

TERMS OF REFERENCE

STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT OF THE MINERAL SECTOR

Participatory Component

A. Objective.

This strategic environmental and social assessment (SESA) responds to the Government request for assistance in developing its mineral policy. The proposed SESA will help meet long-term country development outcomes by integrating environmental and social considerations in mining policy and sector growth. While principally focused on environmental aspects, the review will pay sufficient attention to the transmission mechanisms whereby mining activities and mining-induced changes in income and poverty levels affect environmental outcomes.

On the whole, considering the ongoing and proposed development and capacity building initiatives for the mining sector, the SESA aims at providing a strategic framework for strengthening environmental and social sustainability of minerals sector in the country.

The specific objectives of the SESA are to:

- identify environmental and social priorities and key intersectoral environmental and social linkages associated to mining activities in the country;
- assess transmission mechanisms from existing mining related policies and mining policy proposals to environmental and social priorities and key linkages;
- assess in-country institutional and governance weaknesses to address these effects;
- provide international comparisons, case studies, examples and best practices on how other developing countries have addressed similar institutional and governance weaknesses for promoting environmentally and socially responsible mining development to those identified for mining in the country;
- formulate mining related policy recommendations for their inclusion in a comprehensive minerals policy to address institutional and governance weaknesses ensuring consideration of perceptions and concerns of main stakeholders and, especially, vulnerable groups; and,
- recommend systems that will enable future adjustments of mining related policies in response to experience, new information or changes in stakeholder preferences.

B. Background

Mining plays a vital role in the growth and poverty reduction strategy. The country's economy is highly dependent on mining, and the sector has been growing for last several years. While growth in the sector is needed to generate much-needed foreign exchange and government revenues and contribute to the country's economic development, weak planning and regulatory capacity and institutional and governance constraints in the government would undermine sustainable development. Environmental impacts of mining worldwide, under poor regulatory enforcement and weak sector governance, have included deforestation, land degradation, and water and air pollution from waste dumps and tailings disposal. Artisanal and small-scale mining (ASM) activity, an important source of livelihood for a significant number of local miners, is characterized by poor technological practices, with adverse environmental and social impacts. In particular, a sudden influx of thousands of ASM miners attracted by new discoveries of mineral deposits has devastating effects.

Mining development, on the other hand, offers opportunities for economic growth and poverty reduction if conducted in an environmentally and socially responsible manner. The Government has initiated a number of reforms aimed at promoting good governance, pro-poor growth and human development.

C. Organization and Scope of Work.

The SESA will be supervised by the Bank and undertaken by a team comprising of a local mining consulting company, responsible for the SESA's analytical component; a local NGO or consulting company with extensive experience on public participation and consultation, responsible for the SESA's participatory component; and a team of two international consultants with experience on social, policy and environmental issues in minerals development, which will provide overall coordination and advisory services to the local consultants. Under these Terms of Reference, the local consultant firm commissioned to carry out the participatory process of the SESA (the Consultant) will undertake the following activities:

1. SESA Inception Report

Along with the other local firm/entity hired to carry out the SESA, the Consultant will participate in the preparation of an Inception Report to be coordinated by the international consultant company. The Inception Report should describe (i) the institutional arrangements and timing agreed with the key government counterparts to carry out the SESA; (ii) the SESA work plan describing the main activities for data collection and analysis, including consultation/validation with stakeholders and differentiating responsibilities of the different firms/entities according to their respective ToRs; and, (iii) the expected products and reports schedule to be submitted to the World Bank.

2. First round of regional workshops

Based upon the results of the stakeholder analysis to be carried out by the local consultant responsible for the SESA's analytical component and with the advice of the international consultant, the Consultant will organize and carry out regional workshops in the major regions of the country. The expected result of the regional workshops will be double. On the one hand, stakeholders will identify environmental and social priority concerns in relation to the mining sector. On the other hand, they will suggest key issues that need to be included in a policy framework or policy proposals to address these environmental and social priority concerns. The workshop should be also a way of informing and engaging stakeholders on the SESA process.

3. Validation of Effects of Existing and Proposed Mining Related Policies on Key Environmental and Social Issues

The Consultant will implement a process to validate the assessment of effects of existing and proposed mining related policies on environmental and social priorities in the mining sector. It is expected that the Consultant will use regional workshops and focus groups discussions to accomplish this goal.

The objectives of the focus groups discussions will be to (i) take into account in the SESA the attitudes, perceptions and expectations of vulnerable stakeholders such as women, youth, and ASM laborers, and (ii) identify institutional and governance issues affecting the distribution of environmental and social benefits and costs from mining development. Focus groups discussions should be used at least when the Consultant considers this mechanism is more effective than multi-stakeholder workshops for giving voice to vulnerable stakeholders or taking into account in the SESA process stakeholders' dispersed interests. The list of focus groups discussions to be carried out by the Consultant will be agreed with the other local consultant team and the international consultant. The questionnaire for focus groups discussions will be developed by the local consultant responsible for the SESA's analytical component and reviewed by the international consultant. The number of focus groups discussions to be carried out will be determined based on the local context.

The second round of multi-stakeholder workshops will be also held in the major regions. In the regions where the case studies will be conducted, the main purpose of the workshops will be to validate the case study findings. In other regions, the purpose of the workshop will be to discuss the relevance for the region of the case studies' results and the underlying reasons that explain for a particular region any significant discrepancy with them. The Consultant will coordinate the agenda of the regional workshops with the other SESA consultants, the government and the Bank.

The consultant must ensure the participation in the first and second round of workshops of weak and vulnerable stakeholders and not only of leaders, groups and NGOs that claim to represent their interests.

4. Assistance in the Assessment of Institutional and Governance Weaknesses

For assessing the institutional and governance weaknesses to address effects of mining policies on key environmental and social issues, the Consultant will assist the local consultant responsible for the SESA's analytical component in implementing focus groups discussions. The latter will be responsible for developing the questions for focus groups discussions and analyzing the results of discussions. The Consultant will implement the focus groups discussions, reflect their results in a report and record them. The number of focus groups discussions will be determined based on the local context and agreed with other consultants.

5. Validation of Policy Recommendations and Implementation and Monitoring Plan

The Consultant will implement a national workshop in the capitol where the SESA policy recommendations, policy matrix and implementation and monitoring plan will be validated. At this workshop, the participation of at least two representatives of each regional workshop and the donor community is expected. The Consultant with the assistance of the other consultants hired for this SESA will coordinate the agenda of the national workshop with the government and the Bank.

6. Recording of participatory and consultation activities

The Consultant will document all participatory/stakeholder meetings and share these records with the other SESA consultants. Documentation would, for example, include recording the meeting details, participants, and their comments and concerns. With these records the consultant will establish a database of the participatory and consultation activities carried out in the SESA to enhance its validity. The database should be developed without compromising the need to avoid endangering the people that contribute to the SESA, protecting their anonymity. A digital copy of this database will be attached to the report on the results of the national workshop referred to on section E of these ToRs.

D. Qualification of Consultant

The Consultant will demonstrate experience on designing, organizing and implementing participatory and consultation processes and have a team capable of holding the regional workshops simultaneously. The Consultant's team leader for this assignment should have at least ten years of experience in public consultation and stakeholder engagement and, demonstrated experience in implementing focus groups discussions and organization of workshops. The consultant will report to Task Team Leader of the project.