

# Legal Consultancy - South Africa

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## Short-Term Contract Opportunity – February 2022

### About Open Ownership

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Open Ownership (OO) drives greater corporate transparency across the world by making it easy to publish and access high-quality, linked data about who owns companies. We focus on beneficial ownership transparency and are supporting nearly 40 countries across the world helping them implement or improve their beneficial ownership (BO) registries and data.

Our multidisciplinary team works closely with technical and policy implementers, advising them on all aspects of BO implementation. To support our donor-funded technical assistance programmes, we have developed a broad range of implementation tools and products, including the [Beneficial Ownership Data Standard \(BODS\)](#) and the [Open Ownership Principles of effective beneficial ownership disclosure \(OO Principles\)](#).

### Purpose of the Contract

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Open Ownership seeks to contract a legal consultant to develop a policy briefing on the legal and regulatory framework for Trusts and similar types of arrangements (for example, partnerships and foundations), their common uses in South Africa, and the main considerations for the implementation of beneficial ownership transparency for these arrangements in South Africa. The policy briefing will apply findings of global early best practice, outlined in this Open Ownership [policy briefing](#), to the South African context. The policy briefing should include the initial key considerations for implementation, as well as a set of practical recommendations which can be used by policy makers, civil society and the private sector in South Africa.

## Scope of Work

The consultant is expected to undertake a comprehensive legal review of existing legislation as it relates to Trusts and similar types of legal arrangements, case law and practice in South Africa. In developing the policy briefing, the consultant will also be expected to interview key stakeholders in government, civil society and the private sector. In developing the policy briefing the consultant should consider *inter alia*:

1. Existing legal and policy frameworks and case law as it relates to Trust and similar types of legal arrangements, and their common uses in South Africa, and situating this within the international context of emerging trends and legislation of the beneficial ownership transparency of trusts.
2. Consider the potential use cases of trusts' BO data, the potential data users and their requirements as expressed through key stakeholder interviews and consider the impact of this on legislative as well as database design.
3. Outline the most important initial considerations for implementing a beneficial ownership of trusts transparency regime in South Africa based on international best practice and the national legal context, which could include:
  - Defining beneficial ownership of trusts
  - Scope of such a regime
  - Information to be collected
  - (Layered) access to the data
4. Provide practical recommendations on next steps towards implementation of beneficial ownership transparency of Trusts and other similar legal arrangements in the South African context.

## Assignment Details

Open Ownership anticipates this consultancy should take an estimated 22–28 days of work between March 2022 and April 2022 for which a maximum budget of **USD15,000** is available or a daily rate of USD495.

In addition, a budget has been allocated for all eligible costs incurred by the contractor, such as, but not limited to: travel, accommodation, telephone, and data expenses.

## Timeline

Stage	Deadline Dates
Start of project	10 March 2022
Develop framework for policy briefing	15 March 2022
Literature review and research	15 March - 20 March 2022
Key stakeholder interviews	20 March - 31 March 2022
First draft of policy briefing for review by OO	10 April 2022
Final deadline for completion of project	End of April 2022

## Application process

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To apply, qualified contractors should send:

- A brief 2 page proposal on how you will successfully deliver on this contract. In your proposal, please highlight your most relevant experience and skills for this contract, why you are interested in this role and indicate the location where you would be based during the assignment;
- A 2-page CV summarising relevant professional experience.

Please send the above to [recruitment@openownership.org](mailto:recruitment@openownership.org) on or before the application deadline of the 24th February, 12 midnight (SAST).

## Background

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Open Ownership in partnership with the British High Commission team in South Africa to provide beneficial ownership advice/technical guidance to advance beneficial ownership reforms in South africa. A key component of this is providing policy guidance to implementers on contentious topics related to implementation. The knowledge products will be used for technical sessions with government implementers and civil society.

Please note that the contracting party for this work will be Global Impact, the fiscal sponsor of Open Ownership. Global Impact is an American non-profit and the selected contractor will have to clear their due diligence process before the work can start.