



## **Participation of Women and Men in the Extractives Governance Framework**

### **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 has a keen interest in promoting an equitable and sustainable development of mineral resources and intends to roll out projects that will realize that. The projects are principally aimed at ensuring that community rights are protected and the community members participate in the extractives sector. The subsequent objective is that the country and the general citizenry get the full benefit of its extractives endowment. The way of achieving these objectives is through: influencing institutionalization of just laws and compliance to the same, advocating for transparency and accountability and promoting community participation in the governance of the sector among other interventions.

The extractive industry has the potential to bring many positive development impacts to communities and the nation at large. However, the sector equally has the potential to create and or exacerbate vulnerabilities within these communities in relation to land rights, environmental impacts and conflicts around benefit sharing. 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 a gender bias exists in the distribution of risks and benefits in EI projects. Benefits often accrue to men in the form of employment and compensation, while the costs, such as family and social disruption, and environmental degradation, fall most heavily on women.<sup>1</sup>

Analyzing and adapting projects to local gender issues can help to mitigate the risks created by EI, and amplify the potential benefits to both men and women. This is particularly imperative in the case of Kenya's extractive industry as both the mining and petroleum industries are still nascent. It is therefore, important to put in place the right legal and policy framework and inform practice before the country establishes itself as one of the leading nations in the extractive sector.

#### **Objective of the Task**

The purpose of the proposed research is to analyze the participation of women and men in governance of the extractives value chain. The research is expected to ascertain the opportunities and inhibitors to full participation of women in the extractive sector management. There is a need to analyse the extent to which women and men are differentially poised to take up governance opportunities presented by the extractive industry both at national and local community levels.

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<sup>1</sup> Kuntala Lahiri-Dutt and Martha Macintyre, eds. "Women Miners in Developing Countries," (England: Ashgate Publishing Co., 2006; Oxfam.)

The arena of local extractives governance, has taken upon greater importance given that Kenya now has a County system in place. In addition to current revenue sharing with the national government, it is certain that there will be additional revenue sharing models related to the extractive sector. The local community and the county is already seeing an influx of hitherto absent extractives sector revenues and spending. In Turkana, Africa Oil has provided significant resources to the Lundin Foundation to assist in setting up a vocational training centre and micro-credit for small to medium enterprises. The proposed research, therefore, seeks to assess the extent to which women are not only benefitting from such programmes but influencing decisions on how/which projects are implemented and also on how the local county government allocates extractives revenues.

Wholly, the research will provide important baseline data, insights and recommendations around which Oxfam can then develop strategies for campaigning for gender equity in accessing governance opportunities presented by the extractive sector and building the capacity of women to claim their rights. The research will inform the process of our advocacy engagement framework at the national and county levels from a gender perspective.

### **Overall Objective**

The overall purpose of this study is to examine the regulatory and socio-economic environment that affects the participation of both men and women in the extractives sector governance - with specific attention to the extractives value chain. The study aims to identify opportunities, gaps and constraints in order to inform Oxfam's policy advocacy strategy towards strengthening gender equality in extractives.

### **Scope of Work**

The consultant(s) will be expected to accomplish the following tasks:

- 1) Analyse the overall policy and legal framework - highlighting gender gaps and opportunities to protect and promote women's rights in the governance framework by;
  - Identifying relevant policies, legislation and programmes that support gender equality in the governance of the extractives sector in Kenya;
  - Proposing ideas and strategies for enhancing a favorable policy and regulatory environment to support gender equality in extractives governance sector.
- 2) Assess women and men's participation in governance of extractives revenue at the local community level. Provide details on inclusion/exclusion aspects of women and men in discourse of governance as well as in county planning and budgeting, institutional arrangements, identifying any systemic barriers to the equitable participation of women and men.
- 3) Assess risks to women for participating in EI governance and county planning and budgeting processes. Determine the gendered implications (socio-economic, cultural impacts), as well as the impacts on gender roles and relations of mining, oil and gas development.
- 4) Conduct a power analysis of the relevant sector players focusing on community, government and private sector levels capturing decision making patterns and how these affect participation of both men and women in the management of the extractive sector.
- 5) Provide a clear set of recommendations on measures that can be applied for more gender-transformative and sustainable results in the governance of the extractives sector.

### **Deliverables**

- a) Inception report indicating how the consultants propose to carry out the tasks with timelines, the methodologies, the rationale and expected results. The methodology is to be developed and specified

by the consultant and will provide details of gender power analysis and assessment design, methodology and tools to be used in carrying out the exercise.

- b) Desk/literature review and a draft report that will be shared with Oxfam
- c) Data collection and analysis
- d) Presentation of findings at national and county (one selected county) validation workshops
- e) The final study report
- f) A policy brief articulating clear steps of action

### **Skills and Experience**

The study shall be carried out by a consultant that shall have the following skills and competencies:

- a) At least a Masters Degree Gender Studies, Law, Social Science, Development Studies, Economics or other relevant disciplines.
- b) High quality skills and demonstrated experience in research, particularly, gender and/or women's rights-related research, contextual analyses and baseline studies.
- c) Demonstrated understanding of constitutional and policy environment on extractives sector, gender mainstreaming, women's economic empowerment, community rights and citizens participation, influencing in the Kenyan context.
- d) Excellent analytical and report writing skills, such as policy briefs for advocacy
- e) Fluency in spoken and written English and Kiswahili.

### **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 Extractives Strategist.

### **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 experiences.
- 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 5 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 should and clearly indicated "**Expression of Interest for Consultancy to undertake a study on Participation of Women and Men in the Extractives Governance Framework** can be submitted [hecarequisition@oxfam.org.uk](mailto:hecarequisition@oxfam.org.uk) on or before 1700 hours local time on Thursday 20<sup>th</sup> Sept, 2017.