

## Myanmar Humanitarian Fund

### Annex 3: Compliance Measures



**MHF** Myanmar Humanitarian Fund

Non-compliance scenarios	Risk for MHF	Non-compliance measures	Responsible	Remarks
1. Overdue financial reports (final financial report and annual fixed-date financial report)	<ul style="list-style-type: none"> <li>Lack of accountability vis-à-vis donors;</li> <li>Non-detection of potential problems</li> </ul>	<ul style="list-style-type: none"> <li>Partner informed in writing about report default through an official reminder. Partner has 30 days to take remedial action. Remedial action includes submission of overdue report or the commitment, in agreement with OCHA HFU, of a new date for report submission.</li> <li>If no remedial action is taken within 30 days, the partner is suspended from future funding in Myanmar. Suspension will be active until the overdue report(s) is(are) submitted and approved.</li> <li>If report is not submitted by the new date of submission agreed upon or within 60 days since the original submission date, the HC will communicate the suspension to the donor community in Myanmar. OCHA will consult the HC to consider further measures.</li> </ul>	MHF Manager	Initial suspension after 30 days will be notified by email to the concerned partner. Clusters/sectors and OCHA CBPF Section will be informed (to avoid approval of new projects from suspended partners). The suspension after 60 days will be officially confirmed by the HC to the AB, key stakeholders (clusters or sectors), and the donor community in Myanmar.
2. Overdue substantive reports	<ul style="list-style-type: none"> <li>Lack of accountability vis-à-vis donors;</li> <li>Non-detection of potential problems given the lack of reporting</li> </ul>	<ul style="list-style-type: none"> <li>Partner informed in writing about report default through an official reminder. Partner has 30 days to take remedial action. Remedial action includes submission of overdue report or the commitment, in agreement with OCHA HFU, of a new date for report submission.</li> <li>If no remedial action is taken within 30 days, the partner is suspended from future funding from the MHF. Suspension will be active until the overdue report(s) is(are) submitted and approved.</li> <li>If report is not submitted by the new date of submission agreed upon or within 60 days since the original submission date, the HC will communicate the suspension to the AB, stakeholders of the Fund and the donor community in-Myanmar. OCHA will consult the HC to consider further measures.</li> </ul>	MHF Manager	Initial suspension after 30 days will be notified by email to the concerned partner. Clusters/sectors and OCHA CBPF Section will be informed (to avoid approval of new projects from suspended partners). The suspension after 60 days confirmed will be officially by the HC to the AB, key stakeholders (clusters or sectors), and the donor community in Myanmar.

Non-compliance scenarios	Risk for MHF	Non-compliance measures	Responsible	Remarks
<b>3. Critical audit findings/qualified audit opinion especially on lack of critical internal controls, serious weaknesses in internal controls, lack of bank reconciliation; lack of double-entry accounting system; lack of supporting documents</b>	<ul style="list-style-type: none"> <li>• Fraud</li> <li>• Misuse of funds</li> <li>• Loss of funds</li> </ul>	<ul style="list-style-type: none"> <li>• When final audit is issued the partner has 30 days to agree with OCHA on the plan of actions to address critical audit findings. A specific timeline should also be agreed. If the partner does not agree with OCHA on the plan of action within 30 days the partner will be suspended from future funding in Myanmar.</li> <li>• If planned actions are not implemented within the agreed timeframe, the partner will be suspended from future funding from the MHF. The suspension will be active until the agreed actions are taken and reported back to OCHA.</li> <li>• The partner can, in exceptional circumstances, renegotiate the plan of actions before deadlines expiration.</li> <li>• If actions are not taken within 60 days from the suspension, HC will officially communicate the suspension to the AB, stakeholders of the Fund and the donor community in Myanmar. OCHA will consult the HC to consider further measures.</li> </ul>	MHF Manager	<p>OCHA will request the partner to submit documentation proving that the actions agreed to address audit findings have been taken. OCHA will conduct verification of these actions through future audits, financial spot-checks and monitoring visits to the partner. False declarations and statements will cause immediate exclusion from eligibility to the MHF for 12 months. Initial suspension will be notified by email to the concerned partner. Clusters/sectors and OCHA CBPF section will be informed (to avoid approval of new projects from suspended partners). When no actions are taken or agreed upon 60 days after the initial suspension the HC will officially inform the AB, key stakeholders (cluster or sector), and the donor community in Myanmar.</p>

Non-compliance scenarios	Risk for MHF	Non-compliance measures	Responsible	Remarks
4. No refund of unspent and/or ineligible funds	<ul style="list-style-type: none"> <li>Loss of funds</li> <li>Lack of accountability vis-à-vis donors</li> </ul>	<ul style="list-style-type: none"> <li>Once the amount to be refunded is confirmed by the final audit/final financial statement, the partner is notified in writing about the need of refunding.</li> <li>If refunding is not processed within 30 days from the date when the written communication was sent, the partner is suspended from future funding from the MHF. Suspension will be active until the refunding is received.</li> <li>If refunding is not processed within 60 days from the partner suspension, the partner will become ineligible to the fund; all payments of other ongoing projects will be suspended. The suspension will be active until the refunding is received. The HC will officially communicate the suspension to the AB, stakeholders of the Fund and the donor community in Myanmar. OCHA will consult the HC to consider further measures.</li> </ul>	MHF Manager	Final audit/ final financial statement determines the amount for refunding. It will be essential to ensure proper follow up during the audit process to anticipate any disagreements between OCHA and the partner. In the GMS, the audit process should be mapped and followed (draft audit report included). Initial suspension will be communicated to key stakeholders. If no refunding is processed after 60 days from suspension the HC will officially confirm the non-eligible status of the partner to the AB, stakeholders of the Fund and the donor community in-Myanmar the AB, key stakeholders (cluster or sector), and the donor community in Myanmar.

Non-compliance scenarios	Risk for MHF	Non-compliance measures	Responsible	Remarks
5. Critical findings from monitoring and financial spot-checks	<ul style="list-style-type: none"> <li>• Fraud</li> <li>• Misuse of funds</li> <li>• Loss of funds</li> </ul>	<ul style="list-style-type: none"> <li>• If no remedial action is taken by the partner to address critical findings, OCHA will inform partner in writing of the need to address findings.</li> <li>• If no remedial action is taken within 30 days since communication was sent without accepted justification, the partner is suspended from future funding from the MHF. Suspension will be active until the agreed actions are taken - If remedial actions (including communication to OCHA about the actions being planned) are not taken within 60 days of partner suspension, the HC will communicate the suspension to the AB, stakeholders of the Fund and the</li> </ul>	MHF Manager	Partner will be informed in writing of critical findings from monitoring and financial spot-checks. Such findings will be included in reporting requirements. Partner will be asked to report on the implementation of critical recommendations, which will also be verified by follow-on monitoring and financial spot-checks.
6. Partner beneficiary of funding potentially involved in fraudulent, corrupt etc. practices	<ul style="list-style-type: none"> <li>• Reputation risk</li> <li>• Misuse of funds</li> <li>• Loss of funds</li> <li>• Lack of accountability vis-à-vis donors, leading to donor distrust and decrease in contribution amount</li> </ul>	<ul style="list-style-type: none"> <li>• Partner is fully responsible for services provided by its employees; therefore, shall promptly inform OCHA in writing of circumstances jeopardizing completion or accomplishment of Project objectives including fraud, diversion or misappropriation of funds.</li> <li>• If OCHA CO is informed (either by partner or other source) of any circumstances involving allegations of fraud, diversion or misappropriation, OCHA CO should inform OCHA CBPF section immediately.</li> <li>• CBPF section and the CO will subsequently discuss how to proceed based on the available findings and CBPF section's standard operating procedures. - Measures may include the decision by the HC to suspend the project funding.</li> </ul>	Partner MHF Manager OCHA HoO CBPF Section HC	Corrective measure, to be communicated via the HC to the humanitarian and donor community in Myanmar and to the partner subject to the measure.