



TERMS OF REFERENCE

DEVELOPING A PRACTICE MANUAL AND TOOLS FOR MAINSTREAMING GENDER IN THE IMPLEMENTATION OF LAND REFORMS AND PRACTICES

Background

Land governance across borders or transnational land governance looks at rule making, standard setting and institution building across borders. Empirically, one can see a variety of patterns of regulatory governance emerging. The studies commissioned by IGAD in 2016 reviewing the of land governance systems in the IGAD Member States identified four transnational elements:

- state sovereignty over land;
- legal pluralism (customary and statutory);
- gender biases in access to land;
- land tenure insecurity and land conflicts.

In the IGAD Region, national organisation as a structuring principle of societal and political action can no longer serve as the orienting reference point. This creates the need for increased cooperation among nations. The IGAD region finds itself in a time where economic, social and political developments in one country are increasingly affected by developments in others; and where opportunities and threats to people are no longer exclusively the responsibility of individual governments; The transnational sphere of land governance in the IGAD region is built neither upon nor beyond national institutional frameworks (full integration). Rather, the transnational sphere of land governance in the IGAD region transcends national borders while at the same time being entangled in historically contingent institutions and shaped by actors rooted in locally and nationally diverse contexts (Convergence). In dealing with cross border contexts in land governance, it is important to understand how transnational rules are implemented on the ground, how they are monitored by civil and public actors, and whether there is any learning from local experiences going on, or not.

IGAD through this project with the Swedish Embassy seeks to improve the performance of the land administration function in the IGAD region moving these closer to convergence and enabling the implementation of cross border initiatives that have a bearing on land. This project intends to deliver the following four result:

- 1) Enhanced Capacity Development of IGAD Region on gender responsive land administration.
- 2) Strengthened gender mainstreaming in land administration for the IGAD Region.
- 3) Strengthened Capacity of the IGAD Region to implement land monitoring.
- 4) Strengthened IGAD Land Governance project coordination and Implementation.

This project focuses on documenting best practices and generating mode or prototypes on land administration and management that can be replicated or scaled up. The model/prototype generated are mainstreamed by gender and will be used as learning ground and adaptation for use by the IGAD Member States with the expectation that there will be increased systemic change in how land governance functions at Member States level.

With the support of the Embassy of Sweden in Addis Ababa, IGAD Land Governance Unit is desirous of developing a manual for mainstreaming gender in the implementation of land governance reforms and practices.

Despite land reforms, conflicts between customary resource users, concessionaires (such palm oil and pulp and paper industries) and government agencies, as well as between central, provincial and district level governments have proceeded apace with negative consequences for the tenure security of local communities. Thus a broad range of issues including overlapping rights regimes, conflicting claims, inconsistencies of legal mandates and practices among government agencies at different governance levels, capacities and motivations of reform implementing agencies and a lack of responsiveness to gender inequality continue to undermine tenure security.

Justification

Effective and equitable land reform implementation may strengthen or even secure the rights of women and marginalized groups, assuring benefits streams to resource users and fostering incentives for sustainable land use and management.

Secure land rights are as essential to food security and protecting the environment as are sustainable economic development and other elements of good governance. Secure access to and control over land is broadly recognized as a necessary condition for reducing poverty, increasing food security and ensuring sustainable land management. Land tenure is, however, often unclear, contested and, in many cases, insecure, discouraging investment and improved management of land by communities and limiting opportunities to improve incomes or enhance livelihoods. Where land tenure is unclear, “open access” situations can lead to forest degradation and conversion.

Property rights whether customary or formal in nature, act both as a form of economic access to key markets and as a form of social access to non-market institutions, such as the household and community-level governance structures. Because of land’s fundamental importance in conferring such access, it is essential that policies that seek in any way to alter the distribution or to formalize property rights in land and land take great care not to inadvertently disenfranchise the most vulnerable members of the target population, including women. Indeed, if such land reform programs form part of an overall poverty reduction strategy, it is incumbent upon policy makers to understand the ways in which these most vulnerable groups gain land rights, the particular challenges facing their claims, and the role that effective rights to land can play in securing their livelihoods and those of their families.

Despite the above efforts, land reform management processes still remain the key site in which discrimination on the basis of gender is expressed. Unequal gender relations within the household persist in many parts of the developing world, and are usually reproduced in institutions at meso-level – in private sector institutions, local authorities, and central government ministries. Gender biases are expressed in more subtle ways at the macro level, which are often presented as if they are “gender neutral.” Thus although seemingly doing no harm to either gender, they neither seek to improve the social relations between men and women. Examples of this can be found in almost any land law providing **“Every person has a right to own property either individually or in association with others”**.

What is desirable are policies that aim to transform the existing distribution of resources and responsibilities in order to create a more equal relationship between women and men. These aim not only at giving either a right as would be prescribed in the law, or resources that would meet their immediate need, but provide for voice to enable women participate in decision making, altering relations of authority and control.

Women’s rights to land are Human rights because it is human rights that are the only values on which there is global consensus. Political, economic, cultural and religious traditions vary widely. One of the central principles human rights law has established is that all human beings, women included, are equal and should not be subjected to discrimination. Once gender equality is understood as a human right it needs no additional justification, and the legitimacy of work to advance gender equality does not depend on proving

its usefulness for other purposes such as those of development or economic growth and goes beyond the cultural paradigm.

This assignment will contribute to the creation of enabling conditions for the transformation of knowledge into action and ultimately of policies into practice. This will contribute to improving land management in the IGAD Member States where land reforms are either already in place, are taking place or will commence. Importantly, it will lower uncertainties in land reform implementation and pave the way for greater tenure security among local communities. The main anticipated result is an increased the capacity of multiple actors to implement land reforms in an equitable and effective manner to secure the rights of local communities (especially women), to enhance their livelihoods and to foster the sustainable land use and management.

The Overall project Objective

To improve the way knowledge about land reforms is understood, communicated and used so that decision makers, practitioners and decentralized land governance structures both formal and informal are well equipped to develop and implement policies and projects that support land tenure security, livelihoods and sustainable land management.

Specific Objective

To develop a standard guide on integrating gender into land reform implementation programs. The consultant is expected to

1. Review existing gender guides on mainstreaming gender in land sector reforms to identify key issues and gaps
2. Develop a gender mainstreaming manual for practitioners providing them with guidance on critical issues to consider when implementing land reforms including the development of law, policy and institutional frameworks
3. Present the guide at a validation meeting

Expected results

1. A brief analysis of current approaches to gender integration in the land sector—what is similar, what is different, what is missing across the IGAD Member States and in existing tools?
2. A draft guide on integrating gender in land reform programs
3. Validation Workshop report
4. Final guide on integrating gender in land reform programs
5. Suggestions on how best to illustrate the manual for practitioners

Scope of work

This assignment is aimed at developing tools for gender-responsive and equitable implementation of programs in form of a practice manual. To this end the consultancy will focus on developing tools and approaches for equitable and effective land reform implementation. The Guide should include the following components:

1. How to undertake a gender analysis of land reform
2. Developing and implementing gender responsive approaches in land reform
3. How to integrate gender issues into land reform program development
4. How to integrate gender equality in land reform program budget allocations
5. Mainstreaming gender into land reform project and program implementation
6. How to undertake gender sensitive project and program monitoring and evaluation

Case studies are critical for the illustration of best practices.

Expected timeline:

ToRs for developing a practice manual for mainstreaming gender in the implementation of land reforms

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 28th February 2020**.

Location:

The Consultancy is home based with one travel for the validation meeting

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 (20%)
2. Annotated outline of the contents of the guide comprising a detailed description of each section that indicates the main focus of the section, its purpose and the main lessons/messages in that section. Note that the first/introductory section will need to have a background and rationale for the work, including the review of what has been done by other relevant actors. (40%)
3. Final draft of the Practice manual and tools approved by IGAD (20%)
4. Final Practice Manual (20%)

Report

A detailed report on the process of developing the practice manual including the validation meeting.

Copyright and Intellectual Property Rights

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

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

Qualifications:

The Consultant/firm team is expected to have the following qualifications:

- The Lead Consultant should have expertise in IEC tools development.
- **The Lead consultant** 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.
- **The second Consultant** should be an expert in Gender Mainstreaming. A minimum Bachelor's Degree (or equivalent) in relevant area (gender studies or social sciences) with 10 years relevant professional experience. A Master's Degree or PhD will be considered an asset; Minimum 5 years of relevant professional experience in mainstreaming gender in development projects and policies; Record of participation in at least 2 assignments of similar size and degree of complexity (consultancy services in the area of gender mainstreaming in projects, programmes or policies);
- Knowledge of analytical methods and tools for mainstreaming gender in land reforms or related areas is considered an asset;
- Sound understanding of gender and development issues in the IGAD Region;

ToRs for developing a practice manual for mainstreaming gender in the implementation of land reforms

- Excellent communication, presentation, report writing and analytical skills;
- Mastery of oral and written English
- Very strong writing and analytical skills

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 consultant/firm ending the contract prior to delivering all agreed upon products, a portion of the payments shall be returned to IGAD. Consultant/firm 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 consultant/firm shall undertake to refrain from promoting any political or religious beliefs in the course of conducting this assignment.

******* It is important that the two consultants come from different IGAD Member States.**

Each application should include the following:

- Cover letter with 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);
- Technical proposal on how they intend to carry out the assignment;
- Financial proposal/detailed budget of the project;
- CV of consultants and professional references or letter of recommendation;
- Samples of recent similar assignments

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

“Developing a Practice Manual and Tools for Mainstreaming Gender in the Implementation of Land

Applications must be submitted on 15th 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