

TERMS OF REFERENCE

Specialist Consultant for Regional Policy Harmonisation Assessment

Supporting effective regional and transboundary linkages: Integrated Catchment Management in Lesotho and the SADC Region

GWP SA support to the Lesotho Integrated Catchment Management Programme

Location:	Home based with a possibility of a mission travel
Type of Contract:	Individual or Team Contract
Languages required:	English
Starting date:	ASAP
Duration of Initial Contract:	40 working days
Supervisor(s):	GWP Southern Africa

1. Background

The current phase of the “Transboundary Water Management in the SADC region” (SADC TWM) is co-financed by European Union (EU) and the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)*. This current phase of the regional transboundary programme includes a major component called “Support to Integrated Catchment Management (ICM) in Lesotho” in cooperation with the Government of Lesotho. The Integrated Catchment Management (ICM) approach is an effort to reduce catchment degradation and ensure sustainable water availability to increasing populations under a changing climate. The Lesotho National Strategic Development Plans 2012-2017 and 2018-2023 (NSDPI and NSDPPII) address this, and the Government of Lesotho sees the formulation of a National Integrated Catchment Management approach as a priority.

The overall objective of the project is *“to ensure that ICM facilitates socio-economic development and adaptation to climate change in Lesotho” with the specific objective that “ICM is institutionalised and under full implementation in Lesotho based on gender equality and climate change adaptation principles”*.

The project seeks to achieve five interlinked outputs:

1. An effective and efficient gender sensitive and climate-resilient policy framework for ICM is developed and applied
2. Effective and efficient institutions for ICM are established, with equitable representation of women and youth
3. Capacity, skills and knowledge of public, private sector and civil society for sustainable ICM is facilitated
4. ICM measures and implemented

5. Capacities are strengthened for coordination, monitoring, supervision and general programme management

ICM implementation in Lesotho will include mobilisation and engagement of various stakeholders at regional, national and local level that need to be involved in the process. In order to effectively address catchment degradation, which has a huge impact on water resources, coordinated and joint efforts are needed to strengthen multi-stakeholder partnerships. The Global Water Partnership Southern Africa (GWP SA) is a SADC implementing agency and will be supporting the implementation of the ICM programme in Lesotho.

GWP SA contribution to ICM will build on the outcomes of previous and relevant ongoing national and sub-national programmes related to ICM. The project contributes to transboundary water management in the region – as Lesotho is at the headwaters of the Orange-Senqu River Basin. The interventions proposed respond to the implementation of the Orange-Senqu River Commission (ORASECOM) Integrated Water Resources Management (IWRM) Plan and Strategic Action Plan. At the regional SADC level, ICM related interventions will be coordinated closely with the Southern African Development Community (SADC) secretariat and inform relevant regional decisions by the SADC Ministers. Project activities and results in Lesotho will feed into and contribute to implementation of SADC regional policy instruments such as the SADC Industrialisation Strategy, SADC Revised Protocol on Shared Watercourses, SADC Climate Change Adaptation Strategy for the Water Sector, and Gender Action Plan for the Water Sector and priority projects in the SADC Regional Strategic and Action Plan on Integrated Water Resources Management and Development; such as protecting fragile ecosystems, managing water sources, promoting Water-Energy-Food (WEF) Nexus and others.

Using its regional and global network, GWP SA will support the project in Lesotho to curate knowledge and lessons on ICM from the SADC region, Africa and internationally and incorporation of such knowledge into activities implemented in Lesotho. GWPSA interventions will ensure that the ICM project in Lesotho inspires a SADC regional-wide adoption of ICM measures. GWPSA supported activities will also ensure that key stakeholders involved in ICM implementation in Lesotho participate and contribute regional knowledge exchange platforms and capacity building.

GWP SA Project Implementation Unit

GWP SA secretariat offices are located in Pretoria and will serve as the Project Implementation Unit (PIU) – for the activities supported by GWP SA. The GWP SA PIU will aim at spearheading the implementation of the project through effective and dynamic liaison with GIZ, SADC, the RBOs as well as the ICM Coordination Unit in the Government of Lesotho. The Administrative and Logistics Officer and Country Project Officer will work closely with the ICM Coordination Unit and the GIZ Lesotho teams.

GWPSA, as a project implementing partner for SADC & GIZ, is seeking to hire a Consultant to undertake a Regional Policy Harmonisation Assessment for Lesotho.

2. Objective of the Consultancy

The objectives of the study/assignment are to:

- i. Develop understanding on the current policy context for ICM in Lesotho
- ii. Develop a replicable analytical framework for assessing
 - a. the level of alignment,
 - b. the extent of practical implementation and compliance, and,
 - c. opportunities of harmonization,of a country's laws, regulations, guidelines, policies and institutional framework to the basin level and regional level strategic planning and policy context, and to the international treaties, protocols, agreements and conventions that the country has ratified or acceded to. The framework must also be able to identify the gaps (jurisdictional/capacities/institutional/other) that must be overcome to enable full alignment and implementation.
- iii. Apply the framework to the Lesotho context, assessing the level of alignment of existing Lesotho policies to the Orange-Senqu basin and regional policy contexts, and to the international treaties, protocols, agreements and conventions that Lesotho has ratified and acceded to, to foster Integrated Water Resources Management. This includes assessing the level and extent of implementation, where the gaps are, and determining what measures need to be taken to ensure harmonization with the regional framework. Highlight how harmonization of policies, laws, regulations and institutions in the region could impact on the implementation of Integrated Catchment Management in Lesotho and in the region, and the knock on impact on water, energy and food security, ecosystems health and climate resilience.
- iv. Develop a policy reform strategy including a roadmap for the harmonization of existing policies, laws, regulations and institutional frameworks in Lesotho relevant to Integrated Catchment Management to the regional policy context, and to international treaties, protocols, agreements and conventions that Lesotho has ratified and acceded to, and highlight the capacity building, institutional and economic requirements for implementing this policy harmonisation.

3. Scope of Work

The following will be the scope of the study to deliver on the above;

3.1. Collaboration on the assessment of the current policy context for ICM in the country

- a. The approach starts with obtaining an accurate assessment of the current policy context for Integrated Catchment Management in the country, adopting a broad-based climate and Water-Energy-Food-Ecosystems (WEFE) approach. The assessment should identify all the gaps, overlaps or contradictions in the use of multiple guiding policy documents, highlight the constraints and identify the

stakeholders in the implementation of ICM. The analysis of the existing policy context could include but is not limited to:

- a. A collation of all the guiding policy documents on ICM
- b. Identification of key performance indicators of policy effectiveness
- c. Identification of any Monitoring & Evaluation indicators for policy implementation effectiveness
- d. Identification of ongoing policy processes aimed at harmonization
- e. Identification of policy stakeholders: government institutions, civil society, private sector, etc.
- f. Existing projects underway that speak to policy harmonization

The above assessment is expected to come from a national-level policy harmonisation assessment which is being led by GIZ and the Lesotho ICU unit – the consultant will not directly be responsible for it, but is expected to collaborate closely with the national level assessment to ensure that it addresses all the aspects that will inform a regional level policy alignment and harmonisation assessment. To this end the consultant is expected to fully understand the scope of work, and to support and coordinate with the work as far as it will inform the regional level assessment.

3.2. Investigation and identification of the relevant basin policies, treaties, conventions and treaties that inform ICM implementation: Identification of the regional and international best practices as reflected by ORASECOM and SADC agreements and Policies, and international treaties, protocols, agreements and conventions that the country has ratified or acceded to¹, and making appropriate recommendations on best practice with respect to;

¹ Examples of frameworks that will come under scrutiny at the regional level include:

- ORASECOM Agreement (2000)
- SADC Water Policy (2005)
- SADC Water Strategic Action Plans (2005 to current RSAP V, under development)
- SADC Revised Protocol on Shared Watercourse Systems (2000)
- Treaty on the Lesotho Highlands Water Project (1986)
- SADC Industrialisation Strategy and Roadmap (2015)
- SADC Climate Change Adaptation Strategy and Gender Action Plan for the Water Sector (2015)
- SADC Regional Strategic and Action Plan (RSAP) on Integrated Water Resources Management and Development (2021)

At the international level, some of the frameworks Lesotho has acceded to or ratified include:

- Sustainable Development Goals (2015)
- Helsinki Rules (1966)
- UN Convention on Non-Navigational Uses of International Watercourses (1997)
- Convention on Biological Diversity (1992)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES (1973)
- Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971)
- United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, UNCCD (1994)
- United Nations Framework Convention on Climate Change, UNFCCC (1992)
- Kyoto Protocol (2005)
- Nagoya Protocol on Access and Benefit Sharing, ABS (2010)
- Paris Agreement (2015)

- i. the roles of national, basin and regional authorities in the implementation, monitoring, compliance and reporting of alignment to policy;
- ii. addressing water, energy and food security and environmental sustainability;
- iii. promoting gender and social inclusion
- iv. implications of the recommended options in terms of policy, legal, regulatory, technical, and economic aspects/financing modalities and recommend appropriate mechanisms.

3.3. Development of a practical and replicable methodology or framework for assessing the alignment of a country's policies to the basin and regional level policies and application to the Lesotho context

Develop a systematic and replicable approach to assessing the alignment of a country's policies to the basin, regional and international context. The assessment framework should be clear on the sequencing of steps in the assessment framework, what is being evaluated or measured, the data and information needed at both the national and regional level for the evaluation, indicators for evaluating policy alignment, in addition to guidance on the aspects to focus a national policy harmonization strategy on, which may include institutional capacities and mandates, monitoring and reporting frameworks on indicators of implementation. The framework should have a strong focus on evaluating the prospects of practical implementation of measures proposed to address any gaps linked to capacity, mandate, legislation, subsidiarity, etc. The consultant is expected to work closely with the national level consultants and his/her contribution will be in coordination with ongoing stakeholder consultation processes under the ICM programme.

3.4. Application of the analytical framework for policy alignment and harmonization to Lesotho

- a. The consultancy will review suitability/appropriateness of existing laws, regulatory, policy and institutional frameworks in Lesotho relevant to ICM and where appropriate, indicating what would need to be revised or updated to ensure alignment with international best practice as reflected by basin level and regional level strategies, plans, agreements, treaties and protocols, and with international treaties, agreements protocol and conventions Lesotho has ratified. This aspect will rely on close coordination with a consultancy reviewing national level policy assessment and alignment to ICM to map the parameters/indicators for evaluation.
- b. The consultancy will identify within the existing policies, laws, regulations and institutional frameworks provisions that hinder successful implementation of ICM, and implementation bottlenecks and capacity gaps. It will categorize the knowledge, skill, and competency requirements for institutions at the national, institutional and individual levels.

• Convention for the Safeguarding of the Intangible Cultural Heritage (1982)

The level of implementation will be assessed, including whether there is harmony with equivalent frameworks at national level.

3.5. Development of policy reform strategy, including a roadmap for the alignment and harmonization of existing policies, and for building national capacity for implementation

After comparison and benchmarking with best practice, proposals will be made on what may be adapted by Lesotho for basin and regional harmonisation, and what may be harmonized within the region, highlighting the benefits of the harmonization accruing to Lesotho and the region. This will include:

- i. Recommendations for the necessary adaptations to policies, legal, regulatory and institutional frameworks and capacities necessary to ensure harmonization with the regional policy frameworks that foster ICM implementation;
- ii. A strategy for stakeholder engagement to interrogate specific issues of alignments, including a roadmap for the process of Lesotho policy harmonization with other regional policies. This should include a matrix detailing key aspects for Lesotho to engage on with the basin (ORASECOM) and regional (SADC) institutions in order to effectively deliver on the obligations under the regional and international policy frameworks.
- iii. A categorization of the requirements for institutions to deliver on ICM requirements with respect to tools, knowledge, skills, competencies and ability levels among staff of the different institutional entities to undertake, report and implement activities related to regional treaties, conventions, regulations and agreements. This includes highlighting the financial modalities that may apply, using regional and international case studies.
- iv. An interpretation of the findings of the national level Training Needs Assessment to propose technical resources, training courses and course providers that could address identified training, skills and knowledge gaps relating to implementation of basin and regional policy, in addition to recommendations on accessing technical advisory for the practical aspects of implementing policy.

4. Deliverables

The main deliverable from the study will be a report detailing:

	<i>Task Description</i>	<i>Deliverable</i>	<i>Deadline</i>
1	Identification of the regional and international best practices as reflected by ORASECOM and SADC agreements and Policies, and international treaties, protocols, agreements and conventions that inform ICM implementation and that the country has ratified or acceded to	Inception report with an overview of the relevant regional and international basin policies, treaties, conventions and treaties that inform ICM implementation	05/11/2020

2	<p>Development of a practical and replicable methodology or framework for assessing</p> <ul style="list-style-type: none"> i. the alignment of a country's policies, legal, regulatory and institutional frameworks in the water, energy, food, ecosystems sectors to the basin and regional policy, legal, regulatory and institutional frameworks relevant to the implementation of Integrated Catchment Management by the country. ii. The level and extent of implementation of regional policies in-country, including identification of implementation constraints 	Report on policy harmonization methodological framework	15/11/2020
3	<p>Application of the methodological framework above to Lesotho, highlighting:</p> <ul style="list-style-type: none"> i. the level of alignment of the country's policies, legal, regulatory and institutional frameworks to regional and international strategies, plans, agreements, treaties, protocols, agreements that Lesotho is party to, ii. the level and extent of implementation iii. the potential impacts harmonization will have on promoting ICM for water, energy and food security, gender and social inclusivity, and national climate resilience. <p>The application should adopt a highly consultative approach, and the findings must be validated with Lesotho stakeholders</p>	Draft report on Lesotho policy alignment to the regional policy framework, and extent of policy implementation (including evidence of consultation and validation with relevant Lesotho stakeholders)	20/11/2020
4	<p>Development of a policy reform strategy including a roadmap for the alignment and harmonization of existing policies, and for building national capacity for implementation. The recommendations should be informed by extensive consultations, and the findings must be validated by Lesotho Stakeholders</p>	Draft policy harmonization assessment report (including evidence of consultation and validation with the relevant Lesotho stakeholders).	15/03/2021
4	<p>Development of a policy reform strategy including a roadmap for the alignment and harmonization of existing policies, and for building national capacity for implementation. The recommendations should be informed by</p>	Final policy harmonization assessment report (including evidence of consultation and	15/05/2021

	extensive consultations, and the findings must be validated by Lesotho Stakeholders	validation with the relevant Lesotho stakeholders).	
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5. Assignment description

- Conceptualisation, desk reviews of literature and secondary data, qualitative and quantitative primary data collection and analysis, report writing of selected analyses and studies;
- Consultation with stakeholders to design participatory processes, promote ownership and utilisation of products and recommendations developed; and,
- Presentation and discussion of preliminary and final findings to GWPSA, GIZ, the government of Lesotho- represented by Lesotho ICU, their partners and other key stakeholders.

6. Duration of the Task

The duration for this short-term consultancy work will be 40 working days commencing from the date of signature of the contract and the tasks will be completed by 15 May 2021.

7. Supervision, Reporting and Deliverables

The Consultant shall be supervised and report to the Global Water Partnership SA, specifically, the Transboundary Water Governance and Environment Specialist. The consultant is expected to collaborate with national level policy assessments being coordinated by GIZ and the Lesotho ICM Coordination Unit (ICU). To this end, additional guidance and supervision will be provided by GIZ and the Lesotho ICU.

The following deliverables are expected from the consultant:

- Inception report
- Methodological approach for policy harmonisation assessment
- Report on extent of policy alignment and level of implementation
- Draft policy harmonisation report for review
- Policy harmonisation assessment report
- Database of stakeholders consulted (at least containing information about Institutions, their roles, Focal Persons and contact addresses), the tools for consultation and evidence of validation of outputs
- Hard and/soft copies of materials/documents reviewed during the consultancy process

8. Qualifications

- Education/training: post-graduate university qualification in political science, law, public administration or related discipline related to policy reform with 8 years of professional experience in policy analysis and reform
- 10 years of professional experience in the water, natural resources, rural development, agricultural or related sector, with specific experience in the area of Integrated Water Resources Management (IWRM) and/or Integrated Catchment Management (ICM);
- Regional experience: 7 years of experience in Southern Africa, knowledge and understanding of the Lesotho context is an advantage
- Language: very good language skills in English and report writing

8. Evaluation Method

- Only those applications which are responsive and compliant will be evaluated. Incomplete applications will not be considered;
- The financial proposal shall specify an all-inclusive lump sum fee. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal must additionally include a breakdown of this daily fee (including all foreseeable expenses to carry out the assignment, e.g. communication costs);
- The financial proposal shall not include any travel costs associated with this assignment. All travel will be covered from GWP SA and will be associated with participation in consultative workshops.

Documentation to be submitted:

- latest CV indicating Education/Qualification, Professional Certification, Employment Records /Experience;
- Breakdown of Costs Supporting the Final All-Inclusive Price
- Cover Letter including a Brief Description of the Approach to Work

All applications will be submitted to koetlisi.koetlisi@gwpsaf.org and Mathabile.ramalia@gwpsaf.org with copy to Julienne.ndjiki@gwpsaf.org no later than 30 October 2020.