

# **Conflicts and Politics in the Tana Delta, Kenya**

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## **An Analysis of the 2012-2013 Clashes and the General and Presidential Elections 2013**

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A study among leaders and displaced persons on political influences on the clashes and consequences of the clashes on the elections.

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## **Abstract**

This study connects the topic of natural resource conflicts with political elements, especially elections and looks into clashes between a pastoralist (Orma) and an agricultural (Pokomo) community in Kenya. It analyses the clashes in the Tana delta which escalated in August 2012 from a political angle. The main aim of this study was to see how elections and conflicts influence each other but also which role other (political) aspects played in the case of the Tana delta. The Tana delta is a wetland area at the Kenyan Coast which is mainly inhabited by pastoralist Orma and agricultural Pokomo communities. Also, it is a fall back area for pastoralists from as far as Ethiopia, who migrate to the delta in times of drought in search for water and pasture. The area frequently sees conflicts which occasionally claim lives or even end in severe violence. The latter one was the case in 2012-2013 when almost 200 people died in ethnic clashes. On 4<sup>th</sup> March 2013 Kenya held its first elections under the new constitution which was embarked in 2010 and foresees a new government structure delegating more responsibilities to the regional level, the counties. This study analyses how the clashes in the Tana delta were influenced by these transitional elections and how institutional failure and legal pluralism contributed. Also, it identifies the root cause of natural resource conflicts in the Tana delta. Due to the fact that theories on election violence suggest that politicians instigate violence to unite their voters or to reduce the number of their competitors' supporters, this study also takes into account how the clashes influenced the elections. In this respect it examines which consequences the conflict had on the electorate, how it affected the popularity of different aspirants and what effects it had on the relevance of factors for the voting decision.

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## **Acronyms and Abbreviations**

ASC	African Studies Centre
CDF	Constituency Development Fund
CoCooN	Conflicts and Cooperation over Natural Resources in developing countries
CORD	Coalition for Reform and Democracy
DC	District Commissioner
DO1	First District Officer
FORD	Forum for the Restoration of Democracy
FORD-K	Forum for the Restoration of Democracy – Kenya
GSU	General Service Unit
HRW	Human Rights Watch
ID	Identification Card
IDP	Internally Displaced Person
IEBC	Independent Election and Boundaries Commission
KADDU	Kenyan African Democratic Development Union
KADU	Kenyan African Democratic Union
KANU	Kenya African National Union
KDF	Kenya Defence Force
KNBS	Kenyan National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
KHRC	Kenya Human Rights Commission
KPU	Kenya People's Union
KRCS	Kenya Red Cross Society

Ksh	Kenyan Shilling
KWS	Kenyan Wildlife Service
MP	Member of Parliament
MRC	Mombasa Republican Council
MUHURI	Muslims for Human Rights
NAK	National Alliance of Kenya
NARC	National Rainbow Coalition
NARC-K	National Rainbow Coalition – Kenya
NCIC	National Cohesion and Integration Commission
ODM	Orange Democratic Movement
ODM-K	Orange Democratic Movement - Kenya
PC	Provincial Commissioner
PNU	Party of National Unity
SPK	Shirikisho Party of Kenya
TARDA	Tana and Athi Rivers Development Authority
TDIP	Tana Delta Irrigation Project
TISP	Tana Integrated Sugar Project
TNA	The National Alliance
TRPDC	Tana River Peace, Development and Reconciliation committee
URP	United Republican Party
WDM-K	Wiper Democratic Movement – Kenya

## Definition of Terms

Gasa	-	Pokomo council of elders
harambee	-	public meeting, often fundraising
Ibisa	-	traditional peace ceremony between Orma and Pokomo
Kaya Bombo	-	Traditional ritual of calling for divine support
malka	-	water corridor
Matadedda	-	Orma council of elders
majimbo/majimbism	-	federalism
mwambao	—	independence movements of the Coast
shamba	-	farm
shifta	-	bandit
urune	-	cattle camp
waganga	-	traditional healers, “witch doctors”

## **Chapter 1 Introduction**

Conflicts exist in every group or society if two or more parties have incompatible or contradicting interests. While some conflicts can be solved prior to an escalation, others result in violence. In the Tana delta, a wetland area at the Kenyan Coast, different ethnic groups live together. Even if they have, in some respects, disparate needs and interests because of different lifestyles and cultures, most of the time the communities live together peacefully. However, occasionally the existing conflicts escalate and end in violence. Such an escalation occurred in August 2012. The underlying problems of the conflicts in the Tana delta are various, especially due to the fact that the groups living in the area are culturally, religiously, economically and politically divided. Conflicts in the Tana delta have existed since the 19<sup>th</sup> century, however, with time the patterns and players of the conflicts have changed. Tension usually increases if the number of cattle rises drastically due to the influx of foreign pastoralists who are looking for pasture and water in the delta during dry seasons. Furthermore, not to neglect are the interests of foreign investors and the government in the area, who would like to implement large scale agricultural projects. These can on the one hand offer desired employment opportunities in the agricultural sector, but also be a threat to those living in the delta who sustain their livelihoods on Public Land because in case agricultural projects get implemented, they might be displaced and the basis of their livelihoods, the fertile area, might be alienated. Therefore, especially the pastoralists for whom the wetland is an essential grazing area fear and oppose these projects. But conflicts and violence can also be connected to either the national policies, political system or the elections. In the 1990s the services of bandits were used by various politicians to destroy or steal voter cards in order to minimise the number of supporters of their competitors, and in order to win elections, Orma politicians invited foreign pastoralists to the area (KHRC 2002), who later did not want to leave anymore and increased the population pressure. Furthermore, in 2001 a conflict escalated (in the year before general elections), which was linked to a Pokomo long desired land adjudication policy which was opposed by the pastoralists of which the majority are the Orma ethnic community. Prior to the 2007 general elections, the Wardei and Orma pastoralists attacked each other in the northern Bura and Galole constituencies. These attacks were said of having been politically motivated (Interviews 2012-2013). Finally, a conflict escalated in 2012 less than seven months before the 4<sup>th</sup> March elections 2013. In several newspapers these clashes were assumed to have been politically instigated and different politicians were investigated. On 24<sup>th</sup> September the Daily Nation newspaper for example printed a cartoon which suggested the clashes were linked to the general elections (see Figure 1). Whether or not this was really the case

and which consequences the violence had on the election outcome is object of this study.

Kenya, including the region along river Tana saw violence preceding or after every multi-party election and violence was in certain areas used as a political instrument (even if it was not necessarily triggered by or directly connected to elections). This research was intended to find out, on the one hand, in how far the 4<sup>th</sup> March 2013 elections would intensify tensions in the Tana delta and on the other hand, how the conflicts in the Tana and the

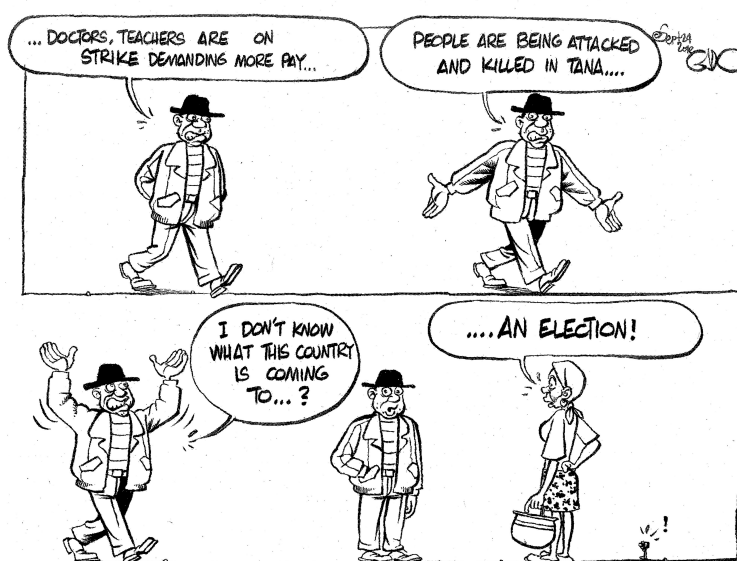


Figure 1: Cartoon (Nation 24/09/2012 p. 12)

conflicting interests would influence the elections. Therefore, the initial research question for this research was, 'how do the conflicts and the general and presidential elections 2013 in the Tana delta, Kenya influence each other?'. During the preparation for the research and the first research phase, which started in June 2012 (until August 2012), the clashes in the Tana delta had not yet broken out, which is why the research question did not initially refer to the clashes but to conflicts in general. However, in August 2012 the situation escalated and as a result 180 people died in attacks and counter attacks during a five months period from August 2012 to January 2013 (see section 5.3). Therefore, the research question was later adjusted to the situation and for the second research phase from January to March 2013 the study was centred around the specific clashes. The final research question which this study is seeking to answer is, 'how did the clashes 2012/2013 in the Tana delta, Kenya and the general and presidential elections 2013 influence each other?'.

This research question was supplemented by the following sub-research questions: (1) Why did the clashes happen in the way they did? (a) What was the trigger of the conflict? (b) What were the reasons for the conflicts? (c) Why did the situation escalate? (d) Why did the conflicts escalate at that particular time? (e) What did people fight for? f) Who was in which way involved? (2) How did the attacks happen? What are possible solutions to the conflicts? (a) Which solutions were implemented? (b) How helpful were the measures? (3) How were the clashes influenced by the political system? (4) What were the consequences of the clashes on the election? (a) How were politicians benefiting and or loosing from the conflict? (b) How did politicians use the conflict and peace building process for their benefit? (c) How were politicians and their supporters involved in

the conflict?

Furthermore, the research was guided by objectives, which were (1) to make an attempt to fill the gap in the academic literature of politics in the Tana delta, including the political history of the area. In the existing academic literature, politics in the Tana delta were mostly neglected and only few references were made to the area. This study seeks to shed more light on this part of Kenya's political landscape, to disclose current and past political interests of the residents as well as to give an overview of elected politicians and election violence. (2) Furthermore, the research aimed to better understand the way the nature of the political system influenced the conflict. Hereby not only the election system, political culture and the adoption of the new constitution and devolved system were of interest, but also the role of the administration, institutions and governance. (3) According to the literature, pre-election violence can be used by aspirants to unite their electorate or to reduce the number of opponents (see below). Also, politicians can take an advantage of conflicts by distinguishing themselves from others in engaging significantly in the reconciliation and peace making process. Therefore, the third objective was to find out, whether or not and how politicians were involved in the clashes and the peace building and peace making process. (4) Additionally, the research aimed to establish how the conflict influenced the elections and voting behaviour in the Tana delta. Over the years several attempts have been made to explain voting behaviour and effects of conflicts on voting patterns (see Adejumobi 2000; Laakso 2007; Bratton 2008). This research provides a case study of changing voter preferences as a result of clashes in the Tana delta. (5) In order to better understand the conflict and underlying problems in detail, as well as to grasp the political situation in the Tana area, it is crucial to analyse the interests, and perspectives of the residents. Also, details which might not be reported in the media or by organisations which were present in the area (like Kenya Red Cross and KNCHR) can be helpful for a better understanding and give a more comprehensive picture. Therefore, this research was aiming to provide a better understanding of the rationales and perspectives of the different groups as well as details on the conflict. (6) Last but not least, with the help of this information the study was meant to identify causes, triggers and influences as well as possible solutions to the conflict.

In chapter 2 background information on Kenya in general with a focus on the Coast, and the Tana delta and its people will be provided. First the political marginalisation and the emergence of the secessionist group the Mombasa Republican Council (MRC) will be summarised. This is important to understand the general historical and political setting of the region. The MRC will later appear in the research findings due to the fact that this rebel group was accused of having been involved in the clashes. Next, the election history and political violence in Kenya will be discussed with a

special focus on presidential elections. In a third section the new constitution which was embarked upon in 2010 will be looked into. Here, the main interest is to picture the key changes the constitution will bring for the governmental structure and the land question. Finally this chapter ends with a literature review of the Tana delta, whereby three topics will be given attention. First, climate and geography, followed by a summary of the marginalisation and development efforts and finally the three main groups (Pokomo, Orma and Wardei) living in the area will be introduced.

In chapter 3 the theoretical framework will be discussed. The theoretical framework has three main sections: (1) conflicts, (2) voting and elections, (3) institutional challenges. In the first section conflicts and clashes are defined and different types of conflicts are discussed; especially with regard to conflicts on the African continent in the post-Cold War era. Allen calls these conflicts 'New Wars'. Subsequently a set of different theories concerning elections and ethnicity will be discussed. In this part a brief look will be given at theories about political power and the interests of politicians in elections with theoretical insights from Luhmann and Machiavelli. The next section will be centred on voter theories. First Down's rational voter theory will be summarised and afterwards voting and identity will be given attention, especially voting and ethnicity including the neo-patrimonial theory, which is one of the most popular approaches to explain voting in Africa. For a better understanding of this approach theories on ethnicity will also be summarised, including Barth's "Ethnic Groups and Boundaries" as one of the central texts. Following that, a section on ethnic election violence will connect the previous sections. In a last part legal pluralism and hybrid political orders will be presented as a challenge for many African states due to the fact that they often weaken institutions. The responsibility of the state in providing security will be explained with the help of Hobbes' contract theory of the Leviathan. Institutional failure as well as the lack of political trust will be discussed as reasons for conflict escalation.

Following this theoretical journey we will turn towards the empirical findings this thesis is based on in Chapter 4. This will follow a presentation of the research design, research process and methodology. Also, weaknesses and strengths of this research will be pointed out.

Chapter 5 deals with conflicts in the Tana delta. First a brief history of clashes and conflict mitigation will be given by summarising the literature. This will be followed by my own findings with regard to the conflict in 2012-2013. After presenting data on initial tensions in 2012, a timeline will present core information on the attacks. In the following sections these facts will be supplemented with context information which will help to get a more comprehensive picture. The information provided shows that the two warring groups have different perspectives towards

interpreting the conflicts. In order to better understand the clashes and its causes it these differing rationales of the two communities will be dealt with. These specific group views do not necessarily reflect facts only, but foremost describe the perspectives of the two groups and why they believe to fight. Each of these rationales is divided in three sections: natural resources and history, poor governance and institutional failure, and lastly the involvement of politicians and the relevance of the elections. In a final section of chapter 5 suggestions for possible solutions as provided by the respondents will be presented.

Following the analysis of the clashes in 2012-2013 we will turn towards the elections which were held on 4<sup>th</sup> March 2013 and we will analyse how the clashes influenced the elections. First we will, look at the political and election history of, and the relevance of conflicts for the county. The borders of constituencies in Tana River were changed several times, therefore, as well as due to the fact that the elections in 2013 included the election of county positions, we will look at the election history in what is now Tana River County. The actual area under study was, however, Garsen constituency only, which will be focused on in the rest of the chapter. A part of Garsen constituency is the Tana delta<sup>1</sup>, which was the most affected area by the clashes. After having regarded the history, we will look at the nomination process, the mock elections and the election day. Following this, different campaign topics will be discussed. These were partly connected to solving the root causes of the conflict. In the following section the election results will be presented analysed and explained. Besides different voting patterns the consequences of the conflict on the elections will be a central topic.

In chapter 7 the data analysed in the previous two chapters will be discussed in the light of the theories presented in the theoretical framework. On the one hand it will be shown how the data on the clashes and the elections confirm the theories, but on the other hand we will also see what the case of the Tana delta can add to the existing literature.

In the final chapter, the thesis will be summarised, recommendations will be given and further research perspectives will be pointed out.

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<sup>1</sup> A smaller part of the delta is, however, located in Lamu West.

## **Chapter 2 Literature Review**

This chapter will give a summary of the existing literature on some aspects of the political situation in Kenya, and the Tana delta, which are relevant to this research. In the first part some historical injustices which the Coastal region has experienced will be presented and the MRC will be introduced. Then, an overview of multiparty elections and violence in Kenya will be discussed, and finally key topics of the new Kenyan constitution and how the political system has changed will be highlighted. In the second part a summary of the existing literature on the Tana delta with respect to geographical issues and climate, historical injustices and a struggle for development, the people in the Tana delta as well as their culture, and lastly past conflicts and conflict mitigation in the area will be given.

### **2.1 The Historical and Political Situation in Kenya**

Kenya experienced a history of colonization partly by the Portuguese, Germans and Arabs but finally, in the late 19<sup>th</sup> century, the British took control of this part of Eastern Africa. In 1884/85, at the Berlin Conference, the territory of today's Kenya was announced to be British protectorate and until 1920, when it became the Kenya colony, it was called Protectorate of British East Africa (Willis & Gona 2012: 50). Since its political independence in 1963, three Presidents have ruled Kenya in a quite a powerful position and influenced the developments in the country significantly. From colonization until the post-independence regimes, land was an important political topic and instrument. The land question, which Kanyinga defines as “access to and struggles around land ownership”, not only connected to agricultural production and development, but also as “the centre of the social and political organisation of agrarian social formation”, is not solved until today (Kanyinga 1998: 50). Due to historical circumstances, namely its different status during colonialism, the land question at the Coast is even a bit more complicated than in the rest of the country. As a result of coastal marginalisation, the Mombasa Republican Council (MRC) emerged, which presents the independence of the Coast as their main agenda. But not only coastal people experienced injustices. After the country had already experienced election violence in the 1960s, the resentment in combination with power struggles as well as different interests resulted, since the reintroduction of multiparty elections in 1992, again regularly in election-violence (Klopp 2010). In order to solve some of the injustices which arose over the years, the new Kenyan constitution was born and enacted in 2010.

In the following sections we will have a closer look at these topics, namely (1) the marginalisation of the coast and the emergence of the MRC, (2) the political history of the country and (3) the country's new constitution.

### **2.1.1 The Neglect of the Coast – Historical Injustices and the Emergence of the MRC**

During the 1820s the Kenyan Coast became part of the territory of the Sultanate of Zanzibar. Witu<sup>2</sup> in the Tana delta, however, was an independent Sultanate. When the British occupied the area in the late 19<sup>th</sup> century, the population of the Witu Sultanate did not accept their hegemony and after a military intervention (Goldsmith 2011: 8), the British East African Company first became the administrative authority in 1888, and in 1895, the British Foreign Office took over. The latter was authorized by a treaty between the Sultan and Britain (Cooper 2000: 115; Brennan 2008: 832). In this treaty, the two parties agreed, that a 10 mile coastline, in Swahili *mwambao*, should legally remain part of the Sultanate of Zanzibar and the Islamic culture had to be preserved, however, the British colonial government would take care of the administration in exchange for a rent (Brennan 2008: 838). As a result of the different ownership status, the coastline remained British Protectorate, while the rest of the country became Kenya colony in 1920. Due to this agreement, the Sultan's subjects were allowed to have Private Land in the 10 mile strip. The African people originally living in the land, were, however, denied this privilege (Kanyinga 1998: 55).

During the colonial era, in the early 20<sup>th</sup> century, the British were interested in increasing agricultural production in the country to get the costs of the railway construction paid back and to benefit from a flourishing economy (Mnjama 1993: 3). Therefore, the large areas of fertile land were given as leasehold or freeholds to the so called White Settlers. The African population in contrast was restricted to Native Trust Land Areas, also referred to as ethnic reserves, with limited inter-district movement (Rutten & Owuor 2009: 308). Furthermore, at the Coast, land was allocated to Arabs and Swahili while the Africans, mainly the Mijikenda population, became squatters in their own traditional land (Kanyinga 1998: 56). Due to the fact that the White Settlers' farms were mainly located upcountry, in the so-called White Highlands, most investments in infrastructure were made in that area. The increased presence of the British administrators and White Settlers upcountry did not only improve the infrastructure but, compared to the Coast, the communities were also advantaged in regard to land development, communications as well as social welfare and had “embraced the Anglo-centric forces of education and agrarian commercialization” (Goldsmith 2011: 10). Therefore, the people from the Coast had the strong feeling of having been neglected by the

<sup>2</sup> Witu town is located approximately 10 miles from the coast.

Nairobi government.<sup>3</sup> In preparation to the independence, the British colonial government, the new Kenyan administration of the to be first President, Jomo Kenyatta, and the Sultan entered into an agreement, that the coastal strip should be integrated in the new Kenya. However, Private Land ownership or freehold titles to land had to be recognised and the Islamic culture respected (Kanyinga 1998: 56). From the 1950s onwards, several groups had emerged which demanded for independence of the Kenyan Coast (called *mwambao*) on the legal basis of the 1895 agreement (Willis & Gona 2012: 54). The Robertson Commission, which investigated whether or not the Coast should be integrated in the new Kenyan state, came to the conclusion that the area could not generate sufficient revenues, and therefore was not classified as a viable administrative unit (Goldsmith 2011: 10).<sup>4</sup>

At the time of transition to independence, two main parties evolved, the Kenya African National Union (KANU) and the Kenyan African Democratic Union (KADU). KANU, which was an alliance mainly of the two biggest ethnic groups, the Kikuyu and the Luo, were in favour of a centralised state, a unitary form of government, and stressed the recognition of private property rights. KADU, by contrast, was supported by several smaller ethnic groups (Maasai, Kalenjin, Somali, Samburu, Turkana, Mijikenda etc.) who feared domination by the Kikuyu and Luo communities and therefore fought for federalism (Swahili: *majimbo*) with regional assemblies which should have mainly been responsible for land administration (Brennan 2008: 848; Kanyinga 1998: 54). At the Coast, KADU and its *majimboism* was much more supported, however, in the end, KANU won the national elections with Jomo Kenyatta as President. The victory of KANU resulted in a further marginalisation of the Coast and changed the land question from an ethnic to a class based issue (Kanyinga 1998: 55) because Kenyatta himself and other politicians started taking large areas of land (Mghanga 2010: 21ff). Furthermore, to reduce population pressure in some areas and to boost development, settlement schemes were initiated in the 1960s and 1970s. According to Goldsmith (2011: 13) yeoman farmers could acquire larger plots “of the best land” (12-20 acre), while peasant farmers only received eight acre plots in less fertile zones.

According to Schade (2012: 30) the policy, however, strongly favoured “mid-size farmers among the Kikuyu elite”. For the allocation of beach plots presidential assent was even necessary (Goldsmith 2011: 13). In the end, the coastal settlement schemes were mostly allocated to people from upcountry. While the local population was further displaced and the number of squatters in the

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<sup>3</sup> The presence of the British was surely not only positive, however, in this chapter the focus is on the marginalisation of the Coast.

<sup>4</sup> According to Willis & Gona (2012: 56) the commission was, however, never open to the idea of an independent Coast. Instead, the commission was from the beginning determined to come to the conclusion the Coast should be part of an independent Kenya. This fact was, however, not publicly known.

Coast rose, the newcomers received title deeds. According to Goldsmith (2012: 14) 38% of the indigenous Coast population possess title deeds, while the percentage for people who originally did not live in the area is, with 82%, significantly higher. Let alone the disparities in land ownership within the Coast Province itself, the area is also relatively disadvantaged compared to other regions in Kenya. According to Goldsmith (2011: 13) it is self-evident, that the post-independence governments favoured the “highland communities”.

Besides injustices concerning the land question, the Coast has also been disadvantaged in other respects: Cooper (2000:11) comes to this conclusion after reviewing different household welfare indicators like “child nutrition, child mortality, educational participation, health facilities and access to safe water”. These facts make the coastal population widely feel marginalised and some of them have the impression, all coastal revenues generated by tourism would end up elsewhere, instead of benefiting the coastal population itself (Willis & Gona 2012: 49).

Out of this dissatisfaction and feeling of marginalisation, a new secessionist movement arose in recent years. As mentioned earlier, this call for independence of the Coast is nothing new, and the so called Mombasa Republican Council (MRC) is based on the same foundations and assumptions like the *mwambao* movements prior to the Kenyan independence. Besides the stress on a distinct colonial history and marginalisation of the area by the central government, the MRC especially refers to the 1963 agreement between the British Queen and the Sultan of Zanzibar (as well as the 1985 agreement). The MRC claims the document from 1963 was not valid because coastal stakeholders had not been included in the process and since independence the Kenyan government did not provide development in the area like it had promised to (Goldsmith 2011: 12). Furthermore, the MRC interprets the document as a 50 year lease which should expire in the course of the year 2013, instead of a permanent inclusion of the Coast in Kenya (Willis & Gona 2012: 66). The recommendation by the Robertson Commission, on which basis the Coast was integrated in Kenya, is also newly interpreted. The Commission stated “The coastal strip should be integrated administratively with Kenya before self-government and independence takes place” (cited in Willis & Gona 2012: 66). According to Willis and Gona (2012: 66), Robertson referred to the Kenyan independence and self-government, not like interpreted by the MRC, as a temporal solution until the Coast is ready to be self-governed. In its manifesto, the MRC demands for independence for the “country Mombasa”, which is located between Lungalunga and Kismayu and it calls the “natives, namely; the Mijikendas, Taitas, Pokomos, Bajunis, Arabs, Hindus and other Coastal tribes” to be the rightful owners to whom the land should be returned (MRC 2011). In contrast to the *mwambao* movements, the MRC is not only claiming the independence of the 10 miles strip, but of the whole

Coast Province. In order to show their resistance and to force the Kenyan government to withdraw its administration from the Coast, the MRC wanted to boycott the general and presidential elections 2013. Despite the reference to Mombasa in its name, the movement has its roots in Kwale. According to Goldsmith (2012: 5) the MRC, or its intentions is supported by a wide range of supporters in the whole province, however, in more remote areas and the older section of the population, the movement is less known. Even though there was no evidence for involvement in violence and the MRC always ensured to be a peaceful movement, it was accused of having trained warriors, carried out attacks and having been involved in conflicts (Goldsmith 2012).

### **2.1.2 Kenyan Multiparty Elections: A History of Violence**

In preparation for the Kenyan independence, two state forms were considered: a centralised system favoured by the bigger ethnic groups, and *majimboism*, a federal system which the minorities preferred; however, KADU, which was fighting for *majimboism* was likely to lose the independence elections. Therefore, William Murgor, a politician in the transitional government and supporter of *majimboism*, asked his Kalenjin tribesmen to “sharpen their spears and wait for the sound of his whistle for the beginning for the war to drive non-Kalenjins out of the Rift Valley” (Ajulu 2002: 258). This call in 1961 triggered a series of clashes in the Rift Valley to displace ethnic groups which were seen as foreigners but had lived in the area for years. With these clashes, a series of election violence started and some years later the same strategy was not only used in the Rift Valley but also at the Coast.

However, KANU won the elections in 1963 and as a result Jomo Kenyatta became the first Prime Minister of Kenya. In December of the same year an independent Kenya was born with a, in negotiation with the British developed, constitution. This constitution was, however, amended soon: After Kenyatta had changed the multiparty system to a *de facto* one party state, by attracting his opponents in KADU to join KANU for a power sharing and making life for new opponents difficult, the first constitutional change declared the country as a republic and centred the power of head of state, head of government and the first military commandant on a newly introduced position which substituted the Prime Minister - the President (Mutua 2008: 61). In the following years, the Kenyatta government further alienated the constitution until the British influence could not be recognised anymore:

Even though the constitution still permitted multipartyism, political elites preferred to take their chances under the populist Kenyatta-led KANU as the trouble-free option

for sharing out the spoils of independence. From 1964 to 1969, a period during which Kenyatta consolidated his personal power, KANU quickly passed a raft of amendments to make it easier to amend the constitution; declare a state of emergency; abolish the right of appeal to Privy Council, the last court of appeal for extant and former British colonies; require members of Parliament to seek reelection if they defected from the party on which they were elected; grant the president power to detain individuals without judicial review; abolish the bicameral Parliament; completely abolish regionalism; and provide that presidential elections would be direct, but that the candidate had to be nominated by a political party (Mutua 2008: 62).

Until Kenyatta's death in 1978, the country got more and more repressive and had developed into a police state.

His successor, Daniel arap Moi, a Kalenjin who had originally been one of Kenyatta's opponents but later became Vice President, continued Kenyatta's style and was even more radical and authoritarian. He first silenced his biggest competitors with key positions and exchanged the Ministers, which under Kenyatta had predominantly been Kikuyu, with members of the Kalenjin elite (Barkan 1993: 88); his first Vice President, Mwai Kibaki, however, was a Kikuyu. With the introduction of the so called "Section 2(a)" any opposition to the KANU government became illegal and Kenya finally also turned *de jure* into a one-party state. Between 1982 and 1990 Human Rights offences, waves of arrests, torture and execution were not uncommon to deal with opponents. The ordinary people saw the secrecy of the ballot disappear when queue voting was introduced in the later 1980s (Mutua 2008: 66ff). This was another step to stay in political control.

After the fight of civil society, the church and the media, as well as international pressure, Moi finally started to loosen the regime by withdrawing "Section 2(a)" and re-introducing multiparty elections in 1991 (Throup 1993: 386). Hereafter, the Forum for the Restoration of Democracy (FORD) was founded and in the next elections in 1992 KANU was challenged by FORD-Kenya (led by Oginga Odinga and Paul Muite), FORD-Asili (led by Kenneth Matiba and Martin Shikuku) and the Democratic Party (led by Mwai Kibaki) among other parties (Barkan 1993; Mutua 2008: 68f). However, the KANU-state controlled and manipulated elections, and a divided opposition kept KANU and Moi in power. Moi remained President: "KANU employed its control of the state machinery to disorganize, persecute and manipulate elections" (Mutua 2008: 69). In the Rift Valley, for example, Maasai and Kalenjin were again incited to displace Kikuyu, Luo and Luhya, with the

argument, according to customary law the area would belong to the former ones. According to Wanyande (2006: 71), at least 300,000 people who opposed KANU could not cast their ballot as a result of the displacement.

In 1997 Moi won the elections again, and went into a post-election coalition with the National Democratic Party, led by Raila Odinga, Oginga Odinga's son. The 1997 election was again accompanied by pre-election violence in the Rift Valley and this time also at the Coast (Orvis 2001: 10). Only in 2002 when Moi decided not to contest again, a regime change was possible. Instead of vying himself, he nominated Uhuru Kenyatta (the son of the first President) as candidate for KANU (Kanyinga 2009: 336). Raila Odinga, who was also eyeing the seat contested with the newly founded Liberal Democratic Party (LDP). The DP, FORD-Kenya and several smaller parties formed the National Alliance of Kenya (NAK) for this election. Due to the fact, that both, the LDP and the NAK, expected not to succeed to form the government independently, they decided to create a coalition government in case their united votes would be sufficient (Ndegwa 2003: 153). This pact was sealed by the Memorandum of Unity and the so-called National Rainbow Coalition (NARC) finally received 62%. Henceforth, Mwai Kibaki was sworn in as the third President. However, after being the incumbent, Kibaki did not keep his promise to announce Raila Odinga as Prime Minister, and to give 50% of the Ministries to members of the LDP, but betrayed his ally and instead appointed members of the opposition (KANU and FORD-Asili) to the cabinet (Steeves 2006: 226). Despite this disappointment for Odinga and his followers, in 2002 the situation remained relatively calm.

Within the following years a new constitution was drafted, however, the government was not united on the topic: Kibaki tried to mobilise support for the draft, while Odinga led the opposition and finally the first so called “wako draft” was rejected in a peaceful referendum in 2005 (Chege 2008: 132). In the next elections in 2007 Kibaki (with the Party of National Unity – PNU) and Odinga (with the Orange Democratic Movement - ODM) contested as competitors<sup>5</sup>. This time a close two-horse race was expected and both parties tried to manipulate the outcome. Even though, the results were still controversial, Kibaki was declared President (Branch & Cheeseman 2008: 2; Harneit-Sievers & Peters 2008: 137; Ndungu 2008: 114f). Thereafter, violence erupted in different parts of the country. A hotspot was, like in previous elections, the Rift Valley, however, in big cities, and the Coast violence emerged as well (Kamungi 2009: 346). The consequences of the conflict were tremendous: about 1,000 people died and 300,000 were displaced (Kiai 2008: 162).

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<sup>5</sup> Several other candidates were vying for the seat as well; the third popular one was Stephen Kalonzo Musyoka, his chances were however hopeless (Kimenyi & Romero 2008: 3).

The conflict after the 2007 elections was multi-layered. On the one hand, conflicts erupted between supporters of the two candidates predominantly in the Rift Valley between Kalenjin and Kikuyu, whose relationship was already pre-stressed by the issue of land rights (Rutten & Owuor 2009); but another major reason for the extent of the violence was the forceful backlashing of protesters by the police and rival militias like in Endebess and Kisumu (Rutten & Owuor 2009: 320). Furthermore, the weakness of political institutions contributed as well. The election commission which had to announce the results was appointed by President Kibaki himself (Whitaker & Giersch 2009: 16) which is why its autonomy was disputed. And finally, a general discontentedness about the political system and the use of clientage relations in Kenyan politics was most certainly the basis for violence in 2007/2008 (Lynch 2006: 60f). The conflict was probably fuelled by different people of the public including politicians and radio journalists. Due to this, a case against six people was filed at the International Criminal Court (ICC) in The Hague, including Uhuru Kenyatta and William Ruto (International Crisis Group 2012). The desire for a change in Kenyan politics and a new political system, were expressed in the successful referendum for a new constitution on 4<sup>th</sup> August 2010.

### **2.1.3 The New Constitution and Political System**

Since independence in 1963 the Kenyan constitution had been altered several times and over the years, the Kenyan political system got more and more repressive, the power was centralised in the President and institutions were quite weak. There was no real division of powers, instead the President was head of state, head of government, and the first military commandant (Mutua 2008: 61); he also had the power to appoint the Chief Justice and therefore control the judiciary, he appointed the Attorney-General as well as the Head of Police Force (Hansen 2012: 6). Therefore, the President was very much in control of the system. In combination with the use of clientage relations and politicisation of ethnicity in the neopatrimonial system, certain ethnic groups were advantaged over the years, while especially minorities suffered from marginalisation (Ajulu 2002: 259). With the embarkation of a new constitution in 2010, the basis for the elimination of many of these deficits was laid and a new political system was introduced. The centralised system was turned into a devolved one, decentralising responsibilities to county governments with a more secured framework than the *majimbo* constitution in the 1960s (Akech 2010: 23). Through this process of devolution, power is supposed to be more balanced and pressure shall be taken from the presidential election, which has often turned into ethnic rivalries and been diluted by an all-or-nothing atmosphere (Kramon & Posner 2011: 98). Besides the vertical devolution, a focus was also

laid on a horizontal division of powers and especially an independent judiciary. The transition process is expected to take several years and to smoothen it, a transition government was installed, which is supposed to support the new structures, especially the county governments (Kenya 2012b).

### **2.1.3.1 The Devolved System**

In the devolved system power, responsibilities and financial means shall be more decentralised. Therefore, the process of devolution is meant to empower people to self-governance by managing their own affairs to spur development and promote democracy as well as accountability of leaders. The constitution further foresees equal sharing of local and national resources, it tries to foster national unity by recognising diversity, and protects and promotes interests and rights of marginalised communities and minorities (Ghai & Ghai 2011:119).<sup>6</sup>

The responsibilities of the county governments are similar to those which were carried out by elected local authorities. However, mainly two other duties have been added, which are the provision of primary health care and agricultural policy implementation, agricultural extension and livestock services (Boex & Kelly 2011: 2). Another key responsibility is the management of county-level transportation (Kramon & Posner 2011: 97). Through the allocation of at least 15% of the national budget to the 47 counties, a financial foundation for the operations shall be given. Furthermore, 0.5% of the annual revenues will be used for compensation in marginalised areas. Therefore, underdeveloped areas and those who suffered from injustices will be supported to catch up. In order to get additional funds, counties can use local revenues, get loans and donations or direct investments, Private Public Partnerships or County Infrastructural Bonds (Omari 2012 et al.:495).

According to the constitution elections shall be held every five years (and if necessary supplemented with by-elections). Besides the President and the National Assembly which consists of a representative from every constituency (Member of Parliament – MP), one elected Women Representative from each county, an *ex officio* speaker as well as 12 minority representatives nominated by parties (Kenya 2010: Article 97), the new constitution foresees a second house of parliament, the senate. The senate consists of one representative from every county, the Senators, and is respectively the national body dealing with county matters. Senators are directly elected by the county population and are supposed to represent and protect county interests in national politics. The senate has legislative responsibilities and makes decisions about financial matters concerning the counties (Ghai & Ghai 2011: 100). Among the two houses of parliament, the National Assembly is the more important one: it is responsible for the national budget, most law-making, controlling

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<sup>6</sup> Whether or not this will be achieved is, however, uncertain.

the national executive, and has to approve declarations of war, besides other responsibilities (Kenya 2010: Article 95).

The new county government is also elected. The executive of the county government is headed by the Governor and his deputy, who appoints members to the Executive Committee for his support.<sup>7</sup> This committee consists of a maximum of 10 members. The Executive Committee has to be approved by the elected legislative body on county level: the County Assembly. It consists of County Representatives, one for each ward, who are elected by the population and possibly additional appointed members in order to ensure gender balance<sup>8</sup> and representation of youths, people with disabilities and in some cases minority groups. The assembly elects a chairperson, the speaker, who has to be external. The main responsibilities of the assembly are to approve policies, plans and the budget; it oversees the executive county bodies and makes county laws (Ghai & Ghai 2011: 126ff). In urban areas the county government shall additionally be supported by municipal structures (Burugu 2010: 39).

In summary, every five years six positions are directly elected by the population: President, MP, Women Representative, Senator, Governor and County Representative. These are further complemented by appointed representatives for youths, the minority gender group, people with disabilities and possibly other marginalised groups.

### **2.1.3.2 The New Government Structure and the Land Question**

Besides the attempt to tackle the historical injustices and empowering minorities by devolution, the new constitution also addresses the sensitive land question. Like shown above, throughout the years, people have been displaced from their traditional land, large land tracts have been grabbed mainly by politicians and foreigners, settlement schemes have been created and the population, who lost their traditional land rights got more and more dissatisfied about how land issues were handled. The Land Commission in Cooperation with the Truth, Justice and Reconciliation Commission are the main institutions which are supposed to investigate and solve the land question.

According to the constitution, land is now classified in three different types: Private Land, Community Land and Public Land (Kenya 2010: Article 61(2)). While Private Land is held under freehold or leasehold (Kenya 2010: Article 64), Community Land is legally registered, transferred, declared, held, managed or used by a community, ancestral lands or land lawfully held as trust land

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<sup>7</sup> The following fields should be covered by the Executive Committee: County Strategy, Human Resource and Staff Administration; Finance and Economic Planning; Security, Police and Disaster Management; Legal and Legislative Affairs; Education and Health; Lands, Agriculture and Livestock; Energy, Water and Environment; Investments, Trade and Industry; Roads, Works and Housing; and Labour, Youth and Women Empowerment (Burugu 2010: 37f).

<sup>8</sup> The gender relation in the Assembly has to be fairly balanced with a ratio of at least 1/3:2/3.

by the county governments. Furthermore, it is stated in the same article, that “unregistered community land shall be held in trust by the county government” (Kenya 2010: Article 63). Hence, the county government is free to decide what happens with this unregistered Community Land. Public Land is land which has formerly been Government Land, land held by the state, all minerals and water bodies, as well as roads and other land not classified as Community or Private Land. In contrast to Community Land, Public Land is administered by the National Land Commission (Kenya 2010: Article 62). According to the Land Act, the County Assembly or National Assembly have to give approval if the status of a substantial area shall be converted into a different type (Kenya 2012a: Article 9(3)). Furthermore, it is stated in the Land Act, that Public Land can be allocated by the Commission on behalf of the national or county government, however, “public land that is along watersheds, river and stream catchments, public water reservoirs, lakes, beaches, fish landing areas riparian and the territorial sea as may be prescribed” (Kenya 2012a: Article 12 (2c)) cannot be allocated. In case of land allocation of Public Land, the Commission is obliged to make sure the investment benefits the local communities. Before land is allocated, the Commission has to notify the respective local government bodies, the public, and other interested parties and give them the possibilities to comment on the plans (Kenya 2012a: Article 14).

## **2.2 The Tana Delta**

The Tana delta is a very fertile and relatively remote wetland area in the Coast Province, surrounded by its arid hinterland. Nowadays different groups live in the delta who mainly sustain their livelihoods through agriculture or pastoralism. Due to the fact that several various groups have an interest in the area or even claim ownership, and the different customary laws as well as the statutory one are conflicting, the situation in the area delta can be tense and from time to time conflicts arise or even escalate.

In the following chapter I will summarise the existing literature on the Tana delta with the focus on (1) geographical aspects and climate, as well as the relevance of the river; (2) historical injustices and attempts for development; (3) the history of the people in the Tana delta and their culture.

### 2.2.1 Geography and Climate – The River Tana and its Relevance

The Tana delta is located at the Kenyan Coast where the river Tana flows into the Indian Ocean. The, more than 1,000 km long, river flows from the foothills of Mount Kenya in Central Kenya to Kipini at the river mouth. It defines the environment and enormously influences the lives of people living along the riverine. The river is one of the most important water and electricity sources in the country and the wetlands in the Tana delta, which cover about 1,300 km<sup>2</sup> are according to Temper (2009: 4f) some of the most important ones in Africa. In October 2012 the delta was added to the Ramsar List<sup>9</sup> as an Important Bird Area and because of its diverse ecosystem including “a variety of freshwater, floodplain, estuarine and coastal habitats with extensive and diverse mangrove systems, marine brackish and freshwater intertidal areas, pristine beaches and shallow marine areas” (Ramsar 2012). The Tana delta is situated like an oasis in a semi-arid to arid environment and is used for agricultural production, permanent grazing land for the herds of local pastoralists and a dry-spell pasture area for the cattle of many so called foreign pastoralists. Furthermore, over the years several foreign investors have shown an interest in this fertile area, for biofuel production or other

agricultural large scale projects (Schade 2012: 48f). Due to the “low, bimodal erratic and unreliable” rainfalls (mean annual of between 300mm and 500mm) (Nunow 2011: 5) in the district, the river is the most important source of life for any of the groups mentioned and indispensable for irrigation and animal watering points.

Furthermore, the river is the eponym of the Tana River County and its three districts: Tana North, Tana River and Tana Delta District (see Figure 2). The Tana delta is mainly located in the latter one but due to historical reasons<sup>10</sup> the area around Witu belongs to Lamu West. Additionally, the river including its eastern river bank is the disputed border to the

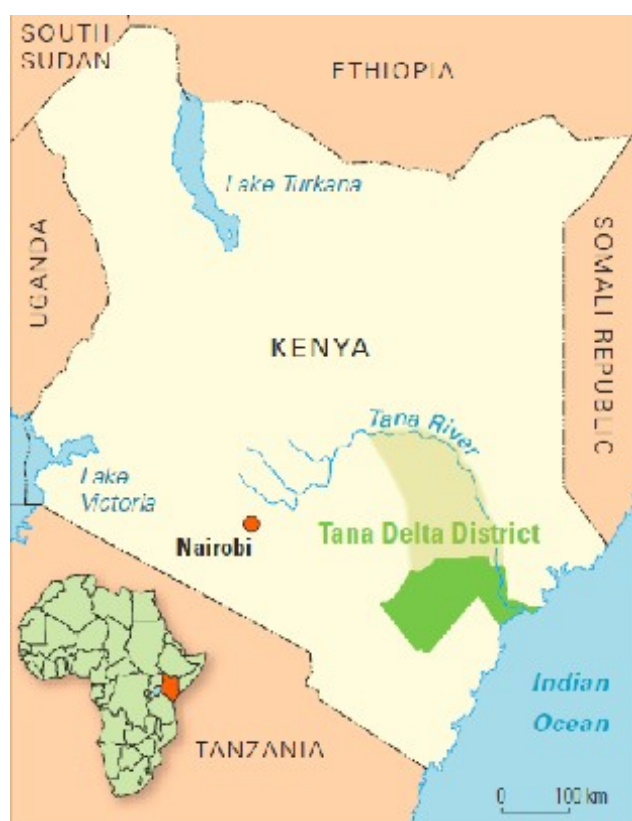


Figure 2: Location of Tana Delta District (Source: adapted from Pickmeier & Rutten 2013, ASC Infosheet 16)

<sup>9</sup> “The Convention on Wetlands is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. It was adopted in the Iranian city of Ramsar in 1971 and came into force in 1975, and it is the only global environmental treaty that deals with a particular ecosystem.” (Ramsar 2008).

<sup>10</sup> Witu was once like Lamu occupied by the Arabs and belonged back then to the same Sultanate. Therefore it is part

neighbouring Ijara District in the north-eastern Garissa County. According to the Standard (15/09/2012) a three mile strip to the river bank is the current border between the two counties.

For the people of the Tana delta, the river can be a blessing and source of wealth, due to its constant water availability as well as the natural fertility that comes with it; but with its unpredictable and sometimes destructive floods and the increasing risk for diseases in the area, the river can also be a curse.

Additionally, one should not forget that the river is an unpredictable fluid water source which does not necessarily follow the same course but it might change from time to time due to environmental influences or human intervention (Werner 1913). The biggest documented influences on the river course were the digging and later widening of the Belasoni Canal in the late 19<sup>th</sup> century to connect the Tana with the Ozi river for better trade (Miller 1981: 130); the construction of several dams for the generation of electricity upstream from the 1960s on (Adams & Hughes 1986: 406); and El Niño related rains in 1997 (Hamerlynck et al. 2010). A change in the river flow pattern is potentially profound. Sometimes such a change might mean that a village does not have direct access to water anymore, and people have to walk long distances to carry water for daily consumption. In the mid 19<sup>th</sup> century this led to the resettlement of the whole Ngao village, and in 1961 the people from Hewani and Vumbwe had to shift their villages in relation to floods (Lebrun 2009: 5). A new course of the river can also have consequences on farming possibilities and strategies: after the 1898 widening of the Belasoni canal, the river did not reach its old mouth anymore and ended up at the river mouth of Ozi river near Kipini. Therefore, villages farming in the earlier flood plains had to stop flood irrigation. Moreover, due to the absence of floods, the soil was no longer enriched by fertile river silt: farmers living alongside the old river course had to shift from rice farming to maize as their major crop (Werner 1913: 360). Furthermore, “due to changes of the river, most oxbow lakes downstream have dried up” and fishing is nowadays mainly practised at the Coast, whereas fresh water fish is supplied by the process of fish farming (Kenya 2009: 10) in fish ponds.

### **2.2.2 Historical Injustices and Development**

By the late 1800s outsiders visiting the area, already realised the potential of the Tana delta. In fact, Miller states, the area was seen as the “Nile Valley of East Africa [which] would become the highway to development of the interior” (1981: 2), however, after colonialism, the area lacked behind compared to many other parts of Kenya. Miller reconstructs different changes in the area

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of Lamu County until today.

and explains how colonial policies rather disrupted the area and led to marginalisation. He argues that the colonial administration, in particular the imperialist struggle in combination with the colonial rule, destroyed “a working system of social and economic relations” (Miller 1981: 3). The British colonial rule dictated different laws, like hunting restrictions, initiated agricultural activities for export (rubber and cotton plantations) and demanded taxes from the people, however, instead of triggering development, like it was intended, the colonial ideas led to a process of impoverishment. The biggest obstacle for the development of the area and its people was, however, the colonial trade monopoly because it restricted the locals, especially the Pokomo for whom trade was a key source of income (Miller 1981:172ff). Furthermore, the distant administration of the colonial government failed to build infrastructure as well as health and education facilities in the area (Miller 1981: 156), which was the beginning of a regional marginalisation.

The first plantations in the Tana delta were established in 1904 by a British company called the East Africa Cotton Syndicate. The project started on an initially 80 acre area between Kau and Chara and was later shifted near Witu. At first the cotton production in the Tana delta was very successful, however, due to lack of knowledge of the area, the Syndicate eventually failed. Instead of giving up, the company extended their area under cultivation to 350 acres and started a section with rubber plantation due to the increased rubber demand on the world market. The Syndicate director in the Tana saw the need to build roads, as well as a drainage and irrigation systems, however, his counterparts in London rather pushed him to further extension. Finally, the plantation project failed due to land speculation under a company called the East African Cotton Company (Miller 1981: 150ff).

After independence the land tenure status of the area which is today Tana Delta District became split between foremost Government Land<sup>11</sup> (70%), and the remainder, especially at the riverine, Trust/Community Land (20%) or is covered with water (10%). Even though the district is named after the river delta, only a small proportion of it is actually fertile: only 9% of the district is suitable for agriculture, 67% is range land and part of the district was added to the Tsavo East National Park (Kenya 2009: 10). For several reasons, title deeds have seldom been handed out in the Tana Delta District. According to Schade (2012: 49) only 4.3% of the farmers had received title deeds in 2012.

Since the 1970s, land has been given to groups of people to promote pastoral development, however, some groups of farmers also acquired so called ranches for commercial livestock keeping (Schade 2012: 31). Six ranches have been established in the area of the Tana Delta District (Kenya

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<sup>11</sup> Government Land is, since the new constitution has been embarked in 2010, called Public Land.

2009: 16).<sup>12</sup> Besides the promotion of development for pastoralists, the idea of ranches had also been introduced, to solve the problem of overlapping land claims, the necessity to control livestock numbers and over-grazing which, according to (international) policy makers following the theory of “The Tragedy of the Commons” (Hardin 1968) was likely to raise to an unsustainable extent if responsibility for land was not given to the users. Lastly, the policy was also meant to protect land from “land grabbing” (Schade 2012: 31; 49).

According to Smalley (2011: 11) since independence different planners showed interest to bring large-scale irrigation projects to the Lower Tana, which resulted in a number of projects that have been introduced, mainly under the Tana and Athi Rivers Development Authority (TARDA) and the National Irrigation Board. The Lower Tana Village Irrigation Programme, funded by the Netherlands aimed to implement an irrigation scheme in the 1980s in Oda, Ngao, Hewani, Wema and Mnazini (Lebrun, 2009: 9). Furthermore, the Tana Delta Irrigation Project (TDIP) was funded by the Japanese government, implemented by TARDA and started in 1988. It is located in Salama location and used for rice production. The area given to TARDA for agricultural projects in the Tana delta is, however, significantly bigger. Until the Tana Integrated Sugar Project (TISP) collapsed, the Authority was growing sugar cane for Mumias Sugar Company in an area of 16,000 ha south of the TDIP. However, the three projects faced serious difficulties due to environmental challenges and mismanagement. Especially the El Niño rains in 1997 were a big obstacle for the success of the TARDA projects and the TDIP is the only irrigation scheme, that is currently in use (Lebrun 2009: 11f; Smalley 2011: 12f).<sup>13</sup> Over the last five years, other companies, especially foreign investors as well as Qatar showed an interest in the area. Besides the TDIP the only other project, which was approved, at least for a test phase, is a jatropha plantation for biofuel production by the Canadian Company Bedford Biofuels. In case the project reaches the implementation phase, jatropha plants will be grown on an area of 64,000 ha on six ranches mainly in what is now rangeland (Smalley 2011: 14), however, 160,000 ha on these ranches have been leased to the company (Pickmeier & Rutten 2013). Other developments that affected the lower Tana region was the construction of five upstream, hydropower dams from the 1960s onwards (Adams & Hughes 1986: 406). Since the Masinga Dam construction in 1981 the natural flooding patterns changed and the water level of the river lowered. Due to the disruption of the flood patterns, floods reduced, which is an obstacle to the practice of flood irrigation. In case of flooding, these are often more fatal than before (Geider 1990: 98; Maingi & Marsh 2002: 75). Due to the fact that “all the main economic activities (recession

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<sup>12</sup> Four out of these six are according to the District Development Plan company ranches (Kenya 2009: 16). This means, the ranch holders have to pay an annually fee for the usage of the territory. The status of the other two is unclear.

<sup>13</sup> After the El Niño rains it was, however, due to severe damages, inoperative from late 1997 until 2009.

agriculture, livestock keeping, fisheries and forestry) [in this delta] are practised in accordance with the flooding rhythms of the river, occurring twice a year, once in November and once in May in the natural pre-dam system” (Duvail et al. 2012: 323) the consequences of the dams on the lives of people living downstream was tremendous.

Despite the construction of hydropower dams in the river Tana since the 1960s, the Tana delta, which is one of the most affected areas, only received power in 2006 (KNBS 2009a: 62) and some villages are not provided with electricity until today. This underlines the marginalisation of the area as compared to other parts of the country. The neglect of the Tana Delta District is also revealed by the insufficient road network of only 451 km, “whereby 58.3% is in bad condition rendering most parts of the district impassable during the rainy seasons” (Kenya 2009:11). Another indicator for the lacking behind in development is the restricted, weak and fluctuating mobile network coverage<sup>14</sup>. As a result in certain locations people have to walk several km to get mobile reception. Furthermore, the area is missing health facilities. The district has only one single hospital which was established by German missionaries and many parts of the area do not even have dispensaries<sup>15</sup> (Kenya 2009: 18f). Additionally, the district has a relatively low number of schools, especially beyond primary level. While there are 55 primary schools for an estimated number of 23,500<sup>16</sup> children in the average primary school age of 6-13 years (teacher-pupil ratio: 1:49), the district only has 7 secondary institutions and one Youth Polytechnic (Kenya 2009: 8; 20f).<sup>17</sup> Last but not least, the security has to be guaranteed by two poorly equipped police stations and five police points, in the whole district, which is impossible for the few officers (KNCHR 2012: 47).

The Tana delta and its district bear a great potential for tourism, due to the diverse flora and fauna. However, appropriate facilities to accommodate visitors like resorts and hotels have not been established. Besides the Tsavo National Park, in the West of the District, which is managed from Voi, Tana River Primate Reserve (managed by KWS) and a private wildlife estate, the Nairobi Ranch in Kipini can be future tourist attractions (Kenya 2009: 11). Furthermore, the fact that the delta has recently been announced to be a Ramsar Site might attract visitors as well.

Even though the high potential of the area the underdevelopment of the Tana Delta District is highly visible and testifies the marginalisation and neglect of the area and its people. In the Kenya Vision 2030 the Tana delta is mentioned as one of the areas that shall spur the development of the country

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<sup>14</sup> In 2009 a coverage of 40% of the district was recorded (Kenya 2009: 23)

<sup>15</sup> In 2009 a total of 2 health centres, 10 dispensaries and 8 private clinics was recorded. However, the whole district only had one doctor, two clinical officers and 33 nurses (Kenya 2009: 18f)

<sup>16</sup> However, the primary school net enrolment rate is 64%, with a transition rate of 53,7% to secondary school.

<sup>17</sup> The updated number of schools was given in an interview with the District Education Officer.

(Kenya 2007b: 13). This, however, does not necessarily include the population of the Tana, who have so far not been sufficiently included in the planning of future projects (Pickmeier 2012: 84).

### **2.2.3 People and Culture – Current Data and a Historical Overview**

About the population in the loosely defined area of the Tana delta, no figures or details are available, however, most of the population in Tana Delta District lives close to the river, which is the area of the delta, and therefore, to get an impression of the Tana delta population, the district figures can be consulted<sup>18</sup>. At times of the Kenyan Population and Housing Census 2009 the Tana Delta District (which equals Garsen constituency) had with 96,664 people a relatively low population density of 6.19 people per km<sup>2</sup> (KNBS 2009b).<sup>19</sup> According to the same census data, the population of Tana River County was about 240,000 in the year 2009 (KNBS 2009c). The population in the Tana delta is economically<sup>20</sup>, ethnically and religiously heterogeneous: most residents of the Tana Delta District sustain their livelihoods through agriculture (60%) or pastoralism (40%) and supplement it with fishery (Kenya 2009: 10); in terms of religion the majority are Muslims, however a substantial group of Christians can also be found; and ethnically both Cushitic (mainly Orma, Wardei<sup>21</sup>, different Somali clans and the Waata) and Bantu groups (including Lower and Upper Pokomo, Munyoyaya, Ilwana also called Malakote, Giriama and other Mijikenda groups) are present. Traditionally, these Cushitic groups sustain their livelihoods through pastoralism, except the Waata who traditionally are a hunter gatherer community<sup>22</sup> (Kassam & Bashuna 2004: 197), and the here listed Bantu groups rather engage in agriculture or fishing (Pickmeier 2012: 55). The two biggest groups in the Tana delta are clearly the Pokomo and Orma followed by the Wardei.<sup>23</sup>

The Tana Delta District has in the past years been one of the weakest districts when it comes to school performance. The results of students in the national exams for the Kenyan Certificate for

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<sup>18</sup> And, like mentioned above, most of the Tana delta is located in Tana Delta District.

<sup>19</sup> Only 43% (41,866) of this population were above 18 (Kenya 2009:15).

<sup>20</sup> In pre-colonial times and also later on, the livelihoods of the different groups living in the Tana delta (especially Orma and Pokomo) supplemented each other and besides farming, pastoralism and hunting another income generating activity (at least for the Pokomo) was trade on the river Tana with Arabs especially from the neighbouring Sultanate in Witu or the Swahili people from Kau. According to Miller (1981: 12) interactions between the different groups started to begin in the 1860s.

<sup>21</sup> Also called Wardai, Warra Daayaa, Wardeh, Warday, etc.

<sup>22</sup> According to Kassam and Bashuna (2004) the Waata are sometimes also referred to as Dorobo which is applied to all hunter gatherers “regardless of their ethnic affiliation” (Kassam & Bashuna 2004: 197) and derives from the Maasai Il-Torobo. However, I was told in the Tana delta Waata, Dorobo and a third group called Gunya consider themselves as distinct groups.

<sup>23</sup> Due to the loose definition of the Tana delta no definite percentages can be given about the proportion of the ethnic groups. Though, according to the Kenyan Population and Housing Census 2009 the percentages for the Tana Delta District are about 44% Pokomo, 44% Orma and 8% Wardei (KNBS 2009c).

Primary Education - KCPE in the Tana Delta District have been ranked as the third last country wide (Nation 29/01/2013).<sup>24</sup> The census data 2009 reveal that about 59% of the county population is illiterate, 34% got primary education, only 6% went to secondary school, and less than 1% got the possibility for any tertiary education (KNBS 2009c).

### **2.2.3.1 The Pokomo**

For several centuries the Pokomo who sustained their livelihoods traditionally by farming and fishing as well as occasional hunting of crocodiles and hippopotami (Prins 1952: 14f), were the biggest group in the Tana delta. In times of famine the Pokomo complemented their diet with water lilies and other fruits and seeds (Werner 1913: 379).

Linguistically this group is divided in Upper and Lower Pokomo. Culturally they share, however, the same roots and many customs. The Lower Pokomo can mainly be found in the Tana delta, while most villages of Upper Pokomo are located upstream. However, starting in the 1880s some groups of Upper Pokomo resettled in Chara location mainly due to Somali raids, which is why in today's Kipini West ward some villages of Upper Pokomo can also be found. Due to different backgrounds, values, experiences and influences by Islamic teachers or Christian Missionaries, most Upper Pokomo converted to Islam between the 1890s and the 1920s, while most Lower Pokomo were exposed to Christianity since the arrival of missionaries from Great Britain and Germany in the late 19<sup>th</sup> century (Bunger 1973; Brandl 1998: 22).<sup>25</sup> These religious patterns were reproduced up to today.

For farming activities the Pokomo foremost used flood irrigation which, besides water, provided their farms with fertile river silt (Werner 1913: 360). Nowadays, most Pokomo “produce recession and tidal rice but, mainly due to the reduced peak flows (Maingi and Marsh, 2002), they have diversified into rain-fed maize, mango and banana cultivation, fishing and small livestock-keeping” (Duvail et al. 2011: 324) and some farmers make use of irrigation schemes. Pokomo use one-trunk-canoes, which they carve out of trees from the river woods, to cross the river and for transportation and trade on the river (Werner 1913: 361).

According to Prins (1952) the Pokomo farmers and fishermen are said to have migrated to Kenya

<sup>24</sup> On a national scale the county improved from the last position to the No. 44 out of 47. However, the performance in the county was even weaker than in 2011.

<sup>25</sup> In 1884 the British United Methodist Free Church mission (UMFC) established the first mission in the Tana delta, the Golbanti mission. The missionaries were at first interested in the Orma, however, when this group rejected them and did not show interest in cooperating with the missionaries, the Golbanti mission turned to the Pokomo. In 1887 a small mission society who knew about the Witu Protectorate opened the Neukirchen mission in Ngao to “set up a ministry to the Pokomo on Tana River” (Miller 1981: 97). The two missions did not only bring Christianity to the area, but also introduced formal education and the Neukirchen Mission established the up to today only hospital in the area.

from the proverbial Shungwaya which is believed to be located in the south of today's Somalia. According to Martin (2007: 18) the peoples of the Shungwaya started migrating to the southern territory of today's Kenya, when they were attacked by Galla (Oromo) groups in the 13<sup>th</sup> and 14<sup>th</sup> century, Geider (1990: 86f), however, states the migration might have started in the 1450s. He also mentions that the Pokomo were probably not one homogeneous group but a Pokomo ethnic identity started to emerge after settling and living together at the river Tana. Before moving to the Tana in the mid 17<sup>th</sup> century, at least some of the Pokomo are said to have lived on the Islands Lamu, Menda and Pate (Bunger 1973: 12). Due to a shared history and linguistic similarities it is likely, that the Pokomo originated from the same group like the Mijikenda and Swahili (Geider 1990: 87).

At the time the Pokomo settled in the delta, most of them established their villages on the left side of the river banks in the fertile wetland area. Due to Somali-Orma attacks in the 19<sup>th</sup> century, which also affected the Pokomo, as well as the seasonal floodings of the river, the Pokomo shifted most their villages on advice from the missionaries to the south-west banks of the river (Bunger 1973: 63; Townsend 1978: 294; Miller 1981: 84). Still, they continued their farming activities mainly on the left river banks where they could make use of flood irrigation. In the 1920s and 1930s the Pokomo moved out of their bigger villages to live closer to their farms and started spreading smaller settlements all along the river. More than 2/3 of the settlements were established on the west bank of the river separated from their farms by the river (Miller 1981: 159f). Until today, most Pokomo villages are on the west bank of the Tana river (Townsend 1978: 294).

#### **2.2.3.2 The Orma**

The Orma are originally a semi-nomadic pastoralist group, whereby life is centred around their cattle. The diet of the Orma is mainly based on milk and meat but supplemented with rice and other agricultural products (Irungu 2000: 12) which they used to receive from their Pokomo neighbours in exchange for milk and meat. Historically they sometimes engaged in hunting (Miller 1981) and nowadays they have also started farming and practising small businesses to supplement their livelihoods (Martin 2012: 172). According to Ensminger and Rutten (1991: 697) the Orma can be divided in three sub-groups (from north to south): the Hirman, the Galole, and the Chaffa Orma. The Orma permanently staying in the delta are Chaffa Orma.

The Orma originated from the Galla also called Oromo who are mainly found in Ethiopia. The original Oromo group which later were called Orma descended from Lake Abaya in southern Ethiopia around 1530 (Lewis 1966: 27; Martin 2007: 42). Lewis states, “the Galla were an expanding people, moving north, north-east and south-east” (1966: 34) militarily conquering

territories up to the Tana River area (Ensminger & Rutten 1991: 691; Kelly 1990: 80) in the south where they started living in symbiosis with the farming Pokomo (Miller 1981). According to Martin (2007:42) the Orma arrived in the Tana area by the end of the 17<sup>th</sup> century. Back then the Orma stayed in the hinterlands of the Tana river where they found pasture for their cattle. Only during the dry spell Orma came to the delta and negotiated with Pokomo elders to get access to the river, in order to water their animals. Until the 1860s no Orma village was established in the delta (Miller 1981: 97; Townsend 1978: 290). In the late 19<sup>th</sup> century the Orma suffered from fights with Somali and Maasai livestock keepers who were interested to expand into Orma territory. It took the Orma a long time to recover from these attacks because, according to Ensminger and Rutten (1991: 691), the Orma and their herds were decimated drastically. Therefore, they did not experience land pressure in the area until the 1960s, when they also progressively settled in the delta with permanent villages (Duvail et al. 2011: 324). During colonialism the Orma were restricted to the hinterlands and only during the dry spell they were permitted to travel to the water points at the river using specific migration corridors, so called *malkas*. These corridors were distinct from corridors used by Somali pastoralists in order to prevent conflicts (Martin 2012: 173).

Over the years, the grazing areas of the Orma have been reduced due to colonial or post-colonial irrigation projects, the creation of the Tsavo Park and due to the colonial policy of ethnic reserves, the Orma had been restricted to a territory in the hinterlands and were denied access to important dry season grazing areas like the delta (Kelly 1986: 98). After independence the ethnic reserves were dissolved and free movement permitted. Kelly (1986) noted that by the time her article was written the Orma and their Somali fellow pastoralists were still staying in the hinterlands, which constitute 90% of Tana River County. Especially during the rainy season the animals did not come to the delta and even during the dry spell, herders preferred to stay with their cattle in the hinterlands and to utilize wells dug in the then dried river; because in the delta their animals were more prone to diseases. However, with the influx of foreign pastoralists and their herds who used the area for dry season grazing, overgrazing became a problem. The author further states that due to the danger of overgrazing, the Orma used to have a grazing cycle between the river and the hinterlands (Kelly 1986: 88) like it was the case in the 19<sup>th</sup> century (Miller 1981). Kelly (1990: 89) reports that a growing number of Orma started a rather sedentary lifestyle and engaged in farming from early 1990s onwards. Therefore they settled near the river, where they “encroach on the traditional economic and spatial domain of the Pokomo farmers” (Kelly 1990: 89). As a result the topic of land ownership became even more sensitive because the Pokomo were not exactly keen on sharing their farmland with the Orma.

### **2.2.3.3 The Wardei**

Different authors like Kassam and Bashuna (2004), Schlee (1992) and Turton (2009) suggest, that the Orma have earlier been called Warra Daya or Wardei. Schlee (1992: 5) further remarks, that the name was originally used by the Somali for the Orma and he refers to a personal conversation with Hillary Kelly in which she stated that “among the Tana Orma the application of this term is restricted to back-migrants who had lived in a dependent status among the Somali, being descendants of captives” (Schlee 1992: 5). Therefore the Wardei and Orma originated from one group, however, the Wardei were extremely exposed to the Somali culture and at least their language was highly influenced by the language of their hosts (Kelly 1990: 82, Schade 2010: 46). By reading Ensminger and Rutten (1991: 692) one also gets the impression that the Wardei and Orma culture differ, because the Wardei like the Somali did not acknowledge the Orma institutions and customary laws which suggested that wells “were owned by the person who had first dug the spot and his patrilineal descendants” (Ensminger & Rutten 1991: 684). This notion is confirmed by Kelly’s (1990: 82) further remarks that Wardei sometimes rather follow Somali than Orma “rules” of behaviour. The Wardei started settling in the Tana delta from 1972 on (Mghanga 2010: 75; Townsend 1978: 294) and were according to KHRC (2002) invited by the Orma and in the 1990s encouraged by their aspiring MP Molu Shambaro in order to support him politically. According to Schade (2012: 60) the Wardei are until today (at least in some areas of the delta) still regarded as squatters.

## **Chapter 3 Theoretical Framework**

Before coming to the case study of politics and conflict in the Tana delta in 2012/2013 we shall now have a look at different theoretical approaches which will help to understand the situation and show that the conflict patterns and election politics in the Tana delta are not an exception but similar structures were found in other areas as well. In the first part of this chapter a definition of conflict will be given and it will be shown how different and complex conflicts can be. One focus in this section will be on so called “New Wars”, which describe especially African conflict patterns after the Cold War era.. In the second part the focus will be on the two political actors, politicians and voters, and their interests and behaviour in the game of politics. Furthermore, attention will be given to the way ethnicity and conflict can be part of electoral politics. In the third section the focus will shift to governance problems connected to conflicts. Here, we will look at the problem of two coexisting systems (legal and customary) and the importance of state service provision and political trust for the maintenance of peace and order.

### **3.1 The Complexity of Conflicts**

Conflicts are due to the disparities between conflicting parties. These disputes are not only sensitive, but often also very complex and difficult to grasp. For that reason we will start this section by providing and discussing several aspects which are relevant for the understanding of conflicts in this study. By touching on various causes of conflicts and conflict types it will be shown that labelling a conflict, as for example political or resource based, is not always possible, due to the fact that the intention behind it might be unclear and unknown. To help shedding light on the topic, the approach of “New Wars” will be presented as an explanation of post Cold War conflicts on the African continent. Due to the complexity as well as the sensitivity of this topic, it is furthermore argued that the choice of methodology is of special importance.

#### **3.1.1 Defining Conflicts**

Various scholars have different perspectives on conflicts and define their object of study differently. By looking at the academic literature, it is clear that conflicts can be characterised in various ways, and therefore defining the phenomenon clearly before discussing a case study is crucial. For the definition used in this study, the contributions of four scholars are of relevance: Burton (1995)

differentiates between conflict and dispute by arguing disputes were about negotiable interests, while conflicts “develop around non-negotiable issues of human needs“ (Wagner-Pacifici & Hall 2012: 182). Furthermore, Brubaker and Laitin (1998) who make a distinction between the terms conflict and violence, stress that violence is a degree of conflict. Some other scholars explicitly distinguish social conflicts from other forms: Coser (1967: 232) regards social conflict as a “struggle over values or claims of status, power, and scarce resources“; while Obershall (1978: 291) stresses the importance of collectives rather than individuals in social conflicts.

In this study a definition of conflicts shall be used that combines these four aspects: (1) conflicts emerge, if at least two parties have different interests and are not willing to find a compromise or solution; (2) conflicts do not necessarily have to be violent, but violence is regarded as an escalation of a conflict, which will also be referred to as clashes; (3) conflicts can emerge over values, status, power or any form of scarce resource; (4) the conflicts can exist between individuals or collectives, however, in this study the focus will be on group conflicts.

The aspect that violence is an escalation of conflict already implies that there is more to it than fighting. So called latent conflicts and tensions can exist without being visible or necessarily being expressed for many years and grievance can even be transferred over generations (Richards 2005: 13). But not only articulated or unarticulated disparities are part of conflicts, instead, conflicts have to be seen in context. Unlike Simmel (1964) who regarded conflict, conflict resolution and peace as three different phases, I argue, that peace and conflict belong together and conflict resolution or conflict settlement can be seen as a transition phase, which is part of both, peace and conflict.

In the debate on conflicts a normative site of the topic is also being discussed. In general, there are two different camps: one side including Black (2011) is of the definite opinion that conflicts are wrong, bad and undesirable; other scholars also see positive effects of conflicts. Coser (1956) for example, suggests that conflicts often lead to change and Simmel (1964) remarks, they can have unifying aspects. Richards (2005: 1) critiques the former camp which suggests that conflicts are often seen as solely bad. He argues, if war or conflict is only regarded as something negative, it is often seen as “a thing in itself”, which means, it is taken out of its context. To resolve conflicts, the context is however crucial. Therefore he suggests, peace and conflict should rather be regarded as a “social project among other competing social projects” (Richards 2005: 1).

### **3.1.2 Causes of Conflicts and Conflict Research**

Conflicts are a social phenomenon which has always been existing and evolutionist approaches

even suggest that humanity cannot be without conflict (Fry 2012: 879). According to Richards (2005: 5) even the conflict literature dates back to ancient times. Hence, it is not surprising that the literature is vast and covers various aspects of causes of conflicts. In general one could say, on conjunctures, where different interests, connected to needs, ideologies or identities meet, cleavages which bear potential for conflicts arise. Therefore, the causes can reach from religious differences (see Atran & Ginges 2012) and disparities in culture, ethnicity (see Kaplan 1993) and values (see Williams 1947: 43), over unclear legal situations, desires for power and political legitimacy (see Orobator 1996; Bujra 2002), to economic motives connected to resources, including natural resources (see Alao 2007; Frerks 2007; Le Billon 2012).

By looking at natural resource conflicts, again, one comes across different conflict types and explanations: Some scholars of the post Cold War conflict era see reasons for conflict in climate change or environmental degradation (see Homer-Dixon 1994; de Bruijn & van Dijk 2005), while others are concerned about conflicts connected to resource richness, usually commodities, where the conflict arises as a result of an increased interest in the specific area which is labelled the “resource curse” (see Auty 1993; Ross 2006). Therefore, the resource curse is an economic natural resource conflict. One form of natural resource conflicts, that also received much attention, is farmer/herder conflicts, which describes problems between pastoral groups and agriculturalists for example in rural areas in Africa (see Clanet & Ogilvie 2009). Here, the main problem is different interests in the use of natural resources, especially land and water. While the pastoralists need grazing areas and water points for their livestock, agriculturalists try to make a living from crop farming. Hence, if animals stray into farms or farmers block water corridors and grazing areas, it is likely that conflicts or even clashes arise. Other scholars see the main problem of natural resource conflicts not necessarily in different interests but try to tackle it from the side of growing population pressure (Urdal 2005).

Political conflicts, by contrast, can emerge in relation to dissatisfaction with the political system, like in revolutions related to the struggle for democracy in the Arab Spring (cf Michael-Matsas 2011). Other forms of conflict which are labelled political can be related to elections, either pre-election violence, which might arise to secure positions, or post election violence, which can be an expression of dissatisfaction with the election process or the results (also see chapter 2.2).<sup>26</sup> A third form of political conflicts is related to poor governance, institutional failure and the lack of political trust (see chapter 2.4).

By looking at conflicts related to the struggle over control of a territory the classification of the

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<sup>26</sup> For an example see the case of Kenya in chapter 3.2.

conflict is not very clear: It could be a political conflict in the sense of a struggle for power, but in other cases the primary interest might be in land and therefore it could be interpreted as a conflict over natural resources. Similarly, the struggle for political legitimacy can be rooted in the desire for power, but could also be related to access to and control of resources. Therefore it is less clear, whether the motives are political or economic. These two examples show that causes of conflicts can be intertwined, difficult to fully grasp and therefore hard to define.

Defining the causes of conflict gets even more difficult, if the conflicting parties embrace different cleavages - for example, if the identities of groups are manifold or if the group could fight for several interests. This leads us to the next important characteristic of conflicts: conflicts are often not only based on one cause but nowadays the academic literature acknowledges multi-causality (Frerks 2007: 17). Different causes or reasons for conflicts can overlap and contribute to an escalation. These different causes can, however, be of varying relevance. Therefore, in the analysis of conflicts it is crucial to differentiate between root causes, which are the underlying problems, other factors that contribute, and triggers of conflicts. In the case of the Tana delta the different warring groups are split along various lines, and when looking at explanations for the conflict, given by displaced people, we will see that the conflict cannot clearly be defined as one specific type.

In regard to conflict studies, a variety of methodological approaches can be found. While, for a long time the focus has been on researching the causes of conflicts directly, Richards (2005: 11) suggests, that the ethnographic approach, which focuses on practices, actually gives more insightful results. This method tries to understand conflicts by observing what people do and how they do it. It is argued, that practices can shed light on reasons or motives. However, I argue, that a combination of different methods, a multi-dimensional approach, delivers more comprehensive results. Indeed, due to the fact that people might have an interest in hiding the truth or are even not entirely informed about the conflict, practices can give insights which might not be gotten by interviews only. However, by interviewing people and analysing other factors than practices, further information and insights can be gathered.

### **3.1.3 'New Wars' in Africa**

According to Richards (2005: 1) post World War II conflicts were in some way or the other shaped by the ideological differences between East and West, until the 1980s. Therefore, the question arises how conflicts after the fall of the Berlin Wall can be characterised. Allen (1999: 368ff) remarks, that

conflicts and war on the African continent are not a new phenomenon as such, however, conflicts since the 1980s have drawn new attention due to their new patterns. He characterises these 'New Wars' as being more intense, with more victims, especially civilians; the emergence of extreme violence like genocides in individual states; an increase of interpersonal violence and insecurity; the use of modern weapons instead of crude ones especially in conflicts in pastoralist areas and as a result orgies of violence including destruction of food and other resources. Additionally, civil wars increased and sometimes conflicts even turned into state collapse. Furthermore, he states that the targeted groups of these 'New Wars' are also characteristic. They often include opposition groups, organisations, communities in control of resources, and vulnerable groups like women, children and refugees. In genocides, ethnic or related groups are being attacked (Allen 1999: 369). Another feature of these 'New Wars' is state initiation or sponsorship of violence and the involvement of military or political leaders (Allen 1999: 371). The new violence can also be related to economic interests like in the resource curse. This is often the case in warlordism, in which a commander controls a group through personal authority and besides the exercise of violence, the area gets economically exploited (Allen 1999: 371f).

Furthermore, Allen classifies African conflict literature in five categories: First he dismisses 'new barbarism' accounts as overgeneralised and based on "ignorance and hearsay" (1999: 372). He calls a second type 'economics of war' which see the cause of conflict in changing economic conditions and the economic crises in the 1980s. Another type is "approaches rooted in the nature of African political systems" which usually relate to neopatrimonial politics and stress an "intensified competition for resources, and an increased use of violence as an element of competition" (1999: 73). The so called "globalisation approaches" explain conflict with the influence of globalisation on national politics. And last but not least he mentions "approaches using social, cultural and individual factors" (1999: 374).

Even though conflicts on the African continent are not new as such and some of the characteristics mentioned by Allen might have been part of other conflicts before, like the Namibian genocide of the Hereros by the Germans, this concept still has some analytical value. It shows that certain aspects are part of several African conflicts and puts them into perspective. Hence the case study of the Tana clashes 2012-13 will later be discussed in the light of this concept. The analysis of this study will mainly be in line with the third type which focuses on political aspects and competition over resources. Even though it would be interesting to analyse the clashes from several perspectives, I decided to chose this one only, due to matters of coherence and constraints of time and thematic focus of this study. We will later see how the conflict in the Tana delta is rooted in the

nature of the legal and political system, even though, other factors might also have contributed and should not be excluded. Due to this analytical focus we will now have a closer look at theories which explain political behaviour.

### **3.2 The Game of Politics**

In the political field, elections play a central role. While aspirants hope to win elections and to get into power, the voters are the central players in the voting process. In preparation to elections politicians try to win supporters and often use different strategies to convince or even manipulate them. To explain African politics it is often argued, that the ethnic card is played. Yet these observers foremost stress one aspect of political behaviour, especially that of some aspirants, but they often neglect other relevant factors and reduce African politics to simple ethnic power game, sometimes involving violence.

In the following paragraphs the behaviour of the two political players will be explained by theories of power and political interests, then, attention will be given to concepts of ethnicity and its relevance in African politics, and finally it will be connected to election violence.

#### **3.2.1 Political Power and the Logic of Politicians**

In sociological and political theory power is a central analytical concept as well as an object of study. Different scholars suggest various approaches and theories of the concept. In this section we will have a look at some aspects of political power which help to understand possible rationalities of politicians.

In Niklas Luhmann's system theory, power is the central factor which determines the logic (a binary code) of the political system. His theory suggests, that the political system solely operates according to a power/non-power logic and every "communication" (action or decision) is influenced by the struggle for power. Even though Luhmann's theory is based on a logic without individual actors, it can still explain the behaviour of politicians. Therefore, the primary aim of the latter ones is to stay or to get in power, which means in a democracy or electoral system, that everything they do is oriented towards attracting voters (Kieserling 2002, 96ff).

Similarly, Machiavelli (1977: 47ff) suggests the primary aim of sovereignty (or governance) was preservation of power. Based on an analysis of Italian politics he concludes, that the aim justifies the means, no matter whether other people suffer or have to be sacrificed, the ultimate aim is power.

Bevc (2007: 78) remarks, according to Machiavelli one can only be sure to have secured the position if all other competitors are somehow eliminated. Furthermore, in Machiavelli's understanding a sovereign should delegate all unpleasant things to other people and remain with the pleasant ones (Machiavelli 1986). This justifies and explains why violence might be used by politicians to secure power and why they do not want to dirty their hands but rather incite and use others for the unpleasant jobs. Like shown above (see section 2.2), violence has several times been an instrument in Kenyan multi-party politics and in the case of the Tana delta, different politicians have been accused of somehow having been involved (see section 5.4.3).

Both of these theories suggest that power is the crucial factor in politics. In fact, it is what politicians aim for. Access to power is given by legitimacy. And this legitimacy is often achieved through elections. In fair elections voters decide who should get in power. Therefore, like Luhmann suggests, anything aspirants or incumbents do is oriented towards winning voters. In section 3.2.3 we will see how ethnicity is often exploited in order to secure power.

### **3.2.2 Voters – Aiming for Benefits**

While during a legislature the main power in decision-making is given to politicians, voters are the central actors in the act of elections. The decisions of voters are usually directed towards maximising their benefits. Hereby, the aims and benefits of voters can be related to three different aspects on which voting decisions can be based: interests, ideologies and identities (Grignon et al. 2001: 10). Ideologies or opinions are often connected to interests or identities, therefore the focus in this section will be on theories of the latter two. In short, opinion voting is the expression of convictions. This means, the choice of vote is influenced by attitudes and ideologies like liberalism, green mindset or social-democratic attitudes, etc. but can also be based on religious convictions. Even if there is a differentiation of voting patterns in the theoretical discussion, it is, however, important to keep in mind that voting decisions are usually based on a combination of the three aspects which are in practice not so easily separable.

Several scholars have dealt with the topic of voting behaviour and therefore various theories exist to explain political action. Generally spoken, two different fundamental approaches can be distinguished: (1) rational voting, which is often associated with interest voting and sometimes ideology voting and will here be explain by Anthony Downs' theory of political action, and (2) theories which link identity and voting.

### **3.2.2.1 The Rational Voter**

Explanations of voting behaviour focusing on interest or exchange voting, suggest that there is a transaction between voter and candidate. This means, voters usually vote for a certain politician, because he promises to implement their interests. It is an exchange between the vote for the politician and benefits for the voter. These benefits could be anything of the voter's interest like the implementation of certain policies, legal regulations, construction of infrastructure or access to resources or jobs etc.

Downs' (1957) theory of political action emanates from a rational voter who is a reflected actor and has thought through his decision. He assumes voters mainly regard and consider the past legislation for their choice and outweigh from which party they would have had the biggest benefit. Hence, in the next election voters take decisions that maximise their benefits. Manifestos are of minor importance in Downs' theory (Downs 1957: 138). He also recognises voting according to a party's ideology as being rational. Due to the fact that it is very time consuming to follow all political decisions that are taken considering only the ideology of a party can reduce these costs (Downs 1957: 141f). Furthermore, Downs stresses, the voter knows best what brings him the biggest benefit. Therefore, the voter does not get irritated as long as he stays rational (Downs 1957: 139). However, Downs acknowledges that voters are often exposed to irritations. In a moment of weakness or inattentiveness, the voter can be irritated and dissuaded from his original preference by, for example, salesmanship or one sided reports. This brings about that political actors or elites, who are able to influence others, have bigger political power and get legitimised although they might not have gotten so many votes, if all voters stayed rational. Thus, not every decision and vote is maximising the voters benefit (Downs 1957: 140).

In many African countries party politics is of minor importance, but the individual politician might be the orientation point. Still, the rationality can be the same, only that the decision of a rational voter would in this case be based on the performance of the politician instead of the political party.

### **3.2.2.2 Voting and identity**

Opposed to the rational voter theory are approaches which see identity as the central determinant for voting decisions. Various sociological and psychological approaches, supported by empirical literature of political sciences, see group identity as a driving factor in political voting behaviour. "Virtually all of the seminal empirical work on voting emphasizes the importance of one type of social identity or another for explaining why citizens cast the ballots that they do" (Dickson & Scheve 2006: 6). According to Dickson and Scheve the following categories are relevant group

identities which influence voting behaviour: social class, religion, ethnicity, language and party membership. However, other group identities should not be excluded. Some empirical studies stress the importance of one identity; others acknowledge that voting behaviour is influenced by different identities at the same time (Dickson & Scheve 2005: 7). The reason for similar voting behaviour in similar groups can be interpreted in two different ways: Some scholars like Bates (1974) or Rabushka and Shepsle (1972) are of the opinion that members of one or several groups of the categories mentioned above simply have similar political interests. Others like Horowitz (1985) for example assume that the correlation between social group and similar voting behaviour is being strengthened by psychological affiliation with the group (Dickson & Scheve 2005: 8).

In relation to African voters, Grignon et al (2001: 10) stress that African identities often get reduced to ethnic belonging, even though this is insufficient. Grignon et al. explain: “in Kenya the socio-economic differentiation relevant for its politics is, to a great extent, regional in character – a result of colonial and post-colonial government policies together with discrepancies in access to power and wealth due to age, lineage or gender” (2001: 11). Therefore, they conclude that ethnicity is “one of the languages used to express other socio-economic or political aspirations” (Grignon et al. 2001: 11).

### **3.2.3 Playing the Ethnic Card - Politicisation of Ethnicity**

In many African countries ethnicity seems to be of significant importance in present day politics or in historical happenings and like mentioned, ethnicity is often used to explain voting behaviour on the aforementioned continent. Some examples for the relevance of ethnicity in politics from the eastern part of the continent are the genocides and guerrilla wars in Rwanda and Burundi (see van Hoyweghen & Vlassenroot 2000; Mamdani 2001), the political structures of Somaliland and Puntland which are based on clan structures as well as traditional leadership (Walls & Kibble 2010; Kaplan 2008), the political culture of Ethiopia in which ethnicity rights seem to be the most important ones (Abbink 2000) and it has often been argued, that ethnicity is of significant importance in Kenyan politics (see Lonsdale 1993). Hence, many scholars apply the theory of neo-patrimonialism to Kenyan politics and argue that ethnic relations are used for political interests.

To understand the concept of neo-patrimonialism, it is good to first have a look at the concept of ethnicity. In theories dealing with ethnicity there is basically a distinction between two different camps, the primordial theories, which regard ethnicity as a given and fix category (see for example Geertz 1973; Isaacs 1975; van den Berghe 1981) and the constructivist ones which argue ethnicity is a constructed identity which is flexible and only exists in relation to other groups (Lentz 1995:

118). The latter one is nowadays widely accepted and supported by scholars like Barth (1969), Hobsbawm (1983) or Comaroff and Comaroff (2009). Barth's introduction to the book "Ethnic Groups and Boundaries" (1969) is one of the founding texts of this school of thought. He mainly stresses, that the boundaries of ethnic groups are defined by outsiders and other groups rather than an intrinsic culture which should better be seen as an implication or result of the group (Barth 1968: 11f). These boundaries are not territorial but of social nature, and the group is identified as a distinct unit through its culture. In short, the culture does not define the group, but the culture is defined by the boundaries and the group is identified through its culture. Besides the external group definition, an intrinsic group feeling also arises due to the use of practises and a group-specific communication. He further suggests, ethnic categories would be created to simplify interactions and to develop organisational units (Barth 1969: 13f). While Barth tries to explain what an ethnic group is, Hobsbawm stresses that ethnicity and traditions are constructed or "invented" and often rather recent than they appear. Furthermore, he gives examples of the pre-colonial flexibility of ethnicity. Comaroff and Comaroff further argue that

ethnicity is neither a monolithic "thing" nor, in and of itself, an analytic construct: that "it" is best understood as a loose, labile repertoire of signs by means of which relations are constructed and communicated; through which a collective consciousness of cultural likeness is rendered sensible; with reference to which shared sentiment is made substantial. (2009: 38)

Lastly, it is worth mentioning, that Calhoun (1993) for example regards ethnicity as an equivalent to nationalism. He stresses: "both are part of a modern set of categorical identities invoked by elites and other participants in political and social struggles" (Calhoun 1993: 211).

This brings us to the politicisation of ethnicity and the neo-patrimonial theory. With the increasing independence of African states in the 1960s, more and more charismatic leaders like Nkrumah or Nyerere were elected as Presidents and in the academic literature African leader were explained by the Weberian ideal type of charismatic leadership (Weber 2002: 140; first published in 1921). After this concept had, however, not proven fruitful, the debate turned towards Weber's ideal of traditional legitimisation, in particular the concept of patrimonialism (Erdmann & Engel 2007: 97; Weber 2002: 133). Patrimonialism stresses the importance of personal relations in politics which is used to explain political coherence in Africa (Erdmann & Engel 2007: 97). It is argued that kinship relations, which traditionally structured pre-colonial African societies, are of particular importance in African politics. Weber's concept of patrimonialism was then merged with clientelism and

patronage to the model of neo-patrimonialism. Neo-patrimonialism therefore combines the significance of personal relations in African politics with the interdependence between politicians and voters through clientage relations (Erdmann & Engel 2007: 105). With the inclusion of clientelism, the neo-patrimonial concept becomes a dyadic construct: “it lends itself very easily to the formation of chains of dyads, in which the same individual is simultaneously a client in relation to those above him in the hierarchy and a patron in relation to those below” (Clapham 1982: 6). In a state the President is usually located on top of this pyramid and voters on the bottom. Due to the dyadic structure, every part depends on others to stay in one's held position. In order to guarantee support of clients, patrons use their social, economic, political and symbolic capital (Grignon et al. 2001: 7) to maintain good and personal relation as well as to create dependency and commitment. According to the neo-patrimonial concept, the voter receives beneficiaries from a patron and therefore votes for the latter one. These beneficiaries can be any support like financial, material or infrastructural measures, but also job offers etc.

Grignon et al. (2001: 7f) critique the neo-patrimonial approach in several respects:

The analysis and interpretation of electoral processes and election results presented above proceeds from the same [neo-Weberian] school of thought and suffers from a number of serious drawbacks. First, the focus is often exclusively centred on the politics of the elite, even local elite, considering the common man's understanding of it all as irrelevant. Second, it assumes that because there is no exclusive class-consciousness in Africa there is no conflict between socio-economic dimensions. Then it perpetuates a reification of ethnicity to explain the nature and dynamics of African politics. It argues that this 'vertical' link refrains any 'horizontal' social stratification. It leaves aside the fact that identities are never exclusive and that ethnicity might well be the principal idiom of expression of contemporary socio-economic conflicts and political ideologies. But more dangerously, the neo-Weberian methodology is always riddled with ethnocentrism, and often opens the backdoor for the return of developmentalists' assumptions.

While for explaining the position, strategies and attitudes of elites, this concept might be meaningful, the applicability of the neo-patrimonial approach is not that obvious when it comes to attitudes of voters. It uses ethnicity as a binding and absolute form of identity and does not leave room for multiple group identities and the flexibility of ethnicity. Furthermore, it does not explain how voters decide if they have several patrons.

John Lonsdale (1993) offers another quite similar explanation of the role of ethnicity in African politics and the politicisation of culture, however, he makes the distinction between “moral ethnicity” and “political tribalism”. Political tribalism refers to the use of ethnicity in politics, in order to gain group-access to resources (Lonsdale 1993: 131), while moral ethnicity is described by Orvis (2001: 10) as “the contested notion of what it means to be a good member of the community”. Lonsdale's approach gives room to regard the two separately (Lonsdale 1993: 140) which makes it a valuable instrument. However, political tribalism should not be reduced to being an instrument of getting group-access to resources, but it is also possible that rather egoistic politicians might sometimes use the support of their ethnic group in order to enrich themselves by politicising ethnicity.

In this section we have explored the concept of ethnicity and seen how it can be relevant and exploited in the political context. In the following part we will now have a look at how election violence and ethnicity can be connected.

### **3.2.4 Ethnicity, Violence and Elections**

Even though it is suggested that democratisation decreases the risk of interstate wars, the transition to democracy is likely to be accompanied by internal conflicts or civil wars (Cederman et al. 2013: 388). These conflicts apparently often correlate with ethnic diversity and divisions, however, election violence should not be limited to the ethnic dimension. Still, due to the relevance of ethnicity we will now have a closer look at ethnic election violence. In general, a basic distinction can be made between pre- and post-election violence. Besides the temporal difference between the two, the motives and causes of the clashes are also of different nature:

According to Cederman et al. (2013: 389f) there are two main mechanisms to use pre-election violence as a political instrument in the struggle for success: (1) ethnic cleansing, or displacement in which the *demos* is made to coincide with an *ethnos* (see for example Mann 2005), or (2) instigation of violence by “playing the ethnic card”. This can especially be the case if ethnic identities dominate other cleavages or if contestants try to politicise ethnicity and stress the differences to other groups (Mansfield & Snyder 1995: 88f). These mobilisation efforts and the appellation on moral ethnicity can be directed towards people who would normally not vote, or others who tend to support a different contestant. In what can be called hate speeches, aspirants verbally attack other contenders or other groups and raise tensions, which might incite supporters to actually get physically active and to fight other groups in the fear of losing. Therefore, pre-election violence can

have two aims: unifying the group or reducing the number of opponents.

Post-election violence in contrast is mostly related to dissatisfaction towards the election outcome and can therefore be interpreted as protest behaviour (Anderson & Mendes 2005: 91). This might especially be the case if there were (perceived) irregularities, or if one or several contenders are not willing to accept the results. These “sore losers” might incite violence after elections. Not always but often it is the easiest way for the politician to turn towards their own ethnic group in case they want to instigate violence (Cederman et al. 2013: 391). Similarly like in the struggle for votes, the aspirant might try to create a “we” versus “them” atmosphere and to appeal to moral ethnicity. According to Anderson and Mendes (2005: 91) minorities and marginalised groups are more prone to post-election violence. This can be explained by the fear of being dominated by bigger ethnic groups; especially if ethnicity was used as a political instrument and ethnic groups seem to vote as a block. Mutahi Ngunyi (2008: 7) calls this ethnic outbidding and block voting in Kenya the “tyranny of numbers”.

Due to the fact that young democracies or states in a transition phase are prone to election violence, some scholars like Mansfield and Snyder (2007) suggest that “elections should be postponed until countries have reached a sufficient threshold of internal stability and capacity for democracy” (Cederman et al. 2013: 391). Others however argue that elections can actually stabilise ethnic politics (Birbir 2007: 112).

### **3.3 Special Challenges of Governance - Hybrid Political Orders and Legal Pluralism**

In the previous section we have seen that ethnicity can be exploited in election politics. This is, however, not the only way in which ethnicity might be relevant in a political context. In most African states (with the exception of Lesoto and Swaziland) the coexistence of two political dimensions, the legal statutory system and a second sphere of “traditional” structures, is quite significant. These “traditional” polities are usually multiple and consist of separate or distinct political institutions, which often govern the internal affairs of a single ethnic group. Sklar calls the phenomenon of two coexisting political spheres “mixed governments” (2005: 16). These mixed governments are a result of the colonial era, in which statutory law was introduced. Before the European colonisation, African societies were either, kingdoms, chiefdoms, empires or stateless, and had their own forms of government (Ayittey 1991; Quashigah 1999). With the arrival of colonial powers and especially the “legalisation” of it and the introduction of fix borders on the Berlin conference, a new system was forced upon these societies which claimed to be more valid

than the customary one. The colonial powers established their administrations and introduced new laws which were superior to the customary one. In order to get more support from the population the colonial powers reigned with what Mamdani (1996: 52ff) calls “Decentralised Despotisms”, in which the British introduced appointed “local leaders” and the French made use of existing political structures in indirect rule. These leaders were entitled to enforce colonial law, collect taxes, and functioned as informants. In return, the “invented traditional leaders” enjoyed privileges, special attention by the administration and a powerful position (Mamdani: 1996: 56). However, they were often not quite supported by their people. When the African countries finally got independent, constitutions defined the legal situation. However, these, often rather recent, “traditional” structures and the real traditional leaders were still existent. Hence, in some constitutions, like in Botswana, Namibia and South Africa traditional leaders are legally recognised (Düsing 2002) as political actors, while other constitutions entirely ignored their existence. Since the 1990s, some of these traditional structures experience resurgence and are gaining importance in current politics (Engelbert 2005: 33). In this respect the following two aspects present special challenges to African politics:

Firstly, there are two forms of leadership, one supported by law, often called “modern” and one rooted in the society which is often labelled as “traditional”. Van Rouveroy van Nieuwaal (1996: 26) argues, that these two leaderships are until today dependent on each other. While the “modern” one needs the “traditional” for policy implementation, the latter one needs the former for the recognition of its legitimacy. Furthermore, the “modern” one has legal power, and the “traditional” leaders have authority even though the two aspects cannot be entirely separated. This does not mean that the national constitutional leaders do not enjoy the support of the population at all, but especially if political tribalism comes in, the legal government might lack support. In these mostly patriarchal societies authority was often given due to age, gender and descent (Ayittey 1991). Therefore, there is a risk, that elected leaders, even if they are well-educated, might not be accepted, especially by traditionalists. While the legal government is sometimes not supported and accepted by the people, the traditional leaders are often formally ignored and do not have a position in the government. Therefore, “traditional” practices of governance are undermined by statutory ones and like we will see in the case of the Tana delta, for example traditional mechanisms of conflict settlement are not being used sufficiently, even though they were said to be quite successful.

Secondly, many of today's African countries have to deal with legal dualism or pluralism as a heritage of the colonial era. While there is one standardised statutory law documented in a constitution, many groups have their individual customary laws through which their communities

are organised. The customary laws of different groups are (or were until colonialism) often undocumented (Merry 1991: 897) and can be conflicting, however, there was usually a traditional way to deal with the collision of different groups. Due to the nature of statutory law, which either does not recognise customary rules or is superior to it, many African societies face challenges. Problems especially arise, when it comes to land rights (Peters 2002: 45ff): Through the occupation of colonial powers, land ownership was often newly regulated and people lost their ancestral lands. Later, different policies, for example such related to the Worldbank's Rights Based Approach, which were meant to spur development or to solve problems, even complicated the situation and customary regulations, which were often very flexible land rights were not totally neglected. Also, in terms of conflict resolution the two forms of law mostly differ. Customary law usually suggested compensation and focused on reconciliation and social re-integration of the offender (Zartman 2000: 222), while statutory law often foresees punishment. This even has consequences on rulings in state law courts, which are sometimes not accepted.

The disparities in these two legal and political spheres can therefore contribute to conflicts, or even be the root cause. Boege et al. (2008: 2ff) explain how these hybrid political orders weaken the state and contribute to state failure. However, the authors also stress that the traditional structures bear potential for solutions. In the next section we will have a closer look at institutional failure and why it might lead to conflicts. Later in this study we will see how the hybrid political order contributed to the clashes in the Tana delta.

### **3.4 Security as a Responsibility of the State, Political Trust and Conflicts**

As already mentioned, conflicts are not only considered to be political if they are related to elections, but also if they are rooted in institutional failure or poor governance. By looking at the political theory and explanations for the emergence of the state, Hobbes is definitely one of the classics and “must-reads” and his elaborations can give insight in why institutional failure might lead to violent conflicts. In his book “Leviathan” he explains, why there is a need for the presence of the institution of the state. To understand Hobbes interpretation of the emergence of the state, we first have to look at his description of the human being: In his understanding every individual is equal, even if some are more clever or stronger than others, the weakest can still overcome the strongest through a smart scheme. Therefore, in his view, two people who are interested in the same must become enemies (1651: Chapter XIII). He further concludes, the natural condition of mankind must be disorder through competition, mistrust and the struggle for power, which results in a “war

of all against all". These times of war are not necessarily always violent but include periods of preparation. He describes situations of war with the following words:

In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.

(1651: Chapter XIII)

Hence, he asserts that this condition cannot be enjoyed or desired by anybody because one has to live with a constant feeling of insecurity and has to be alert not to be attacked. In the natural condition, he explains, there is also legal justice: "To this war of every man against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice, have there no place. Where there is no common power, there is no law; where no law, no injustice." (Chapter XIII)

Due to the fact that everybody has the right to decide and to do whatever they like, and there is no restriction by law, Hobbes sees the solution in the creation of a contract. Through this contract every individual surrenders some of its freedom and rights and transfers them to a fictitious person or body, the Leviathan (Chapter XIV). This contract has to be obediently accepted otherwise it loses its relevance. The Leviathan is represented by the state and has the responsibility to maintain law and order. Hence, the state and its functioning organs are necessary to maintain peace.

Of course, Hobbes has been critiqued frequently, especially for his negative picture of the nature of men (Thomas 1929: 190). However, I argue, even if his description might be an exaggeration of an evil and selfish human being, it still points out, why the existence of the state and its organs are crucial for peaceful coexistence. It also explains and shows that the failure of institutions and poor governance lead to conflicts. In the words of Hobbes, if the Leviathan is not taking its responsibilities, the individual is set back in its natural condition in which it has to defend itself.

If political institutions do not provide what they are supposed to provide, citizens lose trust in the state and it can even come to the extent of so-called state failure. Hutchinson and Johnson (2011: 737) define state failure as the "systematic breakdown of governmental institutional legitimacy and authority across society". Further, they reason that in the case of institutional failure groups might take the opportunity to violently turn against the government which often results in civil war.

Ottaway (2007: 12f) gives two main reasons for the fragility of states: (1) states can be fragile due to poor governance, or (2) because the population is deeply divided along, for example, ethnic or religious lines with a long standing history of conflict. Even if such states are well governed, it is difficult to stabilise them. In case of institutional failure, citizens lose their political trust which is “an individual's confidence in government institutions based on perceptions of their performance” (Hutchinson & Johnson 2011: 738) and as a consequence, conflicts can arise. The proneness to conflict might also be related to the fact that people do not fear to lose much if they are poor, neglected and the state does not provide. This provision not only refers to security and authority, but also infrastructure and other services like healthcare and education, etc. (Herbst 1990). Hutchinson and Johnson (2011: 738) argue, capability of the government to deliver services also strengthens political trust and the individual's perception of legitimacy, and therefore prevents conflict. By looking at the case of the Tana delta we will see that the marginalisation and neglect by the government as well as its reluctance to act contributed to the extent of the clashes and the escalation.

### **3.5 Conceptual Framework**

The different theoretical aspects outlined in this chapter will help to understand the conflict and political situation under study. In order to visualise the theoretical framework, it has been transferred into a graph, which shows how the different aspects are interconnected and relevant for a comprehensive understanding (see Figure 3). While the yellow circle reflects aspects of theories on ethnicity, the red one presents those on politics. The intersection of the two includes aspects of ethnic politics which was explained by the theories of neo-patrimonialism as well as moral ethnicity and political tribalism. A special connection is indicated between voters who might feel obliged to moral ethnicity and politicians who often use political tribalism as an instrument to win elections. This can also result in ethnic election violence. Furthermore, the relation between voters and politicians is shaped by different interests. While the voter who elects the politician wants to benefit in one way or the other, the politician tries to attract voters because he needs their support. The blue circle includes different types and aspects of conflicts which partly can include aspects of ethnicity or political ones. Regime or system changes and institutional or state failure are always political, however, they do not necessarily have to be connected to conflicts. Similarly, conflicts connected to religion, values and natural resources can include ethnic aspects, or aspects of other types of conflicts, but do not necessarily have to. The same applies to economic and territorial conflicts and politics. The intersection of all three major circles is ethnic election violence which is divided in

pre- and post-election violence.

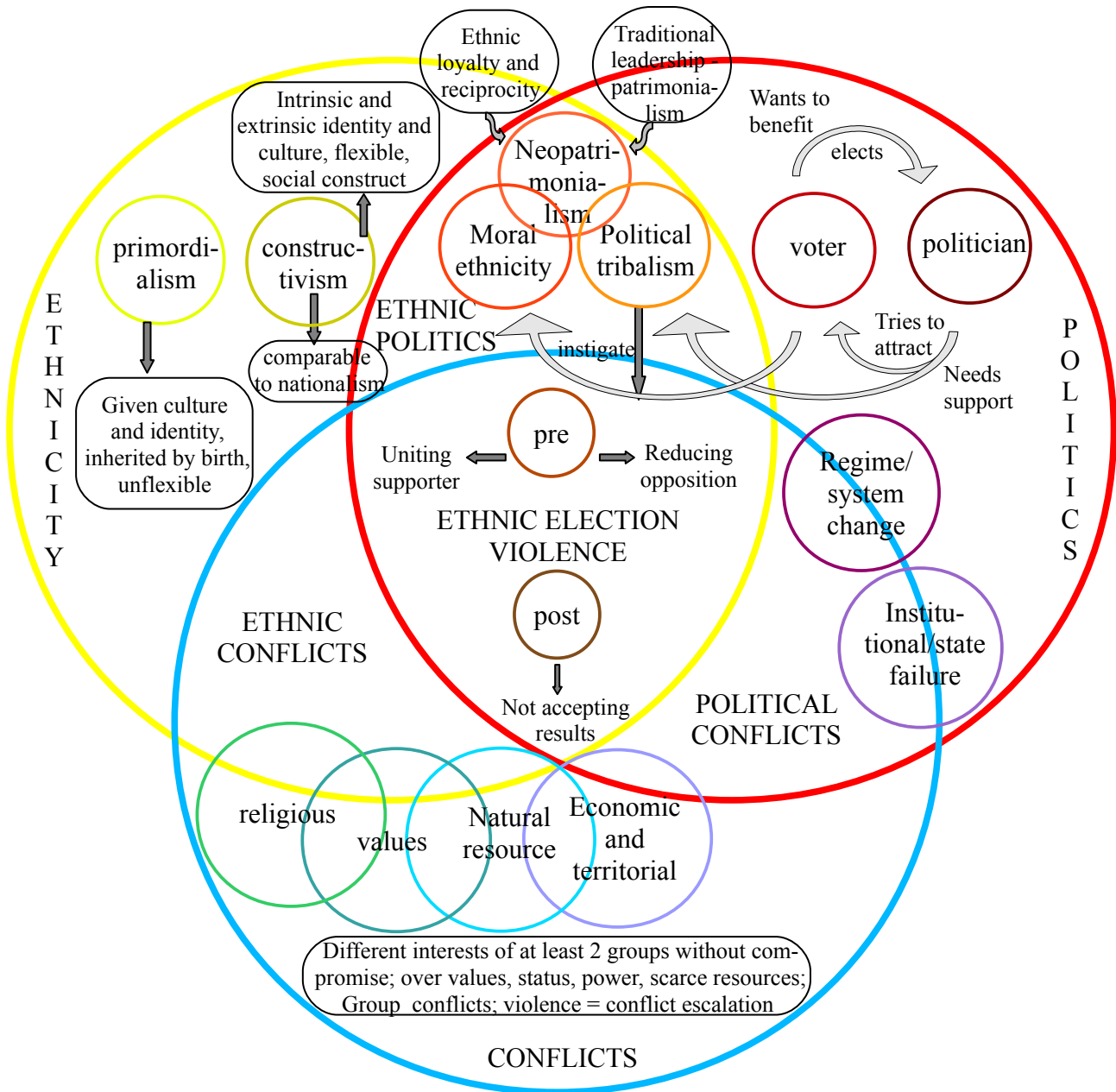


Figure 3: Conceptual Framework

## **Chapter 4 Research Design and Methods of Data Collection**

The data presented in the following chapters were collected in three different stages: (1) pre-conflict fieldwork in the Tana delta and Nairobi (including the beginning of the conflict), (2) artefact analysis in the Netherlands during the conflict and temporary silence or peace periods, and (3) post-conflict fieldwork in the Tana delta and Kilifi County. Concerning time, location, sampling techniques and methodological considerations, these three phases were influenced by the dynamics in the original research location (the Tana delta) as well as the structure of the African Studies Research Masters programme. In the following paragraphs an overview of the process of data collection with regard to choice of time and locations, research design, sampling methods, methods of data collection and the strengths and weaknesses of this research will be given.

### **4.1 Research Locations and Time**

Due to the timetable of the African Studies Research Masters programme in Leiden, the field stay was scheduled for a period from June to August 2012 and one from January to March 2013. Between the two field stays a period of course work in the Netherlands was required. This break coincided with the major time of clashes in the Tana delta. After the first stay in the Tana delta, beginning in June 2012, a few interviews with political actors staying in Nairobi were planned for the middle of August. Only few days after the departure from the Tana delta, the first village was attacked. After relative peace had returned to the area from the end of September to December 2012, I planned to return to Garsen, where I had stayed before, however, on 22<sup>nd</sup> December 2012 another attack happened, followed by two others in January 2013. Due to the uncertainty of the security situation it was decided against the initial plans, not to return to the Tana delta, but to conduct research in the neighbouring Kilifi County (especially in the towns Kilifi, Malindi and Mambui), where a substantial number of IDPs had fled to. Still, I could visit the area twice and two local research assistants (one Orma and one Pokomo) carried out a survey.

Due to the timetable of the Masters Programme, it was not possible to follow the conflict from Kenya, but in the meantime information was gathered online. Throughout my absence, I was furthermore in touch with different people from the Tana delta, who updated me on the social and political situation.

## 4.2 Research Design

The research was based on a mixed approach of qualitative and quantitative research methods, which allowed triangulation. During the two fieldwork phases 53 one-on-one interviews were conducted and nine group interviews/focus group discussions were held with another 53 active participants and a total of about 65 other attendants. On different meetings and press conferences additional observations were made. Furthermore, in the post-conflict phase 150 questionnaires were filled. During the research phase in the Netherlands diverse Youtube clips and newspaper articles from different print media houses were compared and a forum on Facebook was followed.

The first fieldwork phase in the Tana delta was characterised by purely qualitative research. The main interest was to get to know the area and the political environment, to collect rather general information for a better understanding of the situation and to get to know aspirants, their agendas and opinions. Time was taken to connect and link with people in order to identify potential interviewees and gate keepers. In the first phase 38 semi-structured interviews were conducted with different leaders and government officials (politicians on different levels, elders, chiefs, peace committee members, District Officers, the District Commissioner and religious leaders). Furthermore, in Mikameni two peace meetings were attended, a transect walk was done and a follow up group discussion to the peace meetings was held with about 15 active and 15 passive participants. Another group interview was held with two Pokomo elders. Additional observations were made during four political rallies or fundraisings, while attending a seminar on peaceful elections for youth leaders and a stakeholder meeting, which was attended by then Vice President Stephen Kalonzo Musyoka. Finally, after the first attacks, a press conference organised by Pokomo experts in cooperation with Tegla Lorupe Foundation was attended in Nairobi.

During the second fieldwork phase a mixed approach was followed and research was conducted mainly among IDPs from the Tana delta. After arriving in Nairobi, a press conference was attended during which several political aspirants from the area gave statements concerning the situation in the Tana delta. After arriving at the Coast and linking up with people, interviews were conducted. On the one hand 15 one-on-one semi-structured interviews as well as seven group interviews, with three times two, twice three, once 10 and once 14 active participants (and approximately 50 other attendants who expressed their agreement) could be held in Kilifi County (Kilifi, Malindi and Mamburi); and on the other hand a quantitative survey was carried out in IDP camps in the Tana delta and among IDPs who had already returned to their villages.

During all three research phases several informal conversations took place with residents from the

Tana delta including three employees of the Independent Electoral and Boundaries Commission (IEBC) and several politicians who were also interviewed. Furthermore, via email and telephone it was possible to get in touch with a missionary who serves in the Tana delta and a journalist who visited the area several times after attacks.

### **4.3 Sampling**

In the beginning of this research, in June 2012, the first contacts were established through other students who were also doing research in the same area or had already finished their project. Departing from these contacts, it was possible to get in touch with different leaders and government officials via the snowball method. The main aim for the first field stay was to speak with as many local politicians and aspirants as possible. Due to the fact that the stay in Garsen was six to eight months ahead of the elections, and party nominations were only held 1.5 months before the election day, some people were still unsure whether or not they would contest. Hence, it was relatively difficult to identify aspirants because many had not yet announced their candidacy. Still, as many politicians and aspirants as possible were contacted and finally 18 interviews were done. Furthermore, other leaders were approached and another 20 interviews were conducted with government officials and others including two elders, three peace committee members, two chiefs, one headman and two religious leaders.

While staying in the Netherlands and doing online research on the then ongoing conflict, the decision was taken, to continue the research in Kilifi County in case the situation in the Tana delta was perceived to be too insecure. Kilifi County had become a place of refuge for many IDPs and was therefore a suitable alternative as research location to continue with the activities. After the arrival in Kilifi a team from SIL (Summer Institute for Linguistics) which was originally based in Idsowe, but had fled the area in August 2012 due to the conflict, was of big help: The SIL team of both Pokomo and Orma origin helped finding other IDPs or people who could link me to the research population in the county and helped translating interviews. Finally, a total number of 106 IDPs participated actively in one-on-one or group interviews. In order to get a broad picture of the conflict and a better understanding, different groups of people were approached: elderly and young adults, Orma, Lower Pokomo and Upper Pokomo (therefore both, pastoralists and farmers as well as Muslims and Christians were covered), well educated people and illiterate ones, women and men, and people who were present during attacks and others who had fled out of fear. In some cases it was possible to meet with a bigger or smaller group of IDPs from one village or an area which

gave the opportunity to conduct group interviews.

According to the Kenya Red Cross Society (KRCS) statement on 11<sup>th</sup> of January 2013, more than 34,000 IDPs had been displaced from their homes since August 2012. According to the Tana Delta District Development Plan 2008-2012 (Kenya 2009: 8) 51.5% of the residents are below 18 years, which means, they are not allowed to vote. Therefore, the research population of the second research phase (including the survey) consists of the other 48.5% which approximately constitute 16,490 IDPs. Usually a Confidence Level of 95% and a Confidence Interval of +/- 5 points is recommended for quantitative surveys. This means, according to the formula explained by Bartlett et al (2001) 375 respondents would have been required for the survey. However, due to time and financial limitations, a Confidence Interval of +/- 8 points was used, which led to a minimum number of 149 questionnaires:

$$ss = \frac{\frac{(t)^2 \cdot (p)(q)}{(d)^2}}{1 + \frac{(t)^2 \cdot (p)(q)}{(d)^2}} = \frac{\frac{(1.96)^2 \cdot (0.5)(0.5)}{(0.05)^2}}{1 + \frac{(1.96)^2 \cdot (0.5)(0.5)}{(0.05)^2}} = 149$$

Population

16,490

ss = sample size  
t = value for selected alpha level  
of 0.025 in each tail = 1.96  
(p)(q) = estimate of variance = 0.25  
d = acceptable margin of error  
for mean being estimated = 0.05  
Population = total of IDPs = 16490

Though, in order to get a balance between the two communities (farmers and herders) 150 questionnaires were filled.

Due to the limited administrative registration of people, a random sampling for the survey was not possible. In fact, because of the sensitivity of the topic and the trauma many people went through, the assistants mainly had to rely on the willingness of respondents to participate at all. Still, they did a purposive non-random sampling (see Panacek & Thompson 2007: 78) and looked for representatives from different groups. Hereby they mainly tried to get an ethnic (75 Orma and 67 Pokomo + 8 Giriama) and gender balance (73 male and 77 female). They also made sure to interview people of different age groups (between 18 and 82 years old) and from different home villages. Concerning ethnicity, the focus was on the Orma and Pokomo communities because those two groups were mainly indicated of having been involved in the clashes. Still, other communities

were affected as well and hence, the 8 interviews with Giriama of the agricultural community are justified.

#### **4.4 Research Methods and Data Collection**

As already mentioned above, data has been collected with the following methods:

- semi-structured one-on-one interview
- group interview and group discussion
- observation
- transect walk
- survey
- media analysis

The variety of methods was important due to the complexity of the topic, like outlined in section 3.1.2. In semi-structured group and one-on-one interviews it was possible to get a better understanding of the whole situation and people could elaborate and explain their perspectives. While one-on-one interviews gave a good impression about the individual experience and view point, in group interviews the information was mostly confirmed or complemented by the other participants, which gave a rich picture. The survey adds value to the research because it supports the qualitative interviews and includes a bigger group of respondents. Doing a transect walk helped to understand the problems and gave a better impression about the actual situation in the village.<sup>27</sup> Observations especially on peace meetings made it possible to have a look on practices and the media analysis on the one hand disclosed information about the clashes, but on the other hand also showed which details were given to the public and how the conflict was portrayed.

Most interviews were conducted with the help of interpreters, unless the interviewees were well educated (especially politicians and government officials as well as other leaders). If the respondents, however, did not feel comfortable to speak English, interviews were preferably conducted in Kiswahili or otherwise in Kipokomo or Kiorma. The preference for Kiswahili as an alternative interview language was due to my own language skills, which enabled me to follow most of the interviews independently. However, in order to make sure I understood the respondents entirely correct, the interpreters still assisted me by translating. Throughout the six months of

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<sup>27</sup> The transect walk took about 1.5 hours and was mainly conducted with the local Assistant Chief. On the way different people engaged in the walk and after having examined the area issues were discussed in a meeting with members from the local Pokomo and Wardei communities. Both, the Pokomo and the Wardei part of the village were visited but the main focus was on the site of conflict, farms affected by the conflict and how different farms expanded in what was formerly grazing zones. About 15 members from both communities engaged in the discussion and two one on one interviews followed.

research I worked with three Orma and two Pokomo assistants in different locations. Especially during my second field stay I always made sure that I was accompanied by a Pokomo interpreter when interviewing Pokomo respondents and working with an Orma assistant when speaking with Orma. This was crucial due to the sensitivity of the topic. The two assistants who carried out the survey in the Tana were also advised to only interview members of their own community.<sup>28</sup> For both, semi-structured interviews with leaders and semi-structured interviews and group interviews with IDPs standardised guidelines were used which helped to cover the most important topics, but also gave room for further questions. After developing the questionnaire (see appendix) as a tool, it was discussed with several people from the Tana delta as well as others and pre-tested before last adjustments were made. The facilitators were asked to translate carefully and to make further notes if it was necessary.

During the first field stay some interviews were recorded with a digital recorder. However, even though they gave their consent, it was obvious, that interviewees did not feel comfortable with recording because they hesitated to answer from time to time. Therefore, after a few attempts, the recorder was not used for interviews anymore and the information was only documented by note taking.<sup>29</sup> During observations on peace meetings or other events it was, however, possible to record. Important parts of the recordings were later translated with the help of an assistant. Besides giving attention to speeches, on peace meetings and rallies, observations were done about how the meetings were organised, who attended them and who was given time to speak.

On the transect walk the area surrounding Mikameni, where tensions arose in the middle of July, was examined. On the one hour walk different fields, water points and grassing corridors were visited. Also, the dynamics of changing “ownership”<sup>30</sup> claims and the settlement of the two communities (Pokomo and Wardei) in the area was discussed.

#### **4.5 Strengths and Limitations**

One strength of this research is the mixed approach of data collection which gave the possibility to triangulate the data. The qualitative methods made it possible to get a good and broad understanding of the topic and to gain insight in different perspectives. With the additional quantitative survey it is

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<sup>28</sup> Which meant the Orma assistant could only interview people who would traditionally consider themselves pastoralists, but mainly ethnic Orma, and the Pokomo assistant only people of communities who were traditionally farmers, especially Pokomo.

<sup>29</sup> In fact, several people told me without being asked that they were very happy I did not use a recorder.

<sup>30</sup> Land in the Tana delta is foremost either Community Land or Public Land. This means officially none of the residents is owning land. However, traditionally land is being claimed and over the time people from different communities started competing over this land.

possible to speak for a broader group of respondents. With answers from 150 participants in the survey and 106 respondents in interviews the research is speaking for a substantial group.

The time frame of the research was on the one hand limiting, but on the other hand the possibility to have two field stays was very enriching. Due to research activities before and after the conflict, it was possible to first see parts of the area under research interest and to get an understanding of the situation before the conflict escalated. The second field stay started right after the last attacks, which gave the possibility to look back on the conflict and to collect details from fresh memories. However, it was impossible to conduct research during the conflict and the fact that the post-conflict phase began immediately after the last attacks was not only beneficial. Due to the temporal closeness of the research and the clashes, some respondents did not feel free to speak or even felt investigated by the questions. It is likely, that other information could have been collected if the reflection period was longer and the research conducted a bit later. Also, the fact that the research was done before the elections might have been a limitation: It is possible that people would have felt freer to speak after the elections. Another time-related obstacle to the research was that it had to be conducted under time pressure, before many IDPs who fled to Kilifi went back to their homes in the Tana delta for the elections on 4<sup>th</sup> March 2013.

A further limitation to this research is that the main focus in the second field stay was on ethnic Pokomo and Orma. No Wardei had been interviewed and none of the other minority groups, except a few Giriama. The insight of other groups from the Tana delta could have disclosed very valuable information as well. It was especially missed out on the position and views of the Wardei, who are the third biggest group in the Tana delta. Due to the fact that none of the other two groups has the absolute majority in the area, their view point would have been of relevance especially with regard to the elections.

The spatial restriction, not to be present in the Tana delta after August 2012, limited the research as well because it was impossible to visit villages in the area and to get a more visual impression. However, on the other hand, IDPs staying outside the affected area might have felt freer to speak, because they were less threatened by possible future attacks.

Lastly, the analysis of this research was limited due to the fact that interviews could not be recorded (because of the sensitivity of the topic). Recorded interviews would have made a more precise analysis possible, however, after some respondents hesitated to speak, even though they agreed on recording, it was more reasonable not to use the recorder in order to get more valid information.

## Chapter 5 Conflicts in the Tana Delta

The clashes in the Tana delta, which escalated in 2012 received attention nationally as well as internationally. Different media houses speculated whether or not the conflict should be seen as pre-election violence in connection to the general elections of March 2013. Due to its closeness to these elections and the failure of the government and police to react appropriately, the fear of another countrywide escalation of violence as in 2007 was raised.

As we have seen above, conflicts can exist without necessarily being visible in violence. Hence, the beginning of the conflict cannot clearly be defined, but if anything than only the start of the clashes. Besides the involvement of violence, another characteristic to differentiate between conflicts is whether these are involving individuals only or groups. In the latter case, ethnicity might be a further sub-classification when two ethnic groups, like the Pokomo and the Orma, are involved. Analysing the conflict should also focus on the trigger that turned the latent conflict into a manifest one. During interviews with IDPs, when asked about the trigger of the most recent clashes in the Tana delta, most respondents referred to the incidences in or near Kau in the middle of August 2012. However, several respondents (especially Pokomo) stressed that tension arose earlier already and the escalation was partly a result of poor governance.<sup>31</sup> It was significant that most respondents accused the other group of having started the conflict and even if the causes were various, some community-specific viewpoints were recognised.<sup>32</sup>

In this chapter we will have a look at the clashes from different angles: First, we will get some background information about past clashes and forms of conflict resolution in the Tana delta which were discussed in literature, before we turn towards the initial tensions which led up to the clashes in 2012. Thirdly a time line will be presented that summarises detailed information about each of the known incidences. Subsequently, additional information for specific attacks will be discussed which illustrate certain patterns or where context information is crucial for the understanding. The following section will provide a range of explanations of the conflict, with special attention to the Orma and Pokomo views on natural resources, poor governance and links to the election. Lastly,

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<sup>31</sup> Some Orma, though, stated that the conflict started abruptly and there were no signs in advance.

<sup>32</sup> In interviews several triggers were mentioned and also statements about the first incidences of the clashes were various. Apparently, the chronology of the incidences was not in detail present in people's minds, but it is worth mentioning, that the own community was always perceived as having been attacked first. Also, the news reports were not consistent and even Red Cross statements were partly fragmentary. I tried getting access to security and peace reports from the DC's office in Minjila however, I was denied access. The most detailed list of incidences was compiled by KNCHR (2012). The chronology presented here is based on reports from the afore mentioned organisations, reports from respondents, as well as newspaper reports (Nation and Standard).

solutions to end this conflict as provided by the respondents will be presented and discussed.

### **5.1 Conflicts and Conflict Settlement – An Overview from the 19<sup>th</sup> Century to 2002**

Miller (1981) mentions that tensions between farmers and pastoralists were recorded since the 19<sup>th</sup> century. These usually occurred when herdsmen came to the delta in search for water for their livestock and some animals strayed into farms starting to graze and trample in the fields. However, Townsend (1978: 290) also mentions occasional Pokomo attacks on the Orma, which were, however, much more rare, and resulted in a peace agreement, in which the Orma promised to reform. Another, more significant conflict in the mid and late 19<sup>th</sup> century were Somali and Maasai raids, first on the Orma only, but later also attacking Pokomo who sided with the Orma (Bunger 1973: 18; Miller 1981: 80). Furthermore, KNBS (2009a: 61) reports about a killing in 1904 by Somali and in 1933 one person was killed by an Arab.

The next reported conflict escalated in Pumwani in 1949, due to the construction of the first mosque. In this religion-sparked conflict between the Muslim Orma and Christian Pokomo the mosque was demolished twice and Bunger (1973: 75) reports about fatalities which according to him were not confirmed by official reports. Martin (2012: 173) also refers to fights in 1949 between Orma and Pokomo and cites a colonial intelligence report which documents that one Pokomo man was killed and an Orma was also said to have died, but his body disappeared.

In 1955 a fight between Malakote and Somali was reported due to Somali cattle grazing in the *shambas* of Malakote (KNBS 2009a: 61). Pilly Martin (2007: 78) mentions another incidence in 1980 when Orma killed two Pokomo farmers at the Ngao irrigation scheme. Townsend (1978: 294) reports, due to the interests of Orma and Pokomo in different parts of the land (Pokomo stayed at the riverine and Orma did not eye to settle there) the two groups almost never disputed over land. However, in case cattle strayed into a farm deaths on both sides could be recorded.

Before colonialism, the people of the Tana delta had customary rules and traditional regulations to solve conflicts. In general, though, they lived in relatively peaceful and symbiotic coexistence. The traditional form of conflict mitigation between Pokomo and Orma was called *Ibisa*. According to Martin (2012: 190) *Ibisa* was a performed ceremony, in which the quarrelling communities shared a meal (the pastoralists contributed meat and farmers rice), discussed the causes of the conflict as well as the perpetrators and a prayer would be held. This process ensured reconciliation and new offenders would be cursed. The central role in this traditional form of conflict settlement would be taken by the elders of both groups, who had the authority to speak for their communities.

During colonialism, the administration avoided conflict between different ethnic groups by

restricting them to ethnic reserves and reducing the movement of people and animals to a minimum. Due to the colonial rule, and the introduction of statutory law, an alienation of customary practices started and the coexistence of customary and statutory law resulted in confusion (Schade 2012: 29).

From 1963 to 1967 the *shifita-war*<sup>33</sup> took place, in which the Kenyan ethnic Somali fought for secession to join the “hypothetical Greater-Somalia” (Kagwanja 2003: 134). In the Tana delta the so called *shifita*-attacks, in which Somali bandits raided other pastoralists, robbed buses as well as other vehicles and attacked Pokomo, lasted until the 1990s which is why the area was long perceived as very insecure. These bandits were feared and even the government was relatively powerless against them. In fact, some officials rather tried to get a share of the loot than confronting the *shifitas* with the law (Kagwanja 2003: 135). Towards the end of the *shifita* attacks, other groups like Orma and Wardei were also involved in banditry (MUHURI 1999: 28). Furthermore, Kagwanja states, politicians of all major ethnic groups hired bandits in the run-up to the elections in 1992 and 1997. KHRC (2002) argues, the main aim of these political *shifita* attacks was to rob and/or destroy voter cards of supporters of the opponents. Some of the voter cards were handed out to supporters of the respective candidate with the condition to cast the vote for him.

In the night of 2<sup>nd</sup> January 1999, Hussein Dado, an Orma from Oda, who was then the District Commissioner of Baringo, was attacked by *shifitas*, while travelling to his home village (MUHURI 1999: 5f). As a consequence of this attack, a few days later “a large contingent of government security” visited Danisa C where Galje'el Somali had settled (Kagwanja 2003: 133), and started shooting and threatening the community who's citizenship was contested until they left the area (MUHURI 1999: 5f).

In the following year, about 70 people died in clashes between Orma and Pokomo. The ethnic skirmishes, in which then Orma and Wardei fought on one side and Pokomo on the other, continued in 2001 and came to an end in January 2002 when more than 130 people had died and 3,405 were displaced. Furthermore, women were raped by attackers and after the conflict the population was harassed by security officers (Martin 2012: 175ff). One rather major attack of the Pokomo on the Wardei took place at Gafuru where they revenged for earlier assaults. After the Wardei revenged at Maweni, the two groups started living a relative peaceful coexistence (Mghanga 2010: 75). The area had never seen a conflict of such extent before. Despite the traditional rules of war (Martin 2007: 107), women and children were not spared and food stores had been destroyed. Also, it was the first time that small firearms were used in a conflict between these groups. Due to the porous borders with the unstable countries Somalia and Ethiopia, weapons were relative easily accessible. In the

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<sup>33</sup> *Shifita* is Somali and means banditry.

KHRC report (2002) it is further stated, that Orma and Wardei hired militias from outside Kenya and got help from their “brothers” in Bura and Galole. In return, Martin (2012: 177) argues, due to the fact that farmers are generally less prepared for war than pastoralists, the Pokomo were looking for supernatural support *Kaya Bombo* from Digo Mijikenda in Kwale and trained their youths in traditional fighting techniques. The causes for this conflict were diverse, however, a main factor was the introduction of a land adjudication programme, which was strongly opposed by the pastoralists. The farmers by contrast were hoping for an end to the on-going farmer/herder disputes by getting title deeds, which would have made them the legal owners of their farms. The pastoralists, however, feared they would lose access to dry season pasture in the delta and be restricted to a few water corridors for their livestock. Other factors that might have contributed were a preceding drought and a subsequent tense situation, the unclear borders to Ijara District, the increase of foreigners, especially Wardei, who had been invited by politicians in order to win the upcoming elections, as well as the general preparedness (especially of pastoralists) to fight even with firearms (Martin 2012; KHRC 2002). By the end of the conflict, the pastoralists themselves were divided because the Wardei wanted more political representation and the Orma started blaming them for having been the drivers of the conflict. This also affected the election result, in the sense that the Orma who would have needed the support of the Wardei to succeed again, had to give the National Assembly post to the Pokomo (KHRC 2002).

According to Pickmeier (2012: 74) local peace committees were established after the clashes in 2001 to sensitise the population and to spread peace. He further states, other responsibilities of these peace committees were to settle disputes and to engage in finding solutions. One type of conflict they had to settle frequently were farmer/herder conflicts, but according to Pickmeier the number of conflicts between local and foreign pastoralists was rising. Furthermore, he argues, another way of promoting peace was mixed schooling, inter-tribal marriages and inter-community activities, due to the fact that personal relations were beneficial for peace. According to Guyo (2009: 39ff), women had also a special role in spreading peace, especially in transferring the right values to children and taking an advisory role in conflicts. In addition Pokomo women were also actively engaged in conflict settlement for example in marriages or heritage matters.

Taya Weiss (2004) presents the objectives of the Tana River Peace, Development and Reconciliation committee (TRPDC). According to Weiss, the committee is empowered

to establish, enhance and empower community participation in peace building from the grassroots levels; to strengthen cordial relations with the neighbouring districts; to

enhance community awareness on proper utilisation of the existing resources; to undertake participatory research on the causes of conflict between the various communities within and outside the district; to liaise with the district security committee on ways of building peace and conflict intervention strategies; (and) to initiate and implement development programmes that harmonize the communities living within the district. (Weiss 2004: 90f)

She further states, that the sub-committees consist of different representatives (youth, women, elders, and chiefs) from the local communities.

Martin (2012) further reports about peace meetings held by the government or NGOs. She states, however, the impact of these meetings was negligible, due to the fact that representatives attending these meetings were often not supported by their communities and sometimes simply chosen by the organiser. Furthermore, she claims these meetings were not taken seriously if they were spatially held outside the conflict area, because this gave residents the impression something would be hidden (Martin 2012: 187f).

In the end of the 2001 conflict, President Moi visited the affected area and called upon the communities to settle the conflict. Also, the involved parties started feeling the consequences of the conflict and the clashes finally came to an end in 2002 (Martin 2012: 188; KHRC 2002). In the end, the land adjudication programme had been abandoned. The Pokomo suggested however, individual land allocation would be a crucial step to a peaceful future. Another suggestion to settle the conflicts in the Tana delta was to strictly keep the cattle out of the delta and during the dry spell, when the animals had to come to the delta, livestock should carefully be monitored. Furthermore, more security from the government was requested. Pokomo elders also insisted, that the “killers should be brought to book” (Martin 2012: 188). Other suggestions included that conflicts between individuals should not be ethnicised, regular peace meetings such as the *Ibisa* should be held and every location was to have at least two water corridors.

## **5.2 Initial Tensions in 2012**

After having gained some context information, in the rest of the chapter we will focus on the clashes in 2012/2013. Before discussing the actual clashes it is important to have a look at the rising tensions leading to the escalation of the conflict. In the beginning of 2012 several cases of livestock that had entered farms or killed cattle were reported to the police or the administration mainly in Kilelengwani area. Sometimes these incidents also caused human deaths. For example, in April

2012 a Pokomo man was killed in Kilelengwani apparently because of a farmer/herder conflict over access to grazing. It was assumed that he was killed by Orma. A local headman reported, following the murder in April peace meetings between the two groups had been intensified and were frequently held in order to solve the problems and to level the tensions. However, in May an Orma was found beheaded and towards the end of May another Pokomo was killed in Kilelengwani A, the Orma part of the village. After these tensions in Kilelengwani, problems arose upstream between the Pokomo and a Wardei community. On 9<sup>th</sup> of July livestock strayed into a farm in Mikameni and when the farmer told the herdsboy to remove the animals which were grazing in his fields, the latter one was not willing to take the animals out of the farm. The situation finally escalated, when the two called their community and the conflict was taken on a community level instead of being solved as a conflict between two individuals. Besides injuries with crude weapons and shots in the air the conflict did not escalate further. However, people reported that they were scared to sleep in their houses in fear of the other group raiding the village and burning their homes. Hence, they spent the nights in the bush where they felt more secure, due to the fact that the other group did not know where to find them and some men had to stay awake during the nights to guard the village. Two days after the tension arose (on 12<sup>th</sup> of July) the District Peace Committee went to the village to mediate and to calm the situation down. This meeting was followed by another peace meeting, however, two weeks later especially the Pokomo still complained that nothing had changed. They still did not dare to spend the nights in the village, firearms were not withdrawn and cattle were still grazing in their fields.<sup>34</sup>

The next incidence was reported in Tarasaa where cattle were found dead after they had eaten poisoned watermelons in a farm. While the herder complained the farmer had killed his cattle, the latter one argued it was not his fault if cattle ate something they were not supposed to eat. Just few days later livestock was found in a farm in Mwenje (Kipini location) and consequently slashed to death in the beginning of August (3<sup>rd</sup> to 5<sup>th</sup> of August). Also, on 4<sup>th</sup> of August in Kalota (Chara location) a Pokomo was forced by suspected Orma to surrender his valuables including a fishing gear, and an Orma was killed in his farm in Idho (Kilelengwani location) probably by one of his Pokomo friends. On the following day, on 5<sup>th</sup> of August a Wardei herdsboy was killed in Onido (Kilelengwani). It is unclear who killed him because both the Pokomo and the Orma communities accused the other group of having killed the boy for political reasons. While the Orma said the Pokomo wanted to bring mistrust between the Orma and the Wardei by blaming the Orma for the

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<sup>34</sup> In a transect walk I got the opportunity to assure myself of the situation and to see the destroyed crops. Following the examination of the area we had a discussion with the two groups, in which the Wardei leaders assured the situation normalised and they were satisfied, while the Pokomo complained of new offences from the Wardei and they uttered their fear of attacks.

death, the Pokomo claimed the Orma killed the boy to create a common enemy of the pastoralist groups, to unite them and to reach a power sharing agreement for the elections. The father, Hassan Khurtumo, an appointed councillor, decided not to investigate it any further, because it could not bring back his son. Instead, without being asked, the Orma announced to revenge for the Wardei.

After these initial tensions and the failure of the administration to act appropriately, the residents in the Tana delta had lost their political trust and took the right in their own hands. Hence the situation escalated in Kau, followed by bigger tit-for-tat attacks from the Orma and Pokomo communities as well as smaller incidences. This confirms the literature presented in the theoretical framework that the institutional failure and the lack of political trust can lead to the escalation of conflicts.

### 5.3 Timeline of the Clashes in 2012-2013

13.08.12	Kau (Pokomo)	Big number of cattle (approximately 300) found in a Pokomo farm and hacked to death.
14.08.12	Kau (Pokomo)	Attack on the Pokomo village by Orma, three Pokomo died (two men, one woman), 110 houses burnt.
14.- 17.08.12	Magarini District in Kilifi County (Giriama)	Animals were taken into farms without the consent of the farmer. On 17 <sup>th</sup> armed pastoralists were guarding the animals in farms.
17.08.12	Hewani (Pokomo)	An Orma cutting down a farm and cattle grazing in it; threatening the Pokomo farmers who confronted him.
22.08.12	Riketa (Orma)	Dawn attack 53 Orma killed (34 women, 13 children and six men), 22 injured, 80 houses burnt, 453 head of cattle killed others went missing. No attackers left behind.
	Ngao (Pokomo)	Attack on Pokomo youth in the surrounding of the village – three boys killed.
23.08.12	Hewani (Pokomo)	Gunshots were heard from surrounding Orma villages
24.08.12	Magarini (Giriama)	Pastoralists driving cattle in farms, and guarding the situation with guns.
25.08.12	Idsowe (Pokomo) – Garsen (cosmopolitan)	Cattle belonging to a Wardei hacked to death.
	Hewani (Pokomo)	Further threatening of the Pokomo community.
30.08.12		Pokomo herdsman killed.
01.09.12	Kikomo (Orma) - Semikaro (Pokomo)	40 goats stolen from a Pokomo herdsboy and a Pokomo teacher killed.
07.09.12	Chamwanamuma (Pokomo)	Dawn attack two Watta men and 17 Pokomo killed (13 men, three women and one child), 10 injured, 95 houses burnt, 200 heads of cattle and 400 goats lost.

08.09.12	Darga Galge and Bora Moyo	Clashes in which two Orma and one Pokomo died.
09.09.12	Kone village	One person shot, probably a Pokomo.
10.09.12	Kilelengwani A (Orma)	Attacked, 38 people killed (16 men, eight women, five children and nine police officers); eight people injured; police vehicles set on fire; nine police guns and 580 bullets stolen; 167 houses burnt.
11.09.12	Semikaro (Pokomo)	Four Pokomo killed 27 houses looted.
	Laini – Chara (Pokomo)	20 houses burnt.
	Nduru (Pokomo)	90 houses burnt.
	Shirikisho (Pokomo)	109 houses burnt.
Before 18.09.12	Ozi (Pokomo)	67 houses burnt, other property destroyed (farms, machines, storages) and harassment of people by GSU (General Service Unit). Some were said to have died when the village was razed.
21.12.12	Kipao (Orma)	41 killed (11 men, 6 women, 13 children and 11 aggressors), 45 injured, 45 houses burnt Administrative Police officer went missing with a G3 rifle and 60 rounds of ammunition.
unknown	Bandi	A Pokomo motorbike driver was beaten up.
28.12.12 (?)	Semikaro (Pokomo)	One Pokomo elder abducted by Orma youths, possibly killed.
	Daru	Two Orma robbed off their canoes.
09.01.13	Nduru (Pokomo and Orma)	11 killed (five Pokomo, six Orma, including at least two women and one child), 11 houses burnt, several injured.
10.01.13	Kibusu (Pokomo)	11 killed (five children, two women, three men), 19 houses burnt.
16.01.13	Oda (Orma part)	Attack on Mungatana, no-one was injured.

#### 5.4 The Attacks – Some Key Events

This chronology gives an overview of the attacks, the locations, ethnicity, the numbers of victims as well as damages of property. In Figure 4 most villages which were affected by the clashes can be found. To understand the conflict in context and to see why certain attacks were carried out, additional details and background information is, however, necessary. In the following section selected key attacks will be explained in further detail and information will be given on aspects which probably contributed and led to the attacks. Also, an attempt will be made to explain why certain villages were targeted and which reactions followed. The following section is based on a mixture of information from interviews mainly with IDPs, as well as reports composed by KNCHR, Kenya Red Cross and different newspaper articles.

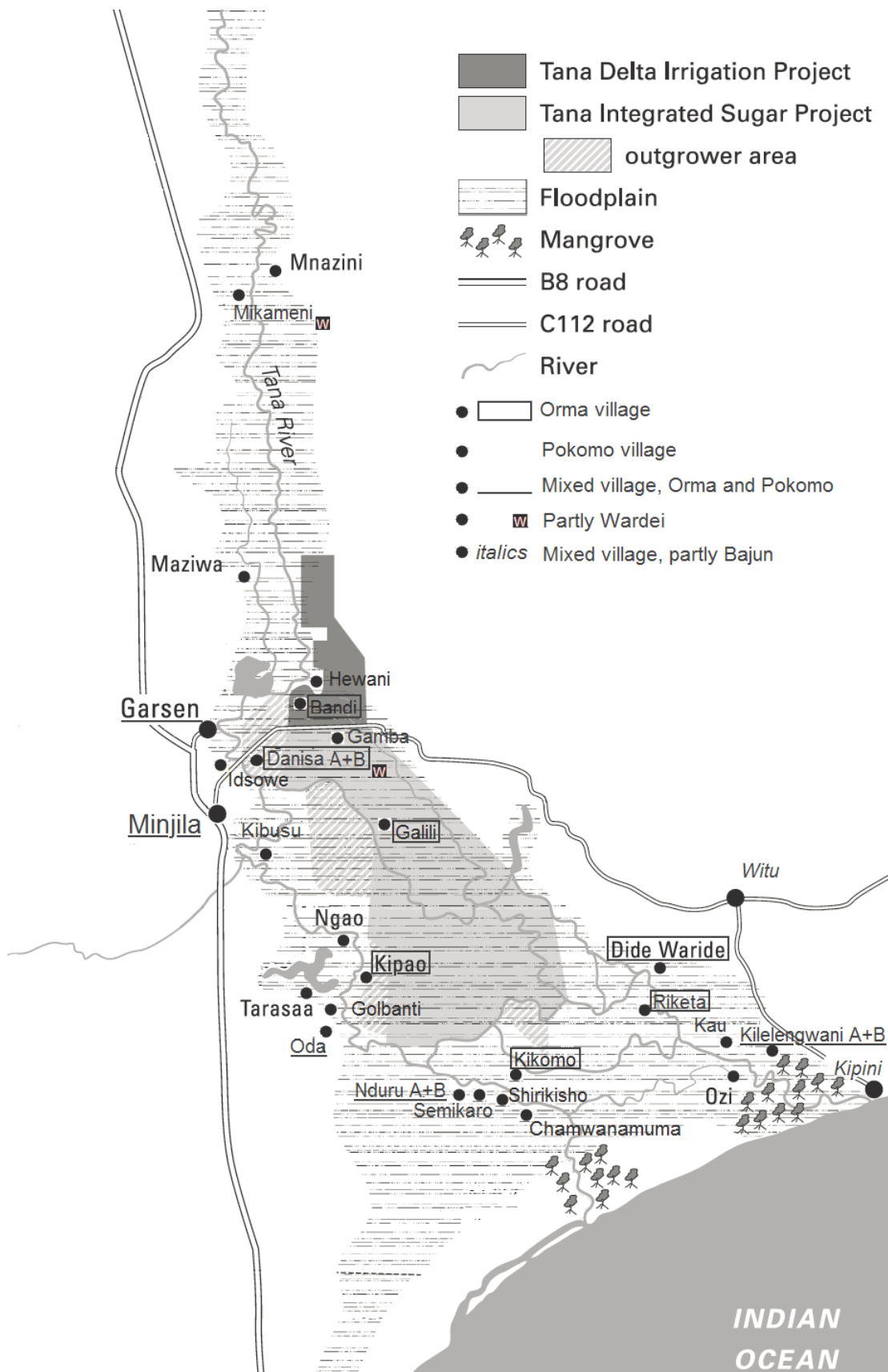


Figure 4: Map - Tana Delta Clashes (adapted from Pickmeier & Rutten 2013, ASC Infosheet 16)

### 5.4.1 Kau

In Kau tension arose in the middle of August 2012. While the Pokomo claim that big herds of cattle (approximately 300 heads) were driven into a farm in Kau, the Orma insist they were grazing their cattle on a migratory route which might have been converted into a farm. According to the Pokomo the rice farm had, however, existed for decades and was clearly recognisable as a farm. The Pokomo further reported that when they confronted the herders the situation escalated, the armed herders opened fire before fleeing and later complained to the administration Pokomo had stolen their cows. According to KNCHR (2012: 12), however, some Orma argued when they were grazing their cows, an armed group of Pokomo attacked them and stole their cattle, slaughtered 50 on the spot and drove others away. In my own interviews with members of the Orma community it was also reported that cattle was driven away and about 200 were slaughtered in Ozi forest near Kau. According to the Orma community the Pokomo wanted to provoke a conflict and knew if they stole the cattle, the pastoralists would follow and open the fire. Regardless of which group provoked the other, it is certain that on the following day Kau village was attacked and three Pokomo died. The attackers were said of having been dressed in “what looked like official security regalia (camouflage uniform) and had firearms, in the 2001 conflict Orma raiders or their militias were dressed similarly (KHRC 2002). According to a group of Pokomo, members of the administration even accompanied the raiders, which is why they first thought the Orma came to reconcile. Due to the fact, that the village was burnt down, almost 2,000 people lost their homes. However, most of the villagers had left the village some hours before, in anticipation of an attack. Furthermore, suspicion that the Orma had planned the clashes had risen among the Pokomo when a known Orma posted a war declaration on Facebook, only shortly after the Kau attack:

We are done with the so called Kau village. 8 dead, several injured, some in Ngao hospital, the village is no more, just smoke & ashes covering the whole area. We are heading to the next village, Ozi. We shall teach you the values of livestock & you will never repeat what you did again. This is the mother of all battles. We are morans & not coward agriculturalists as you thought. No marines no military will stop us. We are very friendly people but we immediately turn into carnivals once you touch our livestock because they are our life!

The number of victims is not identical with the number given by Kenya Red Cross, it seems like the attackers expected to have killed more. Still, this post shows the aggression behind the attack and that the trigger for the attack on Kau village was the killing of cows, which was confirmed in numerous interviews with Orma. Also, 73% of Orma respondents in the survey stated that they

believe the clashes were triggered by unexplained killing of people or cattle. A day after the post was uploaded, it was however deleted by one of the administrators of the forum, due to the fear he message could raise tension and incite other attacks. In an interview with a quite open and well educated Orma, it was stated that the message given in the Facebook post was not only the opinion of one single person, but many tribesmen would agree with the content of the post. He further explained, how, in his opinion, important cattle were for an Orma and why their reaction was so strong: “If you invest in something, your money, time, energy, resources, everything, it becomes very important for you. You feel for the cows”. The cow is central to the Orma culture and both their economic and cultural wealth.<sup>35</sup>

Pictures of Facebook were taken and some Pokomo youth forwarded it to the local administration and government with the pledge to investigate it and to protect them. Additionally, some Pokomo volunteers started training in war techniques. They went to see some Digo *waganga*<sup>36</sup> who oathed them. Oathing is a traditional preparation for war in which a person binds himself to protect the community. In the 2001/2002 conflict the Pokomo also asked their “Mijikenda brothers”<sup>37</sup> for supernatural support and protection (Martin 2012: 175). If somebody under oath carries out an attack, he is not regarded as an offender and there is the belief that oathing protects one from being injured, even if shot by a bullet. Therefore, oathing makes the person confident and fearless. Many Orma were convinced the Pokomo were trained by the MRC, the Pokomo, however, negated the claim and assured the MRC had nothing to do with the conflict.<sup>38</sup> Instead, a Pokomo mentioned that those Pokomo who were fighting in 2001 trained the new volunteers. According to Human Rights Watch, the MRC has, however, a military wing, which was involved in the Tana clashes in both, training the Pokomo and fighting alongside (HRW 2013: 18).<sup>39</sup>

For 16<sup>th</sup> August a peace meeting was scheduled in the area, however, due to the fear of another attack the Pokomo were not willing to participate in a dialogue. They demanded that illegal firearms should be surrendered first, otherwise they felt too insecure. To stabilise the situation and to protect the population 100 security officers were deployed to the Tana delta.

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<sup>35</sup> This can be extended to the Wardei culture. in Mikameni a Wardei councillor suggested a farmer should bind a cow to a tree if it strays into his farm but not kill it. When he made this statement, some Wardei, however got nervous, started protesting and expressed that even binding the cow to a tree was seen as harming their animals.

<sup>36</sup> The Swahili word *waganga* can be translated as witch doctor.

<sup>37</sup> Like mentioned above, due to the fact that their languages and cultures are similar, (a part of) the Pokomo and the Mijikenda groups probably descended from the same group. Therefore they can fairly understand each other, which gives them a feeling of brotherhood.

<sup>38</sup> The involvement of the MRC will be further discussed in section 5.4.

<sup>39</sup> It is stated that three MRC members confirmed the existence of this military wing and the involvement in the Tana clashes.

### 5.4.2 Riketa

Two days following the end of Ramadan (August 20<sup>th</sup>), the government had still not started to investigate the violence, but had only deployed the aforementioned security officers of the paramilitary General Service Unit (GSU). On that 22<sup>nd</sup> August a Pokomo group attacked Riketa, a quite isolated Orma village which was not secured by the extra security officers. Riketa is located in a real the wetland area of the Tana delta, surrounded by water and swamps and, therefore, hardly accessible without a boat. The village might have been chosen due to its isolated location and the absence of security, but the assumption that the attackers of Kau village had found refuge in Riketa was probably the main reason. The attackers came from the direction of Kau and Ozi and made use of one or more speed boats to reach the village, but the familiar sound of engines seems not to have frightened the village population. Reports about the numbers of raiders varied greatly between 50 and 200, but the description that they were wearing red ribbons around their heads was consistent. In the attack, first the outer ring of houses was set on fire and when people tried to flee they were attacked with crude weapons like machetes, spears, axes etc. A total of 53 people died, especially women and children. Some respondents to the KNCHR fact-finding mission also mentioned the use of firearms of the type AK47 but all victims were either slaughtered with crude weapons or burnt beyond recognition. The whole operation seemed to be well planned and the attackers had distinct roles (KNCHR 2012: 16) during the 20 minutes attack, which is why so many people were killed. The unusual high number of women and children among the victims can be explained by the fact that people living in Riketa diversified their livelihoods also by fishing and therefore the male population had probably already left the village when the attack was carried out. There were, however, also other speculations: attacking women and children was said to be a strategy to displace the community because like one respondent put it, “the pain would be too big to stay”. There were even assumptions by Orma that a Somali group, the Goshi, advised the Pokomo to use this strategy if they wanted to displace the Orma. Another assumption for the killing of women and children was this to be a strategy to reduce the number of Orma because the next generation would be smaller and there were not as many women to reproduce.

The survivors mostly fled to the neighbouring village Dide Waride, where an IDP camp was established. On the next day a government delegation<sup>40</sup> visited the area and on 24<sup>th</sup> August the Prime Minister and presidential aspirant Raila Odinga visited Dide Waride to express his condolence and to assure that the government was taking care of justice and security.

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<sup>40</sup> The delegation included the area MP Danson Mungatana, Esther Murugi, (Minister for States for Special Programmes), Mzalendo Kibunjia (Chairperson of the National Cohesion and Integration Commission (NCIC)), Mathew Iteere (Commissioner of Police) and Samuel Kilele (Coast Provincial Commissioner).

### **5.4.3 Kikomo**

The incidence in Kikomo shall be given because it seems to be exemplary for the reaction of the administration and police on attacks. On 30<sup>th</sup> August 2012 a Pokomo herdsboy was attacked by Orma pastoralists at Kikomo village and the raiders drove away 40 goats the boy was taking care of. After he raised alarm a group of Pokomo followed the Orma raiders to demand the goats back. When the two groups met on each other clashes arose and one Pokomo teacher, who was one of the owners of the animals, died on the spot. As an instrument of pressure the Pokomo drove away a herd of 103 heads of cattle belonging to an Orma and brought them to the next police station, where they asked the officer in charge not to return the cattle before the 40 goats were found. The District Commissioner (DC), however, advised the assistant chief, who was supposed to take care of the cattle, to return the herd and to make sure the goats were found (Nation 02/09/2012).

### **5.4.4 Chamwanamuma and Hewani**

Preceding the attack on Chamwanamuma, Pokomo from Hewani had been threatened since 17<sup>th</sup> August and tension had been high in Salama location. Shots were fired in the air in neighbouring Orma villages and a pastoralist was cutting down crops in a farm and was grazing his cattle in the same (KNCHR 2012: 17f). When the latter one was confronted by farmers, he threatened them by saying the Orma planned “to wipe out all the Pokomo in the area” and claimed that every Orma village had contributed 10 youths for an Orma militia. Several Orma confirmed in interviews that every village contributed a number of young warriors.<sup>41</sup> Many Pokomo from Hewani left their homes out of fear and first fled to Oda and some of them later to Chamwanamuma which was perceived to be quite secure.

In the beginning of September 2012 peace meetings were held in Garsen in the presence of different religious, political and traditional leaders. As a result of the three day meeting, a peace agreement was signed on 6<sup>th</sup> September. Despite the peace agreement Chamwanamuma was attacked on the following day. During the days prior to the attack Pokomo had reported gunshots from neighbouring Orma villages like Kikomo, however, no action was taken by the police. On the morning of 7<sup>th</sup> September an estimated 400 attackers raided Chamwanamuma. The attackers were armed with firearms like AK47, G3 and other automatic guns, others were armed with crude weapons like spears (KNCHR 2012: 20). According to the Nation (09/09/2012) the attackers were dressed in police jungle attire. Some of them were identified as neighbours and “friends”, many

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<sup>41</sup> These warriors were said to herd the cattle in times of peace, but to be trained to fight in case of attacks or times of war.

were, however, strangers (KNCHR 2012: 20).

#### **5.4.5 Kilelengwani**

Only few days after the Chamwanamuma attack Kilelengwani A, an Orma village, was raided at dawn even though security was heightened by a police post. The attackers, who were said to have come from Kau and Ozi, divided into two groups: while one group attacked the police station at the local school, in which they hacked the police officers to death and set the vehicles on fire, the other group torched the houses in the village and killed residents, they even attacked those who had fled to the mosque. Also, the attackers drove cattle away and killed some in the village. Furthermore, nine police guns went missing. The police arrived at Kilelengwani after two hours. Most injuries stemmed from crude weapons (like in the attack in Riketa), however, some victims also had gunshot wounds. Some of the attackers were identified as neighbours and “friends”, other were unknown strangers. Like in Riketa the attackers were wearing red ribbons on their heads and this time also white strips of cloth around their waists. It was assumed, that the attackers cut the victims at the entry point of bullets in order to hide the real cause of death (KNCHR 2012: 15). This was also mentioned by Orma respondents in interviews, who assumed the attackers wanted to hide the possession of illegal firearms. Especially the attack on the police station and the killing of the security triggered outrage in the Kenyan population, government and media due to the fact that outsiders, and especially those who were supposed to stabilise the situation and to protect the population were murdered as well. However, it was assumed, the attackers would have killed many more in case the police post had not been there. As we will see below, the Pokomo expected and wanted to provoke exactly this reaction from the public and hoped the clashes and the situation in the Tana delta would be given more attention.

#### **5.4.6 Ozi**

On 18<sup>th</sup> September the discovery of two mass graves which were surrounded by “the stench of decomposing bodies” was reported (Nation 19/09/2012). For several days it was unclear how many bodies were inside the two graves, because, before opening the holes, which were covered with freshly dug earth and twigs, forensic specialists had to arrive. For the time waiting the graves, from which a path led to the nearby river, and which were located in the forest about 500 meters from Ozi, were guarded by soldiers day and night. It was expected, that Kilelengwani raiders who had died and were suspected to have come from Ozi, had been buried in these graves. Therefore the

expectations were high who the raiders actually were, however, when the graves were opened, only a single foot and marks that bodies had recently been laying inside, were found. The empty graves raised many questions due to the fact, that since their discovery the graves were guarded around the clock.

Due to the fact, that Pokomo from Ozi were suspected of having been involved in the Kilelengwani attack, it was one of the first villages which should be disarmed by the GSU. When the soldiers came to the village and did not find any firearms, they, however, started harassing the residents and destroyed their properties: In interviews it was reported about indignity, assault and murder. The accounts of eye witnesses included beating, breaking limbs, rape, one woman was forced to undress, lay on the ground and soldiers stepped on her back. Some people who tried to flee from the harassment drowned in the river or were shot when they ran away. Also, 67 houses were looted by the GSU in Ozi village and farms were set on fire. The burning of houses by the GSU in Ozi village was brought up in parliament by the area MP Mungatana, IDPs from the village brought it up in an interview and a journalist who witnessed the whole situation confirmed it.<sup>42</sup> Additionally, machines like a grain mill were destroyed and fish and rice storages were burnt. The incumbent Danson Mungatana forwarded the complaints of the population to the government on 18<sup>th</sup> September and asked the acting Internal Security Minister and Minister of Defence, Yusuf Haji, to explain the methods of the GSU or whether the troops were infiltrated by outsiders (Nation 23/08/2012). A week later Katoo ole Metito, who was in the meantime (on 24<sup>th</sup> August) appointed as Minister for Internal Security and Provincial Affairs stated the local population had looted the village and the GSU was not involved in it (Nation 23/08/2012).

#### **5.4.7 Kipao and Ngao**

On the same day of the Riketa attack, Pokomo youth from Ngao, were attacked by people from the neighbouring Kipao village (an Orma centre) and three of them were killed. The others managed to hide and were rescued later that day. These incidences were never reported officially, but villagers from both places Ngao and Kipao confirmed the facts. The two villages have long-standing disparities which started in the 1980s with the killing of two Pokomo at Ngao irrigation scheme (Martin 2007).

After a period of relative calm in the Tana delta, between end of September and end of December

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<sup>42</sup> In a phone conversation the journalist explained that he was not allowed to accompany the soldiers, however, he saw how they invaded the village, smoke started to arise from the burning houses and how the soldiers left the village.

2012, Kipao was attacked shortly before Christmas in the morning of 21<sup>st</sup> December.<sup>43</sup> During the days preceding the attack, gunshots had been heard from Kipao. While people from the village insisted that there were no gunshots and claimed, if guns were fired, it might have been in Ngao, people from the neighbouring Orma and Pokomo villages were sure that they heard gunshots from Kipao. Hence, the administration and security based in Tarasaa visited Kipao on 18<sup>th</sup> December and asked the villagers to voluntarily surrender the guns within three days, otherwise the GSU would come back and forcefully withdraw the weapons or burn down the village. After this visit the population of Kipao hid their weapons, especially firearms, in the bush. Different from other attacks, Kipao village was, according to the Orma, raided without any warning or rumours. When the village was attacked in the early morning of 21<sup>st</sup>, the unarmed villagers at first thought the GSU had come to harass them, however, after most had already fled and hid in the bush, the men were called back and returned with weapons to fight the attackers. One man described the raiders had been dressed in brown uniforms, which explains, why the villagers confused them with GSU officials. However, when the attackers started killing people, the villagers realised it could not be the GSU. While the Orma insisted that they were attacked by Pokomo youths from neighbouring villages, especially Ngao and Tarasaa, the Pokomo claimed they did not know anything about a planned attack and were as surprised as the Orma themselves. Instead the Pokomo assumed the Orma had hired militias for the clashes but had not paid them and therefore their own militia attacked Kipao. But for the first time after an Orma village had been attacked, some of the assailants were left behind, which were in fact youth from Ngao. Due to the fact that the bodies were guarded by armed Orma youths who refused the government and humanitarian agencies access to the bodies, the attackers could not be identified during the day and in the evening after the Orma victims were buried the villagers burnt the corpses (Nation 23/12/2012). After the Kipao attack, indeed some high school students from Ngao, who had come home for holidays, were missing. The involvement of the young Pokomo was explained by the possibility that they were recruited by the militia for support and the youth took the chance to retaliate for the loss of three friends in August 2012 without telling the elders or anyone else.

The Pokomo argued they would have never carried out the attack and that many reasons spoke against them as raiders of Kipao: (1) The raiders were dressed in brown uniforms which was usually the dress-code of attackers in Pokomo villages. The attackers of Orma villages were instead described of having worn red ribbons on their head. Hence, either, the Pokomo also tailored similar uniforms, or the Orma were attacked by their own militia. (2) The attackers were using a different

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<sup>43</sup> The attack on Kipao happened two days after voter registration was closed, however it is unclear if there was a link to it.

strategy than in other attacks carried out by Pokomo. While the Pokomo usually started by surrounding the village, setting the outer houses on fire and then killing people mostly with machetes, the Kipao attack began with shots in the air and when people left their houses they were attacked. Furthermore, the attack seemed not to be as well planned as the other ones because some of the raiders were left behind. (3) Unlike other Pokomo attacks which were (mainly) armed with crude weapons, the Kipao attackers were using firearms. (4) Pokomo from Ngao argued, they would never have planned an attack few days before Christmas. After the clashes in August and September, the villagers from Ngao, which were influenced by the presence of German missionaries in the late 19<sup>th</sup> and early 20<sup>th</sup> century, were looking forward to a peaceful Christmas celebration. When the attack happened, relatives who lived outside the Tana delta had already arrived for visits and people were in the middle of their Christmas preparations. Therefore, they would have risked the security of their friends and family and they argued, if they wanted to attack Kipao, it would have been more logical to carry out the attack after the visitors had left again. (5) Last but not least, people from Ngao were proposing that it would have been almost impossible for such a big group, to leave the GSU-guarded village without being noticed. Other than many other villages Ngao was guarded by a large GSU post to secure the district hospital.

#### **5.4.8 Nduru**

Nduru village consists of an Orma and a Pokomo part, which are separated by a small distance. In September 2012 90 houses were looted in the Pokomo part and most Pokomo had fled. Until Kenya Red Cross started to help with the reconstruction of the village in December 2012, the people had not returned but lived in IDP camps. On the morning of 9<sup>th</sup> January 2013 five Pokomo and six Orma died in a confrontation. The administration, news reports and the Orma reported that Pokomo this time attacked the Orma village. It was said the attackers from Anasa and Semikaro arrived in the dawn from a street which had not been secured. First, the Orma residents fought the raiders in the village where six Orma and two Pokomo died. As the attackers were fleeing another three Pokomo were killed. However, in interviews Pokomo from Nduru village told a different perspective: they reported, due to the fact that Kenya Red Cross had started to reconstruct the village in collaboration with the IDPs they were camping at the Pokomo side of the village. They claimed, on the morning of 9<sup>th</sup> January a group of Orma came to the village, started destructing the rebuilt part and wanted to steal the building material. Some of the Pokomo hid in a Kenya Red Cross car, others confronted the raiders. Then, the Pokomo followed the Orma to their village where the situation escalated.

#### **5.4.9 Kibusu**

The attack on Kibusu came only a day after the clashes in Nduru. The villagers, foremost Pokomo, had already been warned that an attack was planned and they turned towards the DC and police to inform them as well as to ask for security. A group from Kibusu reported they were denied security with the explanation that the GSU officers had just come back from Nduru and had to rest first. In a conversation the DC explained me that the villagers could not tell him when they would likely be attacked and due to limited personnel, the DC could not deploy security every time there were warnings. The next day at 7 am the village was attacked. The attackers were said of carrying sophisticated guns like AK47 as well as rudimentary weapons (Nation 14/01/2013). According to the villagers the attackers first shot school children who were on their way to the class room, including one boy who was collecting fire wood in a tree, who was as the villagers described shot like a bird. These first shots near the school compound warned the rest of the residents of whom many were able to flee. Still, six other people died and 19 houses were looted. Despite the fact that Kibusu is located less than five kilometres from Minjila, where the police and district administration are stationed from where Kibusu can even be seen, it took more than two hours for assistance to arrive. After the villagers had buried their victims most of them fled to Idsowe or Malindi. A group of IDPs in Malindi reported that the attackers had later returned once more to Kibusu and looted more houses after the residents had left.

#### **5.4.10 Oda**

After the attack on Kibusu, a press conference was held with several political aspirants from the Pokomo, Orma and Wardei communities. The conference was organised in cooperation with the Kenya Red Cross in Nairobi and all of the political speakers vying for the gubernatorial or National Assembly seats. Present were Danson Mungatana (Lower Pokomo), Hussein Dado (Orma), Molu Shambaro (Orma), Adam Barisa (Upper Pokomo), Ali Wario Guyo (Orma), and Ali Bure (Wardei). The intention of the conference was to present a picture of unity among the political leaders, to address the communities and government and ask for support and to show that peace in the area was more important than the political victory. Furthermore, it was announced that the leaders would hold joint peace rallies together with the Kenya Red Cross Secretary General Abbas Gullet in the affected areas in the days ahead. The first meeting was supposed to be held in Tarasaa, which is predominantly Pokomo and the second rally was scheduled for Oda, Hussein Dado's home village, where many Orma live. Other than agreed on, the Orma aspirants did, however, not turn up to the meeting in Tarasaa and neither reacted on attempts to contact them. When Mungatana and Gullet,

accompanied by the DC, moved on to Oda, where they hoped to join the Orma leaders, an angry crowd armed with spears tried to attack Mungatana's car. He could, however, flee in the DC's vehicle. Hussein Dado stated that the Orma community was not prepared to meet the MP (Standard 17/01/2013). In interviews members of the Orma community explained that people were angry because it was rumoured that the MP and other Pokomo had said that the conflict would only end if the Orma would leave the area.<sup>44</sup> After this threat of the area MP the question arose, why the Orma politicians at the press conference first announced to hold joint peace rallies to express how serious they were about their peace efforts, but when they should actually had to show up they did not.

## 5.5 The Rationales, Explanations and Different Positions

Let us now look at the different perspectives and explanations on the conflict. Hereby, special attention will be given to the rationales of the two warring groups. This is important to get a comprehensive picture and to understand why the two groups actually believed to be fight. In the following two parts the different explanations of the communities will be summarised and presented. In the survey both groups argued that the other community started the conflict (see Table 1) and the majority of

	Orma	Pokomo	No idea
Orma	0%	100%	0%
Pokomo/ Giriama	89.3%	0%	10.7%

Table 1: Which community started the clashes?

	Orma	Pokomo
Natural Resources	-0.6	1.7
Revenge	1.8	-0.1
Intimidation	0.1	-1.1
Displacement	-1.2	-1
Hatred	-0.01	-1.7
Pure violence	-0.6	-1.9
Creation of an enemy	-0.4	-1.9
Provocation	-0.8	-2
Defence	1.9	1.7
Large scale projects	-0.5	-1.9

Table 2: Regarding the clashes in general, what are the motives/reasons for your group? Accumulated weighed answers.

both groups argued they were only defending themselves and fighting to show the other group they could not destroy their livelihoods without consequences. Furthermore, the Pokomo fought for natural resources while the second main reason for the Orma was revenge (see Table 2)<sup>45</sup>. In fact, two Orma explained, in their childhood they were taught with games to revenge. Therefore, in case Orma had not yet revenged peace agreements were regarded as almost invalid after a Pokomo attack.

In the survey respondents were asked to identify different groups and in which way they were involved in the clashes. 31 of 150 respondents did not want to give an answer or had

<sup>44</sup> The Orma understood this as a war declaration in which the Pokomo announced to fight them until they left. Several Pokomo, however, explained in interviews, due to the fact that they expect frequent invasions of animals in Pokomo farms, or Orma claiming the traditional Pokomo land, the conflict would not end, because the Pokomo would not back down.

<sup>45</sup> The average opinion could range between 2 (strong agreement) and -2 (strong disagreement). This is also applicable for similar tables in the following sections.

no idea. By looking at the other 119 questionnaires, most significant was that more than 50% of those who gave an answer indicated that chiefs were the main inciters, politicians and businessmen the financiers, politicians and elders the planners and organisers, and youth were mainly involved in carrying out the attacks, especially in fighting and looting houses (see Table 3).

	Organising/planning	Inciting	Financing	Physical fighting	Use of firearms	Use of crude weapons	Defence only	Cattle raiding	Cattle killing	Destroying farms	Burning houses	Abusing people	Kidnapping people	Others
Politicians	36	9	51	-	-	-	-	-	-	-	-	-	-	-
Elders	47	27	12	-	1	-	-	-	-	-	-	-	-	4
Chiefs	13	67	-	-	-	-	-	-	-	-	-	-	-	-
Other government officials	3	3	5	-	2	-	-	-	-	-	-	-	-	-
Police	-	1	-	-	33	-	17	-	-	-	-	-	-	5
GSU	-	1	1	-	2	-	60	-	-	-	1	-	1	5
Businessmen	-	-	34	-	1	-	1	-	-	-	-	-	-	2
Investors	1	5	9	-	-	-	-	-	-	-	-	-	-	-
Conservationists	-	4	-	-	-	-	-	-	-	-	-	-	-	-
NGOs	-	-	-	-	-	-	-	-	1	-	1	-	-	-
Youth	17	11	-	55	19	21	-	15	19	20	41	7	-	-
Well educated people	5	2	-	1	1	1	-	1	-	1	2	1	-	-
Less educated people	-	-	-	1	-	-	-	2	-	-	1	2	-	2
Poor people	-	-	2	3	-	-	-	12	-	-	-	-	-	-
Wealthy people	4	-	26	-	-	-	-	-	-	-	-	-	-	-
People from the area	1	-	-	-	-	-	5	-	-	-	-	1	-	-
People from outside	-	-	-	-	-	-	-	-	1	-	-	-	-	1
People who have been affected by violations	-	-	-	-	2	-	5	-	-	-	-	-	-	1
Relatives of victims	1	-	-	2	-	-	4	-	1	-	-	-	-	1
Lower Pokomo	4	-	-	21	-	-	-	1	6	-	1	-	-	1
Upper Pokomo	5	5	3	22	3	3	1	3	5	3	3	2	-	2
Orma	12	12	12	20	14	14	33	14	1	15	13	3	-	-
People of other ethnic groups	-	-	-	3	-	1	-	-	1	-	-	-	-	1
Militias	-	-	-	2	11	16	-	3	25	2	7	9	9	14
Christians	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Muslims	-	-	-	-	-	-	-	-	4	-	1	-	-	-
Farmers	-	-	-	3	-	-	-	8	43	1	1	-	-	-
Local pastoralists	-	-	-	1	-	-	3	-	-	39	-	-	-	-
Foreign pastoralists	-	-	-	1	-	-	2	2	-	39	-	-	-	-
People from mixed livelihoods	-	1	-	-	-	-	-	-	1	-	-	-	-	-

<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span> More than ¼	<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span> ¼ – 1/8	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> 1/8 – 1/12	<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> 1/12 – 1/24	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> Less than 1/24
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Table 3: Who was involved in which way?

In the following paragraphs, the conflict will be presented from the perspectives of the respective group (Pokomo and Orma) divided in three major topics, (1) natural resources, (2) poor governance, as well as (3) involvement of politicians and the relevance of the elections. These narratives were collected in open interviews. Especially Pokomo elders linked the conflict to the history, therefore, their historical perspective will also be included. The two viewpoints are based on several group and one-on-one interviews. Probably not every individual of the ethnic group would agree on the rationales, but due to the fact that the aspects appeared in several interviews with people of different characteristics (gender, home village, age etc.) they are regarded as group rationales rather than individual accounts. It is likely that the rationales are products of interactions and retelling, but due to the fact that they shape the perception of the respective groups and their perspectives on the conflict, they are of big relevance for understanding the conflict. Liisa Malkki (1995: 45f) called the mix of historical facts and believes of Hutu refugees in Tanzania mythico-histories. The mythical part of these narratives is mainly the very positive self-portrayal. A similar phenomenon can be found in the perspectives of the Orma and Pokomo on the history and reasons for the clashes. Both groups present themselves as the saviours of the others and of having been victimised. These mythico-histories are crucial to understand why the two groups believe to fight and what might be the root cause of the conflict.

### **5.5.1 Natural Resources**

As mentioned in the theoretical framework, conflicts between farmers and herders related to natural resources are not an exception due to the fact that the two groups have different needs regarding land and water. The pastoralist and agriculturalist communities living in the Tana delta traditionally have different land tenure systems: While the pastoralists share and own land communally the farming groups own land on an individual basis, to guarantee the individual that he will get the harvest and no-one else will claim it. For pastoralists communal land ownership is crucial, due to the fact that they need wide grazing areas for their livestock and the pasture needs to recover before an area is entered again.

Before colonialism, the two groups had clear regulations how to handle their differences and through negotiation solutions were found. However, due to colonial and post-colonial policies these rules were confused and are now (often) not regarded anymore. But the statutory land tenure system which now coexists with the other two complicates the legal situation, especially because it is often implemented with reluctance. Issues connected to land rights are for both communities a central

factor in the conflict and 51% of the survey respondents were convinced that the conflict started as a natural resource conflict, while only 22% thought the conflict was politically instigated from the beginning (see Table 4). In the following two sections the rationales and positions of the Pokomo and the Orma community, regarding natural resources in the Tana delta clashes will be presented.

	No - / --	maybe	Yes + / ++	accumulated weighted answers
The clashes were politically instigated from the beginning.	56%	22%	22%	-0.5
The clashes were not planned but started because of normal resource conflicts between farmers and pastoralists.	26.2%	22.8%	51%	0.7
The clashes were not triggered by natural resources but by anger and hatred.	60.5%	27.5%	12%	-0.8
The conflict was connected to large scale projects in the area.	61.7%	16.1%	22.2%	-0.8
The conflict was connected to a land survey.	47%	14.8%	38.2%	-0.3
My community attacked the other group to stop their frequent violations.	7.4%	17%	65.5%	1.2

*Table 4: Statements about the beginning, trigger and causes of the clashes*

#### **5.5.1.1 The Pokomo Perspective**

According to the Pokomo, they are the rightful inhabitants of the Tana delta. When the Pokomo arrived in the area, they only found some Sanye hunter gatherers with which they shared the area and lived together peacefully. The Sanye were living in the forests while the Pokomo settled along the riverbanks and lakes. The Orma arrived in the Tana area when they moved southwards from Ethiopia, on their flight from the Somali. When they reached the river Tana, the Orma met a Pokomo elder who allowed them, out of generosity, to cross the river and to stay. However, the Pokomo soon discovered that the Orma were not a friendly and peace loving group. The Orma stole from the Pokomo and occasionally killed one of them. It was explained, before an Orma warrior wanted to marry, he had to prove his strength by killing a lion or a human. If he killed a human he cut the genitals as a trophy and carried them home to prove his success.<sup>46</sup> Hence, the Pokomo used to fear the Orma and ran away from them or hid when an Orma came to the village. The Pokomo blamed the elder who invited the Orma to stay for their fearful life and replaced him. The new leader spoke with the Orma, demanded they had to stay away from the Pokomo and told them off to the hinterland. In case of any offence, the elders of the two communities came together, held a ceremony, discussed the case and looked for a solution. During the dry spell, when there was drought in the area where the Orma stayed, the Orma used to send a message to the Pokomo to ask for permission to get access to the river waters or to come to the delta. Hence, the Pokomo leader gathered the elders together who discussed where they could spare a piece of land until rain would

<sup>46</sup> This practice was confirmed by Bunger (1973: 22).

come. In case the Orma only needed access to the river, they had to sacrifice one cow, slaughter it and give it to the Pokomo. However, if they asked for a grazing area in the delta, they had to slaughter seven cows, one for each Pokomo village and to provide them with milk throughout the time of their stay. In case, the Orma were permitted to the delta, the Pokomo were responsible to cross the Orma and their animals over the river. As soon as the rainy season started, the Orma had to return to the hinterland.

When the colonialists arrived, the Pokomo leader approached the administration and asked them to keep the Orma in the hinterlands, otherwise the Pokomo would not collaborate. Following this request, the colonialists divided the Orma in two groups and sent one of them to the northern part near Wayu and the other group was sent to a rather southern part at Assa. Furthermore, the groups were asked to appoint chiefs who were supposed to collect taxes and be the right hand of the administration. The Northern group appointed a well-regarded Orma while the Southern group chose the son of an Akamba who had neither much insight, nor authority in the group. The choice was taken because the group assumed the colonialists were looking for a spy. These chiefs were, however, given responsibility in, for example, collecting taxes. Hence, the southern Orma group regretted their choice and ran away from their chief to the area of Oda-Wachu and Bilisa. The District Commissioner Lambert advised the chief to follow his group, which is why he settled at Nduru and continued with his responsibilities. The colonialists established migratory corridors called *malka* on which the Orma could take their cattle to the river, but only during the dry spell. However, after independence, the Orma who had settled in the South, refused to leave the delta. A Pokomo elder stated, the Orma with whom they are now in conflict are “the same trouble makers” as those who were not willing to cooperate with the colonial administration and ran away from their chief. From this historical perspective, a main problem is, in the eyes of the Pokomo, that the norms and regulations, how to share the natural resources, are no longer practised. Instead, the Orma started forcing their way to the water and into the delta without the permission of the Pokomo and often it ends in destroyed Pokomo farms.

While it was initially impossible to stay in the delta throughout the year and the rainy season, especially if one wanted to keep livestock, the settlement of Orma in the delta was supported by changing climate conditions. The delta was used to be marshy and was flooded twice a year, however, due to different environmental changes<sup>47</sup> the water masses reduced and the water level in the river and delta lowered. Hence the flies and diseases reduced as well and unless before, it was

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<sup>47</sup> Like mentioned in the introduction, these environmental changes were caused by different factors like the construction of several hydropower dams. The claim these changes were connected to climate change was only based on the respondents perceptions.

now possible to stay there, sometimes even during the rainy season. Therefore the Orma established villages close to where the Pokomo used to farm. Due to the environmental changes, and the fact that flood irrigation got less reliable, farming became more labour and time intense and with time the Pokomo had to reduce the areas they were farming. However, if the Pokomo would have had access to new affordable technologies, the farmers could have maintained the size of their fields. But due to the fact that they had to reduce, the Pokomo started to become even poorer.

Besides the reduced harvest, the Pokomo also blame the Orma herders and their cattle for their impoverishment. After the Orma forced their way into the delta and established villages on what was perceived as Pokomo land, they also started using the farms as grazing areas. When the farmers were not around, pastoralists came with their animals which started grazing the crops and destroying the harvest. Before the farmer came back to his farm, the pastoralist and his cattle disappeared and left a cleared field. As soon as the farmer confronted the pastoralist, the latter one asked how the farmer could prove it was his animals that were in the farm. According to Pokomo elders, in such cases both, farmers and pastoralists, started grouping up and this is how the conflict between the two ethnic groups originally started. Hence the clashes are not seen as a separate conflict, but one escalation of a bigger problem and the Orma who came from Assa are seen as the main offenders. The Orma are, by the Pokomo, until now seen as foreigners, visitors and trouble-makers “in someone else's land” who do not respect the rules of the original inhabitants.

According to the Pokomo accounts the whole situation was worsened when under Moi's government new locations were created, of which some were named after Orma villages. Kipao and Galili location for example had formerly been part of Ngao location and the land in these - what the Orma now call - “Orma locations” was cultivated by the Pokomo. The Pokomo had farmed along the riverbanks and in the delta, even if many of their villages were across the river and sometimes quite a few kilometres from their farms. Some of the Pokomo from Ngao, for example, had and still have their farms in areas which now belong to Kipao or Galili location. Since these farms were then, however, in “Orma locations” Orma from the respective areas started claiming the land. This mainly became an issue because the Orma also started diversifying their livelihoods and became agro-pastoralists. According to the Pokomo, the Orma took over their farms without the consent of the owner and sometimes the Pokomo farmers were chased out of their farms by armed Orma.

The Pokomo decided not to fear the Orma anymore and not to hide from them as in the beginning when the Orma had just arrived. Now, the Pokomo started fighting back, which occasionally resulted in clashes. Furthermore, the Pokomo had the impression, the Orma wanted to displace them

entirely and chase them out of their ancestral land. In order to show the Orma that they would not back down, and that the Orma had to stop invading farms, the Pokomo first slaughtered cattle and after the Kau attack and the declaration on Facebook, they trained their volunteers and attacked Riketa. In line of this natural resource conflict the cruelty shown in the attack was meant to shock the Orma and to stop them from ongoing and future offences.

Due to the fact that the initial conflict started as a farmer/herder and natural resource conflict, and livestock frequently strays into farms the Pokomo believe the conflict will not end unless the two groups will be separated. Because the Pokomo see themselves as the rightful inhabitants of the area, they claim their farms back and argue the Orma should return to the hinterland.

#### **5.5.1.2 The Orma Perspective**

Other than the Pokomo who claim they gave the Orma space to escape from the Somali and in return the Orma made their life difficult, the Orma say they protected the Pokomo frequently from enemies and fought among others these Somali.

According to an Orma respondent the conflict between the Orma and Pokomo started in the 1960s after independence but farmer/herder conflicts already existed during the 19<sup>th</sup> century. The latter ones were, however, solved by the elders of both groups. Another Orma respondent explained that in those days life was much better for both groups. There was much more rain than nowadays, the Orma had big herds of cattle and the Pokomo farmed on bigger fields. He commented, “Life was precious”. However, due to different factors like epidemics and droughts the Orma lost parts of their herds and the Pokomo had to reduce their farms because of environmental changes and the lack of water. He further explained, nowadays land in the Tana delta is laying idle and there is sufficient pasture and farming land for both communities. Therefore, he does not believe that the conflict started as a normal farmer/herder conflict, but he assumes that there must have been more behind the clashes. Instead, he suggested one or both groups shall be displaced from the delta. Also, in Table 2 we saw, that the Orma actually did not see their attacks so much caused by disputes over natural resources.<sup>48</sup>

The fear, uttered by this Orma, that there were plans to displace the Orma community from the Tana delta, either by the Pokomo, possibly in cooperation with the MRC, or the government and foreign investors, was expressed by all Orma respondents in semi-structured interviews. Also, in the survey, besides one, all Orma respondents were convinced the Pokomo wanted to displace them from the delta. This feeling was enhanced by the utterance of Pokomo who said the war would only end if

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<sup>48</sup> Only nine Orma respondents said the conflict was related to natural resources, 26 were impartial and 40 respondents were convinced the conflict was not a natural resource conflict.

the Orma left the Tana delta and went back to Assa where they came from. The Orma understood this comment as a declaration that the Pokomo would fight them until they were gone. One other major reason why the Orma believed there might be plans to displace them was that the Pokomo and the government both were interested in using the Tana delta for agricultural large scale projects to increase economic growth. The Orma, however, fear to lose their grazing areas and therefore oppose such projects. In semi- structured interviews Orma respondents mentioned that they did not want to leave the delta, on the one hand because they started to practice agro-pastoralism and needed the fertile area for farming, on the other hand, staying with cattle in a fertile area is much more convenient than practising a nomadic lifestyle in search of pasture and water. If they stayed in the delta their children could go to school and the herders did not have to travel long distances. Instead, the Orma have established, what they call in Kiorma, an *urune*, a “cattle camp” in the delta. The *urune* was described as an area in which many herders camped with their livestock. The herders from different villages were said to live in a camp of huts where they had designated areas to graze the cattle. Due to the fact that the area was wide and fertile, there was enough pasture for everyone, they did not have to travel long distances and did not get in conflict with other pastoralist groups.

Furthermore, the Orma claim the Pokomo were not present in the actual delta. On the one hand, the Pokomo villages were on the south-western side of the river and on the other hand the land in the delta was in “Orma locations”. Hence, most of those Pokomo who farmed in the delta or on the north-eastern side of the river, were actually claiming Orma land. Due to the fact that the land is disputed and the Pokomo claimed even the farms in “Orma locations”, the Orma supported communal land adjudication in which the Orma communities could officially hold the land in “Orma locations”. If the Pokomo wanted to privatise land in their own locations they would not mind, however the land in “Orma locations” should be given to the Orma community.

Another problem mentioned by some Orma respondents, especially in relation to the problems in Kau, was that the Pokomo expanded their farms on animal migratory routes. The Orma gave room for the possibility that the cattle in Kau was found in a farm, however, only because the water way was blocked.

One other aspect connected to land ownership and natural resources is that the Orma complain they were not regarded and respected as one of the indigenous groups in the area. The MRC did not explicitly mention them as one of the coastal groups (see chapter 2.1) and they claimed a document existed in which the MRC demanded the Orma should leave the Tana delta. According to these

respondents, the MRC recruited people in the Tana delta in the beginning of 2012 and while the Pokomo supported the MRC, the Orma did not, because they were not recognised as one of the indigenous coastal people. Furthermore, the Orma did not want to support the MRC because the latter one did not consult them and neither did they “recognise pastoralism as an income generating activity”. Hence, one respondent, who also reported to the inquiry commission, was wondering whether or not the MRC regarded the Orma as human beings. Due to the fact that the Pokomo supported them, they concluded, the MRC fought on the side of the Pokomo, trained warriors in Ozi forest and armed them. In fact, there were two interpretations: (1) the Pokomo asked the MRC, in return for their support, to compose a document that the Orma should be displaced from the Tana delta and to fight on their side; and (2) the conflict was in the first place started because the Orma did not support the MRC.

### 5.5.2 Government Reaction, Poor Governance and Institutional Failure

Throughout and after the clashes, the government has often been accused of not having reacted appropriately to the skirmishes. In the survey respondents uttered their dissatisfaction by only rating the presence of high ranking officials and GSU as slightly effective. All other measures were seen as rather ineffective (see Table 5).

It is argued, that in the early stage of the conflict when tensions arose due to the destruction of property, the government failed to react appropriately. Macharia, who was then the DO1 and acting DC in the area, was several times accused by respondents of not having handled the situation well. It was said, his administration did not hold offenders responsible through compensation or it was handled with reluctance and if an offender was arrested, he was usually released either on the same day or after one night. Due to the fact that people were not compensated for their losses, tension increased and they got the impression the only solution was to take the right in their own hands if the administration was not protecting them. Also, respondents on both sides mentioned doubts about the credibility of reports composed by the administration during the initial tensions and the actual clashes. This might partly be connected to the different perceptions on land ownership and the usage of natural resources (see above), but also expresses, how little the political trust within both groups was, which can according

Peace meetings	-0.01
Presence of high officials	0.2
GSU	0.1
Curfew	-0.01
Disarmament	-1
Establishment of new police posts	-0.4
Arresting people	-1.95
Tana Inquiry Commission	-0.2
Aid	-0.2

*Table 5: Effectiveness of government measures. Accumulated weighed answers.*

to Hutchinson and Johnston (2011: 738) lead to the escalation of conflicts.

When the conflict escalated, peace meetings between the two warring communities were intensified. During these peace meetings an attempt was made to calm the situation down and to create a dialogue between the groups, to solve issues and to find solutions. However, the peace committees were said of not having had enough authority and support in the groups which made the peace meetings a rather weak tool. After peace talks in the beginning of September 2012, for example, a peace agreement was signed by elders of each group, however, the following day Chamwanamuma was attacked.

Besides the aforementioned attempts to settle the issues, the police arrested suspects during the conflict. But according to respondents, like during the initial tensions most of the suspects were released shortly after or they were even arrested without any proof for their involvement. Besides ordinary suspects, the government also arrested several chiefs and an appointed councillor, as well as Galole MP Dhadho Godhana who was released on bail. After the attack on Kilelengwani President Kibaki ordered a dusk-to-dawn curfew on 10<sup>th</sup> September and on 12<sup>th</sup> September a 2,000 man strong force was ordered to the Tana delta including 1,300 fresh GSU graduates to stabilise the situation and disarm the population. The disarmament was unfortunately not as successful as hoped for and besides crude weapons only few illegal firearms were withdrawn, mainly in the northern part of the county. The curfew in combination with the heightened security seemed to work well, until Kipao was attacked in the early morning hours of 21<sup>st</sup> December 2012.

On 13<sup>th</sup> September 2012 a judicial commission of inquiry to investigate the clashes was created and started their investigations, which were supposed to take one month, in the beginning of October. After an extension until December 2012, the responsible Lady Justice Grace Nzioka was attacked in Nairobi on 23<sup>rd</sup> January. Among other items, her electronic devices were stolen and it was assumed the attackers wanted to hide the truth about the Tana clashes. She assured, however, that the report was save and the document was handed over to the President on 21<sup>st</sup> May 2013. To date the promised report has, however, not been made accessible to the wider public.

#### **5.5.2.1 The Pokomo Perspective**

Apart from the natural resources issue another aspect raised by several Pokomo respondents, which according to them contributed to the escalation and intensity of the conflict, was poor governance and the assumption that the Orma bribed the administration. They argued, due to the fact that the Orma were wealthier, the latter ones have the means to silence the administration and to buy their goodwill. Hence, the Pokomo felt that they were not protected by the administration and the

officials did not take their complaints seriously. Instead, they had the impression administration and security were harsher on the Pokomo on whom, from their own perspective, the administration also put most blame. It was explained that the government usually tried to appeal at the goodwill of the Pokomo and told them not to retaliate. However, after the violations increased, the government did not make any attempt to protect the Pokomo, to take action or to force the Orma to compensate for the damages, they saw themselves in a situation where they had to take the right in their own hands. Similarly like with the land issue, the Pokomo did not see any other way to accomplish change in the system than organising big attacks and drawing the attention of the public and the administration to the problems in the Tana delta. Several respondents argued that this was also the reason for attacking the police post in Kilelengwani; even though the clashes were already going on for one month, the government had not taken action. Hence, these big attacks could be seen as a cry for help. Like expected, the killing of the police post triggered government actions like the deployment of security, a dusk-to-dawn curfew and an inquiry commission was authorised to investigate the clashes.

This feeling of being neglected by the government and Orma bribing officials, continued throughout the clashes. Before Kibusu was attacked, the villagers who had been warned the night before, asked for security, but they were denied any support (see section 5.2.9). The Pokomo complained further, even though it was obvious that the Orma had illegal firearms, the GSU was mainly disarming Pokomo and looking for the nine police guns. Also, it was said, on peace meetings the focus was partly put on the nine firearms instead of the numerous illegal guns the pastoralists were holding. Two Pokomo respondents assumed that the government did not disarm the Orma because they were taking care of cattle owned by high government officials. Also, several Pokomo suggested the police and GSU might be scared of the armed Orma themselves, because their firearms were partly more sophisticated than the police guns. Furthermore, according to the Pokomo perception, the police arrested more Pokomo suspects than Orma ones and if Orma suspects were arrested, they were released shortly after. Hence, the Pokomo concluded that the Orma must have bribed the administration and security offices or the government supported the Orma or, like a Pokomo elder once put it, “the Orma must be a government project”. In fact, the Pokomo had the impression to have two enemies: the government and the Orma. This feeling was not only produced by the negligence but also by the looting of houses as well as other property and the harassment in Ozi village by GSU officers. Hence, the Pokomo had the impression that the government planned to displace them and leave the delta to the Orma, even though, according to the Pokomo, the Tana delta was their ancestral land and the Orma used to live in the hinterland in near Assa and Wayu.

Besides blaming the government for not taking action before and during the conflict, the Pokomo also complained that the government failed to provide services in the area. This includes providing sufficient security if there is no conflict, improving the infrastructure, promoting education, providing health facilities, and bringing development projects to the area which benefit the population of the Tana delta. Thus, the political trust of the Pokomo was already minimal, which probably also contributed to the escalation.

#### **5.5.2.2 The Orma Perspective**

Similarly like the Pokomo, the Orma also felt neglected by the government and civil society organisations. However, the Orma mainly accused Danson Mungatana, the incumbent area MP, of not having been impartial during the 10 years when he was their representative. The Orma expressed their impression of not having benefited from the Constituency Development Fund (CDF). They felt neglected in the number of students who were supported, they complained no secondary school and dispensaries had been built in Orma villages and also the Orma were disadvantaged because their villages were not connected to the power lines, even if their villages were next to it. Furthermore, it was said Mungatana had placed his people in the CDF committee and a case was in court against him because of mismanagement of the funds. Additionally, the Orma suspected mainly Mungatana's family and village had benefited from the CDF money. Besides the neglect by Mungatana, the Orma also complained they were disadvantaged because the only hospital in the district was in a Pokomo village and they, furthermore, did not receive as much aid and assistance as the Pokomo, from organisations like Kenya Red Cross. They complained, while Kenya Red Cross started re-building Pokomo houses, they did not do the same in Orma villages. Another aspect raised several times was that the Orma saw themselves less represented in the media and claimed, the attacks of Orma villages were given less attention.

Besides the neglect by politicians and the civil society, Orma also complained that administration and police were corrupt. Other than the Pokomo they were wondering why the 1200 GSU officers, who were disarming the population, had not found the nine police guns. Hence, they assumed the Pokomo must have bribed them. However, the Orma also complained that the suspects of the Kipao attack were released too quickly and the administration would not arrest the perpetrators. Furthermore, it was said the Nduru attack was carried out relatively close to a police post, however, the police did not take action and protect the residents.

Additionally, the Orma suspected the Pokomo were collaborating with the government and GSU for the Kipao attack. They were wondering why else the attack was carried out exactly on the day when

the GSU was supposed to come and disarm them. This was also given as the reason, why the Orma denied the administration access to the village and did not even want to speak with the DC or PC (Provincial Commissioner).

Also, almost all Orma respondents complained the peace meetings held by the administration were useless because people were not serious about what they said in peace meetings and furthermore, they could only be effective if they were actually held by elders. Hence, most measures the government and administration took were in the eyes of the Orma useless or unsuccessful. The only measure in which much hope was put into was the inquiry commission.

### **5.5.3 Involvement of Politicians and the Relevance of the Elections**

The major set of public accusations took place between the acting Internal Security Minister, Defense Minister and Ijara MP Yusuf Haji and the Assistant Livestock Minister and Galole MP Dhadho Godhana. On 21<sup>st</sup> August the Nation<sup>49</sup> reported Godhana had said: “Clashes in Tana River are not all about water and pasture; there is more to it than what we hear or see. We need the National Security Intelligence Service to investigate this clashes that have become the norm especially as we approach the general elections” (Nation 21/08/2012). Two days later, the Nation reported Haji accused Godhana of not being cooperative in resolving the root causes of the clashes and the latter one had been “snubbing security and peace talks” (Nation 23/08/2012). Also, Godhana was accused of having held a meeting in the Tana delta to plan attacks. Godhana, however, denied the claims he had refused to cooperate or having had a role in the clashes and having held a secret meeting. Instead, he demanded Haji's role in the clashes should be investigated, and accused him of having plans to expand Ijara District into what is now Tana River (see below). On 7<sup>th</sup> September 2012 Godhana said on National TV that the war was not over until Yusuf Haji was sacked. This was regarded as incitement of his people to fight and on 12<sup>th</sup> September he himself was sacked as Assistant Minister, arrested and released on a 500,000 KSH cash bail. His hearing was scheduled for 2<sup>nd</sup> October and finally on 16<sup>th</sup> January 2013 he was cleared.

In the last weeks before the elections several Kenyan media stations organised presidential debates in which a question on security especially in relation to the clashes in the Tana delta was posed. While Peter Kenneth rather spoke about the general security situation and how he would invest in this sector, other aspirants tried to approach the clashes in the Tana delta directly: Presidential candidate Musalia Mudavadi, originating from western Kenya, who had in August uttered that he

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<sup>49</sup> The Nation is one of the major Kenyan daily newspapers.

did not see the causes of conflict in a struggle for resources but a struggle for power stated that people were “beginning to jostle for political positions, either trying to use clan or ethnic based strategies to try and build support for themselves but it is a very costly way of playing politics in this country because we lose lives” (Nation 25/08/2012). He focused in the presidential debate on the economic situation of the people and lack of communication between the warring groups. He further said the conflict was largely resource based and politicians capitalised on it to inflame the situation. Martha Karua saw the root causes of the conflict in poverty and the underdevelopment of the area. As solutions she suggested to improve the infrastructure and better technology was necessary to control such situations. Furthermore, she mentioned that on the one hand the moral of police officers had to be raised, on the other hand, the local population needed to be cooperative in peace efforts. Raila Odinga's main concern was about border issues. He said, first the international boundaries to neighbouring unstable countries had to be secured, but also the border conflict between Garissa and Tana River had to be resolved. Additionally, he saw the need of better disciplining and equipping police officers, poverty elimination and he stated especially for pastoralists the diversification of livelihoods was crucial because their lifestyle was unsustainable. Paul Muite repeated that poverty was the root cause of the problem and in his view, security personnel had to be deployed to such areas to control the situation and to prevent that people took the right in their own hands. Mohammed Abduba Dida, was wondering why the intelligence reports did not give more information about the clashes if it was even known when illegal poachers killed elephants. Furthermore, he stressed that the perpetrators were from outside the area and moved into Tana River for the clashes. He saw a main reason for the weak security situation and in poor governance. James ole Kiyiapi stressed the Security and Police was not well coordinated and before tackling the root causes one had to end the clashes and to save lives, however, the government missed to do that. Furthermore, like others before him, he also mentioned one of the main problems for insecurity in the country was corruption. Finally, Uhuru Kenyatta saw the causes of the conflict in disputes over boundaries, resources and social aspects. To tackle the problems he suggested different development projects and improvement of the economy.

#### **5.5.3.1 The Pokomo Perspective**

According to the farmer community, the Orma mainly wanted to unite their own group, intimidate the others, displace them from the delta and they mainly suspected the Orma of fighting to gain political power (see Table 6).

The Pokomo mainly held the two politicians Yusuf Haji a Somali from North-Eastern Province, and Hussein Dado, an Orma leader who was aspiring the gubernatorial seat, accountable for the clashes

and accused them of having planned the skirmishes. The two were said to have known each other from their time working in the civil service and to have planned the clashes together. Furthermore Ali Wario Guyo, a young (30 year old) Orma, who was contesting for the National Assembly, was also indicated to have been involved.

According to the Pokomo, Yusuf Haji had two main interests in the conflict. On the one hand he had big herds of cattle in the Tana delta, which in case of the implementation of large scale agricultural projects or a land privatisation policy had to be shifted and did not get the nutritious pasture for the wetlands anymore. It was argued that Haji had an interest in the elections being won by the Orma community and the skirmishes could have benefited his interests because it was more likely that the land was adjudicated or the area was used for agricultural projects if the Pokomo were strong in the new county government and won the gubernatorial seat. On the other hand, it was claimed the disputed border between the Ijara District, of which Haji was the MP, and Tana River District was a reason for the conflict. It was argued Haji wanted to move the border between the two districts to the river because he needed the area for planned development projects.<sup>50</sup> Hence, the Pokomo assumed, Haji on the one hand had incited and instigated the conflict, but also contributed financially by paying militias and arming them with KDF firearms, of which bullets were found on the ground after Chamwanamuma was attacked. Furthermore, it was assumed Haji was in his position as head of the two ministries for Provincial Affairs and Internal Security as well as Defence in charge of the security personnel and the administration, which he controlled and advised. Furthermore, his position as the head of intelligence gave him the opportunity to manipulate which information was made public. It was further suggested, that Haji did not only give orders to mainly disarm Pokomo villages, but also advised to let the Kipao raiders escape, who according to the Pokomo had stolen a substantial number of cows as compensation for the missing payment (see section 5.3.7) and otherwise Haji would have been held responsible and had to pay for it.

Dado was also accused of having had two interests in the clashes. It was assumed Dado wanted to benefit from the clashes for the elections to win the Governor seat by uniting the pastoralists and displacing the Pokomo. Similarly the possible involvement of Ali Wario Guyo was mentioned.

Unification of the own group	1.2
Intimidation of the other group	1.6
Gain of political power	1.7
To show strength	-0.1
Stop the other of destroying livelihoods	-1.1
Displacing the other from the Tana delta	1.9
Burning of IDs and Voter cards	-1.3

*Table 6: What are the aims of the other group? Accumulated weighed answers.*

<sup>50</sup> The border dispute exists already since Ijara District was created in the year 2000, due to the fact, that parts of it belonged to Tana River District.

Before the clashes the Orma leaders tried to unite the pastoralists for the elections and to reach a power sharing agreement especially with the Wardei. According to different Orma aspirants, they were hoping the pastoralists would win all seats and in particular those for forming the Tana River County government. To this aim, it was reported, Ali Wario in collaboration with two other people had founded a pastoralist lobby group called “Let All Tana Tribes Unite” (Standard 09/12/2012).

Hence, the Pokomo assumed the Orma wanted to unite the pastoralists by presenting the Pokomo as a common enemy and by blaming them to have initiated the conflict and in the case of the Khurtumo boy, having attacked even a Wardei. Therefore, according to the Pokomo, the Orma presented themselves as being on the side of the Wardei and claimed to retaliate for them. The creation of a common enemy is not an uncommon strategy in elections, and could have benefited the Orma. From the perspective of the Pokomo this was necessary because the two pastoralist groups were not in good terms and had differences as well. Furthermore, the Pokomo believed the Orma wanted to displace them and to reduce the number of Pokomo voters to win the elections. In the survey 97% (63 out of 65) of the Pokomo were convinced the Orma were fighting to displace them.

Furthermore, several Pokomo respondents suspected Dado also had a personal interest in the conflict. It was explained that Dado was born by an Orma mother but his biological father who had abandoned the two was a Pokomo. Hence, the Pokomo assumed the Orma would not see him as a real Orma and he had to prove it by his behaviour. Dado's social father was, however, said to have been an Orma, but he had killed a Pokomo boy and was consequently murdered by the boy's father and Hussein Dado, unluckily, had witnessed it when he himself was a young boy. Hence, the Pokomo assumed, since that moment Hussein Dado hated the Pokomo and he planned to retaliate, even though several members of the Pokomo elite were said to have supported Dado in his career.<sup>51</sup> In 1999 when he was shot in his leg by *shiftas*, he was said of having carried firearms to his home village Oda, where he stored them in a shack. It was argued, as the DC of Baringo, he had on the one hand access to the weapons and on the other hand as a government official he would not be checked by the police. It was argued these weapons were used to arm the Orma in the 2001 conflict.<sup>52</sup> The Pokomo argued further, when they realised after the clashes in 2001 that Dado was still planning to make their lives difficult, they sent a letter to the President to request Dado to be taken out of the country. Hence, he was transferred to Namibia as an ambassador. However,

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<sup>51</sup> Among those who supported him were, according to respondents, the former MP Israel Lekwa Daido and Hussein Dado's Pokomo step brother and once Head of Civil Service Fares Kuindwa.

<sup>52</sup> This was also reported to the inquiry commission, however, Hussein Dado argued, as a DC he could not have carried weapons to the Tana delta (Nation 10/12/2012).

according to the Pokomo, after he was making problems as an envoy, he was called back to the country and was employed as the Deputy Secretary in the Ministry of Natural Resources.<sup>53</sup> For the 2007 election he left his position and contested as an MP (see below). Due to the fact that he had, in the eyes of the Pokomo, always made trouble, it was argued that he would probably also have been involved in the clashes in 2012/2013 and he was even accused of having armed the Orma again.

Another aspect where politics comes in is that the Pokomo assumed the clashes were financed with money collected in *harambee* (fundraisings) to which several higher politicians were invited and the Orma had planned the conflict long before. In the months preceding the conflict several harambees had been held by the Orma community, to which they had invited high politicians including George Saitoti, Uhuru Kenyatta and Stephen Kalonzo Musyoka. The money was supposed to be used for education projects and especially scholarships for students, however, the Pokomo claim it was used to arm the Orma community like it was also assumed for the conflict in 2001 (Martin 2012: 175).

### 5.5.3.2 The Orma Perspective

The opinions of Orma interviewees in qualitative interviews were divided about whether or not the conflict had also happened if the elections were not so close and those who assumed the elections were a central factor, suggested the Pokomo feared to loose in the election. It was mainly assumed that the Pokomo feared not to receive any seat in case the pastoralist groups united, because the two groups had already allied after the 2007 election and appointed only pastoralists as additional councillors. Hence, they argued, the Pokomo wanted to divide the pastoralists, especially the Orma and Wardei, and to show strength through the conflict, as well as to unite their own group. Alternatively, the Orma assumed, the Pokomo tried to reduce the number of voters by killing Orma, displacing them and by burning their Identification Cards (IDs), when looting the houses in Riketa and Kilelengwani (see Table 7).

The Orma argued, in order to bring mistrust between them and the Wardei community and to divide them politically, the Pokomo killed the Wardei boy and later blamed the Orma for it. Furthermore, the Orma accused the Pokomo of having planned to fight the Orma, but keeping good relations with the Wardei in order to give the latter ones the impression the Orma were “the problem”. Hence, the Pokomo only attacked Orma villages and kept trading with the Wardei. Mungatana's choice to ask a

Unification of the own group	0.8
Intimidation of the other group	-0.6
Gain of political power	1.5
To show strength	1.4
Stop the other of destroying livelihoods	-1.4
Displacing the other from the Tana delta	1.9
Burning of IDs and Voter cards	1.9

*Table :7 What are the aims of the other group? Accumulated weighed answers.*

<sup>53</sup> At the time Dado was called back, Mungatana was the Assistant Minister of Foreign Affairs, and could possibly have been contributed to Dado's removal, however, no further information could be found in this respect.

Wardei to be his running mate was also interpreted as part of this strategy. Besides making the Wardei becoming suspicious of the Orma, they further assumed the Pokomo wanted to make the Orma feel disappointed if the Wardei did not support them in the conflict and therefore spoil the relationship.

Orma respondents suggested the Pokomo feared the competition of Orma not only in politics, but also in their recent entry in higher education. Thus the Orma assumed the Pokomo were afraid to lose their jobs, political positions and government offices. Hence, they concluded, in order to stop the Orma from accessing quality education, the Pokomo killed animals and started economic-warfare.

Regarding individual politicians the Orma mainly accused Danson Mungatana and Dhadho Godhana as masterminds behind the clashes. However, Mungatana was regarded as the main initiator. While most of the accusations concerning Dhadho Godhana were related to what was stated in the media (see chapter 5.5) some of the Orma respondents assumed Godhana and the Upper Pokomo had been used by Mungatana for his intentions. Due to the fact that the Upper Pokomo were less educated it was claimed that Mungatana had manipulated them to fight for him, however, the Upper Pokomo finally wanted him to show how committed he was for an alliance of the two Pokomo sections and he had to send some Lower Pokomo to attack Kipao. According to the Orma Mungatana's interest was mainly in staying in politics and to gain power by being elected as Governor. An Orma respondent explained: "The Governor will be the President of the county and can decide what happens with the land". Hence, they feared either the land in the Tana delta would be used for large scale agricultural projects and/or land adjudication would progress and they would in both cases lose grazing areas. Concretely, there were rumours among the Orma community that Kenyatta had planned to lease the delta to Qatar for sugar growth. Thus, he supported Mungatana in his race for the governorship, in order to be able to later control the fertile delta through Mungatana. Mungatana himself needed Kenyatta's financial support because he was financially weak. Furthermore, Mungatana was accused of having financed the clashes with CDF money. On the one hand, it was said a CDF car was frequently seen in the area before an attack happened, on the other hand Orma respondents claimed Mungatana had paid his Pokomo youth with CDF money to attack Orma villages. The assumption Mungatana was the initiator of the conflict was mainly based on the general feeling of having been neglected by the MP and the impression that he had marginalised the Orma community. The fact that the clashes were close to the elections and that some of the suspected attackers came from Ngao, Mungatana's home village, was seen as a confirmation of the initial suspicions. In fact, the Kipao attack was said to have been planned by Mungatana, or at least

they complained he did not prevent it even though he must have know of the plans. Furthermore, the Orma accused Mungatana, as the Member of Parliament for the delta area, of not having visited Orma villages after they were attacked.

## **5.6 Solutions to the Conflict**

After having looked at the perspectives of the two warring communities on the conflict and the opinions of presidential aspirants, we will now shift the focus on solutions and how further escalations could be prevented. While we have already seen in Table 5 that most government reactions to the conflict, which were short term solutions, were seen as rather ineffective, we will now mainly look at suggestions for middle and long term solutions. In semi-structured interviews Pokomo respondents made two main suggestions: (1) the spatial separation of the two groups, which means the Orma should leave the delta and/or (2) land adjudication that the Pokomo farmers could hold title deeds of their ancestral farms, conflicts over land rights would stop and the Pokomo could get loans to start small businesses and to improve their living conditions. Regarding the economic situation large scale projects were also welcomed by the Pokomo, however, only if the local population could benefit from it, like by way of an outgrower scheme. The next aspect which was mentioned as a crucial measure was the reduction of corruption and the assurance of impartiality of the government. Lastly, the Pokomo asked for an increase of security personnel and disarmament especially of people holding illegal firearms.

The Orma by contrast were foremost demanding communal land allocation in which the “Orma locations” would legally be allocated to the Orma community. Most Orma were very clear that they did not want to leave the delta and an increase of water points in the hinterland, which would make it possible that their cattle could stay and graze outside the delta, was not entirely opposed but a sceptical reaction was given and the respondents did not seem enthusiastic about this idea. Some Orma, though agreed that a spatial separation of the two groups would solve many problems. First of all, however, some Orma respondents demanded the Pokomo to be disarmed and to be returned to their villages because they would otherwise fear new attacks. They argued, while the Pokomo were living in IDP camps, the latter ones did not have to fear a counter attack, but when they returned the Orma saw themselves assured that the Pokomo would not make new plans, because they would see it as a sign the Pokomo moved on and returned to normal life. Furthermore, most Orma were convinced that peace committees were ineffective. Peace negotiations had, in their view, to be held by the elders. The members of peace committees were not seen of having authority and

were said of not being serious about their peace efforts. In public the committees would pretend to promote peace, but in fact, as soon as they were with their own community, they would even incite people to fight. The need for increased security, especially security posts in Orma villages was remarked frequently. While the Pokomo complained before the clashes that there were no police posts in Orma villages, the Orma complained about the same after the clashes. In fact, many Orma respondents were pessimistic about durable peace, especially if a Pokomo won the governorship, however, the Pokomo expected to encounter difficulties if an Orma won the election, especially if it was Hussein Dado.

In general, peace initiatives through committees and common activities were, if at all, only seen as a possibility to strengthen good relations if the two groups had already found peace. But as long as anger and hatred dominated the feelings of the Tana delta residents, such measures were said to be useless. However, both groups saw potential in the peace committees. While, like mentioned, the Orma suggested only elders should be involved in peace negotiations, the Pokomo suggested the committees were not effective because not enough women and youth were involved. According to Guyo (2009: 38ff) women from both groups were involved in spreading peace on the grass-root level, and had an advisory role. However, while Orma women do not have a direct role in the peace negotiations and decision making process, Pokomo women can be the central players. Furthermore, the research conducted by Pickmeier (2012: 74) revealed that peace initiatives had a positive impact on the prevention of violent conflicts and were effective in settling disputes. However, his research was conducted after almost 10 years of relative peace in the area and did therefore not cover the role of peace committees in violent clashes. Even if the respondents of my research were more pessimistic, the results confirm Pickmeier's findings (2012: 75) that mixed schooling and shared cultural activities could strengthen peace (during the absence of conflict).

Looking at Table 8 the single most important solution, according to both communities, is the clarification of land rights. Unfortunately the two groups claim the same land and while Orma would like to hold the land communally the Pokomo would like to receive individual title deeds of their ancestral land. Furthermore, more water points, grazing corridors and by-laws are seen as suitable solutions

	No	Yes
Land allocation	4.0%	96.0%
Inter community activities i.e. sport activities	61.1%	38.9%
More or regular peace meetings	18.8%	81.2%
Increase inter-ethnic schooling	61.7%	38.3%
More water points	28.2%	71.8%
More grazing corridors	19.5%	80.5%
More by-laws	22.1%	77.9%
Reduce corruption	19.5%	80.5%
Alternative livelihood strategies	78.5%	21.5%
Reduce large scale projects	61.1%	38.9%
Increase large scale projects	61.1%	38.9%
More inter-marriage	76.5 %	23.5 %

Table 8: Effectiveness of solutions?

to prevent farmer/herder conflicts. However, not only the natural resource conflicts should be solved, but 80% confirmed that corruption was a problem and should be fought. Hence, besides solving problems connected to natural resources, a focus should also be put on good governance. Other than in the case of an immediate reaction to the clashes, peace meetings in a long-term perspective to prevent other escalations were seen as relatively effective.<sup>54</sup>

## 5.7 Summary

This chapter has given an overview of conflicts in the Tana delta and especially the clashes in 2012/2013. After giving a brief history of conflicts in the area the initial tensions that added to the built up to the clashes were described. Already from the beginning of 2012 different incidences of invaded farms or cattle killed were reported and in a few cases even human lives were lost. These tensions, which increased in the beginning of August 2012, were not handled well by the administration and led to the escalation in Kau. The incidence in Kau was defined as escalation because of the shift from the involvement of mainly individuals to a group level. Already in Mikameni in the middle of July a conflict between two individuals was transferred into one between the two local groups, however, other than in Kau, the situation in Mikameni could be calmed down and an escalation was prevented. After the escalation in Kau, the propaganda of further attacks on the Pokomo community and the continuation of the non-interference policy of the government, the Pokomo decided to hit back after the end of Ramadan in order to intimidate the Orma community of attacking again. However, several tit-for-tat attacks followed besides which smaller incidences were recorded, until the government interfered by deploying security personnel and imposing a dusk-to-dawn curfew. Instead of stabilising the situation, the GSU was reported of having harassed the population and even burnt down (part of) Ozi village. Still, after the arrival of the GSU the situation first calmed down for a few months until Kipao village was attacked only a few days before Christmas. While the Orma say it was carried out by their Pokomo neighbours, the Pokomo argue they did not plan the attack, instead it was done by militias the Orma had hired but not paid as promised. The few Pokomo youth who were probably among the attackers, were instead said of having been hired by the militias. In the beginning of January 2013 an attack on Nduru village followed, which is split in an Orma and a Pokomo part, and the latter one was burnt down in September 2012 already. According to official statements, the attack was carried out by the Pokomo, but the latter ones claimed, when they started rebuilding the village, members from the

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<sup>54</sup> In the first presidential debate several aspirants also suggested possible solutions to the problems in the Tana. These were already presented in chapter 5.4.3.

Orma community tried to destroy their work and to steal the building materials, which is when they followed them and fought them in the Orma part of the village. Last but not least, Kibusu a Lower Pokomo village was attacked only one day later.

Like the reports about attacks, the reasons for the clashes were also disputed and IDPs of the two groups presented their different perspectives in group and one-on-one interviews. Hereby topics which reappeared in several interviews were summarised and given as different rationales or mythico-histories, due to the fact, that they include facts on the one hand, but a subjective view point which presented the own group as the victimised one. With regard to the fact that these mythico-histories are reality for the two groups, but also oppose each other, they can give a better understanding of why the conflict escalated or the groups believed to fight, but at the same time should be regarded as subjective and community-centred. The different explanations were grouped in topics related to natural resource conflicts, poor governance and the involvement of politicians as well as the relevance of the elections. Significant was that all three elements appeared in the narratives of members from both groups and either of the two feared to be displaced and said they only defended themselves and their position.

Lastly, suggested solutions to these clashes and preventions of further conflicts were presented. Besides others, members of both groups suggested they should get land rights according to their land tenure systems and/or voices were raised that the two groups had to be separated from each other in order to avoid conflicts because their interests were incompatible. It is, however, problematic that the two groups want to own the same land. Furthermore, it was argued corruption had to be reduced, security increased and a state of normality restored (including disarmament) in order for peace to return. While the peace committees were partly seen as helpful, especially in situations of peace, their structure was criticised in contradicting ways due to the different cultures of the two groups: the Orma only regarded peace negotiations between elders as valid, while the Pokomo saw the need of further engagement of women and youth. Inter-community activities on contrast, were not regarded as very useful because they could only strengthen good relations if positive feelings were already existing. Last but not least, both groups were hoping for peace if the election was over and especially if an aspirant from the own group won the Governor seat. The list of possible solutions also confirms the importance of the three different perspectives on the conflict and the relevance of disputes over natural resources, poor governance, and the elections, as causes, even if the perspectives were the specific perceptions of the two groups.

## **Chapter 6 Election Politics**

After having analysed the conflict, we will now turn towards the general and presidential elections which were held on 4<sup>th</sup> March 2013, in order to understand how the conflict influenced the voting behaviour and opinions of voters. To get a more comprehensive picture of election politics in Tana River County, we will, however, first have a look at the political history of the county. Besides the changes of constituency boundaries, the different aspirants and election outcomes, attention will also be given to important campaign topics and especially the influence and relevance of violence for the election outcomes. Thereafter the 2013 election in Garsen constituency will be discussed with short glances into the incidents in the other two constituencies. First we will look at the nomination and election process itself, then the different campaign topics will be presented, and lastly the election outcome will be discussed and analysed. At this juncture different voting patterns will be regarded and attention will be given to the consequences of the clashes on the outcome and voting behaviour.

### **6.1 Political History of Tana River County**

When Kenya became independent in 1963, Tana River was given only one constituency which was represented by an Upper Pokomo, Japhet Zakharia Kase (KADU). These independence elections were followed by the so called “Little General Elections” in 1966. These were conducted in a limited number of constituencies, because 29 incumbent MPs had changed their party membership to the newly founded Kenya People's Union (KPU), which opposed Kenyatta's policies favouring the rich elite. To stop parliamentarians to support the KPU, Kenyatta came up with a constitutional amendment which “required any MP who resigned from the political party that sponsored him in a winning election to also resign from his parliamentary seat and seek fresh mandate from the voters” (Hyden & Leys 1972: 394). Due to the fact that the Tana River constituency had been split in two new constituencies, voters in the Tana River District had to cast the ballot as well. In this special election Japhet Kase, during whose term the Hola district hospital was built, was re-elected for Tana South constituency and an Orma, Abdu Shongolo Wakole, won the race in Tana North constituency. In 1968, under Kase's rule, the first secondary school in Tana River District was built in Tarasaa. In the following election of 1969 Kase contested for Tana North and won the seat, while Martin Tola Jilo, a Lower Pokomo, won the post in Tana South. In 1974 the two election winners in Tana River were Abdi Mohammed Galgalo, the first Orma in the South, and Mohamed Omar Said Soba, of the

Malakote ethnic group, was declared the winner in the North. The latter one stayed in power until 1988. The southern seat, however, was in the following two elections won by Daiddo Israel Lekwa, another Lower Pokomo. When he was reelected in 1983, race between the first four contestants was quite close (see Table 9). During Lekwa's second legislature the construction of the new Garsen causeway by China Roads and Bridges Engineering Company was started. In 1988 the two constituencies were

Name	Ethnicity	Outcome	%
Israel Daiddo	Lower Pokomo	3,641	28.02
Yuda Komora	Lower Pokomo	3,335	25.66
Mohammed Galgalo	Orma	3,167	24.38
Abdi Wakole	Orma	2,774	21.35
Salim Islam	unknown	76	0.59

*Table 9: Election results Tana South 1983  
(The Economic Review 27 Oct – 3 Nov 1997)*

renamed into Garsen constituency in the south and Galole constituency in the north of Tana River District. In these last single-party elections only one aspirant contested for the Orma community and one for the Pokomo in Garsen constituency. This time the Orma aspirant Abdi Wakole, who ended fourth in 1983 won the election. In the new Galole constituency the former Tana South MP (1974) Abdi Mohammed Galgalo, an Orma, who challenged the incumbent Soba, won the 1988 election with 60% of the votes.

In 1992, when the first multiparty elections were held, Yuda Komora, a Pokomo teacher and former Permanent Secretary, was elected in his third attempt with the support of 46% of the voting population. One reason for his success was said to have been the backing of the Pokomo council of elders, the *Gasa*. However, it should not be neglected that Komora was running on a KANU ticket, which was in these, and the following elections, the only successful party in Tana River District. FORD-Kenya was in its first election also greatly supported in this district, especially in the hinterland. In Galole constituency Komora's fellow KANU member Tolla Kofa Mugava, an Upper Pokomo, won the race with 59% of the votes and stayed in office for a total of three legislatures.

Among the top campaign issues in the 1997 election in Galole were the renovation of the Hola district hospital, which was built in 1966 and the revival of Bura and Hola irrigation schemes which had been working well in the 1960s and 70s but had collapsed in 1990 (KNBS 2009a: 61). The desired economic boost that should come from the two schemes was already a central topic in the 1992 election, but during the five year legislature KANU had failed to deliver. Still, Mugava was re-elected with an overwhelming majority of almost 80% of the votes.

According to Kagwanja and KHCR, several Tana politicians made use of bandits for election purposes in the 1990s, who robbed or destroyed voter cards of opponents (KHRC 2002; Kagwanja 2003: 135; MUHURI 1999: 29). While KHRC reports the bandits from North Eastern had been

used by politicians of all ethnic groups, Kalasingha, the Shirkisho Party aspirant in the 1997 elections reported, that some of the bandits belonged to the families of politicians, especially from the pastoralist communities (MUHURI 1999: 31).

In 1997 a new constituency, Bura, predominantly inherited by the Orma community, was added as the third constituency in the Tana River District. Bura, located in the northern region of Tana River District was created out of parts of Galole and Garsen constituency. In the 1997 elections one of the major topics was insecurity especially related to banditry, as well as the economic status of the Bura region. The elections in 1997 were won by the former KANU Galole MP Mohammed Abdi Galgalo.

The campaigns in the 1997 election in Garsen constituency mainly centred around the topics of unemployment, education and the road network in the area, but the communication network, the lack of health facilities, insecurity due to banditry as well as the general economic status of Tana River District and especially failing irrigation schemes were also of relevance. Besides these topics, which were especially important for the younger educated generation, the decision of the respective councils of elders and ethnicity in general were also said to have been deciding factors. In Garsen, the incumbent Komora lost the party nominations for KANU in 1997 when Molu Shambaro, his FORD-Kenya competitor in the 1992 elections, won the support of the ruling party. With the additional backing of the *Matadeda*, the Orma council of elders, Shambaro succeeded in winning the elections. According to a KHRC report (2002) Shambaro's victory was furthermore based on the support of the fellow Wardei and Gal'jeel Somali pastoralists, whom he had encouraged to migrate to Garsen and "assisted in the registration of those [...] who did not have Kenyan identity and voters' cards" (KHRC 2002). Different than other authors Alamin Mazrui (2001: 279) states in his chapter on the 1997 elections at the Coast, that there is also a politicised religious affiliation in the Pokomo community, which leads to a rather trans-ethnic religious consciousness and results in Upper Pokomo sometimes voting for their Muslim fellows from the pastoralist communities. During Shambaro's legislature the construction of the Garsen-Hola road was stalled in 1998. This might have contributed to his political Waterloo in the 2002 election, but more likely was caused by the violent conflict of 2001. As mentioned above, the conflict started in relation to the sensitive land adjudication policy (gazetted in 1997 and started in 2000 in Ngao, where the clashes began) which was opposed by the Orma community. According to Martin (2012: 187) the Orma and Wardei were, however also, in conflict by the end of the clashes. While she states that the Wardei demanded more government representation, the Orma started blaming the Wardei of being "the conflict drivers" and "threatened some of the Wardei that if they did not cooperate they would expose the fact that they

came from Somalia, fuelling the government anti-terrorist policy and encampment policy (of all refugees)". Hence, Martin concludes, the Wardei contested with their own candidate during both, the 2002 and 2007 elections, which benefited the Pokomo to win the two elections. The conflict resolution and peace building process were surely a decisive factor for the nomination and election of candidates. The 32 year old lawyer and ethnic Lower Pokomo Danson Mungatana, who won the elections, for example, offered free legal services after the clashes and one of the other contenders, the Upper Pokomo Badiribu Mandara was chosen as peace envoy by President Moi. Besides land adjudication (the cause of the conflict), the conflict itself, security issues and the peace building process, as well as the economy of the Tana Delta District were major topics. For example, the collapsed TARDA rice irrigation scheme, which led to impoverishment of the people, and the poor livestock marketing facilities were of central importance. Furthermore, the local population had been hoping in vain for better infrastructure and development like tarmacked roads, piped water, electricity, and telephone lines. In the year 2002 neither the towns of Tarasaa, nor Garsen or Hola were connected to the electricity network. Mungatana and five other contestants, who were all disappointed by the KANU government and its reaction to the conflict (mainly a non-interference policy) had decided to choose one amongst them who should run on an opposition ticket and challenge the KANU aspirant. It was expected that the Pokomo elders would support the KANU aspirant, due to the party's dominance in the region. However, in the KANU party nomination both Pokomo candidates, the former head of Civil Service Fares Kuindwa and Mandara Badiribu were defeated by their Orma opponent, the incumbent Molu Shambaro. He, however, lost to the opposition candidate Danson Buya Mungatana (NARC), who had expressed, like many other Pokomo, his support for the land adjudication process.

The young politician was re-elected in 2007 when he was challenged among others by Tuneya Hussein Dado, his strongest Orma competitor, Mohamed Galgalo (Orma), Molu Shambaro (Orma), Mungatana's predecessor, Mandara Badiribu (Upper Pokomo) and Joel Ruhu, another Lower Pokomo aspirant. The central topics in these elections were, again, land adjudication, infrastructure, security and the economic situation including the irrigation schemes, and eradication of poverty. Furthermore, in connection to the discussions concerning the new constitution and the referendum about this document in 2005, *majimboism* and the long-time marginalisation of the coast were also central to these elections. In the 2005 referendum, the population in Garsen constituency voted with 76%, in Bura with 88%, and in Galole with 90% against the new constitution. A revised draft, which was finally decided upon in the 2010 referendum, was, however, supported with 77% in both Garsen and Galole and in Bura with an overwhelming 90%. As a member of the Parliamentary

Select Committee on the Constitution, the area MP Mungatana had a central role in writing this draft.

Even though, there was no major conflict in Garsen constituency, neither before nor after the 2007 general elections, irregularities on the election day were still noted. Several respondents remarked that tension arose after some ballot boxes were counted and Mungatana, this time running on a NARC-Kenya ticket, was leading. Starting with a peaceful demonstration by ODM supporters, the situation escalated when ballot boxes were thrown into the river and burnt along the main road in Garsen. Other ballot boxes were said to have been flown in, however, their origin was unclear and several eyewitnesses independently reported that Hussein Dado, who realised he had probably lost the election started shooting in the tallying centre. Nobody was hurt, but the confusion resulted in an unclear election outcome. Dado filed an election petition against Mungatana in the High Court on 22<sup>nd</sup> January 2008, which he later withdrew. Respondents suggested that he was fearing consequences from his own behaviour on the election day. Furthermore, there were complaints that the election results were not properly announced and officially reported in a newspaper. However, the published numbers indicated Mungatana as the clear winner of the election (see Table 10).

Name	Ethnicity	Party	Outcome	%
Danson B. Mungatana	Lower Pokomo	NARC-K	7,519	33.39
Tuneya H. Dado	Orma	ODM	4,741	21.05
Abdi Mohamed Galgalo	Orma	KADDU	4,404	19.56
Molu G. Shambaro	Orma	KANU	3,825	16.98
Mandara B. Badiribu	Upper Pokomo	SPK	627	2.78
others			1,405	6.24

*Table 10: Election results Garsen 2007(Weis 2008)*

The Orma also lost their position in parliament in other constituencies in Tana River. In Bura Ali Wario<sup>55</sup>, an Orma affiliated to KANU, had won the seat in 2002. The campaign topics were mainly connected to livestock marketing, water and pasture for livestock and the revival of the Bura irrigation scheme to secure food production and boost the local economy. In 2007, however, the Wardei aspirant Dr. Abdi Nuh Nassir took the seat on an ODM-Kenya ticket. His victory was challenged in an election petition filed by Wario's KANU agent, because, when opened for the recount, only very few ballot boxes were sealed with counterfoils inside. Also, it was remarked, that only one of 16 ballot boxes from Ngamano polling station contained a register of the detailed number of voters. Due to the lack of evidence the election petition was, however, dismissed (Kenya

<sup>55</sup> Two politicians in Tana River County are called Ali Wario. The one referred to here is the more senior one who is politically active in Bura while the other one is from Garsen constituency. To differentiate the two, the one from Bura will be called Ali Wario, while the other one has a third name and will therefore be referred to as Ali Wario Guyo.

2008: 18).

The Galole constituency changed hands in 2007 when Mugava was defeated by his challenger Dhadho Godhana, a retired army major who had served in the military for 18 years until his retirement in September 2007. Godhana challenged his fellow Upper Pokomo on an ODM ticket, while Mugava had changed from his long time KANU support to a PNU affiliation. The 2007 elections in Galole were preceded by a conflict between the pastoralist Orma and Wardei communities which was said of having been closely connected to the election. The conflict started in Bura where three Orma men were killed at Dakaji in Hiriman division. The violence spread to Galole when the Orma revenged with a counter attack in Bangale where six Wardei men were left dead. According to the Aridland Bulletin (Kenya 2007a - October) these counter attacks continued with more deaths in Bangale and Galole at least for a month. The Galole seat for the National Assembly went again to the Upper Pokomo community, when Godhana won the elections, leaving the Orma with no MP in the whole of the Tana region from 2007 onwards. Still they might have profited somehow in the Galole constituency as Godhana, supported by a capable team managed the CDF money quite well. His constituency was ranked among the top five in CDF money management in the country in February 2013. In addition, he managed to revive the collapsed Hola irrigation scheme in 2009, which had been an election topic since 1992.

## **6.2 Elections 2013**

The elections in 2013 were awaited with different feelings. On the one hand, with the elections the constitutional change to a devolved system would be implemented, on the other hand, the positive atmosphere was dampened by the fear of renewed election violence like in 2007. However, besides a few cases (mainly at the Coast in Mombasa and Kilifi County, which were blamed on the MRC) the elections were held peacefully. During the week after the elections, when the country was awaiting the results which were announced in the course of the week, schools were closed, people mainly remained in their houses and even buses between for example Mombasa and Nairobi did not operate.

It was already expected that the presidential election would be a two-horse-race between the two big coalitions Jubilee and CORD. Jubilee was supported by TNA, URP, NARC and Republican Congress, with Uhuru Kenyatta as presidential aspirant and William Ruto as his deputy. CORD on the other hand was an alliance of ODM, WDM-K, FORD-K and 11 other parties<sup>56</sup> who supported

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<sup>56</sup> Kenya Social Congress, The Independent Party, KADU-Asili, Peoples Democratic Party, Mkenya Solidarity Movement, Chama Cha Uzalendo, United Democratic Movement, Chama Cha Wananchi, Federal Party Kenya,

Raila Odinga and Stephen Kalonzo Musyoka as President and Deputy.<sup>57</sup> Like we will see below, these two alliances were also the most supported ones in Tana River County.

In the following sections we will mainly focus on Garsen constituency, which was the area under study. The election outcomes in Galole and Bura were, however, similar. The presidential votes were in all three constituencies mainly given to Odinga and Kenyatta (see below) and the final winners of county positions were also the most supported ones in Garsen constituency. Furthermore, like in Garsen, in the other two constituencies almost all winners were from either the Orma or the Wardei communities and only very few County Representatives were won by Pokomo aspirants, which is why some of the defeated candidates wanted to challenge the results in court. Due to the fact that the election results for Tana River County are not yet published (apart from the presidential ones) a comparison between the three constituencies is not possible and the precise county results for the county positions (Senator, Governor and Women Representative) are unknown as well. However, I could make hold of the results of Garsen constituency, which will be discussed below.

### **6.2.1 Nomination of Aspirants and Elections in Garsen Constituency**

According to the new Kenyan constitution political aspirants on the different levels can either contest with the support of a party, or as an independent candidate, however, most candidates seek the support of a political party. Furthermore, the aspirants have to meet other requirements like the leadership and integrity threshold, being a registered voter and, depending on the position, having a certain level of education (County Representatives, MPs and Senators need to have at least some form of post-secondary qualifications while the Governor has to hold a university degree). In the Tana delta all aspirants contested with the support of a political party, from which some received financial support and others affiliated with a party in hope for more votes or because independent aspirants had to show support of a number of people (County Representatives need to have 500, MP and Senator 1,000, Governor 2,000 supporters). Before the party nominations the aspirants from the Orma, Wardei and Pokomo groups in the Tana delta, however, first searched support from members of their communities. Aspirants from the pastoralist groups remarked that the decision of the council of elders was of major importance in the choice of a candidate and they also determined with which party the candidate should contest. A Wardei explained, however, the elders would

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Labor Party Kenya, and Muungano Development Movement Party of Kenya.

<sup>57</sup> Other presidential aspirants were Musalia Mudavadi, Peter Kenneth, Martha Karua, Paul Muite, James ole Kiyiapi and Mohamed Abduba Dida.

consult with the community before taking a decision. Among the Pokomo the candidacy is first of all an individual decision, even though most aspirants look for support from the community. In this case they introduce themselves and their policies to groups of youth, women and elders first in the home village and then in other villages and areas which are part of the constituency. After each group decided and gave their consent for the candidacy, the aspirant looks for support of a party, unless he/she is already a member of one. Even though it was said that the elders have the final say most aspirants remarked in the end it was the decision of the individual to withdraw the candidacy or to contest and let the voter decide. While in the case of the pastoralists the decision of the elders was regarded as crucial, the Pokomo said that in their case the elders, women and youth would only give recommendations which are not binding.

Even though the constitution foresees that candidates had to decide for one party at least 90 days before the election day, the party nominations were only held in January 2013, which made it impossible for a candidate who lost the nomination, to contest with another party. According to a report in the Standard, the only two parties which held public party elections for the party nominations were TNA and ODM. The aspirants for Governor, Senator, Women Representative and the MP seats for the three constituencies were all won unopposed (Standard 20/02/2013). After the party nomination the candidates had to prepare a range of papers and certificates to register with the IEBC, a smooth process in Garsen constituency.

One week before the elections the IEBC held mock elections to test the equipment and be aware of challenges which could be faced during the election day. In this test the electronic voter system, which identified the voters by taking and comparing finger prints, worked well but the IEBC staff realised that the election could be challenging due to the high illiteracy rate of the population. Even though the IEBC had invested in voter education, the complexity of the elections in which representatives on six levels had to be elected was considered to be very problematic. Besides the challenge that the illiterate voters were not able to read the names of the aspirants and needed assistance by clerks and party agents, the many ballot papers to be cast and finding the respective box, although marked with colours, also seemed to confuse many voters.

Like in almost every other part of the country the election day was held peacefully in Garsen constituency, even though people had to wait patiently for several hours in long cues. This shows that the willingness to make use of their democratic right was high and people started waiting from the early morning hours even before the polling stations opened at 6 am. Some polling stations delayed, however, due to the fact that there were problems with the electronic voter system. A voter

from Ngao, who was among the first in the line, reported the local IEBC team could not even access the system because they did not have the right password to the computer. Hence, the IEBC staff had to resort to the manual register, which did, unfortunately, not contain all names and some voters had to return home without voting. In a newspaper article the Nation reported about one case of a voter who had confirmed his registration with the IEBC service before the election day, but after queuing for several hours his name could not be found on the list. Hence, some individuals were wondering if the system was in fact manipulated to guarantee the victory of a few politicians.

After the elections, the voters were also waiting patiently for the results. However, the Star, a Kenyan daily reported on 9<sup>th</sup> March the IEBC was forced to announce the Governor in Hola, before the results were verified, when “hundreds of supporters of candidates had run out of patience” after camping outside the tallying centre (Star 09/03/2013). The newspaper further stated that the aspirant Hussein Dado could not bear it any longer and “stormed the temporary office of the county returning officer Abdulatif Hassan demanding an explanation” (Star 09/03/2013).

### 6.2.3 Major Topics During the 2013 Election Campaign

Before presenting the election campaign topics, it is worth to have a closer look at the campaign season in general. Already in the course of 2012 the presidential aspirants and their supporters toured through the country and donated money in harambees. In Garsen constituency the pastoralist community held harambees in May and June to which they invited different politicians (Saitoti in May before his accident, and Kenyatta (Figure 5) and Kalonzo (Figure 6) in June) whom they asked to support their students with financial means; Kenyatta for example contributed Ksh 1,000,000. Furthermore, the politicians also organised meals (Figure 7) for the communities which were attended by several hundred people. Eight month before the election date, politicians were, however, not allowed to attend harambees anymore. Hence, Ruto (Figure 8) for example, who held a rally in July only gave a generous meal. Additionally, t-shirts and caps were handed out, not only by



Figure 5: Harambee with Kenyatta



Figure 6: Rally with Kalonzo



Figure 7: Pastoralists waiting for a meal sponsored by Kenyatta

presidential aspirants, but also by others like MP candidates. The direct distribution of money to individuals was only observed once by an MP aspirant, who asked not to be named. However, he argued it was not bribery but rather a cultural norm that more wealthy members of the community who visited their families and friends would



*Figure 8: Rally with Ruto in Garsen*

bring presents or some money especially for the elderly to support them and to express respect and gratitude. The fact that he did not want to be named shows, however, that he was aware his action was not entirely in accordance with the elections code of conduct, even more since this incidence took place within the six month restriction. After the clashes escalated in August 2012, politicians were prohibited to campaign in Tana River for a limited time, due to the fear they could increase tension. The functions did, however, not only serve to distribute handouts, but the communities got the opportunity to present their concerns to the politicians and to perform their traditional dances.

Like in previous elections, the major campaign topics in 2013 were mainly related to the marginalisation and underdevelopment of Tana River County, which were also seen as root causes of the conflict. On several occasions such as political rallies, functions or other meetings where politicians were present the residents complained, for example, about the lack of health facilities in the area. The only district hospital available was to be found in Ngao and in many villages, especially Orma ones, even dispensaries and delivery rooms were missing. This situation forces the population to travel long distances to get services, which is, however, especially in emergencies, difficult in the area, because of the bad road network and the lack of ambulance services. But even if an ambulance was available, in many areas of the Tana delta people would not be in the position to call it because the mobile phone network coverage was insufficient, let alone the connection to landlines.

Another major campaign topic was the low level of education in the area, the lack of schools and especially the absence of institutions for higher education. The whole county had only one polytechnique and no single university branch. The residents argued, if institutes for higher education were present, the awareness of the importance of education would increase and people who do not want to leave their families while going to school could still improve their future employment opportunities by taking a course. But also the lack of secondary schools, especially in Orma villages was mentioned. Besides the hope for economic empowerment through education it was argued that an educated and consequently less ethnocentric population would be less likely involved in clashes. Furthermore, by empowering people to work in other sectors than livestock herding and agricultural

production, the farmer/herder conflicts could also be reduced. Connected to the conflict, the population also demanded better security and more police presence, especially in Orma villages. Also, many respondents were looking for a candidate who would be able to unite the groups living in the delta or somebody who could resolve the disparities between the groups, like the unclear land rights. The issuing of title deeds was furthermore mentioned as a crucial precondition for the economic development and empowerment of the residents. At least the Pokomo hoped to get loans from the bank to invest in small businesses if they received title deeds.

Another important topic connected to the economic situation in the county was the need for employment opportunities. The two main communities (farmers and pastoralists) have, however, different interests regarding projects and land use in the delta, but the two groups have one thing in common, they both oppose projects from which they do not benefit. The farmers, who are looking for economic growth through agricultural projects, regarded the low income jobs like in the TARDA irrigation scheme, in which a peasant worker earns Ksh 200 per day as an opportunity to get some additional income, but it was not seen as a possibility for permanent employment. Instead they were demanding an outgrower area, in which facilities would be provided and could be used by locals for a fee. The harvest could then partly be used for personal needs and the rest be sold to either the investor or on the market. With an outgrower area the problem of food insecurity would also be minimised or even eliminated and the residents did not have to rely on relief food anymore. The pastoralists, however, oppose any form of large scale project in the heart of the delta due to the fact that they fear to lose their crucial grazing areas. They rather suggested to improve the economic situation of the district by creating a conservation area and constructing facilities to attract tourists. In this case the area could still be used as a source of pasture for wildlife and livestock and bring additional income through eco-tourism. The pastoralists could continue using the delta as a grazing area and at the same time they would ensure to maintain the biodiversity in the sixth Kenyan Ramsar site.<sup>58</sup> In case the delta becomes a conservation area, it depends, however, on the conservation plan whether or not the pastoralists will be allowed to use the delta as a grazing area to the extend they wish. The conservation plans which were suggested so far are more likely not to be supported by the pastoralists because their access to the delta would be too limited.

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<sup>58</sup> This suggestion would, however, not improve the food security in the area and contradicts the Kenya Vision 2030 which foresees the area as one of the new production areas to bring economic growth to the country. The government plans are, however, not the only deciding factor, even if most of the area is Public Land. Residents from the Tana delta had filed a case to fight for the right of having a say in what happens with the area and the court ruling from 4<sup>th</sup> February 2013 decided that the communities living in the district have to be consulted before land would be given to investors and projects could be implemented. The ruling demanded that the communities and other interested parties had to be involved in the creation of short, middle and long term development land use plans and the necessity of a master land use plan has been pointed out.

Let us now look at the election results and possible explanations of the outcome.

#### 6.2.4 Outcome and Explanation

With a total population of approximately 240,000 people, Tana River County had 79,456 registered voters (31,663 in Garsen, 25,973 in Bura and 21,820 in Galole – Mars Group Kenya 2013). Already on the election day the IEBC announced that the voter turnout in the volatile area was high, and looking at the presidential election results, which is probably the one with the lowest participation (at least this was the case in Garsen constituency), 64,589 people cast the ballot, which is 81% of the registered voters for the whole of the county. In Garsen constituency, the conflict prone area, the outcome was, however, a bit lower varying between 77% for the presidential election and 79% for the MP. Even if the voter turnout was high, the voter registration was relatively low in the area: only 65% of the registration target was achieved and if this is taken into consideration, only about 58% of the targeted population went to vote in Tana River County.

The presidential votes were, like in the rest of the country, overwhelmingly cast for the two front runners Odinga and Kenyatta and like in many areas of minority groups, Odinga was leading (see Table 11). Both communities voted for the two presidential aspirants and there were no big differences in terms of preference. Probably due to the

Name	Garsen	Hola	Galole	Total
Kenyatta	30.9	23.3	48.8	34,7
Odinga	65.3	72.6	47.4	61.4
Others	3.8	4.1	3.8	3.9

*Table 11: Presidential election 2013, Garsen constituency (Mars Group Kenya 2013)*

fact that the Orma elders decided in June 2012 to support Odinga's running mate Kalonzo, a substantial number of votes from the pastoralist community was given to the CORD coalition. However, Odinga made a comment in the presidential debate, which might have cost him votes from the Tana pastoralists. When he had to comment on the Tana clashes, he dismissed pastoralism as unsustainable and said diversification of livelihoods was necessary. Further, he commented there was still a cowboy mentality like in pre-industrial America. Kenyatta on the other hand suggested different vetting programmes and projects to make the cattle keeping industry more economic and beneficial. Like the Orma, the Pokomo votes were split as well. On the one hand, Mungatana, this time running on a TNA ticket for the position of Governor, was supported by Kenyatta and not in good terms with Odinga. Ngirachu (Nation 26/06/2011) remarks, "The lawyer distinguished himself as one of Mr Odinga's harshest critics" after the 2002 election and aligned himself with other Kibaki supporters like Martha Karua. In return, it was said, Odinga called Mungatana a barking dog and compared the two ethnic groups Luo and Pokomo as elephants and frogs, to point out that the

interests of the Pokomo did not bother him as much, which might have cost him the support of a number of Pokomo voters. On the other hand, Wellington Godo and Dhadho Godhana, two rather popular Pokomo MP aspirants, were vying on an ODM ticket, which probably gave Odinga support in the Pokomo community.

The seat for the National Assembly representative was highly contested. Ten aspirants were trying to win the seat of which seven were ethnic Pokomo, two Orma and only one Wardei. Table 12 shows that Ibrahim Sane (URP) from the Wardei minority group won the election for the National Assembly. In an analysis of the results from the different polling stations, it was obvious that residents from Orma villages mainly voted for Sane, even if some cast their ballot for Ali

Name	Party	Ethnicity	%
Sane	URP	Wardei	37.2
Ruhu	FORD-K	Lower Pokomo	23.3
Godo	ODM	Lower Pokomo	12.3
Wario	WDM-K	Orma	8
Tuma	UDFP	Orma	3
Other	Other	Upper + Lower Pokomo	16.2

*Table 12: National Assembly election 2013*

Wario Guyo who was the initial choice of the elders, and few votes went to Bakero Tuma. Even though Ali Wario Guyo was supported by the elders, he was not necessarily the choice of the people. By some he was regarded as a young leader, but other Orma were not convinced he would be the right person for the position. Hence, a division of the Orma votes could have been expected, however, due to the fact that an actual power-sharing agreement between the Orma and the Wardei was never mentioned, the overwhelming support of the Wardei candidate Sane and his victory was quite surprising to many. The Pokomo votes were divided between mainly two candidates, Joel Ruhu and Wellington Godo, but the other Pokomo aspirants still received a total of more than 16% of the votes. The Pokomo community was split over support for the two Lower Pokomo aspirants, i.e., Ruhu and Godo ahead of the elections. Few weeks before the elections the council of elders decided to give out a recommendation for Ruhu. Due to the fact that they feared to lose the elections if the group did not unite the votes Ruhu was said to be chosen by the elders because Godo came from the same village the previous two Pokomo MPs originated from. However, Ruhu was not fully supported by the community, due to the fact that he was considered to have too many interests in the area, possibly also because of his position as director of the Bedford Biofuel large scale jatropha project (see Chapter 2.2.2). Overall, 51.8% of all votes cast were given to Pokomo aspirants, which means that if these votes had not been distributed among seven Pokomo candidates, they could possibly have won the position of member of parliament. The division between Upper and Lower Pokomo did not seem to have been important in the election of a specific Pokomo MP aspirant. Instead, in some cases almost entire villages voted for one candidate, like in Kau and Ozi and in others, like Idsowe regardless of the Upper-Lower Pokomo divide tendencies of

villages for one candidate or the other there were tendencies of polling stations for one candidate or the other recognisable. For example Kau and Ozi voted almost entirely for Joel Ruhu, in Idsowe and Ngao more than 75% cast their ballot for Godo and in Gadeni Primary School almost all voters voted for Irene Matsawi Fibe.

Although the election for the national Assembly was important, all eyes were set on the position of Governor. Under the old constitution the presidential elections were accompanied by a winner-takes-all atmosphere. This time this attitude was noticeable for the election of Governor and County Representatives in Tana River. Adam Badiribu, an aspirant from the Upper Pokomo community for the Governor position, explained some residents of Tana River had interpreted devolution as a means of ethnic self-governance (East African 15/09/2012). Furthermore, some considered the position of the new Governor was like that of becoming the President of the county which would make this person very powerful and able to decide on all development initiatives in the area. In consideration of the governance of previous Kenyan Presidents, this could indeed be associated with ethnic self-governance. Other respondents confirmed that the position of Governor was regarded as a very powerful one and the incumbent could take decisions about crucial issues such as land policies. Also, some Orma feared if a Pokomo would win this position the land in the delta would be leased to foreign investors for large scale projects.<sup>59</sup> In a discussion among young educated Pokomo they came to the conclusion Mungatana would be the best choice as first Governor of the county. Although they saw some of his weaknesses they argued that, as a lawyer, he would have the right education to set up good laws for the county and he had the experience and skills to establish the necessary structures. Other Pokomo also saw the establishment of county laws as the main factor why these elections were so important. Due to the fact, that the society in Tana River was still deeply divided along ethnic lines, both groups feared if a candidate from the other community won the Governor seat the county resources would be distribute among the winner group and the others would not get a share of the cake. Hence, it was even questioned if devolution was a better option for the area than the centralised system in which decisions were taken by someone else and not the local ethnic groups would have to decide about the allocation and distribution of the resources. However, some Pokomo argued that devolution was not the reason for the conflict but rather a factor which intensified it.

The Governor race was expected to be fought mainly between Garsen MP Danson Mungatana and

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<sup>59</sup> This perspective, however, does not take into account that most of the area is Public Land which means not the county council but the National Land Commission is the body in charge of it. Also, a big part of the delta was already given to TARDA, however, since the sugar cane project collapsed as a consequence of the El Niño rains, the area is laying idle.

former Ambassador Hussein Dado - the two most popular aspirants in their own communities, but at the same time also the two who were most disliked by the other community. Even though it was expected that either of the two would win the position, three other aspirants, Mandara Badiribu, Adam Dhidha and Molu Shambaro still contested as well, but the seat was finally won by the

Name	Party	Ethnicity	%
Dado	WDM-K	Orma	42.4
Mungatana	TNA	Lower Pokomo	31.1
Shambaro	URP	Orma	10
Dhidha	ODM	Upper Pokomo	8.9
Badiribu	NARC-K	Upper Pokomo	7.6

*Table 13: Governor election 2013*

Orma Hussein Dado (see Table 13). In the up-run to the election, the fight for the Governor post brought tension between Mungatana and the Upper Pokomo Galole MP Dhadho Godhana. According to the latter one, the two had an agreement Mungatana would support Godhana for the Governor, and in return he would receive Godhana's support as Senator. However, Mungatana denied such an agreement and contested as Governor himself, which is why Godhana decided not to run for a county position but rather to try to get re-elected as Galole MP. The dispute between the two might have been one reason why many Upper Pokomo did not vote for Mungatana but rather for Adam Dhidha who is an Upper Pokomo himself. However, it was also said, Adam Dhidha had referred to the religious divide in his campaigns in the northern part of the county, and propagated it would be better to vote for him (a Muslim) than for the Christian Mungatana because Muslims had to stand together and even if as a consequence an Orma won, they were still governed by another Muslim. Furthermore, there were rumours among the Lower Pokomo that Dhidha had been bought by the Orma to split the Pokomo votes. In return, it was said, he was promised to be appointed to the county government, where he was given a position in the executive. Therefore, some Lower Pokomo blamed Dhidha for Mungatana's loss and argued, if he seriously wanted the seat, he should have campaigned in the southern part of the county as well and presented a clear agenda like Mungatana did in the north. Mungatana's second Pokomo competitor Badiribu was also given a position in the county executive, which raised suspicion against him as well. The two Orma aspirants Molu Shambaro and Hussein Dado were said to be not in good terms, even though they are related by blood. Hence some Orma assumed, Shambaro wanted to split the votes of the Orma community, because he preferred anyone else in the position over Dado. The Orma council of elders was, however, split over this decision. While their choice for the MP was already clear in June, they took more time for the decision whom they would support as Governor and according to some respondents, the council could not agree on the best candidate. The Orma community, especially the youth, widely supported the younger Dado, as Shambaro had lost the trust of many Orma when he was MP from 1997-2002.

The election for Women Representative and Senator were not given as much attention and importance as the MP and Governor. By the end of August only Shedrack Osiah Hiribae, who was working in the county executive, was known as aspirant for the Senator post and Halima Ware Duri, a DC from the South Coast had decided to run as Women Representative. Even shortly before the elections several people stated for these two positions they were not sure who to vote for because they did hardly know most of the aspirants. However, some of the former MPs or former MP aspirants in Tana, like Mohamed Omar Said Soba, Mohamed Galgalo Abdi or Michael Justin Nkaduda tried their luck this time for the Senator seat. The former MP Mohamed Galgalo Abdi was the only aspirant from the Orma community, and Ali Abdi Bule the only Wardei. The former MP Mohamed Omar Said Soba, a Malakote, also tried his luck and, again, several Pokomo contested for the seat as well. This might have been a reason, why this position also went to the pastoralist community. However, in this case, the Lower and Upper Pokomo only had approximately 45%, the Malakote aspirant received 8.8% and the Orma together with the Wardei received 46.3% of the votes. Like for the Garsen MP post, a relatively unknown Wardei who had never contested before, was widely supported by the Orma community and appeared as the strongest candidate in Garsen constituency (with 43.7%) as well as county wide. The race for the Women Representative was won by Halima Ware Duri who received in Garsen 44.4% of the votes. Unlike for the other position, the Orma aspirants for the Women Representative received more than 50% of the votes due to the fact that in some of the Pokomo strong hold voting stations, especially in Garsen North, several dozen votes were given to either of the two Orma aspirants.

For these elections, the number of divisions in Garsen constituency was reduced from three<sup>60</sup> to two (Garsen and Kipini) and the number of wards from nine<sup>61</sup> to six: Garsen North, Garsen West, Garsen Central, Garsen South, Kipini East, and Kipini West (see Figure 9). It was striking that only one incumbent councillor was re-elected as County Representative, the Orma

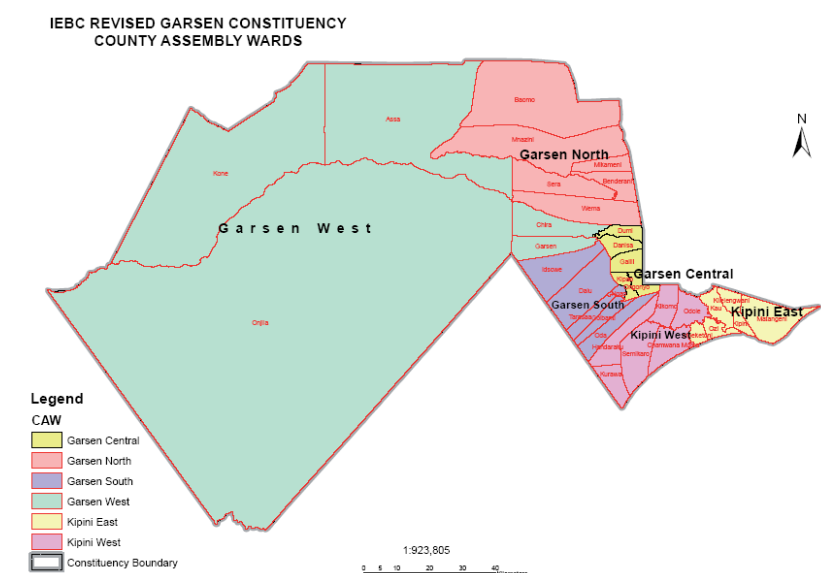


Figure 9: Garsen Constituency: Wards

<sup>60</sup> Garsen, Tarasaa and Kipini.

<sup>61</sup> Ndera, Salama-Mwina, Kipini West, Kipini Rast, Shirikisho, Garsen-South, Garsen-Central, Bilisa and Assa.

Mahmud Ahmed Gabo for Garsen West. This was probably partly a result of the change of boundaries, due to the fact that in some cases two incumbents had to contest against each other but others were probably rather lacking support of the population, because their performance in the election was one of the weakest in their ward (see Table 14); Kawidsi Mwakatwa Peter, for example, only received 18 votes in his ward Garsen North. It is also very obvious that the Pokomo incumbents performed relatively weak. In interviews in July and August 2012 the Pokomo councillors stressed, that they did not

Name	Party	Former ward	New ward	Ethnicity	%
Kawidsi Mwakatwa Peter	WDM-K	Salama-Mwina	Garsen North	Pokomo	0.3
Ali Omar Buya	URP	Kipini-West	Kipini West	Pokomo	1.7
Ben Maneno Dullu	FPK	Garsen-South	Garsen South	Pokomo	1.9
Babuya Komora	WDM-K	Shirikisho	Garsen South	Pokomo	13.8
Hijabu Mohamed Hiribae	LPK	Ndera	Garsen North	Pokomo	14.7
Sharif Abdulikadir Abderhman	WDM-K	Kipini-East	Kipini East	Orma	24.2
Bakar Dokota Shongolo	SAFINA	Assa	Garsen West	Orma	27.9
Mahmud Ahmed Gabo	URP	Bilisa	Garsen West	Orma	34.5
Salim Golo Ndogo	URP	Garsen-Central	Garsen Central	Orma	39.7

*Table 14: County Representative elections, incumbent councillors.*

only try to please their own community but initiated projects which benefited the Orma community. In case people voted along ethnic lines, this could partly explain their poor performance because even though Orma might have benefited, they did not vote for the incumbent and Pokomo voters might have been disappointed and were unsatisfied with the performance of the incumbent.

Furthermore, it is worth mentioning that only one of the elected local county representatives is a Pokomo (Manase Samuel Guyo (TNA) in Kipini East ward) even though almost half of the constituency population are from his Pokomo community. Garsen Central and Garsen West, which are located in Orma areas, were likely to be won by an Orma, but at least Garsen South was expected to see a Pokomo candidate winning, due to the fact that it combines several big Pokomo villages on the South-West side of the river. The other wards were believed to be hotly contested and were all taken by pastoralist aspirants (Salat Farah Dakan (URP) – Garsen North; Boru Dela Masha (WDM-K) – Garsen Central; Hussein Gobu Godana (URP) – Garsen South; Musa Wario Shora (WDM-K) – Kipini West). This could, like for the other positions, be a result of the high number of Pokomo aspirants and the fact that they did not concentrate their votes on one candidate.

The entire election might also have been influenced by pastoralists and especially Orma voting in Garsen constituency or other parts of the county even though they did not permanently live in the area. An Orma who lived in the Lamu West part of the delta mentioned, that most Orma from the

area of Dide Waride decided to register in Garsen to support their fellow Orma in Tana county.

Furthermore, a general remark should be made that the voter turnout of the different positions varied between 24,338 for the presidential ballot and 25,098 for the MP, due to the fact that some people decided not to vote for a certain position or to only vote for another one. However, no major irregularities could be found by analysing the results, but it was reported by respondents that at some polling stations people were asked to sneak into the line after the official closing time and told to cast the ballot for a certain position and candidate to increase the chances of a victory. This might also have influenced the end results in the constituency.

By considering the ethnic group predominantly living near a polling station and comparing it with the voting patterns, it is evident that Pokomo villages overwhelmingly voted for Pokomo aspirants and Orma either for Orma or Wardei (especially in the case of the MP and the Senator). On the one hand, this could be interpreted as ethnic voting, but on the other hand it could also be related to the livelihood strategies and different interests in the usage of natural resources. Only in few cases votes were not cast along these lines. For example, in Handaraku, 75% of the Orma village voted for Frankfaith Daiddo, a Lower Pokomo MP aspirant, but votes cast in the village for other positions overwhelmingly went to Orma candidates.

In the rest of the county the voting pattern was similar. As a result, most seats were won by members of the pastoralist communities and only few County Representative positions went to the Pokomo. After the election five Pokomo aspirants, namely Dhadho Godhana, Alfeit Abiyo, Mahadhi Ali Loka, Khalif Bahola and Maimuna Mohamed vowed to challenge the results in court because they assumed there must have been major irregularities, if their community did not win any of the central positions. Other Pokomo, however, accepted the result and saw the fault in their own strategy and the lack of uniting for one candidate.

#### 6.2.4.1 Different voting patterns

The theoretical framework stressed that there can be several factors which lead to or influences voting decision making. Table 15 gives an overview of the relevance of different factors for how IDPs in the Tana delta cast their ballot.<sup>62</sup>

Results shown in Table 15 make us conclude that ethnicity, competence of the aspirant, personal relations,

	Percent	Pearson Chi-Square
Political Party	8.7%	4.50
Ethnicity	52%	39.043
Competence	63.3%	49.562
Personal relations	38%	15.476
Previous performance	28.7%	11.339
Character of aspirant	42%	11.556

Table 15: What do you base your decision on?

<sup>62</sup> The possible answer categories were based on the theoretical background and results from interviews in the first

the previous performance and the character of the candidate are all factors which were of significant relevance for the voting decision.<sup>63</sup> However, with an outcome of 4.5 points, the political party cannot be regarded as a factor which is of significant importance for the population of Garsen constituency when making up their minds whom to vote for. By taking the highest scores into account, we see that the competence of the aspirant is most important for two out of three respondents, followed in importance by the candidates ethnicity, character, personal relations and finally the previous performance, if any.

In qualitative interviews almost all respondents stressed politicians from their community should be voted in. The Orma explained, in case the government would be formed by Orma they expected the clashes would end, peace would return and the situation in the delta would improve. The Pokomo on contrast argued it was mainly important that one of their communities was elected because the Pokomo leaders were better educated, and they had the knowledge and skills to develop the area. According to them the ethnicity was not such an important factor but the qualifications were more crucial. The fact that they did not regard the Orma leaders as qualified could, however, also be linked to the different interests they had and the expectation the county would not get many additional revenues in case Orma were elected because the latter ones opposed large scale agricultural projects. The strong focus of the Orma on the ethnic belonging of the politicians raises the question whether they were very neglected by the Pokomo government or they had a tribalistic attitude. According to the elaborations of Orma respondents, they felt quite neglected and made Mungatana's government responsible for the lack of progress, even in areas which were not part of his responsibility.<sup>64</sup>

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research period. Possibly, religion and contents of the party manifesto or ideology could have been included as well, however, in the first research phase those aspects were dismissed as irrelevant factors and have therefore been left out in the questionnaire.

<sup>63</sup> According to the Chi-Square table, the result of a test with two degrees of freedom and 95% Confidence Level is significant if the value is higher than 5.99.

<sup>64</sup> But several aspects mentioned were either exaggerated or untrue. As an example for the negligence by Mungatana they mentioned he had not visited Orma villages to show his condolence, however, several newspaper articles reported the opposite and in some cases he was chased away (Oda) or told not to visit the village because the residents were to furious (Kipao). Furthermore, several Orma complained Mungatana had not built any secondary school in an Orma village. However, an informant who worked in an education project in the area explained the villages which were interested in the construction of a school first had to show interest, apply for CDF money and allocate land for the school as well as raise part of the money themselves. If this was not guaranteed before, the village would also not receive money for the school. Also, some Orma claimed Mungatana's family had been favoured when it came to the distribution of CDF money, and Orma would not receive retirement allowances or support for schooling. If one has a look at Mungatana's home village, one could indeed come to the conclusion that he privileged his own people, however, the Secondary School and the hospital, for example, were already build years before Mungatana got in power. Also, tabbed water and electricity were crucial in this village because the district hospital was there. Furthermore, other than the Orma claimed, even applicants from Mungatana's clan were denied financial support to pay school fees.

#### 6.2.4.2 Consequences of the Conflict on the Elections

The low registration number of voters mentioned above was surely a result of the conflict. According to the survey data many people could not or refused to vote because they were scared, displaced or had lost their ID cards (see Table 16). One of the reasons for the low registration

People cannot vote because they got displaced or lost their ID cards	79.7%
People fear to vote	58.1%
It brought up a stronger group coherence; as a result voters rather vote for aspirants of their community	88.5%
Now it is more important to vote for an aspirant of the own community	87.8%
Now it is more important to vote for a capable leader no matter from which community	6.1%

*Table 16: Which consequences did the conflict have on the elections? (general)*

number was probably the displacement of about 34,000 people during the conflict, which is 15% of the county and more than a third of the constituency population. Some of these IDPs stayed in camps or with friends and relatives within the constituency, where they at least had the possibility to register at nearby polling stations. But others who left the area struggled to register or to vote, especially if they did not have the financial mean for the travel to their home

area. Still, many people, who left the area, returned to vote, partly with the support of others who gave them a lift to their home or even through assistance by politicians. While the Pokomo mainly organised private cars, the Orma were given the opportunity to travel to the Tana delta in lorries and buses which were said to have been organised by the Governor aspirant Hussein Dado. This might have helped the latter one to his success; organising lorries and buses might on the one hand have shown how serious and committed he was to win the position, and on the other hand it increased the number of Orma voters. Also, his support to carry people to the voting stations might not only have been regarded as a selfish action, but rather as a sacrifice for the Orma community because almost all Orma respondents expected peace to return only if an Orma was voted in.

Furthermore, both communities accused aspirants from the other to have incited, organised and financed the clashes. While the Pokomo candidates were only accused by Orma and defended by their own community, the Orma aspirants were accused by Pokomo, but some few Orma respondents also confirmed that their politicians had talked badly about the Pokomo ones. Hence, it might be possible that they tried to take an advantage of the conflict and to unite the votes of their ethnic group. Similarly the Pokomo aspirants could have used the conflict to unite their community as well. In previous elections the Pokomo were said of having been divided between Upper and Lower Pokomo but not in this one. However, it is questionable why the conflict should have been used to unite the group if not even the elders gave a recommendation until after the clashes in February 2013, when they realised they might lose all positions if they did not focus on one

candidate. However, the advice of the elders to vote for the Lower Pokomo Joel Ruhu from Hewani was obviously not binding which is why other competitors, especially Ruhu's Lower Pokomo fellow from Ngao, Wellington Godo, also received a substantial number of votes. In interviews with different Pokomo aspirants and voters most of them said, the best candidate with the most supporters should win, irrespectively of the ethnicity. Hence, the Pokomo consciously did not want to focus on one candidate, which led to the result that almost all seats went to the pastoralist community. Due to all these factors it is rather likely that the Pokomo did not intent to use the conflict for political purposes.

Looking at the survey data, it is, however, striking that 88% irrespective the ethnic origin, were of the opinion the clashes brought up a stronger group coherence and as a result people would rather vote for an aspirant from their own community. Furthermore, almost the same number of people said it would in fact be more important to vote along ethnic lines, whereas only 6% were of the opinion, due to the conflict it would be more important to vote for a capable leader (see Table 16). Hence, these findings confirm the thesis that ethnic pre-election violence unites the warring communities for the election.

Similar observations can be made by looking at which aspects voters perceived as important if their decision on whom to vote for changed due to the clashes. More than half of the voters (57%) said they changed their decision after the clashes (see Table 17). About 88% of those who reconsidered it said ethnicity was one of the deciding factors for their choice, while only about a quarter of the other respondents regarded

What do you base your decision on?	Did you consider different candidates before the clashes			
	No (43%)		Yes (57%)	
Political Party	2	3.6%	11	15%
Ethnicity	14	25.5%	64	87.7%
Competence	48	87.3%	47	64.4%
Personal relations	49	89.1%	8	11%
Previous performance	40	72,7%	3	4.1%
Character of the aspirant	24	43.6%	39	53.4%

Table 17: Consequences of conflict on voting patterns

ethnicity as relevant. Also, the competence of the aspirants was an important factor for those who changed their choice (64.4%), however, it was even more important for those who remained with their initial candidate (87.3%). The importance of the character of the aspirant increased slightly with the conflict, but it was also a relevant factor for the other voters. The relevance of personal relations and the previous performance did not change with the conflict, which was to be expected. Most surprising is, however, that the relevance of the political party increased after the conflict, but like mentioned above, the Chi-square test already indicated that the factor was insignificant for the explanation of voting behaviour in Garsen constituency.

The question whether or not the conflict helped to decide was followed by an open question in which the respondents were asked to explain how. Like Table 17 already suggested, the most relevant aspect for the voting decision in case of a change of mind was the ethnicity of the aspirant. This was confirmed by the answer to the question how the conflict helped to decide because the answer that after the clashes the respondent would only vote for somebody from the own community dominated. Another factor which was important for several people was the perceived ability of a candidate to unify the groups living in the county and to bring peace. In this respect the fact that the person should not be a tribalist was emphasised. Others mentioned, after the clashes they would only vote for somebody who was able to bring development, who was a democratic, incorruptible, capable and faithful leader or somebody who had a good character.

The question whether or not the conflict changed the respondent's picture of certain politicians, was answered positively by almost 50% (see Table 18). In the next question which was directed toward defining their picture of which politicians changed and why, the incumbents, especially the Pokomo parliamentarians Dhadho Godhana and Danson

	No %	Yes %	Maybe %
Did you lose your ID in the clashes	62.4	37.6	N/A
Will you vote	16.4	76.0	7.5
Did the conflict change your picture of certain politicians?	50.7	49.3	N/A

Table 18: Which consequences did the conflict have on the elections? (individual)

Mungatana were identified as the biggest political losers of the conflict. A total of 31 respondents said their picture of the incumbents in Tana River County in general or those in parliament changed. They either made them responsible for the clashes as inciters and sponsors or said they were selfish and did not take action. An additional number of 20 respondents remarked their opinion about Mungatana changed and four pointed fingers on Godhana. This could be a result of the reported negative speeches Orma aspirants gave about Pokomo ones. In fact the Pokomo suspected that the Orma tried to destroy the reputation of the two politicians through the conflict. Even though already before the conflict Mungatana was critiqued in several ways, he was known as a leader who brought peace to the area. The clashes in his second legislature put him, however, in a different light. By looking at Godhana's records, one has to acknowledge that the CDF funds were managed extraordinarily well. However, due to the clashes and the heavy accusations he lost his good reputation and in the end he even filed a case against the government in which he made the latter one responsible for his loss and especially the fact that he was publicly accused, sacked as Assistant Livestock Minister and arrested. Another Pokomo aspirant who was pointed at was the MP candidate Joel Ruhu. Furthermore, two Orma respondents reported in semi-structured interviews that a text message was circulating which was believed to having been sent by Ruhu, in which he

informed the chief in Ngao on the day of the Kipao attack that the attackers would return to Ngao soon and he pledged the chief to help them escaping and hiding the firearms. However, it is more likely that this was a simple trick to weaken Ruhu's reputation. If Ruhu had indeed written such a text message, it is questionable why it was circulating among the Orma community but the incidence had not been brought to court. On the Orma side only Ali Wario Guyo was mentioned three times, Fahim Twaha once and all Orma politicians once with the explanation they only supported Orma or only visited villages of their community. However, with regard to the qualitative interviews with Pokomo, Hussein Dado's reputation was in this community already bad before the clashes broke out.

Beside the unifying factor, Cederman et al (2013: 389f) stress pre-election violence can be used to reduce the number of supporters of the opponents through displacement or killing. Like mentioned above as a result of the conflict almost 15% of the county population or more than a third of the population of Garsen constituency, where most of the IDPs came from, were displaced, which can be an explanation why the voter registration was relatively low in Tana River (see Table 16). Besides challenges of displacement, several people lost their ID cards in the clashes, especially when their houses were burnt. While Orma argued the Pokomo benefited more from the conflict, because they lost more people, the Pokomo argued the same in return because several Pokomo villages were burnt down and as a result the residents were displaced or lost their IDs. In a group interview with Upper Pokomo elders from different villages, who were accompanied by about 60 people, it was reported that most of their people had lost their ID cards when their villages were burnt down in August and September 2012. Even though the government asked them to return to their village to vote, they did not see a reason to go back at the time of the interview, due to the facts that they did not have any IDs to vote, they were not registered as voters and they expressed their fear of further attacks or that their wells had been poisoned. This group of IDPs was very discouraged that their situation could improve because they had the impression the government did not support them, but rather engaged in fighting and displacing them. One elder said it was a government of the rich, and poor people would always get intimidated. Therefore, they did not expect any change following the elections.

Even though many people had lost their IDs, it is likely that some managed to receive new ones. In Table 18 we see that more than a third (56) of the respondents lost their ID cards in the clashes, but only 16% (24) said they would not vote. Hence, we can assume the other at least 32 people<sup>65</sup> managed to get new IDs.

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<sup>65</sup> It is "at least" because possibly some who did have an ID did not want to vote.

Another aspect through which politicians could have benefited from the conflict and how they could have put themselves in a positive light, is by engaging in the peace building process (see Figure 10). In the elections in 2002 this was probably a factor which led to Mungatana's victory (see above). During and after the conflict in 2012/2013, the leaders indeed also visited the affected villages and engaged in the peace process by partly attending peace meetings or trying to spread peace and to reconcile the communities. Especially in the Orma community politicians were identified as a group which can influence the peace process by either inciting or calming the situation down. Even though politicians were mainly identified as a group which financed and fuelled the conflict (see Table 3) their efforts in the peace building process were also recognised. Still, respondents on both sides suspected aspirants of the other group to fuel the situation and remarked politicians from the other community showed peace efforts in public, but when they were with members of their community only, they started to incite. Similarly, the press conference with Kenya Red Cross in January 2013 was regarded as an occasion where the political leaders pretended to be united and to engage in peace only for the sake of publicity, however, their peace efforts were not regarded as genuine. In the end, when the leaders were supposed to hold joint peace rallies, the Orma aspirants did indeed not show up.



*Figure 10: Mungatana giving a speech on a peace meeting in Mikameni.*

### 6.3 Summary

In this chapter we have seen that the constituency boundaries in Tana River were changed several times and in both 1966 and 1997 a constituency was added. The MPs in the different constituencies mostly changed after one term, even if some politicians were re-elected once or twice. The change of the incumbents was often also connected with a change of ethnic representation in the National Assembly. Therefore, even if one of the two bigger ethnic groups from the area (Orma or Pokomo) did not have a representative during one term, they were mostly represented in the following term. In some legislatures there was no Pokomo representation, in others no Orma was elected and in some few ones (1966, 1997, 2002) both groups were represented. Especially in Garsen constituency the Pokomo dominated politically. Orma candidates were only elected in 1974, 1988 and 1997 and Sane was the first Wardei who won the elections in Garsen (in 2013). While the 1992 and 1997 elections were entirely won by KANU aspirants, Mungatana was elected on a NARC ticket in 2002, possibly due to the fact that the population was unsatisfied with the way the KANU government had

handled the clashes in 2000/2001. Another reason for his success could have been his offer of free legal services for the victims of the clashes.

The emergence of violence preceding multiparty elections in Tana River County is remarkable. In the 1990s the hiring of *shifita* bandits who stole and destroyed voter cards or IDs, was used as a method to minimise the supporters of political competitors. Prior to the 2002 elections, clashes escalated in Garsen constituency, due to a land adjudication policy. While the clashes did not directly erupt in connection to the elections, the violence most probably affected the voting patterns. Besides the different services candidates offered (to make themselves more attractive), the conflict most likely brought up stronger group coherence among the communities. However, by the end of the conflict the Orma and Wardei were politically divided and the different interests of the groups regarding land were carved out even more. Despite the almost nation wide violence after the famous 2007 election, Garsen constituency was relatively peaceful. Even if irregularities were noted and a protest ended in the burning of ballot papers, the situation calmed down quickly. However, in Bura and Galole clashes between Orma and Wardei erupted, which were said to have been initiated by politicians.

Finally, only few months before the 4<sup>th</sup> March elections another conflict escalated which was said to have been fuelled and partly organised by politicians as well. Even if the conflict was not triggered by the elections, it is likely that the prospects for the new power distribution, especially in relation to the devolved government, increased tension. While the Pokomo argue the Orma wanted to use the conflict to create a common enemy to unite the pastoralists, the Orma assumed the Pokomo were afraid to be left with no position in the devolved government and wanted to split the pastoralists because there was a possibility the Orma and Wardei would win all seats in case they united. It is, however, questionable, if the Pokomo would have tried to divide the pastoralists with help of a conflict, if they did not even put effort in uniting their own group and focusing on one candidate. The lack of focus was probably, on the one hand, related to the attitude the best candidate should win, but on the other hand also a result of the fact that the opinion of Pokomo elders is not as important in nominating and deciding for a candidate as in the Orma community. Furthermore, in relation to the different accusations, the key politicians lost popularity among the opposing groups. The biggest political losers in the clashes were the two Pokomo politicians namely, Mungatana and Godhana. Additionally, more than 50% of the respondents reconsidered their voting decision after the clashes. Almost 90% of those who changed their decision said the ethnic belonging of the candidate was a crucial factor for their voting, while only 25% of those who stuck to their decision regarded ethnicity as important. Due to the clashes several dozen people were displaced or lost their

voter cards, which affected the elections and explains the relatively low voter registration. Still, the voter turnout was high. Several hundred people who had left the area returned to vote, either with private cars, or, in case of the Orma, buses and lorries were organised. A reason why these elections were perceived as very important, was surely the implementation of the devolved system and the new responsibilities local politicians were given, especially regarding the control of (natural) resources.

A major difference in interest between the Orma and the Pokomo groups was the usage of land. While the Pokomo still desired title deeds and large scale agricultural projects in the delta to improve the employment situation and increase the revenues, the Orma objected these plans, because they feared to loose their crucial grazing areas. Instead they promoted the idea to use the area for eco-tourism, however, only under the condition that they could still use the delta as grazing ground. Other topics which were raised during the campaign period were mainly related to the underdevelopment of the area. The residents saw the need for the improvement of the road network, health facilities and education, the communication network, security as well as the reduction of corruption. Most of the topics were already raised in other elections, however, the marginalised area had either not received sufficient funds or due to poor governance and bad leadership was still lacking development.

The election day of the 4<sup>th</sup> March elections was held peacefully and the results were accepted by the population, even though, the Pokomo, who distributed their votes on several candidates, were indeed only left with few County Representative seats.

## Chapter 7 Discussion

After having had a closer look at both the clashes and the election we will now link them to the literature discussed in the theoretical framework and see how this study fits in it and what the research findings can add to the existing theory.

The conflict in the Tana delta suits Allen's (1999: 36ff) characterisation of 'New Wars' in several respects. According to Allen, the so called 'New Wars' are more intense than conflicts before the 1980s, they claim a high number of victims, including civilian and vulnerable groups. The clashes did not only claim the lives of almost 200 people but most of the victims were indeed civilians, especially women and children mostly trying to run away from the violence. For example, people were massacred while they were hiding in a mosque or schools (Kilelengwani), elderly were pushed into their burning houses (in Kau) or in the case of Kibusu, a school child was shot while collecting wood in a tree and others were shot on their way to school. These were not fights between two armed militias but the militias attacked helpless civilians. The fact that the attacks were directed towards civilians whereby it looked like the attackers wanted to eliminate whole villages rather reminds of genocides than traditional warfare, even if the word genocide is too big for the clashes in the Tana delta. Also, in several attacks the raiders were identified as neighbours and sometimes even as friends, which can be classified as interpersonal violence. Another 'New Wars' characteristic the clashes in the Tana delta seem to meet is the intensification of the conflict by firearms, which are according to Allen especially used in pastoralist areas. Even if the biggest attacks were mainly carried out with crude weapons, both groups argued they did not feel secure and were in some cases not willing to engage in peace talks, unless the other group surrendered their firearms. Furthermore, not only human beings were attacked, but other resources, especially livestock and farms as well as houses were destroyed as well. This economic warfare is another feature of 'New Wars'. Allen additionally remarks 'New Wars' were sometimes even connected to state collapse. Even if this did not happen, the institutional failure and absence of the state in the Tana delta was a relevant factor for the escalation of the conflict. The institutions and the police were overwhelmed and not able to control the situation. Besides that, the national government took a whole month to take action and the GSU troops which were sent, finally also engaged in violence like in the case of Ozi village. The involvement of state officials or even the government is another characteristic of these 'New Wars'.

Furthermore, Allen classifies the literature on post-Cold War conflicts on the African continent in

five categories (see section 2.1.3). The third type he describes is rooted in the nature of African political systems and the competition for resources. According to the perception of IDPs from the Tana delta, these were central reasons for the clashes in the area. The hybrid political order and legal pluralism complicate the land rights in the Tana delta, which is one reason why the conflicts over natural resources arise frequently. Both groups see themselves as the rightful inhabitants of the area. Especially the areas at the river banks in “Orma locations” (like for example Kipao or Galili) are contested due to the fact that the Pokomo argue they had been farming in these areas for centuries, while the Orma claim the land as well because it is part of administrative units which were given names of Orma villages.

Furthermore, the hybrid political order does not only leave people with unclear land rights, but also the responsibilities of leaders are not as distinct. Traditionally mainly elders were responsible for inter-community peace negotiations, and especially in the Orma culture, those are until today the only leaders who have the authority to negotiate peace agreements. However, the administrative peace committees consist of a mixed group of residents who (at least partly) do not have the support and respects of their communities. On the basis of Boege et al. (2008: 2ff), who identify hybrid political orders and legal pluralism as a source of conflicts and even see it as a possible root cause, I argue that the main problem in the Tana delta which underlies this conflict is the unclear legal situation due to the lack of title deeds and different legal systems, and as a consequence the uncertainty the residents have to live with. Due to these overlapping land rights, not only the local communities claim the land, but according to statutory law the biggest part of the delta is Public Land, which means *de jure*, the land which was over centuries inhabited by these communities can be leased to investors. This further increases tensions over land in the area and could be a reason why the Community Land which is located along the river banks is so contested. Only the court ruling from February 2013 gives the residents a say in what will happen with the land they are living on. In connection to the different perceptions of ownership and land tenure systems, the two communities also lack respect for each other's property. This was argued on several peace meetings, due to the fact that pastoralists sometimes fail to control their animals and farmers occasionally kill or hurt cattle if the animals stray into the farms and destroy the crops. I argue that the disrespect is rooted in the different tenure systems as well. While the pastoralists do not recognise individual land ownership and regard the delta, and especially the areas in “Orma locations” as pasture area or their land, the Pokomo still claim the river banks and feel violated when animals destroy the crops they had grown in their ancestral farms.

Another aspect often mentioned in connection with the nature of African political systems and the

political culture are clientage relations, which Clapham (1982: 6) describes as dyadic systems in which every actor relies on those above and below him. Due the fact that politicians often try to mobilise people from their own ethnic group via moral ethnicity (Lonsdale 1993: 131), these clientage structures eventually involve ethnic relations. Therefore, according to the neo-patrimonial theory (see Erdman & Engel 2007), politicians often channel resources mainly to their own ethnic groups. In the data presented above, the fear of being left out in case a member of the other ethnic groups is elected, was very strong and led to the high ethnically polarised competition in these elections, especially for county positions. The fear of not benefiting from the government in case the other group won central positions was connected to general development and financial county resources but also natural resources and especially land policies in the county. Due to the different interests of the communities, the question who would end up in the government mattered. Many people thought that Pokomo politicians would especially promote agricultural projects in the delta to increase employment opportunities and county revenues, while the pastoralists rather wanted to promote cattle herding and to a lesser extent eco-tourism as a revenue generating activity. Besides the fear of being disadvantaged regarding the livelihood strategy, the pastoralists also feared to get displaced and to loose their fertile grazing areas in case large scale projects were implemented in the actual delta.<sup>66</sup> Even if the different political interests and election politics did not trigger the conflict and might as well not have been the root cause, it still contributed to the tensions and probably to the extent of the clashes. Due to the new (partly believed) responsibilities the county government was given, these elections were regarded as being even more crucial than the past ones, because of the fear the increased resources would only be distributed among one community. On the Pokomo side this fear was fuelled by the plans of the Orma community to enter a pre-election coalition with the Wardei in order to leave no seats to Pokomo politicians, while the Orma had already missed out on the previous elections in which they did not get any parliamentary seat. The intention of electing politicians from the own community with the aim to benefit from the resources is according to Lonsdale (1993: 131) called “political tribalism”.

One reason why this conflict, which was triggered by farmer/herder disputes, escalated in August 2012, was that the administration did not react appropriately to the tensions which arose over several months. If perpetrators were arrested, they were mostly released the same day or after one night. Also, both groups accused the administration of having been corruptible. Hence, people lost more and more political trust and as a result the conflict escalated (cf. Hutchinson & Johnson 2011: 738). Due to this institutional failure and the almost anarchic situation, the resident found

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<sup>66</sup> As well, a nature conservation area, which alienates grazing areas could affect the pastoralists negatively.

themselves in a position in which they felt like they had to defend themselves and to take the right in their own hands; or with the words of Hobbes (1651: Chapter XIII), they were set back into the natural condition which is dominated by war. In fact, the description of war Hobbs gave in the year 1651 characterises the situation in the Tana delta conflict quite well. According to Hobbes people needed regulations of the “Leviathan” because otherwise they had to live in a condition of economic stagnation and fear. Even agricultural production was impossible and social growth was hindered because people had to live in “continual fear and danger of violent death” and were busy to defend themselves (1651: Chapter XIII). According to Hutchinson and Johnson (2011) political trust does not only decrease if the government fails to provide security, but the trust in political institutions is often weakened by the failure to provide other services. The population in the Tana Delta District had gotten the impression of not only being neglected by the local administration, but also by the national government. This feeling of marginalisation was mainly based on the lack of development in the area, including the lack of health facilities, schools, roads and economic growth. Therefore, the political trust of the residents in the Tana delta was probably already weakened due to their marginalisation by the state for several decades. According to Herbst (1990) areas where the state failed to provide these services were more prone to conflicts.

Both conflicting parties were afraid of being displaced or killed due to the elections, which Cederman (2013: 389f) describes as making the *demos* coincide with the *ethnos*. While the Orma were on the one hand afraid to get displaced in case large scale projects would be implemented in the delta, they also feared the Pokomo wanted to reduce their present and future (voting) population because they feared the Orma competition. The Pokomo, by contrast, were afraid the Orma wanted to displace them to win the elections. Once in power, the pastoralists would be in the position to decide over the land use and ownership in the delta. The Pokomo, moreover, felt that the conflict arose due to political interests of the Orma as the latter tried to unite the pastoralists and announced they wanted to win as many seats in the elections as possible to govern the county. Hence, the Pokomo got the impression, the Orma, whom they still perceived as visitors in the area, wanted to take over their ancestral lands and govern it according to their own values and interests. The Orma, however, interpreted the conflict as a method to bring mistrust among the pastoralist groups. As both groups feared the other aimed to bar their opponent from being in power, the perception that it was important to vote in one’s ‘own’ people gained strength.

Whether or not politicians actually tried to take an advantage of the conflict by fuelling it, is, however, not clear and hard to proof, even though both communities accused aspirants of the other group to have incited or financed the conflict. Hence, both groups sensed the others wanted to take

a political advantage and the we-versus-them feeling even intensified the ethnic boundaries and the idea of ethnic belonging. Barth stated in his book “Ethnic Groups and Boundaries” (1969) ethnic communities are defined by boundaries to other groups and have both an intrinsic and extrinsic group identity. In case of an ethnic conflict the differences between groups are perceived to be stronger and therefore the boundaries as well. Simmel (1964) mentioned that conflicts lead to a stronger group coherence. Therefore the ethnic identities were strengthened and a voting on ethnic lines was perceived to be more important as shown in Table 17.

Luhmann and Machiavelli both pointed out that the ultimate aim of politicians is to get or stay in power. According to Luhmann's theory everything politicians do is directed towards maximising power (Kieserling 2002), Machiavelli goes a step further by claiming politicians would use all means to get into power. These claims as well as Cederman et al.'s thesis that pre-election violence could be used to unite an ethnic group (2013: 389f), one could propose the hypothesis the Tana delta clashes were politically instigated, however, evidence to proof this is missing. Still, no matter whether or not the violence was fuelled by politicians, the conflict had direct effects on the elections due to the fact that voters were displaced or killed and the perceived relevance of voting along ethnic lines was intensified. Interestingly voters who did not change their decision regarded personal relations, the aspirant's competence and previous performance as the three most relevant aspects for their voting decision, while those who changed their mind rather gave attention to ethnicity, also the competence and the character of the aspirant.

The results on different factors that influenced voting behaviour does neither fully confirm the neopatrimonial theory nor the rational voter theory. Downs (1957) suggested in his rational voter theory the voter based his decision on policies and the previous performance as well as possibly the ideology of a political party. However, neither the political party is very relevant for voters in the Tana delta, nor do they solely base their decisions on other factors suggested by Downs. In fact, the significance of the political party for the voting decision was insignificant. Instead, the competence, character, ethnic group and personal relations of the aspirant were regarded as crucial factors. Even though, ethnicity only became a decisive factor after the clashes.

Also, the outcome of the research does not fully support the neo-patrimonial theory, which sees ethnicity and personal relations as the main factors for the voting decision. Before the conflict only a quarter of the respondents regarded ethnicity as a central factor while in the overall results 38% took personal relations into account. Furthermore, 27% of the respondents regarded the previous performance of the aspirant as a very relevant factor. Hence, the voting behaviour rather seems to be

a mix of factors and it has to be acknowledged that the voting decision of voters in the Tana delta seems to be based on a broad spectrum of different factors, including competence and character of the candidate as well. This rather confirms the hypothesis given by Grignon et al (2001: 10) that voting decisions are usually a conjunction of three different factors, identities, ideologies and interests.

## **Chapter 8 Conclusion**

This conclusion contains a summary, policy recommendations and further research perspectives.

### **8.1 Summary**

Multiparty elections in Kenya in general and in Tana River specifically have often seen violent clashes in a number of selected hotspots. When violence erupted in Tana River it did so foremost preceding elections (in contrast to post-election violence). Even if the respective elections were not always the root cause and trigger of this violence it still affected the voting, either because voters were hindered to vote due to the fact that they got displaced or lost their IDs or voter cards, or because the conflict made people reconsider their choice, a stronger group coherence arose and group boundaries were strengthened through the conflicts. This was also the case with the clashes and elections which were subject to this research.

The clashes in the Tana delta which started in August 2012 claimed almost 200 lives and about 34,000 people were displaced. Due to the fact that mainly two ethnic groups fought each other, the clashes can be classified as ethnic violence, however, the trigger was conflicts over land and access to water. One of the central problems underlying these clashes is the fact that both groups claim access to an ever shrinking landbase, whereby ownership and user rights overlap. This is to some extent a result of one group, pastoralists mainly, favouring traditional customary land tenure systems that allow for the communal use of an area, whereas the farming community would welcome more fixed statutory and individual property rights so as to be able to exclusively use land for farming. The situation is further complicated by government ownership of land and the (potential) leasing of land by the government, as well as company and co-operative ranches to outsiders either for nature conservation or for large scale farming as lays down in Vision 2030. The Kenyan government planned in this development plan to use the area to boost the country's economy.

Besides this natural resource perspective on the clashes, another central factor which contributed to the conflict was the weak institutions. On the one hand, the local government did not interfere when the conflict was still in its initial stage, on the other hand, neither the local, nor the national government reacted appropriately when the clashes started and the first villages were attacked. Only after attacks and counter attacks were carried out for a month measures were taken and paramilitary units were sent to the area which, however, used rough methods in line with 'the end justifies the

means'. Instead of reacting immediately the government first relied on the local peace committees which tried to calm the situation down by organising peace meetings and peace talks. However, due to the fact that the peace meetings were not fully supported by the residents, the effects, especially when the situation had already escalated were limited. This can, at least partly, be blamed on the hybrid political order. The peace committees and peace meetings are missing support because the committee members, who are posed under the district administration, often lack the authority to engage in peace negotiations because these leaders are not concordant with the customary ones. The meetings were much more effective if the peace committees were comprising traditional and more respected community leaders. Another major problem is that the social structures of the two warring groups are different. In the Orma culture the authority of the elders is very strong and their decisions are more or less binding to the community. The Pokomo by contrast do not have such a hierarchical structure but the role of women and youth leaders are not to neglect (this also applies to the nomination of politicians). Therefore, the Pokomo see the need of stronger engagement of women and youth in peace meetings, while the Orma suggested peace committees can only be effective if they only consist of elders.

A third component which likely contributed to the clashes, and maybe even triggered the escalation, were the upcoming elections. Several politicians were accused of having been involved, however, so far there is not enough evidence to claim that the clashes were politically instigated or fuelled, although several political leaders were at least lured into the conflict once it evolved and the elections certainly contributed to the tensions in the area. Especially so because following the introduction of the new constitution in 2010 a new political system centred around a devolved government brought responsibilities to the new county government. For that reason the 2013 elective positions were highly contested. Among the new responsibilities of the county government is the control of (natural) resources, and also other decision making processes like establishing a county law.

As a result of political tribalism and conflicting interests, the competition in the elections mainly centred around the division of farmers and pastoralist communities. Due to the fact that the groups differ culturally, economically and partly religiously, they have different interests in several respects, yet especially with respect to the control of natural resources such as land and water..

While it is unclear how exactly the elections contributed to the conflict, the consequences of the conflict on the elections are rather clear. Due to the displacement of about one third of the constituency population, the voter registration in Garsen constituency was lower than expected.

Those who stayed within the constituency had at least the possibility to register at the place they stayed at, however, those who left the area were only able to vote if they could afford travelling back home for the elections (and in case they fled from the Tana delta before voter registration started, they even had to travel twice). Furthermore, the conflict brought up a stronger ethnic group coherence and therefore the relevance of ethnicity as a factor for the voting decision increased. However, voting decisions are usually more complex and also in the case of the Tana delta, even after the clashes, the voting decision cannot only be reduced to ethnicity. Instead, voters base their decisions on several aspects and all three factors, interests, identities and ideology were of relevance. While the effects of violence before the elections are usually discussed in theories on election violence, this study showed that conflicts close to elections can have the same effects like election violence, even if the conflict was caused by other factors.

## **8.2 Policy Recommendations**

The land rights in the Tana delta are so far relatively unclear. The two groups claim the same land and only few people have received title deeds. Due to the different land tenure systems and multiple ownership claims land adjudication is, however, difficult and a sensitive topic which bears the risk to trigger another series of violence, like in 2001/2002. Also, it is important to notice that only a small part of the area is communal land which can be adjudicated, while about 70% of the district have the status of Public Land. According to the District Land Officer the communal land (about 20% of the district) is located along the river banks, which is the area the Pokomo claim as their ancestral farms. This means, in case the Pokomo received title deeds for their farms, the Orma community would be left with Public Land only, which could as well be leased to (foreign) investors. However, expropriating the grounds generations of Pokomo families have been farming on cannot be a solution either and bears the danger of clashes as well. Still, both groups suggested one of the most important measures to prevent further conflicts was to clarify the land rights in the area. Hence, I suggest, it has to be reconsidered if the status of at least some parts of the delta area could be changed from Public to Community Land, to ensure, people will not be left without any land. One option could be to create sufficient water points in the hinterland, so livestock could stay (most of the time) outside of the delta and the pastoralists received some land in the delta for farming. At the same time, the land along the current river banks could be allocated to the traditional owners, however, it should also be ensured that water corridors would be kept for emergencies. Even though the river course might shift due to the flexibility of the river, people would at least own some land and the legal rights would be clearer. Such a land adjudication

process can, however, only be started if the groups are well informed and educated on the topic. It would be important that both groups see the benefits of it and both groups have the impression their interests were respected. The rest of the delta could either become a conservation area to attract tourists, and function as a fall back area for pastoralists in case of severe droughts; or the area could be used for large scale agricultural production, possibly with an outgrower area. Additionally, the influx of foreign pastoralists has to be controlled. It has to be assessed how many animals the area could feed during dry seasons and clarified to which areas foreign pastoralists would get access. Additionally or alternatively the agricultural plots could be safeguarded to reduce the likelihood of farmer/herder conflicts. Even if the delta used to be a dry season grazing area for pastoralists from far away, there have to be regulations and restrictions in order to stabilise the situation and to ensure the well being of the local residents is not endangered.

Furthermore, conflicts could be prevented by developing the area and giving people a perspective. By providing government services like education and health facilities but also improving the infrastructure, political trust could be restored and people would have more to loose in case of clashes. Furthermore, it is crucial that food security as well as employment opportunities will be increased. Also, awareness of the importance of education has to be lifted and education standards should be raised.

Additionally, police should be better equipped and more police posts have to be installed in the area, especially in Orma villages. This was requested by both groups, because the Orma do not feel well protected and the Pokomo fear the Orma can plan attacks without anybody knowing. To increase security it would also be beneficial to continue disarming the population. However, as long as the residents feel insecure, it is not likely that they will be willing to surrender their weapons. Also, in case of a renewed outbreak of violence, the government has to react faster.

Another aspect which is crucial to stabilise the situation in the Tana delta, and to boost development is to invest more in good governance and to improve the reliability and impartiality of the administration and judiciary. Hence, for example corruption has to be fought and transparency should be increased.

Regarding the peace committees I suggest different groups should be involved in the reconciliation and negotiation process to make sure the peace messages reach all groups and the negotiations are taken serious. I would suggest three groups, youth, women and elders, should first negotiate separately, and later have joint meetings in which solutions can be found which are backed by all three groups from both communities.

Furthermore, the election system of the Governor should be reconsidered. The Governor post is an executive position with crucial responsibilities on county level, but unlike the President, an absolute majority for his election was not foreseen. The winner-takes-all atmosphere seems to be strongest for this post. I suggest, the two strongest candidates should be confronted in a run-off ballot, otherwise, the Governor might not be backed by the majority of the residents. As it is now the system leaves room for candidates to hire others in order to split the vote and appear the winner with less than 50% of the votes cast.

### **8.3 Research Perspectives**

After having conducted this research some knowledge gaps were still left. To complement this study, research could be conducted on the perspective of other groups who were not directly involved in the clashes. Such an outside perspective could shed more light on the actual happenings. Especially the perspective of Wardei seems to be important. It would be good to gain knowledge on their political interests and their position towards the two groups before and after the clashes. Furthermore, it is still unclear why many Orma voters cast their ballot for Wardei candidates, especially the Senator and Garsen MP position. Also, it would be interesting to compare the election results from Garsen with Galole and Bura constituencies and to gather more information on voting behaviour in those two areas. Another aspect which is still fairly unclear is the involvement of hired militias and the MRC in the clashes. Last but not least, a further evaluation of the peace measures and why the attacks ended would be an interesting field of study.

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## Appendix: Questionnaire for Survey with IDPs

Interviewer\_\_\_\_\_ Interview Location\_\_\_\_\_ Interview No.:\_\_\_\_\_

Date:\_\_\_\_\_ Starting Time:\_\_\_\_\_ Ending Time:\_\_\_\_\_

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### Introduction:

Introduce yourself; doing research for a project, aim is to give recommendations on lasting peace solutions and possibly do peace activities, therefore data/information is needed; also the study will be published in a Master thesis, however information will strictly be treated confidential, The survey is on the most recent conflict with different subtopics, in any question multiple answers are possible (except if it is a yes/no question).

### 1. Respondent

1.1. Ethnic group:\_\_\_\_\_

1.2. Sex: ☐ male ☐ female

1.3. Occupation\_\_\_\_\_

1.4. Education: \_\_\_\_\_

1.5. Age:\_\_\_\_\_

1.6. Marital status: ☐ single ☐ engaged ☐ married ☐ divorced ☐ widowed

1.7. Place of residence:\_\_\_\_\_

### 2. Household characteristics

2.1. Number of members:\_\_\_\_\_

2.2. Number of grown-ups:\_\_\_\_\_

2.3. Number of children:\_\_\_\_\_

2.4. What is/was your main source of income (before the clashes)?

☐ animal keeping

☐ farming

☐ business

☐ others specify: \_\_\_\_\_

2.4.1. Are you ☐ employed or ☐ self-employed?

If employed, please continue
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2.4.2 On how many acres do/did you farm (before the clashes)?

for subsistence\_\_\_\_\_

cash crops\_\_\_\_\_

other crops for business\_\_\_\_\_

2.4.3. How many animals do/did you keep (before the clashes)?

chicken\_\_\_\_\_

donkeys\_\_\_\_\_

goats\_\_\_\_\_

sheep\_\_\_\_\_

milk cows\_\_\_\_\_

cattle for business\_\_\_\_\_

other cattle\_\_\_\_\_

others specify:\_\_\_\_\_

2.4.4. How much cash income do/did you earn per month (before the clashes)?

☐ 0-10,000

☐ 10,000 – 20, 000

☐ 20,000 – 50,000

☐ 50,000 – 100,000

☐ over 100,000

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### 3. Respondents experience

3.1. What is your home area?\_\_\_\_\_

3.2. What is your home village?\_\_\_\_\_

3.3. Were you affected by the recent attacks in the Tana region?

☐ yes ☐ no

3.3.1. When did you leave your home?\_\_\_\_\_

3.3.2. Why did you leave your home? \_\_\_\_\_

If “no”, continue with question No. 3.3.1., 3.3.2. and then part 4.; if “yes”, continue with question no. 3.4.
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3.4. Which one(s)?\_\_\_\_\_

3.5. Where were you living at the time of the attack? ☐ in the village ☐ somewhere else

3.6. If you were in the village, where were you when the attack happened?

☐ in bed

☐ in front of the house

☐ in a farm

- ☐ with the cattle
- ☐ on the way out of the village
- ☐ others specify \_\_\_\_\_

3.7. Please describe how the attack happened \_\_\_\_\_

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3.8. Do you have an idea why they targeted your village? ☐ yes ☐ no

3.8.1. why? \_\_\_\_\_

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3.9. What would you say were the causes and reasons for this specific attack? Please rank the answers (from ++ very important to - - not important at all).

natural resources	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
revenge	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
intimidation	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
displacement	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
hatred	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
pure violation	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
creating an enemy	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
provocation	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
no idea	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
others	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> -- specify _____

3.10. Were you surprised about/by the attack? ☐ yes ☐ no

3.10.1. Why? \_\_\_\_\_

3.11. Have you been warned? ☐ yes ☐ no

3.11.1 By whom? \_\_\_\_\_

3.12. Did you organise a defence or warning system? ☐ yes ☐ no

3.12.1. How did it work? \_\_\_\_\_

3.13. Did you recognise the attackers? ☐ yes ☐ no

3.13.1. Who attacked your village? \_\_\_\_\_

#### 4. Rationales, motives and aims

These are not the first clashes in the Tana Delta and not the first ones between these two communities. I have heard that there are rationales behind these most recent clashes.

4.1. What is the rationale for "your community" behind the fightings? \_\_\_\_\_

4.2. What are the motives/reasons of "your community" for these fightings? Please rank the answers (from ++ very important to - - not important at all).

natural resources	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
revenge	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
intimidation	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
displacement	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
hatred	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
pure violence	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
creation of an enemy	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
provocation	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
defence	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
large scale projects	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	
others	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --	specify_____
<input type="checkbox"/> no idea						

4.3. What are the aims of "your community" for the clashes? Please rank the answers (from ++ very important to - - not important at all).

unification of the own group	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
intimidation of the other group	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --

gain of political power	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
to show strength	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
stop the others of destroying livelihoods	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
displacing the others from the Tana Delta	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
burning of Ids of voter cards	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
others specify_____	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> no idea					

4.4. What do you think is the rationale for the other group? \_\_\_\_\_

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4.5. What do you think are the motives/reasons of the other group? Please rank the answers (from ++ very important to - - not important at all).

unification of the own group	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
intimidation of the other group	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
gain of political power	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
to show strength	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
stop the others of destroying livelihoods	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
displacing the others from the Tana Delta	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
burning of Ids of voter cards	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
others specify_____	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> no idea					

4.7. What was the trigger for the conflict (please include the reason and the location)?\_\_\_\_\_

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4.7.1. Which community started the clashes?

- ☐ Pokomo
- ☐ Orma
- ☐ no idea

☐ others specify\_\_\_\_\_

4.8. Who of the following groups was involved in the clashes and in which way? Some people are part of several groups. Please only tick the ones which you think are relevant for the current clashes. 1) organising/planning; 2) inciting; 3) financing; 4) physical fighting; 5) use of firearms; 6) use of crude weapons; 7) defence only; 8) cattle raiding 9) cattle killing 10) destroying farms 11) burning houses 12) abusing people 13) kidnapping people 14) arming 15) others (specify). Please also indicate if you know it from eye witness (W) or hearsay (H).

Group

4.8.1. Type of involvement

☐ politicians

\_\_\_\_\_

☐ elders

\_\_\_\_\_

☐ chiefs

\_\_\_\_\_

☐ other government officials

\_\_\_\_\_

☐ police

\_\_\_\_\_

☐ GSU

\_\_\_\_\_

☐ businessmen

\_\_\_\_\_

☐ investors

\_\_\_\_\_

☐ conservationists

\_\_\_\_\_

☐ NGOs specify\_\_\_\_\_

\_\_\_\_\_

☐ youth

\_\_\_\_\_

☐ well educated people

\_\_\_\_\_

☐ less educated people

\_\_\_\_\_

☐ poor people

\_\_\_\_\_

☐ wealthy people

\_\_\_\_\_

☐ people from the area

\_\_\_\_\_

☐ people from outside

\_\_\_\_\_

☐ people who have been affected by violations

\_\_\_\_\_

☐ relatives of victims

\_\_\_\_\_

☐ Lower Pokomo

\_\_\_\_\_

☐ Upper Pokomo

\_\_\_\_\_

☐ Orma

\_\_\_\_\_

☐ people of other ethnic groups specify\_\_\_\_\_

\_\_\_\_\_

☐ militias

\_\_\_\_\_

- ☐ Christians \_\_\_\_\_
- ☐ Muslims \_\_\_\_\_
- ☐ farmers \_\_\_\_\_
- ☐ local pastoralists \_\_\_\_\_
- ☐ foreign pastoralists \_\_\_\_\_
- ☐ people with mixed livelihoods \_\_\_\_\_
- ☐ no idea \_\_\_\_\_
- ☐ others specify \_\_\_\_\_

4.9. Please indicate in how far you agree with the following statements. Possibly note corrections

4.9.1. These conflicts were politically instigated from the beginning. From strongly agree (++) to strongly disagree(--)

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.2. These clashes were not planned but started because of normal resource conflicts between farmers and pastoralists.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.3. The clashes were not triggered by natural resources but by anger and hatred.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.4. The conflict was later used for political purposes.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.5. The conflict was connected to large scale projects in the area.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.6. The conflict was connected to a land survey.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.7. Leaders fuelled the conflict.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.8. Leaders supported and protected their communities.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.9. My community attacked the other group to stop their frequent violations.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.10. Control of natural resources is a crucial factor for the conflict.

- ☐++   ☐+   ☐±   ☐-   ☐--

4.9.11. The conflict is/was not about natural resources but the initiators wanted to make it look like.

☐++ ☐+ ☐± ☐- ☐--

4.9.11.1. if you agree, why?\_\_\_\_\_

4.9.12. Businessmen were hoping to benefit from the clashes.

☐++ ☐+ ☐± ☐- ☐--

4.9.12.1. if you agree, how?\_\_\_\_\_

## 5. Politics and the conflict

5.1. Which political effects did the conflict have?

- ☐ people cannot vote because they got displaced or lost their ID cards
- ☐ it brought up a stronger group coherence; as a result voters rather vote for aspirants of their community
- ☐ people fear to vote
- ☐ now it is more important to vote for an aspirant of the own community
- ☐ now it is more important to vote for a capable leader no matter from which community
- ☐ no idea
- ☐ others specify\_\_\_\_\_

5.2. How did the government try to mediate in the conflict and solve issues? Please indicate how effective the measures were?

	effectiveness				
<input type="checkbox"/> held peace meetings	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> high officials were present	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> sent GSU	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> curfew	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> disarmament	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> establishment of new police posts	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> arresting people	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> Tana Investigation Commission	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> aid	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --
<input type="checkbox"/> no idea					
<input type="checkbox"/> others specify_____	<input type="checkbox"/> ++	<input type="checkbox"/> +	<input type="checkbox"/> ±	<input type="checkbox"/> -	<input type="checkbox"/> --

5.3. What would you have liked to see from the government and politicians (additionally or instead)? \_\_\_\_\_

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5.4. Which politicians were present and engaged in the reconciliation or peace building process? \_\_\_\_\_

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5.5. How would you describe the (re-)action of politicians on/after the clashes? They

- |   |                             |                            |                            |                            |                             |
|---|-----------------------------|----------------------------|----------------------------|----------------------------|-----------------------------|
| 5.5.1. spread peace   | <input type="checkbox"/> ++ | <input type="checkbox"/> + | <input type="checkbox"/> ± | <input type="checkbox"/> - | <input type="checkbox"/> -- |
| 5.5.2. were present in the area without any impact          | <input type="checkbox"/> ++ | <input type="checkbox"/> + | <input type="checkbox"/> ± | <input type="checkbox"/> - | <input type="checkbox"/> -- |
| 5.5.3. organised aid  | <input type="checkbox"/> ++ | <input type="checkbox"/> + | <input type="checkbox"/> ± | <input type="checkbox"/> - | <input type="checkbox"/> -- |
| 5.5.4. insisted in/organised help from the state/government | <input type="checkbox"/> ++ | <input type="checkbox"/> + | <input type="checkbox"/> ± | <input type="checkbox"/> - | <input type="checkbox"/> -- |
| 5.5.5. campaign on peace meetings                           | <input type="checkbox"/> ++ | <input type="checkbox"/> + | <input type="checkbox"/> ± | <input type="checkbox"/> - | <input type="checkbox"/> -- |
| 5.5.6. incited/fuelled the conflict                         | <input type="checkbox"/> ++ | <input type="checkbox"/> + | <input type="checkbox"/> ± | <input type="checkbox"/> - | <input type="checkbox"/> -- |
| 5.5.7. talked only  | <input type="checkbox"/> ++ | <input type="checkbox"/> + | <input type="checkbox"/> ± | <input type="checkbox"/> - | <input type="checkbox"/> -- |
| 5.5.8. were impartial                                       | <input type="checkbox"/> ++ | <input type="checkbox"/> + | <input type="checkbox"/> ± | <input type="checkbox"/> - | <input type="checkbox"/> -- |

5.6. Did you hold/attend peace meetings? ☐ yes ☐ no

If "no", continue with question 5.7.

5.6.1. What was done on those peace meetings? \_\_\_\_\_

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5.6.2. Were politicians present? ☐ yes ☐ no ☐ I don't know

If "no" or "I don't know",  
continue with question

5.6.3. What was their position? ☐ organised it ☐ were invited

5.6.4. What did they do?

- ☐ only gave a speech
- ☐ campaigned
- ☐ came up with ideas how to solve problems
- ☐ mediated between the groups
- ☐ nothing

☐ others specify\_\_\_\_\_

5.7. Do you think the conflict would have happened in the same way if the elections were not around the corner? ☐ yes ☐ no ☐ I don't know

5.7.1. Why?\_\_\_\_\_

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5.8. Did the conflict change your picture of certain politicians? ☐ yes ☐ no

5.8.1. How, of which politician and why?\_\_\_\_\_

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5.9. Did you lose your ID in the clashes? ☐ yes ☐ no

5.9.1. Did you lose your voter card in the clashes? ☐ yes ☐ no

5.10. Will you vote? ☐ yes ☐ no ☐ I don't know yet

If "no", continue with question 5.11.

5.10.1. Do you already know for whom you want to vote? ☐ yes ☐ no

5.10.2. What do you base your decision on?

☐ political party

☐ ethnicity

☐ competence

☐ personal relations

☐ previous performance

☐ character of the aspirant

☐ others specify\_\_\_\_\_

5.10.3. Did you consider a different candidate before the clashes? ☐ yes ☐ no

5.10.4. Did the clashes "help" you to decide for somebody? ☐ yes ☐ no

5.10.4.1. How/why?\_\_\_\_\_

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5.11. Which changes do you mainly hope for (after the elections)?\_\_\_\_\_

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5.12. According to your opinion what would have to be done to solve the problems in the Tana Delta sustainably and to enhance peace?

☐ land allocation; if yes, for whom?\_\_\_\_\_

☐ inter-community activities i.e. sport activities

- ☐ hold more or regular peace meetings
- ☐ increase inter-ethnic schooling
- ☐ create more water points
- ☐ create more grazing corridors
- ☐ create more by-laws
- ☐ reduce corruption
- ☐ come up with alternative livelihood strategies
- ☐ reduce large scale projects
- ☐ increase large scale projects to create jobs
- ☐ more inter-marriage
- ☐ no idea
- ☐ others      specify\_\_\_\_\_

5.13. Would you say the conflict is/was political? ☐ yes   ☐ no   ☐ I don't know

5.13.1. Why? \_\_\_\_\_

5.13.2. What are characteristics of a political conflict? \_\_\_\_\_

5.14. Are you affiliated to a political party or a politician? ☐ yes      ☐ no

5.14.1. Which? \_\_\_\_\_

5.15. Other comments \_\_\_\_\_

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**6. Post-interview notes**

location of the interview\_\_\_\_\_

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interruptions      ☐ yes      ☐ no

By whom?\_\_\_\_\_

Attendees: \_\_\_\_\_

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Behaviour of respondent (willing to give answers, interested in research etc.)\_\_\_\_\_

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**Other comments**\_\_\_\_\_

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