

## OIL IN TURKANA: RECIPE FOR DISASTER?

By Dr. Ashley Neese Bybee

Although the discovery of oil in Kenya's remote Turkana County could be viewed as a sign of hope in a deeply impoverished region, a more realistic assessment is that the oil could further destabilize an already conflict-prone area. The presence of a lootable resource such as oil, a marginalized population, an existing insurgency, the prevalence of corruption, and an abundant flow of small arms and light weapons have all been key ingredients in generating instability in other situations around the globe. One need only look at Nigeria, Sudan, and Angola's Cabinda province to see how devastating oil-induced instability can be for an economy, environment, and good governance. Can the Kenyan government manage to avoid the pitfalls that have befallen many of its African neighbors? Does it have the political will and foresight to do so? [more...](#)



An armed Turkana man guards his camels at a water point in Oropayi, in northwestern Kenya. (AP Photo/Karel Prinsloo)

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Dr. Ashley Neese Bybee is a Research Staff Member in the Africa Program at the Institute for Defense Analyses.

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## KENYA AND THE RULE OF LAW

By Dr. Stephanie M. Burchard

More than a week after the siege at Westgate mall in Nairobi, Kenya, left scores dead and hundreds injured, much is still not known about what exactly took place. The number of fatalities is unknown. The number of attackers is unknown. The types and numbers of weapons used, sequence of events, and the question of prior intelligence warning are all still very much in dispute. While Kenyans continue to grieve, various government departments have begun pointing fingers and attempting to shift the blame for the deadliest terrorist attack on Kenyan soil since the U.S. embassy bombing in 1998. In addition, it seems that some first responders may have participated in [looting](#) of the mall at some point last week either during or after the multiple-force security response to the siege. [more...](#)



Army personnel in front of the Westgate Mall, September 23, 2013. (Source: AP)

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The Institute for Defense Analyses, a non-profit corporation operating in the public interest.

IDA's three federally-funded research and development centers provide objective analyses of national security issues and related national challenges, particularly those requiring scientific and technical expertise.

IDA's Africa team focuses on issues related to political, economic, and social stability and security on the continent.

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An armed Turkana man guards his camels at a water point in Oropoyi, in northwestern Kenya. (AP Photo/Karel Prinsloo)

In Kenya's Turkana County, the British oil company Tullow has [discovered](#) an estimated 250 million barrels of crude oil in the Ngamia and Twiga South localities. Additional fields continue to be discovered in [Lokichar](#), [Agete](#), and [most recently in Ekales](#), all with significant production potential. This region, however, has been rife with ethnic conflict, illicit trade, and general grievances stemming from its underdevelopment. Located in northwest Kenya in the vicinity of blurred borders with Ethiopia, Uganda, and South Sudan, Turkana has long been neglected by the Kenyan government, and the population is considered by most experts to be marginalized. Moreover, extremely difficult socioeconomic conditions characterize the region, including drought, famine, poor infrastructure, lack of communication facilities, impassable roads, and illiteracy. Nine out of 10 people in Turkana live in [poverty](#), and the majority of residents depend on nomadic pastoralism and fishing, the latter of which would undoubtedly be negatively affected if current prospecting in Lake Turkana yields commercially viable discoveries.

Production has not commenced, yet greed and corruption have already placed Turkana on the wrong trajectory. Amid speculation over the vast wealth to be gained, local officials have been [accused](#) of illegally acquiring title deeds, misappropriating community-owned land, and using intimidation and violence to displace communities in oil-producing neighborhoods. Similar accusations have been hurled at Tullow, with community leaders claiming it has bribed officials to secure control of the producing localities. Already, [youth protests](#) have blocked roads around oil installations, arguing Tullow has deliberately denied jobs to the local population by outsourcing basic services to foreign (i.e., less expensive) workers. Locals also claim Tullow has refused to publicize its Environment Impact Assessment, presumably in a format that they can read (i.e., in print versus on the Internet.)

In Turkana, the influx of an estimated [50,000 small arms and light weapons](#) from neighboring Uganda, Ethiopia, and South Sudan have contributed to the escalation of violence between rival tribes. Today, these weapons fuel cattle rustling, highway banditry, and other types of organized crime—all of which are major sources of insecurity. Land disputes and resource scarcity have also contributed to frequent and protracted outbreaks of violence.

What needs to happen to avoid continued unrest, potentially leading to an oil-induced insurgency in Turkana? The Kenyan government should ensure that the appropriate level of oil revenues is reinvested in the region to avoid further perception of marginalization. It should practice greater transparency to preclude allegations of unequal distribution of oil revenues. Once production is under way, it should resist the urge to rely too heavily on oil revenues to sustain government operations at the expense of other economic sectors. The government should also work with Tullow to fashion an effective

corporate social responsibility program and to ensure that the company provides opportunities for the local population to benefit from the oil sector through direct and indirect jobs.

If there is political will, there is still ample time for the Kenyan government to develop legislation to effectively manage future oil revenues in a manner that benefits the whole country, encourages sustainable development through economic diversification, and ensures transparency throughout—ideally, with civil society oversight.

If it does not, competition for oil revenues may turn existing low-intensity yet persistent disputes into a larger regional conflict, with the possibility that currently opposing parties in these disputes may join forces and direct their grievances toward a common enemy—the Kenyan government.

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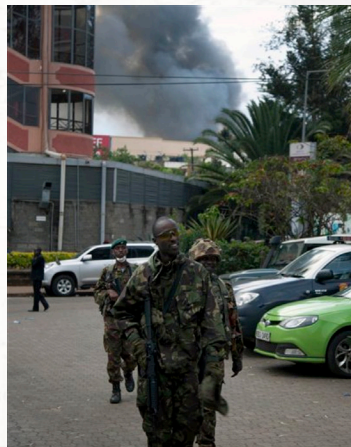
Barclays Bank and Millionaires Casino, both with locations at Westgate mall, have reported that approximately [3 million Kenyan shillings](#) (roughly \$35,000) are missing as a result of looting, allegedly by first responders. Recently released [footage](#) taken from within the mall reportedly implicates Kenyan security forces. Although these reports have provoked public [consternation](#), they do not come as a huge surprise. Similar allegations of looting were made against members of the General Services Unit (GSU) and fire brigade who responded to a fire at [Jomo Kenyatta International Airport](#) this past August. At least seven first responders have been charged with stealing cash and electronics from the airport as they helped to put out a fire that destroyed the arrivals terminal.

But the culture of impunity that may have contributed to looting at an active terrorist crime scene neither begins nor ends with Kenyan security or emergency services. It permeates all levels of government. The political class in Kenya is notorious for its attempts to circumvent the law, both domestically and internationally.

For instance, Kenyan parliamentarians, already some of the most highly paid in the world, have spent the past few months [maneuvering to amend the constitution](#), adopted in 2010, so that they would have sole authority to set their own salaries. Their attempts to remove themselves from the purview of the Salaries and Remuneration Commission (SRC) led to popular protests and demonstrations in front of parliament early this summer. Parliamentarians objected to the SRC's reduction of their salary from approximately \$10,000 per month to \$6,400. The average Kenyan makes somewhere around [\\$800](#) per year. Unsurprisingly, members of the country's various [County Assemblies](#) are also lobbying the SRC for increases in their pay. These County Assembly positions have been in existence since the March 2013 election.

Another recent example of Kenyan politicians striving to place themselves above the law is the National Assembly's passage of a motion to withdraw the country from the [jurisdiction of the International Criminal Court](#) (ICC). Kenya has been a signatory of the treaty since 1999 and a member since 2005. The ICC is currently pursuing charges against the president and deputy president of Kenya for crimes against humanity related to the post-election violence of 2007–2008. The withdrawal would not take effect for at least a year and would not affect current ICC cases. The ICC is a court of last resort that only pursues cases that individual countries are unwilling or unable to try themselves.

When political elites repeatedly exhibit disregard for the rule of law, it provides a poor example for the rest of the country and fosters a sense of impunity that has the potential to undermine good governance. It also undermines the credibility of the government in the lawmaking and enforcement arenas.



Army personnel in front of the Westgate Mall, September 23, 2013. (Source: AP)

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