



## West Bank and Gaza Real Estate Registration Project

### Terms of Reference for the Development a Gender Action Plan

#### 1. Context

Access to land and real estate in the Palestinian territories remains one of the largest impediments to economic growth. The impact of the protracted conflict has led to significant losses in land, property and freedom of mobility for Palestinian people. Furthermore, property rights are unclear and land registration remains limited due to complications related to the generation of old titles, numerous inheritors, and the issue of absentee ownership. Women are at a specific disadvantage, facing a combination of legal, informational and normative constraints that further exacerbate their access to and participation in property and land-ownership rights and processes.

In this context, the Palestine Liberation Organization - for the benefit of the Palestinian Authority - has received financing from the World Bank Trust Fund for Gaza and the West Bank (TFGWB), and co-financing from the Global Partnership for Results-Based Aid (GPRBA), and the Palestinian Partnership for Infrastructure Development Multi-Donor Trust Fund (PID MDTF) in the amount of USD12.6M towards the cost of the West Bank & Gaza Real Estate Registration Project (RERP). The objective of the project is to enhance tenure security and improve real estate registration services, and will be achieved through advancing the registration of properties in Areas A and B of the West Bank through direct support to the PA's ongoing efforts, thus improving availability and access to registered properties. The Project will support the ongoing systematic land registration (SLR) approach, which comprehensively benefits citizens, businesses and public entities through real estate registration and the improvement of real estate services. The objective will also be achieved through support to the automation of the real estate registration system and related services for citizens and businesses.

The overall implementation and management of the Project is carried out by the Palestinian Land Authority (PLA) and the Land and Water Settlements Commission (LWSC), the two land agencies in the Palestinian territories. The PLA<sup>1</sup> is the national agency responsible for property registration and related transactions, including transfers and mortgages, and state property management. The LWSC was established in March 2016 as a separate agency<sup>2</sup> from the PLA to accelerate progress in first-time SLR. LWSC has adopted a decentralized approach, working with Local Government Units (LGUs) to complete settlement surveys under the guidance of the LWSC. The Commission in turn completes the remaining settlement process and prepares the table of rights, with titles and corresponding

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<sup>1</sup>Established in 2002 and governed by PLA Law 6 of 2010.

<sup>2</sup>Law Number 7 of 2016.

ownership, for the PLA. The proposed design builds on the existing, effective SLR system, while also recognizing the shortcomings and the need to streamline processes and introduce a modern digital land administration system. The project supports the ongoing SLR process and finances the registration of properties completed by the LWSC in those LGUs (in Areas A and B) where MOUs have been concluded.

The project has a strong focus on gender, as women remain marginalized in the WB&G in terms of property ownership and land rights. There is often strong familial pressure on women to waive their inheritance ownership rights to property. While there are no official statistics on women's property ownership (housing and land ownership), either individually or through joint or common property arrangements, anecdotal evidence suggests that women's ownership rates are low, with their access to land limited primarily through social norms that prevent the exercise of inheritance rights.<sup>3</sup> There are also economic incentives for men to attempt to hold on to as much of the investment (i.e. land and property) as possible. Vulnerable women are particularly affected, as they may be too timid, poor or unaware of procedures to utilize the court systems to maintain their rights. Hence, women have fewer access to critical inputs such as land, property and finance leaving them more vulnerable to economic shock and poverty. Yet despite these challenges, the LWSC is working to ensure women's rights to registered property. For example, the process of land registration supported by the LWSC requires, as a first step, the subdivision of land based on inheritance where applicable, ensuring women's inheritance rights are recorded.<sup>4</sup>

Additionally, the risk of exclusion of female members of households, and some of the most vulnerable groups, as well as possible conflict between family members have been identified as some of the main social risks related to the land registration activities supported by the Project. A Social Impact Assessment (SIA) is being contracted and will address these issues and identify mitigation measures.

## **2. Purpose**

The project will support the development and implementation of a Gender Action Plan (GAP) for LWSC, for the purposes of increasing awareness, participation, accessibility and opportunity for establishing women's property rights in the SLR process, as well as those of vulnerable groups. The GAP is expected to be developed within the first six months of project implementation and will be financed under a results-based financing scheme, with the utilization of Disbursement Linked Indicators (DLIs). There will be three thematic areas that the GAP will cover and analyze:

- (i) **status of women's property rights** including both legal/formal frameworks as well as customary/informal norms and practices; including housing, land and property in both rural and urban areas.
- (ii) **role of land administration and related institutions** in the delivery and effectiveness of services linked to land titling and registration processes, and
- (iii) **role of social and gender norms** in reinforcing and being impacted by gender differences in accessing and securing land and property rights. Ultimately, the GAP will advise on follow-up actions to include

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<sup>3</sup> According to a 2017 survey, less than half of Palestinian respondents are willing to support any changes to laws that would equalize inheritance rights between girls and boys -- men being far less supportive (37 percent) than women (55 percent)—and husbands continue to have a greater decision-making role than wives about purchasing of large household assets. UN Women – Promundo (IMAGES) 2017.

<sup>4</sup> According to the LWSC, roughly one-third of land/properties being registered through its first-time registration process are in the name of women.

in the SLR process, aimed at not only improving tenure security, but also providing women and vulnerable groups with increased access to finance and opportunities.

The LWSC has made a targeted effort through the SLR process to ensure the registration of women's ownership rights through an accurate revision of existing records and claims. The GAP will build on current efforts and identify additional actions to increase awareness, participation, accessibility, and opportunity for establishing women's property rights (for example the inclusion of women in the adjudication teams). The GAP may include recommendations of activities that go beyond services for women during land titling and registration activities but also relate to legal and policy reform, and institutional development. Implementation of GAP recommendations will be financed as DLI outputs as well.

### **3. Objective:**

The objective of this consultancy is to develop a Gender Action Plan (GAP).

### **4. Scope of work:**

To achieve the objective, the consultant will need to fulfill the following tasks:

**1. Prepare an inception report describing the proposed methodology and structure of the GAP report.** The GAP should be a practical resource for the PLA and LWSC to keep track of gender-related commitments, and to identify human resources, working processes, budget, priority knowledge work, and training needs that can help to ensure gender-action targets will be reached. Furthermore the GAP will need to clearly define a timebound action plan that will include: i) specific and measurable "project-actions" that could be achieved in the time frame of the project and will make an actual impact on women's lives, and could constitute DLIs as per the project structure; and, ii) "agenda-actions" that would be completed outside of the project scope considering the limitations of project time and resources. The "agenda-actions" could be utilized by other development partners and/or the World Bank in parallel or additional operations in the sector. To ensure a well-aligned process in the delivery of the GAP the inception report will be discussed with the LWSC, PLA and the WB team to ensure it meets the quality standards and expectations for this assignment.

**2. Conduct an analysis of the legal/formal status of women's land, housing and property rights, as well as related customary/informal norms and practices that could influence how rights are allocated, acquired, transferred, recognized and recorded, through a comprehensive review of:** (i) relevant studies conducted by the World Bank and other development partners organizations on gender-related priorities and key gender inequalities especially related to securing of land and property rights; particular attention should be given to the results and recommendations of the Social Impact Assessment carried out for the RERP; (ii) land-related gender activities and programs with gender components carried out in the West Bank; (iii) Shari'a laws (and other laws as applicable) related to property rights acquisition particularly through inheritance for Muslim and Christian women; (iv) best practices on strengthening women's rights, particularly in a cultural context relevant to that of the Palestinian territories and check if there are any impediments to women purchasing land / housing ; (v) current processes of the PLA and LWSC for land and property registration as described in the Settlement Manual, as well as communication activities and their potential gender differentiated impacts; and (vi) employment practices and

responsibilities of women in LWSC and PLA offices and operations. This review process will need to be summarized in a concise Knowledge Note, which will include the methodological background of the reviews, key findings, and all associated references.

**3. Organize gender consultations with key stakeholders in land administration and related institutions to understand their role and the processes in place to deliver services, specifically** (i) meet with senior staff at LWSC and PLA who oversee activities associated with gender equality; (ii) meet with line ministries representatives/ gender focal points; (iii) relevant groups, initiatives, non-governmental and civil-society organizations, academia engaged in the gender agenda in West Bank; and, (iv) experts on the gender agenda from the WB and other development agencies with knowledge of the cultural context in the Palestinian territories. The consultations will need to be conducted in a structured manner in approaching the stakeholders with well-thought questionnaires for each group that could extract views, lesson learned and experiences. Interviews via phone may take place in lieu of face to face sessions depending on COVID-19 public health restrictions.

**3.1. As part of the stakeholders' consultation process, identify the role of social and gender norms in impacting vulnerable women's access to and participation in SLR processes and rights** by carrying out focus group discussions or public consultations with citizens (men and women) across governates in at least three LGUs where LWSC is planning to conduct SLR. This task will entail determining the sampling and identifying a facilitator (if focus groups will be carried out), developing the questionnaires, and organizing the format and structure of the sessions at a time and in locations convenient for women. If public consultations are held, ensuring that the communicate and outreach is carried out in a way that will reach women. Public consultation will be organized and conducted within the covid-19 national restrictions related to public gatherings (small-group consultation sessions, keeping social distancing, the use of facemasks and sanitizers). Given public health restrictions surrounding COVID-19, rapid phone surveys may be planned in place of face to face sessions. The consultation process will be captured in a Note that will summarize key findings and include a list and details of people met and photos where relevant.

**4. Draft and present the Gender Action Plan.** Informed by review of studies, the consultations and the feedback to the inception report, as described above the consultant will prepare a concise and clearly articulated GAP identifying follow-up actions (both project-actions and agenda-actions) to include in the SLR process, aimed at strengthening land and property rights of women and vulnerable groups. Specifically, the GAP is expected to include:

- ✓ Recommendations on how to strengthen women's tenure security, access to land, and land and real-estate ownership both for first registration and for secondary transactions (on-going service delivery);
- ✓ Recommendations on how to strengthen the technical knowledge and capabilities of lead agencies around gender as it pertains to their mandate and follow-up actions to include in the SLR process and ongoing registration process;
- ✓ Recommendations on how to strengthen the capacity of the government on gender analysis and gender responsive planning and programmes;
- ✓ Guidelines for land agencies for gender mainstreaming and monitoring the implementation of their operations;
- ✓ Guidelines for effective and increased civic engagement and women participation in land registration

activities;

- ✓ Remedies and recommendations to address findings of the Social Impact Assessment of land registration related to women and vulnerable groups.

The GAP will constitute a project document and will be utilized by the LWSC and PLA in consultation with the WB in setting the gender-related actions that will constitute DLIs of the project. The GAP may, however, include recommendations of activities that go beyond the improvement of land registration services and activities, and relate to legal and policy reform and institutional development. The GAP will include in an appendix format the Notes of the review and consultation process.

**5. Support the organization of a workshop to discuss the draft GAP** with all relevant stakeholders by developing the agenda and identifying stakeholders to be invited and preparing the necessary presentations (in Arabic and in English). The workshop will be organized and conducted within the covid-19 national restrictions related to public gatherings (small-group consultation sessions, keeping social distancing, the use of facemasks and sanitizers). The GAP will then be finalized by incorporating the feedback received.

### **5. Key Deliverables:**

The main deliverable of this assignment will be the GAP report prepared according to the context discussed in the scope of the work, including the deliberations of its different development phases, attendance/participants' sheets, minutes of meetings (MoM), visual materials, appendixes and other related documentations. Final deliverables should be approved and endorsed by the government leading agencies.

Given the previous scope of work, the key deliverables are:

Task	Deliverables	Due Date
Task One:	Deliverable #1: ➤ Inception report, including methodology and proposed structure.	1 Weeks after contract signing
Task Two	Deliverable #2: ➤ A concise Knowledge Note including the methodological background of the reviews, key findings, and all associated references. Main findings are submitted and presented to PLA and LWSC.	4 Weeks after contract signing
Task Three	Deliverable #3: ➤ Note summarizing key findings of stakeholders' consultations (including lists and details of participants and photos)	8 Weeks after contract signing

Task Four	Deliverable #4: ➤ Draft GAP.	10 Weeks after contract signing
Task Five	Deliverable #5: Final GAP. GAP will include a clear timebound project-actions and agenda-actions. Workshop for stakeholders to discuss GAP and finalization of GAP.	12 Weeks after contract signing

**All Deliverables must be submitted in both English and Arabic Languages in Soft (editable format) and Hard Copies.**

**6. Reporting:** The consultant will report to Amr Nasser /LWSC Project Manager.

**7. Inputs to the Consultant:** PLA and LWSC teams will share the following documents:

- Project Appraisal Document
- Grant agreement
- Project Operations Manual (POM)
- Relevant project related studies
- Social Impact Assessment and Social Management Plan (When Available).

## **8. Timeline and Budget**

The contract will be for 60 days, and span over a period of approximately 4 months, from around October 15<sup>th</sup>, 2020, to February 15<sup>th</sup>, 2021.

An indicatively proposed breakdown of 60 days to develop the GAP is described in the table below

<b>Tasks</b>	<b>#Days</b>
Preparation of the Inception Report	5 Days
Review of studies and Practices	15 Days
Consultations/interviews	15 Days
First draft of the Gender Action Plan	15 Days
Workshop, revision and finalization; and incorporation of inputs into the project work	10 Days

## **9. Work setting**

This is a free-lance assignment but may require – upon request of government lead agency- an ad hoc/ intermittently placement of the consultant within the premises of the LWSC/PLA. Outreach and field visits may be required during the consultation, identification and development phases.

## **10. Qualifications**

Given the scope of the work, a qualified consulting firm is required to participate in the submission of a proposal for this assignment. The Consultancy firm should have the capacity to carry out the assignment in the number of months required (which should be demonstrated) and should have qualifications and experience in the following areas:

- Previous track record of excellent research and analysis on gender issues required; focus on land registration rights and ownership issues preferred
- mixed research methodologies, including desk research, key informant interviews, focus groups, phone surveys, public consultations, legal research, experience in multi-stakeholder consultations;
- Capacity to quickly mobilize and begin fieldwork once desk research and qualitative instruments are finalized
- Proven excellence in production of written reports and PPT presentations of research.
- Previous survey work with international and donor organization is a plus
- Excellent English and Arabic writing and communication skills.
- Familiarity with Palestinian cultural and legal context, policies.

The consultant team should comprise as a minimum the following three key team members:

### **Task Team Leader (Gender specialist):**

- Post-graduate degree (Ph.D. or Master's degree) in Social or Economic Sciences with additional formal training in Gender studies, and knowledge acquired through experience.
- At least 10 years of directly relevant work experience and demonstrated superior performance in previous or current similar assignments on gender issues.
- Experience from working directly with different kinds of relevant stakeholders is desirable. Demonstrated interpersonal skills, including the ability to work effectively in a team or task force as participant or team leader.
- Experience working with the World Bank or other development partners on the gender agenda will be an advantage.
- Proven experience in the Palestinian territories on the gender agenda.
- Fluency in English required, including very good English writing skills.

### **Legal expert:**

- A law degree or related degree.
- Proven Experience in Shari'a laws (and other laws as applicable) related to property rights and inheritance for Muslim and Christian women.
- Deep understanding of the legal aspects of land and land administration and use in West Bank and Gaza. Experience in the region is an advantage.
- At least 7 years of expertise in the related fields and working experience with international agencies/academia.
- Experience in Arbitration and Dispute Resolution is a plus.

### **Gender specialist:**

- A university degree in the field of social sciences or related field.
- At least 7 years working experience on gender issues, specifically in relation to the land sector including rights, ownership, and/or outreach.

- Proven experience in the Palestinian territories on the gender agenda.
- Proven Knowledge and understanding of the Palestinian Social Context.

**Supporting Team members to be proposed by the firm.**

**11. Contract and Payments:**

The contract will be Lump-sum contract and payments will be based upon the approved deliverables as follows:

- 10% of contract value after submitting the Inception Report acceptable to the client.
- 20% of contract value after submitting the Key findings for the Review of studies and legislation and findings of stakeholders' consultations.
- 20% of contract value after conducting Workshop for stakeholders to discuss GAP and finalization of GAP.
- 50% of contract value after submitting the Final GAP acceptable to the client **in both English and Arabic Languages.**

**12. Selection method and criteria:**

A firm will be selected in accordance with the World Bank's Guidelines based on Consultant Qualification Selection (CQS) set out in the Procurement Regulations. The evaluation will be based upon the following criteria:

- Consultancy firm general experience and experience in the required field 20%
- Experience in conducting similar assignments 30%
- Proposed team experience 50%.

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