

# **OGIEK COMMUNITY BIO-CULTURAL PROTOCOL (OC-BCP)**

3RD Edition #2021



**SAFEGUARDING RIGHTS AND MANAGING  
RESOURCES TO IMPROVE LIVELHOODS**

## **Funding**

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## **Disclaimer**

The contents of this BCP did not capture the aspiration of Ogiek of Chepkitale in Mt. Elgon region in Bungoma County

## **Cover Photo**

A photo of Ogiek elder inside the Mau Forest showing indigenous tree, Photo Credit, OPDP

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## LIST OF ABBREVIATIONS

ACRONYM	
<b>ABS</b>	Access & Benefit Sharing
<b>ACtHPR</b>	African Court for Human and Peoples Rights
<b>BCP</b>	Bio-Cultural Protocol
<b>CBD</b>	Convention on Biological Diversity
<b>CEDAW</b>	Convention on Elimination of all forms of Discrimination Against Women
<b>CITES</b>	Convention for International Trade on Endangered Species
<b>OCE</b>	Ogiek Council of Elders
<b>CIDP</b>	County Integrated Development Plan
<b>ERS</b>	Economic Recovery Strategy
<b>FPIC</b>	Free Prior Informed Consent
<b>GFP</b>	Global Forest Principles
<b>GoK</b>	Government of Kenya
<b>HCCA</b>	High Court Civil Application
<b>ICS</b>	Interim Coordinating Secretariat
<b>ILO</b>	International Labor Organization
<b>IR</b>	Indigenous Resources
<b>TK</b>	Traditional Knowledge
<b>OC-BCP</b>	Ogiek Community Bio-cultural Protocol
<b>OPDP</b>	Ogiek Peoples' Development Program
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNCED</b>	United Nations Convention on Environment & Development
<b>UNDIPs</b>	United Nations Declaration on the Rights of Indigenous Peoples
<b>UNESCO</b>	United Nations Educational, Scientific & Cultural Organization
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>WIPO</b>	World Intellectual Property Organization

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## PREFACE

A Bio-cultural Community Protocols (BCPs) articulates community-determined values, procedures and priorities, and sets out community's rights and responsibilities under customary, state and international law. It was developed after community consultative process to outline their core ecological, cultural, spiritual values, norms and customary laws relating to their Indigenous Traditional Knowledge (TK) and natural resources, based on which they provide clear terms and conditions to regulate access to their knowledge, natural resources and genetic resources.

The Bio-Cultural Community Protocol of the Ogiek peoples provides an insight into important social and cultural values of our people. It highlights and documents our traditional knowledge, way of life, customary laws and the key elements of Free Prior Informed Consent (FPIC) when engaging with external actors such as government, research Institutions, pharmaceutical companies and other private investors.

It also identifies current challenges we face and their impact on our way of life. It documents and showcases our role in protecting and conserving Mau forest Complex, and states clear terms and conditions in regulating access to our knowledge and resources.

By developing the BCP, the Ogiek call on the Kenyan Government, private sector and other stakeholders to recognize and appreciate our vital role as guardians and conservators of biological diversity in Mau Forest Complex, and recognize our customary and legal rights on our land, territories and natural resources.

**Mr. Daniel M. Kobei  
Executive Director  
Ogiek Peoples' Development Program (OPDP)**

## **ACKNOWLEDGEMENT**

The Ogiek Peoples' Development Program (OPDP), takes this opportunity to acknowledge the support of various individuals and organizations in the review of 3rd edition of the Ogiek Community Bio-cultural Protocol (OC-BCP).

We thank Ms Cicilia Githaiga, an advocate of the High Court of Kenya, for her tireless effort in reviewing and commenting on the OC-BCP.

We appreciate members of the Ogiek Council of Elders led by Mr. John Sironga (Chairperson) for inputting the document and providing critical aspects of community decision making and free prior informed consent.

Members of the Ogiek from across Mau in the counties of Nandi, Uasin Gishu, Kericho, Nakuru, Baringo and Narok were quite resourceful in enriching the BCP review process.

Finally, the review process would have not been possible without the generous financial support from SIEMENPUU Foundation, a Finish organization.

Our deep and sincere appreciation goes to all members of the Ogiek community, OPDP staff, members of Hunter Gatherer Forum- Kenya (HUGAFO-K) for their cooperation and support during the entire review process of the Ogiek Community Bio-Cultural Protocol.

# **INTRODUCTION**

We, the Ogiek are hunter-gatherers of the Mau Forest Complex in Kenya. That Mau Forest Complex is our home, have the right to live in the Mau and practice our way of life. We also have a collective responsibility to protect and conserve the forest as dictated by our traditions and culture. We therefore, call on the Kenyan government and other stakeholders to recognize, respect and affirm this inherent right.

In this protocol, we clearly state who we are; where we live; our relationship with the Mau Forest Complex and our land, and associated traditional knowledge; rights over natural resources in the Mau and our responsibility to protect and conserve the Mau forest.

## **BCP Objectives**

This BCP is a tool to safeguard our community's rights as well as traditional knowledge and resources by providing clear terms and conditions to regulate access to our assets as well as sharing benefits that accrue from any development of these assets. It is also a negotiation tool that guides our interaction with stakeholders and partners who interact with us and our resources.

Members of the Ogiek developed this BCP for the following reasons:

1. To act as a negotiation and advocacy tool for engagement between the Ogiek community of Mau Forest complex, Ministry of Environment and Forestry, Ministry of Lands, National Commissions, Development authorities, Kenya Forest Service and the Kenya Water Towers Agency and other groups and stakeholders to secure Ogiek Land tenure rights and human rights and to restore the Mau Ecological unit.
2. To promote due recognition and identity of the Ogiek as a distinct and separate ethnic group of Kenya.
3. To promote the language, culture and traditional knowledge of the Ogiek peoples' of Mau Forest
4. To ensure access and benefit sharing of genetic resources and traditional knowledge of the Ogiek of Mau Forest
5. To ensure effective conservation measures based on community governance structures and by laws
6. To revive, promote and preserve the Ogiek indigenous culture, language, naming (persons, places, trees, birds, age-set, e.t.c.), and heritage.
7. To promote community organisation, coordination, engagement and capacity to negotiate with external stakeholders
8. To create awareness amongst community members on their rights, resources, clanism, age-sets, traditional knowledge, how to protect them and on their culture and heritage.

- |  |
|--|
| 9. To transfer intergenerational knowledge of the Ogiek community to the current and future generations.   |
| 10. To control exploitation of our natural resources including by researchers, research institutions, government agencies, pharmaceutical companies among others without due consideration of FPIC |
| 11. To protect and promote intellectual property rights of the Ogiek community   |

The development of the BCP was undertaken through a participatory process that involved community consultations in different parts of the Mau Forest Complex, with the technical assistance of the Ogiek Peoples' Development Program (OPDP).

This ensures that the BCP reflects the true position of all members of the Ogiek community in the Mau Forest Complex.

## WHO WE ARE

We, the Ogiek, are an indigenous minority ethnic community, traditionally practicing hunting and gathering comprising approximately 52,596 members across Kenya as per the 2019 census report<sup>1</sup>. We live in and around the Mau Forest Complex<sup>2</sup> in central Rift Valley, and in the forests around Mount Elgon in Western Kenya.

Approximately 45,000 members of our community live within the Mau Forest Complex, concentrated mainly, but not solely, in the following areas: Mariashoni location (Eastern Mau), Nessuit location (Eastern Mau), Sururu (Eastern Mau) Sogoo (Maasai Mau), Nkaroni (Maasai Mau), Kiptunga (Molo), Tertit (Eastern Mau), Tinet area and Saino (South Western Mau), Sasimwani (Maasai Mau), Oloopirik (Maasai Mau), Ololoipang'i (Maasai Mau), Nkareta (Maasai Mau), Olmekenyu (Maasai Mau), Keneti/Lemek/ Kuto(Narok West county), Eburru (Naivasha) Koibatek (Maji Mazuri, Narasha), Kericho(Sorget & Tendeno), Uasin-Gishu (Northern Tinderet), Kipkurere (Northern Tinderet), Ndungulu/ Cengalo (Northern Tinderet), Seregonik (Northern Tinderet) and Tindiret Forest.

We are the first people to have settled in Eastern Africa and were found inhabiting all Kenyan forests before 1800 AD<sup>3</sup>. However, as a result of arrival and migration of other dominant communities where we lost our hegemony and we were gradually assimilated, a fact which was evident in the beginning of mid-1900s where we were slowly becoming extinct.

We, the Ogiek, identify ourselves as hunter gatherers, and claim the Mau Forest Complex as our cradle land over which we have occupied for thousands of years. We depend on the forest for food (honey), medicine, shelter and preservation of our culture. We speak the Ogiek language and practice a unique lifestyle common to the forest-dwelling communities.

The Ogiek believe in the sun (*Tororet*)was a deity. They offered worship as a way of revering deity. Prayers were said as a form of communion and include requests favors from Tororet, for example rain , while sacrifices were made as an appeasement and atonement for sins committed by the community against the deity. The Ogiek offered sacrifices to the deity as when faced by calamities or upon noticing signs associated with calamities, such as drought or celestial signs like the crescent moon. Elders performed prayers at sunrise every morning, requesting blessing for their families and communities . The beautiful rays of the rising sun was associated with a flow of blessing . Prayers for rain were also performed during the day, by the rainmakers, who were accompanied by chanting women in skin (*oguryetoop Inderit*). Prayers for protection

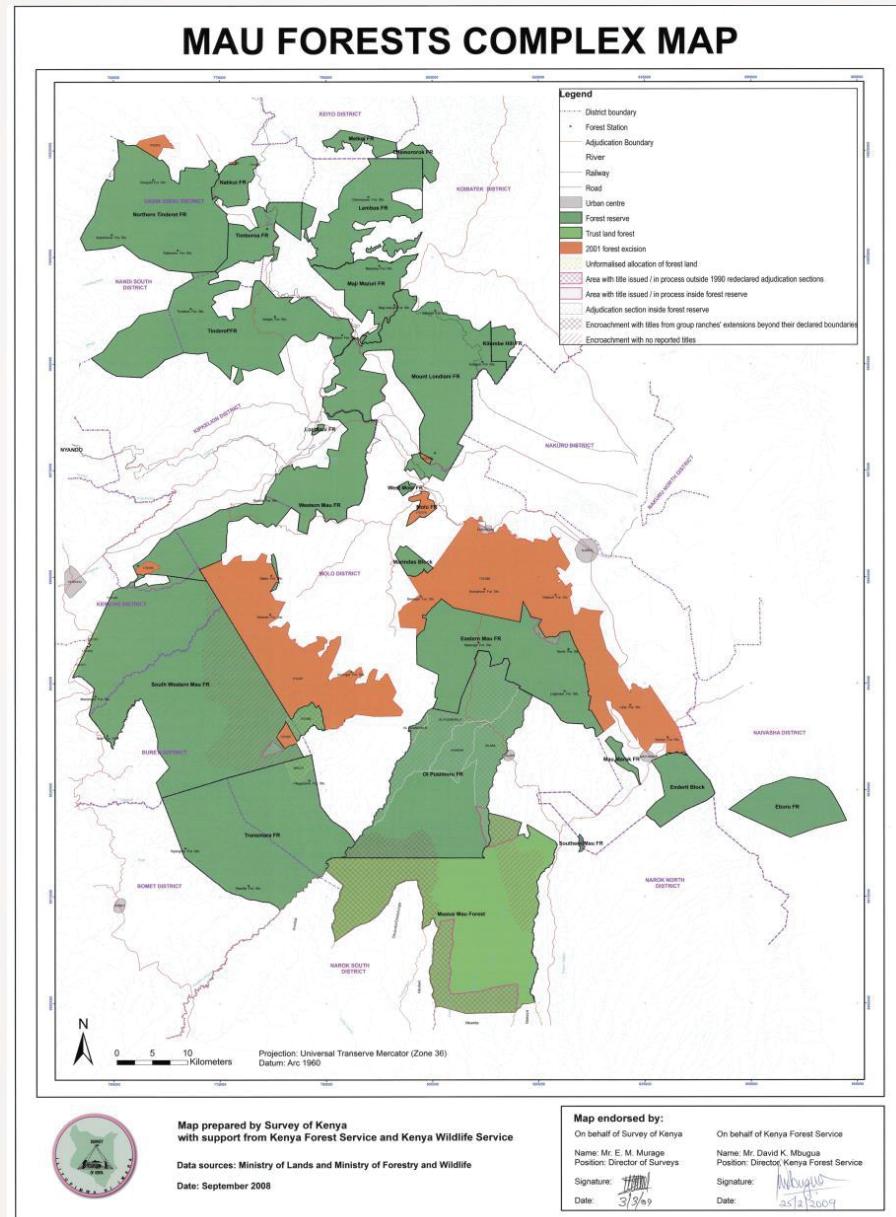
1 Vol.IV Kenya Population and Housing Census, 2019

2 The Mau Forest Complex forms the largest closed canopy forest ecosystem of Kenya, measures approximately 900 square kilometres, and is divided into 22 forest blocks.

3 <http://hdl.handle.net/11071/5286>

from calamities relating to an eclipse were offered at night by elderly women. Sacrifices consisting of honey mixed with water, was sprinkled into the air while chanting prayers<sup>4</sup>.

We are among other small communities in Kenya that are known historically for wide dispersal in Kenya. This can be attributed to factors such as famine, family feuds/conflicts, clanism, civil war, disease and past injustices which has caused our people to separate and live in different parts of the Mau Complex. Today, the Ogiek of Mau are spread in 6 Counties i.e. Nakuru, Narok, Uasin Gishu, Nandi, Kericho and Baringo.



## OUR SPECIAL RELATIONSHIP WITH LAND AND FORESTS

We have a special relationship with our land and the natural resources it bears which we as a people has helped nurture. This relationship has special importance to our culture and spiritual values and ultimately for our continued existence as distinct peoples. The land that we have traditionally occupied has shaped our distinct identities, livelihood practices, and knowledge systems.

Our identity stems from the socio-cultural value we attach on our land, territories and surrounding environment. Our land is sacred to us. Our land is not only an economic resource to us, it is also a social, cultural and ontological resource.

The word Ogiek means 'caretaker of all' plants and animals, or scientifically the flora and fauna. We have always been among the most responsible stewards of forests owing to our historical links and attachment to it. Our relationship with the forest is essential to our way of life and ultimately our survival. We attach cultural values and beliefs in the protection, conservation and utilization of the resource.

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*'Land and forest for the Ogiek is seen in its cultural perspective, as it has spiritual connotation and connection with the ancestors, every tree, every shrub, every cave, valley or hill, river or stream plays an integral role on the Mother Earth of the Ogiek community' (D. M. Kobei, 2020)*

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## OUR ECO-CLIMATIC ZONES

We, the Ogiek have such a long-standing and considered relationship with the Mau Complex, that we have categorized the Mau Complex and its adjoining areas of Lake Nakuru plains and Lake Naivasha into distinct climatic and ecological zones (eco-climatic zones). These zones are important for our survival since they dictate our daily activities and determine our food security. The 12 eco-climatic zones are as follows:-

1. Sooywo
2. Saapo
3. Mou (Mau)
4. Tirap
5. Sasaondet
6. Tiriig
7. Logomo
8. Tuimasat
9. Tegeeg
10. Rogroget
11. Gaporowo
12. Teng'usyek

We have been able to distinguish different eco-climatic zones by observing the terrain, altitude (*Tororindo*), topographic features (rivers, hills, valleys, caves), climatic conditions temperature (*Goristo*), rainfall (*ropta*), soil type (*Ng'unyenye*g), vegetation types and composition, quality and type of honey, and wild animals in each zone.

We have used an accumulated body of traditional ecological knowledge gained through observation of weather conditions and climatic patterns across the entire Mau Forest Complex and the adjoining Lake Nakuru plains and Lake Naivasha to categorize, characterize, define and delineate the various ecological zones.

## OUR TRADITIONAL KNOWLEDGE

We have rich traditional knowledge which is a result of our know-how, skills, innovations and practices embodied in the traditional lifestyle of our community. Our knowledge ranges from the conservation and sustainable use of forests as well as genetic resources (plant and animal species), animal tracking and hunting; ecological knowledge; traditional medicine; handcraft production and material culture among others.

They used the bark of trees for medicinal purposes and could prevent the tree from drying, after removing some parts of the bark of the tree they could cover the bare part with soil.

They used some parts of roots and after completion, they could cover it to enable continuity of that tree.

They never cut the trees for firewood but collected dead or fallen trees.

Trees that made up the shrines could not be cut.

- plants that were used to make an Ogiek shrine
- Saptet
- Yemdit
- Sinendet-used to tie together all the trees in Mapwaita.
- Lepekwet
- Segutiet
- Tielumbut
- Tongoriot
- Nyeltet

The shrine was planted during ceremonies and on special sites by a righteous person to ensure that the traditions are protected and to avoid curses. The Ogiek used Mapwaita as a shrine, and it was used for all cultural, spiritual, and ritual matters. Women who were pure of wrongdoings were allowed to pour *Lugumeg /Chego* (milk) into a shrine (*Lugumeg*) was made from honey and used for blessings and in rituals.)

For decades, we were able to apply our traditional knowledge systems in the conservation and sustainable use of forest bio-diversity. Nobody was allowed to cut down trees. Each clan was given their section or part to protect, conserve, preserve and utilize in a suitable and sustainable manner. For example, we are allowed to use the bark and

roots without cutting down the trees and we cut in a manner that ensures the tree does not dry. Every clan named their section of the forest based on their own understanding of the environment. We use myths and taboos to conserve the forest. For example, cutting of various tree species was a taboo (*Giiret*) and this helped in the protection of indigenous tree species.

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***"The Mau forest is the most crucial and wonderful resourceful zone. Mau forest like a scooped nutritionally balanced honey is a fertile land and was handed to us by God (Tororet). It is a blessing to us from Tororet since it has abundant food (meat, honey and wild fruits), pure water (Peeg op Tegeldit), medicinal herbs, sacred trees and spiritual sites."***

***Nabaru Enole Kobei, Ogiek Woman Elder (N'daasat).***

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Our utilization, conservation, and protection of the Mau Forest Complex was also based on a seasonal calendar that defined and described our practices within the forest. Our community follows the seasonal changes of the forest ecology which controls the climatic patterns and natural resource dynamics. (See Appendix 3 for Ogiek Eco-Calendar)

Using our traditional climatic classification system, we have enumerated and ascribed several vegetation types, medicinal plants, wild animals and types of honey bees to specific eco-climatic zones.

The relevance of the categories of soil and plants in each particular zone for the Ogiek was related to predicting what type of game would likely inhabit the area. Salty soils, ng'eeinda or salt licks would attract certain antelopes and other wild Animals. The dense indigenous forest, *timdo/waonet*, was significant as it housed particular food resources, as well as buffalo and other animals.

We have in depth ecological knowledge of the Mau Escarpment and its various habitats. Our eco-climatic classification system clearly differentiates the major types of climate and eco-systems within the Mau Escarpment, Lake Nakuru plains and Lake Naivasha, shows the relationship between these eco-climatic zones.

Our Traditional Medical Knowledge emanates from our profound relation with the forest. Such is part of our cultural identity as a community. The knowledge ranges from that of providing immunity, protection, treatment of various illnesses and conditions and general health care. Traditional medicine not only involved the use of various plant species; animals species and honey which was the staple food of the Ogiek was combined with medicinal herbs to treat chest pains, aches on the body joints, allergies

and coughs but it has a holistic approach including traditional prayers done early in the morning by the elders .



*A picture showing tradition tools and herbal medicine, photo credit, OPDP*

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*"Our culture is deeply enriched with Knowledge about medicinal plants which is a cultural heritage that is treasured and maintained by different age groups. We transmit this knowledge orally from one generation to another thus ensuring that traditional knowledge about medicinal plants is not lost. In our community, knowledge transmission was found to be gender specific in that older women train young women, while young men were taught by the older men to ensure intergenerational learning skills are not lost." John Sironga, Ogiek elder, 2020*

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We call for:

- Protection of our traditional knowledge against misappropriation, misuse and exploitation.
- Sustainable utilization and preservation of our TK for us and our future generation and, for appreciation of cultural diversity.

# OUR WAY OF LIFE

## Economic activities

Our traditional economic system revolved around hunting and gathering wild fruit and honey. However, hunting has been outlawed while gathering has been restricted by preservationist forest laws, policies and management practices

Honey was our main medium of trade within the community and with neighboring communities like the Maasai, Kalenjin Communities and Kikuyu. Honey production, which is our primary traditional occupation that has historically been the basis of a sustainable income, depends entirely on the resources available in the Mau Forest Complex. We still practice traditional bee keeping, however some us are adopting modern bee keeping techniques as a result of increased commercialization of bee keeping and decline of bees overtime due to degradation of the environment globally.

We have been forced to adopt 'more sustainable' economic livelihoods systems such as sustainable small scale arable cultivation and livestock keeping.



*Ogiek community nature based honey economy. Use of both traditional log hive and Modern langstroth hives for bee keeping (Photo Credit OPDP Nakuru)*

We have a wide-range of traditional knowledge practices on bee-keeping. We are able to identify the honey-making and brooding season for bees. We can tell the difference in honey (color and taste) depending on different seasons and the type of bee forage. We can identify "herbal honey" from medicinal plants, usually for treatment of different ailments and disorders.

We can also easily identify bees and their roles in the hives. The Kooburiot or drones are useful in reproduction and not honey production. The segemiat or worker bees are known to make sweet honey and are very aggressive as they can sting in protection of the hive (as opposed to the drone). When looking for wild honey<sup>5</sup>, an experienced

<sup>5</sup> These are honey got from trees as opposed to the ones from hives. In this case, the bees live in a hollow tree and make honey.

bee-keeper would seek assistance of the honey guide (*Kejeyat*), a bird capable of sensing honey in the forest. The bird would lead the hunter to the direction where there is wild honey. The hunter would then harvest the honey and give some to the bird. This symbiotic relationship with this bird has been in existence for centuries, and it is our traditional way of honey harvesting.



An Ogiek elder displaying honeycomb harvested from bee hive, photo credit - OPDP

## Food

We ate different types of food such as honey, wild meat, stinging nettle (*tirgocho/siiwot/esaapaait*) and wild fruits. However our staple food was honey and wild meat



Wild fruits consumed by the Ogiek community, (Photo Credit OPDP Nakuru)

The use of honey was not only used for leisure but also in ceremonies , as part of our culture. Honey, honey-wine (*Rotikap gomek*) and honey-water (*Lugumeg*) had great symbolic value to us. Without honey, no ceremony would have taken place.

## Our System of Governance and Decision Making

We have both patriarchal and patrilineal lineage family systems. We have clearly structured traditional governance systems made up of several hierarchical structures composed of chiefs, social groups' leaders and a council of elders. Our traditional governance structure was such that we were headed by council of elders (*Poisionik*) chosen from each of the clans. Meetings were organized by the elders and any matter that affected more than one clan was handled through joint meetings of the elders from those clans. Ogiek council of elders also settled disputes between community members and gave judgments or compensation as per traditionally agreed standards.

Each clan had an elder (*pooyon*) who represented the clan and acted as a mediator between the clan and the greater council of elders, where he presented issues pertaining to the particular clan.

Presently, we have a council of elders, whose members are drawn from each clan. The council of elders is recognized, and continues to address the issues facing the community to the government, and ensure the rights of the community are protected.

Traditional Birth Attendants were selected to preside over issues like marital conflicts and advising of girls. They would also be consulted by elders in matters affecting women. Leadership was also based on age-group, with people having their representatives, who present issues affecting them to the council of elders<sup>6</sup>

The spiritual leaders were selected based on their skills and social acceptance . These leaders performed social rituals outside the house of the person requiring their service, during which they prayed while sprinkling a mixture of honey (*gomeek*) and water filled in a calabash (*Ingootit*) using a band of grass (*Tonguriot*),The community rules were defined by sacred and unquestionable taboos, which were meant to maintain law and order within the community <sup>7</sup>

<sup>6</sup> Ogiek Peoples Ancestral Territorial Atlas

<sup>7</sup> Ibid., Territoril atlas

## OGIEK PEOPLES' CHALLENGES

The Ogiek community has limited access to necessary services, like health services and good education. Marginalization, land grabbing and constant evictions of the Ogiek has disoriented the community leading to impoverished life. In this situation, it is difficult for the community to self-actualize their goals given they receive little support from national and county governments to improve their situation.

Some of the contemporary challenges they bear with include:

- Evictions: The Ogiek have been threatened over time by evictions threats from the government to move out of the government forests.
- Lack of land tenure rights: The places where Ogiek are living still not clear whether they are land for settlement or not as the land allocation were termed to be illegal and carried out irregularly (Task force on the Implementation of the African Court ruling concerning the Ogiek of Mau 2017-2020 and Mau Task Force Report 2009 among others). The community is still living in government land, without legal documents of ownership, in Mau forest which they know as their ancestral land.
- Land loss. The ogiek community lost most of their land to unscrupulous land grabbers including influential and rich individuals who were in the government by the time of the allocations. They also lose land since they financial support, technical support and lack legal documents to protect themselves. This is worsened since a majority of the Ogiek is highly illiterate and is unaware of the channels by which to obtain justice.
- Human rights violations: Most victims of land loss end up being frustrated through arbitrary arrest, cruel treatment by police and their property being destroyed. This violates their very right to dignity, life, existence and self determination among a host of other rights.
- Loss of economic means of livelihood: due to insecure land tenure rights, the community is unable to engage in sustainable economic activities. This has caused them to remain poor and unable to produce food to feed their families and raise income to educate their children.
- Loss of identity: Their evictions and subsequent forest destruction has threatened their very cultural identity as hunter-gatherer community. Depletion of the forest cover has caused a threat to their tradition knowledge on herbal medicine, apriary, and their traditional conservation methods.
- Lack of infrastructure: Social infrastructures in most of the Ogiek area are

inadequate since the areas are ignored due to many land issues which are unresolved. As such Ogiek lack schools, water, power, roads and healthcare. The community has to travel long distances to access such facilities and hence they end up being not efficient to them.

- Lack of representation: Ogiek community is poorly represented both in civil services and legislature. Because of their low populations; they can never be able to elect one of their own. They are also unable to access employment opportunities. At the moment, only few Ogiek have been employed by the government and the jobs are at low key positions.
- Destruction and Degradation of the Mau Forest: through illegal logging, encroachment and forest fires degrading the spiritual sites, water sources and medicinal plants and other forest biodiversity which the Ogiek community depends on.

# **COMMUNITY AGREEMENT**

## **Generally Agreed Upon Procedures, Practices & Principles**

We, the Ogiek people, identify the following principles and rights based on the Kenyan constitution, national legislation and international law and other international instruments.

We intend to explore opportunities arising from the implementation of this BCP through affirmative action as well as protecting our intellectual property rights. This shall also help us strengthen our local governance structures.

Decisions that affect the community socially, culturally, spiritually or economically are made through consultation with the community leaders (who also have the discretion of involving government officials). These decisions are made after consultation and communication and dissemination through the respective community leadership.

### **1. Access & Benefit Sharing (ABS) Agreement**

We have the right to access; fairly and equitably share in any benefits arising from access and utilization of our traditional knowledge, culture, information and resources found within our lands and territories.

We have the right to be consulted and to negotiate Free Prior Informed Consent (FPIC) and Access and Benefit Sharing arrangements including but not limited to the following non-state and state agencies:-

1. Ministry of Mining for concession in case of any mineral or any other valuable material found within our lands and territories.
2. Ministry of Environment, water and natural resources for revenue generated from the utilization of Mau forest resources and, for sharing of proceeds arising from water abstracted in Mau complex and supplied to various major cities.
3. Construction Companies mainly sourcing road construction materials from our forests.
4. Timber & other non-timber companies for the proceeds accrued from the use of natural resources within our lands and territories.
5. Tour companies, hotels and lodges for the proceeds arising from tourist activities on our land and territories.
6. Academic institutions working on research undertaken from access and utilization of resources, traditional knowledge, culture and information obtained from our land and territories.

7. Pharmaceuticals industries from extractions of medicinal in their land and territories
8. Academia and research institutions both locally and internationally e.g. KARLO, universities, Tegemeo institute, KEFRI, KEMRI etc
9. Media industry players who seek our information to trade with e.g. via media channels such as YouTube.

**Box 1: National and International legal instruments supporting Principle 1**

1. **Constitution of Kenya 2010 (Article 69 a)**  
Provides that the state shall ensure sustainable exploitation, utilization, management, protection and conservation of the environment and natural resources, and ensure equitable sharing of the accruing benefits
2. **The Environmental Management and Coordination Act (EMCA) of 1999** recognizes the importance of indigenous knowledge in national development. Section 43, Section 50 (f) and Section 51 (f) of the Act calls for the Integration of traditional knowledge in the conservation of biological diversity, involvement of local communities, and promotion of the equitable sharing of benefits accruing from research with local communities.
3. **The Forest Act of 2016** promotes conservation and sustainable use of forest resources where most of the Traditional Medicine is obtained. Most importantly, the Act promotes participatory forest management. Under Section 22, communities are entitled to use, subject to such conditions as may be prescribed, such forest produce as it has been the custom of that community to take from such forest otherwise than for the purpose of sale.
4. **In full then abbreviated United Nations Declaration on the Rights of Indigenous-Peoples (UNDPIPs)**  
Article 2 of UNDRIPs provides that Indigenous people should have access and direct benefits of resources found in their lands.
5. **Nagoya Protocol and Convention on Biological Diversity (CBD)**  
The Nagoya Protocol draws on certain bio-cultural elements of the CBD and codifies them in legally binding obligations that States must enact. The Protocol establishes the following four pivotal bio-cultural rights that significantly affirm the self-determination of Indigenous peoples and local communities:
  - The right over their genetic resources;
  - The right over their traditional knowledge;
  - The right to self-governance through respect for their customary laws and community protocols; and
  - The right to benefit from the utilization of their traditional knowledge and genetic resources by third parties.
6. **ILO 169**  
According to ILO Convention No. 169, indigenous and tribal peoples have the right to participate in the benefits of exploration and exploitation as well as the right to be compensated.

## 2. Free Prior and Informed Consent (FPIC) Agreement

We have the right to be consulted prior to any development project being undertaken on our land and territories.

We have the right to give prior informed consent on utilization of all resources in our territories through our established governance structure. (See section B on Governance structure). This structure is to dictate any negotiation and communication with

outsiders. We therefore demand:-

1. That all state actors shall not be allowed to enter into any agreement with individuals/companies on behalf of the community without the knowledge and permission from the community leadership (see sample permit at the appendix).
2. That all non-state actors shall only be allowed to carry out any project on our ancestral lands and territories with approval of community leaders, with clear MOU signed.
3. Non-Governmental Organizations (NGOs) formed outside the community shall be allowed to carry out programs provided they abide to rules and regulations to be provided for by community leadership.
4. Any benefits arising from the proceeds made from natural resources found in our ancestral lands shall be shared in accordance with agreed principles set out in a MoU signed between us and the government, investor(s) or researchers.
5. Media and any other actor must obtain community consent in sharing information touching on the community.

**Box 2: legal instruments supporting principle 2 above**

**1. Constitution of Kenya 2010 (Article 69c)**

Provides that the state shall protect and enhance intellectual property in indigenous knowledge and biodiversity of genetic resources.

**2. UNDRIPs (Article 10,12,20,27 & 30)**

These articles provide for the rights to determine and develop priorities and strategies for the development or use of indigenous people lands, territories and other resources. This includes thorough consultations with state and other non state actors in connection with development and utilization of surface and subsurface resources

**3. Convention on Elimination of Racial Discrimination (CERD)**

This spells out State obligations and indigenous peoples rights and calls upon States to "ensure that members of indigenous peoples have rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent.

**4. ILO 169 (Article 6, 7 & 15)**

The convention aims at ensuring that every effort is made by the States to fully consult with IPs in the context of development, land and resources.

**5. CBD (article 8j and 10c)**

Provides for states to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities and promote their wider application with the approval and involvement of the holders of such knowledge, innovation and practices".

**6. UNCED (Agenda 21 Chapter 22)**

Provides that Indigenous peoples and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

### **3. Representation**

We call on the government to recognize our traditional governance system as part of how we seek to be represented in the leadership and governance system of our country. We recognize our Council of Elders, opinion leaders, and traditional leaders (seers, rainmakers, spiritual leaders, etc) who represent us, and continue to address our issues at the local, national, regional and international level.

## Ogiek representation

### Establishment of Ogiek Council of Elders (OCE)

1. There is an established **Council of Elders (OCE)** at every Sub-County/ within the 6 Counties in Mau Complex. Representatives from each of the OCE at the sub-county level are selected to form a National Council that unites leaders from all areas. This representative council guides our community at the national level.
2. OCE is elected from all regions with at least one-third representation of any of the genders.
3. Caucuses involving women and youth shall be established in all the 6 Counties inhabited by our community.
4. It is mutually agreed that all OCE members shall serve for a maximum period of 2 terms.
5. Election of OCE shall be done at the sub-county level and will be decided on majority votes. The elected chairman from each region will be a member of the national council.

### *Box 3: legal instruments supporting principle 3 above*

#### **1. UNDRIPs (Article 33, 34 & 35)**

These articles provides for the rights to for indigenous people to determine their leadership structure as well as responsibilities of their individual leaders.

#### **2. CERD (Article 1)**

This spells out State obligations to undertake Special measures for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individual's equal enjoyment or exercise of human rights and fundamental freedoms.

#### **3. Constitution of Kenya (Article 56 (a) and 100 (d & e))**

This provides that the Government shall set out affirmative action for minorities and marginalized groups to participate and be adequately represented in governance and other spheres of life.

#### **4. Article 174 (c) of the Constitution and County Government Act**

provides for participation of the people in the exercise of powers to the State and in making decisions affecting them. The laws also recognize the right of communities to manage their own affairs and to further their development.

#### **5. Public Participation Act and County Government Act of 2012**

This promote, enhance and facilitate public participation in governance processes

## **4. Agreement under Administration of Justice**

It is communally agreed that the OCE handle all forms of disputes that may arise in :-

- Access to Land and other resources
- Inheritance of properties
- Family set up

It is communally agreed that if no resolution is found in 1(a), 1(b), and 1 (c) above, then the OCE may authorize and refer the matters to law enforcement authorities or other formal legal mechanisms.

***Box 4: legal instruments supporting principle 4 above***

### **1. UNDRIPs (Article 32, 33, 34 & 35)**

These articles provides for the rights to for indigenous peoples to determine their priorities based on traditional use and leadership structures relevant for administration of justice.

### **2. Convention on the Elimination of all forms of Discrimination against women (CEDAW) (Article 2, 8 & 17)**

This spells out State obligations to protect women who are vulnerable in some situations especially family disputes and inheritance.

### **3. Constitutional of Kenya 2010 (Article 27 and Article 64)**

Article 27 provides for equality and freedom from discrimination.

Article 64 sets out the nature of communal land and general rules governing it.

## **5. Community Land Administration, Management & Place Names**

We, the Ogiek agree that we shall hold land communally. We hereby agree for the purpose of communal land management that there will be:-

### **i) Establishment of Land Zones**

The established OCE shall administer all classes of land as prescribed below in consultation with the community:-

#### ***Zone A. (Biodiversity Conservation, Cultural and Eco-Tourism Zone)***

This area consists of most sensitive biodiversity hotspots, ecologically fragile areas including natural forests (bamboo), historical and religious sites. Such areas may have scenic features suitable for picnics, transect walk, birding etc. The areas can only be used for community purposes (religious, social or cultural), research studies, eco-tourism etc.

## ***Zone B. (Community Protected/Forested Area and Rehabilitation zones)***

OCE in consultation with the community will decide on the rules/laws for managing and conserving such areas, as well and utilizing resources in the areas.

## ***Zone C (Area for habitation)***

This shall be an area only designated as permanent residence of the Ogiek in each sub-county. The area shall serve as:-

- i. Residence for the Ogiek
- ii. Social amenities (schools, health facilities, social halls, water points etc)
- iii. Sustainable food production (Crop and livestock .

### ***ii) Place Names & Territorial Maps***

Our ancestral territories have been in the past occupied by other communities of different ethnic and cultural background. Following their occupancy and use of such territories, they have changed names of places to assert ownership rights. This has resulted in our people losing some large tracts of lands that now bear totally different names as it was in the past.

As a result of this, the following measures shall hereby be taken:-

1. That all place names purported to have been changed shall be recorded and forwarded to County Government and Survey of Kenya.
2. That all original place names shall be reinstated as it were in the past with assistance from relevant authorities.
3. That maps of all territories shall be drawn with assistance from experts in collaboration with Survey of Kenya in each sub county and supervised by Council of Elders

### ***iii) Community Land Administration & Management***

All Ogiek land and territories shall be vested to the Ogiek community in each county/sub county level for management as follows:-

- a) The communities in respective counties/sub-counties shall decide the number of acreage for each individual owner in zone C above.
- b) Land sale is restricted to the consent of the community and in case of sale; priority should be given to a member of the community.
- c) Alteration of boundaries for the purpose of new settlement can only be done by community in collaboration with experts for a period not less than 50 years.

- d) Shall set precedence on Access and Benefit Sharing (ABS) of resources in Zone A and B.
- e) Title deeds in zone C shall be registered in the names of community.

**Box 5: legal instruments supporting principle 5 above**

**1. UNDRIPs (Article 10,12,20,27 & 30)**

These articles provides for the rights to determine and develop priorities and strategies for the development or use of indigenous people lands, territories and other resources. This includes thorough consultations with state and other non state actors in connection with development and utilization of surface and subsurface resources

**2. ILO 169 (Article 12, 13, 14 ,15, 16, 17, 18 & 19)**

Provides that the governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.

It also provides that the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities

**3. UNCED (Agenda 21 Chapter 26)**

Governments and international organizations should recognize and protect the rights of indigenous peoples, recognize their traditional knowledge and resource management practices and enroll them in full global partnership. Indigenous peoples and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development

**4. Constitution of Kenya 2010 (Article 64)**

Provides for the presence of communal lands to be managed and owned by communities identified on the basis of ethnicity, culture or similar community of interest.

**5. Community Land Act 2016**

Provides for the recognition, protection and registration of community land

## **6. Traditional related knowledge, practices and Innovations**

We, the Ogiek, are custodians of our traditional knowledge, norms, practices and innovations.

### **Cultural Norms, Values & Practices**

The Ogiek are traditional people who value their culture and belief systems. In order to ensure the same is passed from generation to generation, it is hereby agreed that:-

#### **a. Marriage**

Our people recognize marriage as a union between a mature man and a mature woman. However, a man may decide to have more than one wife (polygamous). Polyandry is not accepted. The following types of marriages shall be recognized:

- i. Traditional Marriages
- ii. Religious Marriages
- iii. Civil Marriages

The following values and norms shall govern all marriages:-

- a) Marriage between under age couple (below 18) is not allowed.
- b) Marriage can only be between members of the opposite sex. Same sex marriage and any other form of marriage shall not be accepted.
- c) Payment of dowry is compulsory upon marriages agreed between both parties/families
- d) No woman shall be married by more than one man at a given time (*Except in case of a divorce*).
- e) Incestuous marriage shall not be accepted. It is also taboo to marry from the same clan. If this happens, a ritual ceremony must be performed as per our traditions to allow the couple to form their own clan.

#### **b. Death and Inheritance**

- a. Inheritance of property shall be done in accordance to family wishes.
- b. Wife inheritance is not allowed. A widow will however be assigned a family member to take care of her.

#### **c. Traditional Dressing codes**

We still don our unique traditional regalia, although mostly reserved for important ceremonies. Since most of our traditional wear was made out of wild animal skin(hyrax and antelopes) The government has put strict laws prohibiting hunting dating back to 1971 , thus the Ogiek have designed alternative traditional attire using materials that

are easily available and this is our contribution to conservation of the forest and forest resources.



*A picture of Ogiek elder in traditional regalia, photo credit, OPDP*

The following rules shall be adhered to with regard to Ogiek traditional dressing Code:

1. The traditional dress for both men and women shall bear the colors similar to that of the Hyrax skin(Inderit), it is symbolic to Ogiek .
2. The decorative materials like beads shall bear the following colors: Brown (earth), White (Peace), Black (Africa) and Green (Environment).

**Box 6: legal instruments supporting principle 6 above**

**1. UNDRIPs (Article 31,32,33 & 34)**

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standard.

**2. ILO 169 (Article 12, 13, 14 ,15, 16, 17, 18 & 19)**

Provides that the governments shall respect the special importance of the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.

It also provides that the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized in addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities

**3. UNCED (Agenda 21 Chapter 26)**

Governments and international organizations should recognize and protect the rights of indigenous peoples, recognize their traditional knowledge and resource management practices and enroll them in full global partnership. Indigenous peoples and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development

**4. Constitution of Kenya 2010 (Article 7 and 11)**

Provides for the promotion, development and use of indigenous language as well as culture. Maintenance.

## **Ogiek call to action**

We, the Ogiek of Mau Forest call for:-

1. The recognition of our customary and legal rights as 'traditional forest dwellers' to live in the Mau forest which is our home, conserve it and sustainably use its resources for the development of our community and our nation.
2. The recognition of our indigenous knowledge as stipulated in our national laws and policies, and other international legal instruments that Kenya is party

to. We are holders of this valuable knowledge which can make an important contribution to sustainable social and economic development.

3. Protection of our traditional knowledge from misappropriation and piracy. Our traditional knowledge should be preserved for us and our future generations.
4. Our access and benefit sharing rights to be upheld and respected in the utilization of resources found in our lands, as per section 22 of the Kenya Forest Act.
5. Consultation, awareness creation, public participation and negotiation of FPIC prior to undertaking any development project/initiative on our land before any decision that affects our rights, way of life, and our development as a community is made.

# **APPENDICES**

## **APPENDIX 1: OGIEK BCP LINKS TO OTHER DEVELOPMENT & PLANNING PROCESSES**

### **1. County Integrated Development Planning (CIDP)**

The overall responsibility for district planning lies with the counties which comprised of all the Government Departments and state corporations, working in collaboration with communities.

The relevant departments and agencies are regularly involved in the County planning process, and therefore understand their roles in its implementation. The respective CIDP can establish development plans from the proposed management plan when it is approved. This BCP shall therefore inform the planning process and shall be an important working document for district planning.

### **2. Links to the Poverty Reduction Strategy Process**

This BCP Document indirectly addresses poverty alleviation through a number of its components: FPIC, ABS and a number of set rules and regulations that targets livelihood improvement and sustainable development activities including beekeeping, commercial tree farming, grazing and tourism.

This BCP Document remains a reference point when planning any Poverty Reduction Strategy.

### **3. Vision 2030**

This is an international development blue print covering the period 2008-2030. It aims at making Kenya a newly industrializing middle income country providing high quality life for all its citizens by the year 2030. The vision comes after a successful implementation of the Economic Recovery Strategy for Wealth and Employment Creation (ERS).

Again this BCP remains a guide for development practitioners both state and non-state actors involved in realization of Vision 2030.

### **4. International and Regional Agreements**

The Government of Kenya (GoK) is a signatory to international/regional treaties and conventions on both Human Rights and conservation of threatened, endangered, endemic species and fragile ecosystems. This BCP document also lays foundation to which the GoK shall respect these treaties that are of concern to the indigenous Ogiek.

Some of these international legal instruments are:-

1. African Charter on Human and Peoples' Rights (ACtPHR)<sup>8</sup>
2. Universal Declaration of Human Rights (UDHR)<sup>9</sup>
3. East African Community Treaty
4. Convention on Biological Diversity (CBD)<sup>10</sup>
5. Global Forest Principles (GFP),
6. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),
7. Ramsar Convention,<sup>11</sup>
8. United Nations Framework Convention on Climate Change (UNFCCC)<sup>12</sup>
9. United Nations Declarations on the Rights of Indigenous Peoples (UNDRIPI)<sup>13</sup>
10. International Labor Organization (ILO169)<sup>14</sup>
11. World Bank 4.10 safeguard on indigenous peoples<sup>15</sup>
12. World Intellectual Property Organization principles (WIPO)<sup>16</sup>

Most of the above instruments are for the purpose of controlling, managing and conserving the Ogiek Biodiversity, Culture as well as protecting their human rights.

### **The Sustainable Development Goals**

The Sustainable Development Goals<sup>17</sup> or Global Goals are a collection of 17 interlinked global goals designed to be a "blueprint to achieve a better and more sustainable future for all". The SDGs were set in 2015 by the United Nations General Assembly and are intended to be achieved by the year 2030. The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by all United Nations Member States in 2015 as a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030.

The 17 SDGs are integrated—that is, they recognize that action in one area will affect outcomes in others, and that development must balance social, economic and environmental sustainability.

<sup>8</sup> <https://www.achpr.org/legalinstruments/detail?id=49>

<sup>9</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>10</sup> <https://www.cbd.int/>

<sup>11</sup> <https://www.environment.gov.au/water/wetlands/ramsar>

<sup>12</sup> <https://unfccc.int/>

<sup>13</sup> <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

<sup>14</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::PT12100\\_INSTRUMENT\\_ID:312314](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::PT12100_INSTRUMENT_ID:312314)

<sup>15</sup> <https://documents1.worldbank.org/curated/en/295321468046816425/pdf/E18300vol1040E1une0610200801PUBLIC1.pdf>

<sup>16</sup> <https://www.wipo.int/portal/en/index.html>

<sup>17</sup> <https://sdgs.un.org/goals>

Through the pledge to Leave No One Behind, countries have committed to fast-track progress for those furthest behind first. That is why the SDGs are designed to bring the world to several life-changing 'zeros', including zero poverty, hunger, AIDS and discrimination against women and girls.

The Division for Sustainable Development Goals (DSDG) in the United Nations Department of Economic and Social Affairs (UNDESA) provides substantive support and capacity-building for the SDGs and their related thematic issues, including water, energy, climate, oceans, urbanization, transport, science and technology, the Global Sustainable Development Report (GSDR), partnerships and Small Island Developing States

### **The 17 Sustainable Development Goals (SDGs) to transform our world:**

GOAL 1: No Poverty

GOAL 2: Zero Hunger

GOAL 3: Good Health and Well-being

GOAL 4: Quality Education

GOAL 5: Gender Equality

GOAL 6: Clean Water and Sanitation

GOAL 7: Affordable and Clean Energy

GOAL 8: Decent Work and Economic Growth

GOAL 9: Industry, Innovation and Infrastructure

GOAL 10: Reduced Inequality

GOAL 11: Sustainable Cities and Communities

GOAL 12: Responsible Consumption and Production

GOAL 13: Climate Action

GOAL 14: Life Below Water

GOAL 15: Life on Land

GOAL 16: Peace and Justice Strong Institutions

GOAL 17: Partnerships to achieve the Goal

## APPENDIX 2: OUR ECOLOGICAL ZONES

Ecological zone	Characteristics
<b>Sooywo</b>	Lies to the northern lowlands of Njoro and Lake Nakuru plains ( <b>paipai</b> or Flat) at an altitude of 1760 to about 2400 M.a.s.l. The main vegetation was savannah grassland ( <b>turgut</b> ) with warm temperatures, low average annual rainfall of about 700mm, and a mixture of white loamy, clay, and silt soils which severely dries up during dry seasons and wet during rainy season
<b>Saapo</b>	It is a transitional zone from the lowland plains of Lake Nakuru areas to the forested zone of Mau Escarpments. The zone runs along the lower parts of Mau escarpment spanning from an altitude of between 1800 – 2400 M a.s.l. It is moderately colder than <b>Sooywo</b> and experiences colder temperatures of around 16 -22 °C
<b>Tiriig</b>	This is a Bamboo ( <b>sisieg /ketig</b> ) zone found midway to the Mau escarpment. Located and spanning at an altitude of 2600 to 2840 m.a.s.l, is interrupted to the eastern side by <b>Logomo</b> zone and to western side by <b>Tuimasat</b> zone. The medium sloped zone has brown and wet soil (Ngarn'ar) and sparsely distributed Bamboo that are conspicuously short in height. The zone receives a high average annual rainfall of about 1200 mm, experience very cold weather ( <b>kaitit</b> ) due to very cold temperatures like ice ( <b>Kipoweyet</b> ). The zone had abundance of wild game and is inhabited by two types of dark bees which produces sweet honey: <b>Gosomeg</b> (small, dark underground bees) and <b>Kipirigei</b> (dark but not very aggressive bees).
<b>Logomo</b>	This is a depression like zone resembling a crater or <b>N'guony</b> . It is located at an altitude of between 2540 to 3000 m.a.s.l. which is curved out of <b>Tiriig</b> zone. The zone receives heavy rainfall of about 1200 mm per annum, warmer than <b>Tiriig</b> , contains brown volcanic impervious rocky surfaces ( <b>aran</b> ) and hence has numerous clearings ( <b>tiriikweg</b> )
<b>Tuimasat</b>	<b>Tuimasat</b> zone is located to the western part of Eastern Mau Forest and has an altitude ranging from 2460 to 2800m a.s.l. This zone is warm ( <b>purgei</b> ) and with less rainfall but intermittent showers and is sandwiched between two zones, <b>Logomo</b> and <b>Teegeeg</b> , which have heavy rainfall, cold temperature and windy conditions. The vegetation is composed of tree and shrubs hence considered infertile forest ( <b>Timdo ne gemgem</b> ).
<b>Teegeeg</b>	<b>Teegeeg</b> runs along the escarpment over length of about 30 kilometres from east ( <b>Chorunoteet</b> ) to west ( <b>Ooyosieeg</b> ) and spans an altitude of 2800 to 3040 m.a.s.l. It is sandwiched by <b>Tiriig</b> and <b>Logomo</b> zones to the lower parts and <b>Rogroget</b> zone on the upper end. The zone experiences high and heavy rainfall of about 1300 mm per annum with misty and windy weather, has a mixture of volcanic shallow brown and brick-red soft soil ( <b>pospos</b> ), and covered by thick Bamboo forest
<b>Rogroget</b>	<b>Rogroget</b> zone consist of steep rocky scarps with scattered short bamboo and tress ( <b>sisieg/ketig</b> ). It spans the lower western parts at an altitude of 2800 and to the eastern parts at 3060 m a.s.l to a length of about 30 kilometres. The zone has brown coloured infertile volcanic soils. In addition to other medicinal plants known and used by the Ogiek

Ecological zone	Characteristics
<i>Gaporowo</i>	<p><i>Gaporowo</i> zone forms the water-divide of Mau watershed. The zone engulfs a sub-zone called <i>Inng'utngutiot</i> which is a flat stretch across the ridge containing numerous swamps (<i>Isawanit</i>) that recharge the main rivers (<i>oinet</i>) flowing to the south to lake Natron, South/west to Lake Victoria and North to Lake Nakuru, Bogoria, and Baringo. The zone has thick indigenous forest (<i>timndo waonet</i>) cover which is above the Bamboo zone. <i>Gaporowo</i> stretches a length of about 30 kilometres from the western to the eastern parts of Mau Forest Complex spanning at an altitude of 2780 to 3060 m.a.s.l. It has cold and misty weathers and receives appreciably high rainfall of about 1300 mm per annum. In addition to other medicinal herbs, the zone has three key crucial endemic medicinal plants: <i>Chelubut, Masaita and Ngonoiyek</i></p>
<i>Moou (or Mau)</i>	<p>Moou zone (<i>a name that has been corruptibly pronounced as Mau</i>) is between the two southerly facing zones that form the upper catchments river draining into Lake Natron and Lake Victoria. The zone runs at the topmost of Mau escarpment at 2700 to 2920 m.a.s.l. The zone is characterized by thick indigenous forest, heavy rainfall, cold weather, loamy soils (<i>Ng'arng'ar</i>) and white soils (<i>Ndurotoit</i>). Some the endemic medicinal herbs include Masaita (<i>prunus africana</i>) and <i>Goisisito</i>. Mosop is a southerly facing ecological zone running along the upper part of the escarpment and spanning from an altitude 2660 to 2780 m.a.s.l. The zone is characterized by thick indigenous forest cover (<i>timdo</i>) and has cold temperatures (<i>kaitit</i>), receives a high rainfall (<i>nyigis</i>) of about 1300 mm per annum, and with volcanic red soil (<i>Ng'eremug</i>) and clay soil (<i>menet</i>). One of the key endemic medicinal plants is <i>Goisisito</i> whose roots are used as appetizer, treating constipation and cleansing the stomach.</p>
<i>Tirap</i>	<p>This is an area deep inside the forest and has moderate temperatures. The zone has bush thickets and has loamy soil and some of the vegetation include Sodom Apple and aloe vera. The Ogiek used to hunt in Tirap.</p>
<i>Sasaondet</i> (the name is derived from isawanit – a name for the swamp in Ogiek	<p>This a zone between Sooywo and Tirap. It is in lowland and flat areas. The zone is swampy and has white clay soil. The vegetation is composed of grass papyrus reeds.</p>
<i>Teng'usyek</i>	<p>This is a rocky range to the eastern side of Lake Nakuru and Menegai hills. It also marks the end of the Ogiek territory to the eastern side. Vegetation found are mostly; aloe vera, lelechwet, acacia, Mugumo tree, etc Animals are rock hyrax, python, Baboon and velvet monkeys</p>

## APPENDIX 3: DIFFERENT SEASONS, CHARACTERISTICS AND ECOLOGICAL CHANGES

Season	Characteristics	Ecological Changes
Gemeut <b>Dry season (Jan-Feb)</b>	<ul style="list-style-type: none"> <li>• Prevalence of whirl winds.</li> <li>• Sky was generally clear.</li> <li>• Normally very hot during the day and cold at night.</li> <li>• Presence of moist air during the day.</li> </ul> <p>The moon would emerge from the western direction while small in size and slowly increase in size before emerging as a full moon from the eastern direction. Its light was less bright.</p>	<ul style="list-style-type: none"> <li>• The sun rose from the south-eastern direction in <i>oldonyoburu</i> a bit late and delayed to set. Therefore nights were longer than days.</li> <li>• The ground cracked due to the extreme hot weather.</li> <li>• The community moved to the highlands where the conditions were cooler. The bamboos (<i>teegeeg</i>) trees produced crackling sound.</li> <li>• White butterflies moved from north to south (<i>moipagee</i> to <i>ildonyoit</i>)</li> <li>• Swallow birds (<i>simbororoch</i>) hovered around.</li> <li>• Brown locusts moved from north-eastern to south-western direction from around slightly before mid morning.</li> <li>• Water levels in the streams receded.</li> <li>• Immigration of wild animals e.g. leopard (<i>apiiyet</i>), elephants and rhinos (<i>kipkamit</i>)</li> <li>• Some trees shed their leaves due to the strong winds e.g. <i>silipwet</i>, <i>yemtit</i>, and <i>sopoitit</i>.</li> <li>• Bees migrated to the southern direction because of flowering tree e.g. <i>sereret</i>, <i>kwomoreriet</i>, <i>chorwet</i>, <i>siotiat</i>, <i>tiaplamet</i>.</li> <li>• The community members fed on roots (<i>noriek</i>) and stinging nettle (<i>tirigocho</i>)</li> </ul> <p>"Stars would fall on the ground from around 2 p.m. thus causing the place to be cold <i>gipoweyet</i>. These stars would also burn the grass when they land on them" Mzee Lesingo.</p>

<b>Season</b>	<b>Characteristics</b>	<b>Ecological Changes</b>
<b>Ewoot-got</b>	<ul style="list-style-type: none"> <li>• Rains normally begun to fall.</li> <li>• Rains had torrents.</li> <li>• Cold during the day and warm at night.</li> <li>• Absence of winds hence the place is calm.</li> <li>• Presence of thick clouds both during the day and night.</li> </ul> <p>This season was quite moist.</p>	<ul style="list-style-type: none"> <li>• Sprouting of green vegetation</li> <li>• Regeneration of trees and grass (<i>susueg</i>)</li> <li>• Increase in water volume in rivers laden with debris and thus murky in appearance.</li> <li>• The ground would be generally muddy but latter drain by percolates of water into in the soil.</li> <li>• Cranes (<i>aaoo</i>) would migrate to the lowland because of the presence of water from streams and swamps e.g. <i>napuyapui</i> swamp but they would leave at night.</li> <li>• Some new animals would be seen in the forest known as <i>ututomig</i> forest e.g. <i>suruguit</i> and <i>kipkonyiret</i>.</li> <li>• Bees would migrate from <i>teeeg</i> to <i>sapoo</i> and <i>sonywo</i> because these areas are considered to be warm during the rainy season.</li> <li>• Emergence of various insects e.g. round worms (<i>ganyituagig</i>), beetle (<i>injuta</i>), aunts (<i>meseseg</i>), and animals like crabs (<i>tagelig</i>), toads (<i>gipkatait</i>), frogs (<i>mororoget</i>)</li> <li>• Community members would migrate from <i>teeeg</i> to <i>sapoo</i> and <i>sooywo</i> because these areas are considered to be warm during the rainy season</li> </ul>
<b>Ewoot</b>	<ul style="list-style-type: none"> <li>• Presence of heavier rains observed than in the previous season.</li> <li>• Migration of people to Soiywoo region (near Lake Nakuru) because of the extreme cold weather in the higher zones.</li> <li>• Heavy fog and mist covered the entire region.</li> <li>• Presence of dark and heavy clouds.</li> <li>• Presence of hailstones (<i>ingongioriait</i>) that broke leaves on trees.</li> </ul> <p>The weather was chilly with no winds</p>	<ul style="list-style-type: none"> <li>• Migration of buffalos (<i>sooenig</i>) to Mau glades following the sunshine.</li> <li>• Nights were normally longer than the days.</li> <li>• More frogs and toads than the previous season.</li> <li>• Plenty of birds hovering and singing in the skies because food was plenty.</li> <li>• Bees stay indoors in their hives as others migrate to <i>sapoo</i> and <i>soywoo</i> which were warmer. Others would die of extreme cold weather.</li> <li>• Community members would feed on roots from <i>norieg</i> and <i>gerejusiig</i> plants.</li> <li>• Bees would die because of eating moss plant (<i>kipkolomboit</i>)</li> <li>• Small and large mushrooms (<i>popeeg</i>) would emerge</li> </ul>

<b>Season</b>	<b>Characteristics</b>	<b>Ecological Changes</b>
<b>Roptuet (Rainy season)</b>	<ul style="list-style-type: none"> <li>Heavy rains accompanied by hailstones especially in the afternoon and at night.</li> <li>The weather was very cold and chilly</li> <li>The weather was generally calm.</li> </ul> <p>The sky was dominated by dark and gloomy clouds</p>	<ul style="list-style-type: none"> <li>People opted to stay indoors because of the cold weather.</li> <li>All animals migrate to the forest for shelter due to heavy rains.</li> <li>The sun would disappear the whole day.</li> <li>Days are longer than nights.</li> <li>Rivers would flood while pools of water would appear everywhere.</li> </ul> <p>The torrents would break and fell weak trees</p>
<b>Mugeyoot</b>	<ul style="list-style-type: none"> <li>Very cold month than Roptuet</li> <li>Presence of mist moving from Lake Nakuru to the Mau ranges accompanied by prolonged showers of rain.</li> <li>Heavy clouds in the afternoon.</li> <li>No stars visible in the sky due to the masking effect by thick clouds.</li> <li>Plenty of fog and mist at night.</li> </ul> <p>Calm weather.</p>	<ul style="list-style-type: none"> <li>The sun would emerge at around 7:00 a.m. to 10:00 a.m. and later would be covered by clouds.</li> <li>Bees stayed in the hives due to the cold weather and make it difficult to harvest honey.</li> <li>Presence of termites that attract hedgehogs (<i>uiteet</i>)</li> <li>The appearance of ground hornbill (<i>muunduut</i>) which would feed on the numerous insects.</li> <li>The direction of the rising sun was from <i>oldonyo- buru</i> direction (towards Naivasha)</li> <li>Many flowering plants thus plenty of honey in the hives.</li> </ul> <p>Wild animals e.g. buffalos wallow in the mud</p>

## APPENDIX 4: NUMERIC TABLE

Numerical	English	Ogiek
1	One	Ageenge
2	Two	Oeeny
3	Three	Somok
4	Four	Ang'wan
5	Five	Muut
6	Six	Lo
7	Seven	Tisap
8	Eight	Sisiit
9	Nine	Sogool
10	Ten	Taman
20	Twenty	Tomonwogik Oeeny
30	Thirty	Tomonwogik Somok
40	Fourty	Tomonwogik Ang'wan
50	Fifty	Tomonwogik Muut
60	Sixty	Tomonwogik Lo
70	Seventy	Tomonwogik Tisap
80	Eighty	Tomonwogik Sisiit
90	Ninety	Tomonwogik Sogol
100	Hundred	Tomonwogik Taman

## APPENDIX 5: Plants and animals

The vegetation types include:

1. *Ing'utngutioit* – swampy with grass,
2. *Sisieg* – small bamboo,
3. *Teegek* – bamboo,
4. *Timdo ne kemgem* – unfertile forest (with trees and shrubs),
5. *Tirikwek* – grassland, and Turgut – grassland with shrubs and small bushes etc.

**The wild animals in our territories include but not limited to:**

1. <i>Eiririt, Ereguteit</i> – antelope,	12. <i>Rogoywet</i> - reindeer
2. <i>Gipkonyiret / gipsomeret</i> – waterbuck,	13. <i>Sing'oito</i> – Eland
3. <i>Kuuteet</i> – ant bear,	14. <i>Tisyeyet</i> – Black Monkey
4. <i>Inderit</i> – hyrax,	15. <i>Koroityet/Soireet</i> – Columbus Monkey,
5. <i>Kipkamit</i> – rhino,	16. <i>Mogoitit</i> - Black Monkey(male)
6. <i>Mindet</i> – Yellow buck duiker	17. <i>Toraet</i> – wild pig, and
7. <i>Olosirait</i> – zebra,	18. <i>Tumda</i> – giant forest hog
8. <i>Pechenit</i> – small grey duiker,	19. <i>Aapiyet /Meliilto</i> – Leopard
9. <i>Peliot/tinkaina</i> – elephant,	20. <i>Orkonoit / tyeling'inot</i> - Hyena
10. <i>Poinet</i> – bush buck,	21. <i>Konokiot</i> - baboon
11. <i>Putyeito</i> – warthog,	22. <i>Meliilsegut</i> - Cheetah

## Ogiek Prayer

*Tororo ripe-ech, Konech konye-eg  
Konyeg oop samak, Konech panda nemocheygei  
Tororo konech konye-eg op koriron  
Ripwech timtonyon, emenyon nepo  
Tirap, Tirap, Tirap nemi Tegeltit  
Emetop sasaondet, Emenyon nepo Setyot,  
Emenyon mo-o netepes  
Tororo konech lagog, konech komeg  
Konech konyegap ongweg,  
Ripwech mosotig, poponik, murguywet,  
Ripwech moingonigchog po mogonjog  
Konech keldop kugo nimokinochiy  
Tororo rip kotop Ogiot  
Tororo tomoyon kotop SOGOOT  
Sere! Sere! Sere!*

(Ogiek prayer by Daniel Kobei)



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