



**Opening  
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## TERMS OF REFERENCE

### Independent Mid-Term Evaluation of the Opening Extractives programme

#### 1. Summary

Proposals are sought from qualified consultants to undertake an independent mid-term evaluation of the Opening Extractives (OE) programme to assess its effectiveness to date and gather lessons learned that can be used to strengthen the implementation and expected impact of the programme through its remaining delivery period. The Evaluation should be based on international best practice, aimed at providing credible and useful evidence to strengthen beneficial ownership transparency and its impact on natural resource governance in implementing countries, and to contribute to organisational learning and future programme design.

The evaluation will be a desk-based study which will combine: (1) a review of a subset of Opening Extractives countries that reflect a range of national circumstances and beneficial ownership disclosure objectives, to assess the delivery and impact to date of the programme's interventions; and (2) a regional and global level evaluation of progress with implementation and effectiveness of the programme to date. Reflecting the multi-stakeholder nature of the OE programme, the evaluation should be based on a participative approach that captures diverse stakeholder perspectives and expectations. The final report should present a clear evaluation of OE's effectiveness, with practical recommendations and opportunities to further strengthen the programme, and contribute to strengthening the broader beneficial ownership transparency landscape.

#### 2. Introduction to the Opening Extractives programme

Oil, gas, mining, and renewable energy projects are a significant source of revenue for resource-rich countries and their citizens, but corruption and poor governance can divert this revenue away from delivering the services and governance every citizen deserves. The abuse of anonymous companies remains the getaway vehicle for the corrupt, and knowing who owns and controls corporate vehicles is the most effective way to close this channel. Ensuring transparency

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## Opening Extractives

Unlocking the benefits  
of ownership data

about the individuals who ultimately own and control companies, their ‘beneficial owners’, is also a necessary step toward securing accountability in the energy transition.

Beneficial ownership transparency (BOT) – knowing who ultimately controls and benefits from a company – is key to fighting corruption and preventing illicit financial flows. Information on beneficial owners is vital to help legitimise business transactions and is the foundation stone of civil society efforts to ‘follow the money’. The wider the access to high-quality data on who owns what, the harder it will be for corrupt individuals to hide. BOT can therefore help improve public oversight, increase trust and accountability, and help achieve domestic resource mobilisation.

The [Opening Extractives \(OE\) programme](#) is an ambitious global initiative, jointly implemented by the Extractive Industries Transparency Initiative (EITI) and Open Ownership (OO). It is a global five-year programme launched in 2021, with the support of BHP Foundation. The programme is working with ten partner countries (Argentina, Armenia, Philippines, Mongolia, Indonesia, Ghana, Liberia, Nigeria, Zambia, and Senegal) with the aim of transforming the availability and use of beneficial ownership data for effective governance in the extractive sector. The programme combines political and technical engagement, to support countries implementing beneficial ownership reforms, capacity building to increase the use of beneficial ownership data and communication of evidence and insights globally to scale impact. It is premised on the understanding that beneficial ownership data alone does not deliver these outcomes, but without it, the chances of success fall significantly.

The programme seeks to achieve the following objectives:

1. Ensure government, industry, and civil society actors have greater access to comprehensive and reliable information on the ultimate owners of extractive industry companies.
2. Enable government, industry, and civil society actors to more easily identify and address corruption and mismanagement risks related to hidden ownership.
3. Advance beneficial ownership transparency in the extractive industries and beyond in a post-COVID-19 context, by documenting and communicating the impact and outcomes of the programme.

By 2025, the programme aims to deliver clear improvements to domestic resource mobilisation from the extractives sector in the ten countries selected across the globe. Interventions will have demonstrated – at sufficient scale and with sufficient geographic diversity – that ownership transparency within the extractives sector is critical to ensuring that citizens benefit as they

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**Opening  
Extractives**

Unlocking the benefits  
of ownership data

should from their country's resources. By communicating evidence and learning from this work with stakeholders globally, the programme aims to catalyse a broader transformational shift towards beneficial ownership transparency across all sectors of the economy.

The major areas of implementation of the programme include:

- a) Sustaining political commitment and stakeholder engagement
- b) Technical assistance on beneficial ownership implementation
- c) Capacity building for data use - building capacity to integrate, use and analyse data to improve natural resource governance
- d) Support development of tailored technical tools for data use
- e) Learning, evidence, and regional peer exchange
- f) Global communications and advocacy

### 3. Background

The OE programme is approaching the mid-point of its grant with the BHP Foundation, and having worked over two years with multiple stakeholders, including various government agencies, civil society organisations, and private sector actors, from a range of 10 countries, to advance BOT. Progress has been achieved on beneficial ownership reforms in several of these countries and there are valuable lessons about both what has worked well and what has been challenging under the programme. **We are now seeking to commission an independent review designed to:**

- assess the programme's measures of progress and impact at national and global levels;
- evaluate effectiveness of the approaches taken in the different regions;
- and surface key factors from successful implementation and lessons learned from challenging contexts to inform the next phase of the programme's work.

The key deliverable of this consultancy is the development of an independent evaluation report that documents effectiveness and progress with implementation to date; highlights the strengths of the programme, identifies challenges that could impede impact. The report will illuminate concrete ways the Opening Extractive Programme can help partners achieve greater impact; and highlight any shifts needed to ensure the programme fully meets its objectives. In developing the methodology, we expect the consultant(s) to consider the Opening Extractives programme proposal, workplan log frame, evaluation criteria, and impact indicators as outlined in our project proposal, results framework, as well as the baseline data and report developed a year on since the programme's start date.

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## Opening Extractives

Unlocking the benefits  
of ownership data

We expect the findings of this evaluation to feed into improved project design in implementing countries, deeper knowledge of which stakeholders to engage with and how, and better learning in collaboration with partners. Country partners should be engaged in the design, implementation, and sharing of the evaluation.

The evaluation would be expected to assess the following categories:

- Success of the programme's support in securing and/or sustaining political and technical commitments to beneficial ownership transparency reforms through engagement with key actors including the EITI Multi-Stakeholder Groups and National Secretariats, and the role of this work in advancing BOT in a selected number of countries
- Quality and effectiveness of work plans, including alignment of these with national priorities
- Effectiveness of technical assistance interventions, and their impact in advancing progress towards effective beneficial ownership disclosure regimes, including meeting the EITI's Requirements on beneficial ownership
- Contribution of the engagements, workshops and projects developed in partnership with government, civil society, and the media
- Success of regional and global peer exchanges in increasing stakeholder knowledge and promoting an enabling environment for the reform
- Effectiveness of advocacy, research, and global communications in promoting the reform at global levels

We believe that the minimum outputs of this evaluation project will include the following (although we are open to discussing evaluation elements and refining methodology with the chosen consultants):

1. **A baseline workshop** to ensure consultant(s) are appraised on evidence already gathered by the programme.
2. **Comprehensive documentation of progress to date**, including through gathering specific targeted data to validate any thesis. This could include data collection and analysis to assess the quality and usefulness of beneficial ownership data; approaches such as outcome harvesting to measure the role of programme activities to help secure or move towards generating long term improvements such as efficiency, effectiveness,; and identification of potential uses of the information toward these objectives.
3. **A comprehensive mapping of the beneficial ownership transparency ecosystem the OE programme has engaged with in selected countries**, including actors in each context, how

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## Opening Extractives

Unlocking the benefits  
of ownership data

- they do or could contribute to beneficial ownership disclosures and transparency efforts, and how they communicate and collaborate. This should also include actors who are not yet engaged in the BOT community or ecosystem but should be.
- 4. A gap analysis of current programme and country implementation framework** to identify additional support needed and how our interventions can lead to more impact, informed by staff/consultants and partner survey to garner honest and actionable feedback about how well our support model is working and what we can do to improve the quality of our collaborations.
  - 5. An internal report for the Opening Extractives team with recommendations for our future work, including strategic shifts and adaptive management the programme should undertake, if any**, both at local and programmatic level, as well as a summary version of 10 pages approx. for public sharing and dissemination.
  - 6. Polished graphics to reflect key findings, as well as a social media kit** to help share the findings (the programme will consider commissioning this work separately depending on consultants' qualifications so long as work can be delivered within the overall budget envelope).
  - 7. A findings workshop** with members of the Opening Extractives team to jointly identify broader lessons and insights for our work, as well as in-country (possibly virtual) workshops with country partners to discuss the results of the evaluation.

The evaluation is a desk-based study which is expected to include country case studies, interviews and stakeholder consultations at the global and national level, and review of key Opening Extractives documentation and publications. We expect the consultant to collaborate closely with Opening Extractives' internal and external partners.

### 4. Indicative Timeline and milestones

The assignment is expected to take place between May and July 2023. A proposed schedule is set out below and should be agreed and finalised in consultation with the EITI International Secretariat.

Milestone	Timing
Contract signature with the Consultant	Early May 2023
Commencement of evaluation	Early May 2023
Inception phase: Submission of final methodology and work plan	Mid-May 2023
Desk review	

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## Opening Extractives

Unlocking the benefits  
of ownership data

Stakeholder consultation	Mid-May to Early June 2023
Analysis and drafting	Mid-May to Early June 2023
Submission of draft report (due by EITI's Global Conference)	Early June 2023
Presentation of draft report and initial findings	Mid-June 2023
OE team's first review	End June 2023
Submission of final report and case studies	Mid July 2023
OE final review and approval of the final report	End July 2023

### 5. Methodology

The consultant should suggest an appropriate methodology in accordance with recognised professional standards and in line with international best practice in the field of evaluation or in relevant social science disciplines. Drawing on the OECD's DAC criteria<sup>1</sup>, the evaluation team should consider the following questions:

- **RELEVANCE:** Does OE, in the country context, deliver on the stated objectives of the work plans? Do the national beneficial ownership objectives address actual governance challenges, and national priorities?
- **COHERENCE:** How well does OE fit into other or similar interventions in the country, which share similar objectives?<sup>2</sup>
- **EFFECTIVENESS:** To what extent is OE achieving and delivering on its stated objectives? What are examples of results that OE delivered? Analysis of effectiveness involves taking account of the relative importance of the objectives or results.
- **EFFICIENCY / Value for money:** Does OE deliver on the objectives in an economic and timely way? What programme interventions are more efficient?
- **SUSTAINABILITY:** Does the OE programme ensure that its interventions could continue after the programme? To what extent does the programme measure sustainability? How dependent are key actors on OE mechanisms to bring transparency and accountability?

<sup>1</sup> In line with the OECD's best practice guidelines for evaluation interventions. See for more information: <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

<sup>2</sup> These can be government-led efforts to combat corruption, improve public financial management, citizen participation or oversight through other institutions.

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## Opening Extractives

Unlocking the benefits  
of ownership data

Consultants are invited to propose additional criteria or adaptations to this approach. Country case studies in OE implementing countries should be determined in consultation with the OE team during the inception phase.

### 6. Stakeholder consultation

Since stakeholders directly associated with OE normally have better access to information and often engage in close interaction with the evaluation team, the team shall facilitate contact and engagement of such persons. The consultant can reach out to other stakeholders to speak to, the programme can generate these connections if requested.

All parts of the evaluation process shall be carried out in accordance with recognised ethical standards. The rights and welfare of all participants in the evaluation shall be protected and informed consent obtained.

When interacting with stakeholders the team shall behave professionally and respectfully, strive to reduce the time and other demands on stakeholders, and actively manage expectations to avoid unjustified expectations among for continued assistance.

The evaluation team shall show sensitivity to gender, beliefs, manners and customs of all stakeholders and act with integrity and honesty. The anonymity and confidentiality of individual informants shall be protected when requested and/or as required by law, the context or ethical considerations. Direct references to informants' statements in reports shall be done in ways that do not make it possible to trace statements to individuals, unless agreed with the informant concerned.

### 7. Qualification requirements

The consultant must be a reputable individual or firm, perceived by OE stakeholders to be independent, credible, trustworthy, and technically competent. The consultant will need to demonstrate:

- Expertise in results-based monitoring and evaluation in similar governance and transparency multi-stakeholder initiatives and implementation of international programmes at the country level.
- Understanding of governance issues in the oil, gas, and mining sectors, especially on beneficial ownership transparency reforms.

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## Opening Extractives

Unlocking the benefits  
of ownership data

- Previous experience with the EITI is not required but would be advantageous.
- Credibility and independence: the consultant needs to be credible in the eyes of the host governments, the private sector and civil society.
- A team that is able to consult stakeholders in English, French and Spanish is not required but would be advantageous.

In order to ensure the quality and independence of the exercise, the consultant is required, in their technical proposal, to disclose any actual or potential conflicts of interest, together with commentary on how any such conflict can be avoided.

### 8. Procurement procedure

A shortlist of companies/individuals will be selected following a quality- and value for money-based selection procedure. The finalist will be selected in consultation with the OE stakeholders and following a brief interview.

Consultants and firms are invited to submit an expression of interest by sharing technical and financial proposals by **17:00 CET Monday 1 May 2023** to [skasimova@eiti.org](mailto:skasimova@eiti.org). All questions related to the project, its timeline and deliverables should be submitted to the same address by no later than Friday 21 April.

- The **Technical Proposal** should outline: (a) the experience of the firm / consultants, (b) the proposed methodology and work plan in response to the Terms of Reference (TORs) and (c) the key experts' qualifications and competence. The Technical Proposal should not include any financial information. Technical proposals containing material financial information shall be declared non-responsive.
- The **Financial Proposal** should clearly indicate a lump sum financial proposal in USD, **inclusive** of all associated costs and applicable taxes. The maximum budget available for this work stands at USD 30,000. The financial proposal should clearly differentiate fees from any other reimbursable expenses. The daily rates for the consultants' fees should be clearly indicated. The Financial Proposal should be sent as a password-protected PDF file. The passwords should not be sent. The passwords will be requested following the assessment of the technical proposals.

*\*When preparing your proposal, please be sure to include a section on potential conflicts of interest in the technical proposal. This section should identify any areas of work, including past,*

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**Opening  
Extractives**

Unlocking the benefits  
of ownership data

*present or future consultancies related to the EITI, OO and OE, which might pose a conflict of interest. Please also describe strategies that you intend to use to minimize those risks.*

The criteria for assessing the proposals is as follows:

- Experience of the Consultant (as a firm) relevant to the assignment
- Key expert's qualifications and competence based on the Qualification requirements (see section 7 above)
- Adequacy and quality of the proposed methodology, and work plan in responding to the Terms of Reference (TORs)<sup>3</sup>

## 9. Data and facilities to be provided by the Client

The OE programme will provide all the necessary documentation needed to undertake the evaluation and will facilitate contact with OEP stakeholders as needed.

The OE programme contact point for the assignment is:

**Lucia Cirimello**

Programme Manager, Opening Extractives

[lcirimello@eiti.org](mailto:lcirimello@eiti.org)

## Reference materials:

- 1) [Opening Extractives website](#)
- 2) [Opening Extractives Fact Sheet 2023](#)
- 3) [Opening Extractives Progress Report 2021/22](#)
- 4) [Opening Extractives Design Research](#)

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<sup>3</sup> The Client will assess whether the proposed methodology is clear, responds to the TORs, work plan is realistic and implementable; overall team composition is balanced and has an appropriate skills mix; and the work plan has right input of experts

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