



TERMS OF REFERENCE FOR UNDERTAKING STUDY ON LAND CORRUPTION RISK MAPPING IN THREE DISTRICTS (MITYANA AND MUBENDE) SITES

Project: *Land Corruption Risk Mapping Project.*

Background

Transparency International Uganda (TIU) is the national chapter of Transparency International, the global coalition against corruption headquartered in Berlin, Germany. TIU was founded in 1993 as a pressure group promoting good governance and democracy programs in Uganda, targeting citizen's participation to impact on accountability, transparency and integrity in the management of public affairs at all levels. The organization is registered as a Non-Governmental Organization (NGO) with the Uganda NGO Registration Board under Certificate No: 1441 and File No: S. 5914/1559. The organization works to create change towards a Uganda free of corruption and its effects. It has national jurisdiction and promotes democratic governance (transparency, integrity and accountability) with specific emphasis on health, education, water, private sector, land, extractive industry, and political corruption.

TIU envisions a Uganda in which the daily lives of people are free of corruption and its effects and is mandated to promote consciousness about corruption and a society that espouses value systems and principles of transparency and accountability.

TIU is seeking a qualified consultant to assess corruption risks in private Mailo land governance in the selected districts of Mityana, and Mubende using Land Risk Mapping Tool.

Rationale

Access to, use of, and control over land is extremely critical for citizens including the women in Uganda, who contribute substantially to the production and distribution of food, especially in rural communities, and whose monetary income is often directly related to land in the form of cash crops. Land rights and ownership supports their social security and standing, and in addition to having their own economic means empowers them to become more visible in the public sphere. Knowing their rights to the land and how to claim them is therefore paramount for citizen's economic and social well-being and development.

In Africa, every third respondent to TI's Global Corruption Barometer 2013 stated that they had paid a bribe in order to access land services; in the East Africa Bribery Index 2017 recorded that 54% of respondents in Uganda indicated that paying a bribe was the only way to access various land services. A desk-based mapping by several TI National Chapters in Africa including TI-Uganda on Land and Corruption in 2013 confirmed that women in most countries have equal land rights but are simply unable to claim these rights, either because they lack information, or due to

the differences between modern and customary law and their application in practice. At every stage, corruption acts to hinder women in harnessing their land rights.

Corruption in land governance occurs at many levels. At the policy making level, the process of formulation can be compromised to further fulfil interests of powerful individuals or groups that would be unable to benefit if the correct process is followed. Policy and legal frameworks may be constructed in a manner that does not benefit society at large, and the rights of people to use land and its resources become highly compromised. At the institutional level, ministries and public agencies mandated to manage land directly or indirectly have been found to frequently misuse their powers. In many countries, land services rank among the most corrupt sectors and institutions (TI 2014: 2).

Land and corruption in the private Mailo land in Uganda is unclear and the issue remains greatly under-researched, even though it is clear that the negative effect of corruption in the land sector on the citizens including women is likely manifold. Due to the lack of representative evidence, advocacy around land and corruption continues to be weak and the issue has not been addressed in many development and governance projects.

Undertaking specific studies aimed at understanding the corruption in the private in Uganda will go a long way to support evidence based advocacy aimed at securing land rights of the vulnerable citizens of Uganda.

Why land corruption risk mapping

Corruption in land governance is a global phenomenon which has gained growing attention in recent years. Land is an important factor for people living on it, no matter whether it is in rural or urban areas. Land is also closely intertwined with people's sense of belonging, cultural identity, their income, and livelihood and food security. Land grabbing, corrupt practices and illegal transactions in land governance reduce the basis for income and identity of small-scale producers, agricultural laborers, indigenous communities and landless rural and urban poor. Moreover, young people, women and indigenous minorities are usually among the groups who are particularly affected by land corruption. With all these being long-known facts, it is all the more surprising that there has not been a simple, comprehensive and participatory instrument to analyse and tackle corruption risks in land governance until today. Instruments like the World Bank's 'Land Governance Assessment Framework' are well-structured, but require an immense amount of time, financial resources, data and expert knowledge to produce and apply.

The tool "Land Corruption Risk Mapping" which was developed jointly with TI secretariat, Germany and the Humboldt University of Berlin, Germany with funding from the German Federal Ministry of Economic Development and Cooperation (BMZ) will fill this gap by providing a pragmatic instrument which will be applied quickly and with comparably few resources. Additionally, the instrument is participatory and inclusive. As it will focus on corruption risks in land governance processes rather than searching for offenders, it allows an open discussion on land corruption. The systemic approach of the handbook focuses on structural corruption risks and related solutions and will be based on the diverse voices of the people who are knowledgeable about land governance: people affected by corruption, the involved administrative staff, activists, politicians, officials, farmers, minorities, link minded NGO among others. Bringing all these

people together. This however encourages coalition's establishments between all the crucial stakeholders and helps them to develop joint counter-measures.

Objectives

To assess corruption risks in private Mailo land governance in the selected districts of Mityana, and Mubende. **Specifically;**

1. Undertake background research for information as a basis for the land corruption risk mapping in Mityana, and Mubende districts
2. Engage key stakeholders to support the identification of land corruption risk areas in the private Mailo land
3. Develop priorities to tackle the identified corruption risk areas in the private Mailo

Scope of work

The assignment will involve;

1. Conducting analysis of the identified cases, context and selection of land governance processes and adaptation of process illustrations.
2. Developing guiding questions for the desk study or expert interviews
3. Conducting desk study and conduct expert interviews to gather relevant information regarding the selected case.
4. Conducting interviews with people affected by events caused by corruption in the selected cases in the three districts.
5. Conducting field visits on the land in question and creating a field map.
6. Facilitating land corruption risk mapping workshop to validate the research results or findings from field.
7. Facilitating planning meeting with partners to discuss and agree to the prioritization of the intervention areas and selection of the counter-measures and development of the action.

Deliverables

The consultancy shall deliver the following outputs during the consultancy period.

- i. Produce a draft and final reports (Mityana, and Mubende).

Submission

Qualified person can submit copies of their CVs by Wenesday 18th July 2018 at 4.00pm.to:

The Executive Director
Transparency International Uganda
Plot 3 Martyrs lane, Ntinda, P O Box 2433, Kampala
Tel: +256 414255836 Email: info@tiuganda.org
Website: www.tiuganda.org