

**TERMS OF REFERENCE FOR A SERVICE PROVIDER
TO IMPLEMENT A MULTI-DONOR CONFLICT SENSITIVITY PROGRAMME**

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INTRODUCTION

1. Following the outbreak of conflict in December 2013, G6+¹ donors decided that it was important not to continue with a “business as usual” approach in providing aid assistance in South Sudan. Whilst cognisant of the fact that the responsibility for the fundamental conditions for a more peaceful and stable country falls on South Sudan’s leaders, donors also resolved that their operations in South Sudan be conducted in a conflict sensitive manner and, where feasible, contribute towards sustainable peace.
2. In committing to avoid “doing business as usual” (which means taking conflict sensitive considerations in designing, implementing, monitoring and evaluating interventions) certain donors, namely, the United Kingdom, the United States, Germany, Switzerland and Canada (hereafter, collectively referred to as the Donors) agreed to develop a “shared resource” through a Conflict Sensitivity Programme (CSP) that will be implemented through a Conflict Sensitivity Resource Facility (CSRF) in South Sudan from 2016-2018. The purpose of the CSRF is to establish, monitor and disseminate conflict sensitive practices among donors and implementing partners.
3. Donors in South Sudan understand conflict sensitivity as a systematic deliberate approach to applying the political economy of conflict in interventions. This is realised through understanding the context; understanding how interventions interact with conflict dynamics and how they seek to address causes and/or dynamics of conflict; avoiding negative impacts of interventions and looking for delivery options and opportunities to maximise positive impacts on conflict dynamics; and monitoring impact and learning from experience.
4. CSP will also have the Conflict Sensitivity Forum (hereafter referred to as the Forum)², which is a policy and influencing body for providing common basis for consistent strategic parameters for conflict sensitivity. The Forum will adopt common approaches to conflict sensitivity, advocate for conflict sensitivity in interventions and programming, and promote and generate demand for the CSRF services. Donor representations at the Forum will comprise the Heads of development agencies in South Sudan, or their designates. The relationship between CSRF and the Forum is one of collaboration, but not accountability.
5. This project is jointly supported by DFID, USAID³, Germany/GIZ, Canada and Switzerland, where DFID is leading the contract and Crown Agents Bank administering the funds.

¹ G6+ - an informal group of donors who are active in South Sudan. The group was established to enhance donor policy and coordination in South Sudan. It includes the US, EU, World Bank, IMF, Norway, Canada, Netherlands, Germany, Japan, UK, Denmark and Sweden.

² It is envisaged that the Forum will comprise DFID, USAID, Germany, Switzerland, Canada, Netherlands, Denmark, Norway, Sweden, Japan, UNDP, UNOCHA, ECHO, World Bank and IMF.

³ USAID funding will depend on availability of funds in 2016.

OBJECTIVE

6. The objective of the CSP is to provide services to Donors that enable them to embed conflict sensitivity in programming so that they do no harm; that is, do not exacerbate existing or potential conflicts — and, where possible, contribute to social cohesion, peace building and/or reconciliation. These services will be provided on the basis of the individual Donor demand, as participation in the CSP is not mandatory for Donors or their implementing partners. **The programme is a two-year pilot, after which the programme will be reviewed and, participating donors will decide on next steps for a possible three year extension for a total length of program of up to five years.**

7. Results for both the Forum and CSRF.

The proposed **Impact** is:

Effective development and humanitarian assistance provided to South Sudan

The expected **Outcome** is:

Aid programmes are conflict sensitive and support peace and do not exacerbate existing tensions and divisions.

The outcome is expected to be achieved through the following outputs:

Output 1: Donors continuously engaged on conflict sensitivity of programming in South Sudan;

Output 2: Donors' and their implementing partners' joint understanding of the operational context informed by conflict analysis;

Output 3: Quality support and expertise provided by the CSRF to donors and their respective implementing partners; and

Output 4: Repository of available collective lessons on conflict sensitive programming created.

8. The CSRF will need to be technically robust, with a strong evidence base, drawing on regional and international best practice, as appropriate, to ensure the delivery of credible results for South Sudan. This includes effective use of political economy analysis to understand political/cultural sensitivities. The CSRF will also need to be flexible, adaptive and durable in view of the unpredictability of the operating environment, with robust risk identification and mitigation to avoid political and reputational risks to donors who use or participate in the programme. The programme will further need to have a robust engagement and communications strategy in addition to a monitoring and evaluation strategy and accompanying results framework. Finally, CSRF is envisaged to provide good value for money in

terms of economy, efficiency and effectiveness without being too heavily bureaucratic.

9. CSRF will be headed by a Director for the programme (represented by the Service Provider as Team Leader in their bid). The Director will provide assurance that CSRF services are aligned to the expectations of the Management Committee (MC)⁴, manage risks coming from the CSRF service delivery, assess CSRF weaknesses, ensure regular reporting of CSRF to the MC and provide strategic direction on operations and manage technical/thematic experts. The Director will be responsible for CSRF performance management and demonstration of value for money to the Donors who are funding the CSP. The Director will be supported by technical experts and administrative team provided by the Service Provider (SP), constituted as part of the bid submitted during the tendering process, in providing CSRF services.

THE RECIPIENT

10. The primary recipients of this Programme are the Donors funding this Programme which include DFID (Lead Donor), USAID, Germany/GIZ, Canada and Switzerland (referred to as Co-Donors and collectively, along with DFID, referred to as Donors); other interested donors (such as EU, Norway, Sweden, Japan, and the Netherlands) and their respective implementing partners. Key non-bilateral organisations envisaged to be recipients of this Programme include United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), European Commission Humanitarian Office (ECHO), World Bank and United Nations Development Programme (UNDP) and their respective implementing partners. Secondary recipients are NGOs, civil society, local institutions and relevant South Sudanese at national and local levels.

SCOPE

11. DFID/South Sudan, as the Lead Donor of the Programme, is seeking an SP to manage the implementation of the CSRF over a two year pilot. It will involve working with various bilateral donors and their implementing partners, UN agencies, NGOs and civil society organisations, relevant South Sudanese stakeholders, and South Sudanese women and girls.

REQUIREMENT

12. The CSRF is envisaged to deliver a range of services including the following:

- a) **Guidance and Standards**

⁴ The Management Committee will consist of the funding donors' representatives that will provide high-level strategic engagement and oversight, recommend CSRF priorities, and promote agreement on conflict sensitive programming and the promotion of CSRF. DfID will retain final programme management responsibilities vis-à-vis the SP and legal responsibility for the Programme.

- **Shared common guidelines on conflict sensitivity:** Development and adapting of recommended common principles, strategies, standards, and accountability measures for conflict sensitive engagements in South Sudan consistent with best practice on conflict sensitive engagement in fragile states; adaptation of these principles to the operational realities and contextual challenges posed by South Sudan and to the operational differences in how different donors work; providing feedback from meaningful dialogue with relevant South Sudanese stakeholders and partners to the Forum and donor partners as and when appropriate; and 'critical review' and drafting advice for donors in South Sudan who wish to take advantage of the programme and to their implementing partners (which, as appropriate, may include review of donor or implementing partner documentation with a conflict sensitive lens).

b) Research and analysis

- **Advice on conflict sensitivity:** The CSRF will advise donors of global best practice on conflict sensitivity. It will also look at existing analysis and recommendations for South Sudan and use this as the basis of future research that directly facilitates conflict sensitivity and complements work of other organisations conducting research on South Sudan conflict-related issues. On a case by case basis, analyses, where appropriate, will be widely disseminated.

c) Capacity building

- **Capacity assessments and development:** The CSRF will provide organisational capacity assessment tools for conflict sensitivity and assist donors and partners with self-assessments and defining possible actions to improve their capacity to design and implement conflict-sensitivity in their assistance. The CSRF will also train donors and their implementing partners in conflict sensitivity and offer follow up technical assistance to apply training to specific programmes.

d) Lessons and dialogue

- **Delivering learning and collecting lessons on conflict sensitive engagement:** The CSRF will promote a culture of learning and open space for critical reflection among agencies and partners on conflict sensitivity in South Sudan. It will serve as a repository for resource documents and tools related to conflict sensitivity and conflict analyses related to South Sudan.

- **Convening** strategic discussions on conflict sensitivity.
13. The SP will need to demonstrate competence and prior relevant experience across all of the services identified in paragraph 8 and how the SP operationally proposes to deliver these same services.
 14. The SP is expected to have an established expertise in conflict-sensitivity, knowledge of South Sudan and experience implementing humanitarian and/or development programmes. The SP will be expected to establish and maintain appropriate business standards, procedures and controls ('Ethical Walls') to ensure that no Conflict of Interest (CoI) arises in relation to services undertaken for DFID and the contributing donors and services undertaken for other clients that may also include the above mentioned donors, and that strict confidentiality is maintained when the SP reviews internal or proprietary documents of donors and implementing partners.
 15. The SP is expected to be driven by relations based on support and learning between the participants rather than commercial considerations and therefore needs to manage risks effectively throughout CSRF's operations.

SPECIAL REQUIREMENTS

16. Other specific requirements for the SP include the following:
 - a) **Engagement and communications strategy:** The strategy will be developed a clearly defined by the SP during the start-up phase of the CSP. This includes building a network of which may include relevant South Sudanese partners, UN programmes, the World Bank, NGOs and civil society in the country. Given the political sensitivities in the current situation, envisaged relationships will have to be carefully considered.
 - b) **Financial Management:** All funds will be managed by the SP. No funds will be channelled through government systems.
 - c) **Risk Management:** The SP will review and maintain a risk matrix. A high risk and unpredictable operating environment is likely to persist for the full duration of this intervention; therefore adaptability and effective risk identification, mitigation and management will need to be demonstrated and practiced during implementation. Risk management should also feature as part of monitoring and evaluation; as well as demonstrate how they will monitor Co I throughout their operations. Risk management will be a discussed on a quarterly basis by the SP and Donors due to the need to adapt to the changing contexts of operations.
 - d) **Procurement:** The SP will develop a Procurement Plan in line with EU procurement guidelines, based on best practice and principles of transparency and value for money.

- e) **Asset Management:** The SP will manage how assets are procured by the CSRF. This includes maintaining an asset register, ensuring third party responsibilities are clear, considering whole life costs as part of ensuring cost effectiveness and value for money. Disposal of the assets at the end of the programme will be agreed by the funding donors.
- f) **Demonstrating value for money:** The SP will need to demonstrate and report on efficiencies and competitiveness in relation to staff salaries and associated costs, indirect overhead costs.
- g) **Implementation Plan:** The SP will develop an Implementation Plan for the Inception and Implementation phases giving clear deadlines for the deliverables in this paragraph as well as the following points:
 - (i) Building a profile and client base for the CSRF;
 - (ii) Articulating ways of working
 - (iii) Setting up the office, procuring assets
 - (iv) Developing a mission statement and implementation workplan.

The implementation workplan will be regularly reviewed by the MC and should be considered a work in progress by the SP.

- h) **Monitoring and Evaluation:** The SP will develop an outline of a Monitoring and Evaluation Strategy. This will include proposals for baselines studies to be conducted during the pilot phase to ensure the design can be evaluated or rigorously assessed.
- i) **Sustainability through participation from local organisations and actors:** The SP will develop sustainability approaches including capacity building for donor agencies and their implementing partners, cross-donor buy-in and ownership. The SP will consider how the CSRF should effectively engage local voices and actors in South Sudan and also how national expertise can be effectively integrated into the operations of CSRF. The SP will need to demonstrate how risks to public engagement in the current politically sensitive environment will be assessed. The SP will need to demonstrate the effectiveness of the initiatives under the CSRF and how they will report on progress against effectiveness of activities implemented through the programme.
- j) **Ensuring flexibility, adaptability and durability:** The SP will proactively propose measures to ensure the CSRF is fit for purpose and sufficiently flexible to manage various supply and demand requirements from participating Donors and their implementing partners. The SP will need to be flexible to adapt to any potential scale up of programme activities at the early stage as well as the associated costs (financial and/or capacity capability). The CSRF

will also need to be sufficiently resilient to continue to be relevant and effectively respond to sudden changes in the operating environment, including the worst case scenario where Donors' organisations and implementing partners and SP are evacuated from South Sudan. Systems for providing virtual support should also be considered; in this regard the SP will need to demonstrate effective and lean utilisation of staff resources.

SKILLS AND EXPERIENCE

17. The quality of technical specialists should be a key consideration in delivery of the programme objectives. The SP will possess:

- a. Expertise in conflict sensitivity programming and capacity building, context and governance analysis, conflict early warning and early response, M&E (research, monitoring activities and lesson learning), gender and social inclusion, rule of law programming, peace building and nation building programming.
- b. Knowledge of South Sudan and donor engagements in South Sudan
- c. Experience in implementing humanitarian, recovery and/or development programmes in conflict-affected environments;
- d. Ability to operate at all levels of programme management and oversight and to engage in policy and strategic discussions on humanitarian, recovery, and development interventions;
- e. At least seven years' experience working on multi-sectorial programme oversight and management in Fragile and Conflict Affected States (FCAS);
- f. Planning, organisational and presentational skills including oral and written communications skills and an ability to report succinctly and on time;
- g. Demonstrable knowledge and experience of procurement in line with EU procurement guidelines.

18. Possession of the following would be a distinct advantage:

- a. Experience of working with NGOs, civil society organisations, local institutions and authorities and engaging with beneficiary groups;
- b. Demonstrated efficiency of leading work or working with other organisations.
- c. Experience conducting research and/or implementing assistance in South Sudan
- d. Demonstrated effectiveness in assisting donors to apply conflict sensitivity to complex programs in highly conflict-affected contexts.

19. The SP is expected to set up systems that manage/firewall Col and potential Col its consortium partners may have in relation to any bilateral programmes that they are implementing or may bid on while involved in the CSRF's work.

BRITISH EMBASSY JUBA CO-ORDINATION

20. DFID South Sudan's Conflict Adviser and Governance and Peacebuilding Team Leader (DFID) will provide the technical and management lead. The Conflict Adviser and/or Team Leader will sit at the MC. DFID Programme Manager will maintain overall responsibility for ensuring effective contract management of the SP in response to these ToRs and for supporting the SP as appropriate throughout the assignment.

GOVERNANCE ARRANGEMENTS

21. The management arrangement for the CSP will comprise the Conflict-Sensitivity Forum (referred here as the Forum) and the Management Committee (referred here as the MC). The MC will comprise the funding Donors representatives. The CSRF Director will attend the MC meetings.

22. The Forum is a policy and influencing body for providing common basis for conflict sensitive programming. Representations at the Forum will comprise development leads or designates from development agencies. Its purpose is to ensure that development and humanitarian programmes in South Sudan are conflict sensitive, do no harm, and support South Sudanese people's endeavours towards an inclusive and durable peace. The role of the Forum comprises advocating for conflict sensitivity in programming.

23. The MC will provide high-level strategic engagement and oversight, recommend CSRF priorities, and promote agreement on conflict sensitive programming within their agencies and programmes. The MC will identify priority programmes to be supported and assess regularly CSRF performance and direction. This Committee will meet every two months during the 2 year pilot phase. Members' agencies will also sit in the Forum.

24. DFID South Sudan (hereafter referred to as DFIDSS) in consultations with the other contributing donors (together known as the MC) will approve the deliverables and also be satisfied with the performance of the SP under the terms specified under these ToRs.

25. DFID and the SP will agree Key Performance Indicators (KPIs) in order to manage the SP performance. It is expected that the successful SP will be able to align to and report against all or some of the following KPIs:

INDICATOR 1 - QUALITY & DELIVERY	1a) Quality of deliverables and alignment of project outputs to project need
	1b) Timeliness of milestone delivery
	1c) Quality and timeliness of reporting (including financial reporting)
	1d) Appropriate and effective identification and management of risks
INDICATOR 2 - FINANCIAL MANAGEMENT & FORECASTING	2a) Robust cost control in line with contract
	2b) Accurate and timely submission of forecasting and invoices
INDICATOR 3 - PERSONNEL	3a) Performance of team leader (including managing staffing levels, staff performance and sub contractors)
	3b) Performance of team and appropriate level of expertise / skill level of personnel allocated to project
	3c) Key resources proposed at contract award still appropriately allocated to project or have been replaced by an acceptable equivalent
	3d) Ability to problem solve and address issues with appropriate escalation channels
INDICATOR 4 - CLIENT RELATIONSHIP MANAGEMENT	4a) Extent to which supplier is responsive and flexible to client and stakeholder needs and seeks to align with DFID priorities
	4b) Regularity of communication with DFID and delivery of agreed action points
	4c) Project Team provide a courteous, client-centred and professional service and demonstrates willingness to improve partnership with DFID and project stakeholders
INDICATOR 5 - CONTINUOUS IMPROVEMENT & INNOVATION	5a) Provider has sought to improve on the last reporting period's performance
	5b) Supplier proactively promotes innovation in programme
	5c) Ability to maximise value for money for DFID including flexibility to scale up or down quickly as appropriate
	5d) Actively capturing and sharing lessons learnt
INDICATOR 6 - CORPORATE SOCIAL RESPONSIBILITY	6a) Supplier proactively implementing its environmental / corporate social responsibility policy at programme level in order to minimise its impact on the environment
	6b) Supplier actively seeking opportunities to employ local contractors and/or utilise SMEs used within the supply chain to deliver the programme

26. It is expected that further KPIs will be developed by the successful SP and DFID through the Inception phase which are aligned to programme performance.

27. If agreement on the deliverables cannot be reached, DFIDSS, in consultations with other participating Co-Donors (through the Management Committee), reserves the right to terminate the contract (in line with our Terms and Conditions).

DUTY OF CARE

28. As part of its Duty of Care Policy, DFIDSS has assessed the country and project risks in order to allow the SP to take reasonable steps to mitigate those risks during the duration of the contract. Below is the key for attributing overall scoring.

29. A matrix showing the latest risk scores for South Sudan as at September 2015 is set out below. These continue to remain valid at the time of these ToRs development:

Project: Conflict Sensitivity Programme

Country: South Sudan

Date of Assessment: July 2016

Theme	DFID Risk score: Juba	DFID Risk score: Other Parts of South Sudan
FCO travel advice ⁵	5	4

1 Very Low risk	2 Low risk	3 Med risk	4 High risk	5 Very High risk
Low		Medium	High Risk	
Host nation travel advice		Not available	Not available	
Transportation		3	4	
Security		5	4	
Civil unrest		5	4	
Espionage		3	3	
Violence/crime		4	4	
Terrorism		2	2	
War		4	4	
Hurricane		0	0	
Earthquake		2	2	
Flood		1	3 ⁶	
Medical Services		3	4	
Nature of Project/ Intervention		3	3	
OVERALL RATING		4	4	

South Sudan has been assessed as '4', which is high risk. Travellers and Suppliers should consult the FCO travel advice and DFID South Sudan for latest identification of high risk areas before travel to South Sudan. Any contingency costs in relation to the operating environment and therefore applicable to the operating cost must be transparent.

30. The SP will be responsible for their safety and well-being whilst they are in South Sudan (as defined in the Contract Terms of the Contract) and for Third Parties affected by their activities under this Contract, including

⁶ Flooding does occur during the rainy season between August and November in the North and North-Eastern States of Warrap, Lakes, Unity, Jonglei and Upper Nile.

having appropriate security arrangements in place. Acceptance of responsibility must be supported with a written presentation demonstrating evidence of rigorous risk assessment measures (no more than 2 A4 pages) and DFID reserves the right to clarify any aspect of this evidence. In providing this evidence the SP should consider the following questions:

- Have you completed an initial assessment of potential risks that demonstrates your knowledge and understanding, and are you satisfied that you understand the risk management implications (not solely relying on information provided by DFID)?
- Have you prepared an outline plan that you consider appropriate to manage these risks at this stage (or will you do so if you are awarded the contract) and are you confident/comfortable that you can implement this effectively?
- Have you an appropriate mechanism in place to monitor risk on a live/on-going basis (or will you put one in place if you are awarded the contract)?
- Have you appropriate systems in place to manage an emergency/incident if one arises?

31. The SP will also be responsible for providing their own suitable security arrangements for their domestic and business property in-country and for ensuring appropriate on-going safety and security whilst in-country. Up to date travel advice is available from the Foreign and Commonwealth Office (FCO) website for South Sudan⁷.

32. Travel to many zones in South Sudan is subject to daily travel clearance from the UN office in advance. DFID also will share where available, information with the SP on the security status and developments in-country where appropriate. The SP must ensure that they receive the required level of training and/or experience on safety in the field prior to deployment to South Sudan.

33. The country also sits in a seismically active zone, and is considered vulnerable to minor tremors from earthquakes. These are unpredictable and can potentially result in devastation due to the fact that most buildings have been poorly constructed. There are several websites focusing on earthquakes to which the SP can refer, including the Seismic Hazard Maps of the Worlds Website⁸.

34. The SP should be comfortable working in all such environments described above and must be capable of deploying to any areas required within the country in order to deliver on the terms of reference for the Contract.

BACKGROUND

⁷ http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/sub-saharan-africa/south_sudan

⁸ <http://geology.about.com/library/bl/maps/blworldindex.htm>

35. South Sudan ranks first in the Fragile States Index (2014)⁹ replacing Somalia, mainly due to increasing concerns about the fractious nature of its political leadership which has resulted in mass killings and growing tribal tensions. The country has been locked in a cycle of violent conflict for the past two decades, severely impeding socio-economic development, which remain at a very low base, despite a nominally high income derived from oil.¹⁰
36. The overall context has significantly worsened by the outbreak of major conflict in December 2013 and subsequent on-going fighting between Government and Opposition forces (the most recent in July 2016) for key strategic locations. After a prolonged IGAD negotiated process, Government and Opposition have reached a negotiated political settlement, a year and half from the onset of conflict. The implementation of the settlement is highly vulnerable to political and leadership changes. The cessation of hostilities is not all-encompassing, tensions remain high and a return to increased violence remains probable. Long standing political, tribal, social and economic conflict drivers have also weakened community cohesion and traditional systems of authority. The majority of the population is traumatised by persistent conflict (of varying degrees) and have limited skills and scope to resolve grievances. Women and children are extremely vulnerable in this context and most severely affected.¹¹ Sexual and Gender Based Violence is on the increase, with limited protection and access to justice for victims, in view of nascent security and justice institutions. South Sudan has a largely young population (60% under the age of 18) and youth have been politicised towards violence or disenfranchised with limited access to skills and employment.
37. The demand for humanitarian assistance is both significant and unsustainable. The mid-year (June 2015) review of the 2015 humanitarian response plan indicates that the US\$1.63 billion humanitarian appeal is only 40% funded, with the US, UK and EU accounting for 40% of the funds raised. However, following the high level conference in Geneva on 16 June 2015, Over US\$275 million were pledged (which bring the total funding commitment for humanitarian appeal to 57%), with the top three donors being the US, the UK, and the EU. There has been limited progress with the commitments that the Government made in Oslo. At the same time, the scale of needs (especially in view of concurrent crises in Gaza, Syria, Iraq and CAR) is overstressing the capacity of the humanitarian community. In 2014 the UK humanitarian commitment to South Sudan was £132m, making it the second largest bilateral donor, in addition to £42.5m to support South Sudanese refugees at the regional level. The ability to do harm through humanitarian and development aid is increasingly recognised in South Sudan.

⁹ The Fragile States Index (FSI) is compiled by the US based Fund for Peace. South Sudan first entered the FSI in 2012, ranking fourth. It retained this rank in 2013, though with worsening scores. It is now the fourth country of ever top the FSI, ending Somalia's six-year run.

¹⁰ Fragility Assessment, Republic of South Sudan 2014

¹¹ In UNMISS PoC sites approximately 80% of IDP's are women and children

38. With this current trajectory, conflict drivers are likely to remain strong. Recent Overseas Security and Justice Assessments have concluded that South Sudan is likely to remain conflict prone for the foreseeable future, whilst root causes, such as access to security and justice, remain unaddressed. Evidence indicates that coping mechanisms and systems to ensure oversight and accountability, particularly political and institutional leadership, are becoming progressively weaker and less effective. **It is therefore imperative that donors invest more in increasing their understanding of the context and complex conflict dynamics in order to navigate such challenges and ensure a more effective engagement which delivers sustainable results for the poor and vulnerable.**
39. The commitment of donors to a greater investment in programme effectiveness and peace effectiveness is demonstrated through the establishment of the CSP.