Terms of Reference

**Legal Support to the Ministry of Environment and Natural Resource Protection (MoENRP) of Georgia in the process of setting up institutional structures for accessing the Green Climate Fund**

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| **Program title:**  | Green Climate Fund (GCF) Readiness and Preparatory Support in Georgia |
| **Program No:** | 2012.9769.6-212.00 |
| **Objective of the support:** | * To assist MoENRP in its capacity as Georgia’s NDA with legal expertise in setting up institutional structures and procedures for in-country coordination and structured dialogue on project prioritization and development
* Provide legal advice to MoENRP over the implementation phase of GCF readiness activities
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| **Duration of assignment:** | 15.06.2017 – 30.09.2017 |

# Background

The Green Climate Fund (GCF) is the main operating entity of the financial mechanism of the United Nation Framework Convention on Climate Change (UNFCCC). The GCF was launched out of the UNFCCC process in 2011 and through its initial resource mobilisation efforts the Fund so far has received contributions of more than USD 10 billion – making it the largest dedicated multilateral climate fund. Its objective is to promote the paradigm shift towards low-emission and climate resilient development pathways by providing support to developing countries to limit or reduce their greenhouse gas emissions and adapt to the impacts of climate change. Through the adoption of the Fund’s Initial Strategic Plan, the Board linked this objective closely to the implementation of the Paris Agreement – the most recent and comprehensive international treaty governing the global response to the threat of climate change. At its core the Agreement aims at holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C. More than 137 countries have already ratified the Paris Agreement and through the ratification registered their Nationally Determined Contributions which capture the actions that countries aim to implement under the Agreement. As such, NDCs are the key instrument for delivery under the Agreement and implementing current as well as gradually increasing the ambition of subsequent NDCs will be instrumental for achieving its temperature limits. Country driven processes that will catalyse the envisaged paradigm shift across all sectors of the economy play an important role in this regard and the GCF has put country ownership at the core of its funding model – inter alia by providing readiness and preparatory support to National Designated Authorities (NDAs) for setting up institutional structures for in-country coordination and dialogue on project development and prioritization.

The Ministry of Environment and Natural Resources Protection (MoENRP) in Georgia in its capacity as the National Designated Authority (NDA) to the GCF has developed a targeted programme of activities on enhancing in-country coordination, strategic dialogue and concept note development. Support for these activities has been granted under the GCF Readiness and Preparatory Programme and MOENRP has nominated GIZ to serve as delivery partner.

# Readiness Activities

The MOENRP seeks to achieve the following outputs with the readiness activities:

1. A coordination mechanism for climate finance has been established
2. A no-objection procedure is established that includes the consultation with other ministries / stakeholders in the process
3. A Technical Secretariat within the NDA is established and has a clear understanding and description of its role
4. A knowledge management system is in place
5. A Structured Dialogue between the NDA/Ministries and Accredited Entities is in place
6. Accredited Entities fully understand country priorities and contribute to development of project/programme proposal according to those priorities
7. Knowledge Management products, such as information brochures help to raise awareness on the GCF and provide relevant information
8. Key ministries, private sector, academia, nongovernmental sector and other relevant stakeholders have identified their role in developing funding proposals to be submitted to GCF according to Georgia’s priorities.
9. A Country Programme provides guidance to the NDA and the sectoral ministries on programme priorities and access modalities to the GCF (Evidence: Country Programme).

The scope of work under these Terms of Reference is limited to items 1) – 4) of the above list

# Main Tasks

1. **Write-up of the climate finance coordination mechanism**

**Background:** The Green Climate Fund (GCF) supports projects and programmes that address a wide variety of sectors reaching from renewable energy and energy efficiency to sustainable forest management and increasing resilience to the adverse effects of climate change. The climate finance coordination mechanism should enable inter-ministerial consultation on proposal prioritization and development as well as consideration of funding proposals submitted by Accredited Entities (AEs).

The coordination mechanism will be hosted and managed by the Ministry of Environment and Natural Resource Protection of Georgia in its capacity as the National Designated Authority to the GCF. The NDA aims to write-up an operational manual for the coordination mechanism that allows it to be formally endorsed by government approval. It is expected that the coordination mechanism will meet at least twice until June 2018.

**Deliverables by the consultancy provider:** In coordination and consultation with MOENRP:

* Conduct an analysis of the structure, institutional setting and functions of existing inter-ministerial coordination mechanisms in Georgia, e.g. the LEDS coordination mechanism.
* Develop structure of the coordination mechanism including potential stakeholders and their roles (public sector, private sector, experts, academia)
* Analyzing the feasibility for basing the coordination mechanism on existing governmental structures (e.g. by amending the functions and institutional setting of these mechanisms)
* Based on international best-practices and in line GCF policies and procedures, write-up the mandate and functions of the climate finance coordination mechanism
* Based on international best-practices, and in-line with GCF policies and procedures, write-up the rules of procedure for the climate finance coordination mechanism, including the conduct and frequency of meetings as well as decision making procedures, including procedures for making decisions in-between meetings.
* Based on GCF guidelines, write-up how the climate finance coordination mechanism will apply the GCF no-objection procedure
* Identify resources and capacities required for managing and maintaining the coordination mechanism
* Write-up procedures how the climate finance coordination mechanism can draw on expert advise (e.g. through an advisory board composed of national experts and academia)
* Write-up procedures how civil society, private sector and other national stakeholders can provide input and advise to the climate finance coordination mechanism (e.g. through seats on an advisory board or similar institutional structures)
1. **Write-up of the no-objection procedure**

**Background:** In order to receive funding from the GCF, all project proposals submitted to the Fund need to receive the official no-objection that has to be submitted in writing by the National Designated Authority (NDA) to the GCF.

In Georgia the no-objection procedure has been applied in the interim, but the process has not yet been formalized and documented.

The no-objection procedure will be embedded in the climate finance coordination mechanism (see task a. above).

**Deliverables by the consultancy provider:** In coordination and consultation with MOENRP:

* In line with GCF policies and guidelines write-up the no-objection procedure and associated roles and responsibilities in a formal document that will be endorsed as the agreed no-objection procedure for Georgia.
1. **Write-up of the Technical Secretariat**

**Background:** The Technical Secretariat will be the structure in the NDA that manages the operation of the coordination mechanism as well as the application of the no-objection procedure. The Technical Secretariat will be housed in the Ministry of Environment and Natural Resources Protection (MoENRP) in its capacity as the National Designated Authority to the GCF.

**Deliverables by the consultancy provider:** In coordination and consultation with MOENRP:

* Define the role and functions of the Technical Secretariat and propose potential composition of a team of staff members to the Secretariat.
1. **Develop a knowledge management system**

**Background:** In its capacity as the National Designated Authority (NDA) the Ministry of Environment and Natural Resources Protection (MoENRP) of Georgia will be the central point of coordination for Georgia’s engagement with the Green Climate Fund. In order to effectively and efficiently coordinate all GCF related activities in the country it will be important to put in place a knowledge management system that can track the status of different initiatives and consultations on the GCF.

**Deliverables by the consultancy provider:** In coordination and consultation with MOENRP:

* Develop a light, efficient and easily accessible knowledge management system (e.g. an excel sheet or log frame) that can be used by the Technical Secretariat to keep track of GCF related activities in Georgia.

# Partner & GIZ staff support

The consultancy assignment requires close collaboration with the Ministry of Environment and Natural Resource Protection of Georgia who will lead and supervise the GCF readiness activities. While it will be expected that the expert will conduct the drafting of the above listed documents, several feedback rounds with MoENRP can be expected.

The consultancy provider will agree on the sequencing of the tasks of this assignment in an inception meeting with the MOENRP.

A local readiness adviser based at the GIZ country office in Georgia will assist the consultancy provider in the implementation of this assignment and will be the focal point for its operational aspects and facilitate the collaboration with MoENRP

A readiness adviser in GIZ Headquarters will undertake review and backstopping of deliverables

# - Professional Requirements for the Consultancy provision

* To provide expert/experts for the assignment with legal background and with substantial (10-15 years) working experience, including experience in drafting legal documents, operational manuals and statutes;
* The expert/experts to be proficient in Georgian constitutional law as well as in international law within the field;
* The expert/experts to have substantial working experience with ministries and government structures;
* The expert/experts to have comprehensive knowledge and understanding of international environmental law and climate policy;
* The expert/experts to have comprehensive Knowledge and understanding of the institutional landscape in Georgia.
* The expert/experts to have comprehensive understanding of inter-ministerial processes and institutional options for arranging effective and efficient multi-ministerial decision making processes
* The expert/experts assigned for the task to be experienced in developing rules and procedures of committees and panels and knowledge of international best practices
* The expert/experts assigned for the task to be fluency in English and have ability to analyse legal and policy documents in English language

# Location of the Assignment

The assignment will require residency in Tbilisi, Georgia during the task.

# Deliverables, Duration and Schedule of assignment

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| **Deliverable**  | **Estimated amount of days required** | **Due Date** |
| Coordination of the assignment (consultations, coordination and meetings at GIZ country office in Georgia and NDA-MOENRP) | 2 | June 2017 |
| Write -up of the climate finance coordination mechanism including stakeholder’s roles  | 15 | June-July 2017 |
| Discussions and finalization of the draft climate finance coordination mechanism in coordination and consultations with the NDA  | 3 | July 2017 |
| Drafting of the no-objection procedure | 5 | July 2017 |
| Discussion of the of the draft of no-objection mechanizm with NDA and finalization of the document | 3 | July 2017 |
| Write-up of the technical secretariat | 10 | July 2017 |
| In coordination with the NDA, discussions and finalization of the technical secretariat related assignment  | 5 | July-August 2017 |
| Develop a knowledge management system | 6 | July-August 2017 |
| NDA Coordination, discussions and finalization of the knowledge management system related assignment  | 2 | August-September 2017 |
| Write-up report on the completion of the assignment outlining objectives, processes and outcomes  | 2 | September 2017 |
| **Total days of assignment** | **53** |  |
| **Duration of the Assignment** | **15.06.2017 – 30.09.2017** |

Annex I