

## CALL FOR EXPRESSION OF INTEREST

**Advocates for Natural Resources and Development (ANARDE)** is looking for; a consultant/Group of Consultants to do research and prepare a research paper entitled; **“PROTECTION MINING COMMUNITIES: the relevance of Community Development agreements; Does the mining and Minerals Bill 2021 Measure up? An analysis and Views from Karamoja “.**

**Assignment to be undertaken from October 25<sup>th</sup> to November 25<sup>th</sup> 2021**

<p><b>Project</b></p>	<p>Empowering Communities and Civil Society to Demand for Good Governance in Natural Resource Management.</p>
<p><b>Objective of the assignment</b></p>	<ul style="list-style-type: none"> <li>• To analyse the adequacy of the Mining and Minerals Bill 2021 in ensuring the promotion of sustainable development of host communities; enhancing the general welfare and the quality of life of the inhabitants and recognition of and respect the rights, customs, traditions and religion of host communities in mining areas.</li> <li>• To obtain data and views of the Karamajong people on best inclusions to strengthen provisions on community mining agreements, participation of mining communities and rights of host communities.</li> <li>• To generate policy proposals for inclusion in the Mining and Minerals Bill 2020 currently under debate.</li> </ul>

	<ul style="list-style-type: none"> <li>• Undertake a case study as a best practice in enhancing community engagement, community development agreements, participation of mining communities in their welfare and development and compensation and resettlement of affected land owners.</li> </ul>
<b>Profile</b>	<ul style="list-style-type: none"> <li>• A degree or masters qualifications related to development and governancne of mineral wealth</li> <li>• Experience in research and data collection.</li> <li>• Knowledge of the context of the Extractive Industries in Africa generally and Uganda in particular ;</li> <li>• Knowledge on community- company engagements and local communities' take/benefits in the mining sector.</li> <li>• Experience in doing analysis on national laws, policies and regulations i.e through policy briefs, research papers, Articles etc.</li> <li>• Experience/Acquaintance with the human rights issues in the karamoja sub region.</li> <li>• Experience in working with Multi stakeholder platforms including Government, CBOs, CSOs, and community based structures.</li> <li>• Excellent communication and training skills;</li> <li>• Excellent editorial and computer skills.</li> </ul>
<b>Availability</b>	30 days between October 25 <sup>th</sup> 2021 and November 25 <sup>th</sup> 2021.
<b>Reporting</b>	To the Coordinator ANARDE
<b>Contract and deadline</b>	<p>Please submit applications by the 18<sup>th</sup> October, 2021 at 12.00 noon.</p> <ul style="list-style-type: none"> <li>• A cover letter expressing interest in carrying out the consultancy</li> <li>• A CV demonstrating relevant skills and experience and names of at least 2 references, preferably from organizations with which</li> </ul>

the consultant (s) has conducted similar types of work.

- Indicative budget for consultancy fees, detailing the activities, number of days and daily rate
- Sample of similar work done in the past (optional)
- Declare flexibility and availability in agreement with the ANARDE for the project implementation period from the Month of October to December 15<sup>th</sup> 2021.
- The documents should be submitted to [info@anarde.org](mailto:info@anarde.org) cc [anardge@gmail.com](mailto:anardge@gmail.com) under subject line; Community Development Agreement- Consultancy

### General Overview of Advocates for Natural Resources and Development (ANARDE)

**Advocates for Natural Resources and development (ANARDE)** is a non-government organization registered under the laws of Uganda. With a focus on advocacy, research and litigation on issues of Environmental justice, cooperate accountability, human rights and natural resource management. Our vision is to have “A Uganda where natural resources are accessible to all and are utilized for the present and future generation”. ANARDE has a mission “To improve good governance of Natural resources through research, sensitization, dialogue and advocacy”.

**Address: Lillies Leaf Chambers, Kyambogo Drive off Martyrs Way, Minister’s village, Ntinda, Kampala- Uganda.**

### Overview of the Consultancy

Avocats san frontiers (ASF) in partnership with Advocates for Natural Resources and Development (ANARDE) are currently implementing a two year project entitled; “ Empowering Communities and Civil Society to Demand For Good Governance in Natural Resource Management”, with support from the Delegation of EU in Uganda. The project’s **general objective** is “**to contribute to good governance in the management of extractive resources in Uganda.**” Relying on the established nexus between local participation and good governance,

the **specific objective** of the project is that **“Affected local populations demand and have their rights respected and protected at all phases of extractive resources exploitation projects”**. In order to achieve, its specific objective the project will undertake to fulfil three key steps including; 1) local populations being informed about their rights, 2) the local populations being able articulate those rights in a language that can be heard by duty bearers as well as formulate those demands and 3) the duty bearers consequently act upon the demands.

Most if not all mining communities depend upon lands and resources for their livelihoods, the impacts of mining projects are immense. The destruction of the environment and sacred areas, and the removal or dislocation of communities from traditional lands are a sad reality for communities already worst hit by food shortage, high illiteracy and highest poverty rates with limited access to justice mechanisms.

These communities are often ignored until the discovery of mineral resources that see the increase of power asymmetries between communities and government and business. The communities will then be excluded from taking benefits of the projects.

There is a proliferation of laws and policies that serve to protect the interests of communities, but the policy gaps and the lack of coherence in standards related to extractive industries are also well documented. For example, in his 2012 report to the Human Rights Council, the UN special rapporteur on the rights of indigenous people noted that deficient regulatory frameworks governing extractive industries fail to protect indigenous peoples’ rights. This is particularly relevant in three major areas: the scope of communities’ rights over land and territories, appropriate consultation procedures, and benefit-sharing schemes.

Even where proper legal and policy frameworks exist, a lack of political will mean that they are not enforced. In addition, states often fail to provide oversight of extractive operations due to a variety of factors, including state capture and limited budgets.

In response to these imbalances, marginalized communities around the world have started to employ a number of legal and advocacy approaches in order to engage in fair and effective decision-making. One such approach is through developing a community protocol.

The Mining and Mineral Bill of 2021 provides for participation of mining communities; negotiation of community development agreements compensation and resettlement of persons whose right or claim in interest of land and or property. **Under Section 248 for example** ; All Mining lease holders must negotiate a community development agreement with representatives from communities likely to be affected by said holder's mining activities.

The conclusion of a community development agreement with the communities likely to be affected by the holder's mining activities shall be prerequisite for commencement of operations under a mining lease.

(3) The mining lease holder shall, after obtaining the mining lease, submit the community development agreement, signed jointly with representatives from communities likely to be affected by the holder's mining activities and all other invested and affected parties, to the Minister.

(4) The Mining lease holder shall fulfil its obligations under the community development agreement.

The Minister may, in consultation with the relevant stakeholders develop a Model Community Development Agreement to guide negotiations between the community and the lease holder.

(The holder of a mining lease, licence or permit shall negotiate and implement a community development agreement with the primary host community if its approved mining operation will or does exceed any of the following limits –

- in the case of extraction of minerals from primarily alluvial deposits, where annual throughput is more than one million cubic metres per year;
  - in the case of underground mining operations, where annual combined run-of mine mineral and waste production is more than one hundred thousand tonnes per year excluding waste material not exiting mine mouth to be excluded;
  - in the case of open-cast mining operations extracting minerals from primarily non-alluvial deposits, where annual combined run-of mine mineral, rock, waste and overburden production is more than two hundred and fifty thousand tonnes per year;
- or

- where the licence holder employs or contracts more than one hundred employees or workers at the mine site on a typical working day (including all shifts).

### **Goal/Objective of the Consultancy**

The goal of this assignment is therefore, to carry out desk research and field work , prepare a paper and make a presentation on participation of mining communities; negotiation of community development agreements, compensation and resettlement of persons affected by mining projects in Karamoja sub region. The paper must make proposals on how best this should be reflected in the 2021 Mining and Mineral Bill, Karamoja sub regions.

### **Scope of work**

1. To analyse the opportunities, challenges, and relevant stakeholders involved in strengthening a healthy relationship between local communities and mining companies (community company engagement).
2. Establish the extent to which the proposed provisions relating to ; community development agreements, participation of mining communities and compensation and resettlement ; will benefit the Karamojong communities, development of mining communities affected by its operations to promote sustainable development, enhance the general welfare and the quality of life of the inhabitants, and how the said provisions shall recognise and respect the rights, customs, traditions and religion of local communities.
3. Conduct field work through interviews, focus group discussions and questionnaire etc to asses the conditions and gather the views of various stake holders in Karamoja.
4. Undertake a case study as a best practice in enhancing community engagement, community development agreements, participation of mining communities in their welfare and development and compensation and resettlement of affected land owners.
5. Identify and make recommendations for inclusion into the bill
6. Make a presentation to stakeholders at a conference in Karamoja sub region on the named topic.
7. Capture the policy proposals made by the stakeholders in Karamoja and draft a policy brief.

## **Deliverables/ Expected Results**

1. A research report
2. A schedule/time table of execution of activity.
3. Weekly Updates on execution of Activity.
4. A presentation of the research paper to various stakeholders in the Karamoja sub region.
5. Generate a synthesis of proposals to the Mining and Minerals Bill.
6. A comprehensive report on the execution of task.

## **Payment:**

Payment shall be made based on deliverables as per ANARDE 's consultancy rates which inform the agreement. Transport and lodging costs related to activities will be incurred by ANARDE.

The payments will be scheduled as follows:

- 60% upon award of the consultancy.
- 20% on submission of the draft report containing field findings
- 20% payment upon submission and approval of the final report