

INTERNATIONAL ACCOUNTABILITYPROJECT

3 August 2018

Rebecca Supeyo
Corporate and Community Affairs Manager
Akiira Geothermal Limited
36 Muiri Lane, Karen Nairobi

Dear Rebecca,

International Accountability Project (IAP) acknowledges receipt of your response to the correspondence sent by the Business and Human Rights Resource Centre, which included the findings of the community-led research conducted in the area of operation of the Akiira 1 Geothermal Power Project. Thank you for the willingness of Akiira Geothermal Limited to correspond on this important matter.

IAP, an international advocacy organization, wins policy change, boosts local advocacy efforts and supports local activists and communities to access and exchange information on development that affects them. IAP collaborates with the Business and Human Rights Resource Centre in correspondences with companies and other private actors.

In your correspondence to the Business and Human Rights Resource Centre dated 31st July 2018, you outlined and we recognize the community engagement, stakeholder engagement and grievance mechanism Akiira Geothermal Company Limited established.

The research facilitated by IAP and Narasha Community Development Group with the communities - whose results were shared with you in the briefer - is independent and sought to assess the communities' level of knowledge of the project and to highlight any issues that need to be addressed at this critical stage.

The research team engaged with Mr. Isaac Saruni, the head of the Community Liaison Department at Akiira Geothermal Limited, during the research process through a one-on-one interview with him. Mr. Saruni was also invited and he attended the community *baraza* in the Rapland area and commented on the concerns raised by the project affected persons in the sessions held. Mr. Saruni's participation was welcomed by our team.

IAP also shared with Mr. Saruni the research findings, which were forwarded to you by the Business and Human Rights Resource Centre for comments. The findings highlighted issues related to communities' access to project information, Akiira Geothermal Limited's consultation and involvement of the communities in the project project, benefit sharing and the project's benefit to the communities. For example, the findings indicate that 64% of the respondents in

the affected communities were never consulted during the design phase of the project, and among those who were consulted, 73% of the respondents lacked sufficient information to provide informed opinions and ideas about the project.

From these and other findings, we invite Akiira Geothermal Limited to respond directly to the concerns raised by the community members, which include:

1. Providing for their full and unconditional participation in decision-making, including the free will to elect trusted representatives to the committees who can uphold their interests without any undue influence from the company or its agents.
2. Fulfilling its obligations under the Constitution of Kenya (2010) and Community Land Act (2016) including compensation for land, pollution control and provision of alternative livelihoods (guarantee job opportunities and capacity building to the communities) and based on mutual agreement between Akiira Geothermal Limited and affected communities.
3. Having a clearly negotiated and agreed upon benefit sharing formula based on Section 35(1) of the Community Land Act that stipulates that natural resources found on community land shall be used and managed for the benefit of the whole community including future generations and on the basis of equitable sharing of accruing benefits.
4. Recognizing Kambiturkana Village residents who were excluded from all negotiations involving the Akiira Geothermal Limited and the community as owners of the land that they occupy, provide them with regular project information updates and consider them in the project's benefit sharing and decision making processes.

Thank you for responding to these concerns directly.

In addition, we wish to respond to several allegations made in your correspondence. Specifically, in your response to the Business and Human Rights Resource Centre, you made allegations that: *“the team carrying out the research went under the pretense that they were contracted by EIB or Akiira manipulating the community to attend their meeting. The team also went to the extent of bribing other to give bad review on Akiira in order to submit a valid report to the sponsors.”*

To be clear, the research team did not misrepresent itself and it has never been our practice to do so. Similarly, the team did not engage in bribery nor is it our organizational practice to do so.

IAP had two consultants supporting a research team constituted by Mr. Jackson Shaa of Narasha Community Development Group. The questionnaires clearly stated who the researchers were and the purpose of the research. In focus group discussions in both project areas, as well as a community dialogue in the Rapland area, the research team again explained

who they were and the purpose of the research. This was also the same with the community *baraza*, which was attended by Mr. Isaac Saruni.

Additionally, in the correspondence to the Business and Human Rights Resource Centre, harmful and unnecessary allegations were made about Mr. Jackson Shaa, as an individual and a professional. Such allegations, aimed both at Mr. Shaa and our team, detract from the real concerns of communities at hand. We hope the concerns of the communities remain the focus of this dialogue.

As IAP, we welcome a continued dialogue with you and other partners monitoring the Akiira 1 Geothermal Power Project.

For transparency, IAP and other partners will share the research findings and any responses from Akiira Geothermal Limited related to addressing the concerns of the communities with the European Investment Bank for their tracking purposes.

The continued willingness of Akiira Geothermal Limited to engage communities and ensure any issues can be resolved expeditiously is welcomed. I believe we all recognize the need to have constructive dialogue, which benefits the project affected communities.

We thank you in advance to your response on the research findings and specifically the four points listed above.

My best,

A handwritten signature in black ink, appearing to read "R Schlieff". The signature is written in a cursive, slightly stylized font.

Ryan Schlieff
Executive Director
International Accountability Project