

United Nations High Commissioner for Refugees (UNHCR), Philippines

External Vacancy Notice no. 02/2019

Position Title: National Consultant on Housing, Land, and Property	Report To: Head of Field Office Cotabato	Date Issued: 09 January 2019
Contractual Status: 6 months	Duty Station: Cotabato	Closing Date: 23 January 2019

Terms of Reference

National Consultant on Housing, Land and Property Laws and Policies in the Context of Displacement in Mindanao

I. PURPOSE OF ENGAGEMENT

The purpose of this engagement is to: (1) review relevant laws and policies on housing, land, and property (HLP) and contribute to the development of strategy and operational guidance on this thematic area; and (2) contribute to dissemination and application of existing guidance documents, notably related to evictions, relocations, land administration and management, access to shelter and adequate housing, dispute settlement and access to justice, urban planning and development, and (statutory and customary) tenure systems.

II. BACKGROUND

In the beginning of 2018, at the request of UNHCR Philippines, a Durable Solutions Officer from the Division of International Protection/Comprehensive Solutions Unit (DIP/CSU) conducted a mission in Mindanao, Philippines in order to (among others) identify challenges for the protection of Housing, Land, and Property (HLP) rights in the Marawi crisis response, as well as to recommend strategies, priorities and capacity building needs for UNHCR to enhance its current HLP response.

Among the issues identified in the mission with regards to the protection of HLP rights of internally displaced persons (IDPs) are: 1.) challenges in the ability of IDPs to repossess forcibly abandoned housing, land and/or property as a result of a lack of documents to prove ownership of property pre-siege or non-recognition of customary norms that used to inform tenure relations; and 2.) The plethora of laws, policies and directives of relevance for the protection of HLP rights in the context of displacement. The numerous and sometimes conflicting laws and policies that affect HLP in the Philippines give rise to overlapping land claims, and thus provide a breeding ground for further conflict. This is especially critical in light of a possible restitution law that may be passed by Philippine Congress for HLP owners in the most affected areas in Marawi City.

In many contexts, gaps in the humanitarian and development responses to HLP issues are linked to obstacles in facilitating durable solutions for IDPs. This was observed in the humanitarian crises following massive displacement in Marawi (2017 conflict), Zamboanga City (2013 siege), and Eastern Mindanao (typhoons Pablo and Sendong). The complexity of the political dynamics in Mindanao and the cultural factors specific to the Bangsamoro and Lumad areas also need to be more fully understood and considered in planning any interventions related to HLP and durable solutions.

In other areas, administrative boundary disputes between local government units (e.g. Datu Paglas, Maguindanao/Columbio, Sultan Kudarat/ Tulunan, North Cotabato) exacerbate ethnic tensions and private disputes among land owners, contributing to the dynamics of displacement. Meanwhile, in other places such as Zamboanga and Eastern Mindanao, issues regarding access to housing assistance and security of tenure persist as Government actors strive to facilitate durable solutions by providing permanent housing to IDPs who have been in protracted displacement. Thus, the need to conduct a comprehensive mapping of laws, policies, norms that will form the backbone of an HLP strategy in the Philippines.

III. REPORTING LINE/SUPERVISION OF THE NATIONAL CONSULTANT

The National Consultant will report directly to the Head of Field Office in Mindanao. Most of the engagement will be carried out within Mindanao, in consultation with the Mindanao Humanitarian Team and the Local Government Units.

IV. SCOPE OF WORK

In consultation with the Field/Protection Units at the Cotabato and Iligan offices of UNHCR and with an international Senior Protection Adviser (ProCap) to be deployed to Mindanao, carry out:

1. Mapping and comprehensive review of housing, land and property laws and policies in the Philippines, with special emphasis on those that directly impact rights-claiming by internally displaced persons in Mindanao, including traditional/customary norms, and *shari'ah*;
2. Contribute to the identification of (a) key issues in HLP rights in Mindanao – including but not limited to priority areas such as Marawi City and Lanao del Sur – in the context of displacement and return, and (b) challenges to IDPs' access to remedies and legal or other assistance regarding these issues;
3. Contribute in the designing of Capacity Building Programme for duty bearers and humanitarian communities.
4. Assist the Procap in conducting capacity building trainings for duty-bearers and for the rights-holders.
5. Contribute in the development of inter-cluster advocacy messages for engagement with government stakeholders at various levels, as well as with donors, development agencies, and international actors.
6. Support UNHCR in presenting the findings to the Protection Cluster members, Mindanao Humanitarian Team (MHT), and Humanitarian Country Team (HCT).

V. WORK SCHEDULE

The consultant will be engaged on a **full-time** basis starting February 2019 to July 2019, including travel for field missions in identified areas of Mindanao as required.

a. Activities

- Desk Review of materials
- Conduct meetings with key stakeholders (e.g. authorities, UN agencies and NGOs)
- Work in collaboration with UNHCR Field teams/partner organizations in conducting Key Informant Interviews (KII) and Focus Group Discussions (FGD) with selected IDP communities to identify key issues related to HLP.
- Support the ProCap in designing a Capacity Building plan for local key stakeholders, partners and rights-holders; and conduct training activities in line with this plan.
- Case studies based on field visits to displacement-affected/vulnerable areas
- Other activities as required/may be identified

VI. DELIVERABLES

- Submit a comprehensive Project Report on key HLP issues and gaps in HLP response and challenges to IDPs' access to remedies and legal assistance, including findings from the legal review and case studies
- In consultation with the Protection Unit/PROCAP, Draft a Strategic Plan of Action for UNHCR to enhance existing HLP response
- Produce an Advocacy Note for guidance of UNHCR and/or its humanitarian partners in formulating its messaging on key HLP challenges and issues.

VII. CONTRACTUAL TERMS AND CONDITIONS

Terms and conditions for the consultancy shall be in accordance with the UNHCR Policy on Individual Consultants (IOM/009-FOM/009/2013) as of 20 June 2013.

VIII. QUALIFICATIONS AND SPECIALIZED KNOWLEDGE/EXPERIENCE REQUIRED

- Advanced university degree in social sciences, land use planning, law or other relevant fields, plus a minimum of five years of work experience relevant to the function.
- Demonstrated experience in planning, policy, and strategy development in relation to HLP rights in the Philippines.
- Wide understanding of the Mindanao context.
- Ability to speak and understand diverse local languages can be an asset.

IX. HOW TO APPLY

Only Filipino Nationals are invited to apply.

Please email your Motivation Letter, CV, **Budget Proposal, Work Plan and P.11** with subject: "Application: VN-02/2019 National Consultant on HLP - Cotabato" to: PHIMAVAC@unhcr.org

Only applicants meeting minimum requirements will be short-listed for written test & interview.

Applications will not be acknowledged. Only the successful candidate will be notified of the outcome of the selection process.

P.11 can be downloaded from: http://www.unhcr.org/ph/wp-content/uploads/sites/28/2017/11/UNHCR_Personal_History_Form_October-2017.docm

Supplementary Form: http://www.unhcr.org/ph/wp-content/uploads/sites/28/2017/11/UNHCR_PHF_Supplementary_October-2017.docm

Detailed information/job description is also available at: <https://www.unhcr.org/ph/careers>