

TERMS OF REFERENCE

Introduction

HakiRasilimali, a Civil Society Organizations (CSOs) platform working on advocacy issues around minerals, oil and gas extraction in Tanzania, is looking forward to recruit a CONSULTANT for the purpose of undertaking a research on “the *Implications of the Extractive Fiscal Regime to the Tanzania economy: A case of the Mining Sector*” (attached concept note for reference).

DURATION & DELIVERABLES

Research title	Implications of the Extractive Fiscal Regime to the Tanzania economy: A case of the Mining Sector
Timeline for Research	40 days
Report to	HakiRasilimali
Bid Documents	Interested and motivated individuals and institutions are invited to apply. The bid should contain the following information: <ol style="list-style-type: none"> 1. Name of consultant bidding and his/her CV. 2. Research Proposal including Budget for undertaking research and a brief outline of the consultant's understanding of the assignment 3. Sample of your work and name of the organizations you have worked with (profile).
Mode of Application	All Bids should be forwarded to HakiRasilimali <i>no later than 28th of February 2020</i> to the email address: info@hakirasilimali.or.tz
Deadline for Application	28 th of February 2020
Research objective	To examine the effectiveness of the mining fiscal regime and its implication for the development of the Tanzania Economy towards middle income state

Registration No. 133413

Board of Directors: Chairperson: - Donald Kasongi – Governance Links • Vice Chairperson: - Semkai Kilonzo-Policy Forum • Members • Stephan Msechu-Tanganyika Law Society: - Amani Mustapha Mhinda – HakiMadini • Moses Kulaba – Governance and Economic Policy Centre (GEPC) • Secretary: - Racheal Chagonja

Main lines of inquiry	Sub lines of inquiry
1. Fiscal rule and fiscal regimes in the mining sector	<ul style="list-style-type: none"> i. What is the status of the mining fiscal regime- how are the projections, reporting and policy choices? ii. What is the implication of the current mining fiscal regime for development of the country's economy? iii. What is the status of the on-going contract negotiations vs revenue projection? iv. What is the future for the Tanzania mining sector?
2. Fiscal Transparency and Accountability	<ul style="list-style-type: none"> i. Since Tanzania has been mining for more than 30 years, how are revenues accrued from the mining sector collected and managed? ii. What are the challenges facing Tanzania in ensuring transparency and the impact to effective management of revenues from the mining sector? iii. Is there a clearly legal defined framework for the purpose of managing Revenues from the Mining sector? iv. What are the implications for the Non-compliance of the TEITA Act of 2015 regarding public disclosure of extractive contract specifically the Mineral Development Agreements?
3. Sustaining Competitiveness	<ul style="list-style-type: none"> i. The government is questioned for eroding value and diminishing competitiveness through the political economy while investors are faulted for not integrating projects into the economies of areas hosting extractive-FDIs, negotiating unfair deals, being merely opportunistic and evading tax Conflicting laws and uncoordinated institutions within the sector. How can this be managed for maximum impact?
4. For the purpose of investing for the future	<ul style="list-style-type: none"> i. For instance section 251 (a) (b) of the Petroleum Act, 2015 provides for the Government to cause for an establishment of a fund into which shall be deposited revenues derived from oil and gas. Nonetheless, there are no specific legislation that provide for the establishment of the fund to tap

	<p>revenues generated from the mining sector in the country. How does the government plan to enforce this?</p> <p>ii. What is the risk associated with lack of such laws in the mining sector?</p>
5. Management of the Mining Sector	<p>i. How is the capacity of the government to effectively monitor and regulate the sector?</p> <p>ii. How can the government strike a balance between under and over-regulation in order to maintain legitimacy in the eyes of the public as well as secure future investments?</p>
6. Environment and climate change	<p>i. To what extent have the mining activities impacted the environment, health and climate change?</p>

Research methodology	<ol style="list-style-type: none"> 1. The consultant is expected to undertake a systematic and scientific procedure of data collection, compilation, analysis, interpretation, and implication pertaining to the research title. 2. Both applied and fundamental mode of data collection and analysis is expected for the purpose of the study; while maintaining all the record for the purpose validation. 3. The consultant is expected strongly build cases based on investigation, examining and analyzing events, activities, forums and deliberations, in order to pin down relevant information on issues of interest, to enhance the quality of the research findings. 4. Conduct a validation meeting to gather opinions, views and comments from key stakeholders to improve the quality of the report, as well as validating and approving the report for use by stakeholders and other interested parties.
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<p>Expected research outcomes</p>	<ol style="list-style-type: none"> 1. Information generated is made available and analyzed to further stakeholder scrutiny (civil society, government ministries and agencies) about the taxes generated by the extraction of oil, gas and minerals 2. Key duty bearers and policy/decision makers in target countries and/or target region consider or commit to fiscal reform in the extractive sector 3. Women's effective participation in decision making processes about whether and how revenues from extractives are allocated in sub-national budgets is increased.
<p>Expected output</p>	<ol style="list-style-type: none"> 1. Comprehensive research report 2. Summarized research report (popular version) 3. Model Mining Revenue Management Act
<p>Confidentiality and compliance</p>	<ol style="list-style-type: none"> 1. That the Consultant shall not provide access of the Client's information to any third party without a written consent of the Client, 2. The Consultant undertakes to pay all taxes and levies required of him in respect to the undertakings in this contract as required by the laws of Tanzania as well as allows TLS to withhold taxes as required by the law, 3. That the Consultant shall submit the deliverables outlined in paragraph 4 above for comments within fifteen (21) days from the date of signing of the contract. 4. That upon receiving comments from the client, the Consultant shall submit the final draft with comments incorporated not later than five days from the first submission and receipt of comments from the Client, whoever comes first? 5. That this Contract shall be valid for a period of 30 days from the date of signing of the contract and shall terminate upon submission and approval of the deliverables, 6. The Client agrees to pay the Consultant as agreed. 7. Any disputes under this contract shall be settled amicably before resorting to court proceedings under the laws of Tanzania

	8. Carrying out the terms of reference, the Consultancy shall inform the Supervising Person about the work underway and ensure that it complies with the priorities and needs of the HR Secretariat.
Other Conditions	<ol style="list-style-type: none"> 1. Consultant is an independent contractor and is not agent or employee of HakiRasilimali for any purpose. 2. The consultant has relevant skills on the subject matter esp. on fiscal regimes, law and revenue related within the mining sector. 3. The Consultant should be expected to work independently, in close liaison with the responsible staff. 4. The Consultant shall agree not to disclose any matters of a confidential nature to which s/he might become privy because of this agreement. 5. The Consultant shall take utmost care to protect the data and equipment entrusted to her/him by HakiRasilimali. 6. HR solely and exclusively shall own all rights in and to any to work created by Consultancy in connection with this agreement and performance of the service 7. The undertaking of this research will be governed by the terms and conditions of service as articulated in the HakiRasilimali Administration Policies and Financial Regulations in force at any time. 8. The consultant, during the entire course of this contract, is expected to abide by <ol style="list-style-type: none"> a) by the laws of the United Republic of Tanzania and c)

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	<ul style="list-style-type: none">b) Be affiliated / associated to an accredited and well reputed University, or firmc) Abide to HakiRasilimali policies, guidelines and procedures and does nothing that may bring HakiRasilimali into disreputed) HakiRasilimali may, with immediate effect, terminate this contract if s/he contravenes this agreement or in any way engages in conduct that may damage the reputation or interests of HakiRasilimali. Either party may also terminate this contract by providing notice within a reasonable time in writing.
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