ETHICAL RESEARCH AND EVALUATION GUIDANCE NOTE

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1. INTRODUCTION

This Guidance Note sets out the requirements for ethical practice in research and evaluation. It aligns and reinforces DFAT's existing policies related to program management, conduct and risk management and safeguarding policies. Please read this Guidance Note in conjunction with:

- Preventing Sexual Exploitation, Abuse and Harassment Policy
- Child Protection Policy
- Environment and Social Safeguard Policy
- Monitoring and Evaluation Standards
- Aid Risk Management
- Aid Programming Guide
- Partnerships for Recovery: Australia's COVID-19 Development Response

2. SCOPE

This Guidance Note applies to all DFAT-funded activities, both Official Development Assistance (ODA) and non-ODA investments, that involve research or evaluation with human participants (excluding internally with only DFAT staff). It applies regardless of value of the investment or the specific funding mechanism and encompasses all DFAT-funded activities implemented by or through:

- Other Australian Government and public sector agencies
- Private sector and civil society organisations (including contractors and subcontractors, Australian Volunteers International, non-government and civil society partnerships; and Public Private Partnerships)

In the case of DFAT funding for multilateral organisations and foreign governments that involve research and evaluation activities, the Principles set out in this Guidance Note should be referenced in relevant funding agreements.

3. PRINCIPLES

While existing international and national codes and frameworks set the general benchmark for ethical research across universities, industry and government in Australia, the settings that surround DFAT's research are unique. This is because they involve working with diverse counterparts and communities, including vulnerable or 'high risk' populations, in circumstances that can give rise to power imbalances.

The additional ethical considerations involved in these research settings means that robust ethical practice is imperative to ensure research activities adhere at a very minimum to the fundamental principle of 'do no harm'. While presented separately, all four Ethical Principles are intrinsically linked.

Principle 1: Respect for human beings

Respect is an overarching consideration that recognises each human being's intrinsic value. Respect requires prior knowledge of and due regard for culture, values, customs, beliefs and practices, both individual and collective, of those involved in research. It also requires being mindful of differences in values and culture between DFAT funded partners and participants being aware of bias that could otherwise undermine trustful relationships, as well as the quality and utility of the research. Respect involves honouring the rights, privacy, dignity, and diversity of those contributing to research.

The principle of respect can be broken down into three components:

- a) Informed, voluntary, current and specific consent: Research participants choose to participate with full knowledge of the research and their involvement in it. This decision is conveyed in the most contextual, cultural and age-appropriate way, and consent can be withdrawn at any time.
- b) **Cultural competence:** Those doing the research or evaluation are well-informed, capable, and confident of ensuring the research environment is safe, secure, and culturally appropriate. Where possible, research policies and guidelines of the country in which the research is conducted are adhered to.
- c) **Privacy and confidentiality:** The rights and dignity of the research participants are respected, including their privacy and confidentiality before, during, and after the research takes place. Effective data management including any information obtained through the research is key to ensuring that information remains confidential, and if required, anonymous. Researchers are required to handle any personal information collected in the course of research in accordance with applicable privacy laws, including the *Privacy Act* 1988 (Cth) (Privacy Act) and the Australian Privacy Principles (APPs).

How can this Principle be implemented?

Participant information sheets, consent forms (or details of non-written methods of gaining consent) and other recruitment materials use plain language and are in an accessible and appropriate format, including complying with the World Wide Web Consortium's Web Content Accessibility Guidelines.

There is a clear methodology for obtaining and recording informed, voluntary, current and specific consent (whether that consent is written, verbal or activity-based).

A secure data management plan is included in the proposal, including how to maintain confidentiality/anonymity during and after the research process. Personal information can only be shared with other persons (e.g., colleagues), if permitted by relevant privacy obligations.

What is the risk without it?

Research participants may inadvertently disclose information or be identifiable against their wishes, which may cause harm during or after the research.

Research participants may feel ill-informed or have incomplete or inaccurate understandings of the purpose of the research. This may lead to unintentional harm, confusion and/or expectations not being appropriately met.

Insecure data can lead to a breach of confidentiality and trust, and the potential misuse of personal information could result in harm to participants.

Legal compliance (especially in respect of privacy law) is a core element of the applicable research processes and frameworks and must be adhered to.

Principle 2: Beneficence

Underpinning all Ethical Principles is the component of 'do no harm' (non-maleficence), however, research funded by DFAT should be more than just 'not harmful'. It should be of value or for the benefit of others, including research participants.

Harm can be immediate or long-term, and can be physical, social, emotional, psychological or cultural (such as racism or disruptions to community life). Harm, or the risk of harm, could come from the DFAT funded partner, other participants, the community, from the state, or from others acting on behalf of the state. Harm should be considered in relation to the welfare and security of an individual, institution, or a group. Risks of harm should be anticipated, planned for, and the likelihood of harm should be used to decide whether or not to proceed with the proposed research.

This principle requires that the expected benefit of research activities to participants, or the wider community, justifies any risks of harm or discomfort to the participants.

The principle of beneficence can be broken down into three components:

a) **Benefits to participants:** To fulfil this principle, research must be of value or benefit to participants, their community, country, or to investments or development practice more broadly.

- b) Management of risks: Risks to the research participants posed by research must be identified early and managed through effective planning and design, and if required a formal or informal review. Scoping of local support mechanisms should be completed in advance, so that DFAT funded partners are able to provide participants immediate advice on local support. Ideally, any potential unintended consequences should be monitored during and after research or evaluation data collection occurs.
- c) **Protection from harm:** The research should pose no harm to research participants or the DFAT funded partner before, during and after the research takes place. Protection from harm also must include the five key *Environmental and Social Safeguards*. Benefits and the components of 'do no harm' should apply to both the research process and activities involving direct participants, as well as the outcomes of the research for those counterparts and communities not directly involved in the research.

How can this Principle be implemented? What is the risk without it? The potential benefits of the research to the Causing harm is the most significant risk of research participants or their community, whether directly and must be avoided wherever possible. If harm or indirectly, are defined, described clearly and occurs this could negatively affect the project, as well communicated to participants. Please use the Risk as damage DFAT's reputation and partnerships with and Safeguard Tool to assess your investment. local partners and counterparts.. Any possible risk or potential harm of the research A one-sided research partnership where participants is clearly identified, the level and likelihood are do not benefit from participating in the research may assessed for both participants and researchers. be considered 'extractive' and not meet ethical standards. This approach may diminish or undermine If required, risk mitigation measures and plans are relationships with counterparts, communities or clearly described in the research proposal stakeholders in the future. (including at the design, planning and implementation, analysis, and dissemination stages) and responsibility for those measures is made clear.

Principle 3: Research merit and integrity

Research should be high-quality, well-designed, and conducted by individuals or organisations with sufficient experience and research competence. Research integrity involves ensuring the accuracy or validity of the research in order to produce further knowledge and understanding. This Principle is particularly important where organisations or the government may have interests that may or may not align with the research findings or the analysis of those findings. Integrity also encompasses the dissemination and communication of results to research participants.

The principle of Research Merit and Integrity can be broken down into three components:

- a) **Design and methodology:** The research is designed using appropriate methodologies, is well-planned, and undertaken by experienced and competent DFAT-funded partners.
- b) **Participatory approaches:** A diverse range of research participants are actively involved, as appropriate, in the different stages of the project, including in design and planning, and in evaluation. As noted in DFAT's *Monitoring and Evaluation Standards*, this engagement is critical to mutual accountability.
- c) **Maintaining integrity:** DFAT-funded partners must protect and uphold the integrity of the research, including managing potential or perceived bias, and responding to any complaints effectively.

How can this Principle be implemented?	What is the risk without it?
A methods section detailing an appropriate research methodology is included in the research proposal.	Research that is not structured methodologically may misrepresent or poorly analyse the information provided.
Researchers have demonstrated experience, whether through publications or on the ground research expertise.	Research that is poorly or insufficiently designed or undertaken by inexperienced researchers may reduce the quality or rigor of the research and may also risk causing unintentional harm.
Local partners are actively involved in the research and offered skills development if needed.	Without a feedback loop there is limited opportunity for learning and avoiding repetition of the same
A feedback loop mechanism to discuss ethical risks is available and actively used by the research team.	issues in other programs or countries. These mechanisms also help ensure local partners are building capacity too.
There is a complaint handling procedure in place	
with methods to communicate that procedure to the participants, and with the investment and activity manager(s).	The absence of an accessible complaints handling procedure means that research that causes harm or does not meet ethical standards cannot be identified and acted upon early, posing a risk to individuals, communities and/or DFAT's reputation.

Principle 4: Justice

Justice as a principle relates to equity: a fair process for recruitment of research participants; no unfair burden of participation on particular groups; no deliberate exclusion of minority voices; and fair distribution of and access to the benefits of participation in research.

This principle involves treating all participants with dignity and fairness, regardless of gender, age, race, ethnicity, sexual orientation, disability, religion and culture, and requires that DFAT-funded partners are aware of existing power relations, so that broader principles of human rights can be upheld. Being inclusive may involve adapting methods used to engage potential participants and collect data.

The principle of Justice can be broken down into four components:

- a) Considerations for vulnerable groups: Inclusion, consideration, and representation of perspectives and voices is key to ensure equity. Avoid further marginalisation, discrimination, and exclusion of underrepresented people such as people with disabilities, as well as other marginalised groups such as women and girls, LGBTIQ+ people, ethnic minorities, first nations people, and older people.
- b) Equitable and inclusive involvement: Participants in the research should be selected and included in research equitably with no individual, community or vulnerable group excluded without valid reason. Participants should also not be inadvertently excluded because the barriers to their participation have not been considered or addressed. There should also be no unfair burden of participation on any individual or group of people.
- c) **Dissemination of research:** Outcomes of research should be shared with and disseminated to research participants and their communities in ways that are meaningful, age and linguistically appropriate, accessible for people with disabilities, and helpful for their specific context.

How can this Principle be implemented?	What is the risk without it?
A well-developed inclusive and rigorous recruitment and participation strategy identifies groups of hard- to-reach people that should be included in the	Research that excludes subgroups could lead to inaccurate data and analysis.
research and how they might be approached.	A lack of inclusion and diversity in recruitment could lead to bias and/or an inability to understand
The possible adaption of, or a variety of, methods used to engage potential participants and collect	and address barriers to participation.
data is considered in advance.	Participants could be dissatisfied about the research process, undermining future relationships
There is a dissemination plan outlining the methods of sharing research outcomes, including translations if required.	with the community and local stakeholders.

4. RESPONSIBILITIES

DFAT Staff

It is not enough to rely on the organisations and individuals who deliver DFAT business, or their assessment of potential ethical issues, as they may not be able to assess important or relevant ethical considerations or devise appropriate mitigation strategies from DFAT's perspective. For this reason, DFAT staff involved in managing, commissioning or themselves working on research and evaluation are responsible for ensuring it is undertaken ethically. Incorporating this Guidance into existing training will assist in building DFAT staff capability to assess whether research activities are being conducted ethically. In addition, this Guidance also provides an opportunity to determine and strengthen capacity and to build in-country networks and partnerships around ethical research practices and experiences.

This responsibility applies to all categories of staff in the Department – Australian Public Service (i.e., "A-based") employees, Locally Engaged Staff (LES) employees, and independent contractors.

Responsibilities includes identifying ethical risks, putting in place strategies, and regular monitoring where there is a high degree of ethical risk. Regular discussion about potential ethical issues can also help ensure that when they arise, risks are escalated as required. DFAT staff who oversee investments/activities, as well as Heads of Mission (HOMs) and Senior Executive Service (SES) managers are responsible for nurturing a proactive culture of ethical inquiry.

It is mandatory for all DFAT staff and funded partners to comply with <u>DFAT's Child Protection Policy</u> and <u>DFAT's Preventing Sexual Exploitation</u>, Abuse and Harassment Policy; and report immediately any suspected or alleged case of child exploitation or abuse, alleged misconduct and criminal offences, sexual exploitation, abuse and harassment by anyone in connection with official DFAT duties or businesses. It is also mandatory to report any concerns about the welfare of a vulnerable person participating in or affected by a DFAT-funded program.

DFAT-Funded Partners

All DFAT-funded individuals or organisations undertaking research or evaluation with human participants are expected to act in accordance with the Ethical Principles. These Guidelines therefore apply to all organisations and individuals who deliver DFAT business, as well as subcontractors who are engaged by a funded partner to perform research or evaluation. In the case of DFAT funding for multilateral organisations and foreign governments that involve research and evaluation activities, the Principles set out in this Guidance Note should be referenced in relevant funding agreements.

Universities and large research organisations or other partners may have access to Human Research Ethics Committees (HREC), however, some types of research and evaluation falls outside of HRECs remit. Not all HRECs

include people who work in or have a background understanding of vulnerable settings, or the context in which the research is taking place. Where there are HRECs in the country in which the research is taking place, these should be utilised. The advice and support of HRECs is important, but it should not be solely relied upon. DFAT staff must continue to exercise their managerial responsibilities even where an HREC is utilised.

DFAT staff should work with partners to avoid duplication or unnecessary additional assessment, compliance and management planning requirements, in order to adhere to the Principles. However, where researchers are working in a country that is not their own, then ensuring cultural competence is especially important. Australia/international partners should be guided by local partners to reinforce the importance of research being delivered in line with locally approval processes, and foreign researchers are subject to domestic legislative requirements in our partner countries.

When using local in-country partners, it is important not to assume that they do not have the capability or mechanisms for ethical practices. Instead, consider the partners' performance and handling of ethical issues to date. Understand and, if required, build upon partners' existing ethical values, practices or principles, and offer technical assistance to translate them into documented policy. Where policies exist but are not implemented, then encourage a culture of ethical inquiry and build capacity to adhere to ethical practices.

Refer to the *Ethical Principles Three-Step Tool* for determining the capacity and experience of the research team in managing ethical research practice. DFAT should also work with multilateral, bilateral, and government partners to ensure any actual or potential ethics issues are managed in a way that is consistent with the Principles, through agreeing to a common approach.

Additional considerations during pandemics

Research and evaluation activities have been affected by the implications of the COVID-19 pandemic. It is imperative that as research and evaluation activities adapt to new pandemic-appropriate methodologies, that the Ethical Principles continue to be considered. This might include cancellation or postponement of face-to-face activities due to travel restrictions and social distancing requirements or shifting to online or virtual modes of engagement. An increased reliance on digital literacy and access to technology and internet services poses challenges to marginalised populations in under-resourced settings. Pandemics also see large-scale collection of personal data for the mapping of testing, vaccine roll-out and monitoring the movements of people. All health and medical research funded by DFAT should comply with the National Health and Medical Research Council's National Statement on the Conduct of Human Research.

The Australian Council for International Development (ACFID)

Many DFAT funded partners from the non-government sector may also be members of the Australian Council for International Development (ACFID) and the Research for Development Impact Network (RDI Network). Over the past 10 years, ACFID and RDI Network have developed a consolidated Principles and Guidelines and user-friendly toolkit which provide sector-specific direction and practical support for the design, implementation and utilisation of research and evaluation by development practitioners.

GLOSSARY

DFAT PARTNER	Includes all suppliers, individuals and organisations with whom DFAT directly enters into an Agreement to deliver its objectives, including but not limited to:			
	 Suppliers of goods and services Contractors and service providers including consultants, advisers and other directly contracted individuals Non-Government Organisations (NGO) Civil Society Organisations Grant recipients Multilateral organisations Partner governments and bilateral donor partners Other Australian government entities. 			
DFAT STAFF	A person engaged as an employee under section 22 of the <i>Public Service Act</i> 1999 as either an ongoing or non-ongoing employee, or a person engaged under a contract of employment by the Commonwealth outside of Australia. For the purposes of this Policy, contractors are included in the definition of DFAT Staff.			
ETHICAL INQUIRY	Rather than viewing 'ethics' as a set of rules or regulations, ethical inquiry encourages thinking both critically and reflectively about possible ethical issues and challenges that may arise. Fostering a culture of ethical inquiry encourages DFAT staff to build their competence in ethical decision-making			
ETHICS	'Ethics' is concerned with moral duty and obligation, and encompasses the principles and rules governing the standards of conduct of an individual or group, such as a community or a profession.			
EVALUATION	The systematic and objective assessment of an on-going or completed investment, program or policy. It is an in-depth process which takes place of a periodic basis. Evaluation aims to provide credible evidence which can inform major program management and policy decisions and highlight important lessons. The term 'evaluation' covers all systematic and objective assessments of an investment, program or policy.			
MONITORING	Monitoring focuses specifically on assessing process and performance during a program or activity. Strong monitoring arrangements are those that are planned, continuous, and systematic, allowing sufficient evidence to track progress and measure against the program or activity objectives. Like other types of research, monitoring shares the same interaction with human 'subjects' and links to policy and programming and the associated heightened risks of power imbalances. DFAT staff, particularly investment managers, must be mindful of ethical considerations involved in any monitoring activities that involve human participants, including data collection and field visits.			
RESEARCH	"An original investigation undertaken to gain knowledge, understanding and insight" (<i>The Australian Code for the Responsible Conduct of Research</i> , 2018). Particular ethical considerations apply to the collection of information from 'human subjects' (including a person's own personal information or where they are acting on behalf of another person or people), and to all research			

either conducted with the assistance or participation of humans, or that will impact human participants.

Throughout this document the term 'research' is used to encompass both research and evaluation.

RISK

Risk is understood in relation to research participants but also the organisational consequences of conducting unethical research practice which may damage reputation or legitimacy.

Risk for research participants can be considered along a spectrum from harm (serous or high risk), discomfort (less serious) or inconvenience (even less serious). Risk for participants can occur during the conduct of research or as a consequence of research, i.e., dissemination of research findings. Likelihood and consequence of risk for research participants is another aspect of risk to consider.

Unethical research practice may cause risk to organisational reputation, legitimacy and contravene Australian codes, policy, guidelines and law related to research.

VULNERABLE/VULNERABILITY

'Vulnerability' is a multi-dimensional component. In terms of humanitarian aid, it refers to the characteristics determined by (physical, social, economic, and environmental) factors or processes which increase the susceptibility of an individual, or a community, to the impacts of - or capacity to anticipate, cope with, resist and recover from the impact of - a natural, or man-made hazard.

More generally, vulnerability may be caused by external factors, such as the place they live, economic, political, or environmental factors that affect the population as a whole and put them at risk. Population groups are often defined by a single characteristic (e.g., low income), even though the people in those groups have varying advantages and needs, leading some people to have increased susceptibility.

Vulnerability can be due to factors specific to an individual or group within the population. People may be considered to be vulnerable due to factors such as their age, disability, gender, race, sexuality, or health, and the vulnerability may be permanent or temporary. People may experience multiple and intersecting disadvantages, and could face increased vulnerability due to inequitable access, and marginalisation.

APPENDIX A: ETHICAL PRINCIPLES THREE-STEP TOOL

How to Use this Tool:

In accordance with the *Ethical Research and Evaluation Guidance Note*, this three-step introductory tool aims to encourage DFAT staff and funded partners to foster a culture of ethical inquiry and decision-making when commissioning, designing and implementing research and evaluation.

It does so by requiring DFAT staff and funded partners to think deeply about the proposed research and evaluation activities and ethical 'risk' – not necessarily risk to the organisation due to poor conduct, but rather thinking about the risk of unethical situations occurring during research and evaluation activities and how robust design and planning could help mitigate these risks.

- Step 1: Level of vulnerability and level of capacity.
- **Step 2:** Connecting vulnerability and capacity to risk.
- Step 3: Determine likelihood and impact of ethical risk.

This is not a screening process or a set of compliance measures. Sometimes the answers to the questions in the tool may be unclear or ambiguous, but the most important way to ensure ethical practice is to consider the Ethical Principles at all stages of project planning, implementation and review.

STEP 1: Level of vulnerability and research capacity

Identifying and managing any potential risk of ethical issues or harmful situations during research is key to ethical practice. Research is of negligible risk when there is no foreseeable risk of harm or discomfort, and any foreseeable risk is of inconvenience only. Research activities are normally considered to be of low risk when they do not involve vulnerable people or when the research does not involve sensitive issues (e.g., violence based or sexual behaviour, mental health, etc). However, research often involves populations (not otherwise vulnerable) in fragile settings or conflict circumstances, or where there is an unequal relationship/significant power imbalance, and so the risk of harm is heightened.

Determining high or low risk involves initial consideration of two different aspects of the research:

- 1. Level of vulnerability of the research participants or population (Low/High Vulnerability)
- 2. **Capacity and experience** of the research team in managing ethical research practice within this setting (Low/High Capacity)

Using the flow chart on the next page, a preliminary determination of the overall level of vulnerability and research capacity can be made. Based on the outcome, this determination may indicate need for a more rigorous and careful ethical assessment, including expert advice or, in some cases, reconsideration of the value of the activity.

CHECKLIST FOR DETERMINING VULNERABILITY AND CAPACITY

Select Yes or No	YES	NO
Does the DFAT-funded research involve human participants?		
Does this research activity comply with DFAT Safeguard policies?		

Determining Vulnerability

Select Yes or No	YES	NO
Does the research context involve vulnerable populations?	This Research Context may include people or settings of HIGH VULNERABILITY	This Research Context is considered to have LOW VULNERABILITY
Does it include children, LGBTQI+ communities, ethnic minorities, people with disabilities, survivors of violence, people in post-disaster settings?	This Research Context may include people or settings of HIGH VULNERABILITY	This Research Context is considered to have LOW VULNERABILITY
Do language or cultural factors pose a barrier to obtaining informed, voluntary, current, and specific consent?	This Research Context may include people or settings of HIGH VULNERABILITY	This Research Context is considered to have LOW VULNERABILITY

Determining Capacity

Select Yes or No	YES	NO
Does the research team have sufficient expertise, track record and evidence of established ethical practice in research or monitoring and reporting processes?	This Partner is considered to have HIGH CAPACITY	This Partner is considered to have LOW CAPACITY
Does DFAT have confidence in the funded partner's or subcontractor's capacity to undertake the research ethically?	This Partner is considered to have HIGH CAPACITY	This Partner is considered to have LOW CAPACITY

NOTE: It is important to remember that highly vulnerable or at-risk populations still have agency and thus still deserve the opportunity to participate in the research. In this case, research design can be adapted to ensure inclusivity of all groups wherever possible.

The context or setting of the research is thus important to consider. For example, at a general level, participants may not be 'at risk', but a particular subgroup may be particularly vulnerable — perhaps due to gender-based, sexual or racial discrimination. Conversely, the setting may be considered vulnerable (i.e., post-disaster), but there is no one specific group or people that are particularly at risk.

It may also be the case that the setting and population are vulnerable, but the research team and partners have sufficient expertise, track record and confidence to manage and mitigate any potential ethical risks effectively without causing harm to the research participants.

STEP 2: Connecting vulnerability and capacity to risk

Once a research program has been categorised in Step 1, the overall level of ethical risk can be determined.

High Vulnerability - Low Capacity	High Vulnerability - High Capacity
Low Vulnerability - Low Capacity	Low Vulnerability - High Capacity

High Risk: Research programs with high vulnerability and low capacity present the most serious risk, where potentially inexperienced researchers are working with highly vulnerable populations.

Medium Risk: Combinations of low capacity and low vulnerability or high capacity and high vulnerability are indicative of substantial risk, but risk that can be effectively mitigated by following these Guidelines and ensuring appropriate ethical practice is followed.

Low Risk: As shown, research programs that are characterised by low vulnerability and high-capacity present overall low risk.

STEP 3: Determine likelihood and impact of ethical risk

An ethical risk rating is the final step in determining the likelihood of an ethical risk occurring, and the impact that this would have. It is important to consider when any potential risk or harm might happen. For example, would it occur:

- o During the research itself?
- Due to participation or non-participation in the research?
- o When the research findings are analysed or when they are disseminated?
- o At a later stage once the research has been completed?

	Consequences				
Likelihood	Limited	Minor	Moderate	Major	Severe
Almost Certain	Medium	Medium	High	Very High	Very High
Likely	Medium	Medium	High	High	Very High
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Medium	Medium

It is strongly advised that any 'high' or 'very high' risk research should only be undertaken by experienced researchers in full accordance with all DFAT <u>Risk Management</u> and <u>Safeguard</u> policies and the risk level discussed with the appropriate Activity Manager.

More detailed Guidance about identifying and managing risks and determining the likelihood of consequences occurring is available in the *DFAT Risk Management for Aid Investments Guide*.