



## TERMS OF REFERENCE

### DOCUMENTATION OF BEST PRACTICES ON THE NEXUS OF LAND GOVERNANCE AND THE MULTIVERSE OF WOMEN IN THE IGAD REGION

#### 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 model 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.

## **Problem Statement**

Gender-based inequalities around land is prevalent across most countries in the region. This is in part due to some customary norms and practices which vest male members with the power to deal with important assets such as land. This is particularly so in patriarchal societies, which favor men/boys rights over women/girls. Within associated customary systems, women often have weaker and more temporary customary rights, often mediated through the men in their family. As inheritance is the primary mode of transferring land and is primarily practiced according to custom, sons are much more likely than daughters to have rights to land in many African contexts including in the IGAD region.

Virtually all societies in the IGAD regional bloc are primarily patriarchal and, even in some areas of Member States where there are matrilineal societies, these are increasingly giving way to patrilineal systems. Even where matrilineal systems prevail, some matrilineal customs and practices afford women secure rights to land, while others recognize women's right to inherit land, but men remain the primary decision makers over land. Gender biased norms and practices make it difficult to achieve meaningful positive impact on gender equity through legal interventions undertaken in the majority of Member States to promote women's land rights. In addition, insufficient understanding of the legal plurality governing women's land rights, inadequate safeguards of women's land and property rights, inappropriate mechanisms for implementing legislations, institutional constraints and limited awareness of women's rights also impede implementation of women's statutory rights. Some administrative measures taken to improve women's land rights have not been entirely effective as women are often excluded or under-represented in land related institutions. Gender discrimination in access, control, and ownership of land remains a serious impediment to socio-economic development.

## **Justification**

The multiverse of women is the panoply of socio-economic and cultural ecosystems that comprise the worlds of women. These ecosystems frame the differentiation across women in terms of their conditions, needs and interests in relation to the access, use and control of land and property rights. It identifies and analyses the underlying relationships, barriers and layers of vulnerabilities that women encounter, which are shaped by their class, marital status, position in the family, age, location, religion, caste, income, ethnicity, among others. The aim of this action research is to examine the multiverse of women, describe the layers of vulnerabilities they experience with regard to secure tenure and identify possible tenure options work for them, summarise the state of play with respect to women's access to and control over land and real property in both urban and rural settings in the IGAD Region.

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The understanding of the multiverse of women proposes a set of actions that will apply the principles of non-discrimination to be reflected in laws, policies and practices in regard to property rights, land administration, marital relationships and inheritance that:

- acknowledges the right to secure tenure and adequate housing
- affirms the equal rights of men and women, regardless of their marital status, and whether they are in civil, customary or consensual unions
- recognises a woman's right to own and control separate property
- provides for marital regimes of separate, partial and full community of property, with full community of marital property (and its joint administration) as the default regime

- entitles spouses to a share of the deceased partners' estate, in order to guarantee women's rights to the marital home
- entitles sons and daughters to equal shares in the case of intestate succession

### **Objective of the Assignment**

Carry out a documentation of best practices and potentially promising approaches to ensuring that women's different conditions, needs and interests are addressed in land governance initiatives in the IGAD Region.

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Adopting a regional agenda to addressing women's land rights not only broadens the scope and dimensions of the women's land rights question, but it enables synergy building, cross country learning and spurs healthy competition among states in improving the conditions of women. This assignment is geared to support the IGAD Land Governance Unit Identify common threads as well as gaps that need to be addressed/ and or scaled up towards gender equality in the IGAD region.

### **Scope of Work & Technical Requirements:**

IGAD welcomes creative ideas & suggestions for an impactful and innovative delivery of the message. The book using aesthetic design, real photographs, lucid write up will enlighten the target audience on the transnational nature of women's land rights in the IGAD Region and the gains made. It is important that this covers the cross section of women that includes – Single women never married, married women, divorced women, cohabiting women, women living with disability, women living with HIV & AIDS, widows and elderly women. A cross section of women's voices must be heard. Consideration should be given to rural urban divide with 75% of the participants documented being rural.

The consultant is expected to document and share initiatives that provide new approaches and good practices relevant to a wider scale or have a potential to become so. This will be backed up by stories and testimonies of change, where necessary. The aim of this is to capture and share practices and experiences in order to build a collective knowledge network and inform learning from the experiences.

A "good practice" can be defined as follows: A good practice is a technique or methodology that, through experience and research, has proven to reliably lead to a desired result. A commitment to using the good practices in any field is a commitment to using all the knowledge and technology at one's disposal to ensure success. Some of the characteristics of a good practice include relevancy in addressing the operational and programming areas; Innovative in demonstrating new and creative ideas to solving the problems; impact demonstrates a positive and tangible result that enhances program delivery and contributes to long term results and Replicability in that it serves as an effective model and has potential for application to other contexts/programs.

The overall purpose of the consultancy is to synthesize and document the lessons learnt and good practices that exist in the IGAD Member States in closing the gender gap in land governance as part of the programmatic learning and improvement of the gender and land related interventions.

Specifically, the Consultant (s) is expected;

1. To identify from the existing reports, implementers at country and regional level (whether governments, civil society, Academia or Private sector), and field exercise the good practices and lessons learnt for the three identified outputs for this review.
2. To undertake further in-depth analysis and documentation of the lessons learnt and four good practices per area agreed upon.

The selected consultant/firm will be expected undertake the following tasks.

Before commencing on the assignment, the consultant will deliver a an inception report Plan of Action outlining the detailed approach and methodology to this assignment and which will be discussed and agreed with the IGAD Land Governance Unit specifically, the consultant will have the following deliverables.

1. **Evidence generation.** The consultant will conduct field work to programme areas and beneficiaries to collect evidence on the selected promising good practices for documentation.

Document not less than three (3) good practices in each of the five areas of land governance identified below aimed at accelerating action to strengthening women's land rights and advancing gender equality in land governance. The compendium of four good practices should focus on effective and scalable interventions. The specific categories for the assignment include:

- a. **Gender and land conflict management** – This should range from the use of conflict sensitive approaches; alternative dispute resolution models; effective court systems; the Application of UN Resolution 1325 to land and conflict; women as mediators over land matters.
- b. **Gender and security of tenure** – This should give a profile of the land registries in the IGAD Member States – what innovations are being done to increase and improve gender equality on land? It will also consider customary land rights, community land and collective rights and how gender equality is being addressed in those tenure types. It is important to capture secondary rights as well such as land rental practices, share cropping etc. What about in the area of valuation for compensation? Ae there best practices on gender equality?
- c. **Gender equality in land administration Institutions** – What is the current gender architecture of institutions at various levels? Are there best practices which are promoting gender equality in these institution right from the grass roots structures to the National Level institutions? What about in civil society institutions and the academic and training institutions? Is there a deliberate effort to improve gender equality in staffing and staff development? Are positions by gender evenly spread across levels? A look at the various professional bodies – e.g. surveyors and valuers, Architects, Physical planners, etc. what best practices exist? Consider issues of women's representation and voice.
- d. **Gender and Land Use Management** – This should range from addressing issues of land, gender and climate change, gender land tenure and forestry management, gender, land and agriculture, gender, land and pastoralism, gender and soil quality management, as well as the nexus between gender, land and trade particularly considering the vertical and horizontal value chains.
- e. **Gender and the mortgaging industry** – What are the best practices I portfolios for women and men? Are there financial institutions promoting gender equality? Are there best practice guidelines?

2. **A manuscript/abstract** of the documentation of at least three good practices in the five areas of land governance stated above for submission IGAD.

Each good practice area should have a minimum of 3 best practices per country. There should be a combination of urban and rural. Case studies following life histories of beneficiaries of the best practice will be a welcome addition. The best practices should include high resolution photographs captured in a natural setting in which the best practice is generated.

### Methodology and Approach

The assignment will involve a desk review of existing documents including project and activity reports. It will also involve field visits to countries to interact with the implementers at country level and the beneficiaries. Field visits will focus on the interventions under the four identified areas as the focus for this review.

### Expected timeline:

The Consultancy is for a total of 60 days spread over four 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 30<sup>th</sup> March 2020**.

### Location:

The contractor is expected to travel to the 7 IGAD Member States thus Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. IGAD will provide technical support in acquiring the necessary permission and authorization photoshoots at agreed places in the Member States.

### 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. Detailed budget and shooting schedule (40%)
3. Final draft of the Best Practice Book approved by IGAD (20%)
4. Final book produced and delivered to IGAD (20%)

### Report

A detailed report on all the field work including photography locations, including names and contact details of all individuals photographed. The report must include at least 35 powerful statements (5 from each Member State) by women, community members and other stakeholders to be used in reports and fact sheets.

### Technical Requirements/Specifications for the best practice book

Particulars	Specifications for 1500 copies	Specifications for 500 copies
Name of Work	Best practices on the nexus of land governance and the multiverse of women in the IGAD region	Best practices on the nexus of land governance and the multiverse of women in the IGAD region
Quantity Size in inches	1500 copies Approx. 40.5cm X 22.5cm	500 copies Approx. 40.5cm X 22.5cm
No. of Pages	180 - 200 pages including cover	180- 200 pages including cover
Binding & Colour Schemes	Hard Bound with Multi Color Jacket Cover with aqueous coating.	Hard Bound with Multi Color Jacket Cover with aqueous coating.
Offset Printing of Photographs and illustrations	To be designed/created by the contractor anywhere and in any size as per requirement/design Photos.	To be designed/created by the contractor anywhere and in any size as per requirement/design Photos. The Book must consist of a

Particulars	Specifications for 1500 copies	Specifications for 500 copies
	The Book must consist of a minimum of 60% pictorial illustrations	minimum of 60% pictorial illustrations.
Digital - contents of the Best Practices book.	An e-version for the IGAD Land Governance Portal, content featuring the contents of the Best Practices Book.	An e-version for the IGAD Land Governance Portal, content featuring the contents of the Best Practices Book.
Language	English and French	English and French
Lamination/Varnishing	Cover Matte lamination + UV	Cover Matte lamination + UV
Binding	Hard Case with Jacket Cover Matt Laminated / Perfect binding section sewn with good quality library book style with head and tail bands, flat spine bound with hard case binding machine i.e. perfect binding with hard case. Book mark both side printing 4/c on 300 GSM super white rendezvous or similar grade.	Hard Case with Jacket Cover Matt Laminated / Perfect binding section sewn with good quality library book style with head and tail bands, flat spine bound with hard case binding machine i.e. perfect binding with hard case. Book mark both side printing 4/c on 300 GSM super white rendezvous or similar grade.
Logos	Three Logos will feature on the front cover– Swiss Development Corporation, Swedish Embassy and IGAD. The IGAD Member States Flags will run on the back cover of the book. Specifications will be provided.	Three Logos will feature on the front cover– Swiss Development Corporation, Swedish Embassy and IGAD. The IGAD Member States Flags will run on the back cover of the book. Specifications will be provided.
Process of Composing & Printing	Laser typesetting and offset printing. Proofing of the colors will be done by the contractor & get approved by the IGAD Land Governance Unit before final printing	Laser typesetting and offset printing. Proofing of the colors will be done by the contractor & get approved by the IGAD Land Governance Unit before final printing.
Proof reading	It will be the sole responsibility of the contractor in coordination with the IGAD Land Governance Unit. Dummy print to be provided before final printing.	It will be the sole responsibility of the contractor in coordination with the IGAD Land Governance Unit. Dummy print to be provided before final printing.
Liaison	It will be the responsibility of the Contractor to collect & deliver the proofs and each & every related job	It will be the responsibility of the Contractor to collect & deliver the proofs and each & every related job
Packing	Each book to be put in 200 GSM paper board envelop to be packed in corrugated boxes 5 ply of 20 copies each.	Each book to be put in 200 GSM paper board envelop to be packed in corrugated boxes 5 ply of 20 copies each.
Delivery Period	Not later than 30 <sup>th</sup> March 2020	Not later than 30 <sup>th</sup> March 2020
Delivery	The Contractor will, as part of this assignment with no additional costs to IGAD, deliver the consignment at the given addresses as and when directed by IGAD:  <b>The IGAD Land Governance Unit Intergovernmental Authority On Development (IGAD) Ave Georges Clemenceau, Djibouti P.O Box 2653, Republic Of Djibouti</b>	The Contractor will, as part of this assignment with no additional costs to IGAD, deliver the consignment at the given addresses as and when directed by IGAD:  <b>The IGAD Land Governance Unit Intergovernmental Authority On Development (IGAD) Ave Georges Clemenceau, Djibouti P.O Box 2653, Republic Of Djibouti</b>

### **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 Contractor is expected to have the following qualifications:

- The consultant/firm should have expertise in research for documentation of good practices and dissemination of research data.
- The lead expert should have
  - Master's degree in a field relevant to the assignment, such as land tenure, land management, land economics, Gender studies, Gender Economics, Communication, Economics, Business Studies, development studies, Public Policy, Social Development, and Education Sciences.
  - A minimum of 10 years' work experience in the area of land and natural resources governance with a nuanced understanding of gender mainstreaming.
  - At least 3 prior working experiences in documentation of best practices & lessons and case stories and feature writing in newspapers
  - Have at least 3 years of experience in developing reports, reviews, quality impact evaluation and documentation of program best practices
  - At least 5 years of practical experience working in gender mainstreaming, and gender analysis
  - Proven knowledge and experience working in the IGAD Region
  - Proven experience in qualitative and quantitative research methods.
  - Proven experience in multi-stakeholder engagement and strong interpersonal and leadership skills.
  - Proficiency in written and spoken English; French would be an added advantage.
- A core team member excellent in photography writing, producing, directing and editing photographs (give details and knowledge and experience in latest photography software);
- Access to highest quality camera, light, sound and editing equipment
- Proven track record and solid understanding of community-facility linkage strategies and community-based approaches.
- Ability to operate under strict time limits and apply high production and technical standards for the purpose of maintaining high level of professionalism;
- Experience working in remote areas of the IGAD region is preferred;
- Proven ability to work in multicultural environment;
- Ability to adhere to deadlines and flexibility;
- Availability to travel immediately, upon signature of contract;

### **Application: (DEADLINE 15th November 2019)**

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 consultant and the team and professional references or letter of recommendation;
- Samples of recent similar assignments:

The detailed requirements are herein below –

**Eligibility:**

- Three links to work samples demonstrating most relevant previous productions
- Three references (with contact information) from previous clients
- Detailed list with technical information of the equipment intended for use, including camera, light, sound, editing software etc.
- Brief presentation of the team, with CVs and functional responsibilities of the key people to be engaged in the project.

**Creative Direction:**

- Brief letter, describing previous experience on similar projects as well as proposed creative direction for the assignment. Creative ideas and suggestions are encouraged.
- Brief information about previous experiences on similar programmes/projects and similar work;
- Documentation of Best Practices synopsis including description of work plan (3 pages maximum);
- Information on translation of text into French (mandatory)

**Timeline:** Detailed documentation plan and timeline for all phases of collection of data to producing the Best Practice Book

**Budget:** in separate document

- Detailed break-down of all estimated costs, including estimated days of shooting, production team, days of editing, travel costs, music, etc.
- Photography crew costs
- Relevant information about editing process and the price of editing (off-line and on-line if needed)
- Relevant information on and the cost of the post production process
- A clear total cost for the final product. Please note that all costs, including transport, should be included in the total sum, no additional payments will be made outside of the total budget.

The short listed candidates will be invited to participate in a call to further present and clarify their ideas should this be deemed necessary.

**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 producer ending the contract prior to delivering all agreed upon products, a portion of the payments shall be returned to IGAD. The contractor 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 Contractor shall undertake to refrain from promoting any political or religious beliefs in the Best Practice Book which is the subject of this contract.