Terms of Reference | Consultancy

Project: Liability Policy in Afghanistan

Project Manager: Advisor for Capacity Development for National Mine Action Standards (NMAS) and Compliance

Location: Geneva (with possibility of travel)

Date: 15 September 2020

BACKGROUND

The Geneva International Centre for Humanitarian Demining (GICHD) works towards reducing risks to communities stemming from explosive ordnance, with particular focus on mines, cluster munitions, other explosive remnants of war and ammunition storages.

The Centre helps supports a wide range of partners including National Mine Action Authorities (NMAAs) and local authorities, donors, the United Nations, other international and regional organisations, non-governmental organisations, commercial companies and academia. It does so by combining three distinct lines of service: field support focused on capacity development and advice, multilateral work focused on norms and standards, and research and development focused on cutting-edge solutions.

Explosive Ordnance (EO) contamination burdens at least 60 countries globally. Victims of EO continue to fall and have been reported increase over the span of the last few years. With the mounting pressures, affected states are pressured to clear lands and return them to their populations. Consequently, affected states are encouraged to apply Safe, effective and efficient Land Release operations, and release lands to all possible interventions including Non-Technical Survey, Technical Survey and Clearance. But utilising all these possible interventions comes with perceived risks.

A well-documented, transparent, evidence-based approach to land release, demonstrating the application of “all reasonable effort” provides the primary mechanism for addressing questions of liability in such a way that decision-makers at all levels have the confidence to take efficient and appropriate decisions. (IMAS 07.11, Land Release).

Integrating liability into encompassing comprehensive and participatory Risk Management Frameworks will foster confidence in the services and products delivered by the mine action sector. The application of a comprehensive and effective risk management system should ensure that those risks associated with legal liability are maintained at a tolerable level. (IMAS 07.14, Risk Management in Mine Action).
Liability refers to any legal responsibility, duty or obligation that a country, organisation or individual may have. In mine action, liability is understood in relation to an adverse event, such as an accident or the discovery of a missed item in an area that has been released, and normally linked to non-compliance with an agreed standards or procedures (IMAS 07.11, Land Release). The GICHD aims to build on previous work in the field of liability in mine action, to support affected states in enhancing their Land Release operations and adopting responsive and relevant liability and risk management frameworks.

The GICHD has a long-established collaboration with the Mine Action Programme of Afghanistan (MAPA), led by the Directorate of Mine Action Coordination in Afghanistan (DMAC) and its implementing partners. For years, the GICHD has offered support to DMAC and its partners in the development of national strategic plans, national standards and policies as well as training and capacity development in various operational areas such as operations efficiency, information management and research.

The GICHD and DMAC will collaborate to strengthen the Afghan National Mine Standards (NMAS) framework and complement the existing standards with a comprehensive policy that addresses the responsibilities and liability of the mine action stakeholders.

**DESCRIPTION OF THE ASSIGNMENT – LIABILITY POLICY IN AFGHANISTAN**

**Overall objective of the assignment**
The overall objective of the consultancy is to assist the Directorate of Mine Action Coordination (DMAC) of Afghanistan in addressing complex issues surrounding liability and to develop a relevant policy for the Mine Action Programme of Afghanistan (MAPA). The Consultant will assist the GICHD and DMAC in the development of the Liability Policy.

**Requested services**

- Identification and review of existing legal documentation and resources in relation to the relevant Afghan legal frameworks and regulations.
- Review of the National Mine Action Standards (NMAS).
- Consultations and outreach with DMAC and stakeholders.
- Legal assistance in drafting and review of the Liability Policy for MAPA.
- Desktop Research on liability in mine action.

**Required outputs**
The Consultant will deliver the following outputs under the services as agreed and requested by the GICHD:

- Bibliography of legal documents reviewed in the Afghan and mine action contexts, with complete references.
Revision of the relevant NMAS.

An analysis based on the legal review outlining the limitations and recommendations in developing the Liability Policy for MAPA.

Provide legal based inputs to the outreach activities that are to be agreed between DMAC and the GICHD as a part of developing the liability policy.

Legal inputs, and where required, drafting support to the Liability Policy for MAPA.

EXPERT PROFILE

The Consultant is solely responsible for obtaining relevant materials required for her/his work. GICHD and DMAC will facilitate access to relevant GICHD and DMAC resources. The Consultant will provide feedback and recommendations for developing the Liability Policy for MAPA based on her/his legal review.

The Consultant will ensure the timely and effective implementation of the tasks and the delivery of all required outputs.

Qualifications and skills

- Valid work permit in Switzerland and registration documents of the company.
- Adequate medical health care insurance coverage while working for the GICHD.
- Demonstrate Experience of at least 10 years in relevant capacity and experience in mine action, risk management, and/or other relevant sectors.
- Demonstrated experience in designing, facilitating and delivering training, preferably in mine action or other relevant sectors.
- Research and/or practical legal expertise and understanding of legal frameworks and liability-related legislation.
- Demonstrated experience in taking part in developing and drafting national policies, regulations or any other legal instruments.
- Outstanding research and policy writing skills.
- Experience in managing and delivering multi-task projects.
- Committed mainstreaming Gender and diversity in her/his work.
- Demonstrated familiarity with the GICHD’s work, specifically relevant to the areas of research required.

LOCATION AND DURATION

Location

The task is expected to be conducted in Geneva, Switzerland with possible travel to Afghanistan and abroad.
Starting Period & Duration

The consultancy duration is expected to 15 September 2020 till no later than 30 June 2021. During this time period, the total number of days on this consultancy will be maximum of 45 days. Each of the tasks requested will have a time-frame that will be agreed with the GICHD and DMAC. This workplan would be tied to the requirement of the national authorities.

REPORTING

GICHD is the contracting authority for this task in close collaboration with DMAC. All reports and material produced under this project will be in line with GICHD’s regulations and submitted to the designated Project Manager.

The Consultant shall provide the deliverables as set out in Section ‘Required outputs’, according to the dates of submission to be confirmed under the consultancy contract.

The Consultant must incorporate the comments received by GICHD, DMAC or other stakeholders as directed by the GICHD. The final versions of required outputs must be approved by the GICHD’s Project Manager.

All deliverables and reports are to be presented in English (in electronic format) and their receipt by GICHD’s Project Manager must be confirmed.

APPLICATION

Interested candidates must submit the following as minimum:

1. A Financial Offer specifying the costs (daily rate) that will be incurred throughout the consultancy.
2. Samples of previous research and publications.
3. CV.
5. Two references.

Currency: The quotation shall be presented in Swiss Francs (CHF)
Language: The application must be submitted in English
Submit to: r.rabie@gichd.org, cc a.nellen@gichd.org

Successful applicants will be contacted and informed of the status of their applications.

The deadline for the application is 25 September 2020. Applicants are invited to apply as early as possible. The applications will be assessed on a rolling basis.