



**EXTRACTIVE SECTOR FORUM ON 'COMMUNITY ENGAGEMENT
IN THE EXTRACTIVES SECTOR IN TURKANA COUNTY'**

3rd July, 2018

St. Teresa's Pastoral Center, Diocese of Lodwar, Turkana

About the 9th Extractives Sector Forum (ESF)

Citizen participation in key governance issues is a key pillar for democratic processes in any country. In Kenya, it is a national value and a key principle of governance upon which the idea of devolution is conceived. When citizens engage with the leadership, the decisions made will be informed by the needs of the citizens and are likely to be implemented fully, rather than when the totalitarian top-bottom approach is applied.

Effective participation must encourage participation by all those involved. If stakeholders are involved and share ownership in the process of development they will feel more responsible for the outcome and sustainability of the development. Engaging stakeholder's who are directly affected by the situation allows for more effective decision-making, it also makes development work more transparent.

In the extractives sector, citizen engagement is key because it helps build relationships between key stakeholders; creates opportunities for key stakeholder collaboration; fosters harmony and reduces conflicts amongst the key stakeholders and helps meet international standards and legal requirements.

It is on this premise that this ESF was carried out. This ESF borrowed heavily from *'Stakeholder Engagement in Kenya's Extractive Sector: Principles & Pointers,'* an outcome document of the 2nd National level Extractive Sector Forum (April 2016) that was developed by the Institute for Law and Environmental Governance (ILEG) and Institute for Human Rights and Business (IHRB)-Nairobi Process. The ESF sought to use this report contextualize the idea of community engagement to the needs of Turkana County.

The one-day forum, which was organized in Partnership with the Turkana Natural Resources Governance (The Hub), discussed the idea of community engagement by demystifying the legal and policy underpinnings; the importance of community engagement and the issues around which communities should engage; role of county government; the use of existing community structures; community and company experiences; and best practices.

Introduction

The 3rd ESF at county level and the 9th overall, was a two-day forum, which was organized in Partnership with the Turkana Natural Resources Governance Hub (The Hub) at St. Teresa's Pastoral Center at the Diocese of Lodwar on 2nd-3rd July, 2018. On the first day, the Forum sought to strengthen the organizational capacity of The Hub- a network of 18 Civil Society Organizations in Turkana County- and foster peer to peer learning and information exchange amongst member organizations.

On the second day, the Forum sought to discuss the idea of community engagement by demystifying the legal and policy underpinnings; the importance of community engagement and the issues around which communities should engage; role of county government; the use of existing community structures; community and company experiences; and best practices.

The forum attracted 48 participants from local and international NGOs, representatives of Hub member organizations; representatives of the Turkana County and also the National Government. They had an array of expectations which ranged from understanding the operations of the Hub; issues in governance of Oil and gas; the idea of public-private partnerships in the context of extractives; network amongst themselves; how to improve performance of the Hub; how to strengthen governance of the extractives sector, to understanding the link between environmental issues and Sustainable Development.

The conference was opened by a Prayer said by Benjamin Ebenyo. In the opening remarks, various speakers reiterated the importance of partnership, the importance of Civil society Organizations in the governance of extractives, partnership and equity for effective natural resources governance. They also stressed on the need to include each and every relevant stakeholder in the engagement processes; be open and specific in their agenda and deal honestly; take responsibility for the actions taken; adopt processes that accommodate future changes and fully commit to the process to achieve effective engagement. They urged participants to ensure that oil becomes a blessing and not a curse by adopting negotiation approach rather than confrontation.

The Concept of Community Engagement

The forum noted that the idea of community engagement is not defined in any legal framework. However, it can be represented by the idea of 'public participation', which is explained in the Community Land Act. Public participation is a process that goes on throughout the cycle. In this case, the two tiers of the government must be consulted, and then consult with professionals, CSOs, political meetings, religious groups, among other stakeholders.

Public participation is important because of the need to have a consensus and to manage expectations. Public participation is done through meetings, public events, outreaches (e.g. 10 villages together), workshops, social media, etc. The challenge in carrying out public participation is having many stakeholders and lots of expectations to meet.

From the community's perspective, the forum noted that community engagement is important (1) for the community to give free, prior and informed consent, (2) to provide information that will enable community to take advantage of the situation, (3) to prepare for any negative effect of the activity, (4) to enable the community to decide their own destiny. Additionally, the forum cited the need to engage the council of elders actively.

From the county government perspective, the forum noted that there's need to engage communities to identify key issues on health, land, governance, environment and the solutions they offer to solve these issues. The approach should be from the ground up. In this case, Hub should be supported by government to do conduct relevant research. The forum noted that the government has not been able to boost community engagement because of the funds they receive are inadequate and have often been given towards the end of the financial period and therefore, given the time constraints, they have been unable to implement these projects.

Target Areas for Community Engagement in Turkana County

1. Waste Management

The forum noted that the environment around the abandoned oil wells is highly degraded. The county government company stated that Tullow has contracted Bare Foot Solution, to assist in the restoration of environment. It has restored some of the degraded environment by establishing indigenous trees nurseries for restoration of abandoned sites. The forum also noted that there are only two dump sites designated by NEMA: Athi

and Migori/Homabay. However, Tullow says the sites are not suitable for dumping hazardous waste. It is the mandate of the Hub to follow up on waste management issues in the county.

2. Role the County Government in the Extractives, Water' and Energy Sector

The forum noted that the oil, gas and other minerals are not the function of the functions of the county government. However, its mandate lies within control of air pollution, noise pollution, and outside advertisement. The county government also clarified that Olsuswa Geothermal plant is the responsibility of the Land Ministry, which deals with renewable energy. On the question of tankering water by Tullow to areas of the oil well pads, which is a temporary and dangerous measure of providing water to areas with low access to water, county government noted that it is planning to pipe water from Lokichada to Katamanak.

The forum noted the lack of clarity of the roles of county and national governments and investors in the extractives' related sectors. It is the responsibility of the Hub to look at the functions of both the National government, the County Government and those of the investors and hold them to account.

3. The Declining Role of Elders

The forum noted that the role of elders has been seriously eroded. There is need therefore for the Hub to engage the relevant county authority to strengthen existing structures at community level and ensure that they coordinate and work alongside government structures. The Hub should also work with the youth and engage their services in information dissemination.

4. Role of the Youth as the new Gatekeepers

Young people have become the gate-keepers. They have ability to spread information and create the much needed change. The forum noted the importance of research in the process of community engagement. Research provides the much needed evidence when CSOs engage with the government and other key stakeholders in the extractives sector. In advocacy research is carried to collect information on two levels: on a problem itself, and on the system. The Youth provide a rich resource for research; CSOs should therefore take it upon themselves to engage with the youth both in research and information sharing.

5. Role of the Business Community

The forum noted that there has not been any deliberate effort from the Turkana County Government to engage the business community. The forum learnt that, good local content laws and policies should be enacted to ensure participation of business community in extractive industry, and for consequent economic growth to be realized. Hub's role should be to advise the community upon conducting studies on business opportunities.

6. Engagement in Policy Processes

Policy formulation and implementation processes provide an opportunity for CSOs to work together with communities to voice their concerns. The Hub can add its voice to the issues being raised by first understanding the policy around the issue and make timely interventions.

Good Practices Community Engagement

1. Role of the Council of Elders: The Success Story of Canada

The important role the council of elders played in the management of resources was recognized until the period referred to as *apetaret* (the dispersal) when British colonialists punished the community for resisting their rule, causing the community to disintegrate. This brings a stark contrast between the role of council of elders in Turkana County and their counterpart in Canada, where chiefs are elected and they become the link between the elders and the modern government.

2. Benefit Sharing in Canada

On the issue of the community's share of the Oil and Gas proceeds, the forum suggested that the money may be used to invest in development projects; this is because it is likely to be used for unintended results. In Canada for example, the proceeds were given directly to the communities but they spent it on drinking. However, when it was re-directed to investments in development projects, residents benefited directly in the form of good health and education services.

Steps in Effective Community Engagement

For an advocacy project to succeed, first, one has to identify a problem. One should be clear about the problem as not all problems are simple or apparent. There is always considerable confusion over issues and problems.

Secondly, there is need to have facts. In this case, one should carry out research to collect information on two levels: on a problem itself and on the system.

Thirdly, there is need to set key objectives. One should have both short-term and long-term objectives.

Fourth, there is need to build alliances or coalitions. These will strengthen the various capacities for numbers.

Lastly, there is need to define one's approach. There are two types of approach or tactics: persuasive or confrontational. One should always choose persuasive approach. Confrontational approach can be resorted to if persuasive approach is not working.

Next Steps

- CSOS should play the role of a watchdog, which is the major and suitable role of civil society organizations that do not have resources to implement tangible development projects.
- CSOs advocacy should emphasize the implementation of long-term interventions. Advocacy on emergency programmes such as food relief should only be meant to save lives but much focus should be on long-term interventions.
- The community engagement process should involve all stakeholders - men, women, professionals, investors, the government leaders, business community, other CSOs, political leaders, women, elders. Communities across the County should be regularly consulted and also participate in key government processes.
- The forum noted that women are often left out in issues of extractives and related sectors despite their valuable knowledge and understanding of key issues within the community- men have benefited the most. Hence, the next ESF will be themed gender inclusivity to demystify its role in the extractives' sector.

Appendix 1: Program

TIME	ACTIVITY	RESPONSIBLE PERSON
08:00 a.m. – 09:00 a.m.	REGISTRATION	Jescar/Hellen
09:00 a.m. – 10:00 a.m.	INTRODUCTION	Duncan Okowa
10:00 a.m. – 10:20 a.m.	Tea Break	
10:20 a.m. – 11:20 a.m.	<p>OPENING REMARKS AND CONTEXT SETTING</p> <ul style="list-style-type: none"> Benson Ochieng, Executive Director, ILEG Ted Muturi, Coordinator, KOGWG Jacquiline Okanga, Aga Khan University Geoffrey Kerecha, Extractive Baraza Tom Onyango, K-EXPRO Turkana County Government 	Duncan Okowa
11:20 a.m. – 12:00 noon	Objectives of the ESF on Community Engagement	
12:00 noon – 01:00 p.m.	<p>Why Community Engagement?</p> <p>This session will discuss the context of community engagement including the legal and policy underpinnings for community engagement; why community engagement is important and the issues around which communities should engage</p> <ul style="list-style-type: none"> Duncan Okowa Jacquiline Okanga Ekuwom Ewoi Jackson Nakusa David Ekiru, Turkana Profession Association Turkana County Government Tullow Oil 	
01:00 p.m. – 02:00 p.m.	Lunch Break	
02:00 p.m. – 03:00 p.m.	<p>Approaches and Good Practices in Community Engagement in the Extractive Sector</p> <p>This session will give an opportunity for different stakeholder groups to share their approaches to community engagement. Key issues will include the role of county government; the use of existing community structures; county government and company experiences; and best practices</p> <ul style="list-style-type: none"> Benjamin Ebei Loru Mr. Charles Lorogoi Ehjore, Chairperson KCCI & Chair CoE Turkana Central Muturi Kamau, Coordinator, KOGWG Tullow Oil Turkana County Government 	Benson Ochieng
02:00 P.M. – 03:00 p.m.	Closing Remarks	
03:00 p.m.	Wrap-up and Next Steps	

Appendix 2: List of Participants

Name	Organization	Gender	Mobile Phone
1. Nabuin Ewoton	Hub/Lima	Male	0712769100
2. Maurice Eregae	Lima	Male	0706253509
3. Mooja Johnson	World Vision Int.	Male	0713917071
4. John Looreng	Hub/Turkana Link	Male	0701185590
5. Jesca Ng'itome	Asegis	Female	0790621552
6. Benjamin Ebenyo	Council Of Elders	Male	0727491648
7. Hellen Luvasi	Hub	Female	0702628419
8. Philip Ekolong	Hub/Tera	Male	0706648462
9. Kenyamann Eriong'oa	Hub/Akide-In.	Male	0711439006
10. Lochok Sammy	Hub/KADO	Male	0728012908
11. James Eweet	Hub/NEDO	Male	0713127828
12. Agnes Kooli	Hub/NEDO	Female	0705252032
13. Tom Onyango	K-Expro	Male	0722557303
14. Esekon Billy	Hub/Turkana Empo	Male	0728053346
15. Margaret Nabuin	Hub/KEKADO	Female	0712109337
16. Cornelius Oduor	CEDGG	Male	0723839896
17. Samwel Eng'or	NADO	Male	0721495050
18. Gabriel Naspaan	Hub/Tudof	Male	0717414370
19. Dalma Aum	ILEG	Female	0721892397
20. Edwin Lumumba	ILEG	Male	0715865148
21. Ewoton Daniel	Hub/MMN	Male	0722739173
22. E. Namuar	Turkana County (CEC)	Male	0725254253
23. David Ekiru	TPA	Male	0713530370
24. Doris Ekaran	LPI	Female	0716325746
25. Terry Githinji	Trocaire	Female	0721321316
26. Joseph Ekuwam	Trocaire	Male	0710893211
27. Paul Jeling'a	KCDF/NACODO	Male	0729203452
28. Jackson Nakusa	TPA	Male	0711714786
29. Francis Edome	TPA	Male	0720603713
30. Alloyce Kennedy	SAPCONE	Male	0723554992
31. Gabriel Ekalale	Hub/Asegis	Male	0729615896

32. Valentine Opanga	ILEG	Female	0711455802
33. Elipan Eunice	FOLT	Female	0715131898
34. Alinga Jairus	CJPC – DOL	Male	0726898979
35. Lonoko Paulo	FOLT	Male	0726447123
36. Ekarani Samuel	TEI	Male	0727360045
37. Onemus Anam	TEI	Male	0742210347
38. Alexander E. Lama	Hub/TDN	Male	0724208835
39. Ekarani Ewoi		Male	0799052017
40. Mark Essex	K-Expro	Male	0719277101
41. Jo Robinson	OPM	Female	0745378686
42. Geoffrey Kerecha	Extractive Baraza	Male	0727437396
43. Muthoni Koinange	K-Expro	Female	0722206613
44. Niven Ikutwa	K-Expro	Female	0720853010
45. Muturi Kamau	KOGWG	Male	0715236637
46. Jackie Okanga	EAI	Female	0710332204
47. Duncan Okawa	ILEG	Male	0722634642
48. Jadair Orgral	K-Expro	Female	07786612670