

CASE STUDY

Kenya: Electricity Expansion Project Delayed Communal Land Titles in Maasai Resettlement

Inspection Panel -- World Bank

SYNOPSIS

The Kenya Electricity Expansion Project case highlights the centrality of land tenure security in safeguarding the rights of Indigenous and land-dependent communities during resettlement. In this case, Maasai communities agreed to relocation only after assurances that communal land titles would be secured in advance. However, despite formal commitments, the title transfer was delayed by nearly six years, undermining the trust and legal certainty that the Project Affected Persons (PAPs) depended on. While a revised agreement permitted resettlement to proceed ahead of title issuance, the Inspection Panel found that the delay—amid the Maasai's history of dispossession—violated the spirit of the safeguard provisions and exposed communities to heightened vulnerability. The case underscores that even when resettlement procedures are eventually brought into compliance, long delays in securing land rights can significantly erode the legitimacy of development interventions. Timely delivery of land titles is not a procedural formality but a core safeguard, especially where communal land systems and Indigenous identities are at stake. Lessons from this case point to the need for stronger due diligence, enforceable timelines, and a commitment to legal clarity before displacement occurs. Ensuring that land tenure is secured in advance is essential to upholding trust, protecting livelihoods, and delivering on the promises of equitable resettlement.¹

BACKGROUND AND CONTEXT

In 2014, Maasai communities from Kenya's Rift Valley filed a complaint with the World Bank Inspection Panel regarding their involuntary resettlement under the Kenya Electricity Expansion Project. At the heart of the complaint was the delay in securing communal land titles, which had been promised to the Project Affected Persons (PAPs) as part of their relocation linked to the development of a geothermal power plant.

Land tenure was a central concern from the beginning. In July 2013, an agreement between the PAPs and the Project Implementation Unit (PIU) stated that resettlement would only proceed once communal title to the new land was secured. However, delays—including an ongoing court case concerning part of the land—led to a revised agreement in August 2014. This revision allowed resettlement to occur before title issuance, with the PIU committing to deliver the title within six months of relocation.

¹ World Bank. 2023. Land at the Center of Inclusive and Sustainable Development : Volume 1 - Land Administration and Management. Inspection Panel Emerging lessons series No 8.
<http://documents1.worldbank.org/curated/en/099936404242328316/pdf/IDU02a480d8e0b65504de508a3108ccc839c57fa.pdf>

COMPLIANCE REVIEW FINDINGS AND CORRECTIVE ACTIONS

Despite this revised commitment, by July 2015—when the Inspection Panel concluded its investigation—no title had been issued. The Panel emphasized that the Maasai's history of land tenure insecurity made timely land titling a critical safeguard. It called for continued monitoring and oversight.

In response to the Panel's findings, the World Bank Board approved a Management Action Plan, after which Bank Management began issuing annual progress reports. According to the April 2018 report, trustees representing the PAPs signed the title transfer documents in February 2018. These were submitted to the Ministry of Lands, and the title was expected by May 2018. A separate title for the adjacent "Cultural Center" area remained delayed due to unresolved boundary issues.

By February 2019, a 999-year leasehold title for the main resettlement site had been transferred to the PAPs' trustees, and it was formally handed over in March 2019—nearly six years after the original commitment. The delay was attributed to several factors:

- Enhanced due diligence requirements stemming from Kenya's anti-corruption measures
- A typographical error in the land subdivision reference that required correction
- A procedural requirement that the title first be issued to the PIU before a secondary transfer to the PAPs' trustees

While the title for the Cultural Center land continued to face delays, all legal steps for the transfer were reportedly completed by June 2020. Final administrative steps were pending resumption of services following COVID-19 restrictions.