**Terms of Reference**

**Title:** Firearms legislation Consultant

**Organizational Section/Unit:** Office of Civil and Criminal Justice Reform Commonwealth Secretariat

**Duty Station:** Home based

**Proposed period:** November 2018 – 30 March 2019

**1. Background:**

The Commonwealth is a voluntary association of 53 countries with a combined population of 2.2 billion. Thirty-one Commonwealth members are small states, usually with a population under 1.5 million, and 25 members are small island developing states.

Article VII of the Commonwealth Charter recognises the rule of law as an essential protection for the people of the Commonwealth. The Commonwealth Strategic Plan 2017/18 – 2020/21 includes ‘rule of law strengthened and access to justice ensure for all’ as intermediate outcome 2.2 under the strategic outcome of ‘more effective, efficient and equitable public governance’.

At their meeting in April 2018, the Commonwealth Heads of Government ‘denounced the illicit trade in small arms and light weapons which has devastating consequences in member countries.’ (Commonwealth Heads of Government Meeting Communiqué). Heads of Government encouraged member countries who wished to do so to become parties to international instruments such as the Arms Trade Treaty and the United Nations Firearms Protocol. They also agreed to strengthen their cooperation in combating the illicit proliferation of small arms and light weapons (SALW).

Minimising the risk of SALW diversion, including through theft, loss and unauthorised re-export, to illicit markets, illegal armed groups, terrorists and other unauthorised recipients contributes to the reduction of violence. For this reason, implementing arms control instruments provide tangible benefits for sustainable development, peace and security and will be instrumental in the achievement of Sustainable Development Goal Target 16.4, by which states undertake to significantly reduce illicit arms flows by 2030.

To tackle the illicit trade in conventional weapons, the Commonwealth Secretariat and the Small Arms Survey have partnered, with the support of the United Kingdom’s Foreign and Commonwealth Office (FCO), to launch the Conventional Arms Control in the Commonwealth Initiative. This new initiative will provide unique tools to strengthen cooperation, coordination and information-sharing between Commonwealth member countries to support national and regional implementation of measures to tackle the illicit arms trade, in line with international obligations and standards.

The Conventional Arms Control in the Commonwealth Initiative will support Commonwealth countries by:

* Providing a platform to facilitate the exchange of knowledge and expertise, building on the work of the Office of Civil and Criminal Justice Reform and its Legal Knowledge Portal;
* Increasing understanding of challenges in addressing the illicit arms trade.
* Taking stock of progress achieved in implementing international and regional arms control instruments.
* Building consensus on priority areas for cooperation and assistance within the Commonwealth.
* Providing assistance on legal reform and legislative drafting.

Many countries in the Commonwealth lack capacity to implement international instruments. In the context of the illicit arms trade, meeting international obligations and effectively addressing the issue means a revision of a number of domestic laws, including firearms Acts.

**2. Purpose of the assignment:**

The purpose of the assignment is to prepare a Guide to the reform of firearms legislation in the Commonwealth. The Guide is intended to act as a practical resource for member countries regarding the process of reviewing domestic legislation to implement international obligations and effectively address the proliferation of small arms and light weapons. As a number of Commonwealth countries have firearms legislation influenced by the UK Firearms Act 1968, similarities can be drawn and recommendations for reform can be provided on that basis.

The Guide will bring together examples of good practice from Commonwealth member countries. In addition to providing guidance on reform, the Guide will also contain a range of case studies from Commonwealth countries in recent years. The assignment will include country assessments in three (3) selected Commonwealth countries.

The consultant will act as general editor, author and coordinator of the Guide. The consultant will have overall responsibility for conducting country assessments, in collaboration with a Commonwealth Secretariat staff member, delivering the text of the complete Guide through oversight and editing of the work of contributing authors, appointed as decided upon by the consultant in consultation with the Secretariat.

3. Specific tasks to be performed by the consultant:

Under the guidance of the project manager at the Commonwealth Secretariat, the consultant will prepare a Guide to legislative reform on small arms and light weapons. The Guide will include:

1) Guidance on the implementation of international instruments on small arms and light weapons, including the Arms Trade Treaty and the United Nations Programme of Actions on Small Arms;

2) Guidance on law reform, providing an overview of laws that may require reform and highlighting important provisions to be addressed;

3) Good practice examples from Commonwealth member countries, with due regard to equitable geographical distribution, describing specific laws identified in as requiring reform, and summarising the legislative changes made, together with application in practice, including understanding by law enforcement, prosecutors and judges, ease/extent of application, knowledge amongst general population, challenges/successes in implementation;

4) Report on the country assessments, highlighting challenges, good practice that can be replicated, processes followed and recommendations which can be applied across the Commonwealth;

5) An overview table listing legislation governing small arms and light weapons in all Commonwealth member countries.

**4. Expected tangible and measurable output(s):**

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| --- | --- |
| **Deliverable** | **Timeline** |
| 1. Draft outline of Guide
 | 1 December 2018 |
| b) Three country assessments | To be completed by 31 January 2019 |
| c) First draft of Guide  | 15 February 2019 |
| d) Second Draft of Guide taking into account comments provided by the Secretariat | 1 March 2019 |
| e) Final version of Guide taking into account comments provided by the Secretariat | 30 March 2019 |

1. **Indicators to evaluate the consultant’s performance:**

All outputs shall be assessed in accordance with the following indicators:

|  |  |
| --- | --- |
| **Deliverable** | **Indicators** |
| b) Country assessments | * Engagement with the relevant stakeholders in country
* Accurate identification of challenges and best practice
* Analysis of the legislation in place in the three selected countries
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| c) and d) Draft Guide | * Technical precision and reflection of current practice in the implementation of international instruments on small arms and light weapons
* Laws on small arms and light weapons identified for all, or the majority, of Commonwealth countries (some data has already been collected by the Commonwealth Secretariat and the Small Arms Survey and will be made available to the consultant)
* Relevant national process and substantive legal examples identified and fully discussed.
* Clear and policy-relevant analysis
* Good practice identified
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| e) Final Guide | * All Secretariat comments reflected appropriately
* Excellent plain English drafting style and suitability for audience of national level government officials, academics and policy makers
* Technical excellence
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1. **Qualifications/expertise sought (required educational background, years of relevant work experience, other special skills or knowledge required):**
* Degree in law. An advanced degree is an advantage;
* Minimum of 15 years of professional expertise;
* Practical professional experience in provision of legal or policy advice, analysis and legal drafting;
* Experience in particular on firearms, small arms or related security issues;
* Proven ability to network and establish collaborative relationships with a variety of actors;
* Proven ability to work well under pressure and meet strict deadlines;
* Fluency in English;
* Excellent writing skills;
* Excellent organisational and evaluative skills;
* Experience gained from work for international organisations is highly desirable.
1. **Administrative arrangements**

The assigned tasks are to be performed on a part-time, remote basis in a total work time of 21 weeks.

The consultant will receive payments in the total amount of GBP 30,000 on a payment schedule, and in accordance with, the terms of the consultancy offer letter. In addition, the Commonwealth Secretariat will cover travel expenses for the country assessments, including return economy flights, accommodation and daily subsistence allowance.