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# How the search for oil is inflaming tensions in Kenya

Communities at the centre of oil exploration caught between a desire for development and the reality of damaged land.

[Lisa Laventure](#) | 01 Apr 2016 09:54 GMT | [Africa](#), [Kenya](#), [Longform](#)

**Kerio Valley, Kenya** - James Rotich's parents struggled to send him to school. Only during the good years, when there was enough rain and the maize grew high, would they choose a goat from the herd to sell to cover his fees. Decades later, when the oil company arrived, it occurred to him that life could be different for his own children.

He had heard of Tullow Oil, the Anglo-Irish oil exploration firm whose lorries barrelled down the winding, unpaved road towards his small village. The company had made headlines a year earlier when they discovered a billion barrels of oil in Kenya's impoverished Turkana County, some 350 kilometres north of the rural farm James calls home. That day in 2013, as the trucks drove deeper into the valley towards him, James couldn't help but hope that there was oil under the land he had been growing maize and beans on for his entire life.

"I was proud," says James, now 53, standing in the middle of his plot in Muchukwo, Baringo County. "I thought to myself that if there is oil in our area, we are going to be rich. We are going to be the next Iraq."

## Trouble brewing in Turkana

Muchukwo is a small village on the eastern bank of the Kerio River, a narrow stretch of water connecting the northern and southern points of the Kerio Valley.

In the heart of the greater Rift Valley, the Kerio is home to herding and farming subclans of the Kalenjin ethnic group. The river, vital for their livestock, divides the valley in two: Baringo County to the east and Elgeyo-Marakwet County to the west.

In partnership with the Canadian company Africa Oil, Tullow had been doing aerial

surveillance in search of hydrocarbons - which indicate the presence of oil - in the area for months.

Billing itself as Africa's leading independent oil firm, Tullow has been exploring for oil in Uganda and Ghana for a decade.

The discovery of oil in Kenya seemed like a stroke of luck for a country that had been an energy outlier in a resource-rich continent. In 2014, Tullow contributed \$162.5m to Kenyan coffers in tax revenue and investments. The same year, Kenya's Institute of Economic Affairs estimated that the country stood to earn at least \$650m a year from oil exports. But as Tullow's exploratory aircraft flew over James' plot, trouble was brewing around Tullow's projects in Turkana.

One of the poorest regions in Kenya, the arid Turkana County in northwestern Kenya was in a precarious state before Tullow arrived.

Traditional inter-ethnic conflict between the Pokot and Turkana people stretched back for centuries. Communities fought over access to scarce water resources and grazing land, tensions that were exacerbated by climate change and small arms that flowed in from bordering Uganda, Ethiopia and South Sudan.

The area faced extreme poverty, high unemployment and an 80 percent illiteracy rate, and expectations that Tullow would immediately bring the jobs and development the region needed permeated local communities. Competition over land, suddenly more valuable than ever, heated up.

Conflict between the Turkana and Pokot escalated. Reports of armed cattle raids and dozens of deaths were reported by the local media. Meanwhile, thousands of people, angry that Tullow's search for oil had yet to generate jobs and money, stormed the company's drilling sites.

The community accused Tullow of colluding with national politicians, bribing local officials, and failing to compensate them for damage to communally owned lands. Operations were temporarily halted and Tullow employees whisked away to safety.

The company decided to change tack, promising more local investment and the creation of a formal grievance mechanism for communities to seek compensation for damages. Local groups criticised the move as a quick fix with no enforcement mechanism. Was the violence that Tullow's exploration for oil inflamed a case of badly managed expectations in a desperate community? Or was it a sign that Kenya, plagued with corruption and ethnic rivalries, was predisposed to the resource curse?

# Worlds apart

Today in Turkana, tensions have tempered as the price of oil has plummeted. Despite the pressure the global downturn has placed on Tullow - reporting a \$1bn after-tax loss for 2015 - the firm continues to explore for oil in Turkana and the Kerio Valley.

In some ways, Turkana and the Kerio Valley are worlds apart. Economically marginalised with few resources (before the discovery of oil) and neglected by the national government, Turkana has long existed on the periphery of Kenyan politics. In contrast, the Kerio Valley and the Kalenjin clans within it are considered to hold greater political and social influence in the region.

But even in the Valley, some worry that lives will be lost as communities are caught between a desire for development and an oil company operating alongside a national government eager to facilitate, and benefit from, their work. Like Turkana, though to a lesser extent, the Kerio Valley is also affected by environmental stresses brought on by climate change that have exacerbated violent competition for land. Literacy and education rates are low, poverty widespread and development desperately craved.

As Kenya races to be the first East African country to export oil, international experts say that patterns are emerging in the Kerio Valley that mirror those witnessed in Turkana, pointing to trouble in the future: complaints of damage to communally held lands, lack of compensation and collusion with political elites. Rights abuses have already taken place, say communities within the Kerio, and tensions might rise as exploration ramps up.

## 'We can't grow a thing'

In the sleepy Kerio community of Muchukwo, green buds sprout in neatly planted lines on half-hectare plots of land. It's the rainy season, hot and humid, and massive black ants march in formation towards anthills two metres high. Life moves along everywhere, except for a large section of James Rotich's land where nothing grows.

When Tullow arrived, he says, he gave them permission to build a road through the few acres of land he owns to bring in the heavy equipment needed in the seismic surveillance part of their exploration. They promised to leave his crops, James' sole source of income, in the same shape as before. The local politicians who facilitated Tullow's introduction to the community encouraged James to cooperate. James says he was drawn to Tullow's talk of oil-funded jobs, schools and roads for his community.

James angrily recalls what ensued: Tullow subcontracted the seismic testing to a company that James says diverged from the agreed paths when the ground, softened by rain, proved impassable. When a bulldozer sank deep into the earth, the contractor brought in

truckloads of rocks to firm up the soil and extract the machine. James says his plot was ravaged: his fence broken and heaps of rocks scattered throughout. Worst of all, there was no more water.

"This is very important land for me," says James, pointing to brown, dried-up banana trees lying dead on the ground. James relies on the money he gets from farming to support his family of 10.

"I used to be able to depend on this land, even in a drought. We thought life was going to improve. But it's as if they burned my land. Now, how do I live? How do I eat?"

James' story mirrors the experience of farmers in at least three other communities in the Baringo and Elgeyo-Marakwet counties, all of whom confirmed that the direction of roads built across their land by Tullow were laid running downwards towards the Kerio River, causing the soil to erode and rainwater to flow away rather than sink into the ground. In an area predisposed to drought and erosion, hundreds of acres of land, carefully groomed over generations to retain rainfall using specialised terraces, could no longer grow crops.

"Normally, we would get about 20 bags of maize per acre," says Johana Chepkonga, a farmer in Keturwo, a village neighbouring Muchukwo in Baringo County. "But now, we have not been getting anything because the land has been destroyed, and we can't grow a thing."

Tullow acknowledged that the 500km of roads laid for seismic surveillance exacerbated environmental challenges that have long plagued the Kerio Valley. Tullow's environmental manager, Alex Mutiso, told Al Jazeera that the company tried to rehabilitate the land by planting grass along the eroded gullies, but that "nature won over". However, the grass didn't grow because it was planted during the dry season.

In Muchukwo, James says that his annual harvest has been reduced by 25 percent since seismic surveillance was completed. Tullow's internal grievance mechanism, using rates set by Kenya's Ministry of Agriculture, determined James was owed a mere \$20 for his damaged crops and \$50 for his broken fence - an amount that does not come close to making up for the loss in productivity over the years. As a result, he's had to resort to finding odd jobs and manual labour to ensure his children's school fees are paid.

Many more farmers complain that they received no compensation whatsoever. Tullow says 70 complaints have been registered from the Kerio Valley through their grievance mechanism. They would not say how many have been resolved. Critics say the mechanism is intimidating for farmers, who see the company as an arm of a national government eager to sell oil.

Kenyan President Uhuru Kenyatta announced in December 2015 that the administration planned to sell crude from Turkana by September 2016, a full four years before most

industry experts believe the oilfields can be commercially exploited. That rush for profit trickles down to local government representatives in the villages, creating a "temptation to be overzealous in pushing the national government agenda", says Charles Wanguhu, a coordinator with the Kenya Civil Society Platform on Oil and Gas (KCSPOG).

"When Tullow came here, they came with the permission of the politicians," says Nuluki Komen Cherogony, an 80-year-old farmer in Kerturwo, Baringo County. "The chief told us Tullow would work here and to please facilitate; we were told to comply. You could not interfere because you would be against the government."

Tullow says local politicians helped in "rallying the community in support of our activities, because at the end of the day, it looks good on their part". Mutiso added that it was not Tullow's responsibility to ensure that local representatives were giving their constituents accurate information. "If they choose to twist the information, that's on them; we expect everyone to operate with integrity, honesty and openness."

Today, Tullow says their relationship with communities in Baringo remains positive. But a sense of distrust has set in among farmers, who believe Tullow and local politicians - set to gain politically and financially if oil is struck - only informed them about the "good side of oil".

In Kenya, communally held land is not covered by law, meaning there is no legal framework by which communities can seek compensation in the case of damages. A Community Land Bill meant to address this issue has yet to be passed - a delay that has been described as "ominous" in a report by the KCSPOG. Baringo communities are demanding that the government issue them with individual title deeds for the lands they farm. That legal protection, they say, is the only way they can protect themselves against the future risks of drilling for oil.

Their biggest fear: a spill.

Their concerns have precedent. In 2008, oil spills in Nigeria, Africa's largest oil producer, destroyed thousands of hectares of mangroves and the livelihoods of fishing communities in Ogoniland. The company responsible, Royal Dutch Shell, originally offered the villagers a mere \$6,000 in compensation. Only after years of legal battles by groups such as Amnesty International was the company forced to pay \$83.5m for their responsibility in causing one of the worst spills in the country's history.

The knowledge that a spill could threaten their livelihood unites farmers in Baringo to demand increased legal protection that would only come with individual land rights. In the meantime, they refuse to cooperate any further with Tullow.

Without deeds, they say, there will be no drilling.

# Betting on oil

On a Sunday morning, the road leading down to the town of Cheptuket, in Elgeyo-Marakwet County, is teeming with vehicles. Church service has just ended and a cluster of people sit by the side of the road, watching as lorries pulling heavy machinery roll by. Their conversation pauses, unable to hear each other speak as the machines rumble by, kicking up dust in their wake.

The machines are all headed towards a five-hectare stretch of land just a few kilometres down the road where, on December 28, 2015, Tullow began drilling its first exploratory well in the Kerio Valley.

Cheptuket experienced the same issues as villages in Baringo County following Tullow's seismic surveillance work. But instead of resisting development until they can achieve stronger legal assurances, the community in Cheptuket has doubled down on their bet that Tullow will strike oil and bring economic development to the county. Tullow also approached Cheptuket slightly differently after their experience in Baringo. The dozen or so farmers with claims to the land Tullow is currently drilling were provided with title deeds by the county government. Tullow entered into lease agreements with them directly. Dozens of jobs and skills training were provided before the exploratory drilling began.

But even here, people are nervous. An older man, who requested anonymity out of fear of reprisals from the oil company, wonders if it's true that oil spills are easy to clean up. There's a sense of distrust here, too, and people suspect that they aren't hearing the full story with respect to the environmental risks presented by drilling for oil. The group's conversation moves on to the gossip they say they've heard from Tullow employees: If they find oil here, that must mean there's oil everywhere.

"This well will be the 'mother' that determines all other drillings, from Marakwet to Baringo," the man says. "If they get oil here, then maybe it will persuade the Baringo people to cooperate. And if not Baringo, maybe they will pass them and go north or south. There will be so many wells around."

## 'Divide and conquer'

Those rumours have reached Baringo County, where people are worried that villages across the river, such as Cheptuket, will win out, and Baringo may miss an opportunity to benefit from Tullow's presence as they seek individual land rights. They also fear tensions may increase among communities that have competed over resources in the past.

Joshua Koros is among a sparse first generation from the Kerio Valley to receive a university education in Nairobi. He became alarmed when he began hearing stories from his family members of damaged lands and crops - the same crops that put him through

school. Along with a few friends from nearby villages in Baringo, men who had pursued MBAs and advanced degrees in environmental sciences, Joshua formed the Kerio Valley Community Organisation (KVCO). The group say they tried to raise their concerns directly with Tullow.

"They had no intention of speaking to anyone," says Koros, who says Tullow is trying to frame the KVCO as outsiders who lack the legitimacy to represent their community. "They said they had spoken to the governor, they had spoken to the member of the county assembly, and the land is government land, so they don't need to consult with anyone else."

Frustrated with Tullow's response, the KVCO looked outside Kenya for help. They reached out to two organisations providing pro bono legal assistance to indigenous communities: the International Seniors Lawyers Projects (ISLP), based in New York, and the Toronto-based Justice and Corporate Accountability Project (JCAP).

A group of lawyers from both organisations flew to Kenya in March 2015. Alongside the KVCO, they organised community "barazas", or gatherings, to discuss what rights communities had in negotiations with Tullow. The lawyers presented the group with pictures of pipelines, oil spills in Nigeria and derricks in Los Angeles. To the lawyers, it was clear that the community had little access to the experiences of other communities who are also grappling with the changes that come with oil.

That raises questions about the community's capacity to consent to oil exploration in the first place, says Shin Imai, a professor at the Osgoode Hall School of Law in Toronto, and the director of JCAP. "What really struck me was the degree to which people simply had no idea what oil is. Tullow is operating on a bed of ignorance."

Bernadette Maheandiran, a Toronto-based lawyer with JCAP, said that people were fearful to even attend the workshops she organised in Baringo. People felt anxious, she says, that attending the workshop would be perceived as political dissent.

She says people feared there would be a "crackdown right before, or even during the workshop".

"We kept lists of people that attended, but there was a general sense that those lists could get into the wrong hands. It was horrifying."

The combination of inexperience and political pressure is dangerous, says Imai, who has worked extensively with indigenous communities in Latin America, where mining companies have been linked to violent conflicts. He sees similar seeds of conflict being planted in the Kerio Valley through the use of "divide and conquer" campaigns that can stoke divisions within communities.

He points to the practice of entering directly into leases with a few individuals rather than the village as a whole, a tactic employed by Tullow when initiating exploratory drilling in Cheptuket. It creates a system of haves and have nots, he explains, where there is competition within a community and the risk of stoking insecurities that can benefit companies in the long run.

"It's the same power dynamics. It's this idea: let's just deal with the people who want to deal with us. It is a general distrust that these companies create, of saying, well, we were going to help you, but we can just go over there instead if you don't want to cooperate."

The tensions that the KVCO and JCAP lawyers say Tullow's exploratory drilling risks exacerbating are ones the company has a legal and moral responsibility to understand, says Maheandiran.

"Things have already been done incorrectly. Rights abuses have already taken place," she says, adding that there is still a window of opportunity to get things right and establish a precedent where communities are meaningfully engaged on a more even playing field by issuing them title deeds to their land.

"That opportunity is now in the valley, and it's now in Kenya," she says.

## 'No peace'

In Keturwo, Baringo County, a group of men aged 30 to 80 sit together eating chapatti and sipping milky tea. Music plays in the distance, celebrating the union of a young couple that married that morning.

The wedding, between a young woman from Keturwo and a young man from a village across the river in Marakwet, highlights the strong linkages between the communities and the unlikelihood that competition will become violent, says an elder at the table. "We have all married together, we are one family," he explains.

The younger men in the group disagree. It's they who want the jobs, boreholes and schools they believe Tullow promised them. They have the most to lose, they say, and they are watching closely as Cheptuket reaps the benefits from their arrangement with Tullow.

Already, there have been disputes between themselves and the young men in Elgeyo-Marakwet, they say.

"We don't see eye-to-eye any more," says Ali Kipsang Kigen, 36, adding that there has been an increase in violent skirmishes at the border between the two counties while herders graze their animals. "Because we have demanded titles, and Elgeyo-Marakwet,

the other side, they did not demand titles, they call us the enemies of development. They tell us, if we cross the boundary, that there will be consequences - that they will arrest us.

"Our political leaders blame us for preventing development," Kigen adds, "but we won't be exploited. We will protect our community."

In March, Tullow confirmed to be true the speculation that had permeated communities in Baringo and Elgayo-Marakwet that their exploratory drilling in Cheptuket would determine the fate of the valley. The company announced in a press release that "strong oil shows encountered in Cheptuket-1 indicate the presence of an active petroleum system with significant oil generation", in what Tullow's exploration director Angus McCoss called the most significant well result to date in Kenya outside of Turkana.

Analysis of the findings from the well will determine future exploration in the basin, regardless of presently low oil prices. Tullow has estimated that the break-even price for Kenyan oil is relatively cheap at \$25 a barrel. Results from the Cheptuket well will provide hints as to how much oil there is in the area, and where in the valley other deposits are likely to be. But more drilling in more sites and possible disputes over how the national and county governments will split future revenue from the discovered oil are likely to lead to higher tensions.

What happens next in the Kerio Valley largely depends on what's found in the exploratory well currently being drilled in Cheptuket. Results are expected within weeks. Exploration is likely to continue in Kenya regardless of currently low oil prices. Tullow has estimated that the break-even price for Kenyan oil is relatively cheap at \$25 a barrel. Results from the Cheptuket well will provide hints as to how much oil there is in the area, and where in the valley other deposits are likely to be. More drilling and disputes over how the national and county governments will split future revenue from the discovered oil may lead to higher tensions.

"If our leaders do not share these resources properly, there will be conflict," says an elder in Keturwo. "Now we have learned, based on history, that these countries that produce oil, they have no peace at all. But what is happening in these countries like Libya, we must not let that happen here."

Whether Kenya can avoid the resource curse and the aggravation of conflicts in areas such as Kerio largely depends on the passing of legislation such as the Community Land Bill and meaningful engagement with communities living on the frontlines of oil exploration.

"The fact that there is a struggle here shows that the community wants to stay alive; they are not happy to be crushed in exchange for a few dollars," says lawyer Shin Imai.

But for some, that struggle has already proved too costly. In Muchukwo, the farmer, James Rotich, focuses not on standing up to a government and company he believes exploited him, but on the day-to-day struggle of supporting his family.

"We have already suffered too much. I pray to God Tullow does not return."

***Follow Lisa Laventure on Twitter [@lisalaventure](#)***

Source: Al Jazeera