



**TERMS OF REFERENCE
FOR
CARRYING OUT SCOPING STUDY ON ENVIRONMENTAL, SOCIAL AND GENDER
IMPACTS FOR EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE
REPORTING**

1. Background

The Extractive Industries Transparency Initiative (EITI) is a global standard that promotes good governance in the management of oil, gas and mineral resources. The EITI seeks to strengthen government and company information management disclosure, inform public debate and promote understanding. In each of the implementing countries, EITI is supported by a coalition of governments, private companies, and civil society. The Standard is promoted and upheld by the International EITI Board.

The EITI implementation in Tanzania is facilitated by the Tanzania Extractive Industries Transparency and Accountability Act, 2015 and its Regulations of 2019. The Act provides the legal mandate for MSG to carry out strategic activities that seek to promote transparency and accountability in the management of the revenues derived from the extractive industries in the country. Such activities include: public outreach for a wider dissemination of TEITI Report findings; capacity building to stakeholders on understanding mining, oil and gas fiscal regimes (tax and non-tax instruments) to stir up

public debates; identification of challenges and opportunities of local content; and district- level payments, receipts and their utilizations and disclosure of all concessions, contracts and licenses relating to the extractive industry companies including the names of individual shareholders who own interests in the extractive industry companies (Beneficial Ownership disclosure).

The 2019 EITI Standard, establishes ground on disclosures requirements on environmental, social and gender impacts in the EITI reports. However, environmental reporting under EITI should be aligned with national laws or link with information already produced by companies. Implementing countries are encouraged to disclose information on the management and monitoring of the environmental impact of the extractive industries. This could include an overview of relevant legal provisions and administrative rules as well as actual practice related to environmental management and monitoring of extractive investments in Tanzania. It also include information on environmental impact assessments, certification schemes, licenses and rights granted to oil, gas and mining companies, as well as information on the roles and responsibilities of relevant government agencies in implementing the rules and regulations. It will further include review of information on any reforms that are planned or underway.

On the gender impacts EITI implementing countries, should ensure that women play a leading role in the consultation and decision making processes involved in overseeing implementation of the EITI. Multi-stakeholder groups should consider how the development of the extractive industries can contribute towards achieving gender equality and the opportunities for the EITI to promote gender equality. By conducting this study, EITI multi-stakeholder groups will be able to hat EITI communication and disseminations activities that are widely accessible, and that promote gender equality and work to address and change the attitudes, values and social norms that perpetuate gender inequality.

TEITI reports have been unilaterally disclosing Social expenditure by extractive companies without being reconciled. The EITI Standard encourages EITI implementing

countries to apply a high standard of transparency to social payments and transfers, the parties involved in the transactions and the materiality of these payments and transfers to other benefit streams, including the recognition that these payments may be reported even though it might not be possible to reconcile them. These contributions can be made in cash or in kind. These contributions include education, health, environment, potable water supply, humanitarian aids, small business development services, and infrastructures. Through various engagement that have been conducted by TEITI to Local Government Councilors, company Representatives and CSOs, it has been discovered that most companies implement Corporate Social Responsibility (CSR) projects without regard to community priority needs and also lack transparency. However, section 105 of the Mining Act, 2010 (CAP 123 R.E 2018) requires mineral right holders to prepare Corporate Social Responsibility plan which should be jointly agreed by the Local Government Authorities. In addition, Petroleum Act Sec 222 states that 'A licence holder and a contractor shall on annual basis, prepare a credible corporate social responsibility plan jointly agreed by the relevant local government authority or local government authorities. (2) The plan prepared under subsection (1) shall take into account environmental, social, economical and cultural activities based on local government priorities of host community'. The assignment could look at whether or not companies and local government are developing these as they are supposed to be a basis for social expenditures

2. Objective of the Assignment

The EITI Standard, particularly Requirement 6.1 requires the disclosure of material social and environment expenditures by companies if are mandated by law or the contract with the government that governs the extractive investment. Section 6.4 of the standard further states that "Implementing countries are encouraged to disclose information on the management and monitoring of the environmental impact of the extractive industries". The aim of disclosing such information in the TEITI reports is to assess whether the extractive sector is leading to the desirable social, economic and environment impacts.

In addition, the 2019 Standard, requires the disclosure of gender impacts that is to document how gender considerations and inclusiveness has been taken into account with regards to extractive sector.

In this context, on behalf of the Government and the Tanzania EITI Committee, the Ministry of Minerals seeks a competent and credible firm to undertake a scoping study on environmental, social and gender impacts for EITI reporting. The intent is to explore the feasibility of incorporating this into EITI reporting of the Tanzania Extractive Industries Transparency Initiative. The Study will help Tanzania to be able to disclose information on social expenditure, environmental expenditure and gender balance in EITI reports.

3. Scope of the Assignment

The firm shall undertake the following tasks as part of the scope of the assignment:

- i) Identify all payments made by companies which related to the social and environmental expenditure and develop a reporting process where social and environmental expenditures and transfers are material based;
- ii) Assess availability and accessibility of information on social and environmental impact assessments, gender disaggregated data, certification schemes, permit, licenses and rights granted to oil, gas and mining companies and recommend how this information should be included on EITI reporting;
- iii) Review of relevant legal provisions and administrative rules related to environmental management, social expenditure and gender balance of extractive investments in the country and EITI guidance notes; this should include Tanzania laws, other international standards such as EITI standards and World Bank ESF standards. <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

- iv) Assess roles and responsibilities of relevant government agencies in implementing the rules and regulations and any reforms that are planned or underway in social, environmental and gender.
- v) Develop procedures to address data quality and assurance of information on social and environmental expenditures, in accordance with Requirement 4.9.
- vi) Identify challenges that can hinder extractive companies, government and individuals on reporting social and environmental expenditures and recommend measures to eradicate those challenges.
- vii) Explore interactions between EITI reporting and social and environmental reports (monitoring report, progressive rehabilitation report etc.);
- viii) Examine and propose mode of reporting of environmental liabilities, rehabilitation and remediation programmes include rehabilitation fund/bond set aside in the closure of project, environmental monitoring procedures and administrative and sanctioning processes of governments;
- ix) Propose mechanisms that may be used to reconcile the Social payments made by extractive companies
- x) Examine the extent to which gender balance is considered (presented) in the multi-stakeholder groups (MSG), employment and occupational level at extractive companies in Tanzania; and
- xi) Review the experiences from other EITI implementing countries which have incorporated environment, social and gender impacts in their EITI reports and propose the best ways which will be applicable in TEITI reports.
- xii) Examine extent to which social expenditure plans and reporting in previous TEITI reports (by local government and by companies) take into account gender considerations.

4. Deliverables and Timelines

The firm shall produce a report ¹on the outcomes of the consultancy in accordance with the following timelines:

- a) Inception Report** - Within two (2) weeks after commencement of contract, the Consultant shall submit to the Executive Secretary an Inception Report in five (5) hard copies and one soft copy (in MS Word) describing the methodology to be employed in pursuing the assignment; propounding steps/actions to be taken towards achieving desired goals. The Inception Report will be reviewed and approved by Multi-stakeholder Group) and the World Bank within one (1) week before proceeding to the next step on the assignment.
- b) Draft Final Report** - Within four (4) weeks prior to the end of Contract, the Consultant shall prepare and submit to the Executive secretary five (5) hard copies and one soft copy (in Ms Word) including one original of the Draft Final Report, which shall include:
- An Executive Summary
 - Contextual information on the environmental, social and gender impacts
 - Recommendations
- c) Final Report** - A Final Report shall be submitted to the Executive Secretary in five (5) hard copies and one soft copy (in Ms Word), one week after receiving comments from TEITI committee and World Bank on the Draft Final Report. The Consultant will observe the final review and take into account comments from TEITI Committee before SUBMITTING the Final Report for APPROVAL by TEITI Committee one (1) week prior to the contract ending date.

¹ All outputs should be delivered in English language. Validation meetings may take place face to face or virtually as circumstances will dictate.

Signing of Contract	
Mobilization	
Inception Report	
Approval of Inception Report	
Workshop to Engage Vice President Office, Ministry of Minerals, Ministry of Water, Ministry of Natural Resources and Tourism -Forest Division, Ministry of Energy, Mining Commission, National Environmental Management Council, Tanzania Petroleum Development Corporation and Resident Mines Office	
Submission of A Draft Report	
Presentation to Stakeholders	
Submission of Final Report	

5. Staff Qualifications and Experience

The firm shall demonstrate expertise and experience in environmental, social and gender impact assessment preferably in the Tanzania context. The Consultant shall also have experience in undertaking studies on environmental monitoring, social and gender assessment. A track record in similar work and previous experience relevant to the assignment would be an advantage.

The Consultant shall engage competent staff with the following qualifications and working experience as detailed below:

Team Leader (ESIA Expert)

- i). Possesses a degree in any of the fields related to environmental management, Economics, Geo-Science, Mining, petroleum, Engineering, taxation or equivalent qualifications;
- ii). A minimum of ten (10 years) of experience in environmental and social assessment, gender assessment in Sub-Saharan African countries;
- iii). Relevant experience in Tanzania is desired;
- iv). Experience in conducting research, collecting and analyzing data on environmental, social and gender studies related to the extractive sector; and
- v). Experience in environmental monitoring, CSR project and gender inclusion projects.

Environmental Expert

- i). Possess Degree in Environmental management, Geo-Science, Mining, petroleum, Engineering, or equivalent qualifications; or equivalent qualification(s);
- ii). Has a minimum of ten (10) years and experience in ASM related assignment;
- iii). Demonstrate experience working in extractive industries; and
- iv). Having a working knowledge of Tanzania's extractive industries is preferable.

Social Expert

- i). Possess Degree in sociology, community development, or equivalent qualifications; or equivalent qualification(s);
- ii). Has a minimum of ten (10) years and experience in Social related assignment;
- iii). Demonstrate experience working in extractive industries in Tanzania; and
- iv). Having a working knowledge in Tanzania's extractive industries-related assignments is preferable.

Gender Expert

- vi). Possess Degree in Social –Science or equivalent qualifications; or equivalent qualification(s);
- v). Has a minimum of ten (10) years and experience in gender related assignment;
- vi). Demonstrate experience working in extractive industries; and
- vii). Has a working knowledge in extractive industries-related assignments is preferable.

6. Reporting and Administrative Arrangements

The firm will report to the Head of the TEITI Secretariat, as directed by the Tanzania EITI Committee, on all matters pertaining to the Project. The Head of the Secretariat will be the Consultant's contact person during the implementation of the assignment. TEITI Secretariat will provide the firm with the following support: i) liaison with TEITI stakeholders in Tanzania; ii) liaison with all the relevant Government Ministries, Departments and Agencies to facilitate the Consultant's work; and iii) provide any reference material suitable for undertaking the assignment.

7. Duration of the Project

The assignment will be allocated to a total 90 staff days. The assignment Project shall be completed within a period of 12 calendar weeks from the Effective Date of Contract.