

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, Chairman, 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 Isaiah Nakru, County Commissioner, Tana River James Kianda, County Commissioner, Carissa County Kennedy Lunalo, Deputy County Commissioner, Galole Sub-county Julius Too, Deputy County Commissioner, Ijara Sub-county Mohamed Nassoro Bochani, Chairman of Tana River County Peace Committee Professor Gitile Naituli, Commissioner, NICC (National Cohesion and Integration Commission) Adan Mohamed, Commissioner, NICC (National Cohesion and Integration Commission)

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	<p>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</p> <p>Page 2, Farmer-Pastoralist Conflict ...THAT access to the water resource should not be at the expense of other communities' livelihoods</p> <p>Page 2, Farmer-Pastoralist Conflict ... THAT all MALKAS/water corridors should be identified and demarcated</p> <p>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</p>
International funds	No specific mention.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/ rights	<p>Land, property and environment→Land reform/rights→Other land rights</p> <p>Page 3, Farmer-Pastoralist Conflict</p> <p>...</p> <p>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</p> <p>THAT farmers should refrain from encroaching the designated MALKAS/water corridors</p> <p>THAT both County governments should explore the possibilities of constructing/harnessing additional watering points</p> <p>THAT pastoralists should graze their livestock only on designated areas</p> <p>THAT grazing committees and relevant traditional governance structures should always be involved in resource use, sharing and management as well as in dispute resolution.</p> <p>THAT farmers and pastoralists that have entered into grazing agreements should honor the agreements so established</p> <p>THAT both parties must respect the rule of law and report any breach to the authorities</p> <p>THAT all parties shall embrace dialogue and traditional dispute resolution mechanisms.</p> <p>THAT all animals including donkeys should not be left unattended while grazing</p> <p>II . Boundary and Land Related Issues</p> <p>THAT county boundaries be respected by all parties</p> <p>THAT those using boundary issues as an excuse to divide Kenyans will be prosecuted and face the full force of the law</p> <p>THAT both communities should live in their areas peacefully and feel free to move across the boundary</p>
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	<p>Page 4, Security</p> <p>THAT community members assist the security officers by volunteering and sharing information on criminal activities</p> <p>THAT anyone who provides potentially sensitive/risky information shall be provided with protection in accordance with the Witness Protection Act</p> <p>THAT all foreigners and immigrants should report to the respective authorities including chiefs, elders, nyumba kumi committees amongst others</p> <p>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</p>
Ceasefire	No specific mention.
Police	<p>Page 4, Security</p> <p>...</p> <p>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</p> <p>THAT law enforcement agents observe the Public Officer Ethics Act while carrying out their duties.</p> <p>THAT public officers from both Tana River and Garissa that do not effectively discharge their duties should be disciplined</p> <p>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</p> <p>THAT security agents be proactive in responding to conflicts through intelligent policing</p>
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</p> <p>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.</p> <p>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.</p> <p>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</p> <p>THAT past community traditional dispute resolution mechanisms be revived, strengthened and enhanced</p> <p>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</p> <p>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
