

Solomon Islands Sustainable Mining Development Technical Assistance Project (SMDTAP)
Compliance Planning and Coordination Adviser (Component 2.1.ii.(B&C))
Terms of Reference

1.0 Purpose

Engagement of a **Compliance Planning and Coordination Adviser** is to support the Ministry of Mines, Energy and Rural Electrification (MMERE), the Environment and Conservation Division of the Ministry of Environment, Conservation, Disaster Management and Climate Change (MECDM), and other relevant Government authorities on Capacity Building in Monitoring and enforcing compliance (particularly Geological, Environmental, Social and Economical Compliance) utilising existing regulations, policies, and other materials as seen fit or appropriate by the Specialist.

This will include training and the acquisition of software and other tools to build the capacity of MMERE, MECDM and other relevant Ministries to improve compliance with legislations, policies, agreements and the conditions of licenses by license holders.

2.0 Background and Rationale:

The Ministry of Mines, Energy and Rural Electrification (MMERE) is responsible for the sustainable development and management of Solomon Islands' mineral, petroleum, water and energy resources. It is also mandated to undertake studies to investigate and document the country's natural history in terms of geology, and the assessment, management and mitigation of associated geological and hydrological hazards.

Management of mineral resources is now guided by the National Minerals Policy 2017-2021 and the Mines and Minerals Act 1990 and other relevant regulations, which all aim to strengthen governance, make decisions more transparently and inclusively, offer greater investment certainty and create a system that better protects community interests. To support the implementation of these Regulations and Policy, the Sustainable Mining Development Technical Assistance Project (SMDTAP) will build capacity of the Solomon Islands Government to achieve sustainable mining investment and benefit flows through; i) completing the design of a regulatory framework in line with the National Mining Policy following enactment of a new Mining Act, ii) building capacity of government regulatory institutions to fulfil their functions effectively, and iii) supporting MMERE to overcome near term operational challenges.

Financing for the project has been obtained by MMERE from a World Bank grant and a Project Management Unit (PMU) is being established under the SMDTAP Project. The PMU will be responsible for the implementation of the Project as well as other services and support to the Ministry.

With an endorsement from the MMERE Permanent Secretary, through the SMDTAP, the Project Management Unit is seeking the services of a **Compliance Planning and Coordinator Advisor** to support MMERE in knowledge sharing, specialized trainings and the acquisition of software if required, and other tools to build capacity of MMERE and other Government

authorities to monitor and improve compliance with legislation, policies, agreements and the conditions of licenses by license holders based on appropriate internationally recognized technical standards and approaches.

3.0 Key Objectives for the Compliance Planning and Coordinator Advisor:

- i. That the consultant will be working closely with the Ministry of Mines, Energy and Rural Electrification (MMERE), the Environment and Conservation Division of the Ministry of Environment, Conservation and Climate Change and Disaster Management (MECDM), and other relevant Government authorities on Capacity Building in Monitoring and enforcing compliance in particularly the Geological, Environmental, Social and Economical/Financial Compliance of all prospecting, mining and rehabilitation and mine closer activities.
- ii. That the consultant will be working closely with the MMERE, MECDM and Ministry of Finance, etc. to help improve compliance with legislation, policies, agreements and the conditions of licenses by license holders based on appropriate internationally recognized technical standards and approaches and the applicable local legislations and policies.
- iii. To assist MMERE, MECDM and other concerned authorities in producing guidelines and procedures for environmental reporting, incident reporting and investigation/inspection by investors. This should include suggestions for compliance and remedial actions.

4.0 Scope of Work/Expected Outputs

The consultant is assigned to implement the following activities: -

- To design monitoring and reporting guidelines to cover the following:
 - environment management plans;
 - Mining and mineral processing operations, including waste handling and production, storage and disposal of minerals;
 - Reclamation/rehabilitation and restoration of mined areas,
 - Reporting and investigation of mining environmental incidents for non-compliance and suggest remedial actions.
 - To design procedures and guidelines for conducting prospecting and minesite investigation, utilizing existing guidelines (Mark Walker).
 - To design procedures and document any other monitoring systems to improve monitoring of all mining activities not covered by this scope including illegal mining and gold dealing, and issues with deforestation.
- a) To design procedures and documentation for undertaking any other monitoring and compliance measures provided for in legislation, including issues as corruption, tax evasion, illegal mining.

5.0 Deliverables

- i. Development of a well-designed, easy to use standard operating procedures (SOP) or guideline to be used by inspectors as they carry out their vetting and monitoring of all these studies, plans and proposals, and of all mining activities, especially according to the terms and conditions of all permits or licenses, of all financing, mining, processing and marketing plans, of all environmental management plans, and of all plans to assist the landowners and impacted communities.
- ii. Development of well-designed procedures for undertaking any other monitoring and compliance tasks provided for in all applicable legislations, including inspection of company records, both financial and technical (or geological), for the community or the Government engagements, etc. in line with standards as EITI Standards.
- iii. Develop inspection and monitoring reporting procedures, guidelines and processes to be used when monitoring all prospecting and mining activities, including rehabilitation and mine closer activities, utilizing existing guidelines (Mark Walker).
- iv. Work closely with MMERE, MECDM and other concerned authorities to strengthen and enhance their Capacity in these areas of Compliance through the provision of training.

6.0 Resources Required

The Consultant will be providing his/her own working tools such as laptops.

Existing documents, reports, agreements and other materials relating to this assignment will be made available; however, the Advisor is expected to bring all other relevant and appropriate materials.

7.0 Reporting & Supervision

The Adviser will be required to work closely with the Permanent Secretaries of both MMERE and MECDM and their Directors of Mines and their relevant Inspectorate officers and other relevant Ministries for guidance on a day to day basis.

The Adviser reports to the Permanent Secretary of MMERE through the Director of Mines at the end of every working month.

8.0 Requirement for Qualification & Experience

8.1 Minimum education qualification:

- The Adviser should have the relevant earth and environmental science professional qualifications covering, Geology, Mining, Mineral Processing, Mining

Rehabilitation, Mining Finance, etc and has excellent working experience and knowledge of the Mining Sector in the country.

8.2 Experience/Skills:

- At least 15 years working experience in the Mineral Sector covering this topic of inspectorate and monitoring;
- Has experience working in the Public Service Sector, in a developing country as Solomon Islands.
- Have experiences in consulting with stakeholders, both domestically and internationally in a similar Government setting.

8.3 Competencies:

- Has good inter-personal skills and present them in English
- Good analytical and expert judgment
- Ability to engage with partners in consultation and negotiations.

9.0 Duration of Contract:

- Title: Compliance Planning and Coordination Advisor(s)
- Period: 6 Months (or 180 days)
- Commencing Date: June 2023

10.0 Environment and Social Frameworks (ESF).

The Annex below is part of this TOR. The applicant is expected to be familiar with and must comply with the content of this annex.

Annex A. Technical Assistance Environmental and Social Risk Management Clauses

1. Outcomes and outputs, such as policy, studies, recommendations and advice, must be consistent with the World Bank ESF and its standards, the project E&S risk management documents (SEP, LMP, POM, ESCP), IFC Environmental, Health, and Safety Guidelines for mining, Solomon Islands law and good mineral rights management principles,
2. Outputs must include an analysis of the compatibility of current relevant legislations/regulations and practices to identify gaps to be addressed and recommend gap filling measures (if relevant).
3. Recommendations must consider downstream impacts on community and worker health and safety and avoid recommendations that would negatively impact safe working conditions and/or community health and safety.
4. Recommendations must consider the downstream impacts on resource use efficiency and refer to relevant good international industry practice (GIIP), including the mitigation hierarchy, for pollution control.
5. Recommendations must consider the downstream impacts on land acquisition and access and livelihoods and where necessary, include a requirement for minimizing or avoiding involuntary land acquisition, involuntary resettlement or involuntary restriction of access to assets.
6. Recommendations must consider whether vulnerable and traditionally disadvantaged groups (as identified in the Project SEP) will be disproportionately impacted.

7. Recommendations must consider the downstream impacts on land clearance, natural habitats such as forests, and reduction in biodiversity.
8. Recommendations must avoid any negative downstream impacts of activities on critical natural habitats.
9. Recommendations must avoid direct or indirect impacts on both tangible and intangible cultural heritage, including burial sites, tambu areas etc.
10. If applicable, the consultant/s must undertake due diligence on any good, hardware, or software procured to ensure that it causes no adverse environmental, social or health and safety impacts.
11. The consultant/s must carry out a stakeholder gap analysis to identify any relevant stakeholders that might not have been identified during the development of the Project SEP.
12. The consultant/s must consult with and engage relevant stakeholders, and the public where necessary, throughout the activity to gather and share information in accordance with the Project SEP.
13. Consultations must be inclusive and those with barriers to participation given extra support. These include vulnerable groups, in particular women, youth, people with disabilities and ethnic minorities, as detailed in the Project SEP.
14. Free, prior and informed consultation (FPIC) of potentially affected people, stakeholders, traditionally disadvantaged and vulnerable groups is required in all community consultations and engagements. FPIC shall be adequately delivered, gender and youth inclusive, and well documented and in compliance with the Project SEP.
15. The consultant/s will submit any relevant outputs (studies etc.) to the PMU ESF and Stakeholder Engagement Officer to review for compliance with the World Bank ESF and its standards, the Solomon Islands Sustainable Mining Development Technical Assistance Project (P173018) ESF Instrument – Overarching Project Terms of Reference | March 2021 project E&S risk management documents (SEP, LMP, POM, ESCP), IFC Environmental, Health, and Safety Guidelines for mining, and Solomon Islands law.
16. The consultant/s, with the assistance of the PMU ESF and Stakeholder Engagement Officer, will disclose the outputs and studies developed which [the Project Director] determines are disclosable.
17. Workshops and outreach events must be COVID-19 safe. Events organized under this contract must avoid large group gatherings (20 people or fewer) and allow for adequate physical distancing (at least 1 meter of separation between participants). The consultant shall register the attendance of all attendees for contact tracing purposes and require attendees to follow standard precautions such as hand hygiene, physical distancing, and mask wearing. Ensure to liaise with Ministry of Health and Medical Services -COVID 19 oversight focal contact prior to workshops and trainings.