

Terms of Reference: Guide “Risk Management in International Legal Technical Assistance”

1. Background and context

Advocates for International Development’s (A4ID) Rule of Law Expertise UK (ROLE UK) programme is seeking a consultant to draft a guide to support legal practitioners to identify and manage risks associated with delivering pro bono technical assistance in an international development context that both covers the theory of risk management and provides practical guidance and tools. The output of the exercise will be published on A4ID’s and the ROLE UK Programme’s websites and shared with development organisations and legal pro bono professionals.

1.1. *About Advocates for International Development*

A4ID is the leading global charity that believes the law can and should be used more effectively to eradicate global poverty. We enable the world’s top lawyers to offer free legal support to organisations working to advance human dignity, equality and justice. Through a range of courses, publications and events, A4ID operates as a knowledge and resource hub for lawyers, academics and NGOs exploring how the law can be better used to achieve the Sustainable Development Goals (SDGs). A4ID also manages ROLE UK, a unique collaboration between the UK government, judiciary and lawyers to strengthen the rule of law in developing countries. Further information on A4ID is available here: www.a4id.org.

1.2. *About ROLE UK*

A4ID’s ROLE UK Programme, funded by the UK Department for International Development (DFID), contributes to building long-term partnerships between the UK legal sector and legal actors in ODA-eligible countries to strengthen the rule of law and facilitate progress towards the SDGs. The Programme focuses on the eradication of poverty; gender equality; reduced inequalities; peace, justice and strong institutions; and partnerships for development.

The ROLE UK Programme provides financial and technical support to rule of law activities, facilitates partnerships and, more broadly, promotes the generation and application of learning and evidence around how to strengthen the UK legal pro bono sector’s contribution to rule of law and development.

Activities that the ROLE UK Programme typically supports are short-term technical assistance by UK legal experts to ODA-eligible countries, which may include trainings, conferences, workshops and other convenings. Further information on the work the ROLE UK Programme undertakes is available here: www.roleuk.org.uk.

1.3. *Rationale for the paper*

The ROLE UK Programme is committed to ensuring that the work it supports has proper risk management strategies in place that consider the internal and external, short-term and long-term, risks of such projects.

Compared to projects in other areas, international development projects have greater exposure to risk, as the operating environments for such projects are contextually challenging (including weak infrastructure, unstable political environment, ongoing or recent armed conflict, high poverty rates, weak legal environments) and usually face inadequate resources. The complexity and, sometimes, sensitivity of projects can create a high risk of unknowingly doing harm in communities they seek to serve. Furthermore, as projects unfold in complex, often unpredictable environments, risk management plans need to be monitored and adjusted as the context changes.

Comprehensive risk management strategies are therefore necessary, not only to increase the likelihood of successful project delivery, but to reduce the chance of harm to the organisations and other stakeholders working on the project and, most importantly, to ensure that the risk of any negative side-effects of such projects on society and the environment are identified, analysed and addressed.

As the ROLE UK Programme works with a range of legal sector actors, many of whom have little limited experience in international development work, it has found that legal stakeholders typically approach the concept of risk management from a business perspective, in focusing on the risks to the project and safety of those implementing it, rather than from an international development perspective, where the risks to communities and wider society are also considered and the 'Do No Harm' principle is increasingly placed at the forefront of project design.

The ROLE UK Programme is therefore looking for a consultant to draft a guide on risk management that explores the different aspects and stages of risk management, relating these to legal pro bono work in international development, and provides tools for identifying, analysing and managing these risks.

The guide will support ROLE UK stakeholders – namely pro bono legal and judicial stakeholders - to articulate risk management strategies but will also be used by the wider legal community who wish to contribute to international development efforts.

2. Objectives

The objective of the exercise is to produce a guide on risk management that includes:

- the importance of risk management,
- the different type of risks to such projects and how to identify these,
- an overview of the 'Do No Harm' principle and how this applies to legal pro bono support,
- and different techniques and tools for managing such risks.

3. Focus and scope

It is of particular value for the ROLE UK Programme to generate and share evidence and practical knowledge that can guide the strategic partnerships it supports between UK and ODA-eligible countries' stakeholders.

Although the ROLE UK Programme would expect the consultant to generate their own issues to cover, the research and the guide produced as a result, should analyse and cover three broad questions:

- Why is it important to identify and articulate risks and develop a risk management strategy?
- What are the potential risks associated with rule of law interventions in an international development context?
- How can legal actors engaged in such work design risk management strategies and adapt project design and implementation to avoid and mitigate identified risks?

4. Methodology

4.1. Location

The consultant will be working remotely. There will be no need for travel, as the assignment is desk-based.

4.2. Management

The exercise and the consultant will be managed by the A4ID/ROLE UK Monitoring and Evaluation Officer. Final approval of the report will be given by the ROLE UK Programme Manager.

4.3. Timeline, activities and deliverables

The exercise is to be undertaken in May and June 2020 with a final deliverable by **25th June 2020**. It is anticipated that this will be up to 12 days work.

Timeline	Activities	Deliverable
Week commencing the 1 st June 2020	Meeting with the ROLE UK Programme team to clarify objectives, finalise methodology, discuss the structure of the guide and build understanding of the Programme.	
June	Desk based research. Drafting the guide.	
15 th June 2020	Consultant to submit draft guide to the ROLE UK Programme for comments.	Draft guide
19 th June 2020	<i>ROLE UK Programme team to provide comments.</i>	
25 th June 2020	Consultant to submit final guide to the ROLE UK Programme for approval.	Final guide

4.4. Output

This exercise will result in a publicly available guide of approximately 20 pages.

5. Desired competencies

- Knowledge of the rule of law, evidenced by work experience as an academic, a researcher or a practitioner in this field.
- Knowledge of international development, evidenced by work experience as an academic, a researcher or a practitioner in this field.
- Experience in designing and applying risk management strategies for international development, rule of law or governance programmes.
- Experience in designing guides for international development work, rule of law or governance programmes, as evidenced by a list of publications/products and an example of relevant previous written work.
- Strong knowledge of, and commitment to, the principle of ‘Do No Harm’.
- Excellent research, analytical and written communication skills.
- Degree at Master’s or PhD level in a relevant subject area.
- An understanding of, and interest in, the role of international legal pro bono work as a way of strengthening rule of law.
- A commitment to and understanding of DFID key priorities, promoting the rule of law and encouraging access to justice.



We welcome joint applications from two consultants as a job-share (for instance combining legal and international development expertise).

6. Application process

Deadline for submission of applications: **20th May 2020**

Applications are to be submitted to joely.thomas@a4id.org (copied to roleuk@a4id.org) with the subject line "Application - Risk Mitigation Guide" and to include:

- CV (maximum 3 pages)
- 1-2-page cover letter, which includes how you meet the criteria outlined above (please address the criteria in turn, in the order provided above)
- Your availability in June 2020
- A list of publications/products and an example of relevant previous written work
- Proposed costings, noting if this includes VAT
- Name and contact details of two referees

Interviews are expected to take place over the phone with the ROLE UK team between **26-27 May 2020**.

Proposals will be evaluated on the basis of quality, experience and value for money. Proposed costings should take into account that the ROLE UK Programme is a publicly funded non-commercial venture.