

SPECIFIC TERMS OF REFERENCE

Design of the Viet Nam Nationally Determined Contributions (NDC) Implementation Mechanism

FWC SIEA 2018-LOT 1: Sustainable management of natural resources and resilience
EuropeAid/138778/DH/SER/multi
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1. BACKGROUND

International context:

In October 2015, Viet Nam submitted its Intended Nationally Determined Contribution (INDC) to the UN Framework Convention on Climate Change (UNFCCC). This became Viet Nam's NDC on its approval of the Paris Agreement in 2016. The Rule Book agreed in 2018 in Katowice highlight the importance of transparency of action and support. Accordingly Parties are requested to submit biennial transparency report (BTR) to provide information to track progress in implementing and achieving its NDC, including adaptation, mitigation and co-benefits, of which co-benefits has not been mentioned in the INDC. BTR requires targets in NDC that may have to be broken down in shorter period (2 or 5 years, not only 10 years as current INDC).

National context

National policies

Before the Paris agreement, Viet Nam had already a National Strategy on Climate Change (2011) and a National Strategy on Green Growth (2012). Subsequent to the ratification of the Paris Agreement, Viet Nam's Prime Minister approved the national "Plan for Implementation of the Paris Agreement" (GIZ) on 28 October 2016. The PIPA contains 68 Tasks, on (1) mitigation; (2) adaptation; (3) human, technical and financial resources; (4) transparency (MRV – Monitoring, Reporting and Verification); and (5) policies and institutions. Guidelines for implementing PIPA have been adopted in August 2017.

Viet Nam is currently reviewing its NDC with the support of UNDP and GIZ and is expecting to adjust the NDC targets (NDC2) in the near future, which will affect technical focus but is unlikely to affect the PIPA tasks.

Viet Nam is also currently expanding its set of legal instruments to effectively implement its commitment:

- The Decree on Green House Gases (GHG) emissions reduction will provide a clearer framework on GHG inventory, and the share of responsibilities among different government agencies in tracking GHG emission in their respected areas. The Decree will be the first ever legal requirement for GHG emission reduction in Viet Nam;
- The National Adaptation Plan (NAP) will provide a set of adaptation actions which may focus on cross sectoral/ multi-provinces adaptation activities with clear indicators of achievement to facilitate transparency reports of adaptation activities in Viet Nam.

In the coming 5-10 years Viet Nam intends to align with the Rule Book, and establish Mitigation and Adaptation (& Loss & Damage) measures, Co-benefits, MRV and Transparency framework, Resource mobilisation and Financial Tracking, Impacts of Response measures and international and regional cooperation in implementing NDC.

Institutional framework

Viet Nam has established a dedicated institutional framework to implement the Paris Agreement:

- The National Committee on Climate Change (NCCC) chaired by Prime Minister was established in 2012;
- The Department of Climate Change under the Ministry of Natural Resources and Environment (MONRE) was established in 2017 as the result of restructuring of the Department of Hydrology, Meteorology and Climate Change;
- Line Ministries have established focal points for Climate Change; and
- At local level (provincial/city) Departments of Natural Resources and Environment (DONREs) and Steering Committee's offices for Climate Change are in charge.

The NCCC oversees all matters concerning climate change policies, including PIPA. It is chaired by the Prime Minister, and concerned ministries and provinces are represented. The NCCC's Standing Office (SO) is located in MONRE. It is responsible for reporting to the NCCC on PIPA progress. The SO is also responsible for coordination of stakeholders on climate change actions. The Viet Nam Panel on Climate Change (VPCC) is the technical and scientific advisory of the NCCC. Members of the VPCC are scientists from different fields in Viet Nam.

On-going and future efforts supported by Development Partners

With support from GIZ and the NDC Partnership Support Unit, a draft NDC monitoring / indicator framework has been developed, as well as a NDC Portal for PIPA progress reporting (as a prototype). This should provide the basic information from sector ministries and provinces with which the SO can provide 6-monthly and annual reports to the NCCC.

The mapping of Development Partners' (DP) support has also progressed, as well as support-gap analysis, both of which must be regularly updated by the SO. Support for the reporting and monitoring as well as coordination functions of the SO has already been requested by the Government to the NDC Partnership members through the Support Unit. Some NDC Partnership members are considering this and other requests to support PIPA implementation, but DPs require clarity on who supports the different needs so as to ensure there is no overlap.

GIZ's next programme will continue providing climate policy advisory services, and support NDC review and possibly the strategy 2050. It will also support implementation of adaptation measures in two provinces and pilot text PIPA monitoring framework.

Past/ending projects

In the past, leading DPs have participated in plenary meetings of the NCCC and shared their views, including those DPs providing budget support (World Bank, AfD, JICA) through the Support Programme to Respond to Climate Change (SP-RCC). SP-RCC is a policy dialogue / budget support programme based on a policy matrix, for which donors also provide technical assistance to formulate policies. It has annual Policy Matrices with agreed policy actions that are (also) approved by the Prime Minister. SP-RCC provides budget support to Viet Nam predicated on formulation and issuance of policies to respond to climate change and green growth, and the DPs concerned provide technical assistance towards several PIPA Tasks. SP-RCC organises regular technical and policy dialogues to develop and review achievements as per SP-RCC Policy Matrices. The current SP-RCC programme ends in 2020.

MONRE, MPI and the three SP-RCC partners (World Bank, AFD and JICA) recently suggested the creation of a "NDC Implementation Mechanism" in order to replace and widen the SP-RCC dialogues to align with the NDC and include more DPs.

As a matter of facts, many other DPs are working in Viet Nam to address climate change, either through direct cooperation with MONRE or through cooperation with Line Ministries. This includes Agence Francaise de Developpement, the Asian Development Bank, the European Union, Germany, the Food and Agriculture Organisation, the Global Green Growth Institute, International Renewable Energy Agency and the United Nations Development Programme.

In view of the above described consideration, on 12 December 2018, the Government Office sent the Letter 12054/VPCP-QHQT informing about the decision of the Prime Minister Nguyen Xuan Phuc instructing MONRE to lead the development of a new mechanism for dialogue and coordination: *“MONRE takes lead, in collaboration with other agencies, to propose an appropriate form to replace the SP-RCC to implement from 2020 that fit with the actual situation and increase the efficiency of the ODA”*. The Prime Minister is expecting a proposal by mid- 2019.

Further to this instruction and several consultation meetings between MONRE, Ministry of Planning and Investment (MPI) and the DP-community, MONRE is asking for support to design this new mechanism¹.

2. DESCRIPTION OF THE ASSIGNMENT

➤ Global objective

The global objective is to support the implementation of the commitments made by Viet Nam in the context of the Paris Agreement in 2015 to address Climate Change.

➤ Specific objective(s)²

The purpose of this contract is to develop / complete the design of the new mechanism for dialogue and coordination, identify an appropriate designation, develop a roadmap with objectives and key milestones for the mechanism to be operational and for first year of operation, estimate the resources needed for establishing the NDC Mechanism secretariat, and develop its terms of reference.

The new mechanism shall boost the implementation of Viet Nam’s NDC, by creating enabling conditions for NDC planning, coordinating and implementation at the level of LMs and provinces. Expected effects are among others, the acceleration of implementation and the enhanced quality of action.

The mechanism's functionalities shall include:

1. Organise regular mapping of who does what / who supports what for enhanced information sharing and enhanced coordination;
2. Facilitate a policy and technical dialogue considering
 - the achievement of NDC sectoral targets,
 - priority actions (PAs),

¹ While initially referred to as the "NDC Implementation Platform", the term "mechanism" is used, as it was pointed out that no appropriate translation exists in Vietnamese for the term “platform”. Accordingly the wording needs to be reconsidered.

² The global and specific objectives shall clarify that all EU funded actions must promote the cross-cutting objectives of the EC: environment and climate change, rights-based approach, persons with disability, indigenous peoples and gender equality.

- potential climate financial support from DPs.

Dialogues should feed into policies, and help linking finance to priorities (without overlapping on MPI role vs ODA management); Policy dialogues shall not duplicate but build on other existing sectoral policy dialogue (such as the Vietnam Energy Partnership Group - VEPPG, Disaster Risk Reduction (DRR) Partnership, REDD+, Mekong Development Forum)

3. Assist with monitoring the NDC implementation.

This includes:

- Review the objective and functionalities of the mechanism as initially identified in the discussion between the Government of Viet Nam and the Dialogue Partners, i.e. *What should be the mandate and functionality of the Mechanism? How could the different functions be linked to each other? What kind of services and products should it deliver?* and further define the nature of the mechanism, on the basis of the features identified through the initial discussion between GoV and DPs as explained above and Annex 1;
- Map out the stakeholders and identify who should participate to the mechanism and how (i.e as a full member, as observer or upon ad-hoc invitation for consultation) among Government at national and regional level, DPs, Private Sector, Non-for Profit Organisations...
- Explore thematic policy dialogues/dialogue that could be conducted as part of the mechanism activities, on the basis of annual cycles, ensuring it would not overlap but build on other existing dialogue (such as VEPPG, DRM Partnership, REDD+, Mekong Development Forum);
- Explore how the mechanism could facilitate monitoring of the impact of climate action;
- Develop and finalize the mandate for the NDC Mechanism (see concept note in Annex 1) and overall governance rules;
- Develop a roadmap with objectives & milestones needed for the Mechanism;
- Identify the necessary resources needed to ensure adequate support for the proper functioning of the mechanism.

➤ Requested services, including suggested methodology³

The consultant will review existing legal and institutional framework for addressing climate change in Viet Nam and will map out the different existing strategies and plan, review the lessons learnt from the SPRCC experience to contextualise and position the "NDC mechanism"/new mechanism in its wider environment;

The work will be based on a desk study and consultations with MONRE, as well as other key stakeholders: relevant line ministries, interested Viet Nam Dialogue Partners, Private sector representatives, Not-for-profit organisations active in the sector.

The consultant will organise a one half-day inception workshop in Hanoi at the beginning of the mission, to introduce the team, explain the objective, methodology and tentative timing, present the initial ideas and reflexion as well as collect preliminary inputs from the stakeholders.

This will be followed by a period of in-depth consultations through bilateral interviews in Hanoi, and written consultation with local authorities (either through comments request or questionnaire).

³ Contractors should describe how the action will contribute to the all cross cutting issues mentioned above and notably to the gender equality and the empowerment of women. This will include the communication action messages, materials and management structures.

The consultant will seek inputs from provinces/cities via written communication sent by MONRE. In the letter, the provinces will be proposed to consider sending representatives to join the final workshop but they would have to cover the cost of their participation. Based on previous experiences, very few provinces will send representative as they consider providing written inputs is enough.

Based on the data collected, the consultant will develop a first draft of the Terms of Reference and outline all issues/gaps identified during the consultation process and organise a two-day/two-night retreat for a dedicated "writing team". The writing team will include representatives of relevant ministries, some additional staff from the department of Climate Change of MONRE⁴, EU representative and the experts' team.

In preparation, on 4 March 2019, MONRE sent a letter to ministries requesting them to nominate two focal points in each ministry, one at Director General level and one at assistant to the Director General level to be Members of the writing team. The ministries include:

1. Ministry of Natural Resources and Environment (MONRE),
2. Ministry of Planning and Investment (MPI),
3. Ministry of Finance (MOF),
4. Ministry of Industry and Trade (MOIT),
5. Ministry of Agriculture and Rural Development (MARD),
6. Ministry of Construction (MOC),
7. Ministry of Transport (MOT),
8. Ministry of Labour, Invalid and Social Affairs (MOLISA),
9. Ministry of Health (MOH),
10. Ministry of Culture, Sport and Tourism (MOCST),
11. Ministry of Science and Technology (MOST)
12. The Office of the Government (OoG).

The Members will work closely with experts and provide inputs/guidance for the development process. The Members are the main persons to provide official comments on the new mechanism before the design of the mechanism be officially submitted to the Prime Minister for approval.

To maximize using the Members, and to ensure full-time attendance and participation, it is requested to organize the retreat outside of Hanoi, in a place within 1 or 2 hours maximum driving from central Hanoi. It is recommended to organise the retreat on a Friday and Saturday.

At the end of the Retreat, the draft Terms of Reference of the Mechanism, as detailed in the "Required outputs" below, must be almost finalised.

One half-day final workshop will be organised in Hanoi to present the draft final proposal for all stakeholders.

At every step of the consultation, the translation into Vietnamese or English will be necessary for wider circulation and comments.

➤ Required outputs

Terms of Reference of the new mechanism, including:

1. Background
2. Name
3. Objective of the new mechanism (overall and specific objectives)
4. Key principles

⁴ Representatives from MONRE will include one staff from Planning division, one staff from Personal division, one staff from International Cooperation division, 2 staff from Department of Climate Change and one staff from the Institute of Hydrology, Meteorology and Climate Change (IMHEN).

5. Functions of the new mechanism
6. Thematic focus
7. Governance and organisation, membership
8. A roadmap with key milestones needed for the new mechanism
9. Indicators of success
10. Resources (in quantity and quality).

➤ Language of the Specific Contract

The communication and official reporting to the EU will be in English, however, Vietnamese will be the working language with Viet Nam Government and stakeholders. Translation and interpretation services will be needed for all reports (inception, draft final and final report), letters for consultation/questionnaires if decided so, and presentations prepared for the inception and final workshops, the retreat, and the terms of Reference of the new mechanism.

Each report will not exceed 30 pages, out of annexes. The Terms of Reference of the new mechanism will not exceed 20 pages out of annexes.

3. EXPERTISE REQUIRED

➤ Number of requested experts⁵ per category and number of man-days per expert or per category

The number of experts to be provided is up to the consultant to propose, but the team required for this engagement will be composed of at least one expert category I. As working environment in Viet Nam can be complex, the team must include local proven expertise.

It is up to the consultant to determine the inputs of the team, but the absolute minimum is 60 working days for the team, excluding the interpreter and possible administrative assistant.

The maximum duration of the assignment is 210 days.

Experts may provide intermittent inputs.

➤ Expertise required:

The consultant will employ staff with appropriate professional qualifications and suitable experience.

In addition, the experts' team as a whole (at least one of its member(s)) should have:

- Experience of working with the Government of Viet Nam;
- Experience of development cooperation programmes and projects funded by national and/or international donors and institutions;
- Excellent knowledge of international climate change context and recent developments;

⁵ The European Union pursues an equal opportunities policy. Gender balance in the proposed team, at both administrative/secretarial and decision-making levels, is highly recommended.

- Very good knowledge of Viet Nam's specificities regarding climate change, including:
 - Climate change induced issues faced by the country in term of social and economic development;
 - Climate-related policies developed in-country, as well as overall policy context in Viet Nam;
- Good management skills, to manage both the contractual aspects of the assignment, the team and the consultation and design process;
- High level of qualification of the team excellent communication skills, cultural sensitivity;
- Proven expertise in climate, environment, climate-related sectors, institutional framing and/or strengthening, formulating of coordination and dialogue mechanisms, high level policy dialogue;
- Experience of similar mechanism in other countries would be highly desirable;
- Fluency in written and spoken English and Vietnamese is mandatory;
- A good knowledge of EU working procedures.

➤ Management team member presence required or not for briefing and/or debriefing
Not required.

4. LOCATION AND DURATION

➤ Starting period
End of April / Early May

➤ Foreseen finishing period or duration
End of October 2019

➤ Planning, including the period for notification for placement of the staff as per Article 16.4 a) of the General Conditions

Period of notification for staff placement

Table 1: Indicative calendar of activities

Tasks	<u>Indicative dates</u>
Possible interviews of experts by telephone	25-26 March
Period of notification for staff placement	27-29 March
Desk review – home based	22-23 April
Mobilisation of experts to Hanoi	23-26 April
Briefing at EU Delegation	
Briefing with MONRE	
Inception phase: Briefing Session with stakeholders, submission of the inception report, preparation and conduct of Inception Workshop	6-24 May
Field phase: Interviews and consultations with stakeholders, visits, written consultation, focused group discussions, meetings, analysis, preparation and conduct	May to end of August

of retreat for working team, Preparation of written consultation for local authorities (Provinces, cities), Waiting time for Local authorities reply,	
Final phase: Results analysis & design consolidation, Final workshop	September

- Location(s) of assignment: in case of more than 1 location of assignment, identify the main location and for each location the working days per expert needed
Except for the 2-day/2-night retreat, the mission will be based in Hanoi, Viet Nam.

5. REPORTING

➤ Content

Mission / activity report including:

- One part related to the process (activity report);
- One part related to the result (Fully finalised design of the new mechanism).

➤ Language

English and Vietnamese.

➤ Submission/comments timing

Ideally, the timing should accommodate the tentative timing of the Government of Viet Nam, which is as follow:

Tentative Timing

Action	Consultant	EUD	MONRE
Inception report, presenting the methodology and update tentative calendar	06 May	Comments within 5 working days	
Organise an inception workshop with preliminary findings / concept developed so far by DP/MONRE (line ministries, provinces, social organisations invited)	22 May		
Writing team retreat for drafting a design, based on in-depth consultation with stakeholders	03July		
Final workshop	27 August		
Submission of draft final report, and draft design for the mechanism	September		
Submission of final report and final design for the mechanism	October	Comments within 10 working days	
Submit the concept note to the Prime Minister for approval			September
Refinement may be needed based on official comments from Ministries during the official review process preceding approval by Prime Minister (no more than 2 working days)	October		
Set up the Secretariat			November
Launching of the mechanism and first technical meeting			January 2020

➤ Number of report(s) copies

2 hard copies and one electronic copy in English and Vietnamese.

6. FORESEABLE COSTS

(1) Travel costs: as needed in line with the team's composition and methodology requirements.

(2) Per diems: only for the team's member(s), for the retreat outside Hanoi

(3) Other costs identified in the Budget Breakdown

- Translation / interpretation services for consultations, documents preparation;
- Organisation of two workshops (inception / final), including half-day meeting package (1 tea break and 1 lunch) for up to 120 participants each, simultaneous translation (interpretation, cabin, headsets), rental of 2 laptop, 2 projectors;
- Organisation of a two-day/two-nights retreat for the writing team, in a hotel, preferably located outside Hanoi, but reachable by bus. The organisation costs will include bus rental (return), meeting package including two breakfasts, two lunches and two dinners for 30 participants, as well as overnight stay (single occupancy accommodation) for all participants; rental of 1 laptop, 1 projector. Work will mainly be in Vietnamese;
- Express mail cost for written consultation with 12 line ministries and 63 provinces;
- Print out of documents & power point presentations needed must be foreseen.

To comply with EU no use of single plastic items in EU-funded activities, the contractor will ensure that no plastic bottles, no plastic backdrop be used during the events.

7. MONITORING AND EVALUATION

➤ Definition of indicators

- High quality design of the new mechanism / NDC Mechanism (i.e adding value, feasible, not duplicating other existing mechanism);
 - Timely completion of consultation, organisation of workshops and retreat, timely completion of draft and final report.
 - Smooth communication and process, satisfaction of project owner (MONRE) and stakeholders (EU, Line Ministries, DPs, other interlocutors such as private sector and social organisations).
- The above indicators will be assessed by the Delegation of the European Union and MONRE Department of Climate Change

8. INFORMATION/DOCUMENTS TO BE SHARED FOR THE ASSIGNMENT

- List of focal points in relevant Ministries and contacts
- Mailing list of DPs involved in the process
- Contact of the Climate Change Working Group (CCWG), representing the non-for profit organisations involved in these areas
- Suggested key contacts for the representatives of the Private Sector

Literature:

- Ex-post evaluation of the Budget Support Program to Respond to Climate Change in Viet Nam - Extract of Final report;
- NDC Mechanism concept note and meeting minutes and comments from DPs;
- Plan for Implementation of Paris Agreement (PIPA);
- Resolution 120 on Mekong Delta Forum.

The consultant may also review the experiences of the Disaster Risk Reduction (DRR) Partnership: established since 1999 it has evolved in different forms of NDM-Partnership to DRR- Climate Change Adaptation (CCA) Forum; the Forestry Partnership (now closed, but which has been active for several years), and the Viet Nam Energy Partnership, established in 2017.