



## Invitation for Bids for a Baseline Study on the Situation of Indigenous People’s Land Rights in Kenya

<b>Organization</b>	Ogiek Peoples Development Program (OPDP)
<b>Position Title</b>	<b>Consultant to Conduct a Baseline Study on the Indigenous Land Rights in Kenya</b>
<b>Duration</b>	<b>2 months</b>
<b>Start Date</b>	4 <sup>th</sup> June 2018
<b>Application Deadline</b>	31 <sup>st</sup> July 2018
<b>Bid Contact</b>	<b>E-mail: <a href="mailto:opdp@ogiekpeoples.org">opdp@ogiekpeoples.org</a></b>

### 1. BACKGROUND

The VOICE is currently funding a project in Tanzania, Kenya, Uganda and Rwanda implemented by the Ujamaa Community Resource Team (UCRT, based in Arusha Tanzania) in partnership with 5 other partners from the said countries. The grant is to implement a three year project titled “United 4 Land Rights in East Africa” looking in particular at the land rights of Minority and Indigenous Peoples (MIP) who, in Rwanda, are referred to as Historically Marginalised People (HMP). In Kenya, the implementing partner is Ogiek Peoples Development Program (OPDP)

It is generally acknowledged that Minority and Indigenous Peoples (MIP) in East Africa suffer various forms of discrimination such as lack of access to political power and different socio-economic related services. In addition, it has emerged that MIPs across Eastern Africa have been evicted from their ancestral land without adequate resettlement schemes hence becoming landless. It is, therefore, on basis of the later assumption that a project has been designed to address the violation of MIPs’ land rights. In order for this project to achieve its objectives, there is need to first understand the core land related issues surrounding the MIPs, hence the need to carry out a baseline study. In Kenya, the study will cover Molo, Njoro, Kuresoi North, Kuresoi South, Rongai and Naivasha sub counties within Nakuru County

counties/areas occupied by the Ogiek, Maasai, and Endorois people. In these areas, these communities are considered as indigenous people.

## **2. ASSIGNMENT SUMMARY**

In order to establish issues affecting the MIP in the selected districts with a focus on the Ogiek, Maasai and Endorois and rights, UCRT and its partner OPDP are, therefore, seeking a qualified consultant specialized in land rights issues in Kenya to **conduct a comprehensive analysis of the situation of MIP vis-à-vis land**. The consultancy is for a period of 2 months, beginning from 4<sup>th</sup> June 2018 and will include desk review work, field data collection, data analysis and report writing. The partners encourage Consultancy Firms or groups that can assign one consultant specialized in land rights to apply.

The findings will inform policy and boost local organizational knowledge about MIP issues at local, national and international levels. In addition, it will also be used as an advocacy tool by CSOs while advocating for the land rights of MIP at different fora. The evidence collected and analysis made from this study shall inform the project partners regarding which pertinent land issues to be addressed throughout the project implementation through various activities.

## **3. OBJECTIVES OF THE ASSIGNMENT**

The overall objective of the consultancy is to conduct a comprehensive analysis of the situation of Indigenous People in the above mentioned counties in Kenya, identify human rights challenges they face, mainly focusing on land rights, and make recommendations. Specific objectives include:

- To assess the current political and policy framework under which indigenous people operate in districts under study;
- To review basic human rights, focusing on right to land, set out in Kenyan Constitution, international and regional conventions and how they apply to Uganda context;
- To conduct a comprehensive analysis of all the policies, laws, and practices affecting MIPS on land access, control, ownership and benefits in Kenya;
- To assess the extent to which MIPS are involved in decision making (differential involvement by Ogiek men and women should be captured clearly) in land and natural resource management, including land use planning and rangeland management.
- To assess the extent of (or lack of) equitable benefit sharing in protected lands with multiple land use frameworks that allow human settlement and wildlife conservation to co-exist.
- To assess the extent of negative impacts (differential impact on men and women should be clearly captured) on MIPS brought about by protected lands that *do not* allow multiple land use but rather promote exclusive wildlife conservation.
- To develop a detailed, accurate and authoritative report on and land rights abuses experienced by Indigenous people in Kenya with reference to the regions under study.
- To provide recommendations on how best each of the identified issues can be addressed by partners in this project.

#### **4. SCOPE AND COVERAGE**

The study will be conducted in the sub-counties of Molo, Njoro, Kuresoi North, Kuresoi South, Rongai and Naivasha within Nakuru County in, Kenya. It will start with an initial desk study involving literature review. The Consultant will also be expected to generate primary data through appropriate sampling techniques consistent with the outlined methodology.

#### **5. METHODOLOGY**

The study will be conducted in a participatory manner by the consultant and his or her team. OPDP staff from Nakuru Office will provide necessary guidance and where relevant, may accompany the consultant on field visits. The OPDP Programme Officer will be the lead and main contact persons during the field exercise. The researcher will make sure that women, elderly and traditional institutions are given an opportunity to fully participate in the process of this study. The exercise will be conducted in systematic and coordinated phases:

- i) Desk study involving literature review.
- ii) Field research with selected communities and possibly a group of organizations. This phase will include key informant interviews, in depth interviews with indigenous community members (both men and women) and focus group discussions. Here, the researcher will formulate questionnaires to be used in the collection of data from the MIPs in sub-counties under study;
- iii) Data analysis; and
- iv) Report writing.

Preliminary findings will be presented to OPDP for review. Their comments will be incorporated before a final report is produced.

#### **6. EXPECTED OUTPUTS AND REPORTING REQUIREMENTS**

The Consultant shall submit the following:

- An inception report upon selection and signing of the contractual agreement. ‘The inception report will cover the following:
  - i) A detailed action plan, timetable, and budget including personnel and proposals for regular activity reporting on progress to OPDP
  - ii) Full and complete data from the assessment
  - iii) Draft report in English upon completion of fieldwork and analysis.
- A final report that follows VOICE visibility guidelines (2 hard copies and an electronic copy in English) after review, validation and acceptance of the draft report by OPDP, and necessary amendments by the consultant. The draft and final reports will be in A4 size and Times New Roman font size 12, single spacing and must include:
  - i) Executive summary
  - ii) Introduction
  - iii) Methodology
  - iv) Data presentation
  - v) Findings and Discussions
  - vi) Recommendations and conclusions

vii) Annexes, including list of acronyms, terms of reference, methodologies and instruments, budgets and plans, full and complete data, persons interviewed, reports and organizations consulted and any other requirements as necessary

## **7. TIMEFRAME**

The Consultant should be available to start the work on 4<sup>th</sup> June 2018. It is envisaged that this consultancy will require up to 40 working days.

## **8. CONSULTANTS' PROFILE**

The consultants must have undertaken similar works in Kenya and should have the following qualifications:

### ***Knowledge and Experience***

- In-depth knowledge of the current issues affecting MIPs in Kenya
- Membership to human right networks, and/or participation and leadership in alliances and committees on these rights;
- Extensive of experience in collecting and integrating gender disaggregated data, needs and views, including gender approaches and knowledge with respect to national land and development policies.

### ***Skills and Qualifications***

- Undergraduate Degree in Social Sciences, Community Development or other related fields; Master's Degree will be an added advantage.
- At least five years' experience in conducting gap analysis and assessments;
- Profound knowledge in human rights (especially land rights) analysis;
- Experience in conducting research in Kenya and with Indigenous people;
- Proven experience in conducting participatory research using qualitative and quantitative methods, with excellent analytical skills;
- Excellent oral and written English; knowledge of Kiswahili is an added advantage
- Excellent analytical and report writing skills;
- Proven experience in community centered methodologies;
- Excellent interpersonal and team work skills;
- Computer proficiency with good knowledge of Windows and statistical packages preferably Excel;
- Knowledge of the indigenous communities cultures and traditions as well as the customary laws
- Knowledge of Kenyan government processes/structures, Constitution, national strategies, national plans for land and international frameworks such as United Nations Declaration on the Rights of Indigenous Peoples, United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, African Charter on Human and Peoples Rights, SDGs, and others.

## **9. QUOTATION REQUIREMENTS**

The Consultant will submit a proposal covering both technical and financial areas. The following shall be included:

- *Technical:*
  - a) Demonstration of the consultant's understanding of the terms of reference. This will be included as an interpretation of the consultant's understanding of the requirements of this assignment rather than a summary or re-statement of the Terms of Reference.
  - b) A detailed methodology on how the assessment will be conducted, including valid sampling method(s) for data collection, possible respondents and linking these with the tools to be administered to each respondent or category of respondents.
  - c) A clear and detailed work plan with dates and geographical areas specified
    - Outline the major activities and link consultancy team members to each
    - Propose an implementation time schedule
    - Include a Gantt chart and/or other relevant illustration
  
- *Financial:*
  - a) An itemized and detailed budget, with unit costs, for consultancy fees as well as administrative and support costs such as travel, accommodation and office support such as stationery. Please note that OPDP will not provide transport, meals and accommodation to the consultant or research assistants during the study. These costs will be met on a re-imburement basis and the consultant is expected to indicate the associated costs in the financial proposal.
  - b) All costs must be expressed in KES (Kenyan Shilling) for comparison purposes.
  - c) Curriculum Vitae of all personnel to be involved in the review. Outline of support personnel and services available to consultants
  - d) Names, addresses, telephone numbers of representatives of two organizations that will act as professional referees: These must be persons of managerial responsibility at the level where such reviews as these can be authorized
  - e) Full names, post office box, telephone numbers, e-mail address, physical address and contact person of the consultancy

## **10. UTILIZATION OF RESULTS AND OWNERSHIP OF THE DOCUMENTS/REPORTS**

All documents, project designs, drawings, technical data, field data and information shall be treated as confidential and shall not, without the written approval of OPDP, be made available to any third party. OPDP will have copyright of these materials. In addition, the consultant(s) formally undertake(s) not to disclose any parts of the confidential information. The utilization of the reports is solely at the decision and discretion of OPDP. All the documents containing both raw data/materials provided by OPDP and final reports both soft and hard copies shall be returned to OPDP upon completion of the assignment.

### **11. ROLE OF OPDP**

OPDP will nominate a representative to supervise the study. In addition, OPDP will mobilize stakeholders, introduce the consultant to Government Officers and other stakeholders, share relevant literature and pay the consultant as per the terms of the contract.

### **12. PROPRIETARY RIGHT**

All data, report(s), findings and other information arising from or generated as a result of this review are and shall remain the sole property of OPDP. No use shall be made of this information in any way whatsoever nor shall any report or portion of any report(s), or any data, findings or other information be reproduced except with the prior written permission of the Coordinator of OPDP

### **13. TENDER REQUIREMENTS**

Technical and financial proposals should be electronically sent separately clearly marked “**BASELINE STUDY ON THE LAND RIGHTS OF INDIGENOUS PEOPLE IN COUNTY OF NAKURU IN KENYA**” and addressed to:

Ogiek Peoples Development Program (OPDP),  
P.O.Box 424-20115 Egerton, Nyamakoroto Hse. 2<sup>nd</sup> Flr. Rm No. 210,  
Biashara Street, Nakuru, Kenya.

Email: [opdp@ogiekpeoples.org](mailto:opdp@ogiekpeoples.org)

Cc: [Felicien.Balikunda@mrgmail.org](mailto:Felicien.Balikunda@mrgmail.org); [olekaita@gmail.com](mailto:olekaita@gmail.com)

So as to reach us not later than 31<sup>st</sup> May 2018