

Tanzania was declared compliant to EITI standards in December 2012, since then its implementation in the country has been overseen by a 16-member Multi-Stakeholder working Group (MSG). Led by an independent chairperson appointed by the President of the United Republic of Tanzania, it consists of five (5) representatives from each of the constituencies namely Civil Society Organizations (CSOs), Extractive companies and the government in accordance to section 4 and 5(1) of the TEITA Act 2015.

It is customary for all EITI implementing countries to undergo validation process aim at assessing their performance levels against EITI global standards, that have been set to promote dialogue and learning at the country levels. The standards also safeguard the integrity of the EITI by holding implementing countries to the same global standard.

For the second validation process, commencing from 1 January 2020, civil society role is key to further compliance on the implementation process for transparency and accountability in the extractive sector. Civil society engagement in the EITI is therefore, assessed in accordance with CSO EITI Protocol addressing the below concerns;

1. CSO expression to engage in public debate related to the EITI process and express opinions about the EITI process without restraint, coercion or reprisal
2. Safety and security to operate
3. Communication and Corporation on country EITI issues
4. CSO engagement in the design, implementation, monitoring and evaluation of the EITI country process
5. CSO access to public decision-making processes ie being able to speak freely on transparency and natural resource governance issues, and ensure that the EITI contributes to public debate.

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

CSO DISCUSSION ON THE 2ND TANZANIA VALIDATION PROCESS 2020

Requirement	Issue	Discussion	Comment
1.3	CSO engagement	<p>The participation of the Civil Society is fundamental in achievement of EITI objectives. It is through civil society that meaningful public knowledge and quality of public debate can be attained. However this has not been achieved in Tanzania due to conflicts and disagreement on the modalities and criteria to get CSO representatives</p>	<p>It is important for MSG and CSO to come up with agreeable guidelines and organizational/individual criteria for participation. Incidences of disruption by organizations that have nothing to do with extractive sector has taken back the progress achieved over the last 10 years.</p> <p>In order to avert accusation of foreign interest, MSG should develop a list of organizations working on and within the extractive sector. The list should include organizational project profile, legal status, extractive projects, contact person and geographical scope. This list UPDATED every year should a guide MSG for information sharing and engagement. This will also reduce opportunistic elements which arise around the election period.</p> <p>Restriction of outreach and research: It is common knowledge that Tanzania state agencies have increasingly becoming intolerant to civil engagement, citizen's expressions and advocacy campaigns towards effecting social change. There has been several laws passed over the last 6 years that limit opportunities for NGOs seeking to carry out policy</p>

			<p>engagement and carry out evidence based engagement.</p> <p>The legal framework including the Statistics Act of 2018 imposing harsh penalties on those allegedly found guilty of publishing misleading and inaccurate statistics. All data analysis or content for public engagement are subjected to approval by government organs. NGO Act 2019 does not facilitate CSO growth but put lots of restriction, extra bureaucracies and arbitrary controls under the registrar of NGOs and security organs.</p> <p>Other laws which potentially hinder Civil Society participation include the Cybercrime and money laundering laws amongst others. These laws affect the fundamental rights including freedom to assembly, freedom of expression and right to information.</p>
1.4	MSG governance and functioning	It was our observation that Tanzania is struggling to get the right balance and institutional alignment of TEITI in relation to	CSO seek review and subsequent amendment of the legal requirements that hinder the independence and objectivity of the MSG structure.

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*

		<p>the over role sector governance. The term independence is thus intended to stress both the extent and the degree of the institutionalization of the discretionarily conveyed.</p> <p>Ideally the roles and duties of governing bodies cover strategy, governance and risk management and include matters such as:</p> <ul style="list-style-type: none"> • setting strategic direction and developing policy; • supervising the secretariat ; • monitoring performance “ • Financial sustainability ; and • ensuring compliance with the law, the organ’s mandate 	<p>TEITA ACT Section 4(2): The Committee shall be an independent Government entity which shall be an oversight body for promoting and enhancing transparency and accountability in the extractive industry.</p> <p>Sections;</p> <ul style="list-style-type: none"> a) 13 (1) There shall be a Secretariat of the Committee which shall be responsible for implementation of activities of the Committee. b) 13 (2) The officers and staff of the Secretariat shall be public servants
2.4	Contract disclosure	Noting that TEITA Act 2015 makes it mandatory for contract disclosure in Tanzania	Despite Government officials publicly committing to make contracts open and publicly accessible, no notable changes to the status during the last validation.