



## TERMS OF REFERENCE

### FOR

#### **CONSULTANCY SERVICE FOR A FEASIBILITY STUDY FOR THE DESIGN OF THE LAND SECTOR REFORM STRATEGY (LAND SECTOR STRATEGIC INVESTMENT PLAN) FOR SOUTH SUDAN 2024 - 2034**

#### **BACKGROUND:**

The Intergovernmental Authority on Development (IGAD) is a Regional Economic Community (REC) of the African Union (AU) comprising eight Member States, Djibouti, Eritrea, Ethiopia, Kenya, Karamoja, South Sudan, Sudan, and Uganda. IGAD's mission is to assist and complement the efforts of the member countries through increased cooperation to achieve food security and environmental protection; promotion and maintenance of peace and security and humanitarian affairs; and economic cooperation and integration. IGAD, as a regional economic body, is mandated to serve its Member States using its convening capacity to facilitate dialogue, providing technical support for policy development and implementation, and building capacity through experience sharing and knowledge exchange and cross-pollination. IGAD's engagement in the land sector is derived from the AU Declaration on Land Issues and Challenges which gives mandate to RECs to provide technical guidance to the member countries, monitor land sectors' progress, and promote regional land policy harmonization and women's land rights. The same Declaration gives mandate to Member States to promote land sector interventions that tackle underlying causes of tenure insecurity including protecting all tenure rights, increasing transparency in land administration, and promoting equal access to land for all land users. Responding to these continental mandates, IGAD launched the

Land Governance Programme in 2015 to support IGAD and its Member States to address the various land policy and governance issues faced by Member States in the region.

In its quest to serve its Member States, IGAD with the support of the Embassy of Sweden in Addis Ababa is implementing a project titled “*Improving Land governance in the IGAD region: Realizing transnational land governance in the IGAD region through capacity development on innovations in land administration, land use and management, strengthening gender equality and youth empowerment.*”

This project seeks to strengthen land administration through land policy development, institutional strengthening, and improved land sector strategic planning among the IGAD Member States. It further seeks to deepen gender mainstreaming in policy development, land sector strategic planning and in land use planning and management. Land sector improvements require structural changes that are not sustainable unless integrated within development visions, nationally driven and systemically implemented. Land reforms become unsustainable when land programs do not respond to locally owned-demand, capacity is not in place to sustain activities in the long term, interventions are not national priorities, and activities are ad-hoc and not framed within the existing legal and policy framework.

With financial support of the Swedish embassy in Addis Ababa, IGAD seeks to improve the performance of the land administration function in the IGAD region by supporting the development of a Land Sector Strategic Investment Plan for South Sudan. The feasibility study, the subject of this consultancy assignment will provide options to land sector reforms for consideration in the design of the South Sudan Land Sector Strategic Investment Plan.

The Land Sector Strategic Investment Plan will guide the land reforms agenda in line with the AU Declaration on Land Issues and Challenges, AU Agenda 2063 as well as the IGAD Land Governance Business Plan 2020 – 2030, which prioritizes convergence of IGAD Member States in land policy formulation and implementation, as well as monitoring of progress.

#### **OBJECTIVE OF THE CONSULTANCY:**

To assess the current state of the land sector and to use the findings and recommendations as the basis for designing the South Sudan Land Sector Strategic Investment Plan for the next 10 years with the ultimate view to further bolstering the efforts made towards removing barriers to land sector service delivery, increasing the transparency and visibility of the land sector so as to efficiently and effectively support the development of the private sector, including improving competitiveness and the business environment.

## SCOPE OF THE ASSIGNMENT

IGAD, in support of the Government of South Sudan intends to hire the services of a consultant to undertake the following tasks:

- (a) Assess the current sector-wide policy initiatives, policy reforms and the National Vision 2040, taking into consideration the global, regional, and continental frameworks on land governance, and
- (b) To propose options for the design South Sudan's land sector reform agenda to be embedded in a costed ten-year Land Sector Strategic Investment Plan.

### Specific Tasks

**The Objective of the Feasibility study will be to assess the current sector-wide policy initiatives, policy reforms and the National Vision 2040, taking into consideration the global, regional, and continental frameworks on land governance.**

- Conduct studies and workshops to explore issues and current trends of the land sector to reach a consensus on key land policy provisions and sector development for the next 10 years. Clarification, within the context of social, economic, and environmental imperatives, of key land policy topics such as (i) land valuation and allocation; (ii) an eventual redefinition of the land tenure typology; (iii) the land use conversion process; (iv) land speculation; (v) access to land for low-income groups; (vi) public land management; (vii) land taxes, (viii) gender landscape for the land sector. Organize a consultation on the land policy and its roadmap, which will describe its objectives, means and implementation calendar in line with South Sudan's Vision 2040.
- Conduct a detailed study on human resources, budgets, functions, and institutional expenses in charge of land aspects.
- review of implementation progress on policy, regulatory and institutional reform, and assess the costs involved in implementing the reforms.
- To analyze the relevance of the lands sector to South Sudan's vision 2040 and provide an analysis of how the reforms in the land sector will support the realization of this vision.
- To estimate possible consequences for the land sector of the policy, legal and institutional changes that the Land Sector Strategic Investment Plan will develop and support.

Of additional interest to the Government of South Sudan is an assessment of the financial cost and benefits of the sector specific reforms and the wider economic benefits and contributions of the Land Sector Strategic Investment Plan to South Sudan's vision 2040. Recent experiences in other African countries suggests that real improvements in land transaction, land-based productivity, incomes, and human development indices are feasible when appropriate land policies and programs are instituted and implemented.

The various areas comprising the Land Sector Strategic Investment Plan can be grouped (but not limited to) under the following headings:

- Land Policy and Land Use Policy development; and legislative reform
- Identification and assessment of use and suitability of government land; supporting the land market and land rental market.
- Improvement of access to justice in land cases; increase awareness of land rights, including work on the gender dimensions of land policy.
- Systematic adjudication and demarcation of land rights; introduction of a unified, relevant, and accessible Land Information System
- Develop capacity for decentralization of land administration; strengthening of land administration institutions at the Centre to support decentralization; undertake reform of the land sector according to Government policy.
- Development of a sector wide approach for land sector resource mobilization and utilization

## **EVALUATION AND DESIGN METHODOLOGY**

The feasibility study for the design of the Land Sector Strategic Investment Plan 2024 - 2034 will be conducted by Four (4) experienced Consultants (Lead Consultant-Team Leader, Land administration & Management Expert, Economist, Gender Expert) who have previously worked on similar land sector strategic plans and programs globally and with experience in South Sudan and with complementary skills and experiences in land administration, land and macroeconomics, gender and land and project and program analysis and evaluation. The accumulated global and knowledge of South Sudan and experience possessed by the Team will ensure completion of the assignment quickly and at low cost based largely on secondary data and focus group discussions and interviews.

## **DELIVERABLES**

The Consultancy is expected to produce the following assessment and design deliverables in the timelines suggested below:

(a) Inception Report

- An Inception Report by the first week of signing the contract, with preliminary findings, suggestions for modifications of the Terms of Reference and a detailed work plan

(b) Assessment Outputs

- A Draft Feasibility Study Report
- A Final Feasibility Study Report that is assertive and convincing of no more than 60 pages (details may be presented in annexes)
- A dissemination workshop or meeting in South Sudan where the findings can be discussed.

**QUALIFICATIONS, SKILLS AND EXPERIENCE REQUIRED:**

**MINIMUM REQUIREMENTS:**

This assignment calls for multi-disciplinary skills and experiences internationally, especially Sub-Saharan Africa including South Sudan's land reforms and programs to ensure that the work on the Land Sector Assessment and the design of the Land Sector Strategic Investment Plan 2024 -2034 is adequately delivered. The Consultants shall preferably possess competence and experience in the following areas:

- Land Policy and Land Management
- Land Sector Institutional Reform
- Land Administration
- Gender analysis and mainstreaming
- Monitoring and Evaluation
- Economic Analysis and Costing of Land Sector Programs

**Academic Qualifications and Experience:**

- A Team Leader with at least a master's degree and more than 15 years demonstrated experience in Land policy, economics or surveying and land management, and with extensive experience of program management, strategic change management and evaluation of land sector reform projects.
- A Land Administration and Management Expert with at least a master's degree in related issues and more than 10 years demonstrated experience in Land Policy and Administration reforms, strategic planning, and related developments.

- An Economist with an advanced degree in Economics and more than 10 years demonstrated experience in preparing, evaluating, costing, and analyzing Land Sector projects and programs.
- The Gender Expert with at least a master's degree in Gender Studies or related fields and at least 10 years' experience in mainstreaming gender in land sector projects and programs.
- All the above Consultants should have substantial international experience in working with development partners and Government institutions on land related issues; work with civil society institutions is preferable.
- Work experience in Sub-Saharan Africa particularly in Franco-phone land administration systems and especially land sector policies and programs is desirable.

#### **Additional Knowledge and Skills Required.**

- This assignment is executed in English. An excellent command of English is mandatory for all the consultants.
- Solid understanding of international best practices, global and regional land administration and Land management challenges including the ongoing development initiatives and, Land Policy development including the ongoing implementation of the African Land Policy Framework, land administration modernization initiatives and land information systems integration.
- An understanding of the complexities of assessing outcomes and impacts with regards to land sector research and knowledge transfer, policy engagement and interventions aimed at informing not only the practice, but the assumptions and conceptual frameworks of Land Sector Strategic Plans– and experience or ideas about innovative ways of evaluating impacts in this field.
- Strong communication and facilitation skills especially in development processes

#### **Experience**

- A track record in designing, articulating, and implementing Land Sector Reform strategies in a developing country context.
- Experience in regional land tenure, land governance, legal and administrative reforms will be an advantage.
- Proven experience of analysis and planning of comparable public sector investment programs in land services

- Experience working in South Sudan on Land Sector Reforms and familiarity with the South Sudan public policy framework and macro-economic conditions will be an added advantage.

#### **TENURE OF THE ASSIGNMENT**

The Consultancy is for a total of 30 days spread over 4 months.