



VOICES FROM THE GRASSROOTS

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# OUR VOICES MATTER, CRY TURKANA ELDERS

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## INTRODUCTION

Turkana County is endowed with numerous natural resources including oil, water aquifers, gold and gemstones, wildlife, water springs, Lake Turkana and national parks (Turkana County Government, 2013). These resources are key to the achievement not only of Turkana county's development agenda but also of Kenya's development goals particularly Vision 2030. The community plays a key role in the success or failure of a development process, making community engagement a critical cog of the development process. Effective community engagement requires engagement with all key community structures throughout the development process. On July 3rd 2018, ILEG in partnership with Turkana Natural Resources Governance Hub (The Hub) convened the Extractive Sector Forum (ESF) in Lodwar to discuss the issue of community engagement in oil & gas and minerals development process. This followed other ESF convening that were also preceded by a reconnaissance visit by ILEG and the ESF Steering committee team to Lokichar, Nakukulas and Lodwar. One of the key concerns of the community expressed during these meetings was the apparent diminishing influence and apparent disdain of Turkana elders in policy and decision-making processes, particularly as concerns oil & gas exploration and development in Turkana. This issue of 'Voices from the Grassroots' discusses these concerns.

## CONTEXTUALIZING THE ROLE OF TURKANA ELDERS IN THE ERA OF EXTRACTIVES

The link between the potential role of Turkana elders and success of oil & gas and mineral exploration and development cannot be gainsaid. For instance, oil & gas exploration and development may in some instances mean that communities no longer have access to certain sections of the land that they previously had depended on for pastoralism, fishing and gathering food and other products for household consumption. Oil & gas and mining activities also have the potential to desecrate sacred sites and burial grounds which may go against the Turkana peoples' traditional norms and values. The elders can on behalf of the community help to identify such critical areas, and negotiate with the government and oil & gas and mining companies for minimum or none interference with the same. They can also rally communities to support agreed compromises in addition to guiding the identification of alternative pastures, watering grounds and livestock routes. The elders can also act as key entry points to the communities for oil & gas and mining companies and associated investors and stakeholders. Moreover, the elders are a rich repository of traditional knowledge and early warning systems, which they can contribute to the oil & gas and mining companies to promote sustainable, accountable and inclusive resource extraction and development.

## THE ROLE OF ELDERS IN TRADITIONAL TURKANA SOCIETY

Turkana is a deeply communal society founded on shared interests of the community above those of the individual. To date, majority of the Turkana people still live a nomadic livelihood and function within traditional social institutions. The major social institutions of the Turkana comprise the family (household) unit called *awi* and satellite camps called *abor*; clans (*emachar*); the neighbourhood or traditional grazing association (*adakar*); livestock association and bond-friendships (*lopae*); territorial sections (*ekitela*); and generation sets or its alternations (Juma, 2009). Age and gender are a key factor in the organisational structure of Turkana society. There is a generational structure of leadership, with elders taking the helm in many issues. The authority of the elders is generally decentralised, with clan elders heading clans and village elders heading small communities. The elders were highly respected and commanded tremendous respect among the community members. They ensured that traditional values and cultural practices are observed by educating the youth and members of the society. The elders operated under the advice and guidance of traditional diviners/seers called the *Ngimurok* (*Emuron* for singular). The *Ngimurok* were the intermediary between the high god (*akuji*) and the community. They influenced society through their mystic powers of healing, communicating with God, and inducing rain (Juma, 2009).

Among many other roles, the Turkana elders are responsible for: making collective community decisions; mediating disputes and resolving conflicts; and conducting community dialogues. The elders were also charged with advising the community on what to do especially when faced with problems; and negotiating to ensure harmony in the community. The elders also mobilize their community members to participate in, and contribute their rich information to, development programmes. They also instil discipline in the community and especially among the youth. In addition, they formulate and implement traditional bylaws like the conservation of nature. For instance, the elders had the customary right to determine patterns of movement to safeguard scarce grass and water from being exhausted especially in the dry season. They for example decreed that grass reserves on mountains and hill tops should not be used until the dry season period.

## THE DECLINING ROLE OF ELDERS IN TURKANA

Despite their potentially vital role, the status and influence of elders among the Turkana has been eroded over time. The declining role of the elders in Turkana can be traced to the *apetaret* (the scattering), the period between 1901-1924 when an army fielded by the British colonial rule killed up to 5,000 Turkanas for resisting the colonial rule (see for example, Lamphear (1992) for a detailed account of the *apetaret*). According to Dolan (2006), loss of livelihoods was

as devastating for those who survived the *apetaret* onslaught as the loss of life. The aggressors not only captured huge numbers of livestock but also killed others for sport, rations and expediency. Loss of livestock herds emasculated the Turkana considerably and dealt a major blow to their independence and struggle for freedom. Among the many adverse impacts of the *apetaret*, it weakened the community's internal management and leadership capabilities by undermining the community's political unity (Lamphear, 1976).

The *Ngimurok* were particularly hard hit. The colonialists hunted down and killed powerful *Ngimurok* before introducing new religious practices. As a result, the *Ngimurok* lost the customary mystic aura that made them so powerful. In essence, the declining authority of the *Ngimurok* diluted the authority of the elders since the elders' authority stemmed from the *Ngimurok*. For instance, Lamphear (1992) notes that during battles, the *Ngimurok* were the ones who directed Turkana warriors as to how they should raid while the elders merely prayed for the success of the warriors. If warriors disobeyed the instructions for the raid, it was the *Ngimurok* they disobeyed, rather than the elders. To date, the modern state and other institutions such as the church and civil society have further constrained the powers and authority of traditional institutions by 'intruding' into areas of life that were the preserve of traditional institutions (Odhiambo, 2012).

In addition, education and other modernization influences like urbanization have led to increased emergence of youth and elites that no longer feel bound by traditional norms and values, and as such do not take the *Ngimurok* seriously.

Some ESF participants and informants that we interviewed reported that despite having lost some of their power, the *Ngimurok* still believe they are able to predict coming crises and to advise on measures to avert them. Indeed, a reasonable number of people still seek help and advice from the *Ngimurok*. Informants explained for example that Turkana County Government and Tullow Oil officers have on occasions engaged the *Ngimurok*. To demonstrate the power that the *Ngimurok* still wield, an informant narrated a story of initial surveys by Tullow Oil that revealed presence of oil around Nanam area east of Lokichogio. The story goes that the oil disappeared mysteriously after Tullow failed to properly engage the area's *Ngimurok*. According to the informant, Tullow has recently sent its officers back to the area to engage the *Ngimurok*.

But if the colonial legacy signalled the beginning of subjugation and suppression of elders and traditional institutions in Turkana, successive post-independence governments have largely failed to mitigate the situation. In fact, as Dolan (2006) points out, the policy of the independence government was to

contain, ignore and use the Turkana among other pastoralist communities for political expediency. To date, successive post-independence governments have done little to recognize traditional institutions and resource governance systems. According to some participants at the ESF on community engagement, the elders are hardly consulted about key development matters. In fact, they are more often than not, side-lined by development planning and implementing authorities. For instance, a concern that was raised at the ESF is that neither the elders nor the then Turkana County Council were formally involved in the land concession and subsequent oil & gas investment decisions by exploration companies and the national government. Yet, oil & gas exploration and development decisions cannot be divorced from land ownership, access and control. Land in Turkana is owned communally and held in trust by the Turkana County Government (formally by Turkana County Council). One would thus expect the community through the elders and the council to be involved in such investment decisions. The ESF participants reiterated that to date, major development decisions in Turkana are being made without meaningful involvement nor due recognition for the elders.

The advent of devolution through the 2010 Constitution and entry of Turkana County Government in 2013 came with a great promise to the local communities. The main purpose of

devolution is to ensure the participation of local communities in governance and decision-making, recognizing their right to manage their own affairs and to further their development (Article 174) (Republic of Kenya, 2010). Indeed, the Turkana County government has strived to involve community members and local elders and community leaders while making major land and development decisions. The county government established Turkana Council of Elders which has so far registered a total of 73 members. The county has also developed a policy and Bill on Culture and Heritage in addition to a draft Bill on Turkana Council of Elders that seeks to empower the Council as a traditional institution of governance (Turkana County Government, 2018). The County Government has also been actively hosting and promoting the Tobong'u Lore cultural festival that showcases Turkana's cultural heritage and diversity.

These are indeed commendable efforts by the county government. However, some community members met during ILEG's engagements in Turkana posit that these initiatives have not quite translated into meaningful recognition and involvement of community leadership structures. Informants for instance, dismissed the council of elders established by the county government as political appointees whose purpose is to drive the county government's agenda and not necessarily to serve the interests of the community. Moreover, tokenism

often pass for community engagement while a few local elites and entrenched personal interests continue to shadow the role of elders and community leaders during such engagements.

Away from the external factors, the institution of elders in Turkana is also faced with internal challenges. The biggest challenge is perhaps weak capacities in terms of awareness and understanding of the complexities of modern-day development imperatives. For instance, oil & gas which is one of the biggest development initiatives in Turkana today is not only a new industry but is also fairly complex. In addition to huge capital investments, the industry involves diverse local, national and international players with different influences and interests. Moreover, the industry is highly regulated, with numerous laws, policies, regulations and strategies. Memoranda of understanding and other forms of agreements are also continuously being developed or reviewed. The industry also requires vast areas of land and social capital making it impossible to function in isolation of local community and community leadership structures such as local elders. The elders thus need to be constantly on the look out and to participate and/or guide the communities to participate in these processes.

Despite their long-standing traditional knowledge and experience on environmental conservation and development

matters, the emergence of the extractive sector calls on the elders to invest in learning and retooling to enable it to work effectively in guiding the community in the changing landscape and new agenda. For instance, the new realities may require the elders to give community positions on various issues including policies, laws and agreements, and to negotiate on behalf of the community to protect pastoral lands, livestock migratory routes, cultural sites and community benefit sharing. However, in the face of the complexity of oil & gas industry and the power and financial capital imbalances that favours the government and oil and gas companies, these roles require highly knowledgeable and astute negotiators. This may be largely lacking among the elders in Turkana today, making the community vulnerable to being duped during policy development, agreements with communities and other related negotiations and processes.

The elders today are also poorly resourced financially making it difficult to operate effectively. This is in sharp contrast to the olden days when elders were to a large extent, wealthy individuals. Other than receiving livestock from raiders after successful raids, the *Ngimurok* in the olden days charged fees in the form of goats and sheep for the treatment of sick people (Juma, 2009). Today, majority of the elders are poor owing to political and economic development challenges coupled with climate change and other environmental factors that have led

to a decrease in the herds of livestock. The decreased stock and decline in cultural raids mean the elders no longer receive any much stock from their community members.

## **VOICES FROM THE GRASSROOTS: LISTEN TO OUR ELDERS, THEIR VOICES MATTER**

Many elders and community leaders are now calling upon all stakeholders to recognize the elders and work with them to serve the interest of the community. They especially asked the national government, Turkana County government and large-scale investors working in their midst to do better in terms of recognizing the elders' role and involving them while making critical decisions and policies. In particular, they cited decisions that potentially involve or impact the community, pastoralism, land and other land-based resources as those in which they want the elders to play a leading role. According to the community members, the Turkana County government, oil & gas exploration and development, the oil pipeline project and other large-scale developments in Turkana provide great opportunities to integrate the Turkana's traditional community leadership structures into the development process. Rather than view the elders as obstacles and distractions, investors should view them as key entry points to the community and so should be consulted at every step of the development agenda. Tapping into the community's traditional institutions, practices and knowledge is in fact one sure way to get the

community to support, participate and own the modernising changes that result from the infrastructure and oil & gas investments.

The community members lauded the efforts and initiatives that the Turkana County government has so far undertaken to involve the elders in their development and planning processes. They however want the county to work out a framework through which it can involve and engage with the elders without 'co-opting' them nor the elders losing their independence and identity as champions of community's rather than county government's interests. They also want investors and politicians to recognize and work with traditional institutions collectively and in good faith for the common good of long-term development and advancement of the community interest. All engagement with elders should be inclusive and transparent and devoid of conspiracies and other strategies that may divide the community along clans nor any other groupings.

Even more importantly, the county government, civil society organizations, investors and other stakeholders should explore and implement initiatives aimed at strengthening the elders and other traditional community leadership structures. In particular, such efforts should aim at strengthening the organization and governance of the institutions, enhancing their negotiation skills in light of the new oil & gas industry and

improving their understanding of the prevailing national and county policy environment. A nother important component would be to work with the elders to document and apply traditional knowledge and practices particularly those that relate to community development and conservation of the environment.

On their part, the elders should work to better their unity of purpose and put the community interest above temporary self gains. All elders should strive to stay focused and guard against temptations of incentives that may go against the collective interest of the community. Community members regardless of their social or economic status are also called upon to recognize and respect the elders and other community leadership structures. In fact community members were called upon to support the work of elders by for example in information dissemination once the elders make critical decisions.

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© Institute for Law and Environmental Governance (ILEG),  
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Off Wood Avenue, Kilimani

PO Box 9561-00100 Nairobi, Kenya.

Tel: +254 20 234 9141.

Email: [ileg@ilegkenya.org](mailto:ileg@ilegkenya.org)



@ILEG\_Kenya



ilegke

Web: [www.ilegkenya.org](http://www.ilegkenya.org)

This 'Voices from the Grassroots' was written by Duncan Okowa. It summarises local community voices on the role of Turkana elders in the contemporary development agenda as expressed during the Extractive Sector Forum (ESF) on Community Engagement. It also relies on ILEG's other engagements in Turkana, as well as existing literature on the subject. For further information please email [ileg@ilegkenya.org](mailto:ileg@ilegkenya.org).

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