Renewable Energy and the Resettlement of Local Communities

A Case Study of the Olkaria Geothermal Power Plant and the Maasai Community

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Abstract

The government of Kenya has committed to run on 100% renewable energy by 2030 as part of the new national development goals, and as a result, the country calls for the construction of additional energy plants. However, the construction of these energy plants have in many cases affected local communities who have been forced to relocate to other areas. As an example of this, the recent expansion of Olkaria Geothermal Energy Plant led to the resettlement of the Maasai community, a pastoralist people that have lived in the area for generations. The company in charge of the expansion, KenGen, adopted a participatory approach, with local consultations including several community meetings, focus groups, and built new houses, schools, and health centers for the community. However, the Maasai still claim that they were unfairly treated during the negotiations, and took the company to court over the matter. This research focuses on understanding the processes at play, and why there is widespread dissatisfaction among the Maasai population although a participatory approach has been assured by the company in charge. This was investigated through an in-depth qualitative case study of the Olkaria Resettlement using published interviews and official company and government documents. Through the application of a theoretical framework consisting of different perspectives on power, this research comes to the conclusion that although a participatory approach was in fact implemented, historically enabled power relations hindered any real empowerment.

Keywords: Renewable energy projects, pastoralism, Maasai community, power relations in political ecology, resettlement plan, indigenous land rights

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List of Abbreviations

RAP	Resettlement Action Plan
PAP	Project Affected Persons
RAPIC	Resettlement of Affected Persons Implementation Committee
SCC	Stakeholder Coordinating Committee
KenGen	Kenya Electricity Generating Company
IFC	International Finance Corporation
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
CSP	County Spatial Planning
NLC	National Land Commission
EIB	European Investment Bank
ADB	African Development Bank
HLI	Historical Land Injustice

1. Introduction

1.1. Renewable energy in Kenya

Kenya is one of the fastest growing economies in Africa, with an increasing focus on sustainable development. The country's president Uhuru Kenyatta is driving the Kenyan national development program named Vision 2030, with one of the aims being to run on 100% renewable energy by 2030 (Vision2030). Currently, 77% of the nation's installed electricity capacity comes from renewable energy sources (Kazimierczuk, 2019), which is more than three times the global average (Cormack, 2019). Yet, it is estimated that the energy network only reaches around 55% of the population (Kazimierczuk, 2019). With the growing economy of the country which potentially will situate Kenya as a middle income country, energy demand is expected to rise from 1,193.8MW to 7,795.3MW by 2030 (Kazimierczuk, 2019).

Out of the renewable energy sources, geothermal energy stands for 44% of the national supply (Kazimierczuk, 2019). Geothermal energy has been identified as one of the most cost-effective power options when it comes to renewable energy, according to Kenya's Least Cost Power Development Plan (Koissaba, 2017), and is currently producing around 350 MW, but has the geothermal energy potential of 7,000-10,000 MW (Renkens, 2019).

Most of the currently produced geothermal energy comes from the Olkaria geothermal power plant in the Rift Valley region (Hughes & Rogei, 2020). Located approximately 120 km west of Nairobi, in Nakuru County, the Olkaria geothermal field covers approximately 80 sq. km (Koissaba, 2017). The development of Olkaria started already in the 1970s and has been built in phases of expansion (Hughes & Rogei, 2020). There are now four geothermal plants in the Greater Olkaria Geothermal Complex, Olkaria I, II, III and IV, with Olkaria V and Olkaria VI being planned (Hughes & Rogei, 2020). The Olkaria development project is funded by international actors such as the European Investment Bank (EIB), the World Bank, the national Kenyan government, and the French Development Agency (Tarazona, 2017). The European Investment Bank, whose funding amounts to around EUR 245,000,000 for the entire project (Koissaba, 2017), has given more financial support to Kenya than any other country in Africa (Tarazona, 2017). '

1.2. Resettlement process of the Maasai community

However, the land on which the Olkaria projects are built is home to the Maasai, a pastoralist people that have inhabited the area for many generations, and the expansion of the geothermal energy plant is leading to their relocation (Petition no. 57, 2014, Koissaba, 2017). This has been the cause of a conflict that has been going on for several decades, as the first forced resettlement occurred in 1984, and has continued at every point of expansion as a constant conflict between private companies and the Maasai. As the community has had to be relocated every time a new expansion is introduced to enable mobilisation for the contractor to the construction site, this has been a cause of great insecurity and stress among the population, as well as a reduction of their grazing land, limited access to cultural and religious sites, and harm to their livelihoods and traditional practices (Petition no 57, 2014). At the latest expansion in 2013, over 2,000 people from 4 villages were forcibly evicted from the land to make room for Olkaria IV, which led to violent conflict resulting in destruction of property and loss of livestock for the community (Koissaba, 2017).

The conflict led to a lawsuit in 2014 where the Maasai took the company in charge of the expansion and the resettlement process, the Kenya Electricity Generating Company (KenGen), to court over the matter. The Maasai representatives were claiming that the resettlement process is being undertaken without enough involvement of the Maasai community and that the community also wants a declaration that they are in lawful occupation of the land on account of it being their ancestral land (Petition no 57, 2014).

However, according to KenGen, the project was undertaken with a participatory approach, with clearly documented interviews and focus groups, and the company have provided an Environmental and Social Impact Assessment Report (ESIA) and Resettlement Action Plan (RAP) including benefit-sharing and the construction of new houses, schools, and churches for them on the land to which they were to be resettled, all under a framework of corporate social responsibility.

1.3. Specific Aims

After establishing the circumstances of the situation, one could argue that there is a divergence in the perspectives of the events that took place during the resettlement period, where the local community still felt dissatisfied and underrepresented during the consultations in the resettlement process, despite the participatory approach of the project. This research will examine the processes of this development agreement between the Maasai community and KenGen, in order to gain further understanding on reasons behind the dissatisfaction of the Maasai and reflect on the weak negotiating position of local communities in cases like this.

Although there have been research on the impact of the expansions of the geothermal energy plant on the Olkaria Maasai, there has been no no in-depth analysis focusing on explanations to why this is the casen. This research will therefore test the theory of different power relations in order to see if that could be one of the explanation behind it. This will be done through the application of a theoretical framework focusing on different perspectives on power within political ecology on this case, and an analysis of the historical context surrounding it in order to gain further insight on the topic.

Thus, the research question is:

"How have power relations between the different actors affected the project and to what extent have they been shaped by historical conditions?"

This will be done through an in-depth single case study, through an analysis of official documents and published interviews from different actors involved in the conflict, and thereafter compared while applying a theoretical framework of different power perspectives to employ a lens that might help us understand the underlying processes.

Since there is a newly found interest in participation and indigeouns knowledge in Kenya, it is important to study cases such as this and analyse the reasons behind their dissatisfaction in order to hopefully gain further clarity on negotiations of land deals between different actors in the future and ensure that Kenya can reach its renewable energy goal.

2. Literature review

2.1. Pastoralism in Kenya

The Maasai are one of many pastoralist communities living in Kenya. Although there are millions of people living in pastoral societies in over a hundred different countries around the world, debates of rural studies and agrarian change often exclude them from mainstream discourse (Scoones, 2021). The status of pastoralist communities have long been contested, and the majority of them are facing issues related to land insecurity and lack of representation (Renkens, 2019). As Scoones states, the desire to label territory is strong and becoming stronger with contemporary politics, and therefore pastoralist communities are not fitting into this viewpoint (2021). Moreover, there is a common narrative of indigenous land as 'unused', 'unproductive', and not used to its full potential by the people living there, especially regarding land used by pastoralists (Smalley & Corbera, 2012, Vermeulen & Cotula, 2010), an idea that is one could argue is reminiscent of the European colonialists ideas of Africa as a 'blank slate' (Seno and Shaw 2002, Smalley & Corbera, 2012), further encouraged by capitalist values of productivity, industrialisation and urbanisation (Svarstad et al, 2018).

Although international human rights institutions such as the United Nations are recognising many pastoralist communities as indigenous, they are denied this indigenous status in Kenya and in many other parts of the world (Renkens, 2019). This fact has led to many issues for them which will be discussed to a further extent below (Koissaba, 2014). Nonetheless, the relationship between the Maasai and their experiences of land conflicts are comparable to many indigenous societies around the world to such a great extent that it will be discussed through this perspective throughout the literature review. In other words, despite the fact that the Maasai are not given the official status of indignity, it will be discussed in this literature as if they were, due to the resemblance in their experiences to other indigenous communities.

"Indigenous peoples have deep spiritual, cultural, social and economic connections with their lands, territories and resources, which are basic to their identity and existence itself. Their tradition of collective rights to lands and resources – through the community, the region or the state -- contrast with dominant models of individual ownership, privatization and development."

- Published by the UN Department of Public Information, "Indigenous peoples' collective rights to lands, territories and resources ", 2018

One could argue that land is one of the most basic resources for indigenous connections to both identity, culture, and to maintain their entire livelihoods. However, issues of denial of land ownership, dispossession of land or resources, as well a violent or otherwise forceful removal from ancestral land is a reality for indigenous communities all around the world (UN, 2018). Despite pastoralist communities not working the land in the agricultural meaning, the land still holds deep value and cultural significance. The Maasai has cited the loss of cultural sites in and around the Ol Njorowa Gorge as part of the resettlement, which included sacred caves where warriors once held meat feasts and prayed; ochre deposits; ancestral graves; sacred springs used for cleansing; and medicinal plants (Hughes & Rogei, 2020)

2.2. UNDRIP

The UN has large engagement in questions of historical and contemporary marginalisation of indigenous peoples, and have produced tools for the prevention of this. The United Nations Declaration of Rights of Indigenous Peoples (UNDRIP) is an eminent example of this, providing a framework consisting of 46 articles stating policy suggestions for companies in respect to people dependent on the land on which they will build. Many of the articles are stating the indigenous right to land, such as the 'Spiritual relationship with traditional land and resources', including their right to pass this into future generations (UNDRIP §25), as well as the Right to own, use, develop and control traditional land and resources' (UNDRIP §26). Moreover, the framework is extended to deal with cases where these land rights are infringed upon, such as the protection against 'Forceful removal or relocation from their land' (UNDRIP §10), as well as the right to get back or to be compensated when their lands, territories or resources have been wrongly taken away, occupied, used or damaged (UNDRIP §28). These articles can all be related to the case of the resettlement of the Olkaria Maasai, and since the UN has made an official statement declaring that they consider pastoralist communities to be indigenous, the UNDRIP can provide proof of their support to the Maasai right to their ancestral land.

UNDRIP also discusses the topic of indigenous participation, as it includes the right to 'Participation in decision-making' (§18), as well as the concept of 'Free, prior and informed consent', meaning that they should have the ability to partake in any decision-making regarding land use or planning of the land they reside on. The UN is recognising participation of marginalised groups as a key tools for combating the legacy of exclusion and marginalization, and to advance their issues and rights, as well as a crucial tool for reclaiming power, carrying legitimacy, promote equality and yield positive project outcomes (UN, 2018).

However, when UNDRIP was introduced and voted on in 2007, Kenya abstained from voting on the matter (Renkens, 2019). During the undertaking of this resettlement project, the world bank has abstained from classifying the Maasai as indigenous while overlooking this project, as "*these communities did not fulfill all four criteria of an indigenous way of life. Their means of existence were not homogeneous, in that they were not only land-based and their production was not primarily self-sufficient*" (Tarazona, 2017). Instead, they are often referred to as "vulnerable groups" or "project affected persons" in order to avoid triggering the indigenous peoples' safeguard policies required by many investors (Renkens, 2019). This is the case in the Resettlement Action Plan for this case as well, as the Maasai community is constantly referred to as 'project affected people'.

This lack of identification have had a negative impact on the Maasai, as an indigenous status would have offered the Maasai some protection that they are now left without (Koissaba, 2017). In almost all renewable energy projects in Kenya, land ownership has been contested and a cause of conflict, which has become an investment risk for many companies and a burden on local communities (Renkens, 2019). Only 21% of the projects and investments analysed by the World Bank in 2001 were operationalised, due to what the bank noted the be opposition from local land users (Smalley & Corbera, 2012). While it is also important to state that large-scale land acquisition is not automatically opposed by local people, who may support the development and see the investments as an opportunity to safeguard access to resources (Smalley & Corbera, 2012), one can still establish that this is still a cause of displeasure and frustration for many people.

3. Theoretical Framework

The overarching theoretical framework of this research is political ecology, with a special focus on various perspectives on power relations existing between different actors during conflicts regarding land and land resources. Political ecology emerged from the discussion of uneven access and distribution of resources among populations and has its origins driven by the increasing awareness of the environmental crisis in the 1960-70s, and it seeks to criticize and expose flaws in approaches that favour state, corporations, and international stakeholders leading to negative impacts for local populations and marginalised and vulnerable groups (Robbins, 2011, p.99). Political ecology as a framework is extensive, with seemingly endless expansion and lack of definition, and includes a mix of disciplines such as environmental sociology, political economy, geographical studies, social ecology, development studies (Leff, 2015).

However, Svarstad et al argue that at the core of all of the approaches of political ecology is the question of power relations (2018). This research will focus on the power relations that are present between the different actors in this case study as explained by Svarstad et al, who, although the issue of power is very complex, has defined three main perspectives of power in political ecology. These are (1) Actor-oriented power perspective, (2) Neo-Marxist power perspective, and (3) Post-structuralist power perspective, and will respectively be explained in more detail below.

3.1. Actor-oriented Power Perspective

First of all, the actor-oriented power perspective sees power as something that is exercised between two or more actors, meaning that there is a power relation, with one using its agency over the other to produce an intended result. This relates to a definition of power as stated by Max Weber, as the ability of individuals to realize their will, despite resistance from others (Weber, 1964, p.152), or as actor A being able to make actor B something that they would not normally do. Although this process is often a mediation of several different actors, there is a special emphasis within this definition of two types of actors in particular - the actors that are carrying out environmental interventions and those who resist them. In the case of this study, the actors in question are on one side the company KenGen, supported by powerful national

agencies such as the World Bank and the Kenyan state, and local pastoralist communities on the other side, with one of them disturbing the existing environment, and one of them resisting it.

These power relations are often supported by what actor-oriented power perspectives call "power resources", meaning that the different actors will be supported and empowered by the resources or capital that they have available to them. Moreover, having access to any type of power resource will give them the ability to convert it into other forms of capital, increasing their agency. Examples of power resources include for example financial capital, land resource, and social relationships. Capital such as these are also often provided by old social or political systems of class, meaning that they are enabled by various types of historical structures.

3.2. Neo-Marxist Power Perspective

This leads us into the second power perspective as described by Svarstad et al, the Neo-Marxist power perspective. The neo-Marxist power perspective focuses on the different inequalities and class relations that are produced by global capitalism, as well as the relationship between different actors caused by historically established social structures. A neo-Marxist power perspective would argue that current power relations could in some cases be traced the colonial ideas of modernisation associated with economic growth, industrialization, and urbanization, with the appropriation and commodification of non-capitalist spaces they deem to not be productive enough, often leading to de-agrarianisation and the exclusion of people from rural spaces. Moreover, neo-marxism emphasizes the fact that capitalism nowadays operates internationally, with local conflicts often involving economic actors in alliances with state and non-state actors, with power exercised centering national capital cities and international organizations and corporations. Therefore, one needs to look out for the power relations that are present in north-south relations as well, as there is a clear division of power between the north and the south due to the hegemonic power of both colonisation, imperialism, and globalization over territories in the south (Leff, 2015).

3.3. Post-structuralist Power Perspective

Thirdly, there is the Post-structuralist power perspective, focusing on the exercise of power not by force, but by influencing the narrative of the discourse surrounding it in ways that are suitable to themselves, which is often done through the control of information via for

example media and education. In other words, one actor with more power could influence other actors to do something they would otherwise not do, by influencing their wishes, convincing the narrative that something is beneficial for all parties while it might not be. This is particularly common between power relationships similar to that between a government and its "subjects". Recent studies show that top-down governance involves different stakeholders with approaches that are presented as "community-based" and "participative" but that lack any real influence from any local actors. In other words, people only have power over their own decisions as long as they are in accordance with government priorities.

However, all three of these perspectives on power flow into each other in one way or another. Svarstad et al argue that it is important to use a "broad range of power perspectives" when theorizing power in political ecology, in order to understand the processes at play (2018, p. 352). For example how the exercise of power by actors is seen as constrained as well as enabled by various types of structures is both actor-oriented and neo-Marxist, or how the power to make someone do something they would not otherwise do is a big part of the post-structuralist perspective of affecting the narrative. Thus, the three different perspectives can provide the research with three different lenses with which one can analyse the case, which can together contribute to the ability to achieve a larger understanding of the situation.

4. Methodology

This research was conducted through an in-depth single case study of the Olkaria resettlement project. The data was secondarily sources and consisted of previously conducted interviews and company and state document, and all the data was analysed through content analysis and coding.

4.1. Research design

This research was conducted through an in-depth single case study, since it was perceived to provide the best opportunity to answer the research question. The topic involving the relationship between different actors and their right to land and natural resources is a very

complex and contextual issue, and therefore using a case study as a method was beneficial in order to limit the borders of the phenomenon and to get a more in-depth understanding of the it (Bryman, 2016, p.61). Conducting a case study could also facilitate the data collection process as the research was narrowed down to a specific region or case, since policies, reports and projects were limited to the event or the geographical area in which the conflict takes place, rather than the topical sources in general. Using a case study also fit with the aims of this research, which was to apply different theoretical perspectives of power relations in political ecology. The qualitative case study often explores a phenomenon within its context, which ensures that the issue can be explored through a variety of lenses which allows for multiple perspectives to be revealed and understood (Baxter & Jack, 2008). Thus, this gave the case the ability to be studied through the different lenses of power perspectives.

This case is viewed as an exemplifying case, as it was chosen due to its ability to exemplify a broader category of similar cases (Bryman, 2016, p.62). As mentioned earlier, the resettlement of local communities to accommodate various infrastructure projects has been a recurring issue and topic of debate, both in Kenya and elsewhere. Although many scholars argue that case studies are too contextual within social research, which therefore makes it is difficult to ensure external validity or reliability (Bryman, 2016, p.383), they can produce explanations that are generalizable in some way (Silverman, 2013, p.264). Moreover, Flyvbjerg argues that it would be impossible to exclude all context-dependent research in social studies, since social situations will always be context based, and that even though a case may not be generalizable, it can still contribute to scientific development with its findings (2006). Therefore, while recognising and considering the fact that this case is captured in its own social setting and will differ from other ones, it can still provide some understanding of larger concepts as well.

4.2. Delimitations

The case selected for this research was Olkaria IV, the fourth expansion of Olkaria Geothermal Power Plant, and the resettlement of four villages that were located in the region: Nongot, Sinyat, Mayana and the Cultural Centre (RAP § 2.2). The villages were all located in the Rift Valley Region in western Kenya, 120 km northwest from Nairobi, with around 2,000 people being resettled. When conducting a case study, it is important to delimit the research with clear boundaries, such as a geographical location, a specific event, or a defined community or

population (Silverman, 2013, p.263). This case is delimited to the geographical area of Olkaria, the event in question is the Resettlement process at the expansion of Olkaria IV, and the participants were the defined Maasai community, as well as documents from the company in charge of the resettlement process.

As mentioned before, this research is touching upon many topics that are highly relevant, but also too broad and complex to be included in a bachelor thesis. Some of these factors will be mentioned below, together with thoughts and motivations behind every decision. While being aware of these and knowing that they have significant relevance for the reality of many people, they were to a high degree excluded from the analysis of this research due to limitations in time and in knowledge.

First of all, this research consisted of an analysis of power relations in negotiation processes, with special focus on the relationship between local community and private companies, but also including other actors involved in the conflict such as national government and international agencies. In many cases there are also ongoing inter-community conflicts on a local level as well, with grazing land being disputed between different communities for generations (Mwangi-Gachau, 2011). These conflicts can often be exacerbated by external projects such as this, especially if one group receives compensation someone else feels entitled to (Koissaba, 2017). Moreover, intra-community conflict such as marginalisation and under-representation of vulnerable groups within the community, as for example women and youth, is also a factor that had the possibility to affects the outcome of this dispute. In many cases, women and other vulnerable groups will be affected disproportionally and be inadequately involved in decision-making processes. This research is touching upon several questions of power-relations and participation and representation, of which gender is oftentimes a crucial factor. However, including both inter-community and intra-community conflict would have been complicated and would have required much more time and research than what was feasible within this timeline. Moreover, since the research aim is focused on power relations between actors on different levels, local conflicts were not as applicable to the research question and will therefore only be discussed on a surface level.

Secondly, the study will not go into extensive discussion on either the need for foreign investments in Kenya or on the morality of renewable energy projects and other constructions of development infrastructure. The development of projects in rural areas has both benefits and

disadvantages, and can be received as such by local populations (Mariita, 2012). The fact that renewable energy projects are important to combat climate change and the fact that they can be harmful to the local environment and populations are not mutually exclusive. Whether one is more important than the other or whether these projects should be executed at all will therefore not be discussed. Instead, the aim of the research is to analyse what processes are at play when the projects are undertaken, and perhaps bring some clarity to how they could be undertaken in the future in a way that is sustainable for all parties involved.

4.3. Data collection

In order to answer the research question regarding how the project was affected by different actors, there were two types of data that were used. The first one was public and private official documents provided by the different actors in question, and the second type of source was secondary sourced qualitative interviews that had been conducted previously, both during the resettlement process and afterwards, and published in peer-reviews publications. Official documents are well paired with interviews in order to confirm authenticity and credibility (Bryman, 2016, p.553), and both were considered to be the best way of getting the information that was necessary to answer the research question, as they in their own ways provided the perspectives of different actors of the case.

4.4. Data Sources

4.4.1. Company and state documents

The first type of data that was collected for this research were official documents from both public sources and from private companies, which will be further identified and explained below. According to Bryman, studying official documents can provide an understanding of different intents, values, or inconsistencies of the actors represented by them (2016, p.552). Since part of the research aims were to find out diverging perspectives of the events that took place, studying documents provided by the private company contributed towards this. Moreover, part of the aims were also to understand the historical context of the case and analyse the extent of which they had an effect on the outcome of the project, and state documents could provide knowledge for this as well. Further motivation for these sources will be expanded upon below.

These sources of data were found through purposive sampling, meaning that they were not chosen at random or through representative sampling (Bryman, 2016, p.410). Instead, they were chosen according to their appropriateness to the purposes of the study, fitting into the context and the criteria of the research (Bryman, 2016, p.10). With content analysis in case studies, the goal is to understand the selected cases in depth (ibid) which means that the sampling will be based on what will give us the most information about the cases themselves. The process was contingent, as the criteria evolved during the research process, and more sources were found and other ones disregarded as the research question developed.

The documents that were selected for this research were various official documents that were deemed to be relevant to either the project plan of action, or in order to understand the land dispute and the background to the lawsuit. These were the Resettlement Action Plan (RAP) made by the Kenya Electricity Generating Company (KenGen), the Lawsuit from 2014 provided by Kenya Law (Petition no. 57 of 2014), and the National Land Commission Strategic Plan for 2021-2026. The National Land Commission has also provided a series of documents on County Spatial Planning in Pastoralist Areas - with three sets of Toolkits as well as Monitoring and Oversight Guidelines.

The Resettlement Action Plan (RAP) was chosen as the main source of information in order to represent the private company KenGen, who is already an identified actor in this conflict. The Resettlement Action Plan includes both extensive factual information, such as lists of meetings with the local community and grievance mechanisms, as well as material to analyse and potentially understand the values of the company. Documents from the National Land Commission were chosen as sources in order to represent the Kenyan national goals and strategic plans. Other sources published by the state were also studied, such as the constitution. The National Land Commission Strategic Plan for 2021-2026 was included although it refers to a time period in which the resettlement did not occur and therefore could not have affected the outcome of it, since it includes an evaluation of the last Strategic Plan as well and therefore contains information that is relevant to the research anyway. Furthermore, the documents on County Spatial Planning in Pastoralist Areas including Toolkits and Monitoring and Oversight Guidelines provided specific information on the state's perspective on how national agencies and private companies should interact with local pastoralist communities, which is highly relevant to this research.

Bryman provides a set of tools for quality criteria which we will take these sources through: authenticity, credibility, and meaning (2016, p.546). These sources were all sourced from public domains, as they were found in databases from genuine, renowned and reliable sources. The Resettlement Action Plan was found in data bases of the World Bank, and the lawsuit was found in the case search for the High Court in Kenya. The database of the Kenyan National Land Commission provided several documents, such as the Strategic Plan, Annual Report, and toolkits for spatial planning in pastoralist areas, and sources on land legislation from the past were found in a FAO database.

4.4.2. Interviews in published materials

The second type of sources that were used during this research were qualitative interviews conducted with members of the affected community and with other key informants. The interviews were not conducted for this research, but found in published materials from previous researchers, and are therefore considered secondary data. The sampling was done with the aim of finding all studies done on the subject, since there were not an extensive amount published, but still enough to gather 5 different studies which included qualitative interviews. enough data to be able to identify clear themes. It is difficult to define data saturation and see whether or not that was sufficient, but it was still enough to clearly identify both common themes and differentiating views among all of them.

Interviews were included in the research in order to ensure a befitting perspective from the local community, since the research questions require an understanding of the perspectives of the actors present. One could argue that while other actors, such as national and international agencies and private companies, can express their perspectives and intentions adequately through action plans and policy documents, the local community would not be able to do so. Instead, the only way to get their view on the conflict, other than by analysing their role as petitioner in the lawsuit, is through qualitative interviews. However, due to my own limitations, the interviews were secondarily sourced. This research relied on individual interviews and focus groups conducted by more experienced researchers and practitioners, and the analysis was on the data collected, analysed and summarized by them. There are both advantages and disadvantages to secondary research of interviews, which will be discussed below.

Major limitations of using secondary research as a source of information include lack of familiarity with the data, absence of key variables, and no control over the quality of the data (Bryman, 2016, p.312-313, Knight & Parsons, 2015, p.96). There was no opportunity to control which informants the researcher chose to interview, which means that there is a risk that they are not appropriately sampled, and that there were groups of people and perspectives that got excluded from the research. Moreover, there is no knowing how the questions were formulated and what was said in order to receive the answers that were obtained. In an attempt to combat this to some extent, several different authors with different focuses and approaches were used, in order to make sure that several perspectives could still be included.

Secondary interviews are further limited by the fact that the data was adapted to the authors research and might therefore not be valid for the research questions of this study (Knight & Parsons, 2015, p.96). Published results are often a summary of what has been said by the locals, with no provided transcripts (ibid), which means that there was no chance to formulate the questions and adapt them to the research question of this study. Instead, one would have to rely on what another researcher found relevant to their own research. Furthermore, there is a high risk that there were nuances or other types of information that were lost by reading summaries of interviews and interview themes, although some authors included an extensive amount of quotes in their case study, which had the possibility to provide further nuances and emotion which could provide some additional understanding of local perspectives. However, these could also have been taken out of context, or some nuances could have been lost in translation. Translation is another factor that one needs to consider both in primary and secondary data, since the interviews were likely translated at least once, either with the help of a translator on site during the conduction of the interviews, or afterwards during the transcription process. Moreover, when using secondary sources, one also has to rely on another persons ethical considerations when it comes to written consent and interview practices. However, the majority of the researchers from which the interviews were sourced included both methodology and ethical considerations in their research paper, providing some transparency.

However, there are also a large set of advantages for using secondary data for research. First of all, secondary data is very cost- and time efficient (Knight & Parsons, 2015, p.96). The interviews that have been conducted have been done by competent researchers with more extensive resources, knowledge and experience. For a bachelor student, it is close to impossible

to get close to the coverage that this data can attain (Bryman, 2016, p.310). Instead, using secondary data can be a way to attain high quality data for no resources by my own. Moreover, conducting interviews is extremely time consuming and requires a lot of planning and preparation. Using secondary data is much quicker to obtain, and thus allows the researcher to skip time consuming parts such as for example identification and contact of potential participants, extensive research of community hierarchies, as well as the transcription process of all recorded interviews (Knight & Parsons, 2015, p.96). Moreover, there are also benefits of conducting research through secondary data, considering from an ethical perspective. Conducting interviews in field research can often cause stress, take time away from the participants, and it can be an invasion of privacy, and it is important to ask oneself how our presence actually benefits the participants (Sundberg, 2015). In this way, it can be ensured that no stress is caused upon participants for a research project that will in little to no way be able to benefit them.

Additionally, the fact that there were already 5 case studies done that included first hand interviews with the project affected people means that there have been a lot of researchers in the area already, and using secondary information can be a way to make sure that the participants do not have to give up more of their time for interviews again (Bryman, 2016, p.312).

Furthermore, due to the current situation in the world with the COVID-19 pandemic, it would not be feasible, possible, ethical, or responsible to conduct first hand interviews with the participants in question. While many researchers have adapted their methods to fit distance research with the use of video or email interviews, the Maasai community are not connected to the national energy grid in either the old or in the new villages, and have no access to either computers or wifi. One could argue that one possibility to get around this would be by contacting for example NGOs in the vicinity of the project in order to hear how they have perceived the occurring event, since they are more likely to have opportunities for digital communication. However, this could potentially defeat the purpose of the data collection, as the aim is to gain an understanding specifically of the perspectives and experiences of the participants as an actor in the conflict. Firstly, there are no NGOs in the region that have been identified as critical actors in the resettlement process, and secondly, one could argue that conducting first hand interviews with individuals speaking about second hand experiences would be as unreliable, or even less

reliable, than using second hand sources on first hand experiences. However, even in normal times it is unlikely that this research would have been conducted in person due to the ethical considerations discussed further below.

4.5. Data analysis

Both the interviews and the public and private official documents were analysed through qualitative content analysis. Content analysis is a common approach to qualitative analysis of documents and is useful for searching out underlying themes within the text (Bryman, 2016, p.562), which fit together with the goals of this research. The interviews were analysed by coding them in a copy of their original publications according to themes that could be identified during the process, and thereafter compiled together with material from the other articles into another document. After identifying themes in perspectives from the local community, material touching upon these themes were investigated in the official documents, and the compiled content from the interviews were analysed and compared with the material from them.

Bryman argues that a problem with qualitative research is the fact that it quickly generates large amounts of data (2016, p.570), and therefore coding is a good approach to go through these and narrow it down in order to understand the data that is relevant to the research. The data was coded alongside of the collection process in order to avoid getting overwhelmed with the amount of data that was found, and in order to lead the research in the right direction. Coding during the process also shaped the understanding of the data and of the topic itself, and allowed adaptation of the research accordingly. Furthermore, this provided an opportunity to could go back to the initial source after some rounds of coding in order to see it with new eyes, since data can often be coded in more than one way, and the research process had given me new perspectives that I did not have while reading it the first time. One limitation of coding however is that it can be quite easy to lose the context of what is said since it is common to make codes of singular quotes (Bryman, 2016, p.560-582). Therefore, memos with with thoughts and perceptions were arranged during the process as well.

4.6. Data storage

The official documents such as the legal documents and the resettlement plans were stored as downloaded files in a folder on my private computer in order to keep them organised and to be able to revisit them at different points of the research process. Interviews were analysed and the relevant data was saved in a google drive and colour coded depending on the topic, and later analysed. Since all of the data is secondary, there is no need to make a plan or framework to ensure anonymity or to keep all my data secure and non-stealable, since it has been done already prior to my research progress. However, in the few cases during the process where a name was stated, it was changed in the notes to state their position or role instead in order to avoid any risks on the matter.

4.7. Ethical considerations

When conducting research, it is important to be aware of the ethical implications of it, and this is especially true when it comes to conducting research related to developing countries (Sundberg, 2015). As I am not involved in Kenya in any way, have never visited the county, have no in-depth knowledge of the culture, and have never met any of the participants that the research whose ideas the research is surrounding, there are many limitations that I need to be aware of. There might be things that go unnoticed since I do not understand the true meaning or nuances of it, or things that are misinterpreted during the analysis process. Additionally, since human geography is the study of people in space, one could argue that conducting desk studies might lack a dimension that is needed to completely understand the subject.

Additionally, in both private and public sources there will inevitably be biases present, with different perspectives and purposes, and with issues of credibility and representativeness (Bryman, 2016, p.553). Behind every source there is an author, a reader, and a purpose, and there will generally be biases due to the fact that there will be a point that the author is trying to get across to the reader (Bryman, 2016, p.553). In this case, it is important to be aware of the different perspectives, and understand that local participants might have differentiating views. There might be the case that only the loudest will be heard, or that they are exaggerating their experience. On the other end of the spectrum, they might hold back due to fear of repercussions.

As mentioned before, using interviews that are conducted by other researchers mean that I have no power to ensure ethical considerations. It is important to ensure the voluntary

participation and informed consent of the participants that are being interviewed (Silverman, 2013, p.57). Although the participants were likely giving their informed consent at the time, they had no possibility to consent to this research to use their perspectives on the case, or could employ their right to withdraw from the study. However, it is highly unlikely that this research would be controversial or cause any harm to the project affected people.

Is is also important to address my personal research bias. From the start, I went into this research with the bias towards participation and with the idea and framework I had picked from the UN stating that indigenous peoples have right to participation in projects undertaken on their land. Therefore, there is inevitably bias that may have affected my research process, as I was looking for signs of this. However, it is very difficult to begin a research without any previous awareness or preconceived ideas. Instead, the only thing one can do is to be aware of any biases and keep an open mind for new perceptions and ideas.

5. Analysis

The analysis will be divided into three parts in accordance with three different levels of actors that were involved, each of which operates at different (if overlapping) scales of analysis: from the national focusing on policies and discourses, to the local practices and interventions first examining the private company and then the local communities. The theoretical framework consisting of different perspectives on power will be applied in order to analyse the relationships between different actors throughout the analysis, ending in an in-depth discussion connecting the points of analysis before concluding the findings.

5.1. National policies

Historical evolution of land ownership rights

It is stated in the Kenyan Constitution that "all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals" (Kenyan Constitution §61.1), meaning that there are three ways to classify land in Kenya: public land, private land, and

community land. Community land is a traditional way of land ownership, where the land and the resources are owned collectively by a community *"on the basis of ethnicity, culture or similar community of interest"* (Kenyan Constitution §63.1).

This was the case of the Olkaria Maasai, who have lived according to this definition on their ancestral land for many generations. According to traditional Maasai society, no single individual had the ability to own land or resources, as all people shared the land in the area (Fratkin, 2001). This also meant that the Maasai did not have intergenerational land ownership as they did not consider land to be a commodity one would pass onto their children (Seno & Shaw, 2002). Instead, they would inherit the right to graze in the area as a community, and all resources were regulated by indigenous knowledge from elders under traditional land laws, such as availability of pastures during rain and dry-seasons, rehabilitation of grass areas, and drought reserve areas (CSP 2.3, Seno & Shaw, 2002).

Nonetheless, although the Maasai fit the constitutional definition of community land ownership mentioned above, with the Olkaria region being their ancestral land with culturally important sites inhabited for generations, this is not the case. Instead, the land is owned by a private actor, Kedong Ranch. After post-colonisation in the 1960s, international donor organizations such as the World Bank and USAID encouraged Kenya's national government to privatize communal land (Fratkin, 2001). This led to a scramble for land which has been described in previous literature as land-grabbing, or large-scale land acquisition, where land has been bought or leased by investors from foreign countries after independence (Fratkin, 2001, Smalley & Corbera, 2012), with demand for food and bio-fuels as some of the key drivers for land investments (Vermeulen & Cotula, 2010, Smalley & Corbera, 2012).

In the lawsuit, the Maasai petitioners argue that the post-independence privatization of land ownership have continued to alienate land from the Maasai community at large, and that private entities have also done likewise (Petition no. 57, 2014). Since the Maasai and other pastoralist communities have traditional communally owned land, very few Maasai benefited from this early privatization of land and has led to permanent loss of their common land used for grazing (Fratkin, 2001). Due to the post-colonial privatization process, the amount of Maasai in the Kajiado District in the Rift Valley region has more that halved since the 1960s, as the land has been leased, rented or sold (Fratkin, 2001). Seno & Shaw even argue that many of the

privatizing policies dividing land into private farms were adopted in order to stop the Maasai migratory behaviour and their way of life (2002).

Additionally, the application process for private ownership of land is often costly and tiresome, meaning that only a small amount of people living in rural areas is currently holding ownership rights of the land in which they are residing (DjireŁ, 2007 in Vermeulen & Cotula, 2011). Attempts to register land ownership has also previously triggered local conflict between farmers and pastoralists (Smalley & Corbera, 2012), causing unnecessary rivalry on an inter-community level. Together with the fact that many people feel that the legitimacy of the system of communal ownership is often enough and there is little need to apply for any formal titles of private ownership (Vermeulen & Cotula, 2011), we could lay the groundwork for the historical context behind this analysis and understand why registration of communal land ownership is uncommon nowadays and recognise the circumstances of which the Maasai have no land ownership rights to the Olkaria area.

Instead, the land on which the Olkaria geothermal power plant was built upon was is owned by Kedong Ranch Limited, who has held it for the last 41 years, having bought it from the previous owners, Magogo Estates Ltd, who held a grant issued in the year 1950. KenGen has rightfully leased the land from its previous owners, and paid the full price of the purchase in 2012, and the transaction was approved by the Land Control Board of the area (RAP §12). Although non-citizens cannot own land according to §65 in the constitution, they can hold it on the basis of leasehold tenure for up to 99 years, which is the case with KenGen. Thus, the Maasai have in fact no legal claim to the land, although one could argue that the constitution might have granted them the right to it as communal land, if not for the historical marginalisation of pastoralist communities that can still be seen today. One could also argue that this historical context has resulted in a structural concern not only for the Maasai, but for many other pastoralist communities around Kenya. In summary, pastoralist communities in Kenya were excluded from both communal ownership of land through the privatisation process and from private ownership of land through high costs, difficult processes, and other hindrances. These facts leads to a situation where they are left without any legal rights to land, and therefore without any bargaining power which can then lead to uneven positions of power in negotiations such as this.

Going back to the theoretical framework, we could attempt to gain further understanding of the implications of this historical context by examining it through different lenses of the power perspectives mentioned earlier. The post-colonial policies on privatisation of land were advocated by international agencies, who could influence the Kenyan national government, encouraging private ownership of land despite the fact that it went against traditions. In turn, the Kenyan national government had agency over local communities, as the system failed to safeguard community land from land buying companies, which left local communities without any resources that could give them own authority. In this case, international agencies had an approach of modernisation and economic growth, and influenced the other actors to realise these wishes. This could also be connected to the concept of power resources, where power can be amplified by resources held. In this case, international donor institutions had financial capital that the Kenyan state needed, and therefore the international donors had agency over them.

This influence of power by international institutions can also be viewed through the lens of the neo-marxist power perspective, especially since the topic is so closely related to modernisation and economic development. The earlier mentioned common narrative of indigenous land as 'unused', and 'unproductive', and the relation to the European colonialist's ideas of Africa as a 'blank slate' could be connected to a capitalist perspective of space (Svarstad et al, 2018). Additionally, the neo-marxist power perspective state that it was common to push urbanisation or industrialization and the exclusion of people from rural spaces, and that these often come from international centers of power (Svarstad et al, 2018). Since the above mentioned structures led to the omission of pastoralist communities from the legal ownership of land, one could argue that current power relations can be traced back to historically established social structures, with unequal distribution of power.

Development of the national discourse

However, in recent national plans such as 'the National Land Commission Strategic Plan' and the 'County Spatial Planning in Pastoralist Areas' there has been a renewal in interest of communal land and in the protection of indigenous land and knowledge. Starting the analysis in the contemporary discourse, it is stated in the National Land Commissions (NLC) mandates and functions of the commission for the time period of 2021-2026 that *"the commission will [...]*

initiate investigations [...] into present or historical land injustices, and recommend appropriate redress [and] encourage the application of traditional dispute resolution mechanisms in land conflicts" (NLC §1.2), thus acknowledging the injustices of the past and making a conscious attempt towards changing these. The strategic plan also recognise that land resources in Kenya have major social, historical, cultural and spiritual significance other than economic and political, and that "*availability of land resources are critical in ensuring real and long-lasting improvement in the general well-being of the people of Kenya"* (NLC §1.3), meaning that the needs of the people are recognised in a way that has been evaded previously. Furthermore, going over claims of historical injustice is one of the commissions key tasks (NCL §1.4.1), and throughout the past Strategic Plan period of 2013-2018, they have admitted, investigated and determined 126 Historical Land Injustice (HLI) claims out of a total of 693 reported (NLC §2.2). Without any other context it is difficult to draw any conclusions to determine whether or not this is a high or low number of investigations, and there will not be an attempt to. Moreover, there is no statistics provided on the outcome of these injustice claims or if they eventually resulted in any compensation to the people that had been treated unjustly. Nevertheless, one could argue that insight can be realised both from the fact that there are 693 Historical Land Inequality claims during a 5-year period, which is quite telling on the extent to which there is a systematic problem in the country, and the fact that 126 HLI claims were investigated, meaning that there still is a change in the discourse and in the governmental interest in solving these.

Another actor supported by the national government is The County Spacial Planning for Pastoralist Communities (CSP), which also sets specific direction for rangelands and pastoralist communities such as the Maasai, by once again promoting communal grazing management plans, as well as addressing old and new land related conflicts, in order to ensure mutual benefit among different stakeholders (CSP §1.4.2). The plan also states that all development of new settlement, infrastructure and services should be in support of pastoralist practices and lifestyles (CSP §1.2.1, §2.4). Support of pastoralist communities is expressed in other ways as well by the CSP, such as avoiding fragmentation of rangelands, ensuring and facilitating mobility of livestock for accessing pastures, markets, and water resources, as well as facilitating systems for collective decision making in the community (CSP §2.4). The plan also proposes a "*systematic approach to ensure that marginalised groups are included in decision-making processes in a fair and equitable manner*" (CSP §1.2.2), thus recognising the fact that there is a systematic problem

of power against certain groups, and that there is a possibility to change it by focusing on a new participatory approach, and by encouraging public participation and meaningful engagements.

5.2. Private companies

Corporate social responsibility:

This renewal in interest for participation and empowerment of marginalised groups can not only be seen in the approaches of both national governance, but also in the international discourse and in private companies. Renkens, as many others, argue that when the system is failing the local people, companies and corporations should be taking up a framework of human rights due diligence, meaning that they should ensure the involvement and participation of local communities affected by the project (2019). The African Development Bank (ADB) also acknowledges this by stating in the document "General Conditions applicable to Loan, Guarantee and Grant Agreements" that they require any borrowers to, where appropriate, provide the Bank with information and reports such as "the participation of Project beneficiaries in the implementation and supervision of the Project" (2009, §9.0.9a).

The International Finance Corporation of the World Bank (IFC) has also produced guidelines for risk assessment for this reason, providing companies with a standard procedure on how to prevent unsatisfied project stakeholders due to social unsustainable practice. The guidelines are named "Good Practice Note for the Private Sector: Addressing the Risks of Retaliation Against Project Stakeholders", and some preventative measures suggested by the IFC is for example to adopt an inclusive approach with clear communication of all policies and positions, especially to the project-affected stakeholders that are at most risk for retaliation, out of which indigeouns people and other vulnerable groups are included (2009). Moreover, implementing well functioning engagement and grievance mechanisms is of high importance, together with protection of the anonymity of project stakeholders that wish to communicate any concerns or grievances (IFC, 2009). One could argue that the fact that indigenous communities are considered to be a "high-risk-group" for retaliation could indicate that cases of land conflict or project development on indigenous land is very common, and the general opposition by local communities. Furthermore, the fact that corporations are encouraged to give agency to

indigenous communities shows that the communities are not allowed agency in themselves. If power is something that can be given or denied, there is no equal ground for negotiation.

Participation in the Resettlement Action Plan

   The change in discourse towards participatory approaches that has been discussed in the paragraphs above can also be observed when analysing the Resettlement Action Plan (RAP) of the Olkaria geothermal project, with newly shown interest in local participation and empowerment. The Resettlement Action Plan is showing an interest in priority areas that include education, water, health care and environmental conservation, guided by a framework of corporate responsibility, and it is stated in a project evaluation that KenGen "*is a responsible corporate citizen that believes in adding value to the communities living around its area of operatio*n" (Mwangi-Gachau, 2011, p.4), with the overall objectives including the development of a *"cordial relationships with host communities and collaborate to address issues that affect them"* (Mwangi-Gachau, 2011, p. 4). This paragraph will provide examples of measures taken by KenGen in order to ensure participation during the implementation of the Olkaria project. Firstly, consultations on the proposed projects were done at each settlement in turn in 2009, with between 44 to 189 villagers present at each meeting (RAP §2.5.3b), and at least 5 public meetings were held during the years 2009-2012 in order to update them on changes in the resettlement process (RAP §2.5.3). Primary data was collected through formal and informal interviews with "village elders, village women, teachers and youths" (RAP §2.1), and focus groups were conducted in 2012 consisting of problem trees, and the mapping of stakeholders and community resources (RAP §2.8.2). Interviews were also held separately with only women and youth present in order to catch any differentiating views, as a further attempt of ensuring the participation of vulnerable groups (RAP §6.6.2). Additionally, the resettlement site was acquired "with the consent of the Project Affected Persons (PAPs)" in 2011, with broad consent confirmed through a public meeting with observers from the World Bank present (RAP §8.2.2), and a census procedure was done by village elders in 2012 to confirm the data gathered in 2009 (RAP §2.6.2). KenGen also provided the community with different benefits during the resettlement process, such as education, water, health centre, and new houses. They built a new school with room for up to 320 students (RAP §8.8) since two schools had to close down due to the geothermal expansion (RAP §5.7.1), and prepared a scholarship each year for the top boy and the

top girl, with an estimated running time of 14 years (RAP §8.11). Water supply was connected to the new settlements from Lake Naivasha by KenGen by a public tap at the Cultural Centre and at Mayana, serving these two settlements, with Kengen also delivering water in a bowser at Cultural Centre when there are water shortages (RAP §5.7.3). In interviews, PAPs have expressed special gratitude to KenGen for providing them with piped water, which has reduced cases of water borne diseases such as cholera and typhoid (Mariita, 2012).

5.3. Local community

However, despite all of these progressions made by the private company in question, various interviews with project affected people in the Maasai community show that, as mentioned before, there is widespread discontent regarding the level of involvement and participation of them, and an impression that many parts of the agreement were not upheld on KenGen's end. In the interviews, concerns were expressed in regards to unsatisfactory land titles, employment opportunities, access to energy, loss of Maasai culture, housing, and engagement mechanisms for these grievances. It has been established that although KenGen states in the Resettlement Action Plan that they have participatory meetings with all of the community, it has been pointed out by 54% of the stakeholders that they were not adequately involved in the decision making process (Ngetich & Gakuu, 2019). Furthermore, all the material given to the Maasai community containing information explaining the project plan, as well as the in person consultations that would ensure local participation, were all conducted in Swahili and not the local language, Maa (Koissaba, 2017, Hughes & Rogei, 2020). Other than a language barrier, it was stated in interviews that the community also felt that the mediation failed to communicate several issues in a clear manner, while others were only vaguely dealt with (Koissaba, 2017). In order to gain a better understanding of these perspectives and analyse the reasons behind the shortcomings, we will now go through perspectives from the local community in themes found in a number of interviews. First we will state a summary of the grievances in order to get a closer understanding of the issue, and then finish with a discussion of the underlying causes of these.

Land titles and housing

According to statements done by several different community members, KenGen had promised to provide formal land titles for everyone before the move but have failed to do so, which has caused a number of grievances (Koissaba, 2017, Hughes & Rogei, 2020). The Project Affected Persons (PAPs) were physically relocated before the title deeds had been successfully transferred, which abused the PAPs' right to security of tenure (Koissaba, 2017). Another complaint was that the resettlement has disrupted families in the Olkaria region. There seemed to have been a miscommunication regarding the extent of how many of the community members that were included in the resettlement plan, and the new houses were not big enough to accommodate growing families, meaning that some families were split and relatives left behind (Hughes & Rogei, 2020, Koissaba, 2017). Moreover, it was reported that they experienced a gradual reduction in family size due to the decrease in land size that happened during the gradual resettlements over the years (Mariita, 2012).

Access to the national energy grid

There also seemed to be confusion in regards to whether or not the new village would be connected to the new energy grid. KenGen has proposed to connect the newly built school to the electricity supply, but non of the PAPs houses or community facilities have been connected to the energy supply (RAP §5.7.6). This has been cause of confusion from the PAPs, who wondered why they can not benefit from the electricity that is being produced from their former land (Mariita, 2012). Since the Maasai community use cell phones for communication during grazing periods, this resulted in that they had to go to town centres or KenGen Offices to charge their phones (RAP §5.7.7).

Employment opportunities

Employment also seemed to be a key issue in both cases as it came up in almost every study or interview (Hughes & Rogei, 2020, Mariita, 2012, Koissaba, 2017). It was stated in the Resettlement Action Plan that there would be opportunities for the PAPs to be employed as security guards or casual labourers at the power stations (RAP §5.4.8). It is even stated by KenGen's own project report that the Olkaria project would be a job creator for the project area and beyond, with the local community benefiting from unskilled and semi-skilled labour such as

"*construction of access roads, rehabilitation of disturbed sites, bush clearing for the power transmission lines, driving, masonry, carpentry, loading/off-loading and security work among others*" (Mwangi-Gachau, 2011, p.2), which would indirectly lead to other benefits including self-employment within trade, accomodation and supply of goods (Mwangi-Gachau, 2011, Mwangi, 2010). However, the Olkaria New Geothermal Project employs about 500 persons, out of whom only 7 come from the Maasai community comprising one copy typist, one clerk, one driver, one office messenger and 3 watchmen (Mariita, 2012).

Employment was further perceived by the Maasai community as the one main benefit for them that would come out of this project, and this miscommunication hurt them in more ways than on, as it affected the choice of the new site for resettlement (Hughes & Rogei, 2020), as KenGen would not accommodate any labour on the site (RAP §3.3.1). As described further below, the site was not optimal for their ways of living, but the employment opportunities were deemed more valuable and prioritised by the community, which is perhaps why the denial of employment led to the amount of dissatisfaction it did. When provided with an explanation to why they could not be employed, the main reason was the the general low level of education in the Maasai community (Mariita, 2012, Hughes & Rogei, 2020). Many young men and women accuse representatives of not doing enough to secure jobs and training for them (Hughes & Rogei, 2020), as the project report states that the project would provide opportunities for training and acquisition of skills for the local population through short and tailor made training courses and seminars (Mwangi-Gachau, 2011).

At this point of the analysis we will once again apply the theoretical framework in order to analyse these grievances with the help of the concept of power resources mentioned in the actor-oriented power perspective. Power resources are resources that have the ability to empower or support the actors that are in possession of them. They do not necessarily have to be natural resources but could also be for example powerful social relations or financial capital (Svarstad et al, 2018), suggesting that the topics mentioned above regarding land titles, access to energy, and employment opportunities could count as power resources in this case. After recollecting the historical perspective on land rights, one could argue that a large part of the local community's current lack of power in this case was due to their exclusion from land titles during the postcolonial period. Their lack of land rights before the beginning of the Olkaria Geothermal

Development is also what left them without proper compensation at the lawsuit in 2014 or without legal negotiation power during the resettlement process. Thus, the fact that they were once again denied this power resource is once again denying them an important chance for a more equal power relationship and opportunities for negotiations in the future. The same goes for employment and access to electricity. The Maasai currently stand without considerable financial capital, and employment could have given them financial power and the promised training and acquisition of new skills could have provided them with further opportunities in life.

Nicholls argues that although researchers often include participation in order to ensure empowerment among indigenous people, any attempt to empower people through participation in projects implemented by the ones in power is simply another way to reshape the personhood of the participants (2009). Instead, when looking through the actor-oriented perspective of power, real empowerment could be achieved through the acquisition of empowering resources. Thus, denying them these resources that specifically asked for during the negotiations reinforced the current relations of power and the participation itself did very little towards empowerment in comparison.

Other grievances

There were also other grievances that were reported during the interviews, including loss of cultural identity, degradation of environment and health, and violence and lack of respect, which will be explained further below. First of all, the resettlement has already resulted in loss of both Maasai culture, as the community cited the loss of cultural sites in and around the Ol Njorowa Gorge as a major grievance (Hughes & Rogei, 2020, Mariita, 2012). These include sacred caves where warriors once held meat feasts and prayed; red and white ochre deposits that are important to the maasai community which they can no longer access when KenGen starts drilling; ancestral graves; sacred springs used for cleansing; and medicinal plants. Although the Gorge is still accessible to Maasai, particularly those working in tourism, there is no longer a village next to it, and they cannot reach it easily from home. Furthermore, there were complaints that the houses were not culturally appropriate (Koissaba, 2017).

There has also been many formal complaints regarding the impact of environment and health due to the geothermal energy plant, with water contamination and air pollution resulting in livestock deaths and stillbirths in cattle (Koissaba, 2017, Hughes & Rogei, 2020). Moreover,

according to Hughes & Rogei, many families have stated that the soil erosion caused by the development of the energy plant have resulted in lost livestock (2020). One elder stated: "Since we moved here I have lost over 20 sheep to hyenas and five cows have fallen off the cliffs. I was forced to move the rest to my relatives' place. That is the case with most people here, do you see any herds around? Nothing!" (Hughes & Rogei, 2020, p. 170). Local PAPs have also noted a health decline among the human population, with an increase of gastronomic and skin diseases (Koissaba, 2014), headaches, skin rashes, as well as pneumonia and respiratory problems such as coughing and common colds (Hughes & Rogei, 2020). Moreover, people have noticed an increase rate of miscarriages or premature delivery in pregnant women (Koissaba, 2014, Hughes & Rogei, 2020), but have not been able to conduct an independent study on the harmful effects of the geothermal plant due to lack of financial support (Koissaba, 2014).

Furthermore, it has been stated in interviews that other project employees, "never make any effort to socialise with the local people", and that many respondents felt that most company staff looked down upon them (Mariita, 2012, p.9). Moreover, although the RAP stated that the resettlement was voluntary, the resettlement of the Maasai community was enforced by armed police (Koissaba, 2014). There are several reports by the community of violent evictions, harassment of individual PAPs and activists and journalists challenging the project (Koissaba, 2017), as well as intimidation involving arson in 2013 (Hughes & Rogei, 2020).

Engagement mechanisms

In these situations, it is very important that stakeholders have the ability to access decision-makers to report grievances and acquire information (Smalley & Corbera, 2012, Vermeulen & Cotula, 2010). As a measure towards corporate responsibility, KenGen put some engagement and grievance mechanisms in place in order for the local community to express their thoughts and concerns in an effective and safe manner (RAP §11.8). There are several different mechanisms in place, but the two most widely discussed ones which also came up at several points during the interviews will be analysed here below.

The first one is the Stakeholder Coordinating Committee (SCC). The SCC was created at the beginning of Olkaria IV, in order to act as communication or mediation between the company and the community, and was adopted as part of a new Corporate Social Responsibility framework (CSR) (Hughes & Rogei, 2020). It was chaired by KenGens director, and consists of

around 47 members, of which many are drawn from nearby communities, and 25 of them are representatives from the Maasai community. However, when analysing the perspectives of the participants, it seems as if these engagement mechanisms are not widely trusted by the community (Hughes & Rogei, 2020). It has been reported that since the SCC is chaired by KenGen, it is in large part controlled by the company, and although they have included members of local communities, they have no power to control the agenda or what should be discussed (Hughes & Rogei, 2020). Additionally, there are no bound references in place on how often meetings should be conducted, and it was stated that the board can go for a full year without any meetings (Hughes & Rogei, 2020). Moreover, there are numerous allegations that the election process is corrupt, and that the company has tried to affect committee members via bribes (Hughes & Rogei, 2020).

The second committee for stakeholder engagement and participation is the Resettlement of Affected Persons Implementation Committee (RAPIC), which was created in 2012 by the World Bank, as part of a Grievance and Complaints Handling Mechanism in order to negotiate and oversee the resettlement process (Hughes & Rogei, 2020). It's members once again consists of representatives of the different actors involved in the project, with community representation through 24 local community members, representatives from KenGen, as well as delegates from the county government (RAP §11.5.2). KenGen has attempted to ensure participation with the inclusion of community members, with five slots for each of the affected settlements, defined by three men and two women in the RAPIC (§10.3.1). There is also an advisory council of elders, and a Maasai Community Liaison Officer (CLO), and additional members representing youth and 'vulnerable groups' included in the committee (Hughes & Rogei, 2020). However, once again, the communities alleged that the grievance mechanism in place was not working effectively (Koissaba, 2017). Interviews with participants show that not everyone is feeling represented by this board or by the advisory council, as they are predominantly older men, and women complain that their grievances are ignored, despite the fact that KenGen has arranged specific representation of women on the board (Hughes & Rogei, 2020). Moreover, the RAPIC has been criticized on the basis that the panel has excluded 'the poor, orphans and widows' as well as single mothers in a validation exercise in 2013 (Hughes & Rogei, 2020). Participants state that these conflicts have led to more divisions within the community, which are worsened by reported corruption, bribery, tribalism and nepotism, and that have affected their prospects of

employment at the company (Hughes & Rogei, 2020). Moreover, some of the complainants to the EIB Complaints Mechanism and the World Bank and been subject to retaliation (Koissaba, 2017).

Since many argue that engagement mechanisms are a way to give power to the locals by extending a hand from an agency above, if these are not well done then they are denied this and left helpless at the hands of another actor. The fact that the engagement mechanisms are not trusted could mean that there are still structural problems against the local community taking place in reality although empowerment is encouraged on paper.

6. Final discussion

After an analysis containing the historical context for the national policies, the change in discourse both in governance and in private companies towards participation, and the perspective of local representatives, it is time to revisit the research question:

"How have power relations between the different actors affected the project and to what extent have they been shaped by historical conditions?"

After this rundown of grievances reported by the local community, such as environmental health hazards, loss of culture, violence and unkept promises, it can be difficult to argue that these provide an equally beneficial negotiation, without one party gaining more advantages than the other. While attempting not to make any major comparisons on these grievances versus benefits due to lack of insight, the grievances seemed to have a larger negative impact on the community than the benefits that were provided. While the project affected persons did receive water, a newly built school and a health center, and seemed to be mostly satisfied with these, the grievances regarding health hazards and loss of culture as a result of the project expansion seems to be factors that would cause more stress. Moreover, the fact remains that they already had access to water and schools before the resettlement process started, meaning that there was little positive implications on their overall quality of life. Nonetheless, in both the Resettlement Action Plan and in the project report by Mwangi-Gachau on the behalf of KenGen, the negative

and the positive implications on the local community are presented as equal. This can be connected to the post-structuralist power perspective and its theory on power in narrative, where an actor has exercised their power to influence the narrative and the wishes of other actors, leading to a situation where the local community accepts a negotiation deal that could be objectively worse for them.

This also relates to the discussion whether or not power resources could have affected the project. As argued in the analysis, KenGen has stronger power over the Maasai in this conflict by having more financial, social, and human capital, and capital in terms of land rights. One could argue that their lack of power resources leads to an unequal position for negotiation from the start, as they do not have the right to any land to trade or any money with which to buy the land that they have lived on, leading to a situation where they are powerless. One could argue that the fact that there was an unequal power relation in terms of resources from the beginning affected the project due to the local community having to accept terms in an unequal negotiation. Moreover, part of the negotiations were to get access to these resources through land rights and employment, and the fact that these were denied leave them without the empowerment that was assured.

Relating this discussion to the historical context in order to answer the question regarding the extent to which these power relations were shaped by the historical conditions, it was established in the analysis that pastoralist communities in Kenya were excluded from both communal ownership of land through the privatisation process and from private ownership of land through high costs, difficult processes, and other hindrances. The fast privatisation of land after independence led to many indigenous communities living in their traditional communal ways on land that is now privately owned and that they have no legal right to. These facts leads to a situation where they are left without any legal rights to land, and therefore without any bargaining power which can then lead to uneven positions of power in negotiations such as this. Since the power relations caused the negotiations to be so uneven from the start, we can also see that these power relations were in large part shaped by these conditions and that they affected the outcome of the project.

7. Concluding remarks

Recent studies show that top-down governance are involving different stakeholders with approaches that are presented as 'community-based' and 'participative' but that lack any real influence from any local actors (Svarstad et al, 2018). In other words, people only have power over their own decisions as long as they are in accordance with government priorities. Although it seems like government priorities are in the process of changing, the power relations deriving from an historical context will take time to balance out. However, in the meantime, it is important to be aware of the fact that if one really wanted to empower local communities and provide a context for more equal negotiations in the future, one would have to provide them with tools that were actually empowering.

To conclude the discussion there will be a reminder of a definition of power by Max Weber: "*as the ability of individuals to realize their will, despite resistance from others*" (Weber 1964: 152). As can be understood from the lawsuit and from the grievances addressed in the RAP, the majority of individuals within the Maasai community never backed or encouraged this development project, and some showed open resistance to it. §10 in UNDRIP mentions that indigenous people have the right to "make decisions on relocation freely, without pressure", which one could argue was difficult in this situation, with forced and violent removals and pressure from the state and international agencies. Looking at these circumstances, it is difficult to argue that these negotiations really occurred freely or without pressure, and thus, it can be established that the project was in large part realized despite the opposition of the Maasai community, due to the power relations shaped by historical conditions.

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