



## TERMS OF REFERENCE

### CONDUCT A NATIONAL GENDER ASSESSMENT OF THE LAND SECTOR IN IGAD MEMBER STATES

#### BACKGROUND

The “Improving Land Governance in IGAD Region” project aims at facilitating implementation of the AU Declaration on Land Issues and Challenges in accordance with the Framework and Guidelines on Land Policy in Africa, in order to facilitate access to land and security of land rights for all land users in the IGAD region, especially vulnerable groups such as pastoralists, women and youth. The countries in the IGAD region have different laws governing land as a consequence of their colonial history, diversity of cultural and religious norms, and endowment with natural resources. They are also at various levels in undertaking land reforms. The region is characterized by political instability, with the largest number of refugees and internally displaced persons (IDPs) on the continent. Desertification, climate variability and climate change are major concerns in this region, a region that has substantial desert mass. Drought and floods pose serious challenges for land management.

The project is premised on the IGAD Land Governance business plan 2019 - 2023 which provides a road map and a guide to the formulation and implementation of follow up projects and programs, building on the first phase of an SDC-funded land governance project 2014 -2019. The business plan is a living document, whose implementation and costing is flexible based on areas where most demand will arise from Member States. It is anticipated that in implementing the IGAD Regional Policy convergence framework, Member States are likely to prioritize certain aspects above others leading to the adjustments in funding lines or even seeking additional resources for the implementation of the emerging and/or most urgent and needed reforms. The range of land-related issues that are envisaged in the business plan and suggested to be addressed through projects and policy changes include the following key issues:

- One of the most serious obstacles to increasing the agricultural productivity and incomes of rural women is their insecurity in terms of land tenure.
- Lack of youth inclusive projects and programs on land governance pose a serious challenge to the continuity and sustainability of land reforms in the IGAD Member States.
- Lack of capacity among pastoralist communities to negotiate for their land rights.
- Lack of tenure security and administrative procedures for documenting and ensuing sustainable management and development of pastoralist lands
- Most countries in the region have juristic diffusive plural legal systems governing land. Consequently, multiple sources of property rights coexist creating ambiguity and conflict.
- Land use change has resulted in deforestation and loss of natural resources.

- The most violent and serious conflicts in the IGAD region derive from an explosive mixture of political manipulation of competition for land and challenging of national affiliations against a background of ethnic divisions.
- Land and property rights have become the subject of fierce competition and conflict leading to increased tenure insecurity for those who are weak and disadvantaged, compounded by weak institutions.
- Conflicts in the region are centered on access to and control over land and valuable ecological resources (including timber, water, productive pastures, minerals and oil).
- The contribution of land to food security is evolving and ever changing, lacking clarity at this point of whether to promote large scale agricultural production or family farming and small holder production as a way forward to guaranteeing food security.

With the support of the Swiss Development Cooperation (SDC), IGAD is desirous to ensure that as it embarks on land sector reforms, it has the evidence to roll out gender responsive reforms and programs. To generate the requisite evidence, it is important to undertake a gender analysis of the land sector considering the different aspects of land governance.

### **Justification**

Awareness of the need for women to have secure rights to land and property has risen since the World Development Report, Gender Equality and Development. And now, the Global Goals (also called the Sustainable Development Goals or SDGs) present an excellent opportunity for development aid to make a difference by strengthening women's land tenure security and ensuring that women have rights to and control over the critical economic asset land. Several of the goals that touch on land and property, Goal 1 (Eliminating Poverty); Goal 2 (Food Security); Goal 5, (Gender Equality and Empowering Women and Girls); Goal 11 (Sustainable Cities); Goal 15 (Terrestrial Ecosystems); and Goal 16 (Peace and Justice), also have land indicators attached to them to measure progress.

Formal legal rights to own, use, manage, control, lease, transfer, and inherit land, should apply equally to men and women irrespective of marital status and customary norms as a starting place for secure land tenure. However, the potential barriers to equal legal rights for men and women are many. Formal law can be legislative, administrative, decrees, regulations, or letters. Discriminatory or poorly drafted land law, family law, and civil law at the central or local level, as well as national and local regulations can cause women's land rights to be insecure or weak. In pluralistic legal systems, the interplay between customary or religious law and formal law can create unequal outcomes for women. As well, conflicting and/ or overlapping legal and regulatory frameworks and jurisdictions over land and resources can create the potential for opportunistic behaviour. This behaviour may further exclude women (as well as other vulnerable groups). A legal change always has the potential to make a wide-scale improvement in women's land tenure security, if followed by providing information and education on the change, as well as a willingness and ability to enforce the law.

Customary practice and socially defined gender roles usually dictate that collectively held land is governed through traditional decision-making systems and structures, which are most often male-dominated. When women are not meaningfully involved in governance, their interests are often ignored, and their rights to the land and resources can be weakened or lost. Meaningful participation goes beyond mere presence at a meeting; it must include the space and knowledge to speak safely, the opportunity to have their voices heard and also respected equally with others, and the confidence to speak their own thoughts that are free from social or familial influence or pressure. The timing, place, and style of conducting meetings can also exclude women, who might not have the same availability or engagement style as men.

The IGAD Region is undertaking major land reforms aided by the AU Declaration on Land Issues and Challenges, in which women's rights to land is ingrained. The IGAD region is now presented with an opportunity to raise the voices of women high on the regional and national agenda on land governance.

The inadequacy of the national legal systems in addressing gender equality in land governance needs to be addressed in the policy development and review processes to ensure that appropriate legal reforms are instituted. Even where the law is adequate, the need to translate it into reality for the women is paramount.

Participation fosters women's empowerment. Women's empowerment through the recognition of their land rights is fundamental to increased productivity and wealth creation. If women gain internal and external empowerment, it will result to economic and social transformation, increasing women's voice in decision making and changing the feminine face of poverty. Women's participation should be seen in institutions, policies and processes. IGAD aims to address barriers to women's land rights by building capacity and awareness among leaders and champions to (a) safeguard and promote women's rights of voice and participation in decision making; (b) increase the participation of grassroots women in local and regional organizations through movement building in partnership with CSOs; and (c) to provide support and guidance to Member States in developing and/or amending their internal governance instruments.

As women get organized, their voices are expected to become more coherent and inspiring to a wider audience, hence the need to capture and share them widely to influence more stakeholders and the general public in favor of their cause. Knowledge management becomes key.

### **Objective of the Assignment**

The purpose of the gender analysis is to provide information on specific realities and barrier and opportunities faced by both men and women not only in access, control, and ownership of land but also in participation and representation in land administration and land management bodies both in the formal and informal institutions including government (both centralized and decentralized) institutions, private sector, academic, civil society and traditional/cultural institutions.

The objective of the gender assessment is to

- (i) Assess the status of gender and land at country level;
- (ii) Undertake a gender assessment on the protection of women's land rights in policy, legal and action plans in IGAD Member States; and
- (iii) Build consensus around priority recommendations amongst key stakeholders that enhance gender equality in land governance at country level.

This participatory and locally driven assessment process helps to establish a consensus regarding (i) gaps in existing evidence on gender equality in core land sector elements; (ii) areas for regulatory or institutional change, (iii) for piloting of new approaches and interventions to improve gender equality in land governance on a broader scale (iv) opportunities for cross country learning to take advantage of experiences from other countries in dealing with gender and land sector issues, and (v) indicators to assess the effectiveness of these measures. This gender assessment will thus also help put in place a benchmark and process to systematically track progress in improving gender equality in land governance over time.

The analysis should look at roles and responsibilities, norms and rule, access to resources and services as well as decision-making and power and control between girls, boys, women and men. The gender analysis will provide greater clarity on existing stereotypical attitudes and practices, including existing positive practices, among different stakeholders at the household and community levels. The gender analysis will also recommend how the land sector could improve gender equality mainstreaming in land sector interventions at various levels.

### **Scope of Work**

A participatory and inclusive approach is envisaged for this process. A standardized tool has been developed by IGAD in consultation with key experts globally. The National Expert Investigator will be responsible for the technical implementation processes in the country of interest, and the timely delivery and the quality of the outputs described in this TOR. A standardized data collection tool and reporting

format will be provided to all Experts to ensure comparability of data. The gender assessment process is coordinated by the IGAD Gender and Land Expert and implemented by country experts. Implementation of the gender assessment involves: (i) collection of qualitative and quantitative background information by experts and preparation of background reports (Not more than 30 pages each); (ii) conducting the gender analysis using the provided tool (iii) convene 6-8 specialists who together present a broadly representative set of stakeholders, who will deliberate on the findings from the gender analysis; (iii) Hold a an inclusive national validation technical workshop on the findings, conclusions and recommendations drawn from the gender assessment (iv) discuss of policy conclusions with policy makers.

The National Experts will be technically backstopped by the IGAD Land Governance Unit under the leadership of the Gender and Land Expert.

### **Specific tasks**

The National Expert will be responsible conducting the gender at country level and for the timely delivery and the quality of the outputs described in this TOR.

The National Expert will prepare (i) inception report (ii) background report from the desk review and the country report of the gender assessment (iv) and organise an inclusive national validation technical workshop and policy dialogue with the Ministry responsible for Lands.

*Preparation and inception report:* This phase includes (i) review of the gender assessment tool to identify any areas where customization to country conditions may be needed as well as potential data availability; (ii) identification 6 – 8 specialists that from a wide range of sectors and formulation of a time plan; (iii) Liaising with the focal person in charge e of gender in the Ministry responsible for Lands (iv) Provide an overview of the land sector and taking into account the elements of land governance. Land tenure land administration, land conflicts and dispute resolution, land use planning and management for both rural and urban land, valuation, taxation and compensation, public and state land management, provision of public information, trusteeship over natural resources including extractives, oil & gas, land markets & financial services and; land for investment.

*Background reports and panel briefings:* To provide the common basis of information that is indispensable as a basis of consensus priority actions two more sets of written outputs are needed. (i) relevant material from existing studies and 'grey' literature is synthesized in background reports corresponding to the key elements of land governance identified above to provide the substantive understanding of gender needed for primary data analysis. It is a review of the existing legal framework and available statistics, procedural reports and other forms of accessible data on gender and land. These reports should not exceed 30 pages, and are useful in framing the gender assessment.

*Gender Assessment Country report:* : With the support of 6 -8 subject matter specialists the National Expert will conduct the gender analysis using the provided tool and prepare the report in a given format. The Specialists support the National Coordinator in arriving at consensus with regard to prioritizing national actions and recommendations. The material from the gender analysis, input from the specialists and combined with the background reports, is then synthesized by the National Expert to form a country report to be shared widely.

*Validation and policy workshop:* Once approved by the specialists, the Gender focal person in the Ministry of Lands, The Gender Focal Person for IGAD from the Member State and the IGAD Gender and Land Expert, the country report is reviewed by external reviewers assigned by IGAD to check for completeness and consistency. The revised report is presented in a national workshop to have results validated, and prioritize policy conclusions and associated timeline and monitoring indicators. A policy brief is prepared for discussion and presentation to the Ministry Responsible for Lands. Ideally this will result in agreement on

follow up actions some of which can be supported by development partners and integrated into the IGAD Gender and Land Strategy.

### **Expected timeline:**

The Consultancy is for a total of 21 days spread over three months. The final product i.e. the movie as well as all the raw material and project files, should be delivered to IGAD **no later than 28<sup>th</sup> February 2020**.

### **Location:**

This is a National Assignment and will be located in the specific IGAD Member States. A total of 7 Experts will be recruited for each of the seven (7) IGAD Member States thus Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda.

The Experts are not expected to travel out of the country.

### **Remuneration**

The National Expert will be paid USD 300 per day for 21 days giving a total of USD 6,300 for the assignment. The National Expert will receive an additional USD 1,500 for holding the National validation technical meeting. It is hoped that this meeting will be hosted in the Ministry responsible for Lands.

### **Deliverables & payment distribution:**

Payments of total budget will be processed upon delivery of the following product along with invoice:

1. Detailed timeline, work plan and draft outline of report (40%)
2. A draft Country report approved by IGAD (40%)
3. Final Report (20%)

### **Report**

A detailed report on all the field work including names and contact details of all individuals interviewed. The report must include at least 7 powerful statements from the country by women, community members and other stakeholders to be used in reports and fact sheets.

### **Copyright and Intellectual Property Rights**

In consideration of the fees paid, the National Expert expressly assigns to IGAD any copyright arising from the works the Expert produces while executing this contract.

The National Expert may not use, reproduce or otherwise disseminate or authorize others to use, reproduce or disseminate such works without prior consent from IGAD.

### **Qualifications:**

#### **The National Expert is expected to have the following qualifications:**

- The National Expert should have expertise in research and conducting gender assessments
- The Expert should have a PhD in land management, land economics, gender studies, public policy, population studies or law with 5 years of professional experience, or A master's degree in a field relevant to the assignment, such as land tenure, land ,management, land economics, Gender studies, Gender Economics Public Policy, Social Development, combined with at least 5 years professional experience; or A Bachelor's degree in land management, land economics, law, gender studies, population studies with 10 years of professional experience

- Very strong writing and analytical skills
- Fluency in English is mandatory. For Djibouti, Fluency in French is mandatory.

**Reservations & Confidentiality:** IGAD reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/output is incomplete, not delivered, or for failure to meet deadlines. In the event of the Expert ending the contract prior to delivering all agreed upon products, a portion of the payments shall be returned to IGAD. National Expert undertakes to maintain confidentiality on all information that is not the public domain and shall not be involved in another assignment that represents a conflict of interest to the prevailing assignment. The National Expert shall undertake to refrain from promoting any political or religious beliefs in the course of conducting this assignment.

**Application: (DEADLINE 15<sup>th</sup> November 2019)**

Expressions of Interest including the applicant's current contact information including how the candidate's previous experience matches the consultancy objectives as well as their interest for the position (no longer than two pages);

A capability Statement for why the applicant is the best suited candidate.

A detailed CV highlighting the applicant's expertise in gender assessments in the land and natural resources sectors.

**The email must clearly state the assignment applied for and marked:**

***“Conduct a National Gender Assessment of the Land Sector in IGAD Member States”***

**Applications must be submitted on 15<sup>th</sup> November 2019 at 5:00p.m by email to**

The Procurement Unit

Intergovernmental Authority for Development

Ave Georges Clemenceau, Djibouti

P.O Box 2653,

Republic of Djibouti

Email: [procurement@igad.int](mailto:procurement@igad.int) copy to [esther.obaikol@igad.int](mailto:esther.obaikol@igad.int)