



Netherlands Commission for  
**Environmental Assessment**

# ESIA System Mapping South Sudan

## SOUTH SUDAN



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## Report by the NCEA

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<b>Title</b>	ESIA System Mapping South Sudan
<b>To</b>	Ministry of Environment and Forestry South Sudan
<b>Attn</b>	Mr. J.A. Bartel (Undersecretary Ministry of Environment and Forestry)
<b>Request by</b>	Mr. J.A. Bartel (Undersecretary Ministry of Environment and Forestry)
<b>Date</b>	20 February 2024
<b>From</b>	The Netherlands Commission for Environmental Assessment
<b>Members of the working group</b>	Ms L. Özay (Technical Secretary) Mr A. Neher (Technical Secretary) Mr T. Fisher (ESIA expert) Mr E. Ladu (MoEF and NCEA focal person) Mr J.L. Celestino (ESIA expert)
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Contact:

w [www.eia.nl](http://www.eia.nl)

t +3130 234 76 60

e [ncea@eia.nl](mailto:ncea@eia.nl)

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# 1 Introduction

## 1.1 Background

In a Memorandum of Understanding (MoU) signed in February 2023, the Ministry of Environment and Forestry (MoEF) in South Sudan and the Netherlands Commission for Environmental Assessment (NCEA) agreed to explore how to improve the Environmental and Social Impact Assessment (ESIA) practice in South Sudan. The first activity under this MoU has been a mapping exercise with the following objectives:

- Outline how the ESIA system currently functions in South Sudan
- Identify how an ESIA process / procedure may look like in the near future in South Sudan
- Determine priority interventions to strengthen the ESIA system in South Sudan

This report presents the key observations, findings and recommendations emerging from this mapping. In this chapter, the approach to the mapping is described. Chapter 2 presents the current legal and institutional framework for ESIA and Chapter 3 zooms in on the practice of ESIA. Finally, Chapter 4 presents the key conclusions and recommendations for strengthening the ESIA system, including the basic proposal for the ESIA procedure in South Sudan. The NCEA anticipates that these findings will be useful as a starting point for discussions on the future of ESIA, and can serve as input for (donor) programmes and investments in South Sudan.

## 1.2 Approach

This mapping of the ESIA system was carried out by a working group including a MoEF representative, a national and an international ESIA expert and two technical secretaries from the NCEA (for details see Annex 1). Initially, a set of questions was formulated (see Annex 2) to guide the working group in collecting information on the various components of an ESIA system<sup>1</sup>. The following sources of information were used in the mapping and reporting:

- Desk review of relevant background information and reports including:
  - Key (draft) laws and policies in South Sudan
  - UNEP 2018 State of the Environment
  - Environmental and social management needs assessment by the World Bank (2022)
  - Websites and/or Facebook pages of key ministries and international partners / donors
- Minutes of meetings conducted by the NCEA with various ministries and donor institutions both virtually and during a visit to South Sudan in February 2023
- The systematic review of nine ESIA's carried out in South Sudan between 2006 and 2023 (Annex 6)
- Interviews conducted by the MoEF representative and the national ESIA expert held with several authorities/institutions between August 2023 and January 2024. The list of persons in these meetings and interviews is included in Annex 3

It is important to note that not all information on the questions in Annex 2 could be obtained. Therefore, this report should be seen as a first version to be elaborated and improved. Additionally please be aware that **EIA, ESIA and E(S)IA** are used interchangeably.

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<sup>1</sup> This list of questions was drawn from the Quick Scan version of the ESY map tool that the NCEA developed in collaboration with the Southern African Institute for Environmental Assessment (SAIEA).

When referring to the tool in general, the acronym ESIA is used. EIA is specifically used when referring to the Draft National Environmental Bill 2023 and E(S)IA refers to the common legal and institutional framework in South Sudan.

## 2 Legal and institutional framework

The current legal and policy framework in South Sudan (details in Annex 4) lays the foundation for E(S)IA. The **Draft National Environmental Bill of 2023** is the key piece of legislation that will introduce EIA with the purpose of protecting the environment and promoting sustainable development. The previous version of the Environmental Bill (2015) has recently undergone revision and the new version of 2023 is still waiting approval. Initially the final draft will be presented to the Council of Ministers, after which it will be sent to the Ministry of Justice and subsequently to Parliament for final approval.

This Draft Bill calls for the necessity of conducting EIA<sup>2</sup> for several types of projects including those related to energy, mineral exploration and exploitation, water infrastructure and other public works, mechanised agricultural schemes, roads, bridges, and airports and human settlements, where EIA is defined as: *“the systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment”*. The Draft Environmental Bill establishes the Environmental Management Authority (EMA) which will become responsible for impact assessment at the project (ESIA) and plan or programme level (SEA). In May 2023, the NCEA advised on the Draft Environmental Bill (2023) with recommendations to strengthen its ESIA elements. The entire advice can be found in Annex 5. One key observation was that the Draft Bill does not yet sufficiently outline the mandates of EMA and other agencies at the national and subnational level concerning ESIA and SEA. The Bill lacks a clear purpose and principles and basic requirements for the ESIA/SEA processes, such as the need for inclusion and public/stakeholder participation, the adoption of mitigation measures and provisions for the follow-up phase. Although the Draft Bill refers to several sectors and activities that should undergo ESIA or SEA, this overview is not yet comprehensive, posing the risk of excluding ESIA for sectors or activities with significant impacts in the future. Lastly, the NCEA observed that ESIA was not linked to decision-making, which may render these studies ineffective.

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<sup>2</sup> The Bill mainly refers to EIA, although not consistently, as there is sometimes also reference to ‘environmental and social impact assessment’.

**Some highlights from NCEA recommendations on the Draft Environmental Bill (2023)**

- 1) Explicitly state that EMA has the mandate to:
  - a. review and approve ESIA reports and issue related environmental permits, licences and certificates with conditions for approval;
  - b. elaborate specific regulations and guidelines that will outline the procedure, process and content requirements for ESIA and SEA.
- 2) Clarify in the Bill the mandate, role and relations between EMA and structures at the national and subnational levels.
- 3) Include provisions that clarify the purpose, principles and requirements for ESIA and SEA, including for stakeholder participation, the uptake of mitigation measures in an environmental and social management plan (ESMP).
- 4) Take up a general provision that EMA may demand SEA/ESIA for any intervention with potentially significant environmental and social impacts, and that further details like a screening lists and criteria shall be developed by EMA in specific ESIA / SEA regulations.
- 5) Include in the Draft Bill how follow up by EMA will be organised, including how ESIA is linked to environmental permits, the role of environmental inspectors in monitoring ESIA/SEA and how enforcement will be organised.

**The National Environmental Policy (2015–2025)** defines EIA as *the process of estimating and evaluating significant short-term and long-term effect of a programme or project on the quality of its location's environment*. It also refers to *identifying ways to minimise, mitigate or eliminate these effects and/or compensate for their impact*.

In addition, the **Petroleum Act (2012)** stipulates that all petroleum projects shall be subject to Environmental and Social Impact Assessment, in consultation with affected communities. The Act asks for an approved ESIA report (with explicit reference to social aspects) to be submitted along with the application for an exploration permit, the plan for developing and operating petroleum and a licence for transportation systems. The Ministry of Petroleum needs to initiate and coordinate consultation with the MoEF on the ESIA and the MoEF is responsible for environmental auditing of the environmental management plans. At the time of writing this report, an environmental audit by MoEF was ongoing in the petroleum sector.

**The Mining Act 2012** stipulates that decisions related to mining activities should be integrated with decisions related to the protection and management of the environment. It also states that mining activities should commence with consideration of its impact on the environment or environmental programmes.

Whereas the Petroleum Act (2012) has already been passed, the draft National Environmental Bill (2023) is still in the approval stage. Hence, currently all ESIAs except those for the petroleum and mining sector are in principle carried out on a voluntary basis, or as part of donor requirements. Legally, ESIA cannot yet be enforced.

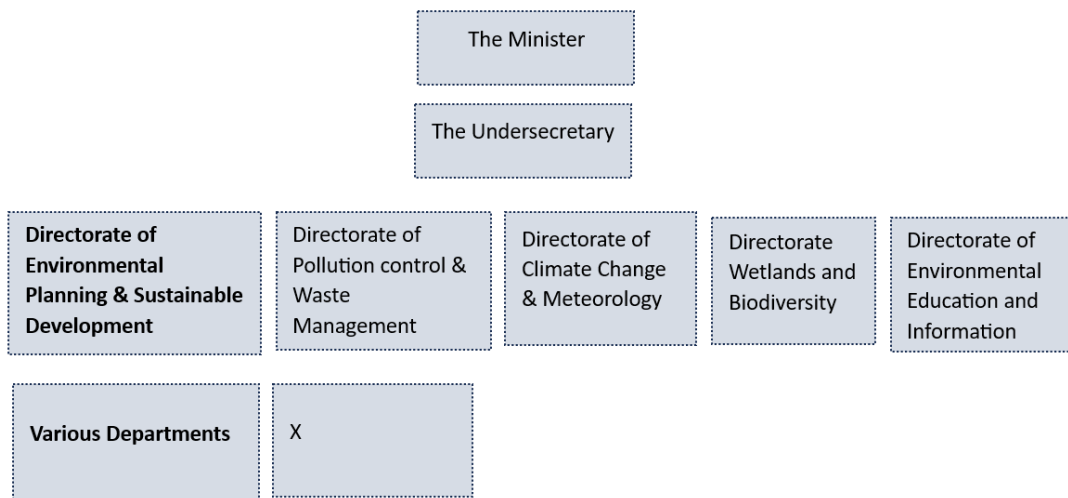
The broader legal framework is an important enabling factor for ESIA, as it helps to clarify the general principles, the institutional roles and responsibilities for environmental and social management. There should also be environmental norms and standards in place, against which the significance of impacts and necessary mitigation measures can be determined. In

every ESIA process, the relevant legal and policy framework needs to be determined based on the characteristics of a project.

In South Sudan, **the Constitution of the Republic of South Sudan (2011)** and the **Access to Information Act (2012)** are important pieces of legislation to be used in ESIA. These laws call for the sustainable management and use of natural resources for the benefit of the people, and establish the basis for stakeholder participation and the right to access information in ESIA processes. There are also other national laws, policies, but also international conventions that are of relevance to consider in ESIA (See Annex 4). The NCEA did not carry out a full inventory or analysis of existing environmental and social norms and standards to pinpoint what the possible gaps are, but these gaps could possibly be found in other studies or need to be further identified.

## 2.1 The organisation and mandates for ESIA

Currently, the MoEF is responsible for E(S)IA but there are intentions to establish a semi-autonomous Environmental Management Authority (EMA)<sup>3</sup>, with a dedicated mandate for EIA. Until the time that the draft Environmental Bill 2023 is adopted and EMA is established, the MoEF remains the focal point to set standards and to coordinate and cooperate with local and national authorities on E(S)IA. The organisational structure of MoEF is as follows:



At the time of writing, the mandate for E(S)IA is placed under the Directorate of Environmental Planning and Sustainable Development. In general, this Directorate's tasks include the preparing of the National Environmental Strategic Plan and the National Environmental Management Action Plan, the State of the Environment report and capacity development. In terms of E(S)IA, this Directorate is in charge of screening (to determine the need for E(S)IA), reviewing and approving E(S)IA reports, on the basis of which a project receives a 'Letter of No Objection'. This Directorate is also responsible for providing a proponent for the applicable guidelines. There are however no specific regulations in place yet, that outline the procedural steps and requirements for E(S)IA in South Sudan<sup>4</sup>.

<sup>3</sup> As foreseen in the Draft Environmental Bill (2023).

<sup>4</sup> Some ESIA's reviewed by the NCEA refer to the 'South Sudanese National Environmental and Social Screening and Assessment Framework (NESSAF). The NCEA could however not find this document and this document has not been mentioned in any of the NCEA encounters.

## 3 ESIA practice

### 3.1 How often and when is E(S)IA done?

It is a challenging task to quantify the number of ESIA carried out in South Sudan, and determine in which sectors these were done. The MoEF has a library where physical reports are kept of ESIA where guidance from the MoEF was requested, and there are plans to launch an environmental information centre at this ministry.

This mapping exercise shows that ESIA is carried out for both locally funded projects and those funded from external sources. These include the World Bank (WB), the African Development Bank (AfdB), Japan International Cooperation Agency (JICA), United States Agency for International Development (USAID) and possibly others that require ESIA as part of their due diligence process. In addition, small companies are reported to be doing ESIA studies for the establishment of their projects, at the request of the MoEF. ESIA have been undertaken for different types of projects including flood risk control, water supply systems and water factories, construction of warehouses, dams, roads and bridges, ports, humanitarian aid, oil exploration and production and petrol depot installations.

At the same time, there seems to be agreement that many high-impact projects are being implemented without ESIA and/or coordination with and approval from the MoEF<sup>5</sup>. In addition, the NCEA's search on the web and inquiry among several donor institutions, only resulted in finding approximately 17 ESIA for the period between 2006 and 2023. More ESIA may have been conducted during this period, but if this is true, they have not been published or can no longer be found on the internet. In addition, various Environmental and Social Management Frameworks (ESMF) have been published for recent or ongoing donor programmes, in which the implementation of ESIA is planned for specific interventions under these programmes<sup>6</sup>. These ESIA can therefore be expected in the near future. In some donor funded projects, simple ESMPs are drafted but these generally remain with the clients and have not been submitted to the MoEF.

Some institutions are familiar with ESIA and it is perceived as a useful tool that can play a role in addressing some of South Sudan's pressing environmental and social issues<sup>7</sup>.

Acknowledgement of ESIA at the national level is illustrated by the public discussions on dredging activities in the Nile tributaries, that took place in mid-2022, which led to the President of South Sudan publicly calling for the suspension of dredging activities until impact assessments are carried out. The importance of ESIA is also recognised within MoEF and they welcome any support to strengthen the ESIA system. In general, international

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<sup>5</sup> Especially the petroleum and the mining sectors, and dredging and road building activities were highlighted during the NCEA's talks with different institutions.

<sup>6</sup> Some examples of recent ESMF's are: Enhancing Community Resilience and Local Governance Project (2020) and its updated version for Phase II (2023), for the Energy Sector Access and Institutional Strengthening Project (2022), Eastern Africa Regional Digital Integration Project (World Bank 2023), Reconstruction and strengthening of productive infrastructure and value chains across a displacement affected region (2023)

<sup>7</sup> This picture emerged from the meetings held during the reconnaissance mission in February 2023. In many conversations, concerns in relation to the petroleum sector (pollution) and the water sector (droughts and floods) were raised. It was also mentioned that ESIA could help to improve design projects and prevent or address potential or actual problems.



organisations and donors operating in South Sudan underline the importance of environmental and social safeguarding systems which generally include the establishment of an Environmental and Social Management Framework (ESMF), screening, and the delivery of ESIA and ESMPs.

At the same time, some conversations also highlighted that certain authorities perceive the environment as the responsibility of MoEF rather than being a cross-cutting issue requiring efforts from all. A frequent complaint was the insufficient prioritisation of environmental and social concerns, and the lack of awareness or understanding that exists on the role of ESIA in addressing these issues. In addition, the humanitarian crisis situation and the urgent need for basic infrastructure and services were cited as justifications for accepting potential adverse effects of investments, even though this was regretted.

One observation the NCEA made during its review of several ESIA's (more on this in section 3.3 and Annex 5) is that different types of projects varying from very small scale (e.g. one building) to very large (e.g. a road over 300km in length) were subject to ESIA. For some of these small projects, a simpler form of assessment or a straightforward application of relevant standards may have been sufficient. On the other hand, for larger projects, Strategic Environmental Assessment (SEA) could have been a more appropriate approach for taking decisions. This issue could be addressed by formulating clear screening lists or criteria to help the MoEF and proponents to determine whether a project requires ESIA or another form of assessment.

### 3.2 What processes/procedures are followed?

Within the MoEF, the screening step to determine which projects should be subject to ESIA does not seem to be common practice. Line ministries use the AfdB or World Bank project classification to determine if ESIA is needed. In South Sudan, a significant proportion of investments are funded by international partners and donors and the decision to undertake ESIA is based on their Environmental and Social Management Frameworks (ESMF) and project risk classification. In addition, sometimes they are based on ESMF frameworks of agencies that are subcontracted to implement their projects<sup>8</sup>. Many of these donors and sub-contractors follow the local legal framework and coordinate with relevant authorities including the MoEF whenever possible. Some ESIA's are managed by project teams within the financing donor institution. For several larger programmes, some donors establish 'Project Implementation Units' (PIU) within the key sector/line ministries<sup>9</sup> which are also responsible for ESIA and ensuring their approval by the MoEF. In most cases, these project units (which can be either within the funding agency or in the line ministry) hire consultants to do the ESIA and review the quality of their work<sup>10</sup>. Several interviews have underscored that ESIA's, when conducted significantly influence the project design and approval. Projects failing to meet the donors' environmental and social standards are not approved.

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<sup>8</sup> For example, AfdB, the World Bank and the Dutch Embassy sub-contract organisations like WFP, IOM, FAO and UN agencies to implement the projects they fund.

<sup>9</sup> F.i. World Bank has a PIU for a flood management programme in MWRI and for an energy programme at the Ministry of Energy and Dams. Also the AfdB established a PIU at the Ministry of Roads and Bridges.

<sup>10</sup> Within the Ministry of Transport, a technical committee is formed in the ministry that revises reports.

Although some exceptions exist, in general, scoping reports and Terms of Reference for ESIA are not shared with MoEF<sup>11</sup>. Coordination with MoEF on ESIA typically occurs at the review stage, when the study report requires approval<sup>12</sup>. Some donors ensure compliance by obtaining a “letter of No objection” from the MoEF before commencing any projects, by submitting their Environmental and Social Frameworks and/or ESIA reports. Conversely, there are donors who do not secure this letter of no objection and some projects progress to their final phase and are handed over to the government, without the MoEF’s knowledge. There is no formal procedure for reviewing ESIA, but in general, a review committee is established composed of members from different directorates within the MoEF. The committee members review an ESIA report based on their own knowledge and expertise and occasionally with the help of international standards and guidelines like those of the AfDB and the World Bank. Following their review, the committee presents its findings to the Undersecretary, who then decides whether to approve the ESIA and issue a ‘No objection letter’ for the project. If there are deficiencies, the project proponent may be requested to provide additional information or to improve the ESIA report. Organising public consultations does not seem to be standard practice, and the MoEF does not have a website for information disclosure. However, some donor-funded projects require public consultations and stakeholder engagement with ESIA disclosed on their websites. Occasionally, executive summaries are displayed on the notice boards of Ministries.

ESIA are monitored by project teams. The extent of the MoEF’s involvement in the follow up phase is unclear, including whether environmental inspections also check upon the compliance with ESIA-related plans and conditions.

Both donors and authorities often express uncertainty about the MoEF’s expectations in the ESIA process. Although the current legal framework provides a general direction, the forthcoming Environmental Bill and the regulations and guidelines need to clarify the procedural steps and requirements for ESIA. Ambiguity in the latter has been mentioned several times as a reason why many projects go without ESIA, or are not coordinated with the MoEF. Another challenge mentioned, is stakeholder consultation within the ESIA process. Limited road networks and site accessibility as well as language barriers due to diversity in ethnic group were raised as factors disabling effective stakeholder engagement. These statements are confirmed by the recent World Bank needs assessment on ESF, identifying a lack of effective stakeholder consultation structures in the country.

### 3.3 Quality of ESIA reports

To gain a better understanding of their quality, the NCEA systematically reviewed nine ESIA reports that were published between 2006 and 2023. Four of these projects were supported by international donors and five were domestically prepared without external support. A more detailed account of this review can be found in Annex 3. This section provides a summary of findings on the following ESIA elements: *baseline description, evaluation of key issues and options, determination of significance, alternatives and mitigation, stakeholder engagement and access to information, and presentation of the information.*

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<sup>11</sup> In the interview with the Ministry of Transport and Ministry of Water and Irrigation it is indicated that ToR are submitted to MoEF for reviews and inputs.

<sup>12</sup> In one interview, it was mentioned that local level authorities are sometimes consulted, depending on the scale of the project.

**Baseline description:** All reviewed ESIA's achieved an acceptable standard in outlining the overall purpose, aims, objectives, physical characteristics and scale and design of the development proposal. They provided sufficient information about the ownership of the development proposal, the parties responsible for planning and who prepared the ESIA report. The ESIA's also detailed the environmental and social (including human health) standards at national, regional and local levels, demonstrating how these were taken into account. However, none of the nine ESIA's described how the site would develop without the project and how the proposals are connected with other projects and plans. While it is entirely possible that no other plans exist, ideally this should be clearly stated.

**Identification and evaluation of key issues and options:** All ESIA's met acceptable standards in important elements for evaluating key issues. The reports outlined the likely negative and positive impacts of proposed activities, including the potential for accidents and identified possible alternatives. However, they often lacked important information, such as details on the project location and the extent to which vegetation, people and animals are likely to be affected<sup>13</sup>. While most ESIA's referenced surveys conducted (such as those on local flora and fauna), these often lacked comprehensive explanations regarding who conducted the survey, the timing, duration and results. In various meetings, the challenges highlighted included a lack of data<sup>14</sup> and difficulties in data collection (for example due to the lack of equipment like GPS devices, laboratories and other tools) and obstacles in accessing existing data due to conflict and political sensitivities. Additionally, many of the ESIA's state that published and unpublished reports were used to establish physical data, but failing to these sources adequately.

**Determination of potential significance:** All reviewed ESIA's did not meet acceptable standards in justifying the methodologies used for assessing impacts, or in explaining how the significance of impacts was identified and determined. None of the ESIA's identified the probability, duration, frequency and reversibility of effects of the different alternatives. This could be linked to broader policy challenges for ESIA, which complicate the assessment process. For instance, no information appears to be available on the conservation status of plant species in South Sudan, leading to unclear statements such as 'there will be no major ecological impact'.

In light of the above, it is notable that some ESIA's recommended granting permission for a particular development, based solely on (socio)economic considerations, even in the presence of apparent significant negative social and environmental effects.

**Alternatives, mitigation, recommendations on preferred options, and monitoring:** Although alternatives are frequently mentioned in ESIA's, detailed information on impacts is typically provided only for the preferred alternatives. In this context, the reasons behind the selection of preferred options is not always justified. In terms of mitigation, the recommendations are

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<sup>13</sup> An example is an ESIA for a road project where it is not clear how many people are living in the project area and are likely to be affected. Another example is an ESIA which refers to the presence of 'a forest with thick vegetation, thinly spread out large trees and three seasonal streams'. However, the potential impacts on these resources have not been identified

<sup>14</sup> An example given during meetings is the lack of data and understanding on (ground) water resources at basin level, which according a respondent makes the prediction of impacts and decisions on water use and management 'difficult and tricky'.

often general, lacking specific and concrete mitigation measures<sup>15</sup>. One observation is that resettlement is not adequately dealt with. Even in projects where resettlement is a concern, details such as numbers and locations of people to be resettled are not provided. Frequently, terms like ‘adequate compensation’ are used without specifying what this entails.

**Stakeholder engagement and access to information:** ESIA processes should always include consultation with affected and interested parties beyond from the developer, the responsible authority and the consultant. However, this was not always the case. None of the ESIA reports indicated the use of local languages for publications or whether for example meetings were conducted in languages understandable to the local population. This aligns with statements that were made in some meetings about the inadequate level and quality of public participation and stakeholder engagement, citing minimal participation and inaccurate information translation. . In some instances, stakeholder engagement does not occur at all (one statement ‘*stakeholder engagement is not taking place because consultants do screening, scoping and review alone and in most cases they are done in office without engaging others such as the MoEF and the public*’.

**Presentation of information and results:** The layout of the reviewed ESIA generally allows for quick and easy data assimilation for readers. They present information in a way that is accessible to non-specialists. However, only a minority of the ESIA provides information in addition to written text on the project location and impacts, such as maps, pictures and figures, which help in understanding the type and scale of impacts. A notable observation is the repetitive phrasing across different ESIA reports, indicating a prevalence of “cut and paste” practises. This was also confirmed during one of the interviews with MoEF staff. And finally, none of the ESIA identify those matters that are more appropriately assessed at other levels/layers of decision making.

### 3.4 Capacity for ESIA

It is commonly agreed that in South Sudan, the capacities of institutions at the national level are extremely constrained. This relates to human and financial resources, coordination mechanisms, as well as basic working conditions. Many government offices have limited office space, lack adequate facilities like internet services, and are reported to be severely understaffed. Also low government salaries and a high level of staff turnover are reported. These factors all together hamper the well-functioning of government institutions. In this context, the MoEF is not an exception with regards to not being able to always putting all its goals and priorities into practice. Also MoEF is grappling limited resources and working facilities, where staff is for example using their private laptops without an adequate information management system being in place.

In the various meetings and interviews undertaken in this mapping exercise, the lack of capacity to conduct and review ESIA has been emphasised. This is in line with a study commissioned by the World Bank (2022) to assess the needs for environmental and social management in South Sudan. This study notes that South Sudan lags behind in building

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<sup>15</sup> One example is an ESIA for a road project which suggests that people should not move into an area 100m on both sides of a new road, but the concrete impacts and mitigation measures are not provided. Another example is a project where rare bird species are spotted on the development site, which does not result in any associated mitigation.

relevant institutions for environmental governance, primarily due to armed conflicts in the country. The study identified low education levels in environmental and social specialisation are identified as a challenge and it concludes '*that there is an urgent need for qualified and competent staff to undertake assessment of reports, approve projects, provide permits, undertake monitoring and supervise the management of risks and impacts associated with project activities*'. However, the key issue appears not to be the lack of qualified staff, but rather severe understaffing and lack of technical guidance and capacity development targeted at ESIA.

ESIA studies often seem to be carried out by international experts or experts from the region. The NCEA could not obtain a precise idea of the number of local ESIA experts, but this appears to be quite limited and there is no quality assurance mechanism such as a certification system or criteria for being eligible to conduct ESIA studies.

The University of Juba, the School of Natural Resources and Environment has developed an ESIA curriculum and ESIA courses are offered to undergraduate students (BSc, diploma) and graduate students (MSc. students). The annual enrollment ranges from 50 to 70 students. The department of Environmental Studies suggested an initiative to develop a short certificate course on ESIA but this is impeded by a lack of financial resources to fund the initiation of the programme. Human capacity to teach this course is available and ready to commence once funding is secured.

## 4 Conclusions and recommendations

In South Sudan, a set of key elements and institutions are in place to start building an ESIA system. There is existing ESIA practice with intentions to expand its application. However, this mapping confirms earlier studies' conclusions <sup>16</sup> that there is still a need to further institutionalise ESIA and to build organisational and individual capacities.

### 4.1 Legal and institutional framework

The Draft National Environmental Bill (2023) of South Sudan lays the foundation for demanding E(S)IA, though it is not yet legally binding and still has some limitations in the way it is currently formulated. Currently, only the petroleum and the mining sector are legally required to conduct ESIA as stipulated by the Petroleum Act 2012 and the Mining Act of 2012. There are also no regulations and guidelines in place yet that outline the procedural steps and requirements for ESIA. This limits the MoEF in enforcing and streamlining ESIA processes. Typically, ESIA processes attempt to follow environmental and social management frameworks of donors like the Afdb and the WB, often without coordination with the MoEF in the ESIA process. In very few cases this only takes place in the review stage after the ESIA report is already completed.

The broader legal framework in South Sudan provides for general principles such as sustainable development, community health and safety, the right to a clean environment and public participation in decision-making. However, gaps exist in environmental norms and standards, necessary to determine the significance of impacts and the level of mitigation

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<sup>16</sup> Such as that by UNEP 2018 State of the Environment and World Bank commissioned study on environmental and social management needs assessment study in 2022.

required. The current legal framework does not consistently include the ‘social aspects in ESIA’s’.

**Recommendations:**

1. If there is still a possibility for its revision, it is highly recommended that observations and suggestions from the NCEA advice (Annex 5) are used to strengthen ESIA/SEA elements in the Draft Environmental Management Bill (2023).
2. After possible revision, it is recommended that the Environmental Management Bill (2023) is adopted as soon as possible. After its adoption, the MoEF or EMA need to be supported in the elaboration of more detailed ESIA regulations to clarify among other things, the following:
  - Screening criteria to determine which projects require ESIA or possibly an initial assessment.
  - The procedure for ESIA and for initial assessments.
  - Requirements for stakeholder and public engagement and disclosure.
3. Prioritise and select key policies and laws that need to be reviewed (such as the Environmental Policy) to put in place clear environmental objectives, norms and standards.
4. Formulate guidelines that MoEF staff or EMA can use in ESIA processes, including:
  - A project brief outlining the information that proponents should submit to MoEF/EMA for a screening decision.
  - An overview of the steps and contents for ESIA’s, requirements for coordination with the MoEF and for stakeholder engagement.
  - A format for reviewing ESIA’s and for linking them to permit conditions and environmental inspections.
5. Undertake communication, coordination and awareness-raising activities among other ministries and donor institutions on ESIA and once ready, on the laws and guidelines developed under previous points.

## 4.2 Improving ESIA studies and reports

The picture emerging from this mapping is that many projects do not undergo ESIA. Among some donors, however ESIA is more commonly conducted at the initial stages of project development and is perceived as having a positive influence on project design.

In terms of quality of the ESIA reports, some aspects tend to be addressed sufficiently in the ESIA’s but there were also a number of serious omissions and ambiguities. At a basic level, any ESIA should be clear about where exactly a development is located, its scale and scope. Clear criteria for determining the likely significance of the environmental and social impacts in ESIA are essential. This was not attempted, most likely due to the absence of a clearly defined conservation status of plant and animal species in South Sudan.

Whilst there is some consensus internationally that it is not always necessary or possible to assess different alternatives, it is important to be clear about whether alternatives were available and considered. In South Sudanese ESIA’s, alternatives are routinely mentioned, but they get discarded at the same moment without providing for an explanation and justification. Whilst ESIA should always include some consultation of affected and interested parties outside the developer, the responsible authority and the consultant, this was not always the case. Also, information provided in ESIA’s needs to be comprehensible by those

potentially affected, which is likely to mean languages other than English should also be used. Furthermore, mitigation in ESIA should be case specific, rather than generic and should be clearly defined.

**Recommendations:**

- There is need for an ESIA guidance and for building capacity in their use. In particular on how to prepare and present information and provide explanations on dealing with impact significance, consultations, alternatives, and mitigation.
- There is an urgent need to support institutions that are likely to play a key role in building ESIA capacity. One example is academic/research institutes like the University of Juba. Such institutions should be supported by human and financial means, to operationalise short certificate courses for ESIA practitioners and donor Project Implementation Units. Make an inventory among these institutions of their capacity building needs in terms of developing or improving their ESIA curricula (for example for specific sectors), and for enhancing their role and position as capacity builders and independent guardians of the ESIA system in South Sudan.
- Consultants: there is need to offer in depth courses and trainings beyond university courses, to increase the number of qualified local staff capable of undertaking ESIA.
- General: budgets need to be made available, sufficient enough to deliver high-quality ESIA, including adequate stakeholder engagement and funds to establish basic technical provisions for data collection and analysis (e.g. GPS, laboratories).
- Implement mechanisms for quality assurance of ESIA reports and practitioners, such as certification schemes or criteria for experts and independent quality review of ESIA.

### 4.3 Capacity development priorities

Substantial gaps exist in the capacity required for a basic ESIA system to function effectively. Expertise and available capacity, as well as the presence of procedures and guidelines, are required across diverse sets of parties.

Within MoEF, for example, capacity (knowledge, facilities and available staff) is required to guide the ESIA process and its monitoring and enforcement. With other (line) ministries and government departments (at the national, provincial or local level) common understanding of ESIA, including roles and responsibilities of different parties and stakeholders need to be clarified and recognised. Adequate knowledge and skills are a necessity for parties responsible for ESIA such as consultants. Academic/research institutes need to possess the technical skills to support data-collection supporting ESIA. Finally, all stakeholders should be aware of transparency associated with ESIA, and invest more in the means of communication, and (the process of) full participation to support the decision-making process.

**Recommendations:**

- Prioritise support to MoEF to establish an Environmental Management Authority, or appoint staff with a dedicated mandate and budget for ESIA. Such a unit or a group of dedicated staff needs to receive support in designing appropriate workflows, formats and coordination mechanisms. Provide training to these staff members on ESIA, on screening, reviewing, scoping or ESIA reports in specific sectors, formulating

permitting conditions (based on ESIA) and in undertaking monitoring. Support MoEF in its communication efforts, such as through a website) where relevant information such as on public consultations and ESIA reports can be published.

- In line ministries: raise awareness and skills on environmental and social issues and on providing inputs to and on reviewing ESIA.
- While establishing the ESIA system, also focus on impact assessment for decision-making at higher levels such as policies, plans and programmes, also called Strategic Environmental Assessment (SEA).
- A call to donors: there are many programmes ongoing with a comprehensive ESSF in place with intentions for ESIA. When implementing these ESSFs, make sure to join forces and budgets towards building institutional and individual capacities. Use the upcoming ESIA in these programmes as a vehicle to formulate, pilot test, improve a basic ESIA procedure and system and coordination mechanisms between key ministries/authorities.

#### 4.4 Proposed procedure to discuss during a stakeholder validation meeting

**Screening:** early in the development phase, the proponent fills in the project brief provided by the mandated authority. The project brief is submitted to the mandated authority outlining the scope and potential effects of the intended project. Based on screening lists or on specific impact criteria, the mandated authority decides on the necessity for and the level of the assessment required, which would be:

- an initial assessment
- an ESIA
- no assessment required

The mandated authority then informs the proponent of the screening decision and provides the guidance for any further steps needed in the assessment process.

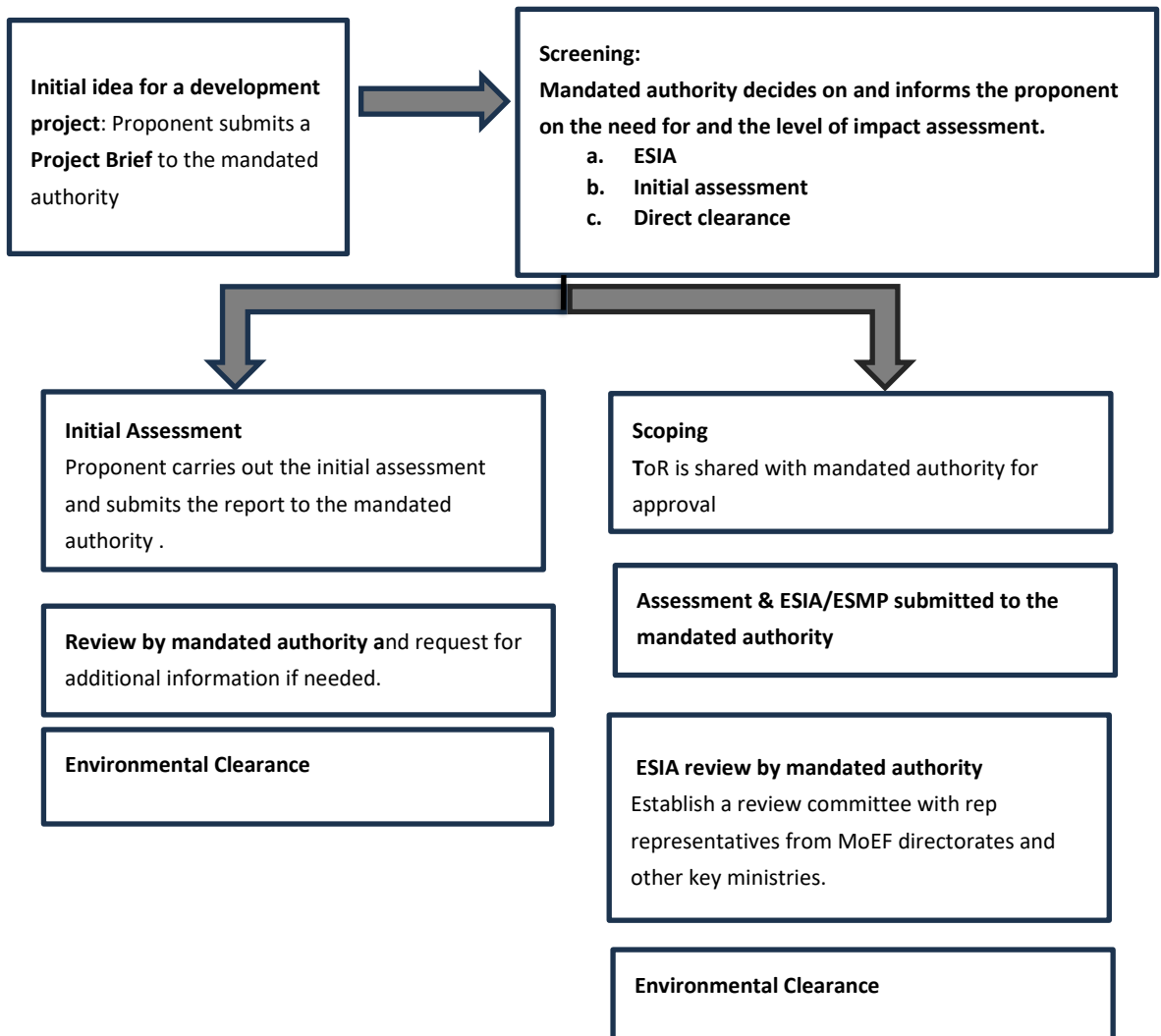
**Initial Assessment:** the proponent gathers the necessary expertise to compile the information required for an initial assessment. Stakeholders potentially affected by the project are consulted and their concerns and comments are presented. The initial assessment report is then submitted to the mandated authority for review. The proponent is responsible for the fees associated with site visits and document reviews, conducted by a technical committee within the mandated authority. Following the review, the initial assessment report may be approved, rejected or further information is requested. If approved an *Environmental Clearance Certificate* is issued with conditions.

**ESIA:** the proponent mobilises the necessary expertise with authorised firms to carry out the ESIA as required by the mandated authority. Initially, a **scoping exercise** is performed to determine which impacts and alternatives will be studied and how the assessment will be conducted. Stakeholders that may be affected and relevant authorities are consulted. A scoping report and a Terms of Reference (ToR) for the actual assessment is submitted to the mandated authority for approval.



**The assessment** is carried out, with consultations involving affected stakeholders and key authorities. A report is prepared according to the information required by the mandated authority. The ESIA report including an Environmental and Social Management Plan (ESMP) is submitted to the mandated authority.

The mandated authority shares the ESIA and the ESMP report among relevant stakeholders for comments and establishes a **review committee** comprising representatives from its own and other key ministries. This committee uses the review criteria and formats developed by the mandated authority. The review process integrates stakeholder comments and may involve a site visit. The fees for the review and site visit are paid by the proponent. The review committee submits its findings and advice to the mandated authority, which decides whether the ESIA is approved or if further information or improvements are necessary. Upon approval an ESIA Certificate with conditions is issued. Environmental inspectorates within the MoEF are notified about the ESIA certificate and its conditions.



### Initial Assessment / ESIA

Steps	Efforts needed	Possible support
a. Proponent submits a Project Brief to the mandated authority.	<ul style="list-style-type: none"> <li>• Develop a Project Brief format</li> <li>• Make sure proponents have easy access to the format and to the mandated authority in case of questions.</li> </ul>	Website where the mandated authority can publish information on the ESIA procedure.
b. Mandated authority reviews the Project Brief and informs proponent on screening decision. It also shares the necessary the information that is required in further steps.	<ul style="list-style-type: none"> <li>• Develop screening list or criteria to determine what projects require an initial assessment and what projects an ESIA.</li> </ul>	<b>Assist authorities in formulating screening list and/or criteria &amp; training in categorizing projects.</b>
c. In case an initial assessment: proponent mobilises the relevant expertise for the initial assessment and submits the report to the mandated authority for approval.	<ul style="list-style-type: none"> <li>• Formulate requirements for initial assessment</li> </ul>	
<p>d. In case of an ESIA: Proponent prepares the scoping and submits ToR for review and approval.</p> <p>Proponent coordinates the assessment and submits the ESIA/ESMP report to the mandated authority</p>	<ul style="list-style-type: none"> <li>• Formulate requirements for the scoping and the ESIA/ESMP including on:</li> <li>• Information to be submitted in scoping/ToR and in the ESIA/ESMP report</li> <li>• Requirements for stakeholder engagement</li> <li>• Requirements for the consultancies / experts</li> </ul>	<b>Assist ESIA authorities in developing formats for scoping / ToR</b> <b>Train relevant staff in reviewing scoping reports / ToRs</b>
d. In the mandated authority a review committee is established to review the ESIA. The ESIA/ESMP is shared with key stakeholders for comments.	Develop review criteria / formats and determine the review process.	Assist in developing review formats Train key staff in key authorities on ESIA/ESMP review.
<b>e. Mandated authority informs proponent (approval and environmental clearance)</b>	Link ESIA / ESMP approval conditions with inspections and environmental audits.	Train staff in key authorities in translating ESIA/ESMP into concrete and auditable conditions.
<b>f. ESIA authority and line ministries monitor the implementation of ESMPs</b>	<b>Monitoring, inspection and auditing of the ESMPs.</b>	<b>Assist mandated authorities and line ministries in defining clear mechanisms for coordination and information exchange.</b>

## Annex 1: Members involved in the ESIA mapping exercise

No		
1	Dr. Thomas Fisher	International consultant and ESIA expert
2	Mr Emmanuel Ladu	MoEF and NCEA focal person
3	Dr John Leju Celestino	National Consultant and ESIA expert
4	Ms Leyla Ozay	Netherlands Commission for Environmental Assessment
5	Mr Arthur Neher	Netherlands Commission for Environmental Assessment

## Annex 2: Questions for the ESIA system mapping

### Context and Enabling Conditions:

- What is the legal and policy framework for ESIA (and where relevant: environmental management) and how does it guide ESIA practice?
- Is ESIA a well-known concept and perceived as a useful tool?
- What environmental and social norms and standards are used in ESIA?
- How does the rule of law function in South Sudan and how does this affect ESIA system functioning?

### ESIA process

- General: what are the roles and responsibilities of different authorities (line Ministries, environmental Ministries, local authorities, donors). How are ESIA processes organised?
- General: how is the ESIA process aligned with project cycle?
- Screening: for which type of projects is ESIA done? Are high risks projects subjected to ESIA?
- Screening: who decides on whether a project requires ESIA and how is this decided upon?
- Scoping: how does scoping take place? Is there a mechanism in place?
- Impact Assessment: who carries out the ESIA's? Who guides and coordinates these processes?
- Review: is there a mechanism in place for (third party) review? who reviews and what happens with the review findings?
- How is stakeholder engagement and disclosure organised in ESIA's?
- Follow up: how is follow up organised to check compliance?

### ESIA performance

- Are ESIA's undertaken by qualified professionals with relevant experience?
- How is the quality of ESIA reports:
  - Do ESIA reports provide content that is adequate for decision making?
  - Are ESMPs actionable, practical and verifiable?
- Is ESIA practice free from corruption and political interference?
- Is public participation and stakeholder engagement effective?
- How does ESIA link to design and decision making on projects? Is there a robust link?
- Is there effective management of environmental and social issues in project implementation? Does ESIA influence outcomes on the ground?

### Capacities

- How is the environment agency organised? Does it have capacity to guide and manage ESIA's?
- Do other authorities (line ministries, local authorities) have the relevant expertise to guide and manage ESIA's?
- How is ESIA administered? Are sufficient funds and capacity made available?
- Are there (sufficient) local experts to undertake good quality ESIA's?
- Is there civil society in place with capacity to meaningfully engage in ESIA processes?
- Is good quality ESIA education and professional training available?
- Are ESIA's reviewed by qualified professionals with relevant expertise?

## Annex 3: List of Respondents

No.	Organisation	Functions
<b>Meetings NCEA Mission February 2023</b>		
1.	Ministry of Environment and Forestry	The Undersecretary
2.	Ministry of Environment and Forestry	Deputy Director Pollution Control
3.	Ministry of Water Resources and Irrigation	Team including a.o. the Undersecretary, Director of Planning, Deputy Director of Hydrology, Director of Water Resources
4.	Ministry of Roads and Bridges	The Undersecretary and Engineer staff
5.	Ministry of Transport	The Undersecretary
6.	Ministry of Humanitarian Aid	The Undersecretary
7.	University of Juba	Team including the Vice Chancellor, various heads of different departments and scientific staff
8.	United Nations Development Programme	Chief Program Advisor
9.	Embassy of the Kingdom of the Netherlands	Deputy Head of Mission (HoS)
10.	Japan International Cooperation Agency	Senior country representative and an assistant Programme Officer
11.	The European Union Delegation	Programme Manager and Programme Officer
12.	The World Bank	Team including Environmental and Social Safeguard Officers and Operations Officer
13.	African Development Bank	Country manager, Country programme officer, Economist
14.	US Agency for International Development	Deputy Mission Director, Agriculture specialist, Economic Growth Director
15.	International Organisation for Migration	Team including Programme Manager, ESS safeguard specialist, Project officer, M&E officer, GIS specialist, Policy officer community engagement
<b>Interviews between August 2023 and January 2024</b>		
16.	African Development Bank	
17.	Ministry of Transport	
18.	Ministry of Water Resources and Irrigation	
19.	SUDD Institute	Expert member
20.	International Organisation for Migration	

## Annex 4. Overview Legal and Policy Framework

<p><b>The Constitution of Republic of South Sudan (2011)</b></p>	<p>States that every person in South Sudan has the right to a clean and healthy environment and environmental protection for the benefit of present and future generations. There are Articles emphasizing community health and safety (Article 39), promotion and the respect of human rights (Article 9). It also provides the framework for biodiversity and the demarcation of protected areas. At all levels, government institutions are responsible for the sustainable management and use of natural resources for the benefit of the people. Local governments in specific are tasked with promoting the participation of communities in local governance. The constitution calls for legislative actions and measures that will a) prevent pollution and ecological degradation; b) promote conservation and c) secure ecologically sustainable development and use of natural resources. It also establishes citizens' rights to freedom of expression and the right to access official information.</p>
<p><b>National Environmental Policy (2015–2025)</b></p>	<p>sets objectives and guiding principles for environmental management. This policy provides the basic principles for formulating environmental laws such as:</p> <ul style="list-style-type: none"> <li>• Environmental protection should constitute an integral part of the development process, where the precautionary principle applies. EIA shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment.</li> <li>• Environmental issues are best handled with participation of concerned citizens.</li> <li>• Each individual shall have appropriate access to information concerning the environment, and the opportunity to participate in decision making processes.</li> </ul> <p>The Ministry of Environment and Forestry (MoEF) is appointed as the key authority to implement this policy by establishing relevant instruments and institutions. Also EIA is recognized as one such instrument for which the MoEF is mandated to legally require and to set the relevant standards and guidelines. The policy also requires stakeholder participation in the EIA process and states that environmental information (including on impacts) should be in the public domain and that effective participation should be organised at early stages of decision making and review. Both public and private sector institutions are expected to pay for EIA, and for EIA reviews and audits carried out by MoEF. With regards to companies, the policy obliges that their annual reports on the assessment of environmental, social, cultural and economic impacts are published.</p>
<p><b>The Draft National Environmental Bill (2023)</b></p>	<p>Three draft Environmental Bills have been formulated in 2013, 2015 and the latest in 2023 which all refer to E(S)IA. The 2023 version of the Bill is currently under revision by the. This Draft Bill (2024) introduces the requirement for EIA to ensure that environmental considerations are addressed and incorporated into project decisions</p>

	<p>...it foresees in the establishment of an Environmental Management Authority (EMA) with a mandate to develop environmental regulations and standards, including for EIA. EMA will be responsible for ensuring public participation in the ESIA process.</p> <p>Add: requirements for follow up and monitoring</p>
<b>The Petroleum Act (2012)</b>	<p>obliges that an ESIA and its Environmental Management Plan (EMP) are approved, before the start of any petroleum project. This Act puts the responsibility to coordinate and review ESIA and EMPs in this sector in the Ministry of Petroleum, whilst coordination with MoEF is also required. The act also obliges the consultation with affected communities. The ESIA is submitted as part of application for licence, and Ministry should consider the information in the report.</p>
<b>The Mining Act 2012</b>	<p>This Act provides for, encourages, promotes and facilitates the reconnaissance, exploration, development and production of Minerals and Mineral Products in South Sudan, consistent with the principles of sustainable development inter alia include the following:</p> <ul style="list-style-type: none"> <li>• that decisions respecting the economy and mining activities be integrated with decisions respecting protection and management of the Environment so that mining activity is commenced with due regard for its impact on the Environment and environmental programs or initiatives are instituted with proper regard for their economic impact;</li> <li>• that government and industry, in their respective policies and practices, acknowledge their stewardship of the Mineral Resources of the country, and work with local communities, so that the economy is developed and the Environment is preserved, for the benefit of present and future generations of South Sudanese;</li> <li>• that hazards to the Environment and impediments to Mineral development be prevented or, if not prevented, minimized by avoiding policies, programs and decisions that have significant adverse environmental or economic impact;</li> <li>• that the ecological interdependence of the states of South Sudan and of the nations of the world increasingly requires integration of the decisions of government, industry and citizens, in respect of the Environment and the economy.</li> </ul>
<b>Water Bill 2013</b>	<p>Aims to develop procedures for prioritising the allocation of water resources for different uses in an efficient, reliable and an environmentally sustainable manner. Provides for the conservation and protection of available water resources. For example by the creation of protected zones within a catchment to ensure the protection of water supply (see section 34) and managing water quality and preventing pollution. Also framework to manage floods</p>

	and droughts and the mitigation of water related disasters is provided here.
The public Health Act 2008	This act aims amongst others for ensuring public health. Its key provisions emphasize the prevention and addressing of air and water pollution, and encourage improvement in sanitation.
Land Act 2009	This Act governs issues around land acquisition, resettlement and compensation and land use. It promotes the setup of a land management system to protect and preserve the environment the ecology for sustainable development. The Act stipulates the rights of the citizens on land and the compensation modalities covering individuals, households and communities' ownership and/or use of land affected by public interventions. According to Sections 74, 75 and 77 of the Land Act, "expropriation of land for public interests should be based on a consultation process with the communities, negotiation and agreements endorsed by the impacted community and individuals evidenced by a written protocol between the individual or traditional authorities and their communities and signed by the local government and traditional authority".
National Parks and Protection Act 2003 & Draft Wildlife Bill 2013	These two are the legal framework to govern national parks, to establish game reserves and to protect wildlife. These also outline activities that are prohibited and obtaining permits. The draft Bill establishes the autonomous South Sudan Wildlife Service with the responsibility to coordinate with other authorities on all issues affecting wildlife management. The Bill also provides for wetland protection.
Access to Information Act (2013)	The Act gives every citizen the right to access information held by public bodies in South Sudan. It promotes the maximum disclosure of information in the public interest and to establish effective mechanisms to secure that right.

In addition, South Sudan has ratified various treaties and conventions such as:

- the African Convention on the Conservation of Nature and Natural Resources
- the Convention on Biological Diversity (CBD) of 1992
- the United Nations Convention to Combat Desertification (UNCCD)
- the United Nations Framework Convention on Climate Change (UNFCCC) of 1992
- the Ramsar Convention on Wetlands, 1971
- Important Bird Area
- the Nile Treaties



# Annex 5: The NCEAs advice on the Draft Environmental Bill 2023

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# 1.Introduction

To support the Government of South Sudan in integrating environmental and social considerations into developmental plans, the Netherlands Commission for Environmental Assessment (NCEA) signed a Memorandum of Understanding (MoU) with the Ministry of Environment and Forestry (MoEF) of the Republic of South Sudan. Under this MoU, the NCEA explores areas to strengthen Environmental and Social Impact Assessment (ESIA) and Strategic Environmental Assessment (SEA) systems in South Sudan.

In the framework of this MoU, one area where the NCEA can support the MoEF is improving its regulatory framework for SEA/ESIA. As such, MoEF requested the NCEA to review and advise on the current draft 2023 Environment Management Bill (hereafter 'the Bill') before its submission to Parliament scheduled for mid-2023.

## 2.Approach

This review and advice has been prepared by the NCEA secretariat with inputs from technical secretaries from its international department and from two legal experts from the Dutch department. Apart from content, also legislative aspects have been reviewed, all to improve the overall framework of the draft Bill without being too restrictive. The South Sudan 2015 National Environmental Bill was used as background document for information and mainly kept as a reference.

Operating from within its mandate, the NCEA focused on aspects of effective environmental assessment and reviewed specifically whether the draft Bill:

- a) establishes a solid mandate with clear roles and responsibilities for the Environmental Management Authority to regulate and guide both ESIA and SEA;
- b) establishes a clear framework of principles, definitions, purpose and obligations for ESIA and SEA;
- c) creates the conditions for effective and meaningful application of ESIA/SEA (especially for public participation).

Review, findings and recommendations only refer to the current draft Bill, which are condensed in the underlying advice.

## 3.Key Findings

### 3.1 Mandates and roles on ESIA/SEA

The MoEF needs a clear framework to act on SEA/ESIA, i.e. regarding regulating and providing guidelines, review and follow-up. In Article 7, the powers and functions of the Authority are elaborately described. Sub (c) provides that the Agency can set national standards for environmental impact assessment and ensure these are adhered to.

The NCEA observes that:

- The draft Bill does not outline in detail what the role and mandates of the Authority shall be in relation to ESIA/SEA, leaving a gap in terms of acting upon this role and creating the tools required to successfully ensure sustainable environmental management. For instance:
  - Article 7 defines setting rules and regulations only for national environmental standards, but it is unclear to what extent these relate to actual environmental and social impact assessments and what falls within the mandate of the Authority;
  - the Bill lacks a clear statement of independent and unbiased quality control by the Authority;
- Article 7 only refers to environmental impact assessment (EIA) and not SEA, whereas SEA is required for several sectors (ref. Articles 29 and 30);
- No clear structure is provided on what is regulated at the national level, and what is regulated at the sub-national level.

#### **Recommendations on mandate**

- 1) Explicitly state (in Article 7) that the Authority has the mandate and role to:
  - a) review and approve of ESIA and SEA reports and issue related environmental permits, licences and compliance certificates;
  - b) elaborate dedicated regulations and guidelines which will outline the procedure and the process and content requirements for both SEA and ESIA;
- 2) Clarify in the Bill what the mandate, role and relations will be between the Authority and structures at the sub-national level.

### **3.2 Definitions, purpose and requirements for ESIA/SEA**

For this legal document to be effective in providing guidance and follow up, it is paramount that definitions, details and contents, purpose and requirements for ESIA/SEA are spelled out in a clear and consistent manner.

The NCEA notes that in the draft Bill some information is missing or is erroneously mentioned.

1. E(S)IA and SEA are defined broadly in Article 5 and later Articles (27, 28, 29, 30) refer to their obligation. The NCEA observes the following:
  - The Bill does not provide details on the purpose, the principles and the basic requirements to guide the conduct of SEA and ESIA. For instance:
    - no content requirements are mentioned for ESIA or SEA, except for incidental reference to regional and international standards;
    - no process requirements are outlined, such as for public participation;
    - whereas the 2015 National Environmental Bill comprehensively refers to climate change and biodiversity as important aspects in environmental

assessments (ESIA/SEA)<sup>17</sup>, no to scant such reference is made to such cross-cutting issues in this new draft Bill, including gender, public health and so on (predominantly in the glossary).

- The use of environmental impact assessment (Article 28) and environmental and social assessment (Articles 29, and further) are inconsistently used throughout the document.
  - Public participation is a significant aspect in any SEA and ESIA process. In this regard, the NCEA observes the following:
    - Public participation is only prescribed for E(S)IA, not for SEA (Article 46).
    - Article 46 puts full responsibility for effective public participation in the ESIA process under the Environmental Authority, whilst this should be the responsibility of the proponent (see also the above comment on process requirements for ESIA). However, the Authority could play a role in public engagement, for example by organising public hearings and consult with relevant authorities as part of the review process.
2. The Bill does not indicate that environmental impact assessments (ESIA/SEA) should result in the adoption of measures to avoid and mitigate impacts and the development of an Environmental and Social Management Plan (ESMP).

#### **Recommendations on definitions, purpose and requirements**

- 1) Include in the Bill (quite at the beginning, for example after article 7) a provision outlining the goals, principles, process and content requirements for ESIA and SEA. For this, international references can be used such as the United Nations Environmental Commission for Europe (UNECE) – [The Guidance | UNECE/ Guidance on SEA legal drafting | UNECE](#); or the Organisation for Economic Co-operation and Development (OECD) – [Applying Strategic Environmental Assessment: Good Practice Guidance for Development Co-operation \(2006\) – OECD](#). The NCEA recommends paying specific attention to elaborating:
- a) the purpose of SEA and ESIA. As an example, see Article 7 sub 2b of the earlier 2015 Bill for reference: ‘integrate environmental considerations into the development of policies, plans, programmes and projects’;
  - b) the link that exists between SEA/ESIA and the achievement of other national goals on cross-cutting issues such as (impacts of) climate change, (loss of) biodiversity, gender, public health, human rights, etc. These relationships can be comprehensively described here or a reference can be made to the 2015 National Environmental Bill;

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<sup>17</sup> The 2015 Environmental Bill in a separate chapter describes overall guiding principles, goals and objectives of environmental protection and management, preparing the basis for ESIA and SEA. Referring to global issues such as climate change and biodiversity, the 2015 Bill has a separate chapter on Climate Change (Chapter 5, with particular reference to formulating a climate change policy and the development of a national strategy to address vulnerability and resilience to climate change) while biodiversity is referred to throughout the Bill (Articles 11, 12, 27, 28 and 81).

- c) what ESIA and SEA studies and reports should contain, (e.g. consideration and assessment of alternatives, outlining measures to avoid, mitigate and offset adverse impacts, including an Environmental and Social Management Plan (ESMP);
- d) how the proponent should ensure meaningful stakeholder engagement and public consultation, and how to provide the legal opportunity for the Authority to organize public hearings and consultations with relevant authorities as part of the SEA/ESIA review process.

### 3.3 Conditions for effective application and influence of SEA/ESIA

SEA and ESIA are tools essentially to support government decision making. For these tools to be effective and influential, both in the implementation and the follow-up phase, the legal framework for SEA/ESIA should be clear about which policies, plans, programmes and project are subject to these studies, and to what decisions and rules for enforcement SEA/ESIA are linked.

The NCEA found the following inconsistencies and shortcomings in the draft Bill:

- The draft Bill references to which sectors and for what activities ESIA and/or SEA is required<sup>18</sup> (Chapter VI–Management of Natural Resources). The NCEA notes that these sectors and activities are not comprehensive. This is a risk because it rules out that the Authority can demand for SEA/ESIA for other sectors or interventions with significant environmental and social impacts. Possibly this is arranged for at a lower legislation, however it is more logical to have this detailed to a large extent in this Bill.
- The draft Bill does not create a link between ESIA/SEA studies and decision making. Such direct link is necessary to effectuate implementation and to allow legal appeal during or after implementation. Establishing such link will avoid questions such as: ‘will ESIA for instance be linked to environmental clearance or be a condition for getting a licence or permit for a project?’; and ‘will the approval of an SEA be necessary to start with a plan or programme?’. Even if many SEAs/ESIAs are done, without clarifying their link to decision making, there is a risk that SEA/ESIA studies will have no meaningful impact.
- A third observation is that the draft Bill does not define any provision on monitoring and the follow-up phase of the ESIA. It remains for example unclear whether and how the Environmental Inspectors will use the ESIA results.
- The Bill does not differentiate between the type and scale (large or small) and state (initial or modification) of ESIA or SEA for proposed activities, each of which require separate procedures, time and funds, and therefore impose research burdens to the Authority. Differentiation of the type of SEA/ESIA will allow better planning and management of SEA/ESIA within the Authority.

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<sup>18</sup> For example the obligation for ESIA for activities in relation to wetlands and rivers (Article 27), exploitation of mineral resources (Article 28) and for public works (Article 30) and obligation for SEA for agricultural schemes (Article 29) and public works (Article 30).

- Finally, the Bill refers to a penalty of imprisonment for a maximum of 24 months, a fine, or both, for failing to submit an environmental and social impact assessment and an audit report (Article 62). Less severe and equally effective measures could be found in delaying or cancelling a proposed project or program.

#### **Recommendations for effective implementation**

- 1) Take up a more generic provision in the Bill (e.g. as part of the mandate) stating that the Authority may demand an SEA or ESIA from any intervention that may have significant environmental and social impact(s). In the same provision reference can be made to the responsibility of the Authority to elaborate in specific regulations the screening criteria and procedure to determine on a case-by-case basis the obligation for SEA and/or ESIA, and to differentiate between type, scale, and state of SEA/ESIA for proposed activities to optimize capacity within the Authority. The provision can (refer to a) list (of) examples of sectors and activities for which SEA/ESIA is required and what criteria are used determine significance of impacts;
- 2) Clarify in the draft Bill to what decisions (such as which licenses or what permits) ESIA and/or SEAs are linked. This can be added to the new provision on SEA/ESIA (see recommendation, above);
- 3) Include and specify in the draft Bill (for example Article 24 on inspections) how follow-up by the Authority is organized, i.e. how ESIA is linked to environmental permits, what the role is of environmental inspectors in monitoring the ESIA/SEA, and how enforcement is organised;
- 4) Include differentiated options for penalizing failure to follow ESIA/SEA regulations (e.g. offences relating to inspection or failing to submit ESIA and Audit reports). For example, alternatively to setting fixed jail sentences for not complying to do an ESIA (currently set to 24 months; Article 62), the Bill could consider postponement or termination of the proposed initiative.

## **4. Detailed Findings**

The NCEA observes the following inconsistencies in the draft Environment Management Bill 2023:

- Inconsistent in the terminology of environmental (impact) assessment and monitoring:
  - The wording used sometimes implicates a limited mandate of the Authority. For example, Article 7 refers to environmental impact assessments (without capitals, while Article 5 'Interpretation' does use capitals). Using capitals refers to the legal instrument and avoids arbitrary use and loose commitment. Additionally, not using capitals automatically but unintentionally restricts the mandate to impact assessments at a project level (ESIA) and excludes strategic impact assessments (SEA);
  - Article 5 refers to 'Environmental Monitoring', but is not further mentioned as such in the Bill. Possibly "Environmental Audit" is used as synonymous, however, adds to overall inconsistency. Considering that monitoring is a vital part of ESIA implementation, this needs to be robustly mentioned in the Bill;

### **Recommendations for effective implementation**

- 1) Use official terminology of ESIA and SEA, and use both consistently throughout the document;
- 2) Overall, the Bill should be emphasising monitoring as an important ingredient of efficient implementation and pertinent to enforcement of ESIA. Although mentioned in Article 7, the actual linkage between ESIA, monitoring and enforcement needs to be more vigorously stated. E.g. this can be part of the generic provision in the Bill (as suggested under 3.2., recommendation 2c, above);

# Annex 6: Full report of the ESIA reviews

Quality review of South Sudanese ESIA reports

By Thomas B Fischer\*

Prepared for the Netherlands Commission on Environmental Assessment

01/08/2023



\* Professor and Director of the Environmental Assessment and Management Research Centre (EAMRC), University of Liverpool, UK

## CONTENTS:

### 1. Summary

This report reflects on the quality of nine Environmental and Social Impact Assessment (ESIA) Reports prepared for developments in South Sudan. Four of those ESIA reports were supported by international development banks and five were prepared domestically without any external support between 2006 and 2023. Seven of the report fall into the period 2010 to 2016. Quality was determined by using an ESIA quality review package which was adapted for use in South Sudan, considering comments and recommendations from South Sudanese ESIA experts.

The review finds that whilst overall some elements of ESIA tend to be done well, others require some close attention with regards to how they may be improved. The former includes an overall good description of the purpose and aims of development, ownership of development, the guidelines used, the reporting of existing environmental and social standards, the description of the type of development as well as the overall layout and presentation of the reports which tends to be accessible to non-experts. The latter includes issues of context (i.e. being quiet on what other projects and plans are connected with the



development and what issues would be more appropriately addressed elsewhere) and how the environment would develop in the absence of the project. Furthermore, risks of accidents and landscape impacts tend to be poorly addressed. Importantly, impact significance is mostly poorly explained, as are the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of impacts. Only a minority of reports provides sufficient relevant information besides a written text (in particular e.g. maps, photographs and figures) which means that it can be difficult to comprehend the exact location and scale of development. Importantly, none of the ESIA reports included any impact maps. There also appeared to be an issue with ESIA reports being prepared late, possibly after construction had already started, even if this remained unclear. Alternatives were particularly poorly addressed. Consultation processes are frequently only briefly described with important information on e.g. timing, length and who was consulted not being fully provided. Mitigation measures tend to be generic rather than specific to the particular situation of application. Finally, it is mostly unclear whether information is provided to local (and potentially affected) people in any languages other than English.

There are some indications (based on the limited number of ESIA reports seen) that there is a need for effective screening for whether ESIA is required or something else. Some very small projects were included which in many ESIA systems globally would only require an environmental permit, rather than a full ESIA. Furthermore, some very large-scale developments were covered by ESIA for which more strategic assessments might have been more appropriate. Furthermore, it is somewhat surprising that ESIA reports at times recommend that permission for a particular development be granted, purely on the basis of economic considerations in the presence of predicted (and apparently considerable) negative impacts for literally all considered environmental aspects. In this context, requirements for mitigation and monitoring should be clearer with regards to the who, what and how. The same also applies to predictions, where it is frequently unclear how much vegetation / animals and people are likely to be affected and how impacts may either be mitigated or compensated.

Based on the results of the review, there appears to be a need for national capacity building in ESIA. This appears to be urgent, also because most reports were produced by non-South Sudanese consultancies / experts.

## 2. Quality Review table and reviewed ESIA's

To enable an evaluation of the quality of ESIA's, a review table was designed. The starting point of this was existing review tables (see [Annex 1](#), which also lists original sources). The final design of the review table was influenced by comments of South Sudanese ESIA experts. The ESIA's were provided by the South Sudanese Ministry of the Environment.

Nine ESIA's were reviewed. Review was done with regards to six main categories:

1. A baseline description.
2. Identification and evaluation of key issues and options.
3. Determination of potential significance.
4. Consultation processes.
5. Alternatives, mitigation, recommendations on preferred options, and monitoring.
6. Presentation of information and results.

These categories were represented by a total of 47 questions. Each question was scored as follows:

- A – the work has generally been well performed,
- B – the work was performed satisfactorily, however with omissions or inadequacies,
- C – the work was performed unsatisfactory because of omissions or inadequacies,
- D – task not attempted,

The following ESIA's were reviewed (the overall score obtained is also indicated):

A. SIA supported by international organizations:

- **Bor County Dyke Rehabilitation integrated EIA report, prepared in July 2006 for the Government of South Sudan, supported by USAID, GTZ, and the WFP (NB: The EIA is standalone, i.e. it represents the project plan); overall score: A–B.**
- Nadapal–Juba Road ESIA; prepared in 2010 for the Ministry for Transport of South Sudan, supported by the World Bank; overall score: B–C.
- Nile River Bridge EIA prepared in October 2011 for the Ministry of Roads and Bridges, supported by JICA; overall score: B
- ESIA for Construction of Bridges on Torit Kapoeta Road, prepared in 2016 for the Ministry for Transport of South Sudan, supported by the World Bank and African Development Bank; overall score: C

B. Domestic ESIA's not supported by international organizations:

- **Water products processing plant ESIA in Gumbo, prepared in 2012; overall score: C**
- Water and water products processing plant ESIA Gumbo, prepared in 2013; overall score: C–D
- **Proposed Mountain View Golf Estate Development Project ESIA, prepared in 2016; overall score: C–D**
- Multi–storey office premises Juba, prepared in 2013; overall score: C
- Construction activities at Juba University, prepared in 2023; overall score: C

### 3. General observations

Subsequently, some general observations are provided on the ESIA's reviewed. For the purpose of brevity and readability, this is done in bullet point style:

- Two ESIA's obtained scores that put them in the category of acceptable quality; in this context, the Bor County Dyke Rehabilitation integrated EIA report (2006) and the Nile River Bridge EIA report (2011) are to be commended. Whilst the former is of a good standard throughout with a particularly excellent section on mitigation, the latter excels in particular with regards to providing a very good summary of the consultations conducted (in an annex) and with regards to a good environmental management plan (EMP).
- A wide range of guidelines were used in the preparation of the ESIA reports. These include World Bank guidelines (from 1991) as well as guidelines from JICA, South Africa (Guidelines for integrated environmental management–IEM; 1992), the African

Development Bank and USAID. Furthermore, the South Sudanese National Environmental and Social Screening and Assessment Framework (NESSAF) as well as the 2012 South Sudanese draft environmental regulations are mentioned.

- Figures, photographs and maps help in understanding the type and scale of impacts; unfortunately, they were only included and used in a meaningful way in a minority of ESIA reports; developing an understanding of the impact is enhanced when 'photomontages', maps and figures are used. An example for this is the '**Proposed Mountain View Golf Estate Development Project** ESIA' which is of a considerable size (1.5 x 2 km). No location maps were included and it is not clear where exactly the site was.
- Whilst alternatives are mentioned in most ESIA's, information on impacts was only provided for the preferred alternatives; In this context, reasons and recommendations for preferred options are not always provided.
- It is mostly not clear how local expertise found its way into the ESIA and consultants appear to be predominantly from outside of South Sudan.
- Consultation is usually poorly explained with regards to time frames, individuals or groups being consulted and how consultation results influenced the ESIA and the project; meetings of the proponents, the responsible authority and the ESIA consultant do not count as external consultation (as suggested in the 'multi-storey office premises Juba ESIA, 2013).
- Whilst most ESIA's mentioned surveys that were conducted (e.g. on local flora and fauna), it is frequently not fully explained who did the survey, when, over what period and with what results. Also, many of the ESIA's say that published and unpublished reports were used for establishing physical data, without referencing them properly.
- Frequently, only some generic/general recommendations are provided; e.g. it is suggested that people do not move into an area 100 on both sides of a new road (Nadapal-Juba Road ESIA); however, it is unclear how many are already living in areas that will be affected, how people are likely to be affected and how impacts on them can and will be mitigated.
- Overall, locations of what and /or who is affected are not clearly indicated.
- Frequently, even when considerable impacts appear to be likely (based on e.g. 'rare bird species being found' (as in the case of the 'water products processing plant ESIA in Gumbo, 2012), in the conclusions it is stated that significant negative impacts are unlikely, without providing any further explanation or targeted mitigation measures; in the Gumbo water products processing plant' case, the second ESIA case produced just a year after the first, did not mention rare bird species anymore.
- Frequently, statements such as 'adequate compensation' are used, but it's not specified what this means.
- Very different types of projects are subject to ESIA, from very small scale (i.e. one building) to very large (i.e. a road of over 300 kms in length). This is an indication that screening criteria are probably undefined. For very small projects, a simple environmental permit may be sufficient, whilst for very big projects it might be better to include a strategic environmental assessment (SEA).
- There are challenges for ESIA posed by the wider policy context, which can make assessment tricky; for example, there does not appear to be information available concerning the conservation status of plant species in South Sudan; in this context, it

is somewhat unclear what statements such as ‘there will be no major ecological impact’ are based on.

- Overall, little explanation is provided in the majority of ESIA reports on how projects connected with other projects / other plans; whilst it may well be that there are no other plans, this should be clearly stated; also, on the rare occasions when a plan is mentioned (e.g. the Juba Road Network Development Plan), it is unclear whether e.g. an SEA was conducted for that plan
- ESIA reports can appear somewhat biased when reading statements like ‘the net socioeconomic benefits of constructing Bridges on Torit Kapoeta Road far outweigh the limited and site specific social and environmental costs.’ This statement is justified based on three economic factors that are judged as positive. However, 12 environmental and social / health factors are also said to score negatively. Generally speaking, an environmental assessment team should not recommend approval based on economic reasons alone; an outcome of an EIA should rather be the recommendation of a preferred option with adequate mitigation and if necessary compensation measures. Another example was already mentioned above and includes the spotting of rare bird species on a development site, which however does not result in any associated mitigation (**Water products processing plant ESIA in Gumbo, 2012**). Also, here it is stated that ‘the proposed project is a forest with thick vegetation and thinly spread out large trees. – It has three seasonal streams’. This implies a potentially very considerable environmental impact, which is, however, not evident from the documentation provided. Furthermore, in the same case it is later stated that ‘no rare plant species are on the site’, without explaining either what this means, nor where that information was coming from.
- Finally, and as a general observation, there is evidence that some of the phrasing in the reviewed ESIA reports repeat themselves; this is an indication of some ‘cut and paste’ practices which should be monitored closely.

## 4. Analysis of results

Figure 1 shows average scores for the quality of the nine ESIA reports, distinguishing between those that were supported by international organizations (four in total, supported by USAid/GTZ and WFP, JICA, the World Bank and the World Bank / African Development Bank) and those that didn’t receive any such support (five in total). The red line in the middle of the figure marks a dividing line – broadly speaking – between meeting acceptable standards (i.e. on average scoring either an A or a B towards the right of the line) and not meeting acceptable standards (i.e. on average scoring a C or a D towards the left of the line).

In terms of the six sections, those ESIA reports with external support managed to be of average acceptable standard for five of the six sections with only section 3 (i.e. ‘determination of potential significance’) falling below the acceptable standard level. Those without external support on average did not manage to meet acceptable standards for any of the six categories.

For seven questions acceptable standards were on average reached by both, externally supported and not supported ESIA reports, including:

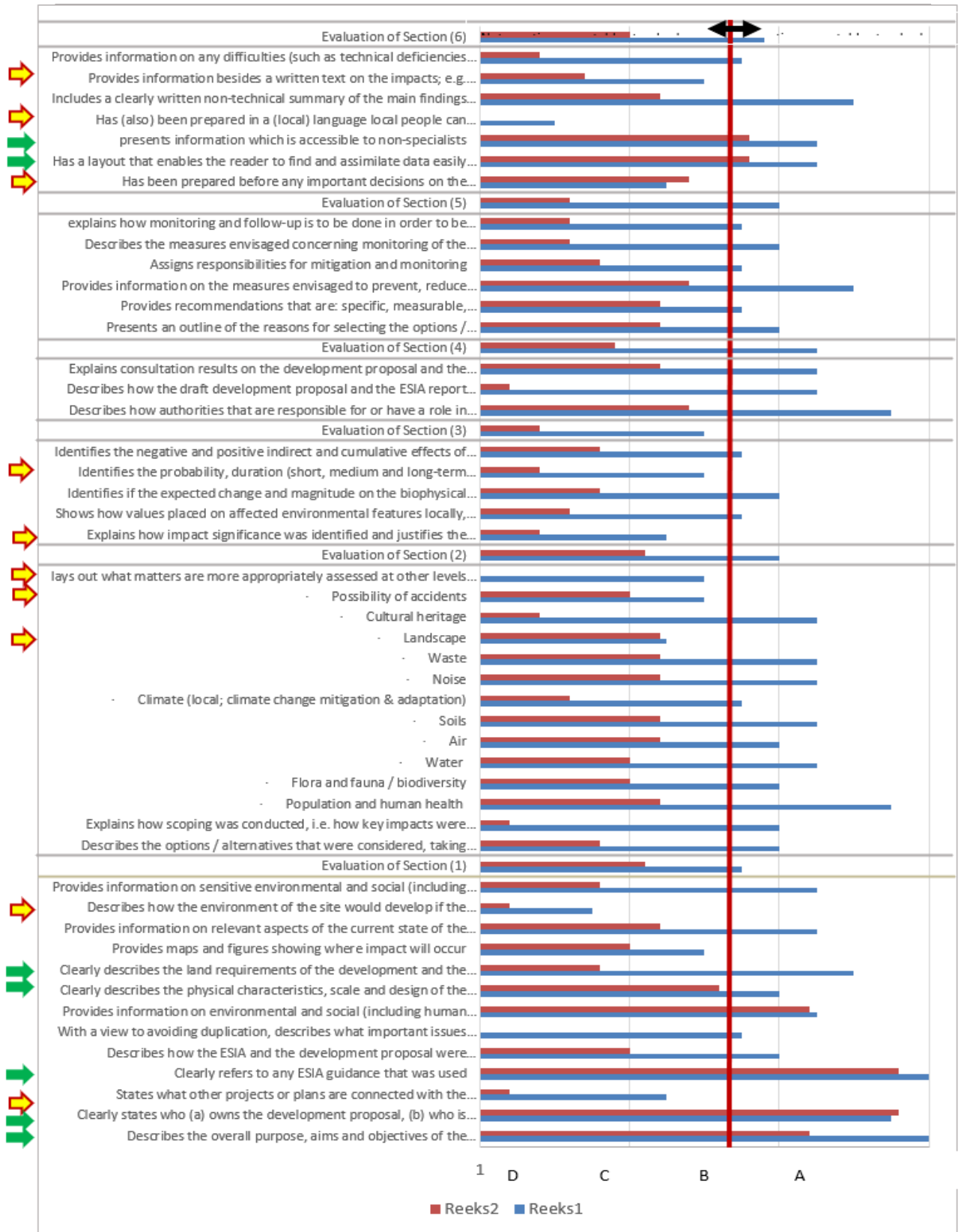
- Describes the overall purpose, aims and objectives of the development proposal
- Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report
- Clearly refers to any ESIA guidance that was used
- Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account
- Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases
- Has a layout that enables the reader to find and assimilate data easily and quickly
- presents information which is accessible to non-specialists

**For 10 questions, on the other hand** acceptable standards were on average not reached by either, externally supported and not supported ESIA reports, including:

- States what other projects or plans are connected with the development proposal and explains the relationships
- Describes how the environment of the site would develop if the development was not to proceed
- Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on:
  - Landscape
  - Possibility of accidents
- lays out what matters are more appropriately assessed at other levels / layers of decision making
- Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance
- Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives
- Has been prepared before any important decisions on the development proposal or local plan are made
- Has (also) been prepared in a (local) language local people can understand
- Provides information besides a written text on the impacts; e.g. pictures and figures

**With some of the criteria above, it is not clear whether they were indeed not met in practice or whether it was simply not mentioned in the ESIA report that there was any associated action. An example is the use of local languages apart from English. None of the ESIA report stated that anything was published in other languages or whether e.g. meetings were held in other languages.**

**Figure 1: Average scores for ESIA report qualities; (series 1) supported by international organizations (in blue) and (series 2) domestic (in red)**



Both series of ESIA reports on average are meeting acceptable quality standards

Both series of ESIA reports on average stay below acceptable quality standards

## 5. Conclusions

The quality of nine South Sudanese ESIA reports from 2006, 2020, 2011, 2012, 2013 (two), 2016 (two) and 2023 was reviewed with regards to 47 questions, falling into 6 review categories. Whilst some aspects tended to be addressed well in the ESIA, there were also a number of omissions and ambiguities. At a basic level, any ESIA should be clear about where exactly a development is located, its scale and scope. However, this was not always the case. Also, whilst there should be clear criteria for determining the likely significance of the environmental and social impacts in ESIA, this was not found to be attempted, most likely due to the absence of clearly defined conservation statuses of plant and animal species in South Sudan. Whilst there is some consensus internationally that it is not always necessary or possible to assess different alternatives, it is important to be clear about whether alternatives were available and considered. In South Sudanese ESIA, whilst alternatives are routinely mentioned, they are discarded at the same moment without providing for an explanation and justifications, which is problematic. Whilst ESIA should always include some consultation of affected and interested parties outside the developer, the responsible authority and the consultant, this was not found to be always the case. Also, information provided in ESIA needs to be comprehensible by those potentially affected, which is likely to mean languages other than English should also be used. Furthermore, mitigation in ESIA should be case specific, rather than generic and vague.

The following areas of action are formulated based on the findings of the ESIA quality review exercise:

- ESIA guidance is needed, in particular for specifying screening and scoping and on how to prepare and present information, as well as for providing explanations on how to deal with impact significance, consultations, alternatives, and mitigation.
- Capacity building should be encouraged; on the one hand, with regards to technical issues (e.g. how to produce impact maps) and on the other hand with general capacity for ESIA (in particular in the light of many authors of the ESIA appearing to be from outside of South Sudan).
- Strategic level assessment (i.e. strategic environmental assessment – SEA) is needed next to project level ESIA; in the absence of any strategic plans and programmes, SEA can fill the ‘strategic gap’ which can lead to a reduction of uncertainties.
- Efforts should be encouraged to develop environmental policy in South Sudan which provides for some clear environmental objectives and targets that can be used as the basis for establishing the significance of environmental impacts.

Quality review table for ESIA reports in South Sudan

Project:

Time of Preparation:

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal		
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report		
States what other projects or plans are connected with the development proposal and explains the relationships		
Clearly refers to any ESIA guidance that was used		
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)		
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere		
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account		
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases		
Clearly describes the land requirements of the development and the duration of potential land use		
Provides maps and figures showing where impact will occur		
Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns		
Describes how the environment of the site would develop if the development was not to proceed		
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal		
Evaluation of Section (1)		



(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account		
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties		
Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on: <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> <li>• Cultural heritage</li> <li>• Possibility of accidents</li> </ul>		
lays out what matters are more appropriately assessed at other levels / layers of decision making		
Evaluation of Section (2)		
(3) Determination of potential impact significance		
The ESIA report:	Grade	Comments
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance		
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.		
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards		
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives		
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives		
Evaluation of Section (3)		

(4) Consultation process		
The ESIA report:	Grade	Comments
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified		
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame		
Explains consultation results on the development proposal and the ESIA were considered in decision-making		
Evaluation of Section (4)		
(5) Alternatives, mitigation, recommendations, monitoring		
The ESIA report:	Grade	Comments
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken		
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>		
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes		
Assigns responsibilities for mitigation and monitoring		
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects		
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified		
Evaluation of Section (5)		

(6) Presentation of information and results		
The ESIA report	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made		
Has a layout that enables the reader to find and assimilate data easily and quickly		
Presents information which is accessible to non-specialists		
Has (also) been prepared in a (local) language local people can understand		
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs		
Provides information besides a written text on the impacts; e.g. pictures and figures		
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information		
<b>Evaluation of section (6)</b>		

Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013; Fischer and Muthoora (2021)

#### Scoring system

Grade A - The work has generally been well performed

Grade B - Is performed satisfactorily, however with omissions/inadequacies

Grade C - Is unsatisfactory because of omissions or inadequacies

Grade D - Task not attempted at all

n/a - not applicable

? - unclear

OVERALL GRADE FOR SA REPORT = -----

Additional note

## Annex 2:

### Completed quality review table for 9 ESIA reports in South Sudan

#### Project 1: Bor County Dyke Rehabilitation (USAid) integrated EIA report; July 2006

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	A	
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	A	Government of South Sudan (+GTZ, WFP, USAID)
States what other projects or plans are connected with the development proposal and explains the relationships	B	Mentions additional activities
Clearly refers to any ESIA guidance that was used	A	EIA guidelines of the Republic of South Africa (Guidelines for integrated environmental management- IEM; DEA, 1992) and USAID requirements
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	A	The EIA is quasi the project plan, but only after construction already started
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	B	Unclear; should have clearly stated that there aren't other plans (if that's the case); recommends 'a strategic

		<i>environmental assessment &amp; managem't plan for the Sudd region'</i>
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account	B	Game reserves and national parks are mentioned
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	A	It clearly states that there is limited knowledge
Clearly describes the land requirements of the development and the duration of potential land use	A	Not in accumulation, but how the dyke will be constructed is clear
Provides maps and figures showing where impact will occur	A	
Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns	A	There are very little data, but the assumption is what is available was used
Describes how the environment of the site would develop if the development was not to proceed	B	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	A	
<b>Evaluation of Section (1)</b>	<b>A - B</b>	

(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	A	Different alignments of the dyke
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	A	Scoping was done in 2004 and this is clearly described

<p>Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on:</p> <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> <li>• Cultural heritage</li> <li>• Possibility of accidents</li> </ul>	<p>A A A B B A B A  B B D</p>	<p>Mentioned; but unclear</p> <p>Mentioned; but unclear In particular lifestock waste</p>
lays out what matters are more appropriately assessed at other levels / layers of decision making	B	
Evaluation of Section (2)	A – B	
(3) Determination of potential impact significance		
The ESIA report:	Grade	Comments
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	A	
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	B	
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards	A	
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	B	
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	A	Speculative, but done
Evaluation of Section (3)	A – B	

(4) Consultation process		
The ESIA report:	Grade	Comments
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	A	
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame	B	No time frames provided
Explains consultation results on the development proposal and the ESIA were considered in decision-making	A	
Evaluation of Section (4)	A – B	
(5) Alternatives, mitigation, recommendations, monitoring		
The ESIA report:	Grade	Comments
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	A	mainly two options; original plan and community proposed plan
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>	B	It's unclear what alignment option was actually chosen at the end
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	A	
Assigns responsibilities for mitigation and monitoring	C	unclear
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	B	General bullet point lists are provided
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	B	partially
Evaluation of Section (5)	A – B	

(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	B	Construction already started but study appear to influence further activities
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	A	
presents information which is accessible to non-specialists	A	
Has (also) been prepared in a (local) language local people can understand	D	
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	A	
Provides information besides a written text on the impacts; e.g. pictures and figures	A	
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	A	
<b>Evaluation of Section (6)</b>	<b>A – B</b>	

Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013); Fischer and Muthoora (2021)

Scoring system

**Grade A** – The work has generally been well performed

**Grade B** – Is performed satisfactorily, however with omissions/ inadequacies.

**Grade C** – Is unsatisfactory because of omissions or inadequacies.

**Grade D** – Task not attempted at all.

**n/a** – not applicable.

**?** – unclear

OVERALL GRADE FOR SA REPORT = ---**A – B** -----

Additional note

The EIA report was produced in South Africa by The Centre for Environmental Economics and Policy in Africa (CEEPA), Faculty of Natural and Agricultural Sciences, University of Pretoria

Unclear which option (of two) is actually recommended



**Project 2: Nadapal–Juba Road ESIA**

**Year of ESIA: possibly 2010**

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	A	
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	B	(a) MTRB (b) Ibid (+WB) (c) Australian SMEC and 'revised by: ING. MRS. RITA OHENE SARFOH [? Ghana Highway Authority?]'
States what other projects or plans are connected with the development proposal and explains the relationships	C	Only states that development will happen
Clearly refers to any ESIA guidance that was used	A	WB guidelines
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	B	Seems to have happened after planning
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	B	Assumption is that there isn't anything to be addressed elsewhere
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account	A	A number of WB operational policies are listed and various national policies, amongst which <u>National Environmental and Social Screening and Assessment Framework</u>
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	C	In general terms, but no e.g. figures, photomontages etc.
Clearly describes the land requirements of the development and the duration of potential land use	A	
Provides maps and figures showing where impact will occur	D	

Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns	A	
Describes how the environment of the site would develop if the development was not to proceed	C	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	B	Information in provided, but various things are unclear (e.g. no maps < no clear quantification of ecological impacts; but clear quantification of economic impacts)
<b>Evaluation of Section (1)</b>	B-C	

<b>(2) Identification &amp; evaluation of key issues and options / alternatives</b>		
<b>The ESIA report:</b>	<b>Grade</b>	<b>Comments</b>
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	B	A new road is mentioned and it is stated that this would cause greater environmental damage; however, no evidence is given
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	B	Scoping described, but rather generic
Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on: <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> </ul>	A B A B A C A B D	Population yes; health in particular with regards to HIV, but also general On general terms In more specific terms

<ul style="list-style-type: none"> <li>• Cultural heritage</li> <li>• Possibility of accidents</li> </ul>	A A	Erosion in particular Climate mentioned in general terms  Construction waste
lays out what matters are more appropriately assessed at other levels / layers of decision making	B	Reference is made to e.g. subsequent design planning
<b>Evaluation of Section (2)</b>	B	
<b>(3) Determination of potential impact significance</b>		
<b>The ESIA report:</b>	<b>Grade</b>	<b>Comments</b>
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	C	Significance is mentioned but does not feature in the determination of impacts
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	B	International conventions are mentioned and national regulations
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards	C	
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	C	Its is stated that there will be temporary effects on migrating wildlife
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	B	In parts this is happening
<b>Evaluation of Section (3)</b>	C	
<b>(4) Consultation process</b>		
<b>The ESIA report:</b>	<b>Grade</b>	<b>Comments</b>
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	A	An extensive description of public participation is

		provided; a list of consulted authorities is also provided.
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame	B	Public consultation is described, even though timeframes are not clear
Explains consultation results on the development proposal and the ESIA were considered in decision-making	B	
<b>Evaluation of Section (4)</b>	B	
<b>(5) Alternatives, mitigation, recommendations, monitoring</b>		
<b>The ESIA report:</b>	<b>Grade</b>	<b>Comments</b>
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	B	Reference is made to 'fewer impacts' of the proposal than alternative proposals
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>	B	Numerous mitigation measures are mentioned and reference is made to responsibilities. However, some of what is suggested is not very concrete (space and time wise)
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	B	
Assigns responsibilities for mitigation and monitoring	B	
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	B	
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	B	

Evaluation of Section (5)	B	All aspects are described, but the details will need to be established later
(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	C	
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	B	
presents information which is accessible to non-specialists	B	e.g. no impact maps
Has (also) been prepared in a (local) language local people can understand	C	The English report appears to be the only version. There is talk of a possible 'info shop' (according to WB requirements) on the project in local languages
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	B	
Provides information besides a written text on the impacts; e.g. pictures and figures	C	Some photos of local vegetation, of the current road and of consultation events
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	B	
Evaluation of Section (6)	B-C	

Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013); Fischer and Muthoora (2021)

#### Scoring system

**Grade A** – The work has generally been well performed

**Grade B** – Is performed satisfactorily, however with omissions/ inadequacies.

**Grade C** – Is unsatisfactory because of omissions or inadequacies.

**Grade D** – Task not attempted at all.

**n/a** – not applicable.

**?** – unclear

OVERALL GRADE FOR SA REPORT = **B/C**

Additional note

It is unclear how local expertise found its way into the ESIA; The consultants appear to be all from out of the country. Also, there are no maps and figures; it's unclear if local people will understand the impact if e.g. no 'photomontages', figures and similar non-textual information is used

People are supposed to not move into an area 100 on both sides of the road. However, it is unclear how many are already living in that stretch and how they would be affected.

The locations of those affected are not clearly indicated. Whilst a number is provided (110), it is unclear where exactly they live and what 'adequate compensation may mean

Considering the scale of the project (over 300 kms), it would have been better to initially run an SEA, as most of what is presented is vague with regards to concrete locations.

It is somewhat concerning to state that 'There was no available information concerning the conservation status of plant species in South Sudan' but also that 'there will be no major ecological impact'

**Project 3: Nile River Bridge EIA**

**Year of ESIA: October 2011**

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	A	
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	A	All done by Ministry of roads and bridges (supported by JICA)
States what other projects or plans are connected with the development proposal and explains the relationships	C	Other road projects, but no mentioning of other development
Clearly refers to any ESIA guidance that was used	A	
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	B	Seems to have been prepared after the planning
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	B	Other prior planning tiers are mentioned. However, these do not appear to have come with an IA
Provides information on environmental and social (including human health) standards, established at international,	B	Mainly world bank safeguards and JICA guidelines are used

national and regional/local levels, and shows how these were taken into account		
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	A	
Clearly describes the land requirements of the development and the duration of potential land use	A	
Provides maps and figures showing where impact will occur	A	
Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns	B	Table 5-1 shows a negative impact on flora and fauna. However, no valuable flora and fauna is said to be present at the site. So there is a bit of a contradiction here
Describes how the environment of the site would develop if the development was not to proceed	D	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	B	
Evaluation of Section (1)	B	

(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	B	Various options and alternatives are shown. However, these are not assessed and it is only the preferred option which is assessed
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	B	Scoping was conducted, but it is not clear who was involved
Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on: <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> </ul>	A B B A A B	It is stated that climate is not affected by the project

<ul style="list-style-type: none"> <li>Noise</li> <li>Waste</li> <li>Landscape</li> <li>Cultural heritage</li> <li>Possibility of accidents</li> </ul>	A A B A B	
lays out what matters are more appropriately assessed at other levels / layers of decision making	B	Other tiers are referred to
<b>Evaluation of Section (2)</b>	A-B	
<b>(3) Determination of potential impact significance</b>		
<b>The ESIA report:</b>	<b>Grade</b>	<b>Comments</b>
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	D	No EIA methodology is explained and the document is quiet on how significance was identified
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	B	
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards	B	
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	B	
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	C	'Indirectly affected' people are mentioned
<b>Evaluation of Section (3)</b>	B-C	

<b>(4) Consultation process</b>		
<b>The ESIA report:</b>	<b>Grade</b>	<b>Comments</b>
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	A	
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how	A	



they were allowed to express their opinions within an appropriate time frame		
Explains consultation results on the development proposal and the ESIA were considered in decision-making	A	
Evaluation of Section (4)	A	There is some extensive information provided on the consultation processes. Annexes include numerous protocols on stakeholder meetings
(5) Alternatives, mitigation, recommendations, monitoring		
The ESIA report:	Grade	Comments
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	C	The EIA does not seem to have influenced the choice of the preferred options. Various options that were considered are listed, though.
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>	B	Three relevant documents were prepared: (1) Resettlement Action Plan (RAP) in separate volume, (2) Environmental Management Plan (EMP) and (3) Health Management Plan (HMP); these are not included or summarised, though;
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	A	the EIA includes Table 8-1 Summary of environmental impacts, mitigation measures and monitoring plan
Assigns responsibilities for mitigation and monitoring	B	Table 8-1. Responsibilities not always clear, though
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	B	Measures on monitoring are described; nothing on unforeseen effects, though
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	B	Done, but not always entirely clear who

Evaluation of Section (5)	B	
(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	C	Important decisions were made prior to the EIA
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	A	
presents information which is accessible to non-specialists	B	Some drawings are very small
Has (also) been prepared in a (local) language local people can understand	C	In one of the meeting it is mentioned that language was changed to Arabic for better understanding. EIA seems only be available in English, though
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	A	Numbered summary with map is provided
Provides information besides a written text on the impacts; e.g. pictures and figures	B	Overall very good, but unclear were exactly affected people are located
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	C	This hasn't been covered, even though the text suggests there were no difficulties
Evaluation of Section (6)	B	

Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013); Fischer and Muthoora (2021)

#### Scoring system

**Grade A** – The work has generally been well performed

**Grade B** – Is performed satisfactorily, however with omissions/ inadequacies.

**Grade C** – Is unsatisfactory because of omissions or inadequacies.

**Grade D** – Task not attempted at all.

**n/a** – not applicable.

**?** – unclear

OVERALL GRADE FOR SA REPORT = --- **B**-----

#### Additional note

Table 5.1: results of scoping. There are almost entirely negative impacts reported with regards to social and natural environment and pollution overall. If overall this is entirely negative, why should

the project go ahead? Only during the operational stage do some social aspects score positively as well as air / noise pollution

The Juba Road Network Development Plan doesn't seem to have come with an SEA, so justification of the alternative from an environmental point of view is questionable

C3 B1 to B3 are the alternatives that should be assessed. Whilst it seems reasonable to assume that B1 is the least environmentally damaging, it is surprising that those three spatial alternatives were not assessed in the EIA. It is unclear where they were assessed.

Very good summary of consultations (in annex).

A 'local team appears to have been involved in drafting the EIA. However, this isn't clearly explained.

**Project 4: Environmental and Social Impact Report for Construction of Bridges on Torit Kapoeta Road; June 2016**

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	A	
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	A	Ministry of Roads and Bridges
States what other projects or plans are connected with the development proposal and explains the relationships	C	Unclear, but there may be no other existing plans
Clearly refers to any ESIA guidance that was used	A	World Bank National Environmental and Social Screening and Assessment Framework (ESSAF)
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	C	It appears that the ESIA was done after a decision was already taken
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	C	unclear
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account	B	Regulations and conventions are mentioned; however, unclear how these were taken into account.
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	C	Largely unclear, only very general

Clearly describes the land requirements of the development and the duration of potential land use	C	Some aspects are covered, but unclear
Provides maps and figures showing where impact will occur	D	
Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns	C	Only in very general terms
Describes how the environment of the site would develop if the development was not to proceed	D	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	B	Some efforts are made
Evaluation of Section (1)	C	

(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	C	Alternatives are mentioned, but not covered in the assessment
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	C	Scoping is mentioned, but not explained
Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on: <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li>   <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> <li>• Cultural heritage</li> <li>• Possibility of accidents</li> </ul>	B C C C C C  C C C C C	To say that no climate relevant emissions will be released is incorrect
lays out what matters are more appropriately assessed at other levels / layers of decision making	n/a	
Evaluation of Section (2)	C	

(3) Determination of potential impact significance		
The ESIA report:	Grade	Comments
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	C	A detailed general approach is introduced, but how this is actually used / implemented is unclear
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	C	
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards	B	
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	C	
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	C	
<b>Evaluation of Section (3)</b>	C	

(4) Consultation process		
The ESIA report:	Grade	Comments
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	B	
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame	B	
Explains consultation results on the development proposal and the ESIA were considered in decision-making	C	
<b>Evaluation of Section (4)</b>	B - C	

(5) Alternatives, mitigation, recommendations, monitoring		
The ESIA report:	Grade	Comments
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	B	

Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>	C	
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	B	
Assigns responsibilities for mitigation and monitoring	B	
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	B	
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	C	Very general
Evaluation of Section (5)	B - C	

(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	C	
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	C	
presents information which is accessible to non-specialists	B	
Has (also) been prepared in a (local) language local people can understand	Unclear	
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	B	
Provides information besides a written text on the impacts; e.g. pictures and figures	C	
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	C	
Evaluation of Section (6)	B - C	

Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013); Fischer and Muthoora (2021)

Scoring system

**Grade A** – The work has generally been well performed

**Grade B** – Is performed satisfactorily, however with omissions/ inadequacies.

**Grade C** – Is unsatisfactory because of omissions or inadequacies.

**Grade D** – Task not attempted at all.

n/a - not applicable.

? - unclear

OVERALL GRADE FOR SA REPORT = ---C-----

Additional note

In the conclusions it is stated: 'the net socioeconomic benefits of constructing nine new bridges between Torit and Kapoeta far outweigh the limited and site specific social and environmental costs.' However, this estimation should not be made by an ESIA, but is a judgement for decision makers. Overall, the way the conclusions are written is not entirely appropriate. It is also inappropriate as three economic factors are judged as positive, but 12 environmental and social / health factors as negative. This gives the impression that the ESIA is biased.

**Project 5: Water Products Processing Plant Gumbo**  
**Time of Preparation; 2012**

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	B	Some more detail, in particular with regards to overall context would have been good (i.e. development as part of a wider strategy?)
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	A	
States what other projects or plans are connected with the development proposal and explains the relationships	D	
Clearly refers to any ESIA guidance that was used	A	South Sudan Constitution, 2011; WB EIA Guidelines 1991; National Env. Policy 2012; Land Act 2009
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	C	Not entirely clear
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	D	
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account	A	e.g. water quality and others
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	B	Photographs are provided; a photo-montage would have been good. There is a site maps with trees (in the annex). Question is, is this a real representation of the vegetation? This isn't explained.
Clearly describes the land requirements of the development and the duration of potential land use	B	
Provides maps and figures showing where impact will occur	C	



Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns	B	
Describes how the environment of the site would develop if the development was not to proceed	D	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	D	
Evaluation of Section (1)	B-C	

(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	C	Mentioned alternatives are discarded the same moment
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	D	
<p>Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on:</p> <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> <li>• Cultural heritage</li> </ul>	<p>C</p> <p>C</p> <p>C</p> <p>C</p> <p>C</p> <p>C</p> <p>C</p> <p>C</p> <p>D</p>	<p>It's slightly worrying to here the most of the area has been converted to human settlements. What will happen with those living there now?</p> <p>Re bird survey: it really depends on when this is done, e.g. nesting season; a map of e.g. trees could have been included, showing which trees will be affected.</p> <p>Also, it is stated that the majority of species are quite rare (p19. – don't they then deserve special protection measures?</p>

• Possibility of accidents	D	
lays out what matters are more appropriately assessed at other levels / layers of decision making	D	
Evaluation of Section (2)	C	
(3) Determination of potential impact significance		
The ESIA report:	Grade	Comments
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	D	
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	B	Rare bird species are mentioned
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards	C	
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	D	
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	C	
Evaluation of Section (3)	C-D	
(4) Consultation process		
The ESIA report:	Grade	Comments
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	C	
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame	D	
Explains consultation results on the development proposal and the ESIA were considered in decision-making	C	
Evaluation of Section (4)	C	

(5) Alternatives, mitigation, recommendations, monitoring		
The ESIA report:	Grade	Comments
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	C	Not considering the do-nothing option because it's not in the interest of the developer shouldn't be a permissible reason.
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>	C	Recommendations are rather generic and could have been easily a bit more specific (e.g. with the help of a map)
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	C	In a generic sense, yes
Assigns responsibilities for mitigation and monitoring	C	
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	D	
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	C	
Evaluation of Section (5)	C	
(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	C	A decision to build appears to have already been made
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	B	
presents information which is accessible to non-specialists	B	

Has (also) been prepared in a (local) language local people can understand	D	
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	C	
Provides information besides a written text on the impacts; e.g. pictures and figures	B-C	
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	D	
<b>Evaluation of Section (6)</b>	C	

Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013); Fischer and Muthoora (2021)

#### Scoring system

**Grade A** - The work has generally been well performed

**Grade B** - Is performed satisfactorily, however with omissions/ inadequacies.

**Grade C** - Is unsatisfactory because of omissions or inadequacies.

**Grade D** - Task not attempted at all.

**n/a** - not applicable.

**?** - unclear

OVERALL GRADE FOR SA REPORT = ---C -----

Additional note

Field studies and recordings that are said to have taken place are not explained and it is unclear what exactly they involved.

As rare bird species have been spotted the question is why is nothing suggested with regards to mitigation?

General observation: Some of the phrasing in all reviewed ESs seems to repeat themselves. This is somewhat worrying.

**Project 6: water and water products processing plant**

**Time of Preparation; 2013**

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	B	Some more detail could have been provided
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	A	
States what other projects or plans are connected with the development proposal and explains the relationships	D	
Clearly refers to any ESIA guidance that was used	A	World Bank Guidelines
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	C	
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	D	
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account	A	
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	B	
Clearly describes the land requirements of the development and the duration of potential land use	B	
Provides maps and figures showing where impact will occur	C	Some environmental maps should have been included
Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns	B	
Describes how the environment of the site would develop if the development was not to proceed	D	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	C	
<b>Evaluation of Section (1)</b>	B-C	

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(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	C	Whilst three alternatives are mentioned they are not seriously considered, as 'it is not in the interest of the developer'
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	D	
Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on: <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> <li>• Cultural heritage</li> <li>• Possibility of accidents</li> </ul>	C C C C C D C C C C	Whilst aspects are mentioned and described to some extent, overall the assessment is very generic and imprecise. For example, it is unclear how many trees will be cut; which would be the basis for litigation/compensation. A typical statement would be 'minimize as much as possible destruction of vegetation and trees', which is inadequate.
lays out what matters are more appropriately assessed at other levels / layers of decision making	D	
Evaluation of Section (2)	C	
(3) Determination of potential impact significance		
The ESIA report:	Grade	Comments
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	D	
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	D	
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards	D	
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	D	
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	C	Negative and positive impacts are mentioned, but in a vague manner only

Evaluation of Section (3)	D	
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(4) Consultation process		
The ESIA report:	Grade	Comments
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	C	Whilst the national ministry of the env. is mentioned, their role in the EIA is not described
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame	D	
Explains consultation results on the development proposal and the ESIA were considered in decision-making	C	
Evaluation of Section (4)	C-D	
(5) Alternatives, mitigation, recommendations, monitoring		
The ESIA report:	Grade	Comments
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	C	It is said that the best option was chosen, but the reasons are not explained any further.
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>	C	All recommendations are generic and not specific.
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	C	In a generic way this is done, but the details are not specified. – Also, measures appear to be optional rather than binding
Assigns responsibilities for mitigation and monitoring	D	
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	D	
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	D	
Evaluation of Section (5)	D	

(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	C	All important decisions appear to have been taken
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	B	
presents information which is accessible to non-specialists	B	
Has (also) been prepared in a (local) language local people can understand	D	
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	C	Executive summary
Provides information besides a written text on the impacts; e.g. pictures and figures	D	
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	D	
<b>Evaluation of Section (6)</b>	C-D	

Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013); Fischer and Muthoora (2021)

Scoring system

**Grade A** - The work has generally been well performed

**Grade B** - Is performed satisfactorily, however with omissions/ inadequacies.

**Grade C** - Is unsatisfactory because of omissions or inadequacies.

**Grade D** - Task not attempted at all.

**n/a** - not applicable.

**?** - unclear

OVERALL GRADE FOR SA REPORT = --- C-D-----

Additional note

NB: large parts are copied from an earlier 2012 EIA on the site

**Project 7: Proposed Mountain View Golf Estate Dev. Project**  
**Time of Preparation; June 2016**

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	C	Whilst it is explained what the proposal consist of, aims and objectives are not specified further
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	C	It is not explained who prepared the ESIA report (even though 'consultant' is mentioned)
States what other projects or plans are connected with the development proposal and explains the relationships	D	
Clearly refers to any ESIA guidance that was used	C	In the references World Bank Guidelines are mentioned
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	C	unclear
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	D	
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account	D	
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	C	No figures, photos, maps
Clearly describes the land requirements of the development and the duration of potential land use	D	No area demarcation of size provided
Provides maps and figures showing where impact will occur	D	
Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human	D	

health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns		
Describes how the environment of the site would develop if the development was not to proceed	D	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	C	This refers to the workforce. It's unclear whether there is an existing population
Evaluation of Section (1)	D	

(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	C	No proper alternatives to the development were considered
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	D	
Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on: <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> <li>• Cultural heritage</li> <li>• Possibility of accidents</li> </ul>	C C C C C C C C C D C	
lays out what matters are more appropriately assessed at other levels / layers of decision making	D	
<b>Evaluation of Section (2)</b>	C	
(3) Determination of potential impact significance		
The ESIA report:	Grade	Comments
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	D	
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	D	
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards	D	
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	D	
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	D	
<b>Evaluation of Section (3)</b>	D	

(4) Consultation process		
The ESIA report:	Grade	Comments
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	C	
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame	D	
Explains consultation results on the development proposal and the ESIA were considered in decision-making	D	
<b>Evaluation of Section (4)</b>	D	
(5) Alternatives, mitigation, recommendations, monitoring		
The ESIA report:	Grade	Comments
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	C	
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>	C	
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	C	
Assigns responsibilities for mitigation and monitoring	D	
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	D	
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	D	
<b>Evaluation of Section (5)</b>	D	

(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	C	unclear
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	C	
presents information which is accessible to non-specialists	B	
Has (also) been prepared in a (local) language local people can understand	D	
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	C	
Provides information besides a written text on the impacts; e.g. pictures and figures	D	
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	D	
<b>Evaluation of Section (6)</b>	C-D	

**Project 8: multi-storey office premises**  
**Time of Preparation; June 2013**

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	A	
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	A	
States what other projects or plans are connected with the development proposal and explains the relationships	C	Vicinity to city centre is stressed
Clearly refers to any ESIA guidance that was used	A	OP.04 guidelines of World Bank and 2012 South Sudan draft environmental regulations
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	D	Unclear; photographs imply that the ES was prepared after construction started
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	D	Whilst the quality of the access road is said to be poor, this isn't further elaborated on
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account	B	WHO standards are mentioned
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	A	
Clearly describes the land requirements of the development and the duration of potential land use	D	
Provides maps and figures showing where impact will occur	A	
Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including	C	Unclear; also where exactly



human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns		information for assessment was coming from
Describes how the environment of the site would develop if the development was not to proceed	D	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	C	
Evaluation of Section (1)	B-C	

(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	C	Alternatives are mentioned, but with an insufficient description
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	D	
<p>Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on:</p> <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li>   <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> <li>• Cultural heritage</li> <li>• Possibility of accidents</li> </ul>	<p>B</p> <p>C</p> <p>C</p> <p>B</p> <p>B</p> <p>D</p> <p>B</p> <p>B</p> <p>B</p> <p>D</p> <p>B</p>	<p>It is unclear what the 'rapid' biodiversity assessments that are mentioned consisted of. Also, not clear when bird survey was conducted</p> <p>Only for construction work</p>
lays out what matters are more appropriately assessed at other levels / layers of decision making	D	
Evaluation of Section (2)	B-C	
(3) Determination of potential impact significance		
The ESIA report:	Grade	Comments
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	D	
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	D	
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering	C	

e.g. consultation responses, environmental & social (including human health) objectives and standards		
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	C	
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	C	
<b>Evaluation of Section (3)</b>	C-D	
<b>(4) Consultation process</b>		
<b>The ESIA report:</b>	<b>Grade</b>	<b>Comments</b>
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	C	The stakeholder attendance sheet shows only three groups of participants; the proponent; the national ministry and the consultant. This cannot count as consultation.
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame	D	
Explains consultation results on the development proposal and the ESIA were considered in decision-making	B	
<b>Evaluation of Section (4)</b>	C	
<b>(5) Alternatives, mitigation, recommendations, monitoring</b>		
<b>The ESIA report:</b>	<b>Grade</b>	<b>Comments</b>
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	C	The proposed alternative is endorsed by the ES without providing any evidence
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> </ul>	C	Only generic recommendations are provided as options, e.g. 'minimise, as much as possible destruction of

<ul style="list-style-type: none"> <li>clear about who is expected to take action</li> </ul>		vegetation and trees' is insufficient.
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	C	Only 'should' is used, i.e. no firm commitments are made
Assigns responsibilities for mitigation and monitoring	B	
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	C	
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	C	Too unspecific; it's unclear what 'regular monitoring' means. This needs to be clearly defined.
Evaluation of Section (5)	C	
(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	C	Seems to be prepared after construction has started, but this isn't clear
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	B	
presents information which is accessible to non-specialists	B	
Has (also) been prepared in a (local) language local people can understand	D	
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	B	
Provides information besides a written text on the impacts; e.g. pictures and figures	B	
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	C	
Evaluation of Section (6)	B	

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Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013); Fischer and Muthoora (2021)

Scoring system

**Grade A** – The work has generally been well performed

**Grade B** – Is performed satisfactorily, however with omissions/ inadequacies.

**Grade C** – Is unsatisfactory because of omissions or inadequacies.

**Grade D** – Task not attempted at all.

n/a – not applicable.

? – unclear

OVERALL GRADE FOR SA REPORT = --- C-----

Additional note

The environmental assessment team should not recommend approval based on economic reasons. As an outcome of an EIA a preferred option should be recommended.

Published and unpublished reports are mentioned for establishing physical data, none are referenced. The same applies to field investigations. It is unclear which ones were done.

On page 19; it is odd that pollution of the river Nile seems to be accepted in the ES as part of the construction.

Table 1 (page 27) shows negative impacts on all bio-physical components. Hence, the recommendation given in the ES cannot really be comprehended.

**Project 9: Construction activities Juba University**

**Time of Preparation; April 2023**

(1) Baseline description of the development proposal and the state of the bio-physical and social (including human health) environment	Grade	Comments
The ESIA report:		
Describes the overall purpose, aims and objectives of the development proposal	A	
Clearly states who (a) owns the development proposal, (b) who is responsible for planning the development proposal, and c) who has prepared the ESIA report	A	Republic of South Sudan (+ African Development Bank)
States what other projects or plans are connected with the development proposal and explains the relationships	D	
Clearly refers to any ESIA guidance that was used	A	AfDB Operational Safeguards objectives OS1: EAs
Describes how the ESIA and the development proposal were integrated (right from the start, during or after planning the development proposal)	D	
With a view to avoiding duplication, describes what important issues arising from the development proposal may be addressed elsewhere	D	
Provides information on environmental and social (including human health) standards, established at international, national and regional/local levels, and shows how these were taken into account	A	A very wide range of international conventions are mentioned in chapter 3
Clearly describes the physical characteristics, scale and design of the development proposal, taking into account construction and operation phases (written and e.g. figures, photomontages)	D	
Clearly describes the land requirements of the development and the duration of potential land use	D	
Provides maps and figures showing where impact will occur	D	
Provides information on relevant aspects of the current state of the physical (including chemical), biological and social (including human health) environment potentially affected by the development proposal, indicating knowledge and data gaps as well as unknowns	C	Unclear, as no maps or quantified information provided
Describes how the environment of the site would develop if the development was not to proceed	C	
Provides information on sensitive environmental and social (including human health) receptors that may be particularly vulnerable to impacts of the development proposal	C	
Evaluation of Section (1)	C	



(2) Identification & evaluation of key issues and options / alternatives		
The ESIA report:	Grade	Comments
Describes the options / alternatives that were considered, taking objectives & scope of development proposal into account	B	Described, but not in terms of environmental impacts
Explains how scoping was conducted, i.e. how key impacts were identified, taking into account the views of interested parties	C	
Provides information on the likely negative (and positive) impacts of the development proposal and considered options / alternatives on: <ul style="list-style-type: none"> <li>• Population and human health</li> <li>• Flora and fauna / biodiversity</li> <li>• Water</li> <li>• Air</li> <li>• Soils</li> <li>• Climate (local; climate change mitigation &amp; adaptation)</li> <li>• Noise</li> <li>• Waste</li> <li>• Landscape</li> <li>• Cultural heritage</li> <li>• Possibility of accidents</li> </ul>	C C C C C C C C C C C	
lays out what matters are more appropriately assessed at other levels / layers of decision making	D	
Evaluation of Section (2)	C	
(3) Determination of potential impact significance		
The ESIA report:	Grade	Comments
Explains how impact significance was identified and justifies the methodology for assessing environmental and social (including human health) impacts and their significance	B	Significance is explained, but it is not clear how exactly this is determined
Shows how values placed on affected environmental features locally, nationally and (where appropriate) internationally were taken into account.	C	
Identifies if the expected change and magnitude on the biophysical and social (including human health) environment can be considered acceptable, considering e.g. consultation responses, environmental & social (including human health) objectives and standards	B	
Identifies the probability, duration (short, medium and long-term permanent and temporary), frequency and reversibility of effects, both positive and negative of the different options / alternatives	C	
Identifies the negative and positive indirect and cumulative effects of the considered options / alternatives	C	
Evaluation of Section (3)	C	



(4) Consultation process		
The ESIA report:	Grade	Comments
Describes how authorities that are responsible for or have a role in environmental protection and development, as well as social issues (including human health) were consulted when scope and level of detail of information in assessment were identified	A	
Describes how the draft development proposal and the ESIA report were made available to authorities and the public likely to be affected or having an interest and how they were allowed to express their opinions within an appropriate time frame	C	
Explains consultation results on the development proposal and the ESIA were considered in decision-making	B	
Evaluation of Section (4)	B	
(5) Alternatives, mitigation, recommendations, monitoring		
The ESIA report:	Grade	Comments
Presents an outline of the reasons for selecting the options / alternatives dealt with, and describes how the assessment leading to these reasons was undertaken	B	
Provides recommendations that are: <ul style="list-style-type: none"> <li>• specific, measurable, appropriate, realistic &amp; time bound</li> <li>• clearly linked to the impacts identified</li> <li>• preventing or mitigating potential negative impacts and maximising positive impacts and opportunities</li> <li>• clear about who is expected to take action</li> </ul>	B	
Provides information on the measures envisaged to prevent, reduce and as fully as possible mitigate / offset any (significant) adverse effects on environmental and social (including human health) aspects of implementing the project and enhance positive outcomes	A	
Assigns responsibilities for mitigation and monitoring	C	The assumption is it's the ministry; but unclear how this can be achieved
Describes the measures envisaged concerning monitoring of the significant effects of the development proposal in order, <i>inter alia</i> , to identify at an early stage unforeseen adverse effects	B	
explains how monitoring and follow-up is to be done in order to be able to undertake appropriate remedial action if necessary; the what, how, and who of monitoring should be specified	B	
Evaluation of Section (5)	B	

(6) Presentation of information and results		
The ESIA report:	Grade	Comments
Has been prepared before any important decisions on the development proposal or local plan are made	A	
Has a layout that enables the reader to find and assimilate data easily and quickly. External data sources should be acknowledged	B	
presents information which is accessible to non-specialists	C	
Has (also) been prepared in a (local) language local people can understand	D	
Includes a clearly written non-technical summary of the main findings and explains how they were reached; including figures and photographs	C	Executive summary which includes the EMP
Provides information besides a written text on the impacts; e.g. pictures and figures	D	
Provides information on any difficulties (such as technical deficiencies or lack of know-how or missing / inadequate data) and uncertainties encountered in compiling the required information	C	
<b>Evaluation of Section (6)</b>	C	

Source, adapted from Lee and Colley (1992); Fischer and Nadeem (2013); Fischer and Muthoora (2021)

Scoring system

**Grade A** - The work has generally been well performed

**Grade B** - Is performed satisfactorily, however with omissions/ inadequacies.

**Grade C** - Is unsatisfactory because of omissions or inadequacies.

**Grade D** - Task not attempted at all.

**n/a** - not applicable.

**?** - unclear

OVERALL GRADE FOR SA REPORT = --- --C-----

Additional note

No maps or figures provided.

## References used

UNESCO (2023) <https://education-profiles.org/sub-saharan-africa/south-sudan/~climate-change-communication-and-education>

May (2022) Environmental and Social capacity gaps assessment of key World Bank Project Implementing Ministries and Third Party organisations in South Sudan, May 2022, World Bank

UNEP (2018) South Sudan First State of Environment and Outlook Report [South Sudan: first state of environment and outlook report 2018 | UNEP - UN Environment Programme](#)

AfdB (2023) [published documents on their website](#) ESIA's or ESMF's of their programmes which provide the overall framework for the conduct of ESIA for sub-projects.

