Conflict Factsheet

Farmer-Herder Violence in the Tana River Delta, Kenya

<table>
<thead>
<tr>
<th>Type of conflict</th>
<th>Intensity</th>
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<tbody>
<tr>
<td>Main</td>
<td>3</td>
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<thead>
<tr>
<th>Conflict Locality</th>
<th>Time</th>
<th>Resources</th>
</tr>
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<tbody>
<tr>
<td>Eastern Africa</td>
<td>2012–2013</td>
<td>Agricultural / Pastoral Land</td>
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More frequent droughts have exacerbated resource conflicts between Pokomo farmers and Orma herders in the Tana River Delta, Kenya. Pressures from outside investors and rising tensions in the run-up to the 2013 Kenyan elections have further fuelled this dispute. The government’s apparent unwillingness to intervene in the conflict has caused additional grievances on both sides and prevented an effective conflict resolution.
Conceptual Model

Climate Change
- Gradual Change in Temperature and/or Precipitation
- More Frequent / Intense Extreme Weather Events

Environmental Change
- Land Use Change
- Natural Resource Scarcity
- Increased Land Scarcity

Intermediary Mechanisms
- Change in Access / Availability of Natural Resources
- Grievances between Societal Groups

Fragility and Conflict Risks
- Displacements / Migration
- Politicisation

Social and Economic Drivers
- Economic Development
- Legal / Political Interference

Context Factors
- Agricultural / Pastoral Land

Elite Exploitation
- Group Focused Enmity
- History of Conflict
- Unresponsive Government
- Weak Institutions
**Conflict History**

Conflict between the sedentary Pokomo and the pastoralist Orma communities has sporadically occurred since the 17th century. However, increasing environmental hardship combined with neglect of local police forces led to the culmination of tensions in the summer of 2012, when reciprocal attacks claimed more than 150 lives. These clashes followed a series of smaller incidents, where disputes over crop damages and access to water had led to violence between farmers and herders. As the local administration failed to react appropriately and mutual fears built up between Orma and Pokomo communities in the run-up to the 2013 Kenyan elections, the situation escalated, leading to bigger tit-for-tat attacks from both groups. The government reacted by deploying a large number of paramilitary troops in September 2012. However, it took more than four months to contain the violence (Kirchner, 2013; HRW, 2012, 2013).

**Changing weather conditions and land use conflicts**
The Tana River Delta is one of Africa’s most important wetlands. It is home to over 180,000 people largely consisting of Pokomo agriculturalists and Orma and Wardey pastoralists. The Pokomo use the swamp-like river banks to cultivate tropical cash-crops such as rice and mangos, while the Orma traditionally inhabit the hinterlands and only migrate to the Tana River when lack of water and grazing grounds force them to do so. These migratory movements have sometimes led to the destruction of Pokomo crops by Orma cattle and conflicts between the two communities have ensued. In recent years, such conflicts have become more frequent as erratic and unpredictable rains in the Tana River region combined with frequent droughts (at least one a year) force Orma pastoralists to travel to the river bank more often (Andres, 2013; Temper, 2010; Asaka, 2012).

**Competing claims to water and land**
Land-use conflict between Orma and Pokomo are further complicated by complex and often overlapping property rights, with concurrent systems of private, public, and common land and different rights to access, usufruct, leasehold and freehold. This makes it inherently difficult to manage disputes between farmers and herders: While the Pokomo lay claim to the land along the riverbanks to practice agriculture, the Orma want a passage to the river. In absence of clear arrangements, violence can erupt when herds are driven onto cultivated land. Moreover, some Orma have started practicing agriculture in the Tana River Delta as a way to diversify their livelihoods and now compete for land with Pokomo farmers (Kirchner, 2013; Temper, 2010).

In 2000, the Kenyan Land Adjudication Commission started to privatize land in an attempt to mitigate conflicts by having clearly defined property rights. However, this process itself became a source of tensions as it displaced villages, altered migratory movements and led to more competition over land between farmers and pastoralists (Temper, 2010; Kirchner, 2013). Additionally, national and international corporations have invested heavily in the Tana Delta for large scale farming of food and biofuel crops (see Land grabbing and protests in the Tana River Delta). This has further reduced available land and has raised the stakes of local land disputes (Njoroge, 2012).

**Mutual distrust and the run-up to the 2013 elections**
Given Kenya’s record of communal violence in times of national elections and the fierce competition between Orma and Pokomo parliamentary candidates in the run-up to the 2013 general elections, many local communities were afraid that local elites would support attacks against the supporters of their political rivals. There is indeed some evidence that Orma and Pokomo fighters were trained by retired army personnel and it is likely that several local politicians and businessmen were implicated in the organisation of the 2012 violence (HRW, 2012, 2013; The Economist, 2012; Daily Nation, 2013a). Fears of large scale ethnic clashes were further substantiated by the fact that the region had experienced an important influx of small arms across the Kenyan-Somalian border over the last years (Asaka, 2012).

Furthermore, the adoption of a new Kenyan constitution in 2010, which grants more resources and privileges to the local administration, raised the stakes of the elections and many people feared that elected officials would shift land and development policies in favour of their community (Kirchner, 2013).

Inadequate response by the administration and police
Most importantly, the local administration and police did not react appropriately when tensions between Pokomo and Orma started to escalate. Perpetrators were rarely arrested and almost immediately released, while the police ignored warnings of local residents about an upcoming inter-ethnic conflict (HRW, 2012). Later, in September 2012, the Kenyan government deployed the General Service Unit (GSU), a paramilitary wing in the national police forces. Yet, the GSU became rapidly involved in human rights abuses while trying to disarm local communities (Gogineni, 2012). Overall, the reactions of the administration and the police inspired little confidence among the local population and many local residents felt compelled to arm and protect themselves (HRW, 2013; Kirchner, 2013).

These factors did not only contribute to a climate of distrust between Orma and Pokomo, but also between residents and local authorities, thus providing favourable conditions for the escalation of inter-group violence in 2012.

Resolution Efforts
In response to the 2012/2013 clashes between Pokomo and Orma, different attempts have been made to rebuild trust and peaceful relations between the two communities. Yet, major challenges lie ahead, including the creation of an effective police, the improvement of state-citizen relations as well as the reduction of livelihood insecurities and the resolution of local land-use conflicts.

Rebuilding trust between communities
As soon as inter-communal violence escalated in the summer of 2012, peace meetings and dialogue between the two warring communities were intensified. Initially these meetings failed to calm the situation down, with the peace committees lacking the necessary authority and support in the groups. Delegations of community representatives were even attacked on their way to meetings. In the long term, however, peace meeting are playing an increasingly important part in preventing other escalations (Kirchner, 2013). Other grassroots initiatives include the creation of a community radio station with the help of Health Communication Resources UK (HCR UK). The station aims to rebut rumours and negative stereotypes by
providing unbiased information and hence to reduce the space for misinformation and ethnic polarisation. Besides, the station promotes better farming and irrigation practices, education and health as well as tackling difficult social issues (HCR, 2014, 2015).

Improving security and state-citizen relations
Authorities’ failure to respond appropriately to the 2012/2013 violence has been criticised by residents, NGOs and media outlets (e.g. Gogineni, 2012; HRW, 2013), which have called for an effective and unbiased police to advance security and disarmament in the Tana River region (Asaka, 2012; Kirchner, 2013). Recommendations to the Kenyan Government include improving communication between different police services - whose lack of coordination has become apparent during the 2012/2013 clashes - reducing corruption and abuses within the police, as well as improving the working conditions and terms of service for police personnel (KNCHR, 2014).

The Government has also been advised to conduct a rigorous and transparent investigation into the causes of the clashes and the possible implication of high profile officials to regain the trust of local communities (KNCHR, 2014). In September 2012, then President Mwai Kibaki appointed a Judicial Commission of Inquiry into the ethnic violence in Tana River, Tana North and Tana Delta Districts. The commission issued a report in May 2013, highlighting the role of resource conflicts. As of now, the findings of the report have however not been made public (Mayabi, 2012; Daily Nation, 2013b; Africa News Hub, 2015).

As useful as these measures are to prevent local conflicts from turning violent, they do however not address the underlying causes of communal conflicts in the Tana River Delta. Here, additional emphasis needs to be put on improving rural livelihoods and promote consensual, yet flexible ways to use local resources.

Addressing land disputes and livelihood insecurity
When asked about possible solutions to their quarrel, both Orma and Pokomo communities mentioned the clarification of land rights as the single most important issue (Kirchner, 2013). Yet, resolving this question is far from easy. Owing to their different ways to make use of local resources, the Pokomo are in favour of individual title deeds, while the Orma would like to hold the land communally. Different land tenure systems (private, communal, state) and multiple ownership claims further complicate land adjudication and make the land question a sensitive topic, which bears the risk to trigger another series of violence (Kirchner, 2013). Furthermore, one might question whether property rights can clearly be defined for fluctuating resources such as fertile land in flood plains. Here, access rights which are open to negotiation, albeit within certain limits, might be preferable to fixed rules (Temper, 2010).

Independently of the stance taken on this point, some pressure can nevertheless be taken from local land disputes by improving the livelihoods and resilience of rural communities. Additional water points in the hinterland could reduce the need for pastoralists to travel to the riverbank (Kirchner, 2013). Increased crop-livestock integration, such as the selling of crop residues from the farmers to the pastoralists, would profit both sides, while rural communities would strongly benefit from improved access to markets and agricultural extension services (Temper, 2010; Asaka, 2012).
The communities of the Tana River Delta share a long history of conflict, of which the 2012/2013 clashes have been the latest culmination. Addressing the underlying issues and achieving reconciliation will certainly be challenging. Yet, incremental improvements can be realised by improving the coordination of farming and pastoral activities, promoting the dialogue between representatives of both sides and making local authorities more responsive to the needs of the Delta's communities.

### Intensities & Influences

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<th>INTENSITIES</th>
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<tr>
<td>International / Geopolitical Intensity</td>
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<td>Human Suffering</td>
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<th>INFLUENCES</th>
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<tr>
<td>Environmental Influences</td>
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<td>Societal Influences</td>
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### Resolution Success

<table>
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<tr>
<th>Reduction in Violence</th>
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<tr>
<td>Violence has ceded completely.</td>
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<tr>
<th>Increased capacity to address grievance in the future</th>
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<tbody>
<tr>
<td>There is no increased capacity to address grievances in the future.</td>
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<th>Grievance Resolution</th>
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<td>Grievances have been mostly ignored.</td>
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<th>Causal Attribution of Decrease in Conflict Intensity</th>
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<td>The decline in intensity can be explained purely by the suppression or killing of grievance holders.</td>
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Entry Points for Resilience and Peace Building

Strengthening the security sector
A more effective police can be created by improving communication between different police services, reducing corruption, and improving the working conditions for police personnel.

Dialogue
Peace meetings and dialogue between the two warring communities were intensified in 2012. Such meetings are playing an increasingly important part in preventing other escalations.

Mediation & arbitration
A Judicial Commission of Inquiry was appointed in 2012 to look into the ethnic violence in Tana River, Tana North and Tana Delta Districts. The commission issued a report highlighting the role of resource conflicts.

Promoting peaceful relations
A community radio station, supported by Health Communication Resources UK (HCR UK), is providing unbiased information to reduce misinformation and ethnic polarisation, among other things.

Improving infrastructure & services
Some pressure can be taken from local land disputes by creating additional water points in the hinterland, increasing crop-livestock integration, and improving access to livestock markets.

Resources and Materials

Conflict References
Land Grabbing and Protests in the Tana River Delta, Kenya

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Asaka, J. (2012). Water and Land Conflict in Kenya in the Wake of Climate Change
Daily Nation (2013a). Report reveals Tana strife causes
Daily Nation (2013b). Uhuru says Govt will act on Tana Delta report
Gogineni, R. (2012). Kenya tribal killings stain Tana River
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The Economist Online (2012). Election fighting

Further information
https://factbook.ecc-platform.org/conflicts/farmer-herder-violence-tana-river-delta-kenya