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LAND ACQUISITIONS IN TANA DELTA, KENYA (BIO-)FUELING LOCAL CONFLICTS?

A Youth Perspective

Radboud University Nijmegen



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Masterthesis

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Acronyms

ASAL	Arid and Semi Arid Lands
CoCooN	Conflict and Cooperation over Natural Resources in developing countries
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
Ha	Hectare
IFAD	International Fund for Agricultural Development
IFIs	International Financial Institutions
IFPRI	International Food Policy Research Institute
IIED	International Institute for Environment and Development
km	Kilometer
LIP	Land Investment Projects
LSLA	Large Scale Land Acquisitions
NLP	National Land Policy
NWO	Netherlands Organisation for Scientific Research
SAPs	Structural Adjustment Programs
SSA	Sub Saharan Africa
t	Tones
TARDA	Tana and Athi River Development Authority
TDIP	Tana Delta Irrigation Project
TISP	Tana Integrated Sugar Project
TPF	Tana Pastoralist Forum
US	United States
USD	US Dollar

1 Introduction

The number of large scale land acquisitions in developing countries around the globe is on the rise in recent years and so are the discussions about the social and environmental impacts of land related large scale investment projects in the rural areas of the developing part of the world. Some see possibilities of employment generation for the world's rural poor and of overcoming technological underdevelopment and infrastructure shortcomings in the agricultural sectors of the global south. Others regard these hopes as unprecedented optimism. They point out that investors aim to make profits or to secure food supplies abroad but not to bring social development or to contribute to poverty alleviation. In the light of inappropriate legislations and policy frameworks, they only see the threads of widespread displacements and of the destruction of rural livelihoods. The potential for causing or contributing to local conflicts in areas targeted by land investors is often mentioned as kind of a byproduct in the impact analyses of those scholars taking a critical stance to the topic. However, a systematic analysis of the potential link between large scale land acquisitions and the occurrence of conflicts seems missing so far.

Therefore this thesis aims to provide insights in the relation between local conflict potentials and recently occurring land investments in the countries of the global south. To do so, a case study approach has been employed, as the thesis is partly based on data collected during a field research phase from June to August 2011 in Tana Delta, Kenya. Of course, a single case study can not serve as a basis for general conclusions of supra regional relevance, but it can provide indications for other affected local areas and could constitute a valuable starting point for future research attempts with a similar focus. Despite a long history of land reallocations for private and economic interests, Kenya has not been a focal point of land acquisitions in recent years. However, Tana Delta seems to become an exception in this regard, since several investors have proposed serious interests in acquiring large scale land tracts in the area, mainly for establishing bio fuel related production schemes. Tana Delta is traditionally inhabited by communities engaging in small scale sedentary farming as well as by (semi-) nomadic pastoralists. A long history of conflicts and irregular violent outbreaks between these communities is characterizing the area. The reasons for these conflicts are seen in the specific and competing needs of the two livelihoods, but there is also an ethnic dimension inherent to these tensions.

The research interest focuses on the potential impacts land investments in the area might have on these conflict dynamics. Since none of the proposed investments has materialized so far, this research interest is of highly explorative nature. Hence, it is not aimed for deriving hard conclusions, but for pointing out potential future scenarios of conflicts in the area under the influence of large scale land related investments and therefore to assess the conflict potentials linked to these projects. In order to provide a long term view, but also to look for potential changes within the ethnic

dimension of the conflicts, special attention is placed on the perceptions of the youth members of the communities living in Tana Delta.

On the theoretic level the thesis is based on four analytic building blocks reflecting key insights of contemporary conflict studies. These building blocks consist of the multi causality of conflict, its multi functionality including positive functions next to detrimental ones, the importance of cross level influences as impacts on conflict dynamics originate from different levels of society, and the general need to understand the concept of conflict as a process running through different phases rather than as a situation. The analytical framework is introduced in chapter 3. The building blocks require a context sensitive approach within the underlying explorative research interest concerning future conflict evolvments in Tana Delta. On the one hand, this context sensitivity means to pay attention to influential developments on the different levels of society. Therefore, chapter 2 lays out the global as well as the regional background of Sub Saharan Africa regarding the rising number of large scale land acquisitions in the global south in recent years. Chapter 4 presents the national context of Kenya, while paying special attention to the legislative framework and to national politics; and chapter 5 introduces the local level of Tana Delta. On the other hand, context sensitivity also means to pay attention to past developments of importance for the evolvment of the current context, and to social as well as environmental surroundings which might not be directly linked to local conflict dynamics. In order to meet these requirements, while not neglecting the explorative character of the research interest, a triangular methodological approach has been employed during the field research: qualitative in depth interviews have been complemented by a quantitative survey. The research process and the methodology are presented in chapter 6. Chapter 7 entails the analysis of the field data based on an interpretative coding for the qualitative interviews and descriptive statistics for the survey. For the conclusion, chapter 8 will be formulated as an outlook, summarizing the findings from the field data analysis and assessing future conflict potentials in Tana Delta in the light of the proposed land investment activities.

2 Large scale land acquisitions

Recent years have seen a heated debate in press as well as academic and political circles about an accelerating surge in demand for large scale tracts of land valuable for agricultural production in many developing countries around the globe. Most authors situate the starting point of this increasing interest in farmland on the global food price hike of 2007/08 (see e.g. Deininger, 2011; Kachika, 2010). The global financial crisis and relatively high and volatile prices for energy and especially for fossil fuels are seen as further underlying driving forces. Opinions about large scale investments with agricultural purposes in the countries of the global south differ widely. Some see the potential to bring employment opportunities to the world's rural poor and to overcome technological gaps in the agricultural sectors of developing countries and thus to contribute to poverty alleviation and social development. This it is argued could be realized if investments are managed well also from a social and environmental point of view. Opposed to that, critics are concerned about ongoing rights violations of local inhabitants in target areas, especially rights to land and water; natural resources many rural communities in the global south heavily depend on for making a living. In sharp contrast to more optimistic opinions these voices see the danger of further impoverishment of the rural poor and sharply increasing potential for severe local conflicts in target areas (Borras et al, 2011).

This chapter aims to give an overview of this accelerating surge of large scale land acquisitions (LSLA) in the developing part of the world, its key actors and the several argumentations of advocates with their careful positive outlook and strict opponents of the process. A special regional focus will be on Sub Saharan Africa (SSA). At first 2.1 sketches the historical background of past processes of land expansion and discusses experiences in the different world regions of the global south under several modes of agricultural production. Afterwards section 2.2 focuses on the geography and the scale of recent LSLA and section 2.3 on key actors involved in the current process and their motives. Within section 2.4 the critical issues of land governance and tenure rights in target countries are analyzed and the chapter's concluding part gives an overview of potential chances for development and challenges or threats to local livelihoods imposed by land investment projects (LIP) especially those involving the acquisition of large scale land tracts.

2.1 Past processes of farmland expansions and modes of agricultural production

Large scale expansions of land for agricultural use are not a new phenomenon. The time span from 1961 to 2007 has seen a global expansion of cultivated land of 3.8 million ha per year on average, an expansion from 1,376 billion ha to 1,554 billion ha in total (World Bank, 2010). However there have been significant regional differences. While there were declines of -0.5 million ha/ year and -0.7 million ha/ year in industrialized and transition countries respectively, these were more than outweighed by sharp expansions in developing countries of about 5.0 million ha/ year. This regional

concentration in expansion of cultivated land even increased in the period between 1990 and 2007. While globally the yearly increases of cultivated land slowed to some 1.8 million ha per year in the period from 1990 to 2007 the growth rate remained stable at 5.0 million ha/ year in developing countries. The fastest expansion in this period took place in SSA with 2.3 million ha per year overtaking the leading position from East Asia with an annual growth rate of 1.8 million ha between 1990 and 2007. These two regions are followed by Latin America with annual increases of 0.9 million ha and Southeast Asia with 0.6 million ha/ year (World Bank, 2010). Cropland expansions would have taken place on much larger scale without technological innovations in the agricultural sector. There are several key reasons for bringing increasing numbers of land tracts under production in recent decades including global population growth, changing diets enabled by a global average income growth driven by social development in transition economies, urbanization, which increases the share of the global population depending on food purchases and more recently the policy mandates and financial incentives for bio fuel and bio diesel in the US and within the EU (Cotula, 2011).

Neither expansion in farmland nor modes of agricultural production in form of large scale operations or reallocations of valuable farmland from rural communities to institutional and commercial investors in the global south are new phenomena. According to the World Bank (2010) more than 50 per cent of farmland expansion for most key commodities like maize or oil palm in 20 exemplary countries has been due to large scale productions¹ between 1990 and 2007. With regard to rapeseed and sugarcane large scale productions even accounted for 85 per cent and 90 per cent of expansions respectively. Concerning LSLA McMichael (2011) points to large scale agricultural investments of European, Northern American and Japanese investors involved in the establishment of plantations in developing countries during the colonial era in the 19th and 20th centuries. In countries like Zimbabwe or South Africa for example native populations were resettled to agro-ecological zones with low potential in large numbers in order to enable the accumulation of high potential land for European settlers engaging in plantation farming (Huggins, 2011).

Developments in agricultural production systems and processes of farmland expansions and their impacts on developing countries from these colonial times onwards are frequently analyzed within the framework of the so called international food regimes. Usually authors situate the start of the first international food regime at around 1850 while it lasted until the outbreak of World War I in 1914 (Friedmann, 2006). According to Huggins (2011) the basic patterns of globalizing agricultural production systems in later times were already established by colonial powers during this first international food regime. It was characterized by the need of colonial powers to ensure food supplies for the growing working classes throughout the industrializing West also with higher value products like coffee at affordable prices in order to avoid political unrest. Therefore agricultural

¹ Production scales which exceeded a country's average production scale by multiple sizes.

productions were shifted on large scale to the colonies in the global south with the intention to import food products cheaply (Huggins, 2011). This first food regime was dominated by farmers mainly from Europe settling in southern colonies and establishing large plantations while encouraged to do so by colonial powers through policies like the accumulation of high potential land for the settlers' use as illustrated above. These plantations were mainly based on labor intensive and not so much on mechanical production. In addition an extensive frame of laws and regulations established by colonizers ensured that small scale native farmers produced the crops demanded in industrializing nations as well. Threats, the infrequent use of violence and other harsh punishments ensured the cheap provision of labor and production patterns according to colonial regulations (Huggins, 2011).

The second international food regime evolved during the post World War II period (Friedmann, 2006). During the 1960s in the light of decolonization modes of agricultural production in the global south changed. Due to a political climate characterized by increasing nationalizations especially in African countries and land redistribution processes in Latin America the evolving agro industry shifted away from direct production. Instead it established control over the agricultural sector mainly in later stages of the production value chain, namely processing and distribution (Cotula, 2011). However many countries in the global south and their agricultural sectors remained heavily dependent on exports, especially of high value products in order to get access to foreign exchange. Next to a far reaching role of the state with regard to price settings during this time, most developing countries introduced strong protective measures for their industries and their agricultural sectors in particular e.g. in form of import taxes in order to protect their weak economies from competition abroad (Huggins, 2011). Nevertheless especially in countries in SSA domestic policies discriminated strongly against the agricultural sector. Public expenses for the rural areas on average accounted for less than 4 per cent of the national budgets leading to severe lacks in infrastructures and thus imposing major constraints on market accessibility for domestic agricultural producers. Policy shortcomings like this and the heavy state interferences in trade policies discouraged domestic and foreign investments in agricultural production alike in African countries (World Bank, 2010). Next to these detrimental domestic policies, interferences of industrialized countries trying to secure their interests in the global south and Africa in particular have contributed to slow rural and agricultural development. Friedman (2006) points to the large amounts of food aid for developing countries originating mostly from the US, which characterized the second food regime. While acknowledging the humanitarian dimension of food aid, Patel (2007) stresses its role in keeping developing countries under Western influence during the Cold War era. In addition the huge amounts of food aid undermined domestic production activities in many countries of the global south and reduced incentives for governmental investments in rural areas and agriculture to a large extent. While African countries had been mostly food self-sufficient by independence all these factors contributed to declines in per capita production and turned most of the region into food import dependent states

while growth rates of productivity in agricultural sectors were close to zero or even negative (Huggins, 2011).

During the early 1970s there was an overall optimistic outlook on development processes throughout the global south mainly due to low interest rates charged for credits, which fuelled development projects. While spill over effects into rural areas in terms of social development stayed limited, governments throughout the global south borrowed on large scale. However during the following global economic crisis triggered by rising fuel prices interest rates rose again and developing countries found themselves in a heavy debt crisis unable to pay the interests of their loans (Stiglitz, 2006). During the 1980's the third international food regime evolved under a neoliberal ideology aiming to remove protective measures of southern governments also with regard to their agricultural sectors in order to establish a regime characterized by free trade claiming that this would bring development. This ideology was backed by powerful international financial institutions (IFIs) (Patel, 2007). By that time developing countries were heavily dependent on these IFIs due to their debt burdens. In order to avoid bankruptcy and to access new credit lines given by these IFIs, countries of the global south had little alternative than following so called Structural Adjustment Programs promoting neoliberal policies (SAPs) created by IFIs. Thus governments of developing countries were forced to give up protective measures on their economic sectors including agriculture and to reduce state interferences in markets to a large extent (Stiglitz, 2006). Therefore the third and current food regime has been characterized by the establishment of free trade patterns in agriculture, at least in the global south. This meant that from the early 1990s onwards the investment climate for agricultural investors interested in establishing large scale production schemes improved rapidly throughout developing countries. The improved investment climate along with global population and income growth led to renewed interest of commercial investors to vertical integrate production schemes in the global south in their activities (Cotula, 2011). Regional experiences throughout the global south under this third food regime have varied a lot under the influence of different national policies and local circumstances, which shall be briefly discussed below.

In Latin America the expansion of soybean production was most significant. Between 1990 and 2008 Latin America evolved to be the world's largest soybean exporter and production in the region increased from 33 million tones t to 116 million t. Technological improvements and lower transport costs enabled expansions of cropland on large scale. Next to soybeans global demand for beef has driven land expansion in Latin America. Sugarcane as well as plantation forestry have been additional key drivers (World Bank, 2010). However poverty impacts and employment generation have been limited due to mechanized plantations instead of labor intensive cropping. Furthermore many small scale farmers lost their land due to weak legal protection and an overall poor record of existing land rights. In Brazil's Cerrado region, which experienced the world's fastest farmland

expansion during the last two decades continuing exits out of production of small scale farmers are contributing to an intensifying concentration of land ownership with average farm sizes of more than 1000 ha mainly based on mechanized production (World Bank, 2009).

In Southeast Asia land expansion was largely driven by oil palm especially in Malaysia and Indonesia. Together both countries account for 85 per cent of the global palm oil production. The total area cultivated with oil palm increased from 2.9 million ha to 6.3 million ha in Indonesia only (World Bank, 2010). While large scale production schemes often combined with out grower schemes dominate the picture, small scale producers make up for a third of Indonesia's production (Rist et al, 2010). Since palm oil plantations are highly labor intensive and average incomes exceed those from other forms of local farming, it is seen as a contributor to reductions of poverty levels while having generated between 1.7 and 3.0 million jobs only in Indonesia according to estimations. However local land rights have been neglected to a large extent creating high potentials for conflicts on local levels (Rist et al, 2010). In contrast to oil palm, rice production which expanded by some 10 million ha in Southeast Asia since 1990 is mainly done by small scale farmers. Accompanied by favoring policies like a land titling program to provide tenure security, expansion in small holder rice production had major impacts on poverty reductions e.g. in Thailand (World Bank, 2010).

From the early 1990s on most economies in SSA also moved to free trade regimes promoted by the IFIs (Huggins, 2011). Next to tax cuts in agricultural sectors, broader changes in economic policies like switching to market determined exchange rates and measures to lower inflation rates increased the region's attractiveness for land related investments. However proper infrastructure has still been missing to a large extent and implementations of initially positive policy changes like anti corruption measures have been slow. Large scale farming has been limited mainly because of these still prevalent serious constraints of severe lacks in infrastructure, weak institutions and a difficult market access. While large scale farms in SSA are able to compete with those e.g. in Brazil in terms of yields, they often face production costs twice as high, despite the fact that land prices and labor costs are very low in Africa's rural regions. While growth in the agricultural sector somewhat increased during the 1990s in the region, it has been mainly determined by small scale subsistence farming driven by population growth and adaption of technological innovations in the region's agricultural sectors has stayed limited (World Bank, 2010). The production of high value export crops is still the only sub sector of the region's agriculture which has experienced some success mainly due to favorable agro-ecological circumstances, low land prices and cheap labor outweighing deeply rooted constraints (Poulton et al, 2008).

To summarize, while Latin America and Southeast Asia have experienced rural and agricultural development to a certain extent, SSA has stayed behind also during the third international food regime with its free trade ideology. Here it can be derived from the above that both the international context of politics and global markets but also national politics and specific

local conditions are important factors for explaining differing regional experiences with regard to rural development.

2.2 Geography and scale of recent land acquisitions

Farmland expansion in general is unlikely to slow during coming decades since the main underlying driving forces of population and income growth as well as urbanization will not vanish and hence global demand for food products will continue to increase. According to conservative estimations global farmland expansion will experience an average growth of 6 million ha annually up to 2030. It is likely that most of this expansion will take place in SSA and Latin America, since these regions show most potential in terms of land tracts suitable for rain fed cultivation. However, it should be noted that productivity growth in the agricultural sector could slow land expansions significantly especially in SSA, the world region showing the lowest agricultural productivity (Deininger, 2011).

LSLA for agricultural purposes might account for a significant part of future farmland expansion. To clarify, LSLA are not easily translatable into farmland expansion in general since it might well be that land tracts which have been already in agricultural use by native populations are reallocated to investors. Quantifications of the phenomenon of the rising number of land acquisitions in the light of the global food crisis are difficult to undertake and estimations vary widely while relying on press reports in most cases. IFPRI estimates that land acquisitions by foreign investors only in developing countries account for 15 to 20 million ha in the time span from 2006 to mid 2009 (Shepard & Mittal, 2009). Friis and Reenberg (2010) calculate for roughly the same time period even for reallocations between 51 million ha and 63 million ha in 27 African countries to foreign but also to domestic investors. The World Bank (2010) calculates that between 2008 and 2009 intended land acquisitions involved a total of about 46 million ha in developing countries around the globe. Since these estimations are based on press reports, they are likely to have an upward bias. Cotula et al (2009) try a different approach to capture the scale of the phenomenon in a joint report of FAO, IFAD and IIED. While relying on country inventory data of four African exemplary countries and accounting for land deals involving at least 1000 ha, they calculate for land acquisitions of 2.0 million ha in total in these four countries between 2004 and 2009. However, while press reports are likely to overestimate the phenomenon, country inventory data is likely to lead to underestimations due to limited access to reliable data and poor public recordings (Cotula, 2011).

These wide ranging estimations, the reliance on media sources and the lack of access to reliable public information reflect a key characteristic of recent land acquisitions, namely the overall prevalent reluctance of involved investors and host governments to disclose the full content of agreed on land deals (Kachika, 2010). This overall unwillingness to disclose information about land deals to the public is accompanied by serious institutional weaknesses in countries attracting investor interests including incomplete public records, insufficient screening of investment proposals

as well as widely lacking consultations of local populations in affected areas. This in turn reflects a key characteristic of countries recently attracting the interests of agricultural investors and thus the geographical focus of the process. Next to land abundance, a low institutional capacity and weak land governance including low recognition of existing land rights seem to be of special attractiveness to investors (World Bank, 2010). A weak formal recognition of existing claims over land by local populations especially if derived out of customary systems plays a key role in investors' decision making. At the same time it is observed that the size of yield gaps, meaning the potential in terms of yields which is not met, does not play a major role in investors' decisions. Thus countries with a low agricultural productivity are targeted as well which indicates that investors are facing bigger challenges in terms of inappropriate infrastructures and technological detriments for turning their investments into successful operations once they materialized (World Bank, 2010).

Given the attractiveness of land abundant countries with a weak protection of land tenure rights while technological detriments are not taken into regard, it is not surprising but certainly new compared to former time periods that SSA is the region attracting most investment interests. In fact it is the clear focal point of recent LSLA (Vermeulen & Cotula, 2010). Of the 46 million ha affected by intended land investments globally as calculated by the World Bank (2010), 32 million ha and hence more than two thirds are directed towards SSA followed by East and South Asia with 8 million ha, Eastern Europe and Central Asia with 4.3 million ha and Latin America with 3.2 million ha. Within SSA demand for land is further concentrated: Sudan, Ethiopia, Mozambique, Nigeria and Ghana only account for 23 per cent of recent LSLA globally (Cotula, 2011).

Most foreign land investors originate either from transition or industrialized countries. While press reports are largely concentrating on investments originating from the Middle East e.g. from Saudi Arabia or Qatar and from East Asia, mainly China, quantitative studies also point to investors from Europe and North America (Shepard & Mittal, 2009). In fact some scholars still see a quite dominating north-south dynamic with investments especially originating from Europe and North America while also acknowledging an emerging south-south dynamic within the process of recent land acquisitions (Borras et al, 2011). Other key source countries of land related investments are e.g. India, South Korea, Japan, Egypt or Russia (GRAIN, 2008; Cotula, 2011). However not all land investments taking place in developing countries are of foreign nature. In fact domestic investors play a significant role as well. Within the four African case study countries investigated by Cotula et al (2009) 0.6 million ha out of the total of 2.0 million ha have been signed over to domestic investors. In many key countries of interest like Ethiopia and Sudan they account for half or more of the intended investments. However with regard to single sizes of land tracts acquired by investors, foreign ones account for the much larger area of acquired land tracts compared to domestic investors (Cotula, 2011).

Single sizes of projects indicate the ambitious nature of many investment plans. The World Bank (2010) names a median single size of 40,000 ha while 25 per cent of intended projects even involve land tracts of 200,000 ha or more and only another quarter intends to bring less than 10,000 ha under production. However in most cases, production starts on only a fraction of the acquired land if any production has started at all (Shepard & Mittal, 2009). Though the scale of investment activities seems immense it should be noted that there is a huge gap between intentions and implementations of investments. According to World Bank estimations (2010) only slightly more than 20 per cent of intended investments have started any production yet. 30 per cent of projects are still in proposition stage meaning they still need final governmental approval, 18 per cent have not started any activities despite governmental approval, slightly more than 30 per cent are in stage of initial development and only 21 per cent have started some farming activities (World Bank, 2010). A reason for this might lie in the above discussed limited influence of infrastructure access and technological conditions in rural areas of target countries in investors' decisions which might be especially true for SSA. LSLA as a kind of speculative investment in the light of growing interest in land and likely higher land prices in the future might add to the number of approved projects without any activities (Kachika, 2010).

The World Bank (2010) has used a method of agro-ecological modeling to identify areas suitable for cultivation fed by rain water. These data have been linked to key variables like current land use, population density and infrastructure development in order to identify areas with potential for future agricultural expansion. Hereby it should be noted that there is a good chance of existing land uses and legitimized claims over land even if it is classified as not cultivated but suitable. Seasonal land use of nomadic pastoralists which is a quite common form of agricultural activity in many sub regions of SSA imposes an illustrating example (Deininger, 2011). While LSLA are not the only possible form of farmland expansion, this classification can be seen as a good indicator of future regions of interest for land related large scale investments. Most of the land classified as suitable is located in SSA accounting for 202 million ha out of a total of 445 million ha worldwide. With distance in second place Latin America accounts for about 123 million ha. However, taking into regard possibilities to reach markets within a time span of six hours with agricultural products, SSA with 95 million ha is only slightly in front of Latin America with about 94 million ha. This again highlights the severe lack in terms of infrastructure throughout SSA. Within each region the suitable land is further concentrated in a few countries. With regard to Africa these include countries like Sudan or the Democratic Republic of Congo (Deininger, 2011). The political instability of these conflict prone countries could lead to even lower levels of recognition of local land rights. Given the current preference among investors to target countries with a low recognition of land tenure rights, it is likely that SSA with its abundance in agricultural suitable land will stay the focal point of LSLA despite its lack of infrastructure and low technological adaption in its rural areas. These preferences might

also explain why recent LIPs have stayed relatively limited in Latin America with 3.2 million ha. Many Latin American countries have been more effective in introducing and implementing laws protecting local land rights compared to countries in SSA during the last decades (World Bank, 2010).

Thus it can be summarized that the recent surge of interest in farmland following the global food crisis of 2007/ 08 has been of significant scale in terms of its overall pace and size but also concerning single project sizes. However a large share of intended investments did not materialize yet. With regard to the former section it is certainly striking that SSA is suddenly the focal point of large scale LIPs, a region which was avoided by agricultural investors for decades due to an unfavorable investment climate. While the region certainly shows a huge potential for agricultural development, the new interest in its rural areas is largely driven by the weak protection of existing land tenure rights in many of the region's countries. Next to the overall striking scale of the phenomenon, this insight along with the prevalent lack of reliable published information on deals will be of importance in later sections of this chapter discussing potential impacts of LSLA in target areas.

2.3 Key actors and their motives

The recent surge in farmland interest has been triggered by a complex variety of factors of price volatilities and crises in the global economy. Three economic sectors are of special importance for analyzing the underlying driving forces of recent LSLA. At first the international markets for food products do have significant influence. This has been indicated already by the frequent marking of the global food price crisis as the starting point of accelerated land investment activities in the global south. Second the large share of projects for bio fuel production within land acquisitions points to an influential role of the global energy markets. Next to bio fuels and diesel, plantations for other cash crops like rubber or cotton are adding to rising numbers of LIPs as well. Third as indicated above rising speculative investment activities of the financial sector targeting land and agricultural productions seem to play an increasing important role (Shepard & Mittal, 2009; McMichael, 2010).

The general factors underlying the long term increasing global food demand of population and income growth as well as processes of urbanization in combination with increasing scarcities of water and land suitable for agricultural production especially in the Middle East and East Asia have led to food shortages and rising prices starting in 2007. Following reductions in national security stores as well as export restrictions in key producer countries, while prices were on the rise, further added to pressures on food markets, leading to even higher prices and extended shortages and finally culminated in a major global food crisis in 2007/ 08 (von Braun & Meinzen-Dick, 2009; Merlet & Jamart, 2009). Press reports on a growing number of LSLA in developing countries rose with a little delay but then parallel to rising prices for key food crops like maize and rice. While food prices declined again since the end of 2008, the number of media reports on the topic stayed at a high level indicating that the food price boom has been the starting point of accelerated interests in LSLA

(World Bank, 2010). While prices decreased again, pressures on food supplies can be expected to increase again. With a likely global population increase of 40 per cent until 2050, production would have to rise by 70 per cent to feed everyone sufficiently (Bruinsma, 2009). In many world regions population growth will be accompanied by growing resource constraints for agricultural production especially with regard to water sources. Thus pressures on food supplies are likely to stay high in the long term meaning also that interest in valuable farmland is unlikely to slow (World Bank, 2010).

These developments and future outlook have led to a growing distrust in global food markets and hence triggered a reorientation of strategic food policies in many countries heavily dependent on food imports and facing future constraints for domestic production due to growing land and water scarcities (von Braun & Meinzen-Dick, 2009). Reorientations of food policies involve in many countries the strategic interest to acquire control over valuable land tracts abroad in order to secure domestic food supplies and thus to limit the reliance on global food markets (Shepard & Mittal, 2009). Countries facing significant and increasing constraints for domestic agricultural production are especially found in the Gulf Region. While these countries are in general rich in terms of oil and cash reserves, water supply and valuable soils for agriculture are very scarce in this region. The costs for food imports throughout the Gulf States more than doubled from 8 to 20 billion dollars within five years from 2002 to 2007 and therefore even before the global food crisis. Other countries with a growing interest in foreign land for food production are located in East Asia, mainly China, South Korea and Japan. While China is experiencing an increasing demand for food products from its growing middle class, Japan and South Korea have made strategic choices during their development process to rely mainly on food imports and thus world markets, now importing around 60 per cent of their food and thus they are especially vulnerable to growing food prices (Shepard & Mittal, 2009).

The food price boom was soon followed by another crisis, the global financial crisis. Together both crises made land and agriculture increasingly attractive, not only for industrial investors but also for private financial institutions (World Bank, 2010). On the one hand due to the financial crisis many other assets suddenly became far less attractive for financial investors and on the other hand higher food prices rose expectations of returns from land related investments. Growing food prices create higher returns from each unit of land under production and thus returns from land related investments in general increase and prices for land go up as demand grows. This combined with expected higher competition over land and water resources in the future attaches to land investments the promise of growing estate values, making it increasingly attractive from a financial point of view (von Braun & Meinzen-Dick, 2009). Furthermore investments into agricultural valuable land impose opportunities to diversify financial portfolios in order to hedge against risks in other markets due to a low correlation of land and agriculture with other asset sectors. In addition land might be regarded as a hedge against the threat of inflation in times of economic crisis especially if future appreciations of acquired land tracts are expected (McMichael, 2011). As noted in 2.2 the

increased interest from the financial sector might also explain at least partly the share of investment projects which did not engage in any production yet. While a lot of investors newly entering the field of agricultural production might simply lack the capacities to make large scale plantations work especially in difficult circumstances like e.g. in SSA, investors from the financial sector might only look for returns from land appreciations while never having intended to engage into actual production (World Bank, 2010).

In the light of climate change as well as increasing price volatilities in the markets for non-renewable energy sources, especially fossil fuels, the demand for bio fuels and bio diesel grew enormously in the highly industrialized countries of the global north. While the ecological impacts are questionable especially from the still prevalent first generation bio fuel crops, this demand drove up interests in valuable farmland in developing countries with low labor costs and land prices even before the food price boom of 2007/ 08 as state policies in the global north highly encourage investor activities and southern governments compete for its attraction (McMichael, 2010). Policy mandates like consumption targets and high subsidies in the US and the European Union, in order to become less dependent on oil imports, are creating attractive markets for bio fuel producers originating mainly from countries in the global north for about a decade now (Shepard & Mittal, 2009). According to the World Bank (2010) a clear surge in land acquisitions for bio fuel production has started in 2003. From that time on until 2008 the global area used for plantations of bio fuel crops more than doubled to a total of 36 million ha with likely expansions of additional 18 to 44 million ha until 2030 according to estimations. Bio fuel production is currently centered in Southeast Asia around the in section 2.1 discussed expansions of oil palm production in Indonesia and Malaysia, which supply 85 per cent of global palm oil demand, much of it is needed to supply the demand for bio fuels. However within the recent surge of LSLA the focus of the bio fuel industry seems to shift to SSA as well (McMichael, 2010). Within its analysis of media sources the World Bank (2010) accounts for nearly four times more large scale bio fuel projects in SSA in the light of the accelerated interest in land since the food crisis than in Southeast Asia. Given the attractiveness of countries with weak recognition of land rights and the above noted neglects of existing land rights by oil palm productions in e.g. Indonesia this occurs to be a logical shift.

Rather than analyzing the bio fuel sector on its own the mingling with the growing food demand and the increased interest in land of financial investors need attention. On the one hand bio fuel production is in direct competition to food production for high value land, since plantations with the purpose of producing crops for bio fuel can not be used for food production. On the other hand there are food crops which can be used as well for the production of bio fuels or diesel such as maize or wheat. Therefore food production can be substituted directly by bio fuel production in case of increased demand for renewable energy sources. Between 2002 and 2007 e.g. the use of US corn to produce ethanol as an energy source increased by 53 million metric tons and accounted for 30 per

cent of global growth of demand for wheat (Shepard & Mittal, 2009). In fact due to these competitions over land but also over crop use, the increased production of bio fuels and bio diesel has had a significant impact on rising food prices and thus can be seen as a triggering force of the global food crisis of 2007/ 08 (McMichael, 2010). Furthermore bio fuels contributed to the growing interest of financial investors in acquiring land in developing countries for speculative reasons, since it has driven up demand for land and thus also expectations of land appreciations even before the start of the recent surge of LSLA in 2007/ 08 (Shepard & Mittal, 2009). Hence growing demand for bio fuels and diesel has been a triggering force of recent land acquisitions but also stays an accelerating driver.

Much media attention has been paid to the role played by governments of investments' source countries in foreign LSLA, often suggesting that states are directly acting as investors acquiring land abroad, especially those seeking food security from the Middle East, East Asia and North Africa. However evidence from case studies shows a clear domination of investments led by operators originating from the private sector. In cases of direct governmental involvement in land investments abroad, this is done through state owned enterprises or more frequently via sovereign wealth funds and thus via investment vehicles outside of parliamentary control or direct civil service (Cotula, 2011). While the vast majority of LSLA is carried out by the private sector, government involvement is still significant in many cases in a more indirect way. Investors' home country governments encourage investments in farmland abroad by major diplomatic, financial, technical and other ways of support. The set up of funds providing financial services like loans on low interest rates, insurances or subsidies for private investors interested in acquiring land abroad for exporting food to their home countries in many Gulf States is one example of financial assistance. Government-to-government negotiations leading to bilateral investment treaties which pave the way for private investors of the same kind is a quite frequent way of diplomatic support (Cotula, 2011). An example of such a bilateral deal which attracted much media attention is a deal between the Kenyan and the Qatari government which will be of importance in the later chapters of this thesis as well. After a three days visit of the Kenyan president to Qatar in November 2008, it was announced that 40,000 ha of high potential land in Kenya would be leased out to Qatar in exchange for a US\$ 3.5 billion loan to construct a deep water port at Kenya's northern coast. The land has been meant to become a plantation for food crops serving demand from Qatar and to be carried out by a Qatari company (Nunow, 2011). Next to countries from the Middle East also key sources of investments from East Asia like China and South Korea have announced official policy strategies to encourage domestic investors to engage in LSLA for food production and re-import abroad (Shepard & Mittal, 2009).

With regard to the bio fuel industry policy incentives of a different kind and from a different part of the world play an important role. While certain transition countries like China also seek bio fuel supply from abroad for energy security next to supply of other cash crops like rubber and cotton

as inputs for their growing manufacturing sectors, the main demand for bio fuels and diesel seems to originate from the highly industrialized nations in North America and Europe (McMichael, 2011). On the one hand policy mandates for bio fuels are frequently justified with the goal to reduce emissions in the light of climate change especially in Europe but on the other hand the strategic dimension of these policies is evident as well since the economies of these countries are heavily depended on oil imports and thus quite vulnerable with regard to price volatilities in global oil markets. Therefore quite ambitious targets have been established for integrating bio fuels and diesel into the markets of traditional transport fuels. EU policies aim to increase the share of bio fuels used for over land transports to 10 per cent until 2020 and the US intend to increase the use of ethanol in transport by 3.5 billion gallons within the time span from 2005 to 2012 (Shepard & Mittal, 2009). These consumption targets which have been put forward also by high subsidies create attractive markets for private investors since a guaranteed demand has been put in place by these policies (McMichael, 2010).

In many cases investment activities are largely encouraged by policies of host governments. One illustrating example is the demarcation of 1.6 million ha, available for interested investors by the government of Ethiopia. These 1.6 million ha are even extendable to 2.7 million ha if investor demand is sufficient (Cotula et al, 2009). The motives of governments in the global south trying to attract investments of foreign nature but also encouraging activities of domestic investors are first of all driven by the postulate that large scale and especially foreign investment is needed to develop their rural areas. This in many cases is based on the believe that traditional inhabitants of agricultural valuable lands and their small scale productions are not efficient in using the land's potential in an optimal way while it is assumed that large scale industrial investors would do so, also because of their technical and financial equipment (Merlet & Jamert, 2009). Due to the presumed underutilization of high potential land tracts and the supposed effective use by incoming investors, investment deals are presented to the public as win-win-situations supporting development in rural areas. Next to the believe that investors will bring technological improvements and employment opportunities for locals, the attraction of foreign exchange and the generation of tax incomes are seen as motivations for host governments. Short term electoral interests as well as corruption might also play a role in decision making processes within public administrations (Merlet & Jamert, 2009; Cotula, 2011).

To summarize, the surge of LSLA in the global south in the aftermath of the global food crisis in 2007/ 08 has been largely triggered by volatilities in three global markets: food, energy and finance. Land related investments with the purpose of food production mainly aim to export their products either to the world markets, which are increasingly attractive for large scale producers due to higher prices or to a foreign country determined by contract often on governmental level before a land tract was acquired. Plantations for bio fuels are mainly meant to supply the demand from

Europe and North America created by policy mandates and to some extent to secure energy supplies in transition economies as well. In addition private investors from the financial sector seek to acquire valuable land tracts in the global south as speculative investments in the light of expected future land appreciations. Next to hopes for higher tax revenues and incoming foreign exchange, the motives of host governments trying to attract all kinds of investors are mainly led by the believe that large scale investments are superior in bringing technological development and sufficient employment opportunities to their rural areas compared to traditional small scale production patterns.

2.4 The rights to land and associated resources and their governance

When it comes to land related large scale investments in developing countries questions of local user rights and ownership of land tracts targeted by investors are of key importance with regard to social impacts of investment activities on local livelihoods and the creation of conflict potential in target regions. Where rights of local populations are neglected on wide scale in order to pave the way for big investors, conflicts are likely to rise and positive social impacts stay limited. Therefore this section aims to analyze the legal and institutional frameworks in which current LSLA take place. Section 2.1 has highlighted that neglects of local land rights have been common also in past processes of land expansion. This topic is of special importance also with regard to the current surge of LSLA as it seems that investors are attracted especially to countries with a weak protection of rural land rights on national level as the discussion in section 2.2 revealed. Therefore a special focus will be on the contrast between local management systems of land and the way land governance is carried out on state and governmental level in many countries of interest. It should be noted that this discussion not only includes user and ownership rights to land in itself but also to associated natural resources, most notably water but also e.g. forests or wildlife.

As section 2.2 has highlighted, the land available for further agricultural expansion is highly concentrated and land suitable for rain fed agriculture is especially found in SSA followed with some distance by Latin America. However these land tracts are most frequently in use and especially in the countries of these world regions rural populations largely depend on the use of these lands in order to make a living. The legal, policy and institutional frameworks setting the formal surroundings in which land deals are taking place will determine if the interests of local populations in target areas are taken into account and thus the extent of positive and negative impacts on poverty levels and social development as well as the creation of conflict potential (Vermeulen & Cotula 2010; Alden Wily, 2011a). Frequently these lands have been managed under customary systems on local level. However ownership and user rights derived from these customary systems are not recognized officially on state level in most cases and if there is a certain degree of official recognition it suffers from inappropriate protection mechanisms. This lack of recognition makes these rights very vulnerable in the light of higher land values and demand, especially because in many states in the

regions of interest land not formerly registered and under customary tenure is often considered officially as property of the state which the government can freely dispose of (World Bank, 2010). This widespread institutional neglect of proper official recognition of customary rights to land and associated resources can historically be seen as inherited from colonial rule while reinforced by the in section 2.1 discussed nationalization processes during the post colonial period especially throughout SSA. One illustrating example of a strongly discriminating legal system towards customary land rights can be given by Zambia, where the registration of customary rights to land is not possible at all. To be more precise, only individual rights to land can be registered. While customary user and ownership rights to land and associated resources can be held individually, most frequently they are held on group/ community level. Hence, while most of Zambia's rural areas are managed by local customary regulation systems, the rights derived out of these systems can not be registered formally and thus are weakly protected against outside interests (World Bank, 2010).

Customary rights to land and associated natural resources held on community level are frequently referred to as *commons* or *common pool resources*. These terms in general refer to a certain natural resource which use reduces availability for other potential users while exclusion from use is difficult to enforce (Gregory et al, 2009; Alden Wily, 2011a). Contrary to Gareth Hardin's famous *tragedy of the commons*-theory (Hardin, 1968)², common pool resources in many cases have been managed in sustainable and effective ways by local customary regulation systems often referred to as *common property regimes*. Common property regimes regulate ownership and access to natural resources on local community level by customary sets of rules. These rules are set up around resource characteristics like size, renewability and mobility and are often of a highly complex nature while deeply rooted in local historic processes (Gregory et al, 2009; Alden Wily, 2011b).

With regard to land as a natural resource the commons make up an estimated area of 8.54 billion ha worldwide, accounting for 65% of the global land mass and its largest share falls within SSA with an estimated area of 1.78 billion ha (Alden Wily, 2011a). The whole mass of the worldwide 8.54 billion ha can be presumed to be property of local communities with ownership and user rights derived out of customary regulation systems. However as already discussed above these property rights are frequently not endorsed or actively denied in national legal systems. Especially in SSA most land and associated resources held in common are formerly withdrawn from customary and community ownership. In national laws these lands became defined as belonging to the state or even as private property of the government. In both cases the national government is the lawful authority with regard to these land tracts, able to dispose freely of them while local inhabitants are basically regarded as having the status of mere squatters and as being temporarily tolerated on state owned land (Alden Wily, 2010). Thus especially land tracts currently held under customary and common

² A theory stating that common pool resources face the steady threat of unsustainable overuse since the level of consideration of the social costs of consumption would be too low in individual consumer decisions.

ownership provide a significant supply for investors interested in agriculture and LIPs. This supply is concentrated in SSA on the one hand in a quantitative sense but also in a qualitative one with regard to those investors attracted by a weak legal protection of local land rights.

In recent times there have been some advances concerning the formal recognition of customary rights to land and associated resources in some developing countries, also in SSA. Legal reforms have been carried out recognizing land rights derived out of customary systems in some states including key countries of interest for large scale land related investments like Mozambique and Tanzania. In addition the majority of these newly introduced laws not only include land tracts used for settlements and permanent cultivation but also associated resources like water and forests as well as land held in common which is only in seasonal use like pastures (World Bank, 2010). Still, even where legal reforms have provided possibilities to achieve full official recognition of customary and common land rights, protection of these rights is still weak in many cases (Alden Wily, 2011b). In Tanzania so far, about 61 million ha of land have officially acquired the status of so called Village Lands meaning these land tracts are state acknowledged common property belonging to about 10,400 village communities. However, loopholes in law as well as complicated and poorly managed application procedures still leave commonly owned land with a quite weak protection even in countries which have experienced legal reforms like Tanzania. As interest in and values of high potential land tracts are rising fast within the recent surge of LSLA, pressures on commonly held land managed under customary systems in developing countries will further increase and weak legal protection is likely to result in large scale losses of land and associated resources for rural populations in the regions of interest (Alden Wily, 2011a).

Next to overall insufficient legal frameworks and loopholes in national laws, protection of customary land rights suffers from lacking institutional capacities limiting effective implementation procedures of legal reforms in many cases. A first topic to mention here are procedures in public recording of relevant rights. In general it can be said rights which are recorded at official level and at best recognized as well can be protected in a better and especially easier way against outside challenges than those rights which are not properly documented. So far registration and titling programs mostly have concentrated on the registration of land plots held on individual level and not in common whilst being insufficiently designed to capture customary rights to their full extent meaning to include associated secondary rights like the right to access a certain water source (World Bank, 2010). In general, attempts to capture customary and common rights to their full extent are difficult to undertake and imply high opportunity costs, especially since common property regimes may differ from one place to another since they are deeply rooted in historic developments of each specific place and thus recording instruments can be standardized only to a limited level. Proper recording is made even more difficult by the fact that many commons are not in permanent but in seasonal use as it is true for pastures and watering points used by nomadic pastoralists or forests in

use by hunter and gatherer communities (Alden Wily, 2011a). Not only with regard to land titling programs but within land governance in general, certain interest groups like nomads are often marginalized and discriminated by governmental measures since they lack appropriate representation in decision making processes. State policies on the local level often rely on local elites representing specific interest groups or seeking private benefits and therefore on non-accountable advices (World Bank, 2010). An example of non-accountable local patterns not bound to land registration can be given by Ghana. Legislative reforms established 80 per cent of Ghana's land as formally acknowledged areas under community ownership while local chiefs have been given the task to manage and allocate the land tracts on behalf of the locals. However, especially in areas which seem to be of interest to investors in the current surge of LSLA some local chiefs have started to act like landowners in their own right selling or leasing out land tracts which are considered to be common property (Cotula et al, 2009).

The above discussed shortcomings in legal frameworks and institutional capacities are currently paving the way for large scale reallocations of land tracts held in common to commercial and institutional investors in many developing countries. In most cases these reallocations are occurring on an involuntary basis as local communities are not involved in decision processes and often even not consulted due to the missing recognition of their rights or if recognized due to the lack of protection of customary rights and insufficient institutional capacities on state level. These large scale involuntary losses of land have led to the frequent employment of the terms *land grab* and *water grab* especially in academic and media circles when referring to the surge of LSLA in the aftermath of the global food crisis of 2007/ 08 (Merlet & Jamert, 2009). However this text will stick to the terms of large scale land acquisitions or investments since the land grab framing is regarded as inaccurate for two reasons. First of all it seems that this framing aims to evoke a perception of illegality of current LSLA on the basis of widely neglected customary land rights of local populations. While this neglect and the legitimized nature of claims of rural populations to their ancestral lands are out of question, most of the currently occurring LSLA in developing countries are done in accordance to the legal national frameworks of each respective country with its sovereign status and therefore represent legal transactions (Deininger, 2011; Alden Wily, 2011a). The inappropriateness of national legal and institutional frameworks needs to be distinguished from any kind of illegal action. Secondly as Merlet and Jamert (2009) note, the term land grab in a strict sense refers to the selling or leasing of land tracts currently under customary tenure only and is therefore inappropriate to describe the whole process of interest. While most current land acquisitions throughout the global south seem to occur on land under customary and often common ownership and management, they are also taking place in areas where land is privately owned and title deeds exist at least partly. If these kind of formalized rights are in place the positions of land owners are protected in a slightly better way but reallocations still happen on involuntary basis in many cases. Small scale private

owners are often pressured to sell their land by the state or even face expropriation from their land plots (Merlet & Jamert, 2009).

In fact expropriations are in many cases a necessary precondition for reallocations of land on a large scale since the legislations of key countries of interest for agricultural investors like Sudan or Ethiopia even do not allow for direct transactions between local private land holders and investors. Thus the first step is the expropriation of formalized private rights to land plots even if existing only on a small part of a land tract of interest to an investor, so the government is in charge only of a land related transaction (World Bank, 2010). Also in the case of involuntary land losses by local people in form of expropriation of formalized land rights, legal and institutional frameworks are largely discriminating against local rights holders. In Sudan for example, the sum of compensation for an expropriation can be appealed in court but not the expropriation itself. In Ethiopia where expropriations in general can be appealed interest conflicts within decision making bodies are obvious, as those executives who decided about the expropriation in the first place are as well members of the commissions responsible for hearing appeals in many cases (World Bank, 2010).

It can be summarized that in both situations of involuntary land reallocations the legal frameworks in many countries of interest and especially in many countries of SSA enable the respective governments to proceed in highly centralized ways with regard to land governance and thus without much involvement of local interest groups. Indeed the governance of land related investment activities has been centralized to a large extent and many countries have developed standardized procedures for handling potential investor interests in valuable farmland as well as for the final transactions. Since local circumstances often vary considerably from case to case, standardized procedures on state level seem to be an inappropriate instrument in many situations (Cotula, 2011). Nevertheless, highly centralized procedures impose an attractive way to handle land reallocations on a large scale for host governments for two main reasons. First of all, compulsory acquisitions formally and at least on a theoretic level empty the respective land tracts of all prior existing rights to it and thus it conceals former weaknesses in land administration procedures, e.g. the widespread and above discussed lack of registrations of existing rights to land and associated resources of local populations. Secondly compulsory acquisitions allow for the transfer of coherent large scale land plots in only one transaction and from this point of view transaction costs are reduced. In addition to these two main motivations for centralized procedures, governments often claim that local populations lack the skills for negotiating with large scale commercial investors. Therefore negotiations and decision making on a centralized level with the governments as intermediary are justified as a protection of the interests of local stakeholders (World Bank, 2010).

However, in practice this high level of centralization in land governance shows serious weaknesses as well. Direct involvement of local populations in negotiations and decision making processes becomes extremely limited if not totally prohibited. While centralized negotiations on high

governmental level are often justified as necessary for countering power and knowledge imbalances between local populations and large institutional investors they in fact might lead to a systematic neglect of local interests. This is especially true if the actions of governments and public administrations are mainly determined by the desire to attract large scale investments or if decision making relies on not accountable or not representative patterns on the local level, since the interests of rural populations might be totally or partly left aside. This potential neglect of local interests characterizing the recent surge of LSLA in developing countries might trigger high potential for open conflicts on the local level as rural populations see their interests and rights violated by land deals. It should also be noted that this in turn might lead to tenure insecurity for investment projects imposing another constraint also for investors (Deininger, 2011; Alden Wily, 2011b). In addition the not existing or largely limited involvement of local communities in decision processes reduces the likelihood of proper compensations for reallocated land tracts. While this further adds to constraints imposed on local livelihoods by LSLA or better minimizes the chance of outweighing imposed constraints in a fair way, it also contributes to the undervaluation of many land tracts which in turn might lead to the attraction of non viable or purely speculative land related investment projects. It should also be considered that pure financial compensation would be inappropriate in many cases. Affected rural livelihoods heavily depend on the use of valuable land as well as its associated resources and these high potential lands are a scarce good and thus financial compensation might not enable local populations to acquire alternative land tracts of comparable agro-ecological value. While possibilities of land-for-land compensation exist in some of the legislations of key countries of interest like Ethiopia and Zambia, these possibilities are rarely taken into account or administered in largely inappropriate ways. In fact, both financial and material compensations for local communities stay largely limited especially if land rights are derived out of customary and common systems since they lack official recognition (World Bank, 2010).

Another serious weakness of highly centralized decision systems lies within the capacity constraints of public administration procedures in many countries of interest. Along with the in former sections discussed lack of public transparency characterizing current LIPs in developing countries, governmental and public organizational systems encourage attempts of individual rent seeking as well as political meddling (World Bank, 2010; Cotula, 2011). When it was noted in the former section that corruption might play role in decision making on governmental level, it is exactly this kind of not transparent public procedures that provide a breeding ground for corruption. In fact quite a number of recently published land deals have been linked to corruption matters (Cotula, 2011). Next to corruption issues, procedures within public administrations suffer from inefficient organizational systems. In many countries boundaries of responsibilities and competences between the different ministries and other high public agencies are blurred. Furthermore not only information flows to the public sphere are low, but also between different governmental agencies indicating a

huge lack of coordination on governmental level in many target countries (De Schutter, 2011). It might well be that one ministry announces a deal with an investor while other ministries might be totally unaware of it. On the one hand this might impose problems in the post announcement period, but on the other hand and maybe more important it prohibits a holistic view on an investment's viability since information on a target area which might be available only in one specific ministry, obviously have not been taken into regard in the decision making process. At last it should be noted that many governments lack the abilities to monitor investment activities and enforce contracts with investors effectively after they have been signed (Vermeulen & Cotula, 2010).

All in all it can be summarized that the legal and institutional frameworks in many developing countries and especially in those located in SSA are highly inappropriate to recognize and protect the rights to land and associated resources of local land users against outside interests within the current surge of LSLA, regardless if these rights are of customary and common nature or held in form of private title deeds. While legitimized right claims are largely neglected, this is done in accordance to national laws, since these enable host governments to dispose of land currently held under customary tenure at free will and to make expropriations of private title deeds on a large scale. There is a prevalent and obvious lack of political will to change this situation and where legislative reforms have been undertaken in order to improve protection of local rights holders, implementations of these reforms often have been largely insufficient, suffering from poor records of land rights and the reliance on not accountable advices. Furthermore, governmental structures are inappropriately designed in many cases for handling land related investment activities on highly centralized levels only, as it is mostly done right now. Thus, even if the political will for better protection of local land rights would grow, problems arising out of serious structural constraints within institutions need to be addressed as well which seem unlikely to be solved in the short term.

2.5 Opportunity for development or destabilizing force and threat for rural livelihoods

The outstanding surge of LSLA in developing countries in the aftermath of the food price hike of 2007/ 08 has brought the topic of agricultural investments and their impacts in target countries of the global south back high on the agenda in political, academic and civil society circles. While the opinions on the topic are certainly manifold, two main streams of argumentations can be distinguished broadly. On the one hand there are those who acknowledge the obvious risks of LSLA for local livelihoods but focus on the opportunities these investment activities can bring to the world's poor rural regions, while at the same time emphasizing ways for managing large scale LIPs in a social sustainable and development strengthening manner. On the other hand and in sharp contrast to the former stream of argumentation, there are those who argue that LSLA impose major threats to rural lives and livelihoods and that opinions describing commercial land investments in the

global south as manageable in social sustainable ways are based on unwarranted optimism (Borras et al, 2011).

Both points of view shall be discussed in some more detail in the following two sections on the basis of the former parts of this chapter, which were supposed to provide the necessary background information for following both lines of argumentation.

2.5.1 Manageable Risks and realizable opportunities

While the authors and advocates of this streamline of argumentation emphasize the benefits large scale land related investments could bring to developing countries in general and their rural regions in particular, they also acknowledge the risks land acquisitions can entail for local populations which became obvious already in the former sections of this chapter. In fact a special focus is placed on ways to mitigate risks for development processes and inhabitants in areas of interest or in other words, on how to manage the surge of interest in valuable farmland in the global south in development strengthening ways (see e.g. Cotula et al, 2009; World Bank, 2010).

Much of current investment interest focuses on areas which have not been of any outside interest for decades. Many authors point out that this trend of missing outside interest is going to be reversed now and that much needed capital might be induced into heavily under developed rural regions especially in SSA. Capital which in many cases could not be mobilized without outside interest and investors from the private sector due to the fiscal inabilities of public sectors in developing countries (von Braun & Meinzen-Dick, 2009). Potential benefits are argued to be realizable on macro but also on micro levels. On the macro level national economic growth and improved government revenues have already been mentioned as motivating factors for host governments in section 2.3. Other potential macro level benefits are seen in technological spillovers with regard to national and local agricultural production systems and thus a more efficient use of domestic farmland which in turn it is argued could have the potential to contribute to the alleviation food insecurities. Next to this it is hoped for employment creation and improvements of domestic infrastructures with regard to education, health and transport systems on large scales. Employment opportunities and infrastructure improvements are also regarded as the main potential benefits on the local or micro level. It is argued that the creation of significant numbers of jobs of farm but also of off-farm nature by large scale LIPs could make major contributions to poverty alleviation and social development in many heavily underdeveloped rural areas in the global south and similar potential effects are attached to improvements in rural infrastructures (von Braun & Meinzen Dick, 2009). Especially with regard to rural development, the potential of joint ventures between investors and local communities in the form of contract farming and out grower schemes is highlighted by many authors. This form of land related investment activities establishes opportunities for investors without the necessity of land acquisitions on a large scale. While local agricultural small holders

would produce their respective products for commercial and institutional investors on their own land plots, they in turn would be wage employed by the investor or would have a guaranteed buyer on a certain price. Furthermore they would be provided with the necessary material as well as non-material input. This business model, it is argued, would make major contributions to poverty alleviation while avoiding the risk of endangering local livelihoods and would bring technological improvements directly to the local level as well (Deininger, 2011).

In addition to macro level benefits on national scale some authors also argue that large scale LIPs could contribute to future stability in global food markets and help to avoid renewed price hikes. This argument is frequently situated in the context of expected growing global demand for food products in the coming decades as discussed in section 2.1. It is argued that this global context requires higher productivities in agricultural production systems as well as additional expansions of cultivated areas especially in those developing countries with significant supply of high potential farmland. This could be achieved through large scale LIPs and their potential positive effects on host countries' agricultural sectors (von Braun & Meinzen-Dick, 2009). Especially throughout SSA agricultural productivity is very low and many key countries of interest with large high potential areas for cultivation like Zambia or Sudan do not even achieve a quarter of their potential yields. Those scholars arguing for joint ventures between investors and locals in form of contract farming take these yield gaps as another argument for their point of view. It is argued that there is sufficient scope for investments in the productivity of existing farmers on the ground which might have bigger impacts than the mere expansion of farmland through large scale plantations (Deininger, 2011).

The World Bank (2010) has combined the yield gap-indicator and the availability of land with potential for rain fed cultivation for several key crops while also taking into account population densities in areas of interest as well as ecological factors and expectations on future changes in ecological potential due to climate change. This has been done in order to classify countries along a typology indicating their appropriateness as target areas for large scale LIPs in general and land acquisitions in particular. Especially development processes in countries characterized by agricultural sectors with low productivities are seen as potentially gaining from large scale land investment activities if the specific circumstances of each country and each affected local area are addressed appropriately. While many countries falling in this category are located in SSA, this group is further subdivided with regard to the availability of land tracts with potential for rain fed cultivation. On the one hand the subgroup of countries with a low availability is seen as potentially benefitting from land investments in general, but on the other hand not from those investments involving large scale acquisitions as nearly all land is occupied already by smallholders whose means of subsistence would be endangered by large scale reallocations of land. In these countries, it is argued, that investors should focus only on engaging into improvements of technology, infrastructure and market development, at best in joint ventures with local populations (Deininger, 2011). The second country

subgroup of interest here consists of those countries with high yield gaps and large tracts of land available and suitable for rain fed cultivation. It is argued that these countries could benefit also from investments involving the acquisition of large scale land tracts if specific additional characteristics next to ecological factors and low population densities are fulfilled. First of all, as already noted in section 2.2, a low population density does not necessarily imply the free availability of land and its associated resources. Therefore the current use of a specific land tract needs to be clearly identified first and additionally in-migration into an area of interest should be limited. If these additional characteristics apply for an area of interest, LSLA paving the way for agricultural production on plantations could be a viable strategy for rural development if implemented within a proper institutional framework and under appropriate terms and conditions (World Bank, 2010). This typology group consists only of a limited number of countries like Zambia, Mozambique, Sudan or the Democratic Republic of Congo and therefore, as already highlighted in section 2.2, the supply of appropriate land tracts for LSLA is highly concentrated in only a few countries especially within SSA (Deininger, 2011).

LSLA in countries showing initially inappropriate conditions for absorbing benefits instead of dangers for rural development processes are seen as one key limiting factor for positive outcomes of the recent surge of global interest in farmland. In fact, the manageability side of argumentation does not deny that benefits for recipient countries and especially for local rural populations have stayed limited so far and that local livelihoods have been severely endangered in many cases. Additional reasons for this have already been highlighted throughout the former sections of this chapter. The most important factors constraining the creation of benefits are seen in the inability of many investors newly attracted to the agricultural sector to make large scale plantations work effectively in the difficult circumstances characterizing many countries of interest, as well as in the mere speculative nature of some land acquisitions. Furthermore insufficient institutional capacities of host countries' administrations and governments to monitor and enforce commitments of investors with regard e.g. to job creation or infrastructure improvements are further issues which need to be addressed. In addition and already analyzed in some detail in section 2.4, further institutional capacity constraints along with insufficient legislations are leading towards a very weak protection of local rights to land and its associated resources while the prevalent lack of public transparency is seen as a major detriment for addressing any of these insufficiencies (Vermeulen & Cotula, 2010; World Bank, 2010). Inappropriate legislations and institutional capacities for recognizing and/ or effectively protecting local land rights, especially if they are of customary and common nature are at the root of what von Braun and Meinzen-Dick (2009) discuss as highly unequal power relations between local populations and powerful national and international investors. In order to counter these unequal power relations it is frequently called for a multi stakeholder approach for mitigating risks and securing benefits also on the local level (Cotula et al, 2009; Deininger, 2011). Therefore,

several stakeholder groups have been approached with recommendations. Local governmental administration and support groups of the rural poor are asked to give legal advice to affected people, to advocate transparency in land deals and to monitor processes on the ground and if necessary to hold investors accountable for their promises. In addition, large international development agencies have been attached with the potential to successfully address the huge lack of reliable information accessible at low cost, to contribute to capacity building among stakeholder groups and thus to raise awareness of how to realize chances for sustainable development, to promote needed policy reforms in target countries and to bring all stakeholder groups together ensuring a comprehensive view (Cotula, 2011).

However, recommendations are in fact largely concentrating on investors and governments as the key powerful actors in the recent surge of LSLA. The World Bank (2010) and Deininger (2011) highlight five key areas critical for policy attention. First of all it is argued that existing and legitimate local rights to land and its associated resources need to be recognized, clearly defined and enforceable at low cost, regardless if they are of customary or formalized nature. Secondly, the need of voluntary transfers is highlighted, which should rely on the basis of prior, informed and free consent of all current user groups of affected resources. Another area which is regarded as a critical one, is to ensure the economic and technical viability of investments. This includes that any investment project should be in line with national and local strategic development plans, but also that an investor needs to be capable to run a land related investment on large scale in a specific country of the global south. In addition it is called for fully transparent processes. All stakeholder groups, it is argued, should be fully aware of all crucial details concerning an investment at any stage of the project. The fifth critical area, which is argued to be in the need of proper policy attention, is seen in the call for environmental and social sustainable projects. This means that negative external effects of investments on third parties notably local population groups and the environment need to be prohibited or at least properly compensated (Deininger, 2011). It should be considered that high interdependences between social and environmental external effects are likely to exist since rural populations relying on the use of natural resources like land and water in order to make a living will be affected in negative social ways by environmental damage caused by a LIP.

From these key areas for political attention, the World Bank (2010) derives the following more concrete recommendations for host governments. At first, it is called for a detailed assessment of each proposed project taking into account the specific surroundings of the respective local target area, especially if reallocations of land are involved. Therefore, appropriate and detailed environmental and social impact assessments should be conducted independently for each specific investment project, in order to avoid negative external effects as discussed above. Furthermore decisions about the approval of proposed investments should not be made ad hoc or guided by short term governmental interests as described in section 2.3. These decisions should rather be made with

a long term view and investments should be in line with national and local strategic plans for development. Questions about the viability of a project should integrate a commodity perspective next to the general country typology introduced above, which aims to determine if large scale LIPs are appropriate for a respective country in general. While the environmental circumstances in a specific area need to be taken into regard for assessing the potential for success of a certain crop, the potential for employment creation on a plantation also largely differs with different types of crops. Case studies have shown that e.g. a jatropha plantation creates up to 420 jobs per 1000 ha while soybean production creates only 18 jobs on the same size of land. Of course the degree of mechanization of production is crucial here as well and thus the proposed mode of production is an important variable, too. A sugarcane plantation e.g. with manual harvests needs 700 workers per 1000 ha while a mechanized harvest reduces this number to around 150 (World Bank, 2010).

In addition and along with the call for an improved transparency, measures of capacity building within public and governmental institutions related to land governance are seen as urgently needed. With regard to capacity building and an improved transparency the World Bank (2010) highlights four priority areas. First of all, it is called for an accurate mapping of all existing ownership and user rights to land and its associated resources in a country's rural areas regardless if these rights are of formal or customary nature. Secondly, these mappings of land rights along with all other information of interest regarding LIPs in general or a specific investment should be made available to the public at low cost. Furthermore, monitoring capacities of state institutions with regard to approved investment projects are regarded as insufficient in many cases. On the one hand, it is called for effective control mechanisms in order to hold investors accountable to the content of contracts and on the other hand effective measurements to withdraw land tracts from projects which have turned out to be of non viable nature are seen as critically needed as well. A fourth priority mentioned with regard to capacity building on governmental level is the introduction of effective mechanisms of conflict management in order to allow for comprehensive dispute resolutions between potentially conflicting parties affected by or related to a LIP and thus to avoid local open conflicts but also to install tenure security for viable investments (World Bank, 2010).

When shifting the focus towards the side of potential investors the adherence to a certain set of principles with regard to social and environmental responsibilities is promoted in order to avoid social or environmental damage and thus to reduce conflict potentials with local populations as well. While the need to make any set of principles operational in practice is recognized, credible commitments by investors to realize their social and environmental responsibilities are demanded. In the long run initiatives originating from and controlled by the agricultural industry itself promoting transparency and social and environmental sustainable action similar to the Kimberley Process in the diamond industry are seen as a possibility to ensure responsible and good practice. For now the World Bank in cooperation with FAO and IFAD has proposed a code of conduct on voluntary basis.

While these seven general principles basically reflect the recommendations to governments and the policy areas highlighted as critical, they are especially directed towards investors involved in the recent surge of LSLA demanding the recognition of existing rights, social responsibility in general and environmental sustainable action (Cotula et al, 2009; World Bank, 2010).

It can be summarized here that the manageability streamline employs a very careful argumentation. Many conditions are highlighted which are regarded as critical for large scale LIPs in order to have the potential for positive social effects. This conditionality is especially emphasized for investments involving the acquisition of land, which are argued to have the potential to contribute to processes of social development only in a quite limited number of countries. However, potential opportunities for development processes are still emphasized if investment activities are managed in developing strengthening ways. In order to help managing the process accordingly, a way is proposed, which von Braun and Meinzen-Dick (2009) term as the dual approach. On the one hand it is called for an improved policy environment and capacity building within public administrations and governmental agencies of target countries for handling investment activities appropriately and on the other hand investors are appealed for social responsible action. This appeal has been put forward by a voluntary code of conduct meant to remind investors of their responsibilities.

2.5.2 A threat for social development

In sharp contrast to the manageability streamline of argumentation there are those scholars and social activists, who are strictly opposed to large scale land investments in general and to LSLA in particular in the countries of the global south. Arguments emphasized by scholars taking this critical stance are wide ranging, including largely theoretically derived arguments throwing a critical light on the growing influence of global capitalism on agricultural production systems as well as empirical based argumentations. Empirical data are often drawn from the World Bank study from 2010 cited above many times already, which in fact is situated in the manageability streamline of argumentation and is often heavily criticized by more critical scholars. While the World Bank uses its data to support its own point of view, it is re-interpreted by authors taking a quite opposite position. These wide ranging interpretations of the same data set already indicate the wide gap between these both broad lines of argumentation.

Capturing the critics of LSLA and their broad based argumentations comprehensively is not possible within the framework of this thesis. Therefore, this section will concentrate on two aspects which seem to be of special importance for the case study analysis in the later chapters before turning the focus to the topic of arising conflict potentials. On the one hand the claimed positive effects in terms of employment creation are critically questioned while on the other hand the manageability of the process of LSLA is doubted in the light of inappropriate public institutions.

De Schutter (2011) tries to shake the core of each manageability approach by questioning the underlying assumption that LSLA will have significant development strengthening and poverty reducing impacts, if they would be managed appropriately. According to him, this presupposed assumption leads to an underestimation of the opportunity costs of large scale reallocations of land tracts, which in most cases are mistakenly marked as freely available. Poverty reducing impacts might be more significant, by ensuring the access of rural communities to land and associated common resources like water than by potential positive social impacts of LSLA (De Schutter, 2011). However, potentially poverty reducing impacts of LSLA are largely doubted in the first place as well and not only if opportunity costs are considered. While the manageability side argues for threefold poverty reduction through large scale generation of wage employment opportunities, payments for leasing or buying land tracts and newly arising opportunities for contract farming, Li (2011) critically questions all three claimed effects. Indeed the World Bank (2010) derives out of its analysis of 19 case studies carried out in 7 key countries of interest like Mozambique and Tanzania that the creation of employment opportunities is a central factor for transmitting positive effects to target areas. Especially expectations of local populations themselves are largely centered on job creation as most important and immediate effect an investment should have. However, in most cases high expectations have not been met, most frequently due to a lack of project implementation or the non-viability of projects in economic terms (World Bank, 2010). In contrast to these detriments Li (2011) highlights more deeply grounded problems with regard to expectations of employment generation. According to her, the attraction of agricultural investors to developing countries in the global south is based on comparative advantages which partly rely on agro-ecological reasons but also on the provision of cheap labor. Investments which mainly originate from the private sector operate in the highly competitive context of global markets, and their main objective is to make a profit out of production if they are not of mere speculative nature or meant to ensure food supplies abroad. In any case, their purpose is not to create significant numbers of jobs for local populations. Quite opposed to that, they have to install an optimized production based on a mix of cheap labor and mechanized processes in order to balance the costs imposed by prevalent detriments in developing countries, e.g. inappropriate infrastructure systems (Li, 2011). With regard to the commodity perspective proposed by scholars taking the manageability perspective, this mix might vary significantly. While some key crops like oil palm or sugarcane show less potential for mechanized farming, others like grains and soybeans are likely to be based on mechanized production as much as possible, especially since they require relative high investments per job created. Anyway, according to Li (2011) it would be naive to believe that plantations of more labor intensive crops would create jobs with reasonable payment on a large scale, since investors generally aim for maximizing their profits and therefore tending to pay workers as little as possible. The argument that this situation could be countered or managed by appropriate and comprehensive

contracts and their effective enforcement stands in a doubtful light in a situation where host governments compete with each other to attract investors and therefore seem to be willing to compromise on claims in terms of creation of employment opportunities with reasonable conditions. Generally, this competition between governments implicitly entails the threat of a downward spiral with regard to requirements imposed on investors in an environmental but also in a social and economic sense including modes of production and employment generation (White & Dasgupta, 2011). In case competing governments would agree on certain standards for potential investors in order to limit the influence of competition over attraction, many developing countries are likely to lose their competitive advantage and investors interested in land related investment projects would simply lose their interest in these countries due to increased costs of production (Li, 2011).

A similar argumentation can be made with regard to the claim that compensation payments for land tracts or land rents paid to local populations could have significant poverty reducing effects. Data reveals that land tracts currently are heavily undervalued and investors acquire land for very low prices and in some cases it is leased out even free of charge. If there are any payments, they normally do not reach local populations in target areas, since they are generally not regarded as land owners. In a specific case in Mozambique e.g. the World Bank (2010) has calculated for an adequate land value of 9800 USD per ha. However, the investor is currently charged a land fee of less than one USD. While this undervaluation of land is partly derived from the prevalent and in many cases misleading assumption of currently unused or largely underutilized land tracts, it is also a result of the competition over the attraction of investments between host governments. In addition, low compensation payments for acquired land tracts are part of the equation when calculating for production locations with comparative advantages. Scholars taking a critical stance towards LSLA point out that investors are interested in acquiring land in developing countries especially because it is virtually free of charge and that they would lose their interest if land prices would reflect the land value adequately. Thus, the generation of development strengthening or poverty reducing impacts by compensation payments to locals directly or through the generation of public incomes and corresponding public investments in rural areas is critically doubted as well (Li, 2011).

Switching the focus towards local employment and income generation through out grower schemes and contract farming, critical voices are prevalent as well. First of all, it is often criticized that the in section 2.4 discussed heavily centralized procedures currently governing the process of LSLA in developing countries would prohibit any real partnership between local land users and investors in the very first place. Since local populations are excluded from processes of negotiating and decision making, any joint ventures between them and potential investors on a fair basis are unlikely to be established (Alden Wily, 2011a). However, with regard to labor intensive crops with relatively small potential for mechanized production like sugarcane or oil palm, investors might be interested in establishing out grower schemes. However, given the context of competition in global

markets, labor on low paid basis would still be the precondition for turning investments in quite underdeveloped areas into profitable ones. Investors backed by host governments are likely to be in a position to establish very low wage levels in negotiations also with regard to contract farming (Vermeulen & Cotula, 2010). Therefore, a laissez faire approach in policies concerning contract farming activities seems inappropriate, regardless if land governance shows a centralized organization or not. Certain norms especially with regard to minimum wage levels would need to be established and enforced effectively. While power imbalances also have been highlighted as a problem within the manageability streamline, proposed solutions for countering these imbalances are in doubt as well. Similar to the argumentations above it is stated that the competition between governments over the attraction of investors makes the establishment of effective policy norms, potentially reducing investment profits on significant scale, unlikely and if such norms would be introduced many countries currently of interest are likely to lose their comparative advantages for agricultural production and investors would leave (Alden Wily, 2011a; Li, 2011).

Leaving aside the general doubt if LSLA are the best or at least an adequate way to develop rural areas in the global south, De Schutter (2011) critically questions possibilities of building up capacities in host states suitable to manage LSLA appropriately in the short term. He lists policy areas in need of attention and measures to be taken, if host states are supposed to develop capacities enabling the management of land investments in general and LSLA in particular in development strengthening ways. While these proposed steps largely coincide with those promoted by scholars of the manageability streamline, the deeply rooted nature of problems within public procedures in countries of interest is emphasized. Indeed, the widely missing mapping of existing rights in rural areas or the inappropriateness of national legal frameworks discussed in section 2.4, indicate the need to solve deeply grounded problems within host states for creating appropriate surroundings allowing for a development strengthening management of the accelerating interest in farmland in the global south. Furthermore, in a situation where many investors are attracted to countries characterized by a weak protection of existing rights in rural areas and inappropriate patterns of land governance, appropriate regulations need to be established at least on a regional scale in order to avoid their undermining by renewed downward spirals in norms and expectations created by the desire of host governments to attract investors (Alden Wily, 2011b). While the establishment of appropriate public organizational systems within target countries and regions requires significant efforts, resources and expertise and therefore considerable amounts of time, commercial and industrial interest in farmland is accelerating right now on vast scale (De Schutter, 2011). In addition, pre-existing obligations of host states in trade policies due to bi- or multi-lateral trade and investment agreements need to be taken into account. Certain measures in discussion to manage LSLA in the global south in social responsible ways might be in conflict with global, regional or bi-lateral investment treaties. Export controls in order to ensure local food security first e.g. seem not

to be applicable to norms imposed by the World Trade Organization. Other conditions proposed to impose on investors like the significant creation of reasonably paid wage employment opportunities might not be in line with regional investment treaties and free trade agreements. Therefore, these investment and trade agreements need to be renegotiated before certain measures towards the social responsible management of LSLA can be taken in target countries. Thus, time can be regarded as one of the most constraining factors to all manageability approaches of LSLA, especially because up to now efforts to improve state capacities have remained largely limited and political will to induce changes in land governance often seems to be missing (De Schutter, 2011; Alden Wily, 2011a).

Both, questions of employment creation and questions concerning the general capacity to manage LSLA appropriately in target countries are largely determining the social impacts of land investments in target areas and therefore as well the creation of conflict potentials on the local level as well, which arise out of specific social settings. The general call for the creation of effective conflict resolution mechanisms in the light of the accelerating number of LSLA in the global south indicates a growing awareness of conflicts potentially triggered by LSLA. Since these land reallocations are mostly occurring in economies characterized by rural populations with livelihoods largely based on the use of land and associated resources, an increasing competition and therefore conflicting claims over the use of these resources seem unavoidable (Alden Wily, 2011a). It should be noted once again that environmental impacts of land investments need to be incorporated, even if LSLA are discussed from a social point of view. An investment, which is acting environmentally unsustainable e.g. through extensive extraction from a local water source, will have negative social impacts and induce significant competition over resource use in rural areas inhabited by populations depending on the use of land and water. On the one hand competing and conflicting claims over resource use might occur between a local community and an investor but on the other hand conflict situations between different local communities living in the same area might be induced or increased if the communities are competing over the access to a certain resource affected by an investment. While the manageability streamline argues for the creation of a significant number of jobs in order to compensate for negative social effects imposed on traditional livelihoods and therefore also to limit conflict potentials arising out of the competition over resources between investors and locals, an unequal distribution of jobs between different communities might also lead to conflicts between locals. The World Bank (2010) derives out of its case study analysis that benefits and particularly jobs, if created on noticeable scale, have been distributed largely unequally in many cases, and that especially vulnerable groups like pastoralists and internally displaced persons³ were excluded. Such an unequal distribution of benefits and the exclusion of certain groups could be an additional factor

³ Refugees, who were evicted from their home areas by violent conflicts but stayed within the same country.

in the creation of inter-community conflicts as interests differ. Case studies have revealed that conflicts linked to LSLA can turn into severe violence and spread from the local to higher levels. The World Bank (2010) e.g. reports the killing of a company representative in Mozambique and conflicts that spread out to the highest political levels in Liberia triggering wide ranging undesirable impacts.

However, while Alden Wily (2011b) notes that there is an obvious risk of open conflicts, the analysis of this risk remained narrow so far. Most publications on the topic of LSLA treat conflicts and the potential for violence linked to land investments in developing countries as a byproduct of other phenomena linked to recently occurring LSLA, like the inappropriate protection of local rights or the limited creation of benefits through employment opportunities for local populations. While these topics are strongly linked to potential conflict occurrences, a detailed analysis of the link between LSLA and conflicts seems to be missing so far. Therefore, this thesis aims to focus explicitly on this link within its case study approach in the later chapters. While this chapter was meant to provide the global and regional background of recently occurring LSLA, the following aims to lay out the theoretical framework needed for the explicit incorporation of a conflict perspective.

3 Land, water and conflict – An analytical framework

The field research on which the case study of this thesis is based has been carried out within the framework of the research program 'Conflict and Cooperation over Natural Resources in developing countries' (CoCooN). This program in turn is part of the strategic theme 'Conflict and Security' of the Netherlands Organisation for Scientific Research (NWO). Within this wider NWO theme scholarly articles and discussion papers focusing on conflicts in general have been published while publications originating from the CoCooN program specifically focus on the role of natural resources within conflicts. This chapter is mainly based on the background literature of the CoCooN project as it represents a good overview of contemporary conflict studies and therefore it is highly suitable to lay out the theoretical foundation of this writing. As this thesis aims to investigate the link between LSLA and conflicts within its case study approach, this chapter will frequently refer to land and its associated resources, most notably water, as examples, since these are the natural resources mostly affected by large scale land related investment activities, while laying out the analytical framework.

Although the term of conflict is often directly associated with the occurrence of open violence, it is in fact an integral part of the human condition and only in some cases it results into actual violence. In its most general meaning, the concept of conflict includes everything from a personal disagreement between two persons, e.g. within a working organization, to an interstate war (Gregory et al, 2009). The wide ranging meanings conflict can have become also clear when focusing on the important role of the concept within numerous approaches of contemporary human geography. Marxism and neo-Marxism have investigated class conflicts under the capitalist system. Feminism has concentrated on gender conflicts created by patriarchal structures. Scholars focusing on migration issues frequently highlight conflict matters between migrants and host populations. Geopolitics as part of the social sciences and human geography is divided as well. Its classic streamline looks on interstate war from a strategic perspective and in the light of the debate about international terrorism of the last decade on conflicts of even larger scale between civilizations and cultures. Critical geopolitics along with post-structuralism however investigates how these kinds of conflicts are socially constructed (Gregory et al, 2009).

While violent actions and the threat of violence at least on a latent basis certainly play a role within the conflict situation of the case study analysis, the understanding of conflict in this thesis is not narrowly bounded to violence in order to capture it in a variety of its facets, some of them mentioned above. The working definition employed here and drawn from the above introduced background literature enables a broad focus: conflict is understood as a process, which has its starting point with the perception of difference and opposition between individuals, groups or institutions with regard to e.g. values, information, beliefs or with regard to resources. Here, the term conflict is interpreted broadly as a struggle between involved actors over opposed principles, which might take many forms, only one of them being actual violence (CoCooN, 2008). This definition

allows for a wide ranging analysis from latent tensions to manifest violence, which is especially important concerning the understanding of conflict as a process: one and the same conflict might be characterized by very different manifestations of tensions between involved actors in its different phases (Frerks, 2007). While a special focus will be on the role of natural resources and especially land and water, four building blocks giving insights into conflicts in general form the background of the analytical framework. One has already been introduced by the working definition, namely that conflict is understood as a process and as characterized by a dynamic nature. A second building block is the underlying assumption that conflict is generally caused not by one but several interacting factors. Furthermore, conflict is regarded as having a wide variety of functions including positive ones. Finally, the fourth building block is the understanding that conflict occurs at all levels of society and is not locked at one level but influenced by events on several levels of society (Frerks, 2007). These four building blocks will be introduced in more detail within the following sections.

3.1 Conflict as a process

Conflicts have often been studied at a certain point of time from a static perspective leaving aside that a conflict has evolved and will evolve further within an often highly complex and dynamic context. While the field research this thesis is based on has been carried out at a certain point of time as well, the dynamic nature of conflict is considered as an important feature for getting a profound understanding of what a conflict is really about (De Dreu et al, 2007). Therefore chapter 5 will introduce the local context of the area of interest, separately from the field data analysis, in order to give an overview over past local developments of importance for understanding the conflict dynamics. This chapter, based on the accessible literature, should give a profound understanding of the conflict evolution, which will form an important basis for giving insights into how conflicts might develop in the future under the influence of LSLA. A Conflict constitutes a longer process. It takes place within and is influenced by a dynamic and changing context and therefore it is historically rooted. It is argued that a profound understanding can not be reached without taking into account the past of a conflict area, meaning environmental changes as well as socio-economic developments, which have led to a region's current status in terms of social development and its ethnic, cultural and religious composition (CoCooN, 2008).

Conflicts can be analyzed along a sequence in time. At first there is the stage of pre-conflict, which might entail the evolution of latent tensions between involved parties already. Such tensions might be due to competitions over resource access or contradicting value systems (De Dreu et al, 2007). The pre-conflict phase is characterized by the evolution of a context in which a conflict is actually triggered and takes place. This context is characterized by three broad dimensions. The first one reflects structural aspects, which do not or only hardly change over time like the geography of an area or the prevalent climate. A second dimension can be described as conjuncture and

encompasses aspects, which change but at a relatively slow pace. The ethnic composition of an area or the judicial context set by the state can serve as examples here. At last there are events, which constitute aspects that change relatively fast or rapidly and might finally trigger or foster a conflict potentially involving an outbreak of violence like a sudden change in the availability of resources (CoCooN, 2008).

With regard to farmland and water sources their absolute stocks can be seen as structural aspects as long as resource use is sustainable, meaning that no over exploitation takes place and no short term environmental change of another kind is induced by human activities. Since the geography and the climate of an area are considered as structural, the absolute stocks of farmland and water available in a local area should stay constant at least over the long term. Short term weather phenomena like droughts can reduce the availability of land and water temporary. Climate change, however, with its longstanding influence can lead to structural changes also in the long run regarding the absolute availabilities of natural resources. Also population growth shows the potential of having longstanding impacts, at least on per capita availabilities. In areas where droughts occur on regular basis they can be considered as a structural factor as well, while customary systems regulating access to land and water in many rural areas of developing countries can be regarded as an aspect of conjuncture as they adapt rural livelihoods to the structural surroundings.

As reported in chapter 2, customary rights over access to natural resources are deeply rooted in historic processes and have evolved into complex systems ensuring a sustainable adaptation of local livelihoods to the structural characteristics of the natural environment of a specific area. Various layers of simultaneously operating and interacting rights systems concerning the use of natural resources might lead to considerable ambiguity and potentially create tensions, since different parties might base their claims on different and opposed sets of rules (Frerks, 2007). This can be true in the case that one area is in use by several distinct livelihoods with distinct customary laws. Here, power relations between local communities come into play as well but customary laws might also be opposed to the respective state law as another aspect of conjuncture. Chapter 2 has already highlighted the ambiguity between state laws and customary systems of land and water management and its potential to create tensions regarding LSLA.

Another aspect of conjuncture which will be of importance in later chapters is an area's composition of different identity groups, here most importantly ethnic groups. In its most general sense the concept of ethnicity refers to a social identity, which defines groups on the basis of their descent or heritage usually interpreted in a cultural sense. It often becomes mixed with other social identities like religion or nationality (Verkuyten et al, 2008). While contemporary violent conflicts seem to be about political power, religious principles or competition over resources, ethnicity is often their subtext, especially within conflicts occurring on the local level. While in the stage of pre-conflict ethnic groups might live close to each other or even mixed without much notion of ethnicity,

ethnic identities often become mobilized in the beginning or within the course of a conflict in order to create group cohesion and to claim rights for the group e.g. in terms of access to resources like land and water. Within these processes of mobilization the ethnic self-understanding of group members often changes and becomes strengthened (Verkuyten et al, 2008).

Such aspects of the conjuncture-dimension in a local context might then explain why certain events trigger, strengthen or reintroduce a conflict. In the case of a conflict between identity-groups e.g. based on ethnicity, a rather small event like a dispute on personal level might rise fast up to the group level as a consequence of ethnic mobilization. Another event one could image is a sudden change in the availability of resources. This might be caused by investment activities involving resource use on a large scale and therefore leading suddenly to structural changes in the availability of resources in a local area. Such a change might be too fast or too significant for local livelihoods and customary systems of resource management on the conjuncture-level to adapt to the new structural conditions and therefore tensions might be created.

Within the course of the conflict phase, the factors which created the context in the pre-conflict stage do not vanish but stay in place and continue to interact within and between the different dimensions and influence the conflict. In fact, the importance of the different factors might vary and change as the conflict runs through phases of intensification – maybe characterized by violence between involved actors – and reduction as a changing and transforming content is a key feature of conflicts (De Dreu et al, 2007).

Next to the pre-conflict phase and the stage of actual conflict, the post-conflict period should find attention, too. This is because the outcomes and the resolution of a former conflict sets new conditions, which might establish a long term stabilization and trigger positive changes in livelihood strategies leading to a more peaceful interaction between involved parties. However, the post settlement consequences and outcomes of a conflict might also impose conditions, which already imply a future continuation of the conflict or contribute to start or to strengthen a different conflict situation (De Dreu et al, 2007).

This section has highlighted the dynamic nature of conflicts and especially the importance of the specific context, which in itself is constantly changing, a conflict takes place in. Furthermore the dimensional aspects of structure, conjuncture and events determining this context have been introduced, which will return during the introduction of the other building blocks of the analytical framework. While doing so, the interacting nature of potentially conflict causing and determining factors within and between the different dimensions has already become visible. Therefore, the multi causality of conflicts will be introduced in more detail in the following section.

3.2. The multi causality of conflict

The nexus between the occurrence of conflict and natural resources or the environment in general has been widely discussed in recent decades. In fact environmental issues took a central role in many attempts to rethink the causation of conflicts on the local level and even warfare on the interstate level as the idea of resource wars evolved in the post Cold War era (Frerks, 2007). Attempts to link natural resources and conflict and to position resources and the environment as central factors in its causation have been manifold. Some scholars have focused on the role of environmental degradation conflict causations (Homer-Dixon, 1991), others within a similar approach have concentrated on resource scarcity in an absolute sense (see e.g. Starr, 1991 or Bulloch & Darwish, 1993 focusing on water scarcity) and a third group has developed the idea of the so called resource curse and the linked concept of economies of violence (see e.g. Billon, 2000). The latter approach has evolved with regard to so called conflict commodities, which are constituted by high value commodities like gold, oil or diamonds and therefore it seems not of central importance concerning conflicts involving land and its associated resources (Gregory et al, 2009). More recently climate change as a potentially conflict promoting factor has entered the debate due to its possible heavy impacts on the availability of resources like valuable farmland and water in many world regions (Frerks, 2007).

Others have developed approaches that can be situated within the conjuncture-dimension. Resource scarcity e.g. imposes a factor of interest not only in an absolute but also in a relative sense in terms of distribution and access as mediated by the diverse types of interaction between involved interest parties and their environment. Concerning rural areas in developing countries this seems closely linked to a broader livelihood approach which puts attention on increasing stress situations for and competitions between diverse livelihood systems as a conflict factor (Ohlsson, 2000).

More event-like explanatory factors of conflict are recently attached to the growing influence of global markets also with regard to land and water. Sudden changes in demand e.g. for bio fuels might induce heavy stress on and competition within environmental systems on local levels, where a respective resource like land is available (CoCooN, 2008).

However, whatever attempt concerning the nexus between natural resources and conflict is promoted, conflict studies have moved towards a more nuanced direction of multi causality. Environmental issues and questions of resource availability are certainly not discarded with regard to explaining the occurrence of conflict but not in an absolute sense. Rather they are seen as factors constituting an interplay with factors of socio-political nature like poor and discriminating governance or the mobilization of certain identities like ethnicity. The present position is characterized by the recognition that the causation and continuation of conflict may be influenced by factors like resource scarcity or environmental degradation but that conflicts are seldom purely resource driven (Frerks, 2007).

With regard to resource scarcity the debate has largely shifted away from the structural dimension of absolute scarcity to the dimension of conjuncture and therefore issues of resource distribution and access. Conflicts which seem to be about water for example are often not about water as a resource itself but more about rules regulating its allocation, while it often becomes a flashpoint of tensions rooted in a very different causation, often of a deep historic nature (CoCooN, 2008). Especially in local contexts of rural areas in developing countries, ownership and access rights concerning natural resources are embedded within complex structures of socio-political relations. Here, the role of social identities is of special importance as they determine the composition of groups which are allowed to access a certain resource and make use of it to a certain extent in accordance to the respective customary laws. Therefore based on a specific feature of one's social identity people might be denied access to or sufficient use of a certain resource (Frerks, 2007). At this point the question of power relations between the respective identity groups comes into play. More powerful identity groups will create customary law systems according to their interests and therefore might create relative scarcity if less powerful identity groups become discriminated in these customary systems. National state politics and law can also impose intervening factors, since they might contribute to or even create the marginalization of certain identity groups. Furthermore, in the case of a conflict characterized by the increasing occurrence of violence, social identities serve as a vehicle for the mobilization of people, especially in the case that a certain identity group wants to improve its position vis-à-vis others concerning resource access or in another sense (Frerks, 2007).

Ethnicity as a social identity based on a group narrative of common descent or heritage has already been introduced in the former section. It is both a source of group pride as well as a discourse of difference, which follows a bidirectional dynamic: ethnic distinctions are developed within a group itself in order to create a positive self view and cohesion, but are also attached to a group from the outside. This distinctiveness along ethnic lines contains ample opportunity for conflict in many local contexts as this dynamic of differentiation might contain and create feelings of ethno-cultural superiority over others (De Dreu et al, 2007; Verkuyten et al, 2008). However, ethnic group formation and the public expression of these identities do not necessarily have to imply conflict. This is the question if the respective other or others along with their rituals of ethnic identity expression are accepted and tolerated or if confrontations over cultural values evolve (Verkuyten et al, 2008). Confrontations based on ethnic mobilization in this sense do have identity functions for the respective groups. The ideas and values developed within the own group making process become incompatible with the rituals of identity expression of other groups. In order to defend the own values, to establish a superior position and therefore to maintain the group's positive self view a confrontation with the respective other evolves, which might turn violent. However, as already noted different ethnic groups can also tolerate and accept each other. Questions of mutual trust and distrust between different identity groups are important in that sense (Verkuyten et al, 2008).

Next to identity functions there are also instrumental functions of ethnic group mobilization if a group aims for the achievement of social, material and political goals. In principle this function has already been introduced in the paragraph above, when noting that group formation might serve the aim to position the group in a better position vis-à-vis others in terms of resource access and distribution. In fact, the instrumental functions of ethnic mobilization might impose an important factor for explaining when an ethnic group making process, formerly concentrated on creating a positive self view, turns into a confrontation with other ethnic groups. Instrumental and identity functions are not independent from each other but operate bidirectional and in the different phases of a group making process the dominating functions might change several times (Verkuyten et al, 2008). One can imagine many situations of competition over the access to resources and with regard to rural agricultural livelihoods especially competitions over access to water and valuable land tracts. These situations of competition over resource access might trigger further and more intense mobilizations of ethnic identities in order to raise solidarity within one's group to form a strong basis to group rights. A historically dominant group will be concerned with maintaining and legitimizing the status quo while more minor groups will aim to mobilize for inducing change within the social order. Confrontations triggered by such competitions between groups with a similar social status can be termed as horizontal conflict and struggles between groups of different social status as vertical conflicts (Verkuyten et al, 2008).

These competitions, as well as ethnic group mobilizations in general, are sometimes territorial in the sense that privileges and rights claimed by a group are attached to a specific area and conflicts along ethnic lines evolve if these claims become violated or are in competition to claims of another group making use of the area of interest. This might be especially true if claims refer to land and its associated resources, since land – as noted in chapter 2 – is a particularly identity laden issue in many rural areas in the developing part of the world. It often constitutes a central role within a group's narrative of common descent and therefore it is especially suited for inducing ethnic mobilization, which might lead to territorially bounded conflicts between different ethnic groups, imposing contradicting claims over the area (Gregory et al, 2009). Rutten and Owuor (2009) discuss the interaction between matters of land distribution and ethnic group dynamics along other factors with regard to the occurrence of violent conflicts in the country of interest here, Kenya, most notably on the background of widespread violent clashes following the country's general elections in 2007. While acknowledging that ethnic tensions in Kenya are caused by a variety of factors including migration matters and the lack of neutral political leadership, land is highlighted as one of the key issues underlying the persistence of ethnic conflict in the country.

Ethnic distinctions on which group mobilization are based have to be situated within the dimension of conjuncture. These distinctions might change but certainly at a slow pace. This is especially true if ethnic distinctiveness has been accompanied by the occurrence of violent

confrontations at some point, since ethnic violence entails a particular symbolic-emotional dimension which seems to be transmitted through generations of involved parties (Verkuyten et al, 2008). At this point, the role of the youth needs to be highlighted. While feelings of mistrust or even hate based on ethnic distinctiveness are frequently passed on to younger generations, changes, if they finally occur, seem to take place within youth groups. These changes can be of twofold nature. On the one hand young generations might overcome prejudices and hate feelings and therefore overcome ethnic conflict lines. On the other hand young people seem to be especially susceptible to polarizations when it comes to struggles over the predominance of social values or to competitions over resources. In any case it seems worth to pay particular attention to the younger generations within an ethnic conflict if future developments are of interest (Verkuyten et al, 2008).

In general it should be noted that conflict might emerge over values as e.g. developed in combination with ethnic identities, over resources including natural resources like land and water and also over information in the search for problem solutions or about discrepant world views. But this distinction should not be taken in an absolute sense as if each and every conflict is about one of these issues, rather mixtures of conflict causes are the norm. In fact many conflicts, which narrowly regarded seem to be pure resource conflicts are in fact underlined by value issues entailing questions of good and bad or moral and immoral as they evolve within processes of identity group formation (De Dreu et al, 2007).

Additionally direct generalizing lines often drawn from a deteriorating environment and natural resource scarcities to the occurrence of conflict have been found to be quite weak in many cases. For example, the often expected general increase of farmer-herder conflicts especially in rural areas of Sub Saharan Africa due to environmental change and a resulting resource scarcity seems questionable as empirical evidence is lacking. Instead the occurrence of this kind of conflict varies from one location to another (De Bruijn & van Dijk, 2005). On the one hand African environments are more versatile than often assumed and on the other hand the specific social context largely determines the evolvement of a conflict in each single case (Frerks, 2007). Instead a broader livelihood perspective has gained prominence in recent years. It is argued that increased stress on agricultural livelihoods constitutes the missing link between conflict and resource scarcity, especially scarcity of land and water. One decisive question seems to be if people can adapt their livelihoods to a changing environment or if environmental changes are too deep and traditional livelihoods are threatened severely (Ohlsson, 2000). Here, it is worth to pay attention to aspects of the event dimension linked to the global markets. Events or rapid processes of unreflective globalization and associated privatizations of natural resources triggered by shifts within the interplay of supply and demand in global markets may result in a largely unsustainable overuse of resources like land and water, leaving traditional livelihoods depending on these resources in heavy stress as structural surroundings change rapidly. This might result in widely occurring losses of livelihoods and sudden

falls into poverty for many people and therefore trigger protests against and conflicts over economic developments determined by global markets on the local, but also on the state level, as national policies have a decisive role in mediating economic globalization (Ohlsson, 2000). At last it should be noted that traditional livelihoods often also take a central role within the identities of local groups. Thus, the potential loss of a certain livelihood might trigger processes of group mobilization, which could form the basis of resistance or of different confrontations between distinct identity groups as competition over the resources left increases.

While the first two building blocks have been explicitly introduced in some detail in this and the former section, the following two building blocks have been implicitly included in the discussion at many points as there are many intersections between the building blocks. Therefore the following introductions of multi functionality and cross level influence can be done much briefer.

3.3 Multi functionality of conflict

Conflict is often analyzed only by looking on its negative and destructive powers, generally associated with the threat or the actual occurrence of violence. However, as stated already, conflict should not be narrowly defined as a violent confrontation but needs to be more broadly interpreted as a struggle between social entities, which can take many forms and produce a wide variety of outcomes. In particular the general process view employed here by the above introduced working definition leaves open how a conflict is managed and what outcomes are produced. In fact many or even most conflicts are managed peacefully throughout their course and conflict often constitutes a key driver of social change in a positive sense (De Dreu et al, 2007).

The outcomes are often analyzed by focusing on the utility gained or lost by the involved conflict parties. Quite often utility is defined in a material sense with regard to monetary terms or resources only. However, section 3.2 has already revealed that non-material values play a central part in conflicts as well and therefore should be included in the analysis of its results, too. The inclusion of e.g. community values or patterns of resource use into the repertoire of potential conflict results allows for moving away from the one sided focus on the detrimental effects conflict can have. Then, conflict can be seen as a force, which might well introduce cooperation between conflicting parties instead of confrontation (De Dreu et al, 2007). Especially within the dimension of conjuncture, conflict entails opportunities for positive social change. It can help social entities of any kind to define or redefine themselves and develop identities in peaceful and friendly interaction with others. Furthermore, it has the potential to trigger adaptations to structural changes, e.g. of livelihood systems which in the end might well take a more sustainable form. Also policies and governmental institutions can be improved, e.g. in the sense that the interests of a formerly marginalized group become considered in political decision making (De Dreu et al, 2007).

With regard to resources like land and water, the idea of environmental peace building has gained prominence in recent years. Here it is emphasized that the environment is not only force contributing to the creation and rise of conflicts, but also entails ample opportunities for bringing conflicting parties together and to introduce cooperation instead of competition (see e.g. UNDP, 1994). This argument is particularly often stated regarding the often claimed threat of future wars about water on the interstate level. There have been very few if any water wars so far and there are cases of states in conflict but dependent on the same water sources, which found ways to start peaceful cooperation, at first in terms of water sharing and then also with regard to other issues. For the local level it is also argued that a high dependency on environmental goods like land might raise the awareness that cooperation with potentially competing groups in terms of resource use could be in all parties' interest, since collaboration might manage the respective resource in a more sustainable way than open conflict (Frerks, 2007; CoCooN, 2008).

3.4 Cross level influences

While past research inquiries on conflict often remained within one level of analysis, the idea of multi level analyses has gained prominence in recent times as conflicts seem influenced and determined by the interplay of actors and developments at different levels (De Dreu et al, 2007; CoCooN, 2008). The interplay between global, regional, national and local factors in creating conflict sensitive contexts and determining a conflict's course has already been included implicitly in the sections above and shall be briefly but explicitly introduced here as a fourth building block of analysis. At all these levels there are different actors with potentially conflicting interests and therefore it is important to span the analysis of a conflict from the global over the national to the local level (CoCooN, 2008).

This might be particularly true concerning conflicting situations involving natural resources. Actors linked to the global economy might have very different interests than local populations, whose livelihood strategies depend on the resources of interest, while the influence of global markets is largely mediated by regional situations as well as national politics and state laws. It has already been discussed above that rapidly shrinking or expanding markets have the potential to induce heavy stress on local livelihood systems, since they might trigger rapid structural changes in local environments. This includes the fast expansion of the agricultural frontier into the rural areas of developing countries driven by industrial actors (CoCooN, 2008). Section 2.4 has revealed how state laws and national politics on the conjuncture-dimension mediate the influence of economic developments on local areas in the case of LSLA but also that they certainly respond to pressures from and incentives given by global economic developments. In this regard, the capacities of governmental institutions need to be taken into account as intervening factors from the national level as well. As section 2.4 has shown for the case of LSLA, weak institutions are less able to protect local interests in the case of rapid demand increases in global markets. Therefore LSLA might trigger

resistance against what has been termed unreflective globalization in many rural areas of developing countries and potentially influence existing conflict situations, e.g. between local identity groups.

With regard to those conflicts between different identity groups the influence of national laws and politics can also be of importance as they might contribute to discrimination or marginalization of a specific group and thus trigger mobilizations against the social situations. However, it should be noted at least that factors influencing conflicts do not only work in a top-down direction from the global to the local but that conflicts taking place on the local level often have the potential to spread out to higher levels and create conflicts on a wider scale (Frerks, 2007).

While chapter 2 has been meant to introduce the topic of LSLA in general, it has also outlined the global context and the regional situation of SSA in some detail. In order to enable a multi level perspective within the case study analysis, the following chapters 4 and 5 will introduce the national and the local contexts.

4 Land issues in Kenya

Only 20 per cent of Kenya's land mass is classified as suitable concerning cultivation. While 12 per cent is regarded as high potential land characterized by adequate rainfalls, a status of medium potential is attached to an additional 8 per cent. The remaining 80 per cent of the country's land mass belong to the arid and semi arid lands (ASAL). In an economy dominated by agricultural activities like the Kenyan economy is, land with agricultural potential obviously imposes an important asset of economic means for the population. In addition high symbolic, cultural and historic importance is attached to land and its associated resources within the cultures of Kenyan rural communities (O'Brien, 2011). In fact, the distribution of land in Kenya has a longstanding history of complex disputes involving evictions, systematic marginalization of customary land tenure in general as well as of specific ethnic groups in particular and the capture of the most valuable land tracts by a minority of politically well connected elites. While these patterns have their roots in colonial times under the British crown, land conflicts potentially involving violence along ethnic lines are still prevalent in Kenya today (Oucho, 2002; Ogada, 2007; Lafargue, 2008; Huggins, 2011).

In our days it is recognized that the unequal distribution of and the lacking access to land for a majority of the Kenyan population in order to meet their basic needs is a major determinant of poverty in the country. About 85 per cent, of the entire population of slightly more than 40 million Kenyans, lives within the country's rural areas while 80 per cent engage agricultural activities, either part or full time to make a living. However, half of the country's land suitable for cultivation is owned by less than 20 per cent of the population consisting of the elite segments of society. In contrast 28.9 per cent of Kenyans are considered as landless and an additional 27 per cent have access to less than an acre (Syagga, 2006). Further strain on matters of land distribution is added by an annual population growth rate of 2.9 per cent, the highest throughout East Africa (O'Brien, 2011). Poverty in today's Kenya is a widespread and serious phenomenon, since 56 per cent of Kenyans are living in absolute poverty. According to estimations the livelihood of 10 million people is characterized by chronic food insecurity and 2 million people constantly rely on food assistance. It is estimated that one third of the entire population of this agricultural based economy is undernourished (Nunow, 2011).

These figures already illustrate that land distribution matters are a highly sensitive topic in Kenya and entail ample opportunity for conflict on all levels of society. The following sections aim to introduce the country's development path towards this situation and intend to lay out the current context of national land management in the country. So far, the importance of national politics and legislations has been stressed with regard to land questions and therefore this aspect of conjuncture will be of central importance here as well. In addition, a process view has been emphasized throughout the text. Therefore section 4.1 will focus on land related developments in Kenya under

colonial rule; section 4.2 on land politics in post independence Kenya and finally section 4.3 will introduce more recent legislative and political developments linked to land questions.

4.1 Colonial land policies in Kenya

Section 2.1 has revealed the important role many former colonies played within the first international food regime for the cheap provision of higher value agricultural products in order to satisfy demands from Europe. Kenya has not been an exception as much of its high potential land has been given to white settlers under British rule, especially for the production of crops such as coffee and its export to the British mainland (Hunsburger, 2010). Within pre colonial Kenya land tenure was regulated by customary arrangements only. Land was generally accessible to all as restrictions of land use within customary systems were focusing on how land was used rather than on who was allowed to use it. The divergent interests of different communities engaging in e.g. farming, pastoralism or hunting and gathering were met e.g. by the customary establishment of pathways for herders, the marking of watering points or agreements between local users on land tracts to set aside for recovery (Southall, 2005). However, the British colonizers established a system of land administration aiming to provide Kenya's most fertile land tracts for white settlers. This was done largely to the detriment of native communities as the possibility of legal ownership rights over the lands they customarily owned was denied to them. The introduction and preservation of this system was ensured by the threat and irregular use of violence leading to widespread displacements of native communities from high potential areas (Huggins, 2011).

Discourses of unused land were employed by the colonizers to justify the privatization of most of Kenya's areas with cultivation potential for the benefit of the settlers. Within a system of land management and control characterized by a high level of centralization, trust lands were assigned in top down approaches to evicted native communities, usually in areas with low potential for agriculture. These trust lands were set up according to colonial interpretations of ethnic lineages, which often entailed the potential for ethnic rivalry within these areas. Furthermore self determination in these centrally and by force assigned trust lands was largely restricted as they were managed by British land boards, which were only accountable to the colonial Governor, who in turn was inserted by the British government (O'Brien, 2011). At first land rights were manipulated by the British rulers and support from community leaders was bought if necessary in order to meet the demands of newly arriving settlers and to avoid unrest among the native communities. In 1915 however, the Crown Lands Ordinance Act was established, introducing an even higher level of centralization in land governance as it equipped the Governor of the colony with the exclusive power to decide about land allocations on behalf of the British crown (Klopp, 2000).

During the decades of colonial rule frustration among Kenyans about their marginalization particularly connected to the centralized management of land and its associated resources grew and

questions of land distribution became the basis for the Kenyan independence movement, which finally led to independence in 1963 (O'Brien, 2011).

4.2 Land administration in post independence Kenya

With independence the new Kenyan state inherited a land distribution, which was highly unequal and of disadvantageous nature for the African population regarding the ownership of productive land (O'Brien, 2011). However, there was no redistribution of the land acquired by settlers under colonial rule to the native communities having ancestral claims to these land tracts (Huggins, 2011). Instead a more market oriented program was introduced as willing settlers could sell their land to those Kenyans with the means to buy it. This of course favored the elite segments of the native society with access to capital while the poor majority could not get ownership over their ancestral lands again. Furthermore land in post independence Kenya evolved to an asset widely used for establishing political allegiance and the acquisition of land by politically well connected individuals became a widespread phenomenon (Hunsburger, 2010; Huggins, 2011).

These patterns of elite capture of land were enabled by the adoption of the highly centralized land administration system from the colonial era with its essential top-down approaches. In addition, the common practice of allocating land in accordance to ethnic lineages and therefore to favor certain ethnic groups, which were regarded as important for political support, over other groups, remained in place in the independent Kenyan state (O'Brien, 2011). The influence of the colonial past on the institutions and legislations in post independence Kenya was significant. The arrangements of the Crown Lands Ordinance Act, for example, were basically maintained through the Government Lands Act, in which the President took the position of the former colonial governor with the exclusive power to decide about allocations of government land (O'Brien, 2011). Government land is one of the three types of land tenure, which have been provided by the Kenyan legislation. The other two are land held under a freehold title or private land and trust land (Mieri, 2010).

Government land consists mostly of what was classified as crown land under colonial rule. It is considered as owned by the state and held in trust by the government on behalf of the public. The President of Kenya has been empowered by the legislation, especially by the Government Lands Act, to grant private title deeds over these lands or to lease it out to third parties. In contrast to that, trust land, under colonial rule known as native reserves, is considered as owned by local communities but it is held in trust by and the management responsibilities have been vested in the county councils, which compositions are politically filled. While a county council is supposed to hold trust land on behalf of the respective communities in accordance to customary laws, it is empowered to alienate land from customary tenure for private use. The third category of freehold or private land has grown continuously in post independence Kenya due to widespread power abuses concerning land

administration by the national government and public administration agencies, which have constantly alienated land tracts from customary controls in order to supply private and economic interests and demands. This has been done quite regularly to the detriment of social objectives and local livelihoods (Huggins, 2011; O'Brien, 2011). Additionally, processes of land alienations from customary control and common management were promoted by international agencies for the establishment of development projects in top down approaches from the 1960s onwards. While Rutten (1992) highlights these influences from the international level with regard to the establishment of group ranches in the pastoralist dominated Kajiado District in Southern Kenya, Temper (2009) mentions the World Bank's role in the funding of a primate reserve along Tana River on land formerly in use by small scale subsistence farmers.

The fact that both, the national government and the county councils as local administration agencies, have not been land owners in their own right but on behalf of the population has been largely circumvented within a complex legal system of land administration which provided sufficient possibilities for justifying land allocations to private individuals or companies as being made in the public interest. The allocation of government land e.g. was determined by as many as 42 laws which were often of contradicting nature while lacking consistency (O'Brien, 2011). In this legal system corruption was a widespread phenomenon and in some cases government land was used as a currency for buying political support and ensuring re-elections of officials. In a similar way trust land was used at times on the local levels among the nation's elites and officials within political or business deals or in order to buy support from community leaders, who had significant influence on opinion building processes within local communities and could use this influence in the interest of public officials (O'Brien, 2011). Also economic interests from abroad played an important role in these processes of land alienation from customary systems. The international demand for land tracts in Kenya has grown rapidly, e.g. in the sectors of tourism or horticulture. Politically well connected individuals often brokered the purchase or lease of a respective land tract by an investor or acquired a piece of land him- or her-self, which could be sold on to a foreign investor afterwards (Hunsburger, 2010).

4.3 Recent land related policy developments in Kenya

After decades of a single party system, the early 1990s saw the reintroduction of a multi party system in Kenya. While land was used to reward and ensure political loyalty throughout the history of post independence Kenya, the phenomenon reached another height between the early 1990s and 2003 as the political elite under former President Moi made more extensive strategic use of land allocations for buying support in the light of the new political competition in a multi party system (Huggins, 2011). However, in 2003 Moi had to leave office and the current President Kibaki came to power. Public expectations concerning a more equal and fair distribution and management of land and its

associated resources have been very high when the Kibaki government overtook the country. Indeed the government promised to adhere to fundamental principles of good governance, especially with regard to the Kenyan land issues (Huggins, 2011).

However, implementations of policies aiming to solve the longstanding land issues in Kenya have stayed limited and transparency surrounding reallocations of government and trust lands is still largely absent. Instead policy implementations concerning questions of land ownership have been quite selective, which contributed to deepen tensions between ethnic groups arising from questionable land administration practices and the unequal distribution of land (O'Brien, 2011). This became obvious during the widespread violence in the country following the national elections in December 2007. This so called post election violence led to the displacement of nearly half million Kenyans and had many of its roots in land related questions like internal migration and claims over the ownership of land. This violent eruption shows that ethnic differentiations over land related questions are still prevalent and might have even deepened in Kenya today, since much of the violence had an ethnic subtext (Roberts, 2009; Hunsburger, 2010).

However, recent years have seen the introduction of policies and legislative developments which show the potential to induce longstanding positive changes within the conjuncture dimension of Kenya's land administration system. First and foremost the new National Land Policy (NLP) and the new Constitution are of importance. After a lengthy development process spanning five years, which was certainly hampered by the post election violence, the new NLP finally passed the Kenyan Parliament in 2009. Its ambitious objectives include equitable access to land, social equitable utilization of land and its associated resources and the introduction of efficient and fair land dispute resolution mechanisms, all guided under the general vision of sustainable, efficient but also equitable use of land in order to reduce poverty and induce sustainable growth, meanwhile securing existing land rights (Mieri, 2010).

In order to reach its aims, the new NLP provides for decentralizations within Kenya's land administration system and for devolutions of power with regard to land allocations by the introduction of the National Lands Commission. This institution shall be of central importance in future questions of land allocations. It is meant balance the power in matters of land administration in general and reallocations in particular, while strengthening the participation of local stakeholders with regard to land use and allocation through local sub bodies (O'Brien, 2011). Parallel to that the new NLP significantly redefines the types of land tenure in Kenya and how they are administered. The category of government land shall be replaced by public land, which is about to be administered by the National Lands Commission in collaboration with its above mentioned more locally oriented sub bodies. Importantly, the National Lands Commission is not accountable to the President or the government but only to the Parliament (Nunow, 2011). Furthermore trust land is about to become the category of community land. It shall not be held in trust by the county councils but is to become

vested in and administered by the respective communities themselves which shall be identified on the basis of ethnicity, culture and coinciding community interests (Mieri, 2010; Nunow, 2011). It should be noted that also a provision for the protection of land rights of especially vulnerable groups like pastoralists and minority communities is made and that lost rights of these groups shall be restituted. Additionally in order to limit practices of foreign investors acquiring public land brokered by elites, the new NLP limits freehold titles to Kenyan citizens and limits foreign access to Kenyan land to leaseholds of 99 years maximum (Mieri, 2010).

While these policies might have the potential to form the basis for an equitable and sustainable management of land and its associated resources, first their development and now their implementation has been slowed down by political struggles as some elite segments of the society seem to try to secure their personal interests (Huggins, 2011). Anyway, full implementation of this new NLP will need a long time even without resistance of some powerful elites. Existing forms of customary tenure systems need to be mapped in order to enable an effective work of the National Lands Commission and to ensure proper management of community lands. Moreover, local populations need detailed consultation about the changes and the accountability of local representatives needs to be ensured. These are just some examples of upcoming challenges for the new NLP and section 2.4 of this thesis has already highlighted the difficulties with implementing such measures in developing countries with their often largely inappropriate capacities within public administrations. This inappropriateness is also seen as a major hurdle for policy implementations in Kenya (Mieri, 2010). The difficulties of introducing decentralized administration systems in Kenya can be illustrated by the Water Act, a legislation aiming for an increasing community involvement in the management of local water sources through the institutional establishment of seven regional water boards. While the Water Act is from 2002, its implementation is still not completed and remains a challenge. It might well take a decade until the new NLP is fully implemented (Mieri, 2010). With regard to limited foreign access to Kenyan land and to leasehold agreements with a maximum time span of 99 years, it needs to be noted that this kind of foreign control over land can still have significant detrimental influence on local livelihoods (Huggins, 2011).

Furthermore the features of the new NLP will only become effective if they are supported by an appropriate institutional framework and an ongoing democratic development. Therefore a chapter on land has been incorporated in the new Constitution, which displays the provisions for changes in the land administration system made by the new NLP. The development of the new Constitution has spanned an even longer time than the formation of the new NLP. It has been a highly divisive process starting in 2003, while the national referendum on the new Constitution finally took place on the 4th of August 2010, with slightly more than two thirds of the voters supporting the document (Huggins, 2011). Up to the end there has been significant opposition to the new Constitution, which particularly concentrated on its land chapter. One claimed critique by the

opposition side is that the new Constitution would entail the danger of renewed ethnic tensions related to land questions due to its vague definition of community land. According to the Constitution's opponents it is not clear if the term community relies on ancestral lineage or on an area based definition. Therefore they say that communities might claim access to land they once lived on, leading to displacements of an respective area's current inhabitants, which might culminate in outbreaks of violence similar to the post election violence of 2007/ 08 (Omanga, 2010). Not surprisingly these opposing voices seem to include many powerful individuals, who have personally benefitted from Kenya's centralized land administration and now seem to overstate the issue in order to secure their own interests. However, the possibility of ethnically motivated land claims arising from the introduction of the new Constitution seems not totally without foundation and it highlights once again the connection between land questions and the potential for ethnic tensions in Kenya (O'Brien, 2011).

In any case, the implementation of the new Constitution will take a significant amount of time for similar reasons as mentioned above with regard to the new NLP, while opposing voices from political elite circles might further hamper an effective implementation. As it stands right now Kenya remains vulnerable to large scale land reallocations for the benefit of the society's elite segments but also in case of rapidly growing foreign interests in Kenyan land (O'Brien, 2011). Concerning the topic of LSLA, this chapter so far has revealed that Kenya belongs into the group of countries located in SSA, which recently have made significant positive institutional and legislative provisions to secure the customary rights to land of their rural populations. However, as section 2.4 has highlighted, these rights to land and its associated resources of rural inhabitants in these countries are still vulnerable due to slow implementation processes, weak institutional capacities and because of desires for short term economic development within circles of political leadership. Also with regard to the latter point Kenya certainly does not constitute an exception.

The so called Vision 2030 is a policy document serving as a blueprint for guiding Kenya's national development policies up to 2030. It aims to lift Kenya from the status of being a developing country up to becoming a newly industrializing nation. This objective is backed by the document's ambitious economic section, which seeks an average yearly growth of 10 per cent of the country's gross domestic product (Mieri, 2010). Since the Kenyan economy is largely determined by its agricultural sector, these economic objectives are supported by the nation's agricultural policies. On the one hand these policies aim for food security and self sufficiency but on the other hand official objectives are also the generation of employment and national income as well as the earning of foreign exchange. It is acknowledged that an economy, which is largely based on agriculture, has to provide significant resources to its agricultural sector in order to promote overall economic growth (Mieri, 2010). As it has been noted in the chapter 2 of the thesis, many developing countries might lack the financial abilities to provide these resources in sufficient amounts. Consequently it is not

surprising that foreign investment is seen as a key for agricultural development in Kenya's economic policies (Nunow, 2011).

While the above introduced economic policies all acknowledge that economic growth must be balanced with other social interests, especially of local nature, and that any economic development must be environmentally sustainable, there is clearly the danger that short term economic interests dominate over the interests of local communities in Kenya. This is especially true with regard to the recent wave of LSLA with its promises of rapid employment generation and rural development (Huggins, 2011). The potential neglect of local interests of course is enabled by the difficulties in implementation processes of the above introduced legislative changes and therefore by the still prevalent old land administration system in Kenya. This highlights a certain tension between the dimensions of conjuncture and event: while LSLA are on the rise right now driven by event like changes in global demand for agricultural goods, legislative changes and their implementation, especially in developing countries, take place on a quite slow pace (De Schutter, 2011). For this reason, also the institutional framework in Kenya seems quite inappropriate for managing LSLA in development strengthening and social responsible ways right now, despite the recent introduction of initial positive provisions for acknowledging and protecting the rights of rural communities. Hence there is the danger that pressures on Kenyan land, related to the recent rise of LSLA, will be especially high in the near future before the new constitution becomes fully implemented and constitutes a regulating instrument for land related investment projects (Nunow, 2011). Concerning Kenya's longstanding history of land related conflicts often driven by ethnic group dynamics, these pressures seem especially worrying. Concerning the widespread occurrence of LSLA in developing countries in recent years and the heated debates about their potential impacts on rural populations in target regions, it is also interesting to note that Kenya is regarded as being characterized by inappropriate conditions for absorbing development related benefits from LSLA, also by the manageability streamline of argumentation within the discussion. While employing the country typology introduced by the World Bank (2010), Deininger (2011) classifies Kenya within the group of countries characterized by a high yield gap but also by limited land availability for land acquisitions due to widespread land uses by small scale agricultural activities and limited absorbing capacities of other economic sectors in terms of employment. As highlighted in chapter 2, it is argued that land related investments in general could be of support for the development processes in this group of countries, but not if involving the acquisition of large scale land tracts (Deininger, 2011)

However, Tana Delta became a target for large scale land related investment projects involving the acquisition of land. This local setting within Kenya will be introduced in chapter 5. Afterwards the field work's analysis will look on potential impacts the proposed investment activities might have on local conflict situations within the area of Tana Delta.

5 Tana Delta

Tana Delta derives its name from Tana River, Kenya’s largest river with an approximate length of 1000 km. It is located in the southeast of Kenya, at the coast of the Indian Ocean and is to be found



Figure 5.1: Location of Tana Delta
(Source: Hamerlynck et al, 2010)

between 02°30’S, 40°20’E (Mieri, 2010). Figure 5.1 shows the Delta’s geographical location. Tana River originates in central Kenya from Mount Kenya and flows along the eastern boundary of Tana River District, which belongs to Kenya’s Coast Province. To the north and to the east the district borders the Northeastern Province and therefore much of the river constitutes the boundary between the two provinces (see figure 5.2). Northeastern Province but also Tana River District belong to the ASAL of Kenya with low rainfalls and the river is the only significant permanent water source in a wide area. Therefore it has a vast catchment area of approximately 95,000 km², which accounts for about 17 per cent of the country’s landmass (Nunow, 2011).

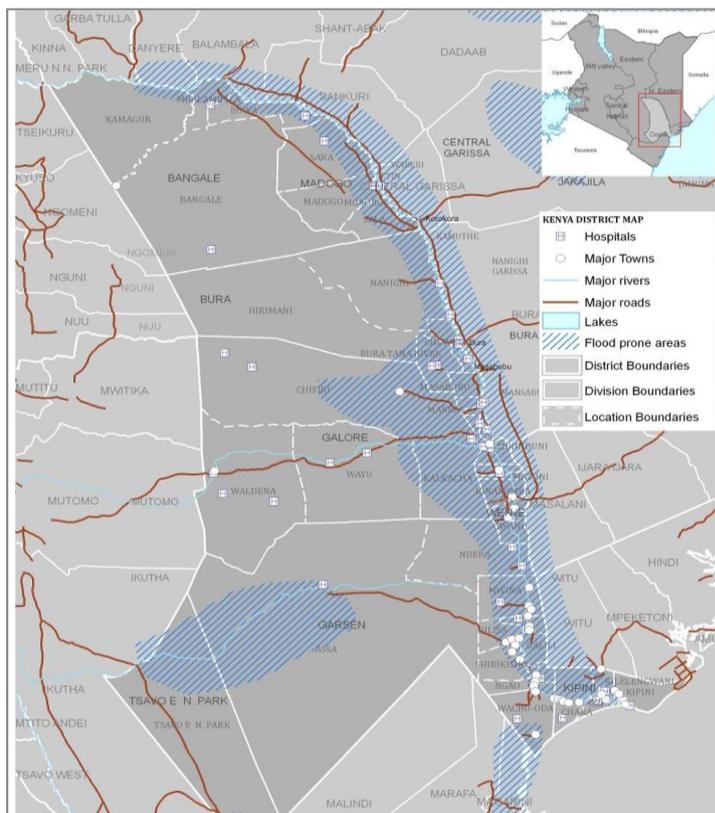


Figure 5.2: Tana River District – Flood plains
(Source: UNICEF, 2009)

Towards its end, before flowing into the Indian Ocean the Tana creates a wide triangular landmass characterized by wetlands and ranging between two and 40 km in width. These wetlands are known as Tana Delta with a total area of about 1300 km². While the ecosystem of the delta is characterized by an immensely diverse flora and fauna hosting hundreds of often endangered species, it has also supported a significant number of human rural livelihoods for generations. It provides rich grazing lands for pastoralists, arable lands for small scale farming as well as fishing grounds (Temper, 2009; Nunow,

2011). The administrative unit of Tana Delta District accounts for a total area of 16,012 km² and was carved out of the larger Tana River District in 2007. The Tana Delta District makes up the southeastern tip of the highlighted area of figure 5.2. The district has a total population of approximately 96,600 inhabitants and shows a quite fast population growth with an average annual growth of 4.1 per cent between 1989 and 2009. About 68 per cent of the district's population is under the age of 25 (Kenya National Bureau of Statistics, 1989 & 2009). Other significant social markers of the district are an illiteracy rate of 60 per cent, an unemployment rate of 33 per cent and a poverty level estimated at 75 percent (UNICEF, 2009; Mieri, 2010).

The lower Tana River area is characterized by a hot and dry climate with an average annual temperature of around 30° C. While temperature shows little variation throughout the year, rainfall follows a bimodal pattern. There are two rainy seasons: the so called long rains take place from mid March to May and the short rains in October and November. The total rainfall in the area in general is quite low with a reception between 300 mm and 500 mm on annual average. Only a small coastal belt receives higher annual rainfalls between 750 mm and 1250 mm. In addition the area experiences prolonged drought periods every few years (Martin, 2007; Nunow, 2011). The bimodal rainfalls create seasonal flooding patterns along the river (figure 5.2 shows the flood plains along the Tana). While the hinterlands with some distance to the river show low agricultural potential, these flood plains and the riverbanks constitute high fertility soils, since the regular flooding accumulates significant amounts of clay in these areas increasing the fertility of the soil (Martin, 2007). The total arable land in Tana Delta District is estimated at some 3800 km² and additionally it is believed that the wider delta area accounts for about 50 per cent of Kenya's lands with potential for irrigation due to the waters of the Tana (Temper, 2009; Nunow, 2011).

With regard to questions of land ownership it is to say that nearly all the land in Tana Delta District falls under the categories of either trust or government land. Therefore the land alienations for private interests in Kenya discussed in chapter 4 have taken place in this area as well. Especially plots near the coast have been allocated to elite segments of the Kenyan society for the purpose of private housing and quite a few powerful individuals can be found holding freehold titles over land tracts in Tana Delta without ever having seen the area. In addition several development projects have been established in questionable top down approaches in the 1980s and 1990s alienating land from customary management (Martin, 2007; Temper, 2009). The vast majority of the local population holding the area under these communal arrangements for centuries in order to make a living through small scale agricultural activities doesn't have title deeds over land tracts in Tana Delta (Nunow, 2011). The different livelihoods existing in the wider Tana Delta area will be introduced in the following sections, which will also highlight the often conflicting nature of interaction between the local communities attached to these livelihood strategies. This will form the basis for analyzing the potential impacts LSLA might have on conflict situations in the area.

5.1 The people of Tana Delta

Tana River and its delta provide room for diverse rural livelihoods, which in turn consequently depend on the wetlands of the delta and the river as a permanent source of water to a large extent.

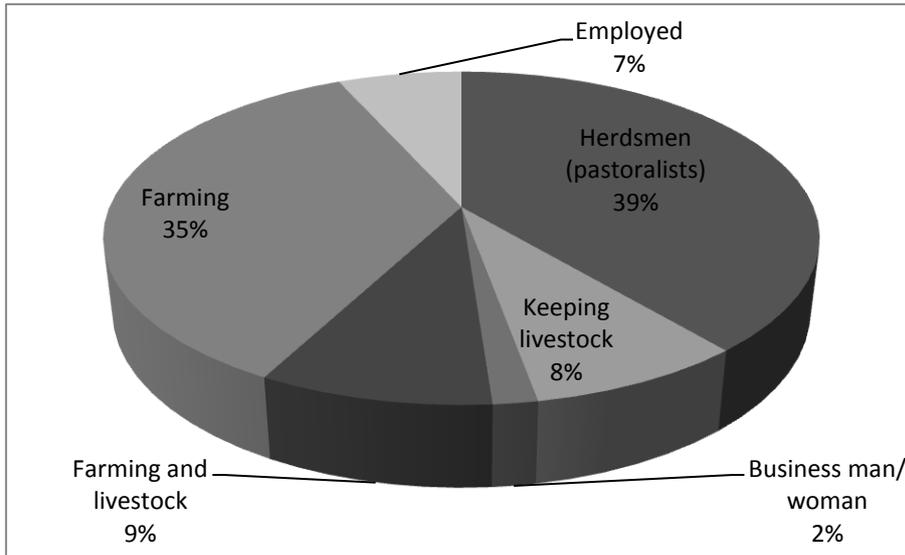


Figure 5.3: The economic activities in Tana River Delta
(Source: based on Mieri, 2010)

The two dominating livelihoods in the area are livestock keeping by nomadic or semi nomadic pastoralists and small scale subsistence farming. Together these two economic activities account for about 90 per cent of household incomes in Tana Delta

District as highlighted in figure 5.3 (Mieri, 2010). While pastoralism along Tana River concentrates on cattle keeping and to a smaller extent on goats and sheep as well, small scale farmers cultivate maize, rice, beans, peas, bananas, water melons, mangoes and several vegetables on farms with an average size of two acres. Each of both livelihood strategies is carried out by one dominating and several smaller communities. Orma pastoralists as well as Pokomo farmers each account for 44 per cent of the total population of Tana Delta District of about 96,600 inhabitants (Kenya National Bureau of Statistics, 2009; Mieri, 2010). With 8 per cent the Wardei pastoralists follow with in far distance and the remaining four per cent consist of a number of several minor tribes: Somali and Galjeel pastoralists; Malakote, Munyoyaya and Mijikenda farmers; Luo fishermen; and the Waata, who traditionally have engaged in a livelihood based on hunting and gathering (Martin, 2007). These local communities have adopted their livelihood strategies in accordance to the environmental surroundings, most notably to the low and bimodal rainfall patterns and to the seasonal flooding of the Tana, which in general takes a central role in livelihood strategies as the only available permanent water source. In addition during dry seasons and drought periods the delta constitutes a fall back area for pastoralists coming from Kenya’s Northeastern Province, Somalia and even from as far as southern parts of Ethiopia in the search for water and pasture for their herds. During the drought of 2009 an estimated number of three million heads of cattle stayed in the wider delta region (Nunow, 2011). The following section will introduce the farming and pastoralist livelihoods in Tana Delta and their competing nature in more detail. A special focus will be on the two dominating

tribes and to a lesser extent on the Wardei as these are the main conflicting parties in the local context of Tana Delta.

5.1.1 *Competing livelihood strategies*

The communal tenure systems of pastoralism and small scale subsistence farming concerning land in water resources in Tana Delta have evolved parallel but distinctively. In the introduction of this chapter it has been stated already that common user and ownership rights are potentially in conflict with national laws and private freehold titles. The alienation of land tracts under communal tenure for private interests has already created conflicting claims over land in the area arising out of the contradicting nature of state laws and common tenure arrangements. However, conflicting claims do not only arise between the national level of state laws and the local level of communal rights but also within the local level since common systems of land and water management are not homogenous but differ significantly in the lower Tana River area. Apart from contradicting claims over access to and ownership of lands, which might also occur between e.g. different pastoralist tribes while competing for pasture, are access rights to the Tana River which highlight the divergent nature of pastoralist and farming livelihoods most significantly (Temper, 2009).



Figure 5.4: Pokomo shamba on the riverbanks of Tana River
(Source: Author's fieldwork stage, June to August, 2011)

While Orma pastoralists mainly use the hinterlands in some distance to the river as grazing areas as these provide rich pastures, virtually all the riverbanks are occupied by fields, so called shambas, of Pokomo small scale subsistence farmers (Martin, 2007). The occupancy of the

riverbanks is a way of adaption to the environment of the area. As explained above, the seasonal flooding of the Tana creates soils with high potential for agriculture along the river. Therefore farming activities are enabled despite the semi arid climate on the land tracts close to the river. Consequently the Pokomo livelihood strategy is largely bound to the flood plains of the Tana as farming activities on the quite drained soils of the hinterland would not be viable (Martin, 2007).

In contrast to the sedentary farming activities of the Pokomo community, the Orma and Wardei households practice a form of nomadic or semi nomadic pastoralism. During rainy seasons many of them stay at one place since sufficient pasture is available. During dry seasons and drought periods however, the herdsmen move with the household's cattle as the availability of grazing land reduces significantly and the cattle has to be moved towards an area where pastures can be found, while the rest of the household stays behind. Further systematic adaptation strategies to the semi arid environment with its bimodal and low rainfall patterns by the pastoralists can be seen in communal arrangements setting aside certain areas as grazing lands to be used only during dry seasons. During both

rainy as well as dry seasons the pastoralists mainly rely on the delta's hinterlands as pastures located in some distance to the river (Martin, 2007).

While the distinct uses of hinterlands by pastoralists on the



Figure 5.5: Herdsmen watering their cattle at Tana River
(Source: Author's fieldwork stage, June to August, 2011)

one hand and riverbanks of farmers on the other hand do not indicate livelihood strategies of conflicting nature, competition arises from the need of pastoralists to access the river for watering their herds. Since the land tracts along the river constitute extremely valuable farming grounds, they are basically all occupied by Pokomo farmers, leaving virtually no corridors for pastoralists to pass through the shambas in order to access the river. This competition comes to the foreground especially during dry season, since alternative water sources like seasonal rivers available during the rainy seasons dry up and the Tana remains the only available water source in the region (Temper, 2009; Nunow, 2011). Hence one can describe this competition as arising from a contradicting understanding concerning rules regulating the access to the river and therefore involving land tracts along the Tana and water resources alike.

Especially during prolonged drought periods this competition over river access is accompanied by increasing pressures on the delta's valuable land tracts in general. The influx of pastoralists from the arid regions in the north increases immensely and the coping strategies of Orma and Wardei pastoralists, characterized by the setting aside of grazing corridors for dry seasons, experience increased stress, as the number of cattle in the wider delta area multiplies. Therefore

pastoralists might start to press for the flood plains along the river traditionally occupied by Pokomo farmers (Martin, 2007). Another pastoralist strategy of adaptation is adding to this as Orma and Wardei pastoralists are known for keeping large herds of cattle in order to be protected against severe droughts. The logic behind this strategy is as follows; if half of a herd during a drought is lost, a pastoralist with a relative large number of cattle is better off, since he remains with a higher absolute number of animals compared to a pastoralist with a relative small herd and thus is still able to make a living from his herding activities. While this feature of pastoralist livelihood strategies certainly adds to problems of overgrazing and increasing pressures on land based resources in the area, pastoralists strongly resist herd reductions because large herds constitute an inherent part of their drought coping strategies (Martin, 2007). In addition the district's high rate of population growth accompanied with the prevalent extremely high dependence on agricultural activities can be seen as a contributing factor in increasing competitions between pastoralist and farming livelihoods as well (Mieri, 2010).

To summarize, this section has introduced the two main livelihoods of the lower Tana River area and to highlight existing competitions in terms of access to water as well as over land tracts. The latter one occurs especially in times of environmental stress. With regard to the two dominating tribes of Orma and Pokomo, the following section is meant to show that these competitions also have evolved along ethnic lines.

5.1.2 Pokomo and Orma ethnic identities

Different perceptions of land use and ownership rights between Pokomo farmers and Orma pastoralists are partly derived out of ethnic group self understandings. While the Pokomo tribe is situated in the wider ethnic family of Bantu-speakers, the Orma and the Wardei as well belong into the wider ethnic lineage of Cushitic-speaking communities (Temper, 2009). The Orma regard land as a resource, which should be open to and shared by all in accordance to their common systems of land management. This understanding of land ownership of course coincides with their livelihood of semi nomadic pastoralism. In contrast to that, Pokomo claim that to be a Pokomo means to own the land one lives on, which in turn is in line with their sedentary farming livelihood (Martin, 2007).

As explained in chapter 3 ethnic group understanding usually is build upon a shared group narrative of common descent and heritage. With regard to Tana Delta the contradicting narratives of Orma and Pokomo concerning their settlement in the area seem of special importance. According to the Pokomo side, their group is originating from an area called Shungwaya, which is believed to be located in today's Somalia and they migrated to the lower Tana River region centuries ago being the first to settle along the river (Martin, 2007). The Orma however are said to have arrived later with the help of Pokomo elders. According to this narrative the Orma were involved in fighting with Somali pastoralist tribes and were chased away towards the south. Two Pokomo elders it is said

helped them to cross the Tana with their canoes and thus protected them from the following Somalis, who were not able to cross the river (Martin, 2007). The Orma narrative of settlement along Tana River is quite opposed to this representation. They are seen in the wider lineage of the Oromo, who consist of several territorial groups living in the wider Horn of Africa including the Tana River Orma people. The Oromo have left their ancestral lands in southern Ethiopia in the 16th century and have spread into the north of Ethiopia as well as towards the south and the east into regions belonging to Kenya and Somalia today (Martin, 2007). According to the Orma they have been the first to arrive in the lower Tana River area together with the small hunter and gatherer community of the Waata during these migrations of Oromo groups. Later the Pokomo community arrived and was friendly welcomed by the Orma, who set aside some areas near the river when the Pokomo expressed their wish to stay and to practice a farming livelihood (Martin, 2007). On the background of these opposed group narratives of settlement in the area under study both communities claim the right of the first to arrive in order to support their specific understandings of land ownership and access rights (Martin, 2007). Interesting in these group narratives is also the incorporation of the respective other as a community initially being in the need of help, which might easily evoke feelings of superiority over the other community.

Ethnic group making processes in the light of the opposed views on which rules were to apply in terms of land ownership and resource distribution gained further dynamics as the ethnic identities underwent physical separation. Orma who were living in Pokomo dominated areas moved and the other way around as well in order to avoid disadvantageous land use rights for the own livelihood established by the respective majority. This separation was further encouraged under colonial rule since the colonial government aimed to prevent local conflicts in order to stabilize the country and to prevent unrest. Therefore the area's hinterland became dominated by pastoralists and their communal land tenure arrangements, while the riverbanks were densely settled by farmers living along to their communal understanding of land ownership (Martin, 2007). As the former section has revealed, this separation is certainly in line with the respective needs of each livelihoods and the respective adaptation strategies to the environmental surroundings. However, the Tana remains central to both livelihoods and the following section will show that access rights to the river evolved to a hot spot of conflicts along ethnic lines in Tana Delta in the light of contradicting understandings of land ownership.

5.1.3 Local conflict dynamics in Tana Delta

In the past, the lower Tana River area was characterized by frequent inter tribal conflicts, which also turned violent on irregular basis. Especially the co-existence between Pokomo farmers and Orma and also Wardei pastoralists has been difficult due to the above explained differing understandings of resource access and property rights (Temper, 2009). The initially distinct lifestyles get into

competition when it comes to access rights to the Tana and that is where most severe conflicts between the local communities have taken their starting point. Since virtually all the riverbanks are occupied by Pokomo farmers and agreed on access corridors have been too few and too small for the large herds of the Orma and Wardei pastoralists, the space left for herdsmen to pass with their cattle in order to water the animals at the river has not been sufficient. Therefore, pastoralists simply started to cross Pokomo shambas with their herds and while doing so, potentially destroying much of or even the whole harvest of the respective farmer. These incidents are said to have been the most frequent trigger of severe conflicts between the local communities in Tana Delta (Nunow, 2011). While the Orma pastoralists regard land as a resource open to all and of course have an inherent need to access the river with their animals, Pokomo farmers have seen their understanding of land ownership violated; violations with the potential to severely threaten a household's livelihood due to the destruction of crops. As already noted these conflicts were especially likely to occur during dry seasons and drought periods, since Tana River constitutes the only significant source of water in these times (Martin, 2007; Nunow, 2011).

While the above described incidents first led to conflicting situations on individual level between directly involved pastoralists and farmers, the underlying dynamics of ethnic group making processes helped to spread conflicts along ethnic lines up to village or community level in many cases (Martin, 2007). In this regard the functions of ethnic group mobilizations have clearly been of instrumental nature as both sides aimed for preventing detriments and an undermining of the own livelihood strategy. However identity functions also played a role in this ethnic conflict as they certainly helped to flare up fighting between Orma and Pokomo. Both sides regarded themselves as superior vis-à-vis the respective other, perceptions which might well be grounded in the group narratives of settlement in Tana Delta introduced in the former section. These feelings of superiority found translation into the occurrence of violence as both sides regarded themselves as having the better fight strategies and therefore the ability to establish a predominating position of the own livelihood patterns (Martin, 2007). Hence instrumental functions of ethnic mobilizations might have occupied a dominant position but there has been an interplay with identity functions, which aided to the occurrence of violence as well.

With regard to the analytical building block of multi causality of conflicts, it is to say that on the one hand there have been struggles over the resources land and water and on the other hand there was an ethnic dimension inherent to the conflict between Orma and Pokomo, which intensified dynamics in the conflict course. One can add that resource struggles have been part of the conflict not so much in form of competitions over the absolute availability of land and water but as competitions between two different common systems regulating access and distribution derived from distinct livelihood strategies. Furthermore the underlying understanding of conflict as a process has been strengthened so far, since it becomes clear from the above that the course of the conflict

between Orma and Pokomo in the Tana Delta area runs through different phases with different degrees of intensification, influenced by a changing context. Droughts for example had the potential to intensify conflicts, while tensions might have been of a more latent nature during rainy seasons. This process view along with the analytical building block of cross level influences in conflict dynamics can be emphasized further by the last severe violent outbreak between Orma and Pokomo so far, which occurred in 2001. Within the dimension of conjuncture occurred a change during the 1990s as national politics began to favor a liberal land policy based on individual land titles. On the local level in the lower Tana Delta area this change caused an even deeper split between farmers and pastoralists when these policies were about to find implementation. While farmers were in favor of the policies, pastoralists opposed it strictly, since widespread private ownership of land would have restricted their mobility to a large extent and therefore threatened their livelihood as nomadic pastoralists severely. Orma and Wardei communities accused the responsible government agencies of strategically fuelling ethnic conflicts in order to support their policy. Severe violent confrontations between farming and pastoralist communities followed in the area, leaving more than 100 people dead and leading to widespread displacements (Martin, 2007; Temper, 2009). One can add here that pastoralist communities in general see their interests not well presented in political decision making processes, which in their opinion relatively marginalize nomadic or semi nomadic livelihoods vis-à-vis sedentary farming activities (Martin, 2007). However after the severe clashes in 2001 the Kenyan government has made serious efforts to calm down conflicts between Pokomo and Orma communities. On the one hand police forces have been sent into the area in significant numbers in order to gain control over the situation and on the other hand local peace committees led by community elders have been established in order to contribute to reconciliation between the communities. Up to now, these efforts have been successful in the sense that 2001 marked the last outbreak of widespread violence so far, between Orma and Wardei on the one side and Pokomo on the other (Temper, 2009; Mieri, 2010).

More recently the increasing influx of foreign pastoralist groups into the delta area is adding to local conflict dynamics. In the light of high population growth rates throughout East Africa and frequently occurring droughts in the region during the last two decades, foreign pastoralists migrating to the delta in the search for pasture and water do not only originate from Kenya's Northeastern Province but also from Somalia and Ethiopia. During drought periods the number of cattle in the wider delta area increases up to five times higher than usually leading to a largely increased competition over pastures between different pastoralist groups. Some of the foreign pastoralists even do not leave the delta area during rainy seasons again but stay throughout the year (Mieri, 2010). This intensive influx of foreigners contributes to local conflict dynamics in many ways and adds an increasing potential for inter pastoralist conflicts. On the one hand security concerns are raising since this influx of foreigners is accompanied by an uncontrolled and illegal growth of firearms

in Tana Delta (UNICEF, 2009). On the other hand local arrangements on the use and distribution of resources as well as conflict resolution mechanisms come under pressure in the presence of strangers, who might not be aware of local rules or might simply not respect them. The latter point refers to arrangements between Orma and Wardei concerning the setting aside of certain land tracts for recovery and future use but also to agreements between herders and farmers as pressures are increasing on land tracts traditionally held by Pokomo farmers as well (Martin, 2007).

Another factor which has had an influence on the conflict dynamics in the lower Tana River area and still is inducing pressures on the natural resource availabilities in the delta, are a number of development projects, which have been implemented in quite unreflective ways in the wider Tana River region since the late 1970s. These projects were partly funded by international development agencies and their implementations were accompanied by ethnocentric policies trying to make use of ethnic divisions for reducing local resistance (Huggins, 2011). Once again, cross level influences can be highlighted, since in these cases impacts on local conflict processes even originated partly from the international level. These development projects included a national reserve for primates alienating large land tracts from common ownership, two large scale irrigation projects for the production of rice and maize, which took several thousands of hectares as well but collapsed due to technical and financial mismanagement in the early 1990s, and the construction of dams for hydroelectric power generation upstream the Tana River (Temper, 2009). The biggest of the dams is Kiambere dam, which was completed in 1993. While these dams succeed in generating power, they have significantly influenced the flooding patterns of the river in the lower Tana River area and have reduced water levels in general and discharge of the river during floods. Therefore these dams have put additional strain on livelihoods practiced in Tana Delta (Martin, 2007; Hamerlynck et al, 2010).

Another irrigation scheme was funded by the Japanese Government on request of the Kenyan Government from the late 1980s on. While financial and technical aid was provided by Japan in this bilateral development initiative, the Tana Delta Irrigation Project (TDIP) was run in a top down approach by a Kenyan parastatal agency named Tana and Athi River Development Authority (TARDA). It was meant as a major rice production scheme on former trust land, which was made available by the respective county council but the project collapsed during El Niño related rains in 1997 (Lebrun, 2009). However, the land remained in the hand of TARDA and in recent years the rehabilitation of the TDIP on an area of 20,000 ha is under way funded by the Kenyan government in a response to national food shortages (Mieri, 2010). While pastoralists strictly oppose the irrigation scheme and protest against it openly as it occupies valuable grazing lands, farmers seem more open to the project, since they hope for employment and development in the area (Temper, 2009). Although widespread violence did not occur between Orma and Wardei on the one side and Pokomo on the other during the last decade, the TDIP seems to fuel local tensions between the communities on a more latent basis. Furthermore it is believed that next to the upstream dams the irrigation of



Figure 5.6: Irrigation hub along the TDIP
(Source: Author's fieldwork stage, June to August, 2011)



Figure 5.7: Lower Tana River in dry season
(Source: Author's fieldwork stage, June to August, 2011)

the 20,000 ha rice production scheme from the river contributes largely to the reduction of water levels of the Tana. Figure 5.6 shows an irrigation hub along the plantation of the TDIP. In contrast to that figure 5.7 is a picture of Tana River, which is meant to indicate the environmental stress the river is facing in its lower parts during dry seasons as it dries up to a large extent.

This section has introduced the local conflict dynamics in the lower Tana River area, to define the key characteristics of these dynamics and to highlight developments with significant influences on the conflicts between the local communities of the region. Within the global context of the rising number of LSLA in developing countries in recent years another outside development shows the potential to have significant influence on the conflicts in the delta. Except of the TARDA rice plantation, which might be similar in some of its impacts to recently occurring LSLA, no large scale agricultural investment has materialized in the area under study up to now. However, several national and international investors have expressed interest in the high potential lands of Tana Delta and some seem to be close to materialization, also with the assistance of TARDA. The next section aims to give a brief overview of the proposed investments and their potential impacts on the livelihoods in the lower Tana River area.

5.2 Proposed LSLA in Tana Delta

Besides the 20,000 ha rice plantation, it is estimated that TARDA holds approximately 150,000 ha of land in the wider delta area, which have been alienated from former trust lands for TARDA by the county council of the area in the light of the implementation of the first TDIP. Since the collapse of this irrigation project the land, while officially remaining with TARDA, is basically under common use by the local communities again (Nunow, 2011). However, 40,000 ha of this land located centrally in the natural delta are planned to be turned into a sugarcane plantation in a public private joint venture between TARDA and Kenya's largest sugar company, the Mumias Sugar Company, called Tana Integrated Sugar Project (TISP). While 4000 ha of the project are supposed to be set aside for out growers, the remaining majority of the land is meant to become an industrialized plantation for

the purposes of ethanol bio fuel production and electricity generation from the bagasse (Temper, 2009; Nunow, 2011). While figure 5.8 shows the location of the TDIP located on the edge to the natural delta, figure 5.9 highlights the expansion under the TISP and the related encroachment far into the natural delta.

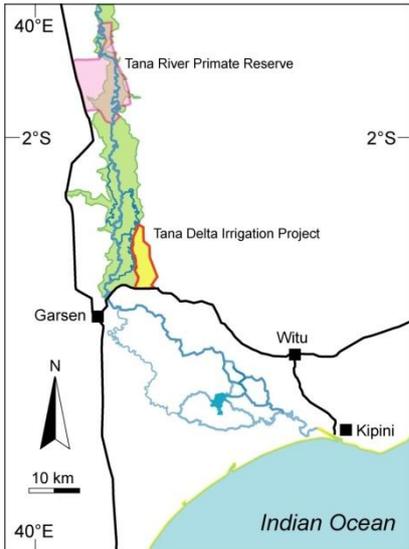


Figure 5.8: Location of TDIP
(Source: Based on Lebrun, 2009)

Another large scale sugarcane project has been proposed by the Canadian company Mat International. The company is willing to acquire 130,000 ha in total and 30,000 ha are supposed to be located in Tana Delta District, while the remaining 90,000 ha are to be taken from adjacent districts. In addition a new British company, which has been registered in 2008 in England under the name G4Industries, has proposed to acquire 50,000 ha of delta land in order to undertake oil seed farming (Nunow,

2011). These private foreign investment initiatives have been accompanied by the interests of a state investor, which has drawn much international attention to Tana Delta. The Emirate of Qatar and the Kenyan government announced a bilateral deal following a three day official visit of Kenya's

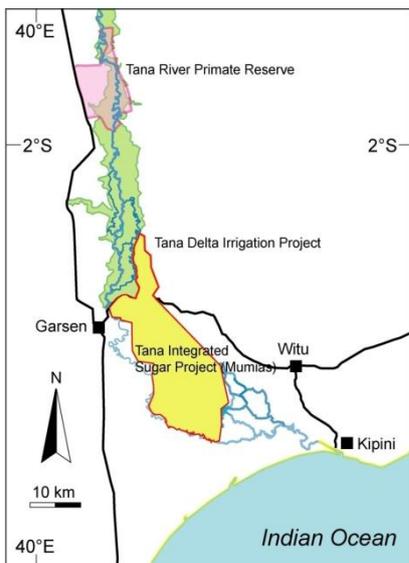


Figure 5.9: Location of TISP
(Source: Based on Lebrun, 2009)

President to Qatar in November 2008. While Qatar would provide a loan of 3.5 billion USD for the construction of a deep water port at the Kenyan northern coast, it would receive in exchange 40,000 ha of high potential land in the Tana Delta through a lease agreement. The land has been meant to establish a plantation to grow fruits and vegetables for export to Qatar (Mieri, 2010; Nunow, 2010). However, the general lack of transparency surrounding LSLA in recent years has been quite extreme in this case, since no further details of the deal came to the public after its announcement and the exact location of the planned plantation is still not known. In any case, now it seems that Qatar has lost interest in the investment due to widespread protests in Kenya but also internationally caused by the generally troubling

thought that a food scarce country like Kenya gives away high potential land tracts to a relatively rich state like Qatar for the purpose of food exports. Meanwhile press reports indicate that Qatar has acquired land elsewhere and that it has withdrawn its interest from Tana Delta.⁴

Another project related to bio fuels in the Tana Delta area has been proposed by the Canadian company Bedford Biofuels Inc., which aims to grow jatropha curcas in a 300 million USD

⁴ See for example: <http://www.farmlandgrab.org/post/view/18826>

project involving 90,000 ha (Temper, 2009). The land is going to be provided by seven group ranches on the basis of a 45-year lease contract. These group ranches have been established by Orma elites on the southern edge of Tana Delta and range in size between 35,000 ha and 150,000 ha. They have been carved out of land under common ownership but so far remained unfenced and therefore largely open as grazing corridors for common pastoralist use. However the implementation of the project would almost surely lead to a fencing of the area (Nunow, 2011). Figure 5.10 shows the exact location of the involved ranches.

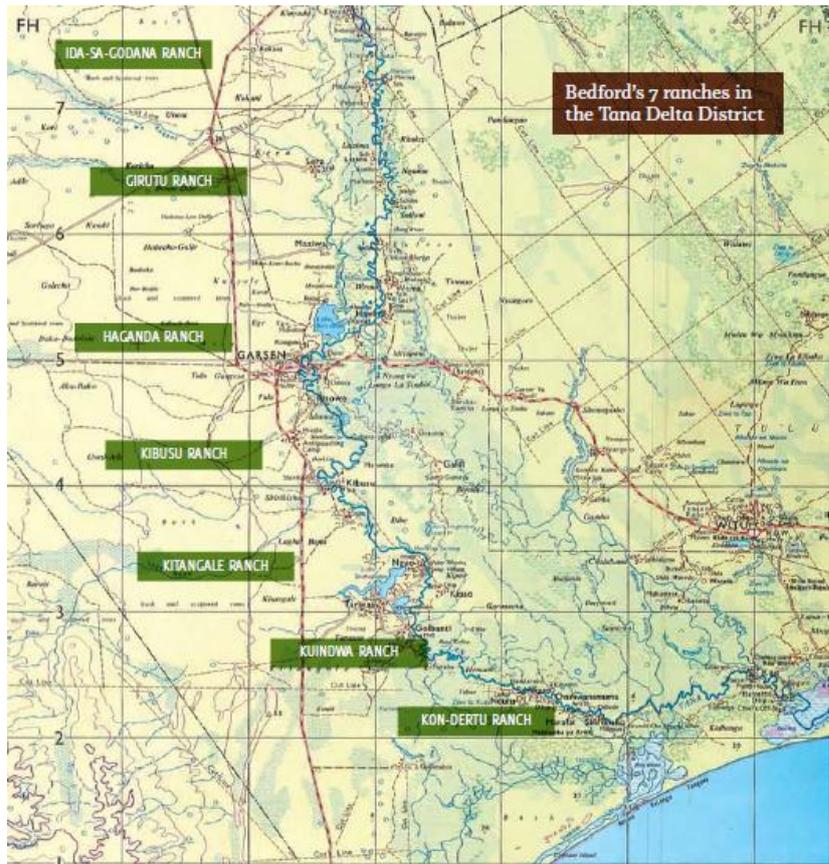


Figure 5.10: Locations of Bedford ranches
 (Source: <http://www.smallcapconference.ca/images/Bedford-Profile-Oct10V.pdf>)

When situating these proposed investments in the wider debates about the recent wave of LSLA in developing countries, which have been introduced in chapter 2, the variety of the proposed investment types in the lower Tana River area becomes obvious. While investors aiming to acquire land as a pure speculative financial asset seem absent, investor motives in the area are driven by the other two markets of interest: the global energy and food markets. A clear focus however is on bio fuel and therefore energy related projects, especially since Qatar seems to have withdrawn its interest in the plantation for food crops. Still with Qatar a foreign state investor in the light of increasing pressures on global food markets has played a significant role in the dynamics characterizing the recent rush of agricultural investors for Tana Delta, next to a number of private companies. While most of the involved companies originate from overseas and therefore constitute foreign interests, Mumias represents a domestic Kenyan player of significant scale.

The lack of transparency surrounding LSLA in developing countries has not only been reflected by the Qatar deal, but is to a smaller extent also present with regard to the other proposed investment projects in Tana Delta. Hence it is difficult to say how close each proposal is to final approval but it seems that the TISP and the jatropha plantation of Bedford Biofuels are quite close to

materialization. The TISP was approved already in June 2008 but a court granted a temporary injunction one month later due to the suit of several environmental organizations concerned about the plantation's impact on the delta's flora and fauna (Temper, 2009). However, the court recently ruled against the suit on a technicality and therefore removed one of the last barriers towards implementation of the TISP (Nunow, 2011). Bedford Biofuels on the other hand has started to clear land on one of the involved ranches in September 2011 according to local informants from the area. It has already been explained that rural communities in Kenya and in particular in Tana Delta remain quite vulnerable to land alienations from community land for private interests and therefore also to LSLA, since an overwhelming majority do not have title deeds and the new Constitution will still need significant amounts of time for implementing adequate protection for community lands. The engagements of Mumias and Bedford Biofuels however might even take place under full implementation of the new Constitution. These two investors target land tracts which have been alienated from common use already and allocated under parastatal and elite control, and not community land directly. Now these lands are about to be given on from elite and parastatal hands to industrial investors despite of being under common use. In procedures like these also the protection measures of the new Constitution concerning land under common management could be undermined, especially if economic interests weigh higher than social and environmental sustainability. In addition it is to say that the Qatar deal and its announcement after a presidential visit indicate a prevalence of significant power of the national government in matters of land reallocations, which could persist until the new Constitution found effective implementation.

In sum the proposed LSLA listed above exceed the total size of the natural delta of 130,000 ha, even if the Qatar investment is not taken into account. This already indicates the enormous pressures Tana Delta and the traditional livelihoods it is hosting, face in the light of the fast rising number of LSLA in developing countries globally. This is especially true in a national context of a still prevalent weak legal protection of lands under customary ownership, a characteristic applicable for most countries within the region of SSA. One of the often claimed negative impacts in the region LSLA would have is widespread displacements



Figure 5.11: Bandi – traditional Orma village on TARDA-land (Source: Author's fieldwork stage, June to August, 2011)

of communities from their ancestral lands. The TISP alone will evict 25,000 people living in approximately 30 villages, which are located on land officially in the hands of TARDA and meant to be given on to Mumias (Nunow, 2011). Among these villages is Bandi, which is shown in figure 5.11. In

addition it is claimed that farming and pastoralist livelihoods will come under severe pressure as the irrigation of the plantations would largely contribute to the declining water levels of the Tana. Furthermore the projects would significantly encroach into grazing lands and block access corridors to the river and thus impose a threat especially to pastoralist livelihoods (Mieri, 2010). This is particularly true with regard to the ranches targeted by Bedford Biofuels as they have served as fallback areas for many pastoralists, including foreign pastoralist groups (Nunow, 2011). However, farming livelihoods in the area would also face negative impacts due to displacements and lower water levels of the Tana (Temper, 2009).

While Orma and Wardei pastoralists strictly oppose any land reallocation with the potential to threaten their traditional livelihood, Pokomo farmers seem more receptive to the general discourses of employment generation and infrastructure improvements employed by investors and their proponents. On the one hand, they demand better consultation and are careful due to unfulfilled promises of TARDA in terms of payments and infrastructure in the past, but on the other hand they are generally open to investors promising to bring social development to the area (Temper, 2009). In sharp contrast to that, pastoralists have openly protested especially against the engagement of Mumias and some even say that they are ready to fight to death in order to defend livelihood (Temper, 2009). As Huggins (2011) notes casually, attempts to farm the lower Tana River area with industrial plantations show the immediate potential to put further strain not only on local their livelihoods but also on local conflict dynamics and is likely to lead to violent outbreaks. It is this potential of LSLA in Tana Delta which shall be of interest in the following field data analysis, while making use of the analytic framework introduced in chapter 3, which enables the incorporation of the wider context and past conflict dynamics in the area. This will be of importance for drawing qualified conclusions concerning conflict potentials induced by LSLA in the lower Tana River area.

6 Methodology and research process

During the field work stage from June to August 2011, a triangular approach has been employed, consisting of qualitative in depth interviews and a quantitative survey on household level. The main focus of the analysis will be on the qualitative interviews. This is due to the largely explorative nature of the main research question. So far none of the proposed LSLA has actually materialized in Tana Delta and hence it is highly explorative to ask for the potential impacts on the local conflict dynamics in the area. There has been the need to stay flexible in order to incorporate arguments and motivations of actors potentially linked to future conflict dynamics, which might have been unforeseeable during the preparation stage of the field work. This is especially true for a researcher working in the surroundings of a foreign society on a just recently emerging topic. Furthermore a qualified future outlook needs to be based on a very detailed understanding of local context and the subjective perceptions of these surroundings. Those two key requirements of the research find appropriate recognition in methods of qualitative nature. However, the underlying process view of conflicts implies that there are descriptive and explicative elements as well, since future actions will take place in a context, which evolved in the past and LSLA are going to constitute only one new element next to others in the existing surroundings. While the local context and its evolvement have already been introduced in the former chapter, these descriptive elements can be considered additionally through a quantitative survey. Furthermore, a survey enables the incorporation of a wider basis of opinions within the research and therefore increases the representativeness of research findings compared with a situation of a pure qualitative approach. In this regard it should be mentioned that the questionnaire of the survey has been invented inductively during the field research stage so that the impressions of the first weeks of qualitative research could be respected in the questionnaire's creation. In general it shall be argued here that the employment of a triangular approach with qualitative in depth interviews complemented by a quantitative survey and prepared by the literature based former chapters forms a firm basis for deriving qualified insights into local conflict dynamics and the potential future effects of LSLA. It allows for an understanding of the local context, the diverse developments which formed this context and how the context is subjectively perceived by the local actors. Especially the latter point then is important for identifying potential actions local actors might employ in order to change the context in accordance with their preferences or actions which could be employed in the light of changes in the local surroundings triggered by outside forces, e.g. the materialization of LSLA. Thus the approach is qualified for deriving an understanding of how local conflict dynamics might be influenced by LSLA; it reflects the underlying process view as well as the other analytic building blocks introduced in chapter 3 of this thesis.

A special focus is on the youth generations of the local communities, especially of the Orma and the Pokomo as the main conflicting parties. There are three reasons for this focus. First of all the

thesis aims to employ a long term view. Those who belong to the young generations today will lead their communities in the future and therefore their opinion is of special importance when concentrating on future developments. Of course opinions and perceptions might change over time but as written in the introduction, this thesis in its explorative nature does not aim for deriving hard conclusions but for pointing out how conflict dynamics might evolve in the future and hence to assess possible conflict potentials in the light of LSLA. In this regard the opinions of young generations seem to be of significant importance; not as a matter of fact but as valuable indicators for future developments. Furthermore as noted in the former chapter, about 68 per cent of the inhabitants of Tana Delta District are below the age of 25. Given this population composition, special attention to younger age groups seems further justified. Last and most importantly to mention, is the role of youth groups within conflicts characterized by an ethnic dimension. As it has been explained in chapter 3, changes in ethnic group making processes occur most frequently within younger generations. Although this thesis mainly focuses on LSLA as a potential cause of conflicts, the analytic building block of the multi causality of conflicts makes clear that other elements within conflict dynamics should find attention as well in order to derive qualified statements over possible developments in the future.

In total 20 qualitative in depth interviews with young members of the Orma, the Pokomo and the Waata communities have been conducted. Each interview ranged between one and two hours. All interviewees were between 16 and 24 years old. This age group was chosen, since a certain age might be needed to reflect on complex dynamics. In addition this age group should have been able to remember consciously the last severe violent fighting between Orma and Pokomo in 2001 and thus to describe changes, which occurred in the conflict dynamics afterwards. Table 6.1 shows the composition of interviewees according to some more general characteristics.

	Orma	Pokomo	Waata
Male/ higher education	2	2	4
Female/ higher education	2	2	0
Male/ low education	2	2	0
Female/ low education	2	2	0

Table 6.1: Composition of interviewees

The interviewees were approached through the Tana Pastoralist Forum (TPF) – a local NGO of pastoralists, a Pokomo area councilor and in cooperation with two local secondary schools, Garsen High School and Tarasaa High School. These contacts linked the researcher up to potential interviewees in accordance to some specific characteristics. Next to age and community belonging, it

has been considered as important to avoid a bias of education and to stay gender balanced. In addition it was tried to avoid a bias of location by doing not more than two interviews with inhabitants of the same village. The characteristic of a low education has been defined as not having finished primary school and those who finished or are about to finish secondary school have been considered as having a higher education. In order to get a more balanced view, opinions from a third local group next to the two main conflicting communities have been collected by approaching some youth of the Waata community for interviews. However, it has been found difficult to find interviewees from this minor tribe and hence only four male youth could be approached via the cooperating schools. This is the reason for the not totally gender balanced composition and the small bias of education visible in the table 6.1. Since the majority of the Waata is engaging in sedentary farming like the Pokomo today, their interviews have been analyzed along with those given by the Pokomo youth. This decision has been made due to the interest in the potential impacts of LSLA, which influences are likely to be felt in accordance to one's livelihood not to one's tribal belonging.

The interviews have been conducted along a beforehand invented interview outline⁵. It was not possible to do test interviews under conditions similar to the situation in the field. However, in order to ensure the reliability of the data, the outline was discussed with several experts with local knowledge and has been adapted according to their input. These experts included a scholar of Moi University in Kenya, the headmasters of the cooperating schools, the chairman of the TPF and a senior researcher from the Kenyan department of the International Union for Conservation of Nature. The general opening of the research questions concerning the family livelihood and the personal attachment to this life has had two functions. On the one hand, it is important to understand the personal background of each interviewee, since it is an important explaining factor for individual motivations and perceptions. On the other hand, this general opening was chosen for enabling each interviewee to give qualified answers at the beginning and thus for ensuring a good start and a situation as comfortable as possible for the interviewee in this unfamiliar interview situation before turning to more conflict specific questions. Since the interviews were dealing with highly sensitive matters such as ethnic conflicts, this trust building measure has been considered as especially important. For the same reason the interviews have been conducted anonymously and without the use of a recorder. Due to the absence of a recorder only one interview per day was conducted and the transcript was written as soon as possible after an interview on the basis of detailed notes taken during the interview. Initially the interviews were planned as narrative ones. The main points of the outline were meant to serve as a loose guideline, while the sub points initially should serve as food for thought for the interviewee in case of hesitation. However, this has been found difficult due to several reasons. First of all many interviews were conducted with the help of a

⁵ See Appendix A for the interview outline.

translator and thus frequent breaks were needed. In addition many interviewees seemed to be kind of nervous especially at the beginning and hence the interviews usually needed some input from the side of the interviewer to proceed smoothly. Therefore in practice the interviews were of a semi structured nature with the interview outline providing a broad guideline.

In addition to the youth interviews, five interviews with local authorities and community leaders have been conducted at the end of the field research. These key informants included an area councilor representing Pokomo villages at the local government of Tana Delta District, an elder of the small pastoralist tribe of the Galjeel, a local Orma politician, the chairman of the TPF and the headmaster of Garsen Secondary School. These interviews were mainly conducted in order to get confirmation and clarifications about the information provided by the youth and thus to ensure the reliability of the data. Clarifications were needed also with regard to some seemingly contradicting findings from the quantitative and qualitative data.

In order to make the interview transcripts operational for analysis, a form of interpretative coding has been created. The codes are organized in four layers representing the four analytic building blocks introduced in chapter 3. This organization on the one hand aims for ensuring a close link between the underlying theory and the empirical analysis, while on the other hand it provides a clear structure for the codes. The codes themselves have been derived out of the literature chapter on Tana Delta and from the transcriptions as they reflect the most commonly reoccurring conflict related patterns mentioned by the interviewees.⁶ Usually, chunks of several sentences are forming the units of analysis. Most chunks have been classified by a multiple coding, usually consisting of codes from different layers but also the attachment of two codes from the same layer has been possible as intersections could not be avoided in these complex conflict dynamics.

The quantitative survey has been carried out on household level and the questionnaire entailed a section to be filled by one of the household's youths between 16 and 24 years again, if available.⁷ While the survey was first of all conducted for further use within the CoCooN project and covered 150 households in total, this thesis makes use of 76 of the questionnaires, since only in these 76 households an adolescent was available, when the questionnaire was conducted. Except of question 91, all questions were posed in the identical way to the head of the respective household next to others, who was supposed to fill the main part of the questionnaire. This way, comparisons between the opinions of young community members and more senior members have been enabled and different perceptions between the generations can be highlighted. The questionnaire has been invented in cooperation with a senior researcher of the CoCooN project and several other students, who were doing research in the framework of CoCooN in Kenya.

⁶ See Appendix B for the codes and Appendix C for the definitions of the codes.

⁷ See Appendix D for the youth section of the questionnaire.

The survey has been carried out in six villages in Tana Delta, namely: Bandi, Hewani, Garsen, Tarasaa, Kipao and Shirikisho.⁸ In order to reflect the population composition of Tana Delta District the survey concentrated on Orma and Pokomo households but included also the minor communities. For the analysis pastoralist tribes have been aggregated as one group and the other communities have been aggregated along with Pokomo as small scale farmers. This aggregation makes sense because also the Waata and the Luo are largely engaging into small scale sedentary farming today and as already explained above the impacts of LSLA will be felt in accordance to one's livelihood and not so much to one's tribal belonging. Table 10.2 shows the exact composition of the 76 households included. Also within the survey it was tried to stay gender balanced concerning the selection of youngsters. Within pastoralist households 22 male and 20 female youth member could be included and the according numbers in the farming households have been 21 and 13 respectively. It has been ensured that the youth part was filled separately from the main part of the questionnaire in order to prevent an influence from the answers given by a head of certain household on those given by the youth member.

	Orma	Wardei	Galjeel	Somali	Pokomo	Mijikenda	Munyoyaya	Malakote	Waata	Luo	total
Pastoralists households	32	5	3	2							42
Farming households					23	2	2	2	3	2	34

Table 6.2: Composition of survey

The survey was conducted with the help of two assistants from the area capable of speaking the local languages. They have been trained along a comprehensive manual and each assistant conducted three test interviews before starting the actual survey. This way the risks of misunderstandings and errors while conducting the questionnaires could be reduced largely.

For the analysis of the quantitative data simple descriptive statistics have been employed like averages. Since the quantitative data is mainly regarded as a complement to the qualitative analysis this simple evaluations are considered as sufficient. Double bar charts have been employed for the visual display of the quantitative data presenting the results in absolute numbers for ensuring a high level of transparency. These charts have the advantage that they allow for direct comparisons between the answers of the older and the younger generations of the two respective livelihood groups. The coding on the questionnaire of “++/ +/ ±/ -/ --” was made operational by transferring it into “2/ 1/ 0/ -1/ -2”.

⁸ See Appendix E for the exact location of the villages highlighted on a map received in the headquarters of the administration of Tana Delta District.

7 Field data analysis

7.1 Situating the youth perspective in the building block approach

Before focusing on the perceptions concerning potential impacts of LSLA, the following four sections aim to analyze contemporary conflict dynamics in Tana Delta in general from a youth perspective. This is considered as essential, since LSLA will constitute a significant but only one new factor, potentially influencing the course of conflict in the area in interaction with other factors and developments. The building block approach will serve as a framework here. Since some argumentations and developments of importance to the youth have to be situated under more than one building block, some issues can not be analyzed in a satisfactory way in one locked section but will span over several sections.

7.1.1 *The process view: recent developments*

The most significant ongoing development in the course of conflict in Tana Delta is certainly the reduction of ethnic distinctiveness and hostility between Orma and Pokomo in general and between the young generations in particular, a development highlighted by Pokomo and Orma interviewees alike. Some have been very enthusiastic about already dissolved ethnic boundaries. Descriptions like “close friends” or even “brothers and sisters” were not uncommon during the interviews, when referring to the interactions between the different communities especially among the youths, also with regard to the more minor tribes inhabiting Tana Delta. One Pokomo even envisaged the “*People of Tana Delta*” instead of the different communities, since “*pastoralists and farmers all belong to Tana Delta and depend on it and on each other*”. Others have expressed more careful opinions on this. In general they agreed that thinking along ethnic lines has been reduced a lot and that ethnic group making processes have lost dynamic within the young generations, but they have pointed to still prevalent separating patterns between the communities maintained by the older generations even in absence of hostile feelings concerning the other side. While physical separations regarding settlements would be slowly dissolved in a few mixed villages like Garsen or Tarasaa, the picture would still be dominated by a distinct way of living in distinct places, purely settled by either pastoralists or farmers. Intermarriages have been frequently used to illustrate a certain degree of separation upheld by the older generations. On the one hand young people would be generally open to marry someone from different ethnic belonging. However, on the other hand many would fear their parents’ reactions, who might regard this as “*marrying someone from below*” as an Orma girl described the situation. However, also the interviewees taking a more careful stance supported the idea that ethnic boundaries between the communities of Tana Delta would be fully dissolved in the future, “*when the young generations take over*”.

Along with the reduction of ethnic distinctiveness, the occurrence of violence between Orma and Pokomo largely vanished after the severe conflicts in 2001. This has been also confirmed in interviews with key informants representing more senior generations of the local communities. Reasons for this are seen in the uncompromising interference of police forces right after the conflicts in 2001 and a significantly increased appearance of military and police in the area in the aftermath of the clashes. Many arrests of those fueling the conflicts have been made during that time, as it has been confirmed by key informants. Most youth interviewees saw this interference and the arrests as quite positive, since it would impose a clear barrier to those still interested in flaring up fights between the communities and thus threaten the newly found friendships between the young generations. While police forces may have stopped the occurrence of violence right after the conflicts in 2001, the establishment of several local institutions in reaction to the widespread violence is widely regarded as the key for overcoming clashes between the local communities over matters of resource access and use. A local peace committee has been set up, consisting of elders of all communities traditionally inhabiting Tana Delta. On the one hand this peace committee has the purpose to sensitize the local communities for not engaging into violence again and on the other hand it is supposed to interfere if a conflict in the area occurs in order to find a peaceful solution satisfying all involved parties. Furthermore, it has been explained by key informants that the peace committee assists the communities in finding effective rules of resource sharing. With regard to the different pastoralist tribes this entails a fair distribution of grazing lands and concerning the interaction between farming communities and pastoralists, the establishment of a sufficient number of watering points along the river for the cattle of the pastoralists, so called malkas, and the demarcation of pathways to these malkas are of central importance. This once again highlights that rules regulating the access to Tana River are crucial in the farmer-herder conflicts of Tana Delta.

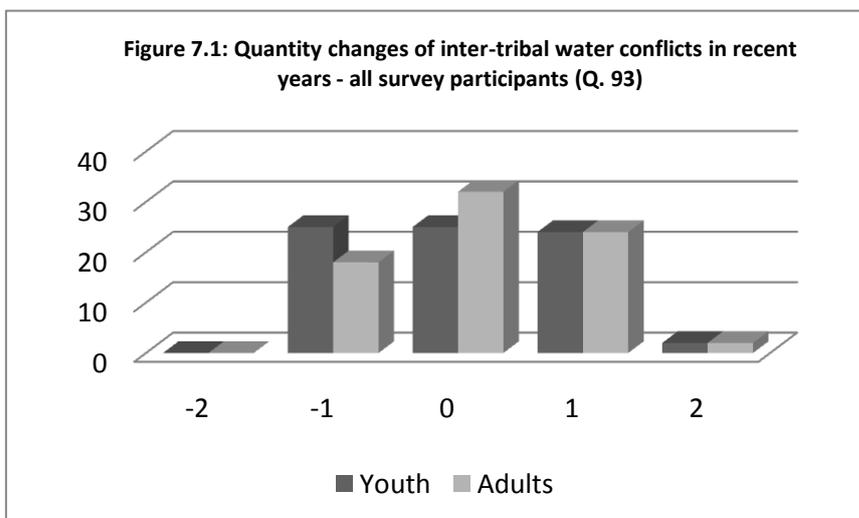


Figure 7.1 shows that water related conflicts between the communities are still prevalent in the area, since a third of all survey participants even stated that these conflicts have been on the rise in recent years. Given this result, the work of the

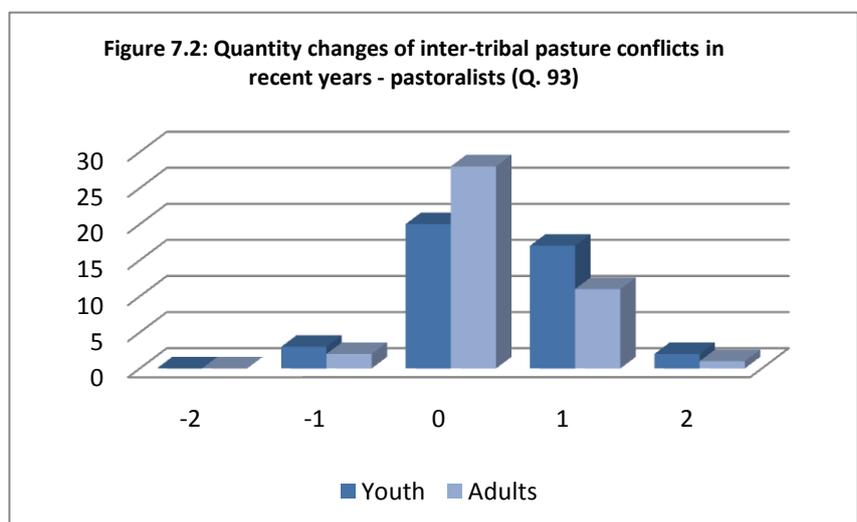
peace committee seems to be quite effective in terms of preventing violence. This impression has been widely shared among the youth interviewees, who judge the attempts to prevent violence and

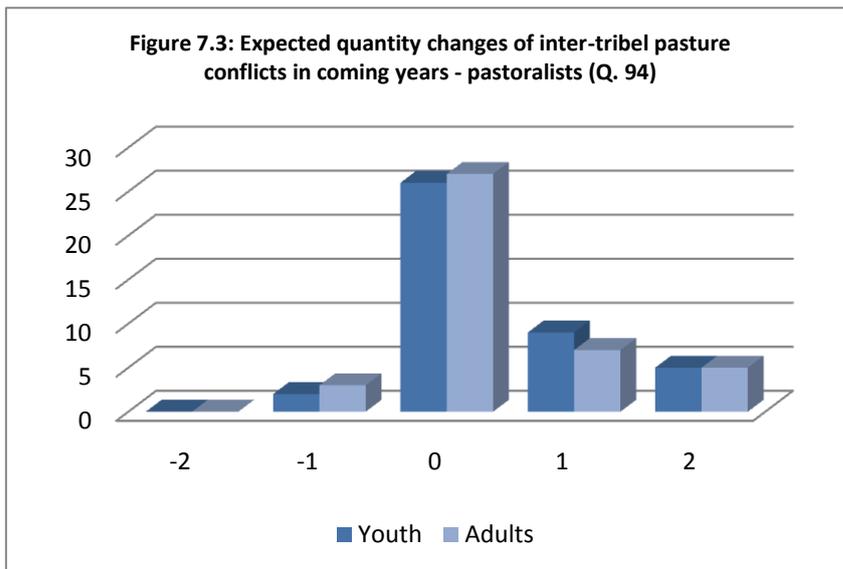
find solutions for a peaceful sharing of resources of their elders in general and of the peace committee in particular as quite successful.

Another topic which has been of critical importance to the youth interviewees in contributing to reductions of ethnic separations and violence is the establishment of shared schools for two reasons. On the one hand, they see one reason for the occurrence of violence in the past in the lack of education characterizing older generations. In this sense fighting between the communities is regarded not only as something from the past but as kind of a backward thing. Generations of the past saw fighting as a solution according to the interviewees. In contrast to that, they are getting educated now and thus will find better solutions in conflicting situations meeting the needs of everyone involved. On the other hand, a vast majority of the interviewees, also those who were never in school or only in primary school, stated that schooling brought the youth generations together and “made them friends”. An Orma girl, who has never been in school, explained that those in school became friends with each other across all tribal lines and that not schooling children and youth like her have been influenced by this and started to engage in friendly interaction with the youths of the other communities as well. In this case, it seems that the increased contact between the conflicting parties constituted by the schools, contributed to the reduction of ethnic distinctiveness significantly. This is also of central importance for assessing future conflict potentials between the local communities, since the younger generations were those carrying out the fighting in case of violent conflicts in the past. This has been explained by several key informants.

While conflict dynamics between Orma and Pokomo seem to have calmed down especially within the younger generations, the growing influx of foreign pastoralist groups into the delta seems to bring up new conflict potentials. Interviewees have been concerned about the resulting pressures on resource availabilities, which have led to new conflicts. This can be illustrated by an increasing number of conflicts occurring over grazing land in recent years, indicated by the pastoralist households during the survey (see figure 7.2). Nearly all pastoralist interviewees have expressed fears about losing their livelihood due to increasing pressures on the pastures of Tana Delta but also

Pokomo youth indicated a discomfort with the increasing presence of foreign pastoralist groups. This discomfort is not necessarily rooted in worries about absolute resource availabilities in general. The Pokomo area



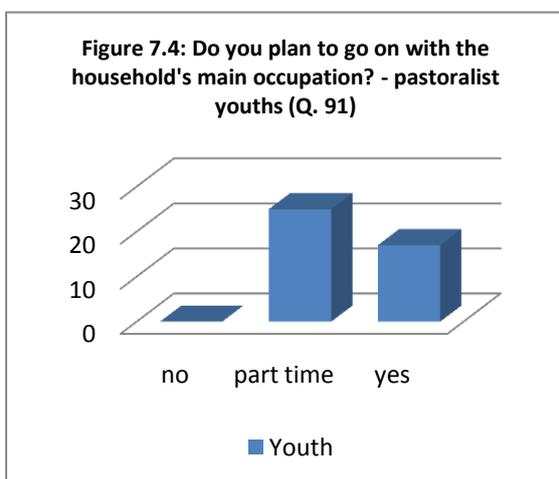


councilor as well as the chairman of the TPF explained that these foreigners would not respect the local agreements on resource sharing, despite efforts of include their needs. The area councilor even stated that today’s conflicts in the area are mostly taking

place between the communities traditionally inhabiting Tana Delta and foreign pastoralists, who would disrespect local rules. In doing so they would endanger the livelihood strategies of the groups belonging to Tana Delta. Therefore it is not surprising that pastoralists do not expect inter-tribal conflicts to decrease in the coming years (see figure 7.3).

7.1.2 Multi causality: livelihood detriments

Especially Orma youths indicated a strong commitment to their traditional livelihood as an inherent part of their identity. One stated that the life his forefathers lived, meaning totally relying on nomadic pastoralism without any complementing activities, seems most desirable to him. Today his tribe would already copy some farming activities from the Pokomo, what can not be considered as a positive development. Almost all pastoralist interviewees expressed the strong wish to go on with pastoralism in their future working life, even those who are about to finish secondary school stated that a pastoralist livelihood would be most desirable to them in their future working life, at least in some kind of part time activity. These opinions are also reflected by the survey results (see figure 7.4). In contrast to that, farmer youths seemed more open for changes in their livelihoods. They also stated that they like their current livelihood a lot but that they see their working future in a different

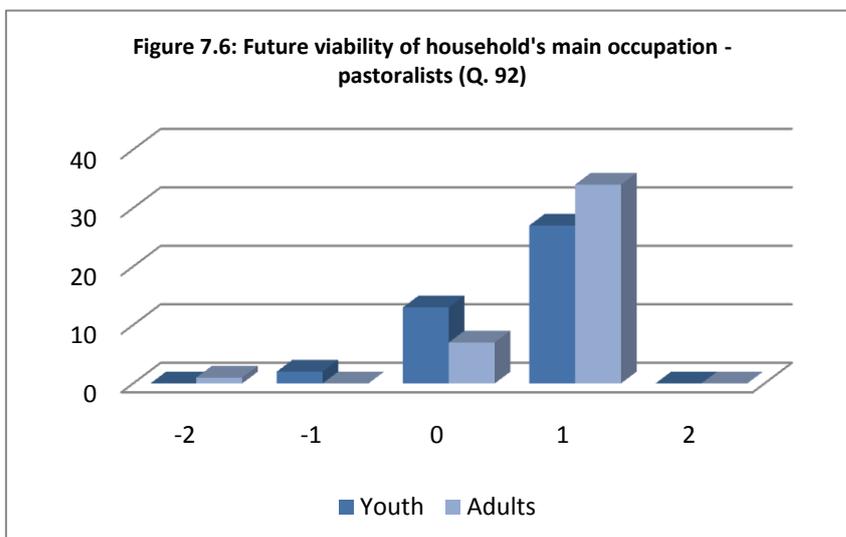
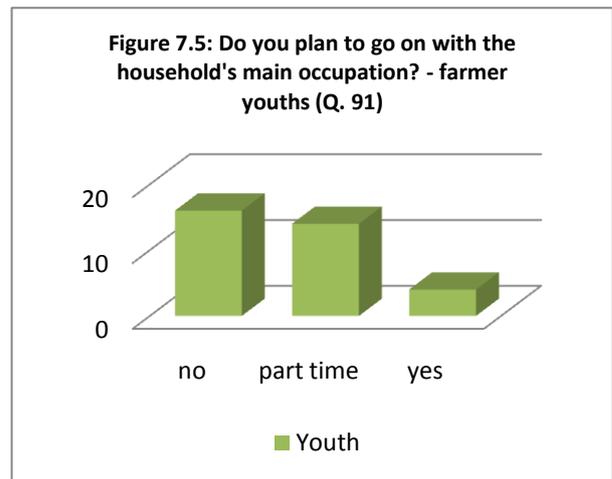


way. Also this impression could be widely confirmed by the survey (see figure 7.5). Some, especially those in school stated right away that they would like to study or open a business in the future instead of going on with farming. Others said that they actually would like to go on with farming but if future developments would not allow for making a living from farming, they would also be open for change

and any other activity, which would be available for them. These different attachments to their respective livelihoods have been quite consciously reflected by the interviewees, *“Orma stick much more to their traditional livelihood than Pokomo”* as an Orma girl has termed it.

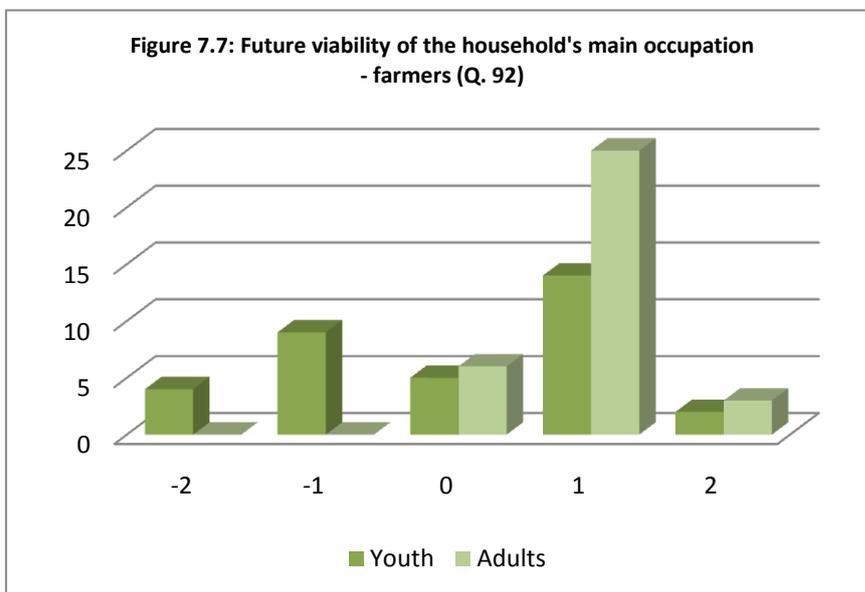
Given these different attitudes, it is not surprising that both sides see most future conflict causes in developments potentially threatening the pastoralist livelihood. The former section has already mentioned the growing influx of foreign pastoralist groups into Tana Delta as inducing pressures on the livelihoods of Orma and other pastoralists from the area. An indication of a growing conflict potential arising from this influx has been presented by a number of interviewees, who pointed to an increasing occurrence of cattle raid in the area and inter-pastoralist conflicts arising from these incidents. This has been confirmed several key informants. A tensed relationship to the foreigners came especially to the surface during the interview with the chairman of the TPF, who explicitly stated, that the TPF exclusively represents the interests of those pastoralist tribes which are regarded as belonging to Tana Delta. Next to the Orma, these are the Wardei, the Galjeel and some Somali pastoralists. As noted in the former chapter, the uneasiness with the presence of foreign pastoralists is shared by the farming communities but conflict potential is especially attached to it because of further pressures on the livelihood of Tana Delta pastoralists. The reasons for this are seen in a significantly increasing competition over grazing land in the area, made worse by the disrespect of foreigners concerning locally agreed on regulations of resource access and use.

Environmental changes have been mentioned by all interviewees as detrimental for pastoralist but also for farming livelihoods. Most frequently mentioned have been missing rains and



an increasing frequency of prolonged drought periods in recent years triggering a severe dry up of Tana River. In this regard, also the hydroelectric power dams upstream have been frequently mentioned as having detrimental effects on the livelihoods in the

lower Tana River area. While the Pokomo suffer from the reduced flooding of the river leaving their shambas less fertile, the pastoralists find even less grazing areas and experience severe herd reductions due to dying cattle during droughts. Surprisingly pastoralists have indicated in the survey that they see the future viability of their livelihood quite positive, also the households' youth members (see figure 7.6). This is quite opposed to the majority of opinions expressed during the interviews. Statements like *"there is no future light for pastoralism in the area"* or *"there won't be a chance to go on with pastoralism"* have been common during the interviews with pastoralist adolescents. An explanation for this contradiction might lie in the strong desire of pastoralist youths to go on with their livelihood. Most of them reported that they will go on with pastoralism as long as there is the slightest possibility. During the interviews it seemed a priority of them to explain their wish to stay with their livelihood before turning towards the detriments pastoralists face in the area. It might be that this priority is reflected in figure 7.6. A further reason partly explaining this



contradiction might lie in the timely order, in which the research has been conducted. The field research was carried out during a severe drought period in the area and most interviews have been conducted in June and July 2011. In August, when the survey was carried out however, the

area experienced some rain falls again. The relief related to these rains might have added to a positive bias concerning the future viability of pastoralism in the area. The survey findings of the farming youths are more in line with the impressions from the qualitative interviews. Figure 7.7 additionally indicates clear differences between the generations. While none of the senior survey participants indicates a negative future for small scale farming, approximately a third of the adolescents do so. This also reflects the finding that many youths of farming communities intend to engage into different livelihoods in their future working life.

In the light of the growing environmental pressures on livelihood strategies in Tana Delta but also regarding the increasing influx of foreign pastoralist groups, some Pokomo and Waata interviewees have expressed their worries that some Orma and other pastoralists might break agreements and push into land tracts inhabited and used by farming communities. The significant influence of the environment on the occurrence of conflicts, also in the perceptions of adolescents,

became clear when many interviewees guessed that 70 or even 80 per cent of conflicting situations would occur during dry seasons. While the arrangements concluded between Orma and Pokomo in the aftermath of the severe clashes in 2001 are generally regarded as stable, some farming youths see the strong attachment of pastoralists as a slight threat for the local peace. Especially as long as the older generations are leading the pastoralist tribes *“one should not be too sure”*, as a Pokomo explained, who sees the divisions between Pokomo and Orma not to come to an end before the young generations are in charge.

It has been described in the former section that one of the most significant developments after 2001 has been the dissolution of thinking along ethnic lines, at least within the young generations in Tana Delta. This finding is certainly based on a firm ground but a more subtle prevalence of a certain degree of mistrust concerning the other side became also obvious during the analysis of the interviews, especially during sections discussing former fighting between the communities. While the interviewees have nearly all agreed that violent clashes are a matter of backwardness, the actual fault for former fighting has usually been seen with the respective other side. Pokomo claimed that pastoralists had no right to remove fences from shambas to enter and pass through them. Some have even been of the opinion that pastoralists entered the shambas not only for accessing the river but for *“grazing their cattle with Pokomo crops”*. Opposed to that, Orma claimed that the fencing off of farms has not been done in accordance to customary rules and therefore the conflicts of the past were provoked by Pokomo. Here, the different understandings of land ownership between the two main tribes inhabiting Tana Delta come to the surface again; an issue which is still of importance today as the chairman of the TPF reported. According to him, agreements on resource sharing between Orma and Pokomo and especially on rules regulating the access to the river are frequently endangered by some individual farmers unwilling to remove fences and to provide land needed for the establishment of sufficient access corridors for the herders. Orma interviewees also stated that severe conflicts in the past were provoked by overreactions of Pokomo farmers. An Orma girl explained that a Pokomo who found only a few cattle on his shamba, *“first cut off the head of the cattle and then the head of the responsible herdsman”*. While this seems most likely to be an overstatement in its general character, it clearly shows that the fault for violence is seen with the other side mostly. In general, memories about the clashes between Orma and Pokomo seem to remain quite lively. A Pokomo boy described very authentically a pregnant woman running for her life and another one remembered that his favorite teacher in primary school had been killed by Orma fighters in 2001. An Orma girl remembered dozens of *“refugees”* coming to her family’s home, who were looking for protection and stayed for more than half a year. All this is not to say that youth generations in Tana Delta would inherit and keep up the hostility of the past. The former section has highlighted that they have made good progress in overcoming ethnic distinctiveness and established close ties across all community divisions. Rather the above is meant to show that not all

mistrust and negative feelings concerning the respective other side are gone yet, and remain in more subtle ways under the surface, also in younger generations. A critical question will be if these feelings come to the surface again or if the perceptions of the interviewees prove right and all hostile distinctiveness will vanish in the future, latest when the young generations take over the lead.

The reestablishment of the TDIP seems to constitute a first serious test for the improved inter-community relations. Not surprisingly the pastoralist interviewees regard the TARDA activities as a severe constrain for their livelihood and oppose it strictly. Their negative claims concerning the project are manifold. Most frequently the plantation's contribution to grazing land scarcities has been mentioned. According to the interviewees, it has been established on a land tract which was mainly in use by pastoralists beforehand and served as a very valuable pasture. This has been confirmed by several key informants. Some Orma interviewees describe the renewed implementation of the TDIP as an event like change, suddenly imposing major detriments on pastoralists in the area. *"Before there was plenty grazing land, then pastoralism became much more difficult"*, as an Orma girl described it. Orma also regard the plantation as a significant contributor to water scarcity and have claimed that the irrigation scheme would lead to severe dry ups of Tana River during droughts. Several key informants reported that pastoralists of different tribes gathered and broke the canals of the irrigation scheme, when TARDA refused to release water into the river during a recent dry season. About 20 of the pastoralists were arrested during this incident. This already indicates the significant potential for conflicts between the pastoralist communities in Tana Delta and investors attempting to establish large scale plantations in the area, since pastoralists see their livelihood severely endangered. On the one hand because of fears about the drying of the main and only permanent source of water, and on the other large scale plantations established on important grazing lands contradict with nomadic pastoralist lifestyles.

Another claim which has been frequently made towards TARDA by Orma interviewees is a systematic preference of Pokomo over pastoralists in terms of employment. A common claim has been that only Pokomo would get *"the good office jobs"* or would be *"the big supervisors"*, while pastoralists could only get work on casual basis on the rice plantation. This work has been described as very dangerous due to water snakes and TARDA has been accused of not providing any medical services in case of an accident on the plantation. Furthermore, the payment of approximately 1.5 USD per day would be by far too low for the hard work on the plantation. Pokomo however, would not oppose the investment because they can find good employment opportunities due to the TDIP. Some Orma interviewees even termed TARDA as the main source of tensions between Orma and Pokomo, today. Indeed farmer critics towards TARDA have stayed largely limited during the interviews and worries were mostly related to the knowledge of the Orma opposition to the project. Many agreed that pastoralists should be better integrated into the TDIP but also explained that this would be difficult, since the education levels of pastoralists would be very low and therefore it seems difficult

to integrate them in higher positions. Many also stated that payments and secondary working conditions on the plantation should be improved and that TARDA has failed to provide several promised infrastructure projects, but in general really opposing voices from the farming side stayed limited. Shortcomings of the project have been acknowledged but *“nothing is perfect right from the start”* as one Waata stated and problems could be solved. However, also many farming interviewees were quite aware that the TARDA plantation has detrimental effects on pastoralist livelihoods and due to the strong attachment of Orma to their way of life, they also see conflict potential arising from the TDIP.

It can be summarized that current conflict potentials are mainly seen in developments adding pressures on pastoralist livelihoods. As these pressures usually include the general availability of the delta's resources, they are also felt by farming communities. However, especially the young generations of farmers seem more open to and more interested in change than pastoralist youths. Interest conflicts might arise out of this situation and could lead to new tensions between the two groups as illustrated by the TARDA example. In this regard, it seems of significant importance if the dissolution of ethnic distinctiveness taking place between youth groups goes on or if conflicting interests create a renewed division.

7.1.3 Multi functionality: grass root agreements

It has been reported by most key informants and also by the youth interviewees, regardless if farmers or pastoralists, that the outcomes of the severe violence of 2001 made the local communities realize that fighting would only add to existing problems of environmental pressures instead of bringing solutions or utility to either side. People agreed to stop fighting and that changes would be needed to ensure a peaceful coexistence of the different livelihoods. These insights have led to notable adaptations in customary regulations of resource use, meant to calm down the competition between the contradicting livelihood systems of farmers and pastoralists. Since access to the river constituted the focal point of former conflicts in the area, adaptations and agreements concentrated first and foremost on this issue. The establishment of watering points for the pastoralists and demarcations of sufficient access corridors resulted from talks between the communities. Furthermore inter-community regulations on the sharing of land were derived. On the one hand, corridors for farming activities along the river with interrupting watering points for herders found mutual recognition, and on the other hand, grazing lands are distributed between pastoralist tribes on the basis of the specific needs of each group. The interviewees explained that these agreements have been made and are constantly adapted according to changing surroundings on grass root level by community elders and village chiefs. As stated in section 7.1.1, the young generations are in general of the opinion that their elders have established a firm ground of peaceful coexistence with these adaptations.

However, it has been noted several times above that these grass root level agreements come under significant pressure on frequent basis. Pastoralists point to individual Pokomo farmers, who refuse to set aside some land for the establishment of watering corridors, an individual behavior which would endanger the common objective of a peaceful coexistence. In addition the influx of foreign pastoralist groups refusing to stick to the local agreements would impose a threat to the maintenance of adaptations. Also Pokomo worry that pastoralists might start to push for their farming corridors, when grazing land becomes scarce. According to key informants, so far all attempts to incorporate foreign pastoralists into local agreements have been unsuccessful due to an overall unwillingness of foreigners to cooperate. Some interviewees also mention the high population growth in the area as a factor inducing pressures on agreements of resource sharing, since per capita resource availabilities reduce. Expected environmental pressures from population growth seem not unrealistic: if one assumes a constant population growth of 4.1 per cent on annual average, Tana Delta District will have a population of about 144,400 inhabitants in ten years from now, compared to the current population of approximately 96,600.

Given these explanations, it is not surprising that conflicting situations have not vanished from Tana Delta. As figure 7.1 has highlighted, many locals even saw inter-tribal conflicts related to water on the rise in recent years. However, the agreements on resource sharing have been accompanied by foundations of several institutions aiming for conflict resolutions before tensions turn violent or spread out from individual to group level. The formation of a local peace committee consisting of elders from all local tribes and establishments of several NGOs are to mention here. The TPF for example is a NGO, which was founded in the aftermath of the 2001 clashes with the initial purpose to sensitize pastoralist communities for conflict prevention measures. According to the interviewees these institutions also contributed to bring the younger generations closer together and therefore helped to start the dissolution of identity borders between the youth groups. In the light of the widespread reduction of violence between Orma and Pokomo, while threads to the grass root level agreements are the rise, these institutions seem to work effectively so far regarding the resolution of conflicts and the prevention of fighting, an impression which has been shared by most interviewees.

Since youth interviewees as well as key informants reported that the outcomes of the clashes in 2001 made locals realize that changes are needed, the establishment of agreements for a peaceful coexistence and the foundation of institutions for conflict prevention and resolution is seen as a positive outcome of the farmer-herder fighting in 2001, also from a youth perspective.

7.1.4 Cross level influences: mixed views towards the national level

Not surprisingly, influences from the national level, especially from national policies and legislative changes have been mostly referred to by the interviewees. The views on the role played by national

developments in the conflict dynamics of Tana Delta are mixed. Farming and pastoralist interviewees agreed that the government did a good job in significantly increasing police and military forces in the area after the violence in 2001. According to them this was necessary for stabilizing the situation before the communities themselves could set up measures to overcome violent hostilities. Furthermore, a vast majority of interviewees stated that the establishment of mixed public schools has been very important in order to create friendly ties between the adolescents of the area, next to simply stop fighting. Orma interviewees often added that mixed schooling will help them to achieve the same level of formal education as the farming youths have. In this they also criticized the long standing marginalization in terms of education possibilities for pastoralists prevalent beforehand. Both groups of interviewees also agreed in their largely critical perceptions concerning the hydroelectric power dams established upstream Tana River. In their opinion the dams have been built without thinking about the effects on the people living in the lower Tana River area, who now have to live with the effects of reduced water levels in the river. Some interviewees have also been aware that international donors were involved in the dam constructions and therefore their critic focused on the international level as well.

However, there have also been points of disagreement between pastoralist and farming interviewees. All interviewees have seemed to put high hopes in the new Constitution but especially pastoralists expressed doubts concerning a fair implementation leading to a firm protection of their rights due to past experiences with national policies and legislations. Land alienations from their customary use have been mostly employed for illustrating these past experiences. Also the Member of Parliament currently representing Tana Delta District, a Pokomo, is a matter of disagreement regarding national influences on local conflict dynamics. Some Pokomo interviewees reported that he has made significant contributions to the reconciliation between the local communities by helping to establish institutions of conflict resolution and providing funds for activities related to conflict prevention. Contrary to that, some Orma interviewees stated he would systematically fuel tribal tensions in the area in order to secure majorities and his reelection to the parliament. Furthermore, pastoralists see him as a key figure in the reestablishment of the TDIP. The TARDA activities in general have to be situated on the national level as well, since TARDA is a national development agency of parastatal nature. Section 7.1.2 has highlighted the contradicting views of pastoralist and farming youths on the rice plantation based on conflicting interests.

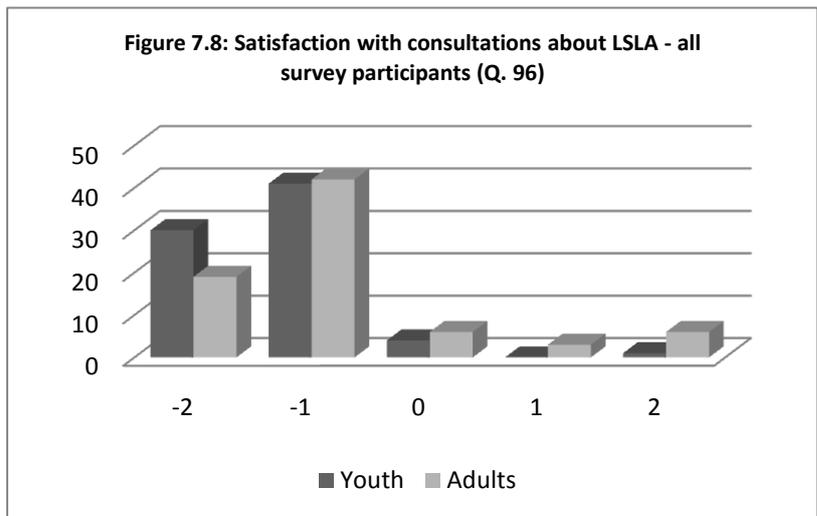
These conflicting interests are also of significant importance for discussing the potential impacts of the proposed LSLA on the local conflict dynamics in the Tana Delta area from a youth perspective in the following section. In this regard, pastoralist interviewees have seen the Member of Parliament as largely one sided, representing the interests of Pokomo only.

7.2 LSLA in the local conflict dynamics of Tana Delta

The interest conflicts between farmers and pastoralists which have been highlighted with regard to the TDIP in the former section seem to grow in the light of proposed LSLA in the area as an outcome of an increasing influence of the global markets. In the case of Tana Delta the growing demand for bio fuels is of special importance as noted in chapter 5. While Orma perceive the investments as a threat for their traditional livelihoods, farmers, especially youth groups, put relatively high hopes into the projects.

There is one central point both sides agree on, namely a wide lack of consultation about the proposed LSLA and a missing involvement of local communities in the investment plans, so far. Figure 7.8 indicates the dissatisfaction

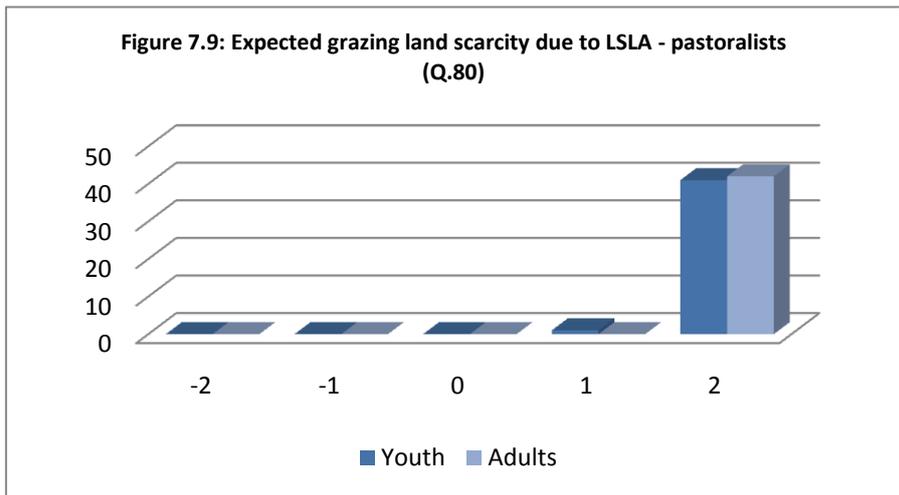
of pastoralists and farmers alike, concerning consultations about potential land acquisitions in their area. Interestingly this dissatisfaction is higher among farming youths with an average of -1.44 compared to their pastoralist counterparts with -1.19, and



also in comparison to the older members of farming communities, whose answers averaged -0.53. This lower degree of satisfaction with consultations and community involvement in general on the farming side was not found during the interview analysis as interviewees of both sides have reported a strong displeasure with the information policies linked to the investments. These subjective perceptions concerning severe deficiencies in terms of transparency is well supported by the overall lack of transparency characterizing LSLA in developing countries around the globe in recent years, which has been highlighted in chapter 2. While pastoralist interviewees have seen the fault for these shortcomings mainly with the investors themselves, who should come and speak to the locals directly, the farming adolescents mostly blamed the government, which would bring the investors and therefore would have the responsibility to ensure sufficient information flows to the inhabitants of Tana Delta. In general farming interviewees explained that the government would have a high level of responsibility for making sure beneficial project outcomes for the locals also in terms of jobs or infrastructure development and at the same time, they expressed a careful confidence that the government would make the right decisions regarding the LSLA. In contrast to that, the Orma interviewees strictly opposed any centrality in decision making concerning the proposed investments. *“An investor willing to make business in Tana Delta needs to come to the locals and*

negotiate with them directly”, an Orma stated. These pastoralist opinions seem to reflect the overall mistrust of pastoralists concerning national politics, which has been indicated in section 7.1.4 as well.

From the common perception of insufficient consultations, the opinions of pastoralist and farming adolescents depart significantly. While Orma have no trust in top down approaches, since they do not see their interests represented in decision processes, Pokomo still put high hopes into the investment projects, especially with regard to employment creation. Most of the pastoralist interviewees have regarded the potential materialization of LSLA in Tana Delta as a coffin nail for



pastoralism in the area. *“These investments will bring pastoralism to an end”* or similar comments have been made on regular basis by pastoralist youths. According to them the worst effect of the projects would be a

sudden increase in grazing land scarcity in a similar way as it has happened after the reestablishment of the TDIP. Figure 7.9 shows that these perceptions have been shared by the pastoralist survey participants. Basically identical to the display of figure 7.9 are the survey results concerning the perceptions of pastoralists on the expected contribution of LSLA on water scarcity in the area. Similar to the TDIP, Orma interviewees expected that the irrigation schemes of proposed plantations will lead to severely reduced water levels in Tana River. In contrast to that, farming participants in the survey also indicated expectations of a growing water scarcity due to investments in the area but less severe. The averages of the answers given by young as well as by older farmers are located between 0 and 1. These results indicate widely differing opinions between farmers and pastoralists about the degree of environmental impacts of proposed LSLA.

As indicated above, the Orma interviewees do not oppose investment activities in Tana Delta in an absolute sense but those projects, which are going to be implemented in top down processes characterized by a high level of centrality in decision making. They also see a need to generate jobs in the area but there is a deep mistrust concerning the currently proposed investments, since investors would only speak to the government. Frequently, it has been called for direct negotiations between the communities inhabiting Tana Delta and the investors by pastoralists in order to find agreements in terms of the number and kind of jobs created in the area, water use and also concerning the exact land tracts to be leased out to the investors. Interestingly some Orma explained that compensations for land taken by investors could only be done in form of land for land compensations and not with

money, since money would not have the same meaning as the ownership of land. Once again, this highlights the identity laden nature of land for pastoralists and their strong willingness to go on with their traditional livelihood. In practice however, land for land compensations seem unlikely to materialize in a land characterized by ASAL mostly, at least if the land given in exchange to pastoralists is supposed to be of the same high quality as the land in the Tana Delta area.

The interviewees representing the farming youths on the other side do not regard the lack of consultation and the missing involvement of locals in the investments' planning phases as a reason for opposing the proposed projects in an absolute sense. Similar to their perceptions concerning the TDIP, many of them have argued during the interviews that this is only one shortcoming and it could be easily outweighed by the creation of jobs. This would be especially important for young people in the light of an expected decreasing viability of traditional livelihoods in the future. While Orma interviewees in general would welcome a significant creation of jobs in the area as well but do not trust any promises of investors trying to implement their projects in top down approaches, Pokomo youths expect major contributions in terms of social development in the area in general and employment creation in particular. The lack of consultation would constitute a shortcoming but the projects in general would still impose a positive progress for the area. This opinion might be best illustrated with an analogy employed by a Pokomo male, who compared the British colonists with the incoming investors. He explained that areas, which were inhabited by the colonists in former times, show a much higher level of development than those areas, which were not settled by the British. He acknowledged that the Kenyan population was marginalized by the colonial rulers but he stressed that they brought social development. While investors proposing to acquire land tracts today might act in undesirable top down approaches similar to the colonists, they might also bring the same level of social development to Tana Delta as the British brought to the areas they mainly settled. Furthermore, as indicated above, the farming youths are more willing to accept top down approaches as most see the responsibility for managing the implementations of LSLA in beneficial ways for the locals with the government. *"The decisions on investments are with the government"* and *"the government should make sure that there are benefits for all locals"* are two statements representing the point of view of most farming interviewees. Those interviewees of the farming side who have been about to finish secondary school expressed their hopes to find office jobs according to their qualifications. They reported that the investors would be attractive employees for them after finishing school, especially since many explained that going to university would stay a dream due to financial constraints. In addition, they argued that the plantations would offer noteworthy opportunities for those without education to find employment. Indeed, the farming interviewees without secondary school education seemed quite eager to get wage employment on these plantations. According to them, these employment opportunities would give them more safety for making a living than small scale subsistence farming in the light of growing environmental pressures.

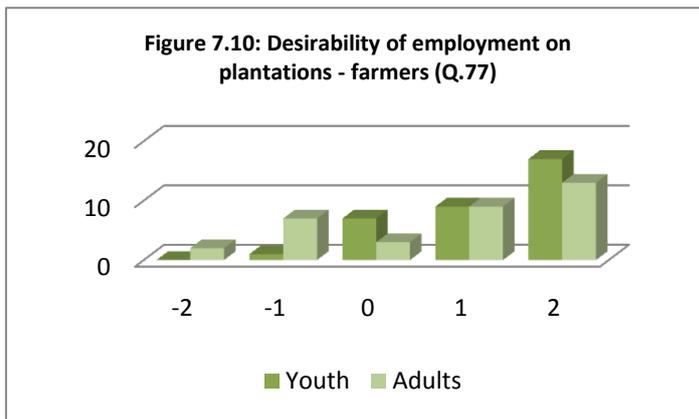
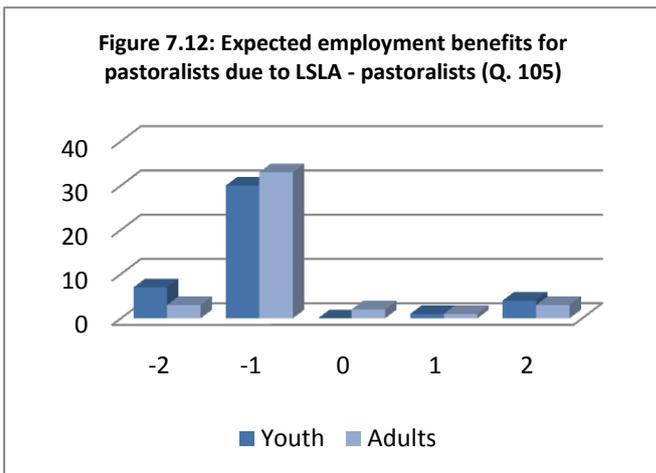
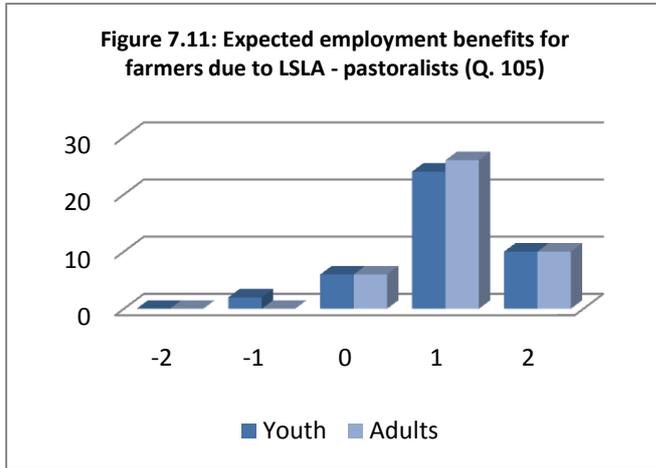


Figure 7.10 displays the survey findings regarding the perceptions of the farming communities concerning the desirability of employment with the investors. It is also noteworthy here, that the members of the younger generations seem to have a somewhat more positive stance concerning wage

employment on plantations than the older participants in the survey. This might serve as another indicator that adolescent members of the farming communities are willing to accept changes in their livelihood, if not even actively looking for them. Not surprisingly, pastoralists, youth and older generations alike, indicated a much lower interest in getting employed by the investors. The answers given by young survey participants averaged -0.95 with no one answering the question with +1 or +2, while the answers of the older community member even averaged -1.41. These survey findings certainly support the analysis of the interviews in the sense that pastoralists are less willing to give up their traditional livelihood compared to the farming youths.

These differing standpoints between farmers and pastoralists in general and the youth generations in particular have been quite consciously reflected by the interviewees. A common narrative among the pastoralist adolescents was that Pokomo would be in favor of the investments because the work on the plantations would not differ too much from the live as a small scale farmer. Additionally and similar to their perceptions concerning the TDIP, Orma interviewees have been of the opinion that only Pokomo would have a chance to get “good jobs” meaning office jobs, while “the peanuts would be left for pastoralists” meaning jobs on plantations, characterized by similar bad circumstances like on the rice plantation of TARDA. Indeed, these opinions found a certain degree of confirmation during the interviews with farming youths. On the one hand, they stated that farmers naturally would have a better knowledge concerning the work on fields or plantations and therefore they would have some advantages compared to pastoralists when asking for employment. On the other hand, farming interviewees also explained that farmers would have a higher level of education than pastoralists and consequently it would be likely that higher positions within the investment projects would be held by members of the farming communities. However, most of them have also been convinced that there would be sufficient employment opportunities under reasonable conditions for farmers and pastoralists. Again they expressed their confidence that the government would live up to its responsibilities to ensure this. While most farming interviewees agreed that the proposed LSLA would have detrimental effects on the pastoralist livelihood, mainly due to an increased scarcity of grazing land, some also expressed the opinion that solutions for pastoralists would be found, e.g. by setting aside ranches for them. In fact, farming interviewees quite regularly



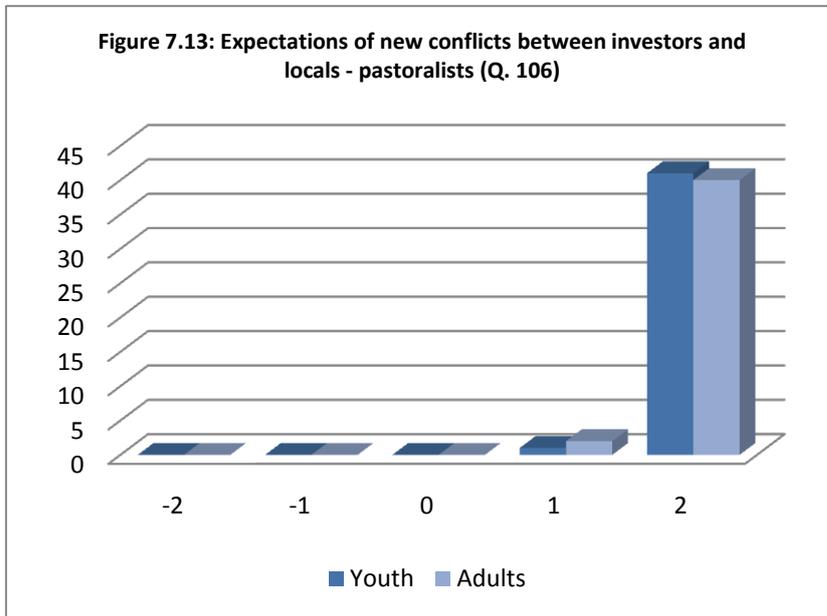
argued that problems attached to LSLA could be managed and in this, they argumentations resembled to a certain extent the manageability streamline in the wider debate about LSLA.

All in all it is to say, the pastoralists' worries about another development with detrimental effects on their livelihood are accompanied by a perceived relative marginalization regarding employment opportunities compared to Pokomo. The figures 7.11 and 7.12 display the survey findings concerning the pastoralist opinions on who will gain from LSLA in terms of employment and in doing so they widely support these results of the interview analyses. It is also noteworthy that during some interviews a growing frustration with

the opinions of the respective other side became obvious, which might be linked to a still prevalent distinctiveness between the two groups in terms of identity, also between the young generations. While some Orma noted quite derogatorily that Pokomo would support anything even if they are not involved, some Pokomo reported that Orma would only oppose the investments because Pokomo would welcome them. These voices were certainly not the majority but their presence indicates that identity borders, also between the young generations, in Tana Delta are not fully dissolved yet, and might come to the surface again in the light of interest conflicts with regard to the proposed LSLA.

The arising conflict potentials from these widely differing interests have been close to resulting into actual violence, already. Key informants reported that farmers on the one side and pastoralists on the other side prepared for fighting when an information meeting concerning the Mumias investment with the councilor of Tana Delta District nearly escalated. While this situation could be calmed down, the incident clearly shows that pastoralist interests of maintaining their traditional livelihood and farmer interests concerning employment alternatives entail the potential for serious conflicts in the light of proposed LSLA. Regarding this some of the farming interviewees once again, expressed their opinion that the government would be able to manage these problems. *"The investors have to speak to the government for avoiding conflicts"*, since the government would know the problematic circumstances, explained one Pokomo interviewee. In contrast to this manageability point of view, quite a few pastoralist interviewees expressed their readiness to engage

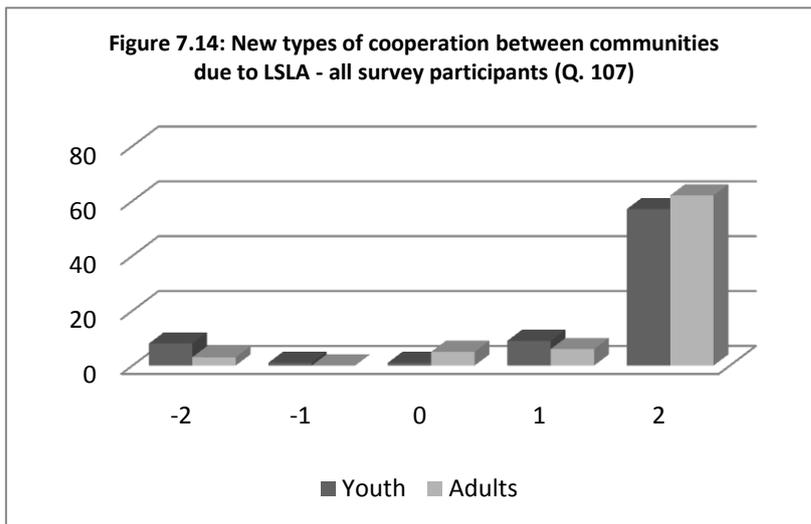
in fighting for preserving their livelihood and protecting their communal rights. These statements were not directed to the farming communities but to the incoming investors. They mostly envisaged a similar kind of active resistance concerning the newly incoming investors as it has been done on the TARDA plantation, when canals were broke for releasing water into the river. Figure 7.13 displays that all pastoralist survey participants expect conflicts on a new level, namely between investors and



local communities. Most of the Orma interviewees reported that government forces would most likely protect the interests of investors. The opinions concerning the implications of government forces interfering in the interests of investors have been divided. Some Orma explained that resistance would stay at the

level of peaceful protests, since *“there is no chance of winning against police and military forces”*. Others stated they would be willing to take the risk to fight against state forces for protecting their rights and their livelihood. One Orma even stated that the fighting between state forces and those resisting the investments could become as severe as the post election violence in its outcomes. With regard to conflicts between farming and pastoralist communities however, nearly all interviewees, regardless if farmers or pastoralists, have not seen much potential for renewed violence and in any case fighting between the communities would only occur in the short run. In the long run the peace agreements between the local communities would be stable and so would be the friendship between the young generations, despite the differing interests. Short term potentials for violence between the communities inhabiting Tana Delta have been mainly attached to the prevalent distinctiveness between the older generations of the tribes.

In fact both sides and also the members representing the older generations of the local communities regard the proposed LSLA as a factor potentially inducing new forms of cooperation across tribal lines (see figure 7.14). Some of the interviewees in secondary school regarded the investments and the differing interests of locals even as a kind of challenge for them and other young community members with higher education. According to them, it would be a kind of chance to prove that solutions without inter-community violence can be found, also concerning difficult topics with significant conflict potential.



However, given the widely differing interests between farmers and pastoralists, these widespread expectations of new forms of cooperation as displayed in figure 7.14 seem somewhat surprising, especially since both sides are quite aware of the respective other side's

standing point. Orma interviewees expressed their confidence that Pokomo will join their resistance against the proposed LSLA once they see that investors do not stick to their promises in terms of employment creation and that most jobs offered to locals are characterized by very low payments and bad working conditions. Indeed, the farming youths agreed that they would be ready to protest and defend their interests if investors prove not to be trustworthy and locals do not benefit from the investments. However, this does not reflect their expectations. According to them, the government has to ensure that only investors of trustworthy nature come to Tana Delta, meaning investors who are willing to provide a significant number of jobs for the locals under reasonable conditions. If this is done, the Orma will see the positive benefits of the projects and will join the position of the farming communities. In their view cooperation between the communities would then be possible, e.g. through a shared position in negotiations with investors, once the shortcoming of missing community involvement in decision processes is solved.

Next to these differing perceptions concerning developments after the materialization of investments, the different approaches employed by investors in terms of consultations and community involvement can explain these local perceptions of inter-tribal cooperation in the light of proposed LSLA. The public private joint venture of TARDA and Mumias which aims to implement the TISP represents projects employing top down approaches without any community involvement. Nearly all interviewees reported that there is a severe shortcoming of transparency and discussions with locals over the TISP. While the farming side expects positive outcomes for the locals despite this shortcoming, the pastoralist position is characterized by a deep mistrust concerning Mumias resulting from this lack of consultation and involvement. Furthermore, the negative experiences with TARDA have been projected on Mumias due to their cooperation. *"If TARDA does not care about the locals, how can one expect Mumias to do so?"*, an Orma interviewee asked rhetorically. Consequently a discussion about the planned Mumias activities nearly led to violence between the communities in the incident described above.

The approach of Bedford Biofuels seems to constitute an exception in recently occurring LSLA in developing countries in general and those proposed in Tana Delta in particular. Across tribal lines it was reported during the interviews that Bedford representatives came to the villages to inform the locals about their plans and to discuss further procedures. Several key informants explained that the local communities agreed with Bedford about the ranch land to be used for the jatropha plantation and that they did so in cooperation between each other. Therefore the Mumias plans would constitute a matter of conflict between pastoralists and farmers, while the Bedford investment would have induced cooperation in negotiations between the communities. This highlights the central importance of community involvement for reducing local conflict potentials. Especially for pastoralists it was important that the jatropha plantation would materialize on the land of the group ranches, since these land tracts would not belong to the delta in a natural sense (see again figure 5.10) and therefore would constitute grazing lands of less importance during dry seasons.

However, the Bedford investment also entails significant conflict potentials. First of all, the widespread support for the investment across the different communities seems based on the conviction that jatropha curcas can grow in arid areas and do not need much water. According to several key informants, this was explained by the Bedford representatives during consultations. Therefore locals would not have to fear significant reductions of water levels in Tana River. While it is true that jatropha curcas grow without much water, their productivity for the production of bio fuel is highly contested in the absence of constant water supply. Research in Southern India has shown that jatropha plantations in fact need significant amounts of water for producing productive plants.⁹ It remains to be seen if the Bedford plantation will lead to an increasing water scarcity in the lower Tana River area. If it does, conflicting situations between Bedford and local communities seem likely, since Bedford might lose its current status of a trustworthy investor in the eyes of the locals, a characteristic of central importance to the local communities as the writings above reveal. Furthermore, the Bedford ranches became a key fall back area for foreign pastoralist groups coming to Tana Delta in search for pastures from the arid northern region. As explained in chapter 5, the ranches remained unfenced and therefore they could be accessed by pastoralists as grazing grounds. During interviews with key informants, it became clear that one key motivation of the local communities for supporting the plans is the expectation that Bedford will be able to drive these groups out of the area, whose presence is seen with uneasiness by pastoralists and farmers alike. Some explained that it would be better give the land to an industrial investor than to leave it to these “squatters”, who would “just grab the land”. However, it is questionable if foreign pastoralists would really leave the Tana Delta area once the ranches are fenced. Since Tana Delta seems to be the only area providing pastures also during dry seasons in significant extent in the surroundings of arid

⁹ See for example Ariza-Montobbio & Lele (2010).

hinterlands, it seems more likely that these foreign pastoralists would push for the delta interior grazing corridors. This in turn could easily lead to increasing conflicts between these foreign groups and Tana Delta inhabitants.

This chapter has concentrated on the different perceptions of farming and pastoralist communities in general and their youth members in particular concerning the proposed LSLA in Tana Delta. It has been revealed that conflict potentials arise from the differing interests of the communities but also from different perceptions of the performance of investors linked to missing consultations of locals. While the positions of the respective other side are viewed critical, the investments are also seen as a factor with the potential to induce new forms of cooperation between the local communities. Especially the youths seem convinced that their friendly ties across ethnic and tribal lines can not be endangered, despite the differing interests. Furthermore, potentials for conflicts on new levels between investors or government forces and local, especially pastoralist, communities have been revealed in the light of proposed LSLA, next to conflict potentials between the communities traditionally inhabiting Tana Delta and foreign pastoralist groups. The concluding chapter 8 aims to give a brief outlook on possible future developments, if the proposed investments materialize in Tana Delta. This will be based on this chapter and on the background of the former chapters which provided information on the wider contexts. While the focus will be on the possibilities of renewed conflicts between Orma and Pokomo, the other conflict dynamics mentioned above will be included as well.

8 Conclusions/ outlook

Taking into regard the global level and the widespread occurrence of LSLA in developing countries worldwide in recent years, as introduced in chapter 2, the expectations of the farming youths in terms of social development in general and employment generation in particular seem by far too high. While none of the proposed investments has materialized so far, the majority of the proposed LSLA in Tana Delta is already similar to other LIPs within the recent rush for farmland in developing countries, since implementations are going to take place in top down procedures characterized by a severely lacking transparency and an absence of involvement of the local population. While Bedford has made efforts to consult the local communities about their plans, the quality of these consultations needs to be questioned with regard to the claimed limited use of water. Given this similarity one can expect the proposed LSLA to have comparable detrimental effects on the local communities of Tana Delta as recently occurring land investments have in other target areas. Chapter 2 has revealed that most LIPs fail to provide employment opportunities with reasonable working conditions for the world's rural poor. Especially the critical streamline of argumentation in the debate on LSLA argues that land investments in the rural areas of developing countries and especially in SSA rely on the cheap provision of land and labor in order to compensate higher costs arising from inappropriate infrastructures. Furthermore, section 2.4 has highlighted that the legislative frameworks in target countries are insufficient in many cases for regulating LSLA in development strengthening ways, and that expectations of macroeconomic benefits are often weighed higher in national politics than local interests of rural populations. On the background of chapter 4 it is to say that Kenya does not constitute an exception in this regard, despite the efforts made in the new Constitution, since an effective implementation will still take significant amounts of time. Given this background, the expectations of farming youths concerning governmental abilities to manage the implementation of proposed LSLA in developing strengthening ways seem largely unrealistic. Therefore it is questionable if the proposed investments will bring the desired working alternatives to the young generations of the Tana Delta farming communities.

With regard to legislative matters and national policies one can also argue that structural changes in resource availabilities in Tana Delta potentially caused by the proposed LSLA, which are linked to event like changes in global markets – for Tana Delta the growing demand for bio fuels in recent years seems of special importance – are unlikely to be absorbed on the conjuncture dimension by national politics and legislations, right now. This in turn puts pressure on another aspect of conjuncture, namely local livelihoods. Pastoralist youths, who do not have much trust in the government anyway, see their livelihood severely endangered by the proposed investments, especially because investments are about to materialize in a time characterized by number of other significant environmental pressures. Since they regard their traditional livelihood as an inherent part

of their identity, these perceptions concerning the investments lead to a significant conflict potential as pastoralists seem willing to defend their livelihood.

So far, the writings in this concluding chapter might indicate that the pastoralist resistance against LSLA in the area will be joined by the farming communities, since their high expectations in the investments are unlikely to be fulfilled. However, chapter 2 has highlighted that the distribution of jobs between different communities in areas hosting LSLA is often highly unequal and an unequal distribution of employment opportunities seems also inherent to the TDIP in Tana Delta. With regard to the former chapter, one could argue that such a plantation might offer sufficient job opportunities at least for one side, since farming youths are far less critical towards TARDA. Thus, there is the possibility that farming communities in general and their youth generations in particular might be satisfied with the number of jobs created by materializing LSLA, while pastoralists are widely left out. Since farming adolescents seem quite eager to find alternatives for their future working life and their pastoralist counterparts expressed their willingness to go on with their traditional livelihood as long as there is the slightest chance, this scenario might not be too unrealistic. Given the tensions characterizing the discussions on the topic between the communities in the area without the materialization of a project, the conflict potential entailed in the above described scenario seems to be of significant nature. If this kind of situation would lead to a renewed widespread occurrence of violence between the communities will also depend on the question if ethnic distinctions come to the surface again or if the perceptions of the youths prove right that their friendly ties will not split again, regardless of any interest conflicts.

Occurrences of conflicts in form of active resistance or even open fighting on a new level between local communities and investors or government forces are likely to take place, given the statements of pastoralist interviewees highlighted in the former chapter and the incident of canal breaking on the TARDA plantation. If farming youths will join in these acts of resistance seems to depend on the performance of LSLA in terms of employment creation. If the investments fail to provide sufficient job opportunities farming and pastoralist youths might cooperate. In this cooperation, these vertical conflicts would also have a positive function in bringing Orma and Pokomo together. The multi functionality of conflict becomes visible here.

While the Bedford investment induced cooperation between Orma and Pokomo, it is likely to flare up conflicts between foreign pastoralist groups and the communities traditionally inhabiting the Tana Delta area. The driving out of foreigners from the Bedford ranches could easily result in increased competitions over grazing lands delta interior, especially if the TISP takes another 40,000 ha away from communal use in the natural delta. This would also result in additional pressures on the grass root level agreements for ensuring a peaceful coexistence between pastoralists and farmers in Tana Delta.

With regard to the underlying process view concerning the concept of conflict, it can be summarized here that the Tana Delta area currently experiences a slowly stabilizing phase concerning the conflicts between Orma and Pokomo. While this phase of stabilization has been under pressure due to environmental detriments for some time, the proposed LSLA are likely to impose a significant factor of destabilizing nature in the local context. The differing interests, between pastoralists and farmers in general and the young generations in particular, which became obvious during the analyses of the field data have already led to a renewed conflicting situation between the two sides. If this conflicting situation turns into violence between the local communities again or if it triggers new forms of cooperation will also depend on the youths. While older generations in Tana Delta seem still divided to a certain degree, young generations have established close ties across ethnic lines. As chapter 7 has revealed, the ethnic distinctiveness between farmers and pastoralists is not fully dissolved yet, also within younger generations, but the firm conviction of youth interviewees concerning not engaging into inter-community fighting again, despite differing interests, is a positive signal; a positive signal but not a guarantee.

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Appendix A

Interview outline

1. Introduction (note down: date, time, place, attendees, weather, special surroundings)

- Welcome: name; German master student in human geography at RU Nijmegen
- Topic: Interest in the interplay of local livelihoods in Tana Delta region, especially if and how livelihoods and conflict situations between communities are/ will be affected by the leasing out of large land tracts in the delta to domestic and international investors; special focus on perceptions of youth members of local communities
- Purpose of research: master thesis; CoCooN (Conflict and Cooperation over Natural Resources in Developing Countries – program funded by several Dutch institution; research taking place in seven nations including Kenya with several sub projects in each country including Tana Delta; link between conflict/ cooperation and natural resources)
- Role of interviewee: one interview of about one hour; data will be used anonymously (make sure to articulate this in a careful way, so interviewee is not scared); remind that he/ she can speak in his/ her native language (translator)
- Thanks for collaboration

2. Entry to and development of the topic

- 2.1 Description of family livelihood on a daily and a seasonal basis
(2.1.1 Beforehand note household characteristics: members; age; education; sources of income next to main means of subsistence if existent)
 - Means of subsistence
 - Sedentary or movements according to seasons
 - Dependence on/ use of natural resources (water; pasture etc)
 - Production for market or only for oneself; future potential
- 2.2 Personal attachment to/ identification with this particular way of life
 - Self-understanding as a member of particular community
 - Plans for own future working life (wishes; realistic expectations)
- 2.3 Interplay of distinct livelihoods in the Tana Delta/ Conflict Situations (remind of anonymity if necessary)
 - Perceptions of the conflict situations; between whom; underlying reasons
 - Perceptions of distinct communities; why stay livelihoods distinct (e.g. no intermarriages)
 - Personal experiences of conflicts; own involvement

2.4 Large scale land acquisitions

- Personal knowledge about ongoing investment activities
 - Illustrations, if necessary (based on Nunow, 2011):
 - Domestic and international institutional investors
 - Mainly leases (for several decades up to 99 years)
 - Food production (often for export); bio fuels; mining activities
 - 7 projects proposed; 5,000ha to 90,000ha (to compare: common farm size 2 acres)
 - Contra-arguments: displacements; less pastures; restrictions on access to water (fenced off plantations); water depletion etc.
 - Pro-arguments: employment opportunities on industrial plantations; infrastructure development; claimed more effective use of fertile land etc.
- Personal opinion concerning the investments; perceived as opportunity (wage employment, secondary labor conditions like insurance etc) or threat
- Opinion concerning impacts on local livelihoods
- Involvement of local people/ communities/ institutions/ organizations; what kind of involvement; positively or negatively perceived

2.5 Impacts on conflict situations

- Potential affects of investments on local conflict situations (reasons)
- Potential new forms of cooperation (e.g. joint position in negotiations to strengthen negotiating power) between local communities (reasons)
- Potential of new conflicts (new actors; different levels; different ways; e.g. between locales and investors)

2.6 Ideas concerning improvements of investments

- Characteristics an investment should have to bring benefits to locales
- Personal thoughts on ways new conflicts or further fuelling of existing conflicts could be avoided

3. Closing

- Characteristics of interviewee: age; sex; education; hometown; community belonging (tribe); membership in or support of a certain local organization (lobby)
 - At least one of the following three proxies for social class:
 - Monthly family income
 - Size of land under cultivation
 - Number of animals owned/ herd size
- Thanks for collaboration
- Note down: ending time

Appendix B

List of Codes

Layer 1

Causes	CAU
CAU: ACCESS to resources	CAU-ACC
CAU: DISTRIBUTION of resources	CAU-DIS
CAU: ENVIRONMENTAL stress	CAU-ENV
CAU: POPULATION growth	CAU-POP
CAU: INFLUX of foreigners	CAU-INF
CAU: ETHNIC distinctiveness	CAU-ETH
CAU: MARGINALIZATION in political/ economic terms	CAU-MAR
CAU: TARDA plantation	CAU-TAR
CAU: LSLA	CAU-LSLA

Layer 2

Process	PRO
PRO: PAST dynamics today	PRO-PAS
PRO: FUTURE developments	PRO-FUT

Layer 3

Cross Level Influences	CRO
CRO: NATIONAL influences	CRO-NAT
CRO: REGIONAL influences	CRO-REG
CRO: GLOBAL influences	CRO-GLO

Layer 4

Multi Functionality**MUL**

MUL: COOPERATION between conflict parties

MUL-COOP

MUL: ADAPTION of livelihood systems

MUL-ADA

MUL: IDENTITY redefinition

MUL-IDEN

Appendix C

Definitions of Codes

CAU: A particular cause related to the occurrence/ persistence of a conflict

CAU-ACC: Tensions about access rights to a certain resource (e.g. water)

CAU-DIS: Tensions about the distribution of certain resources between different parties (e.g. pasture)

CAU-ENV: Environmental phenomena influencing a conflict (e.g. by reducing resource availability)

CAU-POP: Population growth as adding to a conflict (e.g. by inducing pressures on resources)

CAU-INF: Influx of foreigners adding to/ causing new conflicts (e.g. by disrespecting local rules)

CAU-ETH: Ethnic group dynamics as a conflict factor

CAU-MAR: Political/ economic marginalization of specific parties as adding to conflict dynamics

CAU-TAR: The TARDA plantation as a conflict factor (occurring e.g. in from of protests)

CAU-LSLA: Future potential of proposed LSLA to influence existing/ to trigger new conflicts

PRO: The time layers in which particular cause of a conflict persists/ intensifies

PRO-PAS: The role a conflict cause has played in the past and is how it seen today (e.g. ethnicity)

PRO-FUT: The potential attached to a phenomenon/ dynamic in causing future conflicts (e.g. LSLA)

CRO: Different levels of society influencing local level conflicts

CRO-NAT: Developments within a national context influencing local conflicts (e.g. legislative changes)

CRO-REG: Developments within a regional context influencing local conflicts (e.g. border policies)

CRO-GLO: Developments within a global context influencing local conflicts (e.g. global markets)

MUL: Potentially occurring positive functions of a conflict next to detrimental ones

MUL-COOP: Cooperation between initial conflict parties induced by another conflict dynamic

MUL-ADA: Adaptation of livelihoods as a conflict outcome (e.g. sustainable rules of resource sharing)

MUL-IDEN: Redefinitions of social identities due to conflict (e.g. dissolution of ethnic distinctiveness)

Appendix D

Youth section of survey questionnaire

Q88. Sex:

(1=male; 2=female)

Q89. Age:

Q90. Education:

(0=none; 1_=primary school; 2_=secondary school; 3_=college; 4_=university 5=Koranic school)

(indicate the last class as well, e.g 14 = primary school, standard four; 23 = secondary school form three).

Q91. Do you plan to go on with the household's main occupation in your future working life?

Yes 0 / Part time, next to another new economic activity 0 / No 0

Q92. Please indicate your opinion on the future's viability of the household's main occupation on a scale from (very good) ++ / + / ± / - / - - (very bad) DN NA

Q93. Which of these conflicts have been on the INCREASE/DECREASE in recent years? USE ++/+/±/-/- -

Conflict over Party involved	Water	land cultivation	land grazing (pasture)	Forest/wood	Fisheries/Wildlife	Other/ specify:
Intra-group						
Inter-group						
Group - government						
Group-private business						
Human- willdife						
Other:						

Q94. Which of these conflicts will likely INCREASE/DECREASE in the near future? ++/+/±/-/- -

Conflict over Party involved	Water	land cultivation	land grazing (pasture)	Forest/wood	Fisheries/wildlife	Other/ specify:
Intra-group						
Inter-group						
Group - government						
Group-private business						
Human- willdife						
Other:						

Large scale investments

In recent months and years several institutional and commercial investors originating from Kenya as well as from abroad expressed their interest in long term leasing of large land tracts in the Tana delta in order to grow crops for bio fuel production, food crops and also to start mining activities.

Q95. Of how many proposed investment projects are you aware next to the TARDA-Mumias plantation? (Please give names/descriptions):

Q96. Do you feel sufficiently consulted about the proposed projects either by government authorities or by the potential investors? ++ / + / ± / - / - - DN NA

Q97. Do you expect these investments to create jobs with reasonable payment and working conditions for local people? ++ / + / ± / - / - - DN NA

Q98. Would wage labor on these plantations be a desirable option for you? ++ / + / ± / - / - - DN NA

Q99. Do you expect these investments to increase water scarcity? ++ / + / ± / - / - - DN NA

Q100. Do you expect these investments to increase scarcity of crop land? ++ / + / ± / - / - - DN NA

Q101. Do you expect these investments to increase scarcity of grazing land? ++ / + / ± / - / - - DN NA

Q102. Do you fear to be evicted from your place of residence because of these large scale investments? ++ / + / ± / - / - - DN NA

Q103. Please indicate which local communities will be affected in positive ways from these investments for what reason in the following matrix using ++ / + / ± / - / - - DN NA

	Farming communities	Pastoralist communities	Landless communities	Other/ specify:
Payment of rents, compensations				
Infrastructure improvements				
Employment opportunities				
Other/ specify:				

Q104. What is your overall opinion concerning the impacts of these investments on local development? ++ / + / ± / - / - - DN NA

Q105. Please indicate if these investments will increase EXISTING conflicts and for what reason using the following scores ++ / + / ± / - / -- DN NA

	Intra-group	Inter-group	Human-wildlife	group-government	Group-private	Other/specify:
Increased water scarcity						
Increased crop land scarcity						
Increased grazing land scarcity						
Displacements						
Other/ specify:						

Q106. Will there be a NEW type of conflict between local groups and the newly incoming investors (very likely) ++ / + / ± / - / -- (very unlikely) DN NA

Q107. Will there be new types of cooperation between local groups because of these investments, e.g. through joint positions in negotiations or in protests (peaceful or violent) against investments? (very likely) ++ / + / ± / - / -- (very unlikely) DN NA

Appendix E

Location of survey villages

