

Solomon Islands Sustainable Mining Development Technical Assistance Project (SISMDTAP)
Institution Development Specialist (Component 1.2)
Terms of Reference

1.0 Purpose

The engagement of an **Institution Development Specialist** is to revisit the 2012 proposal for MMERE to become a self-regulating statutory authority. This proposal still carries the conviction and the belief that such conversion has the potential to strengthen and support MMERE's capacity, with co-operation and support from other relevant regulatory authorities, to carry out its management of the minerals sector and other mandated functions more efficiently and implement its functions more effectively.

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 fulfill their functions effectively, and iii) supporting MMERE to overcome near term operational challenges.

However, MMERE has, to this date, unable to manage the minerals sector competitively, thereby missing the opportunities to benefit from periods of high economic activities in mining. The contribution of the minerals sector to the country's GDP has yet to improve from the 1% achieved by the Gold Ridge project in 2011-2013 period, even though more mines are now in operation. The Gold Ridge project has commenced commercial production in addition to a few nickel and alluvial gold mines. Additionally, a few Mining Lease applications are pending approvals, including advanced prospecting activities in some prospects. So this calls for an urgent strengthening of capacity in MMERE to manage the sector effectively. One of the most likely solutions to addressing this matter is to become a statutory authority. The specialist sought here is required by MMERE to carry out a feasibility study into this proposal.

Financing for the project has been obtained by MMERE from a World Bank grant.

With an endorsement from the relevant Government ministries and authorities, the MMERE through the SMDTAP is therefore seeking the services of an **Institution Development Specialist** to strengthen regulatory institutional structures, functions and capacity, and to improve the assessment and management of the country's mineral resources sector.

3.0 Key Objectives for the Institution Development Specialist:

The objectives of the specialist are to undertake an assessment of the institutional capacities and institutional structures of the MMERE and the relevant regulatory authorities for mining sector management. It is to test, evaluate and make recommendations to optimise the effectiveness of MMERE in undertaking established and agreed functions in mining sector management. This will include reviewing the organisational structure as well as individual capabilities and budgetary allocations for mining sector management within MMERE and the other regulatory authorities, building on preliminary work carried out by other previous consultants. The recommendations will be wide ranging including commentary on the viability and effectiveness of retaining current structures, modification of current structure within the framework of a government ministry, or restructuring/corporatizing the implementing agencies of the MMERE to become a self-financing regulatory statutory authority.

4.0 Scope of Work.

To achieve the objectives of this consultancy, the current corporate structures, reporting lines and operational facilities for MMERE and the relevant regulatory authorities will be reviewed and advise on appropriate institutional strengthening strategies to address or alleviate any shortfalls including staffing, training needs, facilities and equipment will be made.

This will involve:

- (a) The reviewing of relevant reports, materials and existing documents on the current and future roles, responsibilities and functions of the MMERE and other regulatory authorities responsible for mining sector management, the organizational structures and advise on possible appropriate organizational/corporate structures to effectively and efficiently carry out mining regulation functions within Solomon Islands;
- (b) The reviewing of potential synergies of merging or transferring the functions between ministries or regulatory authorities to optimise mining sector management;
- (c) Preparation of a cost/benefit analysis and justification of the options discussed including a review of the potential for the mining sector management of the MMERE to be corporatized/converted into a regulatory authority;
- (d) Recommend a suitable corporate structure and organisational structure to accommodate all of the functions and management requirements;
- (e) Evaluate funding options available to the MMERE or any future statutory authority with a view to ensuring continuity of service delivery to its clients;
- (f) Make recommendations on the steps to be taken in the development of Management Action Plans and Activity Plans in order to achieve a regulatory statutory status.

5.0 Deliverables

The Institutional Development Specialist is required at the end of this task to produce a report into the proposal for MMERE to become a self-regulating statutory authority, addressing the following:

- (a) A cost/benefit analysis and justification of the options discussed including a review of the potential for the mining sector management of the MMERE to be corporatized/converted into a regulatory authority;
- (b) A review of potential synergies of merging or transferring the functions between ministries or regulatory authorities to optimise mining sector management;

- (c) Recommending a suitable corporate structure and organisational structure to accommodate all of the functions and management requirements of the Agency;
- (d) Evaluation of funding options available to the MMERE or any future statutory authority with a view to ensuring continuity of service delivery to its clients;
- (e) Make recommendations on the steps to be taken in the development of Management Action Plans and Activity Plans in order to achieve a statutory status.
- (f) and other relevant matters that are worth considering when assessing this proposal.

6.0 Resources Required

The Institution Development Specialist will be providing his/her own working tools such as laptops.

A proposal on this subject was produced in 2012, including a draft legislation that the specialist can use as the baseline for this assignment.

All the necessary and required reports to conduct this assignment are available at MMERE, and can be provided when requested.

7.0 Reporting and Supervision

The Institution Development Specialist will be required to work closely with the, Permanent Secretary, Director of Mines, and the relevant divisions at MMERE for guidance on a day to day basis.

The Institution Development Specialist 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:

- Degree in mineral Exploration and Mining related disciplines and a qualification or understanding of Public Administration or Human Resources Development with clear and complete understanding of the mining sector.

8.2 Experience/Skills:

- Ability to work with minimum supervision and to consult extensively as possible.
- Have many recent experiences in successfully carrying out such feasibility studies in similar country setting/environment as Solomon Islands.
- Must have vast and recent knowledge and experience in the evaluation of the performance of and strengthening of such geoscience Government institutions.
- Has a high level background knowledge and understanding of the mineral resources potential and industry of Solomon Islands, and the mining sector globally.
- Excellent understanding of mining regulatory frameworks and policies, including the Mines and Minerals Act 1990 and the Mining Regulations, and the National Minerals Policy of Solomon Islands.

8.3 Competencies:

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

9.0 Duration of Contract:

- Title: Institution Development Specialist(s)
- Period: 3 Months (or 90 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.