

## Avocats Sans Frontières' (ASF) IS LOOKING FOR

A consultant/group of consultants to conduct research on access to land and transitional justice in northern Uganda, and to specifically explore the returnees and displaced person's justice paths in claiming land rights.

**Assignment to be undertaken from October to December 2020**

<b>Project</b>	Contributing to Sustainable Development Goals through Access to Justice.
<b>Objective of the assignment</b>	<p>This call for applications is directed at research / policy experts or team of experts to design the methodology and conduct a desk and field research on access to land and transitional justice with the purpose of exploring the returnees and displaced person's justice paths in claiming land rights with specific outcomes as follows;</p> <ul style="list-style-type: none"> <li>• Understanding returnees' and displaced peoples' experiences of respective justice mechanisms as well as the loss or harm relating to land, occasioned by displacement</li> <li>• Highlighting key barriers preventing successful dispute resolution</li> <li>• Exploring the relationship between/among the existing justice mechanisms</li> <li>• Developing key recommendations shaped by the above findings.</li> <li>• Outline what a land restitution body would look like in legislation and practice.</li> </ul>
<b>Profile</b>	<p><b>Essentials</b></p> <ul style="list-style-type: none"> <li>• Advanced degree in law, social sciences, political science</li> <li>• Experience in development research/ policy analysis</li> <li>• Country expertise</li> <li>• Proven publication record</li> <li>• methodological and research skills</li> <li>• Fluency in English</li> <li>• Ability to write clearly and concisely</li> <li>• Excellent interpersonal skills;</li> <li>• Excellent planning and prioritisation skills;</li> <li>• Proven ability to adapt the research plan to challenges and opportunities emerging during the research</li> <li>• Proven ability to multitask and work under tight deadlines</li> </ul>

<b>Availability</b>	An equivalent of 30 working days spread through October to November, 2020.
<b>Contract and deadline</b>	<p>Please submit applications by the 14<sup>th</sup> September, 2020 at 12.00 noon.</p> <ul style="list-style-type: none"> <li>• A cover letter expressing interest in carrying out the consultancy</li> <li>• A CV demonstrating relevant skills and experience and names of at least 2 references, preferably from organizations with which the consultant (s) has conducted similar types of work.</li> <li>• Indicative budget for consultancy fees, detailing the activities, number of days and daily rate. The indicative budget should be inclusive of <b>all taxes</b> applicable in the country.</li> <li>• The offer will remain valid for a period of 30 days</li> <li>• All payments will be made directly into the bank account of the consultant upon deducting all applicable taxes according to Uganda tax law.</li> <li>• 30% of the amount will be made to the supplier on the date of the contract and 70% upon delivering the final report to ASF.</li> <li>• Sample of similar work done in the past (optional)</li> <li>• Declare flexibility and availability in agreement with the ASF for the project implementation period from the Month of October to December, 2020.</li> <li>• The documents should be submitted to Doreen Musasizi at <a href="mailto:oug-cp@asf.be">oug-cp@asf.be</a> copy to <a href="mailto:oug-cp2@asf.be">oug-cp2@asf.be</a> under subject line Consultancy</li> </ul>

### **General Overview of Avocats Sans Frontiers' (ASF)**

ASF is an independent international non-governmental organization founded in Belgium in 1992, whose mission is to contribute to the establishment of institutions and mechanisms that allow for access to independent and impartial justice, and which are capable of guaranteeing the protection of fundamental rights (civil and political, economic and social), including the right to fair trial. For more than 20 years, ASF has been implementing programs with the aim to facilitating access to justice for the most vulnerable population in fragile states or transition contexts.

ASF's strategy rests primarily on:

- 1) The affirmation of law as a vehicle of change (protection and development); and
- 2) The promotion of the social role of the lawyer as an agent of change (lawyers are both guaranteeing legal security, and access to human rights via the access to justice and a quality defence).

ASF places lawyers, bar associations and other civil society organisations promoting

human rights at the core of this strategy. ASF's intervention strategy includes recognizing access to justice as a fundamental right and an indispensable precondition for realizing and defending other human rights; and building advocates and lawyers' capacity to achieve the above objectives: ensure access to justice and support human rights realisation.

### **Overview of the Consultancy**

ASF in Uganda is currently implementing a project 'Contributing to Sustainable Development Goals through Access to Justice' 2017-2021, with support from the Belgium Development Cooperation (DGD). The main objective of the project is to "improve the functioning of justice mechanisms for populations affected by conflicts and natural resources management through the promotion of their rights particularly public participation". This project has two components, one on natural resource management and the other on International and Transitional justice, and three key result areas, namely;

**R1- Fostered participation of victims of conflict in Justice mechanisms abiding by international standards**

**R2- Stronger justice mechanisms for communities affected by the exploitation of natural resources**

**R3- Fostered public participation for populations affected by natural resources management.**

To achieve the key result areas and consequently project objectives, the project implements a number of activities including provision of legal representation to victims of violations resulting from natural resources exploitation as well as victims of conflict. The projects activities are also geared towards advocacy for the adoption and since 2019 implementation of the Transitional Justice Policy. The transitional Justice policy particularly takes into account Land as an important aspect of dealing with past crimes. As such ASF undertakes this research as a theme that cuts across its natural resources and its transitional justice research towards reparation.

### **Research Background and Rationale**

Dealing with past human rights violations has become a common feature of societies that emerge from an atrocious past characterized by massive violations of human rights. These measures range from justice, truth, reconciliation, guarantees of non-repetition, reparation. One of the key human rights violations following the two-decade war in the post war Northern Uganda relates to land rights. This is because land occupation and ownership have been substantively affected as a result of people fleeing from the over two -decade war. Northern Uganda as a region, experienced about two decades of civil war which arose as a result of rebel activity. This particularly affected the Acholi, Lango and West Nile sub-regions as well as the Karamoja sub-region (Mabikke, S. B. 2011). The government officially ordered the majority of the rural population in the Lango and Acholi sub-regions into Internally Displaced Persons' (IDP) camps in September 1996 (Branch, A. 2007; Branch, A. 2005; Hopwood, J., & Atkinson, R. 2013).

By 2004–5, nearly two million northern Ugandans had been driven from their homes and fields and relocated to IDP camps (Hopwood, J., & Atkinson, R. 2013). The majority of these, numbering about a million people and comprising more than 90% of the sub-region, came from the Acholi sub-region<sup>1</sup>, where official government-enforced displacement began in 1996 (Hopwood, J., & Atkinson, R. 2013). Thus, 78% of a population originally dependent on subsistence farming was either forced to leave their land altogether or was unable to access it due to the threat of violence from the Lord's Resistance Army (LRA) or the orders of the UPDF (Uganda People's Defense Force) (Adoko, J., & Levine, S. 2004).

This extensive displacement led to confusion and uncertainty over land boundaries and land rights, and loss of communal knowledge following the death of elders, which in turn, created a space for the more powerful to engage in land grabbing (Adoko, J., & Levine, S. 2004). Consequently, in 2006, following the cessation of Hostilities agreement, in which the government declared it safe for formerly displaced persons to return to their pre displacement homes, the region witnessed a remarkable number of land disputes (Hopwood, J., & Atkinson, R. 2013). These disputes have ranged from small to large scale disputes, **including disputes involving returnees at the individual level to disputes at a community-level between families and clans.** The disputes further extend to other actors, such as **companies who have acquired land on a large-scale basis for investment and commercial purposes and government institutions such as hospitals and schools** (Hopwood, J., & Atkinson, R. 2013) as well as individuals formerly displaced onto publicly owned land.

Research shows that returnees have undertaken different paths to have their land disputes resolved and have expressed different reparation needs, ranging from restitution (the return of cattle lost during the conflict and land restitution) to compensation and apologies (Beyond Juba Project, 2010 and 2009; OHCHR, 2007; ICTJ & HRC, 2005). This has meant that they have consulted the several dispute resolution mechanisms, mandated and un-mandated by the law, including the formal courts system, Local Council Courts, Traditional Institutions and many other civil societies who offer legal aid and mediation services. However, each of the available institutions have limitations, including a lack of coordination between them and because they do not align themselves, this has contributed to unending dispute resolution processes. Thus, none of the land dispute resolution mechanisms have produced outcomes that could be described as transformative. This is because the disputes as well as land concerns resultant from the war continue to affect the majority of formerly displaced persons even over a decade after the declaration of the return phase. The National Transitional Justice Policy passed in June of 2019, also acknowledges land conflicts as a post conflict issue and integral to reintegrating victims back into their communities.

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<sup>1</sup> Acholi sub-region is comprised of eight districts: Gulu, Amuru, Nwoya, Kitgum, Lamwo, Omoro, Pader and Agago.

Although the existing literature acknowledges existence of multiple justice paths consulted by former IDP's in their pursuit for justice, the literature does not offer exhaustive information about returnees' experiences with the different justice mechanisms, and neither is there any literature on the coordination approaches adopted by the multiple justice paths. The upcoming research therefore seeks to understand the reality of justice paths and the actual challenges faced in restoring land rights before the different forums. This will in a broader sense contribute towards advocating for the development of a victim-oriented reparations' framework

**In particular, this research intends to look at the following key areas:**

- Understanding returnees' and displaced peoples' experiences of respective justice mechanisms. This should include mapping out the loss/harm suffered as result of displacement in respect to land rights
- Highlighting key barriers preventing successful dispute resolution
- Exploring the relationship between/among the existing mechanisms
- Developing key recommendations shaped by the above findings.
- Outline what a land restitution body would look like in legislation and practice.

### **TASKS TO BE PERFORMED**

The expert/ team of experts must:

- Elaborate the methodology of the research in accordance with the objective of the assignment and based on the above-mentioned monitoring frameworks;
- Conduct desk and field research in accordance with the agreed methodology.
- Field research is mandatory as the assignment is part of a participatory process of elaborating strategic directions for dealing with past land rights violations and reparations thereof.
- Elaborate report on access to land and transitional justice in northern Uganda: exploring the returnees and displaced person's justice paths in claiming land rights. – the report should address the key research questions as well as objectives

### **DELIVERABLES:**

- Research plan and proposed methodology which should include: process and criteria for selecting participants to be part of the research, sample size, full methodological approach taking into consideration the objective of the assignment, timeline for implementing the agreed methodology.
- Data sets to include: database of participants included in the research together with contact details, quantitative data received through surveys/questionnaires, qualitative data received through interviews and focus groups (recordings/transcripts if available in English).
- Draft report on access to land and transitional justice in northern Uganda : exploring the returnees and displaced persons justice paths in claiming land rights. – the report should address the key research questions as well as objectives
- Final report on access to land and transitional justice in northern Uganda : exploring the returnees and displaced persons justice paths in claiming land rights. – the report should address the key research questions as well as objective

**NOTE:** Due to Covid-19, there are current travel restrictions to enter Uganda. Depending on the situation, the consultant may have to carry out some interviews online and consult with the organisation to hire data collectors already based in Uganda. It is encouraged to reflect both of these options in the proposed budget