

Extractives: A conversation with the Turkana¹

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Abstract

Clarity of the environmental impact assessment process is sometimes clouded by perceptions, misunderstanding, and the need to impose, with no ill intention, certain world views on marginalised communities. This is only made more challenging when working on large projects such as oil exploration, minerals mining and infrastructure projects in marginalised communities.

Using real life experiences this paper will show that the perceived effectiveness of an environmental and social impact assessment process is not always so clear cut. The paper delves into the political structure of the Turkana in Northern Kenya, where using community outreach engagement as a tool to promote awareness and understanding within the project area of influence provides a platform for meaningfully engagement with the project proponent.

In Kenya we have environmental and social legislation, but because of poor and at times ineffective local and national government structures, bureaucracy, red tape and self-interests that impede project development it means more problems are created among the project affected people.

The role of government is critical in the support of any major project. More so because members of parliament and aspiring politicians know this and need to appear to support a project either directly or indirectly if it gives them political mileage. But in Turkana, political mileage only goes so far if you do not have spiritual blessings and the support of the traditional elders. Invariably what we find is the outcome is usually less important than how you present the message! This is where the ESIA practitioner needs to have a keen interest.

Introduction

Do project proponents acknowledge that because legislation is weak or non-existent they have a responsibility to apply best international standards? In most cases yes. But what is best international standards or best practice in the social context?

According to *Wikipedia* a best practice is a method or technique that has been generally accepted as superior to any alternatives because it produces results that are superior to those achieved by other means or because it has become a standard way of doing things (*Wikipedia, Best Practice*). But sometimes best practice cannot be applied or is not suitable for an organization's needs. The key is identifying the weaknesses and reaching a balance that is in the best interest of the project and those that it will impact.

This leads us to the next question. Whose best international standards are we applying? There are numerous multinationals from the World Bank, International Finance Corporation, African Development Bank, International Monetary Fund, Asian Development Bank, to national government agencies such as DFID, SIDA, USAID, JICA, DANIDA, CIDA, and NORAD to name a few. Then of course

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we have the NGOs that are too many to list. But typically, you play by the rules of the body that is funding your project and in most of these organisations' practices are evolving with the new challenges that arise. But we do not always get it right.

In my views one of the best ways to develop an impact assessment processes that is respectful of different worldviews is to first engage at the grassroot level.

Turkana

Turkana is in northwest Kenya, and is among the poorest, most marginalised, and most malnourished counties in Kenya. Its arid climate and soil conditions render most of its terrain unsuitable for growing crops, so almost all the county's 1.3 million inhabitants raise livestock. Unfortunately, successive governments have long neglected the sector as backward, and denied it adequate investment in key areas such as animal health, market access, and water management (*IRIN, 2018*).



Figure 1: Location of Turkana County. *Courtesy DW.com*

Case Study 1: Access gravel road in Turkana

A locally registered engineering firm wins the tender to design and supervise the construction of an access gravel road in a remote arid part of Turkana. The funds have come from an international development agency which the locally registered engineering has its global headquarters. This project is completed in just over 9 months. The problem is every 2-3 years there are torrential rains that bring with them flash floods that wash part of the road away leaving the local communities with no road access for weeks.

Subsequently the engineering firm hires a consultant to investigate issues such as rainfall data (which are non-existent in the region). The consultant travels to site and while there meets a local elderly man and explains through a translator what they are doing.

The elderly man then tells the consultant that he was there when the engineering firm came to do the initial survey works and he was there when they started constructing the road. The elderly man then

goes on to explain “I have always wondered why they built the road in this location because every 2-3 years the hills far away get heavy with water and release the water to wash the land and this road lies in the path of this water. Why not build the road a few hundred metres east, that way you do not have to keep coming back to fix it!”.

Case Study 2: Oil exploration in Northern Kenya

In carrying out a site-specific environmental assessment my team and I were scouting possible areas for the location of the drill pad. We moved around in a long wheel base Toyota Landcruiser and in doing so we stuck to existing access roads using a local driver familiar with the area.

Now, the Turkana rely almost entirely on cattle for their survival. So, it is not unusual to find individuals that have a large herd of cattle and sometimes goats, sheep and camels. Their livestock provide financial security especially during times of drought and is also an indication of wealth. Grass is therefore sacred to the Turkana, not least because cattle eat the grass, but among some clans when a person wishes to make peace with his enemy, as cattle rustling is not uncommon, he will present him with a bundle of fresh grass. It is a powerful and symbolic offering which no-one can refuse.

As we continued assessing the site, at this point we are outside the vehicle, we spot a local herdsman about ½ km away making a bee line for us, and from his movement you kind of know he is not to happy. During this time the driver of the Landcruiser was already turning the vehicle around for us to head back to camp.

The local herdsman is now 50 m away and is now making a furious jog towards us and in his right hand you can now see he is holding a fighting stick or aselej and across his back a Kalashnikov. The driver by this time has spotted the herdsman and has come out of the vehicle to talk to him.

What had we done? In turning the Landcruiser around and driving off the designated access track the vehicle drove over the grass. The herdsman explained that when the rubber of the tyres goes over the grass the cows do not eat the grass because of the change in smell! And if the cows do not eat the grass this affects their health and his wealth is negatively impacted, and we are not helping matters since the area is just recovering from a long drought! How would we like it if he went to our bank and started taking money from our savings without our consent! The cattle (and other livestock) are his bank account!

Lessons learnt

Should the driver being a local have known better? May be, maybe not. He may be local but brought up in the town with little experience in livestock or traditional ways.

Could we have been more responsible in our movements instead of a driving off track? Yes. Sometimes it is the short cuts we take that bring us a world of trouble.

These two case studies illustrate what was never picked up during the ESIA studies for the road project and the onshore exploration drilling. Carrying out an ESIA in highly marginalised communities is only made more difficult by our approach in terms of what we want to achieve and what we think we understand. By being made more aware of the environment we could have had a better appreciation of our project approach.

Often in preparing a budget for an ESIA several assumptions are made that are largely drawn from online research especially if you have never been to an area before. This budget is then included in the total project cost. But what happens when you hit the ground and come across situations like the case studies described above? At least we would have known where to build the road from the onset had we had more grass root discussions and saved years in consultancy and construction

rehabilitation fees. But how patient are we when it comes to grassroots discussions especially when deadlines are or on the line and budgets need to be met? Invariably it is the old man and the herdsman that suffer.

Outreach proactive engagement

The use of outreach proactive engagement is not linked to specific operational demands but is intended to be an opportunity for a broad spectrum of stakeholders including key decision makers, including vulnerable groups, to voice their concerns, explain their interests, and otherwise initiate constructive dialogue.

By extension community outreach engagement aims to promote awareness, understanding and ultimately the capacity of the communities within the Project Area of Influence to meaningfully engage with the project proponent (*Tullov Kenya, 2017*). In traditional Turkana issues around leadership, governance and decision-making on social relations and resource management involves multiple groups as illustrated in Figure 2 below (*Tullov Kenya, 2017*).

1. The *Shade Elders* are the traditional elders of the community who gather under a shade tree every day (see Plate 1 below). Shade Elders are guardians of the land and responsible for managing water and grazing.
2. The *Chief* appoints *Chief's Elders* to assist him or her to implement government directives and gain information from within the settlement.
3. *Pastoralist Youth*³ - manage animals and households. They are messengers for the Shade Elders, often taking messages to other elders.
4. *Educated Youth* consists of youth who have been to school and do not herd. Shade Elders will expect their sons and daughters from this group to inform them of 'town' issues.
5. The *Emuron* is not a representative of the community, rather he or she acts as an advisor. Individuals or Shade Elders seek advice from him or her, usually in return for a token of appreciation, traditionally livestock or tobacco but increasingly other dry goods or money.
6. *Emuron Ekadwaran* (loosely translated as 'prophets'). They are few and always live away from the rest of the community with their wives and children. They relate to good spirits and give advice and blessings to anyone who approaches them and are universally respected.
7. The interface with *Political Leadership* is provided by the Member of the County Assembly representing a ward and the Member of Parliament representing a sub-county.
8. The *Turkana Business Elite* in Nairobi is removed from local community, but sometimes individuals use their wealth to influence local politics and resource opportunities.

³ The term 'youth' can apply to anyone who is not an elder. It is not necessarily age-specific but denotes a lower level of experience and wisdom

Figure 2: Political structure in Turkana



Emuron Ekadwaran



Emuron

Shade Elders



Pastoralist Youth



Chief and Chiefs Elders



Elite Youth

Politicians



Turkana elites in
Nairobi



Plate 1: Elders meet under a shade tree. *Courtesy Tullow Kenya.*

LOL: A conversation with local government

The ESIA process needs to ensure that when presenting a project to the government especially elected officials, at least in my experience, is to LOL:

- a. Legal covered
- b. Opportunities for local job creation
- c. Long term success of the project

Legally covered

Once you have the law on your side you leave the government with very little wiggle room to question the validity of the project. Where the law is absent you then demonstrate what has been done in a very similar situation and what best available technology and or standards could be applied and how you intend to adapt it to your situation. Always keep the government in the loop and if possible have a dedicated point of contact in government for continuity purposes.

Opportunities for job creation

Break it down on where the jobs will be created focussing on both direct and indirect jobs and the positive impact on the local economy. The use of video presentations (at best) or slide presentations with an opportunity for Q&A helps get the message across while providing further clarity on the project. Remember, you can leave them with volumes of reports to read but at least you have made a lasting impact.

Long term success of the project

Demonstrate where the project will create jobs, demonstrate cost savings, how you will apply sustainable measures, protect the environment, the benefits to the economy, pioneering achievements, open and transparent engagement with stakeholders, publish the short-term and long-

term results and deliverables no matter how big or small they are. These activities need to be demonstrated throughout the project lifecycle.

How do you develop an IA processes respectful of different worldviews? Simple, have *many meaningful conversations* and continue to have them throughout the project lifecycle.

Conclusion

The project description must include a detailed scouting exercise that delves into the culture and traditions of the project affected people. In these examples we knew nothing about the weather patterns and how the locals behave during extreme and prolonged drought periods. How long the scouting exercise should take depends on the project but what it does is present an open book to the communities that says, 'here I am, and this is what I am thinking about doing, can we talk and plan together?'

You are not seeking an opinion but building a relationship.

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