

**MANAGING STAKEHOLDERS' EXPECTATIONS: A CASE OF OIL EXPLORATION
IN TURKANA COUNTY, KENYA**

¹Dr. Antony Odek, St. Paul's University-Limuru, Kenya (aodek@yahoo.com)

²Solomon Koyi, Mount Kenya University (koyisolo@yahoo.com)

³Protus Ewesit Akujah, St. Paul's University

⁴Leonard Mana, Kenyatta University

ABSTRACT

Background: The discovery and subsequent exploration of oil in Turkana was met with high stakeholders' expectations. However, since its first exploration in 2012, there has been a long six-year journey towards a proper legislative framework punctuated with extreme views and positions between the stakeholders over how the issues ranging from revenue sharing, community benefit, among others, should be addressed. It is on this basis that the study examined the legislative framework of oil exploration within this context to find out whether it has succeeded in managing stakeholder expectations, specifically those who reside where the research is taking place, namely, the Turkana.

Methodology: The study used both qualitative and quantitative approaches. Data were collected from a total of 21 respondents, including the adjacent community residing near the oil company, and the local administration. The study also involved a systematic literature review.

Results and Findings: The results of the research showed stakeholders' expectations of oil drilling in their area have not been fully met since 2012. In addition, the results revealed that adequate community engagement by the company was not conducted according to international best practices, and this has been expressed through protests against the company.

Conclusion: The study concluded that a successful outcome of Tullow Oil Company rests upon consistent and frequent management of the stakeholders' expectations. This calls for a not only well grounded legal mechanism in place, but also thorough and exhaustive consultation with the stakeholders in the area. The study recommends the need to address the issues raised by stakeholders at the both county and national levels in conjunction with the community and non-state actors.

Keywords: *Stakeholders, expectations, Tullow Oil Company*

1.1 BACKGROUND

The term 'stakeholders' is used to refer to a group of individuals that have a right over a firm by virtue of the fact that the firm affects them directly and their actions are influenced by it (Mulai, 2011). According to Matuleviciene and Stravinskiene (2015), the term relates to "any group or individual who can affect or is affected by the achievement of the organization's objectives." A distinction is made of two categories of stakeholders; internal stakeholders and external stakeholders (Tulberg, 2013); whereas the internal stakeholders are those who have legal contact with the client and those clustered around the client, external stakeholders, on the other hand, include government regulation, management authorities, and Monitoring agencies.

Oil and gas exploration in Kenya begun in the year 2012. According to Cordraid (2015), Tullow Oil, a British company, acquired a 50% interest in the exploration license blocks of 10 BA, 10BB, 10 A, 2A, and BT, which covered Turkana land, Marsabit and Baringo. Subsequently, Tullow made a crude oil discovery in Turkana County, specifically the South Lokichar basin, at Ngamia 1 well. Since then, the company has managed to explore successfully more than 11 wells in Turkana that have managed to yield close to 600 million barrels of crude oil (Cordraid, 2015).

According to Maweu (2015), oil exploration raised hopes in the community. Lutta (2014) posits that the research was expected to transform the area both socially and economically. The Turkana governor stated that the proceeds from the wealth would be channeled to other areas such as health infrastructure and education (Lutta, 2014). However, as soon as the drilling began, there was a blatant manifestation of dissatisfaction among the members. For example, in 2013, protests by residents forced a two weeks shut down of Tullow oil's operations, which resulted in over 300 million net losses (Maweu, 2015). The bone of contention was a lack of a community investment model that is developed mutually and publicly, lack of employment, and lack of inclusivity in the project.

Soon after the protests, Tullow Oil Company signed an MOU with the Ministry of Energy. This agreement saw the company double its social investments to 340 million in exchange for more government security and stakeholder involvement (Maweu, 2015). Even though the agreement was signed, not many locals have benefited from employment. According to data on the employment matrix at Tullow Oil Company, it is still dominated by Kenyans from other regions, especially at the skilled and management levels (Cordraid, 2015). According to Maweu (2015), the active participation of stakeholders in project risk management is an essential component for

any large scale development project. Where participation is elusive, the result is usually confusion, uncertainty, and in some cases, civil uprising.

Therefore, it becomes imperative that the community is given adequate information regarding their rights, privileges, and their involvement. Such information needs to empower them to know precisely what ends will the exploration of oil in their region accrue. The information should neither be over-promising nor under-delivering (Kalipeni & Johannes, 2014). The expectations of stakeholders, both internal and external, need to be managed so as future conflicts are averted. This study thus examined how these expectations have been achieved in Turkana County and also suggested interventions that can help in managing their expectations.

1.2 RESEARCH OBJECTIVES

The following objectives guided this study:

- i. To examine the community expectations from the Tullow Oil Mining in Turkana County
- ii. To assess the legislative framework guiding the Tullow Oil Company in meeting community expectations in Turkana County
- iii. To recommend ways in which community expectations can be enhanced by the stakeholders of Oil drilling in Turkana County

2.1 LITERATURE REVIEW

The issue of managing stakeholders' expectations when it comes to exploitation of resources has been a bone of contention all over the world for many years. According to Kalipeni & Johannes, (2014), conflicts have been largely orchestrated in many parts of Africa by the availability of resources such as diamonds and oil. Le Billan (2012) avers that such non-renewable resources are not merely raw materials which emanate from nature; instead, they are complex objects that are given rise by natural social processes and hence they end up by and large influencing how people interact both at the society level and even at the national levels. Ordinarily, Le Billion (2004) states that ideally; the presence of natural resources in a country is supposed to catapult its development both socially and economically.

However, evidence is too much to detail that in places and countries where natural resources are in plenty, the majority of people residing in these areas have benefitted very little and in some cases not at all. For example, Collier (2011) cites the Persian Gulf which hosts a lot of rich oilfields and even those West African areas which hosts a lot of diamonds. According to him, the

misfortunes of these people have been given rise to by not only corrupt governance, but also exploitative commercial relations and transactions not to mention resource-driven wars. Collier (2011) goes ahead to mention that there were about fifty armed conflicts which took place in 200; these conflicts had a strong nexus with natural resources. It seems as though the presence of natural resources is a catalyst to disputes. A close examination reveals an evident correlation between the two. In Pakistan and Bolivia, violent protests broke out because of the distribution of water by the respective governments (USIP). In the Middle East, disputes over oil fields, especially in Kuwait, led to the First Gulf War (USIP). Even in Africa, such relationships have been prevalent. In Sierra Leone and Angola, for example, the rebel groups, Revolutionary United Front (RUF), and National Union for Total Independence of Angola used reserves derived from diamond mining to fund their rebellion against their respective governments (USIP).

At the same time, it is the revenue-producing resources that seem to be a bone of contention. According to Collier (2011), so contentious are those revenue resources that sometimes they are called "the resource curse". The conflict is given rise to when there is over-dependence on one source of revenue instead of diversifying. The result is usually competition over natural resources (USIP). This explains why many of the world's petroleum reserves are located in areas experiencing political instability or conflict such as Iran, Iraq, Venezuela, and Sudan (USIP).

According to Hampton (2007), there are usually vested interests in people in an area endowed with resources. These groups of people typically have a wide array of benefits and expectations, which are capable of fanning conflicts if not managed well. This, therefore, means that for successful exploration of resources to occur, a delicate balancing act involving managing expectations and interests of the various stakeholders needs to be done. In fact, it is when those interests are managed that the stakeholders benefit from such exploration.

Turkana County is one of the 47 counties established by the Kenyan Constitution. It borders Pokot, Baringo counties, and it shared borders with Uganda, South Sudan, and Ethiopia. According to Kiseru (2012), soon after Tullow Oil came to Turkana County, the inhabitants of this vast arable land began seeing the arrival of elite groups from other parts of the country. It was a case that could be called a 'Post-colonial Scramble for land in Turkana.' As this took place, several groups of people were affected, key among them the pastoralists. They were forced to relinquish their grazing lands to pave the way for the exploration. This created an environment of both high

expectations and fear among the residents (Ndurya, 2012). Conflicts were manifest as was the case in 2012 when the inhabitants forced a closedown of the facility (Maweu, 2015).

According to Okoth (2012), there has been a notable occurrence of tensions in the community where oil was explored and this has been by and large as a result of the oil discovery in the county. One of the causes of these tensions is the disregard to the locals in the framing and signing of the agreements which led to the concession of oil. Kiragu (2012) reported that it came by surprise to the locals way back in 2012 June when they discovered that their land had been auctioned by the Government of Kenya to the company. The figures came as a more surprise where they learnt that the government of Kenya was earning 5 billion shillings from the 46 licenses given for oil exploration in the country. However, Kisero (2012) avers that the award of such oil contracts often at times was bound to be riddled with claims of corruption. Turkana County has been marginalized by and large as a result of not only mismanagement of public funds, but also corruption; the end result of this marginalization has been persistent inter-ethnic conflicts based on competition for scarce resources. Therefore, when oil drills were begun in the county, these issues began playing out as seen in dissatisfaction among the locals with the activity.

According to Ndanyi (2012), the agitation of the people of Turkana has always revolved around the issue of failure to benefit from tourism revenue that emanates from the tourism areas such as National Parks which are situated there. These agitations have been buttressed by the fact that for a long time, they feel that the revenue received is transmitted directly to Nairobi, and this leaves them with no recourse. Therefore, based on this mindset, they thought that the oil exploration will not be any different. This scenario created tensions and fear in both the residents, the company officials and even the government of an imminent clash; on one hand, the locals were claiming what is rightly theirs, but on the other hand, the government has a right over the minerals in the land and is mandated to sell them. There seemed to be a highly orchestrated mistrust from the community and the perceived poor management of the revenue gotten from the exploration exacerbated the situation, threatening the very mining activities of Tullow Oil Company (Ndanyi, 2012).

One of the key issues which can help manage community expectations is the presence of a proper legal framework. Several Legislative instruments come into play in as far as managing these expectations are concerned. The Constitution of Kenya 2010 outlines how resources are supposed to be managed and shared. It explicitly states that there should be equitable sharing of national

revenue between the national and county government. The Petroleum Act 1986 and the Environment Management and Coordination Act 1999 are also important legislative tools. However, it is the Proposed Petroleum Bill that sought to address the interests of the stakeholders in Turkana that stirred the rank and file of the establishment, both at the county and national levels. The Petroleum Bill stipulated that 75% of income from crude oil production be handed to the national government, 20% be handed to the county government while 5% to communities where the oil is sourced (Cordaid, 2015). This Bill, if passed, will repeal the Energy Act [Cap 314] governs the regulation of upstream petroleum (mid and downstream are covered in the Energy Bill (2015). The Bill has provisions for community rights (section 127) to not only information and education (though it is not specified who should do this); compensation for displacement, and for lost source of revenue or livelihood and environmental damage. Furthermore, the Bill goes ahead to outline the need for local content (section VI), meaning that first consideration should be given to services and goods from the country, and jobs where possible are given to Kenyans.

However, it is the need to employ local community members and share revenue with the National government that has elicited constant debates in the political arena. It should be worth noting that a provision for affirmative action for jobs and opportunities for marginalized communities is contained in the Constitution, but this finds an application for implementation of the Bill. Therefore the companies do not have discretion when it comes to employment of locals or empowering the locals as it is deeply enshrined in the bill. This is because, according to the Bill, 20% of government revenues are to be allocated to county governments, and 5% to the locals, via a community trust fund to be administered by a board of trustees. Policy and subsequent implementation will need to ensure that this 5% is not lost in administrative expenses, and that board members properly represent local people (Mukutu & Wandera, 2015).

Therefore, this study sought to examine in detail the legal framework that is in place to manage stakeholder's expectations from oil exploration. In doing so, the study critiqued the legal regime with a view of coming up with a way forward, which would ensure that expectations are met for both internal and external stakeholders.

2.2 Theoretical Framework

This study adopted the Neo-Malthusian standpoint that states that poverty and income inequality is brought about by rapid population growth, environmental degradation, resource depletion, and unequal resource access (Birdsall, 2015). These deprivations are usually easily translated into

grievances hence increases the risk of rebellion and social conflict. Internal disputes could arise from complaints about environmental degradation as a result of resource acquisition or pollution and disruption of their daily lives (Kofman & Youngs, 2003).

Therefore, this study x-rays the developments in Turkana since the exploration of oil from a neo-Malthusian view. When Tullow began operating there, there was an increase in population, and the locals' lives were systematically disrupted as a result. This made them raise genuine concerns about what to expect. In some cases, their expectations were exaggerated while, in some, their grievances were genuine. It is how the government responds through enacting a solid legal framework that will aptly react to these needs. This will make the difference between avoiding conflicts and fanning them.

3.1 RESEARCH METHODOLOGY

This study was both qualitative and quantitative; first, the study adopted a systematic review of secondary sources such as the Constitution of Kenya 2010, The Environmental Management Act, the National Management and Environmental Authority Act, the Petroleum Act, among others. The study also examined reports from organizations that work there, employment data at Tullow Oil Company, and commentaries from experts in the field of Petroleum and Gas law. Furthermore, the study employed questionnaires as quantitative tools. A total of 21 questionnaires were administered to the stakeholders who entailed the adjacent community residing near the oil company, the local administration, who include the chiefs and the sub-chief of the location and sub-location respectively, were issued with questionnaires to respond to the issues under investigation. Results were tabulated using percentages, charts, and numbers to compliment the secondary data.

4.1 FINDINGS AND DISCUSSIONS

4.1.1 Demography of Respondents

In the table below, descriptive statistics about the demographic variables of 21 individuals included in the research are presented.

Table 1: Demographic Characteristics of the Respondents

Characteristics	Frequency	%
Gender		
Male	16	76.2
Female	5	23.8
Total	21	100.0
Occupation		
Formal Employment	10	47.6
Informal employment	8	38.1
Not employment	3	14.3
Total	21	100.0
Level of Education		
Primary	4	19.0
Secondary	6.0	28.6
College/University	11	52.4
Total	21.0	100.0

A majority of the respondents, 76.2%, constituted the male gender, while 23.8% were females. This disparity was because a majority of the female respondents preferred their male counterparts to respond to the issues raised. However, the difference did not negatively affect the findings. As per their occupation, 47.6% of the respondents were informal employment, while 38.1% depended on informal employment. Those who were neither informal nor informal employment comprised of 14.3%. This was considered sufficient because some were working at the company. Regarding their level of education, a majority of them, 52.4%, had college or university education while 28.6% had secondary school, and only 19% had primary education. This was considered sufficient for the study because higher education correlates with a clear grasp of the issues under investigation and as such, the respondents were aware of the issues that surround the management of stakeholders' expectations.

4.1.1 Stakeholder Expectations

Table 2: Whether ever Consulted over the Establishment of Tullow

Response	Frequency	%
Yes	5	23.8
No	16	76.2
Total	21	100.0

From table 2, about 76.2% of the respondents disclosed the company has never consulted them regarding its establishment and operation. According to the study, only 23.8% of the respondents said they have been consulted before the company's establishment. Asked about the nature of the

consultation, they stated that they were asked about their willingness to relocate to another place to pave the way for the company's operations. Others stated that they were asked whether they support the company's activities in their region. This study, therefore, implies that the company has not consulted most of the locals and that even on those who were asked, the issues were not thoroughly dealt with. According to Cordraid (2015), international best practices require 'meaningful interaction and good-faith dialogue with interested parties having a real ability to influence the management of social issues affecting them.' Maweu (2015) also insists that the community is the most important of all the stakeholders since they host the project, and as such, they are directly affected by its activities. Besides, the Stakeholders Theory (ST) states that a balance needs to be stroked between the right of the claimant on the organization and the consequences of the organization to the community (Maweu, 2015). Therefore, in the spirit of balancing the effects of the organization with the effects of their actions, the community must have their say regarding what they expect from the project (National Action Plan on Business Rights, 2017).

4.1.2 Legislative Framework and Community Expectations

The respondents were asked about their expectations regarding the establishment of the company. All of them indicated that they wanted the company to provide them with jobs, scholarships for students to pursue higher education, bursaries for their children attending school, water, and development of roads. Therefore, community expectations revolve around social and economic empowerment. The community perceives the drilling of oil not as an end in itself but as a means towards attaining economic and social progress.

The legal instruments guiding exploration of oil in Turkana included the following: The Constitution of Kenya; The Petroleum Act, 1986, Petroleum exploration and production Training Fund, 2006, The Environment Management and Coordination Act, 1999. Furthermore, the Petroleum Exploration Bill is at an advanced stage of becoming law. This bill does address issues such as the promotion of investments, local content and training, and, most importantly, payments and revenue distribution, all of which are very critical in addressing community expectations. According to Cordraid (2015), the Kenyan Constitution 2010, which is the supreme law of the land, classifies oil and gas as natural resources. The ownership of these resources, in Article 260, is placed under three categories, namely; private, public, and community. Article 62 of the

constitution bestows ownership of minerals to the national government holding in trust for the people of Kenya.

From the preceding, it is clear that the legislative instruments have addressed the issue of community interests. However, on the ground, as was revealed from the findings, there seems to be laxity, whether by design or default, in the implementation of these laws. This is because the respondents indicated that many of their needs have not been addressed appropriately. They cited the fact that they have not been cushioned against the adverse effects of the drilling on their livelihoods, such as loss of grazing land. Others indicated that they needed their children to be given bursaries as a way of empowering future generations. These needs were yet to be fully realized, and this is in spite of the laws expecting them to be addressed.

If it becomes operational, the Petroleum Bill 2017 proposes an exact percentage of petroleum revenue and how it shall be shared between the stakeholders who entail the National government, County government, and the local community on a 75%, 20%, and 50% respectively. It goes ahead to establish a trust fund managed by a Board of trustees established by the County government. From the preceding, it is presupposed that legally, the community's interests have been adequately managed though practically, this has not been the case. The following discussion related to the communities' take on whether the leaders have done much to manage their expectations.

In an excerpt from discussions with the local community members over whether the company has managed to meet community expectations, an organization working in the area found out the following regarding compensation:

A lot of murram was excavated from three sites around Kochodin community: Katamanak, Naaselem, and Naukot Areng'an. Their leaders promised the residents that the benefits of oil exploration, including gravel extraction, will be shared. In the promise, the community was supposed to receive 40% while the county government would receive 60%). A member was tasked with keeping a daily record of the supposed proceeds. However, with time, the promise of receiving cash was abandoned and replaced with Food (maize), which never materialized in the long run. The community representatives were compromised by being given jobs. The community felt betrayed, mainly not only by the leaders but also by the oil company. In the end, environmental destruction has occurred, and the resident's livelihoods have been disrupted (Cordraid, 2015).

However, the stakeholders were united in agreeing that some of the unmet expectations were beyond the company's control. They alluded to the fact that politicians often interfered with the

operation of the company by using it as a bait to win support while purporting that they are fighting for the people's rights. This makes the company engage the politicians and not the locals. Closely related to the issue of corruption, the respondents decried the existence of 'brokers' who strike deals with the company allegedly on behalf of the community and eventually disappear from the scene.

They also reported that the authorities are vulnerable to being compromised by the company officials. To buttress their views, Cordraid (2015) found out that the company and the community lacked collaborative effort. The respondents also indicated that in some cases, unrealistic demands by the community made it hard for the company to achieve the community needs fully; one case was cited of people who do not possess any skills, yet they needed to be given jobs by the company.

4.1.3 Role of Leaders in Ensuring their Needs are Met

As to what leaders should do in order to ensure that the needs of the community are met, the respondents indicated that leaders ought to consult more with the locals, champion equitable distribution of resources among community members, and legislate the right laws which will insulate the community against exploitation. This, according to them, should be done in the best interest of the community by the leaders. However, from the responses gathered with the residents, there were indications that on many occasions, the leaders seemed not to consider the interests of the locals before their own interests. In fact, cases were cited to suggest that some leaders use the grievances of the Turkana for political mileage, and that does not benefit the locals.

4.1.4 Why have there been Protests against This Company by the Locals?

The respondents were asked why there have been protests against the company since its establishment. In fact, at some point, Tullow Oil was forced to temporarily suspend their activities for a while because of the protests. The respondents indicated that they were because of lack of transparency by the company regarding compensation and retribution of the community, low paying jobs to the locals, and lack of proper information from the company regarding how they will benefit from the exploration. For example, they indicated that they were yet to get adequate compensation for the loss of grazing land, which was as a result of the company's establishment. Another point of concern among them was the employment of non-locals into critical positions, and the fact that many of the workers employed from the area were under semi-skilled cadre.

In an interview with one of the locals at Eliye Springs, it was found out that the issue of land is also responsible for eliciting conflicts from the community as can be seen from this statement:

'What concerns us is the fact that our ancestral land has been auctioned to Tullow without even proper consultations (Lokorito Joseph, 60, Eliye Springs)'

Tullow Oil began by cordoning off 50 sq. Km of Turkana grazing land. As a consequence, this activity raised eyebrows among the Turkana in the sense that they were deliberately separated from what constituted their livelihoods; pasture and water (Ng'etich, 2012). This anxiety was expressed by one herder living adjacent to the oil drilling site.

At first we wondered whether the intention of the company was right; this is because they began by separating us from where we were used to grazing our cattle, secondly, they treated us as intruders by fencing the place with a perimeter wall and barbed wire; besides, there is a presence of security to ensure that we are kept a bay...this is very unfortunate to us. (Mitina Mejen, a resident).

Another pastoralist joined in:

Right from the onset, we have never felt part of the process, in fact, we have been deliberately alienated by the company and above all, our natural resources have been kept away from us. (NgingoliaIpa, Lodwar)

Turkana pastoralists have a genuine concern regarding their future and are scared of losing their precious resource – grazing land (Ng'etich, 2012). The issue of land was an essential focal point that elicited protests; linked to the concerns around land use and access are land ownership and compensation issues. Several of the pastoralist communities expressed concern regarding questions about who owns the land, what are their rights and what is the process by which the oil companies obtain land tenure. According to them, it seems that their land was taken from them hence disrupting their livelihoods, especially their pastoralist lifestyle, without any adequate compensatory mechanisms in place to cushion them from this systematic disruption. Therefore, their anger was directed to the company through protests because they felt that the company was making profits at their expense.

Lastly, they indicated a lack of transparency as another cause of protests against Tullow Oil Company: right from the initial stages even before it was officially declared that oil had started to flow, rumors were rife that there were secret containers were used to transport the crude oil to the port of Mombasa in order to dodge the involvement of the Turkana people in the process. The shrouded secrecy ended up fueling anxiety and suspicion from these people. An example of this secrecy is even manifested in how these places are locked off from the residents; the Ngamia 1

site, is off limits to the locals owing to the fact that it is located far from Lokichar and it is cordoned off by armed security guards and the private guards who even knew little about what was going on inside the premises. Such lack of transparency, or mechanisms to air grievances on locally relevant issues, has already planted seeds of distrust and discord. At the same time, the residents indicated that the company breached an agreement on CSR with the community that was aimed at increasing their social and economic benefits accrued from the exploration.

5.1 CONCLUSION

This study has demonstrated that stakeholders in Turkana feel that their expectations of oil drilling in their area since 2012 have not been fully met. Furthermore, adequate community engagement by the company was not conducted according to international best practices. This deficiency has been occasioned by the politicization of the community interests, corruption, and unrealistically high demands from the community. Consequently, this dissatisfaction has been manifested in protests against the company by the community. Moving forward, these issues need serious redress all stakeholders at the county and national level in conjunction with the community and non-state actors.

6.1 RECOMMENDATIONS

Based on the study findings, the following suggestions are made as a way of managing the community expectations by both the company and the government:

- More sensitization of local of locals on the legislative framework governing oil and mineral exploration,
- The company should adopt transparency on the side of communicating accurate and timely information,
- The company should broaden the engagement space with locals in a manner that makes them feel that their needs are being considered,
- Collaboration and complementation between the county government and the company to ensure a balance is struck between profit-making by the company and meet community needs,
- The civil society actors should complement the efforts done by the stakeholders by engaging the community and listening to their grievances,

- Leaders, both at the county level and the national level need to push for the full implementation of the laws governing oil exploration,
- The government should fulfill its duty to channel its revenue from taxes, royalties and other sources of income to productive investments and the delivery of essential social services to local communities in an anon-partisan manner.

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