



Gender, FPIC and Pastoralism

Terms of Reference for Research

Background

Oxfam is an international development and humanitarian Non-Governmental Organization that works with others to overcome poverty and suffering. Oxfam has been operating in Kenya since 1963. Globally, Oxfam has advocated for just government policies and corporate practices in the extractive industries and has supported the right of communities to participate meaningfully in decisions about the development of natural resources and the transparent management and use of revenues for over 15 years.

Oxfam Kenya works with partners to implement projects that promote equitable and sustainable development of extractive resources. The projects are aimed at ensuring that community rights are protected and the community members benefit from the extractives sector. The objective is for the country and the general citizenry to get the full benefit of its extractives endowment. This will be achieved through: influencing the development of gender and socially just laws and compliance to the same, advocating for transparency and accountability and promoting meaningful and inclusive community participation and leadership in the governance of the sector among other interventions.

The extractive sector has the potential to positively impact communities and the nation at large. However, the sector equally has the potential to create and or exacerbate vulnerabilities, rights violations and inequalities within these communities in relation to land rights, environmental impacts and conflicts around benefit sharing.

There is growing recognition that persistent structural gender inequality within the extractive industries (EI) continues to undermine women's rights and the development potential of the sector. Women face systemic discrimination in all phases of an extractive industries project and all along the EI value chain. Entrenched gender bias not only prevents women from engaging with and accessing the economic benefits of extractive industries, but manifests in how companies, governments and civil society engage with communities at all stages of project activities. Gender-blind policies and practices in community consultation and decision-making processes give rise

to the systematic exclusion of women and a silencing of women's perspectives, agendas, and interests in relation to EI projects.¹

The benefits and risks associated with the extractives industry are often evaluated with little examination of the differentiated impacts on men and women. There already exists a body of research that demonstrates that gender bias exists in the distribution of risks and benefits in EI projects- and in the way in which EI approaches are planned, shaped and implemented along intersectional and gendered lines. Benefits often accrue to men in the form of employment and compensation, while the costs, such as family and social disruption, and environmental degradation have been proven to fall most heavily on women.²

In 2017, Oxfam Kenya launched a research report on Free Prior Informed Consent (FPIC) titled 'Testing Community Consent'. The research evaluated the extent to which the FPIC standard was met in Tullow's engagement with the Turkana. A key finding from the research is that pastoralist communities, particularly women in these, are not fully engaged in the consultations related to the oil project. FPIC processes for an indigenous pastoralist community and a sedentary community would naturally be different. The migratory nature of pastoralist communities and the seasonality of movement within those communities may pose significant challenges with respect to attaining FPIC. How oil companies engage with pastoralist communities and sustain women's participation in attaining FPIC is, therefore, an area that needs further investigation.

Objective

The overall purpose of this study is to interrogate how Free Prior Informed Consent (FPIC) is best executed in the context of pastoralism and unequal gender and power dynamics in Turkana. To do this, the study envisions a better understanding of the nexus between gender, pastoralism and FPIC.

The research aims to situate FPIC in pastoralist communities and develop recommendations on how best oil projects and other large scale infrastructure projects can meet the standard of FPIC in communities where pastoralism is a livelihood. The geographic focus of the research will be Turkana and the research will pay special attention to the participation of pastoralist women in oil and gas decision making. The study aims to identify gaps, constraints and nuances to gender participation in the extractive sector to inform Oxfam in Kenya's strategy to promote gender equality in extractives.

Scope of Work

The consultant(s) will be expected to:

¹ Oxfam Position Paper on Gender Justice and the Extractive Industries

<https://oxfamamerica.org/explore/research-publications/position-paper-on-gender-justice-and-the-extractive-industries/>

² Kuntala Lahiri-Dutt and Martha Macintyre, eds. "Women Miners in Developing Countries," (England: Ashgate Publishing Co., 2006; Oxfam.)

- 1) Identify and unpack intricacies gender and decision making within pastoralist communities. How does decision making happen and how is it gendered -in pastoralist communities? Does the part of the community that does not move have decision making power?
- 2) Pastoralism as a livelihood option has inherent challenges when it comes to consultation with the community. Does the seasonality of movement among pastoralist communities pose challenges for attaining FPIC? Does FPIC only qualify for people living in that area or does it also mean that consent is to be given by neighboring pastoralist communities who 'use' the land being taken for oil investment? How have the traditional decision making systems framed such decision-making processes? Who is a community the one directly impacted or the community of the catchment area? How can an extractive project sustain consultations as part of FPIC where part of the community moves for a certain period? What are the complications that a drought season, for example, may bring to an FPIC process?
- 3) Assess the extent to which IFC Performance Standards are gendered and provide for full participation of pastoralist indigenous communities within the context of FPIC.
- 4) Develop specific and actionable recommendations on strategies that can be used to improve the participation of pastoralist communities, particularly women, in FPIC processes.

Deliverables

- a) Inception report indicating how the consultants propose to carry out the tasks with timelines, the methodologies, the rationale, expected results and an outline or table of contents for the final report.
- b) A draft report of that will be shared with Oxfam
- c) Raw data from the field work
- d) Presentation of findings at national and county validation workshops
- e) The final study report

Skills and Experience

- The study shall be carried out by a consultant that shall have the following skills and competencies:
- At least a Masters Degree in Gender Studies, Law, Anthropology, Social Science, Development Studies or other any other relevant disciplines.
- Demonstrated experience in research, particularly gender and/or women's rights-related research, pastoralism, power analysis, contextual analyses and baseline studies.
- Excellent analytical and report writing skills
- Fluency in spoken and written English.

Oxfam is open to working with teams with complementary skill sets.

Management

Tax and VAT arrangements

Oxfam Kenya will deduct withholding tax from the consultancy fees in conformity with the prevailing government rates and submit the same to the Government of Kenya. The consultant will be entitled to a copy of tax submission certificate on request from Oxfam.

Supervision

The overall supervisor of this assignment will be Oxfam Kenya Programmes Director.

Bid Requirements

Consultants who meet the requirements of this assignment should submit Expression of Interest of **MAXIMUM OF 5 PAGES** which should include the following:

- a) Suitability statement that express commitment to availability for the entire period of the assignment.
- b) Brief statement on the proposed methodology including a detailed work plan.
- c) Updated curriculum vitae of the consultant clearly spelling out the relevant qualifications and experience.
- d) Contacts of three organizations that have recently contracted the consultant to carry out similar tasks.
- e) Financial proposal with daily costs per activity which shall be part of the 10 pages.

Application Process

Expression of Interest that clearly articulates the consultant(s) understanding of the terms of reference, methodology for executing the work including key deliverables and tentative budget and clearly indicating- **“Expression of Interest for Consultancy to undertake a study on Gender, FPIC and Pastoralism”** can be submitted Kenya.Logs@oxfam.org.uk on or before **1700 hours local time on 25 September 2019.**