

Case Study: Tana River Delta

The Tana River Delta, on the north coast of Kenya, is a vast patchwork of palm savanna, seasonally flooded grassland, forest fragments, acacia woodland, lakes, marine wetlands and the river itself. It supports farmers, livestock herders and fisherfolk from many communities, and remarkable numbers of wildlife, in particular water birds. Its future now lies in the balance – converted into huge agricultural projects (which have failed in the past) or zoned and managed for a sustainable future for people and wildlife.

BirdLife International has designated Tana River Delta an Important Bird Area mainly on account of the presence of large assemblages of water birds. A 1992-3 study recorded 22 different species of water birds that occurred in the Tana Delta in significant numbers – 1% or more of the biogeographic population. The vast numbers of migratory and resident waterbirds are particularly dependent on the seasonally flooded grasslands and Borassus Palm savannah that cover some 70,000 ha in the heart of the Tana River Delta. In October 2012 the Delta was declared Kenya's newest Ramsar site – a wetland of international importance.

Demand for large chunks of land for commercial activity started in the 1980s and 90s. However, it was not until 2007 that a real scramble for land hit the Tana River Delta with national and multinational corporations and national governments jostling to exploit the potential riches of the Delta. The corporations sought more than 300,000 ha of land in the Delta and outlying terraces.

Threats

The Kenya Vision 2030 is the development blue print for the country which was launched in 2008 to help the country to transform to a middle income and newly industrialized country by the year 2030. The vision is anchored on three pillars namely political, economic and social pillars. A number of Vision 2030 flagship projects will greatly impact on River Tana and Tana Delta including the Lamu Port - South Sudan - Ethiopia Transport Corridor (LAPSSET), Tana Delta Irrigation project (TDIP) and the High Grand Falls Dam.

When Nature Kenya started working in the Tana River Delta in 2007 the situation seemed chaotic. Although 14 government institutions are involved in the management of the Tana Delta and significant legislation and policy are in place at the national level to guide sectoral developments, e.g. water, agriculture and mineral resources policies, the development agenda in the Delta remained largely uncoordinated. With no coherent framework to guide strategic planning in the Delta, deadly conflicts over resources had already arisen between local agriculturalists, pastoralists and large-scale agricultural schemes. Moreover, government institutions, civil society and the private sector had little constructive dialogue about the future of the Delta. The situation was further exacerbated by a multitude of large-scale, potentially conflicting development proposals.

Interventions

Advocacy campaign

Nature Kenya mobilized other NGOs and the local communities and conducted a protracted advocacy campaign against potentially damaging proposed large scale agricultural projects. This was done through:

Building local and international support for the Tana Delta:

Nature Kenya joined forces with the East African Wild Life Society, A Rocha Kenya and the Kenya Wetlands Forum. Nature Kenya is the BirdLife International Partner in Kenya. Lacking experience in campaigns, Nature Kenya greatly benefited from crucial technical advice and financial support from the BirdLife fraternity notably the Global and Africa regional Secretariats and the Royal Society for the Protection of Birds – the BirdLife Partner in the United Kingdom.

For **community voices** to be at the center of the campaign, Nature Kenya conducted village level meetings to sensitize communities on the impacts of projects. Though more than 32,000 people in 25 villages would be displaced the communities were not aware of this.

Nature Kenya **submitted comments** to all the environmental impact reports produced for all the projects proposed in the Tana Delta.

Cost benefit study

In April 2008 Nature Kenya and the Royal Society for the Protection of Birds (RSPB) commissioned a cost-benefit analysis for one of the projects proposed in the Delta – a sugarcane plantation proposed by Mumias Sugar and the Tana and Athi Rivers Development Authority (TARDA). The study showed that the project documents underestimated the cost of the project, overestimated the profit, and ignored fees for water extraction, compensation for lost livelihoods, chemical pollution and loss of tourism earnings and wildlife. The study, done by Kenyatta University lecturers, showed that annual economic gains from current uses of the Delta by farmers, pastoralists and fisherfolk stood at Ksh. 3.7 billion (Nature Kenya, 2008b). The proposed sugar and biofuels project would only generate Ksh. 1.2 billion annually.

The cost-benefit analysis became the single most powerful campaign tool and was widely published by media in Kenya and leading global media including BBC, Reuters and The Economist.

Advocating for the designation of Tana Delta as a Ramsar site

In July 2008 Nature Kenya supported the Kenya Wildlife Service (KWS), the national Ramsar focal point, to hold a stakeholders' meeting to jump start the process to get the Tana Delta listed as a Ramsar site. A small team was nominated to fill the Ramsar information sheet and KWS prioritized Tana Delta among sites lined up for Ramsar listing. In addition, BirdLife International prioritized Tana Delta among globally threatened sites and kept the Ramsar Secretariat informed about developments in the Delta, including lobbying for resolutions during international environmental meetings. In October 2012 the Tana River Delta was designated as Kenya's newest Ramsar site.

Extensive publicity and media coverage

Nature Kenya led other conservationists in Kenya in conducting extensive media campaigns to create awareness about the matter to Kenyans. Globally, the Tana Delta issue was covered by leading media including BBC and *The Economist*, among others

Petitions and letters – Nature Kenya mobilized national and international organizations to send protest letters to the Kenya government. Several

online petitions were put up and signatures sent to the Kenya government. Notably, Climate Ark, an American lobby group, on its own initiative launched an online petition against the Tana Integrated Sugar Project through which hundreds of thousands of protest letters were sent to the Kenyan Government and diplomatic missions.

Taking advocacy to home countries of 'developers'

Taking advantage of the BirdLife partnership, campaigns could be taken to home countries of various developers. For instance, sustained negative media coverage in the United Kingdom may have been a driver of G4 Industries' decision to abandon their Tana Delta oil seed project in 2011. Nature Canada (BirdLife partner) created a lot of awareness on the Bedford Biofuels attempt to grow *Jatropha curcas* for biofuel in the Tana Delta, including a letter to the country's Minister of Foreign Affairs.

Litigation

On 11th July 2008, the Tana River Pastoralist Development Organization, Tana Delta Conservation Organization, East African Wild Life Society, Center for Environmental Legal Research and Education and George Wamukoya applied for and got stay orders against the Tana Integrated Sugar Project at the High Court in Malindi. This court case was later dismissed on a technicality on 18th June 2009.

On 9th August 2010 communities living in the Tana River Delta went to the High Court seeking to stop all the planned projects in the Delta. Nature Kenya and the East African Wild Life Society supported legal costs. Representing the communities were three farmers, three pastoralists, three fishermen and three conservationists. Respondents included: the Attorney General, National Environment Management Authority, Tana and Athi Rivers Development Authority (TARDA), Tana River County Council, the Commissioner of Lands, the Water Resources Management Authority and Mumias Sugar Company. Kituo cha Sheria – an NGO dealing in legal matters – was an interested party. The local communities were seeking the court to compel the respondents to develop, in consultation with all stakeholders, a comprehensive master plan for land use, development, livelihoods and ecological protection of the Delta.

On 4th February 2013 the High Court in Nairobi ruled largely in favour of the community petition. The High Court ruled that there was a need to have one agency to oversee the development of the Tana Delta.

Face to face meetings

Throughout the campaign numerous face to face meetings were held with investors, government officials, County council officials, local communities, and international governance structures such as Members of the European Parliament.

World Class success stories for Tana Delta

The Nature Kenya strategy was to use advocacy campaigns to open up space for local community rights and environmental conservation. Nature Kenya believes that the long term solution lies in the formulation of an agreed land use master plan in which local communities have rights to their ancestral land and biodiversity is recognized.

The growing human population and competition for diminishing natural resources, compounded by the effects of climate change, have necessitated a drastic change in the way we do things. For this reason in July 2011 Nature Kenya successfully lobbied the then Office of the Prime Minister to coordinate the preparation of a Land Use Plan for Tana River Delta. The Land Use Plan was produced through the Ministry of Lands working within an Inter-Ministerial Technical Committee composed of 18 ministries, international experts and subsequently, with the Governments of Tana River and Lamu Counties. In July 2015 the Tana River Delta land use plan was launched at national and county levels.

The Tana Delta Land Use plan won the first place award in the prestigious Royal Town Planning Institute's competition for the 2016 International Award for Planning Excellence.

The following has been achieved as a result of Nature Kenya advocacy work in Tana River Delta:

Collaborative planning halted land grabs: No major new threats have been recorded from agricultural interests targeting the Delta since 2011. This is a direct result of the campaign Nature Kenya and other conservation

groups conducted for the conservation of the Tana Delta for the benefit of local communities and biodiversity.

Enhanced governance and social accountability for sustainable living at community level: With funding from DFID (UKaid) and the Ecosystem Alliance, Nature Kenya facilitated 38 local community based organizations to form one umbrella group named the Tana Delta Conservation Network (TDCN). TDCN is a Site Support Group working with Nature Kenya to ensure sustainability in conservation and utilization of the natural resources within the Delta. The group has links with the Tana River County Government and sits in several decision making fora at the county level. The group was recently allotted 4 acres of land by the Tana River County Government for establishment of a honey processing center and resource center.

Improved natural resource management and livelihoods with more than 1,000 households directly benefiting and 35,000 ha of forest gazetted. With Nature Kenya support, by April 2014 farmers, fisherfolk and pastoralists had earned in excess of Ksh. 6.9 million from improved crop yields, milk production, fish farming and honey. More importantly, food security in one of the poorest regions in Kenya has improved. Beekeeping is growing rapidly with plans to build a honey bulking, processing and marketing center in the pipeline. The income generating activities are funded by UKaid and the Ecosystem Alliance.

In 2013 Kenya Forest Service (KFS) gazetted 35,000ha of forest in Tana River Delta. KFS then enlisted the assistance of Nature Kenya in establishing Community Forest Associations for the sustainable management of the gazetted forests.

Successful partnerships built: Over the years Nature Kenya has built wide international and local alliances for conservation of the Tana River Delta. This partnership includes local communities and their leaders, government agencies, non-government organizations, donor agencies, conservation agencies, researchers and international experts, among others.

A main lesson learnt from our work in Tana Delta, especially in the formulation of the Land Use Plan, is that you need to work at the national, county and community levels to achieve this kind of change. It is not possible to secure the long-term sustainable management of the Tana River Delta by only working at the community level. It requires, furthermore, an

established NGO that is well respected and taken seriously by both Government and communities.

To build these relationships, Nature Kenya has worked with communities in the Tana River Delta for almost a decade, and has successfully supported the communities to take the Government to court over land use in the Delta. Nature Kenya has also worked with the Kenyan Government for the past 15 years to implement projects across the country and is a regular member of the Kenyan government delegation to the Convention on Biological Diversity. Being non partisan and employing equal opportunity approaches is critical in a natural resource conflict zone like the Tana Delta. Inclusivity and consultation for all stakeholders is a critical requisite for success.

Even in volatile situations it is possible to get government and communities to achieve their objectives by providing a bridge that brings the two together. Nature Kenya provided a facilitator's role by negotiating with government and communities separately. The government agreed to do a land use plan for the Delta while communities agreed that the best vision for the Delta will be achieved through a land use plan. Nature Kenya then brought the two sides together and facilitated them to produce a land use plan. To achieve lasting impacts civil society organisations need to commit to work with a particular community for as long as it takes to find real solutions to real problems.

National level coordination for the conservation of major Kenya deltas catalyzed: The process for the preparation of a Land Use Plan for the Tana River Delta stimulated the formation of the Inter-Ministerial Technical Committee (IMTC) for the Sustainable Management of Kenya Deltas. The IMTC will prepare Integrated Multiple Land Use Plans for all major deltas in Kenya, starting with the Tana River Delta. Kenya has six major deltas: Tana, Yala, Nzoia, Omo, Nyando, and Malewa. In July 2011, the Office of the Prime Minister (OPM) established an Inter-Ministerial Technical Committee composed of 18 ministries to coordinate the sustainable management of Deltas in Kenya, starting with the Tana Delta. In this respect the Tana Delta Land Use Plan stimulated a paradigm shift in the management of the country's deltas. The IMTC has already carried out an assessment of Yala, Nzoia and Nyando River deltas.

Tana River Delta recognized as a Ramsar site and included in International Deltas Alliance: When Nature Kenya started working in the Tana Delta in 2007 the area had only one designation – as an Important Bird Area. The process of getting Tana Delta listed as a Ramsar site (a wetland of international importance) had stalled in the early '90s. In July 2008 Nature Kenya supported the Kenya Wildlife Service (KWS), the national Ramsar focal point, to hold a stakeholder's meeting to jump start the process to get Ramsar status for the Tana Delta. A small team was nominated to fill the Ramsar information sheet and KWS prioritized Tana Delta among sites lined up for Ramsar listing. Subsequently, other conservation groups continuously provided technical support. In October 2012 Tana River Delta was designated as Kenya's newest Ramsar site.

The awareness created through the Land Use Planning process for the Tana River Delta had an unexpected outcome when the Tana Delta was listed as no. 14 in the International Deltas Alliance comparative assessment of the vulnerability and resilience of 14 deltas across the globe. Delta Alliance is an international knowledge-driven network organization for deltas worldwide. It is a vehicle for increased cooperation between many parties involved in delta management. The Delta Alliance was initiated in 2010 by the Netherlands addressing the need for more international knowledge exchange for improving the resilience of deltas worldwide.