ANNEX I

TERM OF REFERENCE (ToR)
FOR THE RECRUITMENT OF INDIVIDUAL CONTRACTORS (IC)

GENERAL INFORMAION	
Services/Work Description:	Recruitment of a **Team Leader/Lead Researcher** to lead a multidisciplinary team of researchers in conducting a policy-oriented study about local institutions and structures of conflict resolution and their relevance to dialogue and reconciliation efforts at the national and regional level
Project/Program Title:	[1] Strengthening Peace and Dialogue in Ethiopia
Post Title:	Team Leader/Project Coordinator (National)
Consultant Level:	C
Duty Station:	Addis Ababa
Duration:	40 working days distributed over 3 months
Expected Start Date:	Immediately after signing the contract

I. BACKGROUND/PROJECT DESCRIPTION

Traditional authorities play a crucial role in dialogue and reconciliation efforts, and peacebuilding more broadly. However, they are often viewed and portrayed by African urban elites, many western scholars, and human rights activists, as well as by those within the government's ranks, as 'anachronisms/survivors of the colonial past, 'undemocratic', and 'dysfunctional' etc. Yet they wield immense power and influence in rural and traditional communities. As a plethora of studies show, traditional authorities and the local institutions that they represent and play an important role in preventing conflicts from arising and resolving the ones that arose within a family, within or among communities, at the national level, and sometimes even among states. Their role in this regard is widely recognised that different countries have accorded a certain level of constitutional recognition to traditional structures. South Africa's devolved system, for instance, has come a long way in terms of recognizing, and providing institutional expression to traditional authorities and institutions to ensure the inclusion of traditional communities in conflict prevention and peacebuilding. Other African countries, such as Ghana, Botswana, and Uganda provide traditional authorities formal recognition. Even more importantly, traditional authorities enjoy much greater influence over local communities than what was constitutionally and legally stipulated. In countries such as Rwanda local institutions of conflict

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[1]LPI's relevant project "Enhancing the role of local institutions of conflict resolution in dialogue and reconciliation efforts in Ethiopia"

resolution complemented the formal transitional justice mechanism in coming to terms with the country's repressive past. The famous Gacaca courts, for example, were presented as a method of traditional transitional justice mechanism, claimed by the Rwandan government to promote communal healing, and rebuilding in the wake of the Rwandan Genocide. Traditional justice institutions have also played an important role in Uganda (the Mato Out – ritual of reconciliation) and in Mozambique (invoking the Magamba spirits to sanction peace). In all these and many other cases, they served as restorative justice tools, supplementing the largely retributive justice tools of formal transitional justice mechanisms.

In Ethiopia, through the 1995 Constitution, each ethnic group has been given the space to promote its own culture and language, and legal pluralism is officially recognized. Today, conflicts in the areas of family and civil law can legally be resolved using local procedures, and mechanisms, if the Constitution is not contradicted, international human rights standards are not violated and all the parties in conflict have agreed. The same rights and respect have been given to religious laws, so Sharia law and courts as well as Social Courts have received a special place in contemporary Ethiopia. This legal pluralism is generally welcomed and appreciated by many people, especially as previous Ethiopian governments ignored and forbade the application of customary laws for criminal matters yet tolerated them for civil matters and as such allowed them to operate unofficially. Until the codification processes of the 1950s and 1960s customary dispute resolution mechanisms used to play a greater role in resolving both criminal and civil matters.

Local institutions of conflict resolution mechanisms in Ethiopia are playing an important role in resolving conflicts of any kind and maintaining peace and stability in the community though they are not recognized by law and are not properly organized. They are run by elders; involve reconciliation of the conflicting parties and their respective families using different customary rituals where needed; emphasize the restitution of victims and reintegration of offenders and aim at restoring the previous peaceful relationship within the community as well as maintaining their future peaceful relationships by avoiding the culturally accepted practices of revenge. In Ethiopia, as elsewhere, local institutions of conflict resolution are based on the principle of restorative justice, 'an approach to justice that focuses on repairing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by a crime - victim(s), offender and community – to identify and address their needs in the aftermath of a conflict, and seek a resolution that affords healing, reparation, and reintegration, and prevents future harm'[2].

Notwithstanding that, Ethiopia's indigenous knowledge base of customary practice e.g. Gada, Shimgllina, Areknsanti etc. has the enormous advantage of implementing the ideals of restorative justice, however restorative justice has not yet taken root in the criminal justice system of Ethiopia. The procedural and substantive laws of Ethiopia, including the Constitution itself, exclude their application in criminal matters. The current criminal law of Ethiopia emphasises punishment as the main instrument to prevent the commission of a crime (based on the principle of retributive justice). In the 1995 Constitution, customary and religious institutions are given a constitutional right to handle personal and family matters if the conflicting parties give their consent to get a decision by these institutions. Hence, the Constitution limits the mandate of the customary conflict resolution institutions only to private and family disputes by specifically excluding

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[2] Robert Cormier (2002). Restorative justice: Directions and principles. Available from http://scholar.google.no/scholar?hl=en&qRestorative+justice%2Cdirection.

their application to criminal matters even though they are functioning for many types of crimes on the ground, including resolving inter-group conflicts[3].

Local capacity for peacebuilding, however, varies from region/community to region/community. Some local institutions have been thoroughly co-opted by the State losing their credibility while others are undermined by State institutional encroachment or because of processes of broader social change. Still, others have proved to be resilient and now flourish in the context of legal pluralism and the resurgence of traditional authorities in Federal Ethiopia. Current national and regional level efforts are opening a new space and sense of relevance for local institutions of conflict resolution. The former Ethiopian Reconciliation Commission (ERC[4]) was established on 5 February 2019 to respond to serve as the country's preferred transitional justice mechanism to transcend the perennial challenge of tackling the history of injustices and violations. ERC had expressed interest in local institutions of conflict which culminated to a design of studies with a view to identifying points of articulation between the traditional and formal transitional justice mechanisms. Regions have also been moving towards setting up regional reconciliation Commissions. For instance, the Somali regional state has passed the Truth, Justice, and reconciliation Bill in 2020 while Oromia, supported by CSOs, has established a regional multistakeholder forum for dialogue.

National dialogues are also becoming an increasingly popular tool for conflict resolution and political transformation. The parliament established an Ethiopian National Dialogue Commission (ENDC) on December 29, 2021, as a successor of ERC. One of the principles of the ENDC is using national traditional knowledge and values. The Commission has now completed its roadmap and shall organize and convene dialogue forums at the Federal and Regional levels that would bring about national consensus with the participation of representatives of various segments of society drawn from the entire country. In broadening the debate about a country's trajectory beyond the usual group of elite decision-makers, national dialogues offer the potential for meaningful conversation about the underlying drivers of conflict and ways to holistically address these issues. One of the conditions for a National Dialogue (ND) process to succeed is the principle of inclusion, transparency, and public participation. An effective national dialogue convenes a broad set of stakeholders for a deliberative process and its results are hoped to open windows of opportunities for a genuine transitional justice and reconciliation processes to commence in Ethiopia. To maximize the dialogue's potential to address the real drivers of conflict, all key interest groups should be invited to participate, including traditional authorities and the local institutions that they represent

UNDP Ethiopia and the Life and Peace Institute (LPI) have been actively advocating for and were trying to identify programmatic entries to create conducive conditions for non-violent means to prevent and reduce violence, seek a peaceful resolution to ongoing conflicts, and work toward sustainable and lasting solutions addressing their root causes. Cognizant of the pressing need to support dialogue and reconciliation efforts at the national, regional, and community levels, UNDP and LPI seek to commission a study on local institutions of conflict resolution to inform the national dialogue and reconciliation initiatives. This study is to acquire a thorough understanding of the role those local institutions in conflict resolution can play in helping the

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[3] The Ethiopian criminal justice policy of 2011, sections 6.4.3 and 6.4.4 clearly recognizes that the mechanisms can also handle some criminal matters. This is however only a policy and would require supplementary laws to be enacted.
[4] The ERC mandate expired without being further renewed and its role effectively ended by the decision of the Ethiopian Parliament in March 2022.

National Dialogue and Reconciliation processes, thereby increasing the ownership and public acceptance of these processes at the national and local levels.

Considering the convergence of their peacebuilding and reconciliation priorities, UNDP and LPI are collaborating in conducting this research, on one hand, to produce concrete evidence-based recommendations to inform national dialogue and reconciliation processes on the other hand to inform their peacebuilding programmes. Therefore, UNDP and LPI are seeking to recruit a team of researchers comprised of one lawyer, one political scientist, and one anthropologist who will be working as a team, combine legal analysis with empirical fieldwork-based research in selected regions to be decided in consultation with the team of experts. This specific term of reference is for the position of Team Leader/Lead Researcher with a legal background.

II. OBJECTIVES OF THE CONSULTANCY

The main objective of the consultancy is to contribute to the current dialogue and reconciliation efforts by various stakeholders with a focus on the roles and functions of indigenous conflict prevention, resolution, dialogue, and reconciliations mechanisms in Ethiopia, both in the current context as well as in overcoming past divisions. The specific objectives of this consultancy are to:

- Undertake a thorough context analysis that includes drivers of conflict and peace dynamics.
- Stocktaking of what we already know, both in theory and in practice, on the added value and limitations of local institutions of conflict resolution for dialogue and reconciliation from a restorative point of view and in the context of transition
- Examine some of the existing indigenous mechanisms in Ethiopia and define their jurisprudence and legal standing as well as functionality at the local level with a potential for relevance to national and regional level dialogue and reconciliation efforts
- Examine processes, perception, level of acceptance, and respect to existing indigenous mechanisms in Ethiopia as part of social capital with a potential for relevance to community level dialogue and reconciliation efforts
- Assess gender responsiveness of indigenous mechanisms in Ethiopia as part of community level dialogue and reconciliation efforts
- Based on the qualitative inter-disciplinary joint research, offer practical policy recommendations on the prospects/interface of indigenous mechanisms to complement state or formal dialogue and reconciliation processes at the national and regional levels – disaggregating these between community relations/trust-building, truth-seeking (e.g. statement taking, evidence collection, and/or provision of other historical evidence such as testimonies), and rituals of reconciliation and participating and legitimizing the upcoming national dialogue process.

III. KEY RESULTS EXPECTED

While there's an overarching understanding of indigenous mechanisms in conflict resolution and healing processes in Ethiopia, their role in the framework of dialogue and transitional justice both at local, regional, and national levels is not sufficiently understood. Traditional authorities are important at various stages of national dialogue processes, as in Somaliland were, the Guurti (clan elders), played a crucial mediating role at times when the dialogue risked deadlock. Whether it is in reconciling large-scale past and current grievances

or serving the day-to-day customary practices at the communal level, their roles, and responsibilities in the promotion of peace, dialogue, justice, healing, and reconciliation deserve better understanding and articulation. This policy-oriented research will deliberately focus on responding to the above areas of inquiry which help to generate qualitative research based on existing knowledge and practice. The research will use both legal and transitional justice lenses to enhance broader peacebuilding perspectives based on a thorough understanding of how local institutions of conflict resolution and reconciliation are constituted and their mode of operation.

The Team Leader with other national experts in Local Institutions of Conflict Resolutions and reconciliations will be responsible for he following outcomes:

- Evidence-based research report is generated about local institutions/ indigenous mechanisms of conflict resolution and reconciliations covering their capacity to resolve conflicts, the socio-legal aspects , their bases of legitimacy, key actors embedded in these institutions, gender responsiveness, and their functionality at the local level with a potential for relevance to national and regional level dialogue and reconciliation efforts, along with a background on the context that include drivers of conflict and peace dynamics.
- Concrete recommendations and key lessons are advanced with practical examples and potential follow-up on the local capacity for dialogue, and reconciliation with a transitional justice lens – with two main audiences the National Dialogue participants/conveners and the Ministry of Peace (MoP).
- Two policy brief papers are produced – one for the role of local institutions of conflict resolution and reconciliation in the national dialogue process and one for reconciliation efforts at the national and regional levels with a view of engaging the various stakeholders in a policy round-table discussion.
- Mapping and database of contacts of the different traditional authority representatives in Ethiopia.

The Team Leader has an administrative reporting line to the UNDP/LPI, and he/she will be responsible for the following deliverables working closely with the national experts as a team:

1. An evidence-based research report on local institutions of conflict resolution and reconciliations.
2. Two Policy Briefs summarizing findings and recommendations for how these institutions could be part of the implementation and/or complement national and regional reconciliation processes.
3. A mapping and database of contacts of the different traditional authority representatives in Ethiopia.
4. Round table discussions/validation workshop with various national and international stakeholders supporting the national reconciliation and national dialogue processes will be organized to present the findings and facilitate a debate around them.

The research will thus focus on the following areas of enquiry:

- What are the existing traditional institutions of conflict prevention, resolution and reconciliation in Ethiopia? What are their defining features? What are their bases of legitimacy and their current conditions?
- Who are key actors embedded in these institutions and the role women are playing?
- What is their legal and constitutional status in Ethiopia in the context of legal pluralism?
- What role do they play in conflict prevention and peacebuilding? Specifically, what role can they play concerning current dialogue and reconciliation processes at the national and local levels?

- What are their potentials and capacity limits in managing conflicts, in taking part in national dialogues, truth-seeking, transitional justice and reconciliation process to be led by a national or regional institutions?
- At which stage of the national dialogue and reconciliation processes does it make sense to engage traditional institutions of conflict resolution? What role can these institutions play in enabling the work of a national and/or regional dialogue and reconciliation processes/commissions? What options and possible areas of articulation are there between traditional institutions and modern transitional justice mechanisms in the specific Ethiopian context?
- What sort of institutional reform and capacity improvement initiatives could be introduced to enhance the role of traditional institutions and leaders in conflict prevention and peacebuilding?

IV. Impact of Results

The key results of the assignment are expected to have an impact and help inform the work of NDC and other institutions like MoP working on conflict prevention and peacebuilding by providing evidence base and policy recommendations about how indigenous conflict prevention, resolution, and reconciliations mechanisms can contribute to the national reconciliation and national dialogue processes in Ethiopia.

V. Competencies

Corporate Competencies:
- Displays cultural, gender, religious, race, nationality, and age sensitivity and adaptability
- Treats all people fairly without favouritism.
- Understand Ethiopian Government Policies and strategies and demonstrate value to the same.
- Understands the Ethiopian traditional systems and social fabrics

Core Competencies:
- Creates new and relevant ideas and leads others to implement them
- Models' high professional standards and empowers team members to innovate and deliver;
- Understands personal and team roles, responsibilities, and objectives
- Gains the trust of peers, partners, and clients by demonstrating substantive and technical abilities including presenting authoritative advice to partners and other stakeholders.

Functional/ Technical Competencies:
- Excellent social science research methodologies in policy-oriented research in conflict resolution, dialogue and reconciliation
- Excellent leadership, coordination, and relationship-building skills
- Updated knowledge of conflict situations, peace initiatives and institutions both traditional and formal institutions
- Current knowledge of development issues, strategies, as well as programming policies and procedures in international development cooperation
- Proven ability to conceptualize, innovate, plan, and execute ideas, as well as to impart knowledge and teach skills

- An effective and energetic team player, with the ability to work in a multidisciplinary and multicultural environment
- Strong self-motivation and innovative skills, with the capacity to work independently and as a team meet deadlines.

Client Orientation:
- Ability to anticipate and manage the needs and interests of multiple stakeholders and balance often contradictory expectations from national partners
- Work towards creating an enabling environment for a smooth relationship between the clients and service providers.

Analytical Abilities:
- Knowledge of conflict and peacebuilding concepts and the ability to apply them to strategic and/or practical situations
- Knowledge of the interaction between political actors, political processes, and peace in a society, including the impact of power distribution on political stability and economic outcomes
- Capacity to assess the scope of the request for advisory services, prepare detailed TORs, regular brief and engage and support a variety of technical consultants; assess the quality of services provided by technical consultants and make recommendations as might be required.

Innovation, Outreach, and Communication:
- Writes clearly and concisely in English and Amharic
- Communicates within and at large, participates in peer communities, and engages substantively
- Makes the case for innovative ideas, documenting successes and building them into the design of new approaches and tools
- Demonstrates effective presentation and writing, and strong analytical and strategic skills.

Gender and Institution Development:
- Demonstrates knowledge of systems and tools for gender mainstreaming
- Applies gender dimension to strategic and/or practical situations, including analysis of projects from a gender perspective
- Demonstrates knowledge of Women's Rights and political participation/empowerment issues and concepts and applies these in strategic and/or practical situations
- Demonstrates knowledge, practices, and application of UN Resolution 1325 at country level.

Teambuilding:
- Works effectively with diverse groups of professionals towards common goals
- Able to manage different personalities and motivate others while ensuring team coordination and spirit

VI. Required Qualifications

Education:

Advanced university degree (master's degree) in Law, Peace and Security Studies or a related field relevant to the research objectives.

Experience:

The Team Leader/Lead Researcher should have at least 10 years of experience working on public policy research, governance, and reconciliation in Ethiopia as well as a track record of publications of similar research.

- Experience in being part of and leading a multidisciplinary research team combining transitional justice experts, restorative justice and traditional transitional justice experts, and social scientists (socio-political analysis) to ensure a thorough understanding and analysis of the legal and socio-political dimensions of local institutions of conflict resolution and their actual and potential role in dialogue and reconciliation processes
- Experiences in researching traditional dispute resolution, transitional justice, conflict resolution, and peacebuilding issues
- Experience in leading complex policy-oriented research on sensitive political, human rights, and conflict issues
- Have Proven knowledge on the subject matter of the research (traditional conflict resolution and reconciliation mechanisms, dialogue reconciliation and peacebuilding
- Have proven experience in conducting critical appraisal of the terms of Ethiopia's legal pluralism
- Able to develop case study of selected local institutions from various regions and cultural communities (representativeness is highly appreciated)
- Have a capacity to critically appraise the current national dialogue and reconciliation efforts with a view to identifying an actual and a potential role for local institutions of conflict resolution and reconciliation
- Experience in policy research and writing policy briefs
- Ability to develop rapport and maintain strong relationships with local traditional leaders, federal and regional authorities, and other critical stakeholders
- Able to work both independently and within teams
- Able to work under pressure
- Experience in liaising and engaging different stakeholders, including national governments, in a complex environment and managing partners' expectations
- Experience in designing and implementing, local capacity-building initiatives
- Experience working within a UN agency and/or other international organizations would be added advantage
- Experience in the use of computers and office software packages, including experience in handling web-based teleconferencing platforms and systems (e.g., Zoom, Microsoft Teams, etc); and
- Flexible, with the ability to perform and prioritize multiple tasks.

Language requirements:

- Excellent oral and written communication and reporting skills in both English and Amharic. Knowledge of other Ethiopian languages is a plus.

VII. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The Team Leader/Lead Researcher will work from home / their office and in the field during the collection of primary data. Functionally and administratively, he/she will be reporting to the Team Lead of   UNDP and LPI Joint Technical Team.

VIII. DURATION OF THE ASSIGNMENT[5]

The engagement of Team Leader/Lead Researcher will be for 40 working days distributed over 3 months.

The research is expected to be completed, including the various dissemination events before September 2022. Bidders are required to submit technical and financial proposals based on their understanding/interpretation of the ToR. The financial proposal should have details of the proposed budget for the consultant's daily consultancy rate only to be covered by UNDP. Costs related to travel, per diem, and accommodation costs related to the field research and workshops will be covered by LPI.

IX. CRITERIA FOR SELECTING THE BEST CANDIDATE

Applicants are expected to submit their CVs, Academic credentials, Work Certifications, produce evidence of the required competencies and experiences along with any other relevant credentials.

Qualified Individual Consultants (ICs) are expected to submit both the Technical and Financial Proposals. The technical proposal should include how the IC will deliver the expected key deliverables listed below. The financial proposal should show how the IC's proposed rate by deliverables and spread over 3 months.

The following criteria will be followed in selecting the best candidate.

Criteria	Weight	Max. Point
Technical Competence (based on Credentials and technical proposal)	70%	100%
• Criteria a. [Experience and skills mix]		20
• Criteria b. [Methodology for undertaking assignment]		40
• Criteria c. [Motivation]		10
Financial (Lower Offer)	30%	30
Total Score	Technical Score (70%) + Financial Score (30%)	

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[5] *The IC modality is expected to be used only for short-term consultancy engagements. If the duration of the IC for the same TOR exceeds twelve (12) months, the duration must be justified and be subjected to the approval of the Director of the Regional Bureau, or a different contract modality must be considered. This policy applies regardless of the delegated procurement authority of the Head of the Business Unit.*

X. ETHICAL CONSIDERATIONS, CONFIDENTIALITY, AND PROPRIETARY INTERESTS

- The consultant needs to apply standard ethical principles during the evaluation. Some of these must deal with confidentiality of interviewee statements when necessary, refraining from making judgmental remarks about stakeholders.
- The consultant shall not either during the term or after the termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent by the contracting authority. Proprietary interests in all materials and documents prepared by the consultants under this assignment shall become and remain properties of the UNDP and LPI.

XI. DELIVERABLES

No.	Deliverables	Implementing Partners (IP)	Location and Action to be Undertaken	Duration (approx.)
1	Inception Report detailing the research background, data collection and analysis methodologies, and time schedule	UNDP/LPI	Addis Ababa	5 working days
2	- An evidence-based and policy-oriented research report about local institutions of conflict resolution and their relevance to dialogue and reconciliation efforts at the national and regional level - A mapping and database of contacts of the different traditional authority representatives in Ethiopia.	UNDP/LPI	Addis Ababa / field research locations Desk Review, Data Collection and Reporting	24 working days
3	Two Separate Policy Briefs summarizing findings and recommendations-one for the role of local institutions of conflict resolution and reconciliation in the national dialogue process and one for reconciliation efforts at the national and regional levels with a view of engaging the various stakeholders in a policy round-table discussion.	UNDP/LPI	Addis Ababa	10 working days

No.	Deliverables	Implementing Partners (IP)	Location and Action to be Undertaken	Duration (approx.)
4	Presenting findings and facilitate a debate during round table discussions/validation workshop with various national and international stakeholders supporting the national reconciliation and national dialogue processes along with roundtable discussion report	UNDP/LPI	Addis Ababa	1 working day
Total Working Days				**40 working days**

XII. PAYMENT TERMS

The payment instalment is only for the consultancy fee to be paid by UNDP. Other costs related to travel, per dime, accommodation, printing and copy will be covered by LPI up on demands from the consultants.

Payment Schedule (Payment trenches)	Deliverables or Documents to be Delivered	Approval should be obtained from:	Percentage of Payment
1st Instalment	Inception Report	UNDP	20%
2nd Instalment	1. An evidence-based and policy-oriented research report 2. A mapping and database of contacts of the different traditional authority representatives in Ethiopia.	UNDP	50%
3rd instalment	3. Two policy briefs summarizing the findings of the report and policy recommendations 4. Final policy report and policy brief, and roundtable discussion report.	UNDP	30%

XIII. HOW TO APPLY

Interested consultant with required qualifications and experience must submit their applications online as per the etendering requirement.