

PILOT PROGRAM FOR CLIMATE RESILIENCE - SAMOA

ESTABLISHING SAMOA'S NATIONAL CLIMATE CHANGE ADAPTATION TRUST FUND

TERMS OF REFERENCE FOR CONSULTANTS

Background

1. The Pilot Program for Climate Resilience (PPCR) is the first active Programme under the Strategic Climate Fund (SCF) of the Climate Investment Funds (CIF). The PPCR will be transformational by piloting and demonstrating approaches for the integration of climate risk and climate resilience into core development policies, planning, budgeting and implementation, and to strengthen related capacities at the national and regional levels. The programme aims to provide incentives for scaled-up action and transformational change in integrating climate resilience considerations in the participating country's development strategies and programmes and on other ongoing initiatives; and enable learning-by-doing and sharing of lessons and good practice at country, regional and global levels.

2. The PPCR is implemented in two phases. Phase 1 includes preparation of a Strategic Programme for Climate Resilience (SPCR). Preparing the SPCR involves: (i) a stocktaking of the country situation, including progress in considering climate resilience in development planning and investments and in other ongoing and planned programmes; (ii) an assessment of the country's readiness to accelerate this process with PPCR support; and (iii) defining gaps and needs to formulate the SPCR (analyses, consultations, essential immediate capacity building, and other processes). The SPCR is implemented in Phase 2.

3. Samoa has been selected for participation in the PPCR as one of three pilot countries in a Pacific Regional Program, and nine countries worldwide as well as the Caribbean region. Samoa's acceptance of this offer to participate was confirmed by the PPCR Sub-committee in September 2009. Samoa submitted the Phase 1 proposal in August, 2010. The proposal was approved on October 15, 2010 and Phase 1 implementation began in November. This included preparation of the SPCR, which in Samoa is referred to as the Climate Resilience Investment Programme (CRIP). The CRIP was submitted on February 18, 2011.

4. One component of the CRIP is establishing Samoa's National Climate Change Adaptation Trust Fund. This is intended to be a repository and disbursement facility for funds received by the Government of Samoa, and that are intended to help reduce the adverse consequences of climate change at national and sub-national levels including funding for disaster risk reduction. National trust funds offer a sound modality for climate change resources to accrue over time and facilitate disbursement rates that are commensurate with the human, institutional and absorptive capacity of small island countries like Samoa. They provide a good solution for adaptation funds that should not be diverted to other countries simply because they cannot currently be implemented by small countries and can provide an insurance mechanism to the significantly overwhelming impacts of climate change, food security challenges and possible relocation. The Government's wish is to, as far as possible and appropriate, harmonize the management and use of the funds received from diverse sources in order to increase the effectiveness and sustainability of the assistance provided by development and other partners.

The Technical Assistance

5. The technical assistance will be provided by recruiting team of consultants who can cover the activities listed in the Scope of Work, including the financial, legal and governance considerations in establishing and managing a national trust fund and the management of trust funds in order to ensure the long term sustainability of the facility.

Scope of Work

6. The technical assistance team will consider all relevant aspects for designing, establishing and operating a National Climate Change Adaptation Trust Fund (inclusive of Disaster Risk Reduction) for Samoa in ways that harmonize the management and use of the funds received from diverse sources while also ensuring the effectiveness and sustainability of the assistance provided by development and other partners. The team will provide all of the detailed information and guidance required to establish the Trust Fund and to operate it in a successful and sustainable manner.

7. Specifically the technical assistance team will undertake the following tasks:

- Prepare an Inception Report, covering all aspects of the implementation and delivery of the TA, including an Implementation Plan;
- Prepare a draft Consultation Plan that will ensure all relevant stakeholders (national, sub-national, regional and international) will have adequate opportunity to share their views, experience and requirements regarding establishment of the Trust Fund and are kept fully informed during the period of the technical assistance; the plan will include a logical framework, timelines and budgets and other resource requirements for implementing all activities in the plan, including the monitoring and evaluation; the monitoring and evaluation framework included in the plan will be aimed at assessing progress with the consultations; attention will be given to the selection of performance indicators, targets and means of verification against national and sector needs to enhance climate resilience.
- Implement the approved Consultation Plan, consistent with the logical framework;
- Prepare a Mid-term Report;
- Review experience of other countries in establishing and operating trust funds intended to serve a similar purpose to Samoa's Adaptation Trust Fund, and identify lessons learned and good practices;
- Review the experience of Samoa in establishing and operating trust funds, and identify lessons learned and good practices;
- Review the relevant domestic legislation and international agreements of relevance to the proposed trust fund;
- Prepare recommendations and related documentation concerning the type (i.e. legal entity), required legal agreement(s) and their subsequent amendments, proposed objectives, costs, and administrative arrangements and agreements for the Trust Fund; the legal agreement(s) should cover such matters as the governance and the purposes and activities for which the financial resources in the trust fund may be used, as well as the respective rights and obligations of the parties to such agreements;
- Prepare recommendations and related documentation concerning contributors and contributions to the Trust Fund, including the rights, roles and responsibilities of contributors; consideration will also be

given to the appropriateness, desirability and/or requirements for the Government of Samoa and other national stakeholders to make financial contributions to the Trust Fund;

- Prepare recommendations and related documentation concerning management, staffing, training needs and an administrative cost recovery policy, including a schedule of fees;
- Prepare recommendations and related documentation concerning accounting, financial reporting and audits;
- Prepare recommendations and related documentation concerning results-based monitoring and evaluation of the Trust Fund activities, outputs and outcomes;
- Prepare recommendations and related documentation covering the arrangements governing the use of funds, including but not limited to eligibility requirements, restrictions, calls for proposals, processing funding requests, overseeing compliance of grant activities with administration and grant agreements including recipient's obligations in respect of procurement, contract administration, financial management and auditing, and progress reporting; suspension; cancellation refunds and sanctions, etc), progress and financial reporting, fee arrangements, auditing, and disclosure of information;
- Prepare recommendations and related documentation concerning any policy or other issues that must be resolved before the Trust Fund is established;
- Prepare recommendations and related documentation concerning application of environmental and social safeguard policies where these are not currently in place;
- Prepare recommendations and related documentation concerning activation of the Trust Fund and closing of the Trust Fund;
- Prepare recommendations and related documentation concerning risk identification and management, including conflicts of interest;
- Prepare lessons learned and good practices identified during the TA, and document them in a way that allows them to be shared, especially by way of the regional track of the PPCR – Pacific pilot;
- Prepare a communications plan and promotional materials to promote contributions to and use of the Trust Fund;
- Prepare a Consolidated Report to the Government of Samoa and the World Bank; the report will include, but not be limited to: (i) a comprehensive description of the organization and operation of the Trust Fund, incorporating the building blocks described above; (ii) an assessment/review of key issues; (iii) an assessment of the gaps, barriers and opportunities related to establishing the Trust Fund; (iv) recommendations as to how the gaps and barriers might best be addressed and the opportunities might be used to enhance the establishment and operation of the Trust Fund; (v) the need for any additional studies or other work that is critical to the successful establishment and operation of the Trust Fund; (vi) identification of lessons learned and good practices developed during the TA, and documented in a way that allows them to be shared, especially by way of the regional track of the PPCR – Pacific pilot; (vii) a compilation of all recommendations; and (viii) a listing of all individuals and organizations who have been consulted during the period of assignment, including their contact details; and
- An Operations Manual

Deliverables

8. The technical assistance team will provide the comprehensive and detailed information and guidance required to establish the Trust Fund and to operate it in a successful and sustainable manner within the context of a small island country; lessons learnt to be drawn from experiences within the Pacific. This will include, but not be limited to, the following:

- An Inception Report, covering all aspects of the implementation and delivery of the TA, including an Implementation Plan;
- Draft and final Consultation Plan;
- A communications plan;
- An Operations Manual; and
- A Consolidated Report.

Qualifications

a) International Consultant (Legal)

- Extensive experience and in-depth knowledge in trust, public, international and contract law, preferably in developing country contexts;
- Preferably working experience in Samoa and/or in other Pacific Island Countries;
- At least a graduate degree in law;
- Track record in project design and implementation, in provision of technical assistance and in reporting;
- Project team experience, preferably as team leader; and
- Very good command of oral and written English.

b) International Consultant (Finance)

- Extensive experience and in-depth knowledge of public finance, sustainable financing mechanisms, in particular, trust funds, and preferably in developing country contexts;
- Preferably working experience in Samoa and/or in other Pacific Island Countries;
- At least a graduate degree in finance;
- Track record in project design and implementation, in provision of technical assistance and in reporting;
- Project team experience, preferably as team leader; and
- Very good command of oral and written English

b) National Consultant

- Experience and knowledge in trust, public, international and contract law in developing country contexts and specifically in Samoa;
- Working experience in Samoa and preferably in other Pacific Island Countries;
- Graduate qualification, preferably in law or accountancy;
- Track record as a consultant, preferably in law and/or accountancy;
- Project experience; and
- Very good command of oral and written English.