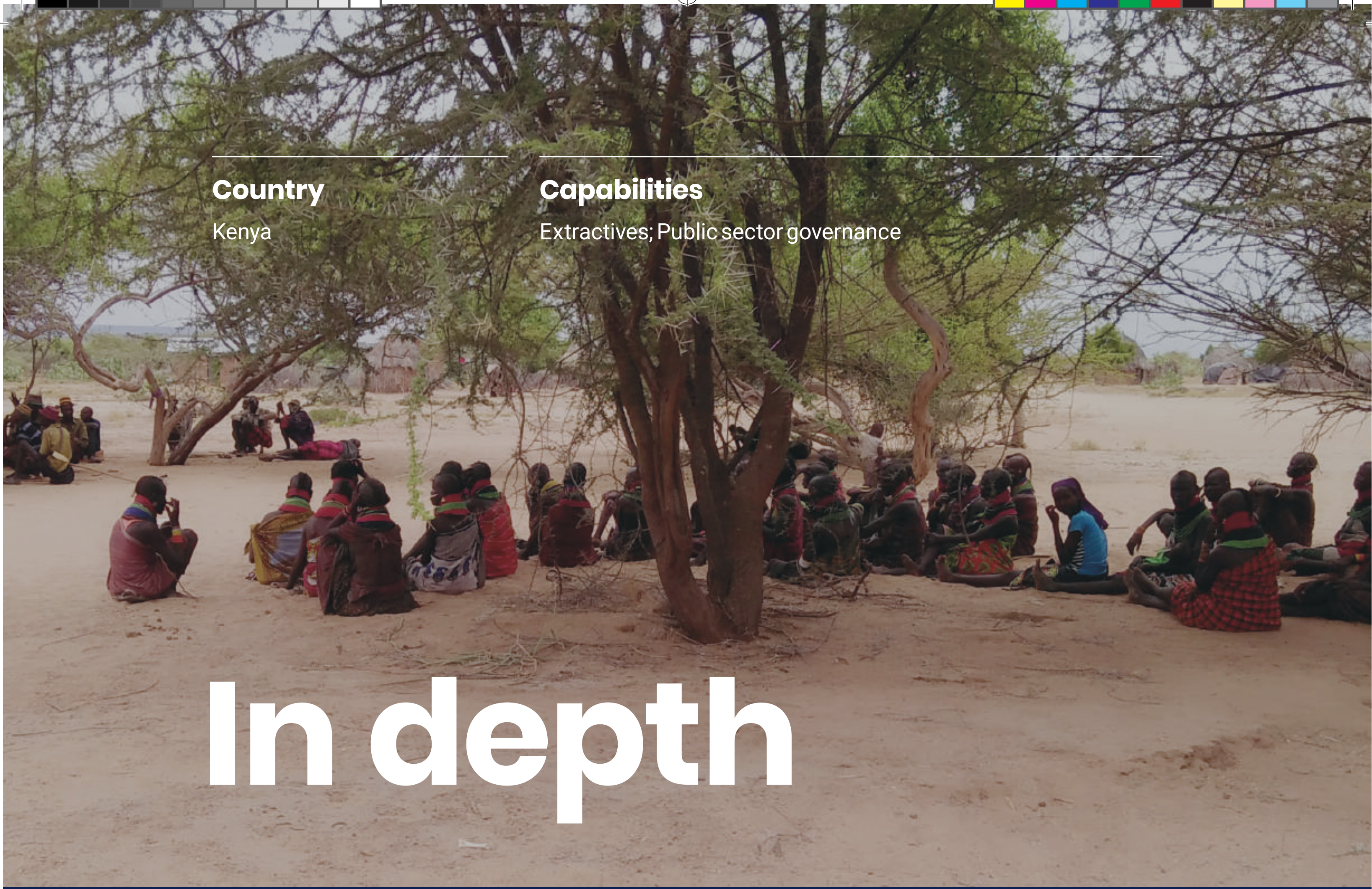

Country

Kenya

Capabilities

Extractives; Public sector governance

In depth

Time for a new narrative on Turkana: Reflections from K-EXPRO's time supporting local initiatives

The prevailing implicit assumption made about oil and Turkana is that Turkana County still retains many more characteristics prevalent in 'fragile situations' than it has lost, and that tensions between oil companies and the local community will heighten local conflicts. The view is often expressed that incipient violent conflicts in Turkana are broadly the fault of oil investors.

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Our *In depth* publications aim to share detailed learning and analysis from our practical experiences working with governments, funders, practitioners, and partners to achieve lasting, positive change through policy reform.

This assumption of a community vs investor dichotomy is a foundational premise on which much development programming in Turkana is predicated. It needs to be challenged to allow a more constructive national development framework to emerge. The discussion is radically altered when the narrative is shifted away from a hackneyed, easy blaming of an external investor for unfulfilled local expectations to one that places responsibility for meeting local needs and expectations, especially around security, firmly on government.

This briefing note has been stimulated by the implementation of the Kenya Extractives Programme (K-EXPRO) between 2016 and 2018, where we supported local businesses and communities in Turkana to be better prepared for challenges and opportunities in the extractive sector.[1]

Implications of the underlying assumptions

Erroneously placing communities and oil companies at the heart of the discourse on development in Turkana, and presenting Turkana as being on the verge of an 'oil-curse' induced collapse into violence, is not only simplistic and misleading but deeply damaging. It has five important implications for the development discourse in Turkana that need to be challenged:

1. The design of development initiatives is often driven by approaches that focus on these two parties as the principal protagonists, and on support to manage their supposedly fraught and conflictual relationship as the main way to advance development in Turkana. Critically, such assumptions gloss over the need to deal with deeper and more difficult issues of oversight by, and accountability to, governance structures, and to focus on the multiple and complex range of drivers of conflict in Turkana.

2. Donors can inadvertently reaffirm the intermediary roles of many grassroots organisations in Turkana, providing them with validation and a financial incentive to insert themselves into this relationship. Reinforcing the binary focus on communities vs oil

1 www.opml.co.uk/projects/kenya-extractives-programme

investors, by supporting projects promoting grievance mechanisms, peace-building efforts, and/or rights-based approaches to social and economic development from oil, risks continuing a misplaced narrative of oil-induced conflict.

3. This portrait of a fragile, conflict-affected situation may be favourable to investors who use perceived risks to justify to national government their claims for proportionate rewards. It could help to reaffirm the idea that they, as licence holders, already invested in the area, are the best means to unlock the nation's oil wealth in the face of 'unreasonable local demands' from 'obstructive communities'. The hope may be that more challenging fiscal or licence issues, such as the progress of work programmes or other obligations, are postponed for another day.

4. National and county governments, by directing communities' hostility toward investors, are less accountable for the decisions they have taken to accommodate investors (for example, community land and revenues). Also, they can openly encourage a divisive national discourse that presents the community as being in conflict with the investor, positioning the 'selfish few' as depriving the many of their rightful benefits.

5. Most crucially, and commonly seen elsewhere, framing the discussion in this divisive way can obscure the agency of national and county government and absolve them from delivering on their social compact to citizens of delivering a range of statutory functions required of a developmental state. There are genuine risks of a de facto transfer of local socio-development functions to the investor, which further heightens the power differential between them and local communities – recalling the Nigerian line 'The Only Government We See'[2]. It is a dangerous trap for the state to fall into, as investors are strengthened in their ability to withdraw basic services, such as water, when trying to address local restiveness.

2 www.shiftproject.org/resources/publications/corporate-community-dialogue-documentary-series/

Critiquing this picture of Turkana

The reality, of course, is much more complicated than the simplistic community vs investor discourse suggest. We have developed a simple summary stakeholder analysis of the context identifying several parties and myriad points of conflict (see Table 1 below).

Table 1: Key stakeholders and points of divergence in Turkana

Principal stakeholders

Business	Government	Communities and civil society
1. International oil companies, national oil companies, and other international businesses. 2. Kenyan 'Big Business' (owned by political/business elites). 3. National SMEs with competitive advantage within Kenya. 4. Turkana SMEs with limited experience but local commercial experience. 5. Embryonic Turkana SMEs supported by oil firms and/or donors.	1. National government ministries, departments, and agencies (MDAs), some based in Nairobi and others at a county level. 2. County government.	1. Traditional structures and authorities. 2. Faith-based organisations, especially the Catholic Church, community-based organisations, and single-issue civil society organisations, some with support from external donors. 3. International non-governmental organisations.

Points of divergence within and between the stakeholder groups

Business

Business development policy on 'local content'

1. Building regional competitiveness (i.e. in East and Sub-Saharan Africa) vs national protectionism ('infant industry argument').
2. Beneficiaries of protectionism: 'Down-Kenya' businesses vs Turkana SMEs (the 'local-local').
3. Preferential treatment of SMEs/youth/women-owned SMEs vs open competition.
4. International businesses vs Kenyan 'Big Business'.

Government

Revenue sharing and revenue management

1. Revenue sharing between national government, county government, and 'community'.
2. Different perceptions of the 'time value of money'.
3. Revenue management within the county: county government management of revenues vs decentralisation of funds to communities.
4. Revenue management at a national level: Kenya Sovereign Wealth Fund vs county-level wealth fund (to counter national assumption that county governments cannot manage oil revenues).
5. Revenue sharing within the impacted community.

Intra-government conflict

6. Inter-government/MDA conflict over mandates and functional overlaps.

Communities and civil society

Political and economic

1. Right to socioeconomic development services (education, health, security, infrastructure, etc.) as decreed by the Constitution and set out in national development vision, compared to provision in other regions/counties of Kenya.
2. Electoral boundaries.
3. Overlapping and contradictory systems of customary and statutory land laws.
4. Revenue benefits to impacted communities and relationship with those excluded.

Socio-cultural

5. Pastoralists vs modern industrial-agrarian development.
6. Accelerated development of women and marginalised groups vs conservative values of traditional society.

Environmental

7. Conflict within the pastoralist community over diminishing grazing land and water, exacerbated by climate change.

Three deeper layers of contestation stand out from this stakeholder analysis, which go some way toward explaining the underlying reasons for conflict, although these issues are not unique to Turkana:

1. **The failure of the state–citizen compact and the demand for basic rights.** There is a historical sense of marginalisation felt by the Turkana over the failure of national and sub-national government agencies to provide equitable development through basic services, especially security. This has been accentuated by the recent national government interest in Turkana, undoubtedly caused by oil. This residual sense of injustice has the potential to spiral into violence when provoked by visible, perceived unfairness, such as the provision of security for oil well pads and crude oil being trucked to Mombasa under the 'Early Oil Pilot Scheme'.

2. **Capture of economic opportunities in Turkana by the political and business elite.** Awareness of this issue has been heightened by the visible capture of business opportunities associated with oil and devolution. This fuels the perception that any benefits from oil will not reach communities, and has begun to enter the narratives of community-based organisations. This is because community members have become aware of the fact that they have sometimes been used as pawns in negotiations with oil investors. As a consequence of this pressure, Tullow Oil recently made public a list of their major contractors.

3. **Competition within pastoralist societies and between traditional pastoralist versus modern agrarian and industrial society.** Both these areas of conflict are being aggravated by a range of issues, such as socioeconomic change and the desire for the benefits of being more settled (e.g. schools and hospitals), climate change that impacts access to grazing land and water, proliferation of small arms, electoral boundaries, elections, new road infrastructure, and ethnicity.

The roots of many of the conflicts between pastoralists, such as the Turkana and Pokot[3] for example, lie in these conditions, exacerbated by porous boundaries and proximity to some of the most unstable and violent countries in Africa: South Sudan, southern Ethiopia, north-eastern Uganda, and western Somalia. As history has shown, the conflict between traditional pastoralists and a modernising economy has only one winner in the long run; and almost without exception, pastoral communities the world over have slowly lost ground, water, and access to other resources to more voracious parts of the economy (including oil and commercial agriculture), adding yet another layer of volatility to this complex and fraught context.

3 www.culturalsurvival.org/publications/cultural-survival-quarterly/cow-life-pokot-turkana-conflict

An alternative framing: Turkana as a frontier county

Our alternative, more nuanced and more positive, conceptualisation of the role of oil in Turkana places Turkana's current developmental marginalisation as, fundamentally, a phase in national development. A common thread running through all the 'marginalised' counties is that they are essentially 'frontier' territory, where the economic and human-development benefits of national development have not yet been reached, for a range of historical, cultural, and political reasons. They are also places where the deficits of postcolonial democratic governance and the promise of coherent and equitable national development most urgently need to be addressed. Conflict in Turkana, when it occurs or threatens to occur, is often sparked by local political interference around a single issue, often a service or access issue, but crucially it is not framed within an overarching ideological or, moreover, separatist narrative (a common concern within 'oil-curse' countries).

The intent of this note is not to diminish the tragedy of these violent conflicts, which claim the lives of dozens of people every year, but to look for the consistent and deeper themes that recur in grievances voiced by the local community to government, at both national and county levels. Fundamentally, they seem to speak to communities' 'desire to belong', but at the same time are a call for recognition of their marginalisation. The main two themes are: (1) the failure of the state to provide adequate security to the local population; and (2) a demand for an increased share of development benefits for the local community.


CLEAN WATER
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Implications for future programming

Locating Turkana in this more nuanced and positive 'frontier paradigm' opens up development thinking beyond the humanitarian-aid narrative of 'managing conflict' and, crucially, has three implications for development programming in the region:

- First, it explicitly recognises, and reinforces the fact, that the responsibility for the good governance of the county lies in the hands of national and county governments. This thereby places primary accountability for all direct and indirect socioeconomic development and delivery of services on government, rather than any third party, be that an oil investor or any other major investor. In this context, the state is responsible for mediating, managing, and overseeing the impact on development of external investors.
- Second, the coherent, equitable development of local communities, drawing on the opportunities presented by a major investor needs to be integrated into the strategic and operational plans of the county. (The vision of the Turkana County Government 'Policy Framework for Extractives Industries in Turkana County' makes this apparent, as does the vision of the Frontier Counties Development Council.[4]) Most importantly, shifting the discourse in that direction obviates the need for shorter-term 'conflict resolution' interventions.

4 https://turkana.go.ke/wp-content/uploads/2018/09/attachment.pdf

- The corollary of the points above is that the pivotal nodal points of governance in Kenya's maturing governance structures need to be strengthened (especially those at the county level and those pertaining to the transparent regulation of extractives), if the benefits from oil are to support the consolidation of a developmental state. If these issues are left unaddressed, communities will remain vulnerable to local political manipulation, as the wide range of existing drivers of conflict are left as incipient threats and reminders of the ease with which more violent times could return.

This reframing of the conceptual framework in which oil and Turkana are discussed explicitly recognises the centrality of local ownership and effective governance to ensuring socioeconomic development, in line with the stated aspirations of Turkana County, neighbouring frontier counties, and of national government.

Indeed, the experience of K-EXPRO has been that after 12 months of witnessing stakeholders from industry, communities, and county government working collaboratively, many stakeholders understand the benefits of the approach and lend their support to alternative mechanisms. They have effectively challenged old conceptual frameworks and ways of working by allowing oil investors to move to one side and put government more at the heart of development.

In particular, this is evident for the partners who delivered the two areas of convergence K-EXPRO focused on in Turkana: the first focused on increasing community understanding and engagement on extractives, a project delivered by the Catholic development agency Trocaire[5]; and the second on preparing small and medium enterprises in Turkana: Lundin Foundation's Turkana Catalyst Initiative[6] and Invest in Africa's Credit Guarantee Scheme[7].

The question remains, however, as to whether the dedicated people working on issues of oil in Turkana in civil society, industry, and government, and moreover aid donors, have also moved on in their thinking or are still struggling to escape from the influences of a misplaced concept of community vs industry?

5 https://youtu.be/JH-pCD1KvJE

6 www.youtube.com/watch?v=7bceRZzZ2WM

7 www.youtube.com/watch?v=DEK8S4AAGQY

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