

EXAMINING THE LEGAL FRAMEWORK FOR THE CONSERVATION OF THE MAU FOREST COMPLEX

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Abstract

The Mau forest complex is the source of life for the Western part of Kenya. It is the catchment basin that springs from the major and important rivers which are relied on by human, plant, and animal life in this region for sustenance. Regrettably, over the years at least 40% of the forest complex has been destroyed since independence. This is majorly due to the lack of gazettement of all the parts of this important forest complex. Moreover, due to the phenomenal population increase in Kenya, scarcity of land has pushed people to encroach on the forest complex to deforest land for farming and shelter. The majority of the encroachment occurred during the reign of the first two presidents of Kenya (during the KANU era). Some forest cover has been lost to illegal loggers who cut the forest trees to make timber and charcoal. After a series of droughts that severely affected the whole country in the past decade to the extent which some major rivers dried up and others became seasonal, there was consensus that the perennial lack of rain in the country stemmed from the laxity of the state to protect water towers such as Mau forest complex which gave a loophole for illegal loggers and encroachers to destroy the forest. The change in climatic patterns has led to the rise in communal and also human-wildlife conflicts along with important water sources such as the Mara river. Efforts to rehabilitate the water tower have been met with commendation and condemnation in equal measure. Political undertones have been a major setback in efforts to save the Mau. It is undeniable that politics has been at the center of the Mau conservation. Politicians were among the first people to encroach on this important forest complex. Further, they have also protested the forceful eviction of their people. Politics aside, the Mau forest has been home to indigenous communities such as the Ogiek. This paper examines the legal aspects of the efforts made to conserve the Mau water tower. It grapples with all the segments of the Mau rehabilitation. For instance, the steps are taken to repossess the encroached land and the intrigues of the eviction process. Moreover, this paper will dwell on the rights of the Ogiek as forest dwellers. Above all, this paper will examine the legal framework for the conservation of the Mau and suggest areas that should be evaluated for the successful conservation of the forest tower.

Key words: Mau complex, environment, law