



**IGAD CENTER FOR PASTORAL AREAS AND LIVESTOCK DEVELOPMENT
(ICPALD)
Terms of Reference (ToR) for the
Consultancy on Legal Services to Draft National Pastoral Laws and Polices for
IGAD Member States**

1. Background

The IGAD Centre for Pastoral Areas and Livestock Development (ICPALD) was established and mandated to promote and facilitate gender, conflict and environment responsive sustainable and equitable livestock and complementary livelihoods development in arid and semi-arid areas of the IGAD region.

Livestock is a major driver of the region's economy, contributing 57% of agricultural gross domestic product (AGDP) and supports 70% of the population, in terms of livelihood and employment. Most livestock are kept in arid and semi-arid land (ASAL) areas, which are dominated by the pastoral communities. According to IGAD/ICPALD estimates, the region has 520 million livestock of which 242 million (35%) are small ruminants.

Climate variability has been affecting vast areas irrespective of international borders and therefore pastoral mobility spans across different Member States in IGAD region, especially within regional cross-border clusters. Restriction on pastoral mobility across these boundaries, conflicts and defective tenure policies have however posed threats to sustainability of pastoral livelihood system. In order to address these challenges and protect pastoral ecosystem within its Member States, IGAD developed and adopted the IGAD Protocol on Transhumance that will facilitate formal livestock cross-border mobility in the region. To give effect to the protocol it is imperative that Member States align their national laws and policies to the same.

IGAD is therefore seeking the services of a qualified consultant to draft an IGAD model pastoral law and draft National Pastoral Policies and Law(s) for each of the seven Member States and or review the same in light with the provisions of the Protocol.

2. Objectives and Scope of Assignment

The consultant will be required to draft National Pastoral Law(s) and Policies for the IGAD Member States - Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. The consultancy is expected to draw from any best practices within/outside this area.

Scope of the Assignment:

The tasks will entail the following:

- Develop IGAD model law on pastoralism and transhumance
- Review national laws and policies that govern pastoralism and range management in all IGAD Member States
- Draft national pastoral laws and policies for the IGAD Member States in line with the Protocol on Transhumance
- Develop supporting material, including explanatory memorandum, regulations for implementation and draft Cabinet papers for adoption of the Draft Pastoral Laws and Policies
- Prepare a final report detailing the foregoing process.

The consultant is expected to provide advice, where in the opinion of the drafter, new Bills or amendments may conflict with existing legislation. The consultant is expected to plan meetings with relevant partners as part of the consultation and finalization process for the code. The project team set up by ICPALD will provide the necessary documentation and support in planning the said meetings.

3. Methodology and Approach

The consultant will map the national relevant laws and policies to inform drafting of pastoral laws and policies in line with the IGAD Protocol on Transhumance. Consultations with relevant institutions and validation meetings will be organized to get a buy-in of the relevant Ministries, Parliamentary Committees and Stakeholders. In executing the above scope of works, the consultant is expected to:

- Liaise with the respective Ministries/State Departments/Government Bodies responsible for pastoralism and or livestock development in the Member States to develop the pastoralism policies.
- Involve pastoralists' representative bodies in developing the policies.
- Work with the respective Government offices responsible for legislative drafting (e.g. Attorney General's office and Parliamentary Counsel) in drafting and validating the pastoral laws and policies.
- Conduct national validation meetings for the draft laws and policies for the seven IGAD Member States

4. Expected Deliverables

The consult shall deliver the following:

- An Inception Report: This will be submitted to ICPALD one week after commencement of the assignment (signing of the contract). The report shall contain the approach and methodology that the consultants will apply in the execution of the assignment and a detailed work plan specifying key tasks to be performed and processes covering the duration of the assignment
- One (1) regional model pastoral code developed in line with the IGAD Protocol on Transhumance
- Seven (7) draft pastoral laws developed in the seven (7) IGAD Member States
- Seven (7) national policies on pastoralism and a synthesis report of the existing policies (where relevant)
- Validated / Endorsed pastoral laws and policies
- Draft report detailing the process.
- Final Report integrated with all comments received on the draft report from the validation meeting and ICPALD team highlighting accomplishment of the engagements and key recommendations

5. Duration of Assignment and Fees:

The duration for the consultancy is 103 days staggered over a period of 5 months between May to September 2022.

Description of Tasks (Scope of work as per the Terms of Reference)	Man Days
An inception report and preparatory meetings	2
Drafting of IGAD Regional model law on pastoralism and transhumance	7
Review and Drafting of national laws and policies that govern pastoralism and range management in the 7 IGAD Member States in line with the Protocol on Transhumance (12 days per country)	84
Develop supporting material, including explanatory memorandum, regulations for implementation and draft Cabinet papers for adoption of the Draft Pastoral Laws and Policies (1 day per country)	7
Final process reporting	3
Total Man Days	103

Payment Schedule:

Output/activity completed	Payment in percent of the contract amount
a) Signing of contract and approval of inception report	5%
b) Regional Model Pastoral Code developed in Line with IGAD Protocol on Transhumance	10%
c) Draft Pastoral Laws and policies and supporting material (explanatory memos, regulations for implementation and cabinet memos) for Kenya, Uganda, Ethiopia and South Sudan	35%
d) Draft Pastoral Laws and policies and supporting material (explanatory memos, regulations for implementation and cabinet memos) for Djibouti, Somalia and Sudan	30%
e) Final Report submitted with all integrated comments on draft report from validation meeting and ICPALD team highlighting Accomplishment	20%

6. Qualifications and Experience

The consultant should possess the following requirements:

- A degree in law from a recognized and reputable institution.
- A postgraduate qualification in legislative drafting would be an added advantage.
- At least 5 years' relevant work experience in Drafting of Laws and policies or relevant experience in Similar Assignments
- In depth Knowledge in understanding IGAD Member State Laws (Constitutions, Statutes, Subsidiary laws)
- Excellent organizational and communication skills, ability to prioritize and work with minimum supervision
- Excellent working knowledge of English or French and excellent writing skills
- In-depth knowledge of the socio-cultural, economic and political context of IGAD Region
- Knowledge and experience of gender sensitive approaches.

7. Selection Criteria

The selection criteria are academic qualification, work experiences (as described above), good track record in delivering similar assignments, the experience of working in the IGAD region and familiarity with IGAD Member State Laws (Constitutions, Statutes, Subsidiary laws)

8. Reporting Requirements

The Consultant will work under direct supervision of the transhumance expert and overall supervision of the ICPALD Director.

9. Insurance Cover and Taxes:

The consultant will be responsible for his/her own medical and life insurance covers and remitting his/her own taxes for the duration of the assignment.

How to Apply

Qualified candidates to submit their application to beverlyne.nyanchera@igad.int; and procurement@igad.int bearing the subject line. Applicants should submit their applications accompanied by detailed CVs, copies of both academic and professional certificates, statement of interest and proof of ability to undertake this assignment and a budget.

Applications must be submitted before COB on 5th April 2022.