

# The Contentious Political Economy of Biofuels

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The stairway and halls leading to a closed-door room of the Nairobi High Court buzzed with activity on February 14, 2011. Roughly one hundred people had traveled overnight by bus from the Tana River—the east coast outflow of Kenya’s largest river—to convene at the judicial heart of the nation’s capital. They had gathered to attend a court hearing, risking time away during the dry season from herds of Boran cattle, farms growing maize and peas, and shops and domestic responsibilities.

The hearing was one of several for a case filed in 2010, which followed a previous case against many of the same government and corporate actors, notably the governmental National Environment Management Authority (NEMA), the parastatal Tana and Athi River Development Authority (TARDA), and the private Mumias Sugar Company. The previous case had focused on a contested title deed for 40,000 hectares of land claimed by TARDA and implicated in a sugarcane project—the Tana Integrated Sugar Project, or TISP—jointly planned by TARDA and Mumias.<sup>1</sup>

TISP planned to convert 20,000 hectares of land into irrigated plantations and associated infrastructure. According to Mumias, the joint venture would produce electricity from co-generation and ethanol, along with sugar. That first case, filed in 2008 by the Tana River Pastoralists Development Organization, Tana Delta Conservation Organization (TADECO), East African Wild Life Society, Centre for Environmental Legal Research and Education, and Kenyan lawyer George Wamukoya, challenged legal rights to the land for TISP and led to a temporary injunction against the project. However, the judicial review was

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1. High Court of Kenya 2008.

reconsidered and in 2009 the court ruled in favor of the developers, apparently on technicalities.<sup>2</sup>

The second case, for which villagers gathered in the capital, took a broader approach. Brought against seven respondents (the attorney general, NEMA, TARDA, the Tana River County Council, the commissioner of lands, the Water Resources Management Authority, and Mumias), it challenged not only the sugar plantation, but also a number of other projects in the delta, including prawn farming and titanium mining. Four petitioners acted on behalf of many groups in the delta, namely Orma, Wardei, and Somali pastoralists; Pokomo and Mijikenda farmers; Malakote, Bajuni and Luo fishing communities; and Wasanya and Boni hunter and gatherers. They declared that a failure to develop a “comprehensive land use master plan” for the Tana Delta infringed on the rights of the region’s people, and called for the prohibition of further land resource development until such a plan was negotiated.<sup>3</sup>

When the villagers gathered in Nairobi in 2011, they did not anticipate a final verdict, and the case would continue over several more years. It was not until January 2013 that the High Court reached a final judgment, ruling that development plans for the delta be re-evaluated, and that local communities participate fully in the development of land-use plans. Throughout the case, though, the presence of villagers at hearings was a strategic move to ensure community representation in the proceedings.<sup>4</sup> The petitioners’ advocacy efforts were supported by organizations including Nature Kenya, the East African Wild Life Society, and the Kenya Wetlands Biodiversity Research Team. When the February 2011 hearing ended, demonstrators were briefed by their court representative and then went down the street to the Department of Home Affairs. Kenyan Vice-President Stephen Kalonzo Musyoka met them outside for an informal, impromptu hearing. After listening to their concerns, Musyoka requested they send him a petition detailing the situation.<sup>5</sup>

The villagers’ actions sparked interest in the case around the world.<sup>6</sup> But why did an obscure, local court case in a remote, pastoral community draw international media attention? How did those involved in the case make their claims about the delta resonate with a wider audience? This paper reveals why Tana villagers’ claims were heard beyond the borders of Kenya and how locals expressed grievances in a way that earned global attention.

In the case of land claims in the Tana, the local dispute took on broader symbolic and strategic significance largely due to one of the planned TISP

2. High Court of Kenya 2008; Mireri et al. 2008; Mumias Sugar. Available at <http://bit.ly/1ukj8rB>, accessed October 1, 2014; RSPB 2008; Smalley and Corbera 2012, 1062.

3. High Court of Kenya 2010, 1–3.

4. Private correspondence from advocacy organizations in Kenya, February 2011.

5. The gathering was described in private correspondence from advocacy organizations on February 23, 2011, and on an advocacy website on the same date. Available at <http://bit.ly/1fFHmZs>, accessed October 1, 2014.

6. For instance, RSPB 2008; *The Guardian*, July 2, 2011. Available at <http://bit.ly/1kwC66r>, accessed October 1, 2014; *The Observer*, July 3, 2011, p.24.

products: biofuels. Though neither court case focused directly on biofuels—the first centered on land title and property laws, the second on land-use plans and participatory development—biofuels played a prominent role in media and public campaigns around the hearings.<sup>7</sup> Proponents and their allies, I argue, linked Tana land-use plans to global biofuels debates using the language of food security, land tenure, and sovereignty to gain voice on the global stage. By appealing to the contested global politics of biofuels, Tana villagers participated in the latest episode of contestation over land control and exclusion in the global South.

To explain the tactics the villagers used to make claims in the delta, I introduce the hybrid theoretical lens of “contentious political economy.” This lens brings together three fields: *contentious politics*, which attends to historically based and adaptive claim-making cycles; *political economy*, which illuminates the dynamics of new markets and private authority; and *political ecology*, which offers sensitivity to geography and discourse. In isolation, these fields fail to explain the complex contestation over biofuels in the Tana. Instead, I take them in concert, using the contentious political economy lens to show how the turbulent global politics of biofuels tied the Delta’s historical land and ongoing development disputes to new commodity markets, shifting discourses, and transnational advocacy efforts (see Figure 1).

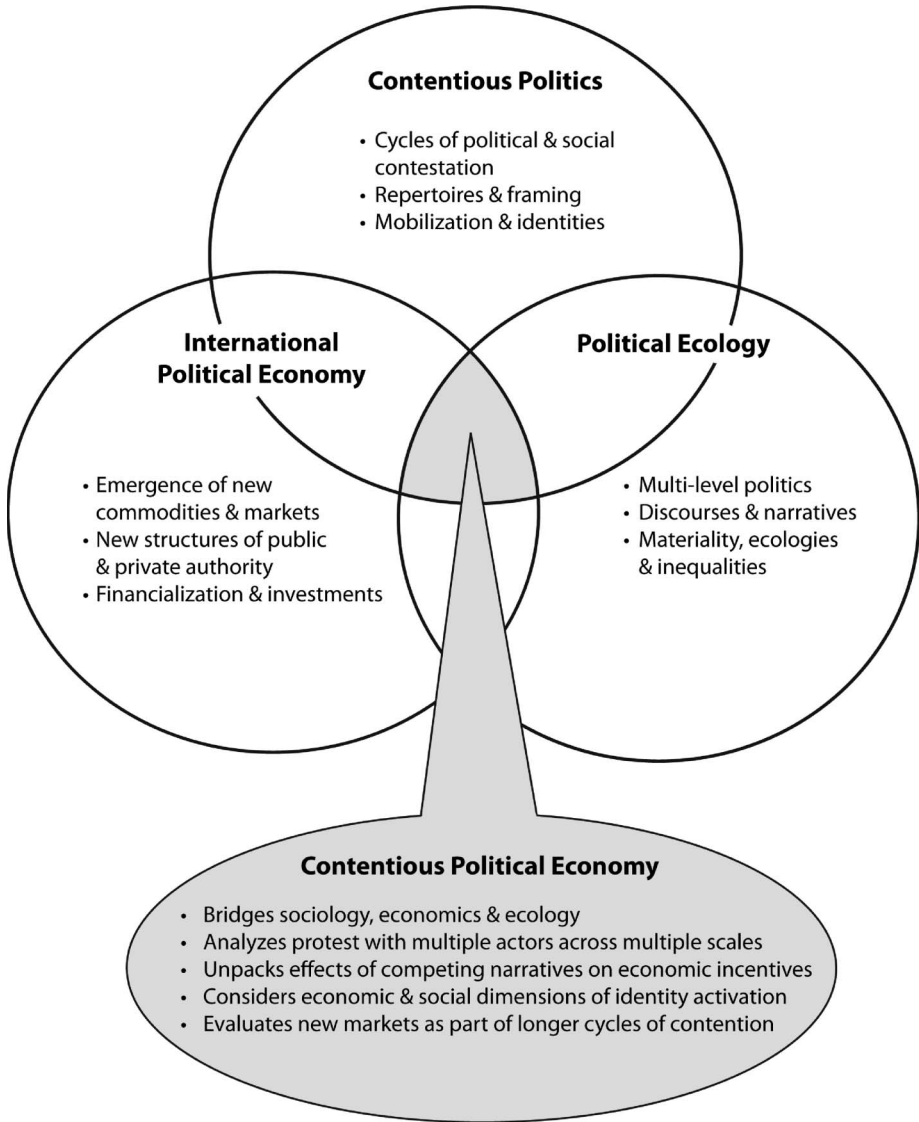
## Methods

To analyze biofuels politics and claim-making dynamics, I conducted fieldwork in Nairobi, Kenya, and Tana Delta communities, over a series of visits from September 2010 to February 2011. Using qualitative research methods to investigate land and biofuel negotiations, I took part in informal meetings, held interviews, observed gatherings (including the courthouse assembly in Nairobi), and communicated electronically with government officials, community members, community-based organizations, independent consultants, NGO representatives, and the private sector. My research involved group and individual interviews, along with observations of public gatherings and meetings, primary policy documents and analyses, and secondary literature. Many interactions were permitted under conditions of anonymity; thus, most participants are identified only by sector or general role.

With collaborators from the French Institute of Research for Development and the National Museums of Kenya, I visited twelve villages in the Tana Delta in November and December 2010 (see Figure 2), most of which were predominantly Orma settlements, and stayed in guesthouses in the town of Garsen and at TARDA.

Along with a local field assistant and translator, I consulted with villagers in each of the twelve locations, with the permission of the village headman or chief. The villager groups generally consisted of 5–15 adults and several

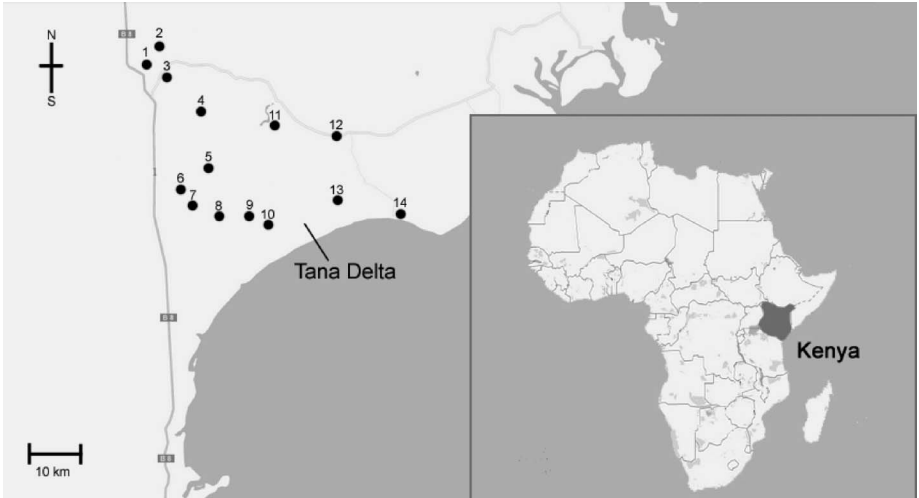
7. E.g., *Business Daily*, February 7, 2013. Available at <http://bit.ly/Q1Dci3>, accessed October 1, 2014; RSPB 2008.



**Figure 1**

The component lenses of the hybrid contentious political economy approach, highlighting the key contributions from each

children, and were sometimes segregated by gender. The group interviews were convened to discuss borehole water-sampling activities being undertaken by my project collaborators. Given the sensitivity of land-use issues, I asked about land use, biofuels, agricultural crops, and company relations with the villagers only after we asked about water use and access.



**Figure 2**

Map of the Twelve Villages Visited in the Tana Delta for IRD Groundwater Study: Dumu B (2), Danissa (3), Onkolde (4), Ngao (5), Tarasaa (6), Oda (7), Tara (8), Kikomo (9), Odole (10), Moa (11), Witu (12), and Ozi (13)—along with reference points Garsen (1) and Kipini (14).

### Claim-Making Context: Histories, Global Debates, and Identities in the Tana Delta

Starting in the early 2000s, the EU and other developed countries' renewable energy targets drove global market interest in bioethanol and biodiesel.<sup>8</sup> Biofuels were initially billed as a “silver bullet” solution, in which plant-based liquid fuels could supplant petroleum, meet growing renewable energy demands, and support rural development. As a result, the Kenyan government initially championed biofuels projects.

By 2011—the time of the Nairobi hearing—views on the value of these fuels had split several times over. Vocal proponents and equally vocal opponents of these commodities engaged in battles over media space, public discourse, and government regulations. Global discourse shifted from early optimism to fervent debates over “food versus fuel” around 2007, with charges that biofuels were stealing land from food. It shifted again, starting in 2009, to “land grab” accusations, with biofuels portrayed as the latest colonial project.<sup>9</sup> Political support from producer and consumer countries wavered. Doubts about biofuels intensified further when scientific studies revealed carbon footprint, biodiversity, and water-use concerns associated with their large-scale production.<sup>10</sup> These

8. Bastos-Lima and Gupta, 2013, 49.

9. See Neville 2012.

10. E.g., Fingerma et al. 2010; Searchinger 2010.

mixed reactions established a volatile, uncertain environment for biofuels developments—a situation further complicated by the erratic and complex history of developments in the Tana Delta.

### *A Checkerboard of Developments in the Delta*

Even before the court case, the TISP sugar plantation project had a checkered history. According to the non-profit Ethical Sugar, TARDA struck a deal in 2006 with another private company, MAT International, to build the Tana Delta Sugar Company in Garsen.<sup>11</sup> MAT and TARDA “parted ways” following a court case over title deeds and financial arrangements, according to an interviewee in the Tana Delta.<sup>12</sup> TARDA quickly entered into a new partnership, this time with Mumias Sugar. The interviewee suggested that these successive plans for sugar projects with corporate partners had been under negotiation since 2004, following the withdrawal of yet another company, Riegos Agrícolas Espanolas (RAESA) from a related project.<sup>13</sup>

Undeterred by its court battles with TARDA, MAT International had developed new plans, scheduled to begin in 2008, to produce sugar on over 30,000 hectares of land in the Tana (and more in adjacent districts).<sup>14</sup> In 2008, Kenyan parliamentary debates recorded the minister for regional development authorities as listing six companies with interests in sugar in the Delta since 2004: MAT, Mumias, West Kenya Company, RAESA from Spain, PGBI Company from South Africa, and Kenana Sugar Company from Sudan.<sup>15</sup> In addition to sugarcane, oil palm and *Jatropha curcas* emerged in the early 2000s as contenders for land in eastern Africa, particularly for liquid biofuels.<sup>16</sup> Other biofuels projects and companies in the Tana have included the UK firm G4 Industries Limited’s commercial oil seed production (now abandoned); the *Jatropha* Growers Company; a Korean company with plans to produce “sim-sim” (sesame) for biodiesel; and the Canadian company Bedford Biofuels’ plans for producing *Jatropha curcas* on six private ranches in the region for biodiesel. After years of controversy, Bedford Biofuels allegedly declared bankruptcy in 2013.<sup>17</sup>

While debates raged over biofuels, proposals for other agricultural and industrial activities were also underway. Among the preceding and concurrent development initiatives in the delta were an abandoned industrial prawn farming operation; the failed Lower Tana Village Irrigation Programme; the destroyed (but under revival) Tana Delta Irrigation Project for rice farming;

11. Ethical Sugar 2006.

12. See also High Court of Kenya 2006.

13. Interview with community representative, December 8, 2010, Garsen, Kenya.

14. *Standard Digital News*, June 22, 2010. Available at <http://bit.ly/1MnELA>, accessed October 1, 2014.

15. National Assembly 2008.

16. E.g., Cotula et al. 2008, 12, 51; USDA 2011.

17. Details on these companies and projects were obtained through meeting with villagers, December 6, 2010, Tana Delta, Kenya; *Los Angeles Times*, June 22, 2013. Available at <http://lat.ms/RfPdkR>, accessed October 1, 2014; Nature Canada, 2013; Odhengo et al. 2012, 6.

a dormant titanium mining proposal; and unrealized plans for leasing land to other countries for food production, such as a project by Qatar involving a loan for a port in Lamu. Ongoing projects span oil and gas exploration, rice and maize production, and a high-voltage power line linked to the Lamu port. Hydropower, too, has a history in the area: the Tana River has five major reservoirs with a cumulative power production equal to roughly three-quarters of Kenya's demand, with additional dams planned. Conservation projects have also claimed land in the region, notably the Tana River Primate Reserve.

In short, the Tana Delta is a messy palimpsest of planned, actual, and failed land development initiatives.<sup>18</sup> This inventory of agricultural and industrial projects only begins to detail the private and public entities that have sought land and resources in the delta. Understanding who exactly makes claims and holds power in this complex set of corporate actors proves difficult, and is further complicated by the social dynamics and identity politics in the Tana Delta.

### *Identities and Ethnicities*

Coastal eastern Africa, as exemplified by the Tana Delta, has a long history of political and economic marginalization, social reorganization by colonial powers and the state, and planned development. These pressures have been overlaid, at least in rural Kenya, with ethnic identities linked by language, livelihoods, and political allegiances. Though these identities are not immutable and unequivocal (see below), differences among ethnically identified groups have nonetheless shaped and perpetuated stratified social ties and political distinctions.

Ethnicity has been a point of contention across Kenya, with the post-election violence of 2008 revealing flashpoints associated with tribal identities, particularly those linked to land tenure and political representation.<sup>19</sup> In the wake of this national violence, the Kenyan government negotiated a new constitution in 2010 that, among other things, established new land tenure categories and new terms for land and resource use and management.<sup>20</sup>

The Tana Delta's primary groups are the Orma (sometimes known as the Galla), a Cushitic-speaking pastoralist group with origins in southern Ethiopia's Oromo people; and the Pokomo, Bantu-speaking agriculturalists with historical roots in Somalia's Shungwaya region. These two dominant groups each comprise roughly 44 percent of the Tana population (though reported numbers vary). The petitioners in the second court case claimed to represent a variety

18. See Duvail et al. 2012, 335; Emerton and Bos 2004; Odhengo et al. 2012, 6–7; *Standard Digital News*, June 22, 2010. Available at <http://bit.ly/1lMnELA>, accessed October 1, 2014; Temper 2012, 4–5; *The Africa Report*, December 11, 2012. Available at <http://bit.ly/SIPUu6>, accessed October 1, 2014.

19. Kanyinga 2009.

20. Odhengo et al. 2012, 4; Smalley and Corbera 2012, 1049–1051.

of ethnic groups in the delta in addition to the Orma and Pokomo: the Wardei, Somali, Mijikenda, Malakote, Bajuni, Luo, Wasanya, and Boni. Additional groups include the Giriama, Waata (or Watta), Galjeel, and Munyoyaya; distinct sub-groups exist within many of these ethnic divisions, such as the Upper and Lower Pokomo.<sup>21</sup>

The history of these groups remains steeped in mythology and multiple, conflicting narratives. For instance, competing claims abound over which groups arrived first in the delta.<sup>22</sup> One version maintains the Orma arrived in the Tana with the Waata, and when the Pokomo later arrived, they gave them land.<sup>23</sup> In contrast, a Pokomo account holds they arrived prior to the Orma, and helped the Orma escape Somali pastoralists by offering safe passage across the river into the lower delta during a conflict.<sup>24</sup> A third rendering suggests the Pokomo were pushed out of parts of the delta by the arrival of the Orma.<sup>25</sup> Further, although there are divides between the Orma and Wardei, a Somali-speaking pastoralist group, the latter apparently are the descendants of an Orma group taken into slavery in Somalia in the early 1800s, and later returned to the delta. The region's colonial history, involving claims and control by German and then British forces, also complicated relationships in the region. Even within an independent Kenya, Tana groups remain wary of national authorities.<sup>26</sup> This history provides the backdrop of social conflict between and among different community groups and the state, and indicates the links these disputes have to resource access for livelihood demands.

Additional complications also exist. Although ethnic categories are usually linked with specific livelihoods, many households engage in mixed production activities. Herders often tend small gardens, and agriculturalists sometimes keep livestock. Further, changes to water availability and flooding patterns in the delta have led local populations to diversify and alter livelihood activities and techniques.<sup>27</sup> In addition, while groups are sometimes associated with specific religions—such as the Muslim Orma and Christian Pokomo—religious divides do not always neatly parallel ethnic lineages. Pokomo groups in the delta, for example, belong to both Muslim and Christian faiths. Mobilizing these groups based on shared allegiances is, therefore, not a straightforward and innate affair, but instead requires strategically activating certain identities—economic, religious, and historical. Individuals must be persuaded that one dimension of their identity deserves their primary allegiance; that this identity brings with it social ties and responsibilities; and that these ties necessitate action on behalf of this collective.

21. Kagwanja 2003, 130; Pickmeier 2011, 72; Sentinel Project 2013, 4–5; Smalley and Corbera 2012, 1045; Turton 1975, 523–524.

22. Turton 1975; Pickmeier 2011, 58–59.

23. Pickmeier 2011, 58–59.

24. Pickmeier 2011, 58–59.

25. Irungu 2000, 11.

26. Kagwanja 2003, 126–127.

27. Leauthaud et al. 2013.



Activation of identities has been powerfully achieved in the Tana, where mobilizers appeal to ethnic affiliations in complex and sometimes brutal ways. The most recent conflict in the delta involved a series of attacks and retaliations between Orma and Pokomo groups in 2012 and early 2013. Reports of displacement, injuries, and deaths varied across organizations and media outlets, with some estimates suggesting over 160 people were killed.<sup>28</sup> These events, like previous episodes of violence, have been assigned many causes: access to scarce water and grazing lands, contested land ownership and title deeds, disputes over local and national political representation and elections, and more. All accounts, though, reveal that the conflicts involved activated ethnic identities and further entrenched tribal lines as stark divides within the delta. Given these complications, it is no surprise that biofuels projects were met with mixed—and convoluted—responses.

### **Making Sense of Contestation: Lenses on the Tana**

While the Tana Delta's politics extend beyond the TARDA-Mumias venture alone, or even biofuels projects in general, the case reveals the many intersections between resources, struggles for decision-making power, local and distant economies and politics, and protests. For this, contentious politics proves useful.

#### *Contentious Politics: Cycles, Performances, and Identities*

Contentious politics emerged out of sociologists' efforts to understand social movements, popular resistance, and regime change, and looks at the recurrent and responsive ways people voice contestation, articulate resistance, alter positions, and demand change.<sup>29</sup> Rather than seeing contention as a "disorderly" process, contentious politics recognizes a decipherable set of adaptive actions and forms of claim-making.<sup>30</sup> Contentious political dialogue is cyclical and relational, occurring in episodes, with social interactions considered "active sites of creation and change."<sup>31</sup> This perspective helps us understand the Tana situation, where conflicts over biofuels involve new actors, new ways of framing competing claims, and new strategies for voicing interests.

Strikes, protests, marches, and rallies are examples of contentious performances, that is, exercising political voice and forwarding collective claims through visible, group-based actions (not private or individual grievances and responses).<sup>32</sup> As the Tana court case showed, these mechanisms can be supplemental to bureaucratic channels of claim-making. Repertoires of

28. Sentinel Project 2013, 16.

29. See, among others, Della Porta and Tarrow 2004; McAdam et al. 2001; Soule 2009; Tilly 2008.

30. Tarrow 2008, 230.

31. Imig and Tarrow 2001, 4; McAdam et al. 2001, 22, italics added.

32. This differs from the tools of private resistance, as elaborated by Scott 1985.

contention—the range of actions and tactics used for making claims—are formed, repeated, and *adapted* to make demands on those with power and challenge dominant structures.<sup>33</sup> Claimants build on previous performances, taking advantage of new opportunities and ideas, while incorporating the successful aspects of past efforts.

Beyond acts of assembly—Tana Delta villagers flooding Nairobi’s court halls or community members attending government- and company-convened meetings, for example—Tana villagers have engaged in many types of public performance. Villagers have pursued action through judicial and legislative channels (the court cases); created community-based organizations; appealed to international conventions (in 2012 the Tana Delta was recognized under the Ramsar Convention on Wetlands of International Importance); spoken with journalists, activists, and researchers; contributed to online forums and virtual networks; and shared information through informal channels, such as rumors.<sup>34</sup>

Changes within episodes of contention are not random; strategies evolve as new opportunities arise. In the TARDA-Mumias case, Tana communities switched tactics following the initial court case’s failure to deliver the hoped-for outcomes. In the second suit, petitioners shifted the focus to broader, delta- and nation-wide concerns over development plans and community participation. Further, the second case referred to human rights language from international conventions and commitments, thereby appealing to global concerns over land rights, livelihoods, and public consultation. Among other things, this increased the potential range of allies who could be drawn into supporting villagers’ claims.

Contentious politics perspectives capture variability in claims over time (and the strategic actions of various movements and counter-movements). However, in the case of the Tana Delta, complex economic incentives, distant actors, and changing markets have affected alliances and claim-making opportunities. This highlights the need for a political economy approach in understanding biofuels contestation.

### *Political Economy: Markets, Commodities, and Private Authority*

In the case of the Tana Delta, corporations typically hold power, and communities often appeal directly to them. In addition, distant and often invisible investors wield tremendous power over production decisions in the delta. Scholars of contentious politics recognize the power of nonstate actors and the contingency of state centrality, yet many (perhaps even most) contentious politics studies

33. Tilly 2008.

34. In meetings with villagers November 29 and December 1, 2010, and in an interview with an NGO official, December 8, 2010, in Tana Delta, interviewees described participation in a range of public gatherings. See also advocacy websites such as [www.tanariverdelta.org](http://www.tanariverdelta.org); Nature Kenya 2013, 2; Sentinel Project 2013, 9–10.

position state actors as the primary power-holders and targets of claims. The field's work on private governance and shifting public–private relations is still in its early stages.<sup>35</sup> In contrast, questions of finance, markets, private authority, commodity chains, and investment flows are well studied by international political economy (IPE) scholars.

The political dynamics within biofuel alliances illustrate the need to consider a “plurality of authority domains,” in which states and multinational corporations are engaged in material, discursive, and symbolic struggles over power.<sup>36</sup> Political economy, especially global political economy and IPE of the environment, scrutinizes state–nonstate relationships. As states and other social groups enter into new alliances with corporations—for instance, the TARDA–Mumias joint project—lines between state and private enterprise are blurred. This demands new ways of conceptualizing the structures of power in which states and societies operate, and their various expressions of resistance and authority.<sup>37</sup>

Beyond exploring new relationships of global authority, IPE focuses on dispersed actors, multiple layers of incentives, and long chains of interaction across the globe, including the implications of trade flows and commodity price volatility for the dynamics of economic systems and power.<sup>38</sup> In the Tana, uncertainty over biofuels developments resulted in part from shifting global markets and prices. These economic fluctuations made investors more shy about their commitments, companies more secretive about their intentions, and governments more reluctant to make firm decisions on projects. Such tentativeness compounded many Tana villagers' skepticism about biofuels plans. As residents of one village explained, they were “waiting, but losing hope” because of project delays, and most could name a litany of proposed projects that had failed to move forward.<sup>39</sup> Given the uncertainty that projects would indeed be realized, the economic incentives became unclear even for those who initially anticipated benefits from biofuels. As a result, local support for the projects varied over time, and former supporters became more receptive to messages from biofuels skeptics.

IPE and its offshoots—global political economy, agrarian political economy, and political economy of the environment—begin to bring together insights from sociology, environmental politics, and political economy. Although the political economy literature explores some unusual alliances, these are largely economically motivated. In terms of the symbolic and identity-based nature of alliances and shifting discourses so relevant to biofuels contestation, the literature of geography—and political ecology in particular—has more to say.

35. Soule 2009, especially 7–8; Tarrow 2011, 41; Tilly 1990, 4.

36. Amin and Palan 2001, 568.

37. E.g., Bernstein 2010; Büthe and Mattli 2011; Soule 2009.

38. E.g., Clapp and Helleiner 2012, 497.

39. Meeting with villagers, December 3, 2010, Tana Delta.

*Political Ecology: Ecologies, Geographies, and Discourses*

Political ecology specifies how the biological and physical characteristics of commodities and places of production come with social and political consequences, with particular attention to the materiality of objects produced, the specific ecologies on which production depends, and issues of inequality.<sup>40</sup> Such an approach complements the often-abstract treatment of commodities in more traditional IPE. The value of explicitly attending to political ecology, especially agrarian political ecology, is in the attention it brings to the local intersection of culture, geography, ecology, and economics, exposing otherwise-invisible power relations linked with place.<sup>41</sup> This is particularly useful when marginalized actors are involved, as is the case in the Tana Delta.

Political ecology investigates the ways in which historical modes of production set the stage for subsequent projects, and carry long-term impacts for communities and social organization. Blaikie's pioneering political ecology work, for instance, interrogates the causes of soil erosion, challenging assessments that point to degradation's direct causes (such as farming practices and cultivation pressures) and pointing instead to indirect, underlying causes (including histories of labor migrations, forced displacement of communities, and substitution of paid labor for subsistence economies).<sup>42</sup> These analyses are pertinent to biofuels governance and management, where simply resolving technical questions of carbon emissions and production efficiencies fails to address the larger social concerns about land-use choices, food and energy demands, and local input in decision-making.

The social histories of land control, practices of fossil fuel use and resource exploitation, and the organization of production and power in the corporate and global spheres underlie discussions of feedstock production and biofuel development in east Africa and beyond. The political ecology approach provides materially grounded perspectives on the debates taking place in the Tana Delta, linking particular ecosystems (floodplain deltas and coastal forests) with land-use histories (and displacement) and current investments in particular crops (sugar, *Jatropha*). Yet political ecology's contributions are most salient when taken in concert with contentious politics and political economy perspectives. This places the multi-scale, multi-actor, ecologically attuned insights in the context of cycles of contention, strategic performances, private governance, and complex market dynamics.

*Further Clarifying the Contentious Political Economy Contribution*

The Tana Delta's landscape is far from an empty, unclaimed space. Development projects have left a mixed legacy, eroding villagers' trust in the promise

40. E.g., Gerber et al. 2009, 2885; Walker 2005, especially 74–75.

41. See Robbins 2004.

42. Blaikie 1981, especially 66–69.

of development plans, government benevolence, and corporate commitment, and deepening divides within the delta based on opposition to or support for various projects. The region's social history intersects with and further complicates the political and economic dynamics in the delta. Combining the three analytical lenses, then, reveals and unpacks intersections that are obscure to any single lens—such as between social identities and economics; historical conditioning, alliances, and fractures; economics, discourse, and language; and shifting histories and multi-level politics.

### *Social Identities and Economics*

In the Tana, the diverse community responses to proposed biofuels projects illustrate the social dimensions of economic risks and incentives in resource developments, where the economic incentives identified by political economy collide with the identity activation processes highlighted by contentious politics.

First, biofuels enable agricultural producers to expand into novel consumer groups, which allows companies such as Mumias or MAT to extend their potential customer base into the European energy market. In addition, biofuels present potential opportunities for labor and landholders, offering farm-laborers options to work on plantations and ranch members in the Tana district options to lease land for *Jatropha*. Yet biofuels also threaten existing land and resource users, with the potential to displace communities and alter livelihood opportunities. Pastoralists might find grazing areas and water access routes at risk, while others lacking secure title to the land could lose access to it without profiting from alternative land uses.

The mixed outcomes from these economic opportunities can create divisions within and across sectors and groups. Since land is strongly linked with social and cultural identity, the distributional implications of biofuels projects were more fundamentally perceived as threats to the livelihood—and consequently existence—of a particular ethnic group: the pastoralist Orma.<sup>43</sup> This group largely spoke out against biofuels projects. As an Orma village leader explained, “if you ask my people about *Jatropha*, they will tell you no.”<sup>44</sup> Several people in another predominantly Orma village opposed sugarcane production, concerned that the Mumias and MAT projects would affect their lands.<sup>45</sup> One Orma man complained that certain negotiations between companies and villagers included only “high-up” community members and involved secret meetings that others learned about through “rumors” and hearsay.<sup>46</sup> Another

43. Linking indigenous survival with resource contestation debates, see also Schlosberg and Carruthers 2010, 13.

44. Statement from meeting with village leader on November 22, 2010, Tana Delta, Kenya.

45. Statements from meeting with villagers on November 29, 2010, Tana Delta, Kenya.

46. Statement from meeting with villagers and village leaders on December 1, 2010, Tana Delta, Kenya

Orma individual voiced concern about the loss of grazing lands to cultivated agriculture. Commenting on perceived company and government goals, this speaker stated, “Their aim is to make us poor.”<sup>47</sup> Social entrepreneurs within this community drew on cultural identities and group belonging to strengthen this opposition and secure allies in the fight against biofuels.

Pokomo communities, in contrast, seem to largely support biofuels projects, perceiving opportunities for jobs on farms. A group consulted in a primarily Pokomo village seemed strongly in favor of biofuels projects (both sugarcane and *Jatropha*). One man explained that “sugar is good, we’ll be less poor with these projects,” and the group thought that delays in the projects’ implementation were troubling. Another individual, stressing that the “majority agree” with the projects, dismissed dissenters as “nomads and *wageni* [visitors or guests].”<sup>48</sup> Naming dissenters as “outsiders” is a powerful strategy in dismissing their rights to participate in decision-making processes, and such a tactic highlights the intersection between economic and social histories.

### *Historical Conditioning, Alliances, and Fractures*

Though narratives of insider status and ethnic group belonging play an important role in explaining negotiation dynamics, a local-versus-outsider explanation does not alone account for differences among villager reactions. Land-tenure concerns and histories of marginalization and colonialism also play an important role in explaining the negotiation dynamics. For instance, Orma communities, largely dependent on seasonal grazing lands, tend to align with environmental groups and land-rights activists to oppose biofuels projects. One Orma interviewee highlighted this environmental angle, saying “instead of sugar in the delta, it is better to conserve.”<sup>49</sup> Yet Orma who are members of private ranches (semi-communal land-holding systems) sometimes find themselves participating in multiple communities with divergent interests.

Pokomo communities, as mentioned above, seem to largely support biofuels projects, perceiving opportunities for jobs on farms. Yet this is not universally true. With a history of resentment against state-run institutions, Pokomo communities tend to support private company initiatives but resist projects involving the government, specifically TARDA. In one village with a mixed ethnic population, one villager noted that MAT’s sugar project—a private company’s initiative—was supported, while government-associated projects were not.<sup>50</sup> Several explained the context of communities’ hostility towards the government. Citing flooding and consequent evacuations that resulted when the parastatal

47. Statement from meeting with villagers and village leaders on December 1, 2010, Tana Delta, Kenya

48. Statements from meetings with villagers on December 3, 2010, Tana Delta, Kenya.

49. Meeting with villagers, December 4, 2010, Tana Delta, Kenya.

50. Meeting with villagers, December 6, 2010, Tana Delta, Kenya.

dammed an upstream section of the Tana river, one man said “TARDA has not helped the Tana Delta people.”

Consequently, villagers’ positions were less about biofuels themselves, and more about complex negotiations and claims over land, access, control, identity, and governance. For some individuals, historical exclusion has been mediated by new economic opportunities for participation in resource access and control; for others, these economic options are muted by relationships of mistrust with governing authorities. Political ecology and political economy together are needed to identify and assess these competing and conflicting pressures.

### *Shifting Histories and Multi-level Politics*

Intersecting scales of contestation require bringing contentious politics into direct conversation with political economy. Here, Tana biofuels debates are inextricable from more widespread disputes over land control and autonomy.

In the Tana, some biofuels supporters sought to dismiss dissent as parochial and limited. For instance, the minister for regional development authorities alleged in parliamentary debates in 2008 that “...not everybody from that area [the Tana Delta] is opposed to the [Mumias] project. In fact, it is only a small number of people who are opposed to it.” The minister further claimed that “...in most cases in this country, whenever a project comes up, there will always be opposition.”<sup>51</sup>

Community responses to biofuels projects in the Tana were not knee-jerk reactions against all development proposals, however, nor did they represent only a small group of dissenters. Even among groups who hoped for increased investment in the delta, many voiced concerns about biofuels projects, specifically with regards to potential displacement, eviction, and exclusion from their lands in light of insecure tenure and title.<sup>52</sup> These worries, associated with livelihoods, land rights, and a sense of place, connect historical grievances with current territorial claims and join local debates with global protests.

For example, some actors opposing these projects are not the directly affected villagers; such projects can serve as focusing events and issues for broader, more abstract struggles. In the Mumias-TARDA case, both the judicial hearing and the gathering outside the courtroom involved partners beyond the delta. For instance, Nature Kenya, an NGO based in Nairobi, works in alliance with the community-based organization TADECO and is a partner of the transnational NGO BirdLife International. These links across local and global contexts, and the interest from actors across settings and with multiple interests, suggest that the minister’s comments above too-readily dismiss the extent of and rationales for contestation. They also illustrate the value of contentious

51. National Assembly 2008.

52. Meetings with villagers, November 29, December 1, 3, 2010, Tana Delta, Kenya.

politics—which can unpack issue-linking and other tactics of social movements and protest efforts—in conjunction with IPE perspectives.

### *Economics, Discourse, and Language*

Further demonstrating the need for integrated lenses of political economy, political ecology, and contentious politics are the connections between the local and the global in new markets and commodity production chains. The local economic imperatives of livelihoods and individual stakes in land-use decisions intersect with the global political economy, which enmeshes countries in complex systems of trade, aid, investment, and production. In Kenya, for instance, while local disputes focus on agricultural lands, at the national level biofuels are seen first as energy commodities, most directly regulated through the 2006 Energy Act.<sup>53</sup> The 2004 National Energy Policy and 2006 Energy Act were developed as biofuels interest was growing and were influential in shaping how these projects were taken up, as was Kenya's aim of reducing fossil fuel dependence 25 percent by 2030.<sup>54</sup>

While these domestic energy policies were in development, though, international debates over biofuels began to polarize. Though Kenyan policy focused on energy, international biofuels debates largely focused on agricultural dimensions. Some analysts blamed the rising prices of staple crops (such as rice, wheat, and corn) on biofuels, pointing to the diversion of crops into biofuels, the displacement of land uses from food to fuel crops, and speculation in financial markets. Riots erupted over food and fuel prices around the world in 2007.<sup>55</sup> Many linked these protests with biofuels contestation, connecting these fuels to broader debates over energy, land access, and governance.

The confluence of uncertain markets, changing policy terrain, and a global financial crisis spelled trouble for the fledgling biofuels sector in places such as coastal east Africa. The incentives for biofuels development became shakier as commodity prices soared, the EU pulled back on biofuels mandates, and media headlines perpetuated the idea of biofuels as forcing a stark choice between food and fuel.<sup>56</sup> In Kenya, the uncertainty added instability to already rocky negotiations with local communities.

Although economics seem an obvious metric for evaluating biofuels, these economics were largely determined by the narratives created around biofuels. Silver-bullet narratives, advanced by a range of actors, created a booming new market and investment opportunity; as food-versus-fuel and land-grab narratives supplanted early enthusiasm, market enthusiasm wavered. These connections between actors' efforts to shape discourses around new commodities and

53. Muok et al. 2008, 2.

54. Janssen and Rutz 2012, 170.

55. E.g., *National Post*, March 31, 2008. Available at <http://bit.ly/SIQGrd>, accessed October 1, 2014.

56. E.g., EU 2009; *MinnPost*, April 14, 2008. Available at <http://bit.ly/1fFJ7Ge>, accessed October 1, 2014.



the economic incentives on global markets (often for actors distant from production sites) reveal the need for combining contentious politics and political economy analyses.

## Conclusions and Implications

The heightened attention to ethnicity across Kenya after post-election violence, and the consequent revisions to land laws in the 2010 Constitution neatly dovetailed with the grievances in the Tana Delta. A global discourse around biofuels—conversations linking the commodities to human rights, colonialism, hunger, and environmental conservation—further amplified the villagers' collective voice. Given this confluence of events, the high profile of the Tana villagers' claims might seem a matter of fortuitous timing.

Yet the contentious political economy lens reveals that it was not chance that launched the Tana into the global spotlight. A development plan dispute in a remote region of Kenya, involving a title deed for a small piece of land, gained international attention because of the conscious and strategic use of political opportunity, alliance-formation, and issue-framing. Both opponents and supporters of the TARDA-Mumias and other development projects took deliberate actions to seize opportunities created by other events, with Tana villagers using public demonstrations; time-tested tactics of association and convention; new uses of technological, legislative and judicial, and social channels; and the activation or suppression of certain identities. Through these strategic actions, a lawsuit about a contested land title in the Tana Delta was reframed into a broader case about human rights, land access, and biofuels, and an otherwise obscure legal proceeding became embedded in global debates.

The contentious political economy lens helps us see these connections between physical commodities, specific places, and economic forces. Disputes over land, the contentious political economy lens reveals, are historically shaped but do not reproduce past conflicts exactly. While biofuels contestation in the Tana Delta is expressed in the context of pre-existing grievances, it also draws in new elements of economic opportunities and political relationships. In the Tana biofuels negotiations, the language of economics, markets, and financialization underpinned many of the debates. Ethnic and livelihood identities, too, were used by various actors in the delta. Along with illuminating the powerful ways in which language and discourse were used for claim-making in the Tana Delta, the hybrid analytical lens also offers insight into the challenges of communicating complex and divergent claims—and into the dangers of sweeping categorizations.

New episodes of claim-making and novel discourses may still result in more powerful actors—namely corporations and governments—shaping the terms of global debates. However, as observed in the Tana, such episodes can also offer marginalized communities fresh sources of voice and power,

creating spaces where transformation is possible. Following the Kenyan High Court's 2013 decision, the Mumias-TARDA project has been halted until a participatory land-use plan for the delta is in place. This decision does not guarantee that the delta's land will be allocated and governed in ways that satisfy Tana villagers—not even participatory planning can necessarily overcome conflicting claims of belonging and ownership in the delta. Still, the decision to mandate a truly consultative process provides opportunities for negotiating multiple interests and achieving shared goals.

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