



# Technical Assistance Report

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Project Number: 48257-001  
Regional–Capacity Development Technical Assistance (R-CDTA)  
December 2014

## Strengthening Legal Institutions and Enhancing Regional Cooperation in Law, Justice, and Development in South Asia

This document is being disclosed to the public in accordance with ADB's Public Communications Policy 2011.

Asian Development Bank

## ABBREVIATIONS

ADB	–	Asian Development Bank
DMC	–	developing member country
MOU	–	memorandum of understanding
SAARC	–	South Asian Association for Regional Cooperation
SAARCLAW	–	South Asian Association for Regional Cooperation in Law
TA	–	technical assistance

## NOTE

In this report, "\$" refers to US dollars.

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## CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE AT A GLANCE

<b>1. Basic Data</b>		<b>Project Number: 48257-001</b>	
<b>Project Name</b>	Strengthening Legal Institutions and Enhancing Regional Cooperation in Law, Justice, and Development in South Asia	<b>Department /Division</b>	OGC/OGC
<b>Country Borrower</b>	REG Regional	<b>Executing Agency</b>	Asian Development Bank
<b>2. Sector</b>	<b>Subsector(s)</b>	<b>ADB Financing (\$ million)</b>	
✓ Public sector management	Law and judiciary		1.00
		<b>Total</b>	<b>1.00</b>
<b>3. Strategic Agenda</b>	<b>Subcomponents</b>	<b>Climate Change Information</b>	
Inclusive economic growth (IEG)	Pillar 2: Access to economic opportunities, including jobs, made more inclusive	Climate Change impact on the Project	Low
<b>4. Drivers of Change</b>	<b>Components</b>	<b>Gender Equity and Mainstreaming</b>	
Governance and capacity development (GCD)	Institutional development	No gender elements (NGE)	✓
Knowledge solutions (KNS)	Knowledge sharing activities		
Partnerships (PAR)	Implementation Regional organizations		
<b>5. Poverty Targeting</b>		<b>Location Impact</b>	
Project directly targets poverty	Yes	Regional	High
Geographic targeting (TI-G)	Yes		
<b>6. TA Category:</b>	B		
<b>7. Safeguard Categorization</b>	Not Applicable		
<b>8. Financing</b>			
<b>Modality and Sources</b>		<b>Amount (\$ million)</b>	
<b>ADB</b>		<b>1.00</b>	
Capacity development technical assistance: Technical Assistance Special Fund		1.00	
<b>Cofinancing</b>		<b>0.00</b>	
None		0.00	
<b>Counterpart</b>		<b>0.00</b>	
None		0.00	
<b>Total</b>		<b>1.00</b>	
<b>9. Effective Development Cooperation</b>			
Use of country procurement systems		No	
Use of country public financial management systems		No	

## I. INTRODUCTION

1. This capacity development technical assistance (TA) is designed to initiate work based on the mutual understanding between the Asian Development Bank (ADB) and South Asian Association for Regional Cooperation (SAARC)<sup>1</sup> in Law (SAARCLAW). In November 2013, ADB entered into a memorandum of understanding (MOU) with SAARCLAW to collaborate on legal and judicial initiatives with the objective of assisting the broader development and economic goals of the South Asia region. The MOU was executed (i) in support of ADB's strategic priorities, (ii) recognizing the constraints on sharing legal and judicial experiences in South Asia, and (iii) considering SAARCLAW's critical importance to the continued development of the rule of law and capacity building in the region. Following the signing of the MOU, the Office of the General Counsel (OGC) fielded a mission to Nepal to meet with SAARCLAW executive council members to confirm the TA's impact, outcome, outputs, costs, financing arrangements, and terms of reference. The design and monitoring framework is attached as Appendix 1.<sup>2</sup>

2. This TA will assist SAARCLAW in achieving its objectives of facilitating improvement, harmonization, and use of legal resources in the development process as a whole, including socioeconomic development, in South Asia. The TA will focus on institutional and capacity development, sharing of experiences in selected areas of mutual concern, and production and dissemination of knowledge products in the identified selected areas. This is also in response to the clear demand for an initiative of this type from the judiciaries and legal professionals in the region.

3. SAARCLAW was established in 1991 as a regional apex body of SAARC, composed of judges, lawyers, law academics, and other stakeholders in South Asia. However, despite common regional issues and similar legal systems and laws, SAARC member countries have not been able to institutionalize a system of continuous sharing and learning from each other's unique context. This is because of a lack of legal and judicial exchanges, knowledge sharing, and clear opportunities for benefiting from each other's experiences.

4. ADB's Regional Cooperation Strategy for South Asia, 2011–2015 identifies improvement of regional connectivity, strengthening regional energy cooperation, and facilitating cross-border trade as the focus areas for ADB action under the strategy.<sup>3</sup> In addition, ADB's Strategy 2020<sup>4</sup> and the recently concluded midterm review<sup>5</sup> included regional cooperation and integration (RCI), good governance and capacity development, and the provision of knowledge solutions as some of ADB's strategic focus areas.

## II. ISSUES

5. Most of the countries in South Asia share common elements of legal traditions and cultures, and have adopted many modern laws and signed various international treaties. Yet the

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<sup>1</sup> The South Asian Association for Regional Cooperation (SAARC) has been actively pursuing regional cooperation through a number of joint regional projects, meetings, and conferences, focusing on both economic and development issues. Established in 1985, SAARC has been at the forefront of regional efforts to (i) improve the welfare of the people of South Asia; (ii) accelerate economic growth, social progress, and cultural development; (iii) promote and strengthen the collective self-reliance of South Asian countries; and (iv) improve and foster regional cooperation in local and international fora in matters of common interest.

<sup>2</sup> The TA first appeared in the business opportunities section of ADB's website on 2 October 2014.

<sup>3</sup> ADB. 2011. *Regional Cooperation Strategy: South Asia, 2011–2015*. Manila.

<sup>4</sup> ADB. 2008. *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank, 2008–2020*. Manila.

<sup>5</sup> ADB. 2014. *Midterm Review of Strategy 2020: Meeting the Challenges of a Transforming Asia and Pacific*. Manila.

concept of rule-of-law is not uniformly embedded and inconsistencies in application and implementation of laws and regulations are pervasive. This has resulted in a lack of a common legal framework for South Asia, despite the countries' many commonalities. In a number of cases, the gap between the adequacy of laws and the absence of implementation resides in ill-equipped judiciaries. Also, where there is an opportunity for regional dialogue and consensus, there is a lack of any concrete follow-through action because of the absence of a permanent oversight body. These circumstances impair growth in public confidence and investment and, ultimately, sustainable development. Considering the importance that rule-of-law, efficient regulatory and judicial systems, and prompt disposal of disputes play in the context of any development activities, SAARCLAW was established. It was formed to disseminate information, promote cooperation and understanding of legal developments in the region, and develop law as an instrument of social change.

6. Since its establishment, SAARCLAW has taken a number of initiatives in South Asia to fill the gap in the shared understanding of the various areas of law. SAARCLAW and the periodic SAARC chief justices' conferences have been successful in bridging the gap and developing a common understanding on the various areas of laws. Previous SAARCLAW conferences and events have deliberated upon issues such as good governance, human rights, trade relations, gender issues and women's rights, environmental degradation, improvements in the justice system, and judicial activism, among others. In addition, publications and knowledge products of SAARCLAW have influenced law and policy reform, examples of which are those on HIV, gender identity, and sexual orientation, which led to the enactment of a transgender law and recognition of transgender rights in Pakistan.

7. There is, however, a need to transform SAARCLAW from its present function into an entity designed for knowledge sharing, capacity building, and the mutual advancement of legal development on a more formal, consistent, sustainable, and permanent basis. This is so that the activities of members are organized in a more structured manner, with a well-considered focus on thematic areas, and there is an assurance that any agreements and proposals for common regional action are followed through and implemented. These will in turn see SAARCLAW develop into a more vibrant and active organization able to (i) meet its ambitious objective and serve as the premiere regional legal organization in South Asia; and (ii) affect, influence, and shape policies and objectives both at the regional and national level.

8. SAARCLAW has been able to attract the interest of senior judges and prominent lawyers. Its membership includes both past and current chief justices and judges of supreme courts and high courts of South Asia, as well as distinguished and internationally renowned members of the legal profession. Occasionally, this membership translates into support through generous donations from its members and other benefactors. One example is the establishment of the M. K. Nambyar SAARCLAW Center for Advanced Legal Studies at the NALSAR University of Law in Hyderabad, India. Given this, SAARCLAW has the potential to positively and productively influence legal and judicial policies on areas affecting development activities in the region in fields such as trade, energy, and transportation.

9. However, capacity constraints and, in some cases, cultural and political barriers exist, and these hamper both the growth of SAARCLAW as an organization and the development of a common understanding of law and jurisprudence in the region. Currently, SAARCLAW does not have a permanent and sustainable secretariat which can act as (i) a repository of all past and proposed initiatives, advocacies, and agreements of the organization; (ii) a platform where membership can be harnessed and increased; and (iii) an implementer and overseer of plans, projects, programs, and activities agreed upon by the members, both at the regional and

national level. In addition, its capacity and potential as a regional legal institution has not been fully studied.

10. ADB's engagement with SAARCLAW will facilitate greater understanding of legal and regulatory issues and strengthen regional cooperation towards resolving issues and barriers. This will have a positive impact on the region's development and growth. In addition, ADB's support and involvement may provide the needed impetus to spur further support, cooperation, and collaboration from the judiciaries and members of the legal profession in South Asia. This will also help link ADB's regional cooperation, operational priority and practice areas (i.e., trade, energy, and transport) with the Law, Justice, and Development program of OGC by helping ensure that the proper legal and regulatory frameworks are in place for these initiatives and development programs. Since focus of the TA is filling the legal and regulatory gaps in ADB's projects and RCI work, OGC is the most suitable department to undertake this task. OGC will be in a better position to utilize resources of the institutions like SAARCLAW and to provide expert advice on review of policies and laws. OGC working closely with the regional department will not only result in a more comprehensive impact on regional integration work but will also align with the "ONE ADB" concept.

### III. THE CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE

#### A. Impact and Outcome

11. The impact of the TA will be that SAARCLAW is used as a premier regional platform facilitating integrated and harmonized development of policies and laws for socioeconomic development in South Asia.

12. The outcome will be enhanced capacity and knowledge sharing for consistent and harmonized use of legal resources in the development process of South Asia. The TA will result in a sustained and continuous analysis and study of regional issues from a legal perspective through the SAARCLAW secretariat.

#### B. Methodology and Key Activities

13. The TA will involve various activities in South Asia aimed at strengthening SAARCLAW's capacity as a regional legal institution by ensuring consistency and permanence in its work and initiatives. At the same time, the TA will engage in capacity development, development and dissemination of knowledge products on priority legal and judicial issues. This TA is designed to provide legal support to ADB's RCI activities in South Asia, particularly those related to trade and transport facilitation, which require changes to national laws and regulations of participating countries.

14. **Output 1: Capacity development on legal and regulatory harmonization for regional integration.** The TA will support the conduct of a baseline study to (i) identify areas that align with ADB's strategic priorities and require legal and regulatory harmonization for a regionally integrated development process, such as infrastructure, energy, transport, trade facilitation, anti-money-laundering issues, and the environment; (ii) analyze the legal and regulatory situation to identify issues in those areas; and (iii) support for negotiation and finalization of cross-border trade and transport facilitation arrangements between and among SAARC member countries. In collaboration with South Asia Regional Department, it will also support the establishment, if needed, of working groups on identified areas consisting of members from relevant ministries, regulatory bodies, and legal and judicial professions, and the

holding of regional consultations of the working groups.<sup>6</sup> The TA will also support the organizing of regional conferences for the stakeholders from legal and regulatory bodies; government departments; and the legal, judicial, economic, and development sectors with the objective of sharing experiences and exchanging ideas from the region on priority areas and issues for identifying solutions for regional integration in such areas. These activities will be organized in SAARC member countries in collaboration with SAARCLAW. The priority areas and issues will be selected with a view to enhancing and supporting ADB's ongoing projects and activities under RCI in South Asia, including trade and transport facilitation initiatives under the South Asia Subregional Economic Cooperation (SASEC) program.

**15. Output 2: Developing and disseminating knowledge products on priority legal and regulatory issues.** The TA will support production and dissemination of knowledge products on identified legal, regulatory, and judicial issues which will be of interest and benefit to the SAARC member countries and have direct relevance to the ongoing ADB activities in the area. The focus of knowledge products will be the legal and regulatory aspects of RCI and other development issues covered by the regional meetings, conferences and ADB operations (including, for example, the SAARC motor vehicle and railway agreements and associated arrangements at the bilateral and plurilateral levels), as well as other issues which are determined to be important for regional development. These knowledge products, which will form part of the SASEC knowledge portal, will explore common regional issues, policies, and legislation that can jointly benefit all South Asian countries. It is expected that the knowledge products will be used for three purposes: (i) they will be good knowledge-enhancing tools for the regional stakeholders, (ii) they can be used as a baseline assessment for regional initiatives, and (iii) they can provide the analytical and legal underpinning for SASEC transport and trade facilitation initiatives. These knowledge products can further be used for advocacy purposes with the governments of the SAARC member countries, and for further research and analysis of priority issues and areas for the development of laws, regional agreements and policies, and shared and comprehensive common frameworks of action.

**16. Output 3: Institutional strengthening through a permanent secretariat.** The TA will support capacity and institutional development of SAARCLAW as an independent body through an institutional capacity assessment of SAARCLAW and the establishment of a permanent secretariat, including assistance for adequate office management needs (office, furniture, computers, and other office equipment) and human resource needs (through time-bound consultants who will assist with the management of activities under the TA). Financial and work programs, as well as an operations and administration guide, may also be developed for the secretariat. SAARCLAW is expected to sustain the secretariat after initial support from ADB with the help of a country subscription program to be initiated from 2015 and with the financial support of a few other organizations and domestic partners. Through this secretariat, the aim is to ensure the continuity and implementation of ideas and recommendations put forward by SAARCLAW members, and to sustain the commitment of legal professionals in South Asia for the development and growth of the region.

### **C. Cost and Financing**

17. The TA is estimated to cost \$1,000,000, which will be financed on a grant basis by ADB's Technical Assistance Special Fund (TASF-other sources).

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<sup>6</sup> These legal working groups will also coordinate with already established technical working groups in South Asia, such as the SASEC Trade Facilitation and Transport Working Group, and the Energy Working Group, among others.



## **D. Implementation Arrangements**

18. ADB will be the executing agency for the TA and OGC will serve as the focal point for ADB. SAARCLAW will be the implementing agency and will work with ADB in organizing and hosting the regional consultations and conferences, producing knowledge products, and implementing its capacity development activities. SAARCLAW's executive council or the officials nominated by it will serve as the steering committee to organize the activities under the TA. The actual contents and focus of the consultations and conferences will be developed jointly between ADB and SAARCLAW, taking into consideration the strategic goals and priorities of each institution.

19. The TA will be implemented from January 2015 to December 2016. It will utilize 60 person-months of consulting services comprising 18 person-months of national consultant inputs and 42 person-months of international consultant inputs. One national consultant will be recruited for 18 person-months on an intermittent basis to facilitate implementation of outputs 1 and 2. One international consultant will be recruited for a total of 18 person-months to assist with the implementation of output 3, particularly the institutional capacity assessment of SAARCLAW and the establishment, management, and operation of the secretariat. The remaining 2–3 international consultants will be recruited for 24 person-months intermittently to (i) conduct the baseline study; (ii) identify priority areas that require legal and regulatory harmonization and research and assist with the regional conferences and consultation meetings; and (iii) research and assist with the production of knowledge products, subsequent regional conferences, and further consultation meetings. The consultants will be recruited using individual consultants selection method following ADB's Guidelines on the Use of Consultants (2013, as amended from time to time).<sup>7</sup> All goods and equipment to be procured under the TA will be procured following ADB's Procurement Guidelines (2013, as amended from time to time) and will be handed over to SAARCLAW at the conclusion of the TA. Disbursement under the TA will be done in accordance with ADB's Technical Assistance Disbursement Handbook (2010, as amended from time to time).

## **IV. THE PRESIDENT'S DECISION**

20. The President, acting under the authority delegated by the Board, has approved the provision of technical assistance not exceeding the equivalent of \$1,000,000 on a grant basis for Strengthening Legal Institutions and Enhancing Regional Cooperation in Law, Justice, and Development in South Asia, and hereby reports this action to the Board.

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<sup>7</sup> To reduce the administrative burden and improve economy, efficiency, and value for money, consulting services under the TA will be engaged under output-based (lump-sum) contracts, where appropriate.

## DESIGN AND MONITORING FRAMEWORK

Design Summary	Performance Targets and Indicators with Baselines	Data Sources and Reporting Mechanisms	Assumptions and Risks
<p><b>Impact</b></p> <p>SAARCLAW is used as a premier regional platform facilitating integrated and harmonized development of policies and laws for socioeconomic development in South Asia</p>	<p>Enhanced understanding and knowledge of policies and laws on selected priority issues, through SAARCLAW initiatives by 2020, compared with the 2013–2014 baseline</p>	<p>Reports and capacity development materials developed as a result of regional dialogues and consultations on selected priority issues</p>	<p><b>Assumption</b></p> <p>Judiciaries and legal professionals in the region are interested in and committed to pursuing legal themes of common interest in South Asia</p> <p><b>Risk</b></p> <p>Political and other constraints among a few SAARC member countries affect progress of the TA</p>
<p><b>Outcome</b></p> <p>Enhanced capacity and knowledge sharing for consistent and harmonized use of legal resources in the development process of South Asia</p>	<p>Priority issues identified and analyzed</p> <p>Legal and regulatory dialogue and policy discussions among key stakeholders from South Asia on priority issues concluded with recommendations, by completion of the TA</p>	<p>Baseline study</p> <p>Reports and proposals as a result of regional dialogues and consultations on selected priority issues</p>	
<p><b>Outputs</b></p> <p>1. Capacity development on legal and regulatory harmonization for regional integration</p>	<p>At least two regional consultations of the working groups held on selected priority issues by completion of the TA</p> <p>At least two regional conferences on selected priority issues organized for SAARC member countries by completion of the TA</p> <p>At least one cross-border transport or trade facilitation arrangement finalized between/among South Asian countries</p>	<p>Minutes and/or proceedings of the meetings</p> <p>Proceedings of the conferences</p> <p>Papers and presentations of the expert resource persons</p> <p>Declaration or common vision statement of the conferences</p>	<p><b>Assumption</b></p> <p>SAARCLAW's partnership with ADB neutralizes regional political constraints</p>

<b>Design Summary</b>	<b>Performance Targets and Indicators with Baselines</b>	<b>Data Sources and Reporting Mechanisms</b>	<b>Assumptions and Risks</b>
2. Developing and disseminating knowledge products on priority legal and regulatory issues	At least 2–3 knowledge products on selected priority legal themes produced and disseminated by completion of the TA	Published knowledge products	
3. Institutional strengthening of SAARCLAW through permanent secretariat	Permanent secretariat established and equipped with adequate resources in the selected SAARC member country	Printed SAARCLAW stationary and office memo describing its secretariat's role and functions	

<b>Activities with Milestones</b>	<b>Inputs</b>
<p><b>1. Output 1</b></p> <p>1.1 Baseline study conducted to identify and analyze priority sectors and legal issues involved in those sectors (month 5)</p> <p>1.2 Establishment of and consultations with working groups for legal and policy dialogue on selected priority issues (approximately in months 7 and 15)</p> <p>1.3 Regional conferences held in SAARC member countries (approximately in months 10 and 18)</p> <p><b>2. Output 2</b></p> <p>2.1 Publication of conference proceedings (months 15 and 24)</p> <p>2.2 Preparation of knowledge products, reports, and proposals or other literature following conclusion of the conferences (months 12 and 20)</p> <p>2.3 Publication and dissemination of knowledge products following their completion (months 15 and 24)</p> <p><b>3. Output 3</b></p> <p>3.1 Establishment of secretariat's office</p> <p>3.2 Institutional capacity assessment of SAARCLAW (months 2 to 4)</p> <p>3.3 Equipping of the secretariat with adequate human and other resources (months 2 to 8)</p> <p>3.4 Consultant support for management of the secretariat (months 2 to 20)</p>	<p><b>Inputs</b></p> <p><b>ADB: \$1,000,000</b></p>

ADB = Asian Development Bank, SAARC = South Asian Association for Regional Cooperation, SAARCLAW = South Asian Association for Regional Cooperation in Law, TA = technical assistance.

Source: Asian Development Bank.

**COST ESTIMATES AND FINANCING PLAN**

(\$'000)

Item	Amount
<b>Asian Development Bank<sup>a</sup></b>	
1. Consultants	
a. Remuneration and per diem <sup>b</sup>	
i. International consultants	370.00
ii. National consultants	50.00
b. International and local travel <sup>c</sup>	50.00
2. Equipment <sup>d</sup>	10.00
3. Surveys and studies	
a. Surveys and studies	30.00
b. Publications	40.00
4. Training, seminars, and conferences <sup>e</sup>	250.00
5. Miscellaneous administration and support costs <sup>f</sup>	80.00
6. Contingencies	120.00
<b>Total</b>	<b>1,000.00</b>

<sup>a</sup> Financed by the Asian Development Bank's Technical Assistance Special Fund (TASF-other sources).

<sup>b</sup> Includes housing allowance for one international consultant in Nepal.

<sup>c</sup> No travel to or from nonmember countries to be financed without the required approvals.

<sup>d</sup> Including office furniture, computers, phones, fax, and other miscellaneous office supplies. All equipment procured under the TA will be handed over to SAARCLAW Secretariat upon completion of the TA.

<sup>e</sup> Includes staff travelling as resource persons and engagement of external resource persons. An advance may be provided, if appropriate and needed, to the implementing agency for the administration of such national workshops, translation and interpretation services, and printing of documents and reports.

<sup>f</sup> Covers costs related to the establishment of the South Asian Association for Regional Cooperation in Law secretariat including office rental, administrative and support staff, and other administrative costs and expenses.

Source: Asian Development Bank estimates.

## OUTLINE TERMS OF REFERENCE FOR CONSULTANTS

### A. Objective and Purpose of the Assignment

1. This proposed regional capacity development technical assistance (TA) is designed to materialize the mutual understanding between the Asian Development Bank (ADB) and the South Asian Association for Regional Cooperation (SAARC) in Law (SAARCLAW) for collaboration on achieving common objectives of both the organizations. The focus will be on institutional and capacity development, sharing of experiences in selected areas of concern, and production and dissemination of knowledge products in the selected priority areas. The expertise and assistance of international and national legal, policy, and institutional specialists are needed to ensure that all activities planned under the TA at a regional or country level are coordinated and implemented in a timely manner. It is proposed that the consultants will be selected using individual consultants selection method under ADB's Guidelines on the Use of Consultants (2013, as amended from time to time).

### B. International Consultants

2. **Institutional specialist** (18 person-months). The specialist should preferably have a degree in law or social sciences with at least 5 years of professional experience in the relevant field. Experience in SAARC member countries will be preferred and an advantage.

3. **Scope of work.** The specialist is expected to

- (i) assist and oversee the day-to-day operations of the SAARCLAW secretariat;
- (ii) conduct an institutional capacity assessment study of SAARCLAW to establish the proper organizational and institutional setup of the secretariat;
- (iii) establish networks and assist in the conduct of regional activities by liaising and coordinating with the judiciaries of and legal practitioners from SAARC member countries and other relevant developing member countries (DMCs) and ADB's development partners;
- (iv) ensure the SAARCLAW secretariat operates efficiently, including by assisting with the preparation of a work plan and activities not covered by this TA;
- (v) provide assistance to the secretary-general and other SAARCLAW executive council members or officials nominated by them in an efficient manner in conducting the business of SAARCLAW, including regional coordination, preparation of letters and memos, and preparation of responses to any queries;
- (vi) support and assist ADB counsel, SAARCLAW members, and the TA team in planning and convening the regional conferences and meetings;
- (vii) assist in the preparation of background papers and concept notes for the regional conferences;
- (viii) assist in the drafting of an agenda, declaration, sessions summaries, and other materials relating to the regional conferences;
- (ix) assist ADB counsel, SAARCLAW, and the TA team in conducting research and preparing and/or drafting knowledge products;
- (x) support any activities planned under the TA at a regional or country level;
- (xi) be responsible for the work of administrative and support staff assigned to the secretariat, if any;
- (xii) assist in preparing baseline report, midterm report, and TA completion report; and
- (xiii) perform other tasks reasonably related to achieve the TA outputs and outcomes, and to the operations of the SAARCLAW secretariat.

4. **Legal and policy specialists** (1–2 specialists, 12 person-months, intermittent). The specialist(s) should have a degree in law or related field with at least 7 years of professional experience in the area of law, justice, and development, and expertise in one of ADB's priority areas of operation. Experience with and extensive knowledge of SAARC member countries will be preferred and an advantage.

5. **Scope of work.** Under the supervision of ADB counsel, the specialists are expected to
- (i) conduct and prepare a baseline study to identify areas that are priorities for ADB operations (e.g., commerce, infrastructure, energy, transport, trade facilitation, environment, or public law themes) that require legal and regulatory harmonization for strengthened regional cooperation;
  - (ii) draft the agenda, declaration, sessions summaries, and other materials relating to the regional conferences and meetings;
  - (iii) prepare background papers and concept notes for the regional conferences;
  - (iv) assist with the management of regional activities including by liaising and coordinating with the judiciaries of and legal practitioners from SAARC member countries and other relevant DMCs and ADB's development partners;
  - (v) assist and support ADB counsel in planning and organizing the regional conferences and meetings in SAARC member countries to enable legal practitioners across South Asia to further share their progress and learning in selected areas;
  - (vi) support any activities planned under the TA at a regional or country level; and
  - (vii) perform other tasks reasonably related to achieve the TA outputs and outcomes.

6. **Legal and policy specialists for knowledge management** (1–2 specialists, 12 person-months, intermittent). The specialist(s) should have a degree in law or related field with at least 7 years of professional experience in the area of law, justice, and development, and expertise in one of ADB's priority areas of operation. Experience with and extensive knowledge of SAARC member countries will be preferred and an advantage.

7. **Scope of work.** Under the supervision of ADB counsel, the specialists are expected to
- (i) prepare knowledge products on identified legal, regulatory, and judicial issues which will be of interest and benefit to SAARC member countries, on issues covered by the regional meetings and conferences, as well as such other issues which are determined to be of importance to the region;
  - (ii) draft the agenda, declaration, sessions summaries, and other materials relating to the regional conferences and meetings;
  - (iii) prepare background papers and concept notes for the regional conferences;
  - (iv) assist with the management of regional activities including by liaising and coordinating with the judiciaries of and legal practitioners from SAARC member countries and other relevant DMCs and ADB's development partners;
  - (v) assist and support ADB counsel in planning and organizing the regional conferences and meetings in SAARC member countries;
  - (vi) support any activities planned under the TA at a regional or country level; and
  - (vii) perform other tasks reasonably related to achieve the TA outputs and outcomes.

### C. National Consultants

8. **Legal and policy specialist** (18 person-months, intermittent). The specialist should have a degree in law or related field with at least 5 years of professional experience in the area

of law, justice, and development. Experience with SAARC member countries will be preferred and an advantage.

9. **Scope of work.** Under the supervision of ADB counsel, the specialist is expected to
- (i) assist with the management of regional activities including by liaising and coordinating with the judiciaries of and legal practitioners from SAARC member countries and other relevant DMCs and ADB's development partners;
  - (ii) assist and support ADB counsel, the international consultants, and SAARCLAW members in planning and organizing the regional conferences and meetings in SAARC member countries;
  - (iii) assist the TA team in drafting agenda, declaration, sessions summaries, and other materials relating to the regional conferences and meetings;
  - (iv) prepare and draft the record of proceedings of the regional conference and meetings on selected issues, in a format acceptable to ADB counsel, and liaise with ADB's Department of External Relations and Office of Administrative Services on the publication process;
  - (v) review and comment on reports and documents submitted in relation to the TA, and provide research, writing, and editorial support for the knowledge products that may be published under the TA;
  - (vi) liaise with ADB departments and resident missions on (a) the production and publication of knowledge products; (b) the fielding of missions; (c) the holding of meetings, workshops, and seminars; and (d) TA-related miscellaneous tasks;
  - (vii) assist ADB counsel in seeking approvals and no-objections from ADB departments and from the governments of SAARC member countries;
  - (viii) assist ADB counsel in processing TA activities within ADB using ADB's processing and implementation policies, and facilitate the obtaining of requisite approvals by the TA team from ADB Management;
  - (ix) participate in meetings with the TA team in Manila or any SAARC member country for successful implementation of TA activities;
  - (x) support any activities planned under the TA at a regional or country level;
  - (xi) assist the TA team in preparing the baseline report, midterm report, and TA completion report; and
  - (xii) perform other tasks reasonably related to achieve the TA outputs and outcomes.

#### **D. General Output and Reporting Requirements for all Consultants**

10. All consultants recruited under this TA shall be guided by the following output and reporting requirements:
- (i) all reports, papers, concept notes, and submissions will be in English language, will be completed and submitted in a timely manner, and must meet the needs and requirements of ADB's supervising counsel;
  - (ii) all research to be conducted must be done under internationally accepted standards, with the thorough use of all available materials (e.g., books, journals, publications, and web resources);
  - (iii) ability to work diligently and appropriately in groups or teams while managing the working groups and conferences; and
  - (iv) observance of due respect and protocol while working and engaging with high-level members of the SAARC judiciaries.