



Contract No: CS2017/08

## TERMS OF REFERENCE

For

### **CONSULTANCY SERVICES FOR SUPPORT TO POLICY, LEGAL AND INSTITUTIONAL DEVELOPMENT FOR GROUNDWATER MANAGEMENT IN THE SADC MEMBER STATES**

#### **1. Background**

The SADC Secretariat, through the Directorate of Infrastructure and Services – Water Division, in Gaborone, Botswana received a grant through the World Bank to implement the Sustainable Groundwater Management in SADC Member States project.

The Southern African Development Community Groundwater Management Institute (SADC-GMI) is a newly established regional centre of excellence on groundwater management hosted by the University of the Free State in Bloemfontein, South Africa on behalf of and under the strategic guidance of the SADC Secretariat, Directorate of Infrastructure and Services – Water Division, in Gaborone, Botswana.

The vision of the SADC-GMI is to ensure the equitable and sustainable use and protection of groundwater in the SADC region, as well as being a centre of excellence in the areas of groundwater management and management of groundwater dependent ecosystems. The role of the SADC-GMI will be to:

- Promote sustainable groundwater management and solutions to groundwater challenges in the SADC region through building capacity, providing training, advancing research, supporting infrastructure development, and enabling dialogue and exchange of groundwater information.
- Conduct and support SADC Member States in groundwater research, and serve as a focal interlocutor with national, regional and international groundwater initiatives.

The SADC-GMI was established as a not-for-profit company under South African law and it is the implementing agency of the Sustainable Groundwater Management in



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SADC Member States project funded by the World Bank (through the support of the Global Environment Facility and the Cooperation in International Waters in Africa trust fund). During this period the SADC-GMI is expected to secure long term funding to become a sustainable centre of excellence and groundwater expertise in the region providing research, training and advice to public and private sector clients.

The project which the SADC-GMI is implementing comprises four main components, with each component comprising a number of sub-components:

- Component A:* Operationalising the SADC-GMI;
- Component B:* Enhancing institutional capacity of governments in SADC Member States and transboundary organisations;
- Component C:* Improving availability of and access to knowledge, scientific research and data on groundwater; and
- Component D:* Promoting infrastructure solutions for sustainable groundwater management.

Under sub-component B2, it is planned to undertake a Gap Analysis study for the policy, legal and institutional frameworks for groundwater management by doing desktop studies and visiting the Member States, culminating in a regional and country specific perspective status report. Using the output from the Gap Analysis study, a dedicated advocacy programme needs to be implemented to encourage SADC Member States to address gaps as identified. The gap analysis and advocacy tasks will also be used to identify at least one Member State that will be assisted through Technical Assistance as a pilot in the development of a roadmap for addressing the identified gaps in the policy, legal and institutional framework which should be addressed to provide an enabling environment for effective groundwater management. This tasks also envisages finding alignment with the Revised SADC Protocol on Shared Watercourses of 2000 and river basin agreements across the region.

Moreover, under sub-component B3, it is planned to assist in the development and dissemination of key guidelines and management tools to assist Member States in the management of groundwater. Both the Gap Analysis study from sub-component B2, and the Capacity Building Needs Assessment study from sub-component A4 will be used to identify needs within the Member States on some guidelines and standards that can be developed and distributed from regional level. In this regard, up to five guidelines, standards and tools to assist Member States in the effective management of groundwater are expected to be developed and disseminated.

These TOR are for enlisting the services of consultants to implement the tasks planned under sub-components B2 and B3 as described above.

## **2. Objective of the Assignment**

The key objective of this assignment is to create an enabling policy, legal and institutional environment for effective groundwater management through identification of gaps at national and regional levels, development of action plans for addressing the gaps and piloting some quick-win actions.

## **3. Tasks**

To achieve the objectives of this assignment, the successful firm of consultants will undertake the following core tasks:

3.1 Within 4 weeks of commencing the assignment, undertake a Gap Analysis study on the existing legal, policy & regulatory frameworks and compliance thereof for groundwater management in the SADC Member States. Focus will be on each one of the 15 SADC Member States national and at regional level. Specific activities for this task may include:

- a. Desktop study to review existing literature;
- b. Questionnaires as required;
- c. Field work;
- d. Focus group interviews and workshops;
- e. Draft and final Gap Analysis and prioritised action plan report addressing regional level issues
- f. Draft and final country specific Gap Analysis and prioritised action plan reports for all the 15 SADC Member States
- g. All logistics and costs for implementing activities under this task are the responsibility of the successful consultant.

3.2 Within 16 weeks of commencing the assignment, support SADC-GMI in the implementation of a targeted advocacy programme to influence decision makers, practitioners and communities in Member States to address gaps and/or align legal, policy & regulatory frameworks as well as enforce compliance. Specific activities for this task may include:

- a. Consult with SADC-GMI and prioritise actions from the Gap Analysis study for reporting and advocacy at regional/SADC level. This should include high level advocacy through the regional protocols;
- b. In consultation with SADC-GMI, identify key advocacy issues in the SADC Member States and support the design and implementation of advocacy activities for realignment of policies, laws and institutional environments for effective groundwater management;
- c. The consultant will be responsible for everything else under this task except the logistics and costs for participants attending the advocacy workshops at regional level which will be handled directly by SADC-GMI.

3.3 Within 24 weeks of commencing the assignment, render Technical Assistance to one pilot Member State to develop a road-map for addressing gaps in the legal,

policy & regulatory frameworks identified through the Gap Analysis study. Specific activities required to accomplish this task include:

- a. Design and implement a participatory and transparent tool for identification of the pilot Member State;
- b. Render Technical Assistance to the selected Member State in development of a road-map for addressing gaps in the legal, policy and regulatory frameworks as identified in the action plan for the specific Member State;
- c. Document lessons learnt in the process and liaise with SADC-GMI in dissemination and potential roll-out to other SADC-Member States;
- d. Produce milestone reports on implementation of the entire project;
- e. All costs and logistics pertaining to this task are the responsibility of the consultant

3.4 Within 16 weeks of commencing the assignment, lead the development of 5 guidelines/standards/tools for effective groundwater management identified through the Gap Analysis study on the existing legal, policy and regulatory frameworks. Specific activities in regard to this task include:

- a. In consultation with SADC-GMI, design and implementation of a tool for identification of the 5 guidelines /standards/ tools for effective groundwater management through the Gap Analysis study;
- b. Participatory elaboration of the agreed 5 guidelines /standards/ tools with SADC-GMI, Member States and relevant stakeholders. This task may include visits to some SADC Member States to populate the content;
- c. Production of draft and final reports of the concerned guidelines.

#### **4. Key Outputs**

The consultant is responsible for production of the following key outputs.

- 4.1 One regional Gap Analysis and Action Plan report within 20 weeks of commencing the assignment;
- 4.2 15 Gap Analyses and Action Plan Reports (one each per Member State) within 24 weeks of commencing the assignment;
- 4.3 Monthly interim progress reports to SADC-GMI starting within 8 weeks of commencing the assignment and thereafter by 2<sup>nd</sup> week of the consequent month
- 4.4 4 regional advocacy/training workshops held Within 40 weeks of commencing the assignment
- 4.5 4 national training/advocacy workshops held within 52 weeks of commencing the assignment
- 4.6 1 Roadmap report for the selected Member State within 60 weeks of commencing the assignment;
- 4.7 5 guidelines/standards/tools developed Within 64 weeks of commencing the assignment

## 5. Eligibility

The ideal Consultant should be a registered firm with proven experience in international water law and a track record of more than 10 years strengthening national and regional policies, laws and institutions to enhance water governance and management in sub-Saharan Africa, particularly the SADC region. Firms demonstrating a proven track record of successfully completing at least 3 similar projects, of which 1 should have been in the SADC region are preferred.

## 6. Team Composition

The minimum qualifications, skills and experience for key experts, whose CVs are to be evaluated as part of the assessment of proposals, are as defined below. The Services are expected to be performed, for the most part, in the SADC Member States.

### **Key Expert 1: Team Leader** *(Estimated 120 mandays)*

At least a Master's degree in International Water/Environmental Law or similar. Should possess at least 15 years working experience of which at least 10 years should have been in the field of groundwater governance, law and policy with a specific focus on water cooperation and regional integration. Should have successfully implemented at least 3 similar projects in the SADC region either at Member State or regional level. Demonstrated successful Team leadership in at least 3 similar projects is essential. The Team Leader should be fluent in English. Profession proficiency in the other SADC Languages (French and Portuguese) is desirable

### **Key Expert 2: International Institutional Development Expert** *(Estimated 200 mandays)*

To ideally possess at least a Master's degree in international development, institutional development, development studies or similar with at least 10 years in institutional assessment and organisational development in the public sector/national government ministries, departments and agencies; and private sector. Familiarity with the regional integration and development agenda in the SADC region is essential, particularly in the groundwater sector through participation in at least 2 institutional assessment and development projects implemented in the SAC region.

### **Key Expert 3: Groundwater Expert** *(Estimated 80 mandays)*

To ideally possess at least a degree level qualification in the management of groundwater which includes aquifers, water quality, etc and at least 15 years' experience working in the groundwater field in the SADC region. Knowledge of key issues pertaining to the management of groundwater resources in the SADC region and how these can be integrated into effective management of national aquifers, transboundary aquifers and river basin organisations is a requirement.

### **Key Expert 4: Researcher** *(Estimated 160 mandays)*

At least a Master's degree in international law/governance and 10 years working experience in the research/academic sector. Previous experience working on at least 2 assignments within the SADC region undertaking research on evaluating the legal

and policy frameworks for water governance and institutional strengthening is essential. Demonstrated experience in the development and application of research tools for undertaking extensive research projects as foreseen in this assignment. Fluency in English is mandatory, and working knowledge of French and Portuguese is desirable.

**Key Expert 5: Documentation and Knowledge Expert** *(Estimated 80 mandays)*

At least a degree level qualification for data collection, synthesis, documentation and reporting/ dissemination or similar. A cumulative working experience of at least 10 years in the documentation of lessons learnt and development of tools and materials for validation, advocacy and training. A demonstrated ability to develop guidelines, tools and standards is essential. Fluency in English is mandatory, and working knowledge of French and Portuguese is desirable.

**Key Expert 6: 15 Member State Counterpart Experts** *(Estimated 300 mandays)*

The consultant to identify at least one counterpart expert from each Member State who will support the activities in the concerned Member State. The counterpart expert should be selected from a relevant strategic institution within the Member State in order to build national capacity for the subject matter. The selected counterparts should ideally and minimally possess a Bachelor's degree in any one of the disciplines necessary to undertake the policy, legal and institutional review and reforms for improved groundwater management and governance. The successful candidate should have at least 10 years' experience working in the relevant national issues covered under this assignment.

The Consultant may deploy additional experts and support staff in order to deliver the outputs within the time period allocated. However, apply only on the basis of the inputs of the key experts specified under this section.

## **7. Schedule and Duration of Assignment**

This is a once-off assignment without any obligation for follow-up work and it is intended to be implemented for an estimated duration of 17 months from contract signature with an estimated aggregate level of effort of 940 mandays for key experts only.

The Consultant shall include in their submission a proposal for the deployment of the key experts and any non-key experts and support staff deemed necessary to timely deliver the objectives of the assignment.

## **8. Liaison and Logistics**

On a day to day basis, the consultant will liaise with the SADC-GMI through the Governance and Institutional Consultant; or in his absence, through the Senior Groundwater Specialist, and be ultimately accountable to the Executive Director of SADC-GMI.

Logistics pertaining to international air and road travel and cross-border travel are the responsibility of the consultant. However if required, SADC-GMI can arrange necessary letters of support to facilitate the authorities issuing necessary access to the Member States. The Consultants will meet the costs for lodging, car hire, visas and necessary cross border charges. These should therefore be included in the Consultant's technical and financial proposal. The SADC-GMI utilises the United Nations perdiem rates obtained from:

<http://www.ph.undp.org/content/philippines/en/home/operations/undp-un-dsa-rates.html>

or alternatively

<http://apps.who.int/bfi/tsy/PerDiem.aspx>

Where the concerned city/town is not listed, rates for 'Elsewhere' in the concerned country are applicable.