



TERMS OF REFERENCE

DEVELOPING STANDARD OPERATING PROCEDURES (SOP) MANSTREAMED BY GENDER FOR STANDARDIZED LAND SERVICES PROVISION

Background

The IGAD region, which comprises the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda, was established in 1986 as the Intergovernmental Authority on Drought and Development (IGADD). While originally established to co-ordinate the efforts of Member States in combating desertification and promoting efforts to mitigate the effects of drought, an extra-ordinary Summit Heads of State and Government resolved on 18th April 1995 to re-vitalize the Authority and to expand its mandate to cover political as well as economic issues. Consequently, the Authority was re-named the Intergovernmental Authority on Development (IGAD) and the Agreement Establishing IGAD was amended accordingly. The new Agreement gave IGAD an expanded mandate that includes the following areas of cooperation among the Member States:

- Enhancing cooperation and coordinating their macro-economic policies;
- Promoting sustainable agriculture development and food security;
- Conserving, protecting and improving the quality of the environment;
- Ensuring the prudent and rational utilization of natural resources;
- Cooperating in increased sustainable utilization and development of energy resources in the sub-region, and in the gradual harmonization of their national energy policies and energy development plans; and
- Cooperating in the gradual harmonization of their national policies in scientific and technological research and development, transfer of technology, and their policies on capacity building in science and technology in the sub-region.

Improved performance on land policies, in terms of formulation and implementation, is required for IGAD to deliver on cooperation among Member States. 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.

Justification

Most of the countries in the IGAD region have juristic or diffuse plural legal systems governing land. Juristic legal pluralism is common in colonial and post-colonial Africa where state law is the ultimate authority and dominates other plural legal orders. It arises in situations where the official legal system recognizes several other legal orders and sets out to determine which norms of these legal orders will apply. Thus, the official legal system provides an operating environment for the plural legal orders. For example, the constitutions of countries in the region provide for the operation of religious and customary laws thus availing juristic legal pluralism. The region is characterized by the coexistence of multiple sets of rules and laws (often referred to as “legal pluralism”). One finds in a country different legal systems, institutions and enforcement mechanisms that control how different people access, own, control and transfer land for agricultural and other livelihood functions. Limited understanding of the legal plurality governing women’s land and property rights is also a considerable challenge to gender responsive land governance in the region.

Land administration systems in many Member States of IGAD are characterized by time-consuming and costly procedures for land transactions, a lack of transparency, corrupt practices, low public confidence in the systems, and generally insecure land transactions. For example, in its 2018 Doing Business Report, the World Bank indicated that it took an average of 20 days for OECD countries to transfer an already registered property while for Ethiopia, Kenya and Uganda, it took 52, 49 and 42 days, respectively. This means that it generally takes twice as long for the IGAD Member States to transfer property as it does for the OECD countries. To address the inefficiencies and other problems in land administration, more countries in Africa have initiated programmes to streamline work flows and business processes and to computerize land information systems (LIS). For example, Uganda and, more recently, Ethiopia and Kenya, have been computerizing their land administration systems as a cornerstone of their reform measures to improve efficiency and transparency in land management and administration. Other Member States should join them to computerize their land information systems within a harmonized framework in which they can share experience and lessons.

Notwithstanding the fact that Member States of IGAD have only a limited proportion of their land registered and administered by the state, the Member States need to boost the human, technical and financial capacity for land administration for the formal land system and strengthen the interface with the non-formal traditional system. Even more capacity is needed to rapidly expand the very small formal system that receives formal land administration services while the larger sector and majority of landholders remain unserved especially in surveying and the registration of land and land transactions, approval of building permits and the resolution of land disputes. Currently, skilled land sector professionals are scarce across Member States. There is a need for a regional approach to develop capacity as part of the regional convergence in land policy so as to learn from one another, and to improve the effectiveness and cost of doing it.

It is also not uncommon to find that some IGAD Member States do not have an agency responsible for land administration or that this function cuts across several ministries or agencies. Djibouti, Ethiopia, Somalia and Sudan have these arrangements at play. These make the delivery of land services complex and not accessible to the rights seeking public.

The challenge therefore, is coming up with institutional arrangements, infrastructure and systems to document and administer pluralism in the legal framework. A common framework across the Member States could help to harmonize and facilitate implementation of these policies. A simplified and effective Standard operating procedures that suits the capacity needs of the IGAD Member States is a prerequisite to curing this challenge. It should be flexible enough for adaptation to country realities and needs.

Objective of the Assignment

The aim of the Consultancy is to develop Institutional Standards robust enough to support systems and procedures in land administration. This assignment will focus only on the Ministries responsible for lands and especially the land administration functions.

The objectives of the assignment are to develop Standard Operating Procedures (SOPs) in consultation with the relevant stakeholders identified above to facilitate efficient and effective land services delivery. This will comprise:

1. Review of the existing land administration practices and procedures implemented by the Different IGAD Member States in a bid to identify the common threads and gaps including a gender analysis of the procedures and practices as well as the gender architecture of the land administration chain.
2. Develop of gender responsive Standard Operating Procedures by defining and documenting processes, methodologies and respective workflows for land administration taking into account the different components.
3. Conduct a validation of the SOP to a select representatives from the IGAD Member States.
4. Present the SOP to the Sectoral Ministers responsible for Lands for adoption.

Scope of the Assignment

The consultancy will be limited to the Ministries responsible for Lands and the land administration component. It will also extend to agencies with a mandate in land administration such as the land commissions and the decentralized land administration structures. The consultant/firm will work closely with all relevant staff within these institutions to ensure information and process are feasible, practical, and efficient. Consultants should set up a committee in each department and agency to guide the consulting team and provide the requisite information and inputs.

- The performance of this Contract shall comprise but not be limited to the following:-
- Define and articulate standard operating procedures, processes and methodology to include the workflows and routines, establish responsibilities, and specify timelines for each institution to enhance efficient land services delivery.
- Coordinate and compare linkages of other consultants working on similar assignment for other related agencies particularly taking note of how gender was integrated into the SOPs, as well as validate Standard Operating Procedures (SOPs) developed.
- Validate the SOP in a meeting of relevant experts from the IGAD Member States and present it to the Sectoral Ministers responsible for Lands for adoption

Key Tasks

1. Identify and collate all existing internal policies related SOPs within the different Ministries responsible for Lands from the IGAD Member States and develop a plan to synchronize same.
2. Examine existing SOPs with a view to identifying areas that are out of date, inconsistencies, discrepancies, duplications, risks, bottlenecks, and gaps with a proposal to amend all anomalies.
3. Conduct a gender analysis of land administration procedures and processes in a bid to identify entry points for mainstreaming gender into the model SOP that will be developed
4. Conduct a business process reengineering exercise from a gender perspective to propose the merging of duplicating functions and elimination of redundant and unnecessary ones in the land administration chain.

5. Identify and promote the understanding of the system by articulating the mandates of the different functions of the land administration chain and its responsible Agencies and define how they are interrelated so as to promote efficiency.
6. Prepare a model SOP to support new/improved business processes including writing up additional procedures as required ensuring that it defines the workflow and processes, establishes responsibilities, and specifies timelines. The SOP should include clear standards for tracking and storing land records and other documents, prescribe timelines and accountability, as well as outline modalities for passing on tasks to the next section in the land administration chain. The SOP MUST be mainstreamed by gender.
7. Facilitate a workshop to validate documents developed and the sectoral ministerial meeting.

Deliverables

1. Inception report that proposes details as relate to
 - Work plan outlining individual activities to be performed under this consultancy, the timeframe for the implementation of activities, a list of stakeholders/partners involved in each activity, and a list of risks and challenges.
 - The methodology to be used, including data collection approach and the tools to be used and workshop/forum facilitation methodology including the methodology for a gender analysis.
 - An annotated outline of the gender responsive SOP
2. Draft Report
 - Report of the background studies on business processes and review of existing policies and SOPs in the IGAD Member States including a gender analysis.
 - A draft gender responsive SOP that defines the workflow and processes, establish responsibilities, and specify timelines. The SOP should include clear standards for tracking and storing land records and other documents, prescribe timelines and accountability, as well as outline modalities for passing tasks on to the next section in the land administration chain.
 - Compiled mandates into a booklet that includes highlights of common overlaps, inter-institutional relationships and linkages including a gender architecture outlook for publication
3. Final Report
 - A final gender responsive SOP that defines the workflow and processes, establishes responsibilities, and specifies timelines. The SOP should include clear standards for tracking and storing land records and other documents, prescribe timelines and accountability, as well as outline modalities for passing tasks on to the next section in the land administration chain
 - Compiled mandates into a booklet that includes highlighting common overlaps overlaps, inter-institutional relationships and linkages including a gender architecture outlook for publication.

Timeline

The Consultancy is for a total of 45 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 30th March 2020.**

Project Report

A detailed report on the process of developing the SOP including the validation meeting, the Ministerial Meeting and the Training should be submitted before the final payment.

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:

A team made up of at least:

- An International Consultant with experience in developing SOPs in developing countries. The International Expert with a post graduate or equivalent degree in project Management, Business Administration or Human Resources Management or other relevant discipline.
- A Legal expert with at least 10 years of experience serving in a land administration agency or department
- A Land Administration Expert with at least 10 years practical experience working in a relevant Government department or agency with demonstrated knowledge and experience in developing and/or overseeing the implementation of SOPs
- A Gender Expert with experience in mainstreaming gender into government procedures and processes.

Specific Knowledge and Skills

- Excellent written and oral communication and technical writing skills.
- Demonstrated experience in technical writing.
- Sound understanding of government machinery and operations in order to meet the needs of the Ministries responsible for lands and an ability to provide realistic expectations.
- Sound understanding and knowledge of standard project management tools and techniques to schedule, plan and correct project performance.
- Sound understanding and knowledge of the Ministries responsible for Land's core business strategies to inform development of SOPs.
- Sound understanding and practice in gender mainstreaming in Government procedures and processes.
- Excellent critical reasoning, quantitative and qualitative analysis skills.
- Strong environmental scanning, analysis and interpretive skills.
- Strong negotiating and persuasive presentation skills.
- Proficiency and experience at working with multidisciplinary teams and cultivating strategic alliances with local and international actors.
- Proven ability and experience in leading and facilitating validation workshop workshops
- Excellent communication skills for discussing issues with all manner of persons

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.

Application: (DEADLINE 15th November 2019)

******* It is important that no two consultants come from the same IGAD Member State.**

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 Standard Operating Procedures (SOP) mainstreamed by gender for standardized land services provision”

Applications must be submitted by 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