



ZANZIBAR ENVIRONMENTAL MANAGEMENT AUTHORITY (ZEMA)

**GENERAL TERMS OF REFERENCE (TOR) FOR CONDUCTING
ENVIRONMENTAL AUDIT IN ZANZIBAR**

OCTOBER, 2022

1. INTRODUCTION

Environmental audit means the systematic and periodic assessment to program; project or activity intended to identify environmental compliance and management system implementation gaps, along with related corrective actions. This is among the 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 Environmental Audit (EA) is to ensure that the existing activity is socially, environmentally sound, and sustainable. The EA 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 existing developments.

Environmental Audit is mandatory in Zanzibar. Section 46 (1), (2), (3) and (4) of the Zanzibar Environmental Management Act, 2015 stated that:

- 1) 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;**
- 2) Without prejudice the provisions of sub-section (1) (b) of this section, environmental audit may be carried out to any activity as may be determined by the Authority through periodic monitoring.*
- 3) Environmental audit shall be carried out by the expert or firm recognized under this Act.*
- 4) Subject to section 39(3) of this Act, the process for conducting Environmental Impact Assessment shall be used for Environmental Audit.*

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 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. OBJECTIVES OF ENVIRONMENTAL AUDIT

2.1 General Objectives

The objectives of audit include:

- i. The organization and interpretation of monitoring data to establish a record of change associated with the implementation of a project or the operation of an organization;
- ii. The process of verification that all or selected parameters measured by an environmental monitoring programs are in compliance with regulatory requirements, internal policies and standards, and established environmental quality performance limits;
- iii. The comparison of project impact predictions with actual impacts for the purpose of assessing the accuracy of predictions

- iv. The assessment of the effectiveness of the environmental management systems, practices and procedures; and
- v. The determination of the degree and scope of any necessary remedial or control measures in case of non-compliance or in the event that the organization's environmental objectives are not achieved

2.2 Specific Objectives

i. Projects subjected to EIA

Environmental Impact Audit seeks to identify environmental performance of the project in relation to the implementation of the environmental management plan. It evaluates the implementation and effectiveness of the mitigation measures, with an aim of improving predictive accuracy and effectiveness of impact management practices and procedures. It is designed to assess the extent to which the predictions or commitments made/contained in the EIS prior to commencing the implementation of the project are reflected in the monitoring activities during the operational phase of the project.

ii. Projects never been subjected to EIA

Environmental audit seeks to identify environmental problems associated with project activities and improve its environmental performance. The audit examines and assesses current practices and procedures and recommends measures to minimise/mitigate adverse impacts.

3. RELEVANCE

In the absence of follow-up, EIA is a linear process without scope for incorporating experience generated by one project into the assessment and management of another. For each new project auditing helps to avoid duplication of research and generation of unnecessary information. The development of an effective feedback mechanism – as a “back end” to the process of EIA- can lead to improvements in the way project impacts are identified and assessed and how assessment and management process operates.

i. Projects subjected to EIA

Through environmental audit, it is hoped that impact identification methods, predictive techniques and methods and proposed mitigation measures may be improved, and hence making the EIA process more effective and dynamic. Environmental auditing:

- (a) Helps to ensure continued attention to environmental protection throughout the operation phase.
- (b) Ensures the performance predictions and mitigation measures identified by the EIA are sufficiently effective.
- (c) Can accommodate future legislative changes.

ii. Projects not subjected to EIA

Environmental audit for project that may not have been subjected to EIA ensures that all projects, existing and new ones are all brought to the same level of sound environmental performance.

4. OBJECTIVE OF THE ASSESSMENT AND TOR

This ToR will be used as a guide to conduct a comprehensive Environmental Audit (EA) in Zanzibar for any activity/project that requires such an environmental assessment. This ToR has been prepared to fulfill the requirements of the Zanzibar Environmental Management Act no 3 of 2015 and Environmental Assessment Regulations of 2019 of Zanzibar. The ToR shall be followed by Consultant for preparing the intended EA in Zanzibar.

5. SCOPE OF THE WORK

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

- i. Provide description of the existing activity including its location; size; components; scope of services and production; resources used; emissions and wastes generated; and audit findings.
- ii. Provide description of the baseline conditions at the site and affected area, including relevant socio-economic, biophysical, heritage and cultural aspects.
- iii. Stakeholder's engagement in the process including perceptions about the activity, views, concerns and recommendations.
- iv. Reviewing of the relevant Policies, Legal and Institutional context of the activity, including relevant environmental and socio-economic safeguards that apply and their implications for the activity.
- v. Assessment of past and present impacts from socio-economic, biophysical, heritage and cultural perspective for different phases of development.
- vi. Developing mitigation measures considered and an evaluation of their effectiveness in addressing impacts identified and rationale for proposing measures.
- vii. Developing an Environmental and Social Management Plan (EMSP) detailing actions, responsibilities for impacts mitigation and monitoring and budgets needed.

6. TASK TO BE PERFORMED

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

Tasks 1: Description of the existing 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 existing construction and operational activities, estimated cost of the existing development, Existing project milestones, 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 EA 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: Assessment of past and present impacts from socio-economic, biophysical, heritage and cultural perspective for different phases of development.

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 EA should also demonstrate viability, value for money and affordability.

Task 6: 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 7: Development of Environmental and Social Management and Monitoring Plan

Prepare an Environmental and Social Management Plan (ESMP) including Existing 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.

7. REPORTING

The Final EA 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 (10) 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 Existing 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 Existing activity including its location; size; components; scope of services and production; resources used; emissions and wastes generated; and audit findings (Project's current status information).
- 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 Existing 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 (Findings and Observations and Description of key issues including the discovered project strengths and weaknesses).
- viii. Mitigation measures considered and an evaluation of their effectiveness in addressing impacts identified and rationale for proposing measures.
- ix. The environmental and social management plan, including institutional arrangements, responsibilities, and budgets needed.
- x. Conclusion and recommendations.
- xi. Annexes and attachment along with the Report which shall include a list of citations and references, CVs of experts involved in the study, Relevant maps, drawings, site layouts and spatial images of the project, list of stakeholders consulted.

8. TIMING

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

9. COMPOSITION OF THE STUDY TEAM

Depending on the nature of the activity/project, the Study team may be composed not less than 2 EA 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.

10. 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.

11. 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.