



TERMS OF REFERENCE (TOR) MAPPING MINING ACTORS, REVENUE TRANSPARENCY AND ACCOUNTABILITY IN KARAMOJA MINING SECTOR.

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1.0. Introduction:

Resource Rights Africa (RRA) is a research and development Not-for-Profit Organization formed in 2016 to advocate for the promotion and protection of people's rights in Uganda. With smart projects in the right places, we oppose discrimination, inequality, abuse of power and the unsustainable use of our natural resources including oil and gas, minerals, land, forests, water bodies as well as flora and fauna.

RRA aspires to be one of the most dynamic and robust regional leaders in cutting-edge public policy research and analysis in a range of areas including extractive governance, land, climate change, taxation and gender budgeting.

RRA's vision is, *“A just and peaceful world free from human rights violations”*. **Our mission is** *“To empower local communities to achieve a dignified life through creating synergies with duty bearers for equitable access to natural resources in Africa.”*

2.0. Background to the project:

RRA in partnership with HORIZONT3000 are implementing a three year (2020-2022) project titled, **“Community action to promote good governance of mineral resources in Karamoja sub-region”**. The project goal is to promote good governance of mineral resources in Karamoja with the main objective: To increase coordinated civic engagement and improve transparency and accountability in the mining sector in Uganda. The project is being implemented in the districts of Kotido (Rengen, Panyangara), Moroto (Tapac, Katikekile) and Kaabong District (Kamion, Lodiko, Morungore, Timu and Loyoro).

2.1. The problem being addressed:

Uganda's extractives industry is rapidly growing from small-scale and artisanal mining to a large-scale. In Karamoja region, the sector has attracted a number of investors engaged in the mining of limestone, marble and gold among other minerals. This investment has however, posed a challenge to the communities in that, most land in Karamoja is under customary tenure and collectively managed. Few people own certificates of land ownership making fair compensation difficult as few can negotiate with the mining companies for the (temporary) acquisition of land. Mining companies rarely engage the affected communities in their mandatory Environmental and Social Impact Assessments in meaningful ways. In addition, local authorities rarely consult with and involve communities in decision-making, resulting in actions that exacerbate rather than resolve already existing accountability and human rights concerns. Vulnerable groups particularly women and youth from minority groups like the Ik, Napore and Tepeth(So) suffer the negative impacts of mining activities. These face exploitation, physical and, for women, sexual abuse, alcohol abuse, child labour, land grabbing by mining companies and authorities. Besides, they are exposed to environmental and health hazards.

There has been under assessment of royalties given the lack of monitoring mechanism of the amount of minerals that leave Karamoja sub-region. Local Governments in the area do not get information of returns which affects releases to the Local Governments. It is claimed that there is no clear documentation sent to Local Governments making it difficult for the Local Governments to make any claim of the unpaid royalties.

Remittances of royalties from Central Government to Local Governments has been irregular and too little to have any meaning impact on service delivery at community level. Payment of royalties is

provided for under Section 71 under the Mining Regulations,2004 and Section 98 of the Minerals Act,2003 and Second Schedule of the Act. Section 98(3) provides the percentages that accrue to the different entities as follows: Government 80% Local Governments 17% Owners or lawful occupiers of land subject to mineral rights 3%.

3.0. About the consultancy:

The purpose of the consultancy is to undertake a research study on the existing mining actors and the fundamental causes of persistent tendencies of corruption and resource mismanagement in the mining sector in Karamoja sub-region.

Specifically, the research study shall aim to:

- i) Critically analyse the fundamental causes of persistent tendencies of corruption and resource mismanagement in the mining sector in Karamoja sub-region;
- ii) Map out the different mining actors to enhance revenue transparency and accountability in the mining sector in Karamoja sub-region;
- iii) Assess how much royalty fees and other payments have so far been realized by central government, local governments and land owners from mining activities in Karamoja sub-region; and
- iv) Assess how much surface rights compensation has been made by mining companies to the communities in Karamoja sub-region.

4.0. Scope of the assignment:

The assignment involves:

- i) Performing site visits to mining communities in Karamoja (Kotido, Kaabong and Moroto), mining companies, local governments, community groups, government ministries and agencies to establish the fundamental cause of the persistent tendencies of corruption and resource mismanagement in the mining sector; and
- ii) Produce a detailed research report detailing the mining actors and the state of revenue transparency and accountability in Karamoja's mining sector.
- iii) Produce a summary of the main report.

4.1. Time Scope:

One month fixed starting 1st February, 2022.

5.0: Key expected outputs to be delivered:

At the end of this assignment, the consultant is expected to deliver a minimum of the following outputs:

- i) One copy of soft copy and one printed and bound report (**Not more than 25 pages excluding annexes**).
- ii) A succinct 5-page summary of the main report.

Through the documented material, the consultant should ensure that the following parameters are accommodated:

- i. Clear understanding of the mining sector in Karamoja.
- ii. Clear understanding of RRA role in the promotion of good governance, transparency and accountability in the natural resources in Karamoja.
- iii. Clear understanding of surface rights compensation and royalties in regard to existing laws.
- iv. Clear understanding of the legal provisions on revenue management in the mining sector in Uganda.

6.0: Qualification Requirements:

The consultant must possess the following qualifications:

- i. Excellent skills in legal issues related to the extractives revenue management in Uganda, regional and International context.
- ii. Good inter-personal and writing skills.

- iii. At least 3 years' experience in revenue tracking, budget analysis, transparency and accountability work in Uganda.
- iv. Good understanding of the mining sector in Karamoja sub-region.

7.0: Methodology:

The Consultant is expected to highlight policy implementation and enforcement gaps that have precipitated corruption in the mining sector in Karamoja and Uganda as a whole. The analysis should focus on the following areas:

- Reliability
- Integrity of performance
- Performance of internal controls and external audits as well as regulations, plans, procedures, safeguards of asset and efficient use of resources.

The Consultant is also expected to focus on effectiveness in execution of mandate and statutory responsibilities of the different actors in the mining sector in ways that do not compromise performance.

RRA will not be held liable for any encumbrances that may result from undertaking the assignment.

8.0: Evaluation Criteria:

Bids will be evaluated based on their response to these terms of reference. Thus, bidders are advised to provide all relevant information to facilitate evaluation of compliance to RRA's requirements.

Required: Interested consultants should submit technical and financial proposals including;

- i. Response to TOR, with specific focus on addressing the purpose and objectives of the assignment and methodology to be used.
- ii. Provision of CVs of the consultant(s) including 3 references. Please note that both companies and individuals working in a team are encouraged to apply for the assignment.
- iii. References of similar work/ assignment performed.
- iv. Initial work plan based on proposed methodology.
- v. Detailed budget breakdown based on expected daily rates and initial work plan.
- vi. A two-page inception document showing the consultant's understanding of the assignment, detailed plan of delivery of the assignment plus references of related assignments previously done.

9.0. Financial Proposal:

The consultant(s) should submit a detailed budget with justifications. The proposal should include a reasonable detailed budget to cover all costs associated with the assignment.

10. Submission date:

The expression of interest should be sent to RRA not later than Wednesday, 26th January, 2022 at 5.00PM (EAT) through the e-mail addresses provided below:

E-mail: jobs@resourcerightsafrica.org; copy Kenneth.Massa@resourcerightsafrica.org.

Please check our website at: <http://www.resourcerightsafrica.org> to further understand RRA's work.

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