

Terms of Reference: A Guide to Capacity Building Beyond Trainings

Research and Drafting Consultant

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 paper, to be used as a technical guide, on exploring different approaches to capacity building beyond trainings. This will explore tried and tested approaches that partnerships have utilised in past and existing ROLE UK supported projects, as well as considering other approaches that could be explored in utilising legal technical assistance for building capacities that support impacts in developing the rule of law.

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 and judicial 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. A4ID enables 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 manages the ROLE UK Programme, a unique collaboration between the UK government, judiciary and lawyers to strengthen the rule of law in Official Development Assistance-eligible countries. Further information on A4ID is available here: www.a4id.org.

1.2. About the ROLE UK Programme

A4ID's ROLE UK Programme, funded by the UK Foreign, Commonwealth & Development Office (FCDO), contributes to building long-term partnerships between the UK pro bono sector and legal and judicial 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 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 Programme typically supports are short-term technical assistance by UK legal experts, 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 Programme's knowledge hub papers are intended to be utilised by a multitude of stakeholders working towards strengthening rule of law in their work, that involve knowledge exchange and capacity building. Guide papers are intended to be used as a means for building knowledge that can be practically applied in the process of project development and implementation, often providing an entry point for building knowledge, methods and approaches that are commonly used within the international development sector, and best practice lessons.

This guide will exemplify and explore an array of capacity building approaches, which are distinct from conventional trainings formats, and in doing so enhancing the reader's awareness and knowledge of different approaches which can be integrated into their own project planning and delivery.

Capacity building in knowledge and practice, is almost universally a primary programmatic outcome for rule of law development projects. The programmatic work of organisations and individuals working to bring about rule of law development change, often require effecting behaviour change of various stakeholders working closely with relevant rule of law institutions, for example within the legal sector, the judiciary, civil society groups working to progress the rule of law etc. The Programme embraces the COM-B model of understanding behaviour change (further information about COM-B can be found on page 14 of the [ROLE UK Guide: Monitoring and Evaluation Toolbox](#)), for which enhancing capacity is an important element for bringing about substantive and lasting behaviour change (alongside effecting changes in opportunities and motivations). Therefore, there is a primary importance placed on designing project activities that are focused on capacity building, in knowledge and practical capabilities.

Classical formats of trainings with trainer/facilitator and participants, including virtual trainings, are the mainstay of tools and approaches use in capacity building. However, within the context of rule of law development projects, there are lesser-known alternative approaches which have been utilised successfully and, in many instances, may be better at achieving the outcomes and impacts sought. Readers may not be aware of such approaches, or have less confidence to plan and deliver such activities.

Many of the intended readers are lacking awareness and familiarity with the methods and approaches employed by the development sector for capacity building in project design and delivery. Therefore the intention for this guide is to enhance reader's awareness, knowledge, and ability to determine the most appropriate and effective approach to capacity building project activities for their project. This will allow readers to determine the best approaches to use, in reference to their analysis of their specific project; in addressing their specific development problem, the needs, capacities and potentials of the stakeholder groups, and the wider context in which the project sits. The guide should also enhance readers confidence to plan and deliver them.

The different approaches to be explored should be examined in reference to real-life cases of project activity approaches for capacity building, that have been used in existing and past partnership projects with support from the ROLE UK Programme, that utilise UK based pro bono legal technical assistance. The guide can also exemplify other approaches that may not as of yet have been used substantively within the Programme's supported partnerships, but may have been successfully used in the wider development sector. In light of the Covid-19 pandemic, the Guide should address approaches that use remote methodologies using internet and potentially other communications technologies.

The ROLE UK Programme is therefore looking for a consultant to draft this guide.

At a later date the ROLE UK Programme may commence work on a workshop that will accompany the guide – however this has not been finalised.

2. Objectives

The objectives of the exercise are:

- To explore the concept of capacity building as an element of a model for substantive and sustained behaviour change, that in turn will bring about impacts in rule of law development (This will incorporate the COM-B model of behaviour change – see below ‘Capacity building and ROLE UK concepts’)
- Provide an assessment of notable gaps and opportunities in capacity development in the rule of law development initiatives
- Briefly reflect on the limitations to trainings approaches to capacity building, and the limitations to the approach and why they always the best approach in every setting. Highlight under what conditions/circumstances other approaches may be better, or where training can be complimentary to other approaches
- To provide an overview of different approaches to capacity building that are not principally ‘trainings’ utilised in rule of law, or other development initiatives (Where trainings are capacity building processes principally orchestrated through a one-directional facilitator and participant model of engagement). This can include (but not exclusively):
 - Practice-based peer-to-peer capacity building approaches such as:
 - Mentoring
 - Shadowing
 - Communities of practice events; e.g conferences, knowledge sharing groups etc.
 - Collaborative processes for the co-creation of learning resources, materials and technologies, such as collaborative drafting of guidelines among others.
 - Fellowship programmes focused on long-term knowledge sharing

(Note this is not an exhaustive list and initial examples of approaches that the have been used within the ROLE UK programme)

- To provide case study examples of some approaches that have been successfully utilised, and lessons to be drawn from these
- To provide a critical exploration of the advantages/disadvantages of each approach, and the circumstances/conditions in which each approach will more likely flourish or struggle, and recommendations for ways to manage and prime conditions to be more favourable

3. Focus and scope

Research and drafting will be carried out taking into account the following guidelines:

- The Intended audience
 - The expected readership of the guide will be stakeholders working in the rule of law development space, many of whom are working in established partnerships supported by ROLE UK, and involve pro bono legal technical assistance with at least one stakeholder based in the UK. In addition to this are other stakeholders working in this space, who may be engaged in developing

capacity building projects and activities for rule of law development that in some way utilise legal expertise. Many of the stakeholders hold legal expertise, but have less knowledge and experience with international development project development. The assumption should be that their level of knowledge of international development concepts is basic or limited, although reference can be made to ideas covered in depth in other ROLE UK guides.

- Rule of law strengthening through legal technical assistance projects
 - o The paper is aimed at stakeholders involved in the planning and delivery of projects that work on strengthening the rule of law, involving the use of legal technical assistance, that involve capacity building. The ROLE UK Programme is operating under FCDO's definition of rule of law, i.e. "the rule of law is the framework that underpins open, fair and peaceful societies, where citizens and businesses can prosper. It is essentially about ensuring that public authority is bound by and accountable before pre-existing, clear, and known laws; citizens are treated equally before the law; human rights are protected; citizens can access efficient and predictable dispute resolution mechanisms; law and order are prevalent".
 - o The paper should include the work undertaken within the ROLE UK programme, which supports partnerships with in-country stakeholders and legal technical assistance provided by at least one stakeholder who is based in the UK. However, the approaches explored in the guide should not be limited to work supported by A4ID and will examine other capacity building work involving legal expertise that has been used in other rule of law projects in any ODA-eligible countries and not necessarily delivered on a pro bono basis. The list of ODA-eligible countries is available at [DAC List of ODA Recipients - OECD](#)

- A definition of trainings:
 - o The paper will include a clear definition of what trainings are, as distinct from other capacity building approaches. Although there should be recognition that such an exclusive definition may also include highly participatory approaches which align to more horizontal peer-to-peer knowledge transfer educational pedagogies, which could be understood as 'training', yet are distinct from more mainstreamed, one-directional vertical mode of trainer-participant knowledge transfer.

- Capacity building and ROLE UK concepts
 - o The concepts used in the guide should be consistent with and align with the knowledge and concepts conveyed within ROLE UK's other guides and toolboxes. Each guide aims to build knowledge capacity, and readers' abilities to practically apply concepts and tools in the planning, design and delivery of rule of law strengthening projects, that utilise legal technical assistance. The concepts include those embedded within ROLE UK's overall theory of change, and founding concepts such as the 4 A's project cycle, and the COM-B model of behaviour change (of which the C stands for capacity). The COM-B model, models how behaviour change can be brought about, with capabilities (strongly tied to capacity building) being one element of three. Capabilities is defined as '*the necessary knowledge and skills to engage in the activity concerned*'. Behaviour change is often deemed as fundamental to bring about change in systems and processes that in turn strengthen rule of law systems. ROLE UK's other guides are laid out below.

A4ID expects the consultant to submit a methodology note and a proposed outline for the paper, which should elaborate on these guidelines and further define the focus and scope of the paper.

The final paper should be complimentary in content and style to the following resources:

- [Maximising Technical Assistance to Improve the Rule of Law: A Guide](#) – This guide introduces key concepts and approaches widely used in the development sector that are relevant to planning, designing and monitoring rule of law strengthening initiatives.
- [Monitoring and Evaluation Toolbox](#) – This toolbox is a practical guide on how to integrate and design monitoring and evaluation tools into rule of law strengthening projects.
- [Political Economy Analysis - Guidance for legal technical assistance](#) – This guide provides an understanding of how change in relation to rule of law and international development is embedded within and shaped by political and economic relations, and how these should be considered when planning and designing rule of law strengthening initiatives.
- [Peer-to-Peer Approaches for Pro Bono Rule of Law Support](#) - This guidance note focuses on a specific type of approach to pro bono work; adopting ‘peer-to-peer’ approaches to the sharing of knowledge, skills and experience between UK legal and judicial experts and their counterparts in developing countries.
- [Peer-to-Peer in Action: A Case Study of SIFoCC](#) – This paper is an indepth case study of a ROLE UK supported partnership between parties within Standing International Forum of Commercial Courts (SIFoCC), as an example of observation visits of judges from three jurisdictions to the UK
- [Peer-to-Peer in Action: A Case Study of iProbono and LAPSOJ](#) – This paper is an indepth case study of a ROLE UK supported partnership between the Law and Policy Forum for Social Justice (LAPSOJ), a Nepal based NGO and iProbono, a UK based global organisation focused on access to justice. The partnership activities include peer-to-peer methodologies for capacity building.

A4ID will provide the consultant with these resources, as well as materials documenting work that could serve as examples and illustrations.

4. Methodology

4.1. Location

The exercise will be desk-based. All meetings with A4ID team will be organised via an online conference tool (Microsoft Teams).

4.2. Management

The exercise and the consultant will be managed by the A4ID Learning and Development Officer (and the Learning and Development Manager in lieu of the Officer due to annual leave). Final approval of the paper will be given by the ROLE UK Programme Manager.

4.3. Timeline, activities and deliverables

The exercise is to be undertaken in September and October 2021 with a final deliverable by **01 November 2021**. It is anticipated that this will be up to 20 days work.

| Timeline | Activities | Deliverable |
|--------------------------------------|--|--------------------|
| Week commencing 06 September 2021 | Meeting with A4ID team to clarify objectives, finalise methodology, discuss the structure of the | |



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| | paper and build understanding of the Programme. | |
| 20 th September 2021 | Consultant to submit methodology note and outline for the paper | Methodology note and outline |
| Week commencing 27 th September 2021 | Meeting with A4ID team to agree on the methodology and outline proposed by the consultant. | |
| October 2021 | Desk based research. Drafting the paper. | |
| 01 November 2021 | Consultant to submit draft paper to A4ID team for comments. | Draft paper |
| 15 November 2021 | <i>A4ID team to provide comments. If necessary, a meeting will be organised to discuss feedback.</i> | |
| 22 November 2021 | Consultant to submit final paper for approval. | Final paper |

4.4. Output

This exercise will result in a publicly available paper of approximately 20-30 pages, and include additional diagrams and tables (where required), an executive summary and a bibliography.

Desired competencies

- Knowledge of the rule of law, evidenced by work experience as an academic, a researcher or a consultant in this field.
- Knowledge and experience of developing and implementing international development activities that involve capacity building, ideally in the area of rule of law development and/or utilising legal technical expertise
- Excellent research, analytical and written communication skills, attested by a list of publications.
- Degree at master's or PhD level in relevant subject area.
- Interest in the role of international legal pro bono work as a way of strengthening rule of law.

5. Application process

Deadline for submission of applications: **22nd August 2021.**

Applications are to be submitted to Thomas.Istasse@a4id.org (copied to roleuk@a4id.org) with the subject line "Guide to Capacity Building Beyond Trainings" 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 between 30 August – 22 November 2021
- A list of publications (if not included in the CV)
- An example of relevant previous written work
- Proposed costings
- Name and contact details of two referees.

Interviews are expected to take place via Microsoft Teams during the week commencing **31st August 2021.**





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.

