BACKGROUND
The recent discovery of oil in Turkana basin and other mineral deposits in various parts of Kenya has triggered intense interest in the country’s extractive sector. The Kenya government is keen to use the oil and mining industry as a key driver of the country’s economic growth envisaged in its development blueprint, Vision 2030. The host communities on their part hope that these discoveries will offer them a better life. But the discoveries have brought to the fore a number of critical social, economic and environmental concerns including irregular land transactions; conflicts over ownership and benefit-sharing from oil and mineral resources; pollution and land degradation; displacement of communities; and tensions over employment and business opportunities.

In Turkana, oil exploration and development also mean reduced access to pastoral lands for the local community which is not only predominantly pastoralist but has been characterised by decades of economic marginalization. Reduced access to these resources due to perceived development needs by state while ignoring the community needs portend an increased risk of social and economic destabilization in these areas. This has prompted a demand for greater stakeholder engagement to discuss, share information and concerns, plan together and implement strategies to promote sustainable investments in the sector while minimising adverse impacts on the host community and the environment.

THE EXTRACTIVE SECTOR FORUM (ESF)
In a bid to address some of these pertinent concerns, ILEG and other key stakeholders have been holding annual Extractives Sector Fora (ESF), quarterly multi-stakeholder convenings of companies, communities, national and county governments, civil society and academia that are actively involved in the extractives sector in Kenya. While a number of ESF convenings have been held in Nairobi with remarkable success, local voices have not had adequate opportunity to contribute to the conversations. Therefore, there has been need to take the ESF dialogues to...
the grassroots in order to reach the population who are the most directly affected or are the potential biggest beneficiaries of good governance of the extractives sector.

This is particularly important for Turkana County which is by far the most advanced county with regard to oil and gas exploration and development. Indeed, as Tullow Oil moves into the field development phase, it is important that critical strategic and policy decisions are all inclusive and are particularly informed by mutual investor, government, community and other stakeholders’ interests. It is with this in mind that ILEG, funded by UKAid through the Kenya Extractives Programme (K-EXPRO) plans to hold a series of stakeholder dialogues in Turkana in 2018.

THE RECONNAISSANCE VISIT

As part of planning for these dialogues, ILEG and some members of the ESF Steering Committee conducted a 4-day reconnaissance visit to Lokichar, Nakukulas and Lodwar in Turkana County, to acquaint with the current status of the oil development cycle and to contextualize the issues that need immediate stakeholder dialogues.

Specifically, the visit sought to help ILEG and the ESF Steering Committee to:

i. Understand the general status of oil exploration and development in Turkana County;

ii. Understand the general community perspectives on the opportunities and challenges presented by the oil industry particularly during the field development phase;

iii. Learn about county government initiatives and perspectives on the current oil exploration and development cycle;

iv. Learn about development issues on the ground and how those issues can inform future ESF dialogues and feed into on-going policy processes; and

v. Create partnerships with local institutions and organizations working on natural resources governance in Turkana.

The team for the reconnaissance visit comprised of Mr Duncan Okowa and Ms Valentine Opanga both from ILEG and two representatives of the ESF Steering Committee – Ms
Jacqueline Opanga from Aga Khan University’s East African Institute and Mr Teddy Muturi from Kenya Oil and Gas Working Group. The team was joined in some meetings by the Kenya Extractives Programme (KEXPRO) team comprising Mr Tom Onyango, Ms Muthoni Koinange and Ms Nivea Ikutwa. The visit took 4 days from Tuesday February 20th to Friday February 23rd 2018. On the first day, the team held discussions with community leaders both in Lokichar and in Nakukulas. On day 2, the team held a meeting with the deputy governor of Turkana County, Hon Peter Lotethiro. On day 3, the team met with the NEMA County Director and held discussions with several civil society leaders in Lodwar as well as with officials at the Turkana office of Kenya Forestry Research Institute (KEFRI).

KEY FINDINGS
10 key issues came up during the reconnaissance visit:

i. **Knowledge and the Information Gap**

Although exploration for oil has been going on for almost six years in Turkana, there still remains acute knowledge and information gap among the local community and county leadership. According to community members met during the visit, oil is a new resource in the country and residents have not really understood its political, social, economic and cultural impacts fully. Residents also cited lack of access to information, especially Environmental Impact Assessment (EIA) Reports from NEMA. Even when they access some, they do not understand them due to their complexity and language used. They thus rely on local chiefs and politicians who according to them are equally ignorant or are not trusted by the community. The Deputy Governor also raised the issue of lack of information on the sector as well as the county government’s current inability to engage with other key sector stakeholders from an informed/evidence basis. There is need to do more sensitization for the community members especially on the oil life cycle so they fully understand the process and the long-time lags involved before direct monetary returns accrue. EIA reports also need to be widely circulated and presented in language/format that is understandable by all including the uneducated.

ii. **Community Rights vs Responsibility**

It also emerged that whereas community members appreciate their right to be involved and to be given information etc, this right is not matched with responsibility on their part. Very few local community members take initiatives to ask for information, follow-up on issues or
participate in public decision-making forums. Some even demand incentives like transport reimbursement and other related allowances to participate. But once decisions are made they complain of being left out or being minimally involved in the decision-making processes. There is thus need to create awareness on community rights vs duties with regard to responsible oil exploration and development.

iii. Benefit Sharing
There is simmering tension around the sharing of the government share of oil revenue. Local community members seem to be willing to take nothing less than the 10% allocated for host communities in the earlier version of the Petroleum (Exploration, Development and Production) Bill, 2017. However, there seems to be limited understanding on what the percentages involved are. First, there is need to finalize the Bill, explain the final percentages agreed on to the communities and clarify what they mean, when the revenues will come, who will distribute them, how they will be issued and administered etc. Another equally worrisome issue with regards to benefit sharing with communities seems to be that there is no discussion on benefit sharing among the host communities themselves. If this is not adequately addressed, there is risk of intra-community conflicts over the same. On their part, Turkana County Government (TCG) seem to be dropping the hand line stance on the issue of revenue sharing, and instead is willing to engage with the national government on the same. But they are waiting up on the national government to take the initiative of reaching out to them (TCG).

Other than the direct benefits from the revenue, respondents noted that when Tullow came to Turkana in 2011, it promised benefits such as education through scholarships and building of schools, employment and other social amenities such as hospital and other infrastructure. It was able to deliver on most of these promises the first two years but seems to have stopped or slowed down on these promises. According to Tullow this may be informed by falling crude oil prices and the fact that it shifts operations and other strategic decisions depending on the stage of operations at different sites.

Very limited discussions are going on the wider important Petroleum (Exploration, Development and Production) Bill, 2017. The discussions seem to have been reduced to only
one issue in the Bill i.e. the benefit sharing formula. There is need thus to elevate the discussions by sensitizing communities on other important aspects of the Bill such as information and reporting; local content and training; and environment, health and safety.

v. **Intracommunity Harmony**

A key hindrance to collective advocacy in Turkana seem to be the fact that local communities hardly speak with one voice on critical issues. This was attributed in part to personal and organizational interests as well as to government and Companies’ divide and rule tactics. Some participants complained that sometimes instead of addressing community issues, Tullow is using ‘divide and rule’ tactics on the communities along clan lines- and politicians to quieten the communities whenever issues crop up.

vi. **Feedback and Grievance Handling Mechanism**

Some community members complained that they hardly get concrete response from Tullow and NEMA offices when they presented issues to them. Therefore, most of the time they resort to using street protests in order to get Tullow to act on their grievances. On the flip side, NEMA reported that when they send out reports and documents for review and comments by the community, they never get any response and so are forced to implement them without community comments. On their side, Tullow explained that sometimes grievance handling mechanism takes long but they ensure all grievances are addressed. They also explained that many a times, some grievances are only reported in the media or on the streets and workshops without being formally lodged with the company. According to Tullow, in such cases, it is extremely difficult to addresses the issues. They said they have an elaborate grievance handling mechanism with up to date records showing hundreds of grievances they have addressed. They also decried complainants failing to follow up on the progress of their complaints.

Furthermore, the lack of feedback is not limited to Tullow and NEMA. Various respondents reported to have participated in various interviews and meetings by researchers and NGOs and yet they do not get feedback from them on the progress of their initiatives.

vii. **Synergies Between the National Government and the County Government**
Management of natural resources such as oil is constitutionally a function of the national government. However, the same Constitution gives county government important roles that can ensure sustainable, participatory and equitable use of those resources. These functions include integrated county development planning and promoting and facilitating effective public participation in policy and decision making. However, it emerged from the discussions that the roles of the county government in extractives are clearly not understood both by the community and the county leadership itself. There exists a lack of coordination and cooperation between both levels of government. There is also need for related national government institutions such as the Ministry of Health, Environment, Physical Planning amongst others to coordinate with ministries at the county level.

viii. Waste and Pollution
Although NEMA and Tullow, through various laboratory tests, state that there have not been any deaths or diseases caused by waste at oil fields, respondents stated that their livestock have died and people have become sick after coming in contact with wastes from oil fields. They cited silicate water as the leading cause of sickness and death of their livestock. They also complained that a pungent smell that emanates from the oil field has caused a number of respiratory diseases. Secondly, the proposed site for dumping oil waste, according to respondents, is a critical ecosystem characterised by springs, vegetation, water bodies and endemic bird species. This has caused tensions amongst the ECCL – the waste management service provider, Tullow and the community.

ix. The Role of Politics
There is understandably a lot of interest by different stakeholders in the oil in Turkana County. However, the Turkana community believes that some of these stakeholders, especially politicians are driven by selfish interests. Some residents think certain politicians have aligned themselves with oil and other related companies to reap the benefits at the expense of impacted communities. In this case, they have not been able to fully represent the interests of the Turkana Community, especially where the issues of rights and benefit sharing crop up.

x. Insecurity
Some local community members perceive NEMA to be working in cahoots with Tullow Oil for the benefit of both organizations. Due to these perceptions, the communities have lost faith in NEMA to objectively address their environment-related issues and are not willing to listen or engage them. This has sometimes made it hard for Tullow and NEMA officers to tour the sites, visit communities and to attend community meetings to address key issues due to hostility in some community areas.