



**REPORT OF THE PRIME MINISTER'S TASK FORCE
ON THE
CONSERVATION OF THE MAU FORESTS COMPLEX**

March 2009

Nairobi, Kenya

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TRANSMITTAL NOTE

The Prime Minister's Task Force on the Conservation of the Mau Forests Complex, whose members have appended their signatures herein below, has the honour to submit its report to the Government on the Conservation of the Mau Forests Complex.

The report comprises two appendices and eight annexes that contain the five reports of the Committees and the Working Group established by the Task Force and the three expert studies commissioned by the Task Force.

Name	Position	Institution / Stakeholder group	Signature
Prof. Fredrick Owino	Chairperson	Chairman, East Africa Wildlife Society	
Ms. Dorothy Angote	Co-Chairperson	Permanent Secretary, Ministry of Lands	
Mr. M. Wamwachai	Member	Permanent Secretary, Ministry for Forestry and Wildlife	
Dr. Alice A. Kaudia	Member	Environment Secretary, Ministry of Environment and Mineral Resources	
Dr. Wilson Songa	Member	Agriculture Secretary, Ministry of Agriculture	
Mr. Hassan Noor	Member	Provincial Commissioner, Rift Valley Province	
Ms. Lornah A. Odera	Member	Senior Deputy Secretary, Ministry of State for Provincial Administration and Internal Security	
Mr. Francis M. ole Nkako	Member	Managing Director, Ewaso Ngiro South Development Authority	
Mr. Julius Kip'ngetch	Member	Director, Kenya Wildlife Service	
Mr. David K. Mbugua	Member	Director, Kenya Forest Service	
Ms. Esther N. Ogega	Member	Director, Department of Land Adjudication and Settlement, Ministry of Lands	
Mr. Nelson Manyeki	Member	Deputy Director of Renewable Energy, Ministry of Energy	
Mr. Patrick Oloo	Member	Deputy Director of Water Resources, Ministry of Water and Irrigation	
Mr. George Ndegwa	Member	Head of Planning, Ministry of Local Government	
Mr. Moses Ogola	Member	Chief Economist, Ministry of Regional Development Authorities	

Name	Position	Institution / Stakeholder group	Signature
Mr. Alexander L. Alusa	Member	Consultant / Coordinator, Climate Change, Office of the Prime Minister	
Mr. Daniel Muia	Member	National Security and Intelligence Service	
Mr. Odenda Lumumba	Member	National Coordinator, Kenya Land Alliance	
Mr. Michael Gachanja	Member	Coordinator, Kenya Forests Working Group	
Mr. Wilson Soy	Member	Private sector representative, Tea Sector	
Mr. Joseph T. Ole Karia	Member	Community representative, Narok South	
Mr. Shadrack Ole Rotiken	Member	Community representative, Narok North	
Mr. Joshua Koske	Member	Community representative, South West Mau	
Mr. Clement Kariuki	Member	Community representative, Eastern Mau	
Mr. Charles Saina Sena	Member	Community representative, Ogiek	
Mr. Stanley Kenduiywa	Member	Community representative, South West Mau	
Mr. Christopher Bore	Member	Community representative, Narok South	
Mr. Peter K. Cheruiyot	Member	Ogiek Peoples' Development Programme	
Rev. Paul Leleito	Member	Community representative, South West Mau	
Prof. Julian Bauer	Member	Ecologist / Independent Consultant	

Name	Position	Institution / Stakeholder group	Signature
Mr. Christian Lambrechts	Head of the Secretariat	Policy and Programme Officer, United Nations Environment Programme	
Mr. Julius Kip'ngetch	Member of the Secretariat	Director, Kenya Wildlife Service	
Mr. David K. Mbugua	Member of the Secretariat	Director, Kenya Forest Service	
Mr. Francis M. Ole Nkako	Member of the Secretariat	Managing Director, Ewaso Ngiro South Development Authority	

Dated this March 2009.

FOREWORD

The Mau Forests Complex is the largest closed-canopy forest ecosystem of Kenya. Its forests provide critical ecological services to the country, in terms of water storage; river flow regulation; flood mitigation; recharge of groundwater; reduced soil erosion and siltation; water purification; conservation of biodiversity; and, micro-climate regulation. Through these ecological services, the Mau Forests Complex supports key economic sectors in Rift Valley and Western and Nyanza provinces of Kenya, including energy, tourism, agriculture, and industries. In addition, the Mau Forests Complex is the source of water supply to several urban centres and supports the livelihoods of millions of people living in the rural areas. It is the home of a minority group of indigenous forest dwellers, the Ogiek, and provides livelihood support for many communities who are living in the immediate surrounding of the forests. Rivers draining from the Complex flow into Lake Victoria which is partly the source of River Nile. The Complex secures ecological balances of regional importance, including the extensive Mara and Serengeti wildlife sanctuaries – a crucial trans-boundary heritage of both Kenya and Tanzania.

Yet the Mau Forests Complex has been, and continues to be seriously degraded through irregular and ill-planned settlements, as well as through uncontrolled and illegal forest resource extraction and conversion to agricultural production. For example, through a series of forest excisions (purportedly for settlement of the landless poor) and encroachment, some 107,707 hectares representing approx. 25 per cent of the Mau Complex area has been converted to settlement and farmlands over the last 15 years. Through the excisions of 2001 alone, 61,586.5 hectares of forest in the Mau Forests Complex was to be converted to settlements. It is estimated that, within the remaining gazetted forests in the Complex, some additional 46,122 hectares have been encroached, posing serious threats to the sustainability of the ecosystem.

The accelerating destruction of the Mau Forests Complex has reached national emergency proportion prompting the Government through the Office of the Prime Minister to engage all the stakeholders, including all relevant Government Ministries, to provide a sustainable solution to the current crisis. Accordingly, a stakeholder consultative forum was convened in Nairobi on 15th July 2008 attended by over 300 people representing government institutions, Members of Parliament, private sectors, community-based organizations (CBO), local and national non-government organizations (NGO), as well as international organizations. The forum was attended by the Prime Minister and ten Cabinet Ministers. Shortly after the forum the Prime Minister appointed the Task Force on the Conservation of the Mau Forests Complex to spearhead follow up actions. The Task Force was officially launched by the Prime Minister on 22 July 2008.

The Terms of Reference of the Task Force was to conduct expeditious and consultative appraisal of the situation on the ground and, there from, make recommendations to the Government on:

- (i) Effective management structure to stop any further degradation in the Mau Forests Complex;
- (ii) Long-term solution for uncontrolled human settlement in and around the forest complex, including relocation of populations as may be necessary for the conservation of the forest complex;
- (iii) The restoration of all degraded forests and critical water catchments in the Mau Complex; and,
- (iv) Mobilizing resources to achieve the above mentioned objectives.

I had the great honor to be appointed the chairman of the Task Force. The task has been most challenging given the root causes of the settlement muddle, the inter-ethnic tensions and the great anxiety over possible relocation (and eviction) of settlers within the forest complex. The Task Force has taken up the challenge with all the seriousness it deserved and attempted comprehensive analysis of the situation. In this report, the Task Force presents its analysis, findings and recommendations to the Government through the Prime Minister. On behalf of members, I strongly recommend that the Government of Kenya take bold decisions on recommendations by the Task Force.

I take this opportunity to thank all members of the Task Force, particularly the Co-chair, Ms. Dorothy Angote, the chairpersons of the four Committees (Hassan Noor, Francis ole Nkako, Odenda Lumumba, Alice Kaudia) and the Secretariat for commendable work accomplished. On behalf of all members, I express great appreciation to the Prime Minister for timely intervention to save the Mau Forests Complex and for giving us opportunity to be part of the solution.



Prof. Fredrick Owino
Chairman
Prime Minister's Task Force on the
Conservation of the Mau Forests Complex

ACKNOWLEDGEMENTS

The Chairman, the Co-chair and the Members of the Prime Minister’s Task Force on the Conservation of the Mau Forests Complex would like to express their gratitude to the Prime Minister for providing leadership in addressing the crisis situation in the Mau Forests Complex, for establishing a multi-stakeholder Task Force to make recommendations to the Government on the restoration and conservation of the Mau Forests Complex and for providing to the Task Force invaluable support, personally and through his office.

The Task Force is grateful to the Ministry of Lands, Ministry of Water and Irrigation and Ministry of Forestry and Wildlife for their technical support and the provision of official data.

The Task Force would like to appreciate the Office of the President for their support in the field in terms of mobilizing the communities, providing security and logistics and the Kenya Wildlife Service for their logistical support in the field. The Permanent Public Service Remuneration Review Board, Ministry of State for Public Service, and the Efficiency Monitoring Unit, Office of the Prime Minister, provided logistical support to the meetings of the Task Force for which it is most grateful.

The role of the joint force on the ground, comprising rangers from Kenya Wildlife Service, Kenya Forest Service, Narok County Council and the Administration Police, in securing the forests immediately after the launch of the Task Force is much appreciated.

The Task Force would like to also express its indebtedness to United States Agency for International Development (USAID) for their financial support and the United Nations Environment Programme (UNEP) for their technical support. The Task Force also would like to appreciate the managers and experts from a number of protected areas who provided most valuable advice on securing boundaries, and the Green Belt Movement in providing remote sensing data.

The Task Force was privileged to work with a Secretariat that was both dedicated and time conscious in the production of working documents. The success of the work of this Task Force was therefore, in no small measure, the result of this dedication.

Finally, the Chairman, the Co-Chair and the Members of the Task Force would like to express their sincere thanks to the Prime Minister for the opportunity to serve on the Task Force and the confidence and trust implied in their selection to serve.

EXECUTIVE SUMMARY

Over the last decades, there has been extensive degradation of the Mau Forests Complex as a result of encroachment, excisions and illegal forest resources extraction. This degradation is a major threat to water resources, biodiversity and livelihoods of forest dependent communities. If allowed to continue it will lead to conflicts over these resources and land. Political interference, weak law enforcement, limited management capacities of mandated institutions, and inadequate governance systems account, in part, for this wanton degradation.

In order to address the degradation of the Mau Forests Complex and restore the ecosystem services it provides to the nation, a multi-stakeholder Task Force was established by the Prime Minister to make recommendations to the Government. The Task Force has carried out its mandate, as directed through the Kenya Gazette notice of 1st August 2008, through a consultative and participatory process and arrived at agreed findings and recommendations.

MANAGEMENT OF THE MAU FORESTS COMPLEX

The key findings on the management of the Mau Forests Complex are:

- a) Over the last 15 years, the Mau Forests Complex has lost over 107,000 hectares representing approx. 25 per cent of its forest cover due to encroachment, ill-planned and irregular settlements, as well as illegal forest resources extraction. Encroachment has occasioned the destruction of approximately 46,122 hectares of indigenous forest;
- b) The Mau Forests Complex being one of the most important water towers in Kenya, is managed from a forestry perspective and not as a national asset providing invaluable ecosystem services to the nation;
- c) The poor management systems in the Mau Forests Complex have seriously threatened its biodiversity and water catchment functions;
- d) Although a new Forest Act was passed in 2005 and operationalized in February 2007, establishing the Kenya Forest Service, the essential reforms to transform the former Forest Department into a corporate entity with a transformed corporate culture remains slow and inadequate;
- e) Whereas the Narok County Council is vested with the management of the Maasai Mau trust land forest, it has not been able to secure the forest resources in the Maasai Mau. There is also evidence of a lack of political will and commitment on the part of the Council to manage and secure the integrity of Maasai Mau trust land forest;

- f) The National Environment Management Authority (NEMA) is empowered to prescribe measures and guidelines to ensure the sustainable conservation of biological resources, the protection of environmentally significant areas, and the regulation of Environmental Impact Assessments (EIA). NEMA has not been able to enforce the law and to request an EIA prior to the excisions of forestland in 2001;
- g) The Mau Forests Complex Task Force established a joint enforcement force comprising 182 rangers from Kenya Wildlife Service, Kenya Forest Service, Administration Police and Narok County Council to contain further forest destruction. The joint enforcement force succeeded in reducing the movement of illegally extracted forest resources by approx. 70 per cent. But there are challenges which include financing and command structure;

In consideration of these findings, the Task Force's recommendations to the Government include:

Mau Forests Complex

- a) A lean, effective and strong **Interim Coordinating Secretariat** be established in the Prime Minister's office upon the expiry of the Task Force's term to support the implementation of short-term recommendations on the restoration of the Mau Forests Complex and to spearhead the establishment of the Mau Forests Complex Authority. It will comprise five staff members selected with due consideration of the interests of various stakeholders with a fixed term period not exceeding two years;
- b) The following management imperatives be put in place:
 - (i) The biodiversity hotspots and critical catchments areas should be secured;
 - (ii) The security of all indigenous forests should be reinforced to sustain water supply;
 - (iii) A **Joint Enforcement Unit** should be established under one central command provided by Kenya Wildlife Service. Community based approaches in law enforcement should be promoted; and,
 - (iv) The Joint Enforcement Unit should report on operational, administrative and financial matters to an **Enforcement Committee** chaired by the Provincial Commissioner, Rift Valley. The Unit and the Enforcement Committee should be established for a fixed-term period of no more than two years.
- c) A **Mau Forests Complex Authority**, with a Board of Directors representative of key stakeholders should be established to coordinate and oversee the management of the Mau Forests Complex;

- d) Synergies and strong partnership should be established among key stakeholders in the Mau Forests Complex, including Government ministries, in order to help achieve the conservation of the Mau Forests Complex;
- e) The conservation status of the Mau Forests Complex should be upgraded to take into consideration its critical role as a natural asset of national, regional and international importance;
- f) A Strategic Management Plan should be developed for the Mau Forests Complex with participation of stakeholders and communities which takes into consideration national and transnational development priorities and needs;
- g) The management of the Maasai Mau trust land forest should be based on partnerships, with a management plan developed before the end of 2009. An autonomous body should be contracted by the Narok County Council to manage the forest sustainably, guided by the management plan;
- h) A number of amendments should be made to existing laws, in particular to the Local Government Act (Cap. 265) and the Trust Land Act (Cap 288) to reflect the need for joint management, including local communities in the Maasai Mau trust land forest;
- i) Any license for timber harvesting in the industrial forest plantations should only be granted after competitive bidding in accordance with the Public Procurement and Disposal Act (2005). Timber harvesting licensing procedures should be reviewed, streamlined and computerized to enable their controlled monitoring.

All Forest Reserves in Kenya

- a) Some radical management changes should be applied to secure a successful reform process from Forest Department to Kenya Forest Service;
- b) The technical and financial capacity of the Kenya Forest Service should be strengthened; and,
- c) The Environment Management and Coordination Act should be fully implemented, especially as it relates to forestry activities, water catchments conservation and land use changes.

BOUNDARIES

The key findings of the Task Force with regard to Boundaries of the Mau Forests Complex include:

- a) Whereas the legal boundaries of the forest reserves in the 21 blocks of the forest reserves exist and are properly described by appropriate proclamations/legal notices, and any alterations are properly documented, no new boundary plans for the remaining forest blocks have been prepared. The boundaries are not clearly marked and secured on the ground. In addition, the boundaries of the

forest blocks affected by the 2001 excisions are not fully determined due to a court injunction issued pending the determination of a court case challenging the 2001 excisions.

- b) There is lack of harmonization of records and consultations on forest/land issues, especially between Kenya Forest Service and the Ministry of Lands. The 22 forest blocks have neither been fully surveyed nor have title deeds been issued for the same. In addition, the Maasai Mau Trust Land Forest has never been gazetted;
- c) Although the Presidential Ole Ntutu Commission report was not available to the Task Force, the Task Force succeeded to determine the boundaries in Maasai Mau trust land forest based on the boundaries of the adjacent re-declared adjudications sections and additional official records;
- d) In the northern blocks of the Mau Forests Complex, approx. 84 percent of the boundaries are still visible on the ground, whilst in the southern blocks, only 57 percent remain visible, mostly due to the 2001 excisions.

In consideration of these findings, the Task Force's recommendations to the Government include:

- a) The boundaries of the Mau Forests Complex should be secured and title deeds issued for 21 forest reserves, and the Maasai Mau trust land forest; and,
- b) The Government needs to examine the most appropriate approaches for securing the Mau Forests Complex boundaries.

AUDIT OF LAND OWNERSHIP

The key findings of the audit of land ownership in the Mau Forests Complex include:

- a) The purpose of the 2001 excisions in the Mau Forests Complex was to resettle the Ogiek and the victims of 1990s land clashes. The Task Force established that beneficiaries included non deserving people, such as Government officials, political leaders and companies and that some of the allocation of land was carried out by unauthorized persons;
- b) It was established that most of the title deeds were issued prior to the degazettement of the forestland or after a High Court order restraining the Government and its officials and agents from alienating the whole or any portions of the forestland as proposed in the 2001 excisions Legal Notices;
- c) Multiple parcels of land amounting to area well in excess of the normal land size of 2.02 hectares (5 acres) were allocated to the same beneficiaries;
- d) Ecologically sensitive areas, including critical water catchments were allocated;

- e) In the Maasai Mau trust land forest, claims have been made on extensive areas in Nkareta beyond the Ole Ntutu Presidential Commission boundary. In addition five Group Ranches have encroached tremendously into Maasai Mau trust land forest, through the creation of land parcels beyond the Group Ranches adjudicated boundaries. Many beneficiaries of the original sub-division of the Group Ranches were not original members of the Group Ranches. They include leaders, such as Government officials, Members of Parliament, Chiefs, Councilors and employees of the Narok County Council;
- f) In Ol Pusimoru Forest Reserve, over 20,000 hectares have been adjudicated to ascertain the traditional land use rights of the Maasai and Ogiek who traditionally reside in the area. The adjudication process did not take into consideration the protection of ecologically sensitive areas. The forested areas reduced by 47 per cent in 40 years despite being protected as forest reserve;
- g) Many *ad hoc* requests for allocations of forestland were made in the Mau Forests Complex, in particular to develop public facilities. The size of the land requested was, in most case, well in excess of what is required making it possible for the undeveloped land to be grabbed. No environmental impact assessment was undertaken; and,
- h) Approximately 28,500 hectares of protected forestland have been encroached.

In consideration of these findings, the Task Force's recommendations to the Government include:

- a) All title deeds that were either issued irregularly, or not issued in line with the stated purposes of the settlement schemes, or issued in critical water catchments and/or biodiversity hotspots, should be revoked. However, irregular title deeds issued to *bona-fide* settlers, in line with the stated purposes of the settlement schemes, should be regularized;
- b) Ogiek who were to be settled in the excised areas and have not yet been given land and *bona-fide* settlers who were issued title deeds in critical water catchments or biodiversity hotspots should be settled outside the critical catchments and biodiversity hotspots;
- c) In the Maasai Mau trust land forest, all title deeds for land parcels encroaching into the Maasai Mau trust Land forest should also be revoked. In Ol Pusimoru, all critical water catchments and biodiversity hotspots should be repossessed;
- d) Third party purchasers for value should be compensated where appropriate;
- e) Land for public facilities should only be acquired through compulsory acquisition;
- f) Encroachers should be removed from the forests immediately; and,
- g) All non-deserving persons and other entities who benefited from illegal and/or irregular allocations of land in the Mau Forests Complex should be given an

opportunity to surrender their land within a period of three months after the adoption of the report of the Task Force without sanctions.

In addition to the specific recommendations, a number of general recommendations on land administration and management have also been made by the Task Force.

RESTORATION OF DEGRADED AREAS

The key findings for the restoration of degraded areas in the Mau Forests Complex include:

- a) The Task Force established that the biodiversity of the Mau Forests Complex is under serious threat. Four forest areas were identified as biodiversity hotspots in the Mau Forests Complex. These are: Eburu; Eastern Mau; Trans Mara, South West Mau, and lower parts of Western Mau; and the Central area of Mau Forests Complex. In addition, Maasai Mau trust land forest is also rich in biodiversity. These biodiversity hotspots have been threatened by settlement, encroachment and logging; and,
- b) It also established that the settlements in the excisions and the encroachment in the forest reserves and the Maasai Mau trust land forest are critical water catchments that feed many streams and rivers of significant economic value not only for Kenya but also for the region. These settlements are affecting the catchments and associated water resources.

In consideration of these findings, the Task Force's recommendations to the Government include:

- a) All biodiversity hotspots and critical water catchments that are presently settled should be repossessed, restored and the settlers moved to other less sensitive areas;
- b) All critical water catchments should be restored using enrichment planting, natural regeneration and other appropriate means; and,
- c) The Government should ensure coordinated and regulated research and development activities in the Mau Forests Complex.

ALTERNATIVE LIVELIHOOD OPTIONS

The key findings on alternative livelihood options in the Mau Forests Complex include:

- a) Forest-adjacent communities depend on forests for various needs including water, firewood, grazing, fruits, vegetables and medicinal plants;

- b) Degradation of the Mau Forests Complex has been associated with activities of communities residing in and around the Mau Forests Complex through activities such as firewood collection, overstocking livestock, encroachment, illegal logging for timber and charcoal production; and,
- c) There are conflicts among communities within the Mau Forests Complex associated with forest resources utilization.

In consideration of these findings, the Task Force's recommendations to the Government include:

- a) Participatory forest management should be fast-tracked to enhance the livelihoods of forest adjacent communities. They should be involved in afforestation and reforestation, among others;
- b) Value addition to forest products should be promoted;
- c) On farm forestry should be encouraged to reduce forest degradation and dependence on forest products; and,
- d) Benefits arising from payment for environmental services should also accrue to the adjacent communities involved in forest conservation.

RESOURCE MOBILIZATION

The key findings to resource mobilization for the implementation of the Task Force recommendations include:

- a) To secure the critical water catchments values and the biodiversity of the Mau Forests Complex, law enforcement must be strengthened. A fully effective force across the entire Mau Forests Complex will require additional financial resources and equipment;
- b) Most of the boundaries in the 22 forest blocks are not clearly demarcated on the ground. They need to be surveyed, marked and secured. Title deeds must be issued for all blocks. To do so additional financial resources must be secured;
- c) Financial resources will be required for re-settlement/compensation, where appropriate, of those residing in critical water catchments and biodiversity hotspots; and,
- d) The Task Force discussed with over 12 donors all of whom were very interested in supporting conservation of the Mau Forests Complex, particularly as Government-driven interventions.

In consideration of these findings, the Task Force's recommendations to the Government include:

- a) The Government should take the lead as an investor in the conservation of the Mau Forests Complex. Budgetary allocations should be made for forest management, to match the contributions of the forests to the national economy;
- b) Adequate financial resources for the protection and conservation of Mau Forests Complex should be provided by the Government. Priority areas to be fully supported include boundary survey and marking, resettlement, including purchase of land, livelihood development, law enforcement and management;
- c) The Government should provide the necessary financial resources to the Mau Forests Complex Authority for the sustainable management of the Mau Forests Complex. Similarly, the Narok County Council should provide adequate funding to the autonomous body contracted to manage the Maasai Mau trust land forest;
- d) Funds should be made available to fully implement the Forest Act 2005. A competitive recruitment for the Kenya Forest service should be fast-tracked;
- e) Existing funds, such as NetFund and Water Conservation Fund, should be mobilized and used to support conservation of the Mau Forests Complex. A Mau Conservation Trust Fund should be established to attract financial support from local, national and international conservation and development partners;
- f) The conservation and sound management of the Mau Forests Complex is not a forest, environment or water conservation issue alone. Managing this resource therefore should be considered a responsibility of many ministries;
- g) Sustainable financial resources for the long-term conservation of the Mau Forests Complex should also be generated based on the *payment for service* principle (e.g. carbon credit, water and electricity levies); and,
- h) The Government should generate and support interest of all stakeholders in the conservation of the Mau Forests Complex, including convening a donor-consultative forum.

INTRODUCTION

BACKGROUND

1. Kenya's closed canopy forest cover currently stands at approx. 1.7 percent of the country total land area. This is low compared to other African countries with an average of 9.3 percent and the world with an average of 21.4 percent. Most of the closed canopy forests in Kenya are montane forests and are the nation's water towers. Among the most important is the Mau Forests Complex.

A natural asset of national and international importance

2. The Mau Forests Complex forms the largest closed-canopy forest ecosystem of Kenya, as large as the forests of Mt. Kenya and the Aberdares combined. Being one of the five water towers in Kenya and the single most important water catchment in Rift Valley and western Kenya, it is a natural asset of national importance. Its forests provide vital ecological services to the country, in terms of water storage; river flow regulation; flood mitigation; recharge of groundwater; reduced soil erosion and siltation; water purification; conservation of biodiversity; and, micro-climate regulation. Through these ecological services, the Mau Forests Complex supports key economic sectors in Rift Valley and western Kenya, including energy, tourism, agriculture, and industries. The Mau Forests Complex is particularly important for two of the three largest foreign currency earners: tea and tourism.

3. The Mau Forests Complex is strategically important in terms of water catchments not only for Kenya but also for the region. Its forests form the upper catchments of 12 main rivers that drain into five major lakes: Baringo, Nakuru, Natron, Turkana, and Victoria. Three of these lakes are international water bodies: Natron (Kenya / Tanzania), Turkana (Kenya / Ethiopia) and Victoria (Kenya / Tanzania / Uganda). Considering that five of these 12 rivers flow into Lake Victoria, the Mau Forests Complex is important to the River Nile Basin water resources.

An ecosystem critical to the livelihoods of millions of Kenyans

4. The Mau Forests Complex supports the livelihoods of millions of people in the Rift Valley and western Kenya. In the tea sector alone, approx. 35,000 jobs and the livelihoods of 50,000 small farmers, supporting both together some 430,000 dependants, benefit from the ecological services provided by the Mau Forests Complex.

5. The Mau Forests Complex is the home of a minority group of indigenous forest dwellers, the Ogiek. Many communities living in the immediate surrounding of the forest depend extensively on the forest goods and services. Urban dwellers also depend extensively on the Mau Forests Complex for their water supply.

Major economic contributions

6. The market value of goods and services generated in the tea, tourism and energy sectors alone to which the Mau Forests Complex have contributed, is in excess of Kshs 20 billion a year. This does not reflect provisional services such as water supply to urban areas (Bomet, Egerton University, Elburgon, Eldama Ravine, Kericho, Molo, Nakuru, Narok, and Njoro) or support to rural livelihoods, in particular in the Lake Victoria basin outside the tea growing areas, the Mara and Ewaso Ngiro basins. This figure also does not reflect potential economic development in the catchments of the Mau Forests Complex, in particular in the energy sector. The estimated potential hydropower generation in the Mau Forests Complex catchments is approx. 535 megawatts, representing 47 per cent of the total installed electricity generation capacity in Kenya.

Key to long-term environment and economic stability

7. Looking forward, environmental stability and secured provision of ecological goods and services, such as those provided by the Mau Forests Complex, will remain essential to attain sustainable development in Kenya. They are cross-cutting, underlying requirements to achieve the Vision 2030 - Kenya's development blueprint aiming at making the country a newly industrializing middle income nation, providing high quality of life for all the citizens in a secure and healthy environment.

Environmental, economic and security threats

8. Despite its critical importance for sustaining current and future economic development, the Mau Forests Complex has been impacted by extensive illegal, irregular and ill-planned settlements, as well as illegal forest resources extraction.

9. Excisions (degazettement) of forest reserves and continuous widespread encroachment have led to the destruction of approx. 25 per cent of the Mau Forests Complex over the last 15 years: 61,586.5 hectares of forest in the Mau Forests Complex were excised in 2001; over 17,000 hectares of forest were allocated due to expansion of Group Ranches beyond their adjudicated boundaries; and, some 29,000 hectares have been encroached in the remaining protected forests. Such an extensive and on-going destruction of a key natural asset for the country is a matter of national concern. It presents significant environmental and economic threats and underlines a breakdown of law and order, with potential for conflicts and larger ramification for internal security.

Non-respect of international obligations

10. The destruction of the Mau Forests Complex is a violation of several multilateral environmental agreements to which Kenya is a Party. These include the East Africa Community Treaty, the African Convention on Conservation of Nature and Natural Resources, the Ramsar Convention on Wetlands, the Convention on Biological Diversity, the Convention on Migratory Species and the United Nations Framework Convention on Climate Change.

Government's response: the Mau Task Force

11. In order to maintain the vital role of the Mau Forests Complex in contributing to the health and prosperity of the country, the Government decided to engage all the stakeholders, including all relevant Government Ministries, to provide a sustainable solution to the current crisis. A stakeholder consultative forum, comprising some 300 persons representing Government institutions, Members of Parliament, private sectors, community-based organizations (CBO), local and national non-government organizations (NGO), as well as international organizations, was held in Nairobi on 15 July 2008. The forum was attended by the Prime Minister and ten Cabinet Ministers.

12. The forum agreed to establish a multi-stakeholder task force, comprising representatives from relevant Government institutions, non-governmental organizations, affected communities and private sector. The Mau Task Force was officially launched by the Prime Minister on 22 July 2008 (see Gazette Notices at Appendix I).

SCOPE, OBJECTIVES AND MEMBERSHIP OF THE MAU TASK FORCE

13. The geographical scope of the Task Force comprises the 22 forest blocks of the Mau Forests Complex listed in Appendix II.

14. The objectives of the Task Force are to formulate recommendations to the Government for:

- a) An effective management structure to stop any further degradation in the Mau Forests Complex;
- b) Providing for the relocation of the people currently residing in the forests;
- c) The restoration of all degraded forests and critical water catchment areas in the Mau Forests Complex; and,
- d) Mobilizing resources to implement the above mentioned objectives and secure the sustainability of the entire ecosystem.

15. The membership of the Task Force was designed to ensure fair representation of main stakeholders, including Government institutions, affected communities and non-governmental organizations. The members were gazetted as per notices appended in Appendix I. One member whose name was inadvertently omitted in the original notices was later confirmed.

METHODOLOGY

16. To achieve its objectives, the Task Force established four committees. These are:

- a) Committee on Enforcement and Outreach;
- b) Committee on Boundaries;
- c) Committee on Land Ownership and Resettlement Matters; and,
- d) Committee on Restoration, Livelihoods and Resource Mobilization.

17. Committees invited external experts to provide technical information and expertise, in line with the mandate of the Task Force. The reports of the Committees are in Annexes I to V.

18. The Task Force also commissioned three expert studies to further guide the Task Force in making informed recommendations on the conservation of the Mau Forests Complex. The studies focus on the following core issues: assessment of critical water catchments; assessment of biodiversity hotspots; and, institutional framework for the sustainable conservation and management of the Mau Forests Complex. The reports of the studies are in Annexes VI to VIII.

19. In the course of its work, the Task Force faced some challenges. These included limited resources made available for its work, the need for specialized surveys and community resistance in some sections of the Complex.

REPORT STRUCTURE

20. The key findings and the recommendations of the Task Force are organized in four Chapters. Each chapter addresses one of the four objectives of the Task Force in line with its mandate as provided for in the gazette notices.

CHAPTER I

AN EFFECTIVE MANAGEMENT STRUCTURE TO STOP ANY FURTHER DEGRADATION IN THE MAU FORESTS COMPLEX

1 EFFECTIVE INSTITUTIONAL ARRANGEMENTS

1.1 INTRODUCTION

1. Over the years, there has been extensive degradation of the Mau Forests Complex. Such degradation resulted from encroachment and excisions, as well as illegal forest resources extraction. The degradation is a major threat to water resources, biological diversity and livelihoods of forest dependent communities, leading to conflicts over resources and land. The degradation is attributed to political interference, weak law enforcement and management capacities of mandated institutions, high dependence on the forests by the communities and inadequate governance systems.

2. In order to stop any further degradation in the Mau Forests Complex, the Task Force was mandated to make recommendations on an effective management structure. The key findings and recommendations of the Task Force are presented below. They are based on the broad range of expertise existing among the members of the Task Force, field visits, consultations with stakeholders including Members of Parliament from constituencies bordering the Mau Forests Complex, interviews and expert assessment studies commissioned by the Task Force.

1.2 SUMMARY OF KEY FINDINGS

3. The key findings of the Task Force regarding the institutional arrangements for the management of the Mau Forests Complex are:

Extensive forest loss and degradation in the Mau Forests Complex

- a) Over the last 15 years, the Mau Forests Complex has lost over 107,000 hectares representing approx. 25 per cent of its forest cover due to encroachment, ill-planned and irregular settlements, as well as illegal forest resources extraction;
- b) Although ill-planned settlements endorsed by the Government have been the main causes of the loss of forestland in the Mau Forests Complex, extensive encroachment have also taken place, leading to the destruction of some 29,000 hectares of indigenous forest;
- c) Encroachments have taken place not only in the southern forest blocks affected by excisions, but also in the northern blocks. Encroachment is affecting equally the forest reserves managed by Kenya Forest Service and the trust land forest managed by the Narok County Council;

- d) The northern blocks of the Mau Forests Complex have extensive industrial forest plantations which have replaced indigenous forests. Many of the forest plantation blocks are devoid of trees or are not managed properly. In some of the blocks, the surrounding indigenous forests are heavily degraded;

Kenya's water towers not managed as national assets

- a) Kenya's largest forests are montane forests and form the "water towers" of the country. In the Mau Forests Complex, almost all sub-catchments are assessed as critical water catchment areas. These montane forests provide not only goods, but also critical environmental services supporting Kenya's key economic sectors, including energy, agriculture, tourism and water supply;
- b) Over the years, montane forests have been managed from a forestry standpoint under the custody of the former Forest Department, now the Kenya Forest Service. The current management of montane forests is not consistent with the realization that these forests are major national assets contributing to environmental stability and secured provision of goods and services – both underlying requirements for economic development and for achieving the Vision 2030;

Biological diversity under threat due to poor management

- a) The Mau Forests Complex is rich in biological diversity. The Mau Forests Complex is an Important Bird Area, with over 450 recorded species. It is ranked second among the forests west of the Rift Valley in bird diversity. In addition, about six mammals of international conservation concern are found in the forests, including Bongo, Yellow backed Duiker, Giant forest hog, Golden Cat, Leopard, and African elephant;
- b) The Mau Forests Complex comprises a diversity of forest types and hosts many indigenous plant species. Although the vegetation pattern is complex, there is a broad altitudinal zonation from west to east: lower montane forest below 2,300 metres; mixed bamboo / forest / grassland vegetation above 2,300 metres; and finally higher altitude Juniperus-Podocarpus-Olea forest near the top of the Mau Escarpment. The lower montane forest type is in its best condition in the South Western Mau Forest Reserve, but in the other areas where this forest type occurs, it has been heavily and destructively logged. Large stands of bamboo have been excised or encroached. Substantial parts of the higher altitude Juniperus-Podocarpus-Olea forest have been encroached and cleared. The Mau Forests Complex together with its diverse animal and plant life forms is currently under threat;

Slow-paced forestry reform process and inadequate institutional capacity and will

- a) A new Forest Act was enacted in 2005 to transform the Forest Department into Kenya Forest Service (KFS) as a State Corporation responsible for the protection,

conservation and management of all forests in the country. KFS became operational in February 2007. The reform process has been slow and therefore KFS has been unable to make the transition to a corporate entity with a corporate culture. The poor image inherited from the Forest Department has largely contributed to the limited public confidence. KFS requires substantial funding to the extent of Kshs 6 billion per year to roll out competitive recruitment and programme development as an urgent commitment by the Government. As a result, as of January 2009, only 50 staff have been recruited by KFS, with more than 5,000 staff being deployed from the former Forest Department. This situation leads to poor service delivery and low staff morale with direct impact on the protection and management of all forest reserves. The current state of affairs in the Kenya Forest service does not provide a sound management framework, particularly to address the crisis affecting a critical national resource like the Mau Forests Complex;

- b) The Narok County Council is vested with the management of the Maasai Mau trust land forest. The Narok County Council does not receive any specific funding from the Government for the protection, conservation and management of the Maasai Mau trust land forest. The main source of funding for the management of the forests derives mainly from the income generated in the Maasai Mara National Reserve. Over the years, the Council has not been able to secure the forest resources in the Maasai Mau leading to extensive destruction and degradation of indigenous forests. Although funding issues may be an underlying cause for inefficient management, the Council lacks the political will and capacity to implement measures to conserve the forest. The land audit revealed that a large number of past and current councilors are beneficiaries of the extension of group ranches beyond their boundaries, encroaching into the forests.
- c) The National Environment Management Authority (NEMA) is empowered to working with relevant lead agencies to prescribe measures and guidelines to ensure a) the sustainable conservation of biological resources in situ and b) the protection of environmentally significant areas. In addition NEMA has the sole responsibility in the regulation of the environmental impact assessment (EIA) which applies to forestry related activities including: timber harvesting, clearance of forest areas, reforestation and afforestation. Despite its powers, NEMA has not been able to enforce the law and to request an EIA prior to the excisions of forestland in 2001.

Alternative management arrangements implemented to secure/manage forests

- a) Kenya Wildlife Service (KWS) is established, *inter alia*, to formulate policies regarding the conservation, management and utilization of all types of fauna and flora; advise on the establishment of national parks, national reserves and other protected wildlife sanctuaries; and manage national parks and reserves. Some of the protected areas under the jurisdiction of KWS include montane forests such

as the Aberdares, Mt. Kenya and Mt Elgon. This makes KWS a major player in the protection and management of water catchment areas.

- b) A joint enforcement force comprising 182 rangers from Kenya Wildlife Service, Kenya Forest Service, Administration Police and Narok County Council was established by the Task Force to contain further forest destruction and stop the influx of people in the forest. The joint enforcement force succeeded in reducing the movement of illegal extracted forest resources by approx. 70 per cent compared to the situation before deployment of the force. However, the joint force is faced with a number of challenges:
 - (i) None of the four units have officially been de-linked from their original forces, leading to lack of effective command structure;
 - (ii) Differences exist among the forces in conditions and terms of service, knowledge of operations and availability of operational resources;
 - (iii) Funding is provided on an *ad hoc* basis.

1.3 SHORT-TERM ARRANGEMENTS FOR THE MANAGEMENT OF THE MAU FORESTS COMPLEX

4. The Task Force recommends to the Government that:

Coordination

In view that a multi-sectoral approach is needed to address the situation in the Mau Forests Complex,

- c) A lean, effective and strong **Interim Coordinating Secretariat** should be established upon the expiry of the Task Force's term to support the implementation of short-term recommendations on the restoration of the Mau Forests Complex and to spearhead the establishment of the Mau Forests Complex Authority;
- d) The Interim Coordinating Secretariat should be located in the Office of the Prime Minister. It will comprise five staff members representing Government, private sector and non-governmental organizations; and,
- e) The Interim Coordinating Secretariat should be established for a fixed-term period of no more than two years.

Management imperatives

- a) The boundaries of the protected forests should be clearly demarcated on the ground and secured;
- b) The biodiversity hotspots and critical catchments areas should be secured through improved capacity for law enforcement;

- c) The security of all indigenous forests should be reinforced to sustain water supply;
- d) The selective licenses for timber harvesting in the industrial forest plantations should be suspended in the Mau Forests Complex until approved management plans are approved;
- e) A central reporting centre for policing and patrolling should be established for the Mau Forests complex; and,
- f) An effective monitoring and evaluation framework should be developed and implemented.

Enforcement setup

- a) A **Joint Enforcement Unit** should be established under one central command in charge of resources and operations within the Mau Forests Complex. The Unit should be provided with adequate capacity, in particular in terms of equipment and personnel, and harmonized terms and conditions of service;
- b) The Joint Enforcement Unit should report on operational, administrative and financial matters to an **Enforcement Committee** chaired by the Provincial Commissioner, Rift Valley, and comprising representatives of the forces;
- c) The central command should be provided by Kenya Wildlife Service. Kenya Wildlife Service should be strengthened to provide command and day-to-day coordination of enforcement in the Mau Forests Complex, including management of the necessary financial resources;
- d) The Enforcement Committee should work closely with the Interim Coordinating Secretariat, in particular on administrative and financial matters; and,
- e) The Joint Enforcement Unit and the Enforcement Committee should be established for a fixed-term period of no more than two years.

1.4 LONG-TERM ARRANGEMENTS FOR THE MANAGEMENT OF THE MAU FORESTS COMPLEX

5. The Task Force recommends to the Government that:

Coordination

- a) A **Mau Forests Complex Authority** should be established to coordinate and oversee the management of the Mau Forests Complex;
- b) The Authority should be guided by a Board of Directors. The Board should comprise representatives of main stakeholders, including the economic sectors that are most dependent on the goods and services provided by the Mau Forests Complex such as water, energy, tourism and wildlife, agriculture and forestry;

- c) Synergies and strong partnership should be established among key stakeholders in the Mau Forests Complex, including Government ministries, such as Forestry and Wildlife, Environment and Mineral Resources, Energy, Agriculture, Local Government, Regional Development and Water and Irrigation in order to help achieve the conservation of the Mau Forests Complex.

Management imperatives (21 forest reserves)

- a) The conservation status of the Mau Forests Complex should be upgraded to take into consideration its critical role as a natural asset of national, regional and international importance;
- b) A Strategic Management Plan should be developed for the Mau Forests Complex that takes into consideration national and transnational development priorities and needs;
- c) Management plans for each forest blocks should be developed under the umbrella of the Strategic Management Plan. The forest block specific management plans should be developed with participation of stakeholders and communities;
- d) Inventory of the natural renewable resources in all forest areas in the Mau Forests Complex should be carried out with participation of the adjacent communities;
- e) Easy-to-apply early warning forest degradation tools should be developed;
- f) The capacity of the National Museums of Kenya and the Department of Resource Surveys and Remote Sensing should be strengthened to carry out regular monitoring of the biological diversity;
- g) Law enforcement operations should be coordinated under one command. Community based approaches in law enforcement should be promoted, such as joint patrolling;
- h) Any license for timber harvesting in the industrial forest plantations should only be granted after competitive bidding in accordance with the Public Procurement and Disposal Act (2005);
- i) All industrial forest plantations should be managed through concessions in accordance with the Forest Act (2005) and the Public Procurement and Disposal Act (2005); and,
- j) Timber harvesting licensing procedures should be reviewed, streamlined and computerized to enable their controlled monitoring.

Management imperatives (Maasai Mau Trust Land Forest)

- a) The management of the Maasai Mau trust land forest should be based on partnerships;

- b) A management plan for the Maasai Mau trust land forest should be developed before the end of 2009; and,
- c) An autonomous body should be contracted by the Narok County Council to manage the forest sustainably, guided by the management plan.

Financial resources

- a) The Government should provide the necessary financial resources to the Mau Forests Complex Authority for the sustainable management of the Mau Forests Complex. With regard to the Maasai Mau trust land forest, the Narok County Council should provide adequate funding to the autonomous body contracted to manage that forest;
- b) Existing funds, such as NetFund and Water Conservation Fund, should be operationalized and strengthened to support investment in the conservation of the Mau Forests Complex; and,
- b) A Mau Conservation Trust Fund should be established to attract financial support from local, national and international conservation partners.

1.5 LEGISLATIVE IMPERATIVES

- 6. The Task Force recommends to the Government that:
 - a) A number of amendments should be made to existing laws, in particular to the Local Government Act (Cap. 265) and the Trust Land Act (Cap 288) to reflect the need for joint management, including local communities in the Maasai Mau trust land forest.

1.6 GENERAL RECOMMENDATIONS FOR THE MANAGEMENT OF ALL FOREST RESERVES IN KENYA

- 7. The Task Force recommends to the Government that:
 - a) Funds should be made available to fully implement the Forest Act 2005. A competitive recruitment should be fast-tracked;
 - b) Some radical management changes should be applied to secure a successful reform process from Forest Department to Kenya Forest Service; and,
 - c) The technical and financial capacity of the Kenya Forest Service should be strengthened; and,
 - d) The Environment Management and Coordination Act should be fully implemented, in particular as it related to forestry activities, water catchments conservation and land use changes.

2 IDENTIFICATION, DEMARCATION AND SECURING OF THE LEGAL BOUNDARIES

2.1 INTRODUCTION

1. Establishing the boundaries of a protected forest area is a prerequisite to its conservation and management. Forest boundaries that are well defined and demarcated on the ground reduce conflicts on forest resource use, help law enforcement and monitoring and enable active management of forests.
2. In order to define the boundaries of the 22 forest blocks in the Mau Forests Complex, official records and data held in Kenya Forest Service ledger - which stores all information relating to all state forests since the time of establishment – were consulted. In addition, other official records and data dating back to 1902 held by the Ministry of Lands (Survey of Kenya and Department of Land Adjudication and Settlement) were reviewed. These include: maps, gazettes and legal notices, land adjudication declaration notices, boundary plans, survey plans; Preliminary Index Diagrams (PIDs) and Registry Index Maps (RIMs).
3. Based on the information collected from the official records and data, a Matrix on forest boundary establishment and alterations was developed (see Annex I of the Report of the Committee on Boundaries at Appendix II). The matrix covers the 22 forest blocks in the Mau Forests Complex, including the 21 forests reserves (Government forests) and the Maasai Mau trust land forest. The Matrix also provides information on original and current size. Incomplete forest boundary alteration processes are also reflected in the Matrix.
4. In addition to the Matrix, a Map (see Annex II of the Report of the Committee on Boundaries at Annex II) showing the current legal boundaries was compiled from officials records and data from Kenya Forest Service and Ministry of Lands (Survey of Kenya and Department of Land Adjudication and Settlement). A joint expert team from Survey of Kenya, Kenya Forest Service and Kenya Wildlife Service prepared the Map.
5. Aerial reconnaissance flights were carried out over the entire Mau Forests Complex to identify the status of the boundaries on the ground (see Annex IV of the Report of the Committee on Boundaries at Annex II). Consultations were held with the Narok County Council including the Clerk, the Surveyor, and the Warden in charge of the Maasai Mau trust land forest. Consultative meetings were also held with Members of Parliament.
6. Finally, an experts' workshop was held on 10th December 2008 at KICC to discuss ways to secure the boundaries of the Mau Forests Complex. The main objective was to

review the different means of securing boundaries (see Annex V of the Report of the Committee on Boundaries at Annex II). The experts examined the various types of boundaries in the Mau Forests Complex. They also made specific recommendations for each type of physical boundaries.

2.2 SUMMARY OF KEY FINDINGS

7. The key findings of the Task Force with regard to the boundaries of the Mau Forests Complex are:

Forest reserves (21 blocks)

- a) The legal boundaries of the forest reserves exist and are described by proclamations/legal notices and associated boundary plans;
- b) All alterations of boundaries of forest reserves are documented by proclamations/legal notices and associated boundary plans. However, after alterations of boundaries, no new boundary plans for the remainder forest blocks have been prepared;
- c) Boundary plans for the forest reserves, including alterations of boundaries exist at both Survey of Kenya and Kenya Forest Service;
- d) Although the boundaries of the forest blocks affected by the 2001 excisions were altered as per the legal notices, these alterations are still being challenged before the High Court. Pending the case to be determined, the High Court granted an injunction restraining the Government from moving ahead with the excision process. The injunction is still in force;
- e) None of the 22 forest blocks have been entirely surveyed. No title deed has been issued for any of the 22 forest blocks;
- f) The legal boundaries are not clearly marked and secured on the ground; and,
- g) There is a clear lack of harmonization of records and consultations among Government's departments involved in forest management, in particular between the Ministry of Lands and the Kenya Forest Service on land matters.

Maasai Mau trust land forest

- a) The Maasai Mau trust land forest has never been surveyed, as a forest entity, and has never been gazetted;
- b) Over 60 per cent of the forest/settlement boundaries are natural boundaries, mostly rivers. Cut-line boundaries have been most encroached;
- c) The boundaries of the forest are defined by the boundaries of the adjacent adjudication sections. These boundaries were re-declared in 1990 to reportedly conform to the boundaries recommended by the Presidential Ole Ntutu

- Commission. The Commission was established in 1986 to ensure that the adjudication sections did not encroached into the forests, in light of its critical values, in terms of biological diversity and water catchments;
- d) The Nkareta Adjudication Section was not re-declared to conform to the Presidential Ole Ntutu Commission's boundary. However, the boundaries are reportedly known on the ground;
 - e) The Olokurto Adjudication/Kilaba Adjudication Sections were re-declared in 1990 to reportedly conform to the Presidential Ole Ntutu Commission's boundary. A request was later made by the Narok County Council in 1991 to amend the re-declared boundaries. No re-declaration was made following on the request; and,
 - f) Attempts were made to obtain the report of the Presidential Ole Ntutu Commission, but the report remains unavailable.

Forest excisions of 2001

- a) The boundary plans for all excisions in the Mau Forests Complex made in 2001 exist; and,
- b) During the demarcation of the settlement schemes, settlement schemes were extended beyond the boundaries delineated on the forest excision boundary plans, in particular in Nessuit and Kiptagich Extension settlement schemes.

Status of the boundaries on the ground

- a) In the northern forest blocks of the Mau Forests Complex, approx. 84 per cent of the boundaries are still visible. The majority of the visible boundaries are demarcated by individual shamba fences (83%), roads (10%) and rivers (4%);
- b) In the northern blocks, a majority of the boundaries that are not visible and have been encroached are those that run across steep slopes. They are: the northern boundaries of Metkei and Chemorogok forest reserves and the south-western boundaries of Tinderet Forest Reserve;
- c) In the southern part of the Mau Forests Complex, only 57 per cent of the boundaries are still visible. The majority of the visible boundaries are demarcated by rivers (60%), local fences (19%) and Nyayo Tea Zones (16%); and,
- d) In the southern forest blocks, most of the boundaries that are not visible are the new boundaries created by the forest excisions in 2001, as well as cut-line boundaries in the Maasai Mau trust land forest.

Means of securing the boundaries

- a) There is an urgent need to secure the boundaries of the Mau Forests Complex;
- b) The issuance of a title deed for a protected area can greatly secure the land;

- c) Sustainability must be carefully considered when choosing the appropriate means for securing boundaries. A maintenance plan must be developed at the outset;
- d) Securing boundaries cannot be achieved without the adequate participation of the surrounding communities;
- e) Fencing is only appropriate if it is fully supported by the adjacent communities. This is usually the case when the fence provides benefits to the communities, often in terms of reduced human-wildlife conflicts; and,
- f) Air and ground patrols can be effectively used to help secure boundaries. Air patrols are particularly effective for large or remote ecosystems, such as the Mau Forests Complex.

2.3 RECOMMENDATIONS

8. The Task Force recommends to the Government that:

Forest reserves (21 blocks)

- a) The Ministry of Lands should gazette the Mau Forests Complex Map generated by the Task Force;
- b) The Ministry for Lands and the Ministry of Forestry and Wildlife should be facilitated to demarcate and survey the boundaries of the 21 forest reserves in the Mau Forests Complex based on the Task Force recommendations on boundaries. The respective Ministries should ensure that the budgetary allocations are factored in the annual budget. The survey should be completed before the end of 2009;
- c) The Ministry of Lands should issue title deeds for the 21 forest reserves in the Mau Forests Complex by the end of 2009; and,
- d) The settlement of the case before the High Court challenging the 2001 forest excisions should be expedited.

Maasai Mau trust land forest

- a) The Ministry of Lands and the Ministry of Forestry and Wildlife should be facilitated to demarcate and survey the boundaries of Maasai Mau trust land forest based on the Task Force recommendations on boundaries. The Government should ensure that the budgetary allocations are factored in the annual budget. The survey should be completed before the end of 2009; and,
- b) The Ministry of Lands should issue a title deed and proceed with the gazettelement of the Maasai Mau trust land forest as a protected forest. The gazettelement should be completed by end of the year 2009.

Securing the boundaries

- a) The boundaries of the 21 forest reserves and the Maasai Mau trust land forest should be secured.

General recommendations for all forest reserves

- a) Kenya Forest Service and Survey of Kenya should jointly consolidate the boundary data for all forest reserves in Kenya:
 - (i) They should prepare new boundaries plans for the remaining forest reserves affected by past legal and unchallenged boundary alterations;
 - (ii) Thereafter, they should endeavour to update boundary plans within 60 days following any subsequent legal boundary alteration;
- b) The Ministry of Lands and the Ministry of Forestry and Wildlife should consolidate boundary beacon coordinates for all forest reserves in Kenya and ensure that they are expressed in the projection / datum system (UTM / Arc 1960) by the end of the year 2009;
- c) The Ministry of Lands and Ministry of Forestry and Wildlife should establish an inter-ministerial committee on forest/land/water matters. The committee should meet every quarter towards updating forest boundary data and resolving forest/land issues. The committee should be established by end June 2009; and,
- d) An overseeing authority should be established to address unresolved forest/land issues.

CHAPTER II

PROVIDING FOR THE RELOCATION OF THE PEOPLE CURRENTLY RESIDING IN THE MAU FORESTS COMPLEX

1 AUDIT OF LAND OWNERSHIP

1.1 INTRODUCTION

1. The main purpose of reserving forestland is for water catchment and biodiversity conservation. However, allocating and adjudicating forestland has been effected to encourage development. Land is not adjudicated or allocated for speculative purposes and the powers used by Government officers in the allocation of land must be exercised reasonably, for they are not absolute. Settlements in forestland normally take place through excision of gazetted forest reserves or adjudication of forested trust land.

2. Since independence, the Government embarked upon a programme of purchasing land and availing the same to the landless. The policy is that land is purchased by or vested in the Settlement Fund Trustees who then offers it in lots to prospective settlers at a price. No freehold title would be granted until the settler had complied with the terms and conditions contained in the letter of offer. One of the main conditions to be fulfilled by the settlers is repayment of compulsory land loan.

3. The Government acquires land for settlement purposes through the following five ways:

- a) Reservation by the Commissioner of Lands in case of Government Land;
- b) Purchase of private land by Settlement Fund Trustees (SFT);
- c) Setting apart of Trust Lands;
- d) Excision of forestlands; and,
- e) Donation by individuals/organizations.

4. Excisions of forests for settlement are not a new phenomenon limited to the Mau Forests Complex. There is abundant evidence that such lands have been excised and alienated for settlement and other public purposes like extension of towns, research purposes, development of public institutions and infrastructure. However, excisions since pre-independence were prudently and carefully carried out in accordance with the existing legislations/legislative framework. Following the same principle during the process of land adjudication, which applies to trust lands, environmentally sensitive areas such as catchment areas, steep slopes, hills and marshes were set aside under the trusteeship of County Councils for appropriate management pending being gazetted as forestlands.

1.1.1 Settlements through excision of forests

5. Since independence in 1963 up to April 2001, excisions for settlement and other purposes have taken place to an estimated total of 161,871.5 hectares as per published gazette and legal notices. Over the years, settlements have tended to precede degazettements allegedly due to political expediency. As such, there are several settlements and individual allocations of land in the Mau Forests Complex that need to be finalized through regularization or revocation.

6. In the early 1990s, the Kenya Indigenous Forest Conservation Project (KIFCON)¹, while working in South Western Mau Forest Reserve, noted that the Ogiek people² were scattered across that forest and recommended to settle them to secure the long-term conservation of the biodiversity and water catchments of South Western Mau Forest Reserve. 3,000 families were identified by KIFCON for immediate resettlement between August and October 1992. However, when the resettlement programme commenced in 1996 their numbers had tripled to 9,000 families³.

7. On 16 February 2001, the Government announced its intention to excise 61,586 hectares of forestland in the Mau Forests Complex. The stated purposes of these excisions are given in Table 1. They included, among others, the settlement of the Ogiek and 1990s clashes victims.

Table 1: Purposes of the settlement schemes in the 2001 excisions in the Mau Forests Complex, based on the Report of the Inter-Ministerial Committee on Forest Excisions, Nairobi, April, 2001.

Name of Scheme	Scheme area [ha]	Intended Beneficiaries	Number of Intended Beneficiaries	Remarks
Tinet	12,132	Ogiek families	5,016 families	Parcels demarcated, surveyed and allotment letters issued by 1996.
Ndoinet	4,565	Ogiek families	1,800 families	Already settled therein by 1996.
Saino	5,600	Ogiek families	1,800 families	Already settled when it was surveyed in 1996.
Kiptagich	1,812	Ogiek families	600 families	For whom it was established in 1997.
Sururu	5,852	Ogiek families	2,600 families	First Ogiek settlement in Mau in 1994.
Likia	2,290	Ogiek families	900 families	Started in 1995.
Teret	2,117	Not stated	850 families	Established in 1995.

¹ KIFCON was a project of the Ministry of Environment and Natural Resources funded by the Government of United Kingdom through their Overseas Development Agency.

² Historical records show that the Ogiek/Dorobo community have been living in and using the Mau Forests Complex for at least 150 years. Since the gazettement of the Mau Forests Complex starting from 1932, the Ogiek have been subjected to evictions severally

³ Report of the Inter-Ministerial Committee on Forest Excisions, Nairobi, April, 2001.

Table 1 (con't): Purposes of the settlement schemes in the 2001 excisions in the Mau Forests Complex, based on the Report of the Inter-Ministerial Committee on Forest Excisions, Nairobi, April, 2001.

Name of Scheme	Scheme area [ha]	Intended Beneficiaries	Number of Intended Beneficiaries	Remarks
Sigotik	1,812	Not stated	600, against 1,500 families demanding settlement	Started in 1994 not finalized due to disputes.
Nessuit	4,730	Not stated	1,500 families	Who were already resident.
Ngongongeri	4,100	Not stated	1,400 families	Started in 1996.
Marioshoni	8,300	Ogiek families	1,500 families	Started in 1996 put to hold in 1997 through Court Injunction.
Kapsita (Elburgon)	3,300	Chepakundi Victims (survivors) of Clashes of 1997	900 families	Established in 1997. Beneficiaries surrendered their titles in Chepakundi in exchange of land in Kapsita.
Baraget	2,800	Laare/Kiambogo victims (survivors) of clashes of 1997	700 families	Part of it is exotic plantation; the other part is not stated where specifically it is.
Kapsita (Molo)	901.6	Spill over from Kapsita Elburgon i.e. Chepakundi Victims (survivors) of clashes of 1997	671 families	Started in 1998 for spill over from Kapsita Elburgon.
Kibunja	125	Displaced people by expansion of Mary Mount School & Kibunja trading Centre expansion	Not stated	Established in 1995.
Kenya Tea Research Foundation	323.7	Kenya Tea Research Foundation	Not applicable	The area has not been degazetted since early 1990s.
Anaibkoi	74.1	i. Expansion of existing Soliat Primary School ii. Expansion of existing Ainabkoi Secondary School iii. Construction of a Village Polytechnic iv. Development of a Market Center v. Construction of Health Center The area was already under use by the two schools mentioned above.	Not applicable	To expand the adjacent Anaibkoi settlement scheme.
Cheboror	788.3		Not stated ⁴	Started in 1995 to settle unknown number of Dorobo community living at Cengalo area. Finalization not made clear.

⁴ In an Advisory Plan from the Ministry of Lands, it was indicated that the area was for settling Ogiek.

8. Although the intended purposes of the above settlement schemes had their merits, the location, planning and implementation of these settlements was questionable. Many objections were therefore filed by various national and international stakeholders⁵, when the gazette notices intended to excise parts of the Mau Forests Complex, among other forests, were publicized. The major grounds of objection were as follows:

- a) Loss of bio-diversity;
- b) Destruction of water catchments;
- c) Irregular water flows to hydro-electric dams leading to power shortage in the dry seasons;
- d) Impacts on micro-climatic conditions that are required to sustain optimum crop production;
- e) Loss of major investments in forestry with loans from the World Bank;
- f) No Environmental Impact Assessment (EIA) has been carried out as required under the Environmental Management and Coordination Act (EMCA);
- g) No-respect of international obligations under several multilateral agreements, including the United Nations Declaration on the Rights of Indigenous People, African Convention on Conservation of Nature and Natural Resources, Ramsar Convention on Wetlands, the Convention on Biological Diversity, and the United Nations Framework Convention on Climate Change;
- h) Wildlife corridors will be affected; and,
- i) The excised forestland will be allocated to undeserving cases.

9. A total of 60 written objections, acknowledged in the Report of the Inter-Ministerial Committee on Forest Excisions, were received by the expiry date provided in the excision gazette notices of 16 February 2001. The Government dismissed the objections because they were deemed to have been based on the assumptions that the excisions were to affect forested areas whilst, according to the Government, all forest areas to be excised had little forest cover and had been settled. The Government also noted that *“should the proposed degazettements not take place then the remaining forest areas will remain under threat of encroachment by the settlers who would naturally take advantage of ill-defined forest boundaries. The proposed degazettement should in effect be seen as a means to enhance forest management and protection of the remaining forests”*⁶.

10. On 19 October 2001, the Government went ahead with the excisions through the publication of legal notices, despite the objections raised and the public outcry that ended up in yet to be determined court cases filed by non-State actors.

⁵ Including: The World Bank, IUCN-The World Conservation Union, WWF-World Wildlife Fund for Nature, East Africa Wildlife Society, Kenya Forests Working Group.

⁶ Conclusions & Recommendations, p.9 ; Report of the Inter-Ministerial Committee on Forest Excisions, Nairobi , April, 2001

11. The concerns and objections raised about the excisions at the time of their announcement in February 2001 have proven today to be well founded. Indeed the excisions and subsequent settlements have now impacted significantly on key national resources, in particular water, with major environmental and economic consequences. These consequences are putting into jeopardy the sustainability of the settlements established through these excisions.

1.2.2 Settlements through land adjudication

12. Land adjudication entails the ascertainment of rights or interests in trust land amounting to 'ownership' in favour of individual claimants. Once carried out, the rights recorded in the Adjudication Register are entered into a Land Register for issuance of title deeds. The Registered Land Act only compliments the Land Adjudication Act as a device to transform communal tenurial arrangements into individual land ownership.

13. Before the land adjudication of Narok Trust Land, the Mau forest in the Maasai Reserve covered some 142,000 Ha. The Ogiek/Dorobos inhabited the southern forest fringes. They were few and the forest provided most of their needs as forest dwelling community satisfactorily. The forests, in particular the glades, were also grazing areas for the Maasai communities who accessed the trust land forest through customary/communal land tenure.

14. In the late 1960s, the Maasai community opted for the adjudication of their rangeland through the Land Adjudication Act (Cap. 284) into individual parcels as well as into group ranches administered under the Land (Group Representative) Act (Cap. 287). The forested areas and water catchment areas were not adjudicated and remain trust land to be conserved as a common good.

15. In 1976, when all adjudication sections adjacent to the Maasai Mau trust land forest were declared, it appeared that most of these sections were extending deep inside the forests, reducing substantially the trust land forest and threatening critical water catchments. This prompted the Government to evict the encroachers in 1984 and to set up in 1986 a Presidential boundary commission chaired by the late Paramount Chief Lerionka Ole Ntutu, which identified and demarcated on the ground the forest perimeter boundary. The boundaries of the adjudication sections were re-declared in 1990 to reportedly conform to the boundaries by the Presidential Ole Ntutu Commission. However, the re-declaration for one of the adjudication sections adjacent to the south-eastern part of the Maasai Mau trust land forest, namely Nkareta, has apparently not been done. This enabled claims on extensive area still under indigenous forest cover beyond the Presidential Ole Ntutu Commission's boundaries.

16. In the late 1990s, during the sub-division of five group ranches (Sisiyan, Nkaroni, Enoosokon, Enakishomi and Reiyo) adjacent to the south-western part of the Maasai

Mau trust land forest, the total areas covered by the title deeds issued were well in excess of the Group Ranches originally adjudicated areas. This “ballooning”⁷ of the Group Ranches led to massive encroachment into the Maasai Mau trust land forest. The encroachment benefited politically well-connected individuals and Government officials.

17. In Ol Pusimoru forest, situated to the north of the Maasai Mau trust land forest, four adjudications sections were declared despite the fact that the area had been previously gazetted as Forest Reserve. The adjudication was carried out based on ancestral land use rights which appear to have not been fully acknowledged at the time of gazettelement of the Forest Reserve.

1.2 LEGAL AND POLICY POSITION REGARDING THE ALLOCATION AND ADJUDICATION OF LAND

18. The allocation and adjudication of land within Mau Forests Complex is justified on a wide number of land executive administrative and legislative grounds anchored in colonial juridical practice that all government land, which includes forestland among others in Kenya, by the doctrine of eminent domain⁸ is under the President who at his discretion allocates it to whomever he chooses. However, there are a number of laws enacted that are designed to regulate the rights and powers over land which are conferred upon landowners by the law. This is because private property in land has far-reaching implications for the society, in terms of its productive use, soil conservation and in the general management of the environment.

19. The parent legislation governing forests prior to 2005 Forest Act was the 1942 Forests Act (Cap. 385) which granted the Minister in-charge of forests power to determine which areas of the country shall be subject to the provisions of the Act for conservation and which areas shall cease to be a forest area(s) hence available for other uses.

20. In 1999, the Environmental Management and Co-ordination Act, No. 8 (EMCA) was enacted and became effective on January 14, 2000. EMCA is an umbrella environmental legislation that has various provisions that impact on the conservation and management of forests. For example, EMCA require that any proposed major changes in land use must be subjected to an Environmental Impact Assessment (EIA) to ensure due scientific consideration of the social, economic and ecological implications. Excisions and settlements amounting to major changes in land use must be subjected to an EIA.

⁷ In the context of this report, “ballooning” refers to the extension of the Group Ranches beyond their declared boundaries.

⁸ This doctrine is based on the idea that land belonged to an overlord who could grant it to his/her subjects.

21. The forest-specific legal regime as exemplified by the 1942 and later the 2005 Forest Act does cover all aspects of forest ecosystems management. It is complemented by a number of legislations that impacts on the administration and management of forests, although, in most cases, this is incidental to these legislations' core object. For example,

- a) The Chiefs Act empowers the Provincial Administration to issue orders in relation to forest areas;
- b) The Wildlife (Conservation and Management) Act not only defines wildlife to include flora, but also empowers the Minister to declare special sanctuaries which normally includes forests and wetlands;
- c) The Antiquities and Monuments Act provides for gazettelement of national monuments, including protected areas which include forests;
- d) The Water Act No. 8 of 2002 makes provision for the conservation, control, apportionment and use of water resources of Kenya and for purposes incidental thereof; and,
- e) The Agriculture Act, although in essence for the promotion and maintenance of a sustainable agriculture, contains a number of provisions that deal with the conservation of soil, and vegetation including indigenous forests.

22. The laws that enable the Government to create titles for settlement in forestland are the Government Lands Act, Cap. 280 (GLA), regarding Government land, and the Land Adjudication Act, Cap. 284 (LAA), regarding trust land. The two laws have been found to have been abused in one way or another in the processes of creating new titles in Mau Forests Complex resulting in the creation of numerous illegal and/or irregular titles.

23. The other principal laws that have been used and abused to enable illegal and/or irregular titles to operate as if they are valid are the Registration of Titles Act (Cap. 281) and the Registered Land Act (Cap. 300). In addition to these, other laws that apply to the issue of title include:

- a) The Physical Planning Act No. 6 of 1996, which replaced the Town Planning Act (Cap. 134) and the Land Planning Act (Cap. 303) and requires the submission of development plans before further action is taken to create a title to land and only envisage legal and planned land use; and,
- b) The Survey Act (Cap. 299) which requires that plans and maps be produced in order to identify the land being allocated or adjudicated.

24. These laws were either abused or disregarded altogether in the practice of illegal and/or irregular allocation and adjudication in the Mau Forests Complex.

1.3 METHODOLOGY

25. In order to carry out the land audit, the following three methods were followed:

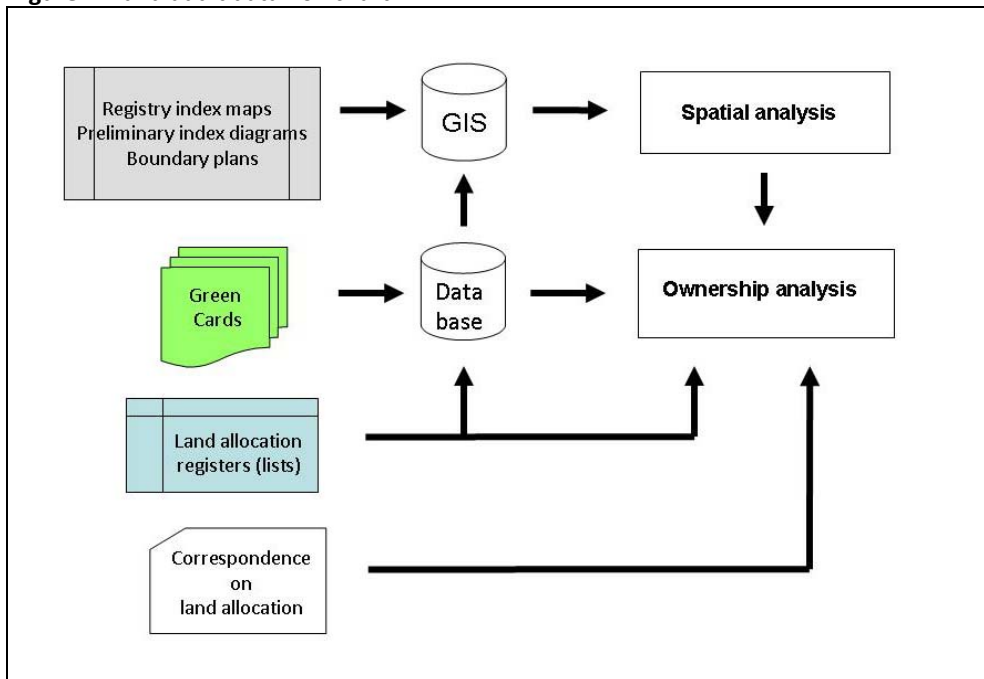
- a) Literature review, including reports of commissions, reports of inter-ministerial committees / task forces, reports and official records from the Ministry of Lands, reports and official records from the Kenya Forest Service, reports from non-governmental organizations and other stakeholders;
- b) Land audit based on information collected in the land registries; and;
- c) Enumeration in the settled area in the Mau Forests Complex.

1.3.1 Land audit based on information collected in the land registries

26. In order to examine the question of the land ownership, information was collected in the land registries that cover the Mau Forests Complex: Bomet, Eldoret, Kapsabet, Kericho, Nakuru and Narok. The information collected was from: green cards; registry index maps; preliminary index diagrams; land allocation registers (lists); and, correspondences on allocation of lands.

27. In order to carry out the analysis, the information recorded on the green cards was input into databases (see Figure 1).

Figure 1: Land audit data flowchart



28. The registry index maps and the preliminary index diagrams were scanned, geo-referenced and incorporated into a Geographical Information System (GIS). The green cards database was linked with the GIS database to enable a spatial analysis of the land ownership. The land allocation registers (lists) were keyed into a database. The correspondence on land allocation, the group ranches' registers of members and the land allocation registers (lists) were examined by members of the Committees to establish whether the land allocation was done procedurally.

1.3.2 Enumeration process

29. An enumeration process was undertaken in Eastern Mau and South West Mau between 11 November 2008 and 21 December 2008. The objective of the enumeration process was to:

- a) Make the land audit process as participatory as possible;
- b) Ensure fairness by providing an opportunity to all individuals in the Mau Forests Complex to explain how they came into the forest;
- c) Complement the information collected from the Land Registries;
- d) Help understand livelihood pattern in the Mau Forests Complex;
- e) Help identify alternative livelihood options; and,
- f) Help identify priority areas requiring support.

30. The enumeration process was not completed due to many challenges, including lack of political support and even political interference on the part of elected local leaders which included Councilors and Members of Parliament.

1.3.5 Scope of the audit

31. The audit studied the settlement maps, correspondences on land allocation, land allocation processes in the 2001 forest excisions, land adjudication processes in Maasai Mau trust land forest and OI Pusimoru Forest Reserve, *ad hoc* request for reservation and allocation of forestland and encroachments.

1.4 ANALYSIS OF SETTLEMENT MAPS IN THE MAU FORESTS COMPLEX

1.4.1 Introduction

32. In order to proceed with the mapping of settlement, official records were collected. They include Registry Index Maps and Preliminary Index Diagrams collected from the Land Registries; boundary plans, survey maps; topographic maps; Remote sensing data, and relevant official documents to provide additional information to help process the

above information and prepare the map. All maps were scanned, geo-referenced and incorporated into a Geographical Information System to enable spatial analysis

1.4.2 Summary of key findings

33. The examination of the maps revealed that:

- a) Approx. 4,960 hectares of forestland have been excised in 2001 but have not been parceled or occupied;
- b) An estimated 262 land parcels covering approx. 610 hectares were created beyond the 2001 forest excisions boundaries in Eastern Mau and South Western Mau forest reserves;
- c) The existing procedures for producing the Registry Index Maps were not followed;
- d) The examination of the registry index maps revealed missing or erroneous coordinate reference system on a number of maps (see coordinates marked in red in Annex VI). The affected maps are:
 - (i) Baraget Settlement (sheets No. 1, 2 and 4);
 - (ii) Kapsita-Eklburgon Settlement (sheets No. 4 and 5);
 - (iii) Likia Settlement (sheets No. 1 and 2);
 - (iv) Mariashoni Settlement (sheets No. 5, 7 and 9);
 - (v) Ngongongeri Settlement (sheets No. 1 and 2);
 - (vi) Tinet-Kabongoi Settlement (sheets No. 1, 3, 4, 6, 7 and 8); and,
 - (vii) Tinet-Sotiki Settlement (sheets No. 1, 6, 7 and 12).

1.4.3 Recommendations

34. The Task Force recommends to the Government that:

- a) Approx. 4,010 hectares that were excised in 2001 but were not parceled should be reclaimed back to the protected forest estate, as an immediate measure;
- b) All title deeds issued in Likia Extension (950 hectares), currently unoccupied, should be revoked and the area should be reclaimed back to the protected forest estate;
- c) All title deeds issued against erroneous Registry Index Maps should be revoked; and,
- d) The procedures of processing Registry Index Maps and Preliminary Index Diagrams should be published, disseminated and displayed in the relevant offices of the Ministry of Lands and included in the Service Charter.

1.5 ANALYSIS OF 2001 FOREST EXCISIONS IN THE MAU FORESTS COMPLEX

1.5.1 Introduction

35. The analysis of the green cards and the numerous correspondences and between officers and institutions that got involved in the adjudication and allocation of land within the Mau Forests Complex helped understand whether the land adjudication and allocation was done procedurally and in line with the stated intentions of the Government.

1.5.2 Summary of key findings

36. The analysis of the correspondences on land allocation in the 2001 forest excisions revealed that:

- a) Some of the allocation of land was carried out by unauthorized persons (see tables (see tables 1 and 6 in section 3.2 of the Report of the Committee on Land Ownership and Resettlement Matters appended in Annex III);
- b) The allocation of land benefited non-deserving people, such as senior Government officials, political leaders and companies (see tables 2, 3, 4, and 5 in section 3.2 of the Report of the Committee on Land Ownership and Resettlement Matters appended in Annex III);
- c) Ecologically sensitive areas, including water catchment areas were also allocated; and,
- d) The allocation of land was carried out in breach of the Laws of Kenya governing land, including the Government Land Act, Forest Act, Physical Planning Act, Agricultural Control Act, Survey Act and the Environmental Management and Coordination Act.

37. The analysis of the green cards on the settlements established in the 2001 forest excisions revealed that:

- a) The allocation of the forestland excised in 2001 was not done in line with the Government's stated intention to establish settlement schemes for the Ogiek and the 1990s clashes victims by which each of the intended beneficiaries should receive one parcel of approximately 2.02 hectares (5 acres);
- b) Allocations of multiple parcels of land to the same beneficiaries affected some 6,500.5 hectares. In addition, the size of many land parcels is well in excess to the normal land size of 2.02 hectares (5 acres);
- c) Over 99% of the title deeds (18,516) are affected by irregularities. They have been issued before the excision date when the land was not available, or issued

- in disregard of High Court orders restraining the Government and its officials and agents from jointly or severally alienating the whole or any portions of forestland as proposed in the 2001 excisions Legal Notices; and,
- d) In two areas, Nessuit and Kiptagich, the settlement schemes were established in the gazetted forest reserves beyond the 2001 forest excisions boundaries.

1.5.3 Recommendations

38. The Task Force recommends to the Government that:

- a) All title deeds that were:
 - (i) Issued irregularly, or
 - (ii) Not issued in line with the stated purposes of the settlement schemes, or
 - (iii) Issued in critical water catchment areas and/or biodiversity hotspots, should be revoked;
- b) All title deeds that amount to the allocation of more than one parcel to a same beneficiary should be revoked. The revocation of these titles should be made without compensation;
- c) All title deeds that amount to the allocation of more than 2.02 hectares/5 acres to a same beneficiary should be revoked (2.02 hectares/ 5 acres being the standard allotment size to the majority of the beneficiaries). The revocation of these titles should be made without compensation;
- d) All title deeds given to companies should be revoked without compensation;
- e) Third party purchasers for value should be compensated at market value;
- f) The numerous transfers that were made without considerations should be investigated with a view of recovering revenues (stamp duty);
- g) Green cards without Identity Card number should be investigated on a case to case basis;
- h) Irregular title deeds issued to *bona-fide* settlers, in line with the stated purposes of the settlement schemes, should be regularized;
- i) Ogiek who were to be settled in the excised areas and have not yet been given land, should be settled outside the critical catchment areas and biodiversity hotspots;
- j) In order to establish the Ogiek identity, an Ogiek register should be developed with support from the Council of Ogiek Elders (establishment of lineages);
- k) *Bona-fide* settlers who were issued title deeds in critical water catchment areas and biodiversity hotspots should be relocated; and,

- l) All persons involved in the allocation of forestland in an irregular manner and/or against the Government's stated purposes of the settlement schemes should be investigated and prosecuted in accordance with the law.

1.6 ANALYSIS OF THE ADJUDICATION PROCESS IN MAASAI MAU TRUST LAND FOREST

1.6.1 Introduction

39. The Maasai Mau is an indigenous trust land forest managed by the Narok County Council. The forest has never been surveyed, gazetted and do not fall under any of the national protected area categories. The forest boundaries are, therefore, defined by default by the boundaries of the adjacent adjudication sections which were re-declared in 1990 to conform to the recommendations of the 1986 Presidential Ole Ntutu Commission⁹. The forest area is estimated at approx. 45,800 hectares.

40. The re-declaration for one adjudication section, namely Nkareta, was not done, enabling claims on extensive area still under indigenous forest cover beyond the Presidential Ole Ntutu Commission boundaries. In addition, in the late 1990s, during the sub-division of five group ranches in Ilmotiok, Nkobon and Ololulunga adjudication sections, title deeds were issued well in excess of the group ranches originally adjudicated areas. This "ballooning" of the group ranches led to massive encroachment into the Maasai Mau trust land forest.

1.6.2 Summary of key findings

41. The analysis of the adjudication process in Maasai Mau trust land forest revealed that:

- a) Around the Nkareta Adjudication Section, claims have been made on extensive forested areas in Maasai Mau trust land forest beyond the Presidential Ole Ntutu Commission's boundaries. 304 parcels have been created covering an area of approximately 6,200 hectares. Among these, 128 are titled covering 2,752 hectares. 56 titled parcels appeared to be occupied, or at least have part or most of their area clear-felled whilst the remaining 72, covering 2,086 hectares are still under dense forest cover.
- b) On the western part of the forest, five Group Ranches have encroached tremendously onto the Maasai Mau trust land forest. During the subdivision of these group ranches, land parcels were created beyond the Group Ranches adjudicated boundaries, encroaching into the Maasai Mau trust land forest. The

⁹ The report of the Presidential Ole Ntutu is not available.

- “ballooning”¹⁰ of the Group Ranches from their original total area of approx. 3,975.5 hectares to over 17,101 hectares took place not only during the original sub-division of the ranches, but also during subsequent sub-divisions.
- c) Many beneficiaries of the Group Ranches’ original sub-division were not original members of the Group Ranches. They include leaders, in particular Members of Parliament, Chiefs, Councilors and employees of the Narok County Council and their relatives. One company received 4,972.30 hectares from the original sub-division of one Group Ranch, as well as from undocumented subsequent sub-divisions in the same Group Ranch (see tables 8, 14, 18, 19 of section 3.4 of the report of the Committee on Land Ownership and Resettlement Matters appended at Annex III).
 - d) From the above, it appears clearly that Group Ranches were used as a means to encroach on the Maasai Mau trust land forest.
 - e) Of the 6,299.61 hectares that have been transferred to third parties in the Maasai Mau trust land forest, only 1,892.49 hectares have been transferred to third party purchasers for value, according to the Green Cards. The total purchase value was Kshs 8,864,000.

1.6.3 Recommendations

42. The Task Force recommends to the Government that:

- a) All title deeds acquired beyond the Group Ranches’ adjudicated boundaries (encroached area of the Maasai Mau trust land forest) should be revoked;
- b) All title deeds acquired in Nkareta beyond the Presidential Ole Ntutu Commission’s boundaries¹¹ should be revoked;
- c) All persons residing beyond the Group Ranches’ adjudicated boundaries (encroached area of the Maasai Mau trust land forest) should be relocated;
- d) All persons residing in Nkareta beyond the Presidential Ole Ntutu Commission’s boundaries should be relocated;
- e) Third party purchasers for value should be compensated where applicable;
- f) The Maasai Mau trust land forest should be gazetted and managed by an autonomous body contracted by the Narok County Council;
- g) All current and former Government officers or persons holding public office should be directed to surrender their title deeds acquired beyond the Group

¹⁰ In the context of this report, “ballooning” refers to the extension of Group Ranches beyond their adjudicated boundaries.

¹¹ Although the report of the Presidential Ole Ntutu Commission is not available to the Task Force, a number of official records that draw from the Commission report provide detailed information on the boundaries of the Commission.

Ranches' adjudicated boundaries failure to which they should be prosecuted in accordance with the law;

- h) All persons involved (except third party purchasers for value) who contributed to, or benefited from the allocation of land parcels beyond the originally adjudicated boundaries of the Group Ranches should be investigated and prosecuted in accordance with the law;
- i) All persons who contributed to, or benefited from the allocation of land parcels beyond the originally adjudicated boundaries of the Group Ranches should be named and barred from holding public office; and,
- j) Group Ranches should maintain their originally adjudicated boundaries within the declared adjudication sections.

1.7 ANALYSIS OF THE ADJUDICATION PROCESS IN OL PUSIMORU FOREST RESERVE

1.7.1 Introduction

43. Ol Pusimoru Forest Reserve, located in Narok District, was gazetted in 1957 by Proclamation 196. At the time of the gazette, the forest area was 36,948.2 ha, comprising of dense indigenous forest (in the southern part) and a mosaic of indigenous forest patches and glades (in the northern part) used as grazing areas by the Maasai and for honey-hunting by the Ogiek. Since its gazette, the forest boundaries have not been amended neither by excision or addition.

44. In 1975, the Ministry of Lands, at the request of the Narok County Council, initiated the adjudication of the northern part Ol Pusimoru Forest Reserve. The adjudicated area covers 20,155 ha. Four adjudication sections were established, three of them being completed by the end of 1998 and title deeds issued. The fourth one (Kilaba) is not yet finalized and no title deeds have yet been issued.

1.7.2 Summary of key findings

45. The analysis of the adjudication process in Ol Pusimoru Forest Reserve revealed that:

- a) Ol Pusimoru Forest Reserve is a unique case where a land adjudication process – a process that applies only to trust land - was applied to a Government forest reserve. Some of the reasons that can help understand the situation are:
 - (i) In 1957, at the time of the gazette of the forest as forest reserve, the land was already occupied and used by Maasai and Ogiek communities;
 - (ii) The Maasai Community accepted the gazette of their land in order to embark on commercial logging activities under the Forest Ordinance. It is not

sure whether there was an understanding within the Maasai communities on the legal implications of having their land gazetted as forest reserve, in particular in terms of surrendering their land rights;

- (iii) The Forest Department never exercised its full authority in that forest. The boundaries were not demarcated on the ground and the people residing in the gazetted forestland were never removed. It also appears that the forests have not been duly protected and have lost approx 47 per cent of their cover between 1967 and 2007 (see figure 3 in section 3.5 of the report of the Committee on Land Ownership and Resettlement Matters appended at Annex III); and
 - (iv) There was an alleged understanding between the Narok County Council and the Forest Department for an exchange between the adjudicated area of OI Pusimoru Forest Reserve against Maasai Mau trust land forest. The exchange was never implemented, although the land adjudication went ahead.
- b) The land adjudication process in OI Pusimoru adjudicated the entire area, regardless whether they are ecologically sensitive areas, such as indigenous forest and, therefore, failed to protect such sensitive areas.
 - c) In a period of 40 years, the forest cover extent in OI Pusimoru adjudicated area has reduced by 47 per cent, despite the area being protected as a Forest Reserve.
 - d) The size of the land parcels adjudicated to one person varies greatly from 0.13 to 294.22 hectares.

1.7.3 Recommendations

46. The Task Force recommends to the Government that:

- a) The OI Pusimoru adjudicated area, in particular OI Pusimoru 'A', OI Pusimoru 'B' and Kamrar Adjudication Sections, should be reviewed to protect the critical water catchment area and biodiversity hotspots. All affected persons should be relocated as part of the Mau Forests Complex resettlement;
- b) The un-finalized adjudication process in Kilaba Adjudication Section should provide for the protection of the critical water catchment area and biodiversity hotspots.

1.8 AD HOC REQUESTS FOR RESERVATION AND ALLOCATION OF FORESTLAND

1.8.1 Introduction

47. Over the years, many requests for reservation and allocation of forestlands have been received by the Provincial Administration, the Ministry of Lands and/or the Ministry in charge of forestry. Although a number of these requests are purportedly for the establishment of public facilities, such as school, churches and police stations, these requests are too often being decided upon by leaders or Government officers who have no authority on such matter, in violation of the applicable laws, and/or for supporting private interests. In addition, the size of the land requested for public facilities is too often well in excess of what is actually required, providing opportunities for land grabbing (see table 1 in section 3.6 of the report of the Committee on Land Ownership and Resettlement Matters appended at Annex III).

1.8.2 Summary of key findings

48. The analysis of the *ad hoc* requests for reservation and allocation of forestland revealed that:

- a) The official records held at Kenya Forest Service Headquarters are not updated regarding the location and stage of development of the forestlands that are the object of *ad hoc* requests for reservation or allocation;
- b) Most of the *ad hoc* requests for allocations of forestland in parts of the Mau Forests Complex were originally made to develop public facilities. However, the size of the land requested has been, in most cases, well in excess to what is required to develop such facilities, making it possible for the undeveloped land to be grabbed;
- c) No studies, such as Environmental Impact Assessment (EIA), have been undertaken, to weight out the impacts of developing public facilities against the destruction of forests and water catchment areas; and,
- d) In a number of cases, the allocated land has not yet been used for the intended purposes and is still under forest or grassland cover.

1.8.3 Recommendations

49. The Task Force recommends to the Government that:

- a) Kenya Forest Service should maintain updated records on the developments taking place in gazetted forest reserves;
- b) Allocation of forestland should be stopped with immediate effect;
- c) When land is sought for establishing public facilities, the land should be acquired outside forestland through compulsory acquisition as provided by the Laws of Kenya; and,
- d) The Ministry of Lands, in charge of the physical planning process, should enforce the provisions of the Physical Planning Act with regard to the provision of public

facilities to reduce pressure on, and ensure conservation of the gazetted forest reserves.

1.9 ENCROACHMENTS WITHOUT DOCUMENTED LAND OWNERSHIP

1.9.1 Introduction

50. Encroachment into forests usually refers to the occupation of forestland that has been reserved for forest management or conservation purposes. In the Mau Forests Complex, two different cases of encroachments have taken place. On one hand, encroachers have documents supporting their ownership of the land they occupy in the forests. This is the case when, for example, settlement schemes have been established on forestlands that are still protected as forest reserves. On the other hand, encroachers have no document to support their ownership of the land they occupied in the forests. Their occupation of the forests would then be qualified as illegal.

1.9.2 Summary of key findings

51. The analysis of the encroachments in the protected forests revealed that:

- a) The areas affected by encroachments are very extensive. They cover approx. 28,500 hectares;
- b) The encroachments have not been officially allocated for settlements, except in Metkei Forest reserve where a number of institutions located in the encroached areas were reportedly given land by the Provincial Administration. The encroachments are, therefore, in most cases not the result of a Government's intention to settle people, but rather the consequences of negligence in forest management and law enforcement; and,
- c) Encroachments present a major threat to the Mau Forests Complex, not only because of their extent, but also because they expand over time, threatening the ecological stability of entire forest blocks.

1.9.3 Recommendations

52. The Task Force recommends to the Government that:

- a) Encroachers should be removed from the forests immediately;
- b) An effective participatory patrol system should be established to ensure that forests are not encroached; and,
- c) Public awareness campaign should be stepped up on the importance of conserving the Mau Forests Complex and communities should be encouraged to assist the Government safeguard the forest resources.

1.10 GENERAL RECOMMENDATIONS ON LAND ADMINISTRATION AND MANAGEMENT

53. In addition to the above specific recommendations, the Task Force recommends to the Government that:

- a) Land registries management system should be computerized and linked to an accessible central database. The working environment in the land registries should be improved;
- b) All persons and other entities, including Government officers, professionals, “brokers”, companies, involved in illegal land administration and management should be investigated prosecuted in accordance with the laws and lustrated from holding public office;
- c) All non-deserving persons and other entities who benefited from illegal and/or irregular allocations of land in the Mau Forests Complex should be given an opportunity to surrender their land within a period of three months after the adoption of the report of the Task Force without sanctions, failure to which the land should be repossessed;
- d) Land control board members should be people of high integrity, vetted and their expenses should be covered;
- e) The draft National Land Policy should be fast-tracked and implemented to guide land administration and management;
- f) A national land use planning should be developed towards guiding land management;
- g) Excisions and allocations of all forestland should be stopped country-wide with immediate effect;
- h) Group ranches should be sub-divided to members only;
- i) Existing laws and regulations should be fully implemented to ensure that environmental conservation is taken into consideration in land registration, administration and management, country-wide; and
- j) All relevant Government and non-Government stakeholders should be involved in the adjudication process to ensure that wider public interest (water catchment conservation, river flow regulation, biological conservation) are also being taken in consideration; and,
- k) The division of the High Court on land and environment should be decentralized.

CHAPTER III

RESTORING ALL DEGRADED FORESTS AND CRITICAL WATER CATCHMENT AREAS IN THE MAU FORESTS COMPLEX ECOSYSTEM

1 RESTORING ALL DEGRADED AREAS IN THE MAU FORESTS COMPLEX

1.1 INTRODUCTION

1. The Mau Complex comprises the largest forested area in Kenya (over 400,000 hectares) and is the most important source of water for large areas of the country, feeding into Lakes Victoria, Nakuru, Turkana, Baringo and Natron. It supports some of the most important national wildlife reserves including the Maasai Mara National Reserve (Kenya) and the Serengeti National Park (Tanzania).

2. In the recent past, the Mau Complex has come under increasing pressure losing an estimated 25 percent of its forest area in the last 15 years through encroachment and excision of forest lands, and is now experiencing significantly diminished river flows that threaten not only the existence of the parks and reserves but also loss of biodiversity.

3. Degradation is a long-term reduction of tree crown cover towards but not exceeding the minimum accepted 'Forest' threshold. The key indicator for degradation is the change in the supply of goods and services. Hence, forest degradation is a long-term reduction of the overall potential supply of benefits from the forest, which include wood, biodiversity and other products or services.

4. The degraded forests in Mau Forests Complex are defined as those, which have lost through human activity, their structure, function, species composition and productivity. Restoration of these degraded will enhance the capacity of the Mau Forests Complex to supply products and services

5. Considering the importance of Mau forest ecosystem to Kenya, there is an urgent need to restore degraded forest areas important for biodiversity conservation in Mau. This is one of the reasons why the Government of Kenya mandated the Task Force on the Conservation of Mau Forests Complex to formulate appropriate recommendations for the restoration of all degraded blocks of the forests and critical water catchment areas within the Mau Forests Complex.

6. The restoration of the degraded areas in the Mau Forests Complex will require a range of interventions. These interventions will be designed to address emerging issues and secure long-term rehabilitation and conservation. In order to guide the identification of interventions that will be required, an assessment of the degraded areas, including in

terms of water catchment values, vegetation cover changes and biological diversity hotspots¹² was deemed necessary.

7. A study was therefore commissioned by the Task Force to assess the vegetation cover and the biological diversity hotspots in the Mau Forests Complex (see Annex VI). It was carried out by a team from National Museums of Kenya. The study was based on field biodiversity surveys, literature review, including botanical and zoological records held at the National Museums of Kenya, time series satellite imagery and other relevant spatial datasets. Reports from previous biodiversity studies also provided useful information.

1.2 SUMMARY OF KEY FINDINGS

8. The key findings of the Task Force regarding the vegetation cover and biological diversity of the Mau Forests Complex are:

Mau Forests Complex: an important ecosystem for biodiversity conservation

- a) The forests of the Mau Complex are rich in biodiversity and hosts many indigenous plant species and animals. Indigenous tree species include *Olea africana*, *Prunus africana*, *Dombea goetzenii*, *Juniperus procera*, *Podocarpus latifolius*, *Olea capensis*, *Acacia* spp, and *Bamboo* spp, among many other species. About six mammals of international conservation concern which include the Bongo and the Yellow backed duiker, Giant forest hog, Golden Cat and the Leopard, and the African Elephant are known to inhabit the Mau Forests Complex, just to mention large charismatic species. The Mau Forests Complex is an important bird area, with over 450 species. It is ranked second among the forests west of the Rift Valley in bird diversity. Compared to other similar ecosystems such as the Aberdares and Mt. Kenya, the Mau Forests Complex has the highest number of herpetofauna species at 28 compared to 19 from both the Aberdares and Mt. Kenya forests based on information in National Museums of Kenya herpetology collection data base.
- b) A detailed biodiversity assessment for Maasai Mau trust land forest revealed that Maasai Mau trust land forest is also a key biodiversity site. Overall, the assessment recorded 393 plant species, 132 bird species, 46 mammals, 10 reptiles and amphibians and 20 spider species as well as several other invertebrate species, including butterflies. The taxa analysis undertaken indicated that the list is not exhaustive.

¹² Biological diversity hotspots are areas where high biodiversity and high threat coincide. They are areas with relative species richness, coupled with high level of threat to the species or habitats and hence the need to prioritize actions for conservation.

- c) Biological hotspots that were identified by scientists from the National Museums of Kenya in December 2007 and January 2009 are:
- (i) **Eburu Forest.** Eburu Forest has a relatively high proportion of bird species than other taxa in comparison to other forest fragments thus, standing out as one of the biodiversity hotspots within the forest complex. Eburu Forest also plays important hydrological role to the surrounding areas. Certain small streams form important drainage system that support biodiversity in the area;
 - (ii) **Eastern Mau Forest Reserve.** The upper area of Eastern Mau Forest Reserve is a biodiversity hotspot. Based on altitude range, vegetation cover type and rainfall, it forms a critical habitat for some species that are of conservation significance. These are *Cisticola aberdare* (with a restricted altitude range of between 2400 and 2700 metres a.s.l), Yellow backed and Blue duikers which are classified as rare in East Africa and the Giant forest hog which is globally threatened;
 - (iii) **Transmara, South West Mau and lower parts of Western Mau forest reserves.** These forests have a rich diversity of wild mammals. They include the African elephants that move in between the forest valleys where there are substantial vegetation biomass during the dry periods. The area would generally form an ideal site for conservation as national/game park; and,
 - (iv) **The central area of Mau Forests Complex.** These include areas between lower parts of Kilombe Hill, upper region of Western Mau and lower region of Mount Londiani. These areas would be ideal for community led conservation with support from relevant Government arms. Some of these areas are outside the protected forest boundaries and are frequently accessed by local community, making them very vulnerable to human activities. In addition, the forest edges are vulnerable to encroachment by squatters and the farming community. Collaboration between the local communities and the relevant management authorities would, therefore, provide viable option for biodiversity conservation.

Mau Forests Complex biodiversity under threat

- a) An assessment of the vegetation cover indicates that the Mau Forests Complex had approximately 71 per cent of its area under closed canopy forest in 1973, mixed settlements, cultivated areas and patches of grassland covered about 3.2 per cent, and open canopy (secondary forest or bamboo) covered about 24.1 per cent of the forest area. By 2003, closed canopy had decreased to 37 per cent, open canopy increased to 32 per cent while settlements and cultivated areas increased approximately 5 times its size in 1973;
- b) The Mau Forests Complex also comprises a diversity of forest types. Although the vegetation pattern is complex, there is a broad altitudinal zonation from

west to east: lower montane forest below 2,300 metres; mixed bamboo / forest / grassland vegetation above 2,300 metres; and finally higher altitude Juniperus-Podocarpus-Olea forest near the top of the Mau Escarpment. The lower montane forest type is in its best condition in the South Western Mau Forest Reserve, but in the other areas where this forest type occurs, it has been heavily and destructively logged. Large stands of bamboo have been excised or encroached. Substantial parts of the higher altitude Juniperus-Podocarpus-Olea forest have been encroached and cleared. The Mau Forests Complex together with its diverse animal and plant life forms is currently under threat; and,

- c) The major threats to biodiversity conservation in Mau Forests Complex are human related, settlement, encroachment, logging for timber and charcoal production. Poor law enforcement has led to the degradation of critical water catchment areas and loss of biodiversity.

1.3 SHORT TERM RECOMMENDATIONS

9. The Task Force recommends to the Government that:
 - a) The protection of biodiversity hotspots should be enhanced. They include the following areas: Eburu, Eastern Mau, Transmara, South West Mau and lower parts of Western Mau Forest, the central areas of Mau Forests Complex (these include areas between lower parts of Kilombe Hill, upper region of Western Mau and lower region of Mt Londiani) and Maasai Mau. The Eburu Forest Reserve which is rich in bird biodiversity should be designated as a bird sanctuary;
 - b) Law enforcement should be strengthened;
 - c) All biodiversity hotspots should be repossessed and restored;
 - d) A biodiversity restoration action plan should be developed and implemented, in consultation with stakeholders and communities;
 - e) A forest restoration and conservation programme should be initiated in degraded and repossessed forest areas. Emphasis should be laid on the most threatened plants species;
 - f) Local communities should be involved in restoration activities in order to synergize traditional and scientific knowledge on sustainable forest management; and,
 - g) A strategic forest management plan for the Mau Forests Complex should be developed within a period of one year with input from all sectors and stakeholders.

1.4 LONG TERM RECOMMENDATIONS

10. The Task Force recommends to the Government that:

- a) Regular forest inventories should be carried out;
- b) Forest management plans for each of the 22 forest blocks within the Mau Forests Complex should be developed with input from all sectors and stakeholders;
- c) Alternative livelihood options should be developed and promoted to support biodiversity conservation. Such options can include alternative sources of energy, sustainable agricultural practices, as well as environmental stewardship.
- d) The status of biodiversity and outcome of conservation efforts should be monitored on a regular basis; and,
- e) Information documentation, packaging and dissemination mechanisms should be created to facilitate prompt remedial measures. The information generated will provide a base for early warning on emerging problems, issues and challenges, which would need to be addressed in good time. Information generated will also form the basis for long term decision making for the conservation of the entire Mau Forests Complex.

2 RESTORING CRITICAL WATER CATCHMENT AREAS

2.1 INTRODUCTION

1. The destruction of Mau Forests Complex water catchment area results in the destruction of the livelihoods of millions of Kenyans and East Africa residents served by the many rivers originating from the complex. These rivers serve a population of 3 million Kenyans around Mau area and millions across the African continent who depend on River Nile.
2. Deforestation has a number of hydrological effects that include decreased canopy interception of rainfall, decreased transpiration, increased evaporation from the exposed soil surface, decreased soil infiltration because of changes in soil structure, and increased velocity of runoff after removal of surface litter and roughness.
3. In addition, the cloud forest trees intercept mist and this source of moisture is lost after logging. The loss of mist capture after clearance can lead to decreases in both mean annual flows and base flows, depending on the size of mist capture compared to rainfall. In Mau, cloud forests occur on the upper parts of the South West Mau Ranges. Clearance of this forest would lead to a loss of about 5% of precipitation from the mist harvesting effect.
4. When a forest is cleared for *shambas*, many other hydrological effects occur apart from those arising from the vegetation removal. The density of settlement is usually such that significant ground water is abstracted; surface runoff is intercepted in pans; and areas (such as paths and around houses) become heavily compacted, although cropped areas retain good infiltration characteristics. Consequently, the widespread observation of river flow decreasing after forest clearance is also as a result of the dense settlement patterns or other causes of abstraction that follow the clearance of the vegetation.
5. Part of the 25% of the degraded forests in Mau are critical water catchment areas that provide water flowing from the ecosystem. The enhancement of the capacity of the Mau Forests Complex to be able to sustainably provide water is therefore an overriding objective in conservation of Mau Forests Complex.
6. Securing the water resources of the Mau Forests Complex is an imperative to sustain economic development, human well-being and environmental stability in western Kenya and Rift Valley. This will require the restoration of the water catchment values of the Mau Forests Complex.

7. The assessment of the critical water catchment areas¹³ is an essential step to prepare for the restoration of the water catchments in the Mau Forests Complex. To guide the Task Force in assessing the water catchments, an assessment study was commissioned by the Task Force and carried out by a team from Moi University comprising six experts in the field of wetlands and watershed management, forest hydrology, water resource management, geology, remote sensing and geographical information systems (see Annex VII). The assessment was undertaken based on the following three methodologies:

- a) Recording and mapping of indigenous knowledge;
- b) Identification and mapping of bio-physical characteristics of critical water catchment area; and,
- c) Development and mapping of an Integrated Hydrological Index (IHI) for each of the 714 sub-catchments. The index was based on bio-physical and hydrological characteristic and assesses the ecological importance of the sub-catchments in terms of their potential in increasing aquifer recharge, stream discharge, water storage, stream flow regulation and dry season flow.

8. The above study enabled the experts to identify some of the fragile critical water catchment hotspots within the forest that should be restored. The team also documented the Indigenous Knowledge (IK) on critical catchment areas and fragile ecosystems among local communities and correlated it with scientific approaches for delineating critical water sources.

2.2 SUMMARY OF KEY FINDINGS

9. The key findings of the Task Force regarding the critical water catchments of the Mau Forests Complex are:

Mau Forests Complex: an ecosystem providing invaluable services

- a) The Mau Forests Complex is the largest of the five “water towers” of Kenya. The others are Mt. Kenya, Aberdares range, Cherangani Hills and Mt. Elgon. The Mau Forests Complex forms part of the upper catchment of all except one of the main rivers on the west side of the Rift Valley. These rivers that originate from the Mau Forests Complex are: Nzoia, Yala, Nyando, Sondu, Mara, Ewaso Ngiro (south), Naishi, Makalia, Nderit, Njoro, Molo and Kerio. Through these rivers, the Mau Forests Complex feeds the following five major lakes: Lake Victoria, Turkana, Baringo, Nakuru and Natron. Three of these Lakes are transboundary lakes.

¹³ Critical water catchments are understood as areas of high ecological value in terms of their potential to increasing aquifer recharge, stream discharge, water storage, stream flow regulation and dry season flow.

- b) As a main “water tower”, the Mau Forests Complex provides invaluable services, in terms of river flow regulation, flood mitigation, water storage, recharge of groundwater, reduced soil erosion and siltation, water purification, repository of biodiversity and micro-climate regulation. These services support key economic sectors in Kenya: energy, tourism, agriculture, such as tea and rice; subsistence crops, fisheries; livestock, and water supply. The services benefit not only Kenya but the entire Nile Basin.
- c) The rivers flowing from the Mau Forests Complex are the lifeline for major tourism destination areas including: Maasai Mara National Reserve and Lake Nakuru National Park. In 2007, the revenue from the entry fees alone amounted to Kshs 650 million and Kshs 513 million for the Maasai Mara and Lake Nakuru respectively. The annual indirect revenues from tourism in these two conservation areas are estimated to be in excess of Kshs 5 billion. Any major disruption of the Mara River which is trans-boundary and very important to livelihoods in the Serengeti National Park situated downstream in Tanzania is likely to strain relations between Kenya and Tanzania.
- d) Those rivers are also the lifeline for a number of other conservation areas of which the tourism potential is not yet fully developed, including: Kakamega National Reserve; Kerio Valley National Reserve; South Turkana National Reserve; Lake Baringo (a Ramsar Site); and Lake Natron (a Ramsar Site). These conservation areas host a high diversity of fauna and flora. For example, three of them – Kakamega, Baringo, and Natron -are classified as Important Bird Areas, Kakamega and Baringo hosting over 450 bird species each, while Natron is the main breeding area for the Lesser Flamingeos in the world. Other Important Bird Areas that depend on rivers flowing from the Mau Complex include: Koguta Swamp (Kenya – Sondu River); Kusa Swamp (Kenya – Nyando River); Serengeti National Park (Tanzania – Mara River), Mara Bay and Masirori Swamp (Tanzania – Mara River).

Water resources in the Mau Forests Complex under threat

- a) Environmental Impact Assessments (EIA) and Strategic Environmental Assessment (SEA) were not undertaken prior to land use change. However, the consequences attributed partially or fully to extensive conversion of forest into settlement are progressively being felt:
 - (i) The main aquifer feeding Nakuru Town has been lowered by 100 metres in 10 years;
 - (ii) The Sondu River flow is more irregular making it impossible for Sondu-Miriu hydropower plant to run at full capacity in the dry seasons;
 - (iii) The four main rivers feeding the Lake Nakuru were perennial – they are now seasonal;
 - (iv) The Mara River level in the dry season is very low, threatening the river-

- dependant wildlife in the Maasai Mara and the Serengeti ecosystems;
- (v) Many streams in the Mau Forests Complex have their flows changed significantly or have dried up. Most of the changes have occurred around the years 1996-2001. In Njoro area, 13 of the 32 streams identified by the communities have dried up completely signaling a major threat to the rivers they fed. Twenty-seven other water sources or streams have also dried up completely in Elburgon, Kuresoi, Keringet, Kiptagich and Ol Pusimoru areas. The situation is likely to be similar in other areas that were not visited; and,
 - (vi) Changes in the weather/climatic patterns have been noticed in the areas adjacent to major forest cover loss, such as Elburgon, Keringet, Kuresoi, Ol Pusimoru, Kiptagich and Njoro. These changes include incidences and unpredictability of rainfall, temperature variations and drought.
- b) The negative impacts presented in the previous paragraphs will increase as more forestland is converted into settlements and agriculture. Additional impacts include the following:
- (i) Loss of water resources due to reduced 'mist harvesting' effect. At high altitude, trees intercept and condense mist moisture providing additional water resources amounting to between 5 and 20 percent of the total precipitation;
 - (ii) Increased ground water abstraction;
 - (iii) Increased soil compaction (roads, path, houses and public facilities) and erosion leading to reduced water infiltration and ground water recharge;
 - (iv) Increased diversion of river flows for irrigation or other water projects;
 - (v) Reduced water quality; and,
 - (vi) Increased incidences and frequency of storm flood.
- c) Climate change will further exacerbate the situation. With an expected increase in temperature and rainfall variability, it is expected that:
- (i) The vulnerability of the forest to fires will increase;
 - (ii) The reduction and economic profitability in the tea farms will reduce, threatening hundreds of thousand of livelihoods;
 - (iii) The river flow variations will increase with further negative impact on electricity generation; and,
 - (iv) Flash flood frequency and strengths will increase, leading to river bank erosion, siltation of water bodies, and reduced water quality with further impacts on fisheries and wildlife;

Further assessments is required to delineate very critical water catchment areas

- a) Further assessments must be carried out as a priority intervention to delineate very critical water catchments, including bogs, wetlands, springs.

2.3 RECOMMENDATIONS

10. The Task Force recommends to the Government that:

- a) Further assessments should be carried out as a priority intervention to delineate extremely critical water catchments, including bogs, wetlands, springs and should be budgeted for in the Ministry of Water and Irrigation.
- b) All critical sub-catchments should be restored using appropriate practices, including enrichment planting and natural regeneration;
- c) The Ministry of Water and Irrigation should gazette other critical water catchment areas outside forestland as provided for in the Water Act 2002; and,
- d) All very critical catchment areas should be delineated, repossessed and affected people should be relocated.

3 SUPPORTING ALTERNATIVE LIVELIHOOD OPTIONS FOR THE AFFECTED COMMUNITIES

3.1 INTRODUCTION

1. The Mau Forests Complex is very important to the livelihoods of local communities adjacent to the forest and to far off communities. However, supply of the ecosystem products and services provided by the forest is hinged on sound management of the forest.
2. In spite of its importance, the Mau Forests Complex, is one of the most threatened forests in Kenya. The alarming trend of its destruction is reflected by the decreasing ability of the ecosystem to support the livelihoods of the community dependent on it.
3. In recognition of the fact that the livelihood of people living adjacent to forests partly comes from forests, the Government of Kenya has reviewed its policies and laws to enable local communities get involved in forest management through Participatory Forest Management (PFM). PFM has now been enshrined in the Forests Act 2005 to enhance forest conservation and livelihood of local communities.
4. Apparently, since the Forests Act 2005 was gazetted for implementation in February 2007, very little change has taken place to bring communities on board in forest management. This is likely to have negative implications to PFM. It is therefore imperative that PFM be fast tracked to enable the local communities actively participate in forest management and be able to enhance their livelihoods.
5. In light of above, the Task Force on Conservation of Mau Forests Complex conducted some rapid assessment on livelihood of local communities living around the forest with an overall objective of recommending to the government some of the options that should be considered to uplift their livelihoods.

3.2 SUMMARY OF KEY FINDINGS

6. The key findings of the Task Force regarding alternative livelihood options in the Mau Forests Complex are:
 - a) Communities that live within five kilometers from the forest also referred to as forest adjacent communities invariably depend on forests for various needs including water, firewood, grazing, fruits, vegetables and medicinal plants;

- b) Degradation of the Mau Forests Complex has been associated with activities of communities surrounding the Mau Forests Complex. Impacting activities include firewood collection, overstocking livestock, encroachment, illegal logging for timber and charcoal production. Damaging activities are also driven by remotely settled businesses with ability to invest in large scale harvesting of forest products; and,
- c) There are conflicts among communities within the Mau Forests Complex associated with forest resources utilization.

3.3 RECOMMENDATIONS

- 7. The Task Force recommends to the Government that:
 - a) Participatory forest management should be fast-tracked to enhance the livelihoods of the communities. In particular, Community Forest Associations should be supported to actively participate in forest management;
 - b) People residing in areas adjacent to the Mau Forests Complex should be involved in reforestation and afforestation;
 - c) Access to forest products markets should be developed to promote on-farm forestry and reduce dependency on forest resources;
 - d) Value addition to forest products should be promoted;
 - e) Benefits arising from payment for environmental services should accrue to the adjacent communities involved in forest conservation; and,
 - f) Socio-economic mechanisms should be established with qualified institutions to assist conflict resolution arising from communities and key stakeholders in resource management.

CHAPTER IV

**MOBILIZING RESOURCES TO IMPLEMENT THE
ABOVE MENTIONED OBJECTIVES AND SECURE
THE SUSTAINABILITY OF THE ENTIRE ECOSYSTEM**

1 SECURING RESOURCES FOR THE CONSERVATION OF THE MAU FORESTS COMPLEX

1.1 INTRODUCTION

1. The Mau Forests complex is a natural resource of not only national importance to Kenya, but of international significance because some of the rivers that originated from the catchments drain into transboundary Lakes.
2. Securing the Mau Forests Complex from further degradation and ensuring sustainable management of the forest requires a functioning natural resource governance system. A well resourced effective and efficient institutional structure supported by policies and laws as well as enforcement system must be established.
3. Given the extensive degradation of the Mau Forests Complex, a substantial amount of financial, technical and human resources will be required to rehabilitate and restore and manage the ecosystem.
4. Budget allocation to various sectors is dependent on the sectors contribution to the Gross Domestic Product (GDP). Government budgetary allocation for the environment and forestry sector is very low because most of services provided by the forests are not final market products and therefore not captured in the national system of accounting.
5. One of the key objectives of the Forests Act 2005 was to expand the funding base of the forestry sector by empowering KFS to collect and retain revenues for conservation and charging for environmental services. In addition, the establishment of a Forest Management and Conservation Fund is proposed, which would draw its income from levies on beneficiaries.
6. Analysis of projected expenditures and revenues by the Strategic Environmental Assessment of the Forests Act 2005, commissioned by the World Bank in 2006 indicate that KFS would reach a break even state within four to five years of its establishment. This suggests that major financial support will be required at the beginning of the reform process. Without this, it is unlikely that KFS will succeed in meeting its primary target.
7. In light of the above challenges, the Task Force on the Conservation of Mau Forests Complex was mandated to provide to the Government of Kenya, appropriate recommendations for mobilizing local and international resources to implement the

Task Force recommendations and to secure the sustainability of the entire ecosystem of the Mau Forests Complex.

1.2 SUMMARY OF KEY FINDINGS

8. The key findings of the Task Force regarding securing financial resources for the immediate operations in the Mau Forests Complex are:

- e) To secure the critical water catchment values and the biodiversity of the Mau Forests Complex, law enforcement must be strengthened. Since the inception of the work of the Task Force, a combined force from the Kenya Forest Service, Kenya Wildlife Service, Narok County Council and Administration was deployed to contain any further forest destruction. In order to be fully effective across the entire Mau Forests Complex, additional financial resources and equipment are required;
- f) Most of boundaries in the 22 forest blocks are not clearly demarcated on the ground. They should be surveyed, marked and secured. The survey should be followed by the issuance of title deeds. To carry out the survey and demarcation of 1,200 kilometres of forest/settlement boundaries, additional financial resources must be secured;
- g) Sustainable management of the forest will not be possible unless those who are residing in the protected forest, the critical water catchment areas and the biodiversity hotspots are relocated. Financial resources will be required for re-settlement/compensation where appropriate;
- h) The cost of conserving and managing the Mau Forests Complex is borne by few mandated institutions. However, the goods and services derived from the conservation of the Mau Forests Complex benefit many stakeholders, including Government institutions, private sectors and communities; and,
- i) The Task Force discussed with over 12 donors all of whom were very interested in supporting conservation of the Mau Forests Complex, particularly as Government-driven interventions.

1.3 RECOMMENDATIONS

9. The Task Force recommends to the Government that:

Short term recommendations

- a) Adequate financial resources for the protection and conservation of Mau Forests Complex should be provided by the Government. Priority areas to be fully

supported include boundary survey and marking, resettlement, including purchase of land, livelihood development, law enforcement and management;

Long term recommendations

- a) Whereas financial support can be secured from development partners, private sector and civil society organizations, the Government should take the lead as an investor in the conservation of the Mau Forests Complex. Budgetary allocations should be made for forest management, to match the contributions of the forests - often undervalued – to the national economy. Valuation of environmental services should be carried out to guide the budgetary allocations;
- b) The conservation and sound management of the Mau Forests Complex is not a forest, environment or water conservation issue alone. Consequently, managing this resource should be considered a responsibility of many ministries, in particular, the Office of the Prime Minister, Ministry of Environment and Mineral Resources, Ministry of Forestry and Wildlife, Ministry of Water and Irrigation, Ministry of Lands, Ministry of Agriculture, Ministry of Industrialization, Ministry of Regional Development, Ministry of Energy, Ministry of Tourism, Ministry of Local Government, Ministry of Gender, Ministry of State for Special Programme, Ministry of State for Provincial Administration and Internal Security, Ministry of Youth Affairs; and,
- c) Sustainable financial resources for the long-term conservation of the Mau Forests Complex should also be generated based on the *payment for service* principle (e.g. carbon credit, water and electricity levies); and,
- d) To complement Government funding, a Mau Conservation Trust Fund should be established to support mobilization of resources.

CONCLUDING REMARKS

The Mau Forests Complex has been extensively degraded and its ecological functions are in jeopardy.

The Task Force has objectively assessed the issues related to the degradation of the Mau Forests Complex and made recommendations for its restoration. These recommendations have addressed the humane handling of resettlement of *bona fide* settlers in the quest to secure the Mau Forests Complex. It is the considered opinion of the Task Force that urgent action must be taken to restore the integrity of the Forests in the interest of socio-economic development, national security and the overall welfare of the Kenyan people.

The Government has the opportunity to provide leadership in redressing the damage already evident on the ground. This is necessary to ensure that the ecosystem services that the Mau Forests Complex provides and the economic benefits arising from these services can continue to be enjoyed by Kenyans in perpetuity. Failure to do so will lead to untold suffering by the people of Kenya and the neighboring countries, for which history will judge the present generation harshly.

ABBREVIATIONS

AP:	Administration Police
CBO:	Community-based organization
EIA:	Environmental Impact Assessment
EMCA:	Environmental Management and Coordination Act
GIS:	Geographical Information System
GLA:	Government Land Act
KIFCON:	Kenya Indigenous Forest Conservation Project
KFS:	Kenya Forest Service
KWS:	Kenya Wildlife Service
LAA:	Land Adjudication Act
NEMA:	National Environment Management Authority
NCC:	Narok County Council
NGO:	Non-government organization
PID:	Preliminary Index Diagram
PFM:	Participatory Forest Management
RIM:	Registry Index Map
SEA:	Strategic Environmental Assessment
SFT:	Settlement Fund Trustees
UNEP:	United Nations Environment Programme
USAID:	United States Agency for International Development
UTM:	Universal Transverse Mercator

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TASK FORCE ON THE CONSERVATION OF THE MAU FOREST COMPLEX**APPOINTMENT**

IN EXERCISE of the powers conferred by Section 4 (1) (a) of the National Accord and Reconciliation Act, I, Raila Amolo Odinga, Prime Minister of the Republic of Kenya appoint—

Fredrick Owino (Prof.)—*Chairman*,
Permanent Secretary, Ministry of Lands—*Co-chair*,
Permanent Secretary, Ministry of Forestry and Wildlife,
James Muhoro,
Francis ole Nkako,
Julius Kipngetch, David Mbugua,
Alice Kaudia (Dr.),
Joseph Halake,
Lorna Odera,
Nelson Manyeki,
Wilson Songa (Dr.),
Patrick Oloo,
George Ndegwa,
Moses Ogola,
Hassan Noor,
Lumumba Odenda (Dr.),
Wilson Soi,
Joseph ole Karia,
Shadrack ole Rotiken,
Joshua Koskei,
Clement Kariuki,
Charles Sena,
Julian Bauer (Prof.),
Peter Chelangat,
Stanley Kenduiwo,
Christopher Bore,
Peter Cheruiyot,
Michael Gachanja,

Secretariat

Christian Lambrecht,
Julius Kipngetch,
David Mbugua,
Francis ole Nkako,

to be members of the Task Force on the Conservation of the Mau Forest Complex, for a period of six (6) months, with effect from 21st July, 2008.

Mandate of the Task Force

The Task Force is to formulate appropriate recommendations to the Government of Kenya for:

- An effective management structure to stop any further degradation of the Mau Forests Complex;
- Provide for the relocation of the people currently residing in the forests;
- The restoration of all degraded blocks of forests and critical water catchment areas within the Mau Forest Complex;
- Mobilizing local and international resources to implement the above mentioned objectives and to secure the sustainability of the entire ecosystem of the Mau Forest Complex.

Powers of the Task Force

- The Task Force may establish committees to address technical or other specific issues. The Task Force will prepare the Terms of Reference of its committees. The membership of the committees will draw from the membership of the Task Force.
- The Task Force and its committees may invite external experts to participate on an *ad hoc* basis in one or more of their meetings.

Dated the 31st July, 2008.

R. A. ODINGA,
Prime Minister.

GAZETTE NOTICE No. 7066

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS ACT

(Cap. 7)

DECLARATION OF VACANCY, BOMET CONSTITUENCY

PURSUANT to the provisions of section 18 of the National Assembly and Presidential Elections Act, the Speaker of the National Assembly give notice that the seat in the National Assembly for Bomet Constituency has become vacant.

Dated the 29th July, 2008.

K. MARENDE,
Speaker of the National Assembly.

GAZETTE NOTICE No. 7067

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS ACT

(Cap. 7)

DECLARATION OF VACANCY, SOTIK CONSTITUENCY

PURSUANT to the provisions of section 18 of the National Assembly and Presidential Elections Act, the Speaker of the National Assembly give notice that the seat in the National Assembly for Sotik Constituency has become vacant.

Dated the 29th July, 2008.

K. MARENDE,
Speaker of the National Assembly.

GAZETTE NOTICE No. 8145

TASK FORCE ON THE CONSERVATION OF THE MAU FOREST COMPLEX

APPOINTMENT

IN EXERCISE of the powers conferred by section 4 (1) (a) of the National Accord and Reconciliation Act, made pursuant to section 15A (3) (b) of the Constitution of Kenya, the Prime Minister of the Republic of Kenya appoints—

Alexander Lichina Alusa,
Daniel Muia,
Esther Nadupoi (Mrs.).

to be members of the Task Force on the Conservation of the Mau Forest Complex, for the period between 1st September, 2008 and 20th January, 2009.

The appointments* of James Muhoro and Joseph Halake, are revoked.

Dated the 1st September, 2008.

R. A. ODINGA,
Prime Minister.

*G.N. 7065/2008.

GAZETTE NOTICE No. 8146

OFFICE OF THE DEPUTY PRIME MINISTER AND MINISTRY OF TRADE

SUGAR SAFEGUARD COMMITTEE

ESTABLISHMENT

IT IS notified for the general information that the Deputy Prime Minister and Minister for Trade, to facilitate and monitor the implementation of the sugar safeguard arrangements following decision made by COMESA Council of Ministers to extend the same, has established a Committee to be known as Sugar Safeguard Committee.

1. The Committee shall comprise of a representative of each of following:

Office of the Deputy Prime Minister and Ministry of Trade.
Ministry of Finance.
Ministry of Agriculture.
Kenya Bureau of Standards.
Kenya Sugar Millers Association.
Kenya National Chamber of Commerce and Industry.
Kenya Revenue Authority.
Kenya Sugar Board.
Kenya Sugarcane Growers Association.
Kenya Association of Manufacturers.
Ministry of Industrialization.

2. The Rules of procedure of the Committee are that—

- (a) the Safeguard Committee will be chaired by a representative of the Office of the Deputy Prime Minister and Ministry of Trade in the committee.
- (b) the secretary to the committee will be from the Ministry of Agriculture and will be expected to produce minutes of the committee meetings.
- (c) the chairperson will convene and chair all committee meetings. In his/her absence, the alternate member of the Office of the Deputy Prime Minister and Ministry of Trade will chair the meetings.
- (d) the committee will ordinarily meet once a month but if need be, it can meet as many times as necessary if there are urgent matters to be deliberated.
- (e) the committee will be able to transact its business if at least a half of the members are in attendance.
- (f) the chairperson shall prepare and circulate the provisional agenda before each meeting.
- (g) the committee may appoint sub-committees to work and undertake certain specific tasks on its behalf but the sub-committees have to report their findings to the main committee for consideration and adoption.

(h) if a member fails to attend three consecutive committee meetings, the chairperson will request the accounting officer, Office of the Deputy Prime Minister and Ministry of Trade to ask for another member for gazettement from the particular institution. A member is deemed to have attended a meeting if his/her alternate is present.

(i) normally the committee meetings shall take place in the Office of the Deputy Prime Minister and Ministry of Trade Headquarters but the committee may hold such meetings in any other venue as the circumstance may demand.

(j) each organization shall meet the cost of travel and accommodation when meetings are held in Nairobi.

(k) when there will be need for the committee to travel outside Nairobi, the cost of travel and accommodation shall be met by the Committee's Budget in the Office of the Deputy Prime Minister and Ministry of Trade.

(l) the Office of the Deputy Prime Minister and Ministry of Trade will provide secretarial services to the committee.

3. The Key deliveries associated with the Sugar Safeguard Committee will include but not necessarily limited to:

- (a) building stakeholder consensus on the various aspects of the Sugar imports within the COMESA safeguard arrangements thus alleviating possibilities of stakeholder discord;
- (b) administering and monitoring the implementation of the sugar safeguard and all the undertakings on which the extension of the safeguard is premised;
- (c) ensuring implementation of appropriate government policies and legislation relating to the sugar industry;
- (d) monitoring the implementation of the Industry Strategic Plan, and in this respect ensuring harmonization or the alignment of the individual factory strategic plans to the overall industry strategic plan;
- (e) facilitating submission of quarterly reports to the COMESA Secretariat on progress achieved in the implementation of the sugar safeguards; and
- (f) facilitating interventions as appropriate, in respect to policy reforms and evaluation missions of the sugar industry. The specific purposes of these missions will be to:
 - (i) assess the progress achieved in the sugar industry restructuring process as reflected in the quarterly in the quarterly reports.
 - (ii) Review the prevailing challenges with a view to developing responsive strategies in liaison with the sugar Safeguard committee.

Dated the 14th August, 2008.

UHURU KENYATTA,
Deputy Prime Minister and Minister for Trade.

GAZETTE NOTICE No. 8147

THE RATING ACT

(Cap. 267)

THE COUNTY COUNCIL OF WARENG

APPOINTMENT

IN EXERCISE of the powers conferred by section 7 of the Rating Act, the Deputy Prime Minister and Minister for Local Government approves the appointment of—

SERRAH WANYANDE

as a valuer to prepare the Draft Valuation Roll for the County Council of Wareng.

Dated the 30th July, 2008.

MUSALIA MUDAVADI,
Deputy Prime Minister and Minister for Local Government.

Forest blocks of the Mau Forests Complex

Main blocks that are contiguous	Status (*)
Chemorogok	FR
Eastern Mau	FR
Kilombe Hill	FR
Lembus	FR
Maasai Mau	TL
Maji Mazuri	FR
Metkei	FR
Mount Londiani	FR
Nabkoi	FR
Northern Tinderet	FR
Ol Pusimoru	FR
South West Mau	FR
Timboroa	FR
Tinderet	FR
Transmara	FR
Western Mau	FR
Satellite blocks that are part of the Mau ecosystem	Status (*)
Eburu	FR
Londiani	FR
Mau Narok	FR
Molo	FR
Southern Mau	FR
West Molo	FR

(*) FR: Forest Reserve
 TL: Trust Land Forest