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# **Conservancies, conflict and dispossession: exploring the impact of oil exploration on pastoralists in Turkana, Kenya**

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## ***Abstract***

*Previously marginal areas in Kenya are increasingly the focus of resource extraction and mega-projects. Such projects are framed as necessary for Kenya to sustain economic growth and become a modern industrial economy. Yet there are significant concerns that such projects are unjustly displacing local populations (particularly pastoralists); are being facilitated through alliances by local elites with foreign investors; and will potentially drive increased insecurity and conflict. This paper presents empirical work on the dynamics and interactions of decentralization of local government, oil exploration and pastoralist livelihoods in Turkana, Kenya, and highlights how current processes may exacerbate the inequality and marginalization of pastoralist populations, with the potential for increasingly violent consequences.*

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## ***Introduction***

Many countries in Africa are experiencing a boom in resource extraction and infrastructure development. Resource extraction both creates a direct demand for new infrastructure to enable the extraction to occur, but then also drives economic growth that creates further investment in infrastructure. This is often characterized as part of Africa's new rise. Yet some argue that this rising may just be a continuation of past resource dependency, and increased inequality.<sup>3</sup>

Previously marginal areas, once seen as a drain on the state, are now becoming sites of rapid development. It can be argued that the reasons for this are threefold: firstly, that security in marginal and borderlands areas such as Northern Kenya requires addressing; secondly that these areas need more overt and planned inclusion in achieving national visions of middle income status; and thirdly that such areas offer untapped resources required to maintain economic growth and nation building.<sup>4</sup>

This revived high-modernist state building project requires the construction of new infrastructure and technology to enable transformation and this can include mining activities, oil and gas extraction, construction of pipeline, road, energy generation infrastructure, internet cables, railways, ports and airports, dams and irrigation infrastructure amongst other things. The scale of such project often makes them *mega-projects*.

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3 Ian Taylor, 'Dependency redux: Why Africa is not rising', *Review of African Political Economy*, 43,147 (2016), pp. 8-25.

4 Jason Mosley & Elizabeth Watson, 'Frontier transformations: development visions, spaces and processes in Northern Kenya and Southern Ethiopia'. *Journal of Eastern African Studies*, 10,3(2016), pp452-475

These are “...are projects which transform landscapes rapidly, intentionally and profoundly in very visible ways”.<sup>5</sup>

In this paper, we argue that such projects not only transform landscapes, but also transform social relations, livelihoods and institutions in profound ways. For some, mega projects are the necessary infrastructural components of development and the modern state. They are part of the project of state modernization, one that also seeks to eliminate the backwards practices of ‘traditional’ livelihoods. The loss of such livelihoods is often framed as a sacrifice for the greater good, or even offering benefits to those affected. There are always winners and losers from such projects from this process of ‘creative destruction’.<sup>6</sup>

Such transformation projects are not driven by states alone, and foreign capital is entwined with the interests of local, national and international elites.<sup>7</sup> Without specific and intentional consideration formal consultation, compensation and resettlement plans that accompany mega-projects rarely hear the more hidden discourses of the local and more marginalized populations.<sup>8</sup>

The new green economy impetus can also drive dispossession. The infrastructure of the low-carbon economy, such as solar energy mega-projects, can also dispossess vulnerable communities.<sup>9</sup>

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<sup>5</sup>Gellert, Paul K., and Barbara D. Lynch. ‘Mega-projects as displacements’, *International Social Science Journal* 55, 175 (2003): pp.15-25.

<sup>6</sup> Jon Abbink ‘Dam controversies: contested governance and developmental discourse on the Ethiopian Omo River dam’. *Social Anthropology*, 20, 2(2012), pp125-144; Frank Vanclay, ‘Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development?’, *Impact Assessment and Project Appraisal* 35, 1 (2017) pp.3-21.

<sup>7</sup> James Ferguson, ‘Seeing like an oil company: space, security, and global capital in neoliberal Africa’. *American Anthropologist*, 107, 3(2005), pp. 377-382.; Annelies Zoomers, ‘Globalisation and the foreignisation of space: seven processes driving the current global land grab’, *The Journal of Peasant Studies*, 37, 2(2010), pp.429-447.

<sup>8</sup> Vanclay, Project-induced displacement and resettlement

<sup>9</sup>Komali Yenneti, Rosie Day, and Oleg Golubchikov. ‘Spatial justice and the land politics of renewables: Dispossessing vulnerable communities through solar energy mega-projects’, *Geoforum* 76 (2016) pp. 90-99..

Again, without specific attention to processes of possession and dispossession, infrastructure development can have violent consequences for those least positioned to benefit from it.<sup>10</sup>

The paper begins with outlining how we see the concept of dispossession by accumulation as having relevance to the case of Turkana, we then draw on in-depth and long-term fieldwork to analyse the dynamics and consequences of increasing national development investment, decentralization processes, oil exploration and other energy projects on the pastoralist populations of Turkana. We then use this material to outline a range of potential security consequences that could result from the current trajectories of change.<sup>11</sup>

### ***Dispossession through elite accumulation- the case of Turkana***

The concept of accumulation by dispossession<sup>12</sup> refers to the idea that control over and accumulation of capital by elites, takes place through the dispossession of those who are more easily dispossessed of their capital than others. This process has received considerable attention from a range of authors.<sup>13</sup>

We find it instructive to view land dispossession in Turkana through the lens of accumulation by dispossession, given the relative powerlessness of the Turkana pastoralists to prevent their

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<sup>10</sup> Dennis Rodgers, and Bruce O'Neill. 'Infrastructural violence: Introduction to the special issue,' *Ethnography* 13, 4 (2012), pp. 401-412.

<sup>11</sup> This work is the result of several years of research in Turkana, Kenya from 2012 to 2017. Methods include observation, in-depth interviews, focused group discussions and ongoing phone communication with administrators, civil society, and members of the Turkana pastoral communities.

<sup>12</sup> David Harvey, *The New Imperialism*. (Oxford: Oxford University Press, 2003)

<sup>13</sup> Specific examples from literature on dispossession through elite capture of land titling processes include: Cheryl Doss, Gale Summerfield, and Dzodzi Tsikata. (2014) 'Land, gender, and food security', *Feminist Economics* 20, 1 (2014) pp.1-23; Dzodzi Tsikata and Joseph Yaro, 'When a good business model is not enough: Land transactions and gendered livelihood prospects in rural Ghana. *Feminist economics*, 20, 1(2014), pp. 202-226.

dispossession, and their marginalization from the economic and political life of the country and further, given that Kenya itself remains subject to both neo-colonialist forces and new forms of imperialism.<sup>14</sup> Woddis noted in 1967 that neo-colonialism represents “an alliance between external imperialism and sections of the local bourgeoisie and petty bourgeoisie.”<sup>15</sup> This work observes these insider and outsider dynamics. Leys foresaw neo-colonialism as reproducing and extending under-development, giving rise to new forms of class struggle.<sup>16</sup> Indeed the dynamics of resources, capital and class compound themselves unless deliberate attempts are made to address structural inequality. In a situation where resource wealth is present in the context of weak institutions, ‘rentier state’ type arrangements may result, whereby resource rents negate the need for taxes and hence accountability.<sup>17</sup>

Land and class are closely related issues as Leys<sup>18</sup> and Kitching<sup>19</sup> point out and powerlessness often manifests in land dispossession. Smith<sup>20</sup> writing on indigenous peoples, argues that for them, the colonial strategies that threaten indigenous ways of life, lands, resources and knowledge have not ended. An early example of this was the appropriation in the early 20<sup>th</sup> century of vast tracts of land to white colonial settlers which deprived once wealthy and powerful Maasai pastoralists as

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<sup>14</sup> Harvey, *The New imperialism*

<sup>15</sup> Jack Woddis, *An introduction to Neo-colonialism*, (International Publishers, New York, 1967)

<sup>16</sup> Colin Leys, ‘The crisis in ‘development theory’, *New Political Economy* 1,1 (1996),pp. 41-48.

<sup>17</sup> Celeste Hicks, *Africa’s New Oil*, (Zed Books: London, 2015)

<sup>18</sup> Leys, *The crisis in ‘development theory’*.

<sup>19</sup> Gavin Kitching, *Development and underdevelopment in historical perspective*. (London. Methuen, 1982)

<sup>20</sup> Linda Tuhiwai Smith, (1999). *Decolonizing methodologies: Research and indigenous peoples*. (London, Zed Books, 1999)

well as other ethnic groups of their communally-owned land.<sup>21</sup> With the expiry of 99 year leases, this issue is coming back to haunt Kenya as this paper will illustrate. Again, after independence in Kenya there was further massive acquisition of public lands by elites as referred to in the Ndung'u Report 2004.<sup>22</sup> Pastoralists have continued to find themselves curtailed by the establishment of conservation areas and other developments,<sup>23</sup> and have had little recourse to prevent this due to their political and economic marginalization.

Borras et al observe that rural people in Africa are now in danger of being displaced in face of profitable deals brought to governments by foreign investors.<sup>24</sup> Writing on the large appropriation of land to foreign investors for agriculture and biofuels, De Schutter<sup>25</sup> and Li<sup>26</sup> argue that the benefactors of the mega-projects are investors and the elites, rather than those who depend upon the land. Deininger (for The World Bank) observed the challenges posed by the new wave of farmland investment” pointed to the “weak” recognition by states of customary land rights, poor or absent consultation and compensation, “low capacity to process and manage large-scale ... and

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<sup>21</sup> Pauline Peters, ‘Conflicts over land and threats to customary tenure in Africa today’, *CID Working Paper*, No. 247, (Centre for International Development, Harvard University, 2012)

<sup>22</sup> World Bank Group, ‘Beyond Resilience’ *Kenya Economic Update* Edition No. 14. (WB, Washington DC 2016)

<sup>23</sup> John Markakis, *Ethiopia: The last two frontiers* (Oxford. James Currey 2011); Galaty, J.G. (2013) “Land Grabbing in the Eastern African Rangelands,” In Andrew Catley, Jeremy Lind and Ian Scoones (eds), *Pastoralism and Development in Africa: Dynamic Change at the Margins*, pp. 143–153. Abingdon/ New York, Routledge.

<sup>24</sup> Saturnino Borras and Jennifer Franco (2010) ‘Contemporary discourses and contestations around pro-poor land policies and land governance,’ *Journal of Agrarian Change* 10, 1 (2010), pp. 1-32

<sup>25</sup> Oliver De Schutter (2011) ‘How not to think about land-grabbing: three critiques of large-scale investments in farming’ *Journal of Peasant Studies* 38, 2 (2011), pp.249-279.

<sup>26</sup> Tania Li, ‘Centering labour in the land grab debate’, *Journal of Peasant Studies*, 38, 2 (2011), pp. 281–298

risky ... land investments”, and concluded that “land acquisition often deprived local people ... of their rights without providing appropriate compensation”.<sup>27</sup>

Moreover, Peters <sup>28</sup> noted the internal and external forces at work, stating that land grabbing, particularly of communally owned land is “foreign driven but national state-facilitated” and that “customary rights...are being set aside by representatives of African states in the name of “development and public interest” usually to the benefit of elites. She points to large-scale acquisitions in a number of countries (Sudan, Ethiopia, Kenya, Tanzania Mozambique, Ghana, Mali and Madagascar) for energy, agriculture and biofuels, as well as increasing concessions for mining and timber. It is somewhat reminiscent of the phenomenon of the slave trade, driven by external hegemonic forces but facilitated by insiders willing to capture and sell their neighbours.

For pastoralists such as those in Turkana, who subsist upon land in a fragile but conversely resilient system of land management, their wealth is their livestock, rather than the land, but their very existence depends upon mobility across large expanses of land, and restriction of mobility can be crippling. Furthermore, pastoralists own political, economic and social marginalization makes it difficult for them to protect their interests and engage with legal and political processes, nor can they easily take up alternative livelihood strategies to benefit from the new developments due to lack of skills and education. This paper considers the early dynamics of oil exploration and other mega-project investments in Turkana and the confluence of various factors which are threatening the livelihoods of indigenous peoples.

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<sup>27</sup> Klaus Deininger, ‘Challenges posed by the new wave of farmland investment’, *Journal of Peasant Studies*, 38, 2 (2011), pp. 217–247

<sup>28</sup> Pauline Peters, Conflicts over land and threats to customary tenure in Africa today



### ***Oil exploration and the coming mega-projects in Turkana***

In October 2013 in Turkana County in northwest Kenya, an oil company suspended all its operations for 3 weeks in the county following demonstrations by the local pastoralist community led by a local political leader. The protestors who invaded the workers' camp and destroyed and looted property, cited the inadequate employment opportunities offered by the company.<sup>29</sup>

In the neighboring county of Marsabit, the Lake Turkana Wind Power project has leased 150,000 acres to accommodate 365 wind turbines. The US\$700 million project is viewed as an opportunity to spur development in a region that has experienced marginalization since colonial days. However, some local indigenous peoples are questioning the process by which the vast area of communally owned land was acquired. Residents from Laisamis Constituency and Karare Ward have filed a lawsuit for illegal land acquisition, not only against Lake Turkana Wind Power project, but also the county government, National Government and National Land Commission citing the lack of open consultation preceding the leasing of the land.<sup>30</sup>

Rural areas of Uganda, Kenya, Tanzania and Mozambique, have from a decade ago become the sites of new oil and gas discoveries along with other major investment projects and large agricultural developments such as the damming of the Omo River for irrigation in southern Ethiopia,<sup>31</sup> which is threatening livelihoods of Dassenech pastoralists in Ethiopia amongst others and is likely to threaten the existence of Lake Turkana and the livelihoods of those in Turkana and Marsabit Counties who depend upon it. Notably the Kenyan government has been quiet on this

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<sup>29</sup> Kennedy Mkutu and Gerald Wandera (2016) 'Conflict, security and the extractive industries in Turkana, Kenya' USIU-Africa/KSG, Nairobi

<sup>30</sup> Louise Voller, Anders Brønd Christensen, Geoffrey Kamadi, Han, van de Wiel, and Ole Kaunga, 'A people in the way of progress' (Danwatch: Copenhagen, <https://www.danwatch.dk/en/undersogelse/a-people-in-the-way-of-progress/> Accessed 21 June 2017)

<sup>31</sup> See Leaked map reveals Ethiopia's mass evictions plan See <http://www.survivalinternational.org/news/8174>. Accessed 7 January, 2017.

matter. In Ethiopia again, the federal government has identified 3.7 million hectares with potential for large-scale investment. A significant proportion of this land is in dryland areas along rivers such as the Awash River, which risks cutting off pastoralists from their main permanent water source and dry season grazing areas.<sup>32</sup>

In Kenya, existing and potential oil reserves are largely across the northern and eastern parts of the country and the coast. The rapid development in these areas has led to widespread concern about the impact upon local people and their environment, particularly given their pre-existing economic and political marginalization. Furthermore, these projects have implications for security, because: there may be pre-existing conflicts and security governance challenges; there is a high potential for new grievances over land acquisition and other matter; and because investment raises the stakes for control of the areas.

Pastoral rangelands account for around 82% of Kenya's land mass, mainly in the north of the county. Such areas are arid or semi-arid lands (ASALs) and are sparsely populated and include Turkana County in northwest Kenya, where inhabitants (75%) are pastoralist herders of livestock. There are severe cyclical droughts, but conversely, flash floods can make roads impassable.

However, the advent of the extractive industry has catapulted the northern counties to prominence, with plans for service industries and other developments, an oil pipeline, and road and rail links. British registered company Tullow PLC, in partnership with Canadian based Africa Oil Corporation was the first company to explore and discover oil in Turkana. This partnership's main

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<sup>32</sup> Hijaba Ykhanbai, Rishu Garg, Aman Singh, Stephen Moiko, Cherie Enawgaw Beyene, Dilys Roe, Fred Nelson, Tom Blomley, and Fiona Flintan, 'Conservation and 'Land Grabbing' in Rangelands: Part of the Problem or Part of the Solution?' (International Land Coalition, Rome 2014).; Fiona Flintan, 'Plotting Progress. Integrated drylands planning in Kenya, Ethiopia and Uganda. Making Rangelands Secure', Issue Paper No. 4. (Rome, International Land Coalition 2014).

interest is in the south of the county. It is looking to move into the oil production phase in 2017 and there are an estimated 600 million barrels of oil. 50% of shares from South Lokichar have now been sold to the Danish company Maersk Oil<sup>33</sup>. The other significant activity is in the north-west where Compañía Española de Petróleos (CEPSA), a Spanish company, entered in 2014 and is currently in the exploratory phase. The Lamu Port South Sudan Ethiopia Transit (LAPSSET) corridor remains Kenya's long-term plan to move oil to the coast (despite Uganda's announcement in 2016 that it would route its own oil through Tanzania). The corridor, which is only in the early stages, would traverse nine northern counties of Kenya with an oil pipeline, road and railway. The pipeline is projected to be operational in 2021. While the project is framed as a way to bring much needed development to marginal regions, it is also raising concerns about participation and disclosure of information,<sup>34</sup> displacement, compensation, environmental impacts, livelihoods, socio-cultural change, insecurity and terrorism.<sup>35</sup> Several protests have occurred, while speculative land acquisition has been common in LAPSSET areas.

The Kenyan political context is an important aspect of the current developments; in 2013, Kenya adopted a new and transformative constitution, updating what was inherited from the British at independence in 1963. It devolved some political functions and budgetary allocations to 47 counties, and took some steps towards greater participation in political processes by previously marginalized sections of the population. Importantly, it enshrined in law the rights of minorities

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<sup>33</sup> John Aglionby, Maersk Oil delivers boost for Tullow with East Africa deal, (*Financial Times*. <https://www.ft.com/content/9d9b3732-86fe-11e5-9f8c-a8d619fa707c?mhq5j=e3>, 2015). Accessed date 21 June, 2017

<sup>34</sup> LAPSSET Corridor Development Authority (2017) Strategic Environmental Assessment Study, LCDA, Nairobi

<sup>35</sup> *The Guardian*, 'Kenya attack: gunmen kill at least 48 people'. (London) 6 June 2014), Ann Weru, 2013. 'Livelihood concerns as Kenya kicks off regional infrastructure project' Integrated Regional Information Networks News, 9 October 2013. Available at: <http://www.irinnews.org/report/98908/livelihood-concerns-kenya-kicks-regionalinfrastructure-project> (accessed 21 November 2016).

including indigenous peoples. Law, policy and practice, are necessary followers of these ideals but currently the legal and policy frameworks are too weak to protect the interests of indigenous peoples, and institutional capacity is also wanting. Land and its management have become an important question for many stakeholders (see figure 1) including government, county government, investors, conservationists, civil society and not least, the indigenous community members. Correspondingly, the question of security has taken on new and critical dimensions. The conservancy model of land management is another aspect of these various stakeholder interests and is a closely related subject to the extractive industry in Turkana. This model also became part of a proposal to address security these concerns, but as this paper explores, it may simply end up being another form of exclusion of indigenous pastoralists.

### **Economic Displacement and Exclusion from Benefits**

Turkana is changing as a result of the oil industry and other developments, and the influx of various workers from other parts of Kenya and beyond. A camp for oil workers and the influx of non-Turkana has led to the growth of other local businesses such as service industries and mpesa (mobile money). Economic development is both promising for Turkana people but also challenging as many are finding it difficult to either keep up with the cash economy and escalation in the cost of living, or to gain from the new opportunities. The cost of leasing land in Lokichar town increased tenfold owing to the developments and influx of people into the area, making it difficult for local people to access these benefits at present. A recent interview also suggested that much land has been allocated to ‘well connected’ people.

Economic development is bringing cultural changes such as: the earning of incomes by women which is challenging gender relations and family structures; a rise in alcohol use; a significant rise

in the commercial sex industry as local and non-local women hope to gain from comparatively wealthy immigrants, with a concurrent rise in the rate of HIV infections. The latter is likely to increase as the road is tarmacked, and furthermore, while housed workers were previously subjected to a curfew, in the next phase of production, workers will live outside in the urban areas which will increase interactions.

Much of the unrest in Turkana has related to the perception, true or otherwise, that local communities that they have been excluded from the benefits of the oil industry. A survey by Cordaid in 2015<sup>36</sup> of 1500 people, found that urban-based Turkana were more positive about employment opportunities, while rural residents felt that opportunities were insufficient. Some community members mentioned that bribes and nepotism were involved in the hiring process. Almost all unskilled labour is provided by Turkana people, but this is not the case for semi-skilled and skilled jobs. Another painful experience and the cause of a demonstration was related to a scheme to lease 36 cars to Turkana drivers. The drivers would then work for the company and slowly acquire the vehicles, however, these cars inadvertently ended up benefitting well-connected elite companies. A local CBO, Turkana Drivers' Association complained that "the scheme only benefitted the big fish." Many other grievances are voiced by those who lost out in their bids for tenders, although a county official and a local Catholic Father both commented that expectations are sometimes unrealistically high. Another major cause of unrest in Turkana has surrounded failure of payments for tendering.

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<sup>36</sup> Cordaid, 'Oil Exploration in Kenya: Success Requires Consultation: Assessment of Community Perceptions of Oil Exploration in Turkana County', Kenya. (The Hague: Cordaid, 2015)

There are three important pieces of legislation here; the 2015 Petroleum Bill <sup>37</sup>contains provisions for compensation and for local content, referring to the employment opportunities which should be given to local people. Locals, however, are defined as Kenyans rather than those with a specific residential location, or those persons displaced or affected by the development. It also specifies that counties will receive 20% of the revenue of the resource produced and that local people of the surrounding area will receive 10% to be managed by a board. This has the potential for local transformation, dependent upon how it is managed, but the 10% is currently in dispute. The 2016 Local Content Bill concerns the mechanisms by which local content will be maximized, but again, refers to Kenyans in general. The Mining Act provides that a large-scale investor must enter into an agreement with the surrounding community on community development.

### **Land Displacement**

In terms of land, Turkana County is mostly designated as community land, which is currently held in trust by the county until the implementation of Community Land adjudication and registration under the new 2016 Community Land Act.<sup>38</sup> The protection for this designation is weaker than for private land, firstly because the relevant legal instruments (see below) are fairly recent and there is a lack of policy on the matter, and because the occupants of such land are generally less literate and aware of their own rights. A production-sharing contract was signed by Tullow with national government prior to the new constitution, and the body which held the land in trust for the community - Turkana County Council (TCC) was excluded from this, although the Kapese Conservancy deal did go through TCC.

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<sup>37</sup> <http://mobile.nation.co.ke/news/politics/petroleum-bill-now-at-centre-of-turkana-politics/3126390-3827672-agdijez/index.html>

<sup>38</sup> Government of Kenya The Community Land Act, 2016 No. 146 (Acts No.27) (Nairobi. Government press)

Oil wells occupy 13 acres per well, while there 32 such wells in the South Lokichar area.<sup>39</sup> Fencing of well sites has at times happened completely unexpectedly for communities, causing livelihood insecurity and fear. One clan had to move twice from their main homestead areas known as an *ere* – a place where women, children and elderly stay while men move with the cattle. One clan has been compensated 2.5 million (US\$ 250,000) and 100 sheep and goats, by the oil company – not the government, for displacement but this has now caused some unrest among other clans.<sup>40</sup> Three classrooms have also been constructed in a local school. Environmental impacts are fairly small at present, but some vegetation and cultural sites have been destroyed. Cordaid found that during the seismic surveys in South Turkana communities were compensated in cash for the disturbance caused by trucks and vehicles driving through their land. Each household received around KShs 1,200 (US\$ 12) for 3-6 months of this disturbance<sup>41</sup>.

On an international level – which is an important consideration given the “new scramble for Africa”,<sup>42</sup> international law is not well suited to protecting pastoral peoples, because it is insensitive to both seasonal mobility and collective ownership, tending to take an individualized approach and to recognize permanent settled use. Thus empty land is seen as free for appropriation – which was how colonial governments also excused their practices.<sup>43</sup> In Kenya, the Constitution of Kenya, Chapter 5 does make various provisions to protect communally-owned land known as

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<sup>39</sup> Kennedy Mkutu (2017) ‘Oil and the emerging dynamics in the Ateker Cluster: The case of Turkana, Kenya’ *Nomadic Peoples Journal* (21) 1 pp.34-62

<sup>40</sup> *ibid*

<sup>41</sup> Cordaid, p12

<sup>42</sup> Pdraig Carmody, *The New Scramble for Africa*. (Cambridge: Polity press, 2012)

<sup>43</sup> Jeremie Gilbert ‘Land Rights and Nomadic Peoples: Using International Law at the Local Level’, *Nomadic Peoples* 16, 2 (2012), pp. 78–83. <https://doi.org/10.3167/np.2012.160206>

community land. Article 40 (3) requires that there be “prompt payment of full and just compensation” whenever property is compulsorily acquired “for a public purpose”. However, this in itself is a vague definition and open to abuse, and remains no more specific in the ensuing 2012 Land Act. The latter however recognizes the rights of Community Land tenure as being equivalent in importance to any other form of land tenure and reiterates the requirements of the constitution regarding compensation.

The 2016 Community Land Act is intended to formalize Community Land tenure further and provides for registration of community land by groups of land users. However, while development projects race ahead, as yet there has been no adjudication process of Community Land in Kenya. Community Land therefore remains held “in trust” by counties, which may not be held accountable to the owners who are ignorant of their own rights and the mechanisms by which to exercise them. Furthermore, even when the Community Land Act is put into practice, there are several concerns about its impact on local people. The system could still be manipulated to the interests of local elites and a land board will be set up in counties which could also be dominated by elites. Pastoralists might sell their land “for peanuts” as have other indigenous communities such as the Maasai and the Mijikenda in coastal Kenya. Lastly, by demarcating parcels of land the Act will be insensitive to current land sharing practices and may exacerbate local conflicts.

Bollig and Österle<sup>44</sup> note the “reconfiguration and reimagining of land” through the conservancy model. They note that the implementation of community conservancy classification of land brings about “rangeland fragmentation” and “another level of aggregation: village-based control over a

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<sup>44</sup> Michael Bollig and Matthias Österle ‘Changing communal land tenure in an East African pastoral system: institutions and socio-economic transformations among the Pokot of NW Kenya,’ *Zeitschrift für Ethnologie*, (2008), p. 301-322.



given territory and exclusive, group-based use of its resources.” This is in contrast to existing systems of communal ownership of land whereby the use of neighborhood pastures was regulated by elders and resource management was exercised in a manner probably best described as “flexible informality”<sup>45</sup> They note that although the conservation concept allows grazing by outsiders on demarcated pastures to some extent, bylaws restrict animal movements within the area which raises suspicion, tension and frustration among former users. Poaching was one means of fighting back<sup>46</sup>. Other studies from pastoralist areas in East Africa show that the subdivision of formerly communally-used land leads to severe constraints in seasonal herd mobility and contributes to increasing sedentarization. This accelerates the erosion of coping strategies, but it also furthers livelihood diversification and intensification.<sup>47</sup>

Regarding compensation, there is also no legal guidance on how group compensation will take place, particularly prior to registration. The Land Value Index Laws (Amendment) Bill is a controversial bill which is in its final stages through parliament. An important aspect of the Bill is that it will no longer be feasible for an injunction to be granted to stop project works on account of compensation claims, leading to the concern that compensation may be postponed indefinitely to the detriment of landowners. One impetus for such a bill may be the experience of the government in paying out close to KSh 33 billion (330,000,000 USD) in compensation for the new railway linking Nairobi and Mombasa<sup>48</sup>.

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<sup>45</sup> *ibid*

<sup>46</sup> *ibid*

<sup>47</sup> Shauna Burnsilver, Jeffrey Worden, and Randall Boone, ‘Processes of Fragmentation in the Amboseli Ecosystem, Southern Kajiado District, Kenya. In Galvin, Kathleen A., Robin S. Reid, R. H. Behnke, and N. Thompson Hobbs. "Fragmentation in semi-arid and arid landscapes." *Consequences for Human and Natural Systems. Dordrecht, The Netherlands: Springer* (2008), pp 225-53.

<sup>48</sup> *Daily Nation*, ‘Taxpayers to spend more on SGR land compensation, says Kenyan Government’, 10th March 2017

Involuntary resettlement processes receive little attention under Kenyan Law, however there is an Act known informally as the IDP Act which provides for resettlement of persons who have been internally displaced, whether by development projects or other processes.<sup>49</sup> The law provides a higher threshold for displacement by compulsory acquisition than the specific land laws, and requires public participation, however, it does not directly link with the land laws and institution which limits its implementation. How valuation, compensation and resettlement are to be carried out when pastoralist land is acquired from nomadic people is a practical challenge.

### **Dispossession by stealth?**

The conservancy model is relevant in the discussion on the extractive industry in Turkana because there is an interdependent relationship between the conservancy and the oil industry in the county and both have been accused of displacing pastoralists. Conservancies also occupy some of the land to be traversed by the LAPSSET corridor (see figure 2)<sup>50</sup> and stand to be compensated for this. Conservancies have been established in the past two decades in Isiolo, Samburu and Laikipia Counties amongst others, as large portions of land (several thousand acres) designated for conservation and management of herding as well as community development. 10% of Kenya's land (just over 6 million hectares) is now designated in this way.<sup>51</sup> Many have tourist lodges and offer wildlife viewing as well as providing a market for local crafts. Several conservancies are the result of the transformation of private ranches when 100 year leases ended in 2004, while some have been created from former group ranches, which themselves were the result of an initiative to formalize pastoralist land tenure in the 1960s. In Turkana the idea of transforming some portions

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<sup>49</sup> The full name of the Act is the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012.

<sup>50</sup> LAPSSET Corridor Development Authority (2017) Strategic Environmental Assessment Study, LCDA, Nairobi

<sup>51</sup> See Kenya Wildlife Conservancies Association website <http://kwcakenya.com/>

of community land into conservancies began to be discussed in 2013, led by an investor (described below). By 2015 the plan for six community conservancies in Turkana and Pokot Counties was announced: Lokichar, Lochakula, Katilu and Kainuk in Turkana County, and Masol and Pellow in West Pokot County, but a strong move by civil society and Turkana professionals in 2016 halted the plan.

### *The Kapese Conservancy*

The 500 acres of land in Kapese sub-division, Lokichar division, Turkana, was leased for KShs 4.35 million (around USD 43.5 thousand) p.a. in 2012 by a prominent Kenyan investor, in an arrangement with the then Turkana County Council (later replaced by an agreement with the county government). The official agreement was for the creation of tourist hotel and conservancy, as an immediate compensation for the local communities denied access to the grazing area. A benefit sharing formula would identify the manner in which monetary and non-monetary benefits would be shared with the local community. The formula included: a micro-finance scheme to allow local community members and community groups to take small loans to establish their own business, an academic and vocational training bursary fund for the benefit of the local community, and a capacity development and advisory ‘drop in’ community centre in Lokichar.<sup>52</sup> Five boreholes were also planned. The “integrated operations base” including an eco-lodge, warehouses and airstrip, to service Tullow Oil’s operations was envisaged at this time.<sup>53</sup> As security was a problem in the surrounding area, with conflict between Turkana and Pokot pastoralists on the nearby county border and banditry on the roads, the conservancy concept had the added attraction of being a

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<sup>52</sup> See the letter from TCC/14/12/vol II of 4<sup>th</sup> December 2012 to ACS on “Consent to lease 2 square km land in Lokichar division in Turkana South”; Also see Ref: TCG /8/6/vol 1 (22) 10<sup>th</sup> July, 2013 “Intention to formalize lease of land”.

<sup>53</sup> Ibid. TCG/8/6/vol 1 (22)

security solution. Armed NPRs could be recruited as guards/scouts in an arrangement which had already been used in other conservancies, since private security companies in Kenya cannot carry arms.<sup>54</sup>

A conservation organization, the National Rangelands Trust (NRT), came on board in 2013 to establish the conservancy model in Kapese, following the organization's experience in establishing 27 conservancies in other counties. Tullow and Africa Oil PLC would agree in 2015 to provide the funding for this over 5 years as part of their corporate social responsibility efforts.<sup>55</sup> The partnership noted its intention to "help communities manage their land and benefit from the economic opportunities in the area." The conservancies were also expected to create around 180 jobs, through the local recruitment of conservancy management staff and rangers.<sup>56</sup> Political leaders were brought on board, including the county Governor, while local elders were taken to visit other functioning conservancies and agreed to the proposal which was announced in 2015. Interviews on the ground also suggested that some money had changed hands at the county level. During the development of the partnership, in 2014 the base was leased to the oil company for a considerable profit.<sup>57</sup>

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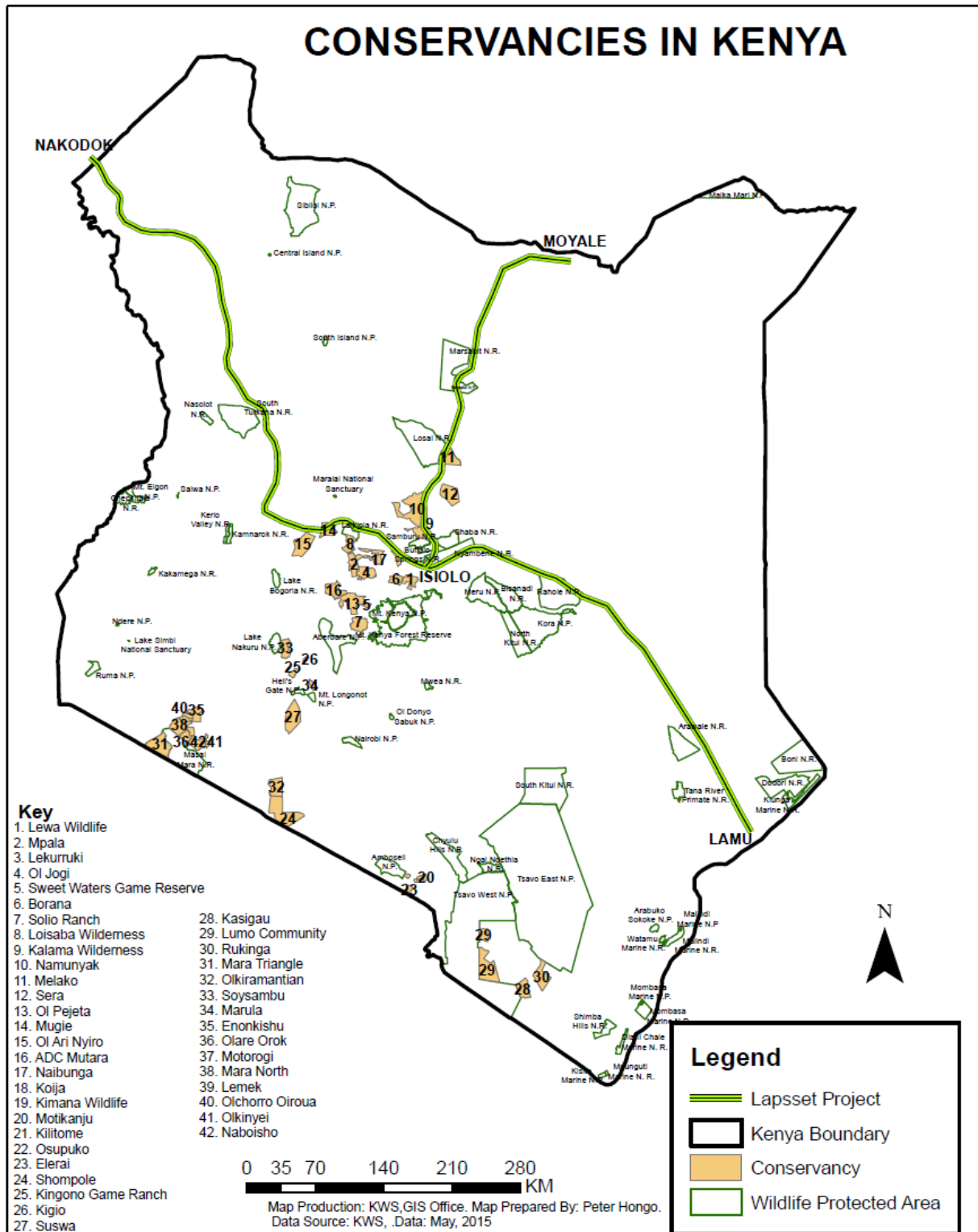
<sup>54</sup> Mkutu and Wandera, Policing the periphery

<sup>55</sup> See Grant Agreement between Tullow, Kenya B.V and National Rangelands Trust Limited. 28<sup>th</sup> November 2014 and press release October 28, 2015.

<sup>56</sup> Interviews in 2015 with several communities members in Turkana.

<sup>57</sup> Interview with county officials, Nairobi, January 2017.

Figure 1: Conservancies in Kenya showing position of LAPSSET corridor



A number of objections were raised to the announcement by pastoralists, Turkana Professionals Association, academia and civil society, culminating in a stakeholders' meeting chaired by the Governor and attended by MPs amongst others, in Lokichar in March 2016. Key concerns raised prior to and within the meeting included the lack of consultation and participation in that the elders were not fully representative of the community and that they had a low level of education and were unable to fully understand the implications of what they were consenting to. Pastoralists felt that they had not benefited from the project and mentioned that there had been an unsigned agreement that they would receive US\$ 5 per bed per night. They had noted that the area was a prime grazing site.<sup>58</sup> Stakeholders such as the National Environment Management Authority (NEMA) and Kenya Wildlife Service (KWS)<sup>59</sup> had not been included in the more widespread plan for 6 community conservancies. The plan to manage security in the area using armed NPRs had also raised questions since this 'hybrid security governance' arrangement has already been shown to have problems in other conservancies in the country and may pit privileged insider NPRs against their own community members on the outside in the event of increasing unrest over resource access. Following the stakeholder meeting and the concerns raised, the county government decided to suspend the National Range Trust and the conservancy project.<sup>60</sup> Governor Nanok said that conservation would now be focused on South Turkana National Reserve under the leadership of KWS and the County Government in order to accommodate community involvement in the reserve.

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<sup>58</sup> Turkana County Government (2015). Report on Fact Finding Mission of Community Conservancy project in Turkana south and east by Turkana County Conservancy Committee (TCCC) September.

<sup>59</sup> Interview A KWS employee, Lodwar, 11 November, 2016

<sup>60</sup> See letter dated 31 October, 2015 from Ministry of Energy, Environment and Natural Resources to ACS, NRT And Tullow. Suspension of NRT and Conservancies in Turkana South and East.

A notable feature of the issue is the constellation of similar backgrounds and interests among the influential actors; both the Kapese investor and the NRT have links to one of the conservancies, while Tullow Oil is a British company. This raises concerns about representation and class interests, in what seems to be an insufficiently considered solution to the problems of Kenya's peripheries. Conservation - that laudable practice of preserving paradise for all – is also about control of land resources and may at times be unrepresentative. A commentator expressed “The elites have access firstly to information, to hold it and use it to their advantage, secondly they then have access to communication, so there is a power play.”<sup>61</sup> The investor at the time of writing is considering selling out to Tullow Oil and it is uncertain what will happen to the agreements made with the community, which, it was assumed, the investor had planned to fulfill through the conservancy project.

#### *The possibilities of dispossession by conservancy*

Conservancies have received less research attention than conservation in general. Several authors point to the problems of conservation efforts for residents in ASAL areas<sup>62</sup> and it is well understood that conservation policies can have adverse social effects like creating conflict over land rights and land use, which are not intended or expected by planners.

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<sup>61</sup> Interview, name withheld, Nairobi, 4th December, 2016

<sup>62</sup> Wolfram Dressler, Bram Büscher, Michael Schoon, D. A. N. Brockington, Tanya Hayes, Christian A. Kull, James McCarthy, and Krishna Shrestha. 'From hope to crisis and back again? A critical history of the global CBNRM narrative.' *Environmental conservation* 37, 1 (2010), pp. 5-15.; Paige West and Dan Brockington. 'An anthropological perspective on some unexpected consequences of protected areas.' *Conservation Biology* 20, 3 (2006), pp 609-616.; Paige West, James Igoe, and Dan Brockington. 'Parks and peoples: the social impact of protected areas', *Annual Review of Anthropology*. 35 (2006), pp. 251-277. Rosaleen Duffy (2006). The potential and pitfalls of global environmental governance: the politics of trans-frontier conservation areas in Southern Africa. *Political Geography* 25, 1(2006), pp. 89–112.

Although a conservancy is not a legal claim on land it remains the case that it formalizes to some extent the boundaries and administration of a certain area. It raises issues around access and control<sup>63</sup> and can create a class system amongst previously equal community members or groups. In terms of land use, Bassi<sup>64</sup> in his discussion on pastoralist rights quotes Baxter<sup>65</sup> saying that attempts to improve upon pastoralist practices have generally failed. Group ranches were an early precursor to conservancies, established with the assistance of the World Bank, on the basis of a report in 1965 on “Land Consolidation and Registration in Kenya, 1965-1966” known as the Lawrence Report. This report argued for group tenure of rangeland such as that used by the Maasai, since private titling was increasing. Thus a group ranch is a system of production or enterprise where a group of people jointly hold freehold title to land (theoretically on an equal basis), maintain agreed stocking levels, and herd their individually-owned livestock collectively.<sup>66</sup> The idea was supposed to assist commercialize production, improve environmental management and improve pastoral wellbeing, and pastoralists could acquire loans for development.

However, a number of difficulties led to the demise of group ranches including: the loss of access to land previously shared, impractical restrictions on livestock numbers, management problems and benefit-sharing amongst others. Locally legitimate structures for decision making and conflict management by elders were replaced by ‘modern’ systems expected to work effectively and efficiently but these did not. Lastly, formal titling had the unanticipated effect of dispossessing

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<sup>63</sup> Nancy Peluso, and Michael Watts, M. (eds.), *Violent Environments*, (Cornell University Press, Ithaca: London, 2001, pp.25); West, Igoe and Brockington, ‘Parks and Peoples: The Social Impact of Protected Areas’

<sup>64</sup> Bassi, Marco (2017). Pastoralists are peoples: Issues in advocacy and the emergence of pastoralists’ rights. *Nomadic Peoples* 21 (1) 4-33.

<sup>65</sup> Baxter, P.T.W. (1994) “Pastoralists are people: why development for pastoralists, not the development of pastoralism?” *The Rural Extension Bulletin* (University of Sussex) 4: 3–8.

<sup>66</sup> Government of Kenya, Ministry of Agriculture Annual Report, 1968.



youths who had attained the age of 18 from their ancestral land, because fathers denied them any formal share.<sup>67</sup> Galaty<sup>68</sup> notes that Maasai accepted these arrangements because of security of tenure and wanting to prevent land going to the elites or other groups, although they did not fully understand the concept.<sup>69</sup> Out of the 51 group ranches started in Kajiado in 1968 there are only 7 remaining and these are faced with sub-division problems.<sup>70</sup> Kimana Group Ranch members have given some of their best grazing lands to wildlife, but still earn more revenues per hectare from pastoralism and agro-pastoralism than they do from wildlife conservation/eco-tourism which is volatile and depends on outside funding. Moreover, they have little say in the management of the group ranches and the revenues are not equally distributed. In Laikipia, Little (p66)<sup>71</sup> notes of conservancies, “While local partnerships may be a worthy goal, they usually reflect very unequal power relations, with the local community often having little clout to negotiate the terms of the partnership. Hence rather than partnership many of these become patron-client arrangements with the powerful patron company or INGO dictating the terms for the arrangement and monopolizing most of the critical information.” Sometimes conservancies made exorbitant profits for private business while communities benefitted little. Franks (2008) study in developing countries on conservancies found that at the local level direct financial benefits were minimal and the restrictions resulting from livelihoods higher.<sup>72</sup>

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<sup>67</sup> J.C. Ng’ethe, (n.d.) “Group ranch concept and practice in Kenya with special emphasis on Kajiado District” [www.fao.org/Wairdocs/ILRI/x5485E/x5485e0t.htm](http://www.fao.org/Wairdocs/ILRI/x5485E/x5485e0t.htm) Accessed 17.3.2017; Ole Pasha (1985) Organization and management of group ranches. ILCA report (unpublished).

<sup>68</sup> Galaty, John, “‘The land is yours’: Social and Economic Factors in the Privatization, Sub-Division and Sale of Maasai Ranches.’ *Nomadic Peoples*, 1 (1992), pp. 26-40

<sup>69</sup> Distribution of registered and incorporated group ranches in Kenya. Source: Kenya Government (1985, 1990).

<sup>70</sup> Presentation by Dr. T. Konyimbih Mboya, Commissioner for Lands, 2016, held at the World Bank Offices, Nairobi

<sup>71</sup> Peter Little, Economic and political reform in Africa: anthropological perspectives. (Indiana University Press 2013)

<sup>72</sup> Peter Franks, Promoting equity in the management of protected areas: new evidence of the need for action. (CARE International, Nairobi, Kenya, 2008)

Establishment of conservancies in Isiolo has resulted in mixed feelings on the one hand that "... conservancies are community-led conservation initiatives... which serve to focus the communities to conservation and development goals"<sup>73</sup> and on the other hand, that they are a land grab from the pastoralist communities by well-heeled people.<sup>74</sup> {with held for review}<sup>75</sup> note in Laikipia, that some pastoralists felt that the conservancies privilege wildlife over humans and even their livestock. There are also those who mainly question in manner in conservancies are established, as a church leader stated, "*I am not opposed to the conservancy, but can I be given all the necessary information?*"<sup>76</sup>

### ***New dynamics of conflict?***

We suggest that while oil and gas and mineral extraction can potentially bring benefits to countries if the revenues generated into social services and infrastructure, local communities in the area of extraction sites are likely to suffer disruption and displacement as a result, and may be excluded from the economic benefits and compensation, or further displaced by rising costs of living associated with increased economic activity and an influx of outside labour.

Pastoralists in Turkana, perceiving their real and threatened physical displacement, and their exclusion from the economic opportunities have ensured their participation in their own way. Some have been able to use political channels, or form their own representative bodies, and have protested through largely non-violent road blocks and demonstrations. One forceful demonstration

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<sup>73</sup> Government of Kenya (2012) "Conservancies, Conflicts and How They Affect Service Delivery in Isiolo County: Sectoral Briefing Notes by MoSDNK&oAL" Nairobi, 25<sup>th</sup>, April 2012.pp 3

<sup>74</sup> Interviews with researcher working in Isiolo, December 2016

<sup>75</sup> {withheld for review} "Exploring the hidden costs of human-wildlife conflict in northern Kenya," *African Studies Review*, September.

<sup>76</sup> Church leader from Isiolo, Nairobi, 16 March, 2017

against Tullow's site led to closure of the oil camp for 3 weeks as noted, while a demonstration against Kapese Conservancy involved the destruction of property worth 60,000 USD. Then on the other side of the dispute, following the halting of conservancies by the county government, those rangers who had already been hired for the conservancy staged a protest against the county in the form of a road block along the Lodwar-Kitale highway. The issue has remained controversial with both politicians and elites taking various positions and given that 2017 is an election year there are fears that political motivations could complicate this fragile situation further.<sup>77</sup> There are also some inter-clan and political conflicts over jobs and benefits, involving some minor acts of violence. It is notable that their capacity for armed violent resistance in other contexts has been proven, but as yet, they have not used their guns in these disputes. In a by-election in the county in 2016 two children were wounded in a politically motivated shooting.

Greiner's case studies<sup>78</sup> on conservancies in Rift valley find that two of the three conservancies had been created areas with contested administrative borders, and these experienced conflicts. If access rights to the area were previously vague, this is highly likely to provoke conflict. The establishment of conservancies in borderlands also overlaps with the highly politicized struggle for ethnic territories in Kenya. Even inter-communal cattle raids are now politicized and linked to expansion of land and the fight for ethnically exclusive areas.<sup>79</sup> Lekurruki and Sera conservancies (founded in 1999 and 2001 respectively) both saw a rise in ethnic conflict between former

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<sup>77</sup> Interviews several people from the field in Lokichar, November 2016

<sup>78</sup> Clemens Greiner, 'Unexpected consequences: wildlife conservation and territorial conflict in Northern Kenya.' *Human Ecology* 40, 3 (2012), pp. 415-425. Clemens Greiner, 2013. 'Guns, land and votes: Cattle rustling and the politics of boundary (re)making in northern Kenya. *African Affairs* 112/447 (2013), pp 216-237.

<sup>79</sup> Gunther Schlee, 'A comment on the "Policy Framework for Pastoralism in Africa" adopted by the African Union in January 2011'. *Nomadic Peoples* 14, 2 (2010), pp. 158-163. <https://doi.org/10.3167/mp.2010.140211>

neighbors after their establishment<sup>80</sup>. In both cases the establishment of the conservancy led to tenure arrangements that allowed certain parties to exclude others. Most recently, in late 2016-early 2017 as Kenya faced severe drought, conflicts with conservancies and private ranches increased in Laikipia, Kenya. There were massive incursions; an estimated 10,000 pastoralists with over 135,000 cattle invaded a private ranch, while large numbers of wildlife have been shot and one game lodge was burned extensively; tourists have been evacuated by air. A British co-owner of Sosian conservancy was murdered and an officer commanding the Laikipia West Police was also shot and critically wounded.<sup>81</sup> The conflict seems to have a number of triggers including drought, land grievances, governance failures, private gain from the conflict, political motivations leading up to the 2017 election, and importantly, speculative land acquisition along the route of the LAPSSET corridor which traverses these areas.

### *Shifting dynamics of conflict*

Initial plans to build an oil pipeline to transport oil out of Turkana have been postponed, in favour of earlier transportation by road and rail. Tullow Oil notes that under this Early Oil Pilot Scheme, from mid-2017 2,000 barrels per day will be transported to Mombasa port through specially designed containers. Arguments for this are that it would establish a market and firm up practical uncertainties (while also having political advantages). However, the County are not comfortable with road transport because they cannot measure oil leaving Turkana, while pastoralists too are

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<sup>80</sup> Ivan Campbell, Sarah Dalrymple, Sarah, Rob Craig, and Alec Crawford, 'Climate change and conflict: lessons from community conservancies in Northern Kenya'

<sup>81</sup> Business Daily Editorial, 'Resolve Laikipia conflict', 2<sup>nd</sup> February 2017. [http://www.the-star.co.ke/news/2017/02/08/behind-the-conflict-in-laikipia-thats-costing-lives-hitting-tourism\\_c1502726](http://www.the-star.co.ke/news/2017/02/08/behind-the-conflict-in-laikipia-thats-costing-lives-hitting-tourism_c1502726)

resisting the transportation of the oil. 4 oil tanks have been seen sitting in Lokichar since July 2016 for reasons which are unclear, but which, according to interviews, is related to the dispute.<sup>82</sup>

An Early Oil Transport Scheme developed by Tullow in Uganda in 2009 was unsuccessful after it became obvious that producing 2,000 barrels of oil per day and transporting it by road was too costly. Uganda is now partnering with Tanzania to build a \$4 billion pipeline from Hoima to the port of Tanga. Even after the fail, Tullow is suggesting a similar scheme in Kenya. The EOI has several challenges – a similar scheme was unprofitable in Uganda, while the road would pass through several insecure areas. Roads are also run down, which adds to vulnerability to banditry, and an “emergency upgrade” of the 300km road from Kitale to Lokichar is currently taking place.

As noted, the security governance issues surrounding conservancies are another concern. Since private security companies cannot carry arms, there is an arrangement that National Police Reservists (NPRs) act as rangers/scouts to guard conservancies against poaching and other incursions, receiving a wage for their services. NPRs, who have very little training are then provided with training and equipment by conservancy managers. These then essentially become armed private security forces, supervised by the conservancy and superior in resource to the police, who rarely interfere.<sup>83</sup> Similarly the Lake Turkana Wind Power project is using armed NPRs as well as unarmed G4S security forces, while NPRs are also employed by the oil company in Turkana. This has implications for state sovereignty, arms proliferation and also creates conflicts of interest by placing NPRs, who are community members in a position of defending the conservancy against their own communities or neighbours in the event of land disputes and

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<sup>82</sup> Interviews with community members and county officials, 11 November 2016

<sup>83</sup> See <http://www.standardmedia.co.ke/article/2000097207/raiders-kill-3-people-including-police-in-turkana>

incursions. Further, it is not implausible that such guards could become involved in illegal activities, as other NPRs have.<sup>84</sup>

### *Conflict and Devolution*

Relevant to the mention of elite interests in Turkana is the issue of devolution which has created new elites, new majorities and minorities and new power struggles<sup>85</sup>. The decision to allow oil exploration in the county bypassed the Turkana county council whose role was to hold Turkana land in trust for the community, while the decision to develop six conservancies left out crucial national government stakeholders. Counties are arguing for greater control of budgets, security forces, resources and revenue.<sup>86</sup>; in December 2016, Turkana county entered into debate with President Kenyatta on revenue allocations to local communities.<sup>87</sup> An MOU created after the temporary shutdown of the oil company in 2013 had included the creation of an office of the national government administration to oversee the operations of the oil, but this is yet to take place.

Research has noted that investor community conflicts tends to escalate from campaigns and procedure-based actions through to physical protest and if issues are not addressed).<sup>88</sup> History also shows us the capacity of the Turkana to forcefully resist through taking up arms<sup>89</sup>, while current

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<sup>84</sup> Mkutu and Wandera, Policing the periphery

<sup>85</sup> Kennedy Mkutu, Martin Marani and Mutuma Ruteere (2014) 'Securing the Counties: Options for Kenya since Devolution,' (Centre for Human Rights and Policy Studies; Nairobi, 2014)

<sup>86</sup>James Cust and Steven Poelhekke, *The Local Economic Impacts of Natural Resource Extraction.*, OxCarre Research Paper 156 (Oxford: University of Oxford, 2015).DOI : [10.1146/annurev-resource-100814-125106](https://doi.org/10.1146/annurev-resource-100814-125106)

<sup>87</sup> See <http://www.nation.co.ke/news/Raila-opposes-Uhuru-s-oil-cash-sharing-scheme/1056-3470590-12vpcmj/> Accessed 17.3 2017

<sup>88</sup> Rachel Davis and Daniel Franks,'Costs of Company-Community Conflict in the Extractive Sector', Corporate Social Responsibility Initiative Report No. 66. (Cambridge, MA: Harvard Kennedy School 2014)

<sup>89</sup> John Lamphear, J. *The Scattering Time; Turkana responses to the imposition of colonial rule*, Oxford: Oxford University Press 1992).

events in Laikipia County demonstrate the degree of to which hostility may be expressed against conservancies and their perceived beneficiaries especially as lives and livelihoods become threatened by other factors such as drought or restricted mobility. The inequality of access to benefits from mega-projects, and potential dispossession<sup>90</sup> experienced by indigenous peoples such as pastoralists is likely to trigger such violence in areas such as Turkana, where development is expected. Østby et al <sup>91</sup> note in their quantitative study that relative deprivation mixed with extractible commodities make a region significantly more prone to armed conflict. Arce and Miller<sup>92</sup> conclude that in Kenya the extractive industry is leading to protests over benefits sharing, livelihoods and environmental issues, and that “participation deficits” can result, disengaging citizens from the state. This, they say, will continue to increase as the state fails to act to ensure a fair distribution of the benefits of increased developmental activity in marginal areas.

## **Conclusion**

It is not necessary for oil extraction to be established to already see some of the impacts associated with a natural resources curse<sup>93</sup>. The flurry of investment, speculation and positioning that occur with the future expectation of resource flows can already drive process of dispossession and marginalization. The case study of the pastoralist populations in Turkana, suggests that rather than benefiting from the ‘development’ opportunities now coming to the region, that the nature of their

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<sup>90</sup>Ted Robert Gurr, 1970. *Why Men Rebel*. (Princeton, N.J.: Princeton University Press 1970).

<sup>91</sup> Gudrun Østby, Ragnhild Nordås, and Jan Ketil Rød ‘Regional Inequalities and Civil Conflict in Sub-Saharan Africa’. *International Studies Quarterly* 53, (2009), pp. 301–324

<sup>92</sup> Moises Arce and Rebecca Miller (2016). “Mineral wealth and protest in Sub-Saharan Africa,” *African Studies Review*, V59 (3) pp 86.

<sup>93</sup> Jędrzej Frynas, Geoffrey Wood, and Timothy Hinks. ‘The resource curse without natural resources: Expectations of resource booms and their impact.’ *African Affairs* 116,463 (2017), pp. 233-260.

claim on future opportunities and resources is weak, and becoming weaker through processes of resource capture. We have shown how supposedly protective land conservancies may be playing a role enabling dispossession and further marginalization of already marginalized pastoralist populations. We find that the conditions for increased future conflict in the region are being created, and that explicit attention to the current and future inequality of resource distribution in the region will be required to avoid this.