

HOUSING LAND & PROPERTY ASSESSMENT // TERMS OF REFERENCE

SOUTH SUDAN // JANUARY 2019

01. BACKGROUND AND CONTEXT

The Danish Refugee Council (DRC) has been operational in South Sudan since 2005, working with the overall aim of achieving durable solutions for displaced populations affected by conflict and food insecurity. DRC implements a multi-sector response to support Sudanese refugees, internally displaced persons (IDP) and host populations with projects and activities being tailored according to the needs and gaps in the local contexts. Its current programming components include: protection; camp coordination and camp management (CCCM); provision of emergency and transitional shelters within and outside of camp environments; distribution of non-food items (NFIs); food security and livelihoods (FSL); multi-sectoral needs assessments, rapid multi-sector emergency response and the deployment of international NGO safety advisors who support the humanitarian community.

With the signing of the recent peace agreement in 2018, significant population movements are taking place and spontaneous returns or relocations of IDPs and refugees are being seen. Although a number of obstacles are facing the establishment of durable solutions across Upper Nile state and South Sudan more broadly, one of the most frequently cited issues pertains to Housing, Land and Property.

Many areas changed hands between the government and opposition forces during the conflict leading to new groups or political entities taking control of land. Furthermore, civilians facing displacement often lost access to their property or members of another group may be occupying their residence. Such issues are to be found across the state in most of the main populated areas and are currently presenting a significant challenge to the process of return.

Malakal Town has been identified as an especially complex and challenging environment given the nature of its demographic, socio-historical makeup and governing authorities. DRC is currently seeking to understand these complexities and set in motion a timely and appropriate HLP response that can support persons wanting to relocate, return to their habitual residence or to integrate into local communities to have safe access to land rights and legal remedies in the case of disputes.

02. PURPOSE

The purpose of the consultancy is to carry out an extensive analysis of the existing legal structures and processes in place in relation to Housing, Land and Property issues. The study will identify the key actors and stakeholders, current capacities of legal practices and perceptions of legitimate HLP rights, the main issues and challenges being faced by the community and the main opportunities and constraints, including protection risks, for HLP programming and assistance. The consultancy will develop a roadmap and plan for appropriate HLP programming within Malakal PoC and Malakal Town in order to provide both short and long term solutions to some of the key challenges that are prohibiting durable solutions, adopting a conflict-sensitive and protection-focused approach.

The legal study will result in a comprehensive report outlining the aforementioned factors and setting clear operational guidelines/next steps for the planned DRC HLP programme. The consultant will support in the building of capacity of DRC legal staff, staff of partner organisations and legal authorities – including the drafting of ToRs and supporting in the development of relevant legal recommendations.

Lastly, the consultancy is also to equip key DRC staff in Malakal and Juba with contextual knowledge and understanding of key HLP dynamics in Malakal PoC and Malakal Town through a final post-fieldwork workshop where the lead consultant will present and discuss preliminary findings and recommendations.

03. KEY RESPONSIBILITIES

03.1 Scope of consultancy

The consultancy will focus on the desk and field research and data collection for the actor mapping, and HLP/legal analysis in Malakal PoC and Malakal Town. This should include at least 14 days of fieldwork in Malakal carrying out primary research with support from the DRC team.

03.2 Key tasks

- 01.** Develop the HLP/legal analysis/actor mapping methodology appropriate for the Malakal context
- 02.** Conduct desk research and primary field research, including engagement with communities, implementing agencies and other key stakeholders
- 03.** Compile and analyse field research data in a clear manner and format
- 04.** Work closely with the Malakal team, particularly with the Area Manager, Protection Manager, and Safety Advisor, on methodology and implementation of the assessment, as well as consult the Head of Programmes, Meal Coordinator, and Protection Coordinator, based in Juba.
- 05.** Provide capacity building to DRC staff and other relevant actors on identified HLP concerns, legal structures and processes in place, and conflict-sensitive approaches to HLP programming
- 06.** Present preliminary findings to key DRC staff
- 07.** Provide programme guidelines outlining opportunities and constraints
- 08.** Incorporate DRC feedback into the synthesis report
- 09.** Submit Final Report.

03.3 Methodology

The methodology should include an initial desk review of key literature available combined with qualitative interviews with key informants in Malakal. Attention should also be given to ensure perspectives from women and from marginalized groups are taken into account, and confidentiality procedures should be in place to ensure the safety of informants. Care will be taken to ensure that the different stakeholders are free to express their views without interference or concerns of reprisals. The precise methodology will be agreed upon between the consultant and DRC before Assessment activities commence, with the methodological outline provided by the consultant as per this tender at on the Inception Report. DRC shall provide copies of relevant documentation deemed essential for effective assessment. The methodology shall include a review of other HLP assessment initiatives around the country, to ensure that the methodology and terminology used are in line with ongoing HLP working group and Protection cluster efforts to map and analyse HLP concerns in South Sudan.

03.4 Key deliverables/outputs

- 01.** Inception Report with finalized methodology for the legal analysis/actor mapping, adapted to the Malakal context. The Inception Report should also include the finalised activity plan with timeframe and a structural outline of the assessment report. The inception report should be shared and approved by DRC before commencement of the data collection and analysis.
- 02.** An initial desk review that will inform the focus of key informant qualitative interviews

03. Planning of and development of HLP ToR with local legal authorities
04. Validation Workshop/presentation where preliminary findings, analysis and recommendations are presented to key DRC staff in Malakal and in Juba.
05. Synthesis report with research findings, analysis and recommendations
06. Review and integration of DRC feedback into synthesis report

The Final Report (maximum 30 pages, excluding cover pages and annexes) with photos and infographics should be submitted to DRC no later than one week after the consultant has received feedback from all relevant programme staff on the Draft Report.

The above deliverables shall be presented as follows:

- Inception Report
- Draft Report and powerpoint presentation with synthesised findings and recommendations
- Final Report:
- The aforementioned deliverables will be accompanied by regular communication with and feedback to the DRC Team.

04. DRC'S RESPONSIBILITIES

DRC/DDG will:

01. Cover and arrange the consultant's travel and accommodation to and in the field
02. Provide ongoing security advice and support as necessary for travel to field sites
03. Facilitate engagement with key stakeholders
04. Provide all necessary project documents

Note:

- The consultant is responsible to pay the enumerators, printing and data entry and analysis cost.
- The consultant will be responsible of any tax or other fees related.
- The payments will be in two instalments, 30% after submission of Inception report, and 70% after the completion of the task and submission of final acceptable report to DRC/DDG.
- Please note that a partial payment hold-back will be in effect until a final report has been approved by DRC/DDG.

05. REPORTING ARRANGEMENTS

The consultant will report to the DRC/DDG Area Manager during the period of the consultancy.

06. DURATION OF ASSIGNMENT

A minimum of 10 days will be spent in the field conducting the research. Days will also be considered for preparation/desk review and post-fieldwork analysis and report compilation.

The field research will start as soon as possible, with the final data and synthesis report submitted to DRC.

07. EXPECTED PROFILE OF CONSULTANT

01. Excellent understanding of relevant legal issues and legal mapping
02. Previous experience of conducting HLP analysis
03. Strong and proven research skills and experience
04. Strong understanding of the South Sudan context (Malakal context is desirable), the humanitarian system, protection risks, and conflict dynamics in South Sudan

05. Willingness and ability to travel to Malakal
06. Good communication skills, including report writing in English

08. TERMS & CONDITIONS

The consultant must abide by all of DRC/DDG's standard procedures, including the Code of Conduct and confidentiality policies. All data and information collected, and any reports, as well as the methodology of the study will be the property of DRC/DDG.

The research requires at least 1-2 weeks in Malakal, in addition to preparation and post-fieldwork analysis and report compilation.

09. GENERAL

DRC/DDG has a Humanitarian Accountability Framework, outlining its global accountability commitments. All staff and consultants are required to contribute to the achievement of this framework (<http://bit.ly/2rhGjKG>).

10. APPLICATION PROCESS

Interested applicants who meet the required profile are invited to submit an Expression of Interest (Eoi) in English to DRC online via www.drc.dk under vacancies.

The Eoi should include:

01. The CV of consultant with details of qualifications and experience.
02. Technical proposal that summarizes understanding of the ToR, methodology and tools to be used.
03. Work plan indicating the activity schedule.
04. Financial proposal providing cost estimates and consultancy fees.

NB applications that fail to include one or more of these elements cannot be considered.

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