



**THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR
MINISTRY OF WATER, ENERGY, AND MINERALS**

TERMS OF REFERENCE (TOR)

**INDIVIDUAL CONSULTANCY SERVICE FOR REVIEWING ZANZIBAR
WATER ACT OF 2006 AND DRAFTING NEW NATIONAL WATER AND
SANITATION ACT AND ACCOMPANYING REGULATIONS**

April, 2026

1.0 Introduction

The Ministry of Water, Energy and Minerals has planned to review the Zanzibar Water Act, 2006 in order to take into account emerging issues in the water sector. The review process will also go hand in hand with undertaking a needs assessment for the water sector of which will cover both institutional (gaps and shortages) as well as governance of the water sector in Zanzibar. The review process will be led by a consultant who will work together with a special team from the Ministry of Water, Energy and Minerals. The consultant will be engaged after the completion of all statutory procedures prepared by the Ministry on hiring a consultant.

The current Zanzibar Water Act was formulated and officially launched in 2006. The Act aimed at addressing the shortcomings of the water sector, especially in the area of institutional and governance of water resources, infrastructural development and implementation of national water related projects.

The main objective of the Zanzibar Water Act, 2006 was to establish the Zanzibar Water Authority and by large promote and establish a framework for sustainable management and development of water resources in Zanzibar. The Act established a legal, procedural and institutional framework for realizing the objective.

2.0 Objective of the Assignment

Overall objective: To undertake a comprehensive review of the Zanzibar Water Act, 2006 and, based on the review findings and stakeholder inputs, prepare a Draft National Water and Sanitation Act, and accompanying Regulations that provide a coherent, implementable, and enforceable legal framework for water resources management, water supply, and sanitation services in Zanzibar.

Specific objectives:

- i. Assess the effectiveness, efficiency, and enforceability of the Zanzibar Water Act, 2006, including its institutional arrangements, compliance mechanisms, and implementation outcomes.
- ii. Identify gaps, ambiguities, overlaps, and inconsistencies between the Zanzibar Water Act of 2006 and the 2025 Zanzibar Water and Sanitation Policy, as well as other relevant laws, policies, strategies, and institutional mandates relating to water resources management, water supply, sanitation, environment, health, land, and investment.
- iii. Conduct a water and sanitation sector diagnostic (institutional, governance, technical, financial, and service delivery) and document key challenges and reform priorities for the water sector covering both Unguja and Pemba.
- iv. Design and implement an inclusive stakeholder consultation process and document feedback received (including a comment matrix showing how inputs were addressed).
- v. Prepare drafting instructions and a proposed structure for the National Water and Sanitation Act, aligned to IWRM principles, Water and Sanitation Policy, the Blue Economy agenda, and Zanzibar's development priorities.

- vi. Draft the National Water and Sanitation Act, (Preliminary Draft, First Draft, Second Draft, and Final Draft) and draft the Regulations required to operationalize the Act.
- vii. Prepare an implementation/transition plan covering institutional changes, capacity needs, and an indicative regulatory and enforcement roadmap after enactment.

3.0 The Need to Review the Zanzibar Water Act (2006).

The Revolutionary Government of Zanzibar developed the Zanzibar Water Act, 2006 with the aim of establishing an institutional and legal framework for the management, development, distribution and access of water services. The Act has been in effect from 2006 until present, of which is close to 20 years. After a long period of implementation (2006 – 2026), the Act has been found to be lagging key development processes with shortcomings in key areas including legal, procedural and institutional framework for water resources management, sanitation, water security, distribution infrastructure, access and conservation of the water resource. This is more glaring after launching the 2025 Water and Sanitation Policy of which provided for key reforms in the sector including separation of institutional mandates while placing more emphasis on regulatory processes.

Thus, in an effort to improve access to clean and safe water services in Zanzibar, the Ministry has identified the need to review the Zanzibar Water Act, 2006, in line with the current pace of development to achieve the Blue Economy while ensuring integrated management of water resources in Zanzibar. The Act will be the visionary guidance and governance to provide direction in addressing the challenges of access to clean and safe water in Unguja and Pemba while ensuring sustainable management of water resources.

The review of the 2006 Zanzibar Water Act will be accompanied by an assessment of the sectoral institutional and legal framework in Zanzibar to support implementation of the new National Water and Sanitation Act. This will be in addition to establishing appropriate institutional alignments within the water sector that are required for effective implementation of the new Act.

4.0 Basis for Evaluating the Zanzibar Water Act (2006)

Since the implementation of the Zanzibar Water Act (2006), a number of plans and policies related to water Act have been developed, among them launching of Zanzibar Vision 2050, the establishment of Zanzibar Utility and Regulatory Authority (ZURA) in 2013, Zanzibar Water and Sanitation Policy 2025, Establishment of Water Development and Sanitation Management Department within the Ministry, National Strategy for Growth and Reduction of Poverty in Zanzibar (MKUZA) Phase of I, II & III, SDGs (2015-2030), the Zanzibar National Development Plan (2021-2026), launch of the Zanzibar Water Investment Programme (ZanWIP) (2022 -2027). and the existence of new sector-related policies such as Public Private Partnerships (2014), Zanzibar National Land Act (2018)), etc. Although these initiatives are implemented by various Government Ministries, Departments, Agencies and the Private Sector, they are directly or indirectly linked to the Water Sector.

5.0 Procedure for Conducting the Act Review

The process for reviewing the Zanzibar Water Act, 2006 will be led by a consultant who will work together with the Team from the Ministry of Water, Energy and Minerals and associated institutions. The team (Technical Team) will provide the requisite technical and liaison support in accessing and reviewing data or documents from any government office. The review work will entail evaluating the status and positioning of the existing Zanzibar Water Act, 2006, the current state of the water sector, a review of various references pertaining to the implementation of existing water laws, plans, programs, and projects. In addition, it will involve collecting feedback from citizens, service providers and water users in all regions of Zanzibar.

6.0 Main Duties and Responsibilities of the Consultant

In accomplishing this assignment, the Consultant, in collaboration with the Technical Team, will undertake the tasks and responsibilities set out below.

- i. Prepare an inception report and detailed work plan (including stakeholder mapping, consultation plan, and drafting approach) for reviewing the Zanzibar Water Act (2006) and drafting the National Water and Sanitation Act and its Regulations.
- ii. Prepare an activity-based budget for the assignment (to support planning and approvals as required by the Ministry).
- iii. Reviewing of the **White Paper** and technical information for the upcoming new Water and Sanitation Act completed by GIZ and Conduct any additional reviews.
- iv. Review the Zanzibar Water Act (2006) and identify strengths, weaknesses, gaps, overlaps, ambiguities, and implementation bottlenecks, including enforcement and compliance provisions.
- v. Review the sector institutional and legal framework and recommend institutional roles, responsibilities, and coordination arrangements required to implement the new National Water and Sanitation Act and Zanzibar Water and Sanitation Policy (2025).
- vi. Design and implement stakeholder engagement in Unguja and Pemba, including targeted consultations and national validation workshops, and document inputs received.
- vii. Develop drafting instructions and a proposed structure for the National Water and Sanitation Act, including a mapping of Act provisions that require subsidiary legislation (Regulations).
- viii. Prepare successive drafts of the National Water and Sanitation Act (Preliminary, First, Second, and Final), together with draft Regulations necessary to operationalize the Act, incorporating feedback from the Technical Team, Advisory Committee, and stakeholders.
- ix. Legal translation of the final Act and Regulations to Swahili language.

6.1 Other specific responsibilities are as follows:

- a. Review all reports on the implementation of the Zanzibar Water Act (2006), to identify gains and shortcomings made throughout the implementation period.
- b. Review relevant Acts and strategic documents from sectors that are related to water i.e National Irrigation Policy; National Energy Policy; National Mining Policy; National Health Policy; Land Policies; Fisheries Policy; Industrial Policy; Construction Policy; Public-Private Partnership Policy; Water Resources Management Act; Water Supply and Sanitation Act; Irrigation Act and Environmental Management Act etc.
- c. Evaluate the various Water Sector plans and align them to the new water act.
- d. Review the economic, social and regional policies and regional agreements relating to water in order to further inform the objectives of the new Act in addressing sustainable water management and development challenges for decades to come.
- e. Assess the role and participation of the private sector in the Water Sector.
- f. Conduct an assessment of Water service provision in Zanzibar and its existing infrastructural set up
- g. Conduct an analysis of all legal and institutional arrangements that supports the implementation of the new water act.

7.0 Coordination of the assignment for Drafting the National Water and Sanitation Act and its Regulations

The assignment will start with a detailed evaluation of the Zanzibar Water Act (2006). The findings from the review and consultations will then inform the drafting of the National Water and Sanitation Act (2026) and the subsidiary Regulations required for its effective implementation. The consultant will work closely with client using existing established Governance structure of the Ministry.

S/N	Deliverable	Description	Timeline (from start of contract)
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1	Inception Report	Updated methodology, detailed work plan for the assignment, stakeholder consultation plan, drafting approach, budget (to support planning and approvals as required) and a preliminary outline for the new National Water and Sanitation Act and its Regulations.	3 rd week after contract signing
2	Diagnostic and Assessment Reports	Assessment of the water and sanitation sector, including review of the Zanzibar Water Act (2006), implementation findings, and analysis of legal/institutional frameworks (including gaps and overlaps).	12 th week after contract signing
3	Preliminary Draft Act, Draft Regulations (outline) & Consultation Report	Preliminary draft of the new National Water and Sanitation Act; outline/list of required Regulations; and report on stakeholder consultations in Unguja and Pemba.	18 th week after contract signing
4	First Draft Act, Draft Regulations (v1) & Implementation Plan	First draft of the Act and draft Regulations (v1), plus a draft implementation/transition plan; includes outcomes of stakeholder review and Technical Team inputs.	24 th week after contract signing
5	Final Act, Final Regulations (including their Swahili translations) & Comment-Resolution Matrix	Final revised National Water and Sanitation Act and finalized Regulations incorporating all agreed comments; includes a stakeholder comment-resolution matrix (how inputs were addressed) and a finalized implementation/transition plan.	32 th week after contract signing

7.0 Qualifications and Experience of the Consultant

The assignment requires the service of reputable individual consultant having the following qualifications and experience:

General qualifications for individual consultants

The Individual Consultant shall meet the following minimum qualifications and experience:

- i. The Consultant must possess at least a Master's Degree in Law (LL.M) with specialization in Water Law, Environmental Law, Natural Resources Law, or a closely related field from a recognized institution.
- ii. The Consultant shall have a minimum of twelve (12) years of relevant professional experience in drafting of legislative frameworks, policy development, and legislative review, particularly in the water, environment, or natural resources sectors.
- iii. Proven experience in assignments financed by international development partners such as the World Bank, African Development Bank (AfDB), or similar institutions is required.
- iv. The Consultant must have successfully completed at least three (3) comparable assignments involving legal drafting, review, or development of policies, laws, or regulations, either as an individual consultant or as a team leader.
- v. The Consultant must be an Advocate of the High Court and validly registered and holding a current practising license from a relevant professional legal body (e.g., Tanganyika Law Society or Zanzibar Law Society) or eligible for registration with a recognized professional legal body in Tanzania or Zanzibar prior to contract commencement
- vi. Fluency in written and spoken English is mandatory. Knowledge of Kiswahili and prior working experience in the water sector will be considered an added advantage.

8.0 Duration and Work Plan

The assignment will take approximately eight (8) months (32 weeks) from the date of contract signing. The consultant is required to submit all deliverables within this timeframe. Any anticipated delays must be communicated promptly, and approval must be sought for revised timelines.

8.1. Reporting

The Consultant will report to the Principal Secretary; Ministry of Water, Energy and Minerals through the Director of Policy, Planning and Research

8.2 Deliverables and Payment Schedule

The key deliverables of this assignment and tentative payment schedule are shown in Table 2. The consultant is expected to indicate in their proposal if some of the activities can be carried out in parallel, including any impacts on the overall timeframe.

Table 2: Deliverable

S/N	Deliverables	Payment (% of Contract Sum)
1	Submission and approval of Inception Report	15%
2	Submission of Diagnostic and Assessment Reports	15%
3	Submission of Preliminary Draft Water Act & Stakeholder Consultation Report	20%
4	Submission of First Draft Water Act & First set of regulations	20%
5	Submission of Final Draft Water Act & Final set of regulations including their Swahili translations	30%
Total		100%

14. Submission Address

During the entire period of the assignment, all the official reports and communications to the client shall be addressed to;

The Principal Secretary,

Ministry of Water, Energy and Minerals

P.O.BOX 1569,

Zanzibar.

