



The Round Table

The Commonwealth Journal of International Affairs

ISSN: 0035-8533 (Print) 1474-029X (Online) Journal homepage: <http://www.tandfonline.com/loi/ctr20>

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Kennedy Mkutu Agade

To cite this article: Kennedy Mkutu Agade (2014) 'Ungoverned Space' and the Oil Find in Turkana, Kenya, *The Round Table*, 103:5, 497-515, DOI: [10.1080/00358533.2014.966497](https://doi.org/10.1080/00358533.2014.966497)

To link to this article: <http://dx.doi.org/10.1080/00358533.2014.966497>



Published online: 21 Oct 2014.



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‘Ungoverned Space’ and the Oil Find in Turkana, Kenya

KENNEDY MKUTU AGADE

United States International University, Nairobi, Kenya

ABSTRACT *In developing countries, mineral wealth has usually failed to benefit most people at both national and local levels. Conflicts between locals and investors and/or governments over perceived lack of local opportunities and negative impacts such as environmental degradation are common. In 2012 a substantial reserve of oil was struck in Turkana, north-west Kenya, bringing hopes of boosting the national and local economy, and leading to grand-scale plans for infrastructure development across the region. However, conflicts over land rights, job opportunities and tenders have already begun to emerge, leading to the brief withdrawal of Tullow Oil staff from the site in 2013. Turkana has a number of existing security challenges, such as rampant cross-border and inter-ethnic livestock raids, a high prevalence of illegal small arms and low state penetration of security with an over-reliance on armed civilian volunteer forces (the Kenya Police Reserve). This work argues that in this ‘ungoverned’ context the risk for protracted social conflict focused around the oil, and furthermore for regional instability is high, such as has been seen elsewhere in the continent’s recent history.*

KEY WORDS: oil, conflict, Turkana, resource, security, small arms

Introduction

The British oil company Tullow plc announced the first discovery of oil in Kenya in March 2012. The company has since struck oil deposits in three of the four wells it has drilled, revealing vast reserves, valued at an estimated \$25 billion. Deposits of natural gas in the Lamu basin, other oil discoveries in Garissa/Isiolo, and niobium, coal and titanium in Kwale and Taita Taveta counties have, together with the oil find in Turkana, triggered optimism and increased investor and government interest in the lucrative but high-risk extraction business. Kenya’s find joins recent oil and gas discoveries in Ghana, Democratic Republic of Congo (DRC), Uganda, Mozambique, Tanzania, Puntland in Somalia, and Madagascar. In July 2013, the International Finance Corporation, the private investment arm of the World Bank, announced that it was investing \$60 million in a new UK-based company, Delonex Energy, as part of a \$600 equity line to be used for oil and gas exploration in the East African region (Omondi, 2013). The oil discovery has brought excitement to Kenyans, with the hope of better livelihoods as a result of revenue earned and employment. The state has positioned the sector to generate much needed revenue by overtly encouraging foreign direct investment. The

Correspondence Address: Kennedy Mkutu Agade, PO Box 14634, 00800, Nairobi, Kenya. Email: kmkutu@yahoo.com

emerging oil and gas sector together with a fast growing mining sector is anticipated to boost the Kenyan economy and help enable Kenya to realise its ambition to become a middle-income country by 2030 (Vision 2030).

However, as experience from other resource-rich countries such as Nigeria, Angola and DRC shows, mineral wealth may lead to a variety of impacts for countries, at national and local levels, which are to a greater extent negative. A recent World Bank report (World Bank, 2011) notes that mineral wealth does not translate into a reduction in poverty, with greater poverty reduction (16% as opposed to 7%) being achieved by countries without mineral wealth. Moreover, the oil industry has not been able to create jobs as it is highly mechanised. Environmental and social impacts are often negative, and much has been written about the 'the resource curse' hypothesis, which attempts to explain the economic, social and political problems flowing from resource discoveries. Further, resources may trigger great political instability and conflict. This phenomenon was brought to global attention by the film 'Blood Diamonds' in Liberia and is acknowledged in the World Development Report (World Bank, 2011) and others (Jean and Rufin, 1996; Collier and Hoeffler, 2002, 2004; Brainard and Chollet, 2007).

This work deals not chiefly with macroeconomic impacts but rather considers the potential for conflict stemming from resource wealth in the context of the opportunity afforded by the limited penetration of state security structures in Turkana County. It argues that the ingredients for protracted conflict are present in Turkana; specifically, grievances among the communities, and factors that might exacerbate tension or give opportunity for violent conflict. It considers the existing security situation and how this interacts with the latest tensions and challenges arising from the recent oil find.

The work pulls together research over a three-year period that dealt with themes of security provision by Kenya police reservists (KPRs), small arms control in peripheral areas and changes and challenges brought about by the growth of the oil sector in Turkana. Findings were based on observation and in-depth interviews with community, civil society and international organisations in Turkana, chiefs, local and national government and police officials, including Officers Commanding the Police Division (OCPDs) and Officers Commanding the Station (OCSs), as well as ongoing phone contact with the same. Much documentary and archival evidence was also used. The sensitive nature of security issues and geographical challenges led to difficulties in accessing information, overcome in part by repeated visits. In general, responses were very open and supportive, indicating a high level of concern surrounding the issues.

Background

Turkana is Kenya's second largest county, with an area of 77,000 square kilometres, situated in north-west Kenya, bordering Uganda, Southern Sudan and Ethiopia. It has an arid/semi-arid climate and fragile ecosystem best suited to pastoralism. Most of the population are pastoralist Turkana, who number around 900,000 (Government of Kenya, 2011) and are widely dispersed and mobile according to the seasonal availability of grazing grounds and water sources. There is also seasonal movement of various pastoral groups across local and international borders, including the Karimojong and Jie (from the west) Dodoth and Toposa (north-west) Merille and Nyangatom (north-east), Samburu (south-east) and Pokot (south-west). Some of the groups are closely related

and share a common language and culture, and various traditional and shifting patterns of friendship and rivalry exist.

Fishing is another important livelihood for communities near Lake Turkana. Tourism is a growth industry and Lake Turkana has surprisingly scenic beaches and wildlife such as the elephant, Nile crocodile, hippopotamus and snake species, as well as being home to Leakey's famous archeological excavations of early man. Wind farming and solar energy are other growth industries in the north and a recent find of a large reserve of water beneath Turkana which may be sufficient to supply the country is also set to trigger significant growth and change. However, these industries are at an early stage and in a recent government survey Turkana ranked the poorest county, with 94.3% of the people living in poverty (Omari, 2011). Both colonial and postcolonial governments have marginalised Turkana, and pastoralist issues are not adequately articulated in national strategy. As the first district administrator of the North Frontier district of Kenya (Laikipia, Samburu and West Pokot) advised,

There is only one way to treat these northern territories ... to give them whatever protection one can under the British Flag and otherwise to leave them to their own customs as far as possible, under their own chiefs. Anything else is uneconomical. (Quoted in Barber, 1968, pp. 415–416.)

From a security angle, providing for difficult and scarcely populated areas has generally been low on the national government and security entities' list of multiple competing priorities (Mkutu, 2008; Wepundi *et al.*, 2012; Mkutu and Wandera, 2013). Kenya's state police force has never fully penetrated rural parts of Kenya. From the time of the Imperial British East African Company's interest in the region and the building of the Kenya–Uganda railway private police forces were formed to protect companies that were later absorbed into the Kenya Police with the establishment of Kenya as a colony in 1920. Until the end of colonial rule in 1963, the Kenya Police (as they came to be called) had the main function of serving economic and political interests of the regime, rather than the citizens, protecting the property of European settlers and enforcing tax collection and labour laws (Clayton and Killingray, 1989; Deflem, 1994). A system of indirect rule was considered the most efficient way of governing rural areas, through chiefs and their tribal police. Customary law was retained, although with quite some reinterpretation by the British administration such that it did not in the end accurately represent African legal practices (Deflem, 1994). This customary system is in many parts of rural Kenya, and Turkana in particular, the main functioning judiciary and law enforcement and is heavily relied upon by locals.

There is high insecurity in much of Turkana and across its international borders resulting from intercommunal conflicts between different pastoralist ethnic groups over water, pasture and livestock resources, which claim many losses and lives. The gun is inextricably linked with survival and even livelihood and is held by an estimated one in three Turkana men.¹ There is a flourishing arms trade, with arms coming from Somalia, Ethiopia, Uganda and South Sudan, where recent civil wars have contributed to their proliferation (Mkutu, 2008; Wepundi *et al.*, 2012). The western border of Kenya is 933 kilometres with only three immigration posts and is typical of other borders in the region in that it was created for political and administrative convenience by the colonial

government with little consideration of the distribution of ethnic groups, such that single communities now reside on both sides of the international border, and frequently move in and out without controls. This raises issues of citizenship and makes crime management difficult.

These serve to intensify localised conflicts. Once acquired, guns play an important role in the conflict situation and contribute immensely to the high prevalence of banditry, deaths and injuries of people in the area.² Communities have historical grievances against the state and a weaker sense of national identity than is the case in more central parts of Kenya (Mkutu, 2008), and have strongly resisted the heavy-handed disarmament attempts by the government, which is the main approach to handling the insecurity. The civil society presence in Turkana is quite strong but mainly focused on humanitarian issues and drought. The discovery of oil is a new dimension in which few are experienced.

This work is highly relevant at a time when the process of devolution in Kenya as laid out in the new 2010 constitution of Kenya is in full swing. Forty-seven counties are now under the leadership of governors who hold a number of responsibilities including roles in development and planning for security. It is hoped that devolution of both power and resources will assist to rectify current inequalities and marginalisation of peripheral parts of Kenya. A challenge for many new governors will be the planning for security in volatile border areas such as Turkana.

Ungoverned Space

The work takes as its context the conflict-prone spaces of north-western Kenya that border the unstable states of South Sudan and Somalia. These and similar areas where state structures are thin on the ground are often referred to as ‘ungoverned spaces’, and equated (somewhat erroneously) with security threats (Raleigh and Dowd, 2013). The term deserves questioning for seeming to ignore indigenous forms of governance which may be valuable in bringing law and order. Raleigh and Dowd (2013) make the point that the notion of ‘ungoverned space’ makes assumptions that obscure actual practices of power and generalise about the occupants’ propensity for violence. The term is also criticised for its use in justifying certain policy approaches, particularly those used in the ‘War on Terror’ without acknowledging complexities of individual circumstances, noting that a space in itself is not the cause of a rebellion.

This work uses the term to refer to the reality of low state penetration of Kenya’s peripheries. In Turkana a functioning indigenous system of governance exists but it must be noted that it is indeed under increasing strain from modernisation and globalisation, including the small arms trade, and increasingly complex forms of cross-border crime and violence. It argues that the state’s role is important in mediating between the various interested parties in Turkana and protection of its people against new threats against their security. It notes that the ingredients for protracted social conflict such as exist in other resource-rich areas are present in the county and that ‘ungovernedness’ provides the opportunity for grievances and tensions to escalate into violence.

Resource Wealth and Insecurity

The growth of the ‘Asian tigers’ (Hong Kong, Singapore, Taiwan and South Korea) in the last four decades and the current growth of China and India have resulted in the

demand for raw materials, which is increasingly resulting in what Carmody (2011) has termed 'the new scramble for Africa'. The European Union Commissioner for Development noted that 'there is no denying that Africa has become a sought-after continent in a short space of time, thanks to its strategic importance' (Shah, 2010).

Ross (2004), after evaluating the available literature extensively, argues that countries with large oil industries are prone to protracted internal conflicts. He notes that oil disrupts economies owing to a cycle of 'booms and busts' that then leads to political instability. He also describes how, through corruption and crime, oil revenues may be used to fund insurgencies and, finally, how oil benefits encourage separatism, because they rarely reach locals, who instead bear the negative effects of the oil industry (Ross, 2008).

Economic underdevelopment is pre-existing in many resource-rich areas, and shows a correlation with conflict (Collier and Hoeffler, 2004). Perceived inequality led to conflict in Darfur, Sudan and the Niger Delta (Carmody, 2011) and, all the more relevant to this case, conflict may be caused by uneven development that does not deliver the hoped-for benefits to populations (Newman, 1991). Similarly, the 'grievance' theory that conflict is caused by failure of political, economic and social institutions to pay attention to the grievances and perceived needs of large numbers of the population (Azar, 1990) may be supported by observations in several resource-rich areas.

The Niger Delta conflict had, in addition to the above economic factors, a context of ethnic division and was protracted further by a burgeoning small arms trade, leading to the rapid militarisation of the region. In the Niger Delta, the World Bank notes that most of the country's oil wealth is siphoned off to 1% of the population, with rampant corruption in the government (World Bank, 2011). An Amnesty International (2009) report indicated that 70% of the Delta states population live in extreme poverty and noted the serious problems, economic, social and environmental, of the oil industry, such as regular oil spills that have destroyed local farming and fishing activities, the practice of gas flaring, loss of property, inflation, the breakdown of the regions' social fabric and company community tensions. Early in 2013, communities in Mtwara in Tanzania protested violently over a proposed pipeline to take gas to Dar es Salaam for processing and sale rather than the building of a plant in Mtwara. The protests resulted in bloodshed and large losses of property due to vandalism amounting to one million dollars.³

In such situations the government tends to protect the interests of the investor and brutally repress civilian protests (Baumuller *et al.*, 2011). MacKay (2012, p. 8) notes that resource base conflicts 'have a disastrous impact on development' and 'administrative capacity is reduced along with expenditures for productive and social sectors'. Fukuda-Parr (2010) concurs that civil war hampers development, reducing gross domestic product (GDP) and government revenues.

In Kenya, there are concerns that benefits from resources may not reach Kenyans due to international trade agreements that work in favour of developed nations and to Kenya's own weak regulatory structure, making it vulnerable to exploitation and corruption both from the angle of tendering and revenue distribution (Devarajan, 2011). Currently, Kenya is attempting to amend the Petroleum Exploration Production Act (1986) and has drafted the Geology, Minerals and Mining Bill (2012), which will give 5% of revenues to local communities, 20% to the county and 75% to central government; however, this has been faulted by some as falling short of constitutional requirements to benefit locals adequately and for failing to specify what should happen if

resources are found on community (shared) land, as is most of Turkana (Okoth, 2012). They will also force companies to surrender 25% of shares to the Kenyan government, and reintroduce capital gains tax (tax levied when property is sold at more than it was bought for) to ensure that Kenya benefits (Muchira, 2012). This is leading to disputes with companies who signed agreements some years ago and are concerned to recoup their own investments.

Existing Security Dynamics

Violent large-scale cattle raids by groups of armed warriors (mainly youths) are common in Turkana. One government security officer noted ‘In the south (of Turkana County where Tullow is located) we have two raids per week. They come in large numbers between 50–100 people’.⁴ During the author’s visit, 30 kilometres south of the oil installation in Lokichar, a large raid of approximately 700 cattle took place, with the deaths of nine Turkana and three Pokot herders. Local community members interviewed were critical of formal security providers for not being reachable. However, formal security personnel said that even where the security presence is high (such as where the General Service Unit, a paramilitary force stationed in Turkana to deal with cross-border incursions, is located), it does not prevent raids from taking place. This was attributed to lack of equipment and manpower and an expansive area to cover.⁵ A local councillor at the time noted that he took the authority in his own hands to mobilise community members to follow the raiders and recover the animals.⁶ In 2013, armed Pokot warriors, estimated at over 300, besieged Lorogon town (on the border of West Pokot and Turkana) in an attempt to remove the Turkana from the area. The official security response was said to be slow (Netya, 2013). Throughout the same month further violence, including raids and killings, took place between the two communities.⁷ Community members said ‘We are the security of Kenya on the borders. If we were not armed and responsive, Kenya could be in trouble’.⁸ Some locals believed that raids are sometimes deliberately ignored because formal security providers are profiting from the raids.⁹ Therefore, community members are largely responsible for their own security and safety.

Police stations are thin on the ground, with only eight in the entire county. In the newly created Loima district (created in 2009), despite a high level of raiding insecurity there is no police station yet and an area of 9,000 square kilometres has only 31 police officers; in South Turkana where oil has been discovered there are 45 officers.¹²

The Kenya Police Reserve (KPR) is an auxiliary force separate from the Kenya Police, made up of volunteers operating within their own localities and armed by the state to supplement the role of the police in the provision of security, where police presence is low.¹⁰ In Turkana they are the main visible state-sanctioned security. They guard pastoralist cattle *kraals* (enclosures) and move with cattle caravans to protect against raids by other pastoral groups. For many, KPRs provide an important first response to insecurity in remote marginalised communities where there is a heavy reliance on their local knowledge and ability to operate in harsh climates and over difficult terrain. They also play an important role in border security at great personal risk. KPRs joked that their title stands for ‘kufa pamoja na raia’, meaning ‘die together with the citizens’.¹¹ They are a voluntary force. In Loima, KPRs referred to themselves as ‘askari ya deni’, meaning ‘security on credit’.¹²

Many concerns exist, however, about the lack of control over KPRs and their arms (Wepundi *et al.*, 2012; Mkutu and Wandera, 2013). As security personnel they are entitled to possess firearms; however, these arms are supposed to be inspected, controlled and accounted for and there are several gaps in this process. The media reports almost daily problems of arms misuse by KPRs in banditry, hiring out of arms and livestock raiding (Campbell *et al.*, 2009; Gettleman, 2012). Not surprisingly, this is frequently related to livelihood needs and increases at the time when school fees are due. Moreover, again, for livelihood purposes, KPRs have in recent years been taking on new paid roles as private security guards and some have been redeployed to guard oil exploration and drilling sites. Exploration companies and their subcontractors have an agreement with the provincial administration for the provision of armed guards and escorts. Administrative police (AP), regular police and KPRs have been deployed in these roles to exploration sites, bases and as escorts for survey teams, for which they are paid.

This movement of KPRs into new roles is of concern because it is a departure from their envisaged functions of community safety and security (Mkutu and Wandera, 2013). An AP officer explained, 'Raiders spy on communities before attacking them and usually target communities that are vulnerable and will pose least capacity to protect themselves'.¹³ Furthermore, while deployment as guards to oil companies may be seen as a benefit for KPRs, this benefit is not sustained. KPRs have been implicated in an increase in robberies along main roads and it was claimed by a few interviewees that this happened soon after a group of KPRs were sent home after having served the oil firms for 30 days (following which time they are rotated with a new group from a different area). The deployment was also viewed by one respondent as a means of buying the KPRs so that they support the oil industry and are silent about potential or real problems.¹⁴ Oil companies are currently moving towards recruitment of private security guards rather than KPRs, for reasons which were not made clear. However, private security companies are by law unable to carry guns and may be vulnerable to attack by local armed community members.

KPRs are also vulnerable to recruitment by politicians for their personal protection, because they are located in constituencies and because they may be attracted by payment. The use of KPRs as private security for politicians has already been observed and fears have been raised that this could happen on a larger scale in the event of instability or resource-based conflict, that they are a ready 'private army' who could be galvanised in various directions (Mkutu and Wandera, 2013).

So far, there have not been any serious cases of armed violence that can be attributed with certainty to the discovery of oil in Turkana. Some studies have pointed to a link between the development of Turkana and an intensification of conflict between the Turkana and the Pokot. This conflict has revolved around reciprocal raiding of livestock and competition over grazing land and water. However, it also involves a long-term border dispute that intensified as a consequence of the construction of the Turkwell dam.¹⁵ One interviewee argued that the manner in which the Pokot have been targeting the Turkana in Turkana South district recently is an indication that their intentions are to displace the Turkana in order to gain control of the area rather than just to raid livestock and access pasture and water. However, most of the people interviewed during the field visit did not make this connection and no evidence supporting the claim was collected. More in-depth research would be required to establish whether and to what extent it is the case at this point in time.

A confrontation between local communities and investors in Kalkol arose related to an issue of unequal compensation between AP officers, regular police and KPRs. Although the provision of paid work has been appreciated, KPRs are reported to receive 500 KES (six US dollars) and police 1,000 KES (twelve US dollars) per day. KPRs who are normally unpaid, perceive this as unfair, because the police receive this benefit in addition to a regular salary (Mkutu and Wandera, 2013). This led to a three-day strike by KPRs in December 2012 in Kalkol (controlled by BGP, a Chinese subcontractor of Tullow). The issue was contained after the involvement of a councillor but may not have been resolved. Although no similar incident has taken place in connection with the exploration around Lokichar, similar concerns were raised by interviewees.¹⁶

Ensuring sufficient security to avoid interruption of oil production is moving up on the list of national security priorities, leading to the deployment of a security unit to protect oil exploration sites and companies, and transport networks serving these (Khalifa, 2013). Notably, the oil sites are in conflict-prone areas. The border areas of Turkana neighbouring Somalia and Ethiopia have been hit by frequent grenade and gun attacks since Kenya sent its army into southern Somalia in October 2011 in pursuit of Al-Shabaab, who had orchestrated the kidnapping of aid workers and tourists and a number of bomb attacks. The protection of oil as a strategic investment could lead to new confrontations between investors, state and community, and escalating violence between formal security providers and local armed groups.

Economic Opportunity

Initially, the news of the oil find was received with excitement among members of the local community, who felt that 'it is now our turn'.¹⁷ Some thought that the oil finds would lead to instant wealth. However, efforts have been made by various actors, including local government, civil society actors and Tullow's community liaison staff, to achieve a basic level of understanding among the community that 'the current stage is one of exploration and that the oil finds to date do not guarantee that there will be commercial quantities of oil'.¹⁸

So far the economic benefits from the oil exploration process relate to jobs, tenders and provision of equipment and services to the investors. Some casual labour and manual jobs have gone to community members;¹⁹ however, the oil industry is highly mechanised and does not promise many jobs in itself. On 26 October 2013, residents of the community, supported by local politicians, marched and demonstrated against Tullow operations, to demand for jobs, tenders and other benefits. The protest resulted in the halting of operations by Tullow. The company states that residents have been employed since 2011, over 80 million has been spent in Turkana for supplies and 30 postgraduate scholarships have been funded, with four going to residents to study upstream oil exploration. Details on this matter were contended by protestors, who also noted that jobs were only given to residents from the south and that many tenders have been given to outsiders, such as vehicle rental and provision of meat, which is bought from Nairobi but ironically, has frequently originated in Turkana.²⁰ Some believed that a few people want to control the investment through proxy companies, raising issues of close links between tenders and elite politicians. Further concerns were raised that Tullow has captured Turkana's elites when it comes to provision of jobs and tenders,²¹

and that some jobs have only been advertised on the internet, which the majority of the local community does not have access to.²² Although there may be valid alternative arguments for some of these matters, the community perceptions of inequality and their expectations are important here.

Some local actors object strongly to the very term 'community liaison officers' and demand that the word community should be removed and replaced by the company name to signal clearly that these people represent the interests of the company, not the community. Furthermore, district advisory committees that have been set up to coordinate dialogue between the company and local communities have been criticised for not being properly representative of the local communities and for relying too heavily on prominent individuals within the communities who are able to act as gatekeepers. Thus, formal mechanisms for expression of grievances are inadequate, making other potentially violent forms of expression more likely in future.

It is important to recognise that procurement generates jobs both directly and indirectly. It builds linkages and strengthens local economic sectors, promoting sustainable development. However without local supply linkages, extractive industries create enclave economies, which become a source of resentment and potential worsening relations between local communities with non-local civil servants, workers and business people and exploration companies. Several people noted that prices of commodities, land and rent have increased in Lokichar over the last two years. It was claimed that a hotel room has increased in price from 300 KES two years ago to 800 KES today,²³ and that the price of a 50 × 100 metre plot was 50,000 KES (around \$625) in 1997 whereas now it is five times the price at around 300,000 KES (\$3,750).²⁴ Such changes are characteristic of the uneven development, which may also lead to increasing discontent among locals.

Land Conflict

Land grievances may lead to conflict, as Kenya's recent past demonstrates (in the post-election violence of 2007–8). Certain events may act as triggers, intensifying competition, such as displacement by government alienation of land, and sometimes what is ostensibly a conflict over land may have a different cause altogether. Conflict entrepreneurs may introduce the emotive issue of land into contentious contexts to arouse people to violence. Neither land use nor the actors who use it are static. Land use evolves in response to changes in technology, markets and climate, and actors adjust to accommodate these changes. In this constantly shifting context, old tensions between different actors around the control and use of land may be exacerbated and new ones may emerge. Unless managed effectively, such tensions can easily result in violent conflict.

Turkana is largely communal land where land adjudication has not been carried out, and where there are no title deeds. The Community Land Bill (in parliament at the time of writing) states that community land would be under the trusteeship of community members and any transfer of ownership of the land shall be done through the representatives of the community. However, one concern is that no proper definition of the community representatives is provided. The concept of land ownership in Kenya still is rudimentary and requires reform. A civil society leader reported that before the oil was discovered there were only 25 title deeds in the entire county.²⁵ This number has now

increased to 51. It has not been possible to determine how the additional title deeds have been issued. The process is not transparent or consultative, as stipulated in the constitution, and links between elites may bypass it. With regard to mining and oil, according to the constitution, subsurface resources belong to the state, which holds this in trust for the Kenyan people at large. However, different interpretations of what rights the constitution grants the local and national governments makes the issue very contentious and, if not handled carefully, a potential cause of serious conflict between local and central actors.

The oil blocks allocated so far are listed in Table 1. What is impossible to tell as yet is how much of the allocated land will be accessible to pastoralists, the perception among the communities being that almost all Turkana's 77,000 square kilometres of land will be used in a 'scramble for Turkana' (reminiscent of the 1884–85 Berlin conference when Africa was divided as a 'cake' between the major powers) and the communities denied their rights.

In Lokichar, where Ngamia 1, Twiga 1 and Eklas are located, the area is known as an 'ere' (a wet season grazing land). The disruption of pastoralist grazing patterns could lead to overgrazing of other areas and strain pastoralist livelihoods, with various negative consequences. In May 2013 a large *baraza* (meeting) was held in Lokichar. The county commissioner was called in to settle a conflict between the governor, who supported an investor, and the member of parliament (MP), who supported the community. Before the 2013 elections the previous council allocated, some noted, six square kilometres of land²⁶ to an investor in the south for him to build a 600-bed hotel and an airstrip. However, the local MP noted that this area was part of another wet season grazing ground for pastoralists. Following the allocation the community burned and destroyed the investor's property worth six million Kenya shillings (approximately \$70,000 USD), including huge tents and fencing poles. The community said that they had not been consulted before the leasing of the land, nor did they feel able to honour a deal that had been done without proper consultation. They alleged that bribery may have been involved.²⁷ The investor claimed to have paid 4.5 million (in cash) to the county council and 0.8 million for the survey.²⁸ He has since moved to the east of the county and, interestingly, has employed some of those who ambushed and destroyed his camp, as security.²⁹

Displacement of community members to make way for drilling has already taken place and will increase as multiple test wells are planned to be drilled in the process of identifying the size of the oil reserve in the basin. A case of a prominent *kraal* leader known as Emanman was mentioned by a well-placed local interviewee. He has eight wives, many children and a large herd of animals, and claimed that he was forcibly moved from Twiga 1 to Elkas (Ostrich). He complained that he has received no com-

Table 1. Oil prospecting blocks allocated to investors in Turkana

Block	Sq. km
10BA	16,204.55
10BB	12,674.90
11A	10,913.87
11B	14,714.79
13T	8,429.33
Total:	62,937.44

pensation and because drilling is scheduled to take place in Elkas in the near future he will most probably have to move again. Local administrators expressed concern that as an *emuron* (diviner) he is an important local opinion leader with the power to influence the wider community.³⁰ There is a potential danger of forced displacement without adequate and timely compensation. However, compensation raises complicated legal questions of who should be compensated given that most of Turkana is communal land, owned by the trustees on behalf of the community.

Into the land issue comes the matter of environmental impacts. Environmental impact assessments (EIAs), where available, are largely inaccessible to most community members. The right of indigenous people to prior consultation and consent is enshrined in international law in ILO 169 and the UN Declaration of the Rights of Indigenous Peoples.³¹ However, EIAs are difficult to access on the internet and connectivity is very low in most places. The EIA reports for blocks 10BB and 13T are extensive but the information in them is not easy to access or comprehend (e.g. neither the executive summary nor the conclusion includes assessment findings). No popular versions of the EIA reports have been provided. Moreover, the low literacy rate among the population of Turkana (6%)³² makes access to information difficult. At present, the community is very concerned about the destruction of community vegetation and cultural sites such as graves and shrines by Tullow trucks and large-scale equipment, and the noise, dust and pollution of the machinery that has displaced them.³³ There are also concerns raised by community members about waste disposal and the toxic chemicals used in the extraction process and whether or not they are disposed of safely. Vehicles have knocked cattle and a young boy was hit and killed, but the community complains that there has been no compensation for these events.³⁴

Government Coordination and Political Division

The local council, Turkana County Council (TCC), has, up until March 2013, been the custodian of Turkana communal land, entrusted to utilise and control this resource on behalf of the community. This function has since been transferred to the new devolved government. Prior to this change, a concern that was repeated in various meetings was that the TCC was not formally engaged by the exploration companies and their subcontractors' investors, or by central government (the Ministry of Energy), and is being bypassed in decisions. 'TCC has not been involved as they should have been, in the entry of Tullow and sub-contractors.'³⁵ TCC noted that they had raised the issue at various times, including in a meeting with the Minister of Energy in which Tullow was also present, but with no effect.³⁶ At the local level the TCC has been challenged by the independent actions of some TCC councillors who have engaged directly and informally with Tullow and the subcontractors. Information about these encounters has not necessarily been shared with the TCC and no records have been kept of them, raising concerns that positions can be misused. This demonstrates the ease with which correct procedure can be overridden and raises concerns about local representation.

Various political divisions are evident in Turkana, some arising since devolution. The MP for Turkana South openly told the governor not to step in his constituency. Although traditionally Turkana has been unified, communities of different districts have become divided over the recent discoveries of oil, with south and north claiming the resources belong to them.³⁷

Livelihood

The term 'ungoverned' assumes a certain value placed on state functions in a given territory, which are absent, to the detriment of the nation or the given area. This work considers that an important function of statehood is to manage justly varying and conflicting interests within a given territory. In the above findings there is early evidence of inadequate representation of indigenous communities in Turkana, continuing a long-standing trend of political, economic and social marginalisation.

Pastoralists are among the most politically marginalised people in the Horn of Africa and east Africa in terms of power imbalances, long-standing governance failures, non-responsive and unaccountable institutions and the lack of political will and interests to include pastoralists in the national policy debate. Civil society has lacked capacity to adequately support and lobby for pastoralist issues in modern public administration institutions and governance (Oxfam, 2008). Those few political elites who arise from among pastoralist communities may also become alienated from pastoral seeing, as noted by McGahey and Davies (2007, p. 18), and may fail to represent pastoralists needs. From colonial times up to now, the pastoralist livelihood system has been curtailed and strained by the national economic strategies, recurrent civil conflicts, forced displacement and small arms proliferation. Geographical remoteness and a system that relies on mobility and thus on open spaces, makes it more difficult to provide for the pastoralist population. The lands are mainly viewed as 'marginal ... with little economic potential' (Oxfam, 2008, p. 14). Given their sparse population, their vote is viewed as a 'minority vote', hence of little interest in electoral campaigns (Hesse and Odhiambo, 2006). However, the oil find brings an opportunity to remedy this marginalisation, which is desirable and necessary for security, as this work argues. As Azar (1990) pointed out in his analysis of protracted social conflict (PSC), most states that experience PSC have governments that fail to satisfy basic human needs.

Basic livelihood needs are an important trigger for raiding conflict in its traditional and new forms, and road banditry. In the security sector, livelihood needs have also emerged as important drivers in the misuse of arms by KPRs. However, the oil industry is unlikely directly to provide a large number of jobs and it is difficult to see how Turkana people will benefit in the short term from the oil and related industries, given that tenders have been granted to outsiders who are likely to be seen as more reliable or providing a higher standard. Currently, it seems that Turkana may also be further displaced from their land, limiting even their current options and leading to unemployment of pastoralist young men. A harsh climate and low literacy levels severely curtail Turkana people's opportunities and even if current developments lead to an increase in schools, a generation will pass before the benefit of this is felt. In similar circumstances, rising crime is well documented.

Perceptions and expectations are important. Turkana is likely to undergo rapid but uneven development in the coming years as the oil industry expands. Even if it is argued that the Turkana benefit from economic growth, modernisation, increased literacy and opportunities for political mobilisation, demands are likely to increase and trigger tension unless perceived benefits are adequate. Huntington (1968) notes that economic growth generates increasing demands for political participation by opening new opportunities for physical, social and economic mobility and Newman (1991) adds that social, economic and political modernisation can account for the rise of ethnic conflict.

Botswana is a well-known economic success story, having turned its economy around with the help of diamond wealth into economic growth of 14% GDP through careful management of revenues to avoid volatility of the economy. Acemoglu *et al.* (2001) also note that at independence Botswana's government was composed of powerful rural players and chiefs, which contributed to economic stability. Rural representation is clearly an important part of stability in the context of resource wealth. Moreover, Botswana reinvested greatly in the public sector as soon as the economy allowed (although it must be noted that at the local level there is discontent among Botswana's San Bushmen over evictions from mining areas). Norway's oil find in the 1960s led to a decision by politicians to agree on a common stand that natural resources belong to the state, namely, to the people. Moreover, sound economic policies such as the creation of a sovereign fund for oil revenues avoided overheating of the economy ('the Dutch disease' in the Netherlands), maintaining economic stability. The fund is filled up every year by return of investment abroad and tax income from the petroleum industry.³⁸ In Kenya a sound regulatory framework is being attempted to ensure that ownership of natural resources is vested in the people, to use the oil wealth to create a qualitatively better society.

Metamorphosis of Violence

Turkana has already demonstrated the metamorphosis of cattle raiding into a large-scale lethal activity through the widespread use of arms. Commercialised forms of raiding (for profit) and banditry have emerged also, owing to the easy availability of arms. Thus, the gun has become entwined with livelihood needs. As new challenges emerge it is not difficult to imagine that the same guns could be used against the oil industry. It is relevant here to mention the LAPSET corridor (oil pipeline) from South Sudan to Lamu, and from Lake Alberta in Uganda also to Lamu. This will cover vast distances and will be difficult to protect from crime and tapping of the oil if this is perceived as worthwhile by community members.

The work examines in detail the KPRs, who number around 1,600, and who are the main formal providers of security. Existing problems of poor state control of their activities and reports of arms misuse are well recognised. Like other community members, the gun is a livelihood strategy for KPRs, whose role has metamorphosed into paid private security roles using the state-provided arms (Mkutu and Wandera, 2013). The work raises the concern that KPRs might easily be galvanised into political conflict, which could be catalysed by an expansion in the oil industry. At the same time, the movement of KPRs into urban areas or guarding oil installations leaves communities more vulnerable, which could polarise tensions over inequality further.

Baker (2009, p. 12) notes that in rural areas of sub-Saharan Africa where the reach of the state is limited many communities fall back on their own mechanisms for protection and safety. Abrahams (1998) discusses how they may be linked in varying degrees to the state or regime and loyalties may shift according to circumstances. An example of where local defence forces have metamorphosed and gained control over territory in resource-rich areas may be found in the DRC, where the Mayi Mayi began as a community defence force but now some factions control large tracts of land and resources and warlords have emerged to profit from the conflict (Vlassenroot and van Acker, 2001; Jourdan, 2011). KPRs currently have only a weak link to the state and a stronger allegiance to their communities, which could lead to their involvement in local conflict.

Politics

Since independence from the colonial regime in 1963, Kenya has been a highly centralised state; 2013 marked a new era as the country enacted the provisions of the 2010 constitution, devolving power to 47 counties, each under a governor and County Assembly. Devolution should allow citizens more opportunity to participate in any decision that they feel will affect them (chapter 11 article 171), and protect and promote the interests of minorities and marginalised peoples. The deputy governor of Turkana gave the view that devolution is the best thing that has happened to Kenya, but also noted some areas of concern. The first of these concerns is capacity. Existing managerial or technical expertise, especially in long-marginalised and impoverished parts of the country such as Turkana, is likely to fall short of what is required for effective local governance structures, and the national government could take over. The deputy governor noted that Turkana feel that they are being set up to fail.³⁹ Second, it has been noted that the corruption and intercommunal rivalries that decentralisation is meant to address could ultimately undermine the process, resulting in the exclusion of minority groups from county-level decision-making and resource allocation, which could exacerbate tensions between communities (Mkutu and Marani, 2014). Third, devolution empowers local communities, especially as it relates to land, and if the government ignores Turkana, the potential for conflict is high.⁴⁰

Turkana has a long history of poor relations with the Kenyan state, from its inception under colonial rule, to the creation of arbitrary borders and the attempt to control and restrict movements by pastoral groups. Turkana gained access to arms in the early 20th century, and its people strongly resisted British control and attempts to disarm them. To this day, Turkana do not strongly identify themselves with the Kenyan state. If the government appears to favour only the interests of the investor, and takes the ground from under the feet of the Turkana, this could plausibly lead to strong resistance against the state, and potentially to the uniting of various ethnic pastoralist groups against the common enemy. A similar situation exists in Mombasa at present. The Mombasa Republican Council (MRC) was formed in 1999 to address social, political and economic marginalisation of the Coast region. Specific concerns were around land tenure, social exclusion and unemployment. A secessionist agenda developed in 2008 under the slogan 'Pwani Si Kenya' (the Coast is not Kenya) (Kantei, 2012) and the movement was declared an illegal organisation in 2010, although this has recently been lifted (*The East African*, 2012). To date, the MRC has been responsible for several violent attacks and has been linked to the violent deaths of nine security officers on the eve of the March 2013 election. In 2012, they threatened to bar the national exams from taking place at the Coast, claiming that they had been marginalised by the government, leading to miserable living conditions (Musyoka, 2013).

Wider Concerns

As noted, 'ungoverned space' is a phrase often used in connection with the discourse on terrorism and the opportunity for organisation and mobilisation of terrorism in areas where the state's hold is weak. Concerns about terrorism in Turkana have emerged in connection with Kakuma refugee camp, the second largest in Kenya, which hosts approximately 126,000 refugees, of whom just under half are from Somalia. Concerns have been raised since the armed attack on a Nairobi shopping mall by Al-Shabaab in

September 2013 in which around 65 people were killed, by militants, some of whom were associated with Kakuma.⁴¹ Interviews with Turkana people raised concerns that the oil may make the area an attractive target for terrorists.⁴² Occasional tensions have also arisen between refugees and locals. Management of the camp by either the county or the national government is currently being debated. The discovery of water at Lotikipi, which can easily be piped to Kakuma, may lead to enlargement of the camp and makes these issues more relevant.⁴³

Developments in Turkana may be seen in the context of the broader development agenda in Kenya and the region. There are plans for construction of an oil pipeline from southern Sudan to Lamu and for opening up the northern region, with a new port under construction in Lamu and a highway into Ethiopia. Rapid development is likely to take place. Similar issues have also been raised in Wajir County, where residents have blocked oil exploration by Africa Oil, Kenya, in the area over alleged exclusion in jobs, tenders and hire of vehicles, and accused the company and government of collusion to sideline them (Ongeri, 2013).

On a regional level, there have been several discoveries of oil and gas, which could trigger territorial disputes (Mutambo *et al.*, 2012). A recent subject of dispute has been the leasing of eight offshore blocks (amounting to around 116,000 square kilometres—the size of Malawi) to oil exploration companies. Seven of these have been disputed by a Somalia lobby group as belonging to Somalia. Media reports note that South Sudan has reported Kenya to the African Union, seeking to validate its claim to the Ilemi Triangle in Kenya's Turkana County. North-west of Lake Turkana, mainly occupied by the pastoralist Turkana. Uganda is currently in dispute with Tanzania, South Sudan and DRC over territory, while Tanzania is facing off with Malawi over oil and gas exploration in Lake Nyasa/Malawi (Mutambo *et al.*, 2012). There is a disagreement between Tanzania and Zanzibar over whether oil and gas should be a Union issue (Reisman *et al.*, 2012). Into the melting pot have come new donors, such as the BRICS (Brazil, Russia, India, China and South Africa), whose economies are growing fast and whose demands for oil are increasing. Thus, security dynamics are ever more important.

Conclusion

This paper has highlighted the risk of protracted social conflict in Turkana, triggered by inequalities and uneven development arising from the oil find and afforded by the existing low state penetration of the county, lack of control over the state security forces that do exist, high levels of intercommunal conflict and a high number of arms in civilian hands. The government is attempting to create a sound legal basis for the nation to benefit from oil; however, at the local level, where this work is focused, there is evidence of tension with communities over real and perceived lack of benefit, infringement of land rights, adverse environmental impacts and lack of access to information. At the regional level there is evidence of similar tension in the wake of resource finds, raising concerns about spillover effects across international borders. As oil revenues begin to trickle in, in the coming years the opportunity may be present, through prudent management of resources, to correct past economic, political and social marginalisation, as well as marginalisation of security provision. It would seem that with the finding of

abundant water, Turkana is truly blessed and could even diversify its economy. The space has been made for transformation through devolution and conflict should not be seen as inevitable.

Acknowledgements

The author would like to thank Open Society Institute in East Africa, Small Arms Survey and Danish Demining Group for assistance with the research, the University of Kyoto for assisting the author to attend the 56th African Studies Association (ASA) Conference in Baltimore, Maryland, where this paper was first presented and Professor Peter Little of Emory University for his comments during the ASA conference.

Notes

1. Interviews, see Mkutu (2008).
2. Interview, Benson, Deputy OCPD, Turkana Central, Lodwar, 2012; interview, Alex Muyaka Mburu, acting DO 1, Turkana South, Lokichar, 17 March 2012; see Mkutu (2008).
3. Paper presented at 'Africa Wide Convening on Governance of Oil and the Extractive Sector: Experiences and Lessons for Kenya', 30 January–2 February 2013, Naivasha, Kenya, organised by International Law Education Group and Open Society Institute East Africa; see also <http://www.thecitizen.co.tz/News/-/1840392/1860180/-/ewg3dez/-/index.html>; <http://www.thecitizen.co.tz/News/Why-Mtwara-violence-is-beyond-gas-pipeline/-/1840392/1861170/-/ctbqen/-/index.html>
4. Interview with security officer, Turkana, 16 March 2012.
5. Interviews, security, Central, South, February 2013.
6. Interview, local councillor, Lodwar, January 2013.
7. Phone correspondence with MP for Loima, 13 December 2013.
8. Interview, local community members, names withheld, Turkana, February 2013.
9. Ibid.
10. KPRs operate under the Police Act, Cap 84, Laws of Kenya (1988–1970). Under this law they are civilian volunteers employed to assist in the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws and regulations.
11. Focus group discussion with KPRs in Lodwar, Turkana Central, 18 March 2012.
12. Focus group discussion with KPRs in Loringippi, Loima, 29 August 2012.
13. Interview, administration police officer, Loima, 30 November 2013.
14. Interview, civil society personnel, Lodwar, 26 May 2013.
15. Interviews, Lokichar, November 2012.
16. Interviews, community members, Daraja, Kalkol, 8 February 2013; interviews, Lokichar, 9 February 2013.
17. Interviews, staff at Catholic Justice and Peace Centre, Lodwar, 8 February 2013.
18. Interviews, Atanyo, councillor, Loima, 7 February 2013.
19. Interviews, various local leaders, provincial administration and civil society organizations (CSOs), 8 and 9 February 2013.
20. Phone interview, local leader, Lokichar, 5 November 2013.
21. Interview, an environmental researcher, Elyse, 31 October 2013. This was also noted by a senior politician who noted that some of them would like to avoid the elite capture by Tullow. Interview, local leader, United States International University, Nairobi, October 2013.
22. Interviews, CSO, a chief, and community members interviewed, Turkana, 2012–13.
23. Interview, Kanyaman, a herder, Lodwar, 30 October 2013.
24. Interview, local administrator, Lokichar, 9 February 2013.
25. Interview, civil society leader working on land conflict in Turkana, Lodwar, 30 October 2013.

26. Sources interviewed noted 500 hectares or acres; with confusion among the various sources over which unit was being used. Six square kilometres is in fact 600 hectares or 1,482 acres, so the former unit is most likely. This, however, illustrates the general confusion surrounding these issues, which can heighten tensions.
27. Interview, Director for Agency for Pastoral Development, Lodwar, 26 May 2013.
28. Interviews, several people and organisations including Oxfam, provincial administration, civil society, 28 May 2013.
29. Phone correspondence with CSO programme officer, 30 October 2013.
30. Interviews, provincial administration, civil society, local leaders, Lokichar, 9 February 2013.
31. The right to free, prior and informed consultation and consent for all local communities is also encapsulated in the UN 'Protect, Respect, and Remedy' framework for human rights.
32. Interview, TCC members, names withheld, Lodwar, 8 February 2013.
33. Phone conversation with Speaker for Turkana County Assembly, 15 November 2013.
34. Interviews, several local leaders, Lodwar, 30 September 2013.
35. Interview, TCC, Lodwar, November 2012.
36. Interviews, TCC, councillors and local leaders, Turkana Central, and South, 7 and 8 February 2013.
37. Interviews, various communities, CSO, May 2013.
38. Discussion with the former Norwegian Ambassador to Kenya, July 2013.
39. Opening speech by the deputy governor for Turkana, conference to share the findings of research on conflict and the extractive industries, organized by Danish Demining Group, St. Theresa's Conference Hall, Lodwar, Turkana, 17 March 2013.
40. Ibid.
41. Interview, member of County Assembly, Turkana, 31 November 2013.
42. Ibid.; others echoed this view.
43. Interview, this was noted with the deputy governor and some members of the County Assembly, Lodwar, 31 November 2013. It was also noted that some Somalia individuals were arrested in the oil-prospecting area.

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