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| 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

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 \(opens in new tab\)](#) | [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 | <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 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.
