Research Consultancy - Debt, Justice & Dispute Resolution in Myanmar

Mercy Corps

## September, 2020

About Mercy Corps

Mercy Corps is a leading global organization powered by the belief that a better world is possible. In disaster, in hardship, in more than 40 countries around the world, we partner to put bold solutions into action — helping people triumph over adversity and build stronger communities from within. Now, and for the future.

Mercy Corps began working in Myanmar in 2008 to help communities recover from the devastating damage of Cyclone Nargis. After the emergency phase of our work was complete, we shifted our focus to longer-term development - first in the Delta, then in other regions. Mercy Corps now works in five States and five Regions. Our overarching goal is to **help bring about sustained peace, stability and economic growth that includes all people**. To that end, we are helping farmers increase their productivity and incomes and improving the way agricultural markets work. We’re helping communities adapt to climate change while increasing access to life-enhancing household energy products. We’re improving the ability of local governments and civil society groups to resolve conflicts. And we're increasing the capacity of the public to meaningfully participate in decisions that affect their lives, as well as their access to effective and responsive services.

Mercy Corps Myanmar’s (MCM) vision is that **all communities in the country are able to determine their future through responsive governance, inclusive and equitable access to economic opportunity, climate change resilience, and equal rights, leading to peace and prosperity**. We believe that by addressing the root causes of fragility, peace and economic growth for all is possible and that our four interconnected objectives contribute to a higher level goal of increased ‘peace and prosperity’.

Mercy Corps is committed to accountability to our stakeholders — from the people and communities we serve to the donors, partners, governments, and team members who support our work. We have a responsibility to all of our stakeholders to use our resources to the best advantage and work in a respectful manner with our beneficiaries. We have a zero tolerance for violations to our Code of Ethics (e.g. Sexual Abuse of Beneficiaries and Community Members (PSEA), Anti-Trafficking Policy, Child Safeguarding Policy, Mercy Corps Ethics Complaint and Whistleblower Policy, Sexual Misconduct in the Workplace Policy and Harassment, Bullying, and Anti-Discrimination Policy and Fraud and Corruption).

Background

Research is an essential part of Mercy Corps’ work in the country, Leveraging Mercy Corps’ culture of learning and innovation, we see evidence-based research as way to 1) take us outside of our comfort zone and test the assumptions that underpin our current programs, but also as 2) an opportunity to look beyond and explore opportunities for innovative solution-oriented programs.

In Myanmar, Mercy Corps seeks to address both “horizontal” mistrust among and between different groups and communities (i.e. promoting social cohesion) as well as “vertical” mistrust between duty bearers and rights holders (i.e. promoting good governance principles based on inclusive and decentralized participation in decision-making). Since 2013, Mercy Corps (MC) has been implementing programs to strengthen the negotiation and dispute resolution skills of civil society leaders, religious leaders, and government officials in Myanmar. These programs apply a collaborative approach to negotiation and problem solving – referred to by MC as the interest-based negotiation (IBN) framework – to strengthen the capacities of participating leaders to communicate constructively across lines of division and effectively resolve disputes. The approach, dating back to MC’s 2004 merge with the Cambridge-based Conflict Management Group and adapted to Myanmar’s context, builds on MC’s global experience using IBN as a tool to support dispute resolution, collaborative problem solving, and joint project implementation.

Through more than six years of community-based dispute resolution programming and community engagement in Myanmar, Mercy Corps’ team has learnt that **indebtment** is not only a major stressor on vulnerable communities’ livelihood - with 85% of households in Yangon’s poorest neighbourhoods reportedly borrowing money from loan sharks to cover their basic living expenses for instance - but also represent one of the most frequent source of dispute that local leaders have to deal with in both urban and rural areas. As outlined in a **2016 policy brief from MyJustice**, while debt disputes emerged as the most common dispute people spoke of, they have been largely overlooked to date. They highlight the importance and challenge of equitable access to credit in a transitioning country like Myanmar, without which there are both justice and developmental consequences.[[1]](#footnote-1)

Mercy Corps is keen to shed light on the important **relationship of indebtment patterns, access to justice, and community-based dispute resolution mechanisms**, which is yet to be explored in depth in Myanmar.

Research Scope

In alignment with the above-described strategic objectives and in anticipation of the EU-funded MyJustice program’s new strategy, Mercy is looking to conduct a research project on the **relationship of indebtment patterns, access to justice, and community-based dispute resolution mechanisms in Myanmar.**

**Key research questions**:

While the the primary aim of this research will be to gather descriptive information about the indebtedness landscape in Myanmar (e.g., legal frameworks, actors involved, profiles of disputants and lenders, who is resolving these disputes and how), Mercy Corps will also be looking for theory building to understand some of these processes. While the research scope will be further refined in September 2020, the research would seek to answer these important questions:

1. **Legal framework**
	* What is the legal framework for accessing credit in Myanmar?
	* What are some of the gaps within the legal framework itself?
	* Are there disparities in its application and what are the main issues with its enforcement in practice?
	* Is the legal system allowing equitable access for all?
2. **Conflict typology**
	* What are the kinds of disputes around loans?
	* How are these conflicts feeding off or impacting horizontal mistrust (social cohesion) and vertical mistrust (state-society relations)?
	* Are these disputes interpersonal or do they rise to the level of being intercommunal or contributing to inter/intra-communal conflict?
	* How does indebtedness - and the disputes that result - impact social cohesion and/or community perceptions of/relations with authorities (and, conversing, whether and how dispute resolution of these issues helps mitigate these consequences)?
3. **Profile of lenders, borrowers and disputants:**
	* What is the profile of lenders, borrowers, why do they take loans, what are the challenges in returning loans?
4. **Dispute resolution:**
	* Are there informal and formal mechanisms?
	* Who are the actors (loan brokers, local administrators, police, lawyers, etc) who resolve debt issues?
	* How do the profiles or types of dispute influence whether and how it is resolved?
	* Who approaches dispute-resolvers?
	* What are the avenues for poor people?
	* How do informal settlements work?
5. **Gender and protection:**
	* How does gender influence these processes?
	* What key gender dynamics underlie debt-driven conflicts?
	* What are some of the main protection concerns, such as the link between debt settlement and human trafficking?

**Geographical scope:** The research will focus on one designated State and one Region, to be determined at the inception phase.

**Methodology:** The proposed research would be mostly qualitative and rely on empirical case studies - ideally with a comparative analysis.[[2]](#footnote-2)

 to compare areas with or without MFIs, migrant populations, etc. A detailed report (circa 50 pages, in both English and Myanmar) would formulate concrete and actionable recommendations for policy makers and practitioners.

## Description of the Assignment

Mercy Corps is looking to recruit both international and national consultants with experience in Myanmar to work for a period of up to 2 months (November - December 2020 - to be confirmed at inception phase) to take on the proposed research. Individual consultants may apply and may be matched by MC with other individuals to form a complete team.

The consultants will be responsible for the overall coordination of the research project in collaboration with Mercy Corps’ team in Myanmar and other key stakeholders (e.g. local CSOs). As such, the consultants are expected to:

* Lead the design and implementation of the research project as a whole, in close coordination with Mercy Corps team in Myanmar, as well as its global technical support teams.
* Lead the development, testing, and iterative adaptation of qualitative and quantitative data collection tools as per the agreed research scope and in alignment with best practices and industry’s standards.
* Conduct a thorough review of literature and secondary data collection on the **relationship of indebtment patterns, access to justice, and community-based dispute resolution mechanisms in Myanmar globally, and in Myanmar specifically.**
* Train the data collection team on the methodology, tools and basic analysis functions.
* Lead the design of the methodology and the establishment of a detailed workplan, and ensure the team can deliver on it.
* Review the data and lead the analysis of the collected data in coordination with Mercy Corps’ team to feed into a 50 pages final report to be made available in both English and Myanmar.

**Reports Directly To:** Senior Program Development & Quality Manager

**Works Directly With:** Director of Programs, Director of Strategy & Program Development, Peace & Conflict Program Manager, IBN Technical Team, Country MEL Manager, Project officers / enumerators, Technical Support Unit, and additional headquarters-based support departments as needed.

**Required Skills and Experience**

Mercy Corps seeks both international and Myanmar candidates with solid international development, data analysis and research experience, preferably with a complimentary focus and experience with dispute resolution and indeptbment patterns, as well as a solid legal background. Key requirements include:

* BSc or equivalent in international development, social science, business administration or other relevant fields.
* Demonstrable experience in international development, data analysis and research experience, preferably with a complimentary focus and experience with dispute resolution and indeptbment patterns, as well as a solid legal background.
* Capacity to organize and supervise the work of a team of researchers / enumerators.
* Experience with data analysis and reporting.
* Good English and Myanmar writing and communication skills, and the ability to present information logically and concisely.
* Ability to work as part of diverse teams and facilitate planning processes.
* Strong preference given to candidates with prior field experience and demonstrated understanding of the critical development issues in Rakhine State.

### **Application Process And Requirements**

Interested applicants should carefully note the minimum qualifications and submit the following;

* A brief research proposal (max 2 pages)
* CVs of the research team
* A Financial Proposal with a detailed breakdown of costs for the study quoted in United States dollars.
* Interested applicants need to request tender application form to mthazinoo@mercycorps.org and to submit the above documents together with filled tender form to tenders@mercycorps.org latest by COB on **24th September 2020**.
* Applications will be considered on a rolling basis.
1. <https://www.myjusticemyanmar.org/sites/default/files/PolicyBrief_Debt%20Disputes%20in%20Myanmar.pdf> [↑](#footnote-ref-1)
2. On the basis of a refined research scope and more narrowed set of research questions, comparative analyses could a) compare areas with and without legal frameworks; b) compare dispute resolution processes based on a different set of disputes, disputant profiles, or actors involved in the resolution; or c) compare areas with different levels of indebtedness (or different ways in which people get money, e.g. through MFIs vs. loan sharks vs. migrant remittances).. [↑](#footnote-ref-2)