

## Request for Offers

### National Legal Consultancy – Liability, Lebanon

**Project: Liability Policy development for the Lebanese Mine Action Program**

#### Introduction

The Geneva International Centre for Humanitarian Demining (GICHD) is pleased to invite consultants to submit a quotation for the provision of the description of the goods / services described below as per requirements set out in this request for offers.

Data privacy considerations: By expressing their interest and submitting a complete file, consultants explicitly consent that the necessary information contained in the submission documents will be used to process the application. Consultants acknowledge that the information provided will be checked against a series of criteria, including (and only if applicable) legal constraints as per funding agreements. The information collected by the GICHD is directly related to the GICHD's need to process the information the consultants submitted adequately. Examples of the data we request include name, title, organisation, address, work experience, etc. For more information about data protection or the applicants' rights, see the GICHD data protection notice (<https://www.gichd.org/en/general-contents/data-protection-notice/>).

The GICHD seeks to promote [gender balance and diversity](#) among staff and consultants.

Successful applicants will be contacted to discuss specific contractual matters following the deadline for submissions.

**Reference number:** RFO/2022/RAR/01

**Project number:** 91053

**Posting date:** 28 October 2022

**Deadline for application:** 15 November 2022, 18.00 hrs (Geneva Time).

**Country of activity:** Lebanon

**Currency:** The financial offer shall be presented in Swiss Francs (CHF)

**Language:** The application shall be submitted in English.

**Submit to:** [r.rabie@gichd.org](mailto:r.rabie@gichd.org), [s.robinson@gichd.org](mailto:s.robinson@gichd.org), cc [a.nellen@gichd.org](mailto:a.nellen@gichd.org)

## Scope of work

**The Geneva International Centre for Humanitarian Demining (GICHD)** is an expert organisation working to reduce the impact of mines, cluster munitions and other explosive hazards, in close partnership with National Mine Action Authorities (NMAAs) and other human security actors.

The scope of work of the legal consultancy is to assist the GICHD and the Lebanese Mine Action Centre (LMAC) in addressing complex issues surrounding liability and to support the development of a relevant policy or any other legal instruments as agreed upon for the Lebanese Mine Action Program (LMAP).

The legal consultant will be responsible to provide legal advice and research according to the following requested services:

- Desk review; Identification and review of existing legal documentation and resources in relation to the relevant Lebanese legal frameworks and regulations;
- Consultations and outreach with LMAP and relevant stakeholders;
- Provision of advice and guidance on the delivery of a workplan to achieve the agreed upon outputs; and
- Legal assistance in drafting the Liability Policy for LMAP, or any other alternative output or legal document that will be agreed with LMAC.

**See Annex A for the detailed terms of reference**

## Delivery dates of the services

The consultancy duration is expected to take place **from 01 December 2022 until no later than 30 June 2023**.

## Estimated work days to deliver the services

The total number of days on this consultancy will be **maximum of 50 days**. Each of the tasks requested will have a time-frame that will be agreed with the GICHD and LMAC.

**See Annex A for the detailed consultancy tasks.**

## Application

Interested candidates must submit the following as minimum:

1. **Name of the consultancy company (if applicable)**
2. **Name of consultant(s)**
3. **Physical address**
4. A **short synopsis** on their understanding of the **concept of liability in mine action in the context of Lebanon**. No more than 1000 words.
5. **Technical offer:** specifying the proposed methodology and timeline to design and deliver a Liability Policy or relevant legal document.

6. **A Financial offer** specifying the costs (daily rate) that will be incurred throughout the consultancy.
7. **Samples of previous legal based research and publications**
8. **CV**
9. **Cover letter** (including statement of availability)
10. **Two references**

## Annex A – Terms of Reference

### National Legal Consultancy – Liability, Lebanon

**Project:** Liability Policy development for the Lebanese Mine Action Program

**Project Manager:** Project Manager - Standards Project, Standards and Operations Division, GICHD

**Duty Station:** Remote- Beirut, Lebanon

### Background – Liability in Land Release

In mine action, liability is understood as a legal responsibility in relation to a harmful event such as an accident during or after the land release process that occurred due to a failure of a person or entity to adhere to agreed policies, standards, procedures, or guidelines that constitute "All Reasonable Effort" (ARE) and the obligation to compensate for damages. For example, liability for an accident during or after completion of the land release process could be linked to non-compliance with responsibilities to implement ARE, and/or a failure to adhere to an agreed policy, recognised standards, procedures, guidelines or sector-wide good practices. Two issues stand out. Firstly, there is the assumption that a harmful event would 'automatically' lead to litigation in a court of law to establish liability resulting in an obligation to provide for redress. While actual cases of litigation are relatively rare, the uncertainties surrounding this possibility are unsettling. Secondly, there is the argument however, with few actual examples, that state authorities are reluctant to agree to a formal hand-over in view of residual risk on released land and the potential liability if an accident were to occur. The reasoning here is that by delaying formal hand-over, the operator rather than the state authority continues to carry responsibility and thus liability in case of a harmful event. Pressure from the local community to have the land released adds to the need to have liability issues clarified.

These concerns can be addressed if a mine action programme develops a Liability Policy (or any other appropriate instrument) in consultation with all the concerned stakeholders. However, there is confusion as to the concept and content of liability. It is not clearly developed in IMAS and lacks a commonly agreed upon terminology and understanding within the mine action sector.

The GICHD, through its ongoing research on this topic, is currently developing a Guide to Liability in Land Release which aims to clarify the notion and implications of liability specific to the land release process. The objective is to assist actors in the mine action sector, in particular State bodies such as NMAAs and MACs and the various ministries concerned, to address the complex issues affecting the development and adoption of relevant policies, regulations and legislation.

Therefore, the GICHD and the Lebanese Mine Action Centre (LMAC), based on their long-established collaboration, have decided to develop a Liability Policy or any other appropriate instrument for the Lebanese Mine Action Program (LMAP) that will be contextual, country specific and driven by the agreement among relevant stakeholders who will design the policy together, with reference to the wider legal framework for Lebanon.

## **Description of the Assignment – Liability Policy development for the Lebanese Mine Action Program**

### **Overall objective of the assignment**

The overall objective of the legal consultancy is to assist the GICHD and LMAC in addressing complex issues surrounding liability and to support the development of a relevant policy or other instrument for LMAP from a legal perspective. The policy development will be based on a consultative process involving key stakeholders in the Lebanese state, particularly those involved in setting national legislation. Key documents such as the Lebanese Mine Action Standards and other regulations will be taken into consideration when designing this policy document. The before-mentioned GICHD Guide to Liability in Land Release will be piloted to support this process.

The legal consultant will be responsible to provide legal advice and research according to the below listed requested services.

### **Requested services**

#### **Task 1: Desk review; Identification and review of existing legal documentation and resources in relation to the relevant Lebanese legal frameworks and regulations**

The legal consultant will identify and review existing legal documentation related to liability in the mine action sector in Lebanon, the review of relevant contracting modalities how they affect liability, relevant Lebanese national standards and policies, as well as the review of current insurance policies and practices amongst major mine action service providers. The legal consultant will coordinate with LMAC and the GICHD will provide references and documentations related to mine action which will be a baseline to the research.

#### **Task 2: Consultations and outreach with LMAP and relevant stakeholders**

Based on the legal review undertaken, the legal consultant will assist the GICHD and LMAC in conducting consultations, workshops, and interviews with LMAP and other stakeholders, including mine action operators, international organisations, relevant Lebanese ministries and legal entities to enhance the understanding of the legal implications and definitions of liability and responsibility in the mine action context in Lebanon, including and not limited to: Definition of liability, explanation from a legal point of view on who is responsible of what regarding the duty of protecting citizens (the State, the operators working on the clearance).

#### **Task 3: Provide advice and guidance on the delivery of a workplan to achieve the agreed upon outputs**

Based on the legal review and consultations, the legal consultant will provide the GICHD and LMAC with a recommended workplan to develop an outline policy or other instrument. This may include advice on who should be involved, the format of the consultation, for example workshops and what steps may be needed in the development of legal instruments to support the issues around liability in land release in Lebanon.

#### **Task 4: Legal assistance in drafting the Liability Policy for LMAP, or any other alternative output or legal document that will be agreed with LMAC.**

Based on the legal review, consultations and established workplan held under Task 1,2 and Task 3, the legal consultant will assist the GICHD and LMAC in implementing the workplan for drafting the Liability Policy or any other legal instrument for the LMAP. The legal consultant is expected to provide legal input based on their expertise on the Lebanese legal framework. Where needed, the legal consultant will conduct further interviews with relevant practitioners or authorities in country.

*Note: The gathered information could lead to either the development of Liability Policy, a policy recommendations or recommendations for a relevant mine action law, which does currently not exist. There is a decree on mine action mentioned but it does not have the force of law, and it covers liability only prior to land release and not after. Some laws may require adjustments, the consultant will recommend amendment if needed and clarifications on how to deal with liability in the mine action sector. The policy should differentiate between the State and LMAC by stipulating the responsibility of precautions and accidents, based on the national law and after having the buy in of the Ministry of Justice or any relevant legal entity in Lebanon.*

#### **Required outputs**

The legal consultant will deliver the following specific outputs under the four required tasks:

##### **Task-1 Outputs:**

- Bibliography of documents reviewed, with complete reference.
- List of Lebanese National Mine Action Standards which may be considered as National Mine Action Standards and Quality Management reports and that maybe affected by the development of a Liability Policy or any other appropriate instrument. An analysis in the form of a report based on the legal review outlining the limitations and recommendations in developing the Liability Policy or any other appropriate instrument for LMAP.

##### **Task-2 Outputs:**

- Documentation of the consultations conducted and minutes of meetings.
- Legal based inputs to the outreach activities that are to be agreed between LMAC and the GICHD.

##### **Task-3 Outputs:**

- Establishment of a recommended workplan to develop the Liability Policy outline, or any other appropriate instrument outline.
- Presentation and facilitating the discussion concerning the recommended Liability Policy outline with a wider legal framework on the mine action sector, or any other appropriate instrument outline during a consultative workshop and/or technical working groups discussing different scenarios of injured civilians before and after land released.

##### **Task-4 Outputs:**

- Legal inputs, and where required, drafting support to the Liability Policy for LMAP or any other appropriate instrument.

## Expert Profile

The legal consultant is expected to have a good demonstrated experience in understanding the legal responsibilities and handling of liability claims in the public and/or commercial sectors. They must have a good understanding of the legal system in Lebanon. Familiarity with the mine action sector in Lebanon would be an additional value.

The legal consultant is solely responsible for obtaining relevant materials required for their work. GICHD and LMAC will facilitate access to relevant GICHD and LMAC resources and provide a sensitisation of the mine action sector, focusing on land release. The legal consultant will provide feedback and recommendations for developing the Liability Policy or any other appropriate instrument for LMAP based on their legal review and consultations.

The legal consultant will ensure the timely and effective implementation of the tasks and the delivery of all required outputs. They will be responsible for liaison between the GICHD and LMAC and the relevant stakeholders involved in the tasks or whose inputs are required for completing the tasks.

## Qualifications and skills

The legal consultant must have:

- Lebanese Nationality or valid work permit and consultancy registration in Lebanon.
- Adequate medical health care insurance coverage while working for the GICHD.
- Practical legal expertise of at least 7 years working within the Lebanese national legal framework, ideally in a relevant capacity in mine action, risk management, and/or other relevant sectors.
- Strong understanding, ideally based on practical experience, of relevant legal and operational frameworks governing liability and relevant legislation, preferably within or with relevance to mine action.
- Familiarity with the mine action sector in Lebanon would be of benefit.
- Demonstrated experience in taking part in developing and drafting national policies, regulations or any other legal instruments.
- Proven good research and policy writing skills.
- Workshop content planning and facilitation experience is desired.
- Experience in managing and delivering multi-task projects.
- A good understanding of Risk Management Frameworks.
- Strong Arabic and English language skills (written and oral). French is an asset.
- Committed mainstreaming gender and diversity in their work.

## Location and Duration

### Location

The task is expected to be conducted in Beirut, Lebanon with possible traveling within Lebanon and abroad.

### Starting Date and Duration

The consultancy duration is expected to take place **from 01 December 2022 until no later than 30 June 2023**. During this time period, the total number of days on this consultancy will be **maximum**

**of 50 days.** Each of the tasks requested will have a time-frame that will be agreed with the GICHD and LMAC.

## **Reporting**

GICHD is the contracting authority for this consultancy in close collaboration with LMAC. All reports and material (deliverables) produced under this project are to be presented in English (in electronic format) and must be in line with GICHD's regulations. Submission to the designated GICHD Project Manager is required.

The legal 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 legal consultant must incorporate the comments received by the GICHD and LMAC or other stakeholders as directed by the GICHD and LMAC. The final versions of required outputs must be approved by the GICHD's Project Manager.

**-END-**