Call for Expression of Interest

Developing a Policy Paper with Actionable Recommendations for Harmonizing Artisanal and Small Scale Mining Policies, Laws, Regulations, Standards, and Codes for the East African Community

TORs for Consultant/Firms

Introduction
The East Africa Law Society in collaboration with the Canadian Bar Association, the law societies of Uganda, Kenya and Tanganyika with funding support from Global Affairs Canada (GAC) is implementing a project titled “Supporting Inclusive Resource Development in East Africa, (SIRD)”. The project aims at enhancing inclusive and sustainable development in the extractives sector by building the capacity of advocates and works with communities affected by extractive industry activities to know their rights. The project also seeks to ensure the entrenchment of principles of transparency, gender sensitivity and accountability in extractive industry activities in East Africa. In addition, the project aims to positively influence harmonization of laws on extractive industry activities in the region.

Under the Project EALS continually scans the region for progress made in law reform, policy formulation and strategy positions on mattes of extractive industries. It then makes policy submissions (papers and briefs) to relevant decision making organs to inform reform in the sector.

Background and Scope of Work
In recent years, ASM’s economic importance has increased dramatically. Despite this importance, Artisanal and Small Scale Mining is still largely informal and, in some instances
even illegal. According to a recent policy paper published by the Africa Minerals Development Centre titled “Assessment of Mineral Regimes in the East African Community: Aligning Frameworks with the African Mining Vision”, governments of EAC countries have tended to prioritize the development of large and medium-scale mining as an economic strategy while ASM policies have too often been geared towards formalization as the end goal. These governments should instead be embracing a multi-faceted approach to support and regulate ASM in its current form and better link small and informal miners with the national economy.

As for women in EAC countries, it is estimated that their participation in artisanal mining sits at about 25-50% or more of artisanal miners. This presence and contribution is largely overlooked in national efforts aimed at regulating the sector. For the most part across the region, policies and regulatory frameworks remain gender neutral, although Rwanda, Uganda and the United Republic of Tanzania have included some provisions on gender equality and equity in their policies. Gender inequality is a structuring condition of ASM. Any efforts aimed at improving, restructuring, or regulating ASM must also address gender issues in design and implementation. Without careful attention to gendered economic practices and authority relations, policy interventions in the sector will not only fail to address gender inequality, they may work to exacerbate women’s vulnerabilities in the ASM sector.¹

While some East African countries have moved to regulate and control the operations of ASM, there is little or no coordination at the regional level. The AMV Action Plan, Cluster 4 on Artisanal and Small Scale Mining, makes recommendations for transforming ASM into a regional engine for sustainable development, particularly in rural areas. For this to happen, the sector challenges must be adequately addressed through a series of well targeted regional interventions that recognize the need for ASM policy to be embedded in

¹ Gender and Artisanal and Small-Scale Mining in Central and East Africa: Barriers and Benefits; By Doris Buss, Blair Rutherford, Jennifer Hinton and Jennifer Stewart (Carleton University); Joanne Lebert and Gisèle Eva Côté (Partnership Africa Canada); Abby Sebina-Zziwa, Richard Kibombo and Frederick Kisekka (Development Research and Policy Analysis Center)
a broad rural development strategy. The recommendations of the AMV Action Plan Program Cluster 4 goal: To create a mining sector that harnesses the potential of artisanal and small scale mining to advance integrated and sustainable rural socioeconomic development are yet to be operationalized by the EAC.

Scope of work:
Under the overall guidance of the East Africa Law Society CEO, Canadian Regional Field Manager and the EALS SIRD Project Manager, the consultant is expected to undertake the following scope of work and deliverables, utilizing the stipulated methodology.

General methodology
a) Conduct regional research on ASM and formulate a regional outlook of ASM activities including a review of regional and national laws relating to ASM in EAC countries.
b) Assess the existing legal frameworks, mapping opportunities for reform and harmonization of policies, laws and regulations across the region
c) Conduct a gender analysis of economic practices and authority relations that currently undermine gender equality in ASM within the EAC
d) Present a first draft to stakeholders for input and comments. Stakeholders include but are not limited to EALS leadership, EAC, SIRD trained policy advocates, Canadian Technical Assistance, and SIRD management
e) Finalize the Policy Paper

Scope of work and deliverables:
1. In accordance with the aforementioned AMV Action Plan Programme Cluster 4, develop a Policy Paper with actionable recommendations for harmonizing ASM policies, laws, regulations, standards, and codes for the EAC
2. Develop a regional tool kit for engagement between LSM and ASM
3. Incorporate into 1 and 2 above, material recommendations that will reshape women’s access to and control over the economic and social resources needed to
improve their ASM livelihoods, as well as identify possibilities for women’s accumulation activities

4. Recommend measures to address illicit trade in minerals

**Required Expertise:**

- Individuals or institutions with a minimum of seven to ten years practice knowledge and experience working on international, regional and national laws and policy frameworks governing the extractive industry in East Africa.
- Experience working with communities involved in ASM activities.
- The consultant should possess demonstrable experience applying a gender lens to policy submissions, and should reflect significant gender analysis and recommendations in the final product

**Time Line:**

This assignment will be completed within two (months) from the date of Signing of the Contract with the following steps:

1. Submission of first draft within one month of signing of the Contract. This draft will be reviewed by EALS with input from the Canadian Bar Association;
2. Incorporation of comments received from EALS and the Canadian Bar Association to be sent to EALS for final review within two weeks of receipt of the same;
3. Submission of the Final Guidelines within two weeks for validation

**Application Procedure:**

Interested and qualified consultants are invited to submit the following:

1. Technical proposal including detailed firm profile or CV for individuals. Technical proposal should also demonstrate an understanding of the landscape, and propose a detailed methodology that will be used to complete the assignment.
2. Expected completion timelines.
3. Evidence of having undertaken similar tasks as well as previous products
All materials produced as a result of this activity are the property of the SIRD Project, EALS and Global Affairs Canada and shall not be reproduced without permission of all parties. All applications should be addressed to:

Finance and Administration Officer,
East Africa Law Society,
EALS House, Plot No. 310/19, PPF AGM Area, PPF Road off Njiro Road,
P.O. Box 6240 - Arusha, Tanzania.

Mode of submitting: Hand delivery/postage or email to davidsigano@ealawsociety.org copying info@ealawsociety.org. All applications should reach us by Wednesday, 12th August 2020, before 1700hrs East African Time.