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9 May 2018

Joint Ceasefire Monitoring Committee – Support Platform Project
(JMC-SPP)

Terms of Reference – Functional Needs Assessment (FNA)

Assignment Title	1. International Consultant for Functional Needs Assessment (FNA) 2. National Consultant for Functional Needs Assessment (FNA) (1 International and 1 National Consultant)
Start/End Dates	May 2018- June 2018
Estimated working days	15 days
Location	Home-based and in-country/office-based (Yangon)
Country	Myanmar

1 Context

1. These Terms of Reference (ToRs) outline the conduct of a Functional Needs Assessment (FNA) in May-June 2018 by a two-person team of senior independent expert consultants, one international expert as team leader, and one national expert, both on Individual Contracts (IC). Project background is provided in attachment 1. The FNA will review options, capacities and policies, and make recommendations for the JMC-Technical Secretariat Center (JMC-TSC) to transition from the current Phase 1 UNDP-managed Project Implementation Plan (PIP)ⁱ, to the Phase 2 JMC-managed multi-channel funding model. In the Phase 2 mechanism, the JMC would directly receive, manage, account for and report on all sources of funding, such as donor, Government and in-kind resources.

2. Several recent developments have made the conduct of the FNA an urgent undertaking, and have changed the framework, planning and available resources for the support platform project, and therefore for the JMC itself. The JMC-U decided to transition to Phase 2, and to extend the PIP with budgetary preparation planning in June 2018 in order to activate Phase 2 from 1st October 2018. The JMC-U therefore approved a 6-month work plan for the period 1 April to 30 September 2018, and the UNDP – JMC Letter of Agreement is being signed for the same 6 months. Most urgently, from April to June the UN and other partners would support the JMC with a series of assessments, and the further development of JMC's transition planning and institutional capacity development (ID).

3. Second, two donors Norway and the Joint Peace Fund (JPF), advised the UN of their decision to only proceed with a six-month no cost extension (NCE), and requesting a capacity building plan to proceed to directly fund the JMC. The UN/DP, in consultation with JMC-TSC, prepared an Overview Capacity Development Approach, which was submitted to the JPF Fund Board and then the JMC-SPP

Project Board.ⁱⁱ The donors also placed conditions on their funding and requested UN/DP to remove or substantially reduce ID consultancy days. The PIP Annual Work Plan (AWP) was revised, and endorsed by the Project Board, with a focus on and with funding only allocated to the JMC for the first six months, April to September 2018.

4. **Phase 2 transition decision-making process:** The following process was then decided between the partners, and discussed in the 3rd Project Board meeting:

- a. Complete the FNA, in English and translated into Myanmar
- b. The JMC to consider the options and recommendations, decide its Phase 2 JMC-TSC structure, staff, and revise their transition plan and critical path to complete preparationsⁱⁱⁱ
- c. The JMC to re-define its ID needs, and request partners to provide assistance
- d. The ID technical assistance to be provided after consultation with the JMC.

2 FNA objectives and methodology

5. The FNA will be a focused assessment over several weeks on the needs for the JMC to transition to the Phase 2 JMC-managed multi-channel funding mechanism.^{iv} It should review the following **four functional areas**:

- a. **Programme Finance:** Evaluation systems and agreements for donor and other funds; HACT Long Term Agreements (LTA), Spot Check LTA, Audit LTA; Systems, policies, processes and technology to check and track all donor funding sources and fund transfer; All quality assurance and internal control framework checks
- b. **Donor Fund Management:** Resource mobilization strategy - planning and implementation (national and international donor, government, in-kind); Donor relations - communications and visibility protocols and capacity; Donor agreements - legal drafting, templates, compliance, standards; Establishing and maintaining donor, fund and account code and budget name and category systems; Allocating donor funds - Systems and technology to allocate, monitor and do assurance of donor funds across budget activities and budget categories
- c. **Programme Governance:** Steering Committee - draft and negotiate ToRs; order of business protocols; reporting and communications strategies; new members; Regular working groups - technical WGs; thematic WGs; donor WGs; Ad hoc meetings and briefings, and
- d. **Core administrative functions:** Considering changes / augmentation to, for example, procurement, finance, human resources, information technology and communications, logistics and project management.

6. The FNA is to be guided by the UNDP global capacity development **methodology** outlined in the Overview of Capacity Development Approach document. It is to use quantitative and qualitative methods to determine needs, and to conduct Key Informant Interviews and Focus Group Discussions of JMC secretaries, key staff, managers and experts.

3 FNA outputs and deliverables

7. Key outputs of the FNA will be specific ideas and first drafts on the following **topics** (Annexed to final report):

- a. International examples of similar funding mechanisms, their needs and lessons on transitions
- b. Review the current UNDP capacities and policies utilised to manage Phase 1
- c. Budget preparation formats to be used by JMC-TSC internally for the multi-channel funding model with the function to track program performance

- d. Financial reporting formats to satisfy different donor compliance requirements with suggested interval for reporting
- e. Financial risk assessment and mitigation for a strong internal control framework
- f. Program governance structure with at least 3 options for donor inclusivity and aid effectiveness as per Paris and Busan principles
- g. Structural options for Phase 2 (not less than 2 and not more than 4 options, using organograms)
- h. New and / or revised unit ToRs
- i. New and / or revised operational and financial policies and processes
- j. New and / or revised technology to receive, manage and monitor multi-channel funding, including an integrated reporting system (Enterprise Resource Planning – ERP)
- k. A decision-making transition plan (tasks, estimated timeframes, critical path)
- l. An ID or Capacity Development plan (tasks, estimated timeframes, critical path)
- m. Recommend a transition monitoring framework, including indicators and additional questions to add to the next micro-capacity assessment (MCA - HACT3+), and
- n. Draft an outline Action Plan, with an initial suggested critical path and sequence

8. The following **deliverables** are to be ensured during the FNA, with some days home-based and two weeks expected in-country/office-based:

<i>Srl</i>	<i>Deliverable</i>	<i>Intl IC days (15)</i>	<i>Natl IC days (15)</i>
1.	Concept Note: Draft a concept note with key research questions, consulted with UN/DP and JMC-TSC. Identify Phase 2 goals and monitoring indicators	1	1
2.	Desk review: Conduct a desk review of relevant project management documents, including the first two MCA reports - HACT1 and HACT2 ^v	1	2
3.	Arrange meetings (agenda / itinerary): throughout the FNA		1
4.	Interviews and data collection: Run a 1/2 day workshop, make 6-10 Key Informant Interviews (KII) and several Focus Group Discussions (FGD) with key members of UN/DP, JMC, donors and other experts	7	8
5.	FNA Draft Report: Draft a 4-6 page review with lessons learned plus Annexes (available to UN/DP and JMC-TSC at least)	4	2
6.	FNA Final Report: Include one round of comments/revisions from interviewees, and finalize the report (the authors making final decisions on text)	2	1

4 Management arrangements

9. The following arrangements will guide the work:
 - a. The consultants will be on UNDP contracts (type of contract to be determined by UNDP)
 - b. UNDP will organize and finance any assignment-related travel, including daily allowances in accordance with UNDP rates
 - c. The consultants will work independently, coordinating with these focal points:
 - Aung Mrat Lurn, OCM Manager, JMC-TSC ([e-mail](#))
 - Adrian Morrice, UNDP, Chief Technical Adviser / Project Manager, JMC-SPP (adrian.morrice@undp.org)
 - d. Other arrangements including schedule of payments will be defined in individual contracts

5 Recruitment and qualifications of experts

10. UNDP and JMC-TSC will conduct the application and selection processes, based on these ToRs and its rules.

11. The following **qualifications** are required for the experts:

- a. Master's Degree or equivalent in Economics, Governance, Social Sciences, Public/Business Administration, Organizational Development, Industrial Behaviour Studies or related field
- b. Concrete and relevant (to Myanmar) institutional development and programme finance experience, e.g., as managers, finance institutional and organizational change experts
- c. Proven record of capacity development, engaging and capable presenter of information to diverse audiences, including ability to work with formal institution Tatmadaw, EAOs, UN system and donors
- d. Capacity to work under pressure, manage stress and adapt to rapidly evolving situations, and short-notice new requirements given by the JMC and / or JMC-SPP
- e. Written and spoken fluency in English for the international expert, and in Myanmar and English for the national expert
- f. Demonstrates integrity by modeling the UN's values and ethical standards; Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability; Treats all people fairly without favoritism

Selection Criteria

12. Individual consultants who are short-listed will be evaluated based on the cumulative analysis of the written test (weight: 30%), technical evaluation (weight: 50%) and financial criteria (weight: 20%). Only candidates obtaining a minimum of 50 points from the written test and the technical evaluation would be considered for the financial evaluation.

Criteria	Points
1) Written test	30
2) Technical evaluation	40
<i>Master's Degree or equivalent in Economics, Governance, Social Sciences, Public/Business Administration, Organizational Development, Industrial Behaviour Studies or related field</i>	<i>10</i>
<i>Concrete and relevant (to Myanmar) institutional development and programme finance experience, e.g., as managers, finance institutional and organizational change experts</i>	<i>15</i>
<i>Proven record of capacity development, engaging and capable presenter of information to diverse audiences, including ability to work with formal institution Tatmadaw, EAOs, UN system and donors</i>	<i>15</i>
3) Financial	30
Total	100

Attachment 1: Project background

1. On 15th October 2015, the Government of Myanmar (GoM) and eight Ethnic Armed Organizations (EAOs) signed a Nationwide Ceasefire Agreement (NCA)^{vi} signaling the start of a new effort for political dialogue to end the country's armed conflict. The NCA sets-up a Joint Ceasefire Monitoring Committee (JMC) as the key instrument to implement provisions of the NCA, monitor adherence (of the parties) to the Military Code of Conduct, investigate alleged violations and undertake problem-solving functions. The JMC is a tripartite mechanism, comprised of Government/Tatmadaw and EAO representatives, and civilian members. It follows a cascading structure from Union, to State/Region to Local levels (JMC-U/S/L).^{vii} Where the JMC is a political structure, the Technical Secretariat Center (JMC-TSC) functions as its implementation arm, and has a parallel cascading U/S/L structure.

2. On 24 February 2016, the JMC requested the United Nations to consider institutional, financial and technical support. On 16 May 2016, the Office of the State Counsellor advised the UN to support the JMC in the interim and to prepare a Myanmar-based UN platform for longer-term support. Following these requests, on 1 June 2016, UNDP initiated a 3-month interim support to the JMC, subsequently extended until end-March 2017, to bridge the time needed to set-up the platform. The Government of Norway and the UN (UNDP and UN Peacebuilding Fund) provided resources during this transition phase up to March 2017.

3. In August 2016 the UN hosted a high-level Formulation Mission, who undertook consultations with key stakeholders. The mission recommended: creating a *JMC Support Platform Project (JMC-SPP)*; established and managed in-country; and serving as a conduit for international technical assistance (TA) to, and providing coordinated financial, institutional and technical assistance in support of the JMC's mandate and functions to implement the relevant parts of the NCA. The mission recommended adopting a phased approach, with a preparatory phase and a subsequent scale-up phase. The JMC and UNDP drafted a proposal, designed the JMC-SPP, and on 23 February 2017, presented and had the project endorsed by the Joint Coordination Body (JCB) for peace process funding.^{viii}

4. The project – a Project Initiation Plan (PIP)^{ix} mechanism – began from 1 April 2017 and has three outputs: 1) Under result #1 the JMC-TSC acts as Responsible Party and receives donor funds through UNDP, for its five main activities – the functioning of JMC's U/S/L committees, all TSC operations, monitoring, verification and conflict resolution (MVR), knowledge sharing and training, and public outreach; 2) Under result #2 the UN conducts Technical Needs Assessment (TNA) for JMC to consider its ceasefire capacity development needs, and the UN/DP coordinates and provides TA, across a wide range of thematic areas determined by the parties in the JMC-U; Under result #3 the UN receives and manages all donor funds, conducts assessment and monitoring of the TSC's administrative and financial systems, and provides TA on institutional capacity development. Finally, this work is supported through a Project Management Unit (PMU) led by the international UN Chief Technical Advisor / Project Manager (CTA/PM), and administered by the UNDP Myanmar Office.

ⁱ UNDP, Project Initiation Plan for Joint Ceasefire Monitoring Committee - Support Platform Project: Phase 1, 1 April 2017 - 31 March 2018, Project Document (PIP / ProDoc), approved by the Myanmar Joint Coordination Body for Peace Process Funding (JCB), on 23 February 2017, signed by UNDP 28 March 2017, <https://info.undp.org/docs/pdc/Documents/MMR/JMC-SPP%20signed%20pro-doc.pdf>

ⁱⁱ JMC-SPP, Overview of Capacity Development Approach, 23 March 2018, submitted to the 3rd Project Board meeting, 3 April 2018

ⁱⁱⁱ The principal of national ownership of the signatory parties to the peace process is critical for the success of the nationwide ceasefire, and therefore for the conduct of the FNA. Final decisions on the form and function of the move to Phase 2 are fully with the JMC-U. Further, the JMC's rules state that the JMC approves its own work plan and budget, and jointly decides on international engagement. See, for example: The Nationwide Ceasefire Agreement Between The Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations, 15 October 2015, Chapter 4, Article 12 (c); JMC, "Terms of Reference for the Joint Ceasefire Monitoring Committee at Various Levels," Approved 17 November 2017 at the 2nd meeting of the JMC-U, Articles 11, 25, 26, 27 and 52; JMC, "Terms of Reference of the JMC Support Platform", Approved 3 July 2017 at 11th meeting of the JMC-U, Articles 3, 4, 5, 14, 15

^{iv} Note, this is *not* an assessment or review of the JMC's Nationwide Ceasefire Agreement implementation, or of any substantive ceasefire issues.

^v Moore Stephens LLP Chartered Accountants, UNDP Micro-Assessment: Harmonized Approach to Cash Transfers (HACT1) Assessment for the Technical Secretariat Center (TSC) - Joint Monitoring Committee (JMC), Myanmar, London, 18 July 2017; HACT2, the second report is being currently being finalized.

^{vi} The Nationwide Ceasefire Agreement Between The Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations (NCA), 15 October 2015, <http://peacemaker.unlb.org> (unofficial English translation)

^{vii} The JMC ToR was approved by the Joint Implementation and Coordination Meeting (JICM), comprised of top leaders from both sides on 18th November and legally established by Presidential Decree on 19th November 2015. The TSC ToR and structure was approved by the JMC-U on 6-7 January 2017.

^{viii} Myanmar News Agency, "[The Joint Coordination Body for Peace Process Funding] JCB reaches six agreements," 24 February 2017, <http://www.globalnewlightofmyanmar.com/jcb-reaches-six-agreements/>

^{ix} UNDP, Project Initiation Plan for Joint Ceasefire Monitoring Committee - Support Platform Project: Phase 1, 1 April 2017 - 31 March 2018, Project Document (PIP / ProDoc), approved by the Myanmar Joint Coordination Body for Peace Process Funding (JCB), on 23 February 2017, signed by UNDP 28 March 2017, <https://info.undp.org/docs/pdc/Documents/MMR/JMC-SPP%20signed%20pro-doc.pdf>