

TERMS OF REFERENCE

- A. **Job title:** Specialist on the Legal Implications of Climate Change Policy
- B. **Type of position:** Local/ regional consultant
- C. **Duty Station:** Home based and Podgorica, Montenegro
- D. **Duration of appointment:** October 2023 – July 2025 (10 days a month during that period)
- E. **Contract type:** Individual Contract (IC)

I. **Background:**

Strengthening Montenegro's Nationally Determined Contribution and Adaptation Activities Transparency Framework CBIT project is an opportunity to strengthen Montenegro's capacities to meet new international obligations to monitor, report, and verify actions related to climate change. The project will support Montenegrin institutions meet these obligations and especially new transparency requirements under Article 13 of the Paris Agreement. A parallel and complementary need, which this project will cater to, is to strengthen Montenegrin institutional and regulatory frameworks that are more aligned with the European Union's Monitoring Mechanism Regulation for Greenhouse Gas Emissions and Emissions Trading System.

Montenegro benefits from a solid baseline of political commitments and established institutional mechanisms, as reflected by, among others, the Law on Protection Against Adverse Impacts of Climate Change, the National Council for Sustainable Development and the working groups under the Council. Although the National Council for Sustainable Development is currently undergoing redesign and establishment of its structure, the structure of the working groups and relations between constituents and stakeholders, it is mandatory that the Council will represent a high-level mechanism for decision-making to support the implementation of the National Climate Change Strategy 2030 and the National Sustainable Development Strategy 2030. The redesign of the NCS was triggered by the need for more functional and proactive high-level coordination mechanism, as well as mechanism responsive and supportive to needs of line ministries and directorates.

In the context of climate change the NCS should serve as a significant support to directorate mandated with climate change issues and the project is designed in a manner to secure adequate synergies and cooperation with a goal of establishment of functional mechanism.

The project will work closely with the government bodies and other associated members of the Council's to establish a working group mandated with climate change mitigation and adaptation issues in the form of technical capacity building with a goal of improving capacities to apply new methodologies, procedures, and guidelines for tracking climate actions related to mitigation, adaptation, and climate finance. This aspect of the project's activities is particularly relevant since it is responding to the fact that Montenegro's institutional framework for improved transparency in keeping with the Paris Agreement and EU regulation is insufficient to comply with assumed or expected future obligations. Having identified the potential organizational structures, pools of expertise and data sources, Montenegro needs to formalize these into a functional system quickly. This has also implications to other commitments of the Government, such as, the formulation and implementation of the National Low-Carbon Development Strategy and National Adaptation Plan-NAP, in order to identify medium and long-term needs for adaptation to climate change and to establish a system for coordination of the implementation of measures for adaptation to climate change.

Within this context the Ministry is seeking services of qualified expert that will focus on formalizing national processes to capitalize on existing expertise, experience gained through other related initiatives, and help maintain the momentum needed to enable the development of data flows, analysis and provision of useful data for decision-making and reporting associated with Montenegro's NDC and adaptation actions.

II. Duties and Responsibilities:

Objective of the assignment:

The overall objective and expected outcome of this set of activities is significant contribution to strengthened institutional framework for increased application of new methodologies, procedures, and guidelines in accordance to Article 13 of the Paris Agreement. New and additional capacities on methodologies, procedures, and guidelines for tracking climate change adaptation will be imparted. Focus of this specific assignment is on bear issue of legal consequence and potential impact as they pertain to climate change within Montenegrin legal system.

The focus of activities will be on supporting Department for Climate Change and the Working Group on Mitigation and Adaptation of the National Council for Sustainable Development (NCSD) as the main stakeholders in charge of reporting on climate change and as well as the transparency framework.

Job content:

The planned activities and consultant contribution could be grouped in two set of activities:

Activity group 1:

Expected results under Activity group 1 will be focused on identifying the needs that have arisen based on lessons learned, recent assessments, new national and international obligations, among others, all with the goal of helping more effectively fulfil roles, responsibilities and obligations of the project beneficiaries stemming from the new international requirements as they relate to climate change transparency. As a result of this work the consultant will support the legal consultations to structure agreed improvements as they pertain to institutional mechanisms for increased transparency.

Specific tasks, but not limited to, listed below under Activity group 1 are:

- Develop detailed methodology and workplan for the entire duration of the assignment, including stakeholder engagement plan.
- Cooperate with project team and experts working on mitigation, adaptation, climate finance and gender issues and secure coordination and synergies.
- An in-depth and participatory SWOT and gap analysis of existing legal capacities will be carried out to inform decision-making on climate change legal system in Montenegro,
- In cooperation with project team and other expert analysis of legal interpretation and implications of the technical aspects of texts of the methodologies, procedures, and guidelines will be prepared,
- facilitate peer review that allows for an objective critique and validation of the recommendations,
- identify and recommend the most suitable approaches to more effectively allow decision-makers to implement and sustain relevant actions,
- In cooperation with project team and other experts design inter-agency memoranda of agreement among partner institutions and agencies to cooperate on informed decision-making on best practice climate change actions, which include but are not limited to the collection, storage, and exchange of data, creation and calculation of new climate-related data, and shared interpretation of climate trends,

- in cooperation with project team and other experts design Transparency Methodologies, Procedures and Guidelines (MPGs) for tracking NDCs, adaptation and climate finance.
- Once the texts of the methodologies, procedures, and guidelines developed have been finalized and agreed to, further validation workshop will be convened with at least 20 participants from various government agencies. The workshops will conclude with a consensus agreement of the final sets of methodologies, procedures, and guidelines.

Activity group 2:

Expected results under Activity group 2 will be focused to strengthen Montenegro's institutional memory and coordination of mitigation and adaptation activities with an online open data communication MRV system. Building on the work of FBUR and SBUR and having in mind constant staff turn-over within the relevant ministries and national institutions, it is of utmost importance to develop an automated electronic transparency portal, which would gather all relevant methodologies, data sets, reports, guidelines, laws and by-laws defining roles and responsibilities of all involved stakeholder etc., relevant for proper functioning of the MRV system.

Whereas the above-described activities would focus to identify and develop appropriate methodologies, procedures, and guidelines, following activities would serve to apply them, resulting in following specific tasks, but not limited to, listed below under Activity group 2:

- In close cooperation with project team and other experts provide a review of relevant texts pertaining to the recommended institutional improvements to ensure coherence with existing legal instruments and policies.

For all groups of Activities continuously reporting to Project manager according to Project Indicators Monitoring Matrix.

Analysis, trainings and assessments conducted in a way to support integrating gender concerns into the national climate change and mitigations plans.

Expected results:

Under direct supervision of the project manager, the selected consultant will support Department for Climate Change and the Working Group on Mitigation and Adaptation of the NCSO on providing specific guidance on the interpretation of national and international policy and law as they may inform the application of methodologies, procedures and guidelines in the pursuit of mitigation and adaptation options, the legal implications and opportunities of climate finance mobilization, and the long-term institutionalization of a robust MRV Portal. This support will include legal interpretation of the work under the project to meet new transparency requirements under Article 13 of the Paris Agreement as well as the EU's Monitoring Mechanism Regulation and Emissions Trading Scheme. Selected candidate is expected to maintain close cooperation and information exchange with all experts engaged under the project, relevant national counterparts, and the project team. As this position is intended to strengthen capacities of national institutions and national experts it is expected that the position is covered by national expert with relevant experience and understanding of Montenegro's institutional set up. During the implementation process the consultant is expected to allocate at least one day per month during the project implementation to have a direct communication and in person meetings with all relevant institution's representatives. These activities will continuously build on initial SWOT analysis and continuously add



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information to the analyses through the entire duration of the project resulting in comprehensive and documented participatory process with effectively documented project lifetime and lessons learned.



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<i>Timing and reporting:</i>			
Task/Milestone	Deliverable/Outcome	Planned period	implementation
<i>Activity group 1</i>			
Develop detailed methodology and workplan for the entire duration of the assignment, including stakeholder engagement plan.	Detailed methodology and workplan for the entire duration of the assignment, including stakeholder engagement plan	October 2023	
An in-depth and participatory SWOT and gap analysis of existing legal capacities will be carried out to inform decision-making on climate change legal system in Montenegro	SWOT analysis and resulting recommendations	October - November 2023	
Provide recommendations and facilitate peer review that allows for an objective critique and validation of the recommendations	Report and conclusions from peer review	November 2023	
Facilitate workshops with representation from relevant government and non-governmental stakeholders to develop methodologies, procedures, and guidelines and improve institutional arrangements	Workshops organized and post workshops reports, conclusions and recommendations produced	November 2023	
Design inter-agency memoranda of agreement among partner institutions and agencies	Design inter-agency memoranda	December 2023 – March 2024	
Convene workshops to negotiate modifications to institutional arrangements	Workshops organized and post workshops reports, conclusions and recommendations produced	March - September 2024	
Finalize inter-agency memoranda of agreement	Final design of the inter-agency memoranda	September 2024	

Collation of background material and organization of workshops for developing MPG	Workshops organized and post workshops reports, conclusions and recommendations produced	September - December 2024
Learning-by-doing workshops to negotiate texts	Workshops organized and post workshops reports, conclusions and recommendations produced	December 2024- February 2025
<i>Activity group 2</i>		
A review of relevant texts pertaining to the recommended institutional improvements to ensure coherence with existing legal instruments and policies	Review and recommendations	October 2023- July 2025

Time duration and travel: October 2023 – July 2025 (10 days a month during that period), based in Podgorica

III. Competencies:

- Demonstrates integrity and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Ability to lead strategic planning, results-based management and reporting;
- Builds strong relationships with clients, focuses on impact and result for the client and responds positively to feedback;
- Consistently approaches work with energy and a positive, constructive attitude;
- Demonstrates good oral and written communication skills;
- Demonstrates ability to manage complexities and work under pressure, as well as conflict resolution skills.

IV. Qualifications and expertise:

- University degree in the thematic areas relevant to the assignment - law, humanistic studies, social science. Advanced degree desirable.
- At least 5 years professional experience (preference will be given to candidates with more experience) in development of similar analysis, memoranda, documents and assessment of legal system in different sectors (environment, sustainable development, climate change).
- Demonstrated experience in working with government partners and other stakeholders,
- Demonstrated knowledge of roles and responsibilities, i.e. mandates of national institutions in charge of climate change
- Experience with the usage of various systems analysis methods and techniques would be considered as advantage.
- Mandatory knowledge of the Montenegrin language
- English language knowledge

V. The Terms of Reference approved by:

Name: Radovan Bojovic, National Project Director

Signature: _____

Date: _____

28.09.2023