

TERMS OF REFERENCE

National Decentralization Expert

1 BACKGROUND

Cambodia is in the midst of a long-term reform of its local government system. There are three tiers of Sub-National Administration (SNA) in Cambodia, including 25 Provinces and the Capital, 197 Districts, Municipalities and Khan, and 1,633 Communes and Sangkat. The decentralization and deconcentration (D&D) process began in earnest in 2002, with the creation and strengthening of Communes and Sangkat. In June 2005, the Strategic Framework for D&D Reforms outlined a comprehensive policy for sub-national democratic development, which was translated into the Organic Law in 2008. The Organic Law focuses on the two highest tiers of administrations. In May 2010, the National Program for Sub-National Democratic Development (NP-SNDD, 2010-2019) was approved, providing a roadmap for the implementation of these reforms.

Implementation of the NP-SNDD is divided in 3 phases, or "platforms." Each platform is managed through a "strategic plan" called an "implementation plan." The first 3-Year Implementation Plan (IP3) of the NP, which ran from 2010-14, focused on developing SNA operational systems and procedures. The second phase (the IP3-II), which covers the period 2015-2017, aims to apply the new structures, systems and procedures developed during the first phase to improve SNA service delivery and governance. The third phase will be designed during 2017 and is likely to cover the period 2018-20. IP3s focus on strengthening Districts, Municipalities and Khan.

Each year, three year implementation plans are used to develop Annual Work Plans and Budgets (AWPBs). AWPBs typically contain 30-40 outputs and hundreds of activities. During early 2017, based on a mid-term review completed during 2016, an **Addendum to National Program** was completed. This short document revises the vision of the reform and identifies a short list of key priorities.

The National Committee for Sub-National Democratic Development (NCDD) is the inter-ministerial mechanism for promoting democratic development and for coordinating and making key political decisions about Cambodia's D&D reforms. To do so, NCDD has established sub-committees and a Secretariat (NCDD-S) to review policy and to coordinate day-to-day program implementation.

1.1 FACILITATION

As described in Section 2, the IP3-III formulation is expected to involve extensive consultation and facilitation. Much of this consultation will be in Khmer and the formulation team requires a Khmer speaker with extensive knowledge of decentralization in Cambodia. He/she will be supported by NCDDS staff.

1.2 INSTITUTIONAL AND ORGANIZATIONAL ISSUES

To be successful, the IP3-III must address a wide range of institutional issues. These fall into 3 main categories.

First, several institutional issues are related to **efficiency, value for money and sustainability**. As the NP comes to a close:

- Reforms need to be increasingly taken over by the government, in a systematic, gradual fashion which does not undermine implementation.
- TA (technical advice) provision, TA costs, and operational costs need to be rationalized and increasingly paid through government funds (both by SNAs, though the administrative components of fiscal transfer mechanisms, and other program implementers);
- The costs of implementing functional reassignment need to be increasingly paid through government funds or through sector support programs
- In general, the government budget needs to increasingly finance core reform activities.
- Various exit strategies will need to be developed so that any transition to a future reform effort take place smoothly
- NCDDDS needs to increasingly transfer implementation of the reforms to MOI; the future role of NCDDDS needs to be clearly spelt out
- The Association of Councils needs to be financially sustainable in the long-run (in order to maintain its independence), or at least, its future financing must be stable and dependable
- DP projects and governance arrangements need to be rationalized. There is a large amount of meetings and reporting which are not well harmonized, and this requires management time. As can be seen in Annex 1, there are roughly 30 different projects. Even in the case of the “basket fund” each DP has a different financial agreement and there are currently 2 broad governance arrangements (the TWG and the Trust Fund Review Committee). There are at least 5 climate change related projects (each managed separately), 2 LED projects, and various initiatives related to functional reassignment, gender, etc. There is scope for having “thematic” governance and policy steering committees which can greatly improve coordination, share experiences and reduce transaction costs.
- A clear definition (including checklists and template) needs to be developed documenting what is “in the reform” and what is not. This should guide the development of AWPBs
- Although the cross cutting reforms have made great strides towards harmonization, additional and concerted effort is required to improve the effectiveness of these arrangements
- As the National School for Sub-National Administration (NASLA) is established, some capacity development currently implemented through Provincial Resource Facilities will be shifted to ...[this issue is addressed in another TOR]

Finally, the IP3-II focused on a wide range of **reform management issues**, many of which had organizational and institutional issues. This included, amongst others, the functioning of the NCDD and revised management processes (formulation of annual work plans and budgets, internal meetings, policy development and appraisal processes, and financial management).

2 IP3-III FORMULATION

This assignment is part of the overall IP3-III formulation process, which is described in more detail in the TOR for the team leader of the formulation process. In brief, the NCDDDS began the process by developing a short zero draft version of the IP3-III. This draft included:

- Essential background, challenges and achievements
- The vision of the decentralization reforms
- Key priorities as described in the addendum to the NP¹

¹ These were: (i) Increase the level of discretionary resources available to DMs to use for public infrastructure and service delivery; (ii) promote CSs and DMs to take initiative, to be innovative, and to take the lead in service delivery improvements; (iii) transfer functions, staff and resources from Ministerial District line offices to DMs; (iv) promote SNA compliance with service delivery standards, laws and regulations; (v) decentralize HR Management functions and strengthen staff accountability to SNAs; (vi) empower councilors, focusing on their oversight and representational roles; (vii) refocus CD to facilitate specific work tasks, change attitudes, and spur competition

- Expected outcomes and key changes anticipated
- Quantitative targets (and theories of change or the assumptions used to derive them)
- Risks and mitigation efforts
- Implementation principles

The first draft is a discussion document, an input into a detailed appraisal and revision process. Debate and scrutiny will be independently led by the team leader and deputy team leader of the IP3 formulation team. He/she will be assisted by a consultant responsible for integrating social equity and inclusiveness. As mentioned earlier, several **supporting documents** will also be produced, and these too need to be integrated.

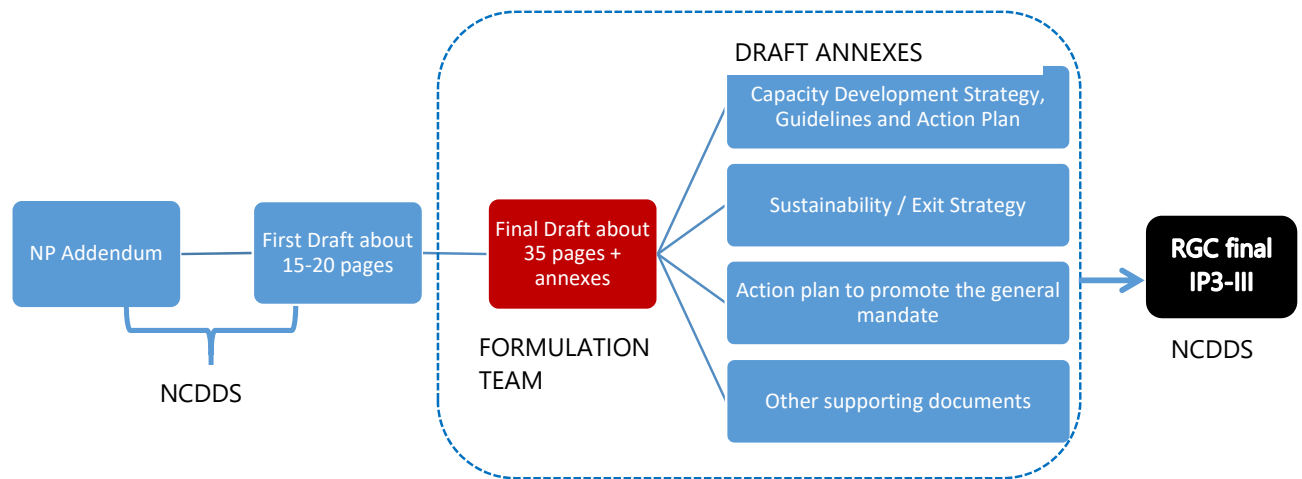


Figure 1: IP3-III Documents

Although the formulation team will **independently appraise**, expand and revise the draft, based on extensive stakeholder participation, the NCDDS remains responsible for the final product.

2.1 QUALITIES OF THE SUPPORTING DOCUMENTS

Supporting documents will be produced through a process of consultative, strategic thinking, with consultants identifying options and facilitating decision makers to make important choices concerning the direction they will take during the IP3-III. All supporting documents produced as part of the IP3-III formulation process will have the following qualities:

1. Be written in simple language that all implementers and leaders at national and sub-national levels can understand; clearly defines all relevant concepts in an intuitive way
2. Is based on a process where a wide range of options were developed and debated
3. Is based on extensive consultation which outlined concepts, options, etc.
4. Has incorporated analytical work and international best practice into the design of the strategy and action plan; has been evidence based
5. Clearly and simply defines all relevant concepts and the scope of the strategy
6. Has identified constraints, issues and problems which the strategy aims to overcome
7. Has a clear vision, goals, and/or objectives as well as expected changes and outcomes; has a clear hierarchical structure and reasoning related to cause (problem) and effect (objective)
8. Has a small (minimum) set of SMART, realistic and quantitative targets (and theories of change or the assumptions used to derive them) which are agreed by stakeholders;

9. Contains clear outputs and activities, with their time line for implementation and with costs broadly budgeted for and which does not exceed 1 page
10. Contains a clear budget and costing, as well as expected sources of funds; defines the TA and HR resources needed to achieve the envisioned results
11. Is clearly prioritized, with priorities well-documented, clearly reasoned and realistic
12. Has described risks and mitigation efforts, where appropriate
13. Incorporates relevant projects and programs; takes into account other national reform efforts

2.2 GENERAL METHODOLOGY FOR IP3-III FORMULATION

The methodology used for formulating the IP3-III is intended to foster increased ownership and participation and to create a more simplified, prioritized, and results-based plan. In the case of gender, social equity and inclusiveness it will be essential to clearly and simply explain the main concepts. To do so, **a facilitated, workshop based approach** will be used to encourage extensive consultation and a strategic planning method will be used which begins with identifying, quantifying, and agreeing upon challenges and then creating objectives and priority targets to be realized by the end of the phase.

In holding consultations, the formulation team will function as facilitators, assisting key stakeholders to make strategic choices based on a careful consideration of evidence and options. The consultant is expected to bring international experience into the decision making process and to attempt to move the general mandate and functional reassignment forward, to provide high quality, evidence based advice for the Royal Government of Cambodia.

The development of the next IP3 will take into account: (i) the political nature of the reform process; (ii) the challenges of developing policy and managing results across several institutions which may have different visions of the reform, (iii) the long time it may take to reach a consensus, to forge ownership, and to develop regulatory instruments in a consultative way, (iv) the need to foster learning, (v) the need to manage risk through piloting or a phased approach to implementation, (vi) the importance of sustainability, integration into government systems, and longer-term solutions, and (vii) the need to clearly prioritize, given the breadth of the decentralization reforms.

3 OBJECTIVES

In working as part of the IP3-III formulation team, this assignment aims to:

1. Ensure the IP3-III is developed with extensive participation, in order to promote ownership of key implementers
2. Ensure the efficiency, value for money, institutionalization and sustainability of IP3 reform efforts

4 METHODOLOGY

This consultancy involves two main elements: (i) by facilitating NCDs, and with the support of the team leader, assist NCDs to develop a sustainability strategy, and (ii) work with other formulation members to lead discussions and workshops where Khmer is required.

Institutional issues, sustainability and how the IP3-III will be implemented are central to the next phase of reforms and are expected to be integrated into most key outputs and activities.

Sustainability and transition to a system where reforms are taken over by government is a cross cutting issue, and should be “mainstreamed” like gender or M&E.

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5 DELIVERABLES

Deliverables for the assignment are as follows:

1. An **inception report**, 7 work days into the design process with any proposed adjustments to the TOR and with a schedule for the remainder of the process. The inception report will spell out, in detail, the methodology, workshop structures, and facilitation materials used to implement this TOR. Based on a careful review of the IP3-II, it will develop an outline or structure (with proposed page limits for each section) of the gender strategy.
2. A description of **institutional implementation arrangements within the IP3-III**, and developed under the supervision of the team leader.
3. **A short, draft stand-alone strategy to promote efficiency, value for money and sustainability in the IP3-III**. The strategy will:
 - a. Be comprehensive and found throughout the document
 - b. Be contained in a stand-alone strategy not exceeding 7 pages
 - c. Meets the qualities of a supporting document, as outlined in section 2.2
 - d. Be developed in facilitated workshops with the NCDD, who are most aware of sustainability issues
 - e. Describes how IP3-III core reform activities can provide increased value for money with a clear path to sustainability
 - f. Describes how reforms will be increasingly taken over and financed by government, in a systematic, gradual fashion which does not undermine implementation.
 - g. Rationalizes CD, TA provision, TA costs, and operational costs with a clear path to sustainability;

- h. Describes how the costs of implementing functional reassignment will be financed through government funds or sector support programs
 - i. Develops any required exit strategies so that a transition to a future reform takes place smoothly
 - j. Describes the role and responsibility of NCDDS in the future and how NCDDS and MOI responsibilities will be shared, handed over, etc.
 - k. Describes how DP projects and governance arrangements will be rationalized, to make projects more efficient, to reduce transaction costs, and to ensure DP initiatives are responsive to the government's vision and priorities; describes how DP initiatives are increasingly accountable to government.
 - l. Clearly defines (including checklists and template) what is "in the reform" and what is not so that these standards can guide the development of AWPBs
 - m. Makes recommendations and identifies areas in which cross cutting reforms can be better harmonized
 - n. Supports the team to draft relevant sections of the IP3-III envisioning how the National School for Sub-National Administration (NASLA) will assume some of the capacity development responsibilities of the IP3
4. A **revised version of #2 and #3** above, addressing comments received and meeting the characteristics above

6 KEY TASKS

Although a detailed work plan will be completed as part of the inception phase, key tasks are expected to include:

- Review all relevant literature to understand the decentralization reform and key institutional aspects
- Review and appraise the draft IP3-III document from an institutional perspective
- Develop a workshop process and materials to appraise the draft IP3-III from an institutional perspective and to identify key additional elements of the IP3-III document; the process should ensure ownership, participation, agreement, and debate amongst all key stakeholders, including both men and women, government and non-government officials, key implementers, and development partners, in the appraisal and formulation of the IP3-III
- Develop and implement workshops to assist NCDDS to address issues of sustainability
- Formulate relevant sections for the draft IP3-III document, according to the requirements described above and which can be realistically implemented in order to promote efficiency, value for money, and sustainability in implementing the reforms
- Hold regular meeting with key stakeholder to ensure the process is on target
- Report regularly to NCDDS, including early draft materials on key topics

7 MANAGEMENT & INSTITUTIONAL ARRANGEMENTS

The overall formulation will be managed by NCDDS who will appoint a reference group to backstop the work. The reference group may include DPs, civil society, and key implementers. The reference group's main functions are:

- To facilitate contacts between the formulation team, the NCDD-S, other implementers, and key stakeholders

- To ensure the team has access to and has consulted all relevant information sources and documents related to the program
- To define and validate the approach
- To discuss and comment on presentations, notes and reports delivered by the formulation team
- To assist in feedback of the findings, conclusions and recommendations from the team
- To ensure that the recommendations are feasible, useful, and evidence based
- To assure the quality of the work

7.1 THE TEAM LEADER

The National Decentralization Expert will report directly to the team leader, on a day-to-day basis, who will manage the process and provide quality assurance.

7.2 FINAL REPORTING

The IP3-III design Team, through the Team Leader, will report to HE Sak Seta, Head of the NCDDS and Secretary of State, Ministry of Interior. On a day to day basis, the work of the design time will be coordinated by HE Ngan Chamrouen, NCDDS Deputy Executive Head. The team leader of the IP3-III formulation mission will review the work of the gender mainstreaming consultant to assure its quality and harmonize it with other work.

7.3 COMPOSITION OF THE TEAM

The Team Leader will be responsible for managing all other consultants, in particular their preparation of key supporting documents. He/she will be responsible for quality assurance and for communicating overall progress to the NCDD. The review team is expected to consist of 5 members:

MEMBER	RESPONSIBILITIES
1. TEAM LEADER (INTERNATIONAL)	Main document, quality control, harmonization with other reforms, fiscal decentralization
2. FUNCTIONS EXPERT (INTERNATIONAL)	General Mandate, transferred functions, revised functions and structure of Provinces
3. CD EXPERT (INTERNATIONAL, BUT LOCALLY BASED)	CD plan
4. GENDER/SOCIAL EQUITY EXPERT (NATIONAL)	Mainstreaming gender, annex of gender, social equity and inclusiveness
5. NATIONAL DECENTRALIZATION EXPERT	Facilitation, governance, developing a sustainability/exit strategy,

7.4 AVAILABLE DOCUMENTS

The NCDDS will provide all documents requirement, including but not limited to: (i) the National Program and its Addendum; (ii) Previous IP3s; (iii) annual reports; (iv) related programs and projects, such as the EU Budget support document; (v) analytical work and evaluations (governance surveys, capacity assessments, gender audits and other related work; (vi) related strategies and plans (social accountability, communications, (etc.); (vii) all available policies and regulatory instruments; (viii) all relevant materials related to institutional arrangements and Provincial operations and (ix) access to all relevant databases.

8 SKILLS AND QUALIFICATIONS OF THE CONSULTANT

The gender mainstreaming consultant is expected to have the following skills and qualifications:

Table 1: Qualifications of the consultant

Area	Requirements
Qualifications and skills	<ul style="list-style-type: none"> ■ Education: A Master's Degree or equivalent in Social Sciences, Public or Business Administration, Public Policy or related studies;
Professional experience	<ul style="list-style-type: none"> ■ Minimum of 5 years of extensive relevant experience in institutional analysis and development and decentralization; ■ Identification, formulation, implementation of decentralization or public sector reforms in developing/transition countries; ■ Excellent communication skills ■ Demonstrated sensitivity and attention to issues of gender
Preferred experience	<ul style="list-style-type: none"> ■ Experience in local government reforms

Women are strongly encouraged for this position.

9 INDICATIVE WORK PLAN AND TIME TABLE

The provisional start of the assignment is 22 May 2017. The maximum duration of the assignment is **40 working days**, including revision. The final report will be finished by 30 July 2017.

ANNEX: EXISTING PROJECTS

Below is a partial list of programs and projects working with NCDD and MOI in the area of decentralization. An asterisk (*) indicates that the project, or its continuation, is in the pipeline.

AREA /PROJECT TITLE	DEVELOPMENT PARTNER	TIME	SUPPORT MODALITY	SCOPE	EXECUTING AGENCY	GOVERNANCE
A. GENERAL SUPPORT TO D&D						
A.1. BASKET/BUDGET SUPPORT						
1. Sub-National Democratic Development (SNDD IP3-II)(*)	SDC	2015 – 2017	Basket fund	Nationwide	NCDD/NCDD	TWG, Trust Fund Review Committee
2. Sub-National Democratic Development (SNDD IP3-II)(*)	Sida					TWG, Trust Fund Review Committee
3. National Program for Sub National Democratic Development	EU	2017 - 2020	Budget support	Nationwide	NCDD/NCDD	TWG, Trust Fund Review Committee
A.2. PROJECTS						
4. Decentralization and Administrative Reform (DAR)	GIZ, Germany BMZ	2017 - 2018	Project	BAT, KAN	GIZ	TWG, Steering Committee, Operational Com
5. Cambodia Democratic Development Project	USAID	2017 – 2022	Project	TBD	TBD	TWG
6. Decentralized Public Services and Financial Sector Development Program, Subprogram 2	ADB	2016- 2018	Budget Support/TA /Project	National	NCDD (execute agency), MEF (implement agency)	TWG
B. LED / REGIONAL ECONOMIC DEVELOPMENT						
7. Regional Economic Development (RED III)(*)	SDC, Germany BMZ, GIZ	2015 - 2017	Project	3 PCs (SRP, BMC, OMC)	GIZ	Project steering committee?
8. UNCDF Cross-Border *	UNCDF		Project			
C. CLIMATE CHANGE						
9. UNCDF/LGCC2	UNCDF, Sida					Project steering committee?
10. IFAD/ASPIRE	IFAD					Project steering committee?
11. Green Climate Fund (*)	GCF					Project steering committee?
12. ADB-XXXX						
13. XXX-SNR						
D. GOVERNANCE						
14. Promoting Citizen Engagement in Democratic Development	PACT	2016- 2018	Project	4 Provinces	Pact, with local NGOs	
15. Implementation of Social Accountability Framework	EU	2015- 2018	Project (NGOs Execution)	5 Provinces	CARE	ISAF steering committee
16. Voice and Action: Social Accountability for Improved Service Delivery Project (ISAF Demand side)	World Bank	2015- 2018	WB Grant	10 provinces	World Vision and Save the Children	ISAF steering committee
17. Social Accountability (ISAF) M&E and learning and other assistance	Save the Children, ADB, UNICEF	2015- 2018	TA	National	Save the Children, TAF	ISAF steering committee
E. SNA MANAGEMENT SYSTEMS AND CAPACITY DEVELOPMENT						
18. Associations of Councils Enhanced Services (ACES)	EU, UNDP	2014- 2017	Project (IO Execution)	National	UNDP/ NALC	Project steering committee?
19. JICA?						
20. SNA capacity building for	UNICEF	2015-	TA, Direct	8 provinces	NCDD/MEF/	No steering

AREA /PROJECT TITLE	DEVELOPMENT PARTNER	TIME	SUPPORT MODALITY	SCOPE	EXECUTING AGENCY	GOVERNANCE
planning and budgeting with equity focus		2018	Cash Transfer		MOP/ UNICEF	committee
21. Various Gender related programs						
F. SUPPORT TO FUNCTIONAL TRANSFER						
22. Capacity Development Partnership Fund (CDPF) EU-Sweden-UNICEF-Focus on Phase I Functional Transfer of Three Education Functions	EU, UNICEF	2015-16	TA Direct Cash Transfer	National with focus on Battambang	MoEYS/UNICEF	
23. Technical support for MoSVY functional transfer	UNICEF	2016	TA, Direct Cash Transfer	National with focus on Battambang	MoSVY/NCDD S/UNICEF	No steering committee
24. WSP (Rural Sanitation)	WORLD BANK					
25. Rural Water ?						
G. SUPPORT TO SOCIAL SERVICE DELIVERY OR THE GENERAL MANDATE						
26. Various UNICEF interventions, including communications for social service delivery	UNICEF	2016-2018	TA, Direct Cash Transfer	5 provinces (KRT, RTK, MDK, SRP, BTB) and Phnom Penh	NCDDS/UNICEF	
27. Promoting equity-focused social service delivery through addressing reproductive health, violence against women and youth participation at SN levels	UNFPA	2016-2018	Project (earmarked)	2 provinces (Ratanakiri, Preah Vihear)	NCDDS, MoI, MoP	
28. Land Allocation for Social and Economic Development Project II (LASED II)		2016-2021	WB Credit	National and 5 Provinces	-EA: MEF -3 IAs : DGH-MLMUPC, NCDDS, GDA-MAFF	
29. Livelihood and Enhancement and Association of the Poor Project (LEAP)		2017-2023	WB Credit	-National, 1 Province, the capital	-EA: MEF -IA: MOI	
30. ADB: Community-Based Disaster Risk Reduction	ADB					
31. ADB/TS-PRSDP (Tonle Sap)						