

Country/entity Kenya

Region Africa (excl MENA)

Agreement name Tana 1 Declaration

Date 27 Apr 2016

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/local conflict

Kenyan Post-Electoral Violence (2007 - 2008)

The conflict emerged as post-election violence. After the incumbent President Kibaki was declared the winner of the Kenyan presidential elections in December 2007, complaints of fraud and a structural disadvantage affecting his competitor Raila Odinga lead to outbreaks of severe ethno-political violence. After the first incidents in the Rift Valley region, mainly directed against the Kikuyu ethnic group – the traditional powerbase of Kibaki – the fighting spread to the cities of Nairobi and Mombasa. After two months, Kibaki and Odinga agreed on a power-sharing agreement that granted Odinga the post as a Prime Minister and ended the violence.

Close

Kenyan Post-Electoral Violence (2007 - 2008)

Stage Framework/substantive - partial

Conflict nature Inter-group

Peace process Kenya Local Agreements

Parties	<p>Elders from Ganole, Tana River County</p> <p>Bakari Kiragu Chairman, 1397601, Gaza Gwano</p> <p>Hussein Ahmed Soya, Peace coordinator, 1 0971308, Zu baki</p> <p>Mohamed Akare Berhe, Chairman, 0169613, Mikinduni</p> <p>Bakari D. Wachu, Vice Chairman, 12728516, Kinakomba</p> <p>Lilian Bahati, Peace Member, 9769704</p> <p>Roselsack, Peace treasurer, 8297152</p> <p>Maro Ade Dae, Chairman, 0168747</p> <p>Said Buya Mbarak, Chairman, 0173489</p> <p>Hussein Ilu Bahola, Chairman, 0649873</p> <p>Rhova Uleo Bubu, Chairman, 0168506</p>
	<p>Elders from Ijara, Narissa County</p> <p>Adan Ismail Abdi 0538945</p> <p>Nasir Bare Dabav 30978292</p> <p>Mursal Mohamud Mohamed 0541489 Hassan Aden</p> <p>Ali Omar Muhumed 0546532 Abdikarim</p> <p>Aden Ali Abdi 0035166 Mahat Abdalah</p> <p>Ahmed Abdi Maalim 0028883 Abukuradan</p> <p>Hussein Bulle Aden 3915490 Sentalis (Ekal)</p> <p>Ali Abdi Hussein 1262811 Suleiman</p> <p>Bashir Dahir Dagane 0192024 Hassan Aden</p> <p>Dubat Ali Amey 0191803</p>
Third parties	<p>Isaiah Nakru, County Commissioner, Tana River</p> <p>James Kianda, County Commissioner, Garissa County</p> <p>Kennedy Lunalo, Deputy County Commissioner, Galole Sub-county</p> <p>Julius Too, Deputy County Commissioner, Ijara Sub-county</p> <p>Mohamed Nassoro Bochani, Chairman of Tana River County Peace Committee</p> <p>Professor Gitile Naituli, Commissioner, NICC (National Cohesion and Integration Commission)</p> <p>Adan Mohamed, Commissioner, NICC (National Cohesion and Integration Commission)</p>
Description	<p>Relates to a farmer-pastoralist conflict around the Tana River and Garissa Counties.</p> <p>Provisions largely relate to restoration of losses through theft of livestock as well as access rights to water.</p>

Agreement document	KE_160427_TANA 1 DECLARATION REPORT - 28TH APRIL 2016 (1).pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
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Disabled persons	No specific mention.
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Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	<p>Groups→Racial/ethnic/national group→Rhetorical Page 4, Good Leadership and Governance ...THAT both communities and their leaders should desist from using demeaning and derogatory language against one another</p> <p>Page 4, Good Leadership and Governance ...THAT politicians/individuals be closely monitored for hate speech and incitement and subsequently charged for the same in a court of law</p> <p>Page 4, Good Leadership and Governance ...THAT the NCIC strengthens its efforts in monitoring and enforcing hate speech and incitement offences</p>
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights	No specific mention.
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Socio-economic rights	No specific mention.
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Rights related issues

Citizenship	No specific mention.
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Democracy	No specific mention.
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Detention procedures	No specific mention.
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Media and communication	No specific mention.
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Mobility/access	No specific mention.
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Protection measures	No specific mention.
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Other	No specific mention.
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Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts	No specific mention.
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Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources Page 2, Farmer-Pastoralist Conflict
...THAT all communities regardless of their origin access the Tana River as access to water is a right enshrined in the Constitution

Page 2, Farmer-Pastoralist Conflict
...THAT access to the water resource should not be at the expense of other communities' livelihoods

Page 2, Farmer-Pastoralist Conflict
...
THAT all MALKAS/water corridors should be identified and demarcated

Page 3, Farmer-Pastoralist Conflict
...
THAT both county governments of Tana River and Carissa should initiate and fast track the process of passing by-laws that will designate and demarcate MALKAS/water corridors
THAT farmers should refrain from encroaching the designated MALKAS/water corridors

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Other land rights
Page 3, Farmer-Pastoralist Conflict

...

THAT both county governments of Tana River and Carissa should initiate and fast track the process of passing by-laws that will designate and demarcate MALKAS/water corridors

THAT farmers should refrain from encroaching the designated MALKAS/water corridors

THAT both County governments should explore the possibilities of constructing/
harnessing additional watering points

THAT pastoralists should graze their livestock only on designated areas

THAT grazing committees and relevant traditional governance structures should always be involved in resource use, sharing and management as well as in dispute resolution.

THAT farmers and pastoralists that have entered into grazing agreements should honor the agreements so established

THAT both parties must respect the rule of law and report any breach to the authorities

THAT all parties shall embrace dialogue and traditional dispute resolution mechanisms.

THAT all animals including donkeys should not be left unattended while grazing

II . Boundary and Land Related Issues

THAT county boundaries be respected by all parties

THAT those using boundary issues as an excuse to divide Kenyans will be prosecuted and face the full force of the law

THAT both communities should live in their areas peacefully and feel free to move across the boundary

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

Security Guarantees

Page 4, Security

THAT community members assist the security officers by volunteering and sharing information on criminal activities

THAT anyone who provides potentially sensitive/risky information shall be provided with protection in accordance with the Witness Protection Act

THAT all foreigners and immigrants should report to the respective authorities including chiefs, elders, nyumba kumi committees amongst others

THAT the police carry out thorough investigations, arrest and prosecute the criminals according to the laws of the land and all ongoing police investigations should proceed to its logical conclusions

Ceasefire

No specific mention.

Police

Page 4, Security

...

THAT the police carry out thorough investigations, arrest and prosecute the criminals according to the laws of the land and all ongoing police investigations should proceed to its logical conclusions

THAT law enforcement agents observe the Public Officer Ethics Act while carrying out their duties.

THAT public officers from both Tana River and Garissa that do not effectively discharge their duties should be disciplined

THAT National Police Reservists from either County shall work within their assigned areas and only move out of their respective assigned areas with the authority of their superiors

THAT security agents be proactive in responding to conflicts through intelligent policing

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces

No specific mention.

Withdrawal of foreign forces

No specific mention.

Corruption

No specific mention.

Crime/organised crime

No specific mention.

Drugs No specific mention.

Terrorism No specific mention.



Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 2, Farmer-Pastoralist Conflict
...
THAT compensation to the livelihoods of both the farmer and pastoralist communities should be done in case of any losses/destruction. The aggressor should take full responsibility in compensating the aggrieved parties

Reconciliation Page 3, Enhancement of Peaceful Co-existence and Harmonious Living
THAT we forgive each other for wrongs done in the past without conditions whatsoever, and forge ahead in unity.
THAT all communities together with their leaders should respect every individual and property

THAT the county governments of Carissa and Tana River enhance and strengthen the infrastructure for peace in the counties including and not limited to funding of peace building and reconciliation activities in their respective counties.THAT all actors work together to end hostilities and conflicts along the common border of our counties and conduct continuous community dialogue in order to address issues of mutual interest without resorting to violence

THAT with the support of other peace and reconciliation stakeholders conduct more peace meetings at the grassroots level
THAT past community traditional dispute resolution mechanisms be revived, strengthened and enhanced
THAT we strengthen and enhance community interaction through joint inter cultural activities, exchange visits, sporting events, intermarriages and business ventures e.g. through establishment of common markets along the border
THAT peace champions be recognized

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source On file with author
