**TERMS OF REFERENCE FOR THE MAPPING OF DISPUTE RESOLUTION STRUCTURES AND CONFLICT ANALYSIS IN SOUTH KORDOFAN STATE (National Partner Only)**

**Background**:

NRC ICLA programme is planning to set up programme interventions in South Kordofan state.

In order to provide efficient and effective services, NRC, and other stakeholders, require a deeper understanding of the conflict context and Dispute Resolution (CDR) structures with particular focus on women’s access to statutory, religious and traditional dispute resolution mechanisms. In line with this, NRC plans to undertake a comprehensive dispute resolution mapping assessment and conflict analysis which aims to;

1. Understand the conflict context in which the communities and the organisation operate
2. Enable communities to look at their context and situation from different angles and explore new perspectives and options.
3. Map out and document all existing dispute resolution mechanisms, practices, institutions in the community, (both formal and informal) and understand the procedures used by each of these dispute resolution processes
4. Determine which institutions dealing with disputes are the most relevant to local populations (especially different groups of vulnerable persons) and effective in addressing disputes
5. Identify strengths, weaknesses, opportunities and threats for all identified dispute resolution mechanisms
6. Develop an intervention strategy to work with or alongside these institutions to support the amicable resolution of disputes in South Kordofan.

The CDR mapping will support the design of an effective strategy to improve conflict-affected populations’ access’ to mechanisms with which they can resolve disputes.

**Objectives:** Existing dispute resolution mechanisms/institutions ((statutory, religious, traditional, and informal/ad hoc) will be assessed to determine if they reflect the “standards and guidelines for effective Collaborative Dispute Resolution” listed below;

1. **Standard 1:** The dispute resolution process needs to be seen as legitimate by the parties to the conflict
2. **Standard 2:** The dispute resolution process aims to improve relationships between the parties to the conflict.
3. **Standard 3**: The proposed resolution to the dispute must be clear and can be realistically implemented.

**Methodology:** The following data collection methods highlighted below will be utilised to gather the required data:

**CDR Mapping exercise**

1. **Literature review**

The research will begin with research, review and consolidation of all existing literature (academic, journalistic, and NGO) available on dispute resolution in the State. The literature review will also look at the existing laws applicable to land disputes. All secondary sources will be listed and shared as annexes to the main report.

1. **Key informant interviews**

Pending the availability of key informants, direct, semi-structured interviews will be a key source of contextual information and triangulation. Key informant interviews will be held with:

1. Strategic institutional collaborators - Organizations (government or NGO) that that could provide an outside perspective of the dispute resolution governance context and NRC’s potential role in it. Meetings should be held with;

* **International organizations and NGOs** for example but not limited to; UNHCR, UNDP, OHCHR, UNITAMS, FAO,
* **National organisations working on dispute resolution–** this will vary according to the location
* **Government institutions** for example but not limited to; line ministries (Agriculture, Planning and infrastructure, Judiciary, Ministry of Justice etc)
* **Governing institutions i.e.** , IDP’s committee’s other relevant Committees/ Commissions
* **Academic Institutions –** research centres, peace and academic centres, Universities.

1. **Actors involved in the resolution of disputes:** These will include local leaders who play direct roles as mediators or arbiters of disputes (in the statutory, religious, traditional, and informal/ad hoc systems), but also those who play complementary roles (surveying land, holders of traditional knowledge etc. While these roles are often filled by men, it will be important to also ensure that local women leaders are interviewed.
2. **Parties to ongoing or past disputes** – this category will be elaborated upon in the direct observation section.
3. **Household surveys**

Quantitative data will be collected through the Household questionnaire includes questions that should be asked to every sampled household. Some questions require direct observation and should not be asked but permission should be granted to look around. Random sampling method will be utilised and sample size developed jointly with ME colleagues.

1. **Focus Group Discussions**

This method will be helpful to gather a variety of perspectives on some common themes – it will use open-ended questions about access to land, water and other issues and the perceived relevance and effectiveness of the institutions in place to resolve these disputes.

At-least **nine categories of focus groups** will be organized in each site targeting the following participants;

1. Women displaced by the conflict residing in IDP camps/ settlements/designated areas
2. Women displaced by the conflict not residing in designated areas i.e. rental/hosting arrangements
3. Women from host communities including landlord/ hosting IDP’s
4. Women from Arab/nomadic/semi-nomadic communities
5. Men displaced by the conflict residing in IDP camps/ settlements/designated areas
6. Men displaced by the conflict not residing in designated areas i.e. rental/hosting arrangements
7. Men from host communities including landlord/ hosting IDP’s
8. Men from Arab/nomadic/semi-nomadic communities
9. Secondary occupants
10. **Direct Observation of dispute resolution process followed by interviews**

This will entail the observation (as neutral parties) of the process for resolving disputes within targeted communities, using a standard framework to assess how these dispute resolution mechanisms function in practice.

Following the conclusion of the process, interviews will be held with the parties to the dispute to get their perspectives on the outcomes and whether they feel like they accessed justice. This will provide a comparative basis to assess if and how existing dispute resolution structures are responding to needs, and identify potential gaps which might be addressed through a future intervention by ICLA.

* For each site, a minimum of 15 observations can be collected (15 dispute resolution processes per site) and at least 2 interviews per dispute.
* ICLA staff will be responsible to conduct at least 3 observations in each locality. It is expected that in at least one of these 3 observations, one or more of the main parties to the dispute are women

**Conflict analysis**

1. **Literature review**

The research will begin with research, review and consolidation of all existing literature (academic, journalistic, and NGO) available on the conflict context in the State. All secondary sources will be listed and shared as annexes to the main report.

1. **Conflict Analysis workshop**

**1 – 2 days** conflict analysis workshops with different groups either mixed/ homogenous. The number of workshops will be determined by the context and whether it is advisable to have mixed/ homogenous groups. The workshops will target;

* Different parties to the conflict
* Women
* Community leaders
* Youth

**Deliverables**

The main deliverable for this assignment are:

1. A comprehensive report on the collaborative dispute resolution structures assessed during the exercise, including key gaps and recommendations
2. A conflict analysis report

**Timeline**: it is expected that the data collection and presentation of the final report will be finalised within six weeks.

**Expected Deliverables**

* Comprehensive mapping of local statutory, traditional and religious CDR structures operating in Sudan in particular within the NRC areas of operation. Mapping to include geographic coverage, location, sectoral focus, organisational capacity and experience.