuspecting members of the Kipsigis community and one such area is Sieraleone. This was confirmed by Hon. Isaac Ruto, Governor Bomet County. He informed this study that most of the members of the Kipsigis community who are said to be illegal encroachers in the Maasai Mau block of the Mau Forest are a lie. To him they were sold land by the members of Maasai community through the Narok County Council „So nobody should say the land owners on this side of the forest are illegal encroachers“.

During Moi's regime, there were various government institutions whose mandate had relevance to the management of forests. In 1999 alone, to Matiru (1999), out of the 24 ministries at least 12 had functions that directly relate to the management of forests. In addition to these, the Office of the President housed the Permanent Presidential

Commission on Soil Conservation, the Kenya Wildlife Service, the Nyayo Tea Development Corporation and the provincial Administration all of which were charged with implementing projects with implications for forest management (annex 3). However these institutions were poorly coordinated in the implementation of their activities.

The Nyayo Tea Development Corporation (also referred to as Nyayo Tea Zone) was established in 1986 and gazetted in 1988 to promote conservation of forests by establishing a buffer zone between the agricultural land and the forest. From the KFS (2007) report, Tea Zones were created in the following areas; Mt. Kenya, Mt. Elgon, West and East Mau, Transmara, Tinderet, North and South Nandi, Kakamega, Kipkabus, Uplands, Kikuyu Escarpment and the Aberdares. Officially, a “100 m” strip from the forest boundary was to be used as the guideline. However, it was used by powerful politicians and civil servants in government to allocate themselves land. A total of 11, 000 ha was allocated to Nyayo Tea Development Corporation. The creation of a buffer zone to safeguard the forests was a noble idea but still the forests were blundered.

Unlike in Kenyatta’s regime environmental issues started taking political dimensions in the 1990s. This is the time when the Forestry Department came under the Ministry of Environment and Natural Resources. Under the Forest Act Cap 385 at the time, the Minister had powers to alter forest boundaries after publishing the intention and maps in the Kenya Gazette. In the Act, for the excision to be legal, the area needed to be surveyed, a boundary plan to be drawn up and approved by the Chief Forest Conservator of forests (www.kenyalaw.org). If the objections were not raised after 28 days in the Kenya Gazette, the land was no longer considered protected forests. The Kenya Gazette could not be challenged since it is released once a week and hard to be accessed by ordinary citizens and even if they access a few could read for it in English. What made it more political was that, the minister at the time was appointed by the president. This to Klopp (2011), made it easy for the president’s men to have their way in altering forest boundaries without informing the relevant forest authorities. This made the decisions over forest excisions susceptible to the politics of patronage therefore rendering the foresters „helpless when a logger or settler comes armed a letter from the provincial administration or a high political office“. At this time, the Mau Forest became one of the clearest demonstrations of how power and patronage dynamics cause massive deforestation. This study established that this system of excising the Mau Forest land was to drive the politics of Moi’s regime from 1992 to 2002. According to the then Deputy Chief Conservator of Forests, in 2001 alone 67,000 ha was excised from the Kenyan forests and by this time, the forests in Kenya reduced to a cover of 4 million ha representing 1.7% of total land size. To Ndungu (2010), the total amount of excisions of forest land since 1979 to 2002 amount 299,077.5 ha.

From the above discussion it is clear that forest conservation during Moi’s regime was characterized by a significant amount of change in issues of environmental conservation as compared to Kenyatta regime. Policy wise, this is the time when most of the outdated non environmental sensitive policies were repealed and others replaced. However, despite the presence of these policies/laws, some of the old land

laws that had not been changed were misused. This aspect was clearly witnessed in the frequent way of rewarding political cronies, power brokers and political supporters. Forest land, during Moi's regime, was the source of free land that could be excised according to size one wanted regardless of legal implications. The significant loss witnessed in forest conservation during this regime was as a product of the shift in the politics of Kenya. The multi-party politics created anxiety and insecurity in Moi's regime and thus the requirement to consolidate political support through dishing out of land in return/soliciting of political support. By the time the Kibaki regime came to power, much of the Mau Forest Land had been put in the hands of Moi's political cronies.

Despite the presence of policies that are directly concerned with forest conservation in Kenya, there exist a number of policies that affect the conservation of forests in Kenya. According to Towett (2004), during the colonial rule, for example, the government used the Indian Land Acquisition Act of 1894 to alienate forest land. This was not enough, Towett (2004) continues to state that the 1901 East African (Land) Ordinance – in - Council Act, conferred on the Commissioner of the Protectorate (later known as Governor) powers to lease out all public land. This was encouraged by the subsequent act, The Crown Lands Ordinance Act of 1902. These acts in Towett's view were used in giving out the Mau Forest land.

This study further found that the Trust Land Act of 1962, which was re-enforced by the Constitution of Kenya (1963) article 115, placed all Trust Lands in the County Councils' jurisdiction, on behalf of residents. Section 53 of the Trust Lands act Cap 288 (1962) further confers direct powers of administering Trust Lands to the Commissioner of lands on behalf of the president of Kenya. Another act that played center stage in the plunder forests is the Land Adjudication Act Cap 284 of 1968. When this study had a review of the act the study realized that the act ensured that any adjudicated land is issued with a title deed. This was a problem even to the Mau Task Force and also to the Minister of

Lands in 2005. This issue was also escalated by the Registered Land Act Cap 300 of 1968. These acts are still in force making them to be in conflict with the Forest Conservation acts hence making it hard for the law enforcers to reclaim the forest land especially the Mau Forest land.

Despite the fact that there were other policies introduced during Moi's regime that ensured the conservation of forests, nothing much is going on. This study in assessing the Sessional Paper No.1 of 1999 On National Policy on Water Management and Development, the Water Act 2002 and the Agriculture Act Cap 318 of 1986 made the observation that though the acts had mandate in conservation of water catchment areas, and establishment of agro-forestry, there is nothing much in the area of study that proves the enforcement of the same. This depicts a weakness in enforcing of the same policy.

This part was to test the first hypothesis that politics play a role in the destruction of the Mau Forest. The study, after analyzing various policies and legislations from 1895 to 2002, concluded that in spite of the fact that the policies and legislations were

made for the conservation of environment and also to forest conservation the destruction of forests continued. Further, the study concluded that the loopholes in the policies and legislations together with other legislations that did not concern environmental conservation were used by the political class to access the Mau Forest land illegally. Not stopping there, the study also established that politics and political interests played a major role in the destruction of the Mau Forest.

5.0 Conclusion

The main objective of the study was to identify the relationship between politics and conservation of the Mau Forest. Basing on the findings of the study, the following conclusion was made that there indeed exist the relationship between politics and conservation of the Mau Forest. Consequently, from the findings, this study concluded that the politics contributed immensely to the dwindling size of the Mau Forest. However, with the presence of policies on environmental conservation notwithstanding, the political class has used the loopholes in them to exploit the Mau Forest for political expediency. The study further concluded that there is a thin line between politics and the conservation of the Mau Forest. The conservation of the Mau Forest by the government, especially between 2005 and 2011, has witnessed a lot of political confrontations that have contributed to political decisions of the affected communities.

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