



Terms Of Reference

Consultancy

Benefit sharing in the mining sector - a scoping study of Publish What You Pay's efforts to promote equitable revenue-sharing mechanisms

- Timeframe: June to October 2019
- Estimated number of days: 20 - 30
- Reports to: PWYP Executive Director
- Location: Flexible (must have reliable Internet and phone connection)
- Language: fluency in English and French is essential
- Travel: Consultant may be asked to present findings at a PWYP meeting in Africa in late 2019 (TBC); other travel is not anticipated.

Background

Publish What You Pay (PWYP) is the global civil society movement for transparency, citizen participation and accountability in the oil, gas and mining industries. Since PWYP was established in 2002, the global network has grown to over 700 member organisations working in more than 50 countries, including human rights, development, environmental and faith-based groups. The global network is coordinated by a small, decentralised Secretariat, which is a registered charity in England and Wales.

In January 2018, PWYP adopted a new global strategy - *Vision 2025: A people-centred agenda for the extractive sector*. Building on years of advocacy to secure unprecedented levels of transparency in the extractive sector, Vision 2025 advocates for the continued disclosure of information about the revenues and impacts generated by oil & gas exploitation and mining, with a particular focus on using this information to support calls for greater and more lasting benefits to citizens. Vision 2025 places a new emphasis on ensuring that transparency contributes to broader changes in policy and behaviour which improve the lives of citizens in resource-rich countries, including through better sub-national revenue and benefit sharing mechanisms.

Purpose of the study

The purpose of this assignment is to document, share experiences and draw lessons from sub-national revenue-sharing mechanisms, in countries in which PWYP members have been actively advocating for these schemes. The findings of the study will be used to advance PWYP's understanding of if and how benefits in the mining sector are shared (including understanding the barriers to effective sharing) in order to support further advocacy by the global movement on these issues - with a view of ensuring that citizens and local communities benefit more fully from the benefits generated by the mining sector.



PWYP members around the world have contributed over the years both to a body of evidence about the effectiveness of existing benefit sharing mechanisms, as well as to advocacy efforts to introduce such mechanisms for the mining sector where they don't exist. The study will collate and examine these efforts, analyse best practice and where mechanisms have fallen short of expectations in order to draw a set of recommendations and/or future research questions.

In order to facilitate a conversation on the findings of the study, PWYP will convene key stakeholders in late 2019 to further understanding of those mechanisms, and to learn lessons for future advocacy efforts about the frameworks that effectively enable an equitable distribution of the fiscal benefits of mineral extraction.

Learning questions

- 1- What are PWYP members' experiences with promoting revenue-sharing mechanisms at national and sub-national levels? How has success been defined (e.g. securing a certain percentage of revenue stream(s) in law; enforcing an existing revenue sharing mechanism; ensuring substantive participation of communities, including **women and men**, in spending decisions; etc.)? To what extent has success been achieved?
- 2- What lessons have been learnt from past research and advocacy at regional, national and sub-national levels? What evidence is necessary? What political challenges are present and how are these overcome? Could these lessons around what works and what doesn't in resource sharing mechanisms be used to develop broad principles for engagement on this issue?
- 3- What are the gaps and opportunities to work actively on this agenda in the coming three years at different levels (national, regional, global)? Stakeholder mapping: who needs to be involved (e.g. linkages with the Tax Justice Movement)?
- 4- What are best practices for advocacy strategies to influence the development of effective revenue-sharing mechanisms in the mining sector? Use of extractives contracts and/or payment data? Links with public financial management reforms and local government capacity building? Promote citizen debate on revenue-sharing? etc.
- 5- What are the key questions to guide PWYP members when advocating for subnational revenue-sharing mechanisms (e.g. responsibilities of the central government vs. subnational governments in ensuring revenue sharing with communities; how to promote substantive participation in spending decisions, etc?)
- 6- What are best practices for advocacy strategies to improve women's participation into revenue-sharing in the mining sector?

Methodology

The consultant is expected to produce a report providing a synthesis/overview of the research and advocacy work done to date by PWYP members to advance revenue-sharing mechanisms in a set of pre-agreed 8-10 countries, and provide recommendations to inform a collective PWYP research and advocacy agenda in line with PWYP's five year global strategy.



Specifically the research will:

1. Synthesise the research and advocacy work undertaken by national PWYP coalitions and their members between 2013 and 2018 in selected countries in Africa (Burkina Faso, Guinea, Cameroon, DRC, Niger, Mali, Liberia, Sierra Leone, Malawi, Kenya, Zambia, Zimbabwe);
2. Identify key lessons learnt in 2-3 case studies (e.g. Burkina, Malawi, DRC and Guinea)
3. Provide overall recommendations to PWYP to inform future advocacy and research agenda on benefit sharing

The Consultant is expected to design a research approach in line with the project objectives, including:

- Provide a short overview of the various types of revenue-sharing mechanisms in the mining sector (context);
- Undertake a synthesis of the work of PWYP national coalition's in the context of revenue-sharing, including research reports and advocacy initiatives in about 15 countries;
- Carry out a more detailed analysis in 3 case studies (countries in which PWYP members have engaged substantially on the issues of benefit sharing with their governments and/or communities);
- The synthesis should be informed by interviews with selected PWYP members as well as through a review of relevant documentation (research reports, donor reports, workshop reports, etc.)

External expertise including organizations outside of PWYP may be useful to interact with to provide additional information relating to benefit sharing in the mining sector such as The World Bank Global Governance Practice, IFC, ICMM, Columbia Center on Sustainable Investment, Peace Research Institute (Oslo), NRGi, ICMM, and others the consultant may identify. The consultant will be expected to consult this expertise to collect specific recommendations.

The Consultant is not expected to travel to any country during the research phase. He or She will interact with key stakeholders to share relevant documents needed for the desk research. Interviews can be carried out by online resources or questionnaires shared by email.

The Consultant will be asked to share the draft report with stakeholders involved who will have an opportunity to provide feedback to ensure ownership as well as to ensure that the final report and recommendations are as relevant and accurate as possible.

The research is expected to be concluded by the end of October 2019, including delivery of a final report. However, the consultant is expected to submit a draft report by the end of September for review and feedback.



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Deliverables

1. Develop a clear approach and timeline to achieve the objectives as described above;
2. Undertake a literature review and interviews with PWYP national coalitions as described above
3. Synthesize findings from the desk research and interviews into a draft report (in English), including a summary of recommendations for PWYP
4. Integrate feedback into a final report of no more than 30 pages, without the appendices.

Experience and skills required

- Experience of undertaking research and/or projects on benefit and revenue sharing in the extractive sector
- Experience of working with civil society activists and experts;
- Experience and understanding of the extractives transparency movement
- Excellent writing and communication skills
- Excellent time management skills
- Fluency in English and French is essential

How to apply

Please send proposals (including CV) to the email ebisil@pwyp.org with email subject: **PWYP revenue-sharing consultancy**, no later than **24th July**. Please include details of your fee/rates and the **methodology** proposed.