

ETHICS, POLITICAL CONJECTURES AND SOCIALIZATION: A CASE STUDY OF POLICY ENTREPRENEURSHIP ON THE CONVERSATION OF MAU FOREST COMPLEX IN KENYA

OSCAR SIEMA MMBALI

Graduate School of Public Administration National Institute of Development Administration,
Thailand

e-mail: mmbali76@gmail.com

This is a case where the government risked public support to save the environment. The government broke the law by disobeying human rights law in order to enforce the environmental policy. Implementers also disobeyed court orders in order to enforce executive decrees. Taking this event as a case study, the purpose of this study was to analyze what politicians tell the public during major political crisis and its implications on environmental ethics and political socialization. Document Analysis and hermeneutics were used in data collection and analysis. Themes emerging from the study include concern for livelihoods; the basis for justifying eviction policy; obedience to the rule of law and concern for sustainable development; resettlement; compensation; and political leadership in environmental policy.

Key words: ethics, policy, environment, Kenya.

Etika, političke konjunktive i socijalizacija: istraživanje slučaja poduzetničke politike konzerviranja šumskog kompleksa Mau u Keniji. To je slučaj gdje je vlada dovela u opasnost javnu podršku za očuvanje okoliša. Vlada je prekršila zakon ne poštujući ljudska prava u cilju snaženja politike zaštite okoliša. Provoditelji su se također oglasili o sudske odluke kako bi pojačali važnost uredbi izvršne vlasti. Razmatrajući taj događaj kao studiju slučaja, ovaj članak hoće analizirati što političari govore javnosti za vrijeme velikih političkih kriza i koje su implikacije toga za etiku okoliša i za političku socijalizaciju. Dokument Analiza i hermeneutika koristio se kao izvor činjenica i analize. Teme koje proizlaze iz istraživanja uključuju: brigu za dovoljan prihod, osnovu za opravdanje politike obezvlašćivanja, poštivanje vladavine prava i skrbi za održiv razvoj, preseljavanje, kompenzaciju, te pitanje političkog vodstva u politici zaštite okoliša.

Ključne riječi: etika, politika, okoliš, Kenija.

INTRODUCTION

The word ethics refers to the following questions: (1) What we should do? And what we should not do? (2) Why we should do what we should do? And why we should not do what we should not do? This means that ethics is about action or behavior and the rationale behind that action or behavior. Therefore to talk about ethics, we need to understand human action or behavior and be able to explain why

human beings act or behave the way they do under normal or particular circumstances.

Some of the ethical questions that emerge from environmental issues include whether the present generation should conserve the environment or not; whether it is right to destroy forests in order to create economic opportunities for the people; whether human beings are justified to

endanger the survival of the ecosystem; and whether a group of people living in a particular place is justified to use natural resources in ways that cause major externalities to other people. While these maybe intellectual questions to debate in classroom or conference halls, they are real policy dilemmas government struggles with, when taking policy action to regulate the use of natural resources. Government policy to protect forests may result to major socio-economic losses to forest adjacent or dependent communities. When this is politicized, it may turn out a major political pitfall for that particular government, even to the extent of losing political support.

When such struggle is taking place; policy entrepreneurs have the opportunity to add voice to the debate. Political entrepreneurs are important in public policy process, because policy issues do not just happen. They are strategically constructed based on interests. They are also dramatized and magnified in order to attract public support. This is because policy process is an arena of political engagement between various political actors such as politicians, lawyers, lobby groups, think tanks, and academics. These activities take place in a political arena where politicians seek to keep their names popular among voters. They use public appearances, speeches, and press releases to create a favorable image of themselves by saying something that they expect will please people. Some for instance will act as if they are fighting for the public, or for the interests of a particular vulnerable group of society. When doing so, they use statements that sound appealing to the people. Sometimes political entrepreneurs will capitalize on people's problems in order to challenge and demonize their opponents, while in real sense they don't mean it [1]. What these politicians say under such particular circumstances is the focus of this study.

In order to morally justify such a policy, win citizen compliance, and gain the wider policy acceptability; government must ensure that its policy values are accepted as important and desirable. Government may for instance justify that the wider environmental goals are important than immediate extraction of non-renewable forest products, or mass destruction of forests. However, this may only succeed if the values of the policy are in harmony with the value system and beliefs of the affected forest dependent communities as well as other actors in the policy process [2]. Achieving such an agreement in Kenya is usually difficult. Over the past decades, government has used forceful eviction of communities living or conducting economic activities in forest land. In some of these cases, government gives notices to citizens which are often ignored. Such cases cause political conjunctures.

Political conjunctures often shape the political climate of a country. They influence voting patterns, public support, and to an extent the political life and culture of a given country. The concept of political conjuncture is relatively new concept in political theory and thought. It refers to a prevailing situation probably a negative one, which prevails in a particular context, in ways that influence policy decisions or climate of that country. French revolution changed the politics of France, American civil war shaped American democracy. While in some countries, political conjunctures are major political events like civil war and revolutions, in some countries, they involve major political stalemates, and conflicts, which do not necessarily reach the civil war threshold, but influence the values of public policy, economic, social, and political life of a country. Some of such cases may be for instance major political crisis that leads to comprehensive national reforms, and influences the shift in leadership from one political party to another. This is because the

political system is vulnerable to socio-economic forces from the environment [3]. This study focuses on the Mau Forest Complex crisis.

Political conjectures thrive in a participant political culture. This is because in a participant political culture, people understand that they are citizens, and therefore they pay attention to politics. Usually, citizens in a participant political culture are proud of their country, and are willing to discuss political affairs of their country. Because they believe they can influence politics, they sometimes organize protests, when they feel something is unfair. These people demonstrate that they have political input. They vote, actively engage in civic actions and have a long tradition of discussing politics at family and community level [4]. The participant political culture is common in democracies. This culture is active in Kenya.

ETHICS AND PUBLIC POLICY

Philosophers have for decades recognized the place and role of ethics in public life. Aristotle for instance discussed issues such as moral virtues, honesty, courage, temperance, and responsibility. Immanuel Kant discussed duty-based ethics which assumes that it is ethical for humans to be duty bound to do the right thing. John Stuart Mill on the other hand discussed utilitarian ethics asserting that one can know if an act is right or wrong only by its consequences [6]. These philosophies have laid ground for concepts of ethics to be applicable to organizational context whether it is the public or private sphere. This is because where a collection of people are performing to attain specified goals, there will definitely be ethical issues to deal with. However, this focuses on ethics in public sector organizations.

Political conjectures are not only opportunities for policy entrepreneurship, but also for political socialization. In political socialization, the elite, charismatic leaders, or political models teach the masses political values and what to do next time this or that happens. Showing obedience or rebellion to authorities, pledging loyalty or allegiance, resistance and negotiation are some of the practical lessons that are passed on to the masses, or shared among peers in political socialization. Children as they grow up pick political lessons from public events. Parents influence their children's political culture. School values for instance speaking one national or official language or ethnic integration are aimed at building national political values. Government through public policy authoritatively allocates values to the whole society [5].

There are two theoretical approaches to understanding ethics: (1) Act-Oriented theoretical approach and (2) Character-oriented theoretical approach [7].

Act-oriented theoretical approach to ethics: Act oriented theoretical approach can be categorized into two categories namely: consequentialist approach to ethics and rule based approach to ethics. According to the consequentialist approach, individuals make choices after calculating the consequences for instance, a child chooses to cry, is he/she knows that the parent will pay attention. In consequentialism, human action can be categorized into three types: (1) egoism (I do this just for myself); (2) Group consequentialism (I do this for my family, friends, my religion, or country); and (3) Utilitarianism (I do this for everyone, or for all existing things). In rule oriented approaches to ethics, people act only

because the rules demand so. This means that even if you believe differently or don't like it, you must do it because the law requires you to do so. In religion or morality for instance, Buddhists will do certain things because of the law of Karma. Christians and Jews will follow the 10 commandments

because God says so, while Muslims will follow sharia because Quran say as so. In trial, a judge may sympathize with an individual found guilty, and even feel that if it were his/her will the accused would be set free, but then the judge decides to sentence the accused to jail, because the law says so.

Ethical Theories/Approaches	Meaning & Examples	Application
Consequence based approach (Consequentialism)	You choose to act in a certain way, because you know the consequences (pleasure, pain, benefit, loss, or nothing)	Before you act you ask: What will I get out of it? What will happen if I do this? What will others say, feel or think I do this?
Rule based approach (Deontology)	You choose to act the way rules say, because the law says saw (duty, justice, that is the law,	Before you act you ask: What does the law say? What is the procedure? What are the rules?
Character based approach	It is about virtue for instance religion or status (parent, elder, leader),	Before you act you ask: What kind of person should we be? Who am I?

Character-oriented the theoretical approach to ethics: Character-oriented the theoretical approach to ethics is about theories that emphasize virtue. In this case, individuals act after asking the question: what kind of person do I want to be? This means that individuals under certain circumstances think, feel, and act in certain ways. They do this because they are aware of the moral goodness or the sense of worth of a person. In character oriented approach to ethics, we think of things like personal sense of dignity, identity. Virtues are not innate, they are cultivated. They are contagious or can be passed on from one individual to another, through socialization or culture/value sharing activities. We learn what is good or bad. When we observe virtuous persons, we feel, learn to act, and behave like them. In character oriented approach to ethics, we don't see life as a means to an end, but as an end in itself. Sometimes we do things because of who we are not because of what we expect to get out

of it. Parents just love their children not because of what the child do to them, or because of what they expect the children to give them, but just because that is what it means to be a parent.

If we think of ethics in the context of public policy, we can see a country, government, a state department or workplace as an arena of action. Systems theory of public policy portrays government as a system responding to the demands from the environment [8]. Public policy is defined as government's action or inaction, which is what governments choose to do or not do [9]. In this case, ethics is an integral part of public policy and administration. It is also important to note that when we think of ethics in the public sector, we take in mind that government is the only entity with legitimate authority to enforce ethics to the whole society. This means public policy entails regulatory activities. This is what is called authoritative allocation of values to the society [10]. Therefore, the understating

of ethics in light of public policy and administration emphasizes the role of government or the state to use its authority, legitimacy, and machinery to allocate values to society.

Rational choice theory assumes that people's behavior is shaped by calculating the costs and benefits of their actions. One of the components of rational theory is deterrence theory, which assumes that people break the law if the benefits of breaking the law outweigh the costs. If people see that crime results in undesirable punishment, they will choose not to commit such crime. This is the theories that underlie regulatory policies, for instance increase in the level or weight of punishment for particular offenses in order to reduce the rate of those offenses. In ethics, heavy punishment for corruption cases can be introduced in the law, in order to reduce the rate of corruption, for instance increasing the maximum and minimum jail sentences. The other theory is symbolic interactionism theory. This theory assumes that people give meanings to objects, behaviors, and other people. One of the components of this theory is labeling theory, which assumes that people label offenders as deviant, promoting further deviance. This theory explains why people who have been labeled with vices are likely to commit the vice again [11]. It can also explain why people branded with positive image will likely continue to maintain the positive image given to them. This theory underlies public policies that seek alternative to punishment for instance prevention, education, training, and incentives like rewards.

Methodological individualism assumes that to understand social organizations or institutions, we need to analyze individual human action. This is because individuals are the smallest unit of analysis in any organization. This theory assumes that human action is purposive, hence to understand it, one needs to understand the

motivation the individual had in mind, when or before performing that particular act [12]. This means that in order to understand or explain ethics, we need to focus on facts about individuals. This is because what makes an organization are individuals in it. What constitutes the image, behavior, or character of the institution like the police is what individual policemen actually do as individuals, given their own personal motivations [13]. This theoretical view informs the study and application of ethics to focus on individuals when examining ethical behavior, and when generating solutions. One of the policy aspects that arise from methodological individualism is the idea of personal responsibility.

In public policy, control mechanisms are measures put in place by governments or institutions in order to achieve good ethical practices. Governments or independent state agencies create and laws to ensure that the intended ethical practices are followed. There are several motivations for regulating ethical issues.

Political reasons: Government, especially in the democratic setting exists to meet the needs of the electorates. Since government assumes power based on the promise to deliver particular policies, government responds to the demand of the citizens by attempts to make public policy or service better and more effective. Some of the political features that are reflected in policy may not be necessarily features that capture the most critical or fundamental needs of the citizens, but are features that capture high levels of political attention in that particular country and time [14].

Legal reasons: In every respective country, there are evils that have been experienced to a level of national magnitude. Laws are therefore put in place with a view to prevent future occurrences of such evils. In this regard, the best way to protect the interests of the citizens and government is to enact laws that constitute a particular ethos

that can guarantee this if implemented as anticipated.

Economic reasons: Over the recent decades, the market oriented economy, and the increasing and dynamic demands of the citizens' pressure government to adopt public administration models, behavior patterns, and logics that make them more effective in their political obligations, which is to meet the demands of the citizens. Today, governments sectors for instance the civil services are taking new shape, becoming more customers oriented as opposed to the traditional bureaucratic power oriented culture [15]. Just like a firm on the market, governments can either stand or fall based on their competitiveness and their relations with their customers.

Historical/contextual reasons: Every country has its own history or set of experiences that shape its political culture, environment, and content that constitutes the reform agenda. Some of the experiences are similar while others are distinctively unique to that specific context. The idea here is that

history and contextual experience shapes or influences what is given weight or attention in public policy. Historical experiences shape the way public problems are defined and the type of solutions designed to address them [16].

Globalization reasons: Global forces are evident in the events than shape or inform policy in democratic countries. Because countries over the past decades have continued to be part of the global world, where they engage with global political activities and open their national environment for global forces, global forces become part of the national policy process or environment [17]. Global forces for instance in the area of environment have shaped the national policy reform agenda, through engaging individual member countries to commit to the global conventions [18]. These conventions and frameworks enable countries undertaking reforms to adopt particular universal or international features relevant to their reform needs.

MAU FOREST COMPLEX CRISIS AND THE GOVERNMENT RESPONSE

Mau Forest Complex is Kenya's largest forest water catchment base. The value of Mau forest cannot be underestimated locally and internationally. The forest is the source of rivers Nzioa, Yala, Nyando, Sondu and Mara. These rivers flow into Lake Victoria, which is the world second largest fresh water lake and the source of River Nile. River Nile is the longest river in the world flowing into the Mediterranean Sea. From Kenya, the river flows through Uganda, Rwanda, Burundi, DRC Congo, South Sudan, Ethiopia, Sudan, and Egypt. The forest is also the source of river Kerio, which flows into Lake Turkana-the only lake in the semi desert Northern Kenya; river Molo which flows into Lake Baringo; river

Ewaso Nyiro which flows into Lake Natron; and rivers Njoro, Nderit, Makalia, and Naishi which flow into Lake Nakuru [19]. This means that the Mau Forest Complex crisis was not only a national problem, but an international policy problem, given Kenya's international responsibility to conserve the environment. The crisis was even more critical because Kenya hosts the UNEP headquarters.

Initially, the forest was about four hundred thousand acres (400,000). However, between 1996 and 2005, about 100,000 acres of the forest had been invaded and cleared. The destruction of Mau forest was the work of many actors, for instance, forest adjacent communities cleared the forest by extracting

forest resources and selling them to earn income. Distant business people also extracted wood for timber and fuel from the forest, particularly for commercial purposes. Forest adjacent communities began to settle in the cleared areas, while influential people in government were believed to illegally own large sums of forest land, particularly that which was used for large scale commercial agriculture. Attempts to rescue the forest had constantly failed because the beneficiaries from the forest were not only the poor, who extracted fuel wood, charcoal, and non-timber forest products; but also powerful politicians and businessmen who acquired large sums of land from the forest, and traded in forest products at a large scale commercial level. In 1980s, government introduced the *shamba system policy* which allowed forest adjacent communities to farm in the forest, as they tender young tree

seedlings. However with time, this policy was compromised when government began to use it to reward its political loyalists with forest land, in exchange of political support [20].

Adjacent to the forest are communities who rely on the forest for small scale farming, non-timber products, fuel wood collection, grazing and cattle ranching. Inside the forest, is the Ogiek Community, one of Kenya's indigenous communities whose livelihood depends on hunting and gathering. These are the communities that bear the burden of eviction. Past experiences shows that when these families are evicted from forest land, the government does not offer alternative resettlement; these people are exposed to insecurity and become internally displaced persons, until they return to the forest land and begin a new life cycle of destruction [21].

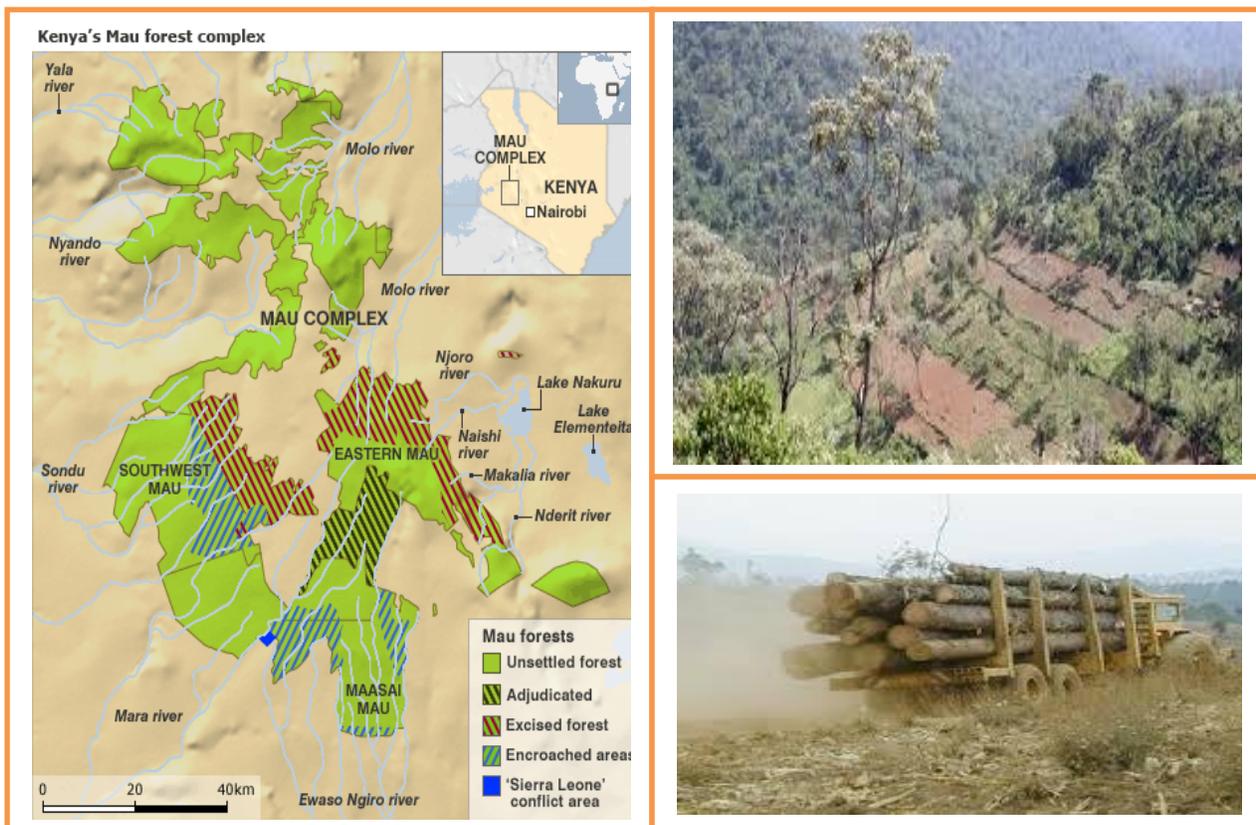


Figure 1. Kenya's Mau forest complex

Slika 1. Šumski kompleks Mau u Keniji

Mau forest Complex crisis reached its climax in 2008. The rivers from the forest were drying up, extraction of the forest products especially timber and charcoal had tremendously increased, and more people were encroaching into the forest, clearing it and illegally acquiring forest land and settling in there. Following pressure from local interest groups and the international community, the Office of the Prime Minister launched the Task Force on the Conservation of Mau Forest Complex (TFCMFC) in July, 2008. The role of the taskforce was to study the situation and recommend policy action [22].

Upon completion of its work, the task force reported in its findings that: (1) About 107,000 acres of forest land had been lost while 46,122 acres had been encroached; (2) Poor management, weak laws, lack of political will and political interference were major barriers in efforts to conserve the forest; (3) The Forest Act of 2005, operationalized in 2007, which was intended to create the Kenya Forest Service-a corporate body to manage forests had not been fully implemented. The task recommended a holistic approach to conserve the forest. The following were some of the recommendations: (1) The lost forest land to be reclaimed for re-forestation; (2) the Forest Act of 2005 to be fully implemented creating the Kenya Forest Service to manage the forest; (3) An inclusive framework to be put in place to bring all stakeholders in the efforts to manage the forest; (4) A multi-dimensional security force comprising of 182 rangers from Kenya Wildlife Service, Kenya Forest Service (a police unit responsible forest security) , and Administration Police to be deployed in the region to stop further forest destruction [23].

When the government launched the policy action, the rangers upon orders from government evicted communities that had settled in the forest. To force the people out

of the forest, houses were burned and destroyed by the security agencies. The sense of urgency was not just because the forest was being destroyed, but also because the USAID and UNEP which had pledged foreign aid to restore the forest required immediate action [24]. These organizations wanted to see work done, as government had promised when requesting for aid. However, government had not made any earlier preparation to resettle people, or put in place any support mechanisms to help people resettle.

About 50,000 people were evicted from the forest even though the Kenyan law prohibits forceful evictions of people. Some of them had official title deeds for the land they owned [25]. The evicted people had nowhere to go. Houses, schools, and health centers were destroyed by the security forces. Therefore, the internally displaced persons settled in open fields along the edge of the forest. Since most of these people are largely poor. They had saved only few essential things they could carry along with them, when rangers invaded their homes, drove them out and burned their houses. They had no tents to live in. Therefore, they build temporary structures covered by leaves and plastic bags. It was Kenya's rainy and wet season in the region. For months, children suffered cold weather, rain, fever, and highland Malaria. There were no health care programs to attend to these people. Children's education was interrupted in the region for months. Women reported sexual assault from security forces. Even though Kenya is a signatory to international human rights law, human rights were deliberately violated in the process of evicting people from the forest. There was no prior consultative process between government and the people. Evictions were carried out without court orders. The court order to halt the evictions was ignored by government [26].

Politically, Mau Forest Complex is part of the wider Rift Valley region of Kenya. Since the beginning of multi-party democracy elections in 1992, the region always votes a block amounting to over 4 million votes. The unity of the community and the politicians in this region has over the past decade, created a powerful political force in Kenya's political decision making. In the current politics, the Rift Valley region has become a political powerhouse, which determines who becomes Kenya's president. In 2007, the Raila Odinga, Kenya's prime minister received a high public support from the region. During the 2008 Mau forest complex crisis, politicians from the region decided to oppose government policy on

Mau. They organized various political rallies in the Rift Valley region in which they criticized the way government handled the situation [27]. This crisis was the genesis of the shift in the political support of the prime minister and his Orange Democratic party. It also polarized the country along ethnic and political party lines.

Therefore, the purpose of this study was to analyze what politicians tell the public during major crisis and its implications on environmental ethics and political socialization. Focus was on the following questions: (1) What do politicians say to the public during crisis? (3) What questions of theoretical importance do these messages indicate?

METHODOLOGY

This study was a qualitative study. The study focused on political rallies and press conferences that were called by politicians to address issues of Mau forest complex crisis. Data was collected from media reports like newspapers, video clips, and special television programs in which political leaders were invited to talk about the Mau Forest complex crisis. Data collection process included: (1) identifying media reports, video clips and television programs with information concerning politicians' messages and speeches on Mau forest Complex crisis; (2) Repeatedly reading and listening to the messages; (2) cutting and sorting important quotes from influential political figures on the Mau Forest Complex crisis; (4) translating the speeches /quotes from local languages to English (5) picking out the interesting or operative phrase in the quotes; and (6) drawing and analyzing themes from the quotes [28].

To generate themes, Theory-Related Material technique was used. Theory-Related Material technique assumes that

what people say contains information of theoretical relevance. Therefore when analyzing data, one is conscious of the way that data illuminates questions of theoretical importance. When analyzing data, one examines what participants say in relation to the context and subject of the study. These types of analysis appreciate both the information that agree with theoretical literature as well as that which contradicts it [29].

To analyze data, hermeneutics was used. Hermeneutics means the interpretive analysis of a text. In hermeneutics, we interpret texts with the purpose of understanding what that texts means to the current situation or to people today. Hermeneutics can be used to interpret both written and oral texts. When doing interpretation, the understanding of the local conditions and language are essential. An example of hermeneutics interpretation today is when the courts interpret the law, in order to address a social, economic, political, or legal problem [30].

THEMES, ANALISYS AND DISCUSSION

Because of the complexities of the interests in the forest, policy entrepreneurship was not only characterized by rivalry, but was also polarized dividing the country between the government and political leaders from the Rift Valley. In the discourse on the question of conserving the Mau Forest Complex, policy entrepreneurs took two sides. On one side was the politicians who spoke for the government and the forest, while on the other side were politicians from the region who spoke for the

Leadership and forest conservation as a fundamental priority

The Priminister Raila Odinga in a press conference said "...the government will not be blackmailed...We cannot allow a few individuals to transform this country into a desert merely because we want to be popular. This ispolitical hypocrisy" [31]. This statement did not undervalue the importance of respect for human rights, and obedience to the law when taking policy action towards conserving the forest. It was meant to emphasize the determination of government to stand firm on its policy and ensure that the forest was conserved, regardless of the politics of blackmail, which were intended to halt the process for the political gains of those who led the anti-conservation movement.

The statement was also made in reference to the culture of political interference in the efforts to conserve the forest. Usually politicians opposing a particular policy in Kenya come together and pressure government to stop adopting or implementing a policy in their constituencies particularly if they think such a policy will interfere with their political support. This statement provided moral support to those tasked to implement forest conservation policy, but also exposed to danger the lives,

victims of eviction, their wellbeing and their rights. It was a discourse that brought to light critical questions regarding how to balance between the value for the forest and the value for human life adjacent to the forest; how to balance between government action towards legitimate owners of land and illegal settlers in the forest; and how to balance between following the court orders or human rights law and following direct executive order.

property, and safety of those who were being evicted from the forest. This policy was an elite driven policy, meaning that it largely reflected the values of the elite rather than the preference of the masses.

Given that the prime minister's statement was in response to the way local politicians criticized eviction policy, the statement reflects the gap between local leadership and national leadership in environment management. Such a case has also happened in Tanzania, where the implementation of participatory conservation strategies was influenced by power relationships between State and community actors. This case shows that conservation strategies are not really participatoryhence the actual functioning of forest control is affected by other factors, such as the economic and political interests of the actors involved, and the history of people-state relationships. While participation ideally looks like a good thing, when it is implemented, the involvement of local people in decision making interferes with the traditional decision making power process leading a more complex process of environment management [32].

Resettlement policy as an alternative long-term solution to forest encroaching

The importance of consulting with local leadership in forest management, particularly for the sake of the welfare and rights of local people was also emphasized by the former President Moi who said ‘... I am retired but not tied lipped...these people who come from outside rift valley to order the way things should be here. ..Don’t we have men and leaders here? You must consult and discuss resettlement... you can’t evict people like the cat and the rat?’” The concerns for resettlement and human rights in environment management in Kenya have always been ignored. Whenever eviction policy is used, there are worrying reported cases of human rights abuse. The statement by former president, brought to light the importance of government to consider

Obedience to the rule of law and concern for sustainable development

The core of sustainable development is to balance between the interests of the environment and those of social and economic development. This view was captured by deputy president William Ruto who argued that “...Because the forest is important, people’s lives are important too. Therefore those Kenyans living in Mau will only leave the forest when they are shown where to resettle.” [33]. Ruto was speaking in a political rally in the Rift Valle region. His argument was a response to governments’ insistence on evicting people, without realistic plans to resettle them. By doing so the government was breaking the law. Literally the implementation of the eviction policy was the act of government to break one law in order to implement the other.

The problem of government breaking the law when implementing public policy has become a common problem. This

human rights when adopting and implementing environmental policy. The problem of eviction policy as a deterrence policy is the essence that the pain inflicted on human life, even though not legally justified will prevent people from further destroying the forest. However, concerns are raised over extreme acts such as assault, destruction of hospitals and schools, and sexual abuse of women during eviction operation. The question what value does this have on environment is puzzling. If the ultimate goal is to sustainably conserve the environment, I doubt whether punishing people in such brutal way would positively motivate them to support forest management and willingly invest in environment management programs.

challenge makes it impossible to deal with major issues, without diverging political attention and support for good policies. Destroying people’s property and denying to compensate them when the law says so raises concerns whether there was a real genuine intention to sustainably conserve the environment, or whether the goal to conserve the environment was compromised in order to carter for other political interests. In the long run, state driven violence socializes citizens to become rebellious and reduces the legitimacy of government to sustainably address policy issues regarding sustainable development.

For political leaders from the Rift Valley, the need for government to follow the law was very critical in the efforts to conserve the Mau forest. Emphasis on the rule of law was based on the historical tendencies of security agencies tasked with eviction policy violating human rights. This

emphasis brought to light lack of a comprehensive environmental plan in national environment policy and management. Senator Moi, while addressing a rally in the region argued that "...If they want to evict people, they must follow the law, compensation and resettlement. You

Eviction Policy Justified

On the side of government were politicians who argued that government did the right thing to adopt and enforce the eviction policy. They saw eviction policy as a necessary evil that had prospects for solving the problem. Heritage Minister William Ole Ntimama argued "In Mt. Kenya, people were evicted from the forest without compensation. Why not those leaving in Mau...what is so special with the people leaving in Mau?" [36]. Ntimama's argument was based on the view that government has always used the eviction policy to protect forests, for instance Mt. Kenya forest. In this case, he saw no reason given to the public why government would not do that in the case of Mau forest. Ntimama's justification of the eviction policy was the idea that government is justified to do this, because that is what it has always done in such situations. This indicates that the tendency of government to break the law had over time been justified to an extent that those in government saw it as a "legal way" of addressing environment problems.

Another reason for justifying eviction was that local leaders from the region as stakeholders had refused to cooperate with government on the strategy on the conservation of the forest. In this case, government saw the need and urgency to exercise its coercive power to implement the policy. Forestry and wildlife minister Noah

say our people should be evicted from the forest... will we accept that? We will not" [34]. Governor Ruto in a press interview supported the view saying "The law states that you cannot deprive somebody his property without adequate compensation" [35].

Wekesa in a press interview said "I have received reports from my officers who are in the taskforce saying that some stakeholders from the region have refused to sign the final report of the taskforce" [37]. The minister said this to justify the need to evict people from the forest. It is important to remember that not all people who had settled in forest land had done so illegally. Some had bought the land through a legal process and had been given title deeds by government. The eviction policy did not distinguish between those who legally acquired the land and those who did not.

However, what cannot be explained is the human rights abuses executed during the eviction. Government was always aware that whenever eviction policy was carried out, human rights were violated and property destroyed. This is because government had done this so many times and the consequences were clear. Also in question is real motive behind the sense of urgency. It is true that government felt the urgency to save the forest, such that it had to do it without proper planning? What was so difficult to spend some months and come up with a comprehensive resettlement and compensation plan that would result to minimal human harm? Was the abuse of human rights and the destruction of private property worth the cost of saving the forest? Or was it just another political game?

Concern for Livelihoods in the environmental policy

While the idea of taking into account livelihood concerns for the forest adjacent communities has been in the environmental discourse for a while, the practicality of governments to actually implement it remains a challenge. Prof. James Ole Kiapi while responding to the eviction policy during press interview argued that “You don’t just protect the forest. You also look at

the livelihoods of those who depend on the forest” [38]. The government has over the decades not realized the need to consider the livelihoods of the forest adjacent communities, when designing and implementing environment policies. This undermines the sense of ownership and corporate responsibility in environment management.

CONCLUSION

In 2008, the government evicted communities living in Mau forest land. Mau forest is the largest water catchment tower in Kenya. Its destruction would endanger the lives and biodiversity in Kenya, Uganda, Tanzania, Congo, Burundi, Rwanda, South Sudan, Ethiopia, and Egypt. This is because major rivers in these countries flows from this forest. The eviction turned into a major political crisis that divided the government and soon changed the political climate of the country. Taking this event as a case study, the purpose of this study was to analyze what politicians tell the public during major political crisis and its implications on environmental ethics and political socialization. Focus was on the following questions:

(1) What do politicians say to the public during crisis? (2) What questions of theoretical importance do these messages indicate? The findings of this study indicate that while politicians have their own interests, the major problem has been the way government has handled the forest and environment issues for decades. The approach to addressing forest destruction problems have been wanting. Themes emerging from the study include concern for livelihoods; the basis for justifying eviction policy; obedience to the rule of law and concern for sustainable development; resettlement; compensation; and political leadership in environmental policy.

REFERENCES

[1] Dye, Thomas R., *Understanding Public Policy* 13th edition, Longman, Boston (2011)

[2] Soderholm, P. 2010. *Environmental Policy and Human Behavior: Sustainability and Everyday life*. London: Earthscan

[3] Olga, Priymak, *Conceptual Basis of Political Conjecture*, Petro Mohyla Black Sea State

University, <http://scaspee.com/6/post/2013/1/conceptual-basis-of-political-conjecture-priymak-o.html> (2/26/2014).

[4] Roskin Micheal G., Robert L. Cord, James A. Medeiros, and Walter S. Jones, *Political Science: An Introduction*, 9th edition. New Jersey, PEARSON, (2006)

- [5] Roskin Micheal G., Robert L. Cord, James A. Medeiros, and Walter S. Jones, *Political Science: An Introduction*, 9th edition. New Jersey, (2006)
- [6] Martinez, J.M., Richardson, W.D., *Administrative Ethics in the Twenty-first Century*. New York, Peter Lang Publications (2008)
- [7] Hinman, L. 2012. Ethics and the Frontiers of Science and Technology. University of San Diego. ethics.sandiego.edu/.../Science/Ethics%20at%20t (2/22/2014)
- [8]. Anderson, J.E., *Public Policy Making*. 5th edition. Boston: Houghton Mifflin Company (2003)
- [9]. Dye, T.R., *Understanding Public Policy*. 13th edition. Boston: Longman (2011)
- [10] Dye, T.R., *Understanding Public Policy*. 13th edition. Boston: Longman (2011)
- [11] Bachman Ronet and Russel K. Schutt, *Fundamentals of Research in Criminology and Criminal Justice*, Los Angeles: SAGE (2012)
- [12] Understanding Society.2012. Methodological Individualism Today. <http://understandingsociety.blogspot.com/2012/11/methodological-individualism-today.html> (2/25/2014)
- [13] Little, N. 1991. *Varieties of Social Explanation: An Introduction to Philosophy of Social Science*. Colorado: Westview Press
- [14] Campel, Andrea Louise, Excerpt from *How Policies Make Citizens: Senior Political Activism and the American Welfare State*, Princeton University Press (2003)
- <http://www.hks.harvard.edu/inequality/Seminar/Papers/Campbell.pdf> (2/27/2014)
- [15] Beniers, Klass J. and Robert Dur, Politicians Motivation, Political Culture and Electoral Competition, CESIFO Working Paper No. 1228, Category 2: Public Choice (2004) www.CESifo.de (2/27/2014)
- [16] Lafont Christina, Deliberation, “Participation and Democratic Legitimacy: Should Deliberative Mini-publics shape public policy,” *The Journal of Political Philosophy* (2014). Pp.1-24
- [17] Mubangizi, J.C., “Democracy and development in the age of globalization: Tensions and contradictions in the context of specific African challenges,” *Law, Democracy & Development Law Journal* (2010), pp.1-14
- [18] Esty Daniel, C. and Maria H. Ivanova, Globalization and Environmental Protection: a Global Governance Perspective. Global Environmental Governance: the Post-Johannesburg Agenda 23-25 October 2003 Yale Center for Environmental Law and Policy New Haven, CT. <http://www.yale.edu/gegdialogue/docs/dialogue/oct03/papers/Esty-Ivanova.pdf> (2/27/2014)
- [19] UNEP, KWS, KFWG; Ewaso Ngiro South Development Authority: “Mau Complex under Siege: Values and Threats” (2008)
- [20] Wafula NABUTOLA, MSc. Republic of Kenya “The Mau forest: Kenya’s largest water tower: a perfect model for a sustainable development project?” http://www.fig.net/pub/fig2010/papers/ts02e%5Cts02e_nabutola_4755.pdf(2/26/2014)
- [21] Ochado, R.M., The Socio-Economic Impact of Deforestation and Eviction: A

Study of the Ogiek Community of the Mau Forest, Kenya, (2014)

<http://sociology.uonbi.ac.ke/node/4466>
(2/26/2014)

[22] Republic of Kenya, Report of the Prime Minister's Task Force on the Conservation of the Mau Forests Complex. May 2009, Nairobi Kenya. Republic of Kenya.

http://www.kws.org/export/sites/kws/info/maurestoration/maupublications/Mau_Forest_Complex_Re (2/27/2014)

[23] Republic of Kenya, Report of the Prime Minister's Task Force on the Conservation of the Mau Forests Complex. May 2009, Nairobi Kenya. Republic of Kenya.

http://www.kws.org/export/sites/kws/info/maurestoration/maupublications/Mau_Forest_Complex_Re (2/27/2014)

[24] Republic of Kenya, Rehabilitation of the Mau Forest Ecosystem A Project Concept prepared by the Interim Coordinating Secretariat, office of the Prime Minister, on behalf of the Government of Kenya (2009).

http://www.kws.org/export/sites/kws/info/maurestoration/maupublications/Mau_Forest_Complex_Conce (2/27/2014)

[25] Amnesty International, Centre on Housing Rights and Evictions Kenya Land Alliance, Hakijamii Trust, and Kenya National Commission on Human Rights, Nowhere to go Forced Evictions in Mau Forest, Kenya.

<http://www.knchr.org/Portals/0/GroupRights/Reports/Mau%20Forest%20Evictions%20Report.pdf> (2/27/2014)

[26] Amnesty International, Kenya: Thousands forcibly evicted from Kenya's forests, Public Statement.

<http://www.amnesty.org/fr/library/asset/AFR>

[32/007/2007/fr/2605da20-d38d-11dd-a329-2f46302a8cc6/a\(2/27/2014\)](http://www.standardmedia.co.ke/?articleID=2000090048)

[27] Kipchumba Kimei, Fresh fears over Mau Forest as more squatters, loggers invade (4th August, 2013)

<http://www.standardmedia.co.ke/?articleID=2000090048> (2/27/2014)

[28] Roskin Micheal G., Robert L. Cord, James A. Medeiros, and Walter S. Jones, *Political Science: An Introduction*, 9th edition. New Jersey, PEARSON, (2006)

[29] Bernard Russel, H. AND Gery W. Ryan, *Analyzing Qualitative Data; Systematic Approaches*, Los Angeles: Sage (2010)

[30] Bernard Russel, H. AND Gery W. Ryan, *Analyzing Qualitative Data; Systematic Approaches*, Los Angeles: Sage (2010)

[31] Raila Odinga, Mau Forest (2008) NTV. <http://www.youtube.com/watch?v=b9-92w8EE4Q> (2/16/2014)

[32] Heini Vihemäki, "Politics of Participatory Forest Conservation: from the East Usambara Mountains, Tanzania," *The Journal of Transdisciplinary Environmental Studies* vol. 4, no. 2, (2005). pp 1-16

[33] William Ruto, Mau Forest (2008). KTN

<http://www.youtube.com/watch?v=4tgtPefsTRc> (2/24/2024)

[34] Gideon Moi, Mau Forest (2008). KTN. <http://www.youtube.com/watch?v=XZq9xjB7Tke> (2/26/2014)

[35] Isaac Ruto, Mau Forest (2008). CITIZEN TV.

http://www.youtube.com/watch?v=8L4V_F7kgoI (2/25/2014)

[36] William Ole Ntimama, Mau Forest.
(2008). CITIZEN TV.
http://www.youtube.com/watch?v=8L4V_F7kgoI (2/13/2014)

[37] Noah Wekesa, Mau Forest (2008).
CITIZEN TV.

http://www.youtube.com/watch?v=8L4V_F7kgoI (2/24/2014)

[38] James Ole Kiapi, Mau Forest (2008).
CITIZEN TV.

http://www.youtube.com/watch?v=8L4V_F7kgoI (2/24/2014)