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## Terms of Reference

### Supporting Zambia EITI on beneficial ownership transparency

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The Opening Extractives Programme is seeking a consultant to enhance implementation support to Zambia on beneficial ownership disclosures. This will entail supporting the EITI multi stakeholder group in Zambia, national secretariat, and key government agencies in facilitating policy discussions and improving disclosures of beneficial ownership. The objective is to support the MSG and key stakeholders to understand the beneficial ownership disclosures, identify the current gaps in Zambia and strengthen their capacity to collect, disclose and analyse beneficial ownership data.

#### 1. Background

Opening Extractives, a joint programme by the EITI (Extractive Industries Transparency Initiative) and Open Ownership, aims to accelerate progress in 10 resource rich countries, including Zambia. Zambia was admitted to the EITI, a global standard that promotes transparency and accountability in the oil, gas and mining sectors, EITI in 2009. Additional information is available from <http://www.eiti.org>.

There are significant opportunities for the implementation of beneficial ownership to contribute meaningfully to government reforms and improved resource governance in Zambia. The national secretariat requires technical support to deliver on the activities and objectives of the Opening Extractives Programme. This would entail supporting in building and sustaining political support BOT and providing technical support on making progress on BOT.

The assignment requires bringing together and coordinating with the right state and non-state actors, driving the policy discussions and providing technical guidance on beneficial ownership to relevant government entities and industry. On the ground support would accelerate progress on OE Programme rollout support in Zambia and contribute to concrete outcomes on beneficial ownership transparency. This is expected to contribute to laying the groundwork for further systematic disclosures and mainstreaming of EITI implementation in Uganda.

#### 2. Objectives of the assignment

The objective of the assignment is to provide support to ZEITI and key government agencies on implementation of beneficial ownership transparency under the Opening Extractives Programme.

The consultant is expected to work with ZEITI, the Country Manager Anglophone Africa, the Opening Extractives Programme Manager and other stakeholders as may be determined in the course of the assignment. The consultant would work under the supervision of the Policy Director EITI. The timeframe for this work would be **July – December 2021**.

### 3. Scope of assignment

The consultant will be expected to undertake the following tasks:

#### 3.1 Sustaining political commitment and stakeholder engagement for BOT reform

(i) Support ZEITI in raising awareness and technical capacity on beneficial ownership transparency

- Support ZEITI in developing a capacity building/awareness raising strategy.
- Support ZEITI and PACRA in holding a series of awareness raising and capacity building sessions on BO, data submission, and disclosures for Members of Parliament, Cadastre Department and Industry.
- Capacity building for mining Cadastre Department on integrating BO data in license awards.
- Support in capacity building campaign for CSOs, non-traditional CSOs and media on how to advocate for and use BO disclosures (with TI Mining)

(ii) Stakeholder Consultation on BO programme

- Support ZEITI in facilitating stakeholder consultations on BOT Programme objectives.
- Develop a policy brief highlighting objective for BOT reform, stakeholder views and options and use cases for BO data in Zambia.

(iii) Inter-agency coordination. Support ZEITI in convening and ordinating government and non-government actors involved in collection, verification, disclosure and use of BO data. This will include coordinating and providing input to regulations (where applicable), reporting templates and disclosure frameworks/platforms. The consultant will:

- Facilitate discussions with government agencies involved in BO data collection and monitoring (e.g. PACRA and authorities awarding contracts/licensing in the mining and petroleum sector)
- Facilitate discussions with organisations providing support on BOT and align current and future plans for support (i.e. US Embassy, UNODC, EU)

#### 3.2 Technical assistance on BOT implementation

(i) Provide technical input to amendments and inclusion of beneficial ownership disclosure provisions in mining legislation.

- Identify entry points and facilitate discussions on how to align beneficial ownership provisions in the mining legislation with the EITI Standard.
- (ii) Scoping study on BO data collection and disclosures
  - Comprehensively review systems for collecting, quality control, managing and sharing BO data within company register, tax authority, the financial intelligence centre and Mining Cadastre.
  - Support ZEITI and PACRA in assessing and documenting gaps or weaknesses in BOT and in agreeing an approach to overcoming the gaps and weakness, including prioritising activities and identifying resources.

### 3.3 Communications

- (i) Support the development of key communication materials to encourage implementation best practices and align BOT to relevant government priorities (the consultant will be supported by the Opening Extractives' Communications Officer in strategic communications and event planning)
- (ii) Produce policy brief and/or related communication products reinforcing the contribution of BOT on key government priorities including on the enforcement of local content provisions, building business confidence and attracting investment, ensuring good governance of natural resources, tackling corruption, criminal activities and illicit financial flows and assisting with the recovery of stolen assets
- (iii) Develop knowledge products documenting key lessons learnt from the implementation of BO in Ghana

### 3.4 Peer exchange

- (i) Contribute to peer exchange activities for the Opening Extractives Programme globally and within the region
- (ii) Contribute to peer exchange events, capacity building materials drawing on experiences from Ghana
- (iii) Contribute to peer exchange and capacity building events in other Opening Extractives Programme countries

## 4. Deliverables

The assignment is expected to take **80 consultancy days over 6 months**. Deliverables may be adjusted during the assignment in consultation with the Zambia EITI national secretariat to take into account unforeseen events, opportunities and obstacles. Changes in deliverables will be reported to the EITI International Secretariat through monthly progress reports. Payment will be made monthly based on review of progress on meeting assignment deliverables. Depending on the progress with the activities, there may be scope for extension of the contract.

Deliverable	Output
Signing of contract	
Support ZEITI in developing a capacity building/awareness raising strategy.	BOT awareness raising strategy.

Support ZEITI and PACRA in holding a series of awareness raising and capacity building sessions on BO, data submission, and disclosures for Members of Parliament, Cadastre Department and Industry.	Awareness raising, and capacity building sessions held.
Capacity building for mining Cadastre Department on integrating BO data in license awards.	Capacity building sessions held with the Cadastre department and plans/considerations for integrating BO data in licensing process
Support in capacity building campaign for CSOs, non-traditional CSOs and media on how to advocate for and use BO disclosures (with TI Mining)	Capacity building sessions held with CSOs.
Support ZEITI in facilitating stakeholder consultations on BOT Programme objectives.	Programme buy-in from stakeholders  Validation of Programme objectives and BOT agenda in Zambia
Develop a policy brief highlighting objective for BOT reform, stakeholder views and options and use cases for BO data in Zambia.	Policy brief/Briefing note
Facilitate discussions with government agencies involved in BO data collection and monitoring (e.g. PACRA and authorities awarding contracts/licensing in the mining and petroleum sector)	Discussions held with government agencies
Facilitate discussions with organisations providing support on BOT and align current and future plans for support (i.e. US Embassy, UNODC, EU)	Discussions held with other organisations working on BO in Zambia.
Conduct an analysis of BO provisions and gaps in the Companies Act and in the proposed amendments to the Mines and Minerals Act and facilitate consultations and inputs to legislation with key actors.	Legal analysis of BOT in Zambia.
Comprehensively review systems for collecting, quality control, managing and sharing BO data within company register, tax authority, the financial intelligence centre and Mining Cadastre.	Scoping review of BOT data systems.
Support ZEITI and PACRA in assessing and documenting gaps or weaknesses in BOT and in agreeing an approach to overcoming the gaps and weakness, including prioritising activities and identifying resources.	Plan for overcoming gaps and weaknesses in BOT developed.
Support the development of key communication materials to encourage implementation best practices and align BOT to relevant government priorities	Policy briefs and knowledge products on lessons learned and impact achieved
Contribute to peer exchange activities for the Opening Extractives Programme globally and within the region.	Planning and participating in peer exchange sessions in the region and globally

## 5. Consultant's qualifications

The consultant should be a individual(s) that ZEITI and the OE Programme consider to be credible, trustworthy and technically competent.

The consultant must demonstrate:

- Experience and knowledge of beneficial ownership transparency tools, use-cases and approaches.
- Experience in engaging and coordinating with multi-stakeholders, and in facilitating high level technical engagements and capacity strengthening.
- Experience of similar jobs in the past.

To ensure quality and independence in the undertaking, the consultant must, in their technical and financial proposals, disclose any potential or actual conflicts of interest, together with a comment about how they may be avoided.

## 6. Administrative support

The Opening Extractives Programme would provide the following support to the project:

- Providing the necessary OE Programme background information and input as needed.
- Providing regular oversight and input on technical assistance provided to ZEITI and stakeholders in Zambia.
- Covering transport and proportional administration costs related to the consultant's use of the ZEITI office space.
- Providing communications support for national strategic communications and event planning
- Any other support required for the project.

The national secretariat would provide the following support to the project:

- Providing the necessary Zambia background information and input as needed.
- Providing the consultant with working space.
- Supporting the consultant in logistics, making introductions to stakeholders and in convening events/meetings.