



Project/Consultancy Title: Scoping the Potential for Promoting the in-country Voluntary Principles Pilot Group in Myanmar

Project Location: Myanmar (visiting)

Background: In 2016, Myanmar was identified by the Voluntary Principles Initiative as one of three countries for the establishment of an ‘In-country Implementation Pilot Group’ (see Annex for ToRs for in-country groups). VPI Participants with an interest in and/or presence in Myanmar include:

Government	Australia, Canada, The Netherlands, Norway, Switzerland, United Kingdom, United States
Companies	Chevron, PanAust, Shell, Statoil, Total, Woodside Energy. Freeport-McMoRan Inc also as an interest but no in-country presence,
NGOs	CDA Collaborative Learning Projects, Human Rights Watch, International Alert, Pact, Search for Common Ground
Observers	Myanmar Centre for Responsible Business/Institute for Human Rights and Business

Initial discussions facilitated by TOTAL, and then by the UK Embassy, took place on 1 February and 28 April 2017 to discuss how to take forward the In-Country Implementation Pilot Group. These were attended by International Alert, a member of the NGO pillar of the VPI, as well as Myanmar Centre for Responsible Business (MCRB) an initiative co-funded by four of the Government Participants (UK, NL, Sw and Nor), and co-founded by the Institute of Human Rights and Business which is an observer to the VPI. MCRB has undertaken sector-wide impact assessments (SWIAs) of the oil and gas and mining sectors in Myanmar, both of which recommended the use of the VPs by companies and other stakeholders to manage their human rights impacts. These SWIAs were supported with technical advice on conflict aspects by Peace Nexus.

To take forward the proposal to establish an In-country Pilot Implementation Group and to identify the activity which can best serve to increase local capacity for understanding, advocating for, and implementing the VPs in Myanmar, MCRB, International Alert, and PeaceNexus have proposed to the Group that a Scoping Study be conducted. The study should be undertaken by an expert with significant experience of the VPs, and, ideally, the highly sensitive and complex Myanmar context.

Objective

To provide advice on how the Terms of Reference (ToR) for in-country groups (in Annex) should be taken forward in Myanmar, covering issues of

- participation, activities, governance and secretariat,
- Year 1 (2018) resource needs and sources of funding, and
- Structure for the Group,

And to make an initial determination of Participant and relevant non-Participant interest and priorities for the agenda, as well as any country-specific sensitivities.

Final Output

A report (not for publication) which can be discussed and finalised with the in-country Pilot Group members and discussed more widely with the VPI to determine next steps.

Tasks

- Create stakeholder list/map for review by PN, MCRB and IA, and interested VPI Participants. The list, which should form the basis for 1:1 or group interviews, should identify stakeholders in
 - **Myanmar Government:** Extractives ministries, Environmental Conservation Dept (for purposes of EIA), DICA, Police, relevant regional government offices/one-stop shops
 - **Extractive Companies, both Participants and non-Participants,** including those affected by artisanal extraction (both mining and oil);
 - **Development Partners/Embassies,** including Participants and others involved in support to the extractives sector or security sector reform
 - **Private Sector security companies and non-extractives companies** with an interest in security issues, including telecoms, hydropower
 - **National Human Rights Commission**
 - **Parliament**
 - **Civil society groups/community groups** with extractives, security, and/or human rights focus
- Develop bilingual introductory presentational material on the VPs
- Develop questionnaire for stakeholder interviews (in agreement with PN, MCRB and IA), based on the ToR in Annex, which should cover (as appropriate)
 - Level of interest in participating in VPs activities
 - Suggested agenda for an in-country implementation group, including potential impact of VPI in Myanmar and priority issues to address
 - Relevance to wider peace, democratic and economic reform agendas
 - Group membership, and other important stakeholders to engage with
 - Key human rights risks to address, and any specific experience
 - Target stakeholder groups for capacity building, and best ways to engage and raise awareness and capacity
 - Views on engagement with local security authorities
 - Sensitivities of the VP agenda in the view of interviewee (or possible sensitivities for other stakeholders)
 - Stakeholder preferences for governance and Secretariat function
 - Willingness to provide financial or other resources (e.g. expertise, field visits)
 - Links to other programmes or developments in the country that are relevant to the wider VP agenda
- Conduct stakeholder interviews (1:1 or small group)
- Hold reflection meeting(s) with PN, MCRB and IA to discuss findings/direction of the scoping report
- Write up report and recommendations (maximum 20 pages).

- Please note: It is not necessary for the report to provide any background to the sectors or to conflict in Myanmar. The MCRB Oil and Gas, Mining, and ICT SWIAs should be studied and referenced.

Requirements and Qualifications:

- Applied understanding of Voluntary Principles on Security and Human Rights
- Demonstrable experience of conducting applied conflict resolution, human rights impact and risk assessments
- Knowledge about Myanmar and its context, with (ideally) recent working experience in country;
- Excellent English writing and analytical skills (native speaker or perfectly fluent);
- Team Leading and Mentoring experience

Local Resources

MCRB will make available local extractives experts from its team, inter alia for the purpose of setting up interviews and supporting interviews in Burmese language. MCRB, IA and PN will provide contacts of an initial list of stakeholders.

Timeframe/Schedule:

- Expected in-country presence 10 working days – January- February 2018
- First draft report 1 March 2018
- Report to be completed by 30 March 2018

The service provider will report to: Patricia Curran, PeaceNexus, Myanmar

Interested candidates are encouraged to apply and submit their application letter and current CV with contact details and references and a copy of relevant testimonies, to Patricia.curran@peacenexus.org by Sunday 3 December 2017.

Annex

TERMS OF REFERENCE FOR IN-COUNTRY IMPLEMENTATION PILOT GROUPS

This document is intended to provide initial guidance to the In-Country Implementation Pilot Groups. The Voluntary Principles Initiative (“VPI”) has selected the following countries for the initial in-country pilots: Burma, Nigeria, and Ghana.

The VPI expects the activities and the governance structures of the In-Country Implementation Pilot Groups will evolve over time. The Chair/Co-Chair of each group should feel free to contact the VPI Secretariat at any time to discuss questions or ideas with regard to potential objectives, activities, and/or governance issues.

Objectives of the In-Country Implementation Pilot Groups

The overarching objective of the Pilot Groups is to facilitate effective implementation of the Voluntary Principles on Security and Human Rights (“the Voluntary Principles”) at the local level. Specific objectives of the groups include:

- Assessing group members’ familiarity with the Voluntary Principles and experience with Voluntary Principles implementation;
- Sharing best practices, fostering communication, and raising awareness related to local security and human rights environments;
- Enhancing collaboration between government representatives, NGOs, companies, and other local stakeholders;
- Identifying and responding to local in-country challenges related to implementation of the Voluntary Principles and working to identify joint solutions to those challenges;
- Strengthening participation by local host governments (formally or informally), with a focus on host government security stakeholders;
- Supporting the efforts of Participants in the Voluntary Principles Initiative to operate consistently with each Pillar’s defined roles and responsibilities; and
- Assessing and sharing progress achieved, lessons learned, and best practices with other in-country Implementation Pilot Groups and Participants in the Voluntary Principles Initiative.

Activities

The In-Country Implementation Pilot Groups should seek to facilitate activities that promote in-country implementation of the Voluntary Principles on Security and Human Rights (the “Voluntary Principles”) and that address local security and human rights challenges. These activities could include, but need not be limited to:

- Facilitating formal and informal discussions regarding the local security and human rights context, including identifying challenges and opportunities to address concerns;
- Organizing in-country roundtables to share best practices and identify lessons learned with regard to in-country Voluntary Principles implementation;
- Complementing Initiative-level verification processes by enhancing visibility of implementation efforts and security and human rights risks specific to the country;
- Promoting the Voluntary Principles in engagements with relevant local stakeholders;
- Supporting local, regional and/or national human rights assessments and monitoring of security and human rights concerns;
- Conducting assessments of the familiarity of local stakeholders with the Voluntary Principles and identifying opportunities to share expertise;
- Developing training materials for members of the Pilot Group as well as private and public security forces; and
- Serving as an in-country resource for local stakeholders interested in the Voluntary Principles and/or the Voluntary Principles Initiative.

Over time, the VPI expects that the work of the pilot groups will evolve so as to be increasingly responsive to local country needs.

Governance and Structure of the In-Country Pilot Groups

Chair/Co-Chairs: Each In-Country Implementation Pilot Group will have a Chair or Co-Chairs. The Chair is expected to be a Participant in the VPI's Government Pillar. If there are Co-Chairs, at least one should be a Participant in the Government Pillar. Group members who are not Participants in the VPI are not eligible to be Chair/Co-Chair.

Local Steering Committees: As the size, capacity, and needs of the In-Country Implementation Pilot Groups increases, the Chair or Co-Chairs may wish to facilitate the development of an in-country Steering Committee. The Committee should include Participants from each of the three Pillars of the VPI.

General Responsibilities: The Chair or Co-Chairs should work with the local Secretariat, if one has been established, and the membership of the In-Country Implementation Pilot Groups to develop specific in-country priorities, work plans, and meeting schedules. The Chair should also host group meetings, or work with the local secretariat to identify an entity that can host meetings.

Secretariat: Some level of in-country Secretariat support will be necessary to facilitate the work of the In-Country Implementation Pilot Groups. At this time, such support is expected to be provided by a member of the in-country group who is also a member of the VPI. The Chair or Co-Chairs of the In-Country Implementation Group should seek to identify an entity that can provide Secretariat services, with the possibility that this role may be filled by the Chair or Co-Chairs.

General Responsibilities: The Secretariat should prepare meeting invitations, agendas and minutes, and also serve as the primary liaison to the Voluntary Principles Initiative through communications with the VPI's Secretariat and Steering Committee.

Costs: Each year, the Secretariat should determine what costs may be associated with the operation of In-Country Implementation Pilot Group. An estimate of these costs should be provided to the VPI Secretariat and Steering Committee by the end of each calendar year in order to facilitate discussion about potential funding options.

Reporting: Each year, the Secretariat should prepare a short report to the VPI Secretariat and the Steering Committee providing an overview of the In-Country Implementation Pilot Group's activities during the previous year. This report should be submitted by the end of each calendar year. The Secretariat is expected to provide the first written report by December 31, 2017.

Representatives of the In-Country Implementation Pilot Groups will also be asked to provide an oral update of their efforts to date at the 2017 Annual Plenary Meeting.

Membership: All Participants in the VPI who have operations and/or a presence in the pilot countries are expected to participate in the In-Country Implementation Pilot Groups. Participants who are unable to participate should notify the VPI Secretariat.

Other relevant and appropriate stakeholders, who need not be Participants in the VPI, may also be identified and invited to participate in the In-Country Implementation Pilot Groups. The

Chair/Co-Chair should work with the Secretariat to identify local non-Participant stakeholders who should be encouraged to participate.

Non-Participants should submit a letter of intent to be reviewed by the membership of the In-Country Implementation Pilot Group before participation is approved. Non-Participants must be nominated by a current VPI Participant.

In general, interested stakeholders seeking to join an In-Country Implementation Pilot Groups should have specific expertise regarding local security and human rights challenges in connection with extractive sector activity. Membership should be granted to institutions not to individuals.

Non-Participant members are expected to engage regularly in meetings and activities of the Pilot Group and contribute/collaborate in good faith. Failure to do either may result in termination of membership.

Meetings: At the outset, members of the In-Country Implementation Pilot Groups should endeavor to meet at least quarterly. Meetings may be held more frequently as necessary to address identified priorities and work plans. The local Secretariat should submit copies of the minutes of all meetings to the VPI Secretariat.

Decision-making: The In-Country Implementation Pilot Groups should seek to make all decisions by consensus. If consensus is not possible, matters may be decided by a formal vote. Each Pilot Group should establish its own voting guidelines, including whether non-Participants have the right to vote and whether affirmative decisions will require a simple majority or, alternatively, whether a certain level of support from each Pillar will be required for a decision to be approved.

Confidentiality: All proceedings of the In-Country Implementation Pilot Groups are to be conducted on a non-attribution and non-quotation basis and no distribution of documents outside of the Groups or the VPI is permitted except as required by valid legal process or otherwise required by law.