



## **Terms of Reference**

### **A consultant to conduct a review of the President's Fund**

The South African Coalition for Transitional Justice (SACTJ) is seeking to appoint an individual or an organisation to conduct a review of the President's Fund.

In April 2023, the OSF-Africa awarded SACTJ a grant to implement a project titled "Civil Society Mobilization towards Comprehensive South African Reparations for Apartheid-Era Gross Human Rights Violations."

The key objective of the research is to conduct an independent review of the President's Fund, which will include assessment of whether and to what extent the funds in the President's Fund are kept, distributed, audited and invested in accordance with best practice.

#### **1. Background to SACTJ's Reparation Project**

Individuals and communities who suffered gross human rights violations during apartheid have a right to reparation both under international and South African law. Yet, the South African government has failed to fully implement the recommendations for reparations made by the Truth and Reconciliation Commission (TRC).

Today, twenty years after the close of the TRC, most victims of apartheid-era gross apartheid human rights violations have still not received redress or reparation. Government has had no mandated policy guiding reparations, instead implementing administrative regulations which have failed to provide redress. Despite the relatively comprehensive reparation policy recommended by the TRC and international obligations to implement reparations, the state has failed the victims of apartheid-era gross human rights violations at numerous levels. These include an arbitrary decision to decrease amounts paid as compensation; a failure to implement community rehabilitation projects and housing benefits; limited implementation of educational and medical benefits; and unlawful limitations imposed by the government on the category of victims who can claim reparations.

#### **2. Purpose of the SACTJ's Reparation Project**

SACTJ is currently implementing an OSF-Africa-funded two-year project, which aims to mobilise civil society and stakeholders to develop a mandated policy and process that is inclusive, victim-centred and human rights based, that will recognise and provide redress for persons who suffered gross human rights violations under apartheid. SACTJ's proposed intervention is built on its members' experience and capabilities.

SACTJ's project on reparations includes:

- a) Research activities, which will inform both civil society strategy on reparations going forward and the development of a draft reparations policy.
- b) Provincial consultations and a national conference on reparations, which will inform the draft policy on reparations.
- c) Vindicating the rights' of victims in courts. Should the government fail to engage with advocacy efforts concerning reparations policy, , SACTJ will pursue strategic litigation to enforce the rights of victims.
- d) Media and communications. The intervention will be accompanied by the full-fledged media strategy aimed at raising awareness amongst victims and society at large on the issues related to reparations and building public support.

The failure by the government to adopt a fully fledged reparations policy until now has led to the mobilization of civil society to make this happen. SACTJ's strategy aims to ensure that government meaningfully engages with civil society on the issue of reparations. Using the information gained through research and consultation, SACTJ will propose a mandated policy on reparations.

### **3. The role of a consultant**

In order to assist SACTJ in developing its strategy around reparations, the consultant will be required to design and conduct research as per the detail below.

In particular, the consultant will be required to:

- a) In consultation with the SACTJ's Reparation Task Team, design the details of the research study on the President's Fund including scope, methodology and research approach;
- b) Conduct desktop research and interviews with key informants (including the President's Fund administration, PIC concerning how the PF is being invested, the DOJ's TRC Unit, government auditors, and parliament members assigned with oversight; as well as non-government donors to the Fund and intended beneficiaries/recipients of the Fund) in order to proceed with an independent review of the Fund. In particular, the consultant should:
  - Review the President's Fund legal and governance framework (including: how it was established, how it is governed, what is its purpose, how the funds are distributed and invested, audit requirements).
  - Analyse all President's Fund annual reports and prepare a summary of reports in the public domain on the President's Fund income and expenditure since its establishment. This information should be further disaggregated by the type of benefits that have been paid off from the President's Fund up to date (i.e., education, medical, individual reparations etc.)

- Identify gaps in the information which is publicly available concerning the President's Fund and make recommendations in terms of what could be done to access this information.
  - Assess whether the funds in the President Fund have been maintained, distributed, invested and audited in accordance with the best practice and in line with the President's Fund purpose.
- c) Prepare a report incorporating findings from the research.
- d) Prepare a summary report of not more than 10 pages written in plain and simple language.

#### **4. Requirements of the research**

- a) The review of the President's Fund should ideally include a detailed analysis of the administrative data and information obtained from the government. Where possible, the consultant shall rely on primary sources (i.e., government reports, surveys, interviews).
- b) The consultant will be required to regularly liaise with SACTJ's Reparations Task Team concerning the research and shall harness the knowledge and experiences of the Task Team and other SACTJ members
- c) The consultant will work with and share relevant information with other researchers working on the SACTJ OSF project. An inception meeting will be organised to introduce the three researchers to one another, and to set up a system for information sharing to avoid duplication.
- d) The report shall be written in non-academic, simple and accessible language.

#### **5. Reporting**

- a) The consultant will report to SACTJ's Reparation Task Team.
- b) SACTJ's Task Team reserves a right to make inputs, comments and changes to any material or research output, in particular the report and the summary report. The service is considered as delivered only after all inputs/comments have been considered and incorporated by the consultant.

## 6. Deliverables

- a) A report containing findings from the desktop research and interviews.
- b) A summary report written in plain language.

## 7. Consultant's Profile

The consultant should have:<sup>1</sup>

- A degree in economics, accounting, finance or a related field.
- Experience and understanding of government financial structures and regulatory frameworks.
- A very good understanding of data analysis, in particular an ability to analyse financial information.
- Demonstrated experience in designing and conducting similar research.
- Excellent drafting skills in English and an ability to write comprehensive research reports.
- Ability to analyse large amounts of documents for the purpose of producing a concise written material.

## 8. The application process:

The application process is open to SACTJ members and external applicants. To apply, candidates should send the following documents:

- a) An updated CV clearly demonstrating relevant experience for the consultancy
- b) Expression of interest stating the consultant's proposed research approach, methodology and the reasons for applying (maximum of 3 pages)
- c) Unedited writing sample (e.g., a previous report, article or other document on a relevant subject written by the applicant and not edited).

Applications should be sent to: Jessie Waldman, Administrative Coordinator, SACTJ  
jessiewaldman@sactj.org.za

Deadline for applications: 7 August 2023, however applications will be considered on a rolling basis and a selection may be made before the closing date should a suitable candidate be identified. Therefore interested candidates are encouraged to apply as soon as possible.

Only complete applications will be considered.

## 9. Costs and timelines

The duration of the assignment is one to two months. A timeline for the submission of the final report and summary report will be agreed with the consultant who is selected.

The overall maximum costs of the assignment is **ZAR 30,000**, which includes the consultant's fee and disbursements (i.e., costs of data and airtime, transport costs, etc.).

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<sup>1</sup> This applies to the individual consultant or to the team leader leading research on behalf of an organisation.