



Indigenous Livelihoods Enhancement Partners (ILEPA)

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Term Of Reference (TOR) For Project Baseline Survey

Project Assignment: Develop illustrative Maps & Inforgraphs on the extent of Maasai historical land loss and related injustices, in Kenya

Name of Project: Pastoralists' Enhanced Livelihoods, Knowledge, and Advocacy Project (PELKAP) – Home Planet Fund/RRI

Expression of Interest:

Dated of Issue June 2024

1.0. Background

1.1. About the organization

Indigenous Livelihoods Enhancement Partners (ILEPA) is a non-for-profit community-based Indigenous Peoples organization (IPO) for human rights and governance, environment and local level development registered in Kenya. The organization is serving amongst the Indigenous Peoples in Kenya with a focus on pastoral communities in Kenya's southern landscape.

The broader goals of ILEPA with respect to the Environment and Climate change programme is to promote and enhance climate change adaptation and resiliency of pastoral livelihoods, enhance capacities of Indigenous Peoples to meaningfully engage at project, national and global levels, including safeguarding against adverse impacts of Carbon markets and optimization of any associated benefits.

1.2. About the project

The Pastoralists' Enhanced Livelihoods, Knowledge, and Advocacy Project (PELKAP) is an ILEPA initiative funded under the Community Land Rights and Conservation Finance Initiative (CLARIFI) of the Rights and Resources initiative. Funding for the projects is a grant from the Home Planet Fund (HPF), which is committed to support pastoralist communities to sustainably continue their way in Narok County, specifically focusing on the pastoralists in Narok County.

The project aims to enhance the resilience of pastoral livelihoods in Narok County by strengthening access to livestock feeds, mobility, support services, and markets, as well as fostering a responsive policy environment and promoting knowledge generation and uptake.

The Pastoralists Maasai community in East Africa is one of the indigenous communities that is said to have lost significant portions of their ancestral lands through colonial annexation (the Anglo-Maasai Treaties of 1904/11), forced evictions, creation of protected areas, and other state and private sector-initiated processes.

While the community is said to have lost at least 60% of their ancestral land by the 1990s, and more is still being lost, there's little collated evidence to demonstrate the extent and impact of this loss.

- The activity seeks to collect and collate historical and contemporary data on the extent of the ancestral land lost by the Maasai community from 1900 – to-date mostly based on secondary data and present in a digitized form – Map Targets - Produce a Map of Maasai ancestral land lost from 1900 to-date .

1.3. The project target beneficiaries

The project beneficiaries are broadly the Maasai of East Africa. The Maa nation is a unique pastoralist people group who inhabit vast areas of Kenya and Tanzania. Their uniqueness is derived from their rich and resilient cultural heritage including their rearing of livestock as pastoralists.

The Maa speaking groups identify themselves as indigenous peoples whose cultures and ways of life differ considerably from other dominant ethnic groups in East Africa.

The reference points of the living memory of Olmaa is enkilepunoto te Ndikirr e Kerio (ascend of from the Kerio Valley). The legendary story of how a section of the community tortuously ascended the valley leaving some remnants below.

2. Purpose of the study

The primary purpose of the Baseline Assessment is to serve as the reference point for assessing extent of the historical land loss and its consequential impacts on self-determination of the Maasai people.

- *Documentation of Historical Injustices:* The study aims to document and analyse historical land loss experienced by the Maasai community, highlighting the injustices and challenges they faced in losing their traditional territories.
- *Understanding Impact on Livelihoods:* It seeks to assess how historical land loss had impacted the livelihoods of Maasai pastoralists, including changes in land use practices, access to resources, and economic activities.
- *Identifying Triggers and Drivers:* The study aims to identify the triggers and drivers behind Maasai land loss, including colonial policies, land acquisitions, legal agreements, and socio-political factors.
- *Mapping Extent of Land Loss:* Developing an illustrative map of the extent of Maasai historical land loss provides a visual representation of the lost territories, helping to quantify the scale of the issue.
- *Informing Advocacy and Policy:* The study intends to provide evidence-based insights that can inform advocacy efforts and policy interventions aimed at addressing present historical land injustices and promoting land rights for indigenous communities like the Maasai.
- *Building Community Capacities:* By engaging with Maasai communities and stakeholders, the study contributes to building their capacities in understanding their historical land rights, advocacy strategies, and participation in decision-making processes related to land management and governance.

3. Key baseline survey questions

The baseline survey should be able to answer the following questions: -

- What is the approximate extent of indigenous Maasai Territories prior to Colonial encounter - Hectares, acres, square kilometres, and description?
- What are the indigenous Maasai names of this territories?
- What are the contemporary names of the regions/places/territories lost by the Maasai?
- How much land did the Maasai lose as consequence of the AngloMaasai Treaties of 1904/1911?
- What was the extent of the Maasai territories in Kenya at Kenya's attainment of independence from the British colonizers?
- How many Group ranches and trust lands (including names and sizes) were established across Maasai land before the onset of subdivision and privatization?
- How much lands do the Maasai in Kenya hold in the present?
- What factors (internal and external) are attributable to the land loss by the Maasai?

4. The Scope of the Study

- The study will draw insights from Precolonial anthropological literature, Missionary report, colonial government reports including Maps, Independence negotiations at Lancaster House conference, Testimonies of Key informers and academic literature relevant to the study
- The study findings will be subjected to a multi-stakeholder validation process for quality assurance and ultimate ownership of findings.
- The study will be focused on the Kenyan Maasai and Kenya's territorial boundaries.

- The entire assignment should be delivered within 30 working days including planning, data collection and analysis as well as submission of final report and other deliverables related to the task.

5. Methodology

- The consultant will develop a comprehensive study methodology that will be reviewed by (ILEPA) during an inception phase. A mixed survey design is preferred for this study, with clear methods, techniques and processes of data collection, analysis and reporting.
- The Consultant should develop a methodology in consideration of the information outlined in the TORs to ensure accuracy and rigor. The choice of the methods and techniques must adhere to measurement of variables under the study scope; and should answer all the survey questions.

6. Tasks, Responsibilities & Deliverables

The Consultancy firm will be responsible for and is expected to deliver the following:

1. Inception report:

- An inception report will be prepared by the consultancy team and shared with the ILEPA's Programs Manager. The report should include a detailed methodology, including sample size, sampling plan, data collection tools, plan for field work, and data analysis.
- Short Presentation: Following the field visit, the consultant will prepare a short presentation of the initial findings, and tentative conclusions and recommendations. This will be used to debrief the Programme Manager and ILEPA project team, to identify and address any misinterpretations or gaps.

2. Draft baseline report:

- Building on the debrief and initial feedback received, the consultancy team will produce a draft report, including illustrative Maps, that will be shared with the ILEPA team leader for review.

3. Final baseline survey report.

- Once feedback is provided by the ILEPA Project team, the consultant will prepare the **final report**. The report will follow the same presentation logic and include, at a minimum: executive summary, list of acronyms, introduction, baseline context and purpose, baseline framework and methodology, findings, conclusions, and recommendations.
- Annexes should include the TOR, inception report, list of documents reviewed, list of persons interviewed or consulted and data collection instruments.
- The consultant will also prepare a Powerpoint presentation and two-page baseline Brief to facilitate sharing of the key findings, conclusions, and recommendations. The Brief will include project information; baseline background (baseline purpose, baseline team, baseline timeframe, methodology); and baseline results: key findings and/or conclusions, and key recommendations.

Two (2) hard copies and soft copies of the report of maximum 25 pages (excluding preliminary pages and annexes).

7. Timeframe

The baseline field survey is expected to be conducted over a period of 30 working days. The date of commencement will be communicated, as the final deliverables date will be communicated during agreement.

8. Qualifications and expertise required

ILEPA is looking for a consultant with the following minimum qualifications:

- Academic skills: Advanced university degree in sociology, anthropology, and economics; Statistics, Development Studies, geospatial sciences – or a related subject such as geography, geotechnology or earth sciences qualification from a recognized institution

Professional experience:

- Experience in conducting socio-economic analysis and rapid rural appraisals, and applying qualitative methods of data collection, including participatory observation.
- Should have at least 8 years of proven and well-documented experience in conducting participatory research methods and techniques and quantitative research in rural context.
- Excellent communication/writing and facilitation skills (English)
- Experience of conducting research in the thematic areas of land and natural resources, historical contestations
- Understanding of the context/ situation and colonial encounter in East Africa, particularly in the case of Maasai community
Ability to speak the Maa language is a big plus
- Full time commitment to the said consultancy is required.
- Legal status recognized by the Government of the republic of Kenya (if a firm)
- Strong capacity and experience in planning and organizing survey logistics.
- Strong capacity in data management and statistics.
- Strong knowledge in the following software: GPS systems with satellite imaging,
- Strong interpersonal skills and a team-oriented spirit.
- The firm has demonstrated knowledge and experience with the application of human rights-based approach to programming, an understanding of land ownership dynamics
- Demonstrated ability to work in a multi-cultural environment and ability to establish good and effective relationships with national partners.

8.1: Mandatory Compliance Evaluation

The Consultant Firm(s)/ Individual(s) will be subjected to Mandatory Compliance Evaluation, and should submit the below:

- KRA Certificate and eTIMS Registration
- Company Registration Certificate
- Certificate of Good Conduct

9.0. Mode of payment

The consultant will be paid by two instalments as below: -

- 1st instalment: 20% upon submission and approval of inception report & data collection tools; and a signed contract
- 2nd instalment: 40% upon submission and approval of the draft report.
- 3rd instalment: 40% upon submission and approval of final report and all agreed upon products of the study.
- The consultancy fees will be subject to 5% withholding tax.

10. Proposals evaluation criteria

The technical and financial proposals will be evaluated according to the following criteria;

- a) Profile of the firm/ consultant in relation to the task (5%)
- b) Composition and skillsets of the research team (10%)
- c) Interpretation and understanding of the TOR (5%)
- d) Technical and financial proposal (50%)
- e) Evidence of demonstrated relevance experience and skills with contactable references (report samples) (30%)

11. Mode of application

Firms or consultants who meet or exceed the requirements should submit their technical and financial proposal to procurement@ilepa-kenya.org not later than **17th June 2024**; at 5:00 pm. Any application submitted after the set deadline will not be considered.

Submission should include the following:

Technical and financial proposals for conducting the exercise, with a clear interpretation of TOR.

- i. A capability statement, including demonstrated ability to execute the assignment. iv. Updated curriculum vitae of the consultant team; clearly spells out qualifications and experiences aligned to the tasks.
- ii. Commitment that the consultant team or firm will be entirely engaged if consultancy is awarded.
- iii. Attach work sample (baseline and evaluation reports) from at least two recent organizations where the services of the consultant/ team or firm have been utilized.

Ethical Considerations, Confidentiality and Proprietary Interests

- The Consultancy Firm holder needs to apply standard ethical principles during the course of the assignment. Some of these must deal with confidentiality of interviewee statements when necessary, refraining from making judgmental remarks about stakeholders.
- The incumbent shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the service without prior written consent by the contracting authority. Proprietary interests on all materials and documents prepared by the contract holder under this assignment shall become and remain properties of ILEPA

12. HOW TO APPLY

- Interested applicants with required qualification and experience must submit their applications on line as per the following email: procurement@ilepa-kenya.org
- The submission should include technical and financial (price offers) as separate components of one application by 17th June 2024

Approval

This TOR for the Scoping study is subject to approval by the Project Steering Committee of ILEPA.

Signed

Director /Project Manager

3rd June 2024