



**Federal Government of Somalia**  
**Ministry of Education, Culture and Higher Education**  
**Somalia Education for Human Capital Development Project**  
**Position: Legal Adviser**  
**Terms of Reference (ToR)**

<b>Post Title:</b>	<b>Legal Adviser</b>
<b>Project Title:</b>	<b>Somalia Education for Human Capital Development Project</b>
<b>Type of Appointment:</b>	<b>Individual Consultant</b>
<b>Contract duration:</b>	<b>90 days spanning over six months</b>
<b>Duty Station:</b>	<b>Mogadishu (Somalia), Ministry of Education, Culture and Higher Education, with possible travel to FMS</b>

**a. Background**

The Project is designed to be national in scope by providing interventions to improve system effectiveness, instructional quality, and learning outcomes across all Federal Member States. Specifically, the Project will:

- ✓ Build core systems that can sustainably oversee, assess, and drive improvements in outcomes.
- ✓ Increase the availability of quality schooling with a focus on promoting gender and geographic equity.
- ✓ Improve instruction through training, coaching, and technology-based approaches.
- ✓ Strengthening leadership and management practices at the school level to raise the quality of instruction and increase student learning outcomes.

The Project will prioritize girls' access, learning conditions, completion rates, and outcomes and will use specific indicators and targets to track and report on these factors. To maximize the impact of the Project on access and quality, a few of the interventions will be targeted to 14 out of a total of 98 districts that have the lowest enrollment rates and that experience other challenges. To help drive enrollment in these districts, a package of schooling services will be delivered to benefit disadvantaged, out-of-school children: new schools will be built, teachers will be hired and trained, school grants will be given, and private schools will be incentivized to provide additional good quality schooling places. Beyond these 14 districts, all primary children in Somalia are expected to benefit from stronger capacity of the system and better prepared teachers. This Project will be the largest, externally funded education project to be implemented by the government of Somalia. To date, external support for the education sector has been delivered through non-government or off-budget programs and executed by

implementation partners such as UNICEF, Save the Children, and CARE. As Somalia transitions from a humanitarian to a development phase, strengthening the capacity of the federal and member state governments to expand service delivery and improve outcomes will be key to the future development of the system. The Project's investments in FGS stewardship and FMS implementation will enable sustainable improvements in the education system at all levels.

**Key Indicators for Development Objective include:**

- Gross Enrollment Rate (GER) at primary level in target districts, by gender (percent).
- Number of students enrolled in project-supported schools, by gender(number).
- Number of teachers certified under the Project, by gender(number).
- Establishment of a national system for measuring student learning outcomes (yes/no).

**b. THE PROJECT CONSISTS OF THE FOLLOWING FOUR KEY COMPONENTS:**

**COMPONENT 1: SYSTEM BUILDING**

This component will focus on strengthening systems at the FGS and the FMS levels to implement the Somalia Education Sector Strategic Plan (ESSP). A key focus area will be the stewardship role of the federal government, specifically as it relates to standards and policy setting concerning teachers and school management and its role in monitoring performance and outcomes. A national student assessment system will be established to systematically measure learning achievement and use its findings to improve education quality and increase learning over time. The component will also focus on strengthening government capacity to coordinate sector activities through stronger intergovernmental engagement and improved coordination of external support.

**COMPONENT 2: EXPANSION OF ACCESS TO QUALITY SCHOOLING FOR THE DISADVANTAGED**

This component will help Somalia roll out practical and economical ways to begin to redress the < 20% enrollment rate challenge faced by most districts in Somalia, among the world indicators in the world. As part of this exercise, efforts are being made in Somalia to learn from what works in other FCV countries. For example, schools will be built or identified where they are in close proximity to communities in order to increase participation in Education, specifically for girls. For example, in Afghanistan, placing a school in a small village dramatically improved academic participation and performance among all children, particularly for girls with increases in girls' enrollment by 52 percentage points and 35 percentage points for boys, virtually eliminating the gender gap in enrollment.

**COMPONENT 3: ENHANCED INSTRUCTION QUALITY**

Improving the capacity of Somalia's teachers is central to enhancing learning outcomes of its students. However, implementing an effective, large-scale, teacher professional development program (TPDP) and creating the building blocks for a sustainable professional development system in Somalia is complex. Traditional training programs that rely on face-to-face instruction are impractical due to the large numbers to be trained and the need to pull teachers out of the classroom for extended periods of time in a context where there is already very limited teaching and learning taking place. The risks

associated with movement which have been compounded by restrictions imposed due to the COVID-19 pandemic, such as curfews and school closures pose additional challenges. Cognizant of these complexities in Somalia, this component will lay the foundations for a robust teacher professional development ecosystem by supporting the development of a high-quality, sustainable, blended TPDP.

The component will develop a 2-year TPDP that will be delivered using a blended learning approach and support 6,000 teachers to complete the program. Activities will include the design, development, testing, refinement and large-scale implementation of the TPDP. The component will support initial development of the TPDP, including: defining learning outcomes and associated course structures/learning pathways for different kinds of teachers; developing and testing a TPDP blended learning design and teaching and learning methods; creating individual course frameworks and identifying the content to be covered in each course; developing and refining course content and materials; creating a contextually suitable student support system; designing an assessment strategy for the program as a whole, as well as for individual courses; and identifying and deploying an online platform to deliver the digital component of the program. The digital platform will be built with offline functionality to enable students to continue working on the program when they are not connected to the internet. The LMS will be intended both for use in this program and for further development of pre-service and in-service teacher training courses and programs.

Once the program has been developed and approved, the component will support the roll out of the TPDP to 6,000 teachers over the course of three years in three cohorts of 2,000 teachers each. This phase will include identifying teachers, providing materials and content, deploying support systems, undertaking in-classroom observations, and conducting formative and summative assessments.

#### **COMPONENT 4: PROJECT MANAGEMENT**

Current capacity at all administrative levels, FGS, FMS levels, regional and district levels is weak. The proposed Project will likely be the largest investment managed directly by MoECHE and investments are required for staffing key positions to deliver the Project successfully. At the same time, given the federal structure under which the Project will be implemented, adequate FMS and district level support will also be needed to ensure project financing is used credibly and managed efficiently. The Project will thus finance key project staff at the FGS level, including a project manager for overall management to work closely with the various implementing entities, M&E, fiduciary and safeguards staff. Funds will also be provided for office equipment and furniture to adequately resource project staff to manage implementation. Project staff will also be hired at the FMS level to manage activities at that level and regularly supervise project activities. This subcomponent will also finance consulting services to support the FGS in overseeing school construction design, engineering, supervision under Sub-Component 2.1, and capacity building to support FGS contract management.

##### **c. PURPOSE AND SCOPE**

To provide legal expertise in the various areas of activities of the Ministry of Education, Culture, and Higher Education including but not limited to, drafting of agreements, legislation, policy and strategic documents and liaising with national and international stakeholders.

**d. KEY TASKS RESPONSIBILITIES:**

1. Advise the Ministry on issues relating to the rule of law.
2. Develop standard legal contract templates.
3. Review the laws and regulations that shape the education system in Somalia, and all documents including existing and new policies under development with legal implications.
4. Provide legal assistance and advice to key FGS MoECHE Departmental Directors and other stakeholders including FMS MoECHE.
5. Draft the legal framework for the key education functional assignments
6. Represent the Ministry in legal actions and/ or manage the same.
7. Support the Ministry's rule making process, pertaining to the Minister's oversight of Education, Culture and Higher Education.
8. Identify legal risks associated with the Ministry's operations or decisions and suggest measures to mitigate those risks.
9. Prepare risk assessments for new projects, programs, or policies the Ministry is considering.
10. Monitor changes in laws and regulations and advise the Ministry on necessary adaptations to remain compliant.
11. Manage and coordinate external legal counsel when needed for cases that require specialized expertise.
12. Advise on the development and drafting of policies, procedures, and legislation that aligns with the Ministry's objectives and legal obligations.
13. Provide training to the Ministry's staff on legal matters, such as compliance, ethics, and relevant legal procedures.
14. Assisting in negotiations with other government entities, contractors, or private sector stakeholders.
15. Mediating in disputes to reach amicable solutions when appropriate.
16. Provide periodic updates on legal matters affecting the Ministry.

**e. DELIVERABLES/OUTPUTS OF THE ASSIGNMENT**

Overall, the **Legal Adviser** will be expected to deliver the following:

- Advise the Ministry on the necessary underlying legal structures to develop and strengthen Somalia's education system.
- Advise on the interpretation of laws, regulations, and policies that impact the Ministry's operations.
- Drafting contracts, memorandums of understanding (MOUs), policy documents, regulations, and other legal agreements.
- Review and revising legal documents to ensure compliance with laws and best practices.
- Submit timely monthly and quarterly progress report.
- Prompt technical assistance, as required, on demand.
- Draft, review and advise on legal documents, contracts between the Ministry, partners and its suppliers/ partners.

## **f. SKILLS REQUIRED AND EXPERTISE FOR THE POSITION**

At a minimum the candidate is expected to have the following level of qualification and experience:

- Bachelor's degree in law or a related discipline from a recognized University, having a Masters degree in law will be an added advantage.
- A minimum of 8 years of relevant experience in a large organization, either in the private or public sector.
- Possession of a legal practicing certificate or a similar qualification recognized in Somalia.
- Prior experience working in Somalia or a similar context
- Legal drafting laws and regulations experience is highly desirable.
- Prior institutional in public governance within public administration.
- Proven experience in codification (legal codes) drafting and procedures.
- Prior experience working with the Somali government is a plus.
- Demonstrated experience in institutional legal representation, project negotiations, policy, and legal drafting.
- Excellent writing and oral skills in English, and Somali.

## **g. REPORTING**

The Legal Adviser will report to the SEHCD project manager and will closely work with the relevant departments at the Ministry of Education, Culture and Higher Education, Federal Government of Somalia, and work under the overall guidance of the permanent secretary.

## **h. LOCATION:**

The consultant will undertake in-country modes of working based on the agreed work plan and methodology. The duty-station of the adviser is in Mogadishu, and she/he will be based in the MoECHE. She/he will also travel to the Federal Member States.

## **i. DURATION OF ASSIGNMENT:**

The contract is expected to run for 90 days spanning over **6 six months** with a possible extension subject to satisfactory performance and availability of funds.

## **j. FACILITIES TO BE PROVIDED:**

The Ministry of Education, Culture and Higher Education will provide the Legal Adviser with office facilities, essential utilities, office services, stationery and office supplies and use of a computer, printer, scanner and photocopying machine. In addition, the Ministry of Education, Culture and Higher Education will provide copies of all the documents the Legal Adviser may need to discharge his/her functions; and will assist in liaising with federal and state ministries of Education and other education development partners.