



ZANZIBAR ENVIRONMENTAL MANAGEMENT AUTHORITY (ZEMA)

**GENERAL TERMS OF REFERENCE (TOR) FOR CONDUCTING
ENVIRONMENTAL IMPACT ASSESSMENT (EIA)/ENVIRONMENTAL
AND SOCIAL IMPACT ASSESSMENT (ESIA) IN ZANZIBAR**

OCTOBER, 2021

1. INTRODUCTION

Environmental and Social Impact Assessment (ESIA)/Environmental Impact Assessment (EIA) is an environmental management tool used worldwide for reducing negative environmental and social consequences of development activities. The tool is potentially applicable to any activity that is likely to have a significant environmental and social impacts, causing ecological damage, environmental pollution, and community conflict. The purpose of EIA/ESIA is to ensure that the proposed activity is socially, environmentally sound, and sustainable. The EIA/ESIA can be used to minimise or prevent adverse effects and at the same time help countries to capture the real potential of the resource and maximising the benefits of proposed developments.

The EIA/ESIA improves long-term viability of the activity. It helps to avoid mistakes that can be expensive and damaging in environmental, social, and economic terms. EIA/ESIA is used for early warning planning of a wide range of resource use, development, and conservation initiatives to make the most out of the options for achieving sustainability. The impacts of human activities on the biosphere are reaching critical thresholds with the consequent threat of ecological breakdown and social conflict. Thus, the use of EIA/ESIA to choose the best project alternatives or options can help in the achievement of sustainable development.

Section 46.-(1) (1) and (2) of the Zanzibar Environmental Management Act, 2015 stated that: *An Environmental Audit shall be undertaken to the activity in consideration of the following criteria:*

- (a) An activity which is operating without Environmental Impact Assessment Certificate and is likely to have significant impacts on environment and society; or*
- (b) An activity which is operating with Environmental Impact Assessment Certificate for a period of five years from the date of commencement of the operation phase;*

To create effectiveness of the Environmental Audit (EA), this General Terms of Reference (ToR) that has been developed to be used for any activity, which is subjected for EA in Zanzibar. This ToR will be used as a guide to a Selected EIA/EA Consultant to facilitate an efficient audit process to focus on the existing environmental and social concerns. Once completed, the EA Report shall be submitted to the ZEMA for review process that determines whether the impact

assessment reports have adequately assessed the environmental social and economic effects and are of sufficient relevance and quality for decision-making.

2. OBJECTIVE OF THE ASSESSMENT AND TOR

The objective of this study is to conduct a comprehensive Environmental Impact Assessment (EIA)/Environmental and Social Impact Assessment (ESIA) to assess the environmental and social risks and impacts of the proposed project throughout the project life cycle. The EIA/ESIA will provide sufficient information to the decision makers with sufficient information, including a detailed description of the proposed project, the biophysical and socio-economic conditions of the study area (the baseline), the predicted environmental and social impacts, the project alternatives, the mitigation measures, and on the content of the environmental and social management plan (ESMP). This information will enable the decision makers to make a robust assessment of the environmental and social dimensions of the overall project. The ESIA will examines project alternatives, examines ways of improving project selection, siting, planning, design, and implementation to mitigate adverse impacts, and seek opportunities to enhance positive impacts of the project.

The ESIA is also conducted to:

- Establish baseline information on both the natural and built environment including socio-economic/cultural conditions of the proposed project area. The project area includes the temporary market site.
- Consult with various key stakeholders impacted by the proposed project (including persons with disabilities, the elderly, and members of other marginalized/vulnerable groups), but not limited to the ones identified during scoping, to capture and consider their views and concerns regarding the proposed development.
- Identify, predict, and evaluate foreseeable environmental and social impacts, both beneficial and adverse, of the proposed project.
- Develop mitigation measures that aim at eliminating or minimizing the potential negative impacts and promote positive ones.

- Develop an Environmental and Social Management Plan (ESMP) and monitoring plan for ease of reference during project implementation.

The purpose of this EIA/ESIA is to ensure that development proposal and activities are environmentally sound and sustainable. This EIA/ESIA can be used to minimize or prevent adverse effects and at the same time help to capture the real potential of the resource and maximizing the benefits of proposed developments. In the end, the ESIA report will inform ZEMA to grant permission for this kind of project to continue to go ahead, possibly with conditions attached to the permission to proceed or not.

Therefore, in this context, this ToR will be used as a guide to conduct a comprehensive Environmental Impact assessment (EIA)/Environmental and Social Impact assessment (ESIA) for any activity/project that requires an environmental impact assessment in Zanzibar. This ToR has been prepared to fulfill the requirements of Section 8(5) of the Environmental Assessment Regulations of 2019 of Zanzibar. The ToR shall be followed by Consultant for preparing the intended EIA/ESIA Report.

3. SCOPE OF THE WORK

The scope of this work is to carry out a comprehensive Environmental Audit (EA), prepare and submit the detailed Environmental and Social Impact Assessment Report and submitted to the Zanzibar Environmental Management Authority (ZEMA) in a format outlined in this ToR. With respective to this aspect, the scope of this work will cover the following aspects:

- i. Provide a brief description of the relevant parts of the project roads using maps of appropriate scale where necessary.
- ii. Assembling, evaluating, and presenting baseline data on the relevant physical, environmental, and social characteristics of the study area.
- iii. Making consultation with Government agencies, local communities and the private sector operating in the villages affected by the project road.
- iv. Reviewing of relevant policies, legislation, standards and regulations governing environment at international, regional and local levels with respect to the type and nature of the activity/project.

- v. Identification and evaluation of key and potential environment and social impacts and risks resulting from the project development.
- vi. Describing alternatives that were examined while developing the proposed project and identify other alternatives, which would achieve the same objectives
- vii. Developing an Environmental and Management Plan (EMSP) detailing actions and responsibilities for impacts mitigation and monitoring.
- viii. Description of public participation and stakeholder engagement activities carried out to date; and

4. TASK TO BE PERFORMED

Using baseline data and information, the following tasks shall be carried out by the consultant:

Tasks 1: Description of the proposed project

Provide details of the project description of the relevant parts, size, components, and activities of the project, site location using maps (at the appropriate scale) where necessary, schematic plans for the proposed construction and operational activities, estimated cost of the proposed development, proposed project milestones, construction methods and equipment, project infrastructure, scope of services and production, resources used, emissions and waste generated in all project phases.

Task 2: Description of the environment

Evaluate and present baseline data on the relevant environmental/socio/economic/cultural characteristics of the study area and compare the situation before the project construction and the present. The characteristics should be based on:

- ***Physical environment***, which could include the followings: geology; topography; soils; climate and meteorology; ambient air quality; surface and groundwater hydrology; coastal and oceanic parameters; existing sources of air emissions; existing water pollution discharges; and receiving water quality. The built environment should also be evaluated to

determine if the existing market contain asbestos or any other hazardous waste that would require specific management measures.

- **Biological environment**, which could include any or all of the following: flora; fauna; rare or endangered species; ecologically important or sensitive habitats, including parks or reserves, and significant natural sites; species of commercial importance; and species with potential to become nuisances, vectors, or dangerous (of project site and potential area of influence of the project).
- **Social-cultural environment**, which could include any or all of the following: population; land use; planned development activities; community structure; an overview of the employment situation (and if there is any evidence of child and/or forced labour, gender-based violence) and working conditions in relation to occupational health and safety, as well as labour influx, distribution of income, goods and services; recreation; public health (including in relation to HIV/AIDs and other communicable diseases, as well as COVID-19); cultural/ historic properties/resources; vulnerable groups and people; and customs, aspirations, and attitudes.

(Avoid providing general information where specific information for the site is available).

Task 3: Public Consultation and Stakeholder's engagement

Propose a thorough program of consulting the public and relevant institutions during the study. The purpose of the program is to gather stakeholders' views about the project to be considered in the EIA/ESIA Report. Specifically, the consultant shall propose an effective, comprehensive public and institutional consultation strategy, which include at least:

- A list of stakeholders to be consulted. Such list should ensure that project-affected parties that are members of disadvantaged or vulnerable groups, including women, persons with disabilities, youth, and the elderly, are included.
- A description of methods of reaching stakeholders. Such methods shall include specific measures to ensure meaningful participation of members of women, vulnerable/disadvantaged groups, and issues or concerns raised. For instance, specific measures could be the provision of free means of transport to attend the consultation, the

holding of separate consultation only for women, the holding of individual meetings at their home for those significantly impaired etc.

- A detailed planning of the consultation activities, and
- How consultation efforts will be analyzed and provide a record of meetings, communications and comments, and an explanation on the retroaction mechanism e.g. how concerns/comments raised during consultations will be responded to and factored into project preparation and related decision-making.

Task 4: Policies, Legislative and Regulatory Framework

Describe policies, legislations, regulations, and standards governing environmental quality, health and safety, protection of the area, marine and coastal environment, and protection of endangered species and those have an implication to the project.

Task 5: Identify and Assess Potential Impacts of the proposed project (include all stages)

A detailed analysis of the various project components shall be done to identify the potential environmental and social impacts, both negative and positive of the project at all stages (e.g., planning, construction, operational and decommissioning). The identified impacts must be profiled to assess and evaluate the magnitude and significant of the impacts using recognized methodologies.

The report should outline the uncertainties in impact prediction and outline all positive and negative, short- and long-term impacts. Identify impacts that are cumulative and unavoidable if any. The ESIA should also demonstrate viability, value for money and affordability.

Task 6: Analysis of alternatives of the project

Describe alternative options, which will examine in the course of designing the project and identify other alternatives that would achieve the same objectives. The concept of alternatives extends to:

- Appropriate technology in different operational units.

- Operating and maintenance procedures.
- Operating cost.
- Suitability and local conditions; and
- To the extent possible quality costs and benefit of each alternative, incorporating the estimated cost of any associated mitigation measures.

Task 7: Development of Mitigation and Enhancement Measures

Recommend feasible and cost-effective mitigation measures to avoid, prevent or minimize/reduce any significant negative to acceptable levels and to maximize or enhance positive impacts. Estimate the impacts and costs of those measures and of the institutional and training requirements to implement them. Consider compensation to affected parties for impacts that cannot be mitigated.

Task 8: Development of Environmental and Social Management and Monitoring Plan

Prepare an Environmental and Social Management Plan (ESMP) including proposed work programs, budget estimates, schedules, staffing and training requirements and any other necessary support services to implement the mitigation measures. The ESMP focuses on three generic areas: 1) Mitigation measures; 2) Institutional strengthening and capacity building and; 3) Monitoring. The emphasis on each of these areas depends on the context-specific project needs.

The ESMP is to include, where potential impacts warrant extra attention, a waste management plan, traffic management plan, social management plan inclusive of actions to address gender-based violence (between project workers and project affected communities), a labor influx management plan, an occupational health and safety plan (including specific measures for COVID-19) and physical cultural resources plan. The ESMP will also include provision for the selected contractor (s) to develop a Code of Conduct for the workers.

Mitigation measures

- Recommend feasible and cost-effective measures to prevent or reduce significant negative impacts to acceptable levels. This must cover all project's phase e.g., the design phase, site preparation and construction, operation and maintenance and decommissioning.
- Quantify the impacts and estimate the costs of the mitigation measures. Consider compensation to affected parties for impacts that cannot be mitigated. The plan should include proposed work programs, responsible party, budget estimates, schedules/frequency, staffing and capacity building and training requirements, and other necessary support services to implement the mitigation measures.
- The recommended mitigation measures must be specific and described in quantitative terms to a detailing level which allows for inclusion of the mitigation measures into the Bill of Quantities for the project. Describe residual impacts after incorporation/implementation of the recommended mitigation measures.
- Summarizes the environmental impacts and mitigation measures using a map and diagrams. Responsible party of each mitigation measures must be clearly identified.

Institutional strengthening and capacity building

Identify institutional needs to implement environmental assessment recommendations. Review the authority and capability of institutions at local, provincial, regional, and national levels and recommend how to strengthen the capacity to implement the environmental and social management and monitoring plans. The recommendations may cover such diverse topics as new laws and regulations, new agencies or agency functions, inter-sectoral arrangements, management procedures, capacity building, staffing, operation and maintenance, budgeting, and financial support.

Monitoring Plan

Prepare detailed arrangements to monitor the implementation of mitigation measures and the impacts of the project during construction and operation. Include in the plan an estimate of capital and operating costs and a description of other required inputs (e.g., capacity building and institutional strengthening). Responsible party of each of the monitoring actions must be clearly identified.

5. REPORTING

The Final ESIA Report shall be prepared in word format and submitted to Zanzibar Environmental Management Authority (ZEMA) in the form of one electronic copy (on Compact Disk) and ten (15) original bound hard copies. The structure of the report should include:

- i. A non-technical executive summary in both English and Swahili. The summaries shall be short but clear. It should include description of the proposed project, methodologies involved, resources required, outcomes/benefits, major significant impacts with their mitigation/enhancement measures, recommendations, and conclusion.
- ii. Introduction including objectives of the study, rationale, outline of the report, description of methodologies and data sources used in the assessment.
- iii. Description of the proposed activity including its location; size; components; scope of services and production; a rough quantification of resources used; emissions and wastes generated; analysis of alternatives; and decommissioning.
- iv. Description of the baseline conditions at the site and affected area, including relevant socio-economic, biophysical, heritage and cultural aspects.
- v. Stakeholder's engagement in the process including perceptions about the proposed activity, views, concerns, and recommendations.
- vi. Description of the Policies, Legal and Institutional context of the activity, including relevant environmental and socio-economic safeguards that apply and their implications for the activity.
- vii. Assessment of potential impacts from socio-economic, biophysical, heritage and cultural perspective for different phases of development.
- viii. Consideration of alternatives and rationale for proposing the preferred alternative.
- ix. Mitigation measures considered and an evaluation of their effectiveness in addressing impacts identified and rationale for proposing measures.
- x. The environmental and social management plan, including institutional arrangements, responsibilities, and budgets needed.
- xi. The decommissioning or closure plan.
- xii. Conclusion and recommendations.

- xiii. Annexes which shall include a reference list, list of the experts involved with their Curriculum Vitae, maps, drawings, list of stakeholders consulted (including photos during consultation with public), proceedings of stakeholders meeting if any.

6. TIMING

The assessment must begin on the date the Proponent received the no objection letter from ZEMA on the EIA Firm or expert selected by Proponent. The ToR shall be valid within 3 months from that date. Proponent may request more time to ZEMA when needed.

7. COMPOSITION OF THE STUDY TEAM

Depending on the nature of the activity/project, the Study team may be composed not less than three EIA experts that are within the register maintained by ZEMA having the following professionals:

- Environmental Science/Environmental Engineer/Environmental management or any environmental fields
- Social Science (Sociology)
- Civil Engineer or Engineer depend on the nature of activity/project

The signed CV of all experts employed for this task must be attached in the ESIA Report.

8. RECORDS OF MEETINGS

The consultants shall provide record of the names of organizations, government and departments and individuals whose views will be obtained. The record will also provide description of views and information that will be obtained.

9. APPENDICES

These shall include maps, site layouts, schematic or diagrammatic illustrations, permits, certificates, records of meetings and other miscellaneous documentation to support the main Report.