



ENVISIONING INCENTIVES FOR COMMUNITY PARTICIPATION IN NATURAL RESOURCE MANAGEMENT: A CASE STUDY OF NORTHWEST KENYA

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***Abstract:** Often times the discovery of oil and oil drilling comes with mixed outcomes. In many countries, this activity has far reaching implications beyond sharing oil revenues. The announcement of oil discovery in March, 2012 in Kenya led to lots of speculations, theories, ideas and revelations especially on what Kenya will be in the near future. This sets a base for the discourse on community participation in natural resource management. For Kenya, this is the first time experience coming at a time when the nation did not have a consistent and comprehensive agricultural, environmental, and mining policy. Recent studies have indicated that majority of the Northwest population believe that oil discovery in Turkana county will be a blessing and not a curse. In pursuit of strategies for mitigating natural resource related conflict and improve local governance. The study explores the following questions: (1) What factors are likely to contribute to natural resource related conflict in Northwest Kenya? (2) How do these factors impact the society? (3) What strategies can be used to mitigate natural resource related conflict and improve local governance in Northwest Kenya? This study recommends mechanism to create local avenues for accountability and fair resource distribution and management in order to combat inequality.*

1. Introduction

To a large extent, conflicts and civil unrest witnessed in the past decade was related to poverty, increase in inequality, and unprecedented rise in food prices (Vos, 2015). The discovery of natural resources, oil finds included is frequently associated with a number of conflicts that require a well-established legal, conflict resolutions, and management frameworks. The new finding and announcement of any natural resources usually makes people's mind go crazy and the delirium formed in people's heads is beyond explanation

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(Shaxson, 2007). These challenges are likely to increase in the future if appropriate measures are not put into place to tackle these problems. Often times, these challenges emerge from policy and governance gaps or failures in a country. Policy and governance can to a great extent mitigate these challenges for instance: choices government makes or government inaction; regulations government imposes on the society; money government spends on development programs and delivery of services (Dye, 2011); resources government allocates to address issues local people view as critical; use or non-use of force in executing government policy; inspection; licensing; dispute resolution mechanisms used; setting standards and imposing sanctions when such standards are not met (Anderson, 2003).

Good governance is increasingly becoming core to the management of natural resources partly because population increase, and development activities, tend not only to alter the ecosystem, but also puts pressure on resource with further implications on climate change or unprecedented natural disasters (Stepanova & Bruckmeier, 2013). In India, natural resource conflict involving the Maoist movement was precipitated by two factors: (1) There was natural resource abundance which had been liberalized but local communities were not largely benefiting from the mining sector. (2) Local communities had cultural significance which they attached to the ecosystem, but which was not taken into account in the mining sector liberalization policies (Kennedy, 2015). Natural resource conflicts tend to turn into armed conflict when political institutions ignore or are unable to settle natural resource dispute hence creating historical grievances, and when economic institutions fail to or lack policies that enable communities living in resource abundance areas to benefit from the resources. These experiences are much identical to resource curse problem in over 50 countries around the world including Angola, Algeria, Argentina, Bangladesh, Colombia, Congo, Ivory Coast, Mozambique, South Africa, Venezuela, Iraq, Malaysia, Philippines and Nigeria (Elbadawi & Soto, 2015).

In resource scarce areas, resource conflict emerge out of the quest by small scale farmers to access resources for livelihoods and rural economy, especially when institutions lack capacity to provide access to resources. In Tanzania for instance, irrigation schemes were unable to supply water to small scale farmers since water supply planning was not matched with the expansion of the economic sector (Lecoutere, 2011). Other challenges from Tanzania have been lack of comprehensive land tenure and land rights which has often fueled ethnic conflict leading to crop failure, food insecurity, and increased inequalities (Kajembe, et.al. 2003). While natural resources begin as genuine quest for resource benefit, they in the long run evolve into instruments of politics with capabilities to bring down governments and remain for a long time as a weapon to assert authority by different parties in the conflict for instance the case in Liberia and Somalia (Duyvesteyn, 2000).

Some of the good governance issues examined in the past experiences include failure to identify and prevent looting and over exploitation of natural resources, availability of black market networks to extract and smuggle resources from the community which are often unaccounted for despite, hostilities created by harmful extractive behaviors, and risk taking behaviors developed by small entrepreneurs and companies, when the government failures to regulate resource extraction effectively (Billon, 2005). Failure to

address natural resource conflict often builds up a complex web of collective negative emotions and grievances that serve as a hindrance in natural resource management (Kennedy and Vining, 2007). Experiences from Congo show that the value of the natural resources as perceived by the conflicting parties influence decision to press on with the conflict (Pizzy, 2014).

In Taiwan, marine and fishing policy failed partly because actors in the fishing industry often changed their strategies applying those that gave them optimal maximum gain and fueled resource competition in the long run. As a result, compliance with resource management policy was weakened (Chang, et. al., 2013). In Ghana forest management policies failed because of institutional failures which often gave forest adjacent communities to interfere with conservation efforts. This was partly because the legislative process did not involve all stakeholders hence forest conservation measures did not resonate with realities experienced among forest adjacent communities (Derkyi, 2014). In Indonesia, low fish productivity, the overall poverty among fishing communities and lack of policies to tackle these specific problems escalated the conflict (Muawana, et.al., 2012). While in Peru, the national government devolved mining resource benefits to local governments, the resources did not benefit local people, but rather fueled political contest among local politicians (Arellano-Yanguas, 2011). The problem is partly attributed to lack of recognizing indigenous identity and respectively responding to their demands through effective and need based policy mechanisms (Wright & Puig, 2012).

In Honduras, marine conservation was hindered by among other things, lack access to information, resource tenure, and the failure of the state to provide policy mechanism that linked natural resource use to policy regulations (Stanley, 1998). In Sweden, conflict over clearing the forest escalated with increase of forest clearing because the purpose of clearing of the forest was not known from the beginning but unfolded gradually through media and a series of meetings. As a result of the uncertainty participation in dispute resolution was hindered by the fact that all stakeholders did not know what to expect and how to respond to the clearing of the forest (Angman, et.al. 2011).

Kenya is not new to the issues of natural resource conflict. For decades, there have been natural resource conflicts over water, livestock and pasture, use of forest resources and forest encroachment. However, these conflicts attracted relatively less attention because they only involved a few resource adjacent communities, and were relatively seasonal. As a result, they were easily managed by local authorities even though they would emerge again some other time depending on the prevailing conditions of the time (Oba, 2011). Recent studies on oil discovery in Turkana suggest that natural resource tensions that were formerly mild would escalate into full scale conflict incase marginalization of the Turkana community and inequality will continue in the presence of oil mining (Johannes et. al., 2015). The escalation of conflict is based on among the things, the findings that land use policies governing dry lands where oil was discovered lack comprehensive tenure systems have often been treated as supplementary rather than main policies requiring efficiency and competency. This has in past fueled conflict which most of the time has been perceived as the problem of the communities affected by the conflict and land use problems (Burch & Reda, 2015). Government failures have

also been attributed by previous narratives built around the conflict for example the view of the conflict as a mere traditional bad practice that should be abandoned through modernization, While the conflict is historical, it does not mean it is backward hence there is need to re-examine the conflict and understand prevailing historical injustices that have not been addressed (Bond, 2016).

While a lot has been written regarding natural resource management and community participation; this study does not challenge this literature but rather seeks to add voice to this study by: (1) Framing the discourse in the context of Sustainable Development Goals for post 2015 era. This means examining community participation issues by integrating sustainable development environment principles with principles of mining industry, inequality reduction, environment conservation, and best practices in governance. (2) Framing the discourse characterized by contextual realities. In this case, indigenous knowledge, lived experiences, and voices become core to envisioning future community participation that has potential to realize sustainable livelihoods, inequality reduction, environment conservation and good governance at the local level.

Conceptual Framework: Sustainable Development Model for Local Governance



Source: Imana & Mmbali, 2016

This study seeks explore factors that need to be addressed in order to design strategies for mitigating natural resource related conflict and improve local governance. The study explores the following questions: (1) What factors are likely to contribute to natural resource related conflict in Northwest Kenya? (2) How do these factors impact the society? (3) What strategies can be used to mitigate natural resource related conflict and improve local governance in Northwest Kenya?

2. Methodology

We selected qualitative case study approach to inquiry for this study. Case study approach is good for studying phenomena in a context when the context and the phenomena are not mutually exclusive and when the intent of the researcher is to focus

on one thing and drill deeper, describing the complex relationship between multiple factors that account for the subject of study (Yin, 2014). The approach also suits studies that examine contemporary complex issues that are deeply rooted in contextual conditions (Yin, 2009). In case study inquiry, researchers focus on depth and details rather than statistical generalization, especially when the subject of study constitutes one case study. This is because the goal is to understand what goes on in a given area for example, how something happens or happened, or how something is done, and under what conditions (Thomas, 2010). In case study research, flexible methods are used to collect data from different sources, and to analyze such data in ways that ingrate various aspects of a subject matter so that a holistic picture with different perspectives can be created (Rossman & Rallis, 2012).

Give that case study inquiry requires multiple sources of data (Yin, 2012), we used archival research and Key informant interviews to collect data from different sources taking into account things such as different perspectives people assigned to the subject of study (Henn, et.al., 2009). Key informants are individuals with specialized knowledge or experience in the subject matter one wants to study. Generally they are individuals holding administrative, expatriate, or specialized knowledge in the subject. Key informants include those who don't have the information at the time they encounter the researcher, but are ailing to get the information for the researcher (Bernard & Ryan, 2010). Key Informants were Kenyan experts from the Turkana community with a range of expertise including law, social science, history, culture, education, politics and civic engagement. We combined email interviews, Skype interviews, and face-to face interviews to reach out to different informants.

Data gathering procedure was guided by the following ethical considerations: seeking consent; working with participants to verify the accuracy of what they shared during interviews; reporting different perspectives obtained from the study (Creswell, 2013); letting the informants know that research was being done, and that the researcher was the one doing it; letting participants know the purpose of the study (Rossman & Rallis, 2012); and ensuring the privacy; anonymity of the participants, and confidentiality (Boije,2010).

3. Findings of the Study

3.1 The context

Kenya's oil and gas drilling is located in the following areas: (1) Turkana West Block 11 A which has been allocated to CEPESA oil company; (2) Turkana North Block 11B which has been allocated to Tullow oil company; (3) Turkana Central Blocks 10BA & 10 A which has been allocated to Tullow oil company; (4) Turkana East Block 10 BB and Turkana south Block 13T which have been allocated to Tullow respectively. Tullow oil is the dominant oil company in the region.

Studies show that before oil discovery, the Turkana community undertook the following economic activities: (1) Nomadic Pastoralism; (2) subsistence farming; (3) little trade – cattle/soats selling; and (4) charcoal burning. An informant observed

that land is utilized not only for grazing and subsistence farming, but also for hunting; gathering wild berries; firewood collection; and extraction of live fences which are used to construct perimeter fence around the Kakuma refugee camp. Land is also used for mining quarry stone collections and other precious stones.

Land is central to the Turkana way of life. It is the most important and priceless asset that define life. For the Turkana, land is not only an economic property, but also a spiritual realm as well as a political territory. The value for land is well characterized by the Turkana's historical resistance to British colonization, prevailing border disputes, and the daily socio-economic activities undertaken in the region with profound resilience. When describing the Turkana's value for land, an informant observed:

Just like the Kikuyu who resisted the Colonial regime from their lands, the Turkana similarly resisted the colonialists who wanted to convert their land for range management and private conservancies. Till now the Turkana have had border disputes with their neighbors both international and national such as: Mogila hill conflict with South Sudan; the Ilemi Triangle conflict with South Sudan and Ethiopia; the Uganda border conflict – UDPF; border conflict with the Pokots at Baringo, which led to the Silale/Nadome Massacre in 2015; and at Lorokon with West Pokot among others.

Land is spiritual. There are sacred beliefs or values about natural resources like water, trees, stones, places, land, connections between spirits and land. A case in point includes: the Namorutunga human stones on your way to Kalokol outside Lodwar town; Moru Anayeche shrine in Turkana West Constituency; Ekitoe Angiliok in Lopur Ward and Emilait in Lokangae at Songot Ward. An informant observed that socio-cultural rituals of the Turkana for instance death, marriage, and reconciliation are not only done on the ancestral land, but also express the connection between the land as a physical property and the spiritual realm symbolized by other aspects of the universe. The informant observes:

At the time of death the Turkana cosmology believes in living dead. The community believes in ancestors who should not be annoyed or offended rather should be treated with respect. Sacrifices are conducted to appease to them. Naming of children after their ancestors is conducted in honor of the life they lived and the lineage they reproduced. Ata Nayeche is the Turkana Ancestor though they all migrated from a place called Jie. All these things are done in the context of the land, the land of their ancestors. Likewise, Marriage in Turkana is as per the clan (emacar). The rule is that men must marry women from outside their own clan. Clan is a combination of lineage and territory. Marriage is conducted during the full moon and in a designated locality preferably at the low land during rainy season and not dry seasons. Socially, the Turkana are stratified in to two groups: the Ngicuro and Ngimonia. This social distinction is symbolized in terms of nature. The males are divided into mountains and leopards (Ngimor'u ka Ngirisae).

The above explanation means that in the socialization of the Turkana, human entity as a social phenomenon finds its own identity in nature, for example, in the likeness of mountains and leopards, the social being is created to co-exist, find meaning in and

protect nature. Furthermore, community land is communally owned and protected. Depending on the settlement, one would opt to graze frequently in particular regions, or farm there if possible. This kind of occupier ownership is respected and recognized. Occupier ownership is not unique to the region. The Turkana community is purely nomadic pastoralist although some practice fishing and subsistence farming along Lake Turkana and River Turkwel respectively.

The family unit is very crucial in Turkana public life. It must be involved in decision making. Family heads, usually senior citizens are respected in the decision making process. In the absence of land tenure and title deeds which is largely the case in Northwest Kenya; elders are the trustees of community land. While different circumstances would call for different decision making processes, the core of the decision making process should take into account consulting with family heads for guidance, their preferences or interests. These principles apply to decisions on settlements and occupation of Turkana land. These principles dictate that, if in a particular season, a particular family occupying a particular homestead is not there as a result of migration; another household could as well farm or graze in that place. There are informal socio-political mechanisms to facilitate such consultative process. Therefore, an empty space does not necessarily mean that that particular land has no owner, even in the absence of a title deed.

The second principle in community decision making is that the decisions to be made should seek to balance between the interest of the user and the community. Value for community is the sole priority guiding the ethic of land use. The individual uses the land because he or she is part of the community and is held to account by the community. An informant for example observes, *“One cannot harvest crops and stock all the produce for self. The community shares in the benefit, at least by grazing in the farm after the harvest since nothing entirely individual.”*

The third principle is the principle of: (1) the rights of land user and (2) the rights of the community whose land is used by individuals. These principles guide how land is used, what one is allowed to do with the land, and what the user is not allowed to do with the land. The user is allowed to plant, fence and guard the crops against the predators. However, the user is not allowed to be selfish for example if one was needy or hungry during harvest and needed some help. At least those who farm on community land are socially obligated to provide some of their produce for needy people in the community or allow any one’s animals to graze on the farm after harvest.

The fourth principle is the property rights of the community. Community land is not leased, rented or sold. In case of disputes over occupation, the community judgment favors the one who occupied the land first, and the duration for which the land was occupied by that particular individual. Cases about land are taken to the customary court. Elders from the community, interested persons, and the wider community including passersby are allowed to attend and participate in the community tribunal where possible.

The fifth principle is the principle of punishment and justice. The Turkana community believes in the concept of restorative justice. The community has mechanisms to

administer fines, sanctions, and post crime and punishment support measures to both the offender and the victim. Judgment is not the end of the offender, but the beginning of a new journey where the community will accept back the punished individual under certain socio-cultural probation initiatives. Depending on the nature of the offence, the offender may be required to pay certain number of animals as may be determined by tribunal (*ekitoe angikilok*) listening to the disputes. Other forms of punitive measures include warnings; rebukes; beatings; curses and ostracizations. To ensure that justice is enforced; the tribunal's decisions are implemented through social pressure and accountability initiatives. Family heads ensure that the offender is required to comply without which the offended should report back failures

The sixth principle is about community responsibility. It is the shared responsibility of the community to monitor the way land users use community land for socio-economic activities. Anyone in the community at large is free to report misuse of community land since each one is the other's keeper. However, this regulatory framework has been driven to the periphery after years of centralization of land management. Parliament has also been reluctant to enact a community land law that will ensure that the rights of the community to ownership, management, and benefit are secured. The existing laws largely ignore the role of the community in the management of natural resources while most of the oil resource reserves are on the community land. An informant observes that "The law is yet to be in place – Community law/ Act. It is still a bill in parliament and there are no regulations towards the same."

The announcement of oil discovery in March, 2012 made many Kenyans to come up with lots of speculations, theories, ideas and revelations especially on what Kenya will be in the near future. Oil discovery news was received with mix reactions in Turkana County, 'some broke into songs and dance, their hopes higher than ever before' (Imana, 2013; Hauser, 2012). According to the survey conducted in Turkana County in 2013 on the perception of Kenyans about oil discovery, 66.7% of the population trusted that oil discovery in Kenya will bring with it a "blessing" and not a "Curse" (Imana, 2013). An informant observes:

The news about oil discovery was like relief. The community hopes that they may be compensated for the land lost to oil and gas mining. Those keeping livestock will no longer do so in the same place. Therefore, they need alternative feeding ground for their livestock. Local people without employment hope they may be given priorities on job placements. Local traders hope that they will get business tenders, while students hope they will get scholarships and bursaries, and that Corporate Social Responsibilities will be sufficient.

These expectations were fueled not only by the oil prospects; but also by historical experiences. Northwest Kenya is a historically marginalized area. The region is inhabited by the Turkana, one of Kenya's minority groups with limited access to infrastructure, state welfare policy, as well as other public goods such as security. As a minority group, the Turkana do not have strong political influence over Kenya's policy hence, they rely on good governance mechanisms, institutions, and the constitution for the protection of their rights. These mechanisms are largely non-existent making the community most vulnerable, especially at a time when oil has been discovered in the area; attracting multiple economic interests. Local fears suggest that failure to channel

oil resource benefits into meaningful community development will definitely be a hope dashed and a recipe for unnecessary conflict. An informant observes:

Marginalizing the community further might increase banditry and conflict with: the neighboring Pokot over natural resources; influx of other Kenyans coming to the region for employment and business opportunities; and competition within particularly with Internally Displaced People, especially returnees seeking to resettle in the area. Environmental destruction will increase like in the Ogoni case of Nigeria where Oil and Gas is seen as a curse and not a blessing.

This sets a platform for framing the discourse on community participation in natural resource management, particularly for the purpose of improving the living conditions of the local people, reducing inequalities, improving the quality of local governance and enhancing sustainable development.

3.2. Natural Resource Conflict and Good Governance in North West Kenya

With the discovery of oil, Kenya is expected to face a number of challenges such as; environment degradation, importation of foreign labor force, insecurities, human rights issues, land grabbing, displacement and immigration of the people (Imana, 2013). Oil exploration and extractions brings not only challenges to the economy but also has a prosperity to generate civil conflict (Collier & Hoeffler, 2000). The natural resources can encourage conflicts through the following three mechanisms: firstly, it provides a motive for conflict caused by disputes over the benefits of resource extractions; secondly, resource obtained through corrupt ways attracts or encourage violence and conflicts; and thirdly, indirect mechanism such weaken political institutions and lack of proper legal frameworks causes conflicts (Collier/Hoeffler 2004; Fearon/Laitin 2003; Le Billon 2001; Ross 2006). The following areas are identified a recipe for conflict if left undressed:

The Quandary of Oil Communities

- Land ownership and Grabbing
- Environment degradation (toxic wastes, noise, etc.)
- Lack of participation and consultations
- Lack of mechanism to tackle pollution
- Threat of livelihood losses
- Human rights violations
- Lack of a framework on how oil revenues be managed and shared

Inter-communal and Devolution conflicts

The inter-communal conflicts are normally due to scarcity of basic resources. In the north west of Kenya, communities who are generally pastoralist fight over water, pasture and livestock. The conflict involves communities from four countries and they are generally pastoralist. They are Turkana, Pokot and Samburu of Kenya, Karamoja of Uganda, Didinga and Toposa of South Sudan, and lastly, Bume (also known as Nyangatom) and Daasanech (also known as Galeb) of Ethiopia. The introduction of devolution system form of administration has brought not only a number of benefits especially to previously marginalized and neglected regions in Kenya but it has also brought conflicts. Some of these conflicts are related to: resource allocation and management; lack of clear roles between County and National governments; political wrangles and misappropriation of public funds. To be able to tackle these challenges, a multi-stakeholder approach is required. An informant observes that “There is need for integration of the roles of the national government, county governments, oil companies, and local communities.”

Environment Degradation and Pollution

The entire oil exploration activities in Turkana County in Kenya from the start raised lots of concerns. Before the exploration began, the following challenges had been realized: (1) the local indigenous communities and local authorities were not well informed of it; (2) and the presence of National Environmental Management Authority was absent since there was no report on the assessment of impact of oil exploration in Turkana County. The oil exploration and extractions leads to degradation of environment for example: destruction of vegetation; displacements of people; and obliteration of grazing land. Oil explorations activities will bring noise pollution that will be as a result of big-trucks, loud seismic shooting and vibrations. At a later stage, it is expected that exploration and extractions will lead to accumulation of toxic substances that will definitely be deposited to surrounding environment (into rivers, open land and grazing land). Even though commercial viability of oil has already been confirmed with the first oil export expected in 2017; a comprehensive environmental plan for this region has not yet been put in place. Majority of the local population still fall behind on adequate information necessary for environmental protection. An informant for example observes:

There are a lot of things to worry about such as: illiteracy; lack of technical know-how; oil and gas is a new thing in the country and region hence it is an experiment; Tullow is experimenting off show drilling in Turkana for the first time yet has been doing onshow in all other 22 countries it operates. This is a challenge to them as well.

Land ownership and Grabbing

The laws relating to land in Kenya are contained in The Land Act, The National Land Commission Act, Land Registration Act, and The Constitution of Kenya 2010. The exploration and eventually extraction of oil has led to high speculation of land prices

leading to enormous land grabbing near places where oil exploration occurred. Oil exploration and land grabbing not only displaces the right owners of the land but denies them right to benefit from their ancestral land particularly the right to compensation. **The population in Turkana County is already in a susceptible state and oil exploration is likely going to make their rustic way of life disappear due to decline of grazing lands if no better plans are put to include local indigenous communities' needs (E.M. Johannes et al, 2015).**

There is need to make public all activities and operations done by oil exploration companies and strategies of national government as far as oil exploration and extraction is concerned. Land rights have become a more sensitive issue in Kenya and the government needs to develop relevant policies, legal and institutional frameworks for better management of land and oil wealth. The indigenous communities do not view land as a commodity always available for commercial purposes, but rather has a resource to utilize, share, and guarded for future generations. The land to indigenous communities has more attachment which comprises of; spiritual attachment (the link between the dead-the living-dead and the living), communal and future generations attachment. Therefore, the land as a resource is being treated with lot of care, respect, shared equally (in both grazing and tilling) and generally it is not meant for sale. Even though the local indigenous communities know a little of the impacts of oil exploration and extraction ; one thing has become clear to them-their land is to be occupied and they can not only lose their ownership of ancestral and but also their grazing land for their animals.

Rule of law (Oil Legislation and regulations)

The Petroleum Exploration and production Act 2013, is the law that generally explains the national benefits from oil. The law provides for the integration of social protection and benefits for local communities in ownership of oil producing areas. This Act only attracts serious investors and not so called opportunistic speculators (Senelwa, 2012). The new Act introduced a competitive bidding process for oil-exploration license, increased royalties and taxes, and the government takes up to 35% of shares. Also oil exploration firms are required to pay a down payment of one million US dollars according to the new Act (Senelwa, 2012; Oredein, 2013; E.M. Johannes et al, 2015). However, how these provisions will be implemented in order to bring actual benefits to the people remains work undone. An informant observes:

The displacement of communities as a result of oil mining should be among the priorities for the national and country government to address. There must be mechanisms to combat oil spill over to the environment and water contamination. The government should also put in place resources and personnel to tackle challenges such as possibility of fires, poisoning, and destruction of ecosystem.

Revenue Sharing Scheme and Resource Management

Well established resource management frameworks in a nation with rich-resource-abundance helps to avoid resource-related conflicts (Halle, 2009). Establishment of revenue-sharing regimes to regulate the allocation of resources revenues amongst all

stakeholders such as central government, county government, and corporate groups is important and will help reduce or avoid resource conflicts (Bennet, 2002). In order for this to succeed, the government has to come up with a satisfactory resource revenue distribution scheme so as to increase social satisfaction and to buy both Indigenous communities and political loyalty. Prudently managed oil revenues can bring economic benefits nationally, regionally and locally especially if the proceeds are shared fairly with local Turkana Community. This in turn will reduce poverty, insecurity cases, unemployment and improve infrastructure in Turkana County (E.M. Johannes et al, 2015). There are also prevailing challenges and grey areas regarding the custody of community land which is a critical component of natural resource management, revenue allocation and distribution. An informant for instance observes that:

With all these merging changes, the devolved system of government has left lope holes in the management of land for instance, since the county land board is in charge of public land, who shall then be in charge of community and private land in Turkana? Who should be allocated land in Turkana-Is it the community, homesteads heads, or individuals?

Voice & accountability (Stakeholders Participation and Consultations)

In order to avoid conflicts that may arise from misapprehension or discontented stakeholders, there is need for the oil exploration companies and national government to develop a forum whereby information is publically passed to all stakeholders including indigenous communities. They need for the indigenous and all stakeholders to get involved or be informed of the activities and operations. The government of Kenya needs to encourage the spirit of participation through involvement of the local communities especially on the benefits and challenges brought by oil exploration and ultimately extractions to avoid future conflicts.

A multi-stakeholder- dialogue and engagements should be encouraged to reduce tensions and conflicts. This study identifies four potential areas of tensions and conflicts that is tension between: (1) national and county governments; (2) members of parliament and county assemblies; (3) various private companies including subcontractors and oil firms; and (4) Indigenous population and other communities. An informant observed that these tensions are partly built around the following issues:

Currently no compensation has been provided for, while many individuals have already lost their land to areas demarcated for oil mining. Only some fees has been provided to the county government and possibly national government and to some extent some prospectus who had illegally acquired the land titles and are already trading the land with oil companies. This occurs because of the secrecy involved in decision making process on oil mining.

4. Implications for Practice

Among other critical challenges experienced in natural resource management in Northwest Kenya; the question whether local communities will adequately benefit from oil revenues and whether these benefits will be challenged into developing other

economic and social sectors of the county remains largely unanswered. An informant for instance observes that:

Currently, the oil resource sharing formula provides that the following parties will get the following shares of oil revenue: 75% National; 20% County and 5% Communities where oil exploration is done. The contentious issues around this formula are that the oil companies claim 60% of the total oil revenue. Does the national government, County and Communities share the remaining 40% at the ration of 75%, 20% and 5% or what is the rationale? Second, the oil revenue bill seems to propose that the sharing shall be at an equity basis. This means that at the moment there is no guarantee of 20% and 5% as constitutionally stipulated. Therefore, we will wait to see what will happen in the long run.

This study recommends the following mechanism in order to improve local governance, realize sustainable management of natural resources, and reduce inequalities. The goal of the study shows that while oil resources represent the economic activity with the highest sources of income; oil resources is not a substitute for other economic activities such as livestock keeping and farming. Good governance mechanisms should therefore regulate the oil industry in ways that it contributes sustainable to the other sectors namely: rural livelihoods (agriculture and livestock keeping); urbanization (growth in business and enterprise sector); environment; and welfare (inequality reduction, education, health). To do so the following mechanisms have to be put into place.

1. Increase local voice and accountability in policy and corporate decision making.
2. Monitor and control conflict/violence
3. Ensure County government effectiveness in public service delivery
4. Improve County government regulatory quality
5. Enforce the rule of law
6. Control of corruption
7. Increase transparency in policy and corporate decision making.
8. Increase community representation in all areas of decision making
9. Restructure county government and local budgeting to reflect the diverse emerging demands of the local people.
10. Utilization of development assistance to address critical areas of development.

6. Conclusion

The purpose of this study was to explore factors that need to be addressed in order to design strategies for mitigating natural resource related conflict and improve local governance. The study explores the following questions: (1) What factors are likely to contribute to natural resource related conflict in Northwest Kenya? (2) How do these factors impact the society? (3) What strategies can be used to mitigate natural resource related conflict and improve local governance in Northwest Kenya? Studies show that

before oil discovery, the Turkana community undertook the following economic activities: (1) Nomadic Pastoralism; (2) subsistence farming; (3) little trade – cattle/shoats selling; and (4) charcoal burning. The announcement of oil discovery in March, 2012 in Kenya led to lots of speculations, theories, ideas and revelations especially on what Kenya will be in the near future. This sets a base for the discourse on community participation in natural resource management. For Kenya, this is the first time experience coming at a time when the nation did not have a consistent and comprehensive agricultural, environmental, and mining policy. A multi-stakeholder-dialogue and engagements should be encouraged to reduce tensions and conflicts. This study identifies four potential areas of tensions and conflicts that is tension between: (1) national and county governments; (2) members of parliament and county assemblies; (3) various private companies including subcontractors and oil firms; and (4) Indigenous population and other communities. Apart from the corporate strategy to conflict resolution; this study suggests that while oil resources represent the economic activity with the highest sources of income; oil resources is not a substitute for other economic activities such as livestock keeping and farming. Good governance mechanisms should therefore regulate the oil industry in ways that it contributes sustainably to the other sectors namely: rural livelihoods (agriculture and livestock keeping); urbanization (growth in business and enterprise sector); environment; and welfare (inequality reduction, education, health).

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