

**Green Climate Fund**

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# Report of the Host Country Evaluation Committee

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**GCF/B.02-12/04**

5 October 2012

**Meeting of the Board**

18-20 October 2012

Songdo, Republic of Korea

Agenda item 7

## **Recommended action of the Board**

It is recommended that the Board:

Considers the document GCF/B.02-12/04 *Report of the Host Country Evaluation Committee*, providing an evaluation of the offers by the six candidate countries against the criteria decided by the Board.

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# Report of the Host Country Evaluation Committee

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## I. Introduction

1. At its first meeting on 23-25 August 2012 in Geneva, Switzerland, the Board considered offers submitted by Germany, Mexico, Namibia, Poland, Republic of Korea and Switzerland to host the Green Climate Fund. The consideration of offers was supplemented by oral presentations by the candidate countries. Subsequently, the Board decided on the host country evaluation criteria and selection process (see Annex I) and constituted the Host Country Evaluation Committee (the Committee) to conduct an open and transparent process, based on the evaluation criteria, and to evaluate these offers. The Board further requested the Committee to prepare a consensus written report providing an evaluation of the offers against the criteria decided by the Board, but not a ranking or recommendation. This document is submitted in compliance with that request.

## II. Mandate

2. The Governing Instrument for the Fund calls for an open and transparent process for the selection of the host country of the Fund. In approving the Governing Instrument, the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC), through decision 3/CP.17, requested the Board to conduct such a process and select the host country for endorsement by the COP at its eighteenth session.

## III. Evaluation process

### 3.1 Host Country Evaluation Committee

3. The Host Country Evaluation Committee has the following membership:

- (a) Mr. Bambang Brodjonegoro<sup>1</sup> (Indonesia);
- (b) Mr. Omar El-Arini (Egypt);
- (c) Ms. Ana Fornells de Frutos (Spain);
- (d) H.E. Ms. Audrey Joy Grant (Belize);
- (e) Mr. Gilbert Metcalf (United States of America);
- (f) Mr. Tomas Zidek (Czech Republic).

4. All Committee members signed a declaration of impartiality and confidentiality (see Annex II). The Committee elected Her Excellency Ms. Audrey Joy Grant as its Chairperson, who chaired the meeting of the Committee with the candidate countries.

### 3.2 Work methodology

5. Following the decision of the Board at its first meeting, the Committee members prepared and agreed on the work programme, evaluation modalities and methodology. The methodology has been guided by the principles of equity, efficiency and effectiveness.

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<sup>1</sup> Mr. Dipak Dasgupta (India) withdrew from the Evaluation Committee. On the request of the Co-Chairs, Mr. Bambang Brodjonegoro (Indonesia) agreed to be a member of the Committee. Due to travel constraints, Mr. Brodjonegoro was represented by Mr. Jose Ma. Clemente S. Salceda (Philippines) in the meeting of the Committee on 16-18 September 2012.

### 3.2.1 Evaluation modalities

6. Based on the evaluation criteria decided by the Board, the Committee conducted an open and transparent process to evaluate the offers received. Committee members reviewed and conducted an individual assessment of each offer pursuant to the modalities and methodology agreed by the Committee. They followed a uniform approach for evaluating the offers based on their own merit. They applied their expertise and professional judgment in evaluating offers and were guided by the interests of the Fund and the paramount consideration of selecting the country most suitable to host the Fund. They treated all offers equally, rejecting any attempt of influence by a candidate country or a third party.

### 3.2.2 Evaluation methodology

7. The Committee evaluated the information provided in various offers against the criteria agreed by the Board. The Committee evaluated the quality of all offers against each criterion and checked its compliance with the criteria, in order to assess whether the offer and information provided by the candidate country did not meet the criteria, partially met the criteria or fully met the criteria. For ease of applicability, the Committee employed the traffic light system for these three categories (Table 1).

**Table 1: Evaluation methodology**

<b>Traffic light index</b>	
<b>Red light</b>	Offer and information provided by the candidate country <b>do not meet the evaluation criteria.</b>
<b>Yellow light</b>	Offer and information provided by the candidate country <b>partially meet the evaluation criteria.</b>
<b>Green light</b>	Offer and information provided by the candidate country <b>fully meet the evaluation criteria.</b>

8. Based on the individual and collective evaluation of various offers, the Committee prepared this consensus evaluation report for consideration by the Board at its second meeting.

## 3.3 Work programme

9. Based on the decision of the Board at its first meeting, the Committee also agreed on its work programme in conducting evaluation of the offers submitted by the six candidate countries.

10. In implementing its work programme, the Committee aimed at ensuring full, equitable and proper consultation with candidate countries taking into account the limited time available to the Committee before the second Board meeting. The Evaluation Committee implemented its work programme along the timeline outlined in Table 2.

**Table 2: Timeline for the implementation of the work programme**

<b>Work programme of the Evaluation Committee</b>	<b>Timeline</b>
Committee members sign the declaration of impartiality and confidentiality	27-29 August
Committee members decide on the Chair of the Committee	27-29 August
Conference call of the Committee to agree on the evaluation methodology and the work programme	31-August
Solicit detailed information from the six candidate countries (questionnaire sent to candidate countries)	5-10 September
Interim Secretariat to provide to the Committee: a) Compilation of information received from the candidate countries on their respective offers; b) Draft outline of final evaluation report for review by the Committee; c) Compilation of individual evaluations conducted by Committee members.	11-15 September
Individual evaluations conducted by Committee members	14-15 September
Meeting of the Evaluation Committee for: a) Comparing individual evaluations by Committee members; b) In-person meeting with six candidate countries, including presentations by candidate countries followed by a Q&A session; c) Wrap-up session among the Committee members.	16-18 September
Finalization of evaluation by the Evaluation Committee	20-24 September
Provide candidate countries with the Committee's draft evaluation of their respective offers for review	25-28 September
Preparation of the final evaluation report by the Committee	25 September-3 October
Committee submits the final report to the Board and six candidate countries	4 October
Chair of the Committee makes a presentation at the second Board meeting	18 October

11. In implementing its work programme, the Committee developed a questionnaire (see Annex III), building on the evaluation criteria agreed by the Board, and solicited additional information from the six candidate countries. The Committee received this information through the filled-in questionnaire from all the candidate countries, which was also published on the GCF website.<sup>2</sup> Based on the initial expressions of interest, presentations made at the first Board meeting and additional information submitted through the questionnaire, the Committee members conducted individual evaluation of the offers. The Interim Secretariat assisted the Committee members in conducting the evaluation by providing a compilation of information received from the candidate countries on their respective offers.

12. Following the selection process decided by the Board, the Committee invited the representatives of the six candidate countries for meetings at the Global Environment Facility (GEF) secretariat office in Washington D.C., United States of America, from 16 to 18 September 2012. On the first day of the meeting, the Evaluation Committee adopted the agenda for its meeting (Annex IV), elected its Chair, H.E. Ms. Audrey Joy Grant, and discussed individual evaluations of the offers and information submitted by the six candidate countries. The Committee also agreed on a set of generic

<sup>2</sup> <<http://gcfund.net/board/selection-of-the-host-country.html>>.

questions, including on transitional/provisional legal arrangements,<sup>3</sup> to be used by its members in initiating interactive discussion with the representatives of the six countries. The following two days were reserved for closed individual meetings with the representatives of the six countries, concluding with a wrap-up session of the Committee.

13. During the closed meetings with the representatives of each candidate country, the Committee focused on an interactive discussion seeking clarification on the expressions of interest and the questionnaire submitted. The closed meetings facilitated an in-depth, open and frank discussion. During the closed meetings, the representatives of each candidate country made an oral introduction/presentation (5-10 minutes) on the information provided through the questionnaire and/or any additional information and responded to a number of questions raised by the Committee. These interactive discussions helped the Committee to better understand various aspects of the offers and information provided by the candidate countries. The Committee also requested the candidate countries to provide supplementary information on some of the matters discussed during the meetings.

14. Following the Committee's meeting, and after evaluating supplementary information provided by the candidate countries, the Committee arrived at the final evaluation of the offers by the six candidate countries by consensus. The Committee provided the candidate countries with its draft evaluation of their respective offers for review of factual accuracy prior to the finalization of the report. The comments received from the candidate countries were published on the Fund website. The Committee only considered factual corrections provided by the candidate countries on the draft evaluation of their respective offer. Any new and additional information, which goes beyond factual corrections, communicated by candidate countries after the meeting with the Evaluation Committee was reflected in the evaluation report but was not taken into account for the final evaluation of the offers and their compliance with the criteria.

15. The Committee prepared this consensus report providing an evaluation of the offers against the criteria decided by the Board with no ranking or recommendation.

## **IV. Evaluation results**

### **4.1 Evaluation findings**

16. Without prejudging the sufficiency of any of these criteria, which is appropriately left to the Board, the Committee found that all the offers provided detailed information on how they met the evaluation criteria on matters relating to the legal status, privileges and immunities, financial arrangements, administrative and logistical support and local facilities and conditions.

### **4.2 Evaluation of offers submitted by the candidate countries**

17. This section provides the findings and consensus evaluation of the Committee on the offer and information submitted by each of the six candidate country, covering all the four evaluation criteria. The detailed information submitted by all the six candidate countries is published on the Fund website. The Evaluation Committee chose a random order (using a randomizer) for sequencing the evaluation of offers from the six candidate countries in the report. The Committee believes that by employing a random order of presentation, it will avoid perception of any advantage to any country from following an alphabetic order.

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<sup>3</sup> The legal arrangements made by the host country in order for the Fund to operate, including legal status of the Fund's secretariat staff and associated privileges and immunities, in the period before the host country/headquarters agreement is concluded between the Fund and the host country.

#### 4.2.1 Switzerland

18. Table 3 provides consensus final evaluation by the Committee of the offer submitted by the Government of Switzerland to host the Fund.

##### 4.2.1.1 Legal status

19. The Host State Agreement will expressly state that the Government recognizes the international juridical personality and the legal capacity of the Fund. The Host State Agreement will be a bilateral treaty, which will automatically become part of the Swiss law and directly applicable.

20. The Agreement, once negotiated between the Fund and the Swiss authorities, will be approved by a decision of the Swiss Government and can enter into force on the day of the signature. It does not need any parliamentary approval. Depending on the time needed for the negotiations, the Agreement could be enforced within approximately six months, counting from the first day of negotiations.

21. Transitional/provisional legal arrangements: The Government will take the necessary measures in order to grant to the staff members the same status as the one provided in the Agreement. There are some precedents which worked out either through an early application of the Agreement or through an application by analogy of another such agreement.

##### 4.2.1.2 Privileges and immunities

22. Privileges and immunities are determined in the Host State Agreement, which is an international treaty and therefore directly legally binding. The Fund will enjoy immunity of legal process. The Host State Agreement will confer upon the Fund and its staff the same privileges and immunities as the ones granted to the other international organizations and their staff in Switzerland.

23. The Government will grant functional immunity for acts performed in an official capacity by the Board members, members of subsidiary bodies established by the Board, staff of the Fund (including international staff and locally hired national staff) and experts of the Fund and other entities or persons (e.g. contractors) on official business for the Fund. They will also be granted immunity from immigration restrictions. The Government will recognize the inviolability and protection of the premises of the Fund and immunity of archives.

24. The Government will recognize the exemption of the Fund from all taxation, including all direct and indirect taxes. Unless the Fund will settle an internal taxation system, the Swiss nationals and the permanent residents in Switzerland will not enjoy exemption on taxes. Contractors of the Fund will not be exempt from taxes.

25. The Government will recognize the privileges for work permit of spouses and dependents residing with staff. There will be exemption of locally hired national staff from national service obligations.

##### 4.2.1.3 Financial arrangements, administrative and logistical support

26. The Government of Switzerland will provide funding amounting to 15.15 million US dollars<sup>4</sup> to establish and operate the Fund, which includes:

- (a) Free office space (4,000 m<sup>2</sup>) for the Secretariat in the World Meteorological Organization (WMO) building by 1 January 2014; the duration, extension or termination of the lease contract will depend on the Fund;

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<sup>4</sup> UN exchange rate of 1 CHF=1.044932 USD was used for currency conversion for the month of September 2012.

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- (b) The costs of major maintenance of the building, repair and replacement of fixed installations equipment;
  - (c) Normal maintenance of the building and fixed installations/equipment;
  - (d) Start-up funding amounting to 313,480 US dollars for acquiring office equipment;
  - (e) 3.14 million US dollars annually for the first three years of the Secretariat operations;
  - (f) 1.05 million US dollars per year to support the capacity development activities of developing countries relating to the Fund's work;
  - (g) 125,392 US dollars a year towards the travel and accommodation costs of delegates from developing countries who attend meetings of the Fund;
  - (h) 3,135 US dollars a month to subsidize the rent of each of the 38 least developed countries (LDCs) missions in Geneva, totally more than 1.4 million US dollars a year;
  - (a) Free conference spaces to be made available at the International Conference Centre of Geneva (CICG).

27. In addition to financial support, the Swiss government and the authorities of the Canton of Geneva will provide administrative support and technical assistance. However, the Fund will need to bear the operating costs. The Fund will also cover the alterations and additions to the facility and prior written consent of WMO will be needed.

28. The lease for the Fund's offices in the WMO building will be an agreement between the Fund and the WMO. The Government will not be a contractual partner in that agreement, but bear the cost of the lease on behalf of the Fund. A separate agreement can be concluded between Government and the Fund on this matter.

#### 4.2.1.4 Local facilities and conditions

- (a) Hundred and seventy-one countries are permanently represented to the United Nations Office at Geneva;
- (b) Geneva Airport is connected to 124 different airports, including 97 in Europe and 27 in the rest of the world;
- (c) Facilitated access to the Swiss labour market for spouses and partners of Fund staff;
- (d) The city of Geneva offers large pool of professionals working in international public and finance sector;
- (e) The cost-of-living index<sup>5</sup> for Geneva is 114.61;
- (f) The facility offered to the Fund has two fully redundant and load-balanced links; one from Swisscom: 50 Mb/s and the other from Colt: 50 Mb/s. Telephone services are also from both carriers Swisscom and Colt.

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<sup>5</sup> The International Civil Service Commission (ICSC) methodology for calculating cost-of-living and post adjustment reflects differences in prices between the duty station and New York as the United Nations comparator city (with index value=100), but it goes beyond a simple consumer price comparison. It also accounts for the average expenditure patterns of international civil servants, which are expressed using "UN weights" and normally differ from expenditure patterns of the local population. A fuller explanation of the ICSC post adjustment methodology is given in <http://icsc.un.org/resources/cold/pasb/pabooklet.pdf>. There are other cost of living indices like UBS Prices and Earnings, published by various other organizations with different methodologies and varying results.

**Table 3: Final evaluation by the Host Country Evaluation Committee of the offer and information provided by Switzerland**

Evaluation criteria	Final evaluation by the Committee	Remarks by the Evaluation Committee
<b>Legal status</b>	<b>Green light</b>	<p>Precedents for conferring and/or recognizing juridical personality and legal capacity.</p> <p>Timeline: Conclusion of the Headquarters Agreement may take place within six months.</p> <p>Transitional/provisional legal arrangements: The necessary measures will be taken in order to grant to the staff members the same status as the one provided in the Headquarters Agreement. There are some precedents which worked out either through an early application of the Agreement or through an application by analogy of another headquarters agreement.</p>
<b>Privileges and immunities</b>	<b>Green light</b>	<p>The Fund, its staff and experts will enjoy the same privileges and immunities as those granted to international organisations, including their staff and experts, established in Switzerland.</p> <p>Tax exemptions for direct and indirect taxes for the international staff; contractors of the Fund will not be exempt from taxes.</p>
<b>Financial arrangements, administrative and logistical support</b>	<b>Green light</b>	<p>The Government of Switzerland will provide funding amounting to 15.15 million US dollars to establish and operate the Fund:</p> <ul style="list-style-type: none"> <li>• Free office space (4,000 m<sup>2</sup>) for the Secretariat in the WMO building by 1 January 2014, the duration, extension or termination of the lease contract will depend on the Fund;</li> <li>• The costs of major maintenance of the building, repair and replacement of fixed installations equipment;</li> <li>• Normal maintenance of the building and fixed installations/equipment;</li> <li>• Start-up funding amounting to 313,480 US dollars for acquiring office equipment;</li> <li>• 3.14 million US dollars annually for the first three years of the Secretariat operations;</li> <li>• 1.05 million US dollars per year to support the capacity development activities of developing countries relating to the Fund's work;</li> <li>• 125,392 US dollars a year towards the travel and accommodation costs of delegates from developing countries who attend meetings of the Fund;</li> <li>• 3,135 US dollars a month to subsidize the rent of each of the 38 LDC missions in Geneva, totally more than 1.4 million US dollars a year.</li> <li>• Free conference spaces to be made available at the CIGG.</li> </ul> <p>The Fund will need to bear the operating costs. The Fund will also cover the alterations and additions to the facility; the prior written consent of WMO will be needed.</p> <p>In addition to financial support, the Swiss government and the authorities of the Canton of Geneva will provide administrative support and technical assistance.</p> <p>The lease for the Fund's offices in the WMO building will be an agreement between the Fund and the WMO. Switzerland will not be a contractual partner in that agreement, but bear the cost of the lease on behalf of the Fund. An agreement can be concluded between Switzerland and the Fund on this matter.</p>
<b>Local facilities and conditions</b>	<b>Green light</b>	<p>Presence of a large number of diplomatic missions;</p> <p>Cost-of-living index for Geneva: 114.61.</p>

## 4.2.2 Mexico

29. Table 4 provides consensus final evaluation by the Committee of the offer submitted by the Government of Mexico to host the Fund.

### 4.2.2.1 Legal status

30. The Government of Mexico and the Fund will negotiate the Headquarters Agreement, establishing the legal framework of their relationship. The Agreement will contain all main elements of this relationship, such as legal status, privileges and immunities, and general clauses for an international organization. Through the Agreement, the Government of Mexico will recognize the juridical personality of the Fund as an international organization of public law. The Agreement will be the legal basis to confer legal capacity to the Fund.

31. The Agreement will take the form of a bilateral treaty. Once the Agreement is signed, it will be approved by the Mexican Senate and ratified by the Federal Executive for its enforcement. In an expedited manner, the conclusion of the Host Country Agreement may take a maximum of six months. The timeline is based on practice with similar instruments.

32. Transitional/provisional legal arrangements: In the absence of such Agreement or pending its entry into force, it will be extremely difficult to ensure that the different authorities would provide the Fund with the legal treatment it needs to operate in the country. The Executive Branch will facilitate the work of the Fund as much as possible to the extent of its powers and will expedite the conclusion of the Agreement and its early entry into force, but it cannot guarantee full privileges immunities and facilities in its absence.

### 4.2.2.2 Privileges and Immunities:

33. In general, the Fund will enjoy immunity of legal process with all matters relating to privileges and immunities. The provisions for privileges and immunities will be included in the Headquarters Agreement. However, immunity of jurisdiction will be limited in cases of labor claims from locally employed personnel and commercial acts.

34. The Government of Mexico will grant functional immunity for acts performed in an official capacity by the Board members, members of subsidiary bodies established by the Board, staff of the Fund (including international staff and locally hired national staff) and experts of the Fund and other entities or persons (e.g. contractors) on official business for the Fund. They will also be granted immunity from immigration restrictions. The Government will recognize the inviolability and protection of the premises of the Fund and immunity of archives.

35. The Government will recognize the exemption of the Fund from all taxation, including all direct and indirect taxes. The Government will recognize the privileges for work permit of spouses and dependents residing with staff. There will be no exemption of locally hired national staff from national service obligations.

### 4.2.2.3 Financial arrangements, administrative and logistical Support

36. The Government of Mexico will provide:

- (a) Rent free building (2,000 m<sup>2</sup>) ready for immediate use and for the duration of its activities, along with the costs of adapting the building to the needs of the Fund;
- (b) Essential furniture to furnish the facilities and cover all major maintenance costs and repairs of the facilities;
- (c) 500,000 US dollars to cover administrative expenses of the Secretariat.

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37. The Fund will need to bear the operating costs, normal maintenance repair costs and information technology and communication facilities.

#### 4.2.2.4 Local facilities and conditions

- (a) Eighty-five diplomatic representations are present in Mexico City as well as 38 offices of international organizations;
- (b) The facility offered to the Fund does not have state-of-the-art tele- and video-communication facilities;
- (c) The Mexico City airport offers direct flights to many capitals and major financial centres in the world;
- (d) Mexico has no impediment to provide work permits to spouses of the Fund's staff; there are several national as well as international companies operating in Mexico that may provide employment opportunities for foreigners;
- (e) The cost-of-living index<sup>6</sup> for Mexico City is 85.24;
- (f) One cannot deny the incidence of street crime, it is average compared with other cities of the same size; a few intuitive precautions reduce danger.

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<sup>6</sup> Ibid., p. 6.

**Table 4: Final evaluation by the Host Country Evaluation Committee of the offer and information provided by Mexico**

Evaluation criteria	Final evaluation by the Committee	Remarks by the Evaluation Committee
Legal status	Green light	<p>Timeline: The conclusion of the Host Country Agreement may take a maximum of six months; the timeline is based on practice with similar instruments.</p> <p>Transitional/provisional legal arrangements: In the absence of the Headquarters Agreement or pending its entry into force, it will be extremely difficult to ensure that the different authorities would provide the Fund with the legal treatment it needs to operate in the country. The Executive Branch will facilitate the work of the Fund as much as possible to the extent of its powers and will expedite the conclusion of the Agreement and its early entry into force, but it cannot guarantee full privileges immunities and facilities in its absence.</p>
Privileges and immunities	Green light	Experts and contractors of the Fund will not be exempt from taxes.
Financial arrangements, administrative and logistical support	Green light	<p>The Government of Mexico will provide:</p> <ul style="list-style-type: none"> <li>• Rent-free building (2,000 m<sup>2</sup>) ready for immediate use and for the duration of its activities, along with the costs of adapting the building to the needs of the Fund;</li> <li>• Essential furniture to furnish the facilities and cover all major maintenance costs and repairs of the facilities;</li> <li>• 500,000 US dollars to cover administrative expenses of the Secretariat.</li> </ul> <p>The Fund will need to bear the operating costs, normal maintenance repair costs and information technology and communication facilities.</p>
Local facilities and conditions	Yellow light	<p>Lack of relevant information on the infrastructure available in the facility offered to the Fund, including information on any state-of-the-art tele- and video-communication facilities;</p> <p>Cost-of-living index for Mexico City: 85.24.</p>

### 4.2.3 Poland

38. Table 5 provides consensus final evaluation by the Committee of the offer submitted by the Government of Poland to host the Fund.

#### 4.2.3.1 Legal status

39. The Fund will be considered within the framework of Polish law as an organ of international organization by recognizing the Fund's international juridical personality. Through the Host Country Agreement, juridical personality and legal capacity will also be conferred to the Fund under Polish law.

40. The Agreement will be ratified by President of the Republic of Poland upon the prior consent of the Parliament given in the form of a legal act (statute). The Agreement will take form of a bilateral treaty. Negotiation and ratification process of the Host Country Agreement will take approximately 6-12 months.

41. Transitional/provisional legal arrangements: Before the entry into force of the Agreement (ratification), e.g. on 1 January or 1 June 2013, the functioning of the Fund Secretariat and its officials will be possible, if the Host Country Agreement is applied provisionally from the day it is signed (see Article 25 of the 1969 Vienna Convention on the Law of Treaties).

#### 4.2.3.2 Privileges and immunities

42. The Fund will be accorded immunity from any form of legal process. Privileges and immunities will be recognized in the Host Country Agreement.

43. The Government of Poland will grant functional immunity for acts performed in an official capacity by the Board members, members of subsidiary bodies established by the Board, staff of the Fund (including international staff and locally hired national staff) and experts of the Fund and other entities or persons (e.g. contractors) on official business for the Fund. They will also be granted immunity from immigration.

44. The new and additional information on the provision of functional immunity to Secretariat staff and the Head of the Secretariat if they are nationals and permanent residents in Poland and immunity from immigration restrictions for experts and persons attending the conferences was communicated posteriori to the meeting of representatives of the Government of Poland with the Evaluation Committee, held on 17 September 2012, once the draft evaluation of its offer was provided to Poland for review of factual accuracy.

45. The Government will recognize the inviolability and protection of the premises of the Fund and immunity of archives. The Government will recognize the exemption of the Fund from all taxation, including all direct and indirect taxes.

#### 4.2.3.3 Financial arrangements, administrative and logistical support

46. The City of Warsaw will provide:

- (a) Free of charge (for a period of 10 years with the possibility of renewal for another 10-year period) three floors of office space in the Palace of Culture and Science, from 1 July 2013, with the possibility of extending this space to five floors (each floor is 1,000 m<sup>2</sup>);
- (b) In-kind contribution (equivalent to 1.84 million US dollars) to cover, inter alia, preferential terms and conditions of office space renting, car parking lots, free access to conference facilities in the Palace of Culture and Science.

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47. The Government of Poland will provide:
- (a) Financial resources needed for furnishing and equipping the entire office with all necessary devices;
  - (b) 250,000 US dollars to support administrative costs of the Fund in 2014.
48. The Fund will need to bear the operating costs for office space in the Palace of Science and Culture (3.8 US dollars per meter<sup>2</sup> per month).

#### 4.2.3.4 Local facilities and conditions

- (a) Warsaw hosts over 100 embassies and consulates, including over 40 embassies, and many pan-European and international organizations;
- (b) Work permits can be issued for the members of families following the national and European Union regulations;
- (c) Warsaw Chopin Airport is responsible for handling 43% of country's air traffic. There are many national and international flight connections to Europe, Asia, Africa and North America;
- (d) In recent years safety in Warsaw has improved significantly - crime rate has been consistently dropping by several per cent annually. At the same time, crime detection rate has been on the rise;
- (e) The cost-of-living index<sup>7</sup> for Warsaw is 77.34;
- (f) The Palace of Culture and Science offers modern information technology infrastructure in the office space which allows connecting any needed number of telephone lines, comertel, SDI and internet connections.

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<sup>7</sup> Ibid., p. 6.

**Table 5: Final evaluation by the Host Country Evaluation Committee of the offer and information provided by Poland**

Evaluation criteria	Final evaluation by the Committee	Remarks by the Evaluation Committee
<b>Legal status</b>	<b>Green light</b>	Recognition of international juridical personality of the Fund; juridical personality and legal capacity will also be conferred upon the Fund under Polish law, through the Host Country Agreement. Timeline: Negotiation and ratification process of the Host Country Agreement will take approximately 6-12 months. Transitional/provisional legal arrangements: Before the entry into force of the Host Country Agreement (ratification), e.g. on 1 January or 1 June 2013, the functioning of the Fund Secretariat and its officials will be possible if the Host Country Agreement is applied provisionally from the day it is signed. In such a case, the negotiations on the Host Country Agreement should be finalized before that date.
<b>Privileges and Immunities</b>	<b>Red light</b>	Functional immunity for nationals and permanent residents and immunity for immigration restriction for experts and persons attending the conferences <sup>8</sup> .
<b>Financial arrangements, administrative and logistical support</b>	<b>Green light</b>	The City of Warsaw will provide: <ul style="list-style-type: none"> <li>• Free of charge (for a period of 10 years with the possibility of renewal for another 10-years period) three floors of office space in the Palace of Culture and Science, from 1 July 2013, with the possibility of extending this space to five floors (each floor is 1.000 m<sup>2</sup>);</li> <li>• In-kind contribution (equivalent to 1.84 million US dollars) to cover inter alia preferential terms and conditions of office space renting, car parking lots, free access to conference facilities in the Palace of Culture and Science.</li> </ul> The Government of Poland will provide: <ul style="list-style-type: none"> <li>• Financial resources needed for furnishing and equipping the entire office with all necessary devices;</li> <li>• 250.000 US dollars to support administrative costs of the Fund in 2014.</li> </ul> The Fund will need to bear the operating costs for office space in the Palace of Science and Culture (3.8 US dollars per meter <sup>2</sup> per month).
<b>Local facilities and conditions</b>	<b>Green light</b>	Cost-of-living index for Warsaw: 77.34.

<sup>8</sup> This new and additional information was communicated posteriori to the meeting of representatives of the Government of Poland with the Evaluation Committee, held on 17 September 2012.

#### 4.2.4 Republic of Korea

49. Table 6 provides consensus final evaluation by the Committee of the offer submitted by the Government of the Republic of Korea to host the Fund.

##### 4.2.4.1 Legal status

50. The Host Country Agreement with the Republic of Korea will explicitly provide for the recognition of the juridical personality of the Fund. The Agreement between the Fund and the Republic of Korea will have the authority equivalent to the status of Korean national law based on Article 6 of the Korean Constitution.

51. The process for the conclusion of the Host Country Agreement in the Republic of Korea is as follows: (i) consultation between the relevant ministries, Cabinet deliberation; (ii) the President's approval; (iii) assent by the National Assembly; and (iv) ratification (accorded the status equivalent to the Korean national law). The Agreement will take the form of a bilateral treaty. The approximate timeframe for ratification is expected to be within six months. A recent resolution by the National Assembly dated 27 September 2012 strongly supports this. This information was communicated *posteriori* to meeting of representatives of the Government of Republic of Korea with the Evaluation Committee, held on 17 September 2012.

52. Transitional/provisional legal arrangements: During this interim period, if necessary, the Government of the Republic of Korea can immediately grant domestic legal personality under Korean civil law. In regard to privileges and immunities accorded to the Interim Secretariat staff, since the majority of the staff are United Nations employees, privileges and immunities can be accorded to these staff by the "Convention on the Privileges and Immunities of the United Nations," of which the Republic of Korea is a member.

##### 4.2.4.2 Privileges and immunities

53. The Fund will be accorded immunity from any form of legal process. Privileges and immunities will be given the force of law in the Republic of Korea as the Host Country Agreement will have comparable status with Korean national law according to Article 6 of the Korean Constitution.

54. The Government of the Republic of Korea will grant functional immunity for acts performed in an official capacity by the Board members, members of subsidiary bodies established by the Board, staff of the Fund (including international staff and locally hired national staff) and experts of the Fund and other entities or persons (e.g. contractors) on official business for the Fund. They will also be granted immunity from immigration restrictions. The Government will recognize the inviolability and protection of the premises of the Fund and immunity of archives.

55. The Government will recognize the exemption of the Fund from all taxation, including all direct and indirect taxes. There will be no exemption of locally hired national staff from national service obligations.

##### 4.2.4.3 Financial arrangements, administrative and logistical support

56. The local government of the Songdo City will provide:

- (a) Rent-free office space (21, 500 m<sup>2</sup>) ready no later than February 2013 for the duration of its operations, plus free of charge major maintenance, repairs and permanent alternations to the facilities (equivalent to six million US dollars per year);
- (b) Up to 1.4 million US dollars will be provided initially for office equipment purchases;

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- (c) Dedicated offices for regional groups, including LDCs and Small island developing States (SIDS) will be provided upon request;
  - (d) An auditorium with capacity of 434 persons and two conference rooms with capacity of 104 and 124 persons each are available free of charge; in addition to these main conference facilities, each floor of the facility will have two to three meeting rooms for 7-15 persons, as well as offices and conference rooms with advanced video conference facilities;
  - (e) A conference centre for the Fund's use for 20 days per year for the entire duration of its operations, free of charge (equivalent to half a million US dollars per year);
  - (f) Up to 20 local government staff to provide on-site civil administrative services, if necessary;
  - (g) Welcome package for Fund's staff and their families, to include various discounts for public transportation and cultural and sport facilities (equivalent to 0.3 million US dollars per year).
57. The Government of the Republic of Korea will provide:
- (g) Financial support of 2 million US dollars in 2012 for start-up, and subsequently for hosting the Fund an additional 1 million US dollars per year until 2019;
  - (h) Forty million US dollars for the period 2014-2017 to support capacity building of developing countries in addressing the challenges of climate change;
58. The Fund will need to bear the operating costs and minor alterations, partly up to 2019 and fully afterwards.

#### 4.2.4.4 Local facilities and conditions

- (a) Hundred-and-one embassies are located in the Seoul metropolitan area, which includes the host city. Ten inter-governmental organizations and 65 international corporate offices are already located in the host city;
- (b) Seventy-nine airlines operate from the Incheon International Airport, offering flights to 182 cities (36 capitals) in 49 countries;
- (c) The Fund staff's dependents will be allowed employment with a simpler verification process which is more favorable than that applied to foreign missions' dependents in the Republic of Korea; a support centre will help the employment and adjustment of staff members and families;
- (d) Republic of Korea maintains a high level of public security providing a safe living environment;
- (e) The cost-of-living index<sup>9</sup> for Songdo City is 104.65;
- (f) The facility to host the Fund is equipped with high-speed wireless internet service and 4G networks, and offices and conference rooms utilize advanced video conference facilities.

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<sup>9</sup> Ibid., p. 6.

**Table 6: Final evaluation by the Host Country Evaluation Committee of the offer and information provided by the Republic of Korea**

Evaluation criteria	Final evaluation by the Committee	Remarks by the Evaluation Committee
<b>Legal status</b>	<b>Green light</b>	<p>Precedents for conferring and/or recognizing juridical personality and conferring legal capacity. Timeline: Host Country Agreement to be concluded within six months. A recent resolution by the National Assembly dated 27 September 2012 strongly supports this.<sup>10</sup></p> <p>Transitional/provisional legal arrangements: During this interim period, if necessary, the Government can immediately grant domestic legal personality under Korean civil law. In regard to privileges and immunities accorded to Interim Secretariat staff, since the majority of staff are from the United Nations, privileges and immunities can be accorded to these Staff per the Convention on the Privileges and Immunities of the United Nations, of which the Republic of Korea is a member.</p>
<b>Privileges and immunities</b>	<b>Green light</b>	Full scope of privileges and immunities offered.

<sup>10</sup> This new and additional information was communicated after the meeting of representatives of the Government of Republic of Korea with the Evaluation Committee, held on 17 September 2012.

Evaluation criteria	Final evaluation by the Committee	Remarks by the Evaluation Committee
<b>Financial arrangements, administrative and logistical support</b>	<b>Green light</b>	<p>The local government will provide:</p> <ul style="list-style-type: none"> <li>• Rent-free office space (21,500 m<sup>2</sup>) ready no later than February 2013 for the duration of its operations, plus free of charge major maintenance, repairs and permanent alternations to the facilities (equivalent to 6 million US dollars per annum);</li> <li>• Up to 1.4 million US dollars will be provided initially for office equipment purchases;</li> <li>• Dedicated offices for regional groups, including LDCs and SIDS will be provided upon request;</li> <li>• An auditorium with the capacity of 434 persons and two conference rooms with the capacity of 104 and 124 persons each are available free of charge; In addition to these main conference facilities, each floor of the facility will have two to three meeting rooms for 7-15 persons, as well as offices and conference rooms with advanced video conference facilities;</li> <li>• A conference centre for the Fund's use for 20 days per year for the entire duration of its operations, free of charge (equivalent to half a million US dollars per year);</li> <li>• Up to 20 local government staff to provide on-site civil administrative services, if necessary;</li> <li>• Welcome package for Fund's staff and their families to include various discounts for public transportation and cultural and sport facilities (equivalent to 0.3 million US dollars per year).</li> </ul> <p>The Government of the Republic of Korea will provide:</p> <ul style="list-style-type: none"> <li>• Financial support of 2 million US dollars in 2012 for start-up, and subsequently for hosting the Fund an additional 1 million US dollars per year until 2019;</li> <li>• Forty million US dollars for the period 2014-2017 to support capacity building of developing countries in addressing the challenges of climate change.</li> </ul> <p>The Fund will need to bear the operating costs and minor alterations.</p>
<b>Local facilities and conditions</b>	<b>Green light</b>	<p>Significant number of embassies;  Large international airport with many direct international flights;  Limited information on work opportunities for spouses;  Cost-of-living index for Songdo City: 104.65.</p>

#### 4.2.5 Namibia

59. Table 7 provides consensus final evaluation by the Committee of the offer submitted by the Government of Namibia to host the Fund.

##### 4.2.5.1 Legal status

60. Namibia's offer notes that Namibia has already ratified the UNFCCC, the framework within which the Fund was established and therefore recognizes the Fund's juridical personality and legal capacity, as established in Clause II B of the Governing Instrument. The only process Namibia needs to fulfill will be the conclusion of the Host Country Agreement. The Agreement will take the form of a bilateral Agreement which will not require ratification. The legal process will be concluded within a week, maximum two weeks.

61. Transitional/provisional legal arrangements: There is no need for any provisional legal arrangements as the Agreement will be concluded within a week or maximum two weeks. If required, the Government of Namibia is prepared to enter into transitional or provisional legal arrangements with the Fund's Board, which will be gazetted in terms of Section 5 of the Namibia's Diplomatic Immunity and Privileges Act and will therefore have a force of law.

##### 4.2.5.2 Privileges and Immunities

62. The Fund will be accorded immunity from any form of legal process. The Government of Namibia will grant functional immunity for acts performed in an official capacity by the Board members, members of subsidiary bodies established by the Board, staff of the Fund (including international staff and locally hired national staff). They will also be granted immunity from immigration restrictions.

63. The Government will recognize the exemption of the Fund from all direct taxes only. Any indirect taxes incurred by the Fund can be claimed back. The Government will recognize the inviolability and protection of the premises of the Fund and immunity of archives.

64. With regards to the privileges and immunities not applicable to national, the 1989 Diplomatic Immunities and Privileges Act (Act No. 74 of 1989) provides that privileges and immunities do not apply to nationals and permanent residents.

##### 4.2.5.3 Financial arrangements, administrative and logistical support:

65. The Government of Namibia will provide:

- (a) For the interim period: Free office space that can accommodate up to 100 staff and ready for immediate use. New building will be rent-free (5000 m<sup>2</sup> of land available) for the duration of its operations;
- (b) Minimum investment of 50.5 million US dollars for the Fund Secretariat to include the provision of interim office space, construction and furnishing of the new office premises of the Secretariat;
- (c) Payments of utilities (fixed-telephone lines, internet, water and electricity) for the initial period of 10 years of Fund operations; after the initial period of 10 years, the Fund will need to bear the operating costs;
- (d) Up to 5 million US dollars for the duration of the first 10 years of Fund operations to cover the general administrative costs;
- (e) Cost of the major maintenance and repairs;

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- (f) Normal maintenance and repairs of the facility;
  - (g) Payments of the alterations cost and any required additions to the facility.
66. In addition, negotiated preferential interest rate with the local commercial banks will be offered for the Fund staff to purchase vehicles (estimated value is 4.2 million US dollars).

#### 4.2.5.4 Local facilities and conditions

- (a) Windhoek has 107 accredited embassies and high commissions and 20 consular offices of which 29 are resident in the city along with the presence of some international organizations;
- (b) There are direct international flights to Frankfurt, Lusaka, Gaborone, Harare, Accra, Munich and Luanda; there are seven daily direct flights between Windhoek and Johannesburg and then five direct flights between Windhoek and Cape Town, which are the major connecting hubs;
- (c) Windhoek is a safe city for residents with adequate security services provided by the Government;
- (d) Spouses of Fund's staff can perform paid work with the diplomatic visa in their passports issued by the Ministry of Foreign Affairs. The quality and availability of jobs largely depends on quality of skills and qualification the expat possesses;
- (e) The cost-of-living index<sup>11</sup> for Windhoek is 81.05;
- (f) The facility offered has modern fixed and mobile communication infrastructure in place for all voice, broadband and information technology application needs.

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<sup>11</sup> Ibid., p. 6.

**Table 7: Final evaluation by the Host Country Evaluation Committee of the offer and information provided by Namibia**

Evaluation criteria	Final evaluation by the Committee	Remarks by the Evaluation Committee
<b>Legal status</b>	<b>Yellow light</b>	Lack of clarity on legal status provided through the Host Country Agreement. Timeline: The legal process required for the Host Country Agreement will be concluded within a week, maximum two weeks. Transitional/provisional legal arrangements: If required, the Government of Namibia will enter into transitional or provisional legal arrangements with the Fund's Board, which will be gazetted in terms of Section 5 of the Namibia's Diplomatic Immunity and Privileges Act and will therefore have a force of law.
<b>Privileges and immunities</b>	<b>Green light</b>	Full scope of privileges and immunities offered. Any indirect taxes incurred by the Fund can be claimed back.
<b>Financial arrangements, administrative and logistical support</b>	<b>Green light</b>	The Government of Namibia will provide: <ul style="list-style-type: none"> <li>• For the interim period: Free office space that can accommodate up to 100 staff and ready for immediate use;</li> <li>• New building will be rent-free (5000 m<sup>2</sup> of land available) for the duration of its operations;</li> <li>• Minimum investment of 50.5 million US dollars for the Fund Secretariat to include the provision of interim office space, construction and furnishing of the new office premises of the Secretariat;</li> <li>• Payments of utilities (fixed-telephone lines, internet, water and electricity) for the initial period of 10 years of Fund operations;</li> <li>• Up to 5 million US dollars for the duration of the first 10 years of Fund operations to cover the general administrative costs;</li> <li>• Cost of the major maintenance and repairs;</li> <li>• Normal maintenance and repairs of the facility;</li> <li>• Payments of the alterations cost and any required additions to the facility.</li> </ul> <p>After the initial period of 10 years, the Fund will need to bear the operating costs. In addition, negotiated preferential interest rate with the local commercial banks will be offered for the Fund staff to purchase vehicles (estimated value is 4.2 million US dollars).</p>
<b>Local facilities and conditions</b>	<b>Yellow light</b>	Limited flights, especially direct international flights; Limited job opportunities for spouses; Extensive presence of diplomatic missions; Cost-of-living index for Windhoek: 81.05.

#### 4.2.6 Germany

67. Table 8 provides consensus final evaluation by the Committee of the offer submitted by the Government of Germany to host the Fund.

##### 4.2.6.1 Legal status

68. The German Federal Government recognizes the juridical personality of the Fund. The Government envisages a two-step process for recognizing and conferring the legal capacity to the Fund.

69. In the first step, the German Federal Government will pass an ordinance with the consent of the Bundesrat (upper house of the German Parliament) granting the Fund for the sake of clarity and legal security, with juridical personality and legal capacity on a declaratory basis. The ordinance will also accord certain privileges and immunities on a provisional and unilateral basis, in accordance with the 1947 Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations. This will ensure that the Fund is ready to operate as quickly as possible.

70. In a second step, legal status and the precise scope of the privileges and immunities will be set forth on a permanent basis in a Host Country Agreement agreed upon bilaterally between the Fund and Germany. The Host Country Agreement will take the form of a bilateral treaty and be incorporated into national law by way of an act of Parliament.

71. The target date for a declaratory ordinance will be latest June 2013 and for entry into force of Host Country Agreement latest December 2013, with an assumption that the signature of Agreement takes place by May 2013.

72. Transitional/provisional legal arrangements: Germany has provisions in place under which the Fund staff can be accredited, pending the decision of the Board on the interim status of the Secretariat.

##### 4.2.6.2 Privileges and immunities:

73. The Fund will enjoy immunity of legal process and the Host Country Agreement will contain the final provisions on privileges and immunities to be incorporated into German law in the form of an act of Parliament. Representatives of members of the Fund will, unless they have German nationality or permanent resident status in Germany, enjoy privileges and immunities in accordance with Article IV of the Convention of 13 February 1946 on the Privileges and Immunities of the United Nations.

74. The Government of Germany will grant functional immunity for acts performed in an official capacity by the Board members, members of subsidiary bodies established by the Board, staff of the Fund (including international staff and locally hired national staff) and experts of the Fund and other entities or persons (e.g. contractors) on official business for the Fund. They will also be granted immunity from immigration restrictions. The Government will recognize the inviolability and protection of the premises of the Fund and immunity of archives.

75. The Government will recognize the exemption of the Fund from all taxation, including all direct and indirect taxes. The Government will also grant privileges for work permit of spouses and dependents residing with staff.

##### 4.2.6.3 Financial arrangements, administrative and logistical Support:

76. The German Federal Government will provide:

- (a) Two options for the interim office space: Option 1: ready for occupation from January 2013, respectively latest from June 2013 (depending on the amount of remodeling requested by Fund); Option 2: a newly constructed building, ready for occupation in Autumn 2013; and

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- subsequently financing the costs of relocation to the new building (8,500 m<sup>2</sup> of office space), ready in 2018 for the duration of its operations;
- (b) Up to 1 million Euros for start-up cost of the Interim Secretariat;
  - (c) As of 2014, 4 million euros annually to cover the Fund's administrative costs. Two million Euros will be provided in 2013;
  - (d) Up to 800,000 euros a year will be made available from 2013 to 2015 for the relocation of Fund officials to Bonn;
  - (e) Up to 60,000 euros a year will be available from 2013 for the Fund's staff and family to attend German language courses;
  - (f) One million Euros a year from 2014 and 500,000 euros in 2013 to facilitate the participation of representatives from developing countries in Fund meetings and conferences;
  - (g) One million Euro in 2013 and 2 million euros a year beginning in 2014 for conferences organized by the Fund in Germany;
  - (h) Investment of approximately 75.5 million euros for the property and the construction of the new building;
  - (i) The costs of construction, maintenance and major alterations and additions to the facility;
  - (j) The cost of furnishing and equipping offices and meeting rooms, including furniture, information technology and communications systems.
77. The Fund will need to bear the operating costs of the facilities offered to the Fund.

#### 4.2.6.4 Local facilities and conditions

- (a) There are 25 consulates and embassies and many other international organizations operating from the Bonn area. The diplomatic missions from developing countries based in Berlin can use German-financed travel fund;
- (b) There are three international airports located less than an hour away from the Bonn train stations;
- (c) Germany is prepared to accord unlimited access to the national labour market to the Fund's officials' direct dependents;
- (d) Bonn offers a secure environment, not only in a physical sense, but also in the context of availability of services to guarantee the safety of confidential information and data;
- (e) Adequate health facilities, housing, schools and social networks for international staff are available in the host city;
- (f) The cost-of-living index<sup>12</sup> for Bonn is 83.19;
- (g) The facility offered to the Fund has a broadband cable network, providing for one of the highest telecommunication standards in the world (up to 50Mbits/s, VDSL fiber optics).

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<sup>12</sup> Ibid., p. 6.

**Table 8: Final evaluation by the Host Country Evaluation Committee of the offer and information provided by Germany**

Evaluation criteria	Final evaluation by the Committee	Remarks by the Evaluation Committee
<b>Legal status</b>	<b>Green light</b>	<p>Precedents for conferring and/or recognizing juridical personality and conferring legal capacity.</p> <p>Timeline: Target date for a declaratory ordinance: latest June; target date for entry into force of the Host Country Agreement latest December 2013 (assumption: signature of agreement by May 2013).</p> <p>Transitional/provisional legal arrangements: Until the entry into force of the ordinance by latest June 2013, Germany is prepared to apply the same privileges and immunities currently accorded to the staff of the Fund Interim Secretariat</p>
<b>Privileges and immunities</b>	<b>Green light</b>	Full scope of privileges and immunities offered.
<b>Financial arrangements, administrative and logistical support</b>	<b>Green light</b>	<p>The German Federal Government will provide:</p> <ul style="list-style-type: none"> <li>• Two options for the interim office space: <ul style="list-style-type: none"> <li><u>Option 1</u>- ready for occupation from January 2013, respectively latest from June 2013 (depending on the amount of remodelling requested by Fund);</li> <li><u>Option 2</u>- a newly constructed building- ready for occupation in Autumn 2013;</li> </ul> </li> <li>• Subsequently finance the costs of relocation to the new building (8,500 m<sup>2</sup> office space), ready in 2018 for the duration of its operations;</li> <li>• Up to 1 million euros for start-up cost of the Interim Secretariat;</li> <li>• As of 2014, 4 million euros annually to cover the Fund's administrative costs. Two million Euros will be provided in 2013;</li> <li>• Up to 800,000 euros a year will be made available from 2013 to 2015 for the relocation of Fund officials to Bonn;</li> <li>• Up to 60,000 euros a year will be available from 2013 for the Fund's staff and family to attend German language courses;</li> <li>• One million euros a year from 2014 and 500,000 euros in 2013 to facilitate the participation of representatives from developing countries in Fund meetings and conferences;</li> <li>• One million euro in 2013 and 2 million euros a year beginning in 2014 for conferences organized by the Fund in Germany;</li> <li>• Investment of approx. 75.5 million euros for the property and the construction of the new building;</li> <li>• The costs of construction, maintenance and major alterations and additions to the facility;</li> <li>• The cost of furnishing and equipping offices and meeting rooms, including furniture, information technology and communications systems.</li> </ul> <p>The Fund will need to bear the operating costs.</p>
<b>Local facilities and conditions</b>	<b>Green light</b>	<p>Limited direct international flights from Köln/Bonn airport; numerous direct international flights from Frankfurt Airport (access in 80 minutes by train from Bonn);</p> <p>Few diplomatic missions;</p> <p>Cost-of-living index for Bonn: 83.19.</p>

## V. Acknowledgements

78. The Evaluation Committee highly appreciated the quality and comprehensiveness of the offers and information submitted by the candidate countries. All the offers submitted provided detailed additional information on the matters relating to the legal status, privileges and immunities, financial, administrative and logistical support and local facilities and conditions. The additional information and reviews were submitted to the Evaluation Committee in a timely manner within a very tight timeline. These offers were also underpinned by the high level of political commitment to support the operationalization of the Fund in an expedited manner.

79. The Committee wishes to thank the Interim Secretariat for the invaluable support which made it possible for the Committee to discharge its mandate in a timely and efficient manner. The Committee also would like to thank the GEF secretariat for providing meeting rooms and other logistical support throughout the meeting.

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## **Annex I: Evaluation criteria and selection process**

### **I. Evaluation criteria**

1. Expanding on the criteria outlined in the Governing Instrument and the decision 3/CP.17, the Board agreed on the following supplementary evaluation criteria on issues related to legal status, privileges and immunities, financial, administrative and logistical support, and local facilities and conditions.

#### **1.1 Legal status**

- (a) The ability, commitment, process and timeline to confer and/or recognize the legal status of the Green Climate Fund so that it can operate effectively internationally, including both juridical personality and legal capacity as is necessary for the exercise of its functions and the protection of its interests;
- (b) The timeline for the conclusion of a headquarters agreement for the Fund and its Secretariat, in order to be able to terminate the Interim Secretariat arrangements by December 2013, as foreseen in decision 3/CP.17.

#### **1.2 Privileges and immunities**

- (a) The ability, commitment, process and timeline to confer the Fund and its officials (including Board members/alternate members, the Secretariat staff and other key officials) with the necessary privileges and immunities, including tax benefits and related matters;
- (b) The timeline for the conclusion of a headquarters agreement for the Fund and its Secretariat, in order to be able to terminate the Interim Secretariat arrangements by December 2013, as foreseen in decision 3/CP.17.

#### **1.3 Financial arrangements, administrative and logistical support to the Fund**

2. Information on the facilities to be made available to the Fund for its work, including its premises, meeting facilities, other required general services and the duration that those facilities will be available to the Fund.

- (a) The basis for placing the facilities at the disposal of the Fund, including ownership rights and any rental arrangements;
- (b) The extent to which the facilities will be furnished and equipped by the host country or the extent to which the financial resources will be provided to this end;
- (c) The responsibility for the payment of and administrative support for:
  - (d) Major maintenance and repairs of the facilities;
  - (e) Normal maintenance;
  - (f) Logistical infrastructure, including telecommunications, electricity, water facilities, security, etc.
- (g) The confirmation that the facilities meet the security requirements of an international institution;
- (h) The environmental standards of the facilities;

(i) Any additional direct financial contributions to be made by the host Government to support the costs of operations of the Fund.

3. In addition to these requirements, three additional criteria specific to the particular needs of the Fund as an international financial institution could be used to assess whether the host city is in position to ensure that the Fund can operate as a highly effective institution capable of delivering its mission. These criteria could be:

- (a) The ability to swiftly recruit and retain staff with the necessary specialist expertise and experience (fund management, climate change and development finance) over the long term;
- (b) The quality of financial transaction system in the host city;
- (c) Cost of living considerations.

#### 1.4 Local facilities and conditions

- (a) Diplomatic representation in the host city;
- (b) Presence of other international organizations, including inter-governmental, non-governmental and private financial institutions active in the field of climate change and development;
- (c) Availability of international meeting facilities and the conditions for their use (free of charge, rent, etc.);
- (d) State-of-the-art tele- and video-communication facilities (tele- and video-conference, web-based interactive platforms, etc.)
- (e) International transport facilities;
- (f) Local transport facilities;
- (g) Health facilities;
- (h) Hotel facilities.
- (i) Suitable conditions for employment of spouses, including work permits and other matters;
- (j) Availability of adequate housing, schools and social networks for international staff;
- (k) Availability of local trained personnel to service the work of the Fund, taking into account language requirements and other relevant skills;
- (l) Arrangements for the processing of visas for Board members and alternate members, staff, experts, representatives of States and other officials performing functions for the Fund or invited to attend Fund meetings, in accordance with international practice.

#### 1.5 Other relevant information

4. Any other information that the host country may deem relevant.

## II. Selection process

5. The Board recognized the critical importance of the selection of the host country for the further operationalization of the Fund. In light of the importance of the process and the need to present a candidate for endorsement to COP18, the Co-Chairs proposed that the Board agree to the exceptional, one-off process (outlined below), noting this does not set or determine future precedents for the operation of the Board in any area.

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## 2.1 Composition of the Host Country Evaluation Committee

- (a) The Committee will be constituted of six members with equal representation between developed and developing countries;
- (b) The Co-Chairs will work with respective constituencies to determine membership;
- (c) Members, or their alternate in their place, may serve on the Committee;
- (d) The Committee will elect its Chair from among its members. The Chair of the Committee must be a Board member and not the alternate;
- (e) Members and alternates that represent a candidate country will not participate in the Committee;
- (f) Committee members will sign an undertaking of impartiality and confidentiality, including disclosure of any potential or perceived conflicts of interest.

## 2.2 Role of the Committee

- (a) The responsibility of the Committee will be to conduct an open and transparent process to assess the proposals received, based on the evaluation criteria decided by the Board;
- (b) In order to facilitate the host country selection by the Board, the Committee will prepare a consensus written report providing an evaluation of the offers against the criteria decided by the Board but not a ranking or recommendation;
- (c) If required, the Chair of the Committee can task the Interim Secretariat to assist in these responsibilities.

## 2.3 Evaluation process

- (a) The Committee will decide on most equitable, efficient and effective method of conducting its evaluation;
- (b) The candidate countries will be provided with the Committee's draft evaluation of their respective offers to review for accuracy prior to finalization of the report;
- (c) In determining its work programme, the Committee will stipulate how it intends to ensure full, equitable and proper consultation with candidate countries taking into account the limited time available to the Committee between now and the next Board meeting;
- (d) In carrying out its work, the Committee may solicit additional information as it deems appropriate. Likewise, the candidate countries may provide additional information. The Committee may set a deadline for providing any additional information;
- (e) The Committee will also invite six candidate countries for a meeting to make a presentation and provide any additional information on a location in a country other than six candidate countries;
- (f) The Committee may decide to send two of its members, one from a developed and the other from a developing country, for a site visit to host city in the candidate countries. The Interim Secretariat will accompany the Committee members to any such site visit.

## 2.4 Selection of the successful candidate

- (a) The Committee's report will be circulated to the Board and all host country candidates for their review two weeks before the next Board meeting;
- (b) The Chair of the Committee will make a presentation of its findings at the next Board meeting;

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- (c) Each candidate country should be allowed the opportunity to provide a written statement regarding its offer and the Committee's report prior to selection of the host country at the next Board meeting. The candidate countries will also be invited to the next Board meeting to provide their comments on the Committee's report;
  - (d) With a view to achieving an equitable, transparent, and open process, the Board will undertake the following steps towards adopting an outcome by consensus;
  - (e) The Co-Chairs will first consult with members of the Board on a confidential basis to determine whether a consensus exists;
  - (f) Failing that, the Board may utilise the following decision-making process:
    - (i) A series of confidential ballots of Board members to determine the successful candidate;
    - (ii) Following each round of balloting, the candidate country with the least support will be eliminated;
    - (iii) Each member is permitted one ballot in each round;
    - (iv) In the final round of two candidate countries, the candidate country receiving the majority of support will be selected for the Board to then be endorsed by consensus;
    - (v) In the event of a tie, the balloting process is repeated until a majority is reached.
    - (vi) The Board will adopt the outcome of the process by consensus;
  - (g) The outcome of the Board selection process will be communicated to the COP for endorsement through the report of the Board.

**Annex II: Declaration of impartiality and confidentiality by the members of the Evaluation Committee**

**Evaluation criteria and selection process for the selection of the host country of the Green Climate Fund**

I, the undersigned, hereby declare that I agree to serve on the Evaluation Committee for the selection of the host country of the Green Climate Fund. By making this declaration, I confirm that I have familiarized myself with the information available to date concerning this evaluation criteria and selection process. I further declare that I shall execute my responsibilities honestly, fairly and impartially.

I am independent of all countries which stand to gain from the outcome of the evaluation process. To the best of my knowledge and belief there are no facts or circumstances, past or present, or that could arise in the foreseeable future, which may constitute a conflict of interest or which might call into question my independence and impartiality. Should it become apparent during the course of the evaluation process that such a relationship exists or has been established, I will immediately inform the Evaluation Committee and the Board and cease to participate in the evaluation process.

I agree to hold in trust and confidence any information or documents (“confidential information”) disclosed to me or prepared by me in the course of or as a result of the evaluation. I further solemnly declare that, subject to my responsibilities on the Evaluation Committee, I shall not disclose, even after the termination of my functions on the Committee, any confidential information coming to my knowledge by reason of my duties on the Committee.

<b>Name</b>	
<b>Signed</b>	
<b>Date</b>	

## Annex III: Evaluation criteria (questionnaire)

### Questionnaire prepared by the Host Country Evaluation Committee for countries that expressed interest in hosting the Green Climate Fund

#### Country:

1. The questionnaire is based on the criteria decided by the Board of the Green Climate Fund for evaluation of proposals from candidate countries for the selection of the host country of the Fund. It is intended to solicit detailed information on the proposals submitted by the six candidate countries to host the Fund.

#### I. Legal Status

2. Paragraph 7 of the Governing Instrument provides: “In order to operate effectively internationally, the Fund will possess juridical personality and will have such legal capacity as is necessary for the exercise of its functions and the protection of its interests”.

3. Please indicate:

##### 1.1 Juridical personality

(a) How will the candidate country enable the Fund to operate effectively internationally by conferring and/or recognizing the juridical personality of the Fund, e.g. the capacity of the Fund to enter into legal agreements with States, international organizations, and private and public sector entities?

**Response:**

What national and/or international laws will the relations of the Fund with the candidate country and other countries, NGOs, and the private sector be governed by? Please specify.

**Response:**

(b) What steps are necessary under the law of the candidate country to confer and/or recognize juridical personality to the Fund?

**Response:**

(c) What will be the form of this juridical personality?

**Response:**

(d) Please explain the process and specify approval requirements (e.g. ratification).

**Response:**

##### 1.2 Legal capacity

(a) How will the candidate country confer the legal capacity of the Fund under the law of the candidate country for the protection of its interests and the exercise of its functions, including but not limited to the ability to contract, acquire and dispose of immovable and movable property, and institute legal proceedings?

**Response:**

- (b) What steps are necessary under the law of the candidate country to confer legal capacity to the Fund?

**Response:**

- (i) Please explain the process and specify approval requirements (e.g. adoption of a law by the parliament of candidate country).

**Response:**

- (ii) Please explain the full range of legal authorities the Fund will have as a result – e.g. the ability to hire/fire, the ability to enter into contracts with service providers, the ability to be sued or to sue, the ability to issue bonds and raise funds on private markets?

**Response:**

### 1.3 Process

- (a) Has approval in principle already been given and what is the expected time line for conferring and/or recognizing with regard to the Fund its:

- (i) Juridical personality to operate effectively internationally: Yes  No

- (ii) Legal capacity of the Fund under the law of the candidate country: Yes  No

- (iii) If so, specify the anticipated time line for both, and if you are aware of any extenuating circumstances that might affect this timeline. Also please specify by which national body and in which legal form;

**Response:** and

- (iv) If not, please indicate whether you are aware of any issues that may impede conferring and/or recognizing juridical personality and conferring legal capacity to the Fund.

**Response:**

### 1.4 Host Country Agreement

- (a) If your country were to be selected as the host of the Fund, how long (time line) would it take to conclude a Host Country Agreement with the Fund's Board?

**Response:**

- (i) What elements will be included in the Host Country Agreement (i.e. legal status, privileges and immunities and others)

**Response:**

- (ii) Will the Host Country Agreement take the form of a treaty? If not, please specify in what legal form it will be concluded and what are the approval requirements in the candidate country? **Response:**

## II. Privileges and immunities

4. Paragraph 8 of the Governing Instrument provides: "The Fund will enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. The officials of the Fund will similarly enjoy such privileges and immunities as are necessary for the independent exercise of their official functions in connection with the Fund".

5. Please indicate whether the candidate country will recognize:

The immunity of the Fund from every form of legal process? Yes  No

If not, please specify any known exceptions (e.g. borrowings on capital markets or issuance of securities)

**Response:**

- (a) The functional immunity for acts performed in an official capacity by:
- (i) The Board members of the Fund: Yes  No
  - (ii) Members of subsidiary bodies (e.g. governing bodies of facilities) which may be established by the Board of the Fund: Yes  No
  - (iii) Staff of the Fund (including international staff and locally hired national staff): Yes  No  and
  - (iv) Experts of the Fund and other entities or persons (e.g. contractors) on official business for the Fund: Yes  No
- (b) Inviolability and protection of the premises of the Fund: Yes  No
- (c) Immunity of archives: Yes  No
- (i) Immunity of property and assets from search, requisition, confiscation, expropriation and any other type of taking and foreclosure: Yes  No
- (d) Freedom of assets from restrictions or regulations (e.g. regarding conversion, transfer, issue of securities, access to capital markets): Yes  No
- (e) Exemption of the Fund from all taxation, including all direct and indirect taxes: Yes  No
- (f) Exemption from taxation of the salaries and emoluments of
- (i) Board members and members of subsidiary bodies established by the Board: Yes  No
  - (ii) Staff of the Fund: Yes  No
  - (iii) Experts of the Fund: Yes  No  and,
  - (iv) Other entities and persons (e.g. contractors) on official business for the Fund: Yes  No
- (g) Immunity from immigration restrictions for:
- (i) Members of the Board of the Fund and of its subsidiary bodies: Yes  No
  - (ii) Staff of the Fund and their families: Yes  No
  - (iii) Experts of the Fund and other entities or persons (e.g. contractors) on official business for the Fund: Yes  No  and
  - (iv) Persons attending conferences and meetings of the Fund: Yes  No
- (h) Exemption of locally hired national staff from national service obligations: Yes  No
- (i) Privileges for communications on the same terms as applicable to diplomatic missions: Yes  No
- (j) Privileges for work permit of spouses and dependents residing with staff: Yes  No

6. What additional privileges and immunities will apply to the international staff of the Secretariat, specifically to the Executive Director and other senior staff?

**Response:**

7. What legal steps must be taken to confer privileges and immunities to the Fund, its staff and persons associated with the Fund? Please specify the approval requirements (e.g. ratification) and indicate whether approval in principle has been obtained?

**Response:**

8. Will privileges and immunities be given the force of law in the candidate country?

**Response:**

9. What is the time frame for giving effect to the privileges and immunities of the Fund?

**Response:**

10. Please indicate any exemptions or restrictions which will apply in relation to the above privileges and immunities. Also please indicate those privileges and immunities which in your view should not be applicable to citizens and nationals of the candidate country.

**Response:**

### III. Financial arrangements, administrative and logistical support to the Fund

11. The candidate countries are expected to provide information on the facilities to be made available to the Fund for its work, including its premises, meeting facilities, other required general services and the duration that those facilities will be available to the Fund.

(a) On what legal basis the facilities are placed at the disposal of the Fund?

(i) Provide information on the ownership or usage rights of the facilities.

**Response:**

(ii) Provide information on any rental arrangements for the facility.

**Response:**

(iii) Will the facilities be made immediately available to the Fund? If not, what are the interim arrangements?

**Response:**

(iv) What is the size of the facilities and how many staff can it reasonably support?

**Response:**

(b) What will be the extent to which the facilities will be furnished and equipped by the host country?

**Response:**

(i) What will be the extent to which the financial resources be provided to this end?

**Response:**

(c) Who will bear the responsibility for the payment of and administrative support for:

(i) Major maintenance and repairs of the facilities:

**Response:**

(ii) Normal maintenance:

**Response:**

(iii) Alterations and additions to the facility:

**Response:**

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- (iv) Logistical infrastructure, including telecommunications, electricity, water facilities etc.:  
**Response:**
- (d) Can you confirm that the host country will provide the security arrangements to meet the requirements of the Fund? Yes  No
- (i) Will the host government take the responsibility to secure the assets of the Fund, including property, staff and information (any cyber theft), while respecting the inviolability of the premises and contents of the Fund?  
**Response:**
- (ii) What is the general security environment of the host city?  
**Response:**
- (iii) Who will pay for costs of security, e.g., for meetings, and in case of disturbance?  
**Response:**
- (e) What are the environmental standards of the facilities at the disposal of the Fund?  
**Response:**
- (i) Does or will the facility have any environmental standards certification?  
Yes  No
- (ii) If yes, provide information to this end.  
**Response:**
- (f) Will any additional direct or indirect financial contributions be made by the host Government to support the administrative costs of the Fund? Yes  No
- (i) If yes, what amount, for what purpose and for what duration?  
**Response:**
- (ii) If indirect (e.g. locally provided staffing), what is the value of this contribution?  
**Response:**

12. In addition to these requirements, three additional criteria specific to the particular needs of the Fund as an international institution could be used to assess whether the host city is in position to ensure that the Fund can operate as a highly effective financial institution capable of delivering its mission. These criteria could be:

- (a) How do you judge the ability to swiftly recruit and retain staff with the necessary specialist professional expertise and experience (fund management, climate change and development finance) in the host city over the long term?  
**Response:**
- (b) What is the quality of financial transaction system in the host city?  
**Response:**
- (i) Does the host city have presence of public and private banks? Yes  No
- (ii) Do these banks have local and international reach? Yes  No
- (iii) Are there any restrictions on international financial transactions through these banks in the host city? Yes  No
- (iv) Any restrictions on opening local or foreign currency accounts? Yes  No
- (c) Cost of living considerations  
What is the average cost of living for a household of four persons in the host city?  
**Response:**

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#### IV. Local facilities and conditions

- (a) Does the host city have diplomatic representations from other countries? Yes  No
- (i) How many countries have their embassies or high commissions in the host city?  
**Response:**
- (ii) How far are the embassies or high commissions from the host city?  
**Response:**  
And where?  
**Response:**
- (b) Does the host city have presence of other international organizations, including inter-governmental, non-governmental and private financial institutions? Yes  No
- (i) Provide the names of inter-governmental, non-governmental and private financial institutions present in the host city.  
**Response:**
- (ii) Are international NGOs free to form and operate in the host country, including the ability to publish without any governmental restrictions? Yes  No
- (c) Are international meeting facilities available in the host city? Yes  No
- (i) If yes, what are the conditions for their use (free of charge, lease, rent, etc.)?  
**Response:**
- (ii) Are these meeting facilities government owned or commercial?  
**Response:**
- (iii) What is the average lead time in securing these facilities and provide information of cancellation policy of these facilities?  
**Response:**
- (iv) Will the host country facilitate the Fund in securing meeting facilities?  
Yes  No
- (d) Do the facilities at the disposal of the Fund have state-of-the-art tele- and video-communication facilities, including tele- and video-conference, web-based interactive platforms, etc.? Yes   
No
- (i) Provide information on the bandwidth, availability and cost of internet and telephone services.  
**Response:**
- (e) What are the international transport facilities?
- (i) Number and frequency of direct flight connections to the host city from national capitals in the world?  
**Response:**
- (ii) List the international airlines that fly directly to the host city.  
**Response:**
- (iii) How far is the closest international airport to the host city?  
**Response:**
- (iv) How far from the host city is the closest international hub for international flights?  
**Response:**

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- (f) What are the local public transport facilities in and around the host city?  
**Response:**
- (i) What is the average monthly cost of public transport (mass transit fare)?  
**Response:**
- (g) What are the health facilities available in the host city?  
**Response:**
- (i) What are the options of affordable access to quality health care in the host city?  
**Response:**
- (ii) Are there multi-facility hospitals available in the host city? Provide information on the same.  
**Response:**
- (iii) Provide information on the availability of multi-lingual doctors in the host city.  
**Response:**
- (h) What are the hotel facilities available in the host city?
- (i) List the number and capacity of five, four and three star hotels in the host city.  
**Response:**
- (ii) What is the average rate per day and occupancy rate of these hotels?  
**Response:**
- (iii) Indicate peak times of occupancy of these hotels.  
**Response:**
- (i) Does the host country and city provide suitable conditions for employment of spouses?
- (i) Provide information on work permits.  
**Response:**
- (ii) Provide information of quality and availability of employment for expats who do not speak the local language.  
**Response:**
- (j) Does the host city provide adequate housing, schools and social networks for international staff?
- (i) Provide information on the quality, availability and cost of pre-school, elementary, secondary and university education in the host city.  
**Response:**
- (ii) Provide number and capacity of international schools and university in or closest to the host city.  
**Response:**
- (iii) Provide information on the quality and affordability of local housing, including the average rent, with utilities and other expenses, for a single or double bedroom apartment.  
**Response:**
- (iv) Provide information on facilities for leisure activities like music, sports, theatre and other cultural sites.  
**Response:**
- (k) Are the local trained personnel for administrative and clerical functions to service the work of the Fund available in the host city? Yes  No

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Are there sufficient local trained personnel that can use English as a working language in a business environment? Yes  No

- (l) What are the arrangements for the processing of visas for Board members and alternate members, staff, experts, representatives of States and other officials performing functions for the Fund or invited to attend Fund meetings and conferences, in accordance with international practice?

**Response:**

- (i) What kind of visa/residence permit (and duration) would be offered to the secretariat's international staff?

**Response:**

- (ii) Provide specific conditions and requirements for issuance of visas, including any fees waiver or other exemptions.

**Response:**

- (iii) How much time does it take on an average to process work and travel visas in the host country?

**Response:**

## V. Other relevant information

13. Any other information that the candidate country may deem relevant.

**Response:**

**Annex IV: Agenda of the meeting of the Evaluation Committee  
16-18 September 2012, Washington D.C., U.S.A.**

<b>16 Sept</b>	<b>Day 1</b>
<b>Meeting of the Evaluation Committee</b>	
10:30-13:00	<ul style="list-style-type: none"> <li>• Election of the Chair of the Evaluation Committee</li> <li>• Stock-taking of the individual evaluations</li> </ul> <p><i>The Committee will undertake a stock-taking exercise and compare individual evaluations conducted by the members, to be preceded with a general discussion on the uniform evaluation approach used or to be used by members of the Committee</i></p>
13:00-14:30	Lunch ( <i>Offered in the premises</i> )
14:30-16:00	<p>Stock-taking of the individual evaluations (continues)</p> <p><i>The Committee will undertake a stock-taking exercise and compare individual evaluations conducted by the members to arrive at a consolidated evaluations.</i></p>
Working coffee and tea	
16:00-18:30	<p>Wrap-up session</p> <p><i>The Committee would:</i></p> <ul style="list-style-type: none"> <li>• <i>Discuss results of the consolidated evaluation</i></li> <li>• <i>Preparations for next day, including agreeing to a protocol for questioning the presenters from the candidate countries</i></li> <li>• <i>Finalization of outline of the evaluation report</i></li> </ul>
<b>17 Sept</b>	<b>Day 2</b>
<b>Closed meetings with candidate countries - Presentations and Q&amp;A</b>	
<i>Representatives of the six candidate countries will provide clarifications and address questions from the Evaluation Committee.</i>	
08:30-10:30	Presentation and Q&A (Switzerland)
Working coffee and tea	
10:30-12:30	Presentation and Q&A (Mexico)
12:30-13:00	Discussion by the Committee of the presentations and Q&A
13:00-14:00	Lunch ( <i>Offered in the premises</i> )
14:00-16:00	Presentation and Q&A (Poland)

Working coffee and tea	
16:00-18:00	Presentation and Q&A (Republic of Korea)
18:00-18:30	Discussion by the Committee of the presentations and Q&A
<b>18 Sept</b>	<b>Day 3</b>
<b>Closed meetings with candidate countries - Presentations and Q&amp;A</b>	
<i>Representatives of the six candidate countries will provide clarifications and address questions from the Evaluation Committee.</i>	
08:30-10:30	Presentation and Q&A (Namibia)
Working coffee and tea	
10:30-12:30	Presentation and Q&A (Germany)
12:30-13:00	Discussion by the Committee of the presentations and Q&A
13:00-14:00	Lunch ( <i>Offered in the premises</i> )
14:00-18:30	Wrap-up session <ul style="list-style-type: none"> <li>• Agreement on the final evaluation by the Committee</li> <li>• Discussion/agreement on the final evaluation report</li> </ul>