

## South Sudan

### EIA profile

**Updated to:** 19 August 2019

#### Overview ESIA procedure

The ESIA process is not legally established. The Draft Environmental Protection Bill gives some indications on how the legal requirements for the ESIA process are intended to be formulated. The available information on the steps of the ESIA procedure is limited, but some provisions are made on Screening, the assessment process, the review process and on monitoring.

#### Screening

##### Screening process

The Draft Environmental Protection Bill foresees that projects that require a certain level of ESIA can be allocated to one of the following projects categories:

- Category A: projects that may have an impact on the environment
- Category B: projects that are likely to have significant impacts on the environment
- Category C: projects that will have a significant impact on the environment.

The Lead Agency decides about the likelihood of the impacts of the projects on the environment. Depending on the impact probability and scale, different levels of ESIA are foreseen: Category A projects require an environmental impact review, Category B projects an Environmental Impact Evaluation and for projects of Category C a full Environmental Impact Statement has to be formulated. If the Environmental Impact Review or the Environmental Impact Evaluation reveal that the project will lead to significant impacts on the environment, the Lead Agency shall require that an Environmental Impact Statement is formulated for those projects as well.

#### Scoping

##### Scoping process

No information

#### Assessment

##### Assessment process

The Draft Environmental Protection Bill implies that the ESIA is conducted by an external expert who has been approved by the Ministry responsible for environmental issues. Guidelines are expected to be

developed which determine the requirements for Environmental Impact Statements.

The ESIA shall be made available to the Ministry, the Lead Agency or any person requesting it.

## **Review**

### **Review process**

The Draft Environmental Protection Bill indicates that the Lead Agency will review the ESIA report in consultation with the Ministry responsible for environmental issues.

### **Timeline Review**

45 days are available for the review process, as the Draft Environmental Protection Bill indicates.

## **Decision making**

### **Integration of ESIA into decision-making**

No information

### **Possibilities for appeal**

No information

## **Follow-up**

### **Compliance monitoring**

The Draft Environmental Protection Bill mentions that the proponent is required to take practical measures to ensure that the requirements of the ESIA report are complied with. It also mentions that the proponent shall submit quarterly and annual reports to the Ministry which describe the extent to which the operation of the project conforms with the statements made in the ESIA report. In case of undesirable effects that were not considered in the ESIA report, the proponent shall develop mitigation measures for them. He shall then prepare and submit an environmental audit report on those measures quarterly and annually or as otherwise required by the Authority. Moreover, the proponent shall conduct environmental audits in consultations with the Lead Agency. Finally, environmental inspectors may enter any land or premises for the purpose of monitoring the compliance of the proponent with the statements made in the ESIA report.

## **Stakeholder engagement**

### **Public participation requirements for ESIA process stages**

No information

## Access to information

The Draft Environmental Protection Bill foresees that the ESIA report is a public document and that it is made available to any person upon payment of the prescribed fee.

## ESIA practice

### Background information

#### History of ESIA

At the country's formation in 2011, formal governing institutions were created, but given the years of conflict and the breakdown of former structures, they commenced from a generally low foundation. The new government's capacity to formulate policy and implement programmes is still limited, but is developing and evolving. The foundational document guiding South Sudan's future is the Draft "South Sudan Vision 2040: Towards Freedom, Equality, Justice, Peace and Prosperity for All". When approved, this should also strengthen environmental governance by increasing the capacity and financing for the Ministry of the Environment and Forestry, which would help to ensure the country's natural resources are both protected and used sustainably.

In 2010, an Environmental Policy and an Environmental Protection Bill were drafted, and updated in 2013. However, their approval is still pending. The Environmental Policy determines the need for environmental impact assessment, audits, monitoring and evaluation to mitigate adverse impacts and enhance environmental benefits. It suggests the development of a legal framework and guidance for ESIA. The ESIA system is thus under development and has not yet been legally established.

source

The first national State of the Environment Report, 2018, UNEP

## Legal framework

### Enabling law

An Environmental Protection Bill and National Environmental Policy were drafted by in 2010, and updated in 2013, which foresee ESIA. Both are not yet approved though and it is unclear if this will still happen considering the changing political circumstances.

The Petroleum Act of 2012 provides that an ESIA be undertaken by the oil contractor or licensee in compliance with international standards to determine any present environmental and social damage, establish the costs of repair and compensation and determine any other areas of concern.

source

The first national State of the Environment Report, 2018, UNEP

### National detailed regulation

No regulations for ESIA exist.

## Guidelines

Not existing

## **Institutional setting**

### **Central ESIA authority**

The Draft of the Environmental Protection Bill (2013) foresees the Ministry responsible for environmental issues to have a central role in the ESIA process, but also so-called Lead Agencies. These can be any ministry, directorate, department, parastatal agency, Local Government or public officer in which or in whom any law vests functions of control or management of any segment of the environment. This includes the Southern Sudan National Environmental Management Authority intended to be established.

### **Contact**