**Terms of reference baseline study Amahoro-at-Scale**

# **Introduction**

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| **Project Name** | Amahoro @ Scale (Peace -at- Scale) - *An integrated approach towards improved tenure security and land governance in Burundi* |
| **Donor** | RVO Netherlands |
| **Intervention zone** | Nyanza Lac District in Makamba Province in Burundi.Different actors in the land rights sector in Burundi on different levels. |
| **Inception phase** | 1 December 2021 – 31 May 2022 |
| **Implementation phase** | 1 June 2022 – 31 May 2025 |
| **Impact** | Contributing to improved tenure security and land governance in Burundi. |
| **Project outcomes**  | **Outcome 1** The tested LTR approach is implemented in Nyanza Lac district through the sustainable operationalization of the SFC. |
| **Outcome 2** Local land conflict resolution mechanisms are effectively resolving land conflicts in Nyanza Lac. |
| **Outcome 3** The development of a business case will result in the rollout of financially sustainable and technically functional SFCs around the country. |
| **Outcome 4** Enhanced cooperation on land governance between (inter)national NGOs, CSOs and knowledge institutes as well as with governmental organizations. |
| **Consortium members** | ZOA (lead) MIPARECVNG International |
| **Baseline study timing** | April 2022Submission of baseline report: 1-6-2022 |
| **Baseline study methodology** | Quantitative survey in Nyanza Lac District.Qualitative focus group discussions in Nyanza Lac District.Qualitative interviews with key stakeholders.Desk study of relevant documents and secondary data.  |

Amahoro @ Scale (Peace-at- Scale) is the Burundi country project of the larger “LAND -at- Scale” program funded by RVO (The Netherlands Enterprise Agency) which is currently active in 14 countries in Africa, Latin America, the Middle East and Asia.

 “*LAND-at-scale is a land governance support program for developing countries. A large part of the world’s population depends on having secure access to land for their incomes. LAND-at-scale aims to contribute to fair and just tenure security, access to land and natural resources for all. This will lead to more sustainable and efficient use of land and natural resources for food, housing and production. It will also reduce conflicts and competing claims over land*” (<https://english.rvo.nl/subsidies-programmes/land-at-scale>).

## *Project summary*

Project summary table:

Amahoro @ Scale has two distinct aims. The first aim is to use the experience of current and previous Land Tenure Registration (LTR) activities[[1]](#footnote-1) in Burundi to prepare the scaling up of LTR across Burundi. This requires cost-efficient, conflict sensitive and effective processes to be defined and agreed upon by all relevant stakeholders. In essence, a business model for LTR needs to be developed that takes into account the lessons from other districts and to the national legal framework and international standards for LTR. Sustainable LTR needs to facilitate the resolution of land related conflicts that are rooted in, among other things, divergences between statutory and customary land governance, migration and return as well as the discrimination of particular groups and gender discrimination. A second, practical aim of the project is to finalize LTR in Makamba province. This is a crucial step in preparing the scaling up of LTR. It provides an opportunity to find solutions to remaining challenges, e.g. related to the financing of the Communal Land Services (SFC). As ZOA, in partnership with MIPAREC, has already covered five of the six districts with support to the SFCs to conduct the OGR approach, now the last district of Makamba province (Nyanza Lac) will be supported in Amahoro-at-Scale. Nyanza Lac is not only the last, but also the most complex district in terms of conflict numbers and severity in combination with the population density. At the end of Amahoro-at-Scale, the fully covered province will serve as a *proof of concept* for the LTR process. Successfully conducting LTR in Nyanza Lac will also show that LTR is possible in very complex contexts.

The project is divided in three pathways:

**Pathway 1 relates to Land administration**, which is embodied in Outcomes 1 and 3 and relating outputs. Land administration in this case refers to the process and results of documenting land use and ownership, registering land, storing and managing land related data and using this data for land management (e.g. spatial planning). This part of the program will build on the previous work of ZOA and will be under the main oversight of ZOA. Capacity strengthening of local government authorities is one central element for functional land administration. This aspect is supported by VNG International under output 1.2 on good governance. ZOA and VNG International will coordinate closely to ensure that good governance trainings target core needs of the authorities and population. Demand for service delivery and awareness of good land administration practices and standards are further crucial factors under Outcome 1 and addressed through the awareness raising activities under output 1.3. Outputs 1.4 and 1.5 are key to good land administration services.

Outcome 3 will be worked on in parallel to the land administration activities and build on these practical experiences to develop a blueprint for land administration with a focus on the viability of local land services. A financial business case is a key requirement to put this into practice. Based on such a blueprint, a roadmap for implementation on scale will be developed. While VNG International is leading these efforts, close coordination with ZOA and an additional technical partner will be ensured to make sure the business case and rollout plan are rooted in practice and reflect the lessons from the land administration work. This requires broad stakeholder engagement.

**Pathway 2 relates to conflict resolution and peacebuilding**. It is the heart of working in Burundi on a conflict sensitive issue in a responsible way. ZOA and Mi-PAREC are leading this work that is implemented through the activities under Outcome 2. The crucial first step here is to resolve land related conflicts through alternative dispute resolution mechanisms. This is enabled by strengthening the capacities of conflict resolution actors and increasing their effectiveness and legitimacy. The effectiveness and legitimacy of these actors also depends on their relationship to formal justice institutions, which is addressed under output 2.2. The lessons from this work will also inform the activities under Outcome 3.

**Pathway 3 is targeting land governance**, which encompasses the rules, processes and structures through which decisions are made about access to land and its use, the way the decisions are implemented and enforced, the way that competing interests in land are managed and the formal and informal actors involved in these processes. While the Amahoro@Scale program cannot target all of this at once, it aims at strategically supporting the creation of an enabling institutional environment and creating greater space for discussion of central land issues based on the needs identified under Pathways 1 and 2 and a targeted setting up and strengthening of relevant networks of actors. While VNG International is leading the outputs under this pathway, lessons from all activities under pathways 1 and 2 are feeding directly into this pathway which is formulated under Outcome 4.

The outputs under Outcome 4 support the work done under Outcomes 1 - 3 as well as contribute to the sustainability of all Outcomes. Further aspects of the program such as the link to third party programs relating to access to justice will be defined during the inception phase. The inception phase will also entail ground building activities for the three pathways (e.g. contracting, scoping of technical partners and capacity needs).

## *Purpose and timing of baseline study*

The baseline study is an important element of the 6 months inception phase of the project which serves to generate the necessary knowledge to start the activities for outcomes 1 – 4 and to prepare for the implementation. The baseline study has the purpose to generate the baseline data for the project’s indicators which will serve as reference for the mid-term and final evaluation. The baseline study will further help to set more realistic projects targets for the indicators. Conflict mapping and a legal framework analysis should be realized in the inception phase. The conflict mapping will preferably be conducted by MIPAREC, and the Legal Framework analysis will either be done by the consultant in collaboration with VNGi. These Terms of Reference are drafted with the purpose of recruiting consultant that will be responsible for carrying out the baseline study.

The baseline study will held in the month of April 2022.

## *1.3 Mandate of the consultant*

The consultant will have the overall responsibility of the execution of the baseline study. This includes the sampling, the elaboration of the tools for data collection, the organization of conducting the field work including the recruitment and training of enumerators, the data analysis, the drafting and submission of the baseline study report. The consultant will present the preliminary results of the baseline in a feedback meeting with the consortium members for validation and on the National Conference as the closure of the inception phase (potentially at the beginning of June 2022) with all relevant stakeholders of the land rights sector in Burundi.

The consultant will work in close collaboration with the consortium members ZOA (lead), MIPAREC, and VNG International. An experienced land rights project field team is present on the ground in Makamba who can also assist in facilitating with practicalities during the baseline study.

# **Outcomes, Outputs and indicators**

In general, the consultant is asked to put effort in finding standardized ways of measuring the project indicators and try to align ( as much as possible ) with standardized assessments/methodologies.

The table on the following pages shows part of the logical framework of the project, with the Outcomes, Outputs and Indicators. The indicators form the main basis for the baseline study and on which the consultant should focus for establishing baseline data for the project implementation. Added is a column which explain and/or further describe some actions to be taken as part of the baseline study and the type of information that is needed to be gathered.

*Overview of intervention logic, indicators and the related baseline study actions.*

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| --- | --- | --- |
| **Intervention logic** | **Indicators** | **(Further) Baseline study actions** |
| **Impact** | **Contributing to improved tenure security and land governance in Burundi** |  |  |
| **Outcome 1** | **The tested LTR approach is implemented in Nyanza Lac district through the sustainable operationalization of the SFC** | Number of people that enjoy (more) secure tenure rights to land (m/f).Number of hectares of farmland directly reached.The proportion of the adult population in the target area who perceive their tenure rights as legally secure, regardless of whether these rights are documented. | *Align with MoFA methodologies to measure these indicators.* Assessment of perception of the population of land tenure security. *Try to align with SDG 1.4.2 for the definition and/or PRindex.* |
| **Output 1.1** | The district and the SFC have strengthened capacities on LTR | Improved perception of service delivery by the SFC among the population.Delivery of land tenure registration services measured by number of registered plots. | Assessment of the perception of the population on the SFC service delivery. Assessment of the current status of the SFC in Nyanza Lac: How operational are they now? |
| **Output 1.2** | The district and the SFC have strengthened capacities on good governance | Establishment of tested and agreed guidelines for participatory budgeting process.Perception of service delivery by the district among the population. | Identification of needs of the district and the SFC in terms of good governance.*(how participative and inclusive is the process)*Assessment of the perception of the population of the service delivery of the district through assessing the level of satisfaction of the population of service delivery by the community score card as tool. |
| **Output 1.3** | Increased awareness of the population on LTR, women’s land rights and local land conflict resolution mechanisms.  | % of Nyanza Lac population reached with awareness raising activities who demonstrate increased awareness on the LTR process, women’s land rights and local land conflict resolution mechanisms during the LTR and at the time of end-evaluation, disaggregated by male/female/youth.% of people voicing acceptance of land being registered in the name of a woman% of people voicing support for the registration of land in the name of both spouses | Assessment of existing knowledge on the LTR process, on women’s land rights and on local land conflict resolution mechanisms. Assessment of status and acceptance of the registration of women’s land rights.  |
| **Output 1.4** | The state lands in Nyanza Lac are identified and registered  | % of coverage of state lands that are registered in Nyanza Lac | Estimation of the total surface area of state lands in Nyanza Lac. |
| **Output 1.5** | Effective delivery of land related services in a non-discriminatory manner | % of land certificates applied for by landowners in relation to the number of land certificates registered by the SFC.Number of land certificates issued to women, or which mention a woman’s land rights.Number of land transactions registered by the SFC.  | *Try to align with SDG 5.a.1/2.* |
| **Outcome 2** | **Local land conflict resolution mechanisms are effectively resolving land conflicts in Nyanza Lac** | Number of land related conflicts identified during the land certification process (per category: e.g., cases of physical violence and verbal harassment)Number of beneficiaries (f/m) with access to justiceNumber of people having accessed local land conflict resolution mechanisms (CRC) for the resolution of their land conflicts (m/f/y).Number of land conflicts that were resolved through mediation by local land conflict resolution mechanisms.Perception of legitimacy of CRCs/peace committees among the populationNumber of (formal/informal) justice institutions strengthened in terms of fairness, effectiveness, accountability or independence | *Conflict analysis / mapping for the district of Nyanza Lac will be carried out by MIPAREC.* Assessment of the accessibility of justice for the population of Nyanza Lac, in particular for vulnerable groups. Mapping of existing local land conflict resolution mechanisms including an assessment of the perception of the population of legitimacy of those structures. Identification of formal and informal justice institutions existing in Makamba / Nyanza Lac.  |
| **Output 2.1** | CRC, judges, paralegals, and peace committees have strengthened capacities on LTR, land conflict resolution and the protection of women’s land rights | Perception of land related capacities of these actors among the populationIncreased knowledge/awareness of these actors on land law / SFC / legality of land certificates, etc.Number of people (f/m) trained in conflict resolution skillsNumber of individuals with strengthened competencies to advance women’s rights and gender equality | Identification of relevant actors Assessment of the perception of the population on land related capacities of CRC (not yet installed), peace committees, judges, paralegals.Assessment of the knowledge level of these actors on land law/SFC/certification etc. |
| **Output 2.2** | Alternative dispute resolution mechanisms are recognized by formal actors and improved access to justice on land issues for the most vulnerable of Nyanza Lac is facilitated [link with Cordaid] | Verbal or written endorsements of alternative dispute resolution structures by formal justice actors% of the population (f/m/y) that know how to access justice mechanisms, have easy access to it, and feel comfortable to do so% case referrals by CRCs (relative to all the cases the CRCs take up) to land conflict resolution structures including courts | Identification and assessment of existing mechanisms and status of relationships between different actors (statutory, non-statutory), assessment of status and capacities of Conseil de Notables (newly established structure in Burundi).  |
| **Outcome 3** | **The development of a business case will result in the rollout of financially sustainable and technically functional SFCs around the country.** | Number of districts covered or on track to be covered by a functional SFC that have been or are using the business case as basis.  | Assess how the existing SFCs are operationalized– Their Status – sampling of 20% of existing SFC in and out of A@S area. |
| **Output 3.1** | A model business case for SFCs is developed | Validation of a technical implementation and management manual for communal land services.Development and validation of toolkit for implementing the SFC guidelines. | Legal framework analysis (in collaboration with VNGi), assess how district level interacts with the national level and vice versa.  |
| **Output 3.2** | Development of road map for nation-wide scaling of the SFC model.  | Independently verified and nationally validated road map for nation-wide scaling of the SFC . Number of inclusive law and policy reform initiatives advanced. |  |
| **Outcome 4** | **Enhanced cooperation on land governance between (inter)national NGOs, CSOs and knowledge institutes as well as with governmental organisations**  | Number of jointly identified & addressed legal or technical barriers for SFC to address land tenure and land fragmentation issues.Number of alliances/MAPs created to implement strategies.Number of times that CSOs succeed in creating space for CSO demands and positions through agenda setting, influencing the debate and/or creating space to engage |  |
| **Output 4.1** | Improved space for discussion around legal and institutional challenges and opportunities for implementation of the SFC road map (with a particular focus to address Land Succession and Land Fragmentation) | Number of guidelines, policies approved which support an effective and equitable implementation of LTR in Burundi, taking into account Land Succession and Land fragmentation.Number of (inter)national institutions that contributed to improved (sub)national land governance aspects Women's rights organizations are supported and have a platform for influence on the design of LTR and advocate for the protection of women’s land rights. | Identification of key institutional and normative barriers: zoom in on the challenges related to land fragmentation. |
| **Output 4.2** | Set-up and strengthen networks of LTR actors. | LTR actors are aware of the challenges with respect to equitable land rights and have the space to discuss these issues.Groupe Sectoriel de Foncier, national and international knowledge institutes and other relevant actors are able to influence the design of the SFC business case and roll-out. | Assess the current space status to discuss land rights and main actors – their capacities to influence |

# **Methodology**

Quantitative, qualitative and desk study will be used as methods in the baseline study. The consultant will further elaborate which particular information needs (as described in the table above in chapter 2 of these ToR) will be covered by each of the research methods.

* **Quantitative survey:**
	+ In Nyanza Lac district.
	+ The population as target.
	+ Survey to be developed by the consultant, inspired by:
		- the project proposal and logical framework,
		- baseline- and impact studies carried out during previous land rights projects.
	+ Sampling to be proposed by the consultant.
	+ Enumerators to be recruited and trained by the consultant.
* **Qualitative focus group discussions** (FGD)
	+ In Nyanza Lac district.
	+ The population and the local authorities as target.
	+ The guidelines for the FGDs to be developed by the consultant inspired by:
		- the project proposal and logical framework,
		- baseline- and impact studies carried out during previous land rights projects,
		- VNG International assessments carried out.
	+ Sampling and further methodology to be proposed by the consultant.
* **Qualitative interviews with key stakeholders**
	+ The consortium members, EKN, the local and national authorities, other actors in the land rights sector in Burundi, and other NGOs operational in Nyanza Lac (complementarity) and other donors funding land rights activities in Burundi.
	+ Interview guidelines to be developed by the consultant.
* **Desk study**
	+ Of relevant documents and secondary data such as the project proposal, previous land rights projects, baseline studies and impact studies of previous land rights projects, the land law of Burundi, etc.
	+ In particular review of KIT recommendations (impact study of previous land rights projects in Makamba province) and implementation and an identification of good practices and necessary adaptations to the project implementation strategy.

The table below gives a rough indication of the main tasks/outputs set out in time / days.

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| **Task/output** | **Estimation of consultancy days** |
| Desk study | 3 |
| Preparation for field work (development of data collection tools, training of enumerators, field testing, etc) | 10 |
| Field work (data collection & interviews) | 14 |
| Data analysis | 5 |
| Report writing | 5 |
| Feedback meeting (potentially online) | 1 |
| Preparing national conference presentation | 1 |
| National conference (potentially online) | 1 |
| *Total estimated consultancy days* | **40** |

# **Profile and qualification of the consultant**

The consultant has to fulfil the following qualifications to be eligible for the task:

* Master's degree in a branch of law or other relevant field with at least 10 years of experience;
* Experience working in East-Africa, preferable experience in Burundi;
* Demonstrated strong experience in conducting project baseline studies and evaluations;
* Have a good command of evaluation tools and quantitative and qualitative methodologies;
* Good knowledge of the land tenure security process and its challenges in Burundi and solid knowledge in the land tenure field in general;
* Have relevant experience in gender, conflict and legal framework analyses;
* Have a satisfactory experience of collaboration with the technical services of the State, the courts, the United Nations system, NGOs.
* A perfect command of English and French is essential.

# **Recruitment process & How to apply**

The recruitment process will take place in two phases:

* **Phase 1**: Interested consultants should submit their motivation letter and updated CV, the estimate of the total number of days needed for the work (including an indication of their daily fee) **latest on the 28th of January 2022** to the Head of Mission of ZOA-Burundi (Herman Kamphuis, h.kamphuis@zoa.ngo) and the ZOA Sector Specialist Land Rights (Alexandra ‘t Lam, a.tlam@zoa.ngo).
* **Phase 2:** not later than the 2nd of February 2022, two consultants will be asked to elaborate their full proposal for the baseline (indicating approach, methodologies, time frame and associated costs) for submission before the **25th of February 2022** to the Head of Mission of ZOA-Burundi (Herman Kamphuis, h.kamphuis@zoa.ngo) and the ZOA Sector Specialist Land Rights (Alexandra ‘t Lam, a.tlam@zoa.ngo).

The Technical proposal should include a clear workplan that ensures the purpose of the baseline study is accurately addressed. The financial proposal should include a cost breakdown of the baseline study.

The report of the baseline study should be submitted by the 1st of June 2022 latest.

1. ZOA has been conducting land rights projects in Makamba province since 2013 in the districts Mabanda, Vugizo, Makamba, Kibago and Kayogoro. [↑](#footnote-ref-1)