

# Anticipation, participation and contestation along the LAPSSET Infrastructure Corridor in Kenya

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Collaborative Research Center 228  
Future Rural Africa: Future-making and  
social-ecological transformation



## SUMMARY

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Pastoral counties in northern Kenya are expected to undergo massive social-ecological change in the coming years as a result of the government's 'Vision 2030' with its large-scale investments and infrastructure projects. The Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) corridor project is an ambitious infrastructure development project that links with other continental transport corridors traversing the country. The 500m-wide corridor is to consist of a railway, a highway, a fibre-optic cable and a crude oil pipeline, linking oil fields in Turkana county in the far north-west to a 32-berth port at Lamu on the Kenyan coast. A 50-km wide "special economic zone" straddling the corridor will attract investors, and the development will be accompanied by several associated projects, including three planned resort cities, oil processing facilities and airports. Proponents of the corridor point to its potential to "open up the north" and to reverse previous marginalisation. However, a growing body of work on frontiers and economies of anticipation surrounding development projects points to the potentials for dispossession of local populations and disregard of local dynamics. Further, such projects stimulate future-oriented activities and a variety of visions of the future among the different actors, which may converge or diverge, leading to contestations.

This *Working Paper* is part of a larger project called "Future Rural Africa: Future-making and social-ecological transformation" by the Universities of Bonn and Cologne and BICC in collaboration with USIU-Africa and other Kenyan universities, which is interested in the kinds of claims being made on land and its resources and how these may change existing dynamics of organised violence. In this *Working Paper*, the author seeks to understand the dynamics of participation and anticipation and how these relate to conflict and contestation along the LAPSSET Corridor area (in the following referred to as 'LAPSSET'). He takes a broad and in-depth look at local dynamics surrounding the planned LAPSSET and some associated projects in Isiolo, Samburu and Turkana counties. In doing so, he has found that a variety of actors have different visions and capacities to learn about LAPSSET and position themselves favourably, making it likely that LAPSSET will exacerbate existing political and economic inequalities. Existing inequalities historically run along ethnic lines and are likely to feed into ethnopolitical conflicts. Other findings are that the LAPSSET developments also fuel conflict as they provide new potential targets for dissatisfied citizens to get the attention of the state and new, often inequitable security governance arrangements.

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## Main findings

### **There is evidence of participation deficits related to the LAPSET Corridor**

Inequalities in the provision of information follow existing patterns of representation and marginalisation and allow several enabled actors and groups to speculate and accumulate benefits of LAPSET while others are left feeling unprepared and threatened about the future.

### **LAPSET Corridor plans have rapidly precipitated processes of speculation and privatisation or enclosure of community land**

Land law in Kenya is unlikely to protect the interests of community(-owned) land, because of an incomplete implementation of the Community Land Act of 2016 and erosion by the more recent Land Value (Amendment) Act of 2019, which offers pastoralists very little compensation, compounded by the corruption and opportunism of land speculators. This is likely to exacerbate livelihood challenges, socio-economic inequalities and complicate pre-existing ethnopolitical conflict between pastoralist and non-pastoralist groups. Additionally, restrictions upon mobility and increased competition for water sources are likely to result from LAPSET.

### **While targeted populations may benefit from the LAPSET Corridor, many people are likely to be excluded from the economic opportunities**

In Turkana, where the oil project has been underway since 2012, jobs, economic opportunities and revenue-sharing do provide a boost for many local community members. However, benefits are also cornered by unrepresentative processes and unprincipled local leaders and elites, a phenomenon deserving of further research. This has brought peace, as it prevented livestock raids. In other areas, this has increased conflict along contested borders over important resources there.

### **Several conflicts are emerging or being exacerbated by LAPSET plans, and various anticipated benefits have heightened existing ethnopolitical tensions and narratives of belonging**

In Isiolo, land titling, speculation and movement of pastoralists from other counties along the planned development route have accelerated ethnopolitical conflicts in boundary areas. On the Turkana-Pokot county boundary, anticipated oil and gas benefits and revenues have increased intercommunal conflict, leading to a strong government response to secure these areas. Local benefits also bring contestation with communities not living close enough to qualify for those benefits, who have found ways to target the project to fight for their share.

### **The interests and political power of conservation organisations can complicate existing contestation and conflict in the LAPSET Corridor**

Conservation organisations have been a strong voice for rerouting the Corridor. There are also controversies surrounding the funding, training and oversight of conservancy rangers, who are National Police Reservists and the main security presence in remote areas, and who could potentially become actors in existing contestation and conflict.

### **The government of Kenya has attempted to improve security along the conflict-prone areas of the LAPSET Corridor and oil transport routes, with mixed results**

Most National Police Reservists (outside of conservancies) have been effectively disarmed, achieving the objective of more security. However, security provision is sometimes uneven and often provocative to local residents when it does not seem to act in their interests. Confrontations between state security and local residents are often severe and sometimes deadly.

## Acknowledgements

The author would like to acknowledge the support received from BICC, Bonn University, Cologne University and the funding from the German Research Foundation (DFG) through the Collaborative Research Centre (SFB) CRC/TRR 228 Future Rural Africa. Thanks to colleagues, including Birgit Kemmerling, Katja Mielke and others at BICC who reviewed the *Paper*, and to colleagues Conrad Schetter, Detlef Müller-Mahn, Evelyne Atieno Owino, Marie Müller-Koné, Abdullahi Mboru, Halkano Boru, Guyo Haro, Tiya Galgalo, Mike Ekano, Joy Lenawalbene, Kim Hye-Sung, Augustine Lokwang, Gerard Wandera and driver Laban Kibet. Thanks too, to all county officials, national administrators, the Peace Secretariat, police personnel, members of civil society, faith-based organisations and communities, conservancy staff and private individuals, without whom this work would not have been possible. Thanks to Tessa Mkutu for helping to organise the work and Elvan Isikozlu, BICC's head of quality control. I also wish to acknowledge the late Dr Elke Grawert, who worked with me closely in the last few years in the LAPSSET corridor area and has been a great inspiration.

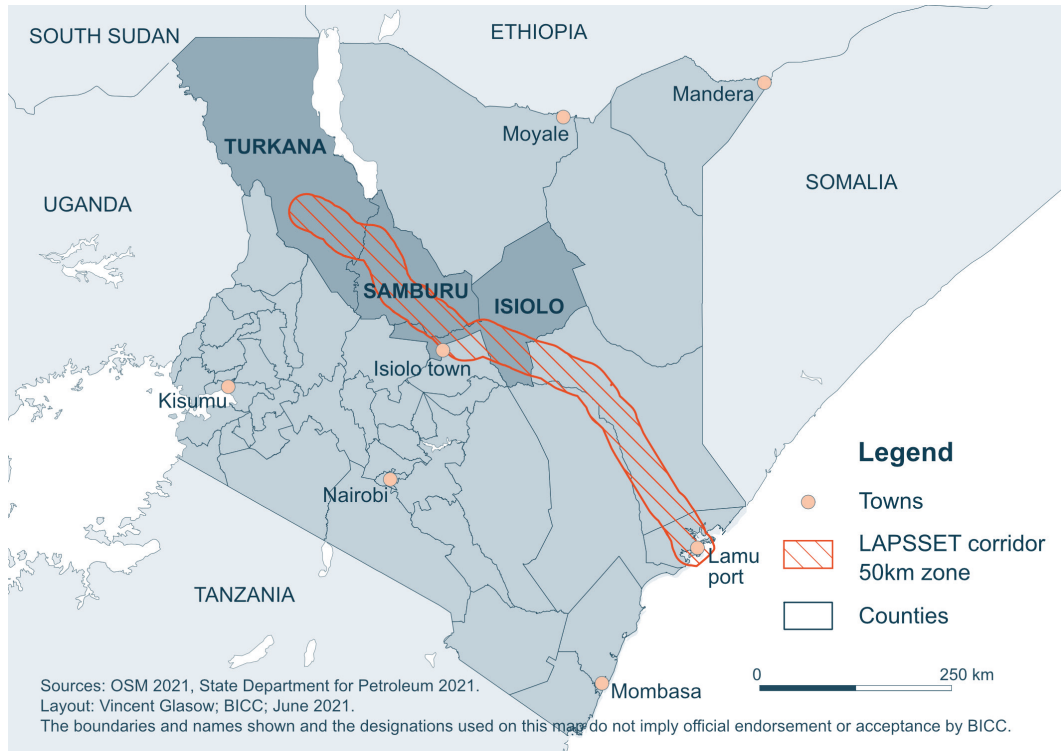
## Introduction

In this *Working Paper*, the author seeks to understand the complex local dynamics of participation and anticipation and how these relate to conflict and contestation among the various actors along the LAPSSSET Corridor area (in the following referred to as ‘LAPSSSET’). First, he asks about these actors’ level of awareness of and participation in project planning. Second, following from what they know, he asks how people are mobilising themselves to mitigate the risks or to benefit from the anticipated changes, if at all. The *Paper* leans on recent theories about anticipation surrounding mega-projects in frontier areas and the resulting political and economic dynamics and contributes to a growing understanding of development in rural Africa. It takes a broad and in-depth look at local dynamics surrounding the planned LAPSSSET and some associated projects in Isiolo, Samburu and Turkana counties—marginal, conflict-prone parts of Kenya where state presence has been little felt until recently. The author argues that various actors have different visions and capacities to learn about LAPSSSET and position themselves favourably, making it likely that LAPSSSET will exacerbate existing political and economic inequalities. The study shows that inequalities historically run along ethnic lines and are likely to feed into existing ethnopolitical conflicts. LAPSSSET developments not only fuel conflict by providing new potential targets for dissatisfied citizens to get the attention of the state but also through new, often inequitable security governance arrangements. The *Paper* starts with a background on mega-infrastructure projects in developing countries, followed by an exploration of the main concepts which inform the work, a short background on the study areas and a description of the study and its methods. It then presents the main findings on the conflict potentials along the Corridor and finally provides a discussion and conclusion.

## Infrastructure projects in Sub-Saharan Africa

In Sub-Saharan Africa, regional mega-infrastructure projects have come to dominate national and global development policy agendas (Enns & Bersaglio, 2019), endeavouring to create cross-border infrastructure networks aiming “to produce functional transnational territories that can be ‘plugged’ to global networks of production and trade” (Schindler & Kanai, 2021). In Kenya, the Lamu Port–South Sudan–Ethiopia Transport (LAPSSSET) Corridor Project (see Map 1) is an ambitious infrastructure development project intended to eventually link to West Africa’s Douala–Lagos–Cotonou–Abidjan Corridor, running through six western African nations. The 500m wide Corridor is planned to consist of a railway, a highway, a crude oil pipeline and a fibre-optic cable from the northern and north-western reaches of the country where the oil fields are located to a 32-berth port to be constructed at Lamu on the Kenyan coast. According to the LAPSSSET Corridor Development Authority (LCDA), the 50-km wide “special economic zone” straddling the Corridor will attract investors (LCDA, 2017), and its development will be accompanied by several associated projects, among them three planned resort cities, oil processing facilities and airports. The LCDA claims that the Corridor itself will inject two to three per cent of its GDP into the [Kenyan] economy while even higher growth rates “of between 8-10% of GDP have been anticipated when attracted investments finally come on board” (LDCA, n.d.).

LAPSSSET is to traverse the northern counties of Kenya, which are remote, arid and marginalised, and for which it enticingly heralds economic development and the inclusion of pastoralists into the mainstream economy. In 2012, in line with Kenya’s development blueprint Vision 2030, the government produced Sessional Paper No. 8 “National Policy for the Sustainable Development of Northern Kenya and other Arid Lands” which declared a reversal of the previous policy of concentrating development efforts in the south where economic potential had historically been

**Map 1****Approximate position of LAPSET corridor, showing study areas Turkana, Samburu and Isiolo counties**

higher. This was perhaps not so much a redistributive policy, but rather a shift in strategic interest. In the Paper, the author emphasises the high potential of arid and semi-arid lands, including their strategic positioning for trade on Kenya's borders, livestock wealth, tourism potential, natural minerals, renewable energy resources such as solar and wind and indigenous knowledge and skills in managing climatic variability. LAPSET was only one project mentioned in this plan, together with water harvesting, supply and irrigation, improvements to water and sanitation infrastructure, access to power and information and communication technology, urban development plans, housing and sustainable rural economic opportunities. The project was endorsed in 2015 under the African Union's Presidential Infrastructure Championship Initiative (PICCI), signifying its perceived importance to peace, prosperity and regional integration (AUDA-NEPAD, n.d.). Several roads in the north of the country have been improved to facilitate regional integration, trade, investment and security.

These include the Kitale–Nadapal road linking Kenya with South Sudan through oil fields in Turkana county, the Isiolo–Moyale road and the recently started Isiolo–Manderla road, which link with Ethiopia and Somalia respectively. These ambitious projects are funded or supported by multilateral banks, organisations and institutions, consultancies and governments, including China and the United States (Schindler & Kanai, 2021).

While policymakers often present large-scale infrastructure and development projects that require large-scale land acquisition as having the potential to bring widespread socio-economic benefits, including for rural people, a common repercussion in Sub-Saharan Africa is displacement and exclusion (Fratkin, 2014; Galaty, 2014; Deininger et al., 2010). The emerging literature on “frontiers” of development acknowledges the tendency of official planners ignorant of local land-use practices to perceive the spaces before them as unoccupied and unutilised, in need of civilisation (Schetter, 2012), a blank canvas upon which



to paint a new and exciting future. Such visions and assumptions are often reminiscent of colonial policy (Enns & Bersaglio, 2019). Furthermore, 'local people' are disadvantaged by weak legal frameworks, especially to protect communally owned land (Wily, 2012), together with social, political and economic marginalisation, making it more difficult for them to benefit from development.

This leads us to the question of how to define 'local' and 'local people'? Schilling et al. (2018), in a discussion of extractive processes and conflict, define 'local communities' as those who are in the geographical area directly surrounding the extractive process. These, with some exceptions, are most directly affected by displacement, environmental degradation and other social impacts. However, with the anticipated LAPSET project, the main issues at the time of writing are about land take, not only due to the Corridor itself but also to the investments planned along the Corridor. With these issues in mind, the definition of 'local' may be too narrow. Pastoralists are mobile over vast distances: McCabe (2004) records the movements of a Turkana pastoralist over a 70-km range in a year. Most pastoralists have legally recognised ancestral claims on certain portions of rangeland, and many believe that they should be the rightful beneficiaries of employment opportunities and other benefits emanating from developments on their land. Therefore 'local' in this case is also about claims to the land local to the project. Moreover, politicians, elites and upwardly mobile literate youths may also fall in the category of 'local people' or 'community members' who may also have rightful claims to the land and are considered by others or by themselves as 'legitimate' representatives of community interests. In Kenya, this has been particularly true since the enactment of a devolved government structure in 2013, which has resulted in a return of many members of the urban-based elite to take up county government positions and investment opportunities. This *Paper* describes how even 'local' leaders' actions and intentions may at times be disproportionately unrepresentative and unprincipled given their intent to benefit from development themselves.

Hence, development planning is not a simple matter of passive dispossession and exclusion suffered by local communities. There is a range of actors who have a range of capacities. In his work on conservation in East Pokot, Kenya, Greiner (2016) notes that while some Pokot people faced threats to their land and resource access as a result of certain conservation projects by certain conservation projects, some have sufficient agency to envision and plan a future where they are not left behind. Chome et al. (2020) also give a more nuanced view of the local impact of infrastructure projects, observing how they become embedded in local economies and are shaped by local dynamics. Aalders et al. (2021, p. 1274) characterise such processes as "entangling", which refers to practices of local people trying to attach new features to the project to ensure their own benefit, and "fraying", whereby the project is unsettled by local people with different visions about what should take place. Other scholars such as Björkdahl et al. (2016, p. 203) refer to "frictional processes" where actors at various levels may have "different objectives, experiences and expectations". These processes may include a range of encounters from cooperation to confrontation and various forms in-between.

## Understanding anticipation, participation and conflict

Recently, much academic interest has focused on the wave of mega-infrastructure projects across the globe and in Sub-Saharan Africa in particular. This *Paper* introduces the concept of "the economy of anticipation" by Cross (2015), developed in his essay on an economic zone in India, and applies it to the LAPSET megaproject, which has, as yet, progressed little beyond the stage of planning and land adjudication. There, Cross uses the term to capture a broad range of future-oriented practices driven by dreams, imaginations and emotions, as much as by calculated decision-making, which converge in economic zones earmarked for investment. All kinds of people, even those to be displaced by the zones, have various dreams and mobilise in various ways to deal with

their future. Cross (2015, p. 435) concludes that new “relationships of power, consent and struggle” emerge in economic zones. Existing patterns of wealth and power may be reproduced; in the case of India, high-caste farmers were able to accumulate land and wealth in the resettlement and compensation processes. Yet, economic zones can also act as a leveller by opening up new possibilities for low-caste people. Even when certain benefits, such as employment, did not materialise, Cross notes that new dreams and hopes arose from the disappointment. Research for this study has observed similar behaviours, which is discussed towards the end of the *Paper*. Haines (2017) likewise discussed the affective power of anticipation of infrastructure projects, in this case, a road in Belize, which led to emotional debates about territoriality, environment and development. Elliot (2016) explored the political aspects of anticipation also relating to the LAPSET Corridor; how this led to an increased demand for plots in Isiolo town, which amplified the politics of land, settlement and ethnic identity. We continue to consider Elliot’s findings throughout this *Paper*.

Participation may be generally defined as the involvement of a local population in decision-making concerning development projects and their implementation (White, 1981). It is relevant to anticipation and future-making processes, encompassing a range of activities from simply conveying information to giving some degree of control over a project. It can serve to empower affected people, helping them to mitigate disruptions and even reap a share of the benefits of development. It is also beneficial to the project as it allows the flow of local knowledge and assistance, resulting in increased efficiency and sustainability, sustainable environmental management, local acceptance and reduced risks of opposition and conflict (White, 1981). However, one of the limitations of participation is that it can rarely mitigate existing power disparities and may become token or meaningless in the face of political forces (Golooba-Mutebi, 2004). Communities are not homogenous, and, as noted, there are often multiple interests, actors and

internal and external institutions that shape the decision-making process. Thus efforts at participation may simply replicate existing participation deficits. Therefore, conflict resulting from divergent visions of various actors and beneficiaries may not be mitigated at all, and the likelihood of resistance might sometimes be exacerbated if participation processes are carried out in a cursory or token manner (Conde & Le Billon, 2017).

Infrastructure projects stimulate a variety of interests and visions among the potential victims and beneficiaries. They potentially increase inequalities and may become zones of contestation, *a frontline in struggles between workers, farmers, activists, business-people, investors and state governments over the meanings, beneficiaries and direction of development* (Cross, 2015, p. 423).

Ultimately, they can become zones where, as Cross notes: “state-sanctioned acts of violence and coercion take place” (2015, p. 428) to follow through on the capitalist promises that attracted the investors to make it all possible. There are certain common foci for contestation. In a comprehensive analysis of 26 mega-infrastructure projects across East Africa, Unruh et al. (2019) found that issues that commonly caused tensions are: In-migration, population displacement and relocation, a negative history of community relations with previous or follow-on developments, land rights, securitisation, environmental degradation and expectations of the local population relative to benefits delivered by the project. Conflict may occur between various interested parties: Community-investor conflict and/or community-state conflict; inter-communal conflict between neighbouring communities, especially other ethnic groups and conflicts between individuals or other groupings. Further, while conflict may be new, more often, mega-projects may destabilise or exacerbate pre-existing conflicts, tensions and grievances. Schetter & Müller-Koné (2021) also observe that in frontier areas, there is a reorganisation of violence in which the expansive power often puts aside the usual restraints on violence to achieve its objectives.

In applying this understanding of anticipation, participation and conflict to the wider LAPSSSET Corridor area, this *Paper* considers whether existing inequalities are reproduced in anticipation of LAPSSSET, and whether concurrently, some new possibilities emerge for those previously subject to structural limitations. It explores in particular how participation processes may advantage or disadvantage certain actors and how anticipation may lead to “relationships of power, consent and struggle” (Cross, 2015, p. 435) and contestation between incompatible interests, hopes and dreams.

## Methods

This *Paper* is part of an ongoing series of *Working Papers* in the area (Mkutu, 2019; 2020) that take a case-study approach to examining the dynamics of contestation and conflict surrounding infrastructure development in Africa. It also draws extensively upon previous research and networks formed over the past two and a half decades.

Specifically for this *Paper*, the author undertook three six-day phases of research in Turkana, Samburu and Isiolo counties respectively, from December 2019 to February 2021. He carried out around 60 in-depth interviews or focus group discussions with a variety of stakeholders. These included members of communities near the planned Corridor who were able to comment on participation and local dynamics of anticipatory positioning and contestation (women, youths and community elders, conservancy staff members), more urban-based people such as staff of civil society, faith-based organisations and business people. Interviews with security providers such as national police reservists and state security personnel gave an opportunity for discussing security governance issues. Others with state actors such as local

administrators and high-level national and county government officials provided an overall perspective. Research assistants were employed, one in each county. The author selected the areas to be visited based on being spaced along the planned LAPSSSET Corridor, and to some extent, having issues of contestation. Civil society, faith-based workers and local administrators at the lowest tier of administration (chiefs and ward administrators) helped to identify community respondents, with the added consideration of inclusion in terms of age and gender. A snowballing method helped to identify further respondents. Ongoing phone communication assisted in keeping the information current. A comprehensive review of both academic and policy literature contextualised the findings. Limitations included the remote terrain, challenging climate and the nomadic lifestyle of residents. The team also encountered security challenges due to intercommunal conflicts and banditry.<sup>1</sup> These have led to an increased focus in the more accessible areas, particularly around Isiolo town, the southern part of Samburu and Lokichar oil fields. However, the research was able to cover most areas where the LAPSSSET is to pass and included conflict-prone areas highlighted by other sources such as the media, Armed Conflict Location Event Data (ACLED)<sup>2</sup> and other literature.

1 \ The COVID-19 pandemic which arrived in Kenya in March 2020 to some extent disrupted timing of the field trips due to lockdowns but focus-group discussions and interviews were carried out adhering to social distancing rules, masking and choosing an outdoor setting.

2 \ See Raleigh et al. (2010) for a background on the highly informative ACLED database.

# Conflict potentials along the LAPSSET Infrastructure Corridor

The following sub-sections investigate the economic and political landscape surrounding the “not yet” of the LAPSSET Corridor, the phenomenon of anticipation and anticipatory behaviours in all three counties and the existing oil developments in Turkana county since 2012. After providing a background on conflict potentials, the author explores participation first because it imparts knowledge about planning, which allows people to position themselves to mitigate risk and prepare for future developments. Then, the Paper progresses to problems of land tenure and compensation issues, drawing out the emerging challenges to land rights and livelihoods on community land brought about by the Corridor itself and speculative land acquisition on various levels. It considers equality of access to/distribution of community benefits and how these have contributed to contestation. It then looks at the rapidly developing picture of narratives of ‘belonging’ resulting in politicised inter-ethnic struggles and tensions which relate to claims over the land, livelihoods and benefits described in the previous section. Conservation is then specifically discussed because conservation organisations are becoming an increasingly powerful political voice in northern Kenya and the LAPSSET Corridor area. Finally, the *Paper* moves onto the security governance aspects of the Corridor area because, together with the previously described dynamics, these offer a range of future possibilities from security to conflict.

## Background to conflict potentials

The study counties of Turkana, Samburu and Isiolo (see Map 2) are all arid or semi-arid counties inhabited mainly by Turkana, Samburu, Borana and Somali pastoralists. They have a history of marginalisation, remain underserved in terms of service provision and have low development indicators. Their predominant livelihood is livestock herding, and to a lesser extent, irrigation agriculture along the Ewaso Nyiro and Turkwel Rivers in Isiolo and Turkana counties respectively. In the past three decades, the number of community wildlife conservancies—areas of community-owned land designated for wildlife conservation

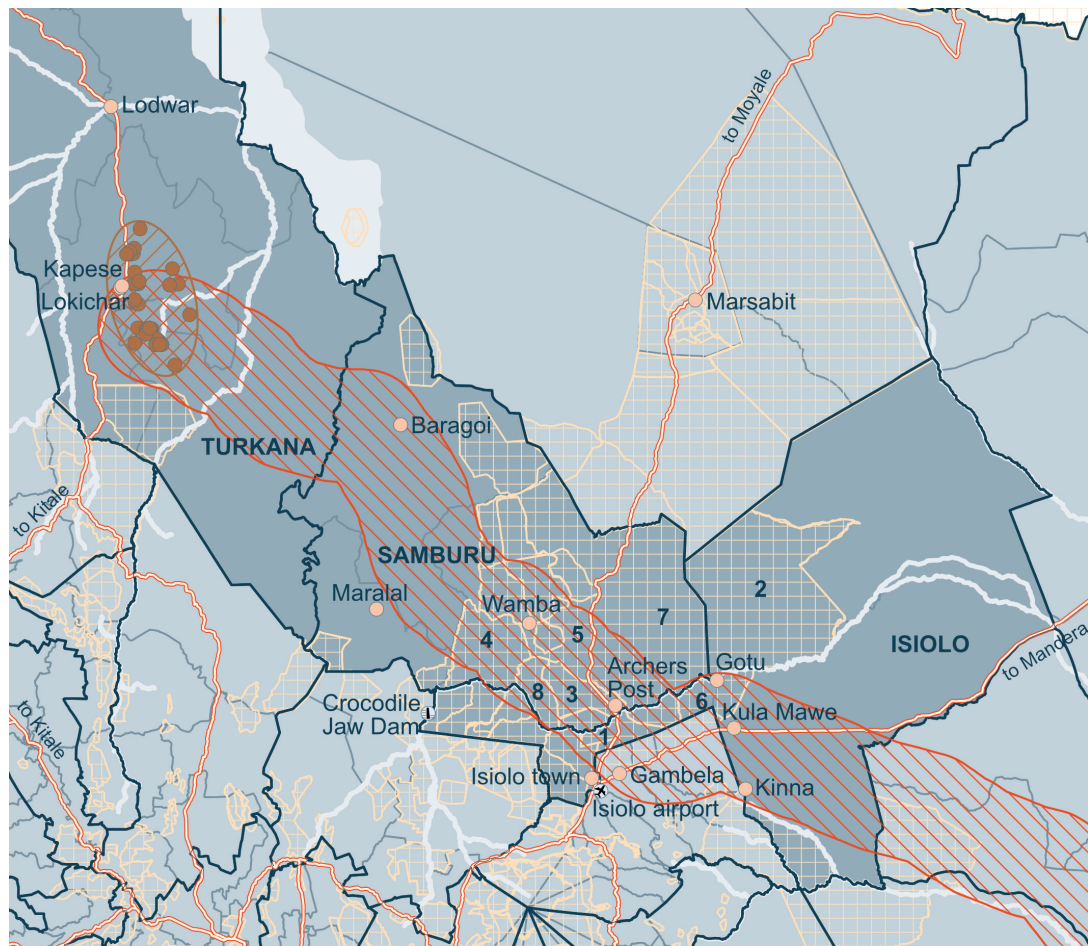
in addition to usual herding activities—in Samburu and Isiolo counties have increased. Through an elected board, communities manage the conservancies to balance these functions and often carry out other activities, including eco-tourism, livestock marketing and crafts. Almost all are under the oversight of the prominent non-profit organisation the ‘Northern Rangelands Trust’, which assists communities by providing guidance and donor funding (Mkutu, 2020).

In the Shifta War against the Kenyan government<sup>3</sup> Isiolo county and the north-eastern counties of Garissa, Wajir and Mandera were part of the agitation by several north-eastern districts to join a Greater Somalia, which exacerbated their political marginalisation and contributed to their poverty henceforth. All these counties are conflict-prone, with perennial conflict between different ethnic pastoralist groups. The most prominent in Turkana county is that between Turkana and neighbouring Pokot pastoralists along the borders with Pokot and Baringo counties. While there is an ethnopolitical conflict in and near Baragoi town in Samburu between Samburu and Turkana pastoralists, Isiolo is prone to inter-communal and ethnopolitical conflict between its various ethnic groups and along its border with Meru county. These conflicts have been exacerbated by the LAPSSET plans, as will be described.

Unregistered/illicit firearms are many in the project area and are used in inter-communal conflict. Turkana is on an arms route from South Sudan and Ethiopia, and Isiolo is a hub for the small arms trade, bringing arms from the Turkana side and Ethiopia and Somalia. From here, they are distributed to other parts of Kenya (Mkutu, 2008). While most pastoralists carry small arms to defend their stock against raiders, many also use them to raid cattle themselves as raiding is embedded in their culture as a means to restock after disasters, pay the bride price, prove one’s manhood and wage war against enemies (Mkutu, 2008).

3 \ The so called Shifta (*bandit*) war began in 1963 between the post-independence government of Kenya and a movement known as the Northern Frontier Liberation Front, which agitated for several north-eastern districts to join a Greater Somalia. The movement was quelled in 1967 but was followed by decades of repressive security measures against citizens of the districts involved.

**Map 2**  
**Isiolo, Samburu and Turkana counties and LAPSSET route**



**Legend**

- Rivers
- Settlements of importance
- Oil wells (Tullow Oil)
- Important roads
- Protected areas
- LAPSSET corridor 50km zone
- Main area of oil exploration by Tullow Oil
- Subcounties
- Counties

0 150 km

- Important protected areas:
1. Buffalo national reserve
  2. Buliqo Bulesa conservancy
  3. Kalama conservancy
  4. Meibei conservancy
  5. Namunyak wildlife conservancy
  6. Nakuprat-Gotu conservancy
  7. Sera conservancy
  8. West Gate conservancy

Sources: OSM 2021, WDPA 2020, State Department for Petroleum 2021. Layout: Vincent Glasow; BICC; June 2021.  
 The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by BICC.

State security actors in northern Kenya have historically been thin on the ground and often challenged in terms of resources and equipment. The increasing strategic importance of the LAPSET Corridor area, together with the conflicts listed above, have led to an increase in state security presence in the areas, as will be discussed. The National Police Reserve, which have historically provided community security, have increased in number in the past three decades, particularly in the many wildlife conservancies in the area where they provide security for the community and wildlife. Kenya Wildlife Service guards also patrol the national reserves in the area.

## **Conflict potential #1: Community participation**

Participation, involving all affected communities within the Corridor area, is an important aspect of government planning, particularly as part of the Environment and Social Impact Assessment (ESIA) process and has also been carried out by other sectors. However, many local people believe that they did not receive sufficient information. It is not clear to what extent people were able to influence project planning through the existing participation processes.

In all the areas visited, community members and even local leaders expressed frustration over their lack of knowledge about LAPSET, particularly its location. Such information is actually publicly available: In 2019, it was posted in a government gazette, and a map was subsequently published online by the civil society organisation Natural Justice, though many are not aware of this or lack Internet access. Several related conditions may contribute to poor participation of communities in northern counties of Kenya, including geographical remoteness, mobile lifestyle, historical political marginalisation, lower literacy rates and language barriers. State-led participation efforts are limited by a lack of funds (even government administrators said that they do not have funds to hold a public meeting).

State-led participation exercises for LAPSET have taken place at various stages, namely the Strategic Environmental Assessment (SEA) (LCDA, 2017), the Environmental and Social Impact Assessment (ESIA) for the Lokichar to Lamu Crude Oil Pipeline (LLCOP) project (Golder & ESF Consultants, 2019) as well as other individual LAPSET components. Further, since 2020, the LAPSET Corridor Development Authority (LCDA) has a local office in Isiolo and Turkana and liaison officers who have been using local radio stations to communicate information to locals.<sup>4</sup> Several NGOs, including those in conservation and civil society and faith-based organisations, are also involved in efforts to improve participation at the local level, and Tullow Oil in South Lokichar, Turkana, also carried out some participation activities on LAPSET.<sup>5</sup> Therefore, participation is a multi-sectoral activity. There are likely to be various obligations and motivations within these sectors, including legal and corporate social responsibility requirements and fulfilment of mandates for social and political development and conflict prevention.

During the 2017 SEA, an initial scoping study mainly explored the view of county commissioners and county government stakeholders. Later that year, 47 meetings took place along the Corridor with so-called grassroots stakeholders, though these were held at county centres and were unlikely to have reached local people who will be most affected by the projects (see Table 1).

The Pipeline ESIA was more detailed and better reached those to be affected. The area of influence, defined as being within a 25-km radius of the pipeline route (the same radius (as will designate the special economic zone) comprises 49 villages and towns (see Table 2).<sup>6</sup>

4 \ Interview with former security officer and elder, Isiolo town, 13 October 2020.

5 \ Turkana National Resource Hub brings together several organisations including the Catholic Justice and Peace Commission. Some other organisations are not in the Hub but working on participation.

6 \ These numbered 161 for all locations. Thus, an average of three to four were carried out in each location.

**Table 1**  
**Stakeholder engagement processes for 2017 Strategic Environmental Assessment in Isiolo, Samburu and Turkana counties**

Activity and stakeholders included	Place	Participants
<i>Scoping consultations*:</i> Two focus group discussions (FGD) with county governments Interviews with county commissioner FGD with Northern Rangelands Trust	Isiolo	n/a
FGD with county governments Interview with county commissioner	Samburu	n/a
FGD with county governments Interview with county commissioner FGD with lakeside communities, Water Resources Management Authority and Kenya Wildlife Service	Turkana	n/a
<i>Detailed Strategic Environmental Assessment consultation in all counties (47 meetings):</i> County-level public meetings County government workshops Interviews sub-county commissioners		1252 488 8 (in all 8 counties)
<i>Other activities:</i> Focus group discussion Borana Council of Elders Interfaith Focus group discussion Isiolo	Isiolo	
Interview Senior Warden Interview National Environment Management Authority	Samburu	1 1
Interview Tullow Oil Interview security team in Kapedo Interview unknown respondent	Turkana	1 3 1

*Source:* LAPSET Corridor Development Authority, 2017; \*: The source did not give the number of participants in the scoping consultations. These consultations did not involve the public or local communities, where knowing the number of participants would be important.

It is important to note the type of concerns raised during the community participation exercises. The main themes raised in these meetings were land acquisition, land-based livelihoods, titling and compensation. Other important concerns included benefits for locals, environmental concerns, corporate social responsibility projects and the ESIA process itself. In the entire Corridor area, the Borana Council of Elders

in Isiolo were among the loudest voices, complaining about individuals encroaching on their lands and calling for more consultation and for dry-season grazing grounds to be left alone. Turkana communities affected by the Pokot-Baringo border dispute wondered how this would affect compensation. Interestingly, at the time of this research, from 2018 to 2021, the same issues were still dominant.

Table 2

Stakeholder engagement processes for 2019 LAPSET Corridor Pipeline Project ESIA in Isiolo, Samburu and Turkana counties

Date	Activity and stakeholders included	Place	Participants
June 2018	Scoping consultations with county governments, parliamentarians, NGOs and other civil society organisations	Isiolo Samburu Turkana	58 93 38
October 2018– January 2019	Social baseline data collection (including mapping of livelihood activities in relation to the Corridor): <ul style="list-style-type: none"> <li>\ Community <i>barazas</i> (public meetings)</li> <li>\ FGD with elders, pastoralists, women, youth, farmers and fishers.</li> <li>\ Interviews with local leaders and planners</li> </ul> County-level meetings Update meetings with parliamentarians and NGOs	<i>Isiolo:</i> Garbatulla 142 Kula Mawe 145 Boji 61 YaqBarsadi 47 Ngaremara 197 Isiolo 124 <i>Samburu:</i> Archer's Post 93 Lerata 199 Wamba 152 Nkaroni 272 Swari 118 Maralal 44 Barsaloi 141 Suyian 135 Baragoi 94 Nachola 566 <i>Turkana:</i> Lokori 68 Katilia 361 Kalapata 265 Lokichar 313 Lodwar 20	
July 2019	ESIA disclosure meetings: <ul style="list-style-type: none"> <li>\ In county centres</li> <li>\ In selected community locations (selected by county officials)</li> <li>\ With NGOs</li> <li>\ With senior government officials and parliamentarians</li> </ul>	<i>Isiolo:</i> Garbatulla 228 Ngaremara 108 Isiolo town 207 <i>Samburu:</i> Wamba 104 Maralal 91 Baragoi 145 <i>Turkana:</i> Lokori Lokichar Lodwar Lodwar (NGOs)	

Source: Golder &amp; ESF Consultants, 2019



A study in 2019 conducted by a University of Nairobi research team looked at the impacts of 12 LAPSET-related megaprojects in Samburu, Isiolo, Laikipia and Marsabit counties and explored, inter alia, issues of understanding and participation.<sup>7</sup> For several projects, people expressed that they lacked information and that participation, when it took place, was one-way, that is, more about conveying information on what had already been decided than taking real note of concerns. Some perceived social and/or environmental impact assessments as a rubber-stamp. In Isiolo, communities felt that Meru had been better served in terms of participation because the LAPSET Corridor Development Authority was headed by a Meru (Partners for Resilience, 2019). However, this may also have been because of the settled and less remote nature of Meru communities.

During research in Isiolo, many people perceived that participation had not been adequate and that those affected were not made aware of the impacts of the projects on them. In rural areas, the following comments were heard: “We are in darkness”<sup>8</sup> and “the rural people have no information” although an elder in Kula Mawe confirmed that some information had been given on TV. Similarly, in Samburu, an administrator said: “95 per cent of the community do not know yet they will be hugely affected”.<sup>9</sup> Local people believed that those living more inland should have been reached, saying, “they forgot that this is a pastoral community which is mobile”.<sup>10</sup>

The strategy of LCDA relies to some extent on the dissemination of information by local leaders and broadcasts on TV and radio, which many rural people can access, but obviously, this is largely a one-way process. Certain structures on the ground provide helpful entry points for participation. Chiefs, who are the lowest tier of national government administration, are usually from the locality and can identify

local stakeholders<sup>11</sup>, though may also have their own biases. In Samburu, community land is organised into group ranches and conservancies, which are helpful structures to facilitate participation, but again, there are also some non-democratic tendencies in conservancy and group-ranch leadership.<sup>12</sup> In a Meibei conservancy in south-west Samburu, a village elder said,

*Only people working closely with the conservancy or the board members of conservancies are informed. People of LAPSET came to Meibae and informed the board and wardens, [but] board members do not come and call meetings and inform people; the information ends with the board.*<sup>13</sup>

The board mentioned is made up of elected leaders from each locality included in the conservancy. Again, it was noted: “at the village level, many people do not know what the conservancy is doing”.<sup>14</sup> In such circumstances, local leaders, presumed to represent the interests of their communities in participation processes, could abuse their advantage to position themselves favourably for economic and political gain.

Further, gerontocratic structures and the herding duties of younger men, known as *morán*,<sup>15</sup> which take them far away from settled areas, mean that age is also a barrier to participation.<sup>16</sup> In Samburu, it was noted that *morán* are in the dark.<sup>17</sup> Gender is another

7 \ Our research team conducted 55 focus group discussions (FGDs) and 95 key informant interviews for this study.

8 \ Group interview with local administrators in Duse, 19 November 2018.

9 \ Group interview with local administrator for Waso West Location and a local peace worker, Archer's Post, 18 December 2019.

10 \ Group interview with ward administrator and a cohesion officer, Samburu, 19 December 2019; this was also mentioned in the group interview with local administrator for Waso West Location and a local peace worker, Archer's Post, 18 December 2019.

11 \ Group interview with local administrator for Waso West Location and a local peace worker, Archer's Post, 18 December 2019.

12 \ Interview with a village elder from Meibae conservancy, Archers Post, 19 February 2020; group interview with local administrator for Waso West Location and a local peace worker, Archer's Post, 18 December 2019.

13 \ Interview with a village elder from Meibae conservancy, Archers Post, 19 February, 2020; observations supported in group interview with local administrator for Waso West Location and a local peace worker, Archer's Post, 18 December 2019 and interview with a senior county administrator, Wamba, 20 November 2019.

14 \ Group interview with ward administrator and a cohesion officer, Samburu, 19 December 2019.

15 \ According to Samburu culture, *morán* (or frequently *morans*) are a particular age group of young men whose duty is to herd and provide security to the community. Most pastoralist groups have similar categories of young male warriors.

16 \ Observation and interviews in all counties revealed these issues.

17 \ Interview with a village elder from Meibae conservancy, Archers Post, 19 February 2020.

barrier to participation in patriarchal pastoralist societies; a staff member of a local NGO (SIDPA) working on gender issues noted:

*Women are still not involved (...). Yet, women will be impacted. In conservancies, the money that is given is given to men. It's men that are members and women are [like] children. The few [women represented] there are single parents.*<sup>18</sup>

This dynamic is partially mitigated through the conservation organisations in the area. NRT's policies emphasise gender representation in member conservancies and Grevy's Zebra Trust and Ewaso Lions carry out their own participation activities, which proactively include women.<sup>19</sup>

In Turkana county, there were similar findings. Many people perceive that participation activities have been inadequate in reaching those to be affected, leaving them with a lot of questions and fears.<sup>20</sup> However, they confirmed that information on LAPSET was disseminated on the radio. The radio and TV are helpful in disseminating information to remote areas. For the oil project, participation processes were initially superficial and dominated by the political elite, such that local people in Turkana have made their dissatisfied voices heard through demonstrations. On the rare occasions when these demonstrations led to trespass and damage to property, investors have attempted to improve their participation efforts (Mkutú et al., 2019).

In summary, there is evidence of participation deficits: Some processes were elite-dominated. Several community members reported not having been invited to or aware of meetings. One clear finding is that internal barriers such as age, gender and social class were evident. These findings are only indicative, however, as it is beyond the scope of this work to systematically evaluate all efforts made by the government of Kenya to reach all affected settlements. A comparison to any ideal standard would be hard

pressed given the existing marginalisation in the areas and the mobility of pastoralists which would limit what is possible. Moreover, while many people expressed uncertainty about LAPSET, it must be added that its route has changed since 2017, as has the siting of the resort city (see Annex 1), and that almost everyone is uncertain about it. Several agencies are involved in the ongoing dissemination of information on the ground as part of their advocacy and development activities.

## **Conflict potential #2: Land and livelihood**

Land law in Kenya is currently unlikely to protect the interests of most communities, in particular, pastoralist communities to be displaced by LAPSET. In most counties to be traversed by LAPSET, communities with ancestral rights own the land collectively. This type of land tenure is known as "community land" according to the Community Land Act of 2016, which transformed former trust land (land held in trust by local authorities) to land which could be registered to specific communities who could then more directly exercise their rights over it. Along the LAPSET route, only Lamu and Meru counties are different. In Lamu, (along with the other coastal counties) most land has been designated government land since colonial times, meaning that community members have no tenure rights. In Meru county, formal private titling is in operation, and landowners' compensation for land compulsorily acquired for development is a relatively straightforward process. Some limited private titling is also taking place in the other counties.

In the spirit of the new Constitution of 2010, the Land Act of 2012 afforded community landowners the same status as private landowners, decreeing that compulsory acquisition in the public interest by the

18 \ Group interview with two NGO officers and a local pastor, Wamba, 18 December 2019.

19 \ Phone interview, consultant for Ewaso Lions, 16 April 2020; See also Ewaso Lions (2020).

20 \ Group interview with three staff members of Kapese community conservancy, Lokichar, 16 June 2020.

national (or county) government also results in “prompt” and “just” compensation. The Community Land Act of 2016 actually makes group compensation for community land possible. However, the enactment of this relies upon the mapping of all community land in the country (initially by the respective county governments), the progress of which has been slow. As such, the unregistered land remains in trust with county governments that are bound to hold on to monies received as compensation on behalf of the communities until registration is completed—a procedure that is open to abuse. Although in the Land Act, compensation may instead be given in the form of a grant (plot of land) of approximately the same value as the monetary award, this would seem impractical when dealing with an entire community who are mobile, and it is not mentioned in the Community Land Act.

Even when fully enacted, the Community Land Act may disappoint. Wily (2018) notes that people are unaware of the legal provisions which could protect them; this has been confirmed in the current research. Further, the mapping process may (even intentionally) short-change pastoralists because the boundaries of ancestral land are not very clear. More recently, the Land Value (Amendment) Act of 2019 has made some changes to the Land Act and seems to claw back some of the rights of community landowners concerning compulsory land acquisition for megaprojects. It foresees that land value index is created for all freehold and community land, but such land will likely be valued at market value which may fail to recognise the value of the land in sustaining pastoral livelihood. Perhaps more importantly, it will recognise only those in actual occupation of the land, defined as those who have occupied the land for an interrupted period of six years before the acquisition, which is insensitive to pastoral mobility (Natural Justice, 2019). Therefore, compensation is likely to be virtually non-existent (Wily, 2018). This realisation has led more and more pastoralists to settle in areas to be developed, hoping at least to be compensated for the loss of dwellings, if not land, for which the Act makes some provisions.

### **Land speculation, private titling and threats of displacement in Isiolo**

Public projects and private interests of all kinds of people have led to a land rush in Isiolo county. Some communities and their leaders are pushing for individual titling. The Ministry of Lands issued a legal notice in September 2019 applying the Land Adjudication Act of 2012 to a large part of Isiolo county.<sup>21</sup> A senator wrote in a local daily that this effectively annulled the Community Land Act process and, together with some other county leaders, petitioned for the notice to be revoked (Halakhe, 2020) while the governor called for its amendment to apply to settled areas only (Wairimu, 2020). As a result, a revised list of all settled areas to be adjudicated was issued in January 2020.<sup>22</sup> Elliot (2016) describes the situation in settled areas of Isiolo where plots of land in rural towns are usually allotted by county governments rather than privately owned, and many have settled without formal allotment. In anticipation of LAPSET, members of various different ethnic groups jostle for the formalisation of ownership of town plots. Interestingly, some of those who had been allocated plots sold them to outsiders and moved back out to other community land. A respondent referred to this as being “displaced by money.” This phenomenon has been confirmed in this research and increases competition for remaining community land and its resources.

Land speculation by wealthy elites has been rife in Isiolo and particularly around Isiolo town. It was noted that land belonging to Wabera primary school and Isiolo prison, which is public land on the outskirts of Isiolo, was grabbed by a wealthy businessman. The role of the county in either facilitating or attempting to block acquisition is not clear.<sup>23</sup> Other controversial land acquisitions include an allocation to the Kenya Medical Supplies Authority and a massive extension of land for the 78th Barracks also on the outskirts, which is displacing many local people.

21 \ See [http://kenyalaw.org/kl/fileadmin/pdfdownloads/LegalNotices/2019/LN150\\_2019.pdf](http://kenyalaw.org/kl/fileadmin/pdfdownloads/LegalNotices/2019/LN150_2019.pdf); (excluding Isiolo town, land belonging to the military and land to be acquired for LAPSET)

22 \ Kenya Gazette Supplement No. 1 10 January 2020 “The Land Adjudication Act (Application)(Amendment) Order

23 \ Interview with a security guard Idafin, 18 August 2018.

According to the government, the land belonged to the barracks all along, but its boundaries had not been enforced (Abdi, 2019). Nonetheless, it has added to the general feeling of suspicion that something underhand is happening and that the army will be used to enforce land acquisition.

One local community member gave his story: “Last week someone came and grabbed my father’s land (...) [and] sold the land to investors”. The matter was referred to the police but solved through the involvement of elders and chiefs (alternative dispute resolution).<sup>24</sup> In another incident that occurred in October 2020, a group of houses in the Bula Pesa section of Isiolo town were demolished by youths. It is alleged that the plot of land which was apparently given to destitute women in 1978 is wanted by a powerful figure who hires youths to repeatedly attack the properties and prevent the women from building there (Mutunga, 2020).

The influx of land-speculators from a variety of places into Isiolo was also seen as a threat for the Borana who have historically dominated Isiolo.

*There is an influx of people from other areas to the region for business. Megaprojects have brought wealthy elites rushing to own plots and this is edging out the local communities. What is expected is conflict. The mega-projects also come with a political angle; three of the MCAs and an MP in Isiolo are from other counties. It is a strategy. The new immigrants are taking over political power.*<sup>25</sup>

LAPSET was intended to “open up the north”, but as one local Borana businessman noted with irony:

*When you have LAPSET, military bases, too many people, you are closing northern Kenya. From Nairobi to Mukogodo (Laikipia county), there are ranches on both sides and one road. You cannot get out. This is what is coming in northern Kenya.*<sup>26</sup>

He described a kind of hemming in of pastoral movements and pastoral livelihoods so that the “openness” would work for some but not for others. Several respondents in Isiolo believed that these dynamics would trigger resistance from pastoralists:

*The pastoralists are losing vast areas of land and are not being cushioned for alternative livelihoods. They will result to other measures for survival and they will frustrate the so-called development projects (...). Without peace in Isiolo, how much will the development benefit?*<sup>27</sup>

A civil leader said: “If LAPSET does not work to the benefit of the locals, many will be radicalised. It is a major fear (...). Al Shabaab thrives on such kinds of dynamics”.<sup>28</sup> Similarly, an elder who lives where LAPSET is intended to pass, told us:

*We don't know where it passes: up to now, we just hear rumours (...). What I heard is that we will be displaced, and if they displace us, we will join Al Shabaab to fight for our freedom because this is our land, and this is all we have. Let LAPSET pass those sides, not here where I live. If told today to move, where will I go?*<sup>29</sup>

One LAPSET-related project, the upgrade of Isiolo airport adjacent to Isiolo town, illustrates how anticipation contributed to disorder, corruption and land grabbing in the resettlement process. The process began in 2004 when Isiolo County Council started working with local elders to identify those who would be displaced (Isiolo County Council, 2004). New plots were to be allocated by a ballot process (Kibugi, Makthimo & Mwathane, 2016), but this became complicated when initial estimates of those to be resettled swelled from 700 to 1500, and new people tried to benefit from the allocations.<sup>30</sup> Political interference and the upheaval of devolution in 2013 brought more confusion and delays (World Bank, 2019), and members of the elite acquired around 10 to 20 plots through their connections with the county government (Mkutu & Boru, 2019). A local bishop estimated that 15 years after the process began, around 100 households remain displaced (World Bank, 2019). This example demonstrates the potential for chaos on a larger scale as LAPSET passes through urban areas.

27 \ Interview, with security guard, Idafin, Isiolo, 18 August 2018.

28 \ Interview with county government official who advises on the Borana Council of Elders, Isiolo town, 17 October 2018.

29 \ Interview with an elder in Gotu, 4 March 2021.

30 \ Focus group discussion with 14 Chiefs from Isiolo town, Isiolo town, 9 May 2017.

24 \ Interview with staff member of Ewaso Lions (who also heads a local conservation organisation), Ngaremare, 15 October 2020.

25 \ Interview with senior county administrator, 8 May 2017.

26 \ Interview with owner of a local tourist camp, Gotu, 16 October 2020.

### Privatisation in Samburu

Despite being more remote than Isiolo, Samburu is not immune to land speculation and is experiencing a trend towards private titling of community land. As a consequence of LAPSET planning, Samburu respondents described a significant population increase around urban/town centres such as Archers Post in the south of the county. Many of those who buy land or are allotted commercial plots are presumed to be non-Samburu.<sup>31</sup> This has increased the cost of a half-acre allotment of land around twenty-fold over the last decade to one million Kenya shillings at the time of writing.<sup>32</sup> Even the conservancy management at Kalama conservancy have invested community funds in property in Archer's Post and are building a tourist hotel.<sup>33</sup>

Land tenure arrangements in rural parts of Samburu county are different because most of the community land in the county exists in the form of group ranches (of which one or more are grouped into wildlife conservancies). Group ranches were created in 1964 and became a principal organisational structure to develop traditional pastoral areas, especially in the Maasai districts. A group ranch is defined as a livestock production system or enterprise where a group of people jointly hold freehold title to land (theoretically on an equal basis), maintain agreed stocking levels and herd their individually-owned livestock collectively.<sup>34</sup> However, several difficulties have led to their demise, including the loss of access to wider lands previously shared, impractical restrictions on livestock numbers, management problems and disagreements about benefit-sharing, among others. As a

result, most group ranches outside of Samburu have subdivided into private plots or are in the process of doing so (Kibugi, 2009). Some former group ranches have met in court because of perceived injustices during the subdivision process.<sup>35</sup>

It was evident that being in a group ranch allowed members to exercise their rights more directly. Being in a conservancy as well provides some representation and support from conservation organisations. When Kenya Electricity Transmission Company Limited (KETRACO) constructed a power line under the Ethiopia-Kenya Power Systems Interconnection Project (launched in 2006), community land rights were somewhat protected. Compensation was successfully negotiated through conservancy boards. However, group ranches/conservancies were troubled by internal disputes on compensation. In Namunyak and West Gate conservancies, members were divided on how to distribute the money, largely because of mistrust of group ranch management.<sup>36</sup> A community development officer explained:

*Recently, we got almost 50 million (Kenya shillings) from KETRACO as compensation (...), what we saw is eight million that was given to members. The remaining money, we were told, will be kept for us; they will build for us a project, so it goes on and on (...). All those golden opportunities like the snake [LAPSET], they will pay group-ranch management.<sup>37</sup>*

Therefore, these members were opting for "the ATM" that is, cash transfers instead of the plan for community development projects.<sup>38</sup> After three years of deliberations, the West Gate members finally reached a settlement on this issue.<sup>39</sup>

31 \ Group interview with local administrator for Waso West Location and a local peace worker, Archer's Post, 18 December 2019; Interview with a conservancy staff member at Sera Conservancy, Sereolipi, 20 December 2019; Interview with a senior county administrator, Wamba, 20 November 2019; Interview with a former councillor, Lolkuniyani market, Wamba, 19 December 2019.

32 \ Group interview with local administrator for Waso West Location and a local peace worker, Archer's Post, 18 December 2019.

33 \ Interview with a staff member at Kalama conservancy, 18 December 2019.

34 \ Land Adjudication Act (1968), Cap. 284 and 2. A (Kenya) group was defined as a "tribe, clan section, family or other group of persons, whose land under recognized customary law belongs communally to the persons who are for the time being the member of the group together with any person of whose land the group is determined to be the owner".

35 \ Field work in Narok County, August 2020, November 2020 and January 2021.

36 \ Interview with a retired civil servant and community development officer. Wamba, Samburu, 19 February 2020; Interviews at West Gate conservancy, February 2020.

37 \ Interview with a retired civil servant and community development officer. Wamba, Samburu, 19 February 2020.

38 \ Interview with West Gate conservancy official, 13 February 2020.

39 \ Field work in Narok County, August 2020, November 2020 and January 2021.

Politicians had encouraged people to settle on the power line route and had brought confusion, wrong expectations and tensions, seeking kickbacks in the process.<sup>40</sup> A ward administrator within a Samburu conservancy noted:

*The moment we heard the snake [LAPSSSET] is passing, we started seeing things. Members within started demarcating land, others started grabbing, the church came [in the name of] religion then grabbed. In our conservancy, we saw one.*<sup>41</sup>

A county administrator also commented in a similar vein: “When people heard about the snake, they started demarcation”.<sup>42</sup> Similarly, the LAPSSSET plans are leading to an increased impetus towards the formal sub-division of group ranches to benefit from new developments.<sup>43</sup> Five group ranches in Samburu are currently in the process of dissolution and subdivision, mainly in high potential agro-ecological zones in Samburu West sub-county (Samburu County, 2018). This is a major concern for the many residents within group ranches who are not on the group ranch register as it could bring about landlessness and conflict.<sup>44</sup> However, members in two conservancies (Meibae, Samburu West and Sera in Samburu East) resisted subdivision in the interests of pastoralist mobility.<sup>45</sup> Large-scale subdivision and some private sale of group ranch land has already been witnessed in Amboseli and Narok counties in the south of Kenya and has brought many challenges to livelihoods and the environment (Mkutu, 2020). Further, this could increase tensions and conflict as empowered persons such as local political leaders are likely to be allocated the more valuable parcels and others are excluded

altogether. Many are likely to abandon pastoralism for more lucrative but perhaps less sustainable alternatives.

In Samburu, some moran hoped to benefit from LAPSSSET, while others said: “We will not accept it, it will affect our livelihoods, that is livestock”. A moran made a particularly descriptive comment on the sensitivity of pastoralists to the threats of development: “The nomadic pastoralist way of life will be affected by railways and busy roads: If you touch our livestock, you touch the eyeballs of the Samburu people”.<sup>46</sup> Another respondent noted that disruption to pastoralist mobility could also exacerbate inter-communal resource-based conflict.<sup>47</sup>

Several examples illustrate the ready mobilisation of moran who, while being mobile herders, can also act as an organised community security force in inter-communal conflict when necessary. During the KETRACO powerline construction, a cow fell into a hole that had been dug, which was considered a bad omen. KETRACO was forced to compensate the owner for the loss of the cow and to employ some of the moran.<sup>48</sup> In a dispute between a conservancy manager and NRT moran in support of the manager obstructed flights by standing on the airstrip.<sup>49</sup> And, in early November 2019, when a company was to collect soil samples near a river and proceeded without consulting local leaders and the county liaison officer to discuss the right payment rate for unskilled workers, security officers and equipment, instead choosing to pay a little to the elders on the ground to gain access, some moran attacked the workers and forced them to consult with the deputy county commissioner before proceeding.<sup>50</sup> Again, they said: “LAPSSSET can turn into Al Shabaab”.<sup>51</sup>

40 \ Interview with a local administrator of Waso, Samburu, Archer's Post, 14 October 2020.

41 \ Group interview with ward administrator and a cohesion officer, Samburu, 19 December 2019.

42 \ Interview with a county administrator, Wamba, 18 December 2020.

43 \ The Community Land Act of 2016 actually repeals former legislation recognising group ranch titles, and group ranches have been asked to re-register. However, the governance structures and the risk of subdivision remain the same.

44 \ Interview with a, a former conservancy staff in Samburu, Nairobi, 13 March 2020.

45 \ Interview with a former conservancy staff in Samburu, Nairobi, 13 March 2020; Interview with a conservancy staff member at Sera Conservancy, Sereolipi, 20 December 2019.

46 \ Interview with a moran in Kalama conservancy, 17 December 2019.

47 \ Interview with a staff member at Namunyak conservancy, Isiolo, 17 December 2019.

48 \ Interview with a village elder from Meibae conservancy, Archers Post, 19 February 2020.

49 \ Group interview with ward administrator and a cohesion officer, Samburu, 19 December 2019; A staff member at West Gate also said that he incited the group of moran.

50 \ Phone call (following earlier interview) with officer with Sengwer indigenous Development Project (SIDP), Wamba, 20 December 2019.

51 \ Focus group discussion with four moran at Lolkuniyani market, Wamba, 19 December 2019.

### Displacement by oil and LAPSET in Turkana

In Turkana, pastoralists in the South Lokichar area have already experienced disruption and displacement due to the advent of oil exploration and extraction and fear the effects of speculation and other forms of land take resulting from LAPSET. In the oil fields, well pads are not huge (they are 13 acres in size) but occupy former grazing sites and have been disruptive to community livelihoods. Surrounding communities also raised significant concerns about waste management, toxic effects of gas flaring and the destruction of vegetation and cultural sites. Tensions over land have contributed to the many demonstrations in the years since 2012. Following a period of exploratory activities and development of the first viable wells, the final plan was announced to expand the existing number of well pads from 33 to 321 and construct the oil pipeline from Turkana to the coast, which will result in a more extensive land take and exacerbate previous grievances (Tullow, n.d.).

In another case in 2012, following the oil find, an investor approached the local authority (the then Turkana County Council), intending to rent a 500-acre piece of land at Kapese, near Tullow Oil's operations for 4.35 million Kenya shillings (around US \$43,500) per annum. The initial application was for a tourist hotel, but the area later became an operations base and airstrip for Tullow staff. To get local buy-in, a "conservancy" model was adopted in which local people could be employed and could benefit from hotel revenues and some services since they had lost important grazing land. The prominent conservation NGO NRT was brought into the discussion early on, although there was no significant conservation component in this case. In 2013, communities rioted, citing lack of participation and displacement from community land, causing the investor US \$60,000 worth of damage of his property.

By 2015, they were still complaining that the high profits reaped were not benefiting them. However, the conservancy concept was expanded and culminated in an agreement between Tullow Oil and NRT that Tullow Oil would finance the creation of six conservancies in Turkana and Pokot, adjacent to the oil investment. This, it was suggested, would provide benefits for locals and security for all in a conflict-prone area, including the oil plant, since conservancies are entitled to armed security. This plan initially found favour with some local politicians but was strongly resisted by a group of influential professionals of Turkana ethnicity (the Turkana Professionals Association) and others, who felt that participation had been inadequate, that key institutions had not been involved and that the plan was irresponsible from a security governance angle. There was also underlying resentment surrounding the fact that investors would profit disproportionately compared to locals. The operations base made US \$1.9 million per annum for the first three years and US \$950,000 per annum after that. The antagonists won their case, and the county government refused to accept the plan, though Kapese Conservancy continues and is now managed by a trust (Mkutu & Mdee, 2020).

The situation in Turkana suggests that the rights of community land owners in practice remain inferior to those of private land owners, contrary to the equality envisaged in the Land Act. According to one respondent, in a LAPSET participation exercise, the communities were allegedly threatened with forceful acquisition without compensation if they did not relinquish the community land for the project.<sup>52</sup> A senior government official stated that they would only obtain compensation for structures and not land.<sup>53</sup> One respondent voiced the fear of an erosion of their rights like that of the Maasai pastoralists, who have now lost much of their ancestral land.<sup>54</sup> A chief desired that Turkana

52 \ Focus group discussion with seven members of civil society and faith-based organizations, Lokori, Turkana East, 16 June 2020.

53 \ Interview with a sub-county administrator, Kainuk, 23 November 2020.

54 \ Focus group discussion with seven members of the business community in Lokichar, 16 June 2020; Group interview with a head of a civil society organisation for peace and development and a county government official, Lodwar, 22 November 2020. Maasai ancestral land was lost through a variety of mechanisms under British (post-)colonial governments and through group-ranch subdivision, sale and settlement of non-Maasai communities.

land be urgently registered under the Community Land Act to allow community members to negotiate directly without any involvement of the political elite.<sup>55</sup> Following the LAPSET gazette notice in 2019, the Turkana county government and aggrieved community members moved to court to nullify the land acquisition (Environment and Land Court Case No. 2 of 2019). They cited a lack of consultation between the national and county government, lack of community participation and the compensation of only a few land users. At the time of writing, this is unresolved. Given that the county government opposed the national government in the matter, the court determined that it should be handled by alternative dispute resolution through the Intergovernmental Relations Act.

Speculators are also active in Turkana; interviews revealed the presence of cartels that survey land and sell information. An administrator initially even suspected the researchers of coming to survey land for this purpose. A county official noted:

*The elites in the community who know where it will pass are prepared. Some people have earmarked the land where LAPSET will pass, put up structures and registered the land.*

He explained that using global positioning systems (GPS), and in collusion with surveyors, people come to the Ministry of Lands and enter the GPS Reference on a map.<sup>56</sup> Although this does not confer ownership, it makes it easier to claim a stake in the land. A peaceworker similarly noted: “[Unlike Isiolo] here, people have not grabbed land, but the people who will do it are the politicians. They know there is money coming”.<sup>57</sup> However, a chief noted that the court case previously referred to has limited the ability for elites to acquire land.<sup>58</sup>

Thus, community land issues are a sensitive topic. Reforms to land law since the constitution are unlikely to protect community land rights because of incomplete implementation and erosion by the newer

Land Value Index Act, in combination with the corruption and opportunism of land speculators. Open community land and group ranches are vulnerable to privatisation, which may again benefit speculators and elite pastoralists. This is likely to exacerbate livelihood challenges and socio-economic inequalities, potentially exacerbating problems of conflict, crime and violence surrounding the Corridor. In Isiolo, in particular, this is likely to play into the already existing ethnopolitical conflict polarising pastoralist and non-pastoralist groups.

#### **Water needs in Isiolo, Samburu and Turkana**

Water needs are another major issue since all the areas under study are arid or semi-arid, and the immigration and development brought by LAPSET will increase competition for water. In the Isiolo area, there are severe threats to water availability due to the planned Crocodile Jaw Dam, situated on the Ewaso Nyiro, a major river flowing from the highlands of central Kenya, supplying Laikipia, Isiolo and Wajir counties. The purpose of the dam, to be constructed a little further upstream from Isiolo town, is to supply water for irrigation projects and the resort city (originally planned in the same area but later moved). A Climate Strategy Fund study in 2017 on the hydrological and ensuing impacts of the dam predicted an alarming situation. During the initial impoundment period (filling of the reservoir), downstream water flow will dwindle to around 15 per cent of the average annual flow. Even after this, flow will only be 38 per cent, defined as a situation of continuous drought. It will fail to reach the required levels to replenish the Lorian swamp, an important grazing area in the east of the county, and the Merti Aquifer a little further downstream, affecting shallow wells and boreholes in Garissa and Wajir counties, thus forcing pastoralists to migrate to other areas. Even in the upstream area, the creation of a reservoir, together with immigration

55 \ Interview with a local administrator, Lokichar, 25 November 2020.

56 \ Group interview with a head of a civil society organisation for peace and development and a county government official, Lodwar, 22 November 2020.

57 \ Interview with a local administrator, Lokichar, 25 November 2020.

58 \ Interview with a local administrator, Kapese, 24 April 2020.



and irrigation agriculture, is likely to displace pastoralists into the downstream area, further putting pressure on diminished water resources and increasing the risk of conflict. An Environmental Impact Assessment carried out by the government in 2016 recommended that while further studies should be carried out to ascertain the downstream impact, the project should continue (National Water Conservation and Pipeline Corporation & CAS Consultants Ltd, 2016).

In Turkana, the next phase of oil production will require increased quantities of water which is to be piped from the Turkwel River. As a result, expectations have been raised among the Pokot for a share of the oil revenues and employment benefits because the source of the Turkwel is the highlands in Pokot. Turkana chiefs, assistant chiefs and a youth leader voiced their concerns about the depletion of the river and the potential for conflict with the Pokot. An assistant chief referred to these dynamics as “the coming water war”.<sup>59</sup>

In summary, the remote placement and reliance of northern communities on pastoralism makes many vulnerable to a triple threat of land take, restrictions upon mobility and increased competition for water sources. It also reduces the likelihood of their inclusion in new opportunities resulting from the LAPSET Corridor as opposed to more settled agricultural communities. However, the Corridor may open up certain new possibilities for pastoralists such as a new abattoir recently built in Isiolo if this can be completed and operationalised.

### **Conflict potential #3: Unequal access to/distribution of community benefits**

LAPSET will create some jobs in construction and will stimulate the birth of new small and large-scale industries along the Corridor, but there is a strong likelihood that local communities, particularly pastoralists and poorer non-pastoralists, could find themselves somewhat excluded because of a lack of education or political connections.

While LAPSET remains in the planning stages, the situation at oil sites in Turkana since 2012 provides the best example of these dynamics. Here, the main tensions erupted between the community and the investors and sub-contractors over available jobs and tenders due to unfulfilled expectations and between clans over the distribution of these opportunities. These were partly because local elites were endeavouring to gain from the benefits and because the same players were also responsible for engineering community protest. A bitter dispute emerged over a corporate social responsibility initiative that foresaw taxi services to the company by local drivers who were provided Toyota vehicles they would ultimately own. However, a company formed by a local politician managed to win the bid to provide the services, which led to demonstrations by the less well-connected who lost out (Agade, 2017). Resulting from some of these factors, numerous confrontations between the community and the company and sub-contractors occurred between 2012 and 2020. These were usually small in scale and non-violent, but a large demonstration in 2013 led to the closure of oil operations for three weeks. As mentioned before, another escalation of protests happened between 2017 and 2018, when communities blocked oil trucks from leaving the county and hindered access to Tullow Oil sites (Mkutu & Mdee, 2020; Schilling et al., 2018). They also used this occasion to protest against a lack of government security along the border with Pokot. These trends are likely to be replicated as the LAPSET Corridor materialises.

Sharing oil revenues is a particularly hot topic at the time of research, which again has been dominated by local elites. According to the Petroleum Act of 2019, 20 per cent of oil revenues are to be allocated to the county government and five per cent to the affected community. This raised political temperatures throughout the oil story, particularly as an earlier draft of the Bill had foreseen to give ten per cent to the communities. More recently, respondents

59 \ Interview with a local administrator, Kapese, 24 April 2020.

expressed their mistrust of the county government. They feared that it would simply allocate the five per cent to activities that should already be done for the community through other budgets such as county revenues, community development funds, the equalisation fund for the poorest counties, and the county 20 per cent share. An assistant chief commented (also referring to another handout of development money in the county by the National Drought Management Authority):

*The big demand was the five per cent. Where is it? (...) The five per cent is not supposed to be used to develop water projects or schools. The community want the five per cent to go to the community. Even if its 10,000, give it to the people. NDMA money goes directly to the people. They will buy goats, send kids to school. The money from [foreign governments], which is 4,000 Kenyan shillings, has helped. Now the oil money should be done the same way.*<sup>60</sup>

A youth similarly said: “The five per cent should go to Turkana *mwananchi* (citizens). It is community money; we want it to go to people’s pocket like the ATM. If we put five per cent in development, we will have nothing to eat”.<sup>61</sup>

However, the disadvantages of this option were also pointed out, particularly defining the meaning of “local” and how this may cause inter-clan conflict.<sup>62</sup> Even communities more remotely linked to the project, such as those whose land is traversed by the road carrying oil trucks and those whose rivers will provide water for the oil project, have made some demands for monetary benefits.<sup>63</sup>

Political elites were allegedly cornering oil revenues in a story that was told by many:

*It’s governors/MPs south and east [who took the money]. The elders got angry and cursed them “you will struggle.” It is claimed they got sick and were taken to China or Israel for treatment and used Tullow money to [pay for it]. An MP is claimed to be sick due to oil money.*<sup>64</sup>

60 \ Interview with a local administrator, Kalemng’orock, 24 November 2020.

61 \ Interview with a youth, Kalemng’orock, 23 November 2020.

62 \ Interview with a youth leader Kalemng’orock, 23 November 2020.

63 \ Interview with a local administrator, Kapese, 24 April 2020.

64 \ Group interview with a Catholic sister and a Catholic Justice and Peace (CJCP) Committee member, Kainuk Diocese, Kainuk, 23 November 2020.

Another respondent told the same story:

*The Laibons [spiritual leaders of the community] were supposed to get a share. The politicians ate the money, so the Laibons cursed the politicians and three of them got very sick.*<sup>65</sup>

A peace worker who initially demonstrated against the investor, Tullow Oil, later laid the main blame at the feet of elites and politicians.

*Tullow was good, but professionals were the problem. Professionals were also having some of the business (...). Corruption joined Tullow on the African side. It seems the President [of Tullow] in London did not know the issues on the ground.*<sup>66</sup>

However, she also added that the oil company had erred in paying the elders for their cooperation. Again referring back to the non-beneficiary communities living at a slight distance from the project, another respondent described how their dissatisfaction was complicated by corruption and elite capture:

*It is 37 km to Lokichar, the Tullow site. There is no benefit for the people in Kalemng’orock (...). So people closed the road (...). It was politicians who organised to close the road. The oil went back to Lokichar, [the politicians] were given something and let the oil pass. The question was, why was the government of Kenya transporting the oil without giving jobs?*<sup>67</sup>

To summarise, while jobs, economic opportunities and revenue-sharing do provide a boost for many local community members, benefits are also siphoned off by unrepresentative processes and unprincipled local leaders and elites. Further, in a context of poverty and dependency, local benefits bring contestation with communities who reside just outside of the boundaries set by the company and the county to qualify for being “local”. They have found ways to target the project to demand their share.

65 \ Interview with a local administrator, Kalemng’orock, 24 November 2020.

66 \ Interview with a local administrator, Lokichar, 25 November 2020.

67 \ Interview with a local administrator, Kalemng’orock, 24 November 2020.

## Conflict potential #4: Ethnopolitical tensions and narratives of 'belonging'

LAPSET plans and land acquisitions, together with the anticipation of various benefits such as compensation, extractive royalties and employment, have exacerbated existing ethnopolitical tensions and narratives of belonging, as the following examples demonstrate.

### Samburu, Dorobo and Borana: Conflict at the original site of the resort city

The initial identification of Kipsing Gap in Oldonyiro ward on the western end of Isiolo county as the proposed location for a resort city increased conflicts between the Samburu, Dorobo<sup>68</sup> and Borana communities. Conflicts in the area relate to ancestral claims and identities, the cosmopolitan nature of the county and Borana fears of economic and political displacement from their dominant position in the county. The Samburu and Dorobo consider Oldonyiro as their ancestral territory and the large area beyond Ngaremarara ward (the thin strip between Samburu and Meru counties) as Borana territory. Consequently, they considered themselves the sole beneficiaries of the proposed city. The Borana base their claim on the fact that the land is held in trust for all residents in the county. It raises complex questions of autochthony and ownership and what should be the significance of county (and formerly district) boundaries which are a relatively modern construct (Partners for Resilience, 2019).

### Borana–Somali conflict in Garbatula, Isiolo

Mkutu et al. (2021) describe the increasing evidence of settlement by pastoralists in anticipation of the benefits of development in Isiolo, whether they be economic opportunities or compensation.<sup>69</sup> While previously, Garissa-based Aulihan Somali pastoralists used to graze their animals in Garbatula subcounty on

a seasonal and temporary basis, they have now have created permanent settlements, grazing their animals without the required permission from Borana leaders. Seven such settlements have been observed<sup>70</sup>, and schools have been created near the soon-to-be refurbished Isiolo–Madogashe road.<sup>71</sup> There is also an apparent permanent settlement near the planned Station 9 of the LAPSET in Garbatula, near the Garissa border.<sup>72</sup> Further, some chiefs have moved there, too, although it is not standard practice for administrative offices to move.<sup>73</sup> Some boreholes have been given Somali names, which is suggestive of claim-making in the areas.

In terms of overt conflict, Isiolo respondents confirmed that the Aulihan Somali pastoralists use guns to gain access to Isiolo grazing grounds and water sources: “We have guns from Garissa, guns, even they pass here on the road, and no one asks. We see we are in danger.”<sup>74</sup> Several deaths and displacements have occurred in recent years<sup>75</sup> with intensification in 2021; in one area, explosives were used by a Somali group against a Borana settlement.<sup>76</sup> It is widely believed that this is a territorial conflict related to the coming LAPSET Corridor.<sup>77</sup> Several respondents shared that civil society organisations and certain Borana political elites have been encouraging Borana people to move and settle near the main Isiolo–Madogashe road (formerly known as the B9) to receive benefits and prevent Somali pastoralists from doing

68 \ Dorobo are otherwise called the Laikipiak Maasai.

69 \ Unless otherwise indicated this section relies on previous work sourced in Mkutu et al., upcoming.

70 \ Interview, county government official in Department of Agriculture, Isiolo Town, 16 October 2020.

71 \ Group interview two officials from Isiolo Town Council, Isiolo town, 16 October 2020.

72 \ Group interview two officials from Isiolo Town Council, Isiolo town, 16 October 2020.

73 \ Group interview with elders in Kula Mawe, 18 October 2018.

74 \ Group interview with elders in Kula Mawe, 18 October 2018.

75 \ Hotspots of conflict include Modogashe, Mata Bofu, Uchana, and El Dera (ACLED). Also, Duse in Kinna ward saw 18 deaths (particularly in Kambi Samaki).

76 \ Interviews and observations of burned ground, 9 July 2021.

77 \ Letter dated 12 June 2021 from Peace Chairman for Garbatulla to Deputy County Commissioner for Garbatulla “Protest on land ownership at Kambi Samaki (Uchana)” and Letter LND.16/1/VOL.1/102 dated 21 June 2021, from Deputy County Commissioner for Garbatulla to the County Commissioner for Isiolo county. “Protest over NLC compensation on Isiolo-Modogashe rd”

the same<sup>78</sup> (they are aware that at this stage they cannot benefit from compensation). This “Mobilisation-Occupy B9” movement includes some large groups up to 200 in size claiming plots of land near the road and has been described as “insiders grabbing land to stop potential grabbers”.<sup>79</sup> A previously documented attempt at creating a 13,000 ha. group ranch in Nakuprat-Gotu conservancy in Ngaremara by a group of prominent Borana from both inside and outside Isiolo was one example of the same (Mkutu, 2019). A local businessman and community leader concurred, noting the increase in the marking of plots with painted stones and trees in the same area from 2019 to 2020: “The land issue has brought tension. Marking is done by everyone including outsiders. The entire area is now marked red, blue, green, white (...)”.<sup>80</sup>

A Borana administrator from Garbatula commented:

*The ranches concept seems to be adopted by locals copying the white settlers’ approach from Laikipia, joining together to [acquire] land and fences, plant fodder crops and fatten cattle for sale. In Garbatula, people are copying the same strategy and hiving huge lands and naming them Borana ranch, Borana land, etc.*<sup>81</sup>

In the same interview, it was noted that educated Borana are informing their relatives who have been living along the Ewaso Nyiro River to relocate to the roadside, first because of severe floods and second to benefit from new opportunities.<sup>82</sup> Upon closer enquiry, it was said that in certain locations, gatekeepers in the community have agreed to this informal leasing arrangement for these large pieces of land for a fee because those leasing it are their own people.<sup>83</sup>

78 \ Interview, former Executive Director for Merti Integrated Development Program, Isiolo Town, 15 September 2020; two months after this interview, the Director passed away from COVID-19. He had been an energetic campaigner against the construction of the Crocodile Jaw Dam; Group interview, two county government officials from the Department of Tourism, Isiolo town, 13 October 2020; Interview, management consultant, Isiolo town, 15 October 2020.

79 \ Interview, owner of a local tourist camp, Gotu, 16 October 2020.

80 \ Interview, owner of a local tourist camp, Gotu, 16 October 2020.

81 \ Group interview, two officials from Isiolo Town Council, Isiolo town, 16 October 2020.

82 \ Group interview, officials from Isiolo Town Council, Isiolo town, 16 October 2020.

83 \ Phone interview, member of Isiolo Municipal Council, 21 October 2020.

### **Borana–Garre conflict in Gotu, Isiolo**

In Gotu, in Ngaremara ward, Isiolo, around 40 km from Isiolo town, some Borana have become increasingly worried about the growing economic strength of a different group of Somali, the Garre, whose traditional home is in Marsabit county to the north. To some extent, this strength is related to LAPSET developments, particularly the Isiolo–Moyale road, which has enhanced connections between the two towns, facilitated business links and increased migration southwards. At the time of writing, a good 60 Garre Somali households live in and around Gotu town, working as pastoralists, farmers and traders and selling camel milk in Isiolo town. Other Somali people elsewhere in the county are allegedly being supported by the Somali diaspora in producing camel milk and have over 1,000 camels (but interestingly, employ Borana herdsmen).<sup>84</sup> There is resentment because camels are considered destructive and can survive more arid conditions than prevail in Isiolo. It seems that the Garre Somali are also growing in strength in other ways, taking on several management positions in the Nakuprat–Gotu conservancy. In response, a Borana member of parliament encouraged the boycott of Garre shops and businesses, and the Borana Council of Elders told the Garre community to leave over local radio in March 2019:

*We have (...) allowed grazing rights to the Garre for a long time, but they have not appreciated our kind gesture, rather, they have been both abusive and quarrelsome, including dishonouring the community by refusing to attend the meetings called by the Borana Council of Elders. In view of this, we demand that the Garre communities move out of our grazing lands with immediate effect.*<sup>85</sup>

Peacebuilding activities hosted by the national government peace committee were able to defuse the tension, and the Garre families remained. But these issues go beyond Isiolo; Garre and Borana are in long-standing conflict over business interests in Moyale town on the Ethiopian border.

84 \ Interview, county government official in Department of Agriculture, Isiolo town, 16 October 2020.

85 \ Borana Council of Elders’ “Resolution” (2020) was broadcast on the local radio.

### **Turkana–Pokot boundary conflict**

The announcement of oil finds in Turkana and geothermal deposits in Baringo has contributed to an escalation in hostilities in the past decade between Turkana and Pokot pastoralists of West Pokot and Baringo counties. A long-standing territorialised resource-based conflict between the two communities<sup>86</sup> had thus been exacerbated and fanned (Schilling, Locham, & Scheffran, 2018) with considerable influence from politicians since territorial claims would determine which communities could benefit from jobs and opportunities and which counties would be awarded a share of the revenues (Greiner, 2020). Another manifestation of this severe conflict was banditry on the main road passing through the area. This improved after the first refurbishment of the highway in 2015, which allowed for faster travel (Agade, 2017) but recurred in 2018 after oil trucks used this road to get to Mombasa (Muchira, 2018). As mentioned before, non-beneficiary communities used the disruption of oil transport as a way to leverage benefits from the company. However, there is a mixed picture of conflict in Turkana since the beginning of the oil project (Agade, 2017, Kim et al., 2020). While the tensions described between the community and the investor and the inter-communal conflict on the border with Pokot remained, the fact that the oil company employed many youths was said to have reduced raiding.<sup>87</sup>

### **Meru–Isiolo boundary conflict**

The most prominent conflict relating to LAPSET in Isiolo is the inter-communal conflict along the Meru–Isiolo border, along which the LAPSET will pass for around 50 km. Here, contested land titling has been on the increase and has played into a long-standing boundary conflict between Isiolo and Meru counties in the same area. The disputed areas are difficult to pinpoint but include the suburb of Isiolo town, parts of Ngaremara ward and areas in the vicinity of Kula Mawe and Kinna towns in Garbatulla sub-county, the latter of which are said to have been

cut by 20 km (Isiolo County Assembly, 2017). The boundary is said to have been erroneously created during the colonial administration, and attempts to correct it have led to disagreements ever since. When it was reviewed by a boundary commission in 1962, Isiolo district did not attend because of events relating to the Shifta War.<sup>88</sup> There were other attempts to resolve the dispute in 2013 with the Nanyuki Accord alternative dispute resolution process.<sup>89</sup>

Conflict in the area has resulted in several deaths and many displacements. It peaked in 2015, attributed to political incitement and tensions over which communities would benefit from the proposed LAPSET project (Ngige & Abdi, 2015; Owino, 2019). Devolution has also played into the conflict as new county governments had much to gain from the LAPSET project and their control of the area (Ngige & Abdi, 2015). According to the Armed Conflict Location and Event Data (ACLED) project, 33 people died, and 1,000 were displaced in seven distinct conflict events between 2015 and 2019. There is much raiding of livestock between the Borana, Meru and Turkana groups in the disputed area, along with vandalism and looting of businesses. In 2013, a boundary commission was set up, but the Isiolo county government rejected it as partisan. The last word on the matter came from the High Court in 2017, which ruled in Isiolo's favour and decreed that an independent commission be set up to resolve the dispute.

Since 2018, in violation of the court ruling above, Meru county government has been adjudicating and giving title deeds in disputed areas benefiting Meru and Turkana people and elites.<sup>90</sup> Although these disputed areas had historically been administered by Isiolo, Meru created a “special” ward in the northern part of the county, extending its services to this area with development projects including boreholes (Mkutu, 2019).<sup>91</sup> According to interviews, administrative services seem to have changed hands from Isiolo

86 \ During fieldwork in late 1990s, the conflict had territorial dimensions.

87 \ Focus group discussion with seven members of civil society and faith-based organisations, Lokori, Turkana East, 16 June 2020.

88 \ Constitutional Petition No. 551 of 2015 County Government of Isiolo & ten others v Cabinet Secretary, Ministry of Interior and Coordination of National Government & three others.

89 \ Resolutions of the Meru/Isiolo leaders' meeting held at Sportsman Arms Hotel, Nanyuki, 20 December 2013.

90 \ Phone interview, community leader in Ngaremara, 16 May 2020.

91 \ The “special ward” is known as Muthurwa and is part of Tigania East sub-county of Meru.

to Meru in recent years,<sup>92</sup> which is why land allocations are so difficult to fight. One respondent blamed the Meru lands office for allocating plots even though other people already lived on the land. This is reminiscent of the Isiolo airport fiasco previously mentioned and was allegedly carried out by the same administrator.<sup>93</sup> A Borana businessman in the Gotu area of Ngaremara ward noted that when Meru people claim land, they are sometimes accompanied by armed police, so resistance is impossible.<sup>94</sup>

The two counties' differences in livelihood and land tenure systems have allowed some Meru people to expect to benefit from private titles and compensation and have comparatively disadvantaged Isiolo pastoralists.<sup>95</sup> Several plots of land have been demarcated, allegedly by Meru people, by painted stones along the main road from Isiolo town to Kula Mawe and in the LAPSET area.<sup>96</sup> Names of settlements have changed from Borana to Meru names as a local businessman reports:

*Yaq Barsadi (known by Meru as Machine), the Meru have taken it, and the chief is Borana tribe but has to report to Meru. The police post at Gotu is known as Idifin, now Meru have renamed it as Bulo. Shaba has been renamed Ndumuru. Soon Kula Mawe will be renamed. They are using every means to erase Borana names.*<sup>97</sup>

Gambela is one of the disputed towns. Here, a local Borana man said:

*People are hearing about LAPSET and coming to buy land. Many rich people are coming to buy land. The locals are worried. Whoever comes, they come with tractors, while for us, we have not demarcated land. The issue goes deeper in Meru because they are fighting amongst themselves for land. The Meru come and say 'I have papers, and where you are in Gambela is my land'. I see that when the road comes,*

*the situation is going to get worse. We hear that the lands where our animals graze are taken. We hear rumours from neighbours our land has been taken.*<sup>98</sup>

It is important to mention that there are interesting, nuanced dynamics between the Borana, Turkana and Meru in the contested area. While there is usually enmity between Meru and Borana in that Meru claim the land and Borana carry out raids against them, Turkana loyalties are more divided. On the one hand, Borana and Turkana have alliances and similar interests in land but also raid each other. On the other, the Turkana feel marginalised by the Borana in terms of jobs and opportunities in the county, and yet Meru county has given some administrative roles and jobs to the Turkana.<sup>99</sup>

Despite the dynamics between the Borana and the Meru, a Meru resident in the same area also complained of land grabbing, suggesting that what is construed as an ethnic issue is equally a class issue.

*Recently, it's just land issues. People have come from far demanding land. You find your land has beacons (markers used to demarcate land) but you do not see anyone.*<sup>100</sup>

She also noted that wealthy Somali people from Moyale and Wajir are coming, buying large pieces of land and sinking boreholes in the area for farming.<sup>101</sup> Similarly, what is attributed to county-level ethnic politics, may sometimes be mischief. A Borana resident who had built a 1000-acre farm in 1984 explained that Meru youths had come to occupy her property. Even a piece of land near Isiolo town which had been allocated by elders (from all ethnicities) to an orphanage had also been occupied by youths. These organised youths seem to be going from place to place using the fear they cause as a means of extorting money from residents.<sup>102</sup> They may also be working for elites.<sup>103</sup>

92 \ Interview, disarmed national police reservist of Borana ethnicity, Gambela, 15 October 2020.

93 \ Group interview, local administrators for new Muthurwa special ward in the disputed Meru–Isiolo border area, Isiolo town, 15 October 2020.

94 \ Interview, owner of a local tourist camp, Gotu, 16 October 2020.

95 \ Group interview, local administrators for the new Muthurwa Special Ward in the disputed Meru–Isiolo border area, Isiolo town, 15 October 2020.

96 \ Interview, resident of Ngaremara ward, Isiolo town, 1 March 2020.

97 \ Interview, owner of a local tourist camp, Gotu, 16 October 2020.

98 \ Interview, disarmed national police reservist of Borana ethnicity, Gambela, 15 October 2020.

99 \ Interview, local administrator of Muthurwa Special Ward, Gambela, 15 October 2020.

100 \ Interview, resident of Meru ethnicity, Gambela, 15 October 2020.

101 \ Interview, resident of Meru ethnicity, Gambela, 15 October 2020.

102 \ Interview, one of the early residents in Gambela, Gambela, 15 October 2020; the matter was being followed by the police during the research.

103 \ Interview, administrator in Gambela, Isiolo town, 8 February 2021.

The Borana also resent the fact that all three chairmen of the LAPSET Corridor Development Authority and past National Ministers of Land have been ethnic Meru (Elliot, 2015). Outsiders regarded this a matter of economic and political domination, especially by those of the GEMA (Gikuyu, Embu and Meru Association), a regional association of these interrelated groups founded around half a century ago.

A Borana elder living near the boundary linked resistance to LAPSET with the Meru-Isiolo boundary dispute, saying,

*We will refuse LAPSET. We are pastoralists, and our livelihood is animals. LAPSET will finish us. This is the fear (...) we, Borana, are in trouble (...). Meru are in Ngaremarara, Meru have woken up because of the road; all the jobs, benefits will go to Meru (...). They want to snatch our land; blood will be poured if they want to take our resources.*<sup>104</sup>

In summary, there are several potent examples of conflict and violence relating to the LAPSET Corridor to date, demonstrating how the promise of future benefits has exacerbated existing inter-communal conflicts, boundary disputes and ethnopolitical rivalries. The role of the political elite in fanning some of these conflicts is very evident.

## Conflict potential #5: Conservation and the politics of anticipation

There are several community wildlife conservancies in northern Kenya, particularly in Samburu, Isiolo and neighbouring Laikipia county. The eco-tourism sector features strongly in Kenya's vision for economic development in the north, and conservation actors are powerful players in the politics of anticipation surrounding LAPSET. The most powerful entity is the previously mentioned Northern Rangelands Trust (NRT), as the umbrella organisation supporting the creation and management of community conservancies. NRT supports 39 conservancies across Kenya and receives substantial donor funding from foreign governments. In NRT conservancies, various

activities are taking place, including conservation, eco-tourism in several of the more established conservancies in Samburu, rangeland management and business and development initiatives including school bursaries, the creation of health facilities, livestock marketing and crafts as described on the Northern Rangelands Trust website (<https://www.nrt-kenya.org/>). Conservancies are also relevant because they offer some protection in designating ancestral land for conservation purposes in the midst of land grabbing and development.

While the overall vision of LAPSET is to support eco-tourism, there are already several examples of how LAPSET projects have conflicted with conservation goals, which in turn impacts upon those whose livelihood is tied up with conservancies. In Isiolo, according to interview partners population influx is pushing people into wildlife corridors and "buffer zones" previously left for wildlife. There is a loss of landscape connectivity; the new Isiolo-Moyale road has blocked elephant movements near the national Buffalo reserve,<sup>105</sup> interfering with access to water sources, breeding and lactating sites and is likely to lead to inbreeding and weakening of the gene pool.<sup>106</sup> Pristine landscapes are indeed important for eco-tourism, but roads help make the sites more accessible and lucrative. Many animals have been killed on the road, and giraffes are particularly vulnerable to fences. Following the creation of a fence in one Samburu conservancy (for another purpose), an interviewee commented:

*I can tell you, we have lost three giraffes in two weeks! We lost a giraffe last night because of the fence (...). Now, with LAPSET coming and with the security fences around it, you can foresee the wildlife losses that we are likely to confront.*<sup>107</sup>

People in Samburu conservancies expressed concerns about the impact of LAPSET on livelihoods now reliant upon conservation.<sup>108</sup> A woman in a Samburu

104 \ Group interview, elders in Kula Mawe, 18 October 2018.

105 \ Group interview, two county government officials from Department of Tourism, Isiolo town, 13 October 2020.

106 \ Interview, former county government official in Department of Tourism, Isiolo Town, 15 October 2020.

107 \ Interview, staff member at Kalama conservancy, 18 December 2019.

108 \ Interview, *moran* in Kalama conservancy, 17 December, 2019; Group interview, local administrator for Waso West Location and a local peace worker, Archer's Post, 18 December 2019.

conservancy explained how she and other women are paid 8,000 Kenyan shillings (US \$80) per month to track lions.<sup>109</sup> Having participated in an organised visit to see the newly constructed railway, which passes over Nairobi National Park into Kajiado and Narok counties and seen its impacts, she voiced her fears about LAPSET: “If it’s like the rail in Nairobi, we are afraid. It’s built well, but in Maasai land, it closed the park. How I saw it myself [was that] I saw hunger”.<sup>110</sup> Similarly, a *moran* in a conservancy said:

*We are telling our leaders, we do not want our animals affected (...) the road should not block our animals. I recently got married, and I know if I have children, they will be educated by the conservancies (...). My colleagues, moran, have been employed as conservancy rangers in lodges.*<sup>111</sup>

Other conservation actors with a powerful voice are organisations such as Grevy’s Zebra Trust and Ewaso Lions. They and their partners have been mapping the critical crossing points for wildlife and livestock along the LAPSET route and are suggesting a range of mitigation measures, such as bridges, underpasses and rerouting around critical areas.<sup>112</sup> One strategy of NRT is to join conservancies together to create continuous, uninterrupted wildlife corridors, which is an impetus for creating more conservancies where gaps exist. Yet, because the conservancies tend to formalise land claims, this may be of concern for those outside conservancies as they may find themselves between a rock and a hard place, namely LAPSET and wildlife corridors.

An important and controversial aspect of conservancy operations is their armed security teams. To combat poaching and provide community security, conservancies have been allowed to have national police reservists (NPRs) (recruited from among their members) who are trained by the Kenya Wildlife Service and licensed to carry arms.<sup>113</sup> NPRs operate primarily in rural pastoralist communities, where

they have until recently been issued with arms to protect their own communities on the move. Their training is basic, their supervision cursory and until recently they have been unpaid; as a result they have often been implicated in banditry and raiding. For the around 400 armed NPRs in NRT conservancies however, the picture is different (Northern Rangelands Trust, 2019). NRT provides them with additional training, equipment and a salary. In an NRT survey that summed up community opinions on the main benefits of conservancies, respondents considered security as one of the most important (Mokku, 2019). Most recently, in 2019 all NPRs except for those inside conservancies were disarmed (Hansard, 2019; Otieno, 2019ab; Ndanyi, 2019), making conservancy-based NPRs the main armed actors in rural areas.

County governments are also involved in creating more conservancies, often to manage inter-communal insecurity. According to a county official, the passing of the Conservancy Act in Isiolo county paves the way for the creation of as many as ten new conservancies, each with their security teams.<sup>114</sup> Samburu county is also turning all land along the LAPSET route into conservancies, hence increasing the number of armed actors in the counties. Some conservancy NPRs have become part of elite, highly trained squads as quick responders to poaching and insecurity. Controversially, these squads often become involved in managing livestock raids and inter-communal conflict and, as such, are actually doing the work of the police in remote areas. Even though they are under the oversight of the police, most operational decisions are in fact made from NRT headquarters (Mkutu, 2020).

On some occasions, NPRs within conservancies have become embroiled in inter-ethnic conflict, which has brought resentment against NRT among communities and criticism of NRT by some members of the county government. Buliqo Bulesa conservancy in Isiolo is located north of the Ewaso Nyiro River and

109 \ Interview, young woman at Nkorani, West Gate, 13 February 2020.

110 \ Interview, young woman at Nkorani, West Gate, 13 February 2020.

111 \ Interview, *moran* at West Gate, 13 February 2020.

112 \ Information provided by a consultant for Ewaso Lions organisation, 21 April 2020.

113 \ This section draws on Mkutu and Wandera (2013) unless otherwise specified.

114 \ Interview, county government official in Department of Agriculture, Isiolo town, 16 October 2020.



borders Sera conservancy in Samburu county. The Borana and Samburu communities in the respective conservancies share and often contest access rights to a spring in the border area known as Kom. There is a civil society movement against NRT, citing increased conflict and attacks on Biliqo Bulesa, in which rangers from Sera are said to have played a part, apparently evidenced by the presence of NRT vehicles in conflict areas. There is a belief by some Borana in Biliqo Bulesa that NRT, whose early endeavours in setting up conservancies were in Samburu county and whose management is composed of many Samburu staff, have deliberately armed Samburu NPRs as conservancy rangers against them. Further allegations emerged that the British-Kenyan former manager of NRT planned to use Samburu NPRs to gain access to valuable minerals in Biliqo Bulesa. Even the county government have suspicions about NRT, and a county politician alleged that airstrips are being constructed in conservancies to quietly export resources (Mkutu, 2020).

In summary, conservation organisations' interests and political power, as well as the controversies surrounding them, are prominently relevant in the LAPSSSET Corridor, where they could complicate existing contestation and conflict and plausibly become involved in other kinds of conflicts emanating from LAPSSSET.

## Conflict potential #6: Securing the LAPSSSET Corridor

As mentioned above, the LAPSSSET Corridor passes through several conflict-prone areas of the north, such as around the disputed Meru-Isiolo, Isiolo-Garissa and Turkana-Pokot boundaries, and through Baragoi in Samburu, where Turkana and Samburu communities collide. As a result, the government has taken steps to improve security in some of these areas. The control of small arms and light weapons in northern Kenya is part of Vision 2030 that aims to deal with recurrent inter-communal conflicts, thus allowing development to proceed (Vision 2030, n.d.).

From 2010 to 2013, several security posts were created along the disputed Meru-Isiolo border to manage rampant insecurity.<sup>115</sup> Although this security presence may look impressive at first glance, they are not that many, and they no longer have the support of armed NPR since the disarmament exercise in 2019. The result is that they are actually rather weak compared to the armed groups in the area. In July 2018, when a cattle recovery operation in Ngaremara turned into a violent confrontation between the police and the Turkana community, an administration police (AP) officer within the local AP camp was brutally attacked and killed by members of the Turkana community.<sup>116</sup> In November 2019, ten police officers were injured, and one succumbed to his injuries after a confrontation with 300 armed pastoralists (Tuko News, 2019). The security presence in the boundary area is provocative to Borana residents, who perceive them as being on the side of the Meru. The problem of the extension of the army barracks land (see section on land and livelihood) simply adds to this feeling of being hemmed in by security who are not acting on behalf of the Isiolo residents.

Baragoi town is one of Samburu's main towns and is to be traversed by the LAPSSSET Corridor. It is divided by a main road travelling north, lined on one side by Turkana settlements and on the other by Samburu settlements. Baragoi has been a particular hotspot of conflict since 1996 when a district commissioner's plane was brought down by armed pastoralists (Mkutu, 2008). The two communities engage in perennial armed resource-based conflict, which, when it erupts, renders the town a no-go zone (Mkutu, 2008). Police attempts to pacify the conflicts are frequently met with serious resistance. Baragoi was the site of the infamous ambush and killing of 42 junior police officers who entered the nearby Suguta valley to pursue cattle rustlers (KTN News, 2014). These dynamics make Baragoi a serious concern when it comes to the

115 \ Observation during field trips 2018, 2019, 2020. Several interviews have also mentioned these security posts at Gambela, Shaba and Idafin, Yaq Barsadi and Kinna. Dates were clarified by a local administrator, 30 October 2020.

116 \ Phone interview, District Peace Committee member and fellow church member of the deceased, 23 November 2018.

LAPSET plans and the potential for inter-communal conflict and resistance against the state.

In Turkana, the government initially moved some National Police Reservists from communities to paid positions in guarding oil installations, which left communities vulnerable to livestock raids from the Pokot (Agade, 2017). Later, Rapid Defence Units (RDUs) were deployed in Lokichar<sup>117</sup> and along the main road out of Turkana which passes through Pokot county. A police post was created near Lokichar, and the road was refurbished; all designed to smooth the way for oil production and transport by road to the coast. These actions then had the net effect of reducing insecurity in the area.<sup>118</sup> As mentioned earlier, the government disarmed the NPRs, which most Turkana respondents considered as a positive action, as NPRs had been involved in banditry and conflict.<sup>119</sup> The ongoing presence of security forces and an intelligence-led approach to disarmament<sup>120</sup> in the area was probably the most effective measure to maintain calm. By 2020, the area was reportedly peaceful<sup>121</sup>, and members of the warring groups were trading together in a market near the border.<sup>122</sup> It was revealed that the NPRs licence to use a state weapon had also been giving them free rein to use their own illicit weapons and a licit source of ammunition from the state, which they could manipulate. Once the state weapon had been removed, they could no longer use the illicit one either. Further, some politicians had been assisting NPRs with a supply of illicit bullets and guns which can no longer be carried in public.<sup>123</sup>

Where disarmament and security provision has not been fairly distributed, some people have been left vulnerable. There is an ongoing conflict between Turkana and Pokot on the border with Baringo county, where other Pokot who reside there have not been disarmed.<sup>124</sup> This conflict, which is also exacerbated by the desire to benefit from revenues and jobs relating to the newly discovered geothermal resource, became particularly severe in early 2021 at the time of writing, and police posted in the area to pacify the conflict have themselves become involved in confrontations with local armed community members (Chepkwony & Chepkwony, 2021). This seems to be a frequent theme, particularly where community members do not perceive the state security to be acting in their interests.

In summary, in the context of the conflict potentials previously mentioned, effective state security in LAPSET areas is necessary, and in some cases, disarmament and security provision has been effective. However, where it has been uneven, partisan or heavy-handed, it has exacerbated conflict and even fueled community resistance against state security.

117 \ Group interview with a priest and a peacemaker, Lokichar, 16 June 2020; the post was created in Nakukulas.

118 \ Several interviews in Turkana, November 2020.

119 \ Focus group discussion with seven members of civil society and faith-based organisations, Lokori, Turkana East, 16 June 2020.

120 \ Interview with a sub-county administrator, Kainuk, 23 November 2020.

121 \ Focus group discussion with four community leaders (teacher, women representative and two elders), Kaakong'u, 16 June 2020.

122 \ Noted with regard to Kalemng'orok market in group interview with a priest and a peacemaker, Lokichar, 16 June 2020.

123 \ Interview with a sub-county administrator, Kainuk, 23 November 2020.

124 \ Noted with regard to Kapedoon in a focus group discussion in Kaakong'u with four community leaders (teacher, women representative and two elders), 16 June 2020; group interview, priest and peacemaker, Lokichar, 16 June 2020.

## Discussion

This *Working Paper* set out to understand the dynamics of participation and anticipation and how these relate to conflict, contestation and organised violence along the LAPSET Corridor area. It attempts, as Cross (2015, p. 435) suggests, to examine economies of anticipation in other parts of the world characterised by rapid capitalist developments. The following sub-sections provide an overview and discussion of the key findings of this work, how they relate to each other and to some literature on the subject.

### Information and participation

Participation, even at its most basic level of information-sharing about a planned project, assists people to plan and mitigate risks. In this case, even as many people have relied on rumours and hearsay about the coming LAPSET Corridor Project, several more enabled citizens have been able to gain access to information on its route and positioned themselves accordingly. Cross (2015) observed the same, namely that certain elites had access to inside information—which preceded the official gazettement of the land to be taken—they could use to buy land in the planned economic zone and later sell on at a massive profit. Therefore, even timely and well-targeted information sharing might not be sufficient.

In the context of remoteness and pre-existing marginalisation, it is difficult to quantify how much is enough when it comes to participation efforts. Even when information is made publicly available, it is difficult for many community members to access and understand. Unruh et al. (2019) comment that infrastructure corridor projects have a unique characteristic in that construction must occur at multiple sites. If one site cannot move forward, the entire project is threatened, which raises the stakes for success. They state that this may make the implementer less careful about community land rights. The same can also be said about participation.

A number of agencies are involved in the ongoing dissemination of information at the ground level as part of their advocacy and development activities, and this may be the most promising hope for meaningful participation. Although not the focus of this research, it became evident that local social media groups are fulfilling this role of disseminating information and provoking debate, which reaches every level including many working-class youths such as *boda-boda* (motorcycle taxi) operators and others. However, these groups are equally propagating rumour and opinion, which can exacerbate conflict dynamics—a topic deserving of more research.

### Cornering the benefits of land and opportunities

When it comes to community benefits, Turkana provides the best example so far of the range of dynamics that may be seen when the construction of LAPSET begins. While jobs, economic opportunities and revenue-sharing can potentially boost entire local communities and offer a trade-off for the increased challenges to livelihood, they might also become the pickings for elite community members or even be taken away by other, less marginalised communities as one interviewee put it: “The fruits are too high for the locals to reach.”<sup>125</sup> These exact dynamics manifested in the case of the special economic zone in Cross’ (2015) study, in which a major employer, a clothing manufacturer, employed workers from outside the region, sometimes citing the lack of education of locals who had been displaced due to construction. In this case, the government’s “hands-off” approach—intended to provide an incentive for investors—also contributed to this. Since LAPSET is to be flanked by a special economic zone and the government needs to attract investment, this is a worrying prospect.

125 \ According to one academic from the pastoralist Gabra community, interview on 4 March 2021

This *Working Paper* has highlighted the role of ‘elites’ in anticipation, land speculation and the cornering of various benefits intended for communities. But who are these elites? The *Paper* has provided examples of a variety of people, from wealthy land investors from outside the respective counties to politicians, business-people and civil society people originating from inside, of whom the number has increased since devolution. Some business people with an interest in the area are from the region but live in cities and even abroad. Some locally based elders and pastoralists have also positioned themselves favourably for change. However, local elites are not all ‘bad news’, and this *Paper* has again highlighted an interesting area for further research on the various roles played by pastoralists and other locally-based elite actors. As shown, they also frequently use their local knowledge and position to ensure participation and representation, fight for land rights, as described in Turkana and Isiolo and provide employment for pastoralists, as the example of the entrepreneurial Garre pastoralists shows who employ Borana herdsmen to herd camels.

## Capitalist visions

With the anticipated change in the physical and economic landscape, there is a trend towards privatisation and enclosure of common-pool resources. It is evident that reforms to land law since the Constitution are unlikely to protect community land rights because of incomplete implementation and erosion by the newer Land Value Index Act (2019), together with the corruption and opportunism of land speculators. In response to these threats and opportunities, pastoralists themselves are involved in some speculation and privatisation activities, such as the investment of Samburu conservancy funds in property in a nearby town, the dissolution of Samburu group ranches for private sale and, by contrast, the creation of cattle ranches by groups of Borana in Isiolo, following models of ranching seen in European-owned ranches in places such as Laikipia. This inevitably exacerbates wealth differentials. It is not clear whether the

ranches created will ever be available for communal use again. We also refer to Turkana pastoralists near Isiolo town described by Eliot (2016), who, having obtained titles near the town, sold the land and moved out to community land again. Thus the anticipation of LAPSSSET is bringing rapid transformation away from a pastoralist to a capitalist economy.

Cross (2015) found that the economic zone also helped those previously constrained by structural limitations (in the India case, the caste system) to dream of new possibilities. In the case of LAPSSSET, a few pastoralists had been able to sell their land, and others were turning to irrigation. Some pastoralists also expressed hope for economic opportunities, such as jobs and tenders. However, many pastoralists voiced fear for their livelihoods and did not entertain dreams of escape. LAPSSSET may create increasing difficulties for pastoralism as a livelihood that relies on expansive common land, access to water resources and shared decision-making for sustainable resource use. Thus, economic change also heralds social change and a likely weakening of societal cohesion in pastoralist societies. In turn, this brings serious challenges for environmental sustainability. The same pastoralists likely to be displaced are also poorly placed to take advantage of new opportunities.

However, this *Paper* has not been able to explore in-depth attitudes of individual pastoralists concerning future capitalist visions. One positive dimension of the recent developments for pastoralists is the Isiolo abattoir which is planned to be operational soon, albeit by a private company. Eco-tourism through community conservancies is another livelihood option for the north and is functioning with some success in Samburu county, but this has its own limitations (Mkutu, 2020). It is often less lucrative than pastoralism, it depends upon outside investment or donor funds to create lodges and other infrastructure, and it has its own dispossessive tendencies for pastoralists. Furthermore, the tourism market has a saturation point and is fragile; it took a downturn following the advent of Al Shabaab attacks in Kenya and the onset of the COVID-19 pandemic. Therefore, it is important to support the existing livelihoods of

pastoral communities surrounding the LAPSSSET Corridor even as they adapt and endeavour to weave their experience and expertise together with the changing reality to ensure their ongoing benefits. Another group that was left worse off by development was the urban poor displaced by the airport (some of whom are likely to be ex-pastoralists). It was not evident, particularly at this early stage, how the LAPSSSET might bring new opportunities for them.

### **Contestation, conflict and security measures**

Several conflicts are emerging or exacerbated by the fears, suspicions and divergent visions surrounding LAPSSSET. In Garbatula, Isiolo, conflicts over resources have been transformed into conflicts over belonging and who has the right to benefit from the compensation and opportunities heralded by development. On the Meru-Isiolo border, intersecting with these concerns, land titling has brought the fear of dispossession and “closure” of the north for pastoralists, which has exacerbated intercommunal conflicts. In Meru-Isiolo and Turkana, politicians have been heavily involved in fuelling conflict and allegedly securing arms for their communities, as other work has revealed (Mkutu & Mboru, 2019).

The Turkana case surrounding the oil sites showcases what may happen once construction for LAPSSSET gets in motion. Some developments contributed to peace, including employment and the security measures taken in the area. This *Paper* shows how community-investor tensions have led to demonstrations and occasional riots in Turkana since 2012 in and around oil sites and related developments. These are not only grievance-based, fuelled by disappointed high expectations for various benefits, but also opportunistic, as communities from outside the oil sites attempt to secure some benefits by targeting the oil trucks which pass through their land. Pokot pastoralists threaten to interfere with water supplies with the same intention. It is very possible that these kinds of dynamics could be replicated on a larger scale if and when LAPSSSET construction begins.

Some community members wage war against investors and state interests. Interestingly, several respondents who feared that LAPSSSET could marginalise the predominantly Muslim local residents mentioned Al Shabaab (the Al Qaeda-linked organisation) as a ready option of fighting state and “outsiders” over land rights. It may not be so far-fetched, because, at the time of writing, disaffected youths in Mozambique formed a new Islamist organisation of uncertain affiliation, calling it Al Shabaab, which has been attacking oil installations and killing several foreign workers, forcing oil company Total Oil to withdraw its operations (Toulemonde, 2021). Watkins (2015) discusses the terrorism threat of Al Shabaab and quotes Badurdeen (2012), who states that some perceive that LAPSSSET benefits will predominantly go to non-Muslim people from outside the areas. Watkins then adds that Al Shabaab could exploit this discontent. Related to this is the finding that where security measures are considered partisan or heavy-handed, there is the potential of a kind of “backfire effect” fuelling resistance and even radicalisation against state security and the state itself (Lindekilde, 2014).

## Conclusions

This *Working Paper* has corroborated and contextualised the findings of other scholarly and policy literature in that it has revealed certain conflict potentials in mega-development projects. For the LAPSET Corridor, these conflict potentials have already emerged in anticipation of the project, most of which is still in the planning stages. Clearly, this serves as a warning for the future development of conflict as the project progresses. Key issues that may be amenable to conflict prevention include participation, implementation of land law which would protect community land, and addressing corruption and opportunism of some elite members of society when it comes to land and benefits. Related to this, there is a general trend towards private titling and private investment even by pastoralist communities themselves to protect their interests. Ensuring that these dynamics do not leave increasing numbers of people dispossessed and impoverished and lead to unsustainable resource use and environmental degradation is a challenge for researchers and policymakers. The role of conservation organisations in exacerbating and ameliorating conflict dynamics should be recognised.

LAPSET has heightened existing ethnopolitical tensions and narratives of belonging, leading to the eruption of conflicts in several areas. These complex dynamics are aggravated by politicisation. Therefore, bringing these issues together, combating the emerging patterns of conflict in the LAPSET area is likely to depend upon recognising historical patterns of enmity, the nature of grievances raised by the project itself, and the pragmatism of community members and the various political actors. Finally, as the state endeavours to safeguard the project areas through disarmament and security provision, it must be aware that this does not always operate in the interests of communities in a non-partisan and measured way. If not carefully implemented, security provision for the project could thus potentially become another contributor to conflict.

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## LIST OF ACRONYMS AND ABBREVIATIONS

ACLED	<i>Armed Conflict Location Event Data</i>	ACLED
BICC	<i>Bonn International Center for Conversion</i>	BICC
BMZ	<i>German Federal Ministry of Economic Cooperation and Development</i>	BMZ
ESIA	<i>Environment and Social Impact Assessment</i>	ESIA
FGDS	<i>focus group discussions</i>	FGDS
GEMA	<i>Gikuyu, Embu and Meru Association</i>	GEMA
KETRACO	<i>Kenya Electricity Transmission Company Limited</i>	KETRACO
KShs	<i>Kenyan Shillings</i>	KShs
KWS	<i>Kenya Wildlife Service</i>	KWS
LAPSSET	<i>Lamuamu Port, South Sudan, Ethiopia Transport Corridor</i>	LAPSSET
LCDA	<i>LAPSSET Corridor Development Authority</i>	LCDA
LLCOP	<i>Lokichar to Lamu Crude Oil Pipeline project</i>	LLCOP
NDMA	<i>National Drought Management Authority</i>	NDMA
NGO	<i>Non-governmental Organisation</i>	NGO
NPR	<i>National Police Reservists</i>	NPR
NRT	<i>Northern Rangelands Trust</i>	NRT
PICI	<i>African Union's Presidential Infrastructure Championship Initiative</i>	PICI
RDUs	<i>Rapid Defence Units</i>	RDUS
SEA	<i>Strategic Environmental Assessment</i>	SEA
WRMA	<i>Water Resources Management Authority</i>	WRMA

## Annex: LAPSET Corridor history and progress

The LAPSET project was conceptualised in 1972 but was shelved as the country could not afford to finance it. In 2008, President Kibaki revived the project as part of the first medium-term plan of Vision 2030 (from 2008-2013) (Kabukuru, 2016) and launched it in 2012. Since 2012, progress of the project has been slow and challenging due in part to shifting geopolitical interests and plummeting oil prices (Browne, 2015). One challenge was a change of plan in 2016 by Uganda to re-route its oil through a Uganda-Tanzania crude oil pipeline (UTCOP)—from Lake Albert to the port of Tanga in Tanzania, citing less geographical and climate challenges, easier access to land (which is state-owned) and better security, since northern Kenya had been troubled by attacks from the Al Shabaab terrorist organisation (Mwesigwa, 2016; Wafula, 2000). Whilst the first three berths of Lamu deep port are virtually complete, and the first oil has been produced in the remote Turkana county in the north-west, much of LAPSET remains in the planning stages (see Table 1). Since 2017, the National Lands Commission has been publishing its intention to acquire land for LAPSET.

Land parcels to be acquired have been listed in the Kenya Gazette. After much confusion and some re-routing, the route has finally been published online and is accessible to the public (to those with access to technology) (Natural Justice, 2019).

The refurbishment of the decrepit 550-km long Isiolo-Moyale road was one the first components of the project to be embarked upon, and this has brought significant changes to the ease and security of transport and trade. Isiolo Airport is another ‘completed’ project, built on a 330 ha site bordering Isiolo and Meru counties. With a handling capacity of 125,000 passengers a year, the new terminal building was built to accommodate more tourists and local residents. At its opening, the airport was heralded as a ‘game changer’ for the economy of the northern counties. However, the airport built for over 6,000 passengers per week currently operates far below its capacity, handling only one small weekly flight (Owino, 2019). Moreover, the airport is still not equipped to handle commercial or cargo flights because it lacks a control tower, landing lights and a sufficiently long runway (Marete, 2019).

**Table 1**  
*LAPSET Corridor Projects (as of late 2020)*

Project	Progress	Costs (US \$)	Funder
<b>PORT</b>			
32-berth Lamu port	First two berths complete and third is near completion	five billion	First three berths: government of Kenya, other berths private investment
<b>OIL PIPELINE AND FACILITIES</b>			
Oil pipeline		1.1 billion	30% funded by the government of Kenya and oil partners, 70% by international and national commercial banks
320 oil wells and flow lines	Planning stage	1.9 billion	Government of Kenya and oil partners
Remaining facilities including central processing facility and oil storage facilities	Planning stage	Approx. one billion	Unclear

Project	Progress	Costs (US \$)	Funder
<b>ROADS</b>			
Lamu-Witu-Garsen road (113 km)	60% complete	1.4 billion	Government of Kenya, African Development Bank, European Union and World Bank, amongst others
Lamu-Garissa-Isiolo road (537 km)	Funding negotiations in final stages		
Isiolo-Moyale-Hawassa road (505 km)	Complete		
Isiolo-Lokichar-Nadapal-Torit-Juba road (700 km)	Designs complete		
<b>RAILWAYS</b>			
Railways (Lamu-Juba and Isiolo-Moyale)	In design stage	seven billion	Not yet confirmed
<b>OTHER LAPSSET PROJECTS</b>			
Kenya Electricity Transmission Company (KETRACO) power lines	Complete		Governments of Kenya and Ethiopia
Isiolo Airport	Operational	175 million	Government of Kenya and public-private partnership
Lamu Airport rehabilitation	Preliminary facilities complete	188 million	
Turkana Airport rehabilitation	Planning stage	143 million	
Resort cities (Lamu, Isiolo and Turkana)	Planning stage		Private investment once supporting infrastructure is in place
Isiolo Dams	Preliminary phase		

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Elvan Isikozlu

COPYEDITING & LAYOUT

Heike Webb

PUBLICATION DATE

08 November 2021

EDITORIAL DESIGN

Diesseits - Kommunikationsdesign, Düsseldorf

Funded by the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation)  
project number 328966760 - TRR 228".



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ISSN (Print) 2522-204X  
ISSN (Online) 2521-781X