Conflict Factsheet

Land Grabbing and Protests in the Tana River Delta, Kenya

<table>
<thead>
<tr>
<th>Type of conflict</th>
<th>Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Conflict Locality</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Africa</td>
<td>2007 –ongoing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Countries</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenya</td>
<td>Fish, Biodiversity, Agricultural / Pastoral Land, Water, Ecosystem Stability</td>
</tr>
</tbody>
</table>

Conflict Summary

Large scale land acquisitions by Kenyan and foreign companies in Kenya’s Tana River Delta are reducing available pastures and farmland for local communities. Forced to give way to biofuel and export crops, local communities have engaged in public protests against these projects and the involved state authorities. Moreover, the reduction of available resources and the fear of forced displacements add fuel to existing land use conflicts between the Delta’s different communities.
Conflict History

The Tana River Delta is one of Kenya’s most important wetlands providing farmland and dry season pastures for local communities (Munguti, 2014). Despite important variations in rainfall and water levels, the Delta is viewed as a fertile area and has recently attracted important investments from different Kenyan and foreign producers of biofuels and export oriented crops such as oil seeds, sugar, maize and rice. Backed by the Kenyan government large scale land deals target more than 300,000 ha of land in the Delta and adjacent terraces, strongly reducing available resources for local communities. Publicly denounced as “land grabs”, these commercial farming projects have become the target of protests and lawsuits (GRAIN et al., 2014; Neville, 2015). Moreover, they have added fuel to existing land-use conflicts between local communities such as the Orma and Pokomo (see Farmer-herder violence in the Tana River Delta).

Threatened livelihoods and public contestation

Land deals in the Tana River Delta where the Kenyan government has granted titles for large swathes of land to large agricultural companies have repeatedly been criticised for their negative environmental and social impacts. Intensive cropping of biofuels is highly water consuming and often entails massive loss of topsoil and destruction of biodiversity, which negatively affect local fishermen and farmers (Nunow, 2011). It also reduces the mobility of local pastoralists and hence their ability to cope with droughts. Hence, rural communities in the Tana River Delta perceive large scale agricultural projects as a major threat to their livelihoods and food security (Nunow, 2011; GRAIN et al., 2014).

In addition, public criticism is directed at the way in which land deals are concluded and projects implemented. Land titles are often awarded to companies without following official procedures and Environmental Impact Assessments (EIAs), lack transparency, and are often conducted in ways which exclude good practice or even outright ignore the law. Local communities are rarely involved in negotiations with agricultural companies and often envisaged to leave their land without proper compensation (GRAIN et al., 2014; McVeigh, 2011; Gogineni, 2012). As a result, public contestation against large scale land acquisitions has grown in the Tana River Delta.

The Tana Integrated Sugar Project

In a prominent case, local communities and environmental organisations have gone to court against a joint venture between the Kenyan Mumias Sugar Company and the state-owned Tana Athi River Development Authority (TARDA), which provides for 20,000 ha of land to be converted into sugar plantations for ethanol and biomass production. The project is expected to have a detrimental impact on local livelihoods and the Delta’s ecology, with the possible eviction of more than 25,000 famers and pastoralists (Temper, 2010; Munguti, 2014). Most importantly, land has been allocated without consulting affected communities, despite its official status as trust land, and feasibility studies for the project have ignored charges for water extraction levied under Kenyan law (Nunow, 2011; GRAIN et al., 2014).

A fragile ecological and social context
Commercial farming projects in the Tana River Delta, are conducted in an already fragile ecological and social context, which makes their consequences all the more worrying. Besides the requirements of commercial farms, water demand in the Delta is also rising due to a growing population, which has quadrupled between 1962 and 2006 (GRAIN et al., 2014). Increasing diversion and abstraction of water puts mounting pressures on local ecosystems and resources, which are simultaneously challenged by climate change, deforestation, soil erosion and pollution by agro-chemicals from the upper catchment of the Tana River (Njoroge, 2012).

Moreover, abuses by officials and large agri-businesses highlight the weakness of national legislations and contribute to historical grievances in the Tana River Delta (Neville, 2015). The majority of the Delta’s settlers do not have titles to their ancestral land. This makes them particularly vulnerable to land grabs by persons and institutions with the means to influence the local administration, which holds the land in trust (Nunow, 2011; Temper, 2010). Poverty and low levels of literacy in the Delta (33.7 %) further restrain the possibilities of local communities to act on projected deals and impact assessment studies (GRAIN et al., 2014; Gogineni, 2012).

A potential for tension
While it is unlikely that these grievances will escalate to the point of triggering open violence against the Kenyan government, the changing dynamics of land allocation in the Tana River Delta are nevertheless aggravating local disputes. As pointed out by Nunow (2011), fears of future expulsions have encouraged local communities to secure land for their part. Given the Delta’s past record of communal conflicts such reactions are likely to spur inter-ethnic tensions and potentially violent conflict.

Resolution Efforts
In reaction to the adverse environmental and social consequences of large scale agricultural projects, local communities and environmental organisations have mobilised in the Tana River Delta. Their actions have involved public campaigns and court cases against some of the largest projects.

Campaigns and court cases against large scale projects
In 2008, villagers and environmental organisations filed a court case challenging the deed for the Mumias/TARDA sugarcane project and obtained an injunction of the project until 2009. When the court ruled in favour of the developers in 2009, community representatives filed a second case in the Kenyan High Court, which focussed more generally on land use planning. The case was postponed several times until 2013 when the court finally ruled in favour of local communities. The ruling halts existent projects until land use plans are developed “with full participation of the community as well as the agencies and other stakeholders who have interest in the Tana Delta” (Neville, 2015; Munguti, 2014).

These legal measures were accompanied by public campaigns, which raised awareness for the detrimental social and environmental impacts of agricultural development projects in the Tana River Delta. Spearheaded by Nature Kenya and supported by BirdLife International, the Royal Society for the Protection of Birds (RSPB) and Nature Canada these campaigns were brought to the home countries of the developers and motivated some of them to abandon their projects, such as G4 Industries (United Kingdom) and Bedford Biofuels (Canada) (GRAIN et al., 2014). Nature Kenya and the RSPB further
commissioned a cost benefit analysis for the TARDA/Mumias sugarcane project, showing that costs were underestimated and other issues such as fees for water extraction and compensation for lost livelihoods downright ignored. Nature Kenya also successfully advocated for the designation of the Tana Delta as a wetland of international importance under the Ramsar Convention (GRAIN et al., 2014).

Facilitating community involvement in land use planning

At the insistence of Nature Kenya, the Ministry of Lands with involvement of other agencies coordinated by the Office of the Prime Minister started preparing a Land Use Plan (LUP) for the Tana River Delta to guide decision making on future development of the Delta. The LUP is subjected to Strategic Environmental Assessment (SEA) to ensure sustainable development and the LUP process is based on extensive stakeholder consultations at the local, county and national level. To further encourage community participation, a Tana Planning Advisory Committee (TPAC), made up of four district government and 21 community representatives, has been created and specific village land use plans have been drawn in more than 100 villages in the Tana Delta (GRAIN et al., 2014). These measures address some of the villagers’ main concerns and pave the way for a resolution of conflicts between companies and communities in the Tana Delta. Yet, they do not address underlying issues such as resource scarcity and livelihood insecurity, which are an important source of grievances and a reason why conflicts and protests erupt in the first place.

Adapting to land scarcity and livelihood insecurity

Local communities in the Tana Delta Orma have adapted to the decreasing availability of grazing land in several ways. Herding strategies and livestock preferences have changed to meet the demands of industrial cattle farming. The access to high value fodder to fatten the animals has gained in importance. Decentralized livestock sale yards have been created, opening up economic opportunities for transporters providing shipment of the animals from local sale yards to the various end markets. In addition, local pastoralists have demarcated corridors to secure important grazing passages from land grabbers (Nunow, 2010). However, as noted by Nunow (2011), these strategies are mainly used by wealthier herders, which can afford private water facilities and ranches, leaving less wealthy herders with small chances to evade the consequences of growing land scarcity. As inequalities and destitution increase within communities this can revive ancient feuds with neighbouring communities and become a source of violent conflict for land (see Farmer-Herder Violence in the Tana River Delta).

Campaigns and legal actions by local communities and NGOs such as Nature Kenya have brought international attention to the issues related to large scale agricultural projects in the Tana River Delta. Actions be the Kenyan High court and the Kenyan Government now ensure that local residents have a greater say in projects with an immediate impact on their livelihoods. However, participatory approaches will not necessarily overcome problems related to inequality, livelihood insecurity and conflicting claims of ownership in the Tana Delta (Neville, 2015). Until these issues are not addressed in a consistent manner, the Tana Delta will remain a fragile environment, both socially and ecologically.
### Intensities & Influences

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTENSITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>International / Geopolitical Intensity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Suffering</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>INFLUENCES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Influences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Societal Influences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Resolution Success

- **Increased capacity to address grievance in the future**
  - The capacity to address grievances in the future has increased.

- **Grievance Resolution**
  - Grievances have been mostly addressed.
Entry Points for Resilience and Peace Building

Mediation & arbitration
Community representatives filed a case with the Kenyan High Court focusing on land use planning in the Tana Delta. The court eventually ruled in favour of local communities and established that existing and future projects must develop land use plans with the full participation of local communities, as well as any other stakeholders with an interest in the Tana Delta.

Social inclusion & empowerment
A Land Use Plan was created by the Ministry of Lands with the involvement of other agencies coordinated by the Office of the Prime Minister, and is based on an extensive stakeholder consultations process at the local, county and national level. Furthermore, a Tana Planning Advisory Committee (TPAC) was established to further encourage community participation, and involves representatives from the district government and affected communities. Lastly, local pastoralists have demarcated corridors to secure important grazing passages from land grabbers.

Improving infrastructure & services
Decentralized livestock sale yards have been created, opening up economic opportunities for selling local livestock on more distant end markets.

Improving resource efficiency
Local communities have adapted their herding strategies and livestock preferences to meet the demands of industrial cattle farming. The access to high value fodder to fatten the animals has gained importance.

Promoting social change
Public campaigns spearheaded by Nature Kenya and supported by BirdLife International, the Royal Society for the Protection of Birds (RSPB), and Nature Canada sought to raise awareness to the detrimental social and environmental impacts of development projects in the Tana River Delta. Such campaigns were able to motivate some developers to abandon their projects and successfully advocated for the designation of the Tana Delta as a wetland of international importance under the Ramsar Convention.

Resources and Materials
Conflict References
Farmer-Herder Violence in the Tana River Delta, Kenya
References with URL

Gogineni, R. (2012). Kenya tribal killings stain Tana River

Further information

https://factbook.ecc-platform.org/conflicts/land-grabbing-and-protests-tana-river-delta-kenya