

TERMS OF REFERENCE – INDIVIDUAL CONSULTANT

<p>Consultant Job Title: Legal Consultant - Development of the National Framework for Climate Transparency of Panama</p> <p>Work location: Ministry of Environment, Panama City, Panama</p> <p>General Expertise: Law, Government legal affairs, climate change and environmental affairs</p> <p>Category: Legal consultancy</p> <p>Contractor: Wetlands International, Panama. Executing Entity, CBIT Project.</p>	<p>Project: CBIT</p>
<p>1. Purpose.</p> <p>Panama ratified the Paris Agreement through Law No. 40 of September 12, 2016, making effective its climate change commitment through its Nationally Determined Contribution (NDC). The Paris Agreement, in its Article 13, raises the need to have an enhanced transparency framework that allows information to be available to assess if the necessary is being done in relation to compliance with the commitments assumed to face climate change. Panama is preparing to fully comply with the transparency requirements set forth by the Paris Agreement (PA) and has identified the following constraints and gaps:</p> <ul style="list-style-type: none">a) the lack of technical capacity and know-how to generate, manage and disseminate robust and verifiable climate-related data;b) limited tracking of climate actions and investments executed outside the jurisdiction of the Ministry of Environment;c) the absence of a robust GHG Inventory Management System;d) the lack of national adaptation methodologies and indicators;e) weak and outdated institutional arrangements for cross-sectoral climate planning, data collection, and sharing; andf) the absence of climate considerations in decision making <p>Recently, the Government of Panama published a Presidential Executive Decree which regulates the Global Climate Change Mitigation Chapter of the Single Text of The General Environmental Law and creates the Reduce Your Footprint National Program for monitoring the low-carbon economic and social development in the Republic of Panama. In addition, under this national mandate, Panama legally establishes the creation of the National Framework for Climate Transparency. The next step will be the publication of an executive decree for the Adaptation chapter.</p> <p>Overall Activities-CBIT Panama</p> <p>The Transparency framework under article 13 of the Paris Agreement further enhances existing arrangements, which national commitments and actions were being measured, reported and verified (MRV). The new transparency framework established mandatory requirements to report regularly GHG Inventories and information to track progress on implementing and achieving nationally determined contributions (NDC).</p> <p>The development of the project “National Framework for Climate Transparency” of Panama seeks to facilitate the collection, management and dissemination of climate-related data in a consultative and transparent manner according to the Modalities, Guidelines and Procedures (MPG) established by the implementation of the Paris Agreement.</p> <p>Specific Activities of this consultancy</p> <ul style="list-style-type: none">1. Undertake a consultation process to identify existing institutional arrangements whether formal or informal, understand if they are effective.	

2. Propose alternatives to strengthen and formalize current institutional arrangements and new arrangements that would enable the effective implementation of the MRV system.
3. Prepare draft of the institutional arrangements required as well as a document with the logic and hierarchy applied, describing how it will provide both flexibility and a solid structure that is sustainable over time.
4. Prepare a draft of a Climate Transparency Executive Decree and perform a consultation with stakeholder to incorporate the needs and views that make it a functional tool and allow it to set the frame for other institutional arrangements.
5. Support the project team to obtain approval of the Climate Transparency Executive Decree, and to incorporate comments and observations from the Ministry of Environment.
6. Analysis of the sectors involved in the MRV system and their role, in order to develop guidelines that describe the process for institutional arrangements and create models that can be used to incorporate other sectors to the system.
7. Support the project team to identify the legal documentation from users that will be required/gather in the modules of the climate Transparency Platform according to the purpose of the registry and nature of the potential user.
8. Prepare a draft of the ministerial resolution(s) that will approve the user manual, guidebooks, and procedures of the National Climate Transparency Platform.

2. **Objective.**

The Legal Consultant will conduct the following activities, as well as others deemed necessary in the course of the project development:

Ultimate Result of the Service:

- Institutional arrangements for the implementation of the MRV system are established.
- There is an executive Decree That specify Climate Transparency criteria for the country.
- The registry process requires only the necessary legal information to identify the entity that is accessing the platform.
- The guides, manuals, and processes for the implementation of the MRV system withing the Platform are legally established.
- The country has a clear set of guidelines on how to develop institutional arrangements.

3. **Outputs / Work Assignments** *(must be tangible and/or measurable)*

Expected Deliverables:

Main responsible for the following deliverables:

- Deliverable 1: Report of the Institutional arrangements appropriate for the countries MRV system, describing the logic and hierarchy applied, as well as an explanation of the types of arrangements to be applied.
- Deliverable 2: Institutional arrangements drafts, including different types of arrangements
- Deliverable 3: Climate Transparency Executive Decree proposal, including comments and remarks of the Ministry of Environments Climate Change Directorate.
- Deliverable 4: Report of the analysis of the requirements of legal information for the different modules of the Climate Transparency Platform and recommendations of the legal documentation to be required/gather according to the purpose of the registry and nature of the potential user.
- Deliverable 5: Guides and models on how to develop institutional arrangements for the incorporation of prioritized sectors to the PNTC

- Deliverable 6: Ministerial Resolution(s) to approve the user manuals, guidebooks, and procedures of the National Climate Transparency Platform.

Deliverables	Delivery Period
Deliverable 1 Report of the Institutional arrangements appropriate for the countries MRV system	Month 1
Deliverable 2 Institutional arrangements drafts	Month 2
Deliverable 3 Climate Transparency Executive Decree proposal	Month 3
Deliverable 4 Report of the analysis of the requirements of legal information for the different modules of the Climate Transparency Platform	Month 4
Deliverable 5 Guides and models on how to develop institutional arrangements for the incorporation of prioritized sectors to the PNTC	Month 4
Deliverable 6 Ministerial Resolution(s) to approve the user manuals, guidebooks, and procedures of the National Climate Transparency Platform	Month 6

Reporting structure:

The Legal consultant will report to the Chief Technical Advisor.

How are the outputs to be delivered?

☒ Digital copy ☐ Hard copy ☐ Other, please specify _____

4. **Duration of contract** (dd/mm/yy) From: 15/09/2021 To: 15/03/2022 (6 months)

5. **Location of service:** Panama City, Panama. (Ministry of Environment, Panama City, Panama). Depending on mobility restrictions due to the pandemics, home based modality might be considered.

6. Terms of payment for satisfactory completion of contract.

The Chief Technical Advisor will be under the overall guidance and report to the head of the National Directorate of Climate Change, under the Ministry of Environment, in coordination with Wetlands International.

7. **Schedule of payment.** ☐ Monthly ☒ Products ☐ Rate (specify number of days for interpreters/trainers: _____)

Adjustment clause for payments: The total amount of the contract amounts to \$ 16,200 US dollars that will be paid in US dollars. The amount to be paid will be made in accordance with the payment schedule established in section 7 of these Terms of Reference.

*(if payment is to be made in phases, indicate **schedule and condition** for each payment)*

Product	Percentage of the total	Amount	Payment Conditions
Deliverable 1	10%	1,620.00	Every payment will be upon submission of signed invoice with Deliverable report and supervisor's confirmation of satisfaction.
Deliverable 2	20%	3,240.00	
Deliverable 3	30%	4,860.00	
Deliverable 4	10%	1,620.00	
Deliverable 5	10%	1,620.00	
Deliverable 6	20%	3,240.00	

8. Performance indicators for evaluation of outputs.

Timely delivery of quarterly activities reports and supervisor's confirmation of satisfaction, as outlined in the Terms of Reference. Quality of design work and communication materials produced.

9. **Travel.** APPLICABLE ☒ NOT APPLICABLE ☐

Details of travel if applicable: ☒ Arranged by WI if needed ☐ Self ticket Itinerary:

10. The Consultant will work in the Ministry of Environment of Panama, with potential flexibility to telecommute according to the circumstances determined by the Ministry of Environment.

ADMINISTRATIVE DETAILS

11. Qualifications Required

ACADEMIC:

- Bachelor in Law affairs (required).
- Post-graduate degree in Environmental Law, Environmental Management (desired)

PROFESSIONAL:

- A minimum of 5 years of proven professional experience in government administrative law, environmental law or related field (required).
- A minimum of 3 years of experience in legal, policy and institutional analysis in the area of Environment, Climate Change, Public Finance and Institutional Analysis (required).
- Demonstrate a minimum of 3 years of experience on programming and policy design issues with national governments or international organizations on national development in the context of climate change and sustainable development (required).
- A minimum of 5 years of experience working in related field which includes research and drafting and analyzing policies and policy development
- Proven Professional experience working with the topics of climate change, mitigation and MRV rules from the UNFCCC (desirable).
- Knowledge and experience working with Panamanian public entities and their internal legal processes (desirable).
- Experience with NGOs and Private sector in a technical or advisory capacity (desired).
- - Strong understanding of the climate policy and finance landscape and institutional arrangements (desired).

LANGUAGE:

- The candidate must have excellent writing, reading and editing skills in Spanish and English.

SPECIAL KNOWLEDGE AND SKILLS:

PROFESSIONALISM:

- Knowledge of climate change issues according to the UNFCCC.
- Demonstrated ability to understand technical concepts, transparency aspects of the Paris Agreement.
- Proven Relationship skills with public and private sector officials.
- Ability to identify issues, analyze and participate in the resolution of issues/problems. Ability to apply judgment in the context of assignments given, plan own work and manage conflicting priorities. Shows pride in work and achievements;
- Demonstrates professional competence and mastery of subject matter; Is conscientious and efficient in meeting commitments, observing deadlines and achieving results; Is motivated by professional rather than personal concerns; Shows persistence when faced with difficult problems or challenges; Remains calm in stressful situations.
- Knowledge of IT tools, such as Microsoft Office.

TEAMWORK:

- Experience in teamwork, with recognition in the field of their specialty to cooperate with consultants of other specialties.
- Works collaboratively with colleagues to achieve organizational goals; solicits input by genuinely valuing others' ideas and expertise. Is willing to learn from others; supports and acts in accordance

with final group decision, even when such decisions may not entirely reflect own position. Shares credit for team accomplishments and accepts joint responsibility for team shortcomings.

PLANNING AND ORGANIZING:

- Identifies priority activities and assignments; adjusts priorities as required. Allocates appropriate amount of time and resources for completing work; foresees risks and allows for contingencies when planning. Monitors and adjusts plans and actions as necessary; uses time efficiently.
- Ability to analyze legal documents and draft MoUs.
- Skill in managing Microsoft Office 365 computer programs (Word, Excel, Power Point, Teams, OneDrive, SharePoint, among others) and project management packages (Excel, Microsoft Project and / or other tools) will be highly valued.
- Excellent communication, articulation, coordination and teamwork skills to achieve the agreed objectives, facing challenges constructively.

OTHERS:

- Experts must be based in Panama City and have with full time availability (required);
- Experts with Panama nationality will have priority - parity of experience and knowledge;
- Experts must have availability to travel within Panama and abroad as needed.

12. *I certify to the best of my knowledge that the recruitment of the consultant/individual contractor is in accord with WI Procurement Procedures*

Programme Officer/Hiring Manager

Date: