

**Solomon Islands Sustainable Mining Development Technical Assistance Project (SISMDTAP)**  
**Environment Regulation Specialist (Component 1.1.iv.B)**  
**Terms of Reference**

**1.0 Purpose**

Engagement of an Environment Regulation Specialist to strengthen and support the Ministry of Mines, Energy and Rural Electrification's (MMERE) capacity to carry out the management of the mining sector more efficiently and to implement its functions effectively in terms of managing the environmental impacts (both physical and social) of mining by harmonizing the relevant legislations and their related policies and guidelines.

This Environment Regulation Specialist will review existing environmental regulations and policies that deals with the minerals sector and recommend improvements through the drafting of amendments to concerned legislations and policies where required or needed/appropriate. Additionally, the specialist will conduct a series of workshops and training for the MMERE staff and other stakeholders who are directly involved in managing the mining sector in Solomon Islands on related topics/subjects.

**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 assess 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.

With an endorsement from the Permanent Secretary of MMERE, the SISMDTAP is seeking the services of an **Environment Regulation Specialist** to strengthen regulatory institutional structures, functions and capacity, and to improve the assessment and management of the country's mineral resources.

**3.0 Key Objectives for the Environment Regulation Specialist:**

The main objectives of this assignment are:

- i. To conduct a review of existing legislations and policies that deals with environmental matters (both physical and social) that relates to the minerals sector with a view to harmonizing them and provide recommendations for improvements as appropriate or required.

- ii. As a result of (i) above, to draft the appropriate amendments to the legislations and policies.
- iii. To conduct training into the reviewing of mining Environmental Impact Studies and Environment Management Plans. An existing project can be used for this task.
- iv. Conduct Training and provide guidelines into the determination of performance and environmental bonds and their management.

#### **4.0 Scope of Work/Expected Outputs**

The consultant is assigned to implement the following activities:

- i. Conduct a review of all existing legislations and policies that deals with environmental matters (both physical and social) that relates to the mining sector and identify gaps and shortfalls that requires urgent improvements or changes with the primary objective of harmonizing them. This may result in recommendations that will require drafting of amendments of policies and legislations, especially the Environment Act and the Mines and Minerals Act.
- ii. The specialist is also required to train all relevant staff into the reviewing of mining Environment Impact Studies and Environment Management Plans through workshops.
- iii. Training on the determination of performance and environment bonds are urgently required to monitor current mining activities.
- iv.

#### **5.0 Deliverables**

The specialist is expected to achieve and provide the following during and at the end of the assignment:

- i. A review report must be produced with recommendations on what legislations and policies will require changes, amendments or improvements ~~must be produced~~. This may include drafts legislation amendments and instructions that will eventually implement these changes in the respective legislations and policies.
- ii. A guideline or instruction to be used in the reviewing of EIS and EMP must be produced at the conclusion of the EIS review training.
- iii. Methods of valuing performance and environment bonds, and their management instructions must also be produced
- iv. .

#### **6.0 Resources Required**

The Environment Regulation Specialist will be providing his/her own working tools such as laptops.

Other reports and materials to be utilised by the specialist are available at MMERE, including:

- a. The National Minerals Policy
- b. The Mines and Minerals Act 1990
- c. The Mines and Minerals regulation 1996
- d. The draft Mines and Minerals Act
- e. The Environment Act

#### **7.0 Reporting & Supervision**

The Environment Regulation Specialist will be required to work closely with the, Permanent Secretary through the Director of Mines, and the relevant divisions at MMERE, and also the Director

of Environment, Ministry of Environment, Climate Change and Meteorology (MECCM) for guidance on a day to day basis.

The Environment Regulation Specialist reports to the Permanent Secretary of MMERE, and the Director of Mines at the end of every working month.

## **8.0 Requirement for Qualification & Experience**

### *8.1 Minimum education qualification:*

- Post graduate degrees in Environmental Sciences and/or in related subjects that includes legislation drafting, etc.

### *8.2 Experience/Skills:*

- Minimum 10 Years of working experience in mining related projects.
- Has excellent understanding of the environmental settings and legislations of Solomon Islands.
- Able to facilitate trainings to different level of stakeholders.

### *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 training.

## **9.0 Duration of Contract:**

- Title: Environment Regulation Specialist(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.