



ASF IS LOOKING FOR

A NATIONAL CONSULTANT TO CONDUCT A STUDY ON ACCESS TO REMEDIES IN THE FIELD OF NATURAL RESOURCE GOVERNANCE IN ISIOLO COUNTY, KENYA.

Background

Isiolo County is a region characterized by significant natural resource governance challenges, particularly in the interaction between conservancies and local communities. Conservancies play a crucial role in wildlife conservation and economic development, yet their operations often lead to disputes with communities over land rights, resource access, and benefit-sharing. Reported grievances include restricted access to traditional grazing lands, inadequate consultation processes, and inequities in the distribution of economic benefits.

Kenya's legal framework, including the **Community Land Act, 2016** and the **Constitution of Kenya, 2010**, aims to address these issues by ensuring sustainable and equitable land management. Article 42 of the Constitution guarantees every individual the right to a clean and healthy environment, while Article 60 emphasizes the need for sustainable, efficient, and equitable land use practices. Furthermore, Kenya is a party to international frameworks such as the **African Charter on Human and Peoples' Rights (ACHPR)** and the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**, which uphold the rights of communities to fair resource governance and access to remedies when these rights are violated.

In light of these frameworks, it is critical to evaluate the availability, accessibility, and effectiveness of remedies (both judicial and non-judicial) for addressing the human rights impacts of conservancies in Isiolo County. This study aims to identify gaps and propose actionable recommendations to strengthen available remedy pathways, ensuring that natural resource governance operates within a robust human rights framework. The study results will be used for advocacy purposes for conservancies, communities and donors.

General objectives

ASF seeks to engage a consultant to conduct a study on the remedies available to address human rights grievances related to natural resource governance in Isiolo County. The objectives are to:

1. Assess the availability and effectiveness of existing grievance and non-grievance mechanisms at the conservancy, county, national and relevant international levels.
2. Provide actionable insights to inform ASF's legal assistance initiatives.
3. Strengthen evidence-based advocacy for improving access to remedies for

affected communities.

Specific objectives

1. Provide a comprehensive mapping of existing remedies at the conservancy, county, and national levels, including both judicial and non-judicial mechanisms, targeting both state and private actors (conservancies).
2. Examine the experiences of local communities and Civil Society Organizations (CSOs) in using these remedies, by highlighting case studies.
3. Assess the alignment of current remedy mechanisms with the United Nations Guiding Principles on Business and Human Rights (UNGPs).
4. Develop practical recommendations for enhancing remedy mechanisms and equipping ASF and its stakeholders with tools for more effective engagement to support victims in accessing these mechanisms.

Outputs

Research Report:

- Comprehensive Mapping of available remedies at different levels backed up with case law/legal framework both in Kenya and internationally.
- Documenting experiences of CSOs and community members in accessing these remedies.
- Providing clear, actionable recommendations to enhance remedy mechanisms and address identified gaps.
- Summarizing referral pathways for different types of grievances.
- Offering practical guidance for CSOs to enhance their support for affected communities.

Profile and qualifications

The consultant should possess the following qualifications and expertise:

1. Educational Background:

- A Master's degree in law, social sciences, human rights, or a related field.

2. Professional Experience:

- Extensive knowledge of natural resource governance and business & human rights issues in Kenya.
- At least 5 years of experience conducting qualitative social research with local communities.

3. **Skills:**

- Strong analytical and research skills.
- Proficiency in engaging diverse stakeholders and conducting focus groups or interviews.
- Excellent written and spoken English.
- Knowledge of Swahili and local languages (an added advantage).

4. **Additional Experience:**

- Prior consultancy experience with international NGOs or similar organizations.

Length of assignment

35 working days from **February 10th 2025**.

The consultancy will be conducted over **7 weeks**, with the following deliverables:

1. Week 1: Submission of an inception report, including methodology and work plan.
2. Week 5: Submission of a draft research report.
3. Week 7: Submission of the final research report and companion booklet.

How to apply

Applications must be submitted before **6th February 2025**. The following documents must be sent:

- A cover letter explaining the applicants' motivation for undertaking this assignment (1 page)
- A CV detailing the applicant(s) relevant qualifications and experience, including the name of at least two referees. (2 pages max)
- A financial proposal detailing the activity's anticipated costs, including the applicant(s) daily fees.
- A short technical proposal detailing the applicant's understanding of the study's objectives, methodology, and data collection, as well as a proposed timeline. (3 pages max)

The applicant(s) should also kindly declare their availability in February and March 2025.

Applications must be submitted to Jim India (jindia@asf.be) and Grazia Scocca (gscocca@asf.be) with the following subject line: **KE Remedy Study – [Name of applicant]**

About Avocats Sans Frontières (ASF)

Established in Brussels in 1992, Avocats Sans Frontières (ASF) is an international NGO specializing in defending human rights and access to justice. The organization fights against injustices in our societies and promotes the principle of the rule of law based on human rights.

From Kinshasa to Tunis, from Bangui to Kampala, our teams contribute to:

- Develop the power of action of populations;
- Strengthen the capacities of actors in access to justice (magistrates, court clerks, lawyers, paralegals, social workers, community leaders, etc.) to better support those subject to trial;
- Promote legislative reforms for a better respect of human rights.

ASF intervenes in situations where the full and effective realisation of rights and individual and public freedoms is seriously endangered. These situations are mainly characterised by: structural dysfunctions of the justice institutions, a lack of independence of these institutions, the manipulation of the law by political, military or economic groups, at the expense of the general interest, shortcomings in terms of willingness and/or capacity of the State to ensure the provision of basic public services, including the public service of justice; economic development prospects severely compromised; or significant social tensions.

In recent years, ASF has also asserted itself as an organisation that has the will and the capability to mobilise, create links and animate collaborative dynamics between actors who fight for the promotion of access to justice and the defence of human rights.

All our activities are carried out in partnership with local entities: organisations and civil society groups, lawyers, bar associations, local institutions and authorities, community leaders, paralegals, social workers, international NGOs and other institutions. Our activities fall into three categories: provision of legal aid services, capacity building, and advocacy.

The project

With funding from the Belgian DGD, Avocats Sans Frontières (ASF) is implementing a five-year programme (2022-2026) in various East African countries. Through civic participation, the programme aims to operate a paradigmatic change towards socio-economic development that is sustainable, inclusive, and respectful of the rule of law and human rights.

The outcome sought through this project is to empower Kenyan communities and civil society organizations to engage government and industry in fostering access to justice, good governance and human rights in natural resource governance. The project works around three main pillars, including documentation, remedy and advocacy. Under the second pillar dedicated to remedy, legal assistance will be provided to communities whose

human rights have been affected by businesses. This research aims to pave the way for this legal assistance activity by mapping out remedies and communities' challenges in engaging with them.

Methodology

This assignment will be conducted in close collaboration with the Project coordinator and the Legal and Policy Advisor on Business and Human rights. The three will collaborate on the drafting of the research protocol and tools. Data collection will be conducted by the consultant under remote supervision, with a possible support visit by the project coordinator. The role of the consultant will be crucial in bringing context to the study, and in navigating the technicalities of conducting field research in Kenya.

As a starting point, the methodology for this research will involve a desk review of relevant literature on access to remedy in the context of conservancies in Kenya, including the current local and international law and policies, any previous research on the topic, and any material on existing remedy mechanisms. Following this preliminary review, qualitative data will be collected in the county of Isiolo.

The exact protocol will be determined at the outset of the consultancy, but the research will involve both semi-directed interviews and key informant (KI) interviews. Semi-directed interviews will be conducted with two categories of respondents, namely: Persons affected by conservancy activities who have sought remedy for human rights violations, and Civil Society Organizations (CSOs) who have experience in engaging with remedy mechanisms.

For both groups, sample size will be determined by the principle of data saturation and the need to cover the various remedy pathways identified at the local and national levels. A gendered approach will be adopted so that a sufficient percentage of interviewees are women. This will allow for the identification of any gender-related challenges experienced by participants in accessing remedies.

Secondly, Key Informant (KI) interviews will also be conducted with key stakeholders in access to remedies, including: judicial officers, national and local government officials, conservancy grievance mechanism focal points, and any relevant CSO staff or independent experts working on access to remedies. Emphasis will be put on interviewing a balance of individuals at local and national levels.

Following data collection, analysis and reporting will be conducted jointly by the consultant and the ASF team.

Deliverables

- An inception report detailing the research protocol
- Data collection tools
- Raw data from interviews
- A final report from the study including a mapping of remedy pathways

Timeline

Dates	Steps
Early February 2025	Inception meeting with consultant
Mid-February to Early March 2025	Field data collection
March to April 2025	Write up and edits
April 2025	Final report