

# **Experiments in governance and citizenship in Kenya's resource frontier**

by

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A thesis  
presented to the University of Waterloo  
in fulfillment of the  
thesis requirement for the degree of  
Doctor of Philosophy  
in  
Global Governance

Waterloo, Ontario, Canada, 2016

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## **Author's Declaration**

This thesis consists of material all of which I authored or co-authored: see Statement of Contributions included in the thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

## **Statement of Contributions**

Versions of the articles included in this dissertation have been published. I, Charis Enns, was the main contributor and lead author of the work that has been published and the manuscripts in preparation for publication.

The third manuscript included in this dissertation is a version of a published journal article entitled ‘Enclave oil development and the rearticulation of citizenship in Turkana, Kenya: Exploring ‘crude citizenship’’. This article was co-authored by Brock Bersaglio. Following the guidelines set forth by the University of Waterloo, this work is predominantly comprised of my intellectual contribution. The contribution of each author was: conceptualisation (CE 75%; BB 25%); gathered data (CE 50%; BB 50%); analysis (CE 50%; BB 50%); writing (CE 75%; BB 25%).

## Abstract

Over the past four years, natural resource exploration and development have rapidly expanded across northern Kenya and, as a result, the region is in the midst of a frontier-making project that may have seemed unimaginable a few years ago. In this dissertation, I use the concept of frontier as an analytical framework to examine processes that are transforming society, the economy, and landscape in northern Kenya. This dissertation contributes to scholarship on resource frontiers by analysing the specific governmental technologies used by both powerful and less powerful actors to produce, negotiate and contest the rules that govern landscapes and people in frontiers.

In Article #1, I examine the use of novel technologies of governance in frontier spaces. I show how transnational corporations use voluntary standards — designed to regulate their social and environmental conduct — to legitimize and consolidate control over land and resources. In constructing my argument, I engage with two examples from Kenya's northern resource frontier. I trace the specific technologies used by two corporations to secure access to land for the purpose of resource development, focusing specifically on their use of voluntary standards. I frame my analysis using Hall *et al.*'s (2011) 'powers of exclusion,' arguing that voluntary standards serve as one legitimising discourse that corporations can deploy to justify excluding other land users.

In Article #2, I shift my focus to how frontiers are governed 'from below'. This article focuses on the spectrum of different, sometimes competing, reactions to mega-infrastructure development in northern Kenya among rural land users. The central aim of this article is to examine how rural groups draw upon different forms of expertise — ranging from ecological science to international legal frameworks — to frame and legitimize their reactions to frontier-making projects. The analysis in this article contributes to wider debates about rural agency in frontier spaces, by demonstrating how rural land users can strategically deploy different forms of expertise to negotiate the rules that govern access to land and resources.

In Article #3, my co-author and I analyse changing social and political relationships in northern Kenya in light of oil exploration and development. This article demonstrates how some northern Kenyans are seeking protection of their rights from oil companies, in light of the Kenyan government's hands-off approach to governing northwestern Kenya. We argue that new expectations around corporate social responsibility are drawing oil companies and rural communities into an uneasy citizen-state-like relationship, altering the experiences and practices of citizenship in the region. This article contributes to discussions about new political spaces and new forms of political subjectivity in frontier spaces.

Combined, these articles use northern Kenya as a case study to illustrate how the rules that govern access to land in resource frontiers are shaped through experiments in governance and innovative acts of citizenship. I frame my conclusions using recent literature on post-frontiers.

## Acknowledgements

I have immensely enjoyed my doctoral studies and I recognise how privileged I am to have spent the past four years engaged in this research. As I consider everyone that I should acknowledge for making this project possible, I also realise just how many debts I have incurred over the course of my studies.

First and foremost, I am deeply indebted to those that agreed to share their stories with me, answered my questions and allowed me to enter into their offices, homes and pastures to observe their everyday lives while conducting this research. Beside those who directly informed my research, I owe a great debt to those who facilitated my work. Most importantly, Alex Awiti provided me with important logistical support. He also allowed me to make the East African Institute at Aga Khan University my institutional home while conducting this research. Others aided my work as well, both in ways big and small, including drivers, translators, permit officers and language tutors. I recognise that my research would not have been possible without them.

I am grateful for the support of my dissertation supervisor, William Coleman. Like a number of my colleagues at Balsillie School of International Affairs (BSIA), I was drawn to this PhD program after thoroughly enjoying my MA at McMaster University's Institute on Globalisation and the Human Condition — a program that Will shaped. I am incredibly grateful for the academic spaces that you have fostered, Will. The other members of my dissertation committee, Alex Latta and Suzan Ilcan, have provided me with thoughtful questions and comments on my dissertation, but they have also both been incredibly supportive of my professional development and generous with their time all throughout my doctoral studies. For this, I am also very grateful. Many thanks to numerous others at the University of Waterloo and Wilfred Laurier University, including Terry Mitchell, Andrew Thompson, Randy Wigle, Rianne Mahon, Patricia Goff, Svitlana Taraban-Gordon, as well as at the Institute on Globalisation and the Human Condition at McMaster University, including Peter Nyers and Rachel Zhou. You have each contributed to my academic development (and interdisciplinarity) in different and important ways. Thank you.

One reason that my doctoral studies have been so enjoyable is because of the incredible colleagues and friends that I have met along the way. I am grateful for all the coffee mornings, office visits, and Jane Bond evenings that broke up the monotony of writing. I have to mention a special thanks to Antulio Rosales and Masaya Llavaneras Blanco. Thank you for all of your comments on my work, and for offering these comments over good coffee.

The research for this dissertation would not have been possible without the generous support of various organisations, including the University of Waterloo, Wilfrid Laurier University, the Balsillie School of International Affairs, the Ontario Graduate Scholarship, the Social Science and Humanities Research Council and the Overseas Development Institute.

Finally, to my family and dearest friends, thank you for your constant support throughout my graduate studies. Also, thank you for opening up your homes in Cambridge, London, Lusaka, Nairobi and Vancouver. Though I do not know exactly where I will be over the coming years, I am so grateful that you are willing to share your homes with me. To Oliver, thanks for keeping my feet warm – especially during wintery writing days in Ontario. And lastly, to Brock, many thank their partner for their support throughout the writing process, but my gratitude to you goes far beyond this. You have been involved and invested in my work ever since we met in the frontier that we now both research. I cannot wait for what is next.

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## **Introduction**

### **Frontier-making projects and experiments in governance and citizenship**

The arid and semi-arid lands (ASAL) of northern Kenya cover over 80% of the country but are inhabited by just over 10% of Kenya's population (GOK 2012) (see Map 1). Nomadic pastoralists — people who primarily depend on livestock and livestock products for their livelihoods and who move their livestock seasonally to graze on communally managed pastures (REGLAP 2012) — make up the majority of the population in this region. Nomadic pastoralism is a livelihood system that is well adapted to the arid conditions of northern Kenya. The complex set of practices and knowledges embedded within this livelihood system enable people to make use of land in arid regions, where the success of other land uses, such as conventional farming, is more limited. Moreover, nomadic pastoralism also has the potential to be a relatively productive livelihood. For example, in 2010, livestock raised by Kenya's pastoralists was worth approximately US \$800 million (FAO n.d.).

However, pastoralist communities in northern Kenya have often been imagined as traditional and 'backward', and relations between people living in northern Kenya and other parts of the country have been shaped by difference. As the Government of Kenya's updated policy on northern Kenya explains: 'To many people, Northern Kenya is remote and insecure. On their part, many in Northern Kenya regard the rest of the country as distant and different' (2016: 3). These perceptions relate to the fact that the Kenyan government has historically described nomadic pastoralism as economically unproductive and pastoralist communities as an obstacle to modernity and progress. At the same time, northern Kenyans have historically resisted being governed.

Given the region's low economic and political importance to the Kenyan state, along with its resistance to being governed, the central government has historically opted to play a minimal role in the north (Eriksen and Lind 2009). As a result, northern Kenya has long suffered from a lack of infrastructure and basic services. Complex patterns of communal violence have afflicted the region, particularly along the country's northernmost borders, where the central government has never projected much authority (Menkhaus 2008: 24). Ultimately, due to



Map 1. The dark orange on this map represents the region that is commonly referred to as ‘Northern Kenya’ — a region that shares specific ecological, social, economic and political characteristics that make it distinct from southern Kenya.

northern Kenya’s longstanding economic, political and social marginalisation, pastoralist communities in the in the region experience high levels of poverty and low levels of socio-economic development.

The political marginalisation of northern Kenyans dates back to the colonial era, when the British colonial government began to allocate public resources disproportionately to more ‘productive’ regions of the country, such as the agricultural highlands in central and western Kenya (Eriksen and Lind 2009). After independence, the Government of Kenya carried forward parts of this colonial agenda (Schrepfer and Caterina 2014). Kenya’s often-quoted first development blueprint, from 1965, articulates the rationale for minimal state involvement in the north. It recommends that, ‘development money should be invested where

it will yield the largest increase in net output,’ with the goal of ‘favour[ing] the development of areas with abundant natural resources, good land and rainfall, transport and power facilities, and people receptive to and active in development’ (RoK 1965). Throughout the latter part of the 20<sup>th</sup> century, the Kenyan government viewed nomadic pastoralism as an intermediate stage in socio-economic development that ‘was expected to die a “natural death”’ in response to modernisation’ (Idris 2011). Though government intervention in the north remained limited, some policies and programmes were implemented with the intention of transitioning pastoralist communities towards sedentary livelihoods and wage labour (Eriksen and Lind 2009, Lokuruka 2006).

In order to adapt to the harsh living conditions of northern Kenya, as well as cope with the relative absence of a central government, pastoralist systems have evolved to be adaptive and innovative (Cately et al. 2013). As Cately et al argue, by necessity, Kenya’s nomadic pastoralists are resourceful and entrepreneurial (Cately et al. 2013). However, over the past couple of decades, more prolonged and frequent droughts have increased levels of vulnerability amongst pastoralists (Letai and Lind 2013). Many communities have turned to humanitarian organisations to meet their basic needs. For example, following a particularly severe drought in 2011, it was estimated that over 4 million people in northern Kenya were dependent on food relief from humanitarian organisations for survival (Constantaras 2014, Bersaglio et al. 2015). Over time, humanitarian organisations have become the primary providers of food, water, health, physical security and education in some parts of the region (Bersaglio *et al.* 2015), effectively substituting the government’s role in service provision (Thomas 1992). As a result of the region’s rising dependence on humanitarian assistance, northern Kenya has often been imagined as a space of crisis and humanitarian intervention in Kenya’s national imaginary, represented by images of drought, famine, and violence.

Yet, in 2012, new imaginaries of northern Kenya emerged, when Anglo-Irish petroleum company, Tullow Oil, announced that it had discovered oil in a remote, northwestern corner of the country. After the initial discovery, oil exploration and appraisal activities were accelerated across the region. These activities have since indicated recoverable resources of up to 1 billion barrels of oil. Kenya’s oil discovery has received ample coverage in both

national and international media, with excited headlines reading: ‘A new oil discovery in Kenya is ‘very encouraging indeed’ for its export ambitions’ (Kuo 2016a); ‘Tullow eyes more oil still’ (Chai 2016); and ‘Kenya may have a lot more oil than it previously thought’ (Kuo 2016b). The oil discovery has repositioned northern Kenya from a colonial backwater to a resource frontier. This new image of northern Kenya was aptly summed up by an elder from a small village neighbouring an oil exploration site, when he told me: ‘[We were] forgotten in Kenya, but now that there is oil everywhere in our soil they are remembering us’ (interview with community representative in Loima, Turkana, November 2014).

As Tsing writes, the speed of change in frontier spaces in the midst of boom and bust cycles ‘takes one’s breath away’ (2005: 56). Northern Kenya is in the midst of being transformed from an imagined space of crisis and humanitarian intervention to a site of growing interest for transnational investors. Aided by transnational capital and international financial institutions, exploration and appraisal activities have rapidly expanded across the north over the past four years. In 2016, the Government of Kenya responded by opening more land for investment, licensing seventeen additional oil blocks for exploration. Other types of large-scale land deals — previously uncommon in the region — are also taking place. For example, the Kenyan government is working in partnership with private investors to construct a highway, a railway, and pipeline from the coast of northern Kenya to South Sudan — a project that will transform large tracts of grazing land to infrastructure. Elites and political leaders are also rushing to acquire land in the north, hoping to capitalize on both rising land prices and new entrepreneurial opportunities created by the oil discovery. Consequently, reports of land grabs are running parallel to news headlines about the promise of oil for Kenya’s national economy. In one town near an oil discovery, media reports claim that 95 percent of public land has been ‘grabbed’ since 2012 (*Citizen Reporter* 2016). Such reports reflect the new scramble for land and natural resources in northern Kenya.

Northern Kenya is in the midst of a frontier-making project that would have likely seemed unimaginable just a few short years ago, as new resource discoveries have ‘reconfigured the conditions of possibility’ (Lund 2016). Although the future of this frontier may appear uncertain and unstable — given insecurity in the region and the instability of commodity

prices — this frontier-in-the-making is already altering the social, political, economic and ecological terrain on which it is unfolding. The massive new infrastructure projects under construction across the region will permanently alter the political economy and ecology of northern Kenya. At the same time, new processes for enclosing natural resources have been undertaken, including both legal reforms and the physical fencing off of land and resources that were previously used by communities. These processes of enclosure may alter the ability of pastoralists to access and control land and resources for their livelihoods, both today and in the future. For example, new fences will interfere with the mobility of pastoralists, who must move their livestock to distant sources of pasture and water during periods of scarcity in order to survive. Because Kenya's resource frontier presents new threats to pastoralist communities, natural resource development has become a source of contention between pastoralists, civil society organisations, local and national government authorities and resource companies. In short, Kenya's frontier-making project is contributing to a negotiation and reworking of power relations across the region.

The unforeseen expansion of capitalist interests in Kenya's north is, in and of itself, a key characteristic of frontier spaces. Northern Kenya joins other regions of the world, like the Indonesia-Malaysia borderlands, the Brazilian Amazon and Myanmar's Upland Areas, where markedly similar and unexpected processes of capitalist expansion have rapidly reshaped economies, societies and landscapes. These processes are discussed in greater detail in the following sections, but it is worth noting at this point that I understand frontiers as regions that are remote and marginalised from political centres, which unexpectedly come to hold strategic significance or economic potential for exploitation (Geiger 2009: 28, also see Hvalkof 2008: 219). In this dissertation, I use the concept of frontier as an analytical framework to capture the processes that are transforming the economy, society and landscape in northern Kenya. These processes include the freeing of land for investment, followed by the (re-)possession of land for the purpose of natural resource development. I contribute to literature on frontier spaces by examining the specific practices, strategies, and discourses used by both powerful and less powerful actors to produce, negotiate and contest frontiers. Ultimately, I aim show how frontier spaces are shaped by experiments in governance and innovative acts of citizenship, using Kenya's frontier-making project as a case study.

To conduct this research, I spent two years (from 2014 to 2016) studying Kenya's emerging resource frontier. Like other recent work on frontiers, my fieldwork was multi-sited and multi-scalar and I relied on multiple methods (Campbell 2015, Geiger 2009, Larsen 2015, Tsing 2009). I spent a total of three months in different counties across northern Kenya, including Turkana, Isiolo, and Laikipia, in order to speak to diverse actors and to view different sites and processes implicated in Kenya's frontier-making project. I also spent five months based in the capital of Kenya, Nairobi (intersected by trips to 'the North'), where I spoke to other actors involved in producing, negotiating and contesting Kenya's frontier, including civil society actors, extractive company representatives and government officials. Interviewing was my primary method of data collection, but my methods also included analysing documents, facilitating focus group discussions and workshops, observing civil society events and participating in professional development courses. My approach to conducting this research is outlined in much further detail later in this introductory chapter.

This dissertation is comprised of an introduction, three articles and a conclusion. In the remainder of the introduction, I elaborate on the key concepts that are used to frame my dissertation: frontiers, governance and citizenship. I begin by outlining key characteristics of frontiers. Next, I introduce my working definitions for governance and citizenship, and examine each of these concepts in relation to frontiers. I also elaborate on my own contributions to these bodies of scholarship. In the section that follows, I reflect on my methodology and my own position in relation to my research. The final section of this introduction briefly outlines the structure of the rest of the dissertation.

### **The imaginative cartography of resource frontiers**

Although the frontier remains a somewhat contested concept, an established body of literature in anthropology, political ecology, political economy and human geography has engaged in important definitional and conceptual discussions about the characteristics that comprise frontier spaces (Tsing 2005; Li 1999; Massey 1999; Geiger 2008; Barney 2009). The concept originates from historical studies (Turner 1921), but has come to be used in social sciences more broadly over time to explain spaces at the edge of the state where



processes of commodification are unfolding (Geiger 2008, Fold and Hirsch 2009, Kelly and Peluso 2015). Frontiers have been defined as ‘areas remote from political centres which hold strategic significance or economic potential for human exploitation, and are contested by social formations of unequal power’ (Geiger 2009: 28, also see Hvalkof 2008: 219). The potential of frontier spaces is often related to opportunities for industrial agriculture, mineral and hydrocarbon extraction, or forestry and conservation schemes; yet recent scholarship has also shown how frontiers can be ‘opened up’ for a variety of other purposes, such as infrastructure development, residential development or tourist use (for example, see Brockington et al. 2008, Corson 2011, Igoe and Brockington 2007).

Frontiers have unique spatial and institutional dynamics. They tend to exist in regions that are distant from geographical centres of power (Hall 2013a) or in ‘out-of-the-way-places’ (Tsing 1993). As Geiger writes, frontiers are found at the ‘fuzzy edges’ or at the ‘seams’ of the state (2009: 195), such as in literal borderlands or coastal regions (Hall 2013a; Eilenberg 2012), or in spaces perceived to be distant from the state as a result of ‘terrain like hills, mountains, swamps, deserts, forests and tundra where states find it difficult to maintain a presence, monitor behaviour and project power’ (Hall 2013a: 53; also see Scott 1998). As a result of their unique geography, frontiers are often ‘associated by people who live far from them (and by some who live within them) with a wide range of assumed characteristics: tradition, backwardness, underdevelopment, difference, inefficient and environmentally destructive resource use, indigeneity, rebelliousness, danger’ (Hall 2013a: 54). As Walker notes, such imaginaries ‘have more to do with the anxieties (and fantasies) of the “centre” than with the social and cultural realities of the “periphery”’ (1999: 9).

Institutionally, frontiers tend to exist in regions where the state falls short of exercising effective authority and governance. This point relates to an ongoing and unsettled debate in frontier scholarship: Do governments “[fail] to subject frontiers to effective administrative control...because they lack the means thereto, or because they lack in political will?’ (Geiger 2009: 35). Some suggest that the state ‘loosely’ administers frontiers by choice (Geiger 2008: 78), while others claim that ineffective governance in frontiers is a result of weak ‘state machinery’ (Li 2005: 18). My work shows that there is no simply way to resolve this debate.

Frontiers are spaces where “authorities, sovereignties, and hegemonies of the recent past have been or are currently being challenged by new enclosures, territorialisations and property regimes’ (Peluso and Lund 2011: 669). In such spaces, people compete for power and authority, which makes it difficult for the state to establish effective institutions, administering justice, collecting taxes and ensuring security in frontiers (Scott 1998). At the same time, the state may elect to remain relatively absent in these spaces, as non-state actors, such as humanitarian organisations, local elites and militia, often exercise more effective authority over these spaces to begin with. As Hall writes, the ability to govern frontiers is spread across both state and non-state actors, resulting in an internally fragmented approach to governance (2013: 52). In this sense, I agree with Hall (2013), who concludes the state can rarely convincingly claim to be the sole source of law and government in frontiers spaces, and must resign to sharing its authority with other actors.

Another important point about frontiers is that they are usually unstable or insecure spaces, partly because frontier commodities and economies are unpredictable. Tsing (2003) argues that frontiers are projects that are perpetually in the making — notoriously unstable and continually changing in response to the pressure of global markets. Geiger reiterates that frontiers ‘...recede and advance in relation to changing demands for frontier commodities on regional and world markets’ (2008: 93). Investors are adept at coping with economic risk, and even associate significant risk with greater opportunity for significant profit; however, the unique characteristics of frontiers often make investing in these spaces especially risky. As West argues, local articulations with capital are often more creative, diverse, and erratic than anticipated (West 2006) and, for this reason, investors find it difficult to achieve what they set-out to achieve upon entering frontier spaces. Moreover, in recent years, the unprecedented price volatility of commodities globally has had decisive implications for investment in new and emerging frontiers. The inability for investors to plan and predict as a result of more volatile boom and bust cycles has impacted many frontier-making projects. For example, offshore deepwater oil and gas projects and onshore extractive projects that require new technologies or significant infrastructure tend to face longer delays when seeking financing. This price volatility has, without a doubt, stalled certain projects in Kenya’s resource frontier.

Finally, recent scholarship on frontiers has emphasized the importance of conceptualising frontiers as both real and imagined spaces. Frontiers share certain material characteristics, such as existing on the periphery of the state. However, these spaces are also created through certain narratives and by invoking certain imaginaries. For example, in order to attract investors, frontier spaces must be described as full of potential for profit yet unpopulated, unproductive and empty, because empty land is easier and quicker to make profitable than land that already has owners (Of course, in reality, frontiers are never as empty as they are imagined to be). Thus, I understand frontiers as material spaces that are reified by imaginaries of ‘opportunistic wilderness and infinite unexploited resources’ (Eilenberg 2014: 5, also see Tsing 2005 and Büscher 2013). As stated previously, I define frontiers as spaces that are remote and marginalised from political centres, which unexpectedly come to hold strategic significance or economic potential for exploitation (Geiger 2009: 28, also see Hvalkof 2008: 219). The set of unique spatial and institutional dynamics outlined above further informs my conceptualization of frontiers.

### **Governing resource frontiers**

Transforming the frontier from a remote, imagined wasteland to a site of capitalist expansion and accumulation requires specific governmental techniques — what Rose (1999) would refer to as ‘technologies of government’. In other words, the process of changing a frontier from what it is (or what it is perceived to be) to what it has the potential to be necessitates reorganising and reinventing how landscapes are ordered and people behave (Büscher 2013). In this dissertation, I consider how both state and non-state actors use diverse and innovative technologies of government to produce and govern Kenya’s resource frontier. Key questions running through this dissertation are: Who is involved in imagining, producing, and negotiating frontier spaces (Massey 1999; Barney 2009)? What (global) technologies of government are used to challenge previous mechanisms of land control and consolidate new forms of authority and control in such spaces (Peluso and Lund 2011)? And, what are the consequences of such transformations for the rights and livelihoods of people living in frontier spaces? I contribute to, and build upon, other recent work on frontiers, by focusing explicitly on how processes of globalisation and global technologies of governance are

enrolled in frontier-making projects. I argue that, as a result of globalisation, the way in which frontiers are governed is evolving. New actors are using global technologies that operate beyond the state to produce and govern frontier spaces, as well as to legitimise their control over land and resources.

Before reviewing relevant literature on the governance in frontier spaces, as well as elaborating on my own contribution to this literature, it is necessary to clarify what I mean by governance. In writing about the governance of resource frontiers, I refer to both the authorities and technologies involved in frontier making-projects. I recognize the governing role of diverse agents, including those both within and beyond the state. Drawing on governmentality literature, I suggest that these actors undertake different activities, or employ various ‘technologies of government’ (Rose 1999, also see Isin 2000), in order to organize frontier landscapes and shape the conduct of people. These technologies of government include ‘forms of practical knowledge, with modes of perception, practices of calculation, vocabularies, types of authority, forms of judgment, inscription techniques and so forth’ — all of which are used to produce certain outcomes in relation to the conduct of the governed (Rose 1999: 52). For example, states may implement laws that forbid access to land and resources by previous land users or employ discourse that presents certain tracts of land as unoccupied and vacant in order to attract private investors (for example, see Li 2014, 2005, Kelly and Peluso 2005, Tsing 1993). I am also interested in how various actors deploy new technologies that work beyond the nation-state to produce frontiers and govern conduct within frontiers. These new technologies are what Ilcan and Phillips (2003) refer to as ‘global technologies of government’. Li (2014), for example, identifies statistical picturing of ‘underutilized’ farmland in the global South as a technique used by the World Bank to attract investors to frontiers.

Early work on frontiers tended to describe these spaces as produced and managed through state-led processes.<sup>1</sup> This scholarship argued that states employ rhetoric of development, progress, and modernisation in order to present frontier land and resources as

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<sup>1</sup> It is worth noting that much of this literature has focused on contexts where the state has conventionally been perceived to be (relatively) strong and centralized, such as the resource frontiers of Southeast Asia.

‘underexploited’ and awaiting investment (Scott 1998, Tsing 2003, Tsing 2005). Scholars such as Scott (1998) and Li (2005) wrote about the strategies and techniques used by states to create ‘empty’ space for capitalist expansion. For example, states encouraged people to replace customary labour and production processes with new forms of labour and production that were less land-intensive and that could be better drawn into national economies (Scott 1998). States also enacted legislation to replace existing forms of land tenure such as communally owned pastures and forests, with new forms of tenure through the establishment of freehold property (Scott 1998, Tsing 2003, Tsing 2005). People, lands, and resources were made ‘legible’ or ‘rentable’ for the state by simultaneously moving people into a more legible economy of wage labour or sedentary agriculture and transforming previous land controls through land reform (Scott 1998: 4). These technologies were used by states to conduct people in a manner that created space for frontier expansion. As Prudham and Coleman write: ‘The alienation or dissociation of people and things facilitates commodification’ (2011: 18).

Recent ‘land rush’ literature, however, has indirectly challenged the state-centric focus of this earlier work on frontiers. During the late 1990s and early 2000s, there was an unprecedented scramble for land and resources globally (Borras et al. 2011, Deininger et al. 2011, de Schutter 2011). Land was ‘grabbed’ for a wide range of purposes, such as resource extraction, commercial agriculture, bio-fuel production, ranching, and conservation (Zoomers 2010). Initial land rush literature attributed the emergence of new and deepening frontiers of land control to neoliberal reforms that were imposed on the global South by international development donors and financial institutions during the 1990s. Scholars such as Benjaminsen et al. (2008) and Magdoff and Tokar (2009) argued that these reforms created fragile, disorganized, and loosely governed states, paving the way for land grabbing by transnational corporations in the following decade. When commodity prices rose in the early 2000s, these corporations used global capital and new technologies, such as the commodification of land through international investment law, to bring land and resources in frontier spaces under their control (Peluso and Lund 2011, Cotula 2013, Ouma 2014).

More recently, though, literature on land rush has attempted to complicate these claims. Scholars such as Wolford et al. (2013) and Pederson and Burr (2016) challenge the notion that land is assembled for investment by *either* state-led process *or* global actors. They call for either/or claims to be replaced with more nuanced analyses of the ways in which power and authority operate through multiple actors (who are often interlinked) and across multiple scales (which are often difficult to discern between) in order to govern land and resources (Wolford et al. 2013). These scholars also suggest that future work should acknowledge the role that diverse actors and processes play in producing and governing frontier spaces, including customary, religious, state and nongovernmental actors, along with competing normative orders (Wolford et al. 2013). Moreover, they call for empirical analyses that demonstrate the importance of contextual factors, including specific historical processes, unique local-level institutions and various forms of local expertise, in producing diverse approaches to frontier governance (Pederson and Burr 2016).

The three articles in this dissertation respond to the call for a better understanding of the ‘specific tactics and instruments used by powerful and less powerful actors to’ create new frontiers (Peluso and Lund 2011), by offering empirical insights about the various actors and specific processes involved in producing and governing Kenya’s resource frontier. Through my research, I show how different actors are involved in determining the norms and rules that shape land use and access in Kenya’s frontier, including representatives of the state, local customary authorities, local and global civil society actors, and transnational corporations. For example, in Article #1, I examine how transnational corporations use transnational regulation as a global technology of government to consolidate control over land and resources in northern Kenya. In Article #2, I consider political reactions from rural land users in response to Kenya’s frontier-making project. I show how local civil society actors negotiate and contest the terms of large-scale land deals. Together, my articles serve to illustrate that Kenya’s resource frontier is not being produced and governed through *either* state-led *or* top-down processes. Rather, this frontier is a globalized space, produced through contestations and negotiations between diverse actors, institutions, and normative orders operating at and across multiple scales.

In this sense, my dissertation suggests that contestation and negotiation are fundamental features of frontier governance. As various actors compete to govern access to, and control over, land and resources, their interests often work in tension with one another and their authority overlaps, producing a ‘spatially ‘patchworked’ frontier landscape’ that is governed by different and competing normative orders and modes of regulation (Barney 2009: 152). Each article illustrates how different actors, backed by different forms of transnational capital and interests, attempt to enforce competing and contradictory claims to land and resources in northern Kenya. For example, Article #2 illustrates how local civil society organisations are financially backed by global actors as they advocate to protect their collective tenure of land, while at the same time, Article #1 shows how oil companies work directly with the state to influence land legislation in a way that undermines collective tenure rights. Sikor and Lund’s (2009) claim that struggles over land are as much about the constitution of authority as they are about the land itself. In line with this argument, my articles reveal the diverse actors that are involved in shaping frontier spaces — each competing to govern land and resources and to exercise authority over Kenya’s new resource frontier.

In addition to examining who governs Kenya’s resource frontier, my three articles also illustrate *how* this frontier has been produced and governed. Like other recent literature on land rush in frontier spaces, I examine the specific governmental strategies used to assemble land as a resource for investment (for example, see Li 2015, Kelly and Peluso 2015, Einzenberger 2016, Goldstein 2016, Silva-Castañeda 2016, Wolford 2015). These scholars have shown how actors tell narratives, draw maps, survey land, conduct censuses, and improve infrastructure in order to render land accessible and investible. These technologies are used to adjudicate and create metrics between more and less ‘efficient’ uses of land and resources, as well as to inscribe boundaries that delineate and legitimate how land and resources should be allocated and to whom (Li 2015, Prudham and Coleman 2011). I provide further evidence of how these technologies at work in northern Kenya. For example, in Article #2, I illustrate how Kenya’s national development plan, ‘Vision 2030’, provides a blueprint for the country’s future, which prioritises infrastructure development and large-scale land investments while reducing the rangelands available for pastoral grazing. This development plan rationalises, legitimises, and may even legalise the appropriation of land

from existing land users in order to create space for private investment, which is deemed to be a more productive land use than current land uses.

More importantly though, my articles identify and examine the technologies that work beyond the state to produce and govern resource frontiers. Two of my articles examine how ‘global technologies of government’ (Iltis and Phillips 2003) are used to reorder frontier landscapes and govern conduct within these spaces. In Article #1, I show how transnational companies hire international consultants to categorize who is Indigenous and who is not — based on definitions outlined in international human rights law — in order to legitimise dispossessing certain land users from land that they and the state wish to develop. In this case, expert knowledge is used to classify which populations have a right to land versus those that can be rightfully displaced. In Article #2, I illustrate how conservation organisations use biodiversity science to contest natural resource extraction and infrastructure development, attempting to consolidate their own control over land and resources in northern Kenya. Both examples provide evidence of how ‘expert professionals’ and certain types of global expertise are enrolled in frontier-making projects (for more on expert professionals and expert knowledge in global development, see: Brink 1994, Li 1999a, Scott 1998, Iltis and Phillips 2003, Goldman 2005). This contribution of my dissertation responds to recent calls for empirical investigations of the specific tactics and instruments used by both powerful and less powerful actors to produce and govern frontier spaces (Peluso and Lund 2011).

### **Living in a resource frontier**

Transforming the frontier from an imagined backwater to an industrialized site of capital accumulation also has important implications for how citizenship is experienced and practiced. As frontiers are transformed from spaces that are distant and disconnected from the political centre to spaces that receive and facilitate global flows in trade and investment, the ‘seams’ between sovereignty, territory and citizenship are reworked (Ong 2005). In frontiers, new actors challenge authorities of the recent past, using new techniques and strategies to possess, expropriate, and extinguish previous land controls (Peluso and Lund 2011). My dissertation demonstrates that such processes have the potential to create new political subjectivities, while simultaneously denying or eroding existing political identities. With this



in mind, a second set of questions running through this dissertation includes: How are different types of subjects created through frontier-making projects? What happens when previously existing and new political subjectivities come into contact with each other? More generally, is anything unconventional about the practice and experience of citizenship in frontier spaces? Similar questions have been asked of other types of novel political within the critical citizenship studies literature. For example, critical citizenship studies literature has pointed towards refugee camps (Rygiel 2012, Sigona 2015), special economic zones (Ong 2006, Park 2005), mega-cities (Ong 2007) and deportation centres (Isin and Rygiel 2007) as examples of emergent political spaces where the practice and experience of citizenship becomes disarticulated from the terrains of the state. As I suggest in this section, as well as argue in the article that follow, frontiers can be conceptualised as a novel political space: Like refugee camps and special economic zones, for example, frontiers are spaces where mutations in citizenship and new forms of political mobilisation abound.

Before reviewing relevant literature, I clarify what I mean by citizenship. I define citizenship by drawing on critical citizenship studies scholarship, taking it to mean ‘the ‘institution’ mediating rights between the subjects of politics and the polity to which these subjects belong’ (Isin and Nyers 2014: 1).<sup>2</sup> In this context, ‘institution’ refers to laws, practices, customs, or norms. Importantly, my understanding of citizenship does not refer exclusively to national citizenship: The nation-state is just one of several polities to which a subject may belong. I am interested in the various institutions through which people claim their rights, including customary/local governance structures, global social movements, religious communities, and cities, to name but a few examples. Also, like Isin (2002), Isin and Nyers (2014) and Latta (2013), I see citizenship as a relatively fluid construct that may change over the course time. As Latta argues, citizenship is ‘...a site of ongoing political becoming, through the unfolding of new political subjects and identities in dialectical tension with shifting contours and definitions of the collective’ (2013: 568). I recognize that a person may occupy multiple political spaces and draw on multiple identities simultaneously. As Isin and Nyers explain ‘...the citizen of a polity almost never belongs only to that polity but to several

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<sup>2</sup> I also find Bellamy’s definition useful. He defines citizenship as ‘a particular set of political practices involving specific public rights and duties with respect to a given political community’ (Bellamy 2008: 3).

nested, if not overlapping and conflicting, series of polities ranging from the city, region, the state, and the international' (2014: 2). These are important qualifications to make in relation to frontiers, where a person may act as a subject of a traditional authority in one context, but as a subject of the nation state in another (Mamdani 1996, Robins *et al.* 2008).

Scholars such as Lund (2011), Jacob and Le Meur (2010, 2012), and Cleaver *et al.* (2013) have written about the relationship between land and citizenship in other parts of sub-Saharan Africa. Jacob and Le Meur (2010, 2012) observe that claims to local identity and belonging, which they describe as 'local citizenship', afford people access to land and resources in West Africa. They also reflect on how people exercise layered forms of belonging in order to negotiate access to land and resources (Jacob and Le Meur 2010, 2012, Cleaver *et al.* 2013). For example, Cleaver *et al.* (2013) have shown how pastoralists in East Africa appeal to hybrid authorities, namely, authorities that govern using formal and informal laws, practices, customs, or norms, to mediate their access to land, resources, and other benefits. This observation reinforces Lund's claim that 'while people have a national citizenship, which endows them with certain rights, it is not the only significant form of belonging in a political community and the only source of rights' in many contexts across sub-Saharan Africa (2011: 10).

My dissertation contributes to scholarship on land and citizenship in sub-Saharan Africa, as well as to critical citizenship studies scholarship more broadly, by examining the (re-)making of political subjectivities in Kenya's resource frontier. Political subjectivities in remote frontiers tend to be layered and complex. As frontiers occupy the 'edges' of the state, people who live within them often exist partially outside the state and are not fully incorporated as state subjects (Scott 1998). Moreover, frontiers are also often produced in spaces where populations are difficult to govern or resist governance altogether — such as spaces inhabited by nomadic pastoralists, swidden farmers or subsistence fishers (see also Scott 1998 and Hall 2013). In such spaces, more flexible and dynamic citizenship formations emerge. For example, Kenya's Constitution guarantees movement across borders to many of the pastoralist groups that reside in the north — with no legal documents required — in order to facilitate and protect their mobility as trans-border communities. This is one example of how

unique citizenship formations in frontiers enables people to occupy multiple political spaces and draw on multiple identities simultaneously. In short, the types of spaces where frontiers tend to emerge are often characterized by complex landscapes of political subjectivities.

Thus, when the state moves into frontier spaces to extend its territorial control over land and resources, the political landscape becomes even more complex. The state may desire to produce state subjects out of peoples that it has historically governed more loosely or flexibly. However, creating more governable subjects is difficult work. Scott (1998), Tsing (2005), Li (2014), and Eizenberger (2016) examine the various interventions and techniques used by the state — such as drawing maps, conducting censuses and issuing identity cards — to make its territory ‘legible’ and to form subjects that are governable. Governments may extend public services or promise infrastructure provision in order to draw subjects into the state. This type of intervention aims to strengthen the social contract between the state and citizens while at the same time working to produce ‘ideal citizens’ who know how to enact their rights and responsibilities in relation to state laws, norms and economic orders. For example, transport infrastructure enables people to contribute to the national economy, schools serve to teach people cultural norms and national languages, and health facilities can be used to teach about family planning.

I contribute to critical citizenship studies literature through my dissertation. In Article #2, I examine the construction of a mega-infrastructure project across northern Kenya. I show how the Kenyan government is using this project to attract investors to northern Kenya, by providing them with access to infrastructure to export their goods. At the same time, I argue that this project is meant to draw pastoralist communities into the folds of the state, and to teach them the ‘attitudes, dispositions and values’ of the state (Isin and Nyers 2014: 5). Through mega-infrastructure development, the government aims to create new livelihood opportunities for pastoralists, along with improved access to markets and economic integration. Simultaneously, new restrictions will be placed on livestock mobility because of this infrastructure development. This scheme is ultimately being used to encourage nomadic pastoralists to settle in fixed places and to become part of the modern economy. This

illustrates how producing and governing frontier spaces is intimately linked to constituting particular kinds of state subjects.

In addition to producing new state subjects, my analysis also reveals how frontiers produce new kinds of political subjects and subjectivities altogether. In Article #3, I show how pastoralists in northern Kenya have turned to oil companies to mediate their rights claims, because the state has remained relatively absent around sites of oil development, allowing oil companies to have some level of administrative control over the region. In recognition of the authority of oil companies, communities are demanding that companies provide certain social services and corporations are complying with these demands in return for a ‘social license to operate’. I argue that this is drawing communities and oil companies in Kenya’s resource frontier into an uneasy citizen-state-like relationship. This reflects what Latta (2013) describes as competing scales and practices of citizenship — where rural people make use of unexpected and alternative political spaces both within and beyond the state in order to lay claim to their rights.

As a further example of how frontiers produce new forms of subjectivity, in Article #2 I examine how pastoralist communities are attempting to counter state and corporate claims to their grazing lands by having their rights as Indigenous peoples recognized at the global level. These groups are reaching above and beyond the state to have their rights mediated by intergovernmental actors, such as the United Nations and International Work Group for Indigenous Affairs. In directing their rights claims towards this type of global actor, pastoralist communities are exercising a concrete ‘act of citizenship’ (see Isin and Nielsen 2008) and attempting to constitute themselves as citizens of a global Indigenous polity. Both of these examples illustrate how non-state actors and jurisdictions can constitute important sources of rights and status for people (Maas 2013: 2), as well as the diverse ways through which new subjectivities are created through frontier-making projects. This, I argue, is an important contribution of my dissertation given that frontiers are unique political spaces that have received little attention from citizenship studies scholars to-date.

### **Summary of contribution to existing literature**

Tsing suggests that frontiers are ‘zones of not yet — not yet mapped, not yet regulated’ (Tsing 2005: 28), while Little (2001) argues that frontiers are messy because they lack clearly-defined rules of interaction. I suggest that for this very reason, frontiers are also zones of experimentation and innovation with governance and citizenship. My articles show how actors with varying degrees of power use both old and new technologies of government to produce, negotiate and contest the rules that govern frontier landscapes and populations. My articles also reveal how this approach to governing creates a complex political landscape with implications for how citizenship is experienced and practiced. Ultimately, my dissertation depicts contemporary frontiers as spaces where the ‘seams’ between sovereignty, territory and citizenship are removed or remade (Ong 2005), and then reflects on the new forms of governance and citizenship that emerge as a result.

My dissertation also contributes a new case study to existing scholarship on resource frontiers. By purposefully investigating a frontier in East Africa, I expand the geographic scope of recent scholarly work on frontiers, which has tended to focus on frontier spaces in Southeast Asia (for example, see: Einzenberger 2016, Tsing 2008, Barney 2009 and Geiger 2008) and Amazonia (for example, see: Larsen 2015, Campbell 2015 and Geiger 2008). Although my analysis is rooted in a specific locale, it has broader theoretical significance in sub-Saharan Africa, if not beyond, given that similar actors and processes tend to assemble in contemporary frontiers globally.

### **A note on methodology and positionality**

Before proceeding to outline the structure of my dissertation, I offer a bit more detail about my research design and my own position in relation to my research. Interwoven in this section are details about the challenges and limitations that I faced while conducting the research, because these influenced my methodological choices and the focus of my overall project. Supporting information about my research design, methods, and activities can be found in the Appendices, which are included at the end of the dissertation. I also provide

further detail about the specific methods, used to collect data at the beginning of each individual article, as well as in the cover page that precedes each article.

### *Case study selection*

As stated previously, I use northern Kenya as a case study to provide an in-depth examination of governance and citizenship in an emerging resource frontier. In the interest of being authentic and transparent, it is important to acknowledge that I choose this case study as a result of a ‘false’ or ‘failed’ start that ultimately reshaped my entire project (Burawoy 1991; England 1994). I began this project in 2012, with the intention of comparing the social and environmental practices and policies of Canadian extractive companies in Tanzania and Canada. For a number of reasons, this project proved to be unfeasible. For example, finding points of comparison between Canada’s and Tanzania’s resource sectors proved to be difficult, given the significant historical, social, economic, political and legal differences the two countries. One of the most significant challenges, though, was that the Tanzanian research authority did not approve my research permit.<sup>3</sup> Though there is no way to be certain, the topic and nature of the research I was proposing may have been one reason that my permit was never processed. The role of Canadian companies in Tanzania’s resource sector has been highly politicized (and associated with violent social conflict) in recent years. With this situation in mind, I also see certain ethical and logistical issues around the research that I originally planned for Tanzania, which I may not have been easily resolved.

In light of these challenges, I decided to rework my project. As I already had strong research connections in Kenya, I shifted my case study site north, with the intention of studying the social and environmental practices and policies of extractive companies in Kenya’s nascent resource sector.<sup>4</sup> This project evolved during my fieldwork, ultimately focusing on the multiplicity of actors and processes involved governing the social and environmental implications of resource development in Kenya. Hanson writes that social science researchers need to ‘...devise methods and methodologies that maximise the chance that we

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<sup>3</sup> Although, I have since been told that I could have hired legal counsel to assist with this process.

<sup>4</sup> Canadian extractive companies (along with other Canadian actors) still feature prominently in my research; however, the focus on Canadian extractive companies alone was no longer feasible, given that the sector is so small and there are only a few major Canadian companies with activities in the country

will see things we were not expecting to see, that leave us open to surprise, that do not foreclose the unexpected' (1997: 125). Although I did not design my 'false' start, I do believe that my unexpected shift to Kenya allowed me to conduct better research. The case of northern Kenya's resource frontier has much to offer, both theoretically and empirically, as the following articles discuss. On a more personal level, this shift provided me the opportunity to journey through the research process in a country where I have a long personal history, as well as a deep-seated interest in the experiences of my research participants. Finally, looking to the future, this shift has also helped me solidify important research partnerships, to establish my longer-term research programme, and to begin to produce research that reflects the important struggles over land, resources, and belonging that are taking place in northern Kenya's resource frontier.

As a final clarification about my case, I should note that although I refer to 'northern Kenya' throughout this dissertation, I recognize the issues with describing such a vast and diverse region with the use of a single term. There are important differences across the north that significantly influence how people experience ongoing transformations in the region — including ecology, geography, existing access to infrastructure, livelihood opportunities and current development indicators. For example, the most northern parts of Kenya, such as Turkana County, are dominated by nomadic pastoralism, while people in the more southern parts of Kenya's ASAL, such as Isiolo County, practice more mixed livelihoods, including rain-fed and irrigated agriculture, agro-pastoralism, bio-enterprise, and conservation or tourism-related activities. As a result, people in these different regions have different abilities to take advantage of the new opportunities that Kenya's frontier-making project may present.

However, there are certain characteristics that are distinctive across northern Kenya's ASALs. These include the region's aridity, extensive production of and reliance on livestock, and remoteness. As a result, academic literature commonly makes use of the concept of 'northern Kenya,' and policies developed by the Government of Kenya also refer to the region as a whole. Following this line of reasoning, I also use the term 'northern Kenya' throughout my dissertation, recognising the specific and shared ecological, social, economic and political realities of the ASAL that distinguishes them from the rest of Kenya. At the

same time, I acknowledge that the lack of differentiation between counties in my analysis is a limitation of this research. My research design is multi-sited in order to capture similarities and differences in how this frontier-making project is being rolled out and experienced across the region.

### *Methodology*

This dissertation is based primarily on empirical fieldwork conducted in Kenya, where I employed a mixed-methods approach. My methods involved conducting interviews and focus group discussions, visiting key field sites across northern Kenya, observing industry and civil society events, and analysing relevant documentation. In addition to these ‘formal’ methods, my understanding of Kenya’s resource frontier was informed by: prior fieldwork carried out in northern Kenya in January 2012; a related consultancy conducted for the Overseas Development Institute between 2014 and 2015 in northern Kenya; and my professional and non-professional relationships with people living, working or conducting research in the region.

The data informing these papers were collected through 58 semi-structured, qualitative interviews with civil society/non-governmental organisation (NGO) representatives, community members, local and national government representatives, and industry actors. Most of these interviews were conducted across counties most implicated in Kenya’s frontier-making project to-date, Turkana, Isiolo and Laikipia, as well as in the capital of Kenya, Nairobi (refer to Map 1 on pg. 10). Additional interviews were conducted over phone or by Skype (see Appendix A for complete list of interviewees). Article #3 also draws on data collected through two focus group discussions and one ‘workshop’ with community members impacted by oil exploration in the Loima sub-county of Turkana. These interviews and focus group discussions were conducted during two periods of fieldwork in Kenya, the first lasted from October 2014 to April 2015 and the second in May 2016.

In my analysis and writing, I prioritized data that I collected through interviews and focus group discussions in acknowledgement of my ‘reliance on the research subject to provide insight into the subtle nuances of meaning that structure and shape everyday lives’ (England



1994: 241). This methodological choice reflects a ‘research-as-suppliant’ approach, which is ‘...predicated upon an unequivocal acceptance that the knowledge of the person being researched (at least regarding the particular questions being asked) is greater than that of the researcher’ (England 1994: 241, also see McDowell 2010). At the same time, I recognize that data collected through my interviews and focus group discussions was conditioned by what interviewees were willing (or able) to disclose. As McDowell writes, ‘Rather than being a transparent, straightforward exchange of information, the interview is a complex and contested social encounter riven with power relations’ (2010: 161). Paying attention to the power differentials in my encounters with research participants, I pursued an open-ended, conversational style and largely let my interviewees direct the conversation. As a result, certain lines of questioning were answered in greater detail during some interviews than others.

To address gaps in my data collection, I also collected data by visiting and observing important sites of resource development across northern Kenya. I visited various sites along the proposed infrastructure corridor/pipeline development, as well as oil exploration sites with former and current oil company employees. These employees were, or had previously been, contracted by an oil company to provide security logistics during oil exploration activities. At these oil exploration sites, people explained their day-to-day tasks — what they did, where they slept, what they ate — and they also described what happened while the companies were exploring the area. Watson and Till (2010) describe participant observation as ‘a practice of discovery’ that a researcher undertakes in order to become familiarized with an unfamiliar world. From my perspective, participant observation and site visits achieved exactly this — allowing me to visualize and more deeply understand the everyday tasks involved in producing resource frontiers.



Image 1. The author visiting oil exploration sites with contracted security providers for an oil company exploring in the region (Photo Credit: Brock Bersaglio)

I also gathered relevant insights by observing industry and civil society events. By and large, I observed these events virtually. For example, while I was in Kenya, Chatham House International Affairs Think Tank in the United Kingdom hosted a conference titled ‘Kenya's Emerging Oil and Gas Sector: Fostering Policy Frameworks for Effective Governance’. This conference brought together key industry and civil society actors from Kenya’s oil and gas sector to discuss governance and policy frameworks. I was able to view parts of this event virtually, and then interview some of those that participated in this conference at a later date. Similarly, I viewed a conference on East Africa’s Oil and Gas Boom hosted by the Africa Growth Initiative at Brookings and Oxfam America in Washington virtually, and then interviewed some participants of this conference once they returned to Kenya.

In this vein, I also audited online professional development courses offered by Edumine, a certificate program offered in partnership by University of British Columbia (UBC) and the Canadian Institute of Mining (CIM), throughout the course of my doctoral studies. These courses related to environmental and social regulation in the extractive sector and were titled:

‘Establishing a Social Licence to Operate in Mining’, ‘Social Responsibility in Exploration’, ‘The Evolving Image of Mining’, and ‘Voluntary Principles on Security and Human Rights’ (see Appendix C for Course Descriptions). Observing events and auditing courses helped to develop my broader understanding of the sector and familiarized me with the technical language used by industry actors. Rather than directly informing my analysis, these courses prepared me for interviews — teaching me to ‘talk the talk’ of industry so that I could ask the right questions and understand answers — and helped me to interpret relevant documents.

Finally, to complement and supplement my other methods, I analyzed relevant documents, including meeting minutes, conference reports, news stories, policy papers, industry publications and websites, conference materials, academic research, and consultancy reports. In the case of Article #2, relevant news stories were also collected using Google Alerts and Factiva and coded manually. Through content and discourse analysis, I immersed myself in what had been said and written about Kenya’s resource frontier, ‘...exploring patterns in and across the statements and identifying the social consequences of different discursive representations of reality’ (Jorgensen and Phillips 2002: 21). Document analysis helped me answer questions that were left unanswered by my other methods of data collection, as well as to map the contours of debates about resource development in northern Kenya and situate my case in its broader regional and global context.

My collection and analysis of documents also helped me identify information gaps in my study. For example, by reviewing news stories, I came across a number of examples of resistance ‘from below’ to developments and investments in northern Kenya that I did not hear about during my first stint of fieldwork. This led me to return to Kenya for a second period of fieldwork in May 2016. During this month, I spent time in north-central Kenya conducting additional interviews in order to expand my data collection. These interviews were primarily with actors who are at the centre of debates about land and infrastructure/pipeline development, including representatives of rights-based and environmental non-governmental organisation (NGO), local and customary leaders, community members and industry actors. During this visit, I also visited certain sites of development and investment that were not yet under construction during my previous

fieldwork trips. Finally, I revisited some of my earlier interviewees during this month, in order to validate the data obtained through previous interviews and my analysis. Ultimately, returning to Kenya for this second period of fieldwork provided me with the opportunity to gather new insights to address silences in my data, to triangulate my analysis, and to address any contradictions that emerged during different trips (Elwood 2010).

### *Positionality*

In conceptualising, designing, and carrying out this research, I grappled with my positionality, as well as my blurred status as an ‘insider-outsider’ in certain situations. I came to this project having previously lived and worked in East Africa. I also have personal connections to East Africa’s ‘expat’ community, as my family has lived in the region since the 1970s. My prior experiences and relationships undoubtedly influenced my understanding of the research topic, as well as who I spoke to, my approach to collecting data, and my analysis of findings.

Given my positionality, I remain uneasy about the subtle ways that colonisation may manifest in my methods and analysis (Denzin and Lincoln 2008). My discomfort relates to England’s (1994) question about how best to incorporate the voices of ‘others’ without colonising them in a manner that reinforces existing patterns of inequality and domination (England 1994: 241). Such concerns are especially pertinent in post-colonial settings, such as those in which this research was carried out. This is a recurring point of discomfort for me, as I reread and rewrote parts of my dissertation. Although I hope that my work reflects diverse voices and perspectives on Kenya’s land and resources, I wonder if my conversations in the field, analysis of data, and writing of this dissertation ultimately privilege the voices that align closest with my own politics. Most pointedly, I recognize that I have the privilege of being somewhat critical of rapid resource development and private investment in northern Kenya whereas many northern Kenyans do not, at least not outwardly, given the state of their political marginalization and their need/desire for new economic opportunities.

I also recognize that my position as a young, educated, white female afforded me access to research sites that I may have not been granted otherwise. Corporate actors are often

unwilling to grant interviews; but having connections that were able to call in requests on my behalf certainly opened doors for me on more than one occasion. Interestingly, in other instances, I was granted access to corporate actors for other reasons. I am fairly confident that my position, including my age, my gender, my skin color, and my perceived inexperience in the 'real world', all resulted in some interviewees giving me information that they would not have been so willing to share with a differently positioned academic. This experience reflects McDowell's (1998) claim that because interviewees often perceive young women as 'unthreatening' or 'not official,' confidential statements or documents may be offered freely, or difficult issues may be broached without prompting. I believe that some information was shared with me 'off the record' that would not have been shared if I had positioned myself more openly as a scholar-activist prior to beginning each interview. This creates a second point of consternation for me. What do you do with meaningful and important information that is shared 'off the record' because your interviewees assume that your politics align with theirs? At what stage in a conversation is it your responsibility, as a researcher, to explicate your politics to an interviewee?

I express these points of discomfort not to invalidate my findings, but to acknowledge the personal and contextual factors that place limitations on my work. I aim to make my position in my research 'explicit' and 'locatable', as well as to suggest that the knowledge that I produce through my research is situated (Samers 1995 as cited in Jensen and Glasmeier 2010). I want to avoid falling into the trap that England cautions against, where 'concerns associated with doing research are usually ignored and accounts are produced from which the personal is banished' (1994: 244). Instead, I recognize that my research is entangled in a complex web of power and privilege that was sometimes advantageous to my work and other times not. What I produced, ultimately, is a situated form of knowledge rather than a universal truth (England 1994). By talking about my research as 'partial' and offering no single, straightforward conclusions or solutions (Cook. 2005: 22), I hope that anyone who reads my work will also take the 'situatedness' of my research into account (Jensen and Glasmeier 2010).

At the same time, I also see these discomforts as a valuable learning experience that will inform my research endeavours in the future. Dwyer and Buckle (2009) suggest that reflexivity is important, but so too is a researcher's ability 'to be open, authentic, honest, deeply interested in the experience of one's research participants, and committed to accurately and adequately representing their experience' (2009: 59). During fieldwork that I conducted more recently in May 2016, I was more upfront about my position and politics with interviewees than I was in the past. I feel that this created opportunities for deeper and more meaningful conversations. It also revealed points of contention where industry actors or industry proponents clearly saw things quite differently than me. I aspire to move towards a more open and authentic approach to research moving forward, even if it is not always comfortable.

### **Outline of dissertation**

The remainder of my dissertation is comprised of three articles and a conclusion. Each article is preceded by an introductory cover page, which sets the context of the specific article and identifies its primary contributions. The cover page also explains how the particular article has been reviewed and received to-date, as well as what my plans are for the article moving forward.

In Article #1, I show how transnational corporations are finding ways to use voluntary standards — which are meant to regulate their social and environmental conduct — to legitimize and consolidate their control over land and resources. To support this argument, I offer two examples from Kenya's northern resource frontier. I trace the specific global technologies of government used by two corporations to secure access to land for the purpose of resource development in the face of community resistance. I frame my analysis using Hall et al.'s (2011) 'powers of exclusion,' arguing that voluntary standards serve as one example of a legitimising discourse that corporations can use to justify excluding other users from land and resources. This article contributes to scholarship on transnational regulation, and voluntary standards more specifically, by showing how powerful actors use expert knowledge of voluntary standards and corresponding managerial techniques — such as

research, assessment tools and third-party auditing — to influence the outcomes of struggles over land. In relation to broader themes of my dissertation, this article provides important insights on new approaches to governance in frontier spaces, focusing on the role of powerful actors in producing and managing frontier spaces.

In Article #2, I shift to focus on how frontiers are governed ‘from below’. This article focuses on a mega-infrastructure development in northern Kenya. I examine the spectrum of different and competing reactions to this infrastructure project. The central aim of this article is to examine how rural groups draw upon different forms of expertise — ranging from biodiversity science to international legal frameworks — as a basis for framing and legitimising their diverse reactions to Kenya’s frontier-making project. The analysis contributes to wider debates about rural agency, by demonstrating how rural groups strategically deploy different forms of expertise to negotiate the rules that govern frontier landscapes and populations. This article contributes to the broader themes that frame my dissertation in two ways. First, it illustrates how less powerful actors participate in negotiating and contesting frontier-making projects. Second, it reveals how frontiers are shaped by innovative acts of citizenship.

Finally, in Article #3, my co-author and I analyse changing political relationships in northern Kenya in light of oil exploration and development. This article demonstrates how some northern Kenyans are seeking protection of their rights from oil companies, in light of the Kenyan state’s hands-off approach to governing northwestern Kenya. We argue that this is drawing oil companies and rural communities into an uneasy citizen-state-like relationship, altering the experiences and practices of citizenship in the region. Although this process creates new political space where some individuals can claim their rights, the ability to make use of this political space and direct rights claims towards oil companies is distributed unevenly across the region, resulting in differential citizenship. This article reflects on the new political spaces and new forms of political subjectivity that emerge as a result of frontier-making projects.

Following these three articles, there is a short conclusion. In the conclusion, I reinstate the broader contributions of my dissertation to existing literature. I then consider whether Kenya's emerging resource frontier is an 'old' frontier or a post-frontier, drawing on an emerging body of scholarship on post-frontiers. Throughout my concluding discussion, I return to the themes of governance and citizenship, in order to reflect on how the governance of frontier spaces, as well as life within them, is changing as a result of processes of globalisation and new technologies of government.



## Article #1

### **The master's tools: Voluntary social and environmental standards and the politics of legitimisation in East Africa's extractive sector**

#### **Context**

This first article analyses how corporations use voluntary social and environmental standards and corresponding managerial techniques – such as research and assessment tools – to legitimise their control over land and resources. This analysis contributes to broader discussions about governance in contemporary frontier spaces, one of the themes underlying my dissertation. Drawing on two examples from northern Kenya, I illustrate how resource companies use voluntary social and environmental standards to rationalize and justify their control over land and the exclusion of existing land users for the purpose of resource development. Although not an explicit focus of this article, by showing how companies can deploy voluntary standards to secure their claims over land, I also illustrate how voluntary standards can replace state governance and regulation. This aligns with work by Vandergeest and Unno (2012), who suggest that voluntary standards are a form of extraterritorial governance that companies can use to produce a regulatory regime that either pre-empts or displaces the need for state regulation. By illustrating how companies use voluntary standards to define rules around land access in a way that advances their interests, this article demonstrates how corporate actors claim rule-making authority in frontiers. This, I argue, contributes to producing novel political spaces that are governed through graduated and overlapping sovereignties (Ong 2006; Sassen 1996; Vandergeest and Unno 2012).

This approach to governance has impacts on how citizens are governed in frontier spaces, relating to the second theme motivating my dissertation. Work by Vandergeest and Peluso (1995) and Vandergeest and Unno (2012) has shown that nonstate actors can use transnational regulation to influence how people use and manage natural resources in certain spaces — ultimately subjecting people to new types of authority. My analysis focuses specifically on corporations, to show how private firms can govern subjects and their use of

land by invoking certain transnational norms. As I show in this article, corporations employ a narrative that legitimises the exclusion of existing land users from land in order to exploit natural resources for ‘public good’. They then use voluntary standards to frame their enclosure of land as necessary, right, and appropriate. Coordinating land deals is a highly political process that requires ‘an extra burden of ideological legitimation’ to be accepted by those whose access to land is threatened (Levien 2013). I argue in this article that voluntary standards can be deployed as legitimising device, used ‘to justify the displacement of some social claims to land in favour of others’ (Prudham and Coleman 2011: 22).

This article is based on an extensive analysis of government, corporate and civil society documents, as well as media sources. In analyzing documents, I searched for references to voluntary standards made in relation to the two resource development projects at the centre of my analysis: the development of wind energy on the shores of Lake Turkana and the development of oil across Turkana County, both in northern Kenya. The data gleaned from these documents is supplemented by semi-structured, qualitative interviews with key informants. I conducted 20 interviews in Turkana, Laikipia and Isiolo Counties with representatives of rights-based and environmental non-governmental organisation (NGO), local and customary leaders, local government authorities, and industry actors. These interviews were conducted during two periods of fieldwork in Kenya: the first was from October 2014 to April 2015 and the second was during May 2016. In terms of site visits, I visited sites of oil exploration and development across Turkana, but I did not visit the actual site of the Lake Turkana Wind Project.

An earlier draft of this article was presented at the International Critical Agrarian Studies Colloquium (ICAS) in February 2016, and is published online as part of the conference proceedings. ICAS is organized by the International Institute of Social Studies (ISS) at Erasmus University in The Hague and brings together a community of like-minded scholars, development practitioners and activists from different parts of the world that work on agrarian issues. I am the sole contributor to this article.

**The master's tools: Voluntary social and environmental standards and the politics of legitimisation in East Africa's extractive sector**

**Charis Enns**

**Abstract**

As states have become increasingly unwilling or unable to regulate the social and environmental externalities of transnational corporations, voluntary social and environmental standards have emerged as a prominent tool of global governance. These standards are designed to institutionalize responsible corporate conduct through the creation of global norms for ethical or appropriate business behaviour. In this article, however, I argue that transnational corporations are finding ways to use voluntary standards as a technology of government to secure their investments in land and natural resources. To support this argument, I offer two examples from Kenya's northern resource frontier. I trace the specific techniques used by two resource projects to secure access to land for the purpose of resource development, even in the face of community resistance. I show how corporations use voluntary standards, along with other technologies of government, to resolve contentious land issues and to legitimate their own control over land and resources. I frame my analysis using Hall et al.'s (2011) 'powers of exclusion,' arguing that voluntary standards serve as one example of a legitimising discourse that corporations can use to justify excluding other users from land and resources. This article contributes to research on voluntary standards, by analysing how powerful actors use expert knowledge of voluntary standards and corresponding managerial techniques — such as research, assessment tools and third-party auditing — to influence the outcomes of struggles over land.

**Keywords:** Transnational regulation; voluntary standards; transnational corporations; land; powers of exclusion; Kenya

## **Introduction**

The renewed rush to invest in land and resources is risky for all parties involved, including transnational investors and corporations, home and host country governments, and those who live on the land and depend on its resources (Edelman et al. 2013; Li 2015). As Levien (2013) argues, coordinating land deals is a highly political process that requires ‘ideological legitimation’ if the exchange of land is to be accepted by those whose access to land is threatened. Similarly, Li suggests that ‘assembling land as a resource available for some purposes to the exclusion of others requires a great deal of complex cultural work’ (2014: 592). This process involves state-led interventions and regulations in order to make land accessible to investors, along with the deployment of innovative technologies to make land and natural resources productive. It also involves the construction of narratives that represent some uses of land and resources as more desirable than others to legitimise the exclusion of certain social groups — in favour of those that bring large-scale financial investment, for example.

Li (2014) argues that, in recent years, the proliferation of global environmental and social standards has exposed large-scale land and resource investments to new risks. According to Li (2014), if investors fail to uphold certain global norms around environmental and social performance, they may face resistance by impacted populations, along with coercion by officials, journalists and NGOs that threaten to expose deficiencies in their projects. This can be seen in the extractive sectors across sub-Saharan Africa, where companies regularly face criticism from activists and in the media for failing to respect land rights when acquiring land or developing natural resources. In some cases, communities have used global norms embedded in voluntary social and environmental standards to challenge the legitimacy of investor’s claims to land, despite the fact that the state has granted the land to private investors. For example, the Tanzanian government (temporarily) revoked land from a foreign company and returned it to Maasai communities in central Tanzania in 2015, following grassroots activism and international pressure claiming that the land deal violated international Indigenous rights standards. Thus, while assembling land and resources for investment has always been a contested process, new global voluntary environmental and social standards have created new points of vulnerability for transnational investors.

However, transnational investors are innovative and adaptive when it comes to mitigating risk. As new voluntary environmental and social standards have emerged with the intention of regulating corporate conduct, transnational investors have found ways to use these standards to mitigate risk and secure their investments in land and natural resources. In this article, I illustrate the various technologies of government that investors use to legitimate their control over land and resources, arguing that voluntary standards serve as one new tool that can be used to resolve contentious land issues. Drawing on two examples from northern Kenya, I trace the specific techniques used by two resource projects to frame their control over land and resources as legitimate. In each case, I show how investors have used voluntary standards to influence the outcome of struggles over land. I argue that when investors face resistance from existing land users over access to land and resources, they point to their compliance with voluntary standards as proof that their conduct is in line with global norms and that resistance against them should be seen as unfounded and counter-productive. I ultimately aim to show that although global social and environmental standards have the potential to encourage more responsible corporate conduct, transnational investors can quite easily coopt voluntary global standards as a discursive frame that enhances the legitimacy of their claims to land.

To begin this article, I clarify my contribution to existing literature, as well as my analytical framework. I also provide a brief overview of what voluntary environmental and social standards are and why they have emerged, focusing on standards for the natural resource sector specifically. Next, I introduce my case study, describing Kenya's natural resource boom and outlining the techniques that have been used by the Kenyan government to open land and resources for investment in northern Kenya. In the fourth section, I introduce my two cases. I show how two resource projects have worked to assemble land and resources for investment, using voluntary standards, along with other technologies of government, to legitimise their access to land. I conclude with a brief discussion about the 'exclusionary potential' of voluntary standards and I suggest that there is a need for further research that examines how voluntary standards influence the outcomes of struggles over land and resources, and to whose benefit.

My argument is informed by fieldwork conducted during two research trips to Kenya. The first trip was from October 2014 to April 2015 and the second was during May 2016. This fieldwork involved collecting and analysing government, corporate and civil society documents — including meeting minutes, conference reports, and news stories, and secondary literature — that show how two resource projects have worked to assemble land and resources for investment, using voluntary standards, along with other technologies of government, to legitimise their access to land. These two projects, which serve as the case studies analyzed in this paper, are the development of wind energy on the shores of Lake Turkana and the exploration and development of oil across Turkana County. To support my document analysis, I conducted 20 interviews in Turkana, Laikipia and Isiolo Counties with representatives of rights-based and environmental non-governmental organisation (NGO), local and customary leaders, local government authorities, and industry actors. These interviews were conducted during two periods of fieldwork in Kenya: the first was from October 2014 to April 2015 and the second was during May 2016.

### **Analytical Framework**

I frame my analysis using Hall et al.'s (2011) 'powers of exclusion'. Hall et al. (2011) define exclusion as the processes by which different social groups, with varying degrees of power, gain or lose access to land. They identify four different powers that enable exclusion: the market, force, regulation and legitimation.<sup>5</sup> These powers are what Rose (1999) refers to as "technologies of government" — namely, techniques and knowledge designed to govern populations and landscapes. In my analysis, I describe how each of these powers has been used to 'free land and resources' for investment in Kenya (Tsing 2005). I then draw attention to the role of voluntary standards in exclusion. I show how voluntary standards are deployed in coordination with other techniques and practices to legitimise exclusion.<sup>6</sup> My analysis reveals the exclusionary potential of voluntary standards; demonstrating how voluntary

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<sup>5</sup> This definition of legitimacy draws on work by Bernstein and Coleman (2009), who define legitimacy as the acceptance and justification of shared rule by a community. They also describe legitimisation as the process through which practices become institutionalized or accepted as 'appropriate'.

<sup>6</sup> In my analysis, I describe the various technologies of government that are used to create space for investment in Kenya's emerging resource frontier, rather than focusing on voluntary standards alone, recognizing that different powers of exclusion 'do not so much follow as reinforce each other,' working in tandem to alter the ways people can access or be excluded from land (Hall et al. 2011: 192).

standards can be deployed by organizations, institutions and corporations to make land and resources legible and controllable in a way that is amenable to private investment.

In addition to revealing how voluntary standards can be used to legitimate and create space for private investment, my analysis also illustrates how voluntary standards can be deployed to absorb land and natural resources into “new paradigms of control and authority” (Millar 2016: 2010). A broader body of recent literature “argues that the norms and discourses of global neoliberal governance are being deployed by organizations, institutions, and corporations to redefine the social meaning of land; to dis-embed it from norms unique to specific sociocultural settings and re-embed it within universalized norms of control and authority applied by agents of the global neoliberal transition” (Millar 2016: 2010; also see: Edelman et al. 2013). As I show, universalized norms of land control and access have been embedded in voluntary standards. Thus, when deployed, voluntary standards operate as a technology of government that can disrupt and displace more conventional modes of land control and access with new paradigms of land control and access, enabling transnational investors to consolidate their managerial power over land and existing land users.

### **Regulating corporations with voluntary social and environmental standards**

Before proceeding with my analysis, a brief overview of what voluntary environmental and social standards are, and why they have emerged, is necessary. Citizens’ claims for social and environmental protection from the activities of corporations have traditionally been directed at the state. As Scherer et al. write, the debate on the relationship between the state, society and business has been built ‘...on the assumption of a reasonably coherent regulatory environment, where nation state institutions address issues of public concern and regulate business behaviour’ (2014: 147). Over the past decades, however, states have become either less willing or less able to provide such protections to their citizens (Moog et al. 2015, Rosenau and Czempiel 1992, Hall and Biersteker 2002). As Moog et al. explain: ‘Many of the demands that citizens are making today – for environmental protection, for example, or for workers’ rights and fair compensation – are essentially demands for public goods that are not being adequately assured by governmental institutions at either the national or international level’ (2015: 472). Bartley (2007) suggests that this is the result of a global

transition towards modes of neoliberal governance, which are characterized by the decentralisation of state control, a shift towards deregulation and the promotion of corporate self-regulation.

In light of this shift, transnational advocacy movements have searched for new ways of holding corporations accountable for their social and environmental impacts and new approaches to governing and regulating corporations have emerged. In effect, nonstate actors have moved into the governance spaces created by deregulation and they now perform certain governance and regulatory functions that once were regarded as belonging to the government (Ruggie 2005, Ramasastry 2015, Matten and Crane 2005). Such nonstate rulemaking for corporations — also known as transnational business governance or transnational private regulation — has taken various forms. For example, corporations may self-regulate, by designing and implementing corporate codes of conduct. It is also increasingly common to find nonstate actors, such as global civil society, international development organisations, and international financial institutions (IFIs), transnational corporations and industry associations, joining forces to collaboratively govern corporate conduct.

As nonstate actors lack power to make sovereign laws or rules, they instead govern by norm building (Moog et al. 2015). One way of establishing new norms is by creating voluntary standards to guide corporations on more responsible economic, political, social, or environmental practices. In essence, voluntary standards aim to institutionalize new norms, rules and standardized procedures for corporate actors at the global level (Brammer et al. 2012). Prominent examples of voluntary standards that have been created for the natural resource sector specifically include: The International Council on Mining and Minerals Sustainable Development Framework; the Conflict-Free Gold Standard, the Extractive Industry Transparency Initiative; Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests; and, the Voluntary Principles on Security and Human Rights, to name just a few. These standards have institutionalized new norms for the sector with respect to mitigating corporate social and environmental impacts, preventing



human rights abuses in supply and value chains, guiding transparency and payment disclosures, clarifying issues over land tenure, and regulating the use of private security.

Some have described voluntary standards as non-state ‘experiments’ and ‘innovations’ that aim to draw up rules to induce more responsible behaviour by corporations (Moog et al. 2015, Bartley 2003). Voluntary standards are created to operate transnationally — like transnational corporations do — offering common norms, rules and standardized procedures that transcend borders with the intention of shaping corporate conduct regardless of where in the world a corporation is operating, or what the standards are in that particular locale (Ponte 2014, Ponte et al. 2014). As a result of the proliferation of voluntary standards over the past twenty years, some scholars suggest that governing corporations through voluntary standards — rather than through public law and regulation alone — has emerged as one of the most prominent trends in global governance today (Ponte et al. 2011, Djama 2011, Cheyngs and Riisgaard 2014).<sup>7</sup>

Proponents of this trend suggest that voluntary standards have the potential to fill the regulatory gaps created by neoliberal governance, and to protect against and remedy corporate-related social and environmental abuses (Ruggie 2013). When corporations choose to abide by voluntary standards, they are effectively agreeing to be held against more rigid rules than they are legally required to (Gilbert et al. 2011). Voluntary standards also provide corporations with new incentives to behave responsibly — such as the opportunity to improve their reputation — and expose corporations to new risks if they fail to adhere to the agreed upon norms — such as coercion by journalists and NGOs (Utting 2002, Li 2015). Some scholars have also championed voluntary standards as a more ‘democratic’ approach to governing and regulating corporations, as a wide range of stakeholders can participate in decisions about how to regulate corporations (Backstrand 2006).

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<sup>7</sup> By global governance I mean the international regimes, conventions, norms and ideas that inform domestic and international laws and politics, *as well as* other forms of governance within the international arena that take place without the presence of formal state or interstate institutions — such as transnational social movements or the creation of voluntary standards by multistakeholder institutions. This understanding of global governance draws from Hall and Biersteker (2002).

Other scholars, however, have been more sceptical about the potential of voluntary standards to govern and regulate corporations. Research by Pattberg (2005) and Zammit (2003) uses various case studies to illustrate that voluntary standards have a ‘limited track-record in terms of effectiveness’ (Pattberg and Widerberg 2016: 44). Some critics — including both policy-makers and academics — conclude that although voluntary standards may make it appear as though global social and environmental problems are being better managed and regulated, the practices of corporations often do not improve in reality. For example, Fransen and Kolk (2007) and Bruno and Karliner (2002) argue that corporations agree to voluntary standards in principle but never intend to adhere to them in practice — effectively using voluntary standards as a form of ‘greenwashing’ or ‘ethical window-dressing’.

Others still have problematized the broader political implications of attempting to regulate corporations using voluntary codes of conduct and certification standards. Vandergeest and Unno (2012) find that voluntary standards may pre-empt or displace the need for state regulation, effectively encroaching on national sovereignty. This, they claim, may ‘reinforce longstanding global relations of domination’ where powerful actors from the global north can determine the rules that govern access to land and resources more effectively than states in the global South (Vandergeest and Unno 2012: 358). Similarly, Barney (2014) suggests that companies can use voluntary certification standards to gain access to concession land, and establish political backing and legitimacy for their land acquisitions. Work by scholars, such as Vandergeest and Unno (2012) and Barney (2014), has served to politicize scholarship on voluntary standards — revealing that although such standards were created to regulate corporations, they can be employed to achieve other ends.

In this article, I contribute to scholarship that politicises voluntary standards. Like Vandergeest and Unno (2012) and Barney (2014), I use qualitative case-based evidence to show how, and to what ends, powerful actors use voluntary standards to influence struggles over land and resources. I examine how those investing in Kenya’s land and resources have taken steps to align their social and environmental conduct with certain voluntary standards. I suggest that although some argue that this is leading investors to act in more socially and environmentally responsible ways, it is also producing unexpected benefits for investors.

When these investors and their resource projects face resistance from existing land users, they point to their compliance with voluntary standards as proof that their conduct is in line with global norms and that resistance against them should be seen as unfounded. This illustrates how investors can use voluntary standards as a discursive frame that enhances the legitimacy of their claims to land, while displacing traditional modes of land control and access with new ‘universalized’ paradigms of land control and access (Edelman et al. 2014; Millar 2016).

I problematize this use of voluntary social and environmental standards by arguing that it ultimately reinforces power inequalities between global actors and rural land users. As powerful actors use voluntary standards to legitimize new paradigms of control and authority over land while disrupting and displacing more conventional modes of control and authority, they also gain power over land and people. Moreover, my analysis also shows how managers of resource projects hire technical experts, such as international consulting firms, to produce documents that demonstrate their compliance with voluntary standards. These experts assess and audit corporate practices against voluntary standards to create evidence that companies are acting appropriately, and in accordance with global norms, in exerting their control over land.<sup>8</sup> In this way, my analysis also lends itself to discussions about how professional expertise is used to gain power over land and people (Millar 2016; also see Li 2014). Experts who assess corporate conduct against voluntary standards play an important role in interpreting ‘the right manner of disposing things’ (Foucault 1991: 95), aiding investors in assembling land as a resource for investment in a legitimate way and dealing with communities living on that land without abating global norms. Returning to my earlier discussion about powers of exclusion, this approach to analyzing voluntary standards demonstrates their exclusionary potential — showing how voluntary standards can be deployed to make land and resources amenable to private investment.

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<sup>8</sup> Although rural land users can respond by similarly hiring experts and deploying voluntary standards to contest corporate claims, they often lack the resources necessary to do so. I address this point in more detail in Article #2.

### **Kenya's resource boom**

Over the past five years, the phrase 'Kenya rising' has become increasingly common in African development discourse, as many suggest that Kenya has emerged as 'one of Africa's key growth centers' (World Bank 2015). The country has consistently achieved a growth rate between 6.5 and 7 per cent. This growth has been aided (albeit somewhat paradoxically) by both falling commodity prices and discoveries of oil, gas, minerals and other natural resources.<sup>9</sup> Eager to sustain this momentum, the Kenyan government, international financial institutions and development agencies have invested in infrastructure, training and jobs as tools for facilitating transnational investment in Kenya's resources (Letai 2015). The Kenyan government hopes that these efforts will pay off in the coming decades, transforming Kenya into "middle-income country providing a high quality life to all its citizens" by the year 2030 (RoK 2007).

One key to the 'Kenya rising' narrative has been the recent discovery of largely untapped natural resource wealth. Although Kenya's economy has historically been dependent on low-value exports — such as tea, coffee and horticulture — recent discoveries of oil, gas, minerals and other clean energy sources have awakened the country's largely dormant extractive sector (DFID n.d.). Major mineral projects, such as Base Titanium's Kwale Mineral Sands project in the east and Acacia Mining's (formally Africa Barrick) large-scale investment in western Kenya, have invigorated the mining sector. Moreover, after nearly a century of unsuccessful exploration, there have been significant discoveries of oil reserves in northern Kenya and off the Kenyan coast. Although falling crude prices have dampened expectations, the country is on track to begin commercial oil production in 2017. Moreover, the potential of other natural resources – including geothermal energy in central Kenya and wind power in northern Kenya – has attracted other large-scale investment, further contributing to excitement about Kenya's natural resource boom.

The Government of Kenya has framed developing Kenya's natural resources as *the* way forward and as an essential step towards achieving Kenya's long-term national development plan, Vision 2030 (Letai 2015). According to current estimates, resource extraction will grow

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<sup>9</sup> As Kenya is a net commodity importer, it is a net beneficiary of falling commodity prices.

from contributing just 1% of Kenya's GDP to 10% by 2020 (DFID n.d.). Beyond contributing to the country's national GDP, the government also believes that oil revenues will transform and expand health and education services and halt poverty in northern Kenya — the country's poorest region. In an optimistic story about the transformative potential of oil, the World Bank claims that Kenya's 'oil boom could propel [the country] through the middle-income threshold much earlier than its Vision 2030 anticipated' (World Bank 2013).

International financial institutions, development agencies, bilateral donors and private investors are keen to support Kenya's vision for the future, and have contributed financing to support the early stages of Kenya's natural resource boom. For example, the UK Department for International Development (DFID) has committed £15,000,000 through the 'Kenya Extractives Industry Development Programme,' which advances '...a legal and regulatory framework [for the extractive industry] that makes Kenya an attractive destination for foreign investment while also ensuring benefits to Kenyans' (DFID n.d.). In line with Kenya's narrative about the importance of resource development for achieving Vision 2030, DFID justifies its investment by stating that natural resource development is '...crucial to support Kenya's exit from aid in the next decade' (DFID n.d.). (It should not go unnoticed that the largest player in Kenya's emerging petroleum sector is a UK firm, Tullow Oil). The Norwegian government is also aiding Kenya through the 'Oil for Development' programme. This multi-million dollar programme aims to improve the management of natural resources by building capacity and resource management skills in the public sector.

Beyond financing governance reform to support resource development, transnational actors are also financing individual resource projects across Kenya. The World Bank and African Development Bank have contributed hundreds of millions of dollars to finance the expansion of a large geothermal project in central Kenya (the largest on the African continent) (World Bank 2015, AfDB 2016); Google, among other organisations, is backing 'Africa's largest wind power project' in northern Kenya (Cuff 2015); the International Finance Corporation (IFC) is providing substantial equity investments to private firms undertaking further oil exploration activities in northern Kenya (IFC 2015). Most recently, a coalition of organisations agreed to help finance LAPSSET — a project that includes an oil pipeline and

an oil refinery. This coalition of donors includes: the Sustainable Development Investment Partnership; Bill & Melinda Gates Foundation; Citi; the Development Bank of Southern Africa; Deutsche Bank; East Capital; the European Bank for Reconstruction and Development; and, the European Investment Bank (Kabukuru 2016).

Ultimately, Kenya is in the midst of a natural resource boom and this boom that is fuelling the ‘Kenya rising’ narrative. The most common characteristics of resource booms can be clearly identified in Kenya (for further discussion on resource booms, see: Hall et al. 2011, Hall 2011, Barbier 2010). First, large areas of land are being acquired and converted to commercial use, with a focus on accelerating investment and industrialisation in the country’s northern arid lands (RoK 2011). The recent discoveries of valuable natural resources in northern Kenya are driving this rush for land. Second, Kenya’s resource boom has initiated long-term transformation of land use. In addition to establishing policies that ‘free’ land and resources for investment and industrial development, the government is also transforming land use through large-scale infrastructure projects that will improve mobility, but also cause lasting changes to the environment. Such lasting changes to land use make it difficult to convert land back to other forms of use and tenure (Hall et al. 2011). Finally, as demonstrated above, Kenya’s resource boom is drawing new sorts of actors into the country, which is impacting relations between existing and new land users. The presence of new powerful actors creates new terms of land control and has serious implications for local land users.

### **Assembling land resources for investment in northern Kenya**

As the previous section demonstrates, a new story line has emerged in Kenya that positions transnational investment in the country’s resources as essential to the ‘Kenya rising’ narrative. In support of this narrative, the government has made large tracks of land available for natural resource development and transnational investment. The act of freeing land for investment, however, requires the artful exclusion of existing land users. As Li (2014) and Levien (2013) argue, assembling land for investment is achieved through difficult political and cultural work: People must be convinced to be excluded from land in order to free it up for other uses. Given that Kenya’s natural resource boom is so recent, the government is still

undertaking work to secure exclusion — attempting to formalize, legalize and legitimise access to land for the purpose of natural resource development. This work is complicated by the fact that the majority of the population in northern Kenya, which is the epicentre of the resource boom, practices mobile, pastoral livelihoods.

When a government seeks to exclude people from land, it deploys multiple technologies, including: force; the market; regulation; and, legitimation (Hall et al. 2011). To some extent, the Kenyan government has used both force and the market to create space for stable land transactions. For example, in order to access land for pipeline and port construction, a number of coastal and pastoralist communities in northern Kenya were displaced from their customary lands between 2012 and 2013 (interview with domestic civil society organisation in Laikipia, May 2016). These communities mobilized in response to their exclusion, resisting eviction and even reoccupying disputed land in some cases (interview with domestic civil society organisation in Laikipia, May 2016). The government responded by deploying the power of the market, disbursing nearly \$9 million USD to compensate the 154 families whose lands were impacted by the construction (Kabukuru 2016). By offering a market price for land, some conceded to their exclusion.

The government has also implemented new regulations — both formal and informal rules — to govern access to land in Kenya. These regulations demarcate new boundaries between pieces of land, prescribe the kinds of land use that are and are not acceptable in certain regions of the country, and establish which types of people or groups can use particular tracts of land (Hall et al. 2011). For example, Kenya's new Community Land Bill (2015) devolves ownership and governance for certain tracts of land to local communities, effectively establishing a collective tenure regime across most of northern Kenya.<sup>10</sup> To some extent, this Bill represents a progressive gain for Kenya, as the customary lands of subsistence farmers, pastoralists, hunters and gatherers are now protected by legislation. Yet, if natural resources are found on community lands, it appears that communities can be resettled and no monetary compensation for displaced peoples is required (interview with domestic civil society organisation in Laikipia, May 2016; IHRB 2016). This illustrates how the Kenyan

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<sup>10</sup> This bill replaces the Trust Land Act, and promises to better protect communal ownership

government regulates who has access to land, for what purpose, and under what conditions. In this case, state regulation favours the most ‘productive’ land use (interview with domestic civil society organisation in Laikipia, May 2016).

Finally, the government also uses legitimation as a power of exclusion. One of the most important forms of legitimation used by the government is a narrative that frames natural resource development as necessary for the nation’s development. For example, Vision 2030 frames investment in Kenya’s land and natural resources as essential to nation-building and modernisation (Fourie 2014). Kenya’s new Constitution and recently revised Land Act (2012) also reflect this narrative. The 2010 Constitution states that ‘Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable’ (Article 40 (1)) while the Land Act (2012) stresses the imperative of making ‘underutilised’ land more ‘efficient’ and ‘effective’ for the common good of the country. Local media reinforce this narrative as well, promoting natural resource development as a win-win scenario for the country and its citizens. For example, a recent newspaper headline read: ‘Oil companies don’t drill; they develop!’ (Ross 2016). Such discourse frames natural resource development as the proper use of land in northern Kenya in order to legitimate exclusion.

Ultimately, the Kenyan government has used a set of state-led interventions in order free the country’s newly discovered natural resources for private investment. These interventions are transforming land relations in northern Kenya, enabling the exclusion of existing land users from land in favour of natural resource development for the ‘common good’ of the country.

### **Using voluntary standards to exclude**

Importantly, in a globalizing world, transformations in land relations are often not carried out by the state alone. Rather, a multitude of actors are involved in assembling land and resources for investment. In the final sections of this paper, I offer two cases to illustrate how private investors are also playing a key role in transforming land relations in northern Kenya. Hall et al. (2011) argue that new regimes of access to and control over land are generally rationalized using techno-scientific arguments (such as feasibility or efficiency claims) and moral arguments (what is right or appropriate). In the following two cases, I show how two



resource projects use various technologies of government to establish control over land and resources. I specifically pay attention to how these investors use voluntary standards as a discursive frame that enhances the legitimacy of their claims to land, and rely on expert knowledge about voluntary standards to present their control over land as ‘right’.

*The Lake Turkana Wind Power Project and the IFC Performance Standards*

The Lake Turkana Wind Power (LTWP) project is a large-scale project under construction in northern Kenya, 12 kilometers from the eastern shore of Lake Turkana in Marsabit County (see Map 2). Once completed, the project will be the largest wind farm in Africa, with the wind farm’s 365 turbines covering approximately 40,000 acres of land (although, LTWP holds a 150,000 acre concession of land in total). LTWP estimates that the wind project will generate over 15% of Kenya’s power once complete. In addition to a large substation, the project also includes the rehabilitation and expansion of a 200-kilometer road to access the project site. Construction on the project began in mid-2015 and the project is set to begin generating power in 2017.

Beyond contributing to more affordable access to energy across the country, the project is also praised for attracting the largest private investment in Kenya’s history. A consortium of partners and shareholders manage the project, including KP&P BV Africa (NL), Aldwych International Limited (UK), Vestas (DK), Norwegian Investment Fund for Developing Countries (NO), Danish Investment Fund for Developing Countries (IFU), the Finnish Fund for Industrial Cooperation Ltd (FI), and Sandpiper (Danwatch 2016). Other major financial partners include the African Development Bank, the French Development Finance Institute, the Overseas Private Investment Corporations, the European Investment Bank, the Netherlands Development Finance Company and the East African Development Bank.

Although highly praised by government officials, international financial institutions, private investors and Kenyan media, LTWP has been controversial at the local level for the past several years. LTWP’s land concessions overlays land that has traditionally been used by nomadic pastoralist communities — primarily as dry season grazing grounds. In 2009, LTWP negotiated a 99-year lease agreement of this land with the central government through

a process that allegedly lacked transparency and took advantage of ambiguities in the law that allowed private investors to lease community lands without first obtaining permission from communities (interview with civil society organisation in Lodwar, November 2014). Although nearby communities retain use rights of this land for the purpose of grazing their livestock, they will not be compensated for land and resources lost as a result of infrastructure development (turbines) (Danwatch 2016). Unresolved issues over land ownership and the lease arrangement have left the project exposed to complaints from affected pastoralists communities. In 2014, some communities filed a lawsuit against LWTP, the county government, the National Government and the National Land Commission for illegal land acquisition.



Map 2. Site of Lake Turkana Wind Project

In addition to issues over land ownership, domestic civil society groups, some media outlets and pastoralist communities have also raised concerns about the effects of the wind project on their livelihoods. LTWP has engaged in consultation with communities in light of such concerns, but has not resolved some pressing issues. For example, LTWP states that compensation is not necessary, as there will be little loss of resources because pastoralist community members will be able to graze their livestock between turbines. As the consortium explains: ‘Nomadic pastoralist[s] have customary rights of use to land pastures, however have no recognisable legal right or claim to the land other than use and are therefore not eligible for land compensation. There are no land tenure issues for the nomadic communities as LTWP has accepted the cultural ‘right of use’ tenure for grazing livestock and traversing LTWP’s land’ (LTWP 2014: 7). In stark contrast, communities and civil society groups argue that the health of grazing pastures will be disturbed by the wind turbine operations (Danwatch 2016). Moreover, they argue that the road expansion will disrupt more grazing land — beyond what the installation of the turbines has already destroyed (Danwatch 2016). These groups continue to press LTWP for compensation, claiming that the consortium is failing its international obligation to ‘avoid or minimise adverse social and economic impacts from land acquisition or restrictions on land use and to compensate for loss of assets’ (Danwatch 2016: 25).

Distrust over the land acquisition processes, as well as uncertainties about the livelihood, social and environmental impacts of the project, have fueled community organisation against LTWP. However, LTWP has been relatively successful at securing its access to and control over land in spite of community concerns. On the one hand, this success can be attributed to the support of the government. State-led interventions, as outlined in the previous section, have served to consolidate LTWP’s control over its concession and secure LTWP’s investment. On the other hand, LTWP has also used its own strategies to maintain and legitimate its control over this concession.

First, LTWP has framed the disputed land as unproductive and underutilized and in need of development. One project investor described the site as being ‘a huge distance from civilization’ (Stavis 2015) while the former Chair of LTWP stated:

If you were to see some of the images of our wind site...I would say it reminds me of the pictures I used to see of the moon. Every hill is a crater, it's old lava flows and lava rock everywhere, and it is very windy. There is absolutely nothing there, there is no infrastructure, there are no electrical connections, there are no roads, there is no way to host anyone unless you put them in a tent, so we have to build everything (Van Wageningen 2013).

Images and promotional materials also depict LTWP's concession as sparsely populated and underdeveloped. Such images portray this tract of land as void of people and empty, except for LTWP's buildings.<sup>11</sup> Devaluing current uses of land and diminishing the presence of existing land users, while aggrandising the potential for new and improved uses serves as a strategy to render land investible (Li 2014, Peluso and Lund 2011). LTWP's discourse about their concession appeals to the Kenyan government, which is aspiring to make 'underutilised' land in the country's north more 'efficient' for the common good of the country (RoK 2012). Moreover, by using discourse and showing images that depict this land as empty; LTWP undermines the resistance of pastoralist communities by suggesting that they are not using this tract of land anyways. This reflects broader efforts by the government and investors alike to frame the region as empty and underutilized, despite the fact that nomadic pastoralist communities have depended on this land for their livelihoods for centuries, in order to create and secure space for natural resource development.

The second way that LTWP has legitimised their control over land is demonstrating that the project complies with voluntary standards for responsible land acquisition. By doing so, LTWP effectively uses global norms to disrupt and displace customary modes of land control and access, and to justify its control over land. In particular, LTWP has demonstrated that the project complies with the International Financial Corporation (IFC) Performance Standards.<sup>12</sup> As the LTWP consortium states:

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<sup>11</sup> To be fair, the region's burgeoning tourism industry employs similar discourse in attempting to attract tourists to the region: The tactic of making space empty in order to attract profit is not unique to the resource sector alone.

<sup>12</sup> These eight standards define IFC clients' responsibilities for managing their environmental and social risks. Although LTWP is not an IFC client, it has elected to align its social and economic practices with these standards because some of its partners and investors have stipulated that the project must uphold these standards as a condition of receiving financing.

The Project has been developed in compliance with all relevant local and international legislation and standards, including the IFC Performance Standards and Equator Principles (LTWP as cited in Danwatch 2016: 23).

LTWP also reports that the “project underwent a rigorous audit process and completed a National Environmental Impact Assessment, as well as an International Environmental and Social Impact Assessment (ESIA), in compliance with the IFC Performance Standards on Environmental and Social Sustainability” (LTWP, as cited by BHRC 2016). Compliance with the IFC Performance Standard is used to show investors that the necessary precautions have been taken to acquire land in an appropriate way and to manage social and environment risks. This helps to portray any investments in the wind power project as secure and responsible, and any resistance against the project as unfounded and unwarranted.

Moreover, consultants and technical experts have been hired to produce documents that can be used to show investors how contentions political issues are being managed using voluntary standards. For example, LTWP has hired experts to produce an Environmental and Social Impact Study, an Environmental Impact Assessment Study Report, a Resettlement Action Plan and an Indigenous Peoples Policy Framework. Problematically, while these documents describe LTWP’s adherence to international voluntary standards, many international observers have contested the claims made in these documents, as well as critiqued LTWP’s minimalistic approach to complying with voluntary standards (Danwatch 2016).

For example, as stated above, LTWP claims to comply with the IFC Performance Standards, including Performance Standard #7, which requires investors to obtain free, prior and informed consent from affected Indigenous peoples prior to commencing a project. Once constructed, the wind farm will occupy land that is inhabited by five minority ethnic groups: the Turkana, Samburu, Rendille, Gabra and El Molo. Although Kenya has no specific legislation governing Indigenous peoples and has abstained from adopting relevant international legislation on Indigenous peoples, these groups identify with the Indigenous movement (IWGIA 2015). Importantly, self-identification is a key criterion for determining

indigeneity according to international law. Moreover, according to the African Commission on Human and Peoples' Rights, each of these groups are recognised as Indigenous Peoples.

Yet, rather than accept these groups self-identification, or IWGIA or the African Commission on Human and Peoples' Rights categorisation of these groups as Indigenous, LTWP conducted its own research in order to evaluate whether any '*bona fide* indigenous peoples' would be impacted by the project (emphasis added, LTWP Ltd. 2014: 17). Based on the research conducted by their own experts, LTWP initially concluded that 'no indigenous people have been identified' in the project's footprint (EIB 2011), while later updating this statement to claim that only one of the five minority ethnic groups living within the consortium's concession, the El molo, should be considered Indigenous (LTWP 2012: 5). Estimates suggest that somewhere between 50 and 2000 people identify as El molo but none live within the project's direct footprint. Overlooking the internationally-agreed upon definition of indigeneity led LTWP to a convenient conclusion: It can claim that the project upholds Performance Standard 7 even though Indigenous rights have not been respected, because it does not recognize communities within the project's direct footprint as Indigenous despite the fact that these groups self-identify as Indigenous.<sup>13</sup> In other words, LTWP has skillfully wielded the IFC Performance Standards to categorize and manage people in a way that provides ease of access to land.

Kenya's natural resource boom has created new incentives for powerful actors to mobilize each of the powers of exclusion at their disposal to make claims to land. In this case, the Kenyan government and LTWP have used various technologies of government to secure access to land. The Kenyan government has made decisions, court cases rulings and regulations that protect the wind power project while LTWP has largely relied on discursive legitimation access to land for the purpose of natural resource development. LTWP has framed the wind project as a progressive and productive use of land. This rhetoric appeals to both investors and the Kenyan government, aligning with the government's long-term plan

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<sup>13</sup> For example, Danwatch (2016) claims that LTWP has failed to obtain Free, Prior and Informed Consent (FPIC) from indigenous communities, FPIC requires full, meaningful and comprehensive information on the project and its alternatives to the affected communities, upon which the communities then make a final decision about it.

for national development, Vision 2030, which prioritizes investing in and developing Kenya's land and natural resources. Recent editorials and reports reinforce this rhetoric, arguing that the wind project should be viewed through the 'Vision 2030 lens' as a step towards higher quality of life for all citizens (Kibati 2015) and depicting those resisting the project as 'people in the way of progress' (Danwatch 2016).

LTWP has also used voluntary standards to legitimise their right to develop land and to disrupt and displace conflicting claims over access to land and resources. LTWP has hired experts to verify that the project complies with global norms related to responsible land acquisition. These experts have produced evidence to show investors how contentious political issues around land — such as claims to land and resources by Indigenous groups — have been 'appropriately' managed using voluntary standards. By referring to the project's compliance with the IFC Performance Standards, for example, LTWP suggests that resistance against the project is unfounded and unreasonable. This example illustrates how investors can use voluntary standards to legitimise the means through which they gain and maintain access to land.

#### *Oil Development in Turkana and the Voluntary Principles on Security and Human Rights*

The second example it set to the west of LTWP, across Lake Turkana (see Map 3). After decades of unsuccessful exploration across Kenya, oil was discovered in Kenya's northwestern county of Turkana in 2012. Although exploration is ongoing to determine the potential of reserves, recent estimates suggest that the basin could have an excess of one billion barrels of oil (Tullow Oil 2016). In addition to extensive investment in exploration and development, transnational oil companies have entered a partnership with the Government of Kenya to accelerate the development of LAPSSET, which includes a pipeline, an oil refinery, airports and railway lines. This ambitious undertaking, which oil companies are helping to finance, is promised "...to promote regional economic development and to develop northern Kenya (which has long been economically marginalized compared to central counties) and integrate it into the national economy' (Patey 2014: 3). The Kenyan government promises that oil development will create jobs and generate revenue for the local government and communities.



Map 3. Site of first oil discovery in northern Kenya at Ngamia 1.

Despite these promises, pastoralist communities fear being excluded from oil development, as well as the modern future that this industry represents. When compared to harnessing and exporting wind power, oil development will likely be less land intensive. In late 2014, it was suggested that only 50 square kilometers (in a county of nearly 77,000 square kilometers) had been fenced off from community use for the purpose of oil development (interview with representative of civil society organisation in Lodwar, November 2014). From this area, ‘5 to 10 temporary structures’ used by pastoralists — likely seasonal *manyattas* used by



pastoralists while grazing their livestock — were ‘relocated’ (IFC 2015: 19). Although this is a relatively small area, the fencing off of land had generated anxieties among community members whose primary livelihood is pastoralism. An oil company employee who was responsible for community engagement explained:

[Pastoralists] need much land. They have grazing lands they rotate. If [our company] discovers more and more oil, soon there will be [no grazing land] left. We do not own land but we acquire licenses for forty to fifty years, which leaves pastoralists without access to these land. I see that it might be difficult for oil and pastoralism to co-exist if our operations continue to grow (interview with employee of oil company #1 in Lodwar, November 2014).

Oil companies have been relatively proactive about addressing these anxieties. This same employee went on to explain “We do not do anything without consulting local communities and local government” (interview with employee of oil company #1 in Lodwar, November 2014). She worked in the company’s ‘Community Engagement Office,’ where she was responsible for building positive community relations (see Image 2). Nonetheless, questions about land ownership, compensation and benefit-sharing are likely to become more pressing, however, as companies move closer towards development and as construction begins on the infrastructure needed for exporting oil, such as pipelines, railways and roads (Cordaid 2015).

Communities surrounding sites of oil exploration and development also have other concerns about oil exploration and development, including questions about the distribution of jobs created by oil sector and rising levels of insecurity since the oil discovery (Enns and Bersaglio 2015). Since 2012, there has been growing competition between communities over job opportunities and potential oil revenues. People want to know who will be able to access the job opportunities generated by the emergent oil industry, as well as how the economic benefits of oil will be distributed between the communities that surround sites of oil



Image 2. A model used to explain to communities how oil drills operates and to help ease community concerns about flaring. Located in an oil company’s ‘Community Engagement Office’ in northwestern Kenya (Photo Credit: Author)

exploration and development. These anxieties have aggravated and exacerbated existing conflicts between communities and contributed to a rise of insecurity across the county.

Concerns over access to the benefits of oil exploration and development have resulted in some level of resistance against the companies, including occasional protests at oil camps. At various points in 2012, 2013 and 2014, protesters gathered outside the walls of secured oil camps to demand that oil companies provide more job opportunities to Turkana and that they distribute the benefits of oil development more widely throughout the county (interview with representative of civil society organisation in Lodwar, November 2014). However, the

protests were also described as a means of getting the central government's attention about broader socio-economic problems in Turkana, such as a lack of public services and economic opportunities (interview with representative of civil society organisation in Lodwar, November 2014). The hope is that the government will direct more resources to the impoverished county in light of the future revenue-generating potential of oil. Oil companies have responded to protests by temporarily shutting down their operations or by limiting the areas in which they conduct exploration. In the case of the most 'dynamic' protest in 2013, oil companies deployed their private security teams to secure operations and evacuate employees.

Insecurity related to oil development has also moved beyond the walls of secured oil camps, to other parts of the county where companies are exploring for oil. The southern region of the country, in particular, has experienced more resource-based conflict, cattle raiding, and road banditry since the discovery of oil (Agade 2015). In October 2014, 21 police officers were killed in Kapedo, just 145 km south of the country's largest oil discovery. This ambush brought the tally of police officer deaths in the region to 120 since the oil discovery. This insecurity relates to traditional rivalries between the Turkana and Pokot communities, who both use land within the blocs where oil has been discovered. These age-old rivalries have intensified since the oil discovery, as both groups aim to solidify their ownership of the area in order to ensure that they can claim future oil revenue (Cordaid 2015). An elderly pastoralist in Loima explained in a discussion about oil: 'We are happy that [the companies] have found oil because it may be good for our people but about the oil, we expect that the Pokot will come and kill us because of it' (Focus Group Discussion #2 with pastoralists in Loima, November 2014). This statement reflects the extent of uncertainty and fears of insecurity that people associate with oil prospecting.

Resistance and insecurity is all but expected by transnational oil companies operating in areas of so-called limited statehood, such as Turkana. As a recent media piece commenting on oil exploration in Turkana explains, '...an inevitable consequence for global oil and gas firms as they move into 'frontier' zones in search of valuable resources is the security risk from operating in some of the world's most dangerous conflict zones' (Rowe 2014). In

response to insecurity, oil companies use certain strategies to secure their control over land and defend their assets.

First, state actors and oil companies have secured exclusion at sites of oil exploration and development by using a combination of powers, including regulation, force and market powers. For example, exploration and appraisal drilling activities require the creation of a well bed about 4 - 5 hectares wide, as well as the construction of an access road, while development activities require access to slightly larger amounts of land (interview with former oil company employee in Loima, November 2014). If pastoralists occupy the land that the company wants to explore or develop, local police are enrolled in the process of relocation (interview with former oil company employee in Loima, November 2014). In the case that pastoralists must be ‘displaced’ from exploration or longer-term activities, companies are not mandated to provide direct compensation for the land because it is not held privately (IFC 2015). Instead, the in-kind compensation is offered in the form of community projects, ‘such as construction of, or improvements to community infrastructure, like classrooms or water supply systems’ (IFC 2015). In this way, companies use multiple powers to enact their claims to land — simultaneously using passive force and creating new incentives to convince existing land users to move off their land.

Once the land has been made empty, oil companies secure their claims to land by building high fences surrounded by deep trenches and mounds of dirt. They construct watchtowers equipped with searchlights and private security forces armed with rifles. The larger oil companies have also made arrangements with the central government to contract local police force as security forces. Local police, known as the Kenya Police Reserves (KPR), are essentially armed civilians that companies hire to help secure their sites and other infrastructure, such as private company airstrips. KPR are also hired on short-term contracts to provide protection to company personnel during exploration activities. In this setting, KPR prevent inter-ethnic livestock raids and violence from spilling over into exploration sites. However, they also prevent theft and banditry against exploration teams. Finally, unarmed youth play a quasi-security role around oil camps. Youth are hired to monitor access roads.

This role includes waving down and redirecting pastoralists who wander too close to company land or assets in search of pasture and water.

Given that the state has conventionally been seen as the only actor that can use force legitimately to exclude (Hall et al. 2011), companies must find ways to legitimate their use of force to secure land. As a manager of one oil company explained, ‘There was a trite saying you heard in this industry in [the past], ‘If you have ex-military handling your community relations, you wouldn’t have security concerns. This is no longer the way we talk’ (interview with manager of oil company #3 in Nairobi, January 2015). To legitimise their use of force to exclude, oil companies have taken steps to align their security practices with global norms that authorize the private use of force to secure land and resources in certain situations, such as the Voluntary Principles on Security and Human Rights (VPSHR). These standards effectively serve to license the extractive industry’s use of force to secure their concessions, as long as this use of force is not excessive. For example, the VPSHR state that companies can contract private security forces if the state’s provision of security is inadequate, and that companies can provide equipment to public security forces in order to better secure their concessions, as long as they take all appropriate and lawful measures to mitigate any foreseeable negative consequences (VPSHR 2000).

Technical experts, such as consulting firms, lawyers and human rights experts, are enrolled in the process of demonstrating how oil companies are complying with global norms. For example, oil companies in Turkana have hired expert consultants to produce documents that demonstrate their adherence with the VPSHR, and to create evidence that their use of force is in compliance with global expectations. These companies have also worked with experts to help implement risk assurance frameworks to ensure that their security operations are in line with relevant global standards. Finally, a number of oil companies in the region also participate in a multi-stakeholder initiative, the Nairobi Process, as evidence that they are making efforts to manage and mitigate security challenges in compliance with global norms, and that any use of force that they exert to secure their concessions is seen as legitimate by other industry stakeholders.

This example further illustrates how experts are enrolled in the process of legitimising corporate control over land; in this case, hired to produce documents that show how companies are using force appropriately to secure their control over land. The evidence created by experts is then used to prove to investors (and international financial institutions that are supporting Kenya's burgeoning oil industry) that companies are mitigating risk by aligning their security practices with 'best practice'. At the same time, the Kenyan government and oil companies are using other powers of exclusion, including regulation, force and market powers, to secure the industry's access to and control over land.

### **Concluding discussion**

In order to capitalize on resource booms, large areas of land must be opened up for investment. This requires reconfiguring relations of land access and control. This article has described the set of state-led interventions that have been implemented to transform land relations in northern Kenya, as the Kenyan government works to free land and resources of their existing users. I examine the various technologies of government — force, the market, regulation, and legitimation — used to create space for investment in Kenya's emerging resource frontier. Importantly, 'these powers do not so much follow as reinforce each other,' working in tandem to alter the ways people can access or be excluded from land (Hall et al. 2011: 192).

However, the state is not the only actor implicated in Kenya's frontier-making project. Rather, a multitude of actors are also involved in assembling land and resources for investment. As I show in this article, transnational corporations play a central role in reconfiguring relations of land access and exclusion, often using technologies of government that operate beyond the state to do so. In the two cases considered in this article, investors have responded to community uncertainty and resistance to natural resource development by attempting to establish the moral basis for their claims to land. For example, LTWP has described the land that they are building on as empty, underutilized and unproductive and the wind power project as a step towards Kenya's more modern future. Such narratives about land and its potential rely on moral economics of use — justifying the displacement of some

land users in favour of more ‘productive’ land uses that are in the social interest of society (Prudham and Coleman 2011).

Investors have also attempted to legitimate their control over land by demonstrating their compliance with global norms around responsible land acquisition, which are encoded in voluntary standards, such as the IFC Performance Standards and the VPSHR. In theory, voluntary standards are meant to benefit both companies and communities by mitigating the social and environmental externalities of resource development. In other words, the hope is that voluntary standards will ensure that investment is ‘done right’ (Li 2015). However, as I show in this article, voluntary standards can also be deployed to disrupt more conventional modes of land control and access with new paradigms of land control and access, or to displace community resistance. In the two examples considered here, investors use voluntary standards to justify their access to, and control of, land and resources in northern Kenya. Investors hire technical experts to help with this process. These experts are responsible for producing evidence that validates the means through which investors have acquired access and maintained control over land, so that resource projects can show their investors that land acquisition has been achieved in a ‘rightful’ or ‘appropriate’ manner.

Ultimately, this analysis illustrates how private investors use voluntary standards to resolve technical debates about ‘the right disposition of things’ (Foucault 1991: 95). This use of voluntary standards is problematic, as it reinforces power inequalities between global actors and rural land users. As the Kenyan state works to rework the rules that govern access to land so as to capitalize on the country’s recent resource boom, transnational investors are simultaneously using voluntary standards to legitimize new paradigms of land control and to justify the exclusion of existing land users. Armed with ample resources and connected to international experts, these investors have the ability to produce documents that demonstrate their compliance with voluntary standards in order to legitimise their control over land. These experts assess and audit corporate practices against voluntary standards to create evidence that companies are acting appropriately, and in accordance with global norms, in exerting their control over land. Although rural land users can similarly use voluntary standards to back their own claims to land (or to contest corporate claims to their land), they

often lack the resources necessary to make voluntary standards serve their interests. Moreover, the state may intervene and upset bottom-up attempts to reclaim control over land.

Much of the existing scholarship on voluntary standards has attempted to evaluate the usefulness of voluntary standards by debating their effectiveness as a means of regulating transnational corporations. In addition to questioning whether voluntary standards are ‘effective’ or ‘ineffective’ as a governance tool, I argue that it is also pertinent to focus on understanding how different groups with varying degrees of power use voluntary standards and in order to achieve what ends. Voluntary standards are political. They can potentially be used to encourage responsible corporate conduct and hold investors to account for irresponsible conduct. But, in the hands of powerful actors, voluntary standards can also be wielded as a discursive frame that enhances the legitimacy of investor claims to land and disparages community resistance. With this in mind, future research may consider other examples where more or less powerful actors effectively wield voluntary standards to consolidate their control over land, in order to determine whether these standards have transformative potential or if they have become the master’s tools.



## Article #2

### **Corridor projects and rural politics in northern Kenya: The use of expertise ‘from below’ to disassemble land as a resource for investment**

#### **Context**

This article analyses reactions ‘from below’ in response to the construction of the Lamu Port–South Sudan–Ethiopia Transport (LAPSSET) corridor in northern Kenya — a mega-infrastructure development that includes a pipeline, new highway, railway and port, among other projects. In this article, I reflect on transformations in both governance and citizenship in contemporary frontier spaces, contributing insights to the broader themes motivating this dissertation. With regards to governance, this article illustrates how rural actors impacted by infrastructure development engage with land deals and participate in land governance. More specifically, I show how rural groups draw on different forms of expertise from the global arena — ranging from agricultural science to biodiversity science to international legal frameworks — in order to counter claims made by more powerful actors about how land should be used and managed. By illustrating how rural groups, who are conventionally thought of as existing ‘below’ the state, draw on expertise constructed ‘above’ the state to participate in land governance, this article reveals how frontier spaces serve as zones of governmental experimentation and innovation.

This article also reflects on the practice and experience of citizenship in frontier spaces, which is characterized by complex political subjectivities (Larsen 2015). Just as actors beyond or other than the state are participating in governing Kenya’s frontier, actors beyond the state also confer rights often associated with citizenship. For example, some pastoralist groups have found that they can counter state and corporate claims to their land by having their distinct rights as Indigenous peoples recognized by nonstate actors. Although the Kenyan state refuses to acknowledge these rights, suprastate and nonstate political communities have extended Indigenous rights to pastoralists. This example illustrates how the practice and experience of citizenship in Kenya’s frontier challenges the notion that

‘without a state, there can be no citizenship;’ instead revealing that ‘alternative, nonstate communities and jurisdictions *do* in fact constitute important sources of rights and status’ (Maas 2013: 2).

This article was conceptualized following an initial period of fieldwork in Kenya between October 2014 and April 2015. Although infrastructure development was not a planned focus of my research, LAPSSET featured so prominently during discussions and interviews about oil and gas in Kenya that it became essential to acknowledge infrastructure as a driving force of transformation in the north. Upon returning from my first period of fieldwork, I wrote an early draft of this article, attempting to tease out the different stakeholders impacted by and reacting to LAPSSET based on my findings. This early draft was also informed by the analysis of news stories and documents on LAPSSET published between January 2012 and June 2016. In May 2016, I returned to north-central Kenya to validate my analysis through interviews and site visits. During this period of fieldwork, I conducted 20 semi-structured, qualitative interviews with representatives of rights-based and environmental non-governmental organisation (NGO), local and customary leaders, community members and industry actors. These interviews were conducted in two counties impacted to varying degrees by LAPSSET — Isiolo and Laikipia. Importantly, 38 other interviews conducted in other parts of Kenya, including Turkana and Nairobi, during my earlier fieldwork also informed my analysis.

This article will be published in a leading journal in the field of rural politics and development in 2017. A shorter and revised version of this article is also included as a chapter in a forthcoming edited volume on natural resource development and social movements. This article was presented at the Development Studies Association’s (DSA) annual conference in 2016 – hosted by the Oxford Department of International Development (ODID) at the University of Oxford – as part of a panel titled ‘The politics of environment and natural resource governance and livelihoods’. This article also benefited from the thoughtful and thorough comments of Dr. Teresa Kramarz, along with other workshop participants, during the PhD workshop on Environment and Resources hosted by the Balsillie School of International Affairs. I am the sole contributor to this article.

**Pipeline projects and rural politics in northern Kenya: The use of expertise ‘from below’ to disassemble land as a resource for development and investment**

**Charis Enns**

**Abstract:** In 2012, construction began on the Lamu Port–South Sudan–Ethiopia Transport (LAPSSET) corridor project in northern Kenya. In addition to a pipeline that will carry crude oil across the country, the project will include international airports, resort cities, special development zones, a highway and a railway. Rural land users across northern Kenya will be significantly impacted by the corridor project, both during construction and once it is complete. There has been a spectrum of different and conflicting reactions to LAPSSET, as some rural land users have adamantly resisted the project while others have sought to be incorporated into it. Drawing on fieldwork conducted in north-central Kenya, this article offers a case study of different reactions ‘from below’ in response to this mega-infrastructure development. The central aim of this article is to examine how rural groups draw upon different forms of expertise — ranging from biodiversity science to international legal frameworks — as a basis for framing and legitimising their diverse reactions to large-scale land deals. The analysis contributes to wider debates about rural agency, by demonstrating how rural groups strategically deploy different forms of expertise in response to proposed land developments in order to negotiate their terms of incorporation into the deal or to present a countering consensus of how land could be better used and managed.

**Keywords:** Land; pastoralism; expertise; knowledge production; Kenya; LAPSSET

## Introduction

In November 2015, an article in a Kenyan newspaper ran with the headline, ‘LAPSSET project runs into headwinds as residents demand full involvement’ (Abdi 2015). The Lamu Port–South Sudan–Ethiopia Transport (LAPSSET) project is an infrastructure corridor that includes a pipeline to transport crude oil from one side of Kenya to the other, as well as a new highway, railway and port. Although this particular newspaper article reported that communities in north-central Kenya are not opposed to project, it noted that some communities are mobilising in response to the project nonetheless — trying to ensure that they are involved in and benefit from the mega-infrastructure development. Towards Kenya’s coast on the Indian Ocean, LAPSSET is making national headlines for very different reasons. Rather than demanding benefits and seeking inclusion in the project, Indigenous communities and supporting civil society organisations are forming global alliances and advocating to stall or stop construction, based on their concerns about how the project will impact their land as a productive resource. In other parts of northern Kenya, domestic networks and alliances are forming in order to produce and share technical and scientific knowledge about the impacts of LAPSSET on socio-ecological systems. Such diverse political reactions ‘from below’ reflect the range and complexity of rural responses to large-scale land deals (Hall et al. 2015).

Importantly, these reactions to mega-infrastructure development also bring to the fore questions about how rural populations mobilize in response to large-scale land deals, as well as why they respond in the ways that they do. There is a growing body of scholarship that draws on concepts and analytical tools from critical agrarian studies — including ideas about agrarian class politics, everyday forms of rural resistance and contentious politics — in order to understand how and when people mobilize in response to large-scale land deals (R. Hall et al. 2015; White et al. 2012; Wolford et al. 2013; Edelman, Oya, and Borras 2013; Mamonova 2015). This scholarship has effectively challenged one of the fundamental assumptions of the field, ‘namely, the idea that ‘local communities’ *always* mobilize and engage in resistance in response to land deals’ (emphasis added, R. Hall et al. 2015). This scholarship generally agrees that movements from below in response to large-scale land acquisitions extend far beyond resistance, ranging from tacit acceptance to seeking incorporation. In effect, this

body of work has challenged ‘dominant framings of rural and peasant communities across the global South as either passive victims or unified resisters of land grabs,’ recognising that what happens on the ground in response to land deals is more varied and complex than is often assumed (R. Hall et al. 2015: 468).

In this article, I aim to contribute to this body of scholarship by presenting a case study of rural reactions to mega-infrastructure development in north-central Kenya. In line with existing scholarship, my analysis demonstrates how rural land users respond to the same land deal in different ways, which is reflective of how rural people are impacted differently by land acquisitions and have diverse interests in land development. I also aim to extend this body of scholarship by examining *how* rural groups react to large-scale land deals. I show that rural groups draw upon different forms of expertise — ranging from agricultural science to biodiversity science to international legal frameworks — as a basis for framing and legitimising their reactions for, against or within large-scale land acquisitions. I argue that just as powerful actors, such as the state, can use expertise in order to justify re-shaping rural livelihoods and landscapes through large-scale land deals; rural groups can draw upon and deploy such expertise as well — competing with more powerful actors to shape the rules that govern access to land. My analysis, therefore, reveals the visibility and agency of rural actors in the midst of large-scale land acquisitions (LSLAs), demonstrating how these actors skilfully wield different forms of expertise in order to make and resist land deals.

I begin by briefly reviewing recent literature that considers the interaction between land grabbing, political reactions ‘from below’ and the role of knowledge and expertise in relation to the phenomenon of land grabbing. The next section outlines the role of infrastructure as a driving force of large-scale land acquisitions across sub-Saharan Africa and then introduces my specific case study, providing contextual information about Kenya’s massive infrastructure corridor. In the section that follows, I analyse rural responses to this particular infrastructure project in northern Kenya. I highlight the ways in which this project will (or has the potential to) impact access to land and resources in the region, as well as the different reactions of two rural groups that will be impacted by the project. In this section, I also analyze the different types of expertise that these rural groups are mobilising to frame their

responses, and to challenge the existing ‘expert’ consensus about why it is necessary to invest in and develop this land. I conclude by drawing these different responses into dialogue with one another, considering how power asymmetries ultimately influence the ability that rural groups have to inform the rules that govern access to land.

This article is informed by the discourse analysis of news stories and documents concerning LAPSSET published between January 2012 and June 2016. These news stories were collected using Google Alerts and Factiva and analyzed manually, searching for rural reactions both for and against LAPSSET. In May 2016, I conducted fieldwork in north-central Kenya to validate my analysis of news stories through interviews and site visits. During this period of fieldwork, I conducted 20 semi-structured, qualitative interviews with actors who are at the centre of debates about land and LAPSSET, including representatives of rights-based and environmental non-governmental organisation (NGO), local and customary leaders, community members and industry actors. These interviews were conducted in two counties impacted by LAPSSET — Isiolo and Laikipia. An additional 38 interviews were conducted in other parts of Kenya, including Turkana, Samburu and Nairobi, during previous fieldwork trips, which also informed my analysis.

### **Analytical framework**

#### *Political reactions ‘from below’<sup>14</sup> to large-scale land deals*

While critical scholarship has long been interested in peasant agency and resistance in response to agrarian change, scholars have recently begun to devote more attention to examining (1) new forms of land grab, also known as ‘the global land rush’ (Borras, Hall, Scoones, White, & Wolford 2011; Deininger et al. 2011), and (2) diverse responses to the global land rush from below (R. Hall et al. 2015; White et al. 2012; Wolford et al. 2013; Edelman, Oya, and Borras 2013; Mamonova 2015). During the early 2000s, media reports and academic discussions on ‘land grab’ tended to emphasize cases of resistance and

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<sup>14</sup> I use the phrase ‘from below’ as: (1) rural land users, regardless of their class, often participate in politics below the state to influence land politics; (2) rural land users are often part of politically marginalised people groups — although this is certainly not always the case.

oppositional mobilisation in response to the expansion of corporate and state control over land (R. Hall et al. 2015). More recently, however, research has indicated that what happens on the ground in response to land deals is often more varied and complex than assumed (e.g. R. Hall et al. 2015, White et al. 2012; Wolford et al. 2013; Edelman, Oya, and Borrás 2013; Mamonova 2015). Although rural land users may resist land grab, they may also demand to be incorporated within land deals, or attempt to negotiate what benefits they might receive from such deals. In other cases, there may be a complete absence of mobilisation or resistance, as peasants demonstrate passive acceptance of changes to land use and access (Mamonova 2015).

The array of diverse responses to large-scale land deals has been attributed to the fact that rural communities are ‘differentiated along lines of class, gender, generation, ethnicity and nationality’ (R. Hall et al. 2015: 468). Because land deals impact individuals and communities differently, diverse rural reactions to land deals are to be expected (Borrás and Franco 2013; R. Hall et al. 2015). This understanding of rural communities is not novel. For example, Hall argued that while rural social groups do share common conditions, ‘they are also cross-cut by conflicting interests, historically segmented and fragmented’ (1986: 14). Although Agrawal and Gibson have argued that researchers must acknowledge ‘the divergent interests of multiple actors within communities, the interactions or politics through which these interests emerge and different actors interact with each other, and the institutions that influence the outcomes of political processes’ (1999: 640). In short, because people perceive, interpret and experience changes to land use and access differently based on a whole range of environmental, social, economic and political factors, their responses are rarely uniform or homogeneous — even when reacting to the same land deal.

#### *The role of expertise in large-scale land deals*

Accepting that political responses to large-scale land deals are diverse, complex, and contingent, one interesting question that arises relates to how different forms of expertise are used to justify land deals and prevent or subvert resistance from rural land users. In recent works on land grab and agrarian change, expertise is understood as knowledge about land that is accepted as authoritative (Pritchard et al. 2016). This includes technical and political

expertise about what land is, what it can or should do and how humans should interact with it (Li 2014; Pritchard et al. 2016).

Scholars such as Li (2014), Wolford and Nehring (2015), Pritchard et al. (2016) and Wolford (2015a) have shown how expert knowledge about land is produced and disseminated by powerful actors in order to legitimise large-scale land deals as common sense and necessary for development. For example, Li (2014) examines how international development organisations, such as the FAO and World Bank, use statistical techniques to quantify and qualify land that is ‘underutilized’ in order to assemble land as a resource awaiting global investment. Similarly, Wolford (2015a) explores how international development organisations use scientific understandings of plant breeding and soil quality to estimate land’s potential for agricultural intensification. These works each show how various actors, such as naturalists, surveyors, geologists, soil scientists and development practitioners, are enrolled in the process of producing knowledge about the suitability of land for investment (Pritchard et al. 2016; Li 2014; Wolford 2015a). These actors produce knowledge about land by measuring, calculating, estimating and predicting the risks and potential associated with investing in and developing land (Li 2014). As Li (2014) suggests, this information can be used to assemble land as a resource that would benefit from investment, and also to legitimise investment in land as both common sense and necessary.

This recent work engages with a broader body of critical scholarship concerning the role of expertise in rural development (for example, see Li 2007, Goldman 2005, Scott 1998, Moore 2001, Kothari 2005, Mitchell 2002). This body of scholarship pays careful attention to hierarchies of knowledge, showing how specific type of knowledge — such as indigenous/local, legal, scientific, administrative — carry different value and have different abilities to shape rural development processes. Drawing from this scholarship, authors such as Li (2014), Wolford and Nehring (2015), Pritchard et al. (2016) and Wolford (2015a) reflect more specifically on the types of expertise necessary to make land deals possible — including technical and political expertise about what land can or should do and whom should have access to it. For example, Wolford (2015a) has shown how scientists from ProSAVANA, a development program in Mozambique funded by the Brazilian Cooperation



Agency (ABC) and the Japanese International Cooperation Agency (JICA), use scientific reasoning to convince farmers to move away from unproductive subsistence farming towards more productive commodity cropping. Such reflections reveal the disciplining or governmentalising power of expert knowledge in relation to land deals. As powerful experts employ Western science and technological innovations to intervene in how land is used and who has access to it, they also shape peoples' conduct. In this sense, expert knowledge about land is used to 'encode practices of government on a population, objects, and landscapes' in order to render land accessible and investible (Campbell 2015: 151).

What remains understudied in this work, however, is how rural land users — who are often most impacted by land deals — respond to expert claims about land, and make use of expertise to negotiate and contest land deals. In other words, less attention had been paid to the ways in which actors with relatively less power mobilize and circulate different forms of expertise to negotiate the terms of land deals, or in support of alternatives to LSLA altogether. One notable exception is work by Goldstein (2016), who demonstrates how scientists and environmental NGOs use divergent expertise to contest the government's land grab regime in Indonesia. She call this alternative scientific knowledge produced by networks of scientists and NGOs 'divergent expertise' and illustrates how divergent expertise can be used to problematize the ecological risks associated with industrial development and to raise questions about whether peatland is suitable for investment at all (Goldstein 2016).

In the analysis that follows, I aim to extend this line of research. I argue that just as expertise can be constructed and circulated 'from above' to legitimise land deals, divergent expertise can also be mobilized 'from below' to negotiate and contest the rationale behind LSLA. I suggest that when land deals take place, rural groups are forced to engage with the expertise produced by relatively more powerful actors. They have the choice to either accept this expertise as valid, or to negotiate and contest it by presenting counter-claims about how land should be used and managed. Following Li (2014), who considers the practices and discourses that powerful actors, such as investors, use to make land suitable for investment, I examine the politics of contesting this suitability, asking what practices and discourses rural groups use to either incorporate themselves within land deals, or disassemble land as a

resource awaiting investment. This analysis contributes important insights to current research on political reactions ‘from below’ — revealing rural agency in relation to LSLA, as well as the specific strategies that are available to rural land users seeking to protect their interests in light of unprecedented competition over land.

Like the scholarship outlined above, I acknowledge the disciplining or governmentalising power of expert knowledge in relation to large-scale land deals. In my analysis, I also pay attention to the struggles between different types of expertise that emerge when land deals take place, as various actors compete to shape the rules that govern access to land. As Agrawal (2009) suggests, there are many ways of knowing the world and these come into conflict with each other in the context of rural development rural development. Powerful actors circulate expertise in order to advance their interests and secure their investments in land. Yet, because systems of expertise can never fully colonize a place (Campbell 2015), rural land users do not necessarily have to accept this expertise. They can also mobilize divergent expertise to contest the necessity of large-scale investments. In the following sections of this paper, I show how rural groups are using new forms of expertise — such as biodiversity science and international human rights frameworks — to influence struggles over land.

### **Infrastructural development as a driver of large-scale land acquisition**

The case that I present in this paper provides examples of political reactions from below in response to a mega-infrastructure development in northern Kenya. Infrastructure development is an important driver of the global rush for land that has been relatively understudied.<sup>15</sup> Though mega-infrastructure projects, which require large tracts of land, are increasingly common; case studies that link the global land rush to the development of physical infrastructure have received ‘little attention as a proper unit of study’ (Otsuki 2016: 1). Generally constructed ‘to link extractive frontiers to metropolitan areas and foreign markets,’ mega-infrastructure projects are made possible by private foreign investors, governments and multilateral development agencies, with the objective of facilitating

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<sup>15</sup> Notable exceptions include Walker 2006; Levien 2012; Sampat 2013; Sampat 2015

regional integration, industrial development, and global trade (Safransky and Wolford 2011: 5). These extensive developments — which are often referred to as transport or development corridors — sometimes span entire countries, if not continents, and include the construction of highways, railways, pipelines, port facilities, waterways, processing and export zones and refineries.

The link between large-scale land acquisitions and infrastructural corridors in sub-Saharan Africa is a particularly timely topic, given that dozens of major corridors are currently underway across the continent. A recent study by Laurance et al. (2015) identifies 33 major infrastructural corridors that are under construction or are slated to begin construction in the coming years. If completed, these corridors will span over 53,000 km in length, crisscrossing much of the African continent (Laurance et al. 2015). Proponents of mega-infrastructure development argue that these projects will improve regional integration, increase agricultural production and grow exports (particularly mineral exports) (Weng et al. 2013; Edwards et al. 2014). In contrast, opponents argue that large-scale land acquisitions for infrastructure development have the potential to result in dispossession and displacement, as well as opening up extensive areas of land to new environmental pressures (Laurance et al. 2015).

Given that recent research has tended to overlook the relation between infrastructure development and new tensions over land in sub-Saharan Africa, this case contributes to a gap within existing literature (Otsuki 2016). Furthermore, mega-infrastructure projects in sub-Saharan Africa generally involve a multitude of different actors — including global, national and local public and private sector actors, as well as civil society actors and communities. This makes them a particularly interesting space to examine what happens with between different types of expertise meet. Unlike large-scale agricultural developments, which may be financed a single private investor and facilitated by the state, mega-infrastructure projects tends to involve much more complicated networks of actors who rely on different forms of expertise in their attempt to legitimise land control and advance their projects. With this in mind, mega-infrastructure projects in provide a useful window into studying how different forms of expertise, including scientific, legal, social, and political expertise, are used by different actors to advance, negotiate or contest large-scale land deals.

## **Infrastructure projects and politics in northern Kenya**

### *Geographies of difference and development in northern Kenya*

At 467,200 km<sup>2</sup>, the arid and semi-arid lands (ASALs) of Kenya encompass nearly 80 percent of this East African country (REGLAP 2012). About 19 percent of the country's population resides in the ASALs, which also play host to nearly 70 percent of the country's livestock and over 75 percent of the country's wildlife (REGLAP 2012). In this landscape, consisting almost entirely of deserts, dry grasslands and semi-arid woodlands, the vast majority of communities in Kenya's ASALs rely on pastoralism as their primary livelihood. Pastoralism is often supplemented by other livelihood strategies, including mixed farming, agro-pastoralism and fishing. Over the past couple of decades, more destitute pastoralists with few or no livestock have begun to settle, clustering around food aid distribution centres or in urban and peri-urban settings in order to participate in alternative livelihoods, including wage labour, entrepreneurial activities and transportation.

Although vast in size and in socio-cultural and ecological diversity, Kenya's ASALs have historically been treated as 'desolate wastelands'. The British colonizers viewed the region as an empty 'buffer zone between the arable highlands to the south, and Sudan, Ethiopia and Somalia to the north' (Browne 2015: 12). This sentiment has persisted among post-colonial administrations as well. Northern Kenya remains a 'distant backwater' in the public imaginary — particularly in the capital city, Nairobi. In the National Assembly, northern Members of Parliament regularly lament their position as Kenya's 'second-class citizens' (Kenya National Assembly Official Record 1971; 2009; 2012). In everyday discourse, Kenyans often refer to northern Kenya as 'the other Kenya' or 'the forgotten land' (interview with representative from civil society organisation in Nairobi, October 2014). Many northern Kenyans have also internalized this sentiment, referring to themselves as 'forgotten people' or describing travels from the north of the country to the capital as a 'trip to Kenya' (interview with community member in Loima, November 2014).

Goldsmith (2013) has characterized the sharp differences as Kenya ‘A’ and Kenya ‘B’, where Kenya ‘A’ is Nairobi and its interconnected towns and road networks and Kenya ‘B’ refers to the northern regions of the country (Lamont 2015). As one civil society representative that I spoke with explained: ‘The government has always been absent in the north of the country. Just follow the railway and you will see what the state sees as worth developing’ (interview with representative from civil society organisation in Nairobi, October 2014). Thus, the otherness of northern Kenya is more than imagined. Perceptions about the ‘backwardness’ of northern Kenya have resulted in the ongoing political, social and economic marginalisation of Kenya’s ASALs (and of the people living in them). Public service and infrastructural deficits in the region have consistently gone unaddressed, as successive governments have repeatedly chosen to direct public spending and investments where they yield ‘greater’ outputs. These include the high-output agricultural highlands in central and western Kenya (Eriksen and Lind 2009). As a result, the region has been plagued by poverty, insecurity, weak economic integration and limited political leverage — all of which amplify the risks and vulnerabilities associated with life in the ASALs.

The sharp distinction between Kenya ‘A’ and Kenya ‘B’ is particularly clear when considering transport infrastructure in the north. Although flights to northern Kenya have increased in frequency and decreased in price in recent years, the cost of flying remains out of reach for most northern Kenyans. In terms of road travel, the northern half of the country is characterized by inadequate and fragmented infrastructure. Beyond the two national highways that connect the north to the rest of the country, there are currently few tarmac roads. Travelers drive on loose murrum, sand roads or dried-up riverbeds — often only identifiable by following recent vehicle tracks and impassable when it rains. Along certain stretches, banditry and inter-ethnic conflicts are common. Bus travel to certain parts of the north has become more accessible in recent years, but it is still somewhat of a risky undertaking: bandits and raiders continue to target buses on the Lodwar-Kitale Highway and, more recently, suspected ‘al-Shabaab militants’ have attacked buses in northeastern regions of Kenya, closer to the Somalia border. In short, both the real and imagined differences between northern Kenya and the rest of the country hinge largely on the landscape’s current infrastructure — or lack thereof.

*LAPSSET: 'The corridor to nowhere'*<sup>16</sup>

Recent events, however, have thrust northern Kenya onto the international stage in a different light. These events include significant discoveries of oil reserves in northern Kenya and off the country's northern coastline. The potential of other natural resource projects and investments in the north — including wind power in northwestern Kenya and mineral deposits near the northern coast — has also attracted international attention and investments to the region. In light of the potential for natural resource development, Kenya's new constitution has supported 'opening up' northern Kenya for investment and development. As Letai states, 'the talk today within government and private sector is...that the future of Kenya is in the ASALs' (2015a: 2). The positioning of northern Kenya as a pathway towards modernity marks a dramatic swing of the pendulum in terms of the attitudes, discourses, and policies historically directed at the country's ASALs.

The plan to open up northern Kenya is clearly outlined in the nation's development plan, Vision 2030. Like a growing number of countries across sub-Saharan Africa, Kenya has adopted an ambitious, long-term national plan for development (Fourie 2014). The primary objective of this plan is to transform Kenya into a 'newly-industrialising, middle-income country' by 2030 through a series of successive five-year plans (GoK 2007: 1). The plan places the development of new infrastructure as the 'nation's highest priority' (GoK 2007: 7), proposing that by 2030, 'it will become impossible to refer to any region of the country as 'remote'' (2007: 6). Vision 2030 proposes to develop vast networks of roads, railways, ports, airports, water and sanitation facilities, and telecommunications by attracting private-sector investments, with a focus on infrastructure development in the northern half of the country (Fourie 2014).

The planned infrastructure projects are referred to as 'flagship projects' in Vision 2030 — defined as large-scale initiatives that are capable of having a defining impact on the future development of the entire nation (GoK 2007). The Lamu Port–South Sudan–Ethiopia

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<sup>16</sup> Browne (2015) refers to LAPSSET as the 'corridor to nowhere,' which likely plays on Mills (2012) *A Railway to Nowhere, The Building of the Lunatic Line 1896-1901*

Transport (LAPSSET) corridor project is one such flagship project. Now under construction, LAPSSET is described as having the potential to transform the enduring disconnect between Kenya ‘A’ and Kenya ‘B’. This mega-infrastructure project proposes to move oil from northern Kenya, northern Uganda and South Sudan to a refinery on the Kenyan coast, to increase cross-border trade with Uganda, South Sudan and Ethiopia, and to provide a ‘backbone for opening up Northern Kenya and integrating it into the national economy’ (Vision2030). A primary driver of this project is an oil pipeline — which will span over 2,000 kilometers; however, the project will also include a refinery, a dual-carriage highway, standard gauge railway to carry both passenger and cargo trains, new international airports and ‘resort cities’. A series of development zones are also part of the flagship project, including special economic zones, export processing zones and agricultural growth zones (Browne 2015). According to Laurence et al. (2015), the core components of the project will cover at least 15,482 km<sup>2</sup> once complete.

The various components of the LAPSSET corridor are at different stages of development. Significant progress has been made towards the construction on the project’s port. The dual-carriage highway, which links Isiolo with Moyale on the Ethiopian border, was completed in 2016, along with the international airport in Isiolo. Sites for the proposed hydro dam, as well as the proposed resort cities and other two airports have also been selected. During a field visit in May 2016, it appeared that access roads to some of these sites were already under development, suggesting that land deals have been completed and construction will soon begin (see Image 3). The oil pipeline is in the feasibility phase and the government is still seeking financing for this particular project. Recent reports, however, indicate that the pipeline may be supported by a mix of philanthropic and development financing, in part, from the Sustainable Development Investment Partnership (SDIP).<sup>17</sup>

The government has committed to contributing between 3% and 6% of its annual GDP towards the development of the project over the next decade (Government of Kenya 2012).

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<sup>17</sup> Members of SDIP include: Bill and Melinda Gates Foundation, Citi, the United States, the United Kingdom, the Netherlands, Sweden, Denmark and Norway. Others are Development Bank of South Africa, Deutsche Bank, East Capital, the European Bank for Reconstruction and Development and the European Investment Bank.

Once complete, however, it is suggested that LAPSSSET will contribute between 2% and 3% of the country's GDP (Government of Kenya 2012). At peak production, the World Bank estimates Kenya's oil sector could generate \$9 billion in revenues or 16 percent of Kenya's national revenue. Additional spin-off projects and development zones are intended to contribute further profit. Signs of this can be seen in early stages of construction, as the project attracts investment from novel sources, such as companies registered in China, India and Turkey (Lamont 2015). For example, in 2014, the Kenya Ports Authority signed a \$478.9 million deal with China Roads and Bridge Corporation to construct the projects' first three port berths (Trade-Watch Africa 2014). Beyond large-scale international investment, the Government of Kenya also claims that the project will offer new economic opportunities for Kenyan entrepreneurs and investors. This has also proven to be true to some extent, as Kenyan companies have benefited from certain opportunities associated with LAPSSSET, such as government consultancies and various construction contracts (Lamont 2015).



Image 3. Access road to the proposed Isiolo Resort City (Photo Credit: Author)



The government sees LAPSSET as a strategy for attracting investment, improving regional integration and creating strong export-orientated industries. Yet, in order to achieve these objectives, rural livelihoods and landscapes in the north must be reshaped. Accordingly, certain policies and institutions are being used to alter peoples' conduct in the north — encoding new practices of government on northern populations to make both land and people more efficient. For example, LAPSSET includes the development of 'agricultural growth zones' in the north, which will prepare new lands for cultivation by improving irrigation (GoK 2009: 10). A modern abattoir has also been built in Isiolo as part of LAPSSET to improve market-access for pastoralists. In response to these developments, county governments in northern Kenya are encouraging their populations to intensify their livestock and agricultural production in order to raise their own incomes. Such initiatives, however, are also meant to support the growth of innovative, commercially-orientated and modern agriculture and livestock sectors in the north. At the same time, opportunities in the service sector are expanding in the region. LAPSSET's CEO claims that the project has so far created over 5,000 construction and service jobs, and that it will create new business opportunities for millions of people in northern Kenya in the coming years (Ochieng' 2016).

Thus, LAPSSET is just as much about preparing northern populations for industrial modernisation as it is about attracting investment. LAPSSET is being used to re-shape knowledge about what ASALs are good for, how these lands should be used and by whom: The project is accompanied by ideals, institutions and policies that aim to transition people away from subsistence livelihoods towards commercial livestock and agricultural production and/or wage labour, so that they can contribute to national economic growth by using the land to produce capital, labour, and commodities, but also so they can improve their own futures. According to Kenya's national development plan, a primary objective of Vision 2030 is to 'initiate a national programme on attitudinal and value change,' so that all Kenyans may become efficient, globally-competitive and prosperous (GoK 2007: 25). As Fourie writes, LAPSSET is '...arguably the clearest crystallisation of the modernist vision driving this strategy' (2014: 555).

Much of the expertise that the Kenyan government uses to present LAPSSET as commonsense and necessary for development reflects the knowledge purported by other powerful actors in the global arena. Fourie argues that the Kenyan government has borrowed ideas about how land should be used to spur socio-economic development from a handful of East Asian countries, examining the way that Kenya's Vision 2030 'bears the imprint of Singaporean and Malaysian policies, rather than only the more modish 'Chinese Model'' (2014: 540). The expertise of international financial institutions, such as the World Bank, has influenced LAPSSET. In describing the importance of LAPSSET, the World Bank, which is also financing parts of the project, explains:

'Kenya has a long established transport and trade link to the north-west, but the poor state of the road constrains growth opportunities along this important corridor...Enhancing connectivity to this region will improve the livelihoods of the pastoral communities in the region, enabling their people to share in the prospects for growth, poverty reduction and prosperity' (World Bank 2015).

In both cases, the Kenyan government is borrowing expertise that positions mega-infrastructure projects as essential to rural development. Project proponents suggest that Kenya's ASALs are full of potential for improved use, which will ultimately benefit northern populations, in order to rationalize and justify the reshaping of livelihoods and landscapes in the north. The legitimacy of large-scale land deals often goes unquestioned when accompanied by the promise of improvement. Problematically though, as Prudham and Coleman (2011) argue, doctrines of improvement often accompany land reform, as they act as powerful narratives that depoliticize the effects of enclosure and undermine other ways of using and managing land.

### **Rural reactions to LAPSSET**

As a result of LAPSSET, dramatic changes in land use and tenure are underway across northern Kenya. In addition to transforming the regional economy, these changes also have the potential to alter socio-ecological life in the region. Once complete, LAPSSET will traverse a landscape that is vast in size, as well as in socio-cultural and ecological diversity. It will cut across or run alongside internationally protected heritage sites, such as the Lamu

Archipelago, and world-renowned conservation areas, such as Marsabit National Park and Samburu National Park. The region's current land users — mainly consisting of pastoralists, subsistence farmers, conservationists (white settlers are predominant in this group), entrepreneurs, along with livestock and wildlife — will be significantly impacted by various components of the project. Though LAPSSET may present new opportunities for some, the project will also inevitably constrain the existing livelihood strategies of others by altering access to land and resources; for example, by transferring large tracts of land to commercial investors or constructing infrastructure on traditional grazing grounds. In other words, although touted in familiar language of development, improvement and modernisation, there remain pressing questions and uncertainties about what LAPSSET actually means for rural people and economies in Kenya's north.

There are roughly three different perspectives on LAPSSET from rural populations in north-central Kenya. First, there is a relatively large group of people in northern Kenya that know very little about the project. This tends to be the case in places that are more remote or more distant from the project footprint. In such spaces, people may have heard rumors about a large road, but often did not know details. Problematically, some of these communities reside directly within the projects' path, yet they have not been informed about potential impacts to their lands and livelihoods (interview with resident of Isiolo, May 2016). Moreover, there were also some reports of people being evicted from their land and resettled without any notice or any information about why (interview with resident of Isiolo, May 2016). A recent report presented to the World Bank by Kibugi et al. similarly comments that government authorities have undertaken surveys and installed beacons to indicate which land will be acquired for LAPSSET infrastructure without notifying or providing information to affected communities (2016: 13-14).

Second, there are many people in northern Kenya that are seeking to be incorporated into the project and to benefit from LAPSSET in some capacity. These perspectives were most dominant in peri-urban centres, such as Isiolo and Nanyuki Towns. In these small centres, people see LAPSSET as a source of alternate livelihood possibilities and an opportunity to increase their income (interview with resident of Isiolo, May 2016). A mechanic in Isiolo

Town, hired to repair the vehicle I used while conducting fieldwork, happily boasted, ‘Soon, Isiolo will be the centre of Kenya and everyone will come here to find jobs. This is good news for us!’ (interview with resident of Isiolo, May 2016). The same mechanic would later take me to see Isiolo’s new international airport (built as part of the broader LAPSSET project), where we chatted with the security guard about the size of planes that would soon be landing on the airport’s tarmac and the types of international guests, diplomats and business opportunities that these planes would bring. Others welcomed LAPSSET as it promised to improve access to roads, which, in turn, would also provide better access to hospitals, schools, and markets (interview with community leader, May 2016). Others still expressed excitement about LAPSSET because it promises to bring more tourists to support and grow the region’s already strong conservation industry.

Li (2014) suggests that consenting to land deals based on one’s desire for infrastructure, such as a road, has a specific history in rural parts of the global south: In many regions, ‘...budget constraints under ‘structural adjustment’, combined with the neoliberal promise that private investment is the way forward, have led the government to abandon remote populations and leave infrastructure provision to its ‘partners’ in the private sector’ (Li 2014: 600). In places where no private sector exists and local governments receive inadequate funds to build roads, rural populations have been abandoned without infrastructure. For these people, signing over land may be accepted as an adequate price to pay for access to a road (Li 2014). Regardless of motivation, these are many residents of northern Kenya that are willing to concede land for the ‘improvement’ and ‘development’ that LAPSSET promises to bring.

Finally, there is a third group of rural land users that are either contesting LAPSSET altogether, or attempting to negotiate its terms, in order to protect their rights and interests. Generally speaking, such people are concerned about the ways that LAPSSET will alter land use and access and are mobilising in response. These mobilisations are not strictly a struggle against dispossession and enclosure. Rather, rural land users are mobilising for diverse reasons and with various interests in mind. As Hall et al. explain about rural resistance, rural groups ‘...mobilize under a range of banners (those of the poor citizen, the political party, the peasant, the ethnic or indigenous group) for access to land as a productive resources, as a

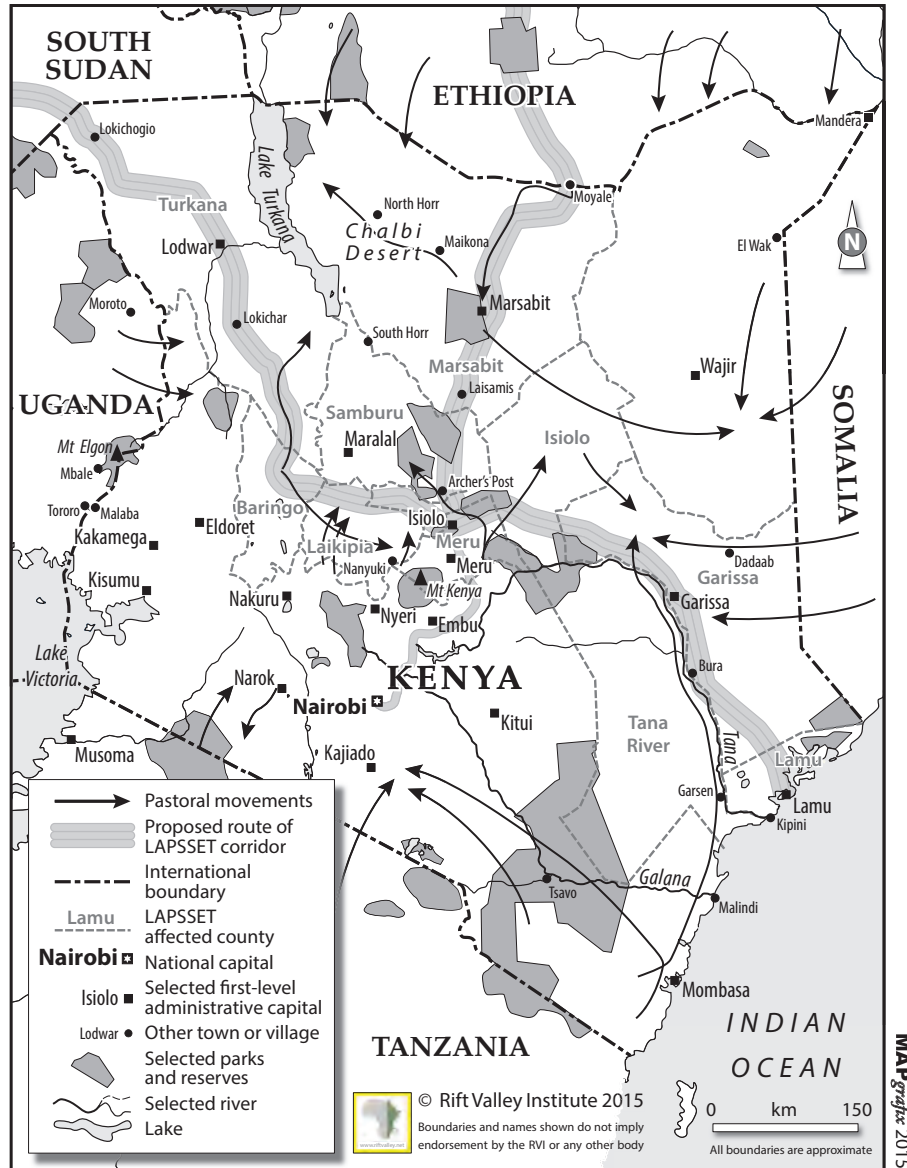
backstop for precarious livelihoods, and as a symbol for identity and belonging’ (2011: 20). In the final sections of this paper, I consider how two of the more dominant rural land users in north-central Kenya — pastoralists and conservationists — are mobilising in response to LAPSSSET, as well as the different types of expertise that these groups are deploying in order to frame and legitimise their reactions to the project.

*The case of pastoralists: Using legal expertise to challenge LSLAs*

In northern Kenya, pastoralists face multiple threats to their livelihoods, including climate change, scarcity of natural resources, insecurity, famine, and drought. In this sense, land deals and private investments are just a further pressure experienced by pastoralists who already experience precarity. LAPSSSET, however, has the potential to exacerbate this situation. Mega-infrastructure projects, such as LAPSSSET, have particularly severe impacts on pastoralist systems for a number of reasons. First, pastoralists require access to large areas of land and other natural resources in order to sustain their livestock, but mega-infrastructure projects create competition over land and resources (Letai 2015a; Letai and Tiampati 2015). Second, mobility is essential for pastoralists as they must be able to move their livestock to distant sources of pasture and water during periods of scarcity, but mega-infrastructure projects place new restrictions on this form of mobility (Letai and Tiampati 2015) (see Map 5). Third, pastoralists rely on healthy ecosystems but mega-infrastructure projects come with the risk of land degradation and adverse environmental impacts.

Another complicating factor when considering the impacts of LAPSSSET on pastoralists is the geography of land tenure arrangements in the north (Letai 2015b). Unlike other parts of the country — particularly the more fertile agricultural highlands — land in the north is recognized as community land, vested in and held by communities identified on the basis of their ethnicity, culture or similar community of interest (GoK 2015a). This tenure arrangement was created in order to accommodate pastoralists, who require access to wider geographical areas and resources (Letai 2015b; Letai and Tiampati 2015). Problematically, however, much of this land has never been formally registered to communities, but has instead been left in the trust of the government. Although pastoralists may have access and use rights to this land, there is a lack of clarity around ownership and management. This lack

of clarity creates conditions under which pastoralists can be displaced in favour of infrastructural development for the ‘common good’ of Kenya.



Map 4. Map of pastoral movements along the proposed LAPPSET corridor (RVI 2015)

As LAPPSET carries significant risks for pastoralists — the largest demographic in northern Kenya — it is not surprising that tensions have surfaced between pastoralists and proponents of LAPPSET. There have been a number of collective mobilisations in response to the mega-infrastructure project. Coalitions and networks of local leaders and NGOs are pursuing

strategies to mobilize people, ranging from creating petitions to lobbying for legal changes to organising demonstrations. For example, on an annual basis, a coalition of local Indigenous rights and environmental NGOs organize a Camel Caravan, involving a five-day march that culminates near the proposed Isiolo Dam site on United Nations International Day of the World's Indigenous People. This demonstration serves as a platform to lobby the government to protect pastoralists against the negative environmental and social impacts of mega-infrastructure development. This particular event has garnered significant public attention, including local and international media coverage and financial support from global NGOs. Similar types of demonstrations have also been organized at other sites where pastoralists will be impacted by infrastructural development. For example, Indigenous rights organisations, such as Save Lamu and Pastoralist Development Network of Kenya, have organized events, workshops and protests around the need for better consultation with and compensation for those impacted by LAPSSET. In response to these initiatives, the Government of Kenya has taken some steps to address the concerns of pastoralists, such as creating steering committees within local government to liaise between pastoralist communities and higher-level government officials. However, discrimination against pastoralists and corruption have allegedly impeded the success of these initiatives (Kanyinke Sena 2012).

Those mobilising against LAPSSET have drawn on two types of expertise to frame and legitimise their resistance against certain components of the project. First, pastoralist networks have made an ecological case to back their concerns about LAPSSET. They have argued that using land for pastoralism is not only sustainable, but that it is also the best way to manage land in Kenya's ASALs. Civil society organisations and local leaders concerned about protecting pastoralists' rights in light of LAPSSET have produced and circulated research that offers evidence that putting policies in place to support pastoralists would increase the productivity of Kenya's ASALs. These networks draw on research that claims that grasslands in arid regions suffer from long-term under-grazing and over-grazing, but benefit from periodic bursts of intense grazing (Briske et al. 2008; Vetter 2005) — supporting what pastoralists have long argued about their land management practices. Such research is used to challenge the necessity of certain components of LAPSSET, such as

intensifying agricultural production, but to support other components of LAPSSSET, such as the need for a functioning, modern abattoir.

Second, pastoralist networks have also begun to build a legal case against certain aspects of LAPSSSET. Over the past few years, there have been a few high profile cases where pastoralist communities have taken the government to court for violating the rights of pastoralists in relation to land and resources, as well as control over customary territory (interview with civil society organisation, May 2016). As construction on LAPSSSET advances, local Indigenous rights and environmental NGOs are also providing pastoralist communities with various forms of legal assistance and training to help them protect their rights. For example, SWT plans to train paralegals to monitor the human and Indigenous rights impacts of LAPSSSET in Laikipia and Isiolo Counties (Kanyinke Sena 2015). During one interview with a local civil society organisation, it was suggested that legal knowledge would be key to mitigating the potentially negative impacts of LAPSSSET on already marginalized populations: ‘Now,’ she said, ‘everyone needs to go to court. The courts need to be filled so that people hear and listen to pastoralists’ (interview, May 2016).

Pastoralist groups and supporting civil society organisations report that LAPSSSET violates transnational law, including Indigenous peoples’ rights to land as territory; to free, prior and informed consent; and to managing their land and natural resources as they see fit. These mobilisations involve using the banner of indigeneity to assert their land and resource rights. By deploying identity-based claims, pastoralists are able to create alliances with global activists and to have their rights claims heard in global spaces, effectively amplifying their struggle at the global level. In response to this advocacy, global civil society organisations and other global agencies have directed attention to pastoralists’ struggles in northern Kenya. For example, a member of the United Nations Permanent Forum on Indigenous Issues undertook an unofficial mission to Kenya to investigate the impact of LAPSSSET on Indigenous peoples in 2012 (Kanyinke Sena 2015).

Pastoralist movements in north-central Kenya have been strengthened and legitimised by research that supports their land management practices, as well as through the support of



actors with global connections, who possess resources and strategic links with established Indigenous peoples' movements globally. By forming alliances with global activists, pastoralist networks are also exposed to new forms of legal expertise and strategies related to the rights of Indigenous peoples. Though the Kenyan government attempts to render land investible in northern Kenya through persuasion — defending land deals using ideas about improvement and modernisation — pastoralist networks can use land management science and legal expertise to advance their claims to land. Using these forms of expertise, pastoralist networks have the potential to shape or rewrite the rules that govern access to land in northern Kenya.

It is worth noting that the question of who counts as 'Indigenous' in East Africa is contentious. This is particularly true in Kenya, where groups who self-identify as Indigenous are neither recognized nor provided protection under national law. Thus, reaching above and beyond the state for recognition is a particularly strategic move. As was explained during an interview with a representative of a local civil society organisation, 'Instead of waiting for the government to recognize the rights of Indigenous peoples in relation to LAPSSET, we are building a movement and agitating for change, demanding that the state recognises our internationally-guaranteed rights' (interview in Laikipia, May 2016). Thus, pastoralist movements are using legal knowledge about the rights of Indigenous peoples — constructed and legitimated within global spaces — to challenge land deals at the local level. Importantly, whether their claims to land and resources will be recognized by the Kenyan state remains to be seen; however, these claims clearly resonates with other global movements, evidenced by the increasingly attention and support that pastoralists are receiving from global actors as the construction on LAPSSET advances.

*The case of conservationists: Using biodiversity science to challenge LSLAs*

After pastoralism, conservation is the most predominant use of land in northern Kenya. The region is home to over 75 percent of the country's wildlife, along with 18 national parks, reserves and sanctuaries and 33 community conservancies. These spaces support much of Kenya's biodiversity and also serve as key migratory routes for both animals, as well as pastoralists and their livestock. Northern Kenya also plays an important role in the

conservation of endangered species, such as Grevy's zebra, hirola, wild dog, black rhino and elephant. In addition to protecting wildlife, the conservation industry also contributes to the regional and national economies through wildlife tourism.

The conservation industry is a significant contributor to the regional economy, particularly when one factors in the spin-off projects that the industry generates. Importantly, white settlers and foreign nationals play a dominant role in this industry in northern Kenya; however, many northern Kenyans are also active participants.<sup>18</sup> For example, the region's largest conservation organisation, Northern Rangelands Trust, claims to provide some degree of support to over 250,000 people across nearly 32,000 km<sup>2</sup> of northern Kenya on an annual basis (NRT 2015). While livelihoods in the north are primarily livestock based, the conservation industry does create both direct and indirect employment opportunities in a region where few other industries exist (NRT 2015).

The impacts of LAPSSET on the environment and biodiversity in northern Kenya stand to be lasting and potentially devastating. Although the exact routing of certain elements of the project are yet to be determined, the transport infrastructure will cut across or run alongside internationally protected heritage sites and world-renowned conservation areas. The construction and operation of new highways, access roads, rail lines, and the pipeline will disrupt these spaces, as well as wildlife and human/livestock migratory patterns. Moreover, recent work by Laurance et al. (2015) has examined the 'halo effect' of transport infrastructure in sub-Saharan Africa, where habitat disruption tends to extend far beyond the actual project footprint. This is a result of increased human activities, as well as the construction of secondary and tertiary roads around major transport nodes (Laurance et al. 2015). At the very least, the construction of LAPSSET will result in the degradation of grazing grounds across the north, forcing wildlife and livestock to search for alternative pastures in a region where competition over fertile ground already exists. Given the high environmental costs and potential for habitat destruction, some scholars and conservation organisations have gone so far as to claim that LAPSSET's costs may outweigh its benefits,

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<sup>18</sup> Here I refer back to my definition of 'from below' (see Footnote #17) to point out that although white settlers are not part of a political marginalized people group, they still occupy rural spaces in northern Kenya and often operate from below to influence land politics (such as lobbying through civil society organizations).

claiming that certain components of the project are ‘clearly incompatible’ with local, national and international biodiversity and conservation objectives (Laurance et al. 2015; African Conservation Foundation 2013).

In addition to the direct environmental impacts of constructing LAPSSET, other aspects of LAPSSET also present significant environmental risks. The sites selected for the proposed resort cities are in complex socio-ecological areas. For example, Isiolo resort city, which was described as ‘Kenya’s Las Vegas’, is being constructed in an incredibly remote area that serves as a dry-season grazing ground for pastoralists, as well as an important migratory route for elephants (interview with community leader, May 2016) (see Images 4 and 5). Moreover, the access roads being constructed to reach the city site are further disrupting grazing pastures. Finally, given its remote and arid location, the city will also require water. A new dam in the Ewaso Ng’iro River has been proposed to service the city, as well as to provide irrigation for new agricultural projects. The proposed dam reservoir will submerge a total of 2083 hectares of conservancy land, and additional land will be sequestered for the dam’s power station and switchboard (Sena 2015). Submerging this land in order to create the dam upstream will place new pressures on land and pastures in this region both down and upstream, impacting wildlife, humans and livestock. The dam will also alter the ecology of the Ewaso Ng’iro Basin, affecting the flow of the river and the availability of water both for wildlife and for subsistence and tourist activities (Sena 2015). In these ways, the environmental impacts of LAPSSET clearly extend far beyond the direct footprint of the project.

Recognising the various environmental risks that LAPSSET presents, conservation and tourism actors are taking measures to understand and respond to the proposed development. At the forefront of this movement is the Ewaso Ng’iro Basin Stakeholder Forum, which was established in 2016 to share information about the impacts of LAPSSET and to agree upon a coordinated response. The forum, which is largely comprised of conservation organisations, civil society organisations and local leaders, is headed by a steering committee, which includes Northern Rangelands Trust, Laikipia Wildlife Forum, IMPACT, Conservation Alliance of Kenya, Kenya Wildlife Conservancies Association, and the Samburu Isiolo



Image 4. Site of the proposed Isiolo Resort City (at the base of the hills, in between the ‘gap’ in the hills) (Photo Credit: Author)



Image 5. Artist renditions of proposed Isiolo Resort City (LAPSSET 2016)

Tourism Forum. Outside of the forum, a number of NGOs have also established partnerships with international civil society organisations, in order to raise awareness about the environmental and conservation implications of LAPSSET. South African-based NGO, Natural Justice, provides support to Save Lamu, a Kenyan NGO that lobbies for the sustainable and responsible development of LAPSSET. Similarly, the German Heinrich Böll Foundation and the American Jewish World Service provide assistance to Kenyan NGOs concerned with the environmental impacts of LAPSSET, such Friends of Lake Turkana (FoLT). Much like pastoralist movements, the response of conservation actors to LAPSSET has been strengthened through the support of global actors and alliances.

Unlike pastoralist groups, however, conservationists cannot employ identity-based claims backed by transnational human rights instruments to back their mobilisations. Instead, these groups use environment and climate science to justify their concerns about LAPSSET. Currently, these actors are producing their own research and technical reports that assess the benefits and potential risks of the mega-infrastructure. These reports measure, estimate, and predict the far-reaching impacts of the LAPSSET on the environment, including biodiversity loss, deforestation, greenhouse gas emissions, and loss of vegetation cover. For example, the Ewaso Ng'iro Basin Stakeholder Forum is conducting an integrated technical review of the Isiolo Dam, engaging economists, ecologists, hydrologists, civil engineers, and resettlement experts in the process. Similarly, the African Wildlife Foundation has developed a series of maps, which portray wildlife ecosystems and human activity in relation to infrastructure development. These maps include wildlife movement, enterprise (e.g. lodges, livestock markets) and human population. Laikipia Wildlife Forum (LWF) and Mpala Research Centre (MRC) also recently commissioned a systematic aerial survey of Laikipia county, which provides information on numbers and distribution of wildlife, livestock, wildlife carcasses, human settlements, and land use. This type of scientific research can be used by conservation organisations to raise awareness locally, domestically, and globally about the potential impacts of infrastructure development on socio-ecological systems in northern Kenya.

This type of research can also be deployed to raise questions about the legal implications of moving ahead with LAPSSET from an environmental perspective. While the Government of Kenya claims that it assessed the environmental impacts of the project in 2012, a number of conservation organisations contest this fact. Some organisations reported during interviews that the government wrongly equated the LAPSSET feasibility study, which was conducted by Japan Port Consultants, with an Environmental and Social Impact Assessment (ESIA). Others claimed that no form of environmental assessment was ever conducted. Interestingly, the government issued a tender for a ‘Strategic Environmental Assessment for the LAPSSET Infrastructure Corridor’ in 2015, suggesting that a proper ESIA for LAPSSET is yet to be completed. Beginning construction on LAPSSET prior to environmental assessment violates domestic law. Hence, there are ongoing discussions about how conservation organisations could use this violation, as well as their own research about the environmental impacts of LAPSSET, to either seek a legal order to halt the project, or to justify the rerouting of certain components of the project (interview with representative of civil society organisation in Laikipia, May 2016). Similar strategies have been used by conservation organisations to reroute mega-infrastructure projects in other parts of the world; however, this strategy requires access to highly-qualified and experienced consultants and legal experts, which are costly to hire (interview with representative of civil society organisation in Laikipia, May 2016).

By remaking and deploying knowledge about the environmental impacts of LAPSSET, conservation organisations have been able to raise questions about whether northern Kenya is suitable for such a large-scale infrastructure project. They have used scientific research to claim that LAPSSET has the potential to interfere with local, national and international conservation agendas. Even if the Kenyan government rejects these claims, conservation organisations may still be able to exert pressure on the Kenyan government through global actors and venues. As transnational agencies, such as the United Nations, place ever more attention on environmental governance and biodiversity conservation, it has become possible to exert downward pressure on national decision makers. For example, in 2012, UNESCO convinced the Kenyan government to implement additional measures to protect the cultural and natural heritage of the coastal area where the LAPSSET port is under construction. More

recently, local media reports claimed that politicians wanted parts of LAPSSET rerouted to ‘save wildlife’ (Salesa 2016). This demonstrates how civil society actors are effectively using conservation science to contest the suitability of land for investment — intervening in how land is used and who has access to it.

### **Concluding discussion**

LAPSSET marks a turn of events for northern Kenya — a region of the country that has historically received little government investment or attention in relation to infrastructure development. The significant discoveries of natural resources in the north have served to transform imaginaries about land in northern Kenya from a desolate wasteland to a commodity awaiting investment and development. In order to attract ‘more efficient’ land users and incentivize investment, the government (and its financiers) have made efforts to assemble land and resources for investment (Li 2014). In addition to plans to construct massive amounts of infrastructure in order to attract investors to the region, the government is also improving the perceived productivity of land; for example, by increasing the number of irrigable hectares and better access to livestock markets. While the construction of LAPSSET is still in the very early stages, once complete, this infrastructure corridor has the potential to transform everyday life in northern Kenya by connecting the remote and marginalized corners of the country to the economic and political centres of the state.

Yet, as this transformation unfolds, important questions about who is entitled to land, or to compensation for loss of land, are emerging. In response to proposed changes to land use, there are new tensions arising between existing and potential land uses in the region — exasperating existing tensions in the region over land. Some rural groups are strong proponents of LAPSSET and are demanding to be incorporated into the development, eagerly waiting to reap the benefits that have been promised by the state. However, other rural groups are more concerned about the ways that LAPSSET will alter land use and access and are mobilising in response. Some are contesting the mega-infrastructure development altogether, while others are attempting to negotiate the path and terms of the project. This diversity of rural reactions to LAPSSET reflects the differentiated impacts of LSLAs on rural

communities: Varied rural reactions to proposed changes to land use and tenure are informed by diverse interests and different imagined futures.

In framing their diverse reactions to LSLA, rural groups mobilize and circulate different forms of knowledge about LAPSSET and its potential impacts. As I have sought to show in this article, rural land users can deploy different types of expertise in attempting to legitimate their use or control over land and to justify certain land management practices over others (Goldstein 2016). In this way, the case study presented in this article provides a window into studying what happens when different types of expertise collide and compete to shape the rules that govern access to and control over land.

Proponents of LAPSSET have linked the mega-infrastructure project to economic returns, such as incentivising investment and production and expanding access to markets. This has helped to present LAPSSET as both common sense and necessary for rural development. Such modernising approaches to justifying LSLAs often go unquestioned, given that economics and business management are generally accepted as a privileged way of 'knowing' land in rural regions of the developing world (Wolford 2015b). However, at the same time, pastoralists and conservation civil society organisations have also circulated other, and sometimes conflicting forms of expertise, in order to contest certain components of the proposed development, presenting alternate claims about how land in this particular region of Kenya should be used. For example, conservation organisations have used biodiversity science to weigh the environmental, economic and social costs and benefits of the mega-infrastructure project while pastoralists have drawn on land management science and legal knowledge to protect their customary land management practices.

Importantly, the different and competing types of expertise being circulated by conservationists and pastoralists in opposition to LAPSSET reflects the somewhat adversarial relationship between these two groups. Conservationists and pastoralists have been competing over land in this region for many decades. For pastoralist groups, LAPSSET is particularly concerning because it represents an additional pressure on their access to land, in a region where conservation has already placed significant constraints on their livelihoods.



In other words, LAPSSET has different and potentially more devastating impacts on pastoralists. This may explain, in part, why strong coalitions between pastoralists and conservation groups have been somewhat slow to form in response to LAPSSET (although they certainly are beginning to emerge).

It is important to note that although rural land users may have different visions for how land should be used and managed than the Kenyan government, the development goals of these groups are not necessarily incoherent. Regardless of one's stance on LAPSSET, rural land users in northern Kenya are likely to agree that the region is 'underperforming' in relation to the rest of the country. There is also a strong consensus across the region that intensifying production and market integration will improve the wellbeing of the population. However, the ways in which rural land users wish to achieve development differ. LAPSSET proponents argue that building infrastructure to attract private-sector investment and create new economic opportunities in the north is the best way forward. In contrast, pastoralists and conservationists argue that transforming northern Kenya from an 'underperforming' region requires capitalising on the region's existing strengths; for example, by putting policies and programmes in place that support livestock and/or biodiversity-related business. In other words, pastoralist and conservation movements rely on expertise that promotes alternative (and different) ways of using and organising rural landscapes in order to achieve rural development, rather than rejecting rural development altogether.

Ultimately, the tensions arising between existing and potential land uses across northern Kenya are reflective of larger struggles over who governs landscapes and populations in the country's north. In response to this proposed mega-infrastructure development, various actors are competing to define what ASAL land is, how it should be used, and who has the right to use it. As stated previously, expertise about land has a disciplining or governmentalising power. Powerful actors, such as the Kenyan government, are pursuing a modern future for northern Kenya and they are, therefore, circulating expertise that works to render land in the north accessible and investible and that encourages populations to desire more 'productive' livelihoods. However, I show in this article, rural groups are contesting this expertise, presenting counter-claims about how land should be used and managed in the north. In doing

so, this groups are participating in the governance of northern Kenya's landscapes and populations. Wolford argues that LSLAs are 'brokered by an increasingly vast field of development consultants, scientists, bureaucrats, and investors, all of whom wield forms of expertise that have considerable influence on the ground...' (2015b, 227). My analysis reveals how rural groups similarly wield expertise in order to help make or to resist land deals.

Yet, as Pritchard et al. point out, 'the power to tell stories and have them be heard is - like all power - partial and contested' (2016, 617). Power asymmetries influence how rural groups can shape or contest the rules that govern access to land. For example, whereas LAPSSET is backed by the capital and expertise of international financial institutions and bilateral donors, rural groups often lack the same level of support. In order to reroute parts of LAPSSET, local networks of pastoralists and conservation organisations would likely be required to hire consultants or legal counsel to assess the impacts and risks of the development and then launch legal cases against the Kenyan government based on these findings. This would be an expensive and risky undertaking in itself. For such reasons, it is often difficult for rural groups to sustain their movements, even when they can produce counter-knowledge that clearly challenges the benefits and necessity of LSLA. In other words, socio-economic and political power influences the ability that different groups have to use expertise to shape and contest the rules that govern access to land.

Power asymmetries explain why rural actors often reach above and beyond the state in their mobilisations. Rural groups often lack the resources to produce expertise and sustain movements that effectively challenge large-scale land deals; yet global alliances and partnerships can be formed to advance their movements and claims to land. Importantly, people, organisations and agencies around the world increasingly recognize and value the alternative ways of using and organising landscapes that rural movements are trying to defend and promote. In the case of northern Kenya, the types of expertise mobilized by pastoralist and conservation organisations align with broader global development objectives, such as Sustainable Development Goals (SDGs) #2, #12 and #15. In light of such development objectives, new types of knowledge and expertise have become increasingly

important to processes of rural development, which may provide rural land users with greater ability to influence how rural land should be used and managed. With this in mind, future research may examine the new types of expertise about land that are being generated through global agreements, such as the SDGs and the Paris Agreement, and how these forms of expertise intersect with the diverse interests of rural land users.

### Article #3

## **Enclave oil development and the rearticulation of citizenship in Turkana, Kenya: Exploring ‘crude citizenship’**

### **Context**

This article analyses the emergence of extractive enclaves in northern Kenya and how the creation of these new economic spaces influences the experience and practice of citizenship. The analysis contributes insights to both of the broader themes motivating this dissertation, governance and citizenship. In relation to governance, this article argues that the Government of Kenya uses certain technologies of government to draw global capital to resource-rich areas. We argue that the government has enacted policies that make Kenya’s resource enclaves appealing to global markets, such as delegating administrative control over enclave spaces to corporate actors. Enabling corporations to exert *de facto* control over the administration, development and conditions of living and laboring within extractive enclaves helps oil companies to better secure their investments. This technique also enables the state to govern its economy and population through delegation, which is seen by some as the most efficient approach to governance. By illustrating the Kenyan state’s agency in the creation of enclave spaces, this article counters conventional Africanist literature that suggests that extractive enclaves are the result of an anemic state (Clapham, 1996; Jackson, 1993). Rather, this article reveals that state and corporate actors experiment with the governance of enclaves, negotiating sovereignty in order to create spaces that facilitate the flow of global capital.

This article also critically reflects on the practice and experience of citizenship in extractive enclaves. As oil companies are delegated administrative control over enclave spaces, they also take on certain responsibilities, such as disciplining, regulating and offering care and protection to some communities. In turn, some community members direct their rights claims towards oil companies, rather than towards the state. For example, during 2014, some communities demanded that oil companies consult and engage with them prior to exploration

and development, even though the government had no clear legislation in place outlining this responsibility. Ultimately, this article argues that as communities begin to recognize that the state has ceded a degree of control to companies over extractive enclaves and the subjects within them, new political spaces and subjectivities are emerging.

This article was published by *Geoforum* in 2015. *Geoforum* is a leading interdisciplinary journal publishing conceptually-led and empirically grounded research in human geography and related disciplines. The editorial board of *Geoforum* awarded this article second-place in the journal's annual 'Best Student Paper' contest. I also presented an earlier version of this article at the annual meeting of the Canadian Association for the Study of International Development (CASID) in 2015, where it was nominated as a finalist for the 2015 Kari Polanyi-Levitt prize. The Canadian Association of Geographers also recognized this as a 'Hot Paper' in their association's news publication.

Much of the research informing this paper was conducted during a research trip to Turkana County in northwestern Kenya between October and November 2014. During this trip, my co-author and I conducted 19 key informant interviews. We were invited by a teacher to facilitate a workshop with 88 students at an all-boys secondary school in Loima sub-county of Turkana (this, problematically, contributed to a large gender imbalance in our data collection). This workshop was incredibly informative as many of the young men that we spoke with hope to be employed by the county's emerging oil industry in the future and thus are following the industry closely. In total, we spoke with over 130 people in total about oil and gas exploration in Turkana County. Our interviews were primarily with practitioners and civil society leaders who possessed significant knowledge of Kenya's emerging oil and gas sector whereas our focus group discussions and workshop were with community members residing in communities close to sites of oil exploration. We also gathered field observations by visiting relevant sites of oil and gas exploration, as well as growing towns at the periphery of these sites. While we were not permitted to enter any oil camps, we were welcomed into company field offices and permitted to drive by active exploration wells. Other relevant insights were gathered while I was based in Kenya doing further fieldwork between November 2014 and May 2015, as well as May 2016.

Feedback from *Geoforum*'s two anonymous reviewers provided us with important guidance in clarifying our theoretical contribution. This article was also strengthened by comments from Dr. Brian Robinson and Dr. Juan Wang, as well as the other workshop participants, during McGill University's Institute for the Study of International Development Dissertation Workshop in May 2015. As a note, I updated certain parts of the paper while preparing and revising my dissertation. These updates were made to reflect more recent statistics, media sources, and literature on oil in Turkana, as well as insights garnered during my most recent trip to northern Kenya in May 2016.

Finally, the fieldwork informing this article was partly funded by the Overseas Development Institute's (ODI) Pathways to Resilience in Semi-Arid Economies (PRISE) Programme. At the time, my co-author and I were also working on a secondary project that examined the implications of oil and gas development for livelihood resilience in Turkana. This research was published by *The Extractive Industries and Society*, as well as in a working paper that was written for ODI. I am very grateful for this funding, as well as our affiliation with ODI, which certainly opened doors for us while in Turkana.

This manuscript was co-authored with Brock Bersaglio. A full statement of our contributions is included in the front materials of this dissertation.

**Enclave oil development and the rearticulation of citizenship in Turkana, Kenya:  
Exploring ‘crude citizenship’**

**Charis Enns and Brock Bersaglio**

Enns, C. and Bersaglio, B., 2015. Enclave oil development and the rearticulation of citizenship in Turkana, Kenya: Exploring ‘crude citizenship’. *Geoforum*, 67, pp.78-88.

**Abstract**

Turkana County, located in the arid region of northwestern Kenya, has long been imagined as backwards and unproductive. As a result, successive governments have neglected to provide adequate social services and investments in the county, leaving people in Turkana reliant on humanitarian organisations for access to many of the rights and protections traditionally associated with state-based citizenship. Yet when oil was discovered in Turkana in 2012, the county was thrust into the international spotlight. In this article, we analyze changing political relationships in Turkana in light of expanding oil exploration and development activities. The analysis is informed by key information interviews, focus group discussions, and field observations carried out in Kenya between October 2014 and May 2015 and in May 2016. Specifically, the article demonstrates that the Kenyan state’s historically hands-off approach to governing this part of Kenya has led some Turkanas to seek recognition and protection of their rights from oil companies operating in enclaves, rather than the state. We argue that this is drawing oil companies and rural communities into an uneasy citizen-state-like relationship, altering the experiences and practices of citizenship in Turkana. We conclude that the presence of oil companies in Turkana benefits some by creating new political space where individuals and communities can claim their rights. However, the ability to make use of this space and direct rights claims towards oil companies is distributed unevenly across Turkana and is experienced differently by different groups in rural society – a process we refer to as ‘crude citizenship’.

**Keywords:** Enclaves; Citizenship; Kenya; Turkana; Oil; Oil companies

## **Introduction**

In October 2014, protesters gathered outside the walls of a heavily secured oil camp in a remote part of Turkana, a rural county in northern Kenya. Protestors demanded that oil companies in the region provide more job opportunities to Turkanas and distribute the benefits of oil development more widely throughout the county. Interestingly, the protesters directed their demands at oil companies rather than the central government, which has been accused of writing Turkana communities out of the national oil equation. In discussions with research participants about this protest, many claimed that the local government incited the protest, encouraging Turkanas to claim certain dues from the oil companies. In effect, these protests were a reaction against enclave development, which is an approach to resource extraction where economic investment is concentrated in secured spaces for the purpose of rapid resource development, often with little or no benefit to wider society (Ferguson 2005).

In this article, we examine how enclave extraction is transforming political practices and relationships between rural community members, oil companies and the state in Turkana, using the concept of citizenship to frame our analysis. Based on our analysis, we argue that enclave oil development is altering the lived experience of citizenship, as well as the processes through which people enact their claims to rights as citizens, in northern Kenya. Our analysis contributes to existing scholarly literature that focuses on the diverse ways that rural communities in sub-Saharan Africa understand, contest and engage with enclave development on or surrounding their lands (see Ackah-Baidoo, 2012; Ferguson, 2005; 2006; Le Billion, 2004; Le Billion, 2005; MacEachern, 2010).<sup>19</sup> Specifically, we aim to extend this literature by considering a situation in which enclave oil development is contributing to rearticulated forms of citizenship, as oil companies are granted administrative control over resource enclaves and communities residing near extractive sites turn to companies to fulfill their basic economic and social needs. In doing so, we both engage with and contribute to critical citizenship studies literature, which aims to move debates about citizenship beyond conventional notions of citizenship as a relationship between an individual and the state. Our case study of resource enclaves contributes to this literature by providing a specific

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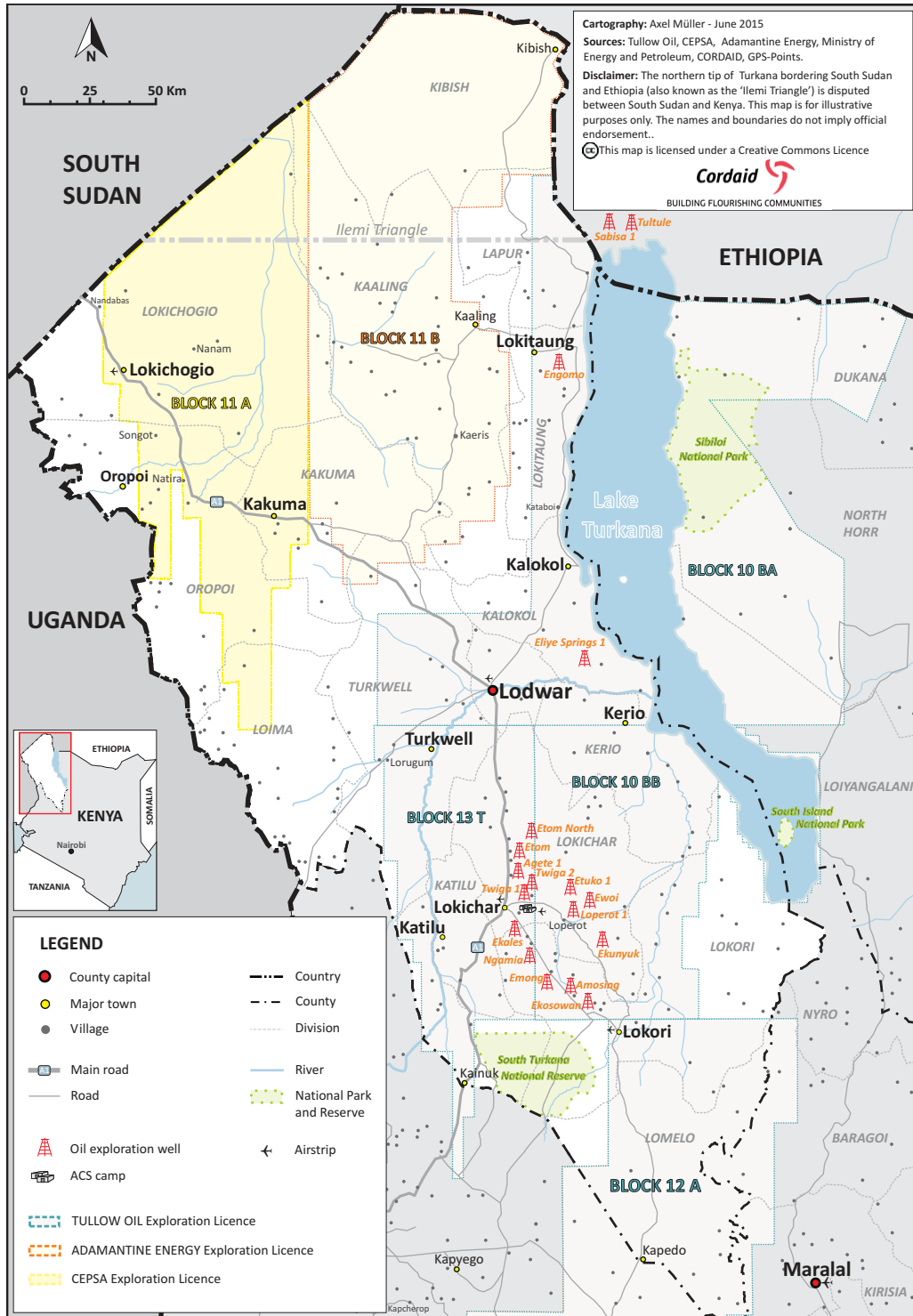
<sup>19</sup> We use the term Africa throughout this paper in reference to those countries on the African continent that are located south of the Sahara.



illustration of how ‘new spatialities and temporalities of citizenship are emerging that do not neatly coincide with the space–time of the modern state’ as a result of contemporary processes of globalisation (Nyers 2007: 2).

By focusing on the experience and practice of citizenship in and around resource enclaves, we also draw attention to politics in the study of natural resource development in sub-Saharan Africa. Scholarship on natural resource governance and extraction in this region often uses language that emphasises the benefits of resource development while downplaying and depoliticising power-laden relationships between extractive companies and rural communities (Van Alstine and Barkemeyer 2014). Our analysis instead takes the political implications of resource extraction seriously, recognising how natural resource discoveries draw new actors into regions and shift relations of power between groups, which can produce new forms of inequality and exclusion. Beyond this specific case study, we see citizenship as potentially useful conceptual lens for studying social and political relationships in and around extractive operations in other parts of the continent, where resource extraction often unfolds in an enclaved manner yet is similarly presented as a depoliticized approach to development.

The fieldwork informing this paper was conducted in Kenya between October 2014 and April 2015. Qualitative data were collected through key informant interviews, focus groups and field observations. Interviews were first conducted with 16 key informants with expertise about oil governance in Kenya, including representatives of oil companies and international organisations. These interviews were mainly conducted in Nairobi. An additional 18 interviews were conducted with community leaders, civil society advocates, and employees of oil companies in three sub-counties across Turkana, Lodwar, Lokichar and Loima (See Map 7). These individuals possessed expertise about oil governance in the county. Finally, we also conducted three focus groups with women, youth and men (pastoralists) respectively in one community residing near a site of oil exploration in Loima, bringing the total number of research participants to 134. Interview and focus group questions were open ended but focused on relationships between rural communities, oil companies and the state. Key informant interviewees and focus group participants were identified with the help of civil



Map 5. Map of counties, major towns, and villages in Turkana, as well as oil exploration wells and camps (Cordaid 2015)

society organisations. This approach was intentionally non-random, as we targeted participants who had experience with, or pertinent information on, Turkana's emergent oil industry. We also sought to account for Agrawal and Gibson's (1999) warning that rural communities should not be treated as homogenous, undifferentiated collectives; recognising that rural groups throughout Turkana have likely had different experiences with enclave oil development. To do so, we supplemented our own data with relevant data from other studies, including civil society reports, media reports and secondary literature as available.

We begin this article by proposing a theoretical framework for understanding the complicated relationships emerging between rural communities, oil companies and the state in Turkana, drawing from two bodies of literature: literature on resource enclaves and literature from critical citizenship studies. In this section, we expand on our use of the term 'citizenship'. The next section of the paper provides an overview of the context of the study area, the history of oil exploration and development in the region, and the emergence of resource enclaves in Turkana. Next, we analyze citizenship in Turkana, suggesting that oil enclaves are influencing citizenship experiences and practices in the county. We argue that some Turkanas are seeking recognition and protection of their rights from oil companies. Such companies are (uneasily) responding to these 'acts of citizenship' (Isin and Nielsen 2008), resigning themselves to the role of meeting citizen's demands in order to obtain a social license to operate from the rural communities surrounding their operations. However, the ability to make demands and to claim one's dues from oil companies is distributed unevenly across different groups in Turkana, resulting in differential citizenship. We refer to this process as 'crude citizenship.' We conclude by discussing how rural communities may redirect or refine crude citizenship in order to reclaim emergent resource enclaves as political spaces where their rights can be heard and recognized by companies and governments alike.

### **Theorising citizenship in resource enclaves**

In this section, we develop a theoretical framework that guides our analysis of political relationships in Turkana's emergent resource enclaves. This framework combines the notion of resource enclaves with theories from critical citizenship studies. We argue that, combined,

these theories create a useful framework for examining how the practices of citizenship – namely, the way in which rights and duties are performed – are being influenced by the presence of extractive companies. Before presenting this framework, we outline our understanding of relevant concepts, including ‘resources enclaves’ and ‘citizenship’.

#### *Natural resources and enclave development*

The concept of enclave development can be traced back to studies on economies of agglomeration in the 1960s. The term represented an attempt to make sense of the observation that industrialisation tends to congregate economies and networks in geographical spaces that have enclave-like characteristics – meaning that they are economically and/or politically distinct from the rest of society (see Cardoso and Faletto 1969). The notion of enclave development eventually emerged from this literature to explain:

... physically, administratively, or legally bounded territory[ies] whose geography or morphology is intimately related to the following economic characteristics: dependence on one or a few large firms; high specialisation in one activity; and weak integration into the local economy, which is used primarily to access some local factors of production (Phelps et al. 2015: 120).

Today, it is commonly assumed that enclaves are incapable of contributing to sustainable, local economic development in the long term.

The idea of resource enclaves has since been used to analyse diverse contexts around the globe – ranging from off-shore oil development in Africa (Ackah-Baidoo 2012) to Chile’s mining industry (Phelps et al. 2015). A seminal piece by Ferguson (2005), entitled *Seeing Like an Oil Company*, demonstrates how resource extraction occurs within secure enclaves in many parts of Africa. Drawing from Cardoso and Faletto’s (1969) notion of enclaves, Ferguson (2005) describes resource enclaves in Africa as being characterized by expatriate corporate control over land and resources, high levels of securitisation and capital-intensive production in spite of high labor surpluses. He suggests that these enclave spaces are used to secure capital investments in order to ensure that they remain out of the reach of states, which are often seen by investors as irresponsible, unpredictable or untrustworthy.

Following Ferguson's lead, other scholars have critically reflected on the enclaved nature of resource extraction, both within and beyond the African continent. Much of this literature has critically examined the geographical distribution of enclaves throughout sub-Saharan Africa, as well as the impact (or lack thereof) of enclaves on rural communities bordering sites of resource extraction (Le Billion 2005, Ferguson 2006, Ackah-Baidoo 2012, Van Alstine 2014). For example, MacEachern (2010) has described his experience working within a resource enclave in southwestern Chad as 'life on a submarine'. He explains that although Chad is '...one of the poorest places on Earth, where the average life expectancy is about 47 years, infant mortality rates are approximately 10 percent...', oil company employees eat '...Skippy peanut butter and Louisiana hot sauce brought in to stock the cafeterias' and they live in 'private air-conditioned trailers with hot showers and satellite television' (2010: 349). His observations mirror Ferguson's (2005, 2006) reflections of enclave resource development in other parts of sub-Saharan Africa. This work reveals the extent to which enclaves are detached and segregated from surrounding communities.

Theorising about resource enclaves emerged as a reaction against the notion that capitalism has spread evenly across the globe, producing 'global homogenisation and standardisation' in the process (Ferguson 2005, Ferguson 2006). Rather than seeing societies and economies around the world as being subjected to the disciplines of capitalist globalisation (see Scott 1999), resource enclave literature contends that capital investments remains uneven at best. For example, Ferguson shows how capital skips – rather than flows – from the global North to mineral-rich enclaves in the global South and then back to the global North again. In other words, the distribution of capital around the globe is not homogenous and its effects are not equal. Thus, while capital can be conceptualized as global in the sense that it moves around the world; it does not yet 'encompass or cover contiguous geographic spaces' (Ferguson 2005: 279). As Ferguson argues, 'capital does not 'flow' from London to Cabinda [but rather] it hops, neatly skipping over most of what lies in between' (2005: 379). The ability of capital to skip between resource enclaves and the global North may be particularly true in states that are 'weak' or have 'collapsed'. However, even in so-called strong states, capital

from resource extraction tends to be ‘sharply walled off’ from the national population (Ferguson 2005).

Often, states enact flexible policies that enable capital investments to bypass the state, so that capital can move from place to place more quickly and firms can more efficiently exploit natural resource-rich patches (Palan 2006; Ackah-Baidoo, 2012; Van Alstine et al. 2014; see also Phelps et al. 2015). For example, states may create special economic zones by enacting more liberal economic policies in certain areas of the country — including tax credits and special work permits for certain industries. These zones create ‘favourable’ economic conditions for foreign firms by removing barriers or impediments to investment. In some cases, states may even delegate administrative control over these zones to firms (for example, through public-private partnerships) to maximise the efficiency of operations. States are willing and eager to work with extractive companies in order to create attractive economic spaces, as there are economic benefits to reap in return. At the same time, however, the relationship between states and the investors within enclaves is often complicated. As Palan (2006) explains, although states may readily sign contracts with oil companies that compromise their control and authority over enclaves, they may simultaneously denounce corporate authority and bemoan their loss of power and sovereignty. This reflects the complicated – even contradictory – nature of enclave development.

Though states and political elites may benefit from enclave development, these benefits generally remain starkly disconnected from wider society (Ferguson 2005: 378). In other words, resource enclaves generally have ‘no immediate, significant and permanent positive impact’ on the communities that surround them (Llach et al. 2003: 13). This important point distinguishes resource enclaves from historic company towns, which traditionally contributed much more to society through both capital investment and the employment of massive and regularized work forces (see Cardoso and Faletto 1969, Ferguson 2005). Ferguson describes the differences between resource enclaves and historic company towns using the notion of ‘socially thin’ versus ‘socially thick’ investment. In the case of resource enclaves, investment is socially thin as it is secured in enclave spaces and insulated from surrounding communities. Thus, investment in traditional enclave spaces contributes very little to

improving the social wellbeing of rural populations residing near sites of extraction (Ferguson, 2006).

### *The practice of citizenship*

As many of the benefits produced by resource enclaves skip over nearby communities, enclaves themselves can act as reminders to community members about how they are overlooked within national development models (Ferguson 2005). Thus, communities in and around resource enclaves are often involved in social and political struggles, as they demand access to benefits from the state in light of enclave development occurring near their homes or on land that historically belonged to them. In other words, resource enclaves can also create political spaces where the rights of surrounding community members – or citizens – are up for negotiation. For this reason, we find literature from critical citizenship studies useful for analysing the relationships between actors in and around resource development enclaves.

Before proceeding however, we wish to clarify how we understand the term citizenship. Traditionally, citizenship refers to a status bestowed on individuals that are considered members of a larger community (Marshall 1963). The term has conventionally been used to describe membership within a nation-state, where the citizen has certain rights and duties and the state seeks to protect the rights of all citizens (Marshall 1963). This particular notion of citizenship has long been upheld as an important political identity and associated with fulfilling human needs and desires, such as equal social and economic opportunities, liberty and autonomy (Rawls 1958). Importantly, rights associated with citizenship have conventionally been seen as extending equally to all members of a nation-state. As Eckert argues, ‘citizenship has always entailed aspirations to equality’ (2011: 311), imagined as a status that promises dignity and respect, equal rights, and voice for all members.

This idealized image of citizenship, however, is seldom realized. Inevitably, certain groups are included within a nation-state’s socio-political order while others are excluded. Exclusion happens for various reasons, ranging from ethnicity to gender to religion to abilities. Indeed, there are many groups of people around the world who experience incomplete or inadequate

rights and liberties, such as migrants (Rygiel 2012, 2013), or who are often left without access to the rights altogether, such as refugees (Isin and Rygiel 2007). Accordingly, critical citizenship scholars have worked to reframe debates on citizenship, moving away from discussions that consider citizenship as a legal status that is conferred by the state on all citizens equally towards broader discussions about the ‘histories of exclusions, inequalities, hierarchies, securitisations that have been associated with citizenship’ (Nyers 2007: 2, also see Eckert 2011 and Lister 2007). Critical citizenship scholars also acknowledge the role that non-state actors play in mediating state-subject relationships, and in forming new types of citizenship altogether (for example, see: Lazar 2013, Ong 2006, Jaffe 2013).

Our approach to studying citizenship is informed by critical citizenship studies. First, we define citizenship as ‘the ‘institution’ mediating rights between the subjects of politics and the polity to which these subjects belong’ (Isin and Nyers 2014: 1). We understand citizenship as the processes by which subjects seek recognition and protection of their rights and acknowledge that both state and non-state actors can mediate these processes. Second, we do not define citizenship as a status of equal membership but instead acknowledge that differentiated forms of citizenship exist and that not all people have access to the same allocation of rights (and duties) (Nyers 2007, Eckert 2011 and Lister 2007). Finally, we hold that even in abject conditions, people are political subjects that are capable of demanding rights and social justice (Rygiel 2012; Ilcan 2013, 2014; Ilcan and Rygiel 2015). We also suggest that people are also able to draw on multiple political identities simultaneously. As Isin and Nyers explain ‘...the citizen of a polity almost never belongs only to that polity but to several nested, if not overlapping and conflicting, series of polities...’ (2014: 2) and as Robins et al. argue, citizens ‘...may act like citizens of the modern state in one context, and subjects of traditional authorities in another’ (2008: 1079). This point is particularly important in light of our proceeding analysis, as community members politically identify as Turkanas, but also make political claims on other communities. Ultimately, from the critical citizenship studies perspective, citizenship is better understood as a practice or performance than as a legal status (Isin 2009, Isin and Nyers 2014, Nyers 2006).

*Resource enclaves and the re-articulation of citizenship*



As discussed above, resource enclaves can be understood as new political spaces that have been created by flexible and market-driven state policies to facilitate global flows in trade and investment. Scholars, such as Aihwa Ong, use the idea of ‘graduated sovereignty’ to reflect on how states manage territories and populations in this type of political space. They suggest that in order to attract investment, states deploy sovereignty in a flexible manner. This, in turn, ‘...radically challenge[s] territorially based principles of citizenship’ (Ong 2006a: 122). By selectively deploying sovereignty, the rights and entitlements of citizenship become disentangled from the state, as actors beyond the state gain authority to recognize and legitimise certain rights (Isin and Nyers 2014, Ong 2006a).

For example, critical citizenship scholars have pointed to refugee camps, airports, cities, and cyber-space as examples of emergent political spaces where the rights and entitlements of citizenship have become disassociated or disarticulated from the terrains of the state (Isin and Rygiel 2007, Ilcan 2013, Rygiel 2012, Rygiel 2013, Khoo 2013, Ong 2005). In refugee camps, for example, a state may provide protection to non-citizens and refugees may look to claim their rights in a state other than their own. Furthermore, these claims are generally recognised by intervening non-state actors, such as humanitarian organisations like the United Nations (UN) High Commission for Refugees. In this way, the processes through which refugees seek and attain recognition for their rights are not rooted within their own national territory. This is just one example of how dimensions of citizenship are less fixed than previously assumed, largely as a result of globalisation.

We suggest that secured resource enclaves similarly represent political spaces where the ‘tidy seams’ between sovereignty, territory and citizenship come undone (Ong 2005). Much like special economic zones, resource enclaves have been brought into being by flexible state policies that direct foreign investment towards the efficient exploitation of resource-rich areas. In order to attract capital to enclaves, the state promotes special taxation and investment schemes and infrastructure development, along with relative administrative freedom for local government and a degree of autonomous rule for corporate actors (Ong 2008). While the state retains formal sovereignty over resource enclaves, corporations exert *de facto* control over the administration, development and conditions of living and laboring

within them. Enclaves, therefore, are co-governed by governmental and corporate authorities, representing ‘experimentation with governing and territorialisation in the interest of optimising wealth’ (Ong 2008: 121).

With this in mind, we propose that experiments with governance for the purpose of attracting foreign investment influence the experience and practice of citizenship in and around resource enclaves. For example, governance experiments for the sake of resource development in the Delta region of Nigeria and Cabinda in Angola have arguably had perverse effects on citizenship (Le Billon 2001, 2004, Abrahamsen and Williams 2007). In both cases, the growth of enclaves has motivated calls for secession, as citizens have reacted against the extraction of ‘local’ resources by ‘outsiders’. Calls for secession have altered local political identities through disassociation from the state, situating corporations as middlemen between local political leaders (or rebels) and central governments (Le Billon 2001, 2004, McNamee 2012).

In other cases, such as in Sudan, as well as other regions of Nigeria, the governments’ fears of secession have resulted in the repression of rural communities near resource enclaves (Le Billon 2001, 2004, McNamee 2012). In these cases, states have used profits from enclave development to finance military operations to secure resource enclaves (Le Billon 2001). While the state has maintained de facto control over these spaces, a complex network of public and private, global and local, security actors has been used to secure enclaves (Abrahamsen and Williams 2007). Such violent repressions have come at a high cost for local communities, as the rule of law is placed above certain rights. For example, spaces for citizen action and democratic processes are limited (Le Billon 2001).

This brief literature review reveals just some of the ways that experimentations with governance in resource enclaves have the potential to impact the experience and practice of citizenship. In the following sections, we further support this claim using the case of Turkana. More specifically, we aim to show that as states deploy graduated sovereignty strategies to attract private investment, and oil companies gain greater authority to exert control over enclave spaces, rural communities begin to look towards corporations for

recognition, legitimation and protection of their rights. Ultimately, our analysis shows how a form of differentiated citizenship emerges under graduated sovereignty, whereby rural communities that are proximate to oil operations experience ‘different kinds of rights, discipline, caring, and security’ than those that are distant (Ong 203: 43).

### **Governance and citizenship in Turkana County, Kenya**

Turkana is a county located in the arid and semi-arid region of northwestern Kenya. The name of the county, ‘Turkana’, is borrowed from the name of the Turkana people, a Niolitic group that has called this region of Kenya home for centuries. Turkana encompasses 77,000 km<sup>2</sup> of land and has an estimated population of approximately 900,000 people (Agade 2015, GoK 2011). It shares international borders with Ethiopia, South Sudan and Uganda and is flanked by Lake Turkana to the east, the world’s largest permanent desert lake. Turkana is hot, dry and historically prone to droughts and famines.

The persistence of pastoralism in Turkana is due in part to customary Turkana livelihood practices and land management systems, which preserve sources of pasture and water for use during droughts and dry seasons. For example, Turkanas make use of the region’s sparse resources by practicing a highly mobile form of pastoralism, by having access to distant sources of pasture and water, and by keeping multiple species of livestock that consume different types of vegetation. Historically, Turkanas also hunted wild animals, foraged for wild fruits and nuts, and even turned to low-input gardening during lean periods (Barrow 1990, Oba 1992, Schilling et al. 2012). However, such strategies are becoming increasingly difficult to sustain in Turkana, as dry seasons have become longer.<sup>20</sup>

Although, customary Turkana livelihood practices and land management systems have become difficult to sustain in recent years, pastoralism remains the predominant livelihood strategy for 70 per cent of the Turkana population (Watson and van Binsbergen 2008). In addition to climate change, the effectiveness of customary Turkana livelihood practices and land management systems is being confounded by prolonged violent conflicts, protracted humanitarian interventions, and changing land use and tenure systems. The latter changes are

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<sup>20</sup> The frequency of droughts in Turkana has increased from one drought every 10 years in the 1970s to nearly one drought every year in the early 2000s (Huho et al. 2011).

associated with oil exploration and development in various parts of Turkana (Eriksen and Lind 2009). As a result of these combined factors, Turkana experiences some of the highest levels of poverty in Kenya, with 87.5 per cent of its people living below the poverty line. In addition, illiteracy rates are as high as 93 per cent (Demombynes and Kiringai 2011, Eriksen and Lind 2009, GoK 2013).

*A brief history of governance and citizenship in Turkana*

Turkana has historically been seen as having low economic and political importance to the state and has been governed accordingly. The colonial administration played a minimal role in governing northern Kenya, disproportionately allocating administrative and public resources to the high-output agricultural highlands in central and western Kenya instead (Eriksen and Lind 2009). Northern Kenya was governed through a paternalistic system of indirect rule, where protectorates were governed through local authorities that the colonial government put in power (for more on indirect rule, see Mamdani 1996). Local authorities reported to the colonial government but governed in accordance with local customs or law. The colonial government rarely directly intervened in the north, though it did occasionally invoke punitive measures in response to resistance from pastoralist groups. The colonial government also undertook initiatives meant to transition people away from pastoralism towards sedentary livelihoods and wage labour, which were rarely ‘successful’ (Eriksen and Lind 2009; Lokuruka and Lokuruka 2006).

Post-colonial administrations remained visibly absent across northern Kenya, retaining many of the policies and practices of their colonial predecessors. Throughout the latter part of the 20<sup>th</sup> century, Turkana suffered from prolonged periods of drought, famine and conflict, including cattle raiding, road banditry and resource-based conflict — such as conflicts over grazing pastures (Agade 2015). At certain points in time, the central government used the military to disarm and ‘pacify’ Turkanas (Agade 2015). The government also created the Kenya Police Reserve (KPR) — a voluntary reserve base that arms civilians — to improve security in rural areas; however, in practice the KRP has been inadequately overseen by the state and has failed to carry out much of its assigned function (Agade 2015: 203). As colonial and post-colonial administrations alike have repeatedly bowed away from the responsibilities

that typically fall on governments, Turkana has remained largely ‘unpoliced’ and ungoverned by the central government (Agade 2015: 203).

It is worth noting that the visible absence of the state in Turkana is not simply a result of government agency (or the lack thereof); it is also an expression of Turkana agency. Turkanas have often elected to rely on customary authorities and warriors to provide governance and security, rather than the central government. The historic role that Turkanas have played in resisting the presence of the ‘foreign’ governments — referring to both colonial and post-colonial administrations — has been well documented elsewhere (see Collins 2006, Lamphear 1992, Lokuruka and Lokuruka 2006, McCabe 1994). Turkana resistance has involved both militant and non-militant opposition to military domination, the enforcement of new political boundaries, and changes to land use and tenure systems. This factor has undoubtedly contributed to the mutual distrust that lingers in the relationship between Turkanas and the central government, even in the post-colonial era. In this way, the strategic absence of the state in Turkana has been, at least in part, a conscious response to the Turkanas unwillingness to be governed as part of Kenya.

Over the past few years, the current government has taken strides to improve governance in Turkana by devolving certain responsibilities. Some changes are apparent — particularly with regards to improved infrastructure in the county’s capital city, Lodwar. In Lodwar, the county has recently transitioned its airstrip to an airport, paved a number of *murrām* roads and installed street lighting on major thoroughways. Such progress can be attributed, in part, to major changes in Kenya’s policy and institutional framework since 2010, which have brought about a new regime of devolved governance: Power, responsibilities and resources have been shifted from the national government to the 47 newly created county governments, which are now responsible for health services, urban and rural development, agriculture, local infrastructure, and early-childhood education.

However, efforts to improve governance through devolution have been frustrated by a lack of resources and capacity at the county level. In many areas across Turkana — where small nomadic communities are dispersed widely in remote and inaccessible regions —

populations remain largely ungoverned. Communities in these areas often lack access to basic services and infrastructure, spending hours each day collecting for water and food, and often walking for days in order to receive the most basic services, such as healthcare. Many Turkanas also lack state-recognised identification or voter registration cards, which excludes them from decision-making processes that directly impact their lives. Security also remains a major concern in these communities and violent conflict between Turkanas and neighbouring groups is on the rise (Agade 2014, Schilling et al. 2012, Johannes et al. 2014). The KPR continues to serve as the region's primary provider of security — especially because relations between Turkanas and the Kenya police force have deteriorated in recent years. For example, 21 police officers were ambushed and killed by bandits in southern Turkana in November 2014. In sum, though the devolved system of government may provide a solution to the longstanding marginalisation of Turkana in the long term the enjoyment of rights is currently highly uneven across the region.

Due to the ongoing political, social and economic marginalisation of Turkanas, along with their reliance on a dwindling subsistence economy and lack of confidence in the central government, many Turkanas have come to rely on humanitarian organisations for their livelihoods, wellbeing and survival. International organisations began providing social services and emergency relief in Turkana nearly a century ago, beginning with Christian missionary organisations in the 1930s (McCabe 1990). Many Turkanas have come to rely on the presence of such organisations and to expect that they will supplement or fulfill governance gaps. This has resulted in a 'degree of surrogacy and substitution of the government's role' (Thomas 1992: 143). In this sense, the historical relationship between Turkanas and humanitarian organisations has, over time, become somewhat akin to that between citizens and states.

Problematically, programs implemented by humanitarian organisations frequently change and are sometimes phased out completely. When priorities change or funding dries up, humanitarian organisations move on, leaving gaps in both service provision and local economies. This lack of services is evident in the recent case of United Nations (UN) agencies and other humanitarian organisations leaving Lokichoggio, a small town in northern

Turkana. Colloquially referred to as ‘Loki’ within Kenya’s aid community, this town once served as a base for UN operations in South Sudan and northwestern Kenya. In addition to serving as a base for humanitarian relief, the influx of UN and other personnel stimulated the local economy and supporting sector industries. Since the withdrawal of the UN in this region, the once bustling Loki has come to be known as a ghost town. Business is essentially non-existent and people who used to be contracted or employed by the UN have lost their jobs. This has led many people to move elsewhere in search of new opportunities, as well as access to basic social services that were once provided by humanitarian organisations. During interviews with civil society organisations, the example of Loki was repeatedly raised to illustrate the changing nature and growing unreliability of humanitarian assistance in northern Kenya. Turkana’s history of weak governance and the shifting priorities of humanitarian organisations, juxtaposed against the entrance of oil companies to the region, make it a particularly interesting time to examine how citizenship is practiced and experienced in Turkana.

### **Oil exploration and development in Kenya**

As the global importance of petroleum grew throughout the 20th century, oil companies sought out new frontiers for their exploration and development activities. Kenya can be seen as one of the latest frontiers for the oil industry, as commercially viable assets have only recently been discovered. The history of oil exploration in Kenya dates back to the 1950s, when Kenya was still under colonial rule. British Petroleum (BP) and Shell carried out early exploration work on the coast of Kenya beginning in 1954 (Clarke 2008). Over the following decades, Exxon, Total, Chevron, Woodside and CNOOC followed (Clarke 2008). Between 1954 and 2011, a total of 33 wells were drilled in the country (ICES n.d.). While these wells revealed clear indications of hydrocarbons, none were deemed commercially viable (ICES n.d.).

After decades of unsuccessful exploration across Kenya, viable oil reserves were discovered in Turkana in 2012 by the Anglo-Irish firm Tullow Oil. The first discovery was announced at Ngamia-1 well, which was followed by another discovery at Twiga South-1 (refer to Map 6). Between 2012 and 2015, initial estimates suggested that the South Lokichar Basin could

have an excess of 600 million barrels of oil (Tullow 2014). Following a third discovery at the Etom Two Well in 2016, reserve estimates were raised to one billion barrels (Tullow 2016). Exploration is still ongoing in order to determine the potential of these reserves. Tullow has the most leads and prospects in the South Lokichar Basin, as well as in new basins across its acreage. In some blocks, Tullow Oil operates in partnership with Canadian firm Africa Oil. Tullow Oil and Africa Oil also have farm out agreements with Indian firm Delonex and Danish firm Maersk respectively. Other small and mid-sized companies are also exploring in the region, such as CEPESA with ERHC and Adamantine with Bowlevan.

Between 2012 and 2013, the Kenyan government has issued 46 licenses for oil exploration and production in the country, earning revenue of roughly US \$60 million in revenue (Kiragu 2013). In 2016, the government announced that it would create an additional 17 new oil exploration blocks, with plans to auction licenses for these blocks in 2017. Since the initial oil discovery in 2012, Kenya has proven to be an appealing investment location, attracting transnational companies with ample capital and aggressive exploration strategies. One elder from a small village at the foot of the Loima Hills summed up Turkana's new position in the Kenyan and global economy by expressing a widespread sentiment across the county: 'Turkana was forgotten in Kenya, but now that there is oil everywhere in our soil they are remembering us' (interview in Loima, November 2014).

## **Discussion**

### *The emergence of resource enclaves in Turkana*

Although oil companies have yet to move beyond the exploration stage in Turkana, oil activities are already unfolding in a 'thoroughly enclaved manner' — characterized by expatriate corporate control over land and resources, high levels of securitisation and capital-intensive production in spite of high labor surpluses (Ferguson 2005: 278). In fact, in many ways, Turkana represents an almost 'ideal' type of resource enclave.

To begin with, the oil industry has quickly and effectively created spaces of corporate control in Turkana. Like MacEachern (2010) explains in the case of Chad, oil camps in Turkana are walled off from the harsh realities of life in surrounding rural communities. Workers live in



highly secured gated compounds that are removed from surrounding towns and settlements. As a man contracted for short-term work with an oil company stated: ‘Living in the camp is like a vacation. There is plenty of food, shelter and clothes. Pay is just pocket money’ (interview in Loima Hills, November 2014). Management comes and goes directly from company-leased airstrips to the compounds (or the only hotel in the county with air-conditioning) in SUV entourages. Both within and surrounding the compounds, company policies are enforced. For example, there are strict rules about drug and alcohol use on compounds. Company policies are also enforced traveling to and from company sites. For example, on the roads to and from the compounds, special speed limits are mandated and enforced by companies. Young Turkanas are hired to keep grazing livestock away from roads and camps, and to redirect pastoralists (or researchers) who wander too close to compounds without first obtaining permission. In this sense, the governing authority of oil companies is apparent within company compounds, as well as in the surrounding landscapes.

As a further demonstration of corporate control, oil sites in Turkana have been highly securitized by (quasi-)privatized security forces. As mentioned previously, communities in Turkana are increasingly insecure (Agade 2014). Insecurity is exacerbated by the fact that there is limited public security in the county, leaving Turkanas to rely on the Kenya Police Reserve (KPR), which are essentially armed civilian volunteers. Oil companies, however, retain private security forces on-call in case of an emergency. They also contract members of the KPR to provide protection for company facilities. This innovative approach to ensuring security around oil sites — where private companies hire private security forces, as well as civilian volunteers that have been armed by the state to protect their operations — allows resource extraction to proceed in northern Kenya without requiring the central government to secure and regulate the entire national space (Ferguson 2006: 206).

Finally, the actual work of oil exploration and development is highly mechanized and reliant on small groups of highly skilled workers, satisfying the third criteria of resource enclaves. The people who are working within these spaces of corporate control have high levels of education, expertise and skills — often coming from other parts of the world or other parts of Kenya. Given that Turkanas have among the lowest literacy and education levels in Kenya,

few are qualified for the limited employment opportunities that are available in this industry. As such, despite a high labor surplus in Turkana, the capital-intensive and mobile nature of the industry prevents oil companies from contributing to Turkana's workforce in any significant manner. Thus, oil exploration and development in Turkana aligns with what Ferguson (2005) identifies as the dominant model for oil extraction across the African continent – namely, enclave oil development.

*Seeing resource enclaves as an expression of state agency*

It would be relatively easy to argue that the enclaved nature of oil activities in Turkana is a result of weak and underdeveloped state institutions. It is often suggested that issues of governance, corruption and transparency (or the lack thereof) explain why resource development unfolds in an enclaved manner and offers little benefit to wider society in Africa. In fact, many have argued that the weak and unaccountable political formations that plague Africa are conducive to the creation and persistence of enclave development (Maconachie and Hilson 2009, Stevens and Dietsche 2007, Wick and Bulte 2009).

However, this understanding of enclave development appears too simplistic in the context of Turkana. The central government has not been absent in the governance of oil, but has instead taken on an active role that facilitates the flow of capital investment in extractive enclaves. As the Cabinet Secretary of Kenya's Ministry of Mining explained during a media interview: 'We want to market Kenya as a mineral investment hub in Africa. With details of which minerals to find where, it will be easy and attractive to investors' (Kazungu as cited by *The Star* 2016). As Patey from the Oxford Institute for Energy Studies (OIES 2014: 17) explains:

International oil companies have received ample support from both former and current governments in Kenya. International oil companies are confident that the Kenyan government will not delay the start of oil production by stymying foreign investment with restrictive regulations.

In other words, the government has demonstrated a decidedly business-friendly attitude towards resource companies entering Kenya. This attitude has included offering large tax

exemptions, which attract foreign investment. The government has also taken a unique approach to contracting: Production sharing contracts result in low initial government profit shares, as they stipulate that those who strike commercial oil deposits are entitled to fully recover their costs over the production cycle (Patey 2014). Companies appreciate this business-friendly attitude: As the CEO of Africa Oil, Keith Hill, recently stated, ‘There are not many places left on earth where you can put together an acreage portfolio like this [Turkana] ... Good contract terms, good support from the government – there are not that many happy hunting grounds left’ (Hussain 2013).

The central government has also allowed oil companies and various other international stakeholders to both directly and indirectly influence the governance of oil in Kenya. Existing legislation and frameworks are long outdated. Although the *Petroleum Exploration Development and Production Bill 2014* provides clear provisions for local content on employment, the supply of goods and services and training Kenyan nationals, it has yet to be passed. In the absence of clear legislation, oil companies have been allowed to make many of their own decisions on these important issues. Currently, local content obligations for oil companies are negotiated and agreed upon in production sharing contracts (PSCs), which are confidential. By dragging its feet in passing binding legislation, the government has permitted oil companies to exert *de facto* administrative control over certain aspects of the governance of oil, such as local content.<sup>21</sup>

In summary, resource enclaves are emerging in Turkana following what Ferguson (2005) refers to as a ‘low-overhead model’. The government facilitates capital investments in extractive enclaves using various techniques, ranging from providing favorable contract terms to allowing companies to have a say in decisions about the governance of Kenya’s oil. In this sense, resource enclaves are not strictly a result of weak governance but rather, facilitated by state policies that enable private firms to more efficiently control and extract

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<sup>21</sup> It should be noted that the government is likely not intentionally moving slowly: It simply faces sizable challenges in this regard. Existing oil-related legislation is sorely inadequate and outdated. Yet, oil development is unfolding so rapidly, and it is simply difficult for the government to overhaul its legislation at these speeds.

natural resources.<sup>22</sup> In these spaces, the state demonstrates its authority through its ‘ability to provide contractual legal authority that can legitimate the extractive work of transnational firms’ rather than by exercising exclusive control over these spaces itself (Ferguson, 2005: 207). In other words, the emergence of resource enclaves in Turkana is by design, occurring under the purview of the state.

#### *Resource enclaves and the fulfillment of rights by oil companies*

As the central government has limited its own involvement in Turkana in favour of delegating certain governance tasks to oil companies, companies have also been indirectly delegated certain responsibilities in relation to citizens. As one community leader that we interviewed explained: ‘There is no government presence in Turkana other than [traditional] chiefs and teachers. So communities look to companies. Companies fill tanks with water. They provide state services’ (interview in Loima, November 2015). The presence of oil companies in Turkana is redefining how rights are mediated in Turkana and rural communities and oil companies are being drawn into an uneasy citizen-state-like relationship. Communities are seeking recognition and protection of their rights from oil companies operating near or on their land; in turn, oil companies are forced to make decisions about whether and how best to respond.

One example of oil companies taking on responsibilities that one might expect to be fulfilled by the state relates to the provision of social services and infrastructure development. Globally, it is not unusual for extractive companies to contribute to social service provision through corporate social responsibility (CSR) initiatives. In fact, extractive companies are increasingly expected to develop robust CSR programs around their operations in order to obtain a ‘social license to operate’ — namely, acceptance from local communities of extractive companies and their operations. In the context of Turkana, interviewees described how oil companies provide communities with improved access to water as part of their CSR

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<sup>22</sup> In fairness to the current governments, it should be noted that the strategically hands off approach to governing Turkana is nothing new. Although it is an expression of state agency, it can also be traced back to the protracted presence of humanitarian organisations, the legacy of the colonial administration and active Turkana resistance against foreign domination.

initiatives (see Image 6). Companies with larger-scale operations, such as Tullow Oil and Africa Oil, are also providing (both directly and indirectly) community members with access to education, healthcare, and improved communication and road networks. As a result of the relative absence of the central government in Turkana, oil companies are finding themselves responsible for ‘the services and infrastructure that governments are responsible for but which have been neglected’ (Maconachie and Hilson 2013: 350). As these companies deliver social services and build infrastructure in order to fulfill the most basic of rights – such as the right to water, education and health and wellbeing – the line between the duties of the state and the duties of companies becomes blurred.



Image 6. Donkeys grazing near a community water project installed by an oil company (Photo Credit: Author)

Oil companies are also playing a role in providing security in parts of Turkana — a responsibility that is generally expected to be filled by the state. Turkana has a high prevalence of illegal small arms and many communities in Turkana experience regular inter-ethnic livestock raids and banditry. During interviews with former and current oil company employees, company compounds were described as secure. One interviewee commented that security was one reason why he enjoyed being able to live on-site during his contracts (interviews with former oil company employee in Lodwar, October 2014). While historically, security provision in Turkana has been limited and local communities have been left with little choice but to secure themselves, oil companies are now participating in alleviating insecurity by deploying security forces with a dual role of protecting company assets and neighboring communities (Cordaid 2015a). Interestingly, companies are not simply stepping into this role on their own volition but rather; people in Turkana are demanding that oil companies provide this service. During discussions with youth about the implications of oil, one young man stated, ‘The oil will cause conflict over who the oil belongs too. There will be misunderstanding between communities’ (interview in Loima, October 2014). Another young man responded to this comment by saying, ‘We must tell the oil companies to take care of peoples’ lives...[and] to take initiative to care for their security’ (interview in Loima, October 2014). The provision of security is one further example of how companies are participating in fulfilling some duties that one might expect to be fulfilled by the state.

Finally, oil companies have also taken on some level of responsibility for distributing emergency food relief. It is estimated that in the wake of recent droughts, as much as 75% of Turkana’s population has been left reliant on food relief for survival (Constantaras 2014). Humanitarian and religious organisations, such as Oxfam and the Catholic Diocese of Lodwar, have been providing food relief in Turkana for over half a century (McCabe, 1990). However, many of these organisations are now beginning to shift their programming away from the provision of basic and emergency services in Turkana, towards more ‘sustainable’ forms of humanitarian assistance (interview with international humanitarian organisation in Lodwar, November 2014). This is creating a gap in emergency service provision, which oil companies are stepping into fill as part of their CSR programming (interview with civil

society organisation in Lodwar, November 2014). For example, Tullow Oil has partnered with the Catholic Diocese of Lodwar in order to provide food aid to communities in certain regions of Turkana county (interview with local civil society organisation in Lodwar, November 2014). Given that humanitarian organisations have been largely responsible for providing this service in the past, this particular responsibility is actually being delegated to oil companies by international humanitarian aid organisations, rather than by the state. Regardless, if access to ‘food aid is a reflection of ... citizenship and belonging in a nation’ as Phillips argues, then the provision of food relief by companies is further illustrative of the citizen-state-like relationship emerging between people in Turkana and oil companies (2009: 37).

#### *The practice of citizenship in resource enclaves*

As oil companies take on certain responsibilities – substituting the government’s role to some extent – the experiences and practices of citizenship in Turkana have been complicated. New political spaces are emerging for Turkanas to seek recognition, legitimisation and protection of their rights. As Ong argues, when the ‘rights and protections long associated with citizenship [become] disarticulated from the state, they are re-articulated with elements such as market-based interests’ (2005: 697). In the case of Turkana, some rural communities are readily rearticulating their rights towards private interests, directing their claims towards foreign oil companies that are participating in governing Turkana’s resource enclaves.

For example, *barazas* are public meetings or assemblies where government officials (of any level) bring together men and women to discuss and debate public matters, such as new government programs or upcoming elections. These meetings are usually held outdoors and range in size from smaller gatherings of a few dozen people to rallies of several thousand people. Some oil companies, such as Tullow Oil, have held *barazas* as part of their community engagement process. The companies have used these meetings to inform communities about their activities, while community members have used these meetings to place demands on companies. One interviewee discussed how communities have demanded that oil companies commit to installing water projects or other types of infrastructure before beginning exploration activities during *barazas* (interview with local civil society

organisation in Lodwar, November 2014). This interviewee also spoke of communities who insisted that companies hire and source goods locally, in order to contribute to local livelihoods. Although *barazas* have long served as a space where communities meet with public authorities to claim their rights, the fact that oil companies are now also hosting *barazas* provides rural communities with access to a new process through which they can claim their rights. Moreover, by making demands on oil companies through *barazas*, communities are essentially bypassing the central government to ensure that their demands are heard, as proper regulatory frameworks and legislative policies to protect their rights are not yet in place. For example, instead of waiting for local content legislation to be enacted, some communities have made demands on companies with regards to local content expectations during *barazas*. Importantly, communities are not necessarily happy about this arrangement: As Cordaid reports, communities have begun to ‘...complain about the virtual absence of national and county government in community consultations’ (2015a: 9).

Turkanas are also using Tullow Oil’s ‘field offices’ as spaces for seeking recognition, legitimisation and fulfillment for their rights. These offices, which tend to be located in small urban centers in the general vicinity of oil sites, were established in order to facilitate community engagement. Key informants explained how Turkanas, particularly community leaders, regularly visit these offices in order to ask questions, express their concerns, or seek benefits. During an interview, field office staff reported that on a daily basis they document concerns about the company’s unequal hiring practices, personal losses and damages and fears about pollution and its effect on livestock. Field office staff then report to their managers in order to determine how community complaints should be addressed. For example, following repeated complaints about livestock being hit by company vehicles, Tullow Oil and Africa Oil began a youth employment program to keep grazing livestock away from roads and camps. They also decided on standard compensation packages for any losses. In essence, these field offices serve as political spaces where Turkanas can claim certain rights, which may have otherwise been directed towards the state.

Although an interesting relationship is emerging between oil companies and communities, this relationship is somewhat uneasy. The visible absence of the central government and the



long-term presence of humanitarian organisations have perhaps contributed to the readiness of some people in Turkana to accept the role of oil companies as quasi-governmental actors. Yet, many oil companies are not particularly keen to find themselves in this relationship. In particular, companies are hesitant to fill the role of government in social service provision, as this is unsustainable and not good for the 'bottom line'. As one manager of an oil company with exploration activities in Turkana explained: 'The whole idea of community donations, throwing trinkets over the fence, is not sustainable or positive ... I cannot tell you how many dozens of schools and hospitals [that oil companies have built] are now sitting empty' (interview with oil company manager by phone, October 2014). Yet, at the same time, this manager explained that companies benefit from developing positive relationship with surrounding communities. As a result, oil companies in Turkana have uneasily resigned to the role of mediating certain rights claims and fulfilling certain duties in return for a social license to operate.

#### *Tiered citizenship in Turkana*

Although some Turkanas are making use of the new political spaces created by the oil discovery to seek recognition and protection of their rights, not all communities are equally impacted by oil exploration activities. The narratives that were shared with us during interviews and focus group discussions emphasized that the ability to have political or moral claims heard by oil companies was unevenly distributed across the county and differentiated by socio-economic status and gender. Communities and community members that are unable to direct their rights claims to oil companies experience a form of second-class citizenship, where their rights claims are denied or neglected by both the central government and oil companies.

In interviews and focus groups, some Turkanas reported that the ability to benefit from oil companies was limited to members of society from certain socio-economic backgrounds. For example, most of the formal employment in the oil industry requires formal education and skills training. Such opportunities are generally only afforded to wealthier or elite Turkanas or Kenyans from other parts of the country. Those hired by oil companies for management or other secure positions reported that, in addition to a regular salary, they also experience

added benefits of living securely behind the walls of oil camps and enjoying regular access to food, shelter, security and healthcare. Importantly, these are benefits that most Turkanas do not experience on a daily basis, despite the fact that these comprise the basic necessities of life. Furthermore, highly skilled Turkanas have access to professional development opportunities both in Kenya and abroad. For example, dozens of young Turkanas have been sent to the United Kingdom to pursue oil-related post-graduate studies at some of the world's most renowned universities. These individuals will graduate as part of an elite class of global professionals with world-class credentials, becoming what Ong (2007) refers to as the 'elite citizen' class and what Nash (2009) refers to as 'super-citizens'. Upon graduating, these young Turkanas will possess marketable skills that will make them mobile and desirable professionals, and they will be rewarded with power and secure rights (Ong 2007). Others in Turkana are successfully taking advantage of the opportunities created by the oil discovery as well, establishing businesses to support oil development activities. These enterprising subjects experience improved rights and freedoms as a result of oil exploration and development on their land (see Ong, 2006b: 154 on enterprising subjects).

Yet given that more than 80% of Turkanas have never attended school, the vast majority of Turkanas only qualify for work that is considered 'unskilled' within the oil industry. Unskilled work refers to manual labour, such as digging holes and trenches for men, and cleaning and cooking jobs for women. Unskilled work in the oil industry is insecure, short-term, and relatively low paying. These jobs lack the benefits that come with semi-skilled and skilled positions, such as access to health care and further training opportunities. Research participants who had obtained unskilled work in the oil industry were grateful for the additional income that it brought into their households, but admitted that they could not count on these jobs to provide regular income and that their overall livelihood situation had not improved as a result of such work.

Beyond socio-economic status, Turkanas also reported that the ability to direct their rights claims to oil companies was limited to community members from certain geographic locales. The interaction between communities and oil companies in Turkana is territorialized: Relationships emerge wherever oil companies happen to be exploring or working at a given

time, which does not occur evenly throughout the county. Community members located within close proximity to exploration and development activities find themselves able to use emergent political spaces — such as *barazas* and company field offices — to advance their rights claims, unlike community members that are geographically distant from oil sites.

For example, community members from a small village on the shores of Lake Turkana requested improved access to safe drinking water from an oil company in return for a social license to operate. This community had long been making similar claims from the central government, which had gone unheeded. The oil company responded by funding a KSh 18 million (US \$200,000) water project for the community. While this project has contributed to meeting a basic right, access to water, for those residing within this particular community, those in more drought-prone regions of the county continue to suffer as they struggle to have this right realized. As a similar example, men that worked or had previously worked for an oil company reported in interviews that they felt safe while working for oil companies, both on the oil rig site and in the urban centres where they spent their free time or days off. In contrast, in conversations in communities located further away from exploration sites, community members reported an increased sense of insecurity and vulnerability since the discovery of oil (focus group discussion in Loima, November 2014). This insecurity was attributed to the fact that oil companies contract KPR (armed civilian volunteers) to work as security. As a result of out-migration to meet this new demand for KPR (as well as private security guards), communities have been left more vulnerable to raiders and bandits (see Cordaid (2015a) for similar reports). These examples further exemplify how different groups in society experience different degrees of protection of their rights from oil companies.

Lastly, Turkana also explained how the ability to claim rights through oil companies was differentiated by gender norms and inequalities. For example, elders and community leaders, most often men, participate in the *barazas* organised by oil companies. In an interview with a consultants hired by Tullow Oil to conduct a *barazas*, we were told that companies may enquire about women's perspectives during these meetings but rarely insist on engaging with women directly. Perhaps for such reasons, our interviews and focus groups revealed that women (in comparison to men) often possess less accurate information and/or understanding

of oil exploration and development. Women also reported that while men were effectively leveraging *barazas* to claim certain rights through oil companies in return for access to land, the demands being made did not always meet the most pressing needs of women and children. Thus, the *baraza* approach to community consultation may perpetuate the marginalisation of women's voices in Turkana society, as women are not able to participate in civil society and politics to the same extent as men. This example effectively demonstrates how oil companies, knowingly or otherwise, conduct consultations in spaces where people have differentiated abilities to exercise their civil and political rights, thereby reinforcing gender inequalities that have long existed in the region. It also illustrates how oil companies mediate the state's duty to consult in a way that potentially privileges the interests of men over women.

Ultimately, our interviews and focus groups shape our argument that enclaved development is contributing to differentiated citizenship in Turkana, as not all people have the same ability to make rights claims on oil companies. This is a phenomenon that we term 'crude citizenship.' Globally, people living within and around resource enclaves are generally starkly disconnected from their national societies, left to rely on the corporate actors that administer these spaces as substitute governors (Ferguson 2005). Some people are able to seek recognition and protection for their rights from resource companies in enclaved space — particularly as companies become more attentive to communities' demands because obtaining a social license to operate is increasingly expected in the resource sector. However, others in resource enclaves experience a more crude form of citizenship, where their rights claims go unheard by both oil companies and the state. In other words, the creation of enclaved spaces through flexible state policies that aim to attract capital investments transform the political terrain in a way that (potentially) benefits some members of society while neglecting the rights and protections of others.

### *Refining crude citizenship*

Although new political space has emerged for Turkanas to seek recognition, legitimisation and protection of their rights as citizens, the geographic distribution of these spaces and who gets to participate in these spaces are highly contingent and exclusive. As a result, some

community members experience second-class citizenship, as oil companies view their rights claims as beyond the scope of their responsibility and irrelevant to attaining a social license to operate. This exemplifies how rearticulating citizenship as a responsibility of market-based interests can result in ‘diverse and contradictory standards of human worthiness’ (Ong 2005: 699), or as de Koning et al. (2015) argue, how the outsourcing of governance to private actors contributes to inequality rather than equality for citizens. In the case of Turkana, only individuals who happen to be in the right place at the right time and who happen to have the right relationship with oil companies are positioned as worthy of protection and having their rights claims heard.

Thus, an implicit consequence of enclave development appears to be the emergence of a tiered or graduated citizenship structure, where rights claims are only heard in certain spaces and if they ‘foster economic success’ for extractive companies and, in turn, the central government and/or political elites (Ong 2006). While Ong’s concept of ‘graduated citizenship’ emerges from a very different context, it offers considerable value in explaining how and why states deploy particular sovereignty strategies — such as delegating administrative control to corporate actors — and the consequences that can follow. As states implement flexible policies in order to create spaces that facilitate the flow of global capital, corporations gain indirect power over the political conditions of peoples’ lives. These people are, in turn subjected to differentiated forms of protections and rights depending on whether they serve the specific economic interests of companies (de Koning et al. 2015), and in this process, they are ‘assigned different social fates’ (Ong 2006a: 78; Ong, 2006a: 79).

It needs to be stressed that the implications of crude citizenship are not necessarily destined to be negative. The creation of new political spaces for communities to practice citizenship can be seen as a positive development. For many, the institution of citizenship has become a ‘hopeless category that is complicit with the ongoing exclusions and exploitations of state and capitalist forms of power’ (Isin and Nyers 2014: 5). This situation has certainly been the case in Turkana, where the longstanding marginalisation of Turkanas has led many to believe that first-class citizenship for Turkanas is beyond reach. Oil exploration activities in Turkana may have the potential to address some of this pessimism. Because companies must be

attentive to the rights claims of citizens in order to attain a social license to operate and prevent resistance, companies have demonstrated a degree of willingness to heed the rights claims of Turkana. For example, they have hosted *barazas*, which provide political space for people to demand their rights.

Yet, making good use of these emergent political spaces requires civil society to engage in social struggle. As Isin and Nyers explain, ‘struggle both precedes the conferral of rights and extends long after its recognition as legitimate by the polity and other citizens’ (2014: 8). Effective social struggle in Turkana will require building the capacity of both local civil society and county government, with the goal of creating a common ground upon which oil companies and/or the central government can be pressured to address communities’ demands. One member of Turkana civil society captured the importance of this process, saying, ‘we need to organize ourselves before the multi-nationals organize us’ (interview with civil society organisation in Lodwar, November 2014).

It should be noted that civil society in Turkana is already mobilising and capitalising on opportunities for political dialogue and action in light of the new political space that has been created by oil exploration and development. For example, Friends of Lake Turkana (FoLT), a grassroots organisation with a mission to foster social, economic and environmental justice in the Lake Turkana Basin, is campaigning for the rights of marginalized communities in Turkana who are threatened by both corporate and government-led resource development. Similarly, the Kenyan Civil Society Platform on Oil and Gas is partnering with civil society leaders and communities in Turkana to advocate for those affected by Kenya’s oil and gas industry. These organisations are engaging with oil companies, as well as the central government, in order to mediate the rights-claims of communities near oil operations. Thus, there is potential for civil society to claim the Turkana’s emergent resource enclaves as political spaces where their rights can be seen, heard and recognized. Yet, it also must be remembered that it is difficult to sustain social struggle in a marginalized and nomadic pastoralist society that is dispersed throughout the countryside and, especially when funds to support such movements are increasingly scarce. Moreover, since oil-related development both creates and dominates discussion in these new political spaces, it may be that such

spaces do little to advance broader (non-oil-related) struggles for social inclusion and full citizenship rights.

Another avenue for redefining or refining the potentially negative implications of crude citizenship involves building the capacity of county government in Turkana. While devolution promises to improve governance by bringing the government ‘closer to the people,’ the current county government lacks the programs, capabilities, and resources required to effectively protect the rights of its polity in light of enclave oil development. Moreover, there is a longstanding lack of trust between communities and county government. As a result, many communities in Turkana see county government officials as ‘too-close-for-comfort’ to oil companies, rather than representing community interests (Cordaid, 2015a). They also criticize county government from being absent to-date in negotiations between oil companies and communities (Cordaid, 2015a). If, however, trust could be rebuilt between county government and communities, and county government was given the resources and capacity necessary to mediate the rights claims of community members, the benefits of oil exploration and development could potentially be distributed more evenly across the county.

Importantly, the potential for Turkanas to refine crude citizenship, to stick with the metaphor, and to experience the benefit of new political spaces created by enclave development does remain contingent on broader trends. As a globally organized economy, the oil industry is heavily influenced by global and regional trends, such as commodity prices, labour availability and costs, and technology development. In 2015, there were dramatic dips in oil prices – hitting \$38.24 a barrel, the lowest in 6 years – and this fall has caused oil companies in Turkana to scale back, delay, or abandon their operations (Karambu, 2015). Some companies have pulled out all together. Therefore, whether Turkanas will be able to use emergent oil enclaves to truly transform their status in Kenyan society remains to be seen, as do the long-term impacts that enclave development may have on the experiences and practices of citizenship in Turkana.

## **Conclusion**

In this paper, we have argued that enclave oil development is impacting social and political relations in the county of Turkana in northwestern Kenya. Specifically, we have shown how the emergence of resource enclaves in Turkana is influencing the experiences and practices of citizenship. In light of the oil discovery, oil companies are taking on certain responsibilities in relation to communities, such as disciplining, regulating and offering care and protection. In return, some communities are rearticulating their rights and entitlements as citizens towards oil companies, rather than towards the state or humanitarian organisations. Our fieldwork suggests that this re-articulation of citizenship is altering the political terrain in Turkana in a manner that benefits some members of society, while neglecting the rights and protections of others.

This paper contributes several insights to the academic literature on the extractive industries and the creation of resource enclaves in sub-Saharan Africa. First, it reaffirms that extractive development continues to unfold in a thoroughly enclaved manner in parts of Africa. More importantly, however, it reinforces Ferguson's claim that resource enclaves should be recognized as new technologies of spatial and social regulation, rather than as accidents produced by the post-colonial bifurcated state (Mamdani 1996). As Ferguson argues:

It is worth asking whether Africa's combination of privately secured mineral-extraction enclaves and weakly governed humanitarian hinterlands might constitute not a lamentably immature form of globalisation but, rather, a quite 'advanced' and sophisticated mutation of it. If so, the forms of 'global economy' that have developed in some mineral-rich African countries in recent years might show us not only a theoretically interesting anomaly but also a frightening sort of political-economic model for some other regions that combine mineral wealth with political intractability (2005: 380).

We suggest that this is the case in Turkana, where the state has chosen to remain visibly absent in favour of delegating administrative control to corporate actors in order to facilitate capital investments in resource extraction.



Next, complementing other recent studies focusing on enclave development (Ackah-Baidoo, 2012; Ferguson, 2005; 2006; MacEachern, 2010), our work illustrates how rural communities in Africa engage with the political space that resource enclaves create. Given that Turkana represents an almost ‘ideal’ type of resource enclave, we underscore the fact that social and political relationships in and around oil enclaves in Turkana cannot be assumed across different African contexts. Rather, our findings reinforce existing evidence that relationships between state, corporate, and community actors around enclaves are complicated by diverse local realities. The case of Turkana, for example, diverges from some of the existing research in this field of study, which often focuses on cases of community resistance and conflict in response to enclave development.

Finally, our work highlights the importance of ‘re-politicising’ analyses of the extractive industries and enclave development, particularly in African contexts. While some recent analyses have promoted extractive development in Africa as a technical, apolitical solution to poverty, we take seriously the way in which powerful corporate actors contribute to processes of social and political change when they enter rural communities. We also emphasize that there is a need to avoid overstating the long-term social, political and economic impacts of enclave oil development, given the instability of global markets and the uncertain future of the global oil industry.

Our use of the term crude citizenship serves two purposes: First, it captures the fact that community members in and around resource enclaves often look towards crude oil companies for recognition and protection of their rights and that companies are (uneasily) responding to Turkana’s ‘acts of citizenship’ (Isin and Nielsen 2008) in order to obtain a social license to operate from the rural communities surrounding their operations. We suggest that people direct their rights claims towards oil companies because they have limited access to state spaces in Turkana. This aspect of our analysis illustrates how new kinds of politics and political subjects emerge in resource enclaves. Like refugee camps (Isin and Rygiel 2007, Rygiel 2012, Sigona 2015), mega-cities (Ong 2007) and deportation centres (Isin and Rygiel 2007), resource enclaves can be seen as emergent political spaces where

rights and entitlements of citizenship are disassociated from the terrains of the nation-state and rearticulated towards other types of political communities.

Second, the term crude citizenship hints at the problematic effects of enclave oil development on political equality between citizens. Although resource enclaves may create new spaces for people to be political and make rights claims, these spaces are not equally accessible to all. As our analysis shows, the ability to place demands on oil companies and to be recognized as political subjects with ‘a right to have rights’ (Arendt 1968) is differentiated by geography, socio-economic status and gender. This aspect of our analysis contributes to theorising about ‘differentiated’ (Holston 2008) or ‘variegated’ citizenship (Inda 2005). Research within critical citizenship studies has shown that differential citizenship exists within states (Inda 2005, Holston 2006). Our analysis extends this claim to other forms of citizenship, revealing how different groups in society experience different degrees of recognition and protection from oil companies.

Our findings also highlight a number of interconnected areas for future work on resource development enclaves. First, our notion of crude citizenship requires further application, refining and development, assuming that it is received as a potentially useful concept to frame research that focuses on the political implications of enclave development. Efforts to apply this lens to case studies in other geographical locations would be beneficial within and outside Africa, as well as across the global South and North. Although scholars should remain sensitive to the dimensions of resource enclaves that are unique to the global South – such as the perpetuation of colonial style relationships between weak or incapacitated states and powerful transnational companies – there are similarities in terms of how states facilitate investment in resource extraction between the South and North that could be examined more closely.

Our work also reveals a need to better understand the factors that shape how rural communities understand, contest and engage with resource enclaves. For example, why do Turkana seem to understand resource enclaves as an opportunity to seek recognition, legitimisation and fulfillment of their rights, while many other rural communities resist

enclave development and challenge the presence and authority of corporations in such spaces? Because relationships between communities, companies and states in resource enclaves are diverse and complicated, there are countless opportunities for research into the many ways that communities respond to enclave development. This may be a promising area for action-based studies that could examine whether and how local communities and/or groups occupy political space in and around resource development enclaves, as well as how such groups try to take advantage of, engage with or resist the privileged position that private authorities have been granted by some African states.

## **Conclusion**

### **A new frontier or post-frontier?**

In July 2015, the Government of Kenya's Ministry of Devolution and Planning released a National Policy for the Sustainable Development of Northern Kenya and other Arid Lands, titled 'Unlocking Our Full Potential for Realisation of the Kenya Vision 2030'. This policy recognises that the diversion of public resources away from Kenya's ASALs towards seemingly more productive regions of the country over the past half-century has been detrimental to the development of Kenya's north. The policy also states that the neglect of the north is 'not based on sound socioeconomic analysis but stem[s] from a lack of appreciation of the region's potential and a lack of understanding of its production systems' (GoK 2015: 2). The updated policy on the north recognises that Kenya 'will not achieve sustained growth in her [sic] economy and progress as a nation if the ASALs are not appropriately factored into national planning and development' (GoK 2015: 2). This policy marks a turning point for northern Kenya in national affairs, as well as in the national imaginary: It promises to draw the region and its peoples into the folds of national development and it repositions northern Kenya as central to the country's future.

At the same time, the policy also emulates aspects of Kenya's first development strategy from 1965, as it still recommends that public spending be directed to regions that are rich in natural resources. Interestingly, the policy was drafted in 2012 — the same year that oil was discovered in northern Kenya. The policy states that, 'the ASALs have hidden strengths and enormous untapped resources that can be harnessed not only to sustain themselves but to contribute to national development' (GoK 2015: 2). It goes on to list the potential for resource development in the ASALs, including renewable energy sources, such as solar and wind, as well as other natural resource reserves, such as oil and gas, gypsum, soda ash, limestone, coal, iron ore, and sand and gravel (GoK 2015). It later claims that the ASALs 'require accelerated investment for a finite period in order to achieve equity and unlock the region's potential' (GoK 2015: 29). To unlock this potential and attract investment, the

government promises to improve ‘infrastructure’, ‘credit facilities’, ‘technical expertise’ and ‘human capabilities’ (GoK 2015). The government also promises to take progressive measures to protect the rights of people in the north — including the water and grazing rights of pastoralists — while it creates a better ‘foundation for development’ for all northern Kenyans (GoK 2015: 32 and 30). The government is not necessarily making a superficial promise to respect pastoralists’ rights, but is suggesting that there is space for northern Kenyans in its modernising and developmentalist ambitions. ‘Unlocking Our Full Potential’ reads as a blueprint for Kenya’s frontier-making project — informing, guiding, and legitimising encounters between capital, resources and people in the north, in order to space for and acceptance of investment in the region’s natural resources.

### **Bringing resource frontiers to life**

Tsing asks, ‘How does nature at the frontier become a set of resources? How are landscapes made empty and wild so that anyone can come to use and claim them?’ (2005: 30). Frontiers have often been described as ‘state-building projects’ (Geiger 2008, see also Korf et al. 2015 and Einzenberger 2016, Scott 1998). For example, Scott’s (1998) seminal work on frontiers examines the interventions used by the state to draw remote populations into state territory and to administer order over frontier resources. To some extent, Kenya’s resource frontier is also a project of state expansion. As the preceding paragraphs, and other parts of my dissertation illustrate, the Kenyan government is actively expanding its presence in the north — in regions of the country that have historically been perceived as unimportant to the state — in order to consolidate control over land, resources and people. Importantly, however, my dissertation also shows that Kenya’s resource frontier is not simply a nation-making project. Many different actors are enrolled in the process of transforming the ‘empty wilds’ of northern Kenya into a set of resources using various technologies of government and fields of expertise. In other words, I argue that contemporary frontiers are often both state-building (Geiger 2008) and globalist projects (Tsing 2008).

Although frontiers exist at the social and economic periphery or margins of the state, they have never been detached from the global centers of power. Historically, frontier-making projects fuelled colonial expansion, while today these projects are central to both global

development agendas and global markets. Throughout my dissertation, I examine how global actors, such as transnational corporations, international financial institutions and bilateral development agencies, are actively invested in the making of Kenya's frontier. As I discuss in Article #1, the World Bank and numerous governments — such as the UK government and the Canadian government — have financed and supported various legislative and regulatory reforms in Kenya, meant to make Kenya's resources more accessible, desirable and extractable to investors. Transnational corporations have also been involved in these processes. Private oil companies, for example, have advised the government on the development of the *Private Security Industry Regulations Bill* (2014) (Interview with representative of Kenya's NHRI, February 2015).

I also show how seemingly less powerful actors are also enrolled in this frontier-making project. Such actors include civil society organisations, Indigenous social movements and coalitions, conservation organisations and rural land users. This finding is most clearly reflected in Article #2, where I explore how rural groups draw on different forms of expertise from the global arena — ranging from agricultural science to biodiversity science to international legal frameworks — in order to counter claims made by more powerful actors about how land should be used and managed in Kenya's new resource frontier. The agency of rural actors in frontier spaces is also demonstrated in Article #1, where pastoralist communities have launched a court case against an international consortium of private investors and the government over illegal land acquisition for a wind power project. Whether or not these communities will actually be able to influence the terms of land control remains to be seen. However, the fact that this case remains caught up in a lengthy legal battle suggests that rural land users have some degree of agency in shaping struggles over land in frontier spaces. The pastoralist communities involved in the court case have received support from both national and international civil society organisations. In this regard, less powerful actors are also connected to global spaces and agendas.

At the outset of my dissertation, I asked: Who is involved in imagining, producing, and negotiating frontier spaces? I answer this question by examining how contemporary frontiers are imagined, produced and shaped by diverse actors and institutions that operate across

multiple-levels. Ultimately, I argue that the frontier is a product of contestation and negotiation between various actors competing to govern access to, and control over, land and resources. This conceptualisation of frontier spaces aligns with other recent studies on the frontier, such as work by Tsing (2003, 2005), Barney (2009), Peluso and Lund (2011) and Büscher (2013), Eilenberg (2014).

A useful entry point for future research would be to more thoroughly trace the role of experts in ‘frontier constellations’ (Eilenberg 2014). As I have shown, experts are intimately entwined in frontier-making projects — including consultants, environmental scientists, engineers, lawyers and investment bankers — yet there is a need for more research that focuses explicitly on the novel strategies that these actors use to constitute and shape frontier spaces, such as Environmental Impact Assessments and project feasibility studies. For example, I argue in Article #1, for instance, that transnational corporations use the knowledge produced by technical experts and consultants to legitimise their control over land. However, I believe that these experts may play a more important role in creating and influencing the rules that govern access to land than is often assumed. This may be a fruitful avenue for future research.

### **Governing resource frontiers**

In addition to examining who is involved in producing Kenya’s resource frontier, my dissertation also explores *how* this frontier has been produced. Like other recent literature on land politics in frontier spaces, I examine the specific governmental strategies used to assemble land as a resource for investment. For example, scholars such as Li (2014), Tsing (2003, 2005) and Barney (2009) have shown how land is ‘emptied’ in order to attract investors and create space for industrial development. Like these scholars, my articles discuss the maps that have been drawn, the policies that have been implemented, the infrastructure that is being improved and people that are being displaced with the goal of rendering land accessible and investible. Referring back to the opening paragraphs of this conclusion, Kenya’s national policy for northern Kenya is one example of the types of governmental technologies that are used to rationalize and legitimise frontier-making projects. This policy positions infrastructure development and large-scale land investments in

northern Kenya as essential to the nation's progress, but also as a necessary step towards bettering the lives of northern Kenyans.

Perhaps more importantly though, my articles also identify and examine technologies that work beyond the state to produce and govern resource frontiers. In Article #1, I describe how LTWP, an international consortium of companies and investors, has hired expert professionals to deal with community resistance against their wind power project in northern Kenya. These experts have conducted assessments and produced research that outlines how the consortium's acquisition of land complies with global norms for responsible land development — thereby undermining community concerns and strengthening the consortium's claim to land. In Article #1 and #3, I reflect on the global technologies of government used by oil companies, to shape the behavior of pastoralist communities and to secure control over how such landscapes are ordered. For example, oil companies in northern Kenya have hired technical experts to conduct surveying and seismic testing to measure oil reserves in their concessions. These measurements are used to attract investors, but also to adjudicate whether the oil companies can use land in a more 'efficient' way than existing land users. If the reserves are deemed 'commercially viable', existing land users may be displaced in order to create space for oil development.<sup>23</sup> These examples illustrate how specific techniques and forms of expertise can be used to rationalize the appropriation of land from existing land users in order to pave the way for more 'productive' land uses.

These examples are also interesting because they demonstrate the assemblage of actors involved in deploying global governmental interventions aimed at freeing land and resources for investment. For example, one interviewee described how EHRC Energy, an American oil company, contracted a Chinese firm to conduct its exploration drilling and seismic surveying: This Chinese firm, then, hired local police force from Turkana to provide security and contracted women from a nearby village to supply food during their exploration activities (interview with former oil company employee in Loima, November 2014). This exemplifies how contemporary frontiers are imagined, produced and shaped by diverse

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<sup>23</sup> In some cases, resettlement is not necessary though, as companies increasingly have access to technologies that allow them to access reserves underneath existing land users from a distance— by drilling sideways, for example.



actors and institutions that operate across multiple-levels, as well as how groups of experts work together in order to assemble land for investment.

In the introduction of my dissertation, I state that one question that I aim to answer through my research is: What technologies of government are used to challenge previous mechanisms of land control and consolidate new forms of authority and control in such spaces (Peluso and Lund 2011)? Although I reflect on many different strategies used to transform land relations throughout my dissertation, I emphasise the role of ‘expert professionals’ and global expertise in frontier-making projects. In Article #1, I illustrate how powerful actors use dominant forms of expertise to undermine the knowledge claims of existing land users in frontier spaces. In Article #2, I draw attention to rural agency, revealing how existing land users can draw on these same forms of expertise to negotiate their terms of incorporation into a land deal, or to present alternative ideas about how land should be used and managed (see Article #3). In this sense, my dissertation not only demonstrates the diverse actors enrolled in frontier-making projects — which have conventionally been described as merely state-building projects — but it considers the global technologies deployed to create frontiers, and to manage the conduct of frontier subjects.

### **Living within resource frontiers**

My dissertation also reveals how frontier-making projects are used to create new types of rural subjects, while simultaneously denying or eroding existing political identities in some cases. One explicit goal of Kenya’s frontier-making project is to reconfigure the relationship between the state and northern Kenyans. With the support of international financial institutions and bilateral development donors, the Kenyan government has deployed certain technologies to remake rural subjectivities, in order to produce more modern and productive subjects. In Article #2, I argue that the construction of a mega-infrastructure project in north-central Kenya is just as much about attracting investors as it is about preparing northern populations for a ‘better’ life. This particular project, implemented under the auspices ‘Vision 2030’, is part of the government’s broader plan to ‘initiate a national programme on attitudinal and value change,’ so that all Kenyans may become efficient, globally-competitive and prosperous citizens (GoK 2007: 25). It offers pastoralists in the region the opportunity to

transition away from subsistence livelihoods towards commercial production systems and/or wage labour, so that they can better contribute to national economic growth and improve their own futures. Drawing on such example, I show how the relationship between those governing and those governed is reconstituted in frontier spaces, as those governing seek to regulate the behaviour of the governed in order to achieve certain social and economic outcomes. This finding aligns with contemporary governmentality (Foucault 1991) literature, which bring attention to the ways in which specific techniques and forms of expertise are used to produce modern states and subjects (Rose 1999, Li 2007, Moore 2005, Ong 2006).

Yet, northern Kenyans are not simply passive recipients of the state's subject-making interventions. They are also not necessarily in opposition of development and modernity. As was stated in the introduction, pastoralist systems have evolved to be adaptive and innovative, yet they often have unique visions of the future and 'expectations of modernity' (Ferguson 1999). In response to Kenya's frontier-making project, northern Kenyan are enacting their subjectivity and publically asserting their rights as citizens. For example, in Article #2, pastoralist groups in north-central Kenya have armed themselves with knowledge of Indigenous rights and are advocating for these rights to be respected by organising demonstrations and protests and by lobbying the government. Their goal is to assert their rights in order to force the government to make space for their political participation in decision-making and planning processes related to land tenure change and resource development. Such contestations and struggles reveal how governed subjects also shape the rationalities and technologies that are meant to discipline citizen life (Valdivia 2008: 459).

In other cases, my analysis reveals how frontier-making projects can produce new kinds of political subjects and subjectivities altogether. In the more remote corners of northwestern Kenya — such as northern Turkana — the state remains relatively absent, as the central government continues to administer the region under a system of indirect rule. Though Kenya's resource frontier extends into these regions, the state governs through a more fragmented approach to governance, devolving authority to local government and administrative control to oil companies. As oil companies enter the region and attempt to enclose pastoral land, pastoralist communities are experimenting with new ways of having

their rights claims mediated. For example, in Article #2, I show how pastoralist groups are reaching above and beyond the state to lay claim to their rights, attempting to constitute themselves as citizens of a global Indigenous polity.

The formation of novel political subjectivities is also exemplified in Article #3. In this article, I demonstrate how pastoralist communities are demanding certain provisions and services from oil companies that one might expect to be fulfilled by the state. To some extent, oil companies are willing to comply with communities' demands — effectively playing the role of government — in return for a 'social license to operate'. This, I suggest, draws communities and oil companies into an uneasy citizen-state-like relationship. This example reflects new spaces for political agency can be created in contemporary resource frontiers, which are governed through 'graduated' and 'overlapping sovereignties' (Ong 2006; Vandergeest and Unno 2012)

I began my dissertation by questioning whether there was anything unconventional about the practice and experience of citizenship in resource frontiers. I argue that my research suggests that resource frontiers are, in fact, unique political spaces. To some extent, they are spaces where citizenship is remade in order to serve national interests. Yet, at the same time, frontiers are spaces where citizenship becomes disarticulated from the terrains of the state, as rural land users reach above and beyond the state to have their rights mediated, or as new actors enter frontiers and intervene to fulfill certain rights and protections long associated with state-based citizenship. In both cases, frontiers give rise to unique ways of experiencing and practicing citizenship. Problematically, innovative expressions of citizenship — such as 'crude citizenship' discussed in Article #3 — may represent a form of partial citizenship, where subjects can only claim certain rights and where political participation is limited to very particular political discussions and spaces.

### **A new frontier or a post-frontier?**

My research on Kenya's resource frontier reflects recent work by Larsen (2015), who argues that new authorities and a forms of regulation are restructuring governance in resource frontiers, resulting in what he describes as the emergence a 'post-frontier' regime. The shift

from frontier to post-frontier is defined by the rise of new social and environmental restrictions and protection measures, including transnational environmental and social regulation, expanding human and Indigenous rights movements, a growing global emphasis on biodiversity conservation and new expectations around corporate social responsibility. As a result of these developments, contemporary resource frontiers are confusing and contradictory spaces where intensified resource extraction and mega-infrastructure projects exist alongside strengthening Indigenous rights movements and expanding conservation schemes.

During the 1990s and early 2000s, frontiers were described as deregulated, free-for-all landscapes of political chaos, environmental havoc, and social contestation (Tsing 2005, Geiger 2008). Today, however, new regulatory technologies and institutions exist that are meant to bring order to frontier disorder. Expectations around corporate responsibility have led corporations to put new social and environmental safeguards in place in order to protect the environment and peoples' rights. For example, Environmental and Social Impact Assessments (ESIAs), as discussed in Article #1, are one example of a technical tool that has been designed to bring order to frontier spaces, by regulating the conduct of transnational corporations. Global environmental and social standards for transnational corporations, which are also discussed in Article #1, serve as another example. Companies refer to such safeguard measures on their websites and embed them in their internal corporate policies and codes of conduct. At the same time, governments put certain measures in place to hold companies accountable against these safeguards. The Kenyan government now requires companies to have their ESIAs reviewed by the National Environmental Management Authority (NEMA) before beginning any new project. As Larsen argues, 'Contrary to the critique of neoliberal deregulation, the post-frontier gaze rests on the exact opposite observation: namely, that most frontiers *have* become more regulated in both environmental and social terms' (2015: 14).

Growing recognition of Indigenous peoples' rights and expanding conservation schemes are two other central features of post-frontier regimes. Indigenous organisations and conservation actors have created new spaces within resource frontiers where they can

promote their interests (in some cases, the interests of these groups overlap, which can strengthen their movements). Growing global support for both Indigenous rights and conservation movements has strengthened the agency of such groups in frontier encounters. For example, Article #2 describes how UNESCO convinced the Kenyan government to implement additional ecological planning measures prior to developing a mega-infrastructure project in the north. Thus alongside new social and environmental regulations for transnational corporations, frontiers are being (re-)ordered by efforts to secure peoples' rights and protect the environment.

Yet, frontiers still remain contested terrains shaped by power inequalities and overlapping authorities. Although new regulatory technologies have been created to govern frontier spaces, these technologies are not applied consistently and they are often not monitored in practice. Moreover, new regulatory technologies can be coopted by powerful actors to achieve unexpected ends, as illustrated in Article #1. Furthermore, although Indigenous struggles and conservation efforts feature prominently in contemporary frontier spaces, their mere presence does not put an end to frontier expansion. As Larsen writes, the rise of a post-frontier regime does not necessarily close or tame frontiers and it certainly does not replace frontier logic. Rather, as I illustrate throughout my dissertation, post-frontier institutions alter the types of struggles that take over land and resources, as well as the types of actors that are enrolled in these struggles. Post-frontier regimes are shaped by struggles between a complex set of actors who compete to govern access to land and resources in pursuit of diverse values and goals.

Combined, my dissertation articles reveal how actors with varying degrees of power use both old and new technologies of government to produce, negotiate and contest the rules that govern Kenya's frontier landscapes and populations. I demonstrate how space exists for seemingly less powerful actors — such as rural land users — to influence how and where the state and industry expands in frontier spaces, as well as to claim their rights in return for creating space for this expansion. Yet, I also show that power asymmetries are not erased in post-frontier regimes; they are simply reconfigured. Although rural land users can use new techniques and forms of expertise to influence contestations over land and resources, these

simply shift the terrains of struggle to new venues. Thus, in order to better understand how contemporary frontiers are made (or unmade), researchers need to shift their gaze to new venues where the struggles over frontier land and resources increasingly take place, such as on the inside of court rooms, in the boardrooms of consultancy firms, or during public consultation processes. Increasingly, it is within these spaces that regimes of access to land and resources in frontier spaces are being negotiated and determined.

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## Introduction

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## Conclusion

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## Appendices

### Appendix A: List of Interviewees

In some cases, I presented interviewees with an informed consent form prior to the interview and then provided an oral explanation of the interview process prior to beginning the interview. In other cases (often when key informants could not read), either a translator or I explained the interview process orally. Interviewees dictated the way that they wanted to be identified in resulting publications, and I gave them the opportunity to revise their choice following the interview (and in some cases, after reading an initial draft of the publication). In nearly every case, interviewees preferred not to be identified by name, place of employment, or job title. Requests for anonymity relate to the politicized nature of resource development in northern Kenya. When interviewing industry actors, I was sometimes asked to sign non-disclosure agreements that outlined how I would be expected to treat data.

#### Interviews in north-western Kenya

<b>Interviewee</b>	<b>Location</b>	<b>Date</b>
Humanitarian organization representative	Turkana (Loima)	06/11/14
Community leader or representative	Turkana (Loima)	06/11/14
Community leader or representative	Turkana (Loima)	06/11/14
Community leader or representative	Turkana (Loima)	07/11/14
Oil company manager or employee	Turkana (Loima)	07/11/14
Oil company manager or employee	Turkana (Loima)	07/11/14
Oil company manager or employee	Turkana (Loima)	07/11/14
Kenyan government representative	Turkana (Loima)	07/11/14
Community leader or representative	Turkana (Loima)	08/11/14
Community leader or representative	Turkana (Loima)	08/11/14
Community leader or representative	Turkana (Loima)	09/11/14
Oil company manager or employee	Turkana (Lodwar)	10/11/14
Oil company manager or employee	Turkana (Lodwar)	10/11/14
Oil company manager or employee	Turkana (Lodwar)	10/11/14
Humanitarian organization representative	Turkana (Lodwar)	11/11/14
NGO representative	Turkana (Lodwar)	11/11/14
Oil company manager or employee	Turkana (Lokichar)	11/11/14
Oil company manager or employee	Turkana (Lokichar)	11/11/14
NGO representative	Turkana (Lodwar)	11/11/14
Kenyan government representative	Turkana (Loima)	07/11/14



### Interviews in north-central Kenya

Interviewee	Location	Date
Kenyan government representative	Laikipia	08/05/15*; 24/05/16*
Kenyan government representative	Laikipia	05/05/15*
NGO representative	Laikipia	08/05/15*
NGO representative	Laikipia	22/05/15*
Conservation organization representative	Laikipia	11/05/16
Community leader or representative	Laikipia	12/05/16
Community leader or representative	Laikipia	12/05/16
Community leader or representative	Laikipia	12/05/16
Community leader or representative	Laikipia	12/05/16
Conservation organization representative	Laikipia	16/05/16
NGO representative	Laikipia	18/05/16
NGO representative	Laikipia	18/05/16
NGO representative	Laikipia	18/05/16
Conservation organization representative	Laikipia	18/05/16
Conservation organization representative	Laikipia	19/05/2016
Community leader or representative	Isiolo Town	19/05/16
Community leader or representative	Isiolo Town	19/05/16
Conservation organization representative	Isiolo Town	19/05/16
NGO representative	Laikipia	22/05/16
Conservation organization representative	Laikipia	22/05/16

\*These interviews were conducted by the co-author

### Interviews in Nairobi

Interviewee	Location	Date
NGO representative	Nairobi	27/10/14
Technical expert (industry or environmental consultant)	Nairobi	27/10/14
NGO representative	Nairobi	19/11/2014
Technical expert (industry or environmental consultant)	Nairobi	23/11/2014
Technical expert (industry or environmental consultant)	Nairobi	28/11/2014
Kenyan government representative	Nairobi	3/3/15
NGO representative	Nairobi	3/3/15
Conservation organization representative	Nairobi	25/05/16

### Interviews conducted by phone or Skype

Interviewee	Location	Date
Oil company manager or employee	Vancouver, Canada	26/09/14
NGO representative	Ottawa, Canada	03/10/14
Oil company manager or employee	Washington, D.C.	13/10/14
NGO representative	Ottawa, Canada	16/10/14

NGO representative	Vancouver, Canada	30/10/14
Oil company manager or employee	London, UK	05/01/15
Technical expert (industry or environmental consultant)	Toronto, Canada	09/07/15
Technical expert (industry or environmental consultant)	Ottawa, Canada	05/06/16
Technical expert (industry or environmental consultant)	Ottawa, Canada	15/06/16

## Appendix B: List of Focus Group Discussions and Workshops

### Focus Group Discussions

<b>Participants</b>	<b>Location</b>	<b>Number of Participants</b>	<b>Date</b>
Community members (men)	Loima	7	8 November 2014
Community members (female)	Loima	5	7 November 2014

### Workshops

<b>Participants</b>	<b>Location</b>	<b>Number of Participants</b>	<b>Date</b>
Secondary School Students	Loima	88	9 November 2014

## **Appendix C: Course Descriptions**

As part of my research methods, I audited online professional development courses offered by Edumine, a certificate program offered in partnership by University of British Columbia (UBC) and the Canadian Institute of Mining (CIM) throughout the course of my doctoral studies. Course description for the four courses that I audited are listed below. These descriptions are copied directly from Edumine's website:

### **1) Establishing a Social Licence to Operate in Mining**

#### **Introduction**

This is a course for anyone concerned with sustainable community relationships in mining: professionals, managers, regulators, NGOs, community leaders and graduate students. The course explains how a mining company can earn and maintain a social license to operate. It begins with the business case for dedicating resources to the social license and describes the returns a company could expect from each successive level of license. The course also explores what can be done to make the issuer of the license more politically stable so that the company's social political risk is reduced and the community's readiness for sustainable development is enhanced. Finally the course looks at the overlap between these activities and areas of corporate social responsibility, corporate citizenship, and sustainability reporting.

Part 1 of the course explains what a social license to operate is, why it is important to mining companies, and how the general management theory known as the "resource dependence view of competitive advantage" explains how relationships with stakeholders affect project feasibility and success.

Going deeper, Part 2 describes the four levels of social license and the three boundary criteria that must be met to go from one level to another, and examines common factors that can cause the level of social license to rise or fall.

Turning to the issuer of the social license, Part 3 of the course draws on social network analysis concepts to explore the many ways a community could be unable to issue a social license that is durable and socially legitimate, and looks beneath the stakeholder politics at the social capital patterns that can improve a community's capacity to issue a solid social license, while simultaneously raising the level of social license the community grants to the company.

#### **Course Content**

Establishing a Social License to Operate in Mining is structured with three parts and a total of 12 learning sessions of 30-60 minutes each, plus interactive reviews. Course duration is equivalent to approximately nine hours of learning content.

## **2) Social Responsibility in Exploration**

### **Introduction**

Social Responsibility in Exploration is one of a series of courses developed from e3 Plus: A Framework for Responsible Exploration, a guideline developed by the Prospectors and Developers Association of Canada (PDAC) to help exploration companies continuously improve their social, environmental and health and safety performance and to comprehensively integrate these three aspects into all of their exploration programs around the world.

e3 Plus provides the means for members to reduce social and environmental risk to their projects, to benefit local communities and to enable companies to become world leaders in corporate social responsibility performance (CSR).

The intended audience for e3 Plus includes: the exploration sector, local communities, government organisations, non-governmental organisations, civil society, academia or any interested party.

The complete series of e3Plus courses includes the following titles:

Principles and Guidance for Responsible Exploration  
Social Responsibility in Exploration  
Environmental Stewardship in Exploration 1 - 2  
Health and Safety in Exploration 1 - 4

Students of these courses please note that the first course in the series, Principles and Guidance, must be studied before any of the other courses.

### **Course Content**

Social Responsibility in Exploration covers the following principal topics:

Part 1: Governance  
Part 2: Due Diligence and Community Engagement  
Part 3: Community Development and Ethical Conduct  
Part 4: Responsibilities and Human Rights

This course is presented as 15 study sessions, each of approximately 60 minutes study duration, plus four interactive reviews that confirm the viewer's achievement of learning objectives. The total duration of the course is approximately 20 hours. Note that this course is designed to be studied at the Summary Level. The full e3Plus content is provided for reference purposes at the Detailed Text Level.

### **3) The Evolving Image of Mining**

#### **Introduction**

This is a course for managers, professionals, students and concerned stakeholders in mining who require a better understanding of the impacts of mining on the environment and communities. The course discusses the underlying causes which have shaped the public's evolving perception of the mining industry and presents ways in which mining companies can overcome these perceptions.

The following subjects are covered:

Separating Fact from Fiction

Characteristics of Mining

Canadian Mining Facts

Mining Images - OK Tedi, Porgera, Grasberg and others

Public Perception of Mining

Promotion of Mining

Mining and Communities

Adding Value to Communities

#### **Content**

The course is presented as 10 learning sessions, each of 30 to 60 minutes duration. It includes three interactive review sessions for verification of course learning objectives. Total course duration is equivalent to approximately 7 hours of learning content.

### **4) Voluntary Principles on Security and Human Rights**

#### **Introduction**

We frequently see in the news that a mining or an oil and gas operation in some remote area has been either attacked by insurgents or has had their security arrangements linked with a human rights incident. The extractive industries have the dual responsibility of protecting their people and operations as well as respecting the human rights of their employees and the members of the communities in which they work. Often operating in increasingly unstable areas and with human rights growing as a salient topic, industries face significant challenges in balancing these two crucial responsibilities.

Developed jointly by industry, governments and non-governmental organisations (NGOs), the Voluntary Principles for Security and Human Rights (VPSHR) have increasingly become the industry guideline for achieving this balance. The VPSHR's three components provide a set of guiding principles on how companies should manage:

risk assessments

relations with public security forces

relations with private security providers

This course introduces you to the VPSHR, discusses risk assessment in the context of providing a secure working environment and protecting the human rights of employees and surrounding communities, and responsibilities concerned with human rights abuse allegations and the procedures for managing those allegations. It goes on to discuss the roles and responsibilities of public and private security forces and their relationship to management.

### **Course Content**

Voluntary Principles for Security and Human Rights is structured with seven course parts and a total of 25 viewing sessions of 30-60 minutes each, plus course reviews. Current course duration is equivalent to approximately 15 hours of viewing content.