ROLE UK
Rule of Law Expertise

Peer-to-Peer Approaches for Pro Bono Rule of Law Support

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Introduction

ROLE UK, with funding from the UK Department for International Development (DFID), supports the UK legal and judicial sector's pro bono contribution to the rule of law and poverty reduction. To date, ROLE UK has supported 70 pro bono rule of law assignments in developing countries, while also producing and synthesising evidence from these assignments and elsewhere on what makes for effective approaches to this work.

This briefing paper focuses on a specific type of pro bono work; that which adopts **'peer-to-peer'** approaches to the sharing of knowledge, skills and experience between UK legal and judicial experts and their counterparts in developing countries. In November 2017, ROLE UK convened a panel discussion on this topic, chaired by The Rt Hon. the Lord Falconer of Thoroton. The panel comprised of legal experts involved in pro bono work which incorporates peer-to-peer learning, and a representative of the UK Government's National School of Government International (NSGI) to share experience from their work supporting peer-to-peer work between UK and overseas civil servants. This paper draws on the discussions at that event, learning from ROLE UK's assignments and external sources, including the seminal 'Guide to Peer-to-Peer Learning' by Matt Andrews and Nick Manning.[1]

Peer-to-peer approaches hold significant potential as a particularly meaningful and impactful subset of pro bono work. This paper provides guidance on how to realise this potential and sets out some challenges and recommendations for legal and judicial experts involved in developing, facilitating or undertaking pro bono peer-to-peer work.

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1   Andrews, Matt and Manning, Nick (2016), 'A Guide to Peer-to-Peer Learning: How to make peer-to-peer support and learning effective in the public sector?', Effective Institutions Platform.

Why 'peer-to-peer' learning?

Peer-to-peer learning, sometimes referred to as peer-assisted learning, is an approach that has been widely used in the higher education sector, where it has been defined as 'the development of knowledge and skill through active help and support among status equals or matched companions'.[2] Here, it represents a 'horizontal' form of learning, where equals – or 'peers' – work together to share experience, knowledge and ideas in a process where they are learning from each other, benefitting from the process of discussion and reflection, and applying their learning in real time for practical purposes.

Peer-to-peer learning has also been used as a means to support public sector institutional reform, based on the notion that 'people embarking on reforms can learn from peers who are also going through (or have experienced) similar reforms'.[3] The intention here is that peers can work together to develop a deep understanding of the problem(s) at hand and trial and adapt approaches, drawing on each other's technical knowledge and wider understanding of how to navigate and facilitate reform processes.

The provision of technical assistance for reform and institutional strengthening overseas by external actors such as donor governments and expatriate consultants has been criticised as being 'supply- driven, expensive, poorly planned and integrated, and failing to promote country ownership'.[4] And interest is increasing in approaches that could enable a shift away from powerful external actors providing 'pre-defined solutions, to more applied approaches for supporting reforms in contested and complex contexts'.[5] Peer-to-peer can provide better scope for the 'external' peer to actually take their lead from the 'host' peer, with mutual learning between them from each peer contributing their experience of what did or did not work in different contexts, or how that could be best modified to fit the local context.

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2   Topping (1996), referenced in https://wvanzylacademic.atavist.com/p2p-collaboration-the-disadvantages-of-p2p-peer-to-peer-collaboration- pal-peer-assisted-learning-and-pl-peer-learning, (Accessed on 30th January 2018).

3   Andrews and Manning, p. 5.

4   GSDRC (2009), 'Helpdesk Research Report: Changing approaches to technical assistance', p.1.

5   Ibid.

Peer-to-peer work also fits into recent thinking on the value of a 'partnerships' approach to institutional strengthening and reform. In May 2016, the UK Government announced a 'GREAT for Partnerships' initiative, whereby the UK will lead 'a new international network of partnerships between countries and institutions'.[6] That initiative is still evolving, but the learning from peer-to-peer approaches to date is likely to be central to this initiative.

The work that ROLE has supported to date indicates that this model of working is already being used by some pro bono providers to promote rule of law initiatives. Not all the pro bono work supported by ROLE has been peer-to-peer. And as an experimental or pilot programme, even the assignments mentioned below as peer-to-peer may not necessarily meet the different characteristics expected in peer-to-peer approaches. But a Review and Learning Exercise commissioned by ROLE UK in 2016 found that: 'In some of these cases, **the genuine peer-to-peer nature of the expertise was the real added value'**[7]. ROLE UK believes that there is scope for this valuable area of work to be strengthened and taken up more widely by international pro bono providers. The rest of this paper provides some guidance on what this could look like and how it could be done.

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6   UK Government Press Release – 'UK to lead global partnerships to tackle corruption', 12 May 2016, https://www.gov.uk/government/news/ uk-to-lead-global-partnerships-to-tackle-corruption (Accessed on 30 January 2018).

7   Alegre, Susie and Paterson, Anna (2016), 'ROLE UK: Independent Review and Learning Exercise Report', p. 31.

Peer-to-peer and legal & judicial pro bono work

Significant volumes of legal and judicial pro bono work are undertaken globally, particularly with a formally established culture of pro bono in the UK, USA and Australia. Much of that is domestic, but also includes some rule of law and poverty reduction work in developing countries. The latter is ROLE UK's focus and consequently, the central theme of this paper.

There are numerous models for pro bono rule of law work using peer-to-peer approaches, including:

- One or more pro bono individuals working with their counterparts in the partner country for a defined period (ideally sustained engagement for months or years – but with focused periods of activity within this) under a wider partnership at the institutional / organisational level. ROLE UK's short-term, but repeat assignments with African Prisons Project for legal training of 'Justice Changemakers' in partnership with the Association of Law Teachers best fits this model.[8]

- Several pairings / groupings of peers, which come together at certain points to share their learning (e.g. asking small teams, each comprising individuals from two or more countries, to work on specific projects / problems together and convening workshops at which they can share their learning and approaches). ROLE UK has initiated work towards such a model, specifically to **better promote South-South and South-UK-South learning**, by linking peers from UK National Archives and the network of Africa Legal Information Institutes (AfricaLIIs), which promote free access to law in 16 African countries.[9]

- 'Embedded peers' where individuals are seconded to work for months or years within a particular partner institution or organisation – for examples of this kind of peer-to-peer learning, see the work of the Oxford Policy

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8   https://www.roleuk.org.uk/cases/empowering-prisoners-represent-themselves (Accessed 14 March 2018).
9   http://www.africanlii.org/ (Accessed 14 March 2018).

Fellowship.[10]

- 'Twinning' where individuals or institutions commit to working together over a period of time, with ongoing peer-to-peer learning processes between groups or individuals. See the work of the Lawyers Against Poverty Initiative.[11]

10 See Oxford Policy Fellowship (2017), 'Learning from the Oxford Policy Fellowship: emerging policy messages from a year of data', for useful Guidance on how to monitor this kind of peer-to-peer learning. https://www.policyfellowship.org/wpcms/wp-content/uploads/2015/01/ OPF_MEL-note_March-2017-v2.pdf (Accessed 14 February 2018).

11 Information on Twinning with Tajikistan. https://lawyersagainstpoverty.org/2017/03/07/twinning-with-tajikistan/ (Accessed 14 March 2018).

ROLE UK Peer-to Peer Assignments and Categories

Of the portfolio of 70 international pro bono assignments supported by ROLE UK to date, 51 assignments included varying degrees of peer-to-peer engagement and learning, with different purposes:

- direct peer-to-peer engagement on specific issues or capacity building (29)

- peer-to-peer work aimed more at partnership building (2)

- peer-to-peer work which aim to do both of the above (20)

These 51 peer-to-peer assignments have been with various categories of experts. As indicated in Figure 1 below, these include pro bono judges, legal aid clinicians, government lawyers, legal educators, barristers, private practice solicitors, etc and some 'mixed peers' (judges with lawyers, government and private practice lawyers, etc).

LEGAL ARCHIVIST (1)
LEGAL CLINICIAN (1)
GOVT. LAWYER (2)
PRIVATE PRACTICE (6)
LAWYER (7)
LEGAL EDUCATOR (12)
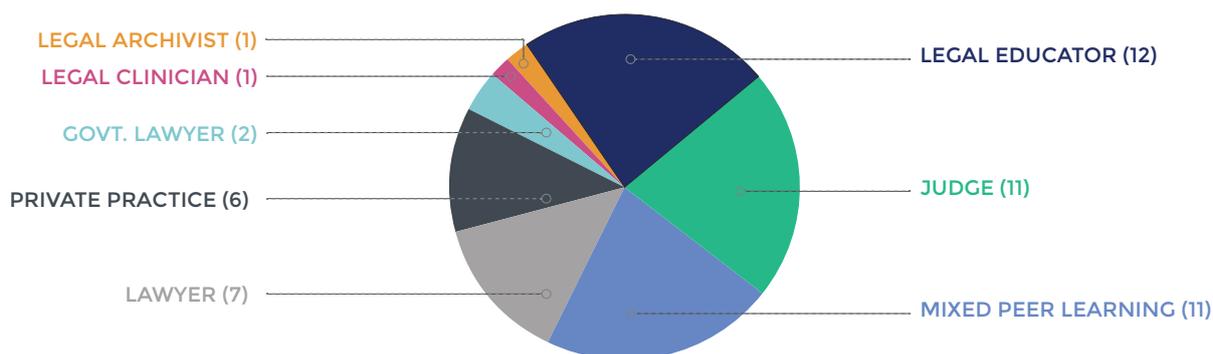JUDGE (11)
MIXED PEER LEARNING (11)

Figure 1. ROLE UK 2015-8 Assignments With Peer-to-Peer Approaches

Increasingly, ROLE UK has also been supporting 'South-South' and 'South-UK-South' peer-to-peer learning and partnership building. Further information on these assignments can be found in Annex B.

Specific value of peer-to-peer approaches for rule of law work

Characteristics of peer-to-peer approaches differ from other forms of technical assistance provided by external experts in a number of important ways and could provide distinct types of benefits for pro bono rule of law work.

- Peer-to-peer learning is **distinct from training.** There is a risk that pro bono legal and judicial work, as with other forms of 'external' assistance[12] provided to developing countries, 'adopts a "deficit lens" viewing problems in partner countries as the result of a lack of, or gaps in, expertise'.[13] This can lead to a focus on training or other forms of assistance based on the transfer of technical knowledge and skills. As noted in a ROLE UK research paper on existing evidence relating to justice programming, 'most capacity-building programmes default to training, which is thought to be sustainable because it is about leaving capacity behind that can solve future problems without external assistance. Yet the literature on training as a modality of capacity-building is particularly damning'[14] – i.e. there is limited evidence to suggest that training alone can bring about sustained results. A sustained peer-to-peer learning approach, whereby counterparts work together to address real problems in real time over a longer term, provides **a way to move beyond a focus on an assumed lack of capacity or expertise.** Learning from supporting peer-to-peer approaches between UK and overseas civil servants indicates that 'the benefit of working with peers is that it allows a shift from a technical assistance approach to one that is supportive, locally owned and based on nurturing skills, rather than local capacity substitution'.[15] This quote also brings out another important point, which is that peer-to-peer approaches recognise that, while external

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12   i.e. assistance provided by individuals or organisations from a different country.

13   Kenny, S & Clarke, M (2010), 'Challenging Capacity Building: Comparative Perspectives', New York, Palgrave Macmillan, p. 15; cited in Denney, Lisa & Domingo, Pilar (2016), 'Reflections on ROLE UK's approach: Learning from reviews of security and justice programming', ROLE UK, p. 6.

14   Denney & Domingo, (2016),p. 7-8.

15   Alari, Caterina & Thomas, Peter (2016), Increasing the Impact of Aid Interventions to Support Centre of Government Reforms', National School of Government International (NSGI), p. 8.

actors have relevant experience, they are not best placed to provide the 'answers' to problems in contexts other than their own. Processes need to be owned and led by local stakeholders, both in order to be relevant to context, and to have the local 'ownership' and 'buy-in' needed to bring about and sustain meaningful change.

- Peer-to-peer learning provides an opportunity to transfer and build knowledge not only on the technical aspects of institutional development and reform, but also on other crucial factors. Based on a review of 52 peer learning initiatives, Andrews and Manning found that **'peer learning is potentially powerful in facilitating the transfer of tacit knowledge about the softer dimensions of change (like managing politics, inspiring teams, or building coalitions) between individuals – and beyond, to organisations, sectors and nations.'**[16] These types of 'experiential knowledge', i.e. knowledge gained from 'doing' this kind of work, is difficult to convey through training or other forms of assistance. Also, it is increasingly recognised that the barriers and challenges surrounding reform processes are as political as they are technical, if not more so. This is particularly the case in the field of rule of law. As noted in a ROLE UK briefing paper on 'International pro bono; what do we know about what works?', 'many rule of law problems are political at root' and efforts to address them need to acknowledge this reality.[17] Peer-to-peer is not a complete solution to this challenge, but it has the potential to enable an approach which is more rooted in its particular context and where peers can work together to share learning on how to negotiate political dynamics as well as technical issues.

- Working with a peer whose experience is very relevant, albeit from a different context, provides the opportunity to consider the kinds of strategies that have worked – or not worked – elsewhere, to reflect on their applicability in your context and to adapt and trial them as appropriate. A further benefit is that, if the peer-to-peer relationship works well, during this process of analysis, reflection, trial and adaptation, it provides a **'critical friend and sounding board'** to act as a source of advice

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16   Andrews and Manning, p. 5.
17   ROLE UK (2016), 'International pro bono; what do we know about what works', p. 4.

and to 'validate the direction of locally led reforms'.[18] There is more scope for this type of relationship where it exists **relatively free from pre-determined outcomes or strict external time limits.** In this regard, legal and judicial stakeholders working pro bono to support rule of law in developing countries provide a potentially valuable source of peer learning. This is because they are not normally beholden to the results or timeframes prescribed within donor funded programmes and can, in theory, offer a greater level of flexibility.

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18   Alari & Thomas, p. 8.

Challenges, risks and limitations

Peer-to-peer approaches are not a panacea. There are significant challenges to this work, issues to be borne in mind, and risks to try and avoid. This section outlines some, especially those related to legal and judicial pro bono work.

- As outlined above, part of the value in a peer-to-peer learning approach is that it is flexible and iterative; knowledge is shared, approaches are trialled and adapted, and as trust grows within the peer-to-peer relationship, new opportunities for learning and collaboration may arise, that may arise were not the focus at the outset. While there is great potential value in this kind of approach, it can pose a challenge in terms of **developing clear objectives** for the peer-to-peer process, and for **identifying and monitoring progress and results,** both of which are needed in order to maximise the value of peer-to-peer approaches. Design and monitoring of the peer-to- peer processes can be challenging in the context of any peer learning relationship, but perhaps particularly so in the case of pro bono work. This is because pro bono legal and judicial experts will not normally be experts in project design or monitoring too.

- Linked to the above, effective planning, implementation and monitoring of peer-to-peer learning requires an understanding of the **politics** surrounding the issue and institutions that you are engaging with. As noted by Matt Carter from the National School of Government (NSGI) at the ROLE UK's November 2017 peer-to-peer panel event, 'rule of law reform and strengthening is inherently political. Reform will create winners and losers and many of the blockages are political not technical. Deep, local contextual knowledge is needed in order to identify the best issues to work on, partners to work with, approaches to adopt and factors (such as changes in the political context) to monitor in order to ensure that the work remains relevant and well targeted. This may be challenging for pro bono providers who are based in the UK and have limited time or opportunity to conduct substantive context analysis, or experience of methodologies for

doing so, though there are ways to work around this to some extent, as will be explored below.

• A key advantage of peer-to-peer learning compared to other types of technical assistance is the ability to develop deep and sustained relationships between individuals and institutions. For that, it is important to build trust and enable an iterative approach through which jointly developed solutions can be trialled and adapted based on 'doing' and learning. This has pros and cons in terms of sustainability. Another advantage is that since inputs of pro bono experts tend to be less dependent on donor funding, it can therefore outlive donor funding cycles and possibly also avoid the extra accountability required for public funding, etc. But pro bono support does not come without opportunity costs or some degree of (pro bono) donor requirements. And the **very fact that the work is pro bono means that there will be limits** on the depth and scale of experts' engagement and on their ability to commit for the long-term, since this work is largely undertaken in addition to the experts' regular work and with limited resources (since it is unpaid).

• And there may be systemic biases too; given the greater resources at their disposal, it is often the large multinational law firms who are best able to support their staff to undertake international pro bono work. Hence commercial lawyers tend to have greater opportunity to do so than criminal, human rights or government lawyers, even though those may well be the skills and experience of more relevance to rule of law work (other than in work related to commercial law for economic development, etc). Furthermore, 'the problems identified and the **solutions proposed may be a function of the technical assistance that is available'.**[19] For instance, if training on advocacy or case management processes is perceived to be available, then partner countries may default to requesting this type of assistance, even if this does not reflect the priority issues or needs in their context.

• The deep sharing of personal learning and knowledge between individuals is central to peer- to-peer learning. But it is important for that to result

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19   Ibid., p. 12 – 13.

in improved understanding, behaviours and practices – not only at the individual level, but for that to also translate into programmatic changes and institutional reform. Andrews and Manning report that **'"there is" limited evidence that initiatives claiming to facilitate peer learning successfully foster the transfer of deep, relevant tacit knowledge between peers and ensure that this diffuses back to organisations to achieve impact at scale'.**[20] This appears to be partly related to the challenge of monitoring and evaluating these types of changes, resulting in a lack of solid evidence, but is also about the challenges in designing peer learning approaches to bring about longer term institutional change beyond the targeted individuals.

- At its best, peer-to-peer learning presents a progression away from approaches which **seek to replicate 'best practice'** from one context to another. It is now recognised that seeking to 'transplant' policies, laws or institutional forms and structures from one context to another is unlikely to work, given the differing power dynamics, institutional history etc. that exist between countries and regions.[21] There is a move towards the language of 'best fit', whereby the focus is on identifying approaches which, while drawing on experience from elsewhere, are best suited to the context in hand. However, there remains a risk that the 'external' peer may naturally revert to what has worked in their own context and experience and this is arguably a greater risk in the case of pro bono legal and judicial experts who, while bringing a wealth of knowledge, may have limited experience of working overseas.

- Related to this, there is a risk that peer learning places **too great a focus on the positive experience and practices of particular countries**, which have learning and models to share, but which are far removed from the context of the partner country. Andrews and Manning point out that the 'best practice stars' are not always the best place to start.[22] They highlight an example of Georgian officials working on land reform initially seeking to learn from the Swedish model, before realising that the 'Sweden's century long and culturally different process had little

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20 Andrews and Manning, p. 5.
21 See Denney & Domingo (2016), p. 10.
22 Andrews and Manning, p. 14.

relevance'.[23] They then looked to Estonia instead, where they found a more applicable model to learn from. Furthermore, the very high standard of training of legal professionals in the UK naturally leads to a culture where they are used to being valued advisors whose technical views are always listened to, without there being much need for them to listen to, or learn from, others about the local context, political economy, etc. Finally, it is important to avoid the temptation to focus on sharing experience of what has worked, to the exclusion of what hasn't. Peers have 'as much experience of failure, waste and false starts' as they do of successful reform, and it is important for both to be shared.[24]

• This paper began by referring to peer learning amongst students as a 'horizontal' learning process. In this context, it is important to remember that the 'external' legal experts from the UK providing assistance or advice possess resources and power and are part of the political economy, as opposed to being neutral players.[25] The host country peers are not neutral either and will bring to bear their own incentives, resources and networks. There is always a real or perceived **'power imbalance' between peers**, often where the UK / external expert is perceived to have greater power or access to resources. Hence it is very important to bear that in mind, to avoid the risk that it skews the focus or results of the peer learning relationship. It is important to establish trusting relationships where all peers are equally able to voice – and have listened to - their experience, ideas and concerns and to ensure that this remains the case throughout the relationship.

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23   Ibid.
24   Alari & Thomas, p. 8.
25   Denney, Lisa & Domingo, Pilar (2017) 'Political Economy Analysis: Guidance for legal technical assistance', ROLE UK, p. 12.

Recommendations for legal and judicial pro bono providers

Recommendations for legal and judicial experts on developing peer-to-peer pro bono work

1. Incorporate peer-to-peer learning within wider partnerships

Peer-to-peer learning processes between individual practitioners are likely to work better when they are situated within broader institutional partnerships (as opposed to being stand-alone initiatives). There are a number of reasons for this:

- It increases the likelihood that the individuals' learning – and change in attitude and practice of the individuals – will be fed into, and contribute to, wider changes at institutional level.

- It provides scope for the institutions involved to identify the most appropriate individuals to take part in the peer-to-peer initiatives.

- It increases the likelihood of relationships being sustained over the long term (as – while the ongoing commitment and availability of particular individuals present the best scenario – the initiatives are less dependent on this and could be adapted if people need to withdraw).

- It increases the access of the individuals to contextual knowledge of the country that they are working in / with, and to networks of relevant stakeholders, which should exist within the wider partnership.

Examples of this type of peer-to-peer working, which sits within wider partnerships, include African Prisons Projects partnership with the UK's Association of Law Teachers which is supported by ROLE – see Annex A. An example of a partnership between UK pro bono providers and partner country institutions is the UK Sierra Leone Pro Bono Network's ongoing commitment to, and relationship with, key stakeholders in Sierra Leone, including the Chief Justice, Attorney General and more recently, also the Anti-Corruption Commissioner, etc. Within such a model, targeted peer-to-peer initiatives -

with practitioners working alongside their equivalents or counterparts within the target country - can complement and benefit from the broader strategic partnership. These partnerships provide scope for the collaborative identification - by stakeholders from both countries - of needs, problems and priorities, and of areas where peer-to-peer learning could contribute to addressing them.

2. Take a long-term view

The exchange of knowledge and experience between rule of law practitioners from different countries, and the iterative application of learning to address specific problems, hold greatest potential when they take place over a sustained period. **Ongoing relationships provide scope for trust-building, iterative problem solving and a deeper level of learning and exchange**. They also reflect the reality that rule of law reform is complicated and that progress is often incremental and non-linear; meaningful change can be difficult to achieve within short time frames.

Understandably, it will not always be possible for pro bono experts to commit to longer term peer-to-peer initiatives. However, there is huge scope and value in engendering personal connections and solidarity between peers, which offers scope for flexible, sustained engagements and often outlasts even longer term donor funding. Development aid funding tends to bring pressures to deliver results within short timeframes (often pre-determined by the donor) – which pro bono actors often do not face. Again, this type of sustained approach will likely prove more feasible when peer-to-peer learning takes place under the auspices of a wider partnership.

3. Link into wider rule of law initiatives

Research the rule of law needs and priorities in the country that you plan to focus your work on, or where your support has been requested. Countries will often have national strategies on security and justice or rule of law. Look at these and also seek to work out what other areas external providers, such as donor-funded programmes or multilateral institutions like the UN, are working on already. Resources within partner countries will often be scarce and it is important to avoid duplication or inefficiencies caused by working outside locally agreed priorities. Pro bono inputs will normally be relatively modest in scale, so – while they may add huge value if designed and delivered well - they should be viewed as a contribution towards the bigger picture and as complementing existing initiatives. NSGI also recommends 'working with the grain' – i.e. channelling and utilising momentum that exists on locally identified/agreed priorities, rather than seeking to work

on issues where there would likely be significant resistance to change.

4. Consider the underlying and political factors at play

The rule of law is inherently political. Do not expect that a solely technical approach to addressing problems will lead to sustained and significant change. Ask yourself, the peers you work with and others relevant stakeholders – why does this problem exist? 'Unpack' the factors that sustain the problem[26] and try to identify the political as well as the technical factors. Further guidance is available on this from ROLE and NSGI.[27]

For instance, are any powerful stakeholders benefitting from the current situation? Is anyone likely to try and frustrate process on this issue? As stated by Andrews and Manning, 'the challenge of thinking politically is how to address the implicit and the unseen – the pressures that maintain the status quo or which support, or distort, formal institutions'[28]. It is important to consider such factors from the outset, when planning and focusing the peer-to-peer work, and also to sensitively navigate and reflect on these types of questions within the peer-to-peer relationship. The benefit of an ongoing peer-to-peer approach is that, if the initiative is well planned and the right people are involved, it should provide an opportunity to reflect on these sorts of questions regularly and for the pro bono provider to advise on how such factors have played out within their own work, as part of the 'tacit' knowledge exchange.

5. Be clear on the problem, the desired change and the choice of approach

Peer-to-peer approaches do not provide a 'magic bullet'[29]. It is by no means inevitable that the individuals involved will learn from each other in the anticipated way, that they will apply this learning, or that the application of learning will address problems as intended or feed into wider change at the institutional level. However, the likelihood of this transpiring can be greatly enhanced by careful prior analysis and planning. There is very useful guidance on planning peer-to-peer learning initiatives within Andrews and Manning's Peer-to-peer Learning Guide,[30] which includes questions to consider when

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26   Denney & Domingo (2017), p. 13.

27   Denney & Domingo (2017); Whaites, Alan (2017), 'The Beginner's Guide to Political Economy Analysis (PEA)', National School of Government International (NSGI).

28   Andrews & Manning, p. 7.

29   Matt Carter, speaking at ROLE UK's November 2017 event: 'International pro bono: working with peers in developing countries to improve the rule of law'.

30   Andrew & Manning.

establishing if a peer-to-peer approach is appropriate and when planning for how peers work with each other. It is particularly important to be clear on why you are undertaking, or supporting others to undertake, this type of work. What is the overall problem that you are seeking to address? What is the ultimate change that you want, and what are the milestones you need to pass for each pro bono intervention to ensure effective progress towards the overall objective? How will peer learning contribute to this change? Who will learn what, and from whom? What will they do differently as a result of this learning? And how will learning - and changes in practice - at the level of the individual, be translated into wider change within the institution that the individual works within, or beyond?[31]

6. Recognise the centrality of relationships and invest time and effort in building and sustaining them

Peer-to-peer learning is 'inherently relational'[32] and privileges relationships over formal activities such as training courses. It is therefore very important to invest time in building relationships at the outset and to nurture and deepen these relationships over time. Again, where peer-to-peer learning is taking place as one component within a broader partnership, relationships will exist already, and it will not be the sole responsibility of the pro bono 'peer' to develop and maintain them. Be cognisant of potential perceptions of a power imbalance, and ensure that the developing country partner is 'in the driving seat'.[33] It is critical that there is 'buy in' from both the individual peers and their wider institutions, both at the outset and throughout the process.

7. Identify the right individuals

Relevant experience and technical knowledge and skills

The particular value of peer-to-peer approaches lies in the sharing of experience between practitioners who have performed similar roles, been involved in similar processes, or tackled similar problems, in different contexts. As noted in ROLE UK's Review and Learning Exercise, it is those initiatives where individuals are paired with their direct or close counterparts that appear to hold the greatest potential for meaningful, experience-based exchange. For example, commercial judges working with commercial judges, government lawyers with government lawyers, or legal clinicians with legal clinicians. These types of

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31 Adapted Andrew & Manning, p. 11.

32 Matt Carter, speaking at ROLE UK's November 2017 event.

33 Ibid.

pairings provide scope for a type of learning and dynamic that would be more difficult to obtain from other forms of technical assistance, such as from a consultant. The value lies in the sharing of experiential and tacit knowledge, gained through on-the-job experience.

Soft skills

In addition to identifying individuals with relevant technical skills and experience, it is also very important to recognise that 'soft skills' are at the heart of effective peer-to-peer work. They include the 'personal attributes, personality traits, inherent social cues, and communication abilities needed for success on the job. Soft skills characterize how a person interacts in his or her relationships with others'.[34] Within pro bono peer-to-peer learning processes, it is crucial that pro bono experts adopt an attitude of humility, listening and learning. Their counterparts need to trust in them and to recognise that this is a relationship in which they can be honest, open and supported. This is important in enabling the sharing of problems, ideas, tacit knowledge and reflection on what doesn't work, as well as what does. **Pro bono experts need to be flexible and to enter these relationships with a real openness to learning from their partner country peer**, so that the process becomes a mutual exchange of lessons and ideas.[35]

Clarity on their role

Each individual involved in a peer-to-peer learning process needs to have clarity on the role that is expected of them. At the beginning, this may require a high degree of flexibility and for joint development of the roles, expectations, etc. But as soon as possible thereafter, Terms of Reference for each individual should be agreed, setting out the objectives of the initiative, the activities involved and the particular skills and experience that the individual is expected to bring to bear. Flexibility should be built in, to facilitate a dynamic and ongoing adaptive learning process, albeit with boundaries to not lose overall focus, or to stray beyond specific expertise of the peers.

8. Ensure individuals are empowered to bring about change and that processes are in place to support the transfer of learning from individuals to institutions

Individuals involved in peer learning processes need to be supported and empowered

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34   https://www.thebalance.com/what-are-soft-skills-2060852.

35   Matt Carter, speaking at ROLE UK's November 2017 event.

by the institutions or organisations that they represent. Individuals need to have clear authority and permission to commit their time to the learning process, to act on the basis of their learning and to take steps to transfer or 'diffuse' this learning back to their colleagues and institutions. The diffusion, or scaling up, of lessons learned from peer learning processes back to organisations, or sometimes more broadly to sectors or countries, 'is the stage where peer learning at the individual level is ratcheted up to impact actual reform processes'.[36]

The Effective Institutions Platform's Peer-to-peer Learning Guide contains useful guidance on how to promote this diffusion process. It is very important for the partner institutions / organisations on both sides of the peer-to-peer learning process to articulate how they anticipate the peer learning to be transferred from the individuals involved to their colleagues and institutions. All stakeholders need to commit to supporting this process and to set out specific measures to be taken to enable this diffusion of learning.

9. Utilise a variety of working methods and put in place measures to sustain peer engagement over time

Individuals involved in peer-to-peer work need to have commitment and incentives to stay engaged over a sustained period of time, in order to maximise the value of this work. Andrews and Manning note that incentives need not be financial and can be linked to career progression or effectiveness at work.[37] In the case of pro bono legal and judicial experts, who are undertaking this work in addition to their 'day job', commitment may come from a desire to use their skills, and share their experience, in support of others, and to learn from new contexts. In all cases, commitment from individuals and host organisations is more likely to sustain where positive results are identified and reported on.

Face to face time, where peers interact directly and work together on specific problems in person, is a valuable and necessary component of peer-to-peer work. This could take the form of:

- Working together directly in an individual's normal place of work, on one or more specific problems / work areas

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36   Andrews & Manning, p. 21.
37   Andrews & Manning, p. 17.

- Exchange visits, whereby individuals visit each other's countries

- Site visits, to other places of relevance

Face to face time can be complemented by other forms of working – perhaps particularly important for pro bono experts who will have limits on the amount of time that they can spend 'in-country'. Additional ways of working together include:

- Online communication and collaborative working through internet based platforms created specifically for the purpose of the peer exchange process, or through utilising existing platforms such as Glasscubes[38]

- Communicating on a regular and / or 'ad-hoc' basis through channels such as skype and WhatsApp

- Working together – in person and / or remotely to write papers or produce 'tools' which capture their learning and approach, either for internal or external audiences

Activities to promote the transfer of skills and learning from the individuals directly involved in the peer-to-peer learning process back to their host institutions could include:

- In-person briefings with colleagues

- Workshops

- Training sessions (training can be a valuable activity within a broader peer-to-peer learning initiative, but there is less value in peer learning initiatives delivered through training alone, given the evidence on training as an approach to capacity-building).[39]

- 'Group-based learning', where individuals who have benefited from working directly with a peer from another country, **work alongside colleagues who have not been directly involved in the peer learning process, to transfer their learning and new skills.**[40]

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38   https://www.glasscubes.com.
39   Denney & Domingo (2016), p. 8.
40   Andrews & Manning, p. 22.

10. Monitor progress and results

It is important to monitor the progress and results of peer learning processes, in order to:

- **Continuously analyse whether the process is going well and is on track to achieve results**, and to make adjustments to the process if needed

- Enable reporting and communication on the process, to any donors or other key stakeholders

- Enable informed reflection and discussions between the institutions / organisations that are facilitating the peer learning process, which should help to ensure that everyone is 'on the same page' regarding the initiative, and also to assist in identifying appropriate times and means through which the learning from the peer-to-peer process can be fed up to the institutional level.

- To provide evidence and learning around this type of work, which can be shared with others to bolster the overall evidence base on effective peer-to-peer learning and promote ongoing strengthening of this kind of work.

As noted at ROLE UK's Peer-to-Peer Event (see Annex A), even international development has not yet 'cracked' the question of how to most effectively and meaningfully monitor the progress, value and results of peer learning initiatives. However, they can provide learning for pro bono rule of law initiatives, including the exact nature of what should be monitored and how this will vary between peer learning processes. This section provides some guidance, to be adapted according to context-specific needs.

- Keep a record of the **process and activities** within the peer-to-peer learning – without information about how the peers work together, in terms of time spent together, activities undertaken, and issues focused on – it is difficult to work out what kind of approach is most likely to be effective. Identifying which approaches lead to results, or which don't, is important for shaping and strengthening ongoing programmes and developing future ones – though remember that if something has worked in one context, or at one time, it will not automatically work in another!

Keeping track of what takes place within a peer learning process is also important in terms of accountability and reporting back to any funders or others who are supporting your work.[41]

- Monitor the quality and nature of the **relationships** within the peer learning process. Peer-to- peer learning requires the careful cultivation and sustainment of relationships, between the individuals involved and between their host institutions. Keep track of how relationships are faring, whether and how relationships may need to be supported or adapted, and whether new opportunities are arising to deepen existing – or develop new - relationships.

- Monitor the **learning and changes in practice / approach at the level of the individuals** involved. This is an important stage that is often missed.[42] It requires having clearly articulated, at the design stage of the process, the types of learning that individuals are expected to gain. A useful tool to refer to here is Kirkpatrick's four levels for evaluating training,[43] which can be adapted for use in relation to peer-to-peer learning processes. It states that there are four levels to monitor in terms of how learning translates into change:[44]

  - **Reaction:** the degree to which individuals find the learning process favourable, engaging and relevant to their jobs

  - **Learning:** the degree to which individuals acquire the intended knowledge, skills, attitude, confidence and commitment

  - **Behaviour:** the degree to which individuals apply what they learn, within their job

  - **Results:** the degree to which targeted outcomes occur as a result of the peer learning process.

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41 See Oxford Policy Fellowship (2017), 'Learning from the Oxford Policy Fellowship: emerging policy messages from a year of data', https:// www.policyfellowship.org/wpcms/wp-content/uploads/2015/01/OPF_MEL-note_March-2017-v2.pdf (Accessed 14th February 2018).

42 Andrews & Manning, p. 20.

43 https://www.kirkpatrickpartners.com/Our-Philosophy/The-Kirkpatrick-Model.

44 Adapted from https://www.kirkpatrickpartners.com/Our-Philosophy/The-Kirkpatrick-Model.

- Monitor and periodically review or evaluate (see below) the wider **changes / outcomes occurring** at a higher / more significant level (i.e. beyond the level of the individual – this relates to level four in the Kirkpatrick model above). This again requires that you have articulated at the outset the types of change that you are expecting to see. Peer-to-peer learning offers important value in terms of a flexible, iterative approach to problem-solving and, as has been noted previously, there are risks that this value may be undermined if very specific expected results are pre-determined and strictly adhered to. However, it is still important to articulate at the outset the types of change that you are aiming for and that you expect to see. This is necessary to track that progress is heading in the right direction, even if it may not occur within the exact timeframe or following the same steps, as was initially anticipated. It also enables discussions on whether this type of result remains feasible and appropriate. It is possible to reconsider the expected result, but this needs to be done on the basis of reviewing an existing plan. Having a clear plan to start with, which is open to review, enables structured flexibility, rather than an entirely open-ended process which would be much more difficult to monitor and could easily lose strategic focus on longer-term objectives or expected changes.

Possible methods to adopt for collecting and using monitoring information:

- **Regular reporting by individual peers**

  Individuals participating in the peer learning process submit regular (perhaps monthly or quarterly, depending on the type of learning process, or after significant activities) a written report, which covers (for example):

  - Activities undertaken and the processes followed, including ideally an indication of how their time has been allocated between tasks

  - Issues covered

  - Progress observed

  - Observations regarding the relationship and learning process and how it could usefully be adapted / strengthened

- New learning that they themselves have gained through the peer-to-peer learning process

- Observations on the learning gains of their peers, and any changes in their practices

- **Journals**

To encourage continuous reflection and monitoring by the individual peers, they could be provided with journals and instructed to capture their thoughts on an ongoing basis. They could be encouraged to capture any challenges or new opportunities which arise, and any positive indications of change that they witness (for instance new ways in which their peers are thinking and working, which could be indicative of learning gains). This approach helps to encourage people to remain inquisitive and engaged in their work and to feel that they 'own' the process and have useful information to share. It promotes ongoing learning and reflection, rather than this just happening at the time when the individuals sit down to write the formal report. The information captured can then be fed into the more formal reporting process outlined above, or shared with relevant colleagues in-between times.

- **Feedback forms**

  - People participating in specific activities linked to the peer learning process, such as trainings or workshops through which learning is shared with a wider group of colleagues, can be asked to complete feedback forms.

  - Peers and their host institutions can also be asked to complete feedback forms relating to the overall learning process, once the process is complete. This information can then be used to help design future processes and / or the wider partnership within which the peer learning sits.

- **Needs assessments and follow up assessments**

  Peers can be asked to complete forms or surveys ahead of the peer learning

process which ask them to rate their skills, knowledge and / or confidence in particular areas. This can help to design and focus the learning process. It also provides a baseline; asking peers to rate their skills and knowledge again at, for example, the mid-point and end of the process can help to identify where there are (and are not) learning gains.

- ### Reflection and forward planning meetings

Ensure that regular reflection conversations are built into programme planning, involving all of the institutions / organisations involved, so that those involved in the peer learning process can take stock of progress, air any issues that are arising, review future plans and make adjustments where necessary. At this level it is important to reflect not only on the learning between the peers, but also the extent which this learning is being shared more widely, and what can be done to strengthen this.

- ### Reviews and evaluations

Though resources for this may not always exist within the pro bono sector, in the international development sector, it is normal practice for reviews or evaluations to be conducted. These exercises enable a more in-depth consideration of the progress and results of the initiative to date, and provide recommendations for the future. Evaluations are conducted by independent experts (normally consultants), and are usually conducted at the end of the programme / initiative. Reviews can take place during the programme lifetime, to provide learning and analysis on how it could be strengthened. Reviews also usually involve people who are not directly involved in the initiative, who need to be experienced in conducting programme reviews, to ensure that they are using an appropriate methodology. In both cases, those conducting the exercise will speak to the peers and others directly related to the initiative, analyse and validate existing monitoring data, collect additional data where possible, come to a conclusion, and provide recommendations. It is important that the people conducting the review or evaluation have a strong understanding of the aims of the initiative and of the types of peer learning that are expected to take place, and how this will lead to wider change. It is important to provide a clear 'terms of reference' for such reviews, setting out what the

individuals and institutions involved want to learn from the review, key questions to be answered, people to speak to, timeframes etc.

11. Work with ROLE / others who can provide support

Andrews and Manning note that it is important for those facilitating peer learning processes to simplify the process of engagement as much as possible for the individuals involved, because 'peers who want to engage with each other will be put off if they have to organise all the engagements'.[45] Where peer-to-peer learning takes place as part of broader partnership, the institutions or organisations from which the peers are drawn should be able to provide some of this support. However, for pro bono experts and organisations there may be limits on how much time and resource can be spent on logistics. In this case, organisations such as ROLE UK may be able to provide some additional financial and logistical support, as well as advice on the planning and monitoring of the initiative.

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45   Andrews & Manning, p. 7.

Annex A:
ROLE UK's 2017 event on 'International pro bono: working with peers in developing countries to improve the rule of law'

On 8th November 2017, as part of National Pro Bono Week events, ROLE UK convened a panel discussion at the Law Society in London, entitled 'International pro bono: working with peers in developing countries to improve the rule of law'. The event was chaired by the Rt Hon. the Lord Falconer of Thoroton and an opening address delivered by Robert Buckland QC MP, Solicitor General. The panel members were:

- Matt Carter, National School of Government International (NSGI)

- Tanya Murshed, Evolve Foundation for International Legal Assistance[46]

- John Ryder QC

- Rowan Ryrie, Lawyers Against Poverty[47]

- Linden Thomas, Birmingham Law School

Each of the panel members shared their experience of work of a peer-to-peer nature. John, Linden and Tanya spoke about pro bono assignments that they had delivered with ROLE's support. Rowan spoke about her work with the Oxfam-led Lawyers Against Poverty initiative, which ROLE UK has also supported. ROLE UK has shared lessons and supported learning events with NSGI, and Matt shared learning from NSGI's peer-to-peer learning between UK and overseas civil servants.[48] Each spoke about what they saw as the key features and value of peer-to-peer work, as well as challenges and what they had learned about how to do this work well. 52 people attended, and the overall feedback on the event was very positive. Key points noted below.

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46 https://evolvefila.org/.
47 https://lawyersagainstpoverty.org/.
48 http://sclr.stabilisationunit.gov.uk/publications/the-national-school-of-government-international-series (Accessed 13 March 2018).

Value of peer-to-peer work:

- Peer-to-peer has a more sustained focus than other types of external technical assistance and is practical – 'learning by doing'.

- Peer-to-peer learning is a way to bring together complementary skills and experiences to produce outcomes that are fit for purpose. For instance, Linden spoke about how she has experience in the running and supervision of law clinics, but no experience of working in Kenya or in a prison environment. So she was able to share her technical skills and knowledge with counterparts, who could consider how to apply and adapt the UK approaches to their particular context.

- It is a collaborative way of working, which leads to **wide exchange of ideas, promotion of mutual understanding and commonality.**

- Whereas training is a useful way of sharing ideas and knowledge with a critical mass of people, peer-to-peer working enables deeper capacity-building.

Learning about how to do this work:

- Peer-to-peer work requires significant engagement and commitment.

- The starting point for UK experts needs to be humility.

- It is best to work 'with the grain' – i.e. in support of reforms or changes where there is existing movement and political will, and to build on this momentum.

- This work is political. Peer-to-peer work should be looking to operate in the space where there is overlap between what is politically possible and technically feasible.

- 'Beware of solutions looking for problems' – i.e. start from identifying what the problem is and then what the appropriate approaches might be for addressing it, rather than starting by thinking about a solution (such as a training course).

- Manage expectations before you go as to what you will be doing, what the expected outcomes will be, what is within your expertise and what is not.

- Be flexible. You're going to be in a different culture, on someone else's terms. Just 'go with the flow'.

- But…feel confident enough to say no if you're asked to do something that isn't within your expertise. Your time working on a project of this nature is likely to be limited and therefore precious – so use it wisely, contributing to areas in which you can have the greatest impact.

- **Peer-to-peer privileges relationships over formal training courses and activities.** It is inherently relational. You therefore need to build strong relationships.

- This is long-term work and lots of face-to-face time is needed to ensure sustainability.

- It can be challenging to identify results and impact because peer-to-peer is adaptive and not well suited to a linear approach to impact measurement. But stories and qualitative information about changes observed can be very powerful.
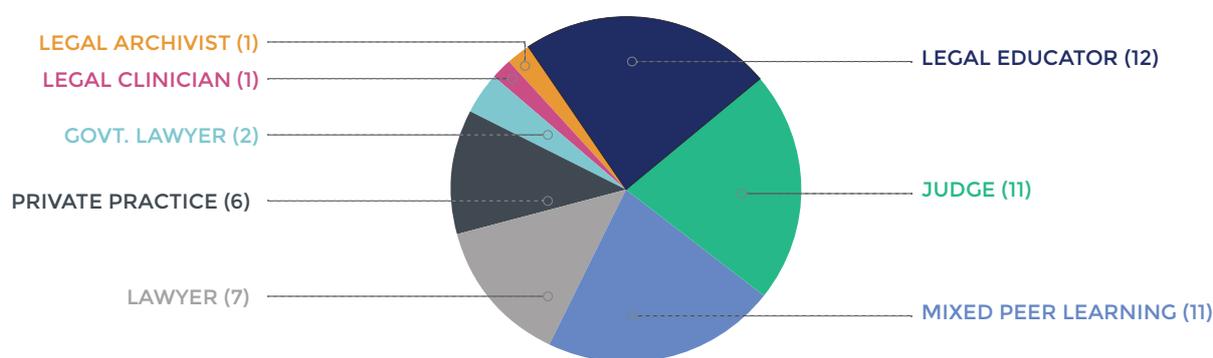
Annex B:
Pro bono rule of law assignments supported by ROLE UK, incorporating aspects of peer-to- peer learning

When ROLE UK became operational in 2015 as an experimental or pilot programme, there were no specific objectives to support peer-to-peer exchanges or approaches. Nonetheless, 51 of its 70 assignments to date have included some aspects of peer-to-peer approaches. This Annex provides some information and examples. They display different characteristics expected in peer-to-peer approaches, but none are or should be considered to be 'models for pro bono peer-to-peer assignments', but are provided to stimulate ideas, debate and development of more effective peer-to-peer approaches by the pro bono rule of law stakeholders, utilising the learning and guidance in the main part of the report.

ROLE UK has supported 51 assignments involving various categories of legal experts from the UK, working with their peers in developing countries:

- 12 assignments where Legal Educators (Academics and Law Teachers) engaged with counterparts teaching law in Uganda, Kenya and Tanzania. The majority of those were with African Prisons Project, which provides legal training to prisoners.

- 11 assignments whereby judges from the UK and also from other developing countries have worked together with peers in Sierra Leone, Uganda and Rwanda.

- 7 assignments where lawyers/barristers (a divide not common in other countries) worked with peers in Uganda, Kenya, Nigeria, Rwanda, Sierra Leone and Pakistan.

- 6 assignments brought together private practice lawyers working in commercial firms in the UK and all East African countries on business and human rights issues.

- 2 assignments engaged UK government lawyers with peers in Rwanda and Kenya.

- One peer-to-peer assignment each for legal clinicians from UK and Uganda, and one for legal archivists from UK and 6 African countries with AfricaLII.

- And 11 more broadly defined peer-to-peer assignments which included a different category of legal professionals working together, including UK-Sierra Leone Pro Bono Network, Evolve Foundation (for International Legal Assistance), as well as with "non-government / civil society organisations" and private law firms.

LEGAL ARCHIVIST (1)
LEGAL CLINICIAN (1)
GOVT. LAWYER (2)
PRIVATE PRACTICE (6)
LAWYER (7)
LEGAL EDUCATOR (12)
JUDGE (11)
MIXED PEER LEARNING (11)

A. Legal Educator - Legal Educator: African Prisons Project

In partnership with the African Prisons Project (APP) and the Association of Law Teachers (ALT), ROLE UK has supported various assignments deploying experienced law teachers from the UK to work together with and build capacity of local APP tutors: developing teaching materials, and teaching prison inmates and officials studying for the University of London's distance-learning Bachelor of Laws (LLB) degree in Kenya and Uganda.

Initially, the primary assignment activity was for the UK law teachers/academics to teach short courses in their subject matter specialisms to complement the LLB programme, working alongside their Kenyan and Ugandan counterparts to also add to/amend and update a teaching resource 'bank'. Prior to ROLE UK support, similar work had been undertaken on a voluntary basis by recently graduated UK lawyers and students.

Through the initial assignments, with the value of face-to-face contact, good relationships were formed and some areas for capacity building and mentoring were identified.[49] In the second year of ROLE UK support, many of the same UK law teachers returned to work more closely with their local counterparts in peer observations, teaching approaches and assessment methodology, amongst other areas of work. The sustained interest of the UK teachers and their developing understanding of the context in which their counterparts are operating has enabled more meaningful knowledge transfer and all involved have benefitted from a wider collegiate network.

The feedback received indicated the UK experts' LLB teaching experience was particularly relevant and their specific technical skills and knowledge, and strong 'soft' skills enabled them to increasingly build more effective peer-to-peer relationships since such support was difficult to obtain through other means.[50] The value of this sustained peer-to-peer work, as facilitated by ROLE UK, is that it brings together complementary skills and experiences to produce outcomes that are best-fit for purpose. However, the short-term assignments (typically less than two weeks) and other operational issues can detract from peer-to-peer approaches, and this requires 'close management of expectations and flexibility'.[51]

B: Judge – Judge: Rwanda, Sierra Leone and Uganda

ROLE UK has facilitated peer-to-peer judicial engagement in Rwanda, Sierra Leone and Uganda. Working with the respective judiciaries, ROLE UK has worked with a number of key UK stakeholders, including the Foreign and Commonwealth Office (FCO), the Judicial Office, and the UK Sierra Leone Pro Bono Network (UKSLPBN), Judicial Institute for Africa and Chief Justices of these countries.

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49   14UGAN Assignment Report – Nick Johnson.
50   ROLE UK Assignment Feedback Forms.
51   Linden Thomas, ROLE UK International Pro Bono Week Event 2017.

Rwanda: In recent years, elements of other legal traditions, particularly those derived from the Common Law, have been introduced into the Rwandan legal system. In 2016 ROLE UK supported experience sharing and capacity-building activities including a colloquium with Supreme Court and High Court judges on the formulation, use and application of precedent.[52] In this assignment, the feedback received indicated that it was extremely valuable having an English supreme court judge as a speaker. UK legal traditions and experience were particularly relevant to the context and the experts involved provided extremely relevant technical skills and knowledge through direct peer-to-peer support.[53]

Sierra Leone: Working closely with the Sierra Leone Judiciary and the UK-Sierra Leone Pro Bono Network, ROLE UK has supported several judicial peer-to-peer assignments in the last three years. In 2015, His Honour Judge David Mackie CBE QC shared lessons with Fast Track Commercial Court judges in Sierra Leone towards developing an action plan for improving the efficiency of the court and, more broadly, increasing investor confidence in Sierra Leone.

Sierra Leone's inaugural Commercial Law Summit, held in March 2017, was organised by Herbert Smith Freehills LLP (as members of the UKSLPBN), with support from ROLE UK. The summit presented a unique forum for key stakeholders in commercial law and justice in Sierra Leone to map out reform priorities with the aim to promote responsible private sector development in the country.[54] Building on his established relationships, ROLE UK supported the attendance and participation of His Honour Judge David Mackie CBE QC, as well as Mr Justice Blair, Gelaga King (Barrister), and Justice George Boadi, Justice Akua Sarpomaa Amoah, and Justice Eric Baffou of the Ghanaian Judiciary.

By the summit's conclusion, delegates had agreed on fourteen shortlisted reform recommendations to support responsible private sector development in Sierra Leone.[55]

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52 05RWAN Assignment Report – Nick Johnson.
53 05RWAN ROLE UK Assignment Feedback Form.
54 05SIER Assignment Report.
55 05SIER Assignment Report.

From these recommendations, working with the DFID-funded Recovery Justice Priorities programme and the UKSLPBN, ROLE UK supported two further experience sharing and capacity-building assignments with key activities in case management training and induction coaching/mentoring for newly appointed Supreme Court Judges. These assignments enabled the Sierra Leone Judiciary to access experience sharing and peer support from Ghanaian judges, building on the relationships established at the summit, HHJ Andrew Hatton from the UK and Justice Oagile Dingake from Botswana, as well as with UK legal professionals. Feedback from the case management assignment highlighted the benefit of the international peer-to-peer work:

> *"The Ghana experience provided a basis for comparing with another similar country in the sub-region, whilst the UK experience brought a perspective from an advanced system and practice, which all proved very useful"*[56]

Uganda: Further to a request from both the Ugandan Judiciary and FCO in Uganda, ROLE UK supported a scoping assignment conducted by Dame Linda Dobbs, working with the Ugandan Judiciary to establish their capacity building priorities. This activity echoes other ROLE UK assignments in both Burma[57] and Sierra Leone[58], where it can be useful to have direct peer-to-peer engagement to enable open and constructive discussion and needs assessment. Following this assignment, and Dame Linda's recommendations, and working with the Judicial Institute for Africa, ROLE UK supported a judgement drafting workshop led by Dame Linda, Justice Dingake of Botswana and Justice Tibatemwa of the Uganda Supreme Court. The value of peer-to-peer engagement in these issues was noted in the feedback, as well as it being identified that the international experts provided peer-to-peer support that is difficult to obtain through other means.[59]

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56   09SIER Assignment Report, p 9.

57   03BURM: Scoping visit by UK judiciary, ROLE supported the judge in charge of the UK association of women judges.

58   01SIER: ROLE UK Supported His Honour Judge David Mackie CBE QC to review the case backlog in the Fast Track Commercial Court and devel- op an action plan for improving the efficiency of the court and increasing investor confidence in Sierra Leone.

59   11UGAN ROLE UK Assignment Feedback Form.

D: Lawyer - Lawyer

Although many ROLE UK-supported assignments have included lawyer-to-lawyer engagement in a variety of forms, ten ROLE-supported assignments have been focused on direct peer-to-peer work between lawyers. One example would be:

Rwanda: In Rwanda, ROLE UK supported International Bridges to Justice (IBJ)'s three-year Torture Prevention Program in Francophone Africa, to strengthen implementation of international human rights standards and national laws related to torture, inhuman or degrading treatment or punishment. ROLE UK enabled John Ryder QC's contribution to a training workshop for defence lawyers in Rwanda. Beyond practitioner-practitioner peer support, UK pro bono expertise provided a valuable comparative practice experience for Rwanda – a civil law legal system now undergoing a transformation from purely civil law to a merge between civil law and common law. Feedback and discussion from the training has oriented future IBJ programming in Rwanda, specifically continued provision of learning, networking and dialogue opportunities for Rwandan lawyers and other criminal justice sector actors through trainings, mentoring, meetings, roundtable dialogues and social media.

E: Private Practice – Private Practice: Advocates for International Development / East African Law Society and Pan African Lawyers Union

Within wider lawyer-to-lawyer peer engagement, ROLE UK has supported seven assignments with a focus on business and human rights. These assignments have included three related assignments in Kenya working with the Pan African Lawyers Union (PALU) and Advocates for International Development (A4ID):

- a scoping assignment;

- a capacity-building assignment focused on online resources and establishing a peer-to-peer knowledge sharing network on Business and Human Rights with a focus on how to implement the United Nations Guiding Principles (UNGPs) for lawyers to apply within their legal practices, and when providing legal advice to clients;

- leading a session on business and human rights at PALU's annual conference in follow up to the capacity-building assignment.

This assignment series in Kenya involved mixed teams of counterparts working in wider partnerships, however direct commercial lawyer-lawyer engagement played a key role. The international law firms involved included Clifford Chance LLP and Linklaters LLP who have significant experience in the UN Guiding Principles in Business and Human Rights.[60]

In 2017, ROLE UK supported tailored training assignments by East African Law Society (EALS) and Advocates for International Development (A4ID) to enhance the knowledge of East African commercial lawyers on the United Nations Guiding Principles (UNGPs) on Business and Human Rights to enable them to better advise their commercial clients in Rwanda, Uganda and Tanzania.

Trainers from Morrison & Foerster and Allen & Overy offered a critical opportunity for local lawyers to reflect on their multifaceted role as both legal counsel and as advisors on responsible business practices in line with the UNGPs. 311 lawyers attended, 30% of whom did so remotely via a live-stream on Facebook. Across the 3 countries, 60% of the participants reported prior understanding of how business can harm human rights, but only 40% had prior understanding of human rights policies, mechanisms to operationalise the UNGPs and/or grievance mechanisms. EALS/A4ID reported that after the training, 100% of the delegates understood UNGPs and how to operationalise them.[61] Whilst the wider outcomes from these half-day trainings are naturally not yet clear and difficult to measure/ attribute, this assignment has provided an important platform for legal experts to share their insights with local lawyers to help their clients identify and manage human rights-related risks, with examples from sector experience to build business cases for integrating human rights respect across operations.

F: Government Lawyer – Government Lawyer

ROLE UK has supported two assignments where Government Lawyers have worked directly with their counterparts. A key assignment was in **Rwanda** in 2015, during which UK Government Lawyers Department lawyers provided advice and training for the Legal

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60   04KENY A4ID Business & Human Rights Training Report for ROLE UK on Scoping Trip to Kenya April 2016, p 14.

61   Advocates for International Development East Africa Business and Human Rights Programme Interim Report for ROLE UK, August 2017.

Advisory Services division in the Ministry of Justice on contracts management for legal officers. This formed part of a wider programme of activities to develop model contracts, led by the DFID-funded Legal Assistance for Economic Reform Programme (LASER). The assignment aimed to enhance the capacity of the Legal Advisory Services to give quality legal advice on model contracts and guidance documents and increase the applicability and effectiveness of the model contracts. Feedback from the workshops highlighted that the value of having UK government lawyers involved 'with their expertise, they shed more light on the identification of risks, their transfer and management'.[62]

On reflection of the assignment, it was noted that the Rwandan officials were very receptive to learning from experts from another jurisdiction. However, managing expectations and ensuring alignments of those between counterparts was a key lesson.[63]

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62   03RWAN Assignment Report, p 11.

63   03RWAN Internal Notes: 03 Rwanda – contracts management – notes from debrief meeting with LASER and Expert, and 03RWAN ROLE UK Assignment Feedback Forms.