

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

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))
Stage	Framework/substantive - partial
Conflict nature	Inter-group
Peace process	Kenya Local Agreements
Parties	Elders from Ganole, Tana River County Bakari Kiragu Chairman, 1397601, Gaza Gwano Hussein Ahmed Soya, Peace coordinator,1 0971308, Zu baki Mohamed Akare Berhe, Chairman, 0169613, Mikinduni Bakari D. Wachu, Vice Chairman, 12728516, Kinakomba Lilian Bahati, Peace Member, 9769704 Roselsack, Peace treasurer, 8297152 Maro Ade Dae, Chairm an, 0168747 Said Buya Mbarak, Chairman, 0173489 Hussein Ilu Bahola, Chairman, 0649873 Rhova Uleo Bubu, Chairman, 0168506 Elders from Ijara, Narissa County Adan Ismail Abdi 0538945 Nasir Bare Dabav 30978292 Mursal Mohamud Mohamed 0541489 Hassa n Aden Ali Omar Muhumed 0546532 Abdikarim Aden Ali Abdi 0035166 Mahat Abdalah Ahmed Abdi Maalim 0028883 Abukuradan Hussein Bulle Aden 3915490 Sentalis (Ekal) Ali Abdi Hussein 1262811 Suleiman Bashir Dahir Dagane 0192024 Hassan Aden Dubat Ali Amey 0191803

Third parties	<p>Isaiah Nakru, County Commissioner, Tana River</p> <p>James Kianda, County Commissioner, Carissa 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	Relates to a farmer-pastoralist conflict around the Tana River and Garissa Counties. Provisions largely relate to restoration of losses through theft of livestock as well as access rights to water.

Agreement document [KE_160427_TANA 1 DECLARATION REPORT - 28TH APRIL 2016 \(1\).pdf](#) | [Download PDF](#)

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.

Racial/ ethnic/ national group	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 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 Page 4, Good Leadership and Governance ...THAT the NCIC strengthens its efforts in monitoring and enforcing hate speech and incitement offences
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.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

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	<p>Transitional justice→Reparations→Material reparations Page 2, Farmer-Pastoralist Conflict</p> <p>...</p> <p>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</p>
Reconciliation	<p>Page 3, Enhancement of Peaceful Co-existence and Harmonious Living</p> <p>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</p> <p>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</p> <p>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</p>

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
