Summary of “Sweet Are the Waters” by Diana Takácsová

This thesis explores the struggles of the Ogiek people, one of East Africa’s last hunter-gatherer communities, mainly living in Kenya’s Mau Forest and the Mount Elgon ecosystem. It centers on the 2017 landmark ruling of the African Court on Human and Peoples’ Rights, which declared that the Kenyan government had violated the Ogiek’s rights to property, cultural life, wealth, natural resources, and development. The research asks how forest preservation and the Ogiek’s right to development can be achieved amid the growing land pressure on the Mau Forest Complex. The study’s objectives include examining how the Ogiek articulate land claims versus the Kenyan government’s response, exploring the right to development, and investigating the significance of the African Court’s ruling.

Before colonialism, the Mau Forest was managed by Indigenous communities, including the Ogiek, under traditional systems enforced by elders. Colonial land laws disrupted this, beginning with the British declaration of Kenya as a Protectorate in 1894 and followed by the Crown Lands Ordinances, which dispossessed communities and prioritized European settlers. Key colonial actions included the 1902 Crown Lands Ordinance and the 1915 amendments, which effectively transformed occupied lands into Crown Lands. The Carter Commission in 1932 denied African land ownership rights, and the Native Trust Ordinance in 1938 transferred control to the state. Post-independence, Kenya’s elites used land allocation for political patronage, deepening inequalities. Forest lands were often degazetted and distributed, increasing deforestation and marginalization of Indigenous peoples.

The Mau Forest Complex is Kenya’s largest montane forest and a vital water catchment area. It supports rivers flowing into Lake Victoria, the Maasai Mara, and the Serengeti. Challenges include population growth, agricultural expansion, logging, tea production, and commercial plantations. Government-sanctioned settlement schemes, often mismanaged, and infrastructure projects like the Itare Dam have further degraded the forest. These pressures have led to environmental degradation and reduced biodiversity, threatening the livelihoods of communities like the Ogiek.

The Ogiek, whose name means 'caretaker of animals and plants,' have traditionally hunted, gathered, and practiced beekeeping in the Mau Forest. They have a deep cultural and spiritual connection to the land. Colonial and post-colonial governments marginalized the Ogiek through evictions, beginning in 1903 and continuing under various legal pretexts. Despite their resilience, the Ogiek were often excluded from formal administrative structures and land right allocations. In the 1990s and 2000s, settlement schemes promised to benefit the Ogiek but often enriched elites and outsiders. Conservation programs like the Kenya Indigenous Forest Conservation Programme (KIFCON) displaced them further.

The Ogiek resisted through lobbying, protests, and legal action. They filed a High Court case in 1997, which stalled, and took their case to the African Commission on Human and Peoples’ Rights in 2009. With support from NGOs, they reached the African Court, which ruled in 2017 that Kenya violated their rights to property, culture, development, and natural resources. However, implementation has been slow, and evictions have continued. The research used a case study approach, combining participant observation, interviews, documentary photography, and collaborative visual practices, grounded in modernization theory, land grabbing, and alterglobalization frameworks. The thesis argues that the Ogiek’s struggle reflects two competing worldviews: neoliberal development versus Indigenous self-determination and environmental stewardship. It calls for implementing the court ruling, addressing structural inequalities, and valuing Indigenous knowledge systems to ensure just and sustainable development.