

**Environmental and Social Safeguards Performance
Review**

Sudan National Multi Donor Trust Fund Portfolio

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Abbreviations Used in this Report

ASEP	Abyei Start-up Emergency Project
BEP	Basic Education Project
BNSEP	Blue Nile Start-up Emergency Project
BP	Bank Procedure
CDD	Community Driven Development
CDF	Community Development Fund
CPA	Comprehensive Peace Agreement
CSO	Civil Society Organization
DHSDP	Decentralized Health System and Development Project
EA	Environmental Assessment
EMP	Environmental Management Plan
ESAU	Environmental and Social Assessment Unit
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESSAF	Environmental and Social Screening and Assessment Framework
ESW	Economic and Sector Work
ETC	Extended Term Consultant
GAPMP	Gum Arabic Production and Marketing Project
HCENR	Higher Council for Environment and Natural Resources
IDA	International Development Association
IDA	International Development Association
IDP	Internally Displaced People
ILMP	Improvement Livestock and Marketing Project
ISDS	Integrated Safeguard Data Sheet
ISDS	Integrated Safeguards Data Sheet
ISR	Implementation Status Report
MARF	Ministry of Animal Resources and Fisheries
MDTF-NS	Multi Donor Trust Fund-National
MWMP	Medical Waste Management Plan
MTRB	Ministry of Transport, Roads and Bridges
NETREP	National Emergency Transportation and Rehabilitation Project
NGO	Non-Governmental Organization
OP	Operational Policy
PAD	Project Appraisal Document
PSCAP	Public Sector Reform, Decentralization and Capacity Building
RAP	Program
	Resettlement Action Plan
RPF	Resettlement Policy Framework
SFP	Safeguard Focal Point
SKSEP	South Kordofan Start-up Emergency Project
SMDF	Sudan Microfinance Development Facility
SMC	Safeguard Management Committee
SPN	Supervision
TAF	Technical Assistance Facility
TTL	Task Team Leader
UN	United Nations
UNICEF	United Nations Children's Fund

Executive Summary

The objective of the present review is to assess the procedures followed in the application of World Bank safeguard policies in the MDTF-NS Portfolio in Sudan from 2005 to date. A brief summary of the MDTF-NS is presented showing that the trust fund was set up in 2005 by donor countries in the aftermath of the Comprehensive Peace Agreement. Fifteen investment projects were supported by the MDTF-NS under the supervision of the World Bank. The projects were appraised and supervised as normal World Bank-financed projects and were subject to World Bank safeguard policies.

The review was conducted through visits to two states and a number of specific project sites and through interviews with Bank Staff, Government Officials, project staff and beneficiaries in addition to a review of the documentation available in Bank files.

Bank safeguard policies were applied in all cases, but most of the MDTF-NS investment projects invoked a special policy for emergency projects that allows environmental assessment and other studies to be carried *after* implementation begins. At the end of the day, the review showed that no significant environmental or social harm caused by implementation of the MDTF-NS projects.

In most cases, according to the documentation, an analysis of alternatives was not carried out prior to adoption of each project design. Environmental and Social Management Frameworks (ESMFs) were prepared for each project, but the follow-up from these frameworks was not what is prescribed in Bank policy. Rather than detailed Environmental Impact Assessments, Environmental Management Plans, Resettlement Action Plans, sub-projects were subjected to checklists that basically served to identify specific risks, but not to prescribe specific mitigation measures to minimize or eliminate such risks. The lack of time-bound action plans made it difficult to supervise sub-project implementation. In several instances short-term planning prevailed rather than longer-term planning that emphasizes social and environmental sustainability.

Public consultation during project preparation was minimal and not well documented. However, extensive consultations were carried out during sub-project preparation for several projects, particularly for the projects that involved community-level interventions such as the Community Development Fund (CDF), Basic Education Project (BEP) and Livestock Project (ILMP). ESMFs and other safeguard instruments were not disclosed in Arabic (with a few exceptions) as prescribed by Bank policy. Formal grievance procedures were not established and there is no record of grievances filed in supervision documents.

Project Management Units and States were slow to hire the necessary safeguard staff and to acquire the skills and information necessary to assess environmental and social risks and to supervise sub-projects. Sudanese environmental agencies were not active in approving or supervising sub-projects. While some capacity building went on during supervision missions, only one comprehensive training workshop was held in Sudan during implementation of the MDTF-NS supported projects.

There is some potential for damage to health and stability, in the lack of facilities and precautions for health and safety and environmental degradation. Moreover, opportunities were lost that could have put environmental protection and social sustainability on a stronger footing in Sudan during the coming years. The review resulted in several recommendations regarding strengthened implementation of World Bank safeguard policies and also greater attention by the Government of Sudan to build sound and stable institutions charged with environmental protection. There are also short-term recommendations for measures that could be carried out before the projects close. Several projects are now approaching their closing dates. The report recommends that the Bank and the Government of Sudan – Federal and States – strengthen their capacity to assess environmental and social risks and also to take measures to ensure that environmental and social issues are attended to before these projects close.

The review also makes specific recommendations for measures that could be taken while projects are still open and funds are available. Such measures include the sustainability of the Environmental and Social Management Unit (ESMU) established under the Ministry of Transport, Roads and Bridges (MTRB) and continuing with the practice of consistently undertaking Environmental and Social Impact Assessments (ESIAs) for all road and railway projects, as well as implementing mitigation measures. Measures also include a review of existing health and school facilities to ensure the provision of adequate toilet and hand-washing facilities and engaging with ongoing projects, local and State governments and Development Partners to fill any gaps that are identified. The recommendations also include strengthening Sudan's capacity for environmental and social management and more long-range planning to solve ongoing problems of rangeland degradation, interethnic conflict and other social problems arising from environmental issues. Although the MDTF-N is approaching project closing, it is not too late to take stock of the current situation to prepare the Sudanese Federal and State Governments for assuming greater responsibility for their environmental and social future through capacity building, long-range planning and active management of public and private activities.

1.0 Introduction

The following report presents the findings of a study conducted in July 2012 of the application of World Bank Safeguard Policies to Projects supported by the Multi-Donor Trust Fund-National (MDTF-NS) from 2006 to the present. The report begins with a brief background section to describe the context of the MDTF-NS, the objectives of the report, the methodology and scope of the report. Section 2 of the report describes the use of safeguards in project preparation, the assignment of environmental categories, the consideration of alternatives, consultation with stakeholders, budget provisions for safeguard implementation, consideration of client capacity, grievance procedures and public disclosure. Section 3 covers the implementation of safeguard policies, including monitoring, supervision missions, actual grievances, follow-up by the client, results of the latest CPPR regarding safeguards and, finally, considerations of long vs. short-term planning for sustainability. Section 4 contains conclusions and recommendations for action.

1.1 Background:

The MDTF-NS was created in 2005 as a response to dire conditions in Sudan at that time. The country was emerging from a 21-year civil war that pitted the South against the North. Simultaneously, there was major conflict and dislocation of people in the Western region of Darfur, bordering Chad in which the government of Sudan was implicated. Large uncleared arrears on previous World Bank and IDA credits made it impossible for the World Bank to provide assistance to the Sudan Government of National Unity (GoNU). The Sudan Consortium brought together the Sudan GoNU and the newly created Government of Southern Sudan with an array of international institutions and bilateral partners. The structure grew out of the January 2005 Comprehensive Peace Agreement (CPA), which ended the conflict between the Southern Sudan People Liberation Army (SPLA) and the government of Sudan. The Joint Assessment Mission (JAM) coordinated by the World Bank and United Nations assessed Sudan's need after the signing of the CPA. The JAM decided to create two trust funds, one covering the 15 Northern States (MDTF-NS) and the other for the 10 States of the then emerging Government of South Sudan (MDTF-SS). The World Bank, working together with UN partners, donors, civil society, and the respective governments, administers the trust funds.

The Trust Fund was designed to align with Sudan's strategic objectives and the [World] Bank's engagement strategy, and it is modeled on five guiding principles for prioritizing programs and projects:

- To support national investments to consolidate peace.
- To support state and local investment programs with high visibility in war-affected zones in northern states and, in particular, South Kordofan and Blue Nile states and the Abyei area (collectively known as the "Three Areas").
- To focus on rural development benefiting the poor, with support for micro and small enterprises.
- To make decentralization work by reforming public service and expanding access to basic services.

- To lay the groundwork for good governance and to open up the private sector by unleashing the creativity and entrepreneurial spirit of civil society.¹

Conditions of food insecurity, mounting health problems, deteriorating infrastructure and large numbers of internally displaced people (IDP) led some 15 donors² to decide that assistance had to be offered on an emergency basis. Consequently, in 2005, the donors created two multi-donor trust funds to provide emergency assistance to Sudan.

The MDTF-NS eventually financed 15 specific projects, each of which was treated as a separate investment project in the World Bank System, each with its own appraisal document (PAD), financing agreement and procurement rules coordinated by a World Bank Task Team Leader (TTL) and subject to the Bank's lending and safeguard policies and public disclosure of safeguard instruments.

1.2 Objective

As stated in the terms of reference (Annex A),

The principal objective of the environmental and social safeguard performance review of the MDTF-N Portfolio is to assess the procedures and resources applied to ensure effective application of the World Bank safeguard policies, in the preparation and implementation of the MDTF-NS Portfolio. National legislation and the institutional framework for environmental and social risk management will also be reviewed to better understand its implications for effective implementation of the Bank's safeguards policies.

1.3 Scope of work

From 2006 to 2010, fifteen projects were appraised and implemented (Table 1). Several of them have now closed while others are still under implementation. Financial and disbursement data are available in successive Annual Reports but will not be covered in this report.

Table. 1 – Projects Funded under MDTF-N

Name	WB Project ID	Year Approved	Current Status*	Credit (\$Million)	TTL (Most Recent)	Environmental Category
Community Development Fund (CDF)	P094476 P122502	2010	A	42.8	Endashaw Tadesse	B
Decentralized Health System Development Project (DHSDP)	P098483 P117274	2006	A	6	Isabel Soares	B

¹Turning the Corner -2009 Annual Report Sudan National Multi Donor Trust Fund

²Pledges were made by Canada, Denmark, Egypt, the European Union, Finland, Germany, Greece, Iceland, Italy, Netherlands, Norway, Saudi Arabia, Spain, Sweden, United Kingdom, World Bank, with 50% matching funds from the Government of National Unity.

Name	WB Project ID	Year Approved	Current Status*	Credit (\$Million)	TTL (Most Recent)	Environmental Category
Technical Assistance Facility (TAF)	P098493	2006	C	4.88	Rupert Bladon	C
National Emergency Transport Rehabilitation Project (NETREP)	P098837	2006	A	43.5	Tesfamichael Nahusenay	B
Fifth Population Census	P099327	2006	C	34.4	Yasser Aabdel-Aleem	C
Capacity Building of the National Judiciary	P099692	2006	C	13	Klaus Decker	C
Public Sector Reform, Decentralization and Capacity Building Program (PSCAP)	P099758	2008	C	2.57	Rupert Bladon	C
South Kordofan State Start-Up Emergency Project (SKSEP)	P101388	2007	C	7.51	Yousif Mubarak ElFadil	B
Improving Livestock Production and Marketing Project (ILPM)	P101955	2007	A	4	Stephane Forman	B
Sudan Microfinance Development Facility (SMDF)	P102315	2007	A	10	Andres Garcia	C
New Unified National Currency Project	P104868	2007	C	46	Awaleed Alatabani	C
Blue Nile Start-up Emergency Project (BNSEP)	P107256 P122742	2010	C	7.32	Yousif Mubarak ElFadil,	B
Gum Arabic Production and Marketing Project (GAPMP)	P110588	2009	A	7	Stephane Forman	C
Basic Education Project (BEP)	P112096	2009	A	15	Elizabeth Ninan	B
Abyei Start-up Emergency Project (ASEP)	P116923	2009	C	6	Abderrahim Fraiji	B

* C = Closed; A = Active,

1.3 Methodology

The analysis presented below is based on several sources including review of Project Appraisal Documents (PADs), Safeguard Instruments (ESMFs, RPF, MWMP, etc.), Implementation Status Reports (ISRs), Aides Memoire and project correspondence available in the Bank's electronic files, interviews with Bank staff and project teams (PIUs), and visits to a selected group of

project sites in Kassala and Northern Kordofan States and meetings with beneficiaries (Fig. 1). The team did not visit other states where there were several MDTF-NS supported projects such as South Kordofan and Blue Nile because of the precarious security situation and lack of sufficient time. The team met with State coordinators from the BEP, CDF, ILMP and Decentralized Health System Development Project (DHSDP) and visited sites from each of these projects.

Fig.1. Visit to the Northern Kordofan State Coordination Office for the Livestock Project (L) and meeting with community a newly built school in Northern Kordofan State (R)



2.0 Safeguards in Project Preparation

The following sections will examine the performance of the Bank in applying safeguard policies during the preparation of the MDTF-NS projects.

2.1 Environmental Categorization

Seven projects were classified as “C” (see Table 1) meaning that the team considered the project would have negligible or minor environmental and social impacts according to the categories defined in OP/BP 4.01 (“Environmental Assessment”). This assignment seems reasonable to us in five cases since TAF, Census Project, Capacity Building of the National Judiciary Project, New Unified National Currency Project, and PSCAP provided mainly technical assistance and other activities with little or no environmental impact such as data collection, training, designing and issuing a new currency, etc. However, the Gum Arabic project (GAPMP) may have been incorrectly categorized as the project design included the construction of a number of water harvesting structures and underground storage tanks at various locations.

The Sudan Microfinance Development Facility Project (SMDF) also received an environmental category of “C” and no safeguard policies were triggered. The project description states that grant funds were available to capitalize microfinance schemes i.e. to invest in sub-projects.³

³ The project description in the ISDS states that US\$12M of the loan proceeds would be allocated to support “grants for **loan capital**, technical assistance, short-term operating costs, MIS and systems development, market research and new product development, staff training and capacity development, and other purposes. . . [emphasis added].”

Roxanne Hakim raises the same issue in a 2007 letter in which she urges the inclusion of a social specialist in the PIU. If MDTF-NS grant funds were intended to fund actual loans to microenterprises, etc., the project should have been categorized as “FI” (Financial Intermediary).⁴ In such cases, special safeguards rules apply (see OP4.01, paragraphs 10-11). It is likely, therefore, that the SMDF was incorrectly categorized.

Most of the projects categorized as “B” involved support for relatively small sub-projects with environmental and physical impacts limited in scope and relatively easily mitigated. The BEP (DHSDP), CDF and ILPM projects⁵ involved small construction or rehabilitation projects with relatively small footprints and purely local impacts of limited scope. The risk of involuntary resettlement is very low given the nature of the investments, and the criteria in each project’s operation manual (OM) that involving such resettlement would not be eligible.

Three projects - ILMP, CDF, and DHSDP) -- triggered OP 4.12 and consequently a Resettlement Policy Framework (RPF) was prepared for each. The National Emergency Transportation and Rehabilitation Project (NETREP) did not trigger OP 4.12; however a Resettlement Policy Framework (RPF) was recommended and prepared after implementation began.

Three projects were targeted to specific States or areas (South Kordofan State, Blue Nile State and Abyei Administrative Area) where conflict had been especially intense during the war with the consequence that significant deterioration in infrastructure had occurred and the needs of the population were urgent. The project designs called for rehabilitation of water supply, rural or feeder roads and other infrastructure in these three areas. They were assigned an environmental category of “B.” Arguably, the latter projects could have been categorized as “A”. One reason for categorizing these projects as “A” was that specific sites and interventions had not been identified at appraisal. In the absence of precise information, a cautious approach would have been to assign a “provisional” category “A” to these projects with the possibility of later revision.

NETREP aimed at rehabilitation or construction of highways, and rehabilitation of a railway and a port was classified as “B.” With the benefit of hindsight, the transport project should have been categorized as “A” because of the likelihood of significant environmental and social impacts including land acquisition, population displacement, large quantities of earth moving and grading, quarrying and other activities with potentially significant impacts. There were no new roads, all rehabilitation. In addition to the ESMF guidelines, all road projects have prepared full environmental assessment (ESIA).

In most cases, the Environmental Impact Assessments and other safeguard instruments for these projects were prepared *after* the project was appraised, taking advantage of OP 8.00 for Emergency Projects.⁶ In summary, it appears that several of the MDTF-NS projects were

⁴ OP4.01 defines FI projects as follows: “A proposed project is classified as Category FI if it involves investment of Bank funds through a financial intermediary, in sub-projects that may result in adverse environmental impacts.” In such cases, the Bank’s responsibility is to establish a screening mechanism as part of the project to avoid the financing of activities with adverse social or environmental impacts.

⁵ This paper will employ acronyms or simplified terms to refer to each project rather than the acronyms for the sake of simplicity and ease of understanding. See the table following the title page for a list of acronyms and their definition.

⁶ OP/BP8.00 “Rapid Response to Crises and Emergencies” was adopted in March 2007 replacing OP 8.50 (“Emergency Recovery Assistance”). Paragraph 7 of the OP 8.00 states that “emergency operations are processed under accelerated, consolidated, and simplified procedures and are subject to streamlined ex-ante requirements (including in fiduciary and safeguards areas) [and]

incorrectly categorized and should have been subject to full environmental assessment⁷ and continued oversight by the regional safeguards unit.

2.2 Consideration of Alternatives

Good practice calls for the consideration of alternative approaches to achieving the Project Development Goals. This would allow for a consideration of environmental and social impacts of alternative designs in addition to factors such as cost and technical feasibility. Section II,A,3 of the standard ISDS form asks for the following: “Describe any project alternatives (if relevant) considered to help avoid or minimize adverse impacts.” In our review of PADs, ISDSs, and ESMFs, the review did not find explicit consideration of alternative project designs during preparation. During implementation of NETREP, alternative routing of highways was considered in light of environmental and social issues, particularly in the case of the rehabilitation of the Kadugli–Kauda highway where various factors were considered including environmental and social issues.⁸ For the design and construction of the Damazine-Kurmuk highway, the road was rerouted to avoid a Christian cemetery. Also, rehabilitation of this highway caused the relocation of some 58 small businesses that had encroached on were occupying the ROW. These considerations would normally have been included in the ESIA and all settlement issues should have been resolved before any construction works started.

Because most of the MDTF-NS projects were emergency operations, environmental and social analysis was not conducted prior to appraisal. Therefore, it is understandable that environmental and social issues were not explicitly considered during preparation. During implementation, most of the MDTF-NS projects prepared ESMFs or ESIA, however, no consideration of alternatives based on environmental or social grounds was found.

2.3 Safeguard Instruments

Nearly every operation carried out under MDTF-NS was subjected to an ESMF. In every case, however, these were carried out after appraisal as allowed by OP 8.00 (and, in two cases, OP 8.50, the predecessor policy). In some cases, the ESMF was significantly delayed, as in the ILMP where the ESMF was filed some two years after the project was approved.

All of the safeguard instruments were prepared after implementation had begun as allowed under OP/BP 8.00 (and OP/BP 8.50 for the operations appraised before March 2007).

With the exception of NETREP, most of the MDTF-NS supported interventions involve community-driven (CDD) type sub-projects with multiple sub-projects the location, scope and

b)involve a different balance between ex-ante and ex-post controls and risk mitigation measures compared to regular operations, . . . requiring intensified supervision support to address such risks.

See Annex B for a fuller discussion of the guidelines for emergency projects.

⁷ It should be noted that compliance with the “Pelosi Amendment” -- despite the fact that it is not a World Bank regulation -- creates a disincentive to categorizing a project as “A” because of the additional time required for Board review. No provision is made in Pelosi for emergency projects.

⁸See memoranda by George Banjo (TTL) and Hassan Hassan (Consultant) dated respectively April 10, 2007 and March 26, 2007 and Fareed Hassan (2010): MDTF-N Country Portfolio Performance Review, World Bank, Khartoum, Sudan, 2010.

scale of which were unknown at the design and preparation stages. Given the scale of community sub-projects, negative social and environmental impacts are unlikely to be significant, unprecedented, irreversible or large in scale. Therefore, Environmental and Social Management Frameworks (ESMFs) were recommended as the appropriate tool to define the broad scope of potential environmental risks and social impacts and the framework for a set of mitigation measures that can be used.

Most projects (CDF, BEP, ILMP, etc.) followed the procedures laid out in the EMSF, screened the sub-projects, and filled out a checklist and other environmental forms. Additionally, some of these projects (DHSDP, ILMP, BEP and CDF) recruited consultants to assist with filling out the checklists for potential environmental and social risks and provided training to project team. Project officers carried out due diligence using these instruments although we do not have access to most of their reports or evidence of having taken mitigating measures. As we point out below, checklists are useful for screening but they are not equivalent to environmental management plans (EMPs) that identify mitigating measures, assign responsibilities to specific agencies and lay out timetables and budgets.

2.4 Consultations with Stakeholders:

Consultation with stakeholders during project preparation does not appear to have been extensive, perhaps due to the emergency nature of most of the operations. Normally, such consultations, particularly with the local community, are reported and documented in the EIA. The ESMF documents prepared for the MDTF-NS operations all refer to the need for consultations with local communities, relevant agencies, regional officials, etc. However, no evidence appears in the project documentation indicating that such consultation took place. During implementation, there is evidence that consultations were held. Discussions with State-level coordinators of DHSDP, CDF, BEP and ILMP projects indicate that extensive and repeated visits were made to prospective communities where infrastructure was installed. These consultations led to agreements with regard to the siting of specific infrastructure such as school buildings and water yards. They also led to agreements between communities and the project staff that the community would participate through contributions in cash or in kind to local infrastructure and also to the maintenance of such infrastructure. In all the communities visited, it was clear that there was deep community involvement in the works sponsored by the project. Special mention should be made of the Community Mobilizers who worked in the CDF project. These project participants spent countless hours in each targeted community, helping to organize the community around specific goals, mainly related to health and environment. For example, in several communities in Northern Kordofan, Community Mobilizers formed student health clubs in the schools with the help of teachers and, through them, sought to disseminate good practices such as hand washing. Community members expressed sincere appreciation for the assistance they had received and the only complaints revolved around the demand for still more assistance along the lines of that already received.

There is little evidence that similar consultations were held for the transport project except, perhaps in the case of the Damazine-Kurmuk Road where upgrading works caused the resettlement of 58 small businesses, in most cases by setting them back from the right of way. Successive aides-memoire concerning this project suggest that the Ministry of Transport, Roads and Bridges (MTRB) was slow to adopt the mission's recommendations regarding preparation of an RAP for the resettled population and rerouting of the highway to avoid a Christian cemetery

along the ROW. A Bank mission met with members of the local Christian community to learn of their preferences regarding the cemetery.

NETREP supported the establishment of the Environmental and Social Management Unit (ESMU) under the Ministry of Transport, Roads and Bridges (MTRB). The ESMU was established as part of the Planning Directorate of MTRB. An ESMF has been developed and approved by the High Counsel of Sudan for Environment. TA was provided and staff from MTRB, the National Highways Authority (NHA) and Sudan Railways Corporation (SRC) were trained. The TA has also prepared a Manual for Environmental Social Management in Transport Sector. However, Bank missions repeatedly asked the MTRB to adequately staff the newly established Environmental and Social Management Unit (ESAU) in MTRB⁹ but the Ministry was slow to respond¹⁰ and ultimately adopted a half-measure that did not fully comply with the agreed establishment of such a unit. The challenge is to adequately staff and sustain the established system and continuing with the practice of consistently undertaking ESIA's for all road and railway projects, as well as implementing mitigation measures.

In summary, there was apparently little consultation with stakeholders during project preparation. This lack may have been due to the haste with which the emergency operations were prepared. Project documents suggest that such consultations were not common practice and the counterpart agencies involved had little experience or interest in conducting such consultations. However, during implementation, in some projects, extensive consultations were held with stakeholders prior to the actual interventions. These consultations, particularly in the CDF project, appear to have played a major role in the enthusiastic reception and participation of local communities.

2.5 Budget for Safeguard Implementation

We did not have access to detailed information regarding budget for safeguards during preparation and implementation. Judging from the participation of safeguards specialists in project supervision after 2009, it appears that budget for this purpose was more available after that date. This may have been a function of the dependence on staff and consultants from outside Sudan. In early 2009, an STC environmental specialist was hired by the World Bank to join the technical secretariat of the MDTF-NS in Khartoum. Since that time, aides-memoire show that supervision missions were more consistently staffed with environmental specialists. However, there was frequently no social safeguard specialist participating in supervision missions, even after 2009. It is not possible to determine whether these gaps were due to budgetary shortages.

Most of the ESMF documents lack a detailed budget for the implementation of safeguards policies although most of them reference the issue. The Environmental Appraisal Form appended to most of the ESMF documents contains the question: "Is there adequate financial provision for EMP implementation within the program budget?" However, since most of the MDTF-NS

⁹ Referenced in several aide-memoires.

¹⁰ The Aide Memoire of January 2010 noted with apparent frustration, "The mission noted the continued lack of progress on the hiring of appropriate staff and suggested that MTRB immediately engage TA to manage the environmental and social safeguards for all projects under implementation and in the preparation phase."

projects lack a detailed EMP or RAP, detailed budgets are not provided. The BEP ESMF has a budget sketch that includes a mixture of training activities and the installation of water pumps for the schools that are built or reconstructed (apparently not carried out).

2.6 Consideration of Client Capacity

In much of the project documentation (ISDS and PADs), there are statements indicating that the client had limited capacity to implement safeguard policies, either those reflecting national policies or World Bank safeguards. Consider the following section from the NETREP ISDS:

Although the government's Environment Protection Ordinance of 2000 mandates the application of environmental assessment to development projects, there is lack of clarity and limited technical capacity at both Federal and State levels to support its application. Structural and budgetary constraints severely handicap the Ministry of Environment, Forestry and Physical Development (MEFPD) in the prosecution of its work and sector ministries, including transport, lack of environmental staff and guidance. Bylaws to implement the Act are still pending and institutional roles and responsibilities remain ill defined, especially at the locality level. Substantive provisions for the participation of civil society are also absent.

Nevertheless, in the MDTF-NS project designs, little or no consideration is given to capacity building for safeguards implementation. In fact, until 2009, most of the PIUs still lacked a safeguards specialist. After that date, several Bank supervision missions requested that PIUs appoint a safeguards focal point responsible for safeguards implementation. In most cases, the PIUs responded by appointing the M&E specialist to take on this role. As a consequence, more attention was paid to safeguards, but the safeguard focal points frequently lacked the training or experience to fully carry out this role.

The Bank further responded to the gaps in safeguard capacity by organizing a workshop for national and state-level PIUs in December 2009, which covered a number of areas including fiduciary issues as well. The event was well attended by State and Federal PIU staffs charged with safeguard implementation. An additional workshop was held one year later, aimed mainly at donors to stimulate interest in supporting safeguard capacity building. It is noteworthy that, in response to a questionnaire in the course of this review, nearly all the PIU coordinators responded to a question about what they would recommend to improve safeguard performance, by mentioning the need for more safeguards training for staff.

In summary, the Bank may have been late in responding to the capacity gaps possibly as a consequence of the urgency of getting projects up and running.

2.7 Grievance Procedures

Only few of the safeguard instruments prepared for the MDTF-NS projects include grievance procedures. In a few documents, such as the DHSDP RPF, grievance procedures are discussed but not laid out in detail. The RPF for the Abyei Project (ASEP) and ILMP are virtually identical to the latter. There is reference to the use of mediation using traditional Sudanese systems of conflict resolution (*ajaweed*). The Compensation and Relocation Committee is designated as the body that should receive and adjudicate eventual grievances. However, procedures are not spelled out in adequate detail with the exception of the ESMF for the ILMP.

Grievance procedures should include the following elements:

- a) Dissemination of grievance procedures and instructions for filing;
- b) System for accepting and registering grievances;
- c) Explicit time-bound procedures for adjudicating grievances extra judicially, defining roles and responsibilities;
- d) An appeals procedure.

In summary, most projects lacked explicit and detailed grievance procedures.

2.8 Public Disclosure of Safeguard Instruments

In a questionnaire distributed to Federal PIU coordinators, conducted in June 2012, all the coordinators indicated that the Safeguard Instruments (ESMFs, RPFs, etc.) had been disseminated primarily through the Internet in English. In the November 2010 Implementation Status Report (ISR) for ASEP, however, the team reported that key sections of the ESMF and the Medical Waste Management Plan (MWMP) had been translated into Arabic and widely disseminated. The ESMF for the BEP was also translated into Arabic and disseminated. Coordinators of other projects indicated that these instruments were not translated into Arabic. Thus, contrary to Bank disclosure policy, the instruments were not disseminated in the primary local language. It is difficult to assess the impact of this failure. It is probably safe to assume that most people, e.g. NGOs, would have been able to review these documents in English. Two other factors vitiated the impact of disclosure of safeguard instruments: (1) the delay in completing these instruments until well after implementation had begun and (2) the almost total lack of dissemination of actual EIAs, EMPs and RAPs.

In summary, while the framework documents were available in English, they were not available in Arabic and specific analyses and management plans were not disclosed to the public.

3.0 Safeguard Implementation

As mentioned above, ESMFs were prepared for most of the MDTF-NS projects, all of them prepared after implementation had begun, sometimes as long as two years after. The ESMF appears to have been the primary environmental instrument guiding implementation. Instead of specific EIAs, EMPs, RAPs, the project teams employed screening instruments such as “Environmental Checklists,” “Environmental Data Forms,” “Land Acquisition Assessment Tools,” and others. These forms were simplified instruments used for screening projects from the environmental and social perspective but they were not the planning instruments (RAPs and EMPs) that are required by Bank Policies (especially OP/BP 4.01 and OP/BP 4.12). Such documents appear to have been prepared only exceptionally, as in the case of the Damazine-Kurmuk highway segment. Unfortunately, no such planning instruments can be found in the Bank’s electronic files. The use of screening rather than planning tools probably streamlined the preparation of sub-projects and possibly avoided support of sub-projects likely to cause environmental or social harm. On the other hand, as pointed out above, the lack of planning instruments meant that there is not baseline data and no metrics for monitoring sub-projects from an environmental perspective.

3.1 Monitoring of Safeguard Implementation

In 2009, as part of his work program, the Bank environmental specialist of the MDTF-NS program conducted a safeguard desk review audit to determine the extent of compliance with Bank safeguards policies of first phase projects under implementation and reasons for weak or non-compliance, where they occurred. Project specific and generic action plans were developed to bring compliance and noncompliance projects into full compliance with the World Bank safeguards requirements.

The only systematic rating of safeguard implementation is found in the ISRs. In these reports, that are filed at intervals of approximately 6 months and usually based on supervision missions, project performance on each triggered safeguard policy is rated as Highly Satisfactory (HS), Satisfactory (S), Moderately Satisfactory (MS), Moderately Unsatisfactory (MU), Unsatisfactory (U) or Highly Unsatisfactory (HU). There are relatively few cases where projects were rated lower than S. These few examples usually arose from delays in preparing the necessary documentation, particularly the ESMF. No project was down rated for non-compliance with a policy, although there were several MU ratings for NETREP because the responsible agency persistently failed to establish and staff an Environmental and Social Assessment Unit, as mentioned above.

The ISR ratings comprise a somewhat blunt instrument because they refer broadly to performance on a category of safeguards, e.g. pest management. More precise monitoring would be possible if there were specific benchmarks or indicators set out in EMPs or RAPs. However, these documents, when they were prepared at all, rarely contain precise metrics for gauging compliance with environmental goals. In a few cases, such targets were set, as in the example of the DHSDP where the distribution of pesticide treated mosquito nets was measured.

In field visits to project sites in Kassala and Northern Kordofan States, a number of environmental issues emerged that should have been detected by project staff and corrected. In Kassala, one construction camp at km12 of the Gadamai-Hameshkoreib highway was left with scattered debris and incompletely demolished structures by the contractor (Fig. 2). Also, several borrow pits and dump sites seem to have been abandoned without proper grading and restoration of land contours and drainage. Finally, the team observed culverts and road cuts that appeared not to have been properly stabilized.

Fig.2. Demobilized Construction Camp, Gadamai-Hameshkoreib Highway, Kassala State. A large water tank (left, background) should have been removed from the artificial elevation on which it was perched and the mound of earth graded. Also, several buildings were only partially demolished (right background) and debris was left on the site (foreground).



Aside from the mandatory ratings of triggered policies, monitoring of safeguard implementation was spotty. ISRs rarely mention safeguard issues aside from the mandatory ratings mentioned above.

3.2 Supervision Missions

A review of all aides-memoire for MDTF-NS projects available in the Bank's intranet shows that safeguards are regularly mentioned. Often, the issue mentioned is to remind the client that a safeguard instrument is overdue or to congratulate the client for having completed the ESMF or other instrument. Nearly all the aides-memoire for NETREP refer to the Damazine-Kurmuk road segment where some 58 small businesses had to be relocated. The client had to be reminded repeatedly not to effect compensation until after the RAP had been completed and disclosed.

Occasionally, supervision missions tackled concrete issues, such as the lack of water for drinking and hand washing at schools which is prominently mentioned in the October 2010 mission to the BEP project (see Fig. 3). In other cases, however, issues that were raised in ESMFs were apparently not discussed during supervision. In the ESMF for the ILMP, for example, the issue of animal wastes at market locations (Fig. 4) and specifically the Environmental Data Sheet prepared for the Chui cattle market sub-project in Northern Kordofan State, this issue is not mentioned. Animal wastes accumulating at a particular site (market or watering yard) have the potential to cause pollution of water bodies downstream which is a hazard for human health.

Fig. 3. Water Supply and Hand washing Facility at Faris School, North Kordofan State. The supply tank is not connected to a water source and must be filled manually.



Fig. 4 – The Livestock Market in Khui lacked provisions for managing animal wastes accumulated in cattle pens and auction areas. Animal wastes deposited at this site could contaminate downstream water bodies, a hazard to human health.



However, inspection of the site showed that no provision had been made to deal with animal wastes even though the market frequently accommodates several thousand animals at a time. A pit was available for incinerating carcasses. In the DHSDP, both the ESMF and MWMP provide detailed guidance on the proper collection and disposal of medical wastes, but the issue is not referred to in mission aides-memoire (see Fig. 5).

Fig. 5 – Medical Waste Disposal. A single receptacle for collecting sharps with no replacements available was found at this health post in Kassala State (upper). Surgical gloves were not available at this site. An incinerator (lower) was provided for burning medical wastes in compliance with the Medical Waste Management Plan prepared for the Health Project



3.3 Grievances during Implementation

During our review of implementation we did not encounter any documented cases of grievances having been filed. Nor did we find that the existence of a grievance mechanism had been disseminated to the public at large or to stakeholders. Unfortunately, we are unable to respond further to this issue. It is likely that grievances that occurred were dealt with in an *ad hoc* fashion and that records were not kept.

3.4 Follow-up on Mission Recommendations

In general, we found that MDTF-NS clients were responsive to Bank recommendations regarding safeguards. For example, reportedly, all of the health posts and health centers built with MDTF-NS support were equipped with incinerators for disposing of medical wastes as specified in the ESMF and MWMP. Requests for information were fulfilled and the PIUs seem to have diligently carried out screening of sub-projects. In a few cases, Bank staff or consultants suggested changes in the siting of specific sub-projects, such as moving a cattle market out of the congested center of a town to a more open site. In some cases, Bank missions found it necessary to reiterate a request or recommendation dealing with safeguards. In particular, during

implementation of NETREP, the MTRB was unresponsive to the Bank missions' repeated requests to establish and adequately staff an Environmental and Social Assessment Unit (ESAU) following the August 2006 Aide Memoire in which MTRB agreed to establish such a unit.

In other respects, there was occasional unresponsiveness to recommendations emanating from the safeguard instruments themselves. For example, the ESMF for BEP recommended that schools be supplied with water for drinking and washing. Nevertheless, several schools were built and put into operation without a water supply, even where latrines and sinks had been installed. According to informants in the field, this was primarily a budgetary matter. In other cases, despite clear recommendations in the ESMF, the health program supported the construction of health centers without completing water supply connections, in part with the expectation that another international donor (e.g. UNICEF) would fill the gaps. We are not familiar with the extent of collaboration among agencies, but it seems to us that facilities constructed with World Bank support should be designed and built with all necessary safeguard measures both for the wellbeing of beneficiaries and also to protect the Bank's reputation. It is worth mentioning that here again; a lack of specific planning instruments and systematic monitoring made it difficult to accurately assess compliance with environmental and social mitigation measures.

3.4 Implementation of action plans suggested by the Country Portfolio Performance Review (CPPR)

The following four items are drawn from recommendations in the 2010 review of safeguard performance in Sudan.

3.4.1 Implementation of safeguard action plans and regular reporting on safeguards

As mentioned above, safeguard action plans (e.g. EMPs and RAPs) are not found in the Bank's electronic files. There are references to such plans found under NETREP but, again, we have been unable to review these plans. The closest thing to action plans we have found are the recommendations for mitigation of environmental issues found in the forms filled out by the PIUs referred to above and exemplified in Annex C. Once again, most of these forms are not available in the Bank's electronic files. It appears that PIU teams have not systematically monitored fulfillment of mitigation measures suggested in the safeguard checklists that were filled out.

3.4.2 Translation of key sections of safeguard instruments into Arabic and dissemination to key stakeholders

As mentioned above, it appears that safeguard documents were translated and disseminated to stakeholders in two projects only. In most of the remaining projects, safeguard instruments were prepared and (presumably) taken on board by the project teams, however, they were not translated into Arabic or disseminated to stakeholders, particularly to NGOs and affected communities as is prescribed by Bank Policy.

3.4.3 Participation of Safeguard Specialists in Implementation Support Missions

Until March 2009, there were no safeguard specialists assigned to the Sudan Country Office. This meant that safeguard support for missions had to come from field offices in other countries in Africa or from Headquarters in Washington. In a budget-constrained environment, this created an obstacle to having a qualified safeguard specialist on hand for participation in preparation and supervision missions. Bank TTLs were under pressure to include other specialists on their missions including technical, procurement and financial management specialists. Following March 2009, when a safeguard specialist was recruited for the Khartoum office, there was more consistent participation by environmental specialists in missions as evidenced by the aides-memoire filed by TTLs. As a result, the attention paid to safeguard issues increased as reflected in ISRs and aides-memoire. By that time, most of the MDTF-NS sponsored projects had already been launched and procedures were already in place.

Another important change that took place after 2009 was that nearly every project team appointed a safeguards officer, usually adding responsibilities along with M&E. Thus, for the first time, projects had a specific team member assigned to monitor safeguard implementation. Unfortunately, many of these officers were not well trained in World Bank safeguards and some were not familiar with national environmental legislation and regulations. This was remedied to some extent by the workshop on fiduciary and safeguard issues organized by the Bank in Khartoum in December 2009 to which PIU coordinators and their designated safeguard officers were invited. However, as mentioned above PIU coordinators mentioned that they needed more training in safeguards.

3.4.4 Government Capacity for Environmental Regulation

Annex D provides a summary of the existing legislation and institutional framework for environmental protection in Sudan. As has been frequently commented, the environmental protection framework in Sudan is fairly complete, but the capacity for monitoring and enforcement is very low. Under the framework both the State and Federal Governments have responsibilities for clearing environmental impact assessments and monitoring projects. With respect to the MDTF-NS financed projects, government involvement has been minimal. The Environmental council played almost no role after having endorsed the ESMFs for each project.

According to the appraisal-stage ISDS for the ILMP, “the Ministry of Animal resources and Fisheries (MARF) and the four project states will each appoint a Safeguards Officer to [a safeguard management committee] SMC. To ensure that safeguards concerns are adequately addressed throughout the life of the project, the project will finance ongoing technical assistance and training by local and regional consultants of these Safeguards Officers, in coordination with the other National Government/MDTF-NS supported projects, through the SMC.”

To our knowledge, the SMC was not created, nor was there coordination by the Higher Council for Environment and Natural Resources (HCENR), during the life of the MDTF-NS. However, in some projects (notably DHSDP and CDF) project implementation units and some State level PIUs undertook capacity building activities aimed mainly at the field level staff, such as the personnel at the Basic Health Units and Health Centers and Community Mobilizers in the CDF project.

The recommended safeguard instruments for the MDTF-NS projects (ESMF and RPF) reviewed and endorsed by HCENR, and a certificate was issued for each project; however, safeguards monitoring and follow-up by environmental agencies at the state and federal levels was weak or non-existent.

The Government of Sudan commissioned a report on strengthening environmental protection in the country (see Annex D) and the Bank contributed to developing the capacity for safeguards implementation. The latter support was in the form of a workshop held in December 2009 for Ministry and project personnel. In addition, Bank safeguard specialists provided both formal and informal training in the context of preparation and supervision missions, although it is difficult to compile systematic information on this kind of training. In a questionnaire distributed to the Sudanese PIUs, nearly all the Project Coordinators called for greater training for their staff so as to better fulfill safeguard requirements. In our view, the training offered in the context of project design and implementation is more valuable than more generic training offered to a wide collection of trainees in a classroom setting. However, this type of training itself needs to be done systematically. Clients need to be encouraged to hire and retain environmental and social specialists on their teams and to give them the authority to review plans and implementation in a timely fashion. In addition, sectoral ministries and their counterparts in the States will need to establish environmental and social units to carry out review, clearance and oversight functions.

3.5 Long-range vs. Short-term Planning

This topic extrapolates the issue of safeguards in the narrow sense. As we reviewed the projects that were supported under the MDTF-NS, we found that there were several moments at which we felt that short-term thinking was trumping a more long-term approach to sustainability. To give one example, the PAD and ISDS for the ILMP suggest quite accurately that, while livestock production is rising, it is doing so at the expense of long-term sustainability. Rangeland degradation is increasing with higher stocking rates and conflict over land with other pastoral groups and agriculturalists is on the rise. Indeed, much of the internal conflict in both North and South Sudan has its origin in conflict over land and possession of cattle. Accordingly, it would seem reasonable to invest more heavily in longer-term solutions in rangeland management and conflict resolution as well as in value-added to livestock production.

A similar conclusion may be reached with regard to school construction. The newly built schools we saw during our field visits had latrines and hand-washing facilities, but no water supply. Some schools also had electrical installations (fans, lighting, etc.) but no electricity. It is also reasonable to expect schools to have been built with provisions for satellite communications and solar energy so that communities can be connected to the rapidly expanding digital universe.

In summary, both the Bank and the Sudan Government have a responsibility to encourage long-term thinking about environmental and social sustainability that is embedded in their respective policies and practices. It is understandable that, in the context of a set of emergency projects conceived under post-conflict conditions, that long-term thinking may not have prevailed. The needs were great and urgent. However, as the MDTF-NS progressed, it may have been useful to pause and think along more long-term lines to encourage greater attention to sustainability.

4.0 Summary and Conclusions

There was no evidence of significant environmental damage or social harm having been caused by any MDTF-N project. This does not mean that MDTF-NS projects did not create a *potential* for harm, for example, in the lack of hand washing and latrine facilities at health and educational facilities or in the lack of animal waste management in livestock facilities. The review shows that the basic objective of safeguard policies – “do no harm” – was achieved. In part, this is due to the fact that safeguard policies were applied in the MDTF-NS projects in Sudan, albeit imperfectly. Safeguard instruments (particularly ESMFs) were prepared after project implementation had begun; a practice not allowed for normal World Bank investment projects but permitted in emergency projects under the Guidelines for OP8.00. However, in a few cases, there were substantial delays between appraisal and the preparation of safeguard instruments. ESSAFs were not prepared during preparation as required by the guidelines.

During preparation, there appear to have been misclassifications of environmental category for a few projects, most notably NETREP, GAPMP, and SMDF as well as a possible misclassification in the cases of BNSEP, SKSEP and ASEP. The urgent need to get projects up and running could have contributed to this problem. The delays between appraisal and preparation of safeguard instruments could have contributed to slow or inadequate responses to some environmental problems that arose during implementation. Although project teams systematically detected weakness in the State and Federal capacity for environmental and social management, little was done in most projects to remedy this situation. Haste in the preparation of projects could also have contributed to inadequate consideration of alternative project designs and to non-adherence to the Guidelines for OP8.00. To our knowledge, none of the 10 projects prepared under MDTF-NS included an ESSAF as recommended by the Guidelines. In particular, there appears to have been inadequate safeguards input to projects and inadequate consultation with stakeholders during preparation and the early stages of implementation. The ESMFs prepared for the MDTF-NS projects do not indicate the extent of consultations, if any, prior to appraisal as required by Bank Policy. Additionally, most of the ESMFs and other safeguard documentation were not translated into Arabic and disseminated to stakeholders as required by Bank Policy, although they were made available in English.

During implementation, the picture was different in most of the MDTF-NS projects. Extensive consultations with stakeholders were held prior to the implementation of sub-projects, notably in the CDF, ILMP and BEP. These were carried out mainly after MDTF-NS Projects became effective which is consistent with OP8.00.

With exception of NETREP, most of the MDTF-NS supported interventions are community driven development (CDD) type of projects with multiple sub-projects whose scope and scale as well as site-specific locations were not known at the design and preparation stages. Given the small scale of these community sub-projects, predicted negative social and environmental impacts are unlikely to be significant, irreversible or large scale. Therefore, frameworks (ESMFs) were often recommended as the appropriate tool to define the broad scope of potential environmental risks and social impacts and the framework for a set of mitigation measures that can be used. Most of the sub-projects were screened according to the ESMF guidelines using environmental checklists and other simplified forms and no full EMP was required.

For most of the sub-projects, the risk of involuntary resettlement was judged to be low given the nature of the investments, and the criteria in each project’s operation manual (OM) that sub-projects involving such resettlement would not be eligible. Judging from the available documentation, there was over-reliance on the ESMF as a safeguard instrument; full EMPs and

RAPs were not prepared for most sub-projects. Rather, project teams relied on Environmental Checklists and other simplified instruments. Consequently, specific mitigation measures were not readily accessible for monitoring and evaluation. More explicit environmental and social management instruments (EMPs and RAPs) would have facilitated monitoring. Field observations suggest that some mitigating measures, even when recommended, were simply not taken, for example, provision of water for drinking and washing at health posts and schools, and animal waste management for livestock markets. While such gaps can be filled later, it seems to us that they should have been attended to from the outset.

Finally, the approach taken in many of the MDTF-NS projects seems to have been somewhat shortsighted. Longer-term considerations are not systematically taken into account. For example, while there is some language in the PAD for the ILMP, long-range planning for livestock development and rangeland management are essential goals for Sudan.¹¹ This kind of planning is essential not only to increase production but also to avoid desertification and reduce the potential for conflict.

The data suggest that Sudan has an urgent need to develop a culture of environmental and social sustainability through a combination of measures including issuing detailed environmental regulations based on the legal codes already in place, training more environmental and social specialists and sending them into the field to review designs and implementation of projects. The Bank itself has a role to play to the extent that it continues to oversee investment programs in the country. The MDTF-NS projects have laid an important base. Building on this base will depend on continuity in Bank assistance to Sudan in the coming years.

4.1 Recommendations:

The following recommendations are written without regard to financial or political feasibility at this time. Since most of the MDTF-NS projects have closed or will be closed within one year, these recommendations pertain mainly to future projects to be supported in Sudan. Some of them will depend on the good will and initiative of the Sudanese Government and on the requirements and exigencies set by donors to externally supported development projects. We have divided our recommendations into measures that could still be taken in the available time remaining before project closure¹² and those lessons learned that should be considered for any future projects undertaken in Sudan by the Development Partners.

¹¹ This is emphasized by the fact that much of the conflict taking place in both Sudan and South Sudan today is motivated by conflict among pastoralists and between cultivators and pastoralists. Current investment patterns in large-scale agriculture, while beneficial to the economy, may exacerbate these tensions.

¹² The only criterion considered here is the availability of time. Financial capacity is not considered here.

Table 2. Short- and Long-Term Measures to Ensure Safeguard Compliance and Sustainability

Number	Project(s)	Recommended Measure	Primary Responsibility
Short-Term Measures (for possible immediate implementation)			
1.	BEP, CDF, DHSDP	Provide water supply, hand washing and latrine facilities.	WB, DP, GS
2.	ILMP	Initiate policy analysis leading to improved rangeland management	GS, WB, DP
3.	NETREP	Complete clean-up of work camps, inspect and repair grading and Drainage of borrow pits and dump sites; stabilize slopes in road cuts And culverts.	GS, Contractors, WB
4.	All projects	Create metrics (qualitative and quantitative) for measuring implementation progress;	WB, GS
5.	ILMP	Develop and implement animal waste management plans for all areas where cattle are aggregated (markets, water yards, etc.);	WB, GS
6.	ILMP	Create quarantine pens for cattle suspected of disease;	GS
7.	All Projects	Ensure that safeguards staff or consultants participate in supervision missions;	WB
8.	All Projects	Adopt requirements for permanent staffing with environmental and social specialists in all Federal and State Ministries;	GS
9.	All Projects	Initiate training for social and environmental specialists.	GS, WB
10.	NETREP, DHSDP	Create an environmental and social section within each ministry involved in construction infrastructure,	GS
11.	All Projects	Prepare an exit strategy for MDTF that includes: <ul style="list-style-type: none"> • Capacity building for safeguards Ministry of Environment Higher Council for Environment; • Strengthening of State Environmental Agencies; • Consideration of incentives favoring sustainable development; 	WB, GS
Long-Term Measures (To be taken for future financed projects)			
12.	All Projects	Improve environmental categorization of projects;	WB
13.	All Projects	Develop trained cadre of environmental and social specialists;	GS
14.	All Projects	Consider <i>alternative project designs</i> so that <i>sustainability</i> can take its place alongside cost and technical considerations in design decisions;	WB, GS
15.	All Emergency Projects	Ensure that qualified environmental and social specialists are on preparation teams and that government counterparts are available to work with them;	WB, GS
16.	All Emergency Projects	Prepare ESSAFs as per guidelines to OP8.00;	WB
17.	ILMP and related	Place greater emphasis on participatory regional planning and rangeland management with expert support to reduce the potential for rangeland degradation and to reduce the potential for conflict among herders and between herders and farmers;	GS
18.	All Projects	Provide budget for social and environmental mitigation activities together with other project expenses and considered in feasibility studies;	GS
19.	All Projects	Develop “green budgeting” so that sustainability is taken into consideration in Government accounts and investment programs;	GS, WB
20.	DHSDP, BEP, CDF	Develop regulations governing quality of construction, sanitary facilities, electrification (where possible) and operation of schools and health posts;	GS
21.	All Projects	Encourage civil society to take an active interest in sustainability and an active role in environmental protection and oversight.	GS

WB = World Bank; **GS** = Government of Sudan (Federal and State); **DP** = Development Partners

ANNEXES

Annex A

Terms of Reference

International Consultant

(June 2012)

Environmental and Social Safeguards Performance Review Sudan National Multi Donor Trust Fund Portfolio

Background

The Sudan National Multi Donor Trust Fund (MDTF-N) was set up in 2005 in the context of the Sudan's Comprehensive Peace Agreement (CPA) and in line with the recommendations given by the Government/Donors Joint Assessment Mission (JAM). The MDTF-N portfolio consists of 15 projects. The projects were implemented in 12 of the 15 states in Sudan.

Projects financed under MDTF-N included Expanding Access to Basic Services (such as education, health, water and electricity), Transport Infrastructure, Rural Development as well as Community Development and Capacity Building for Public Sector Institutions. A review of the performance of these projects indicated that, most of the projects have achieved good results in service provision, infrastructure development and building the capacity of rural communities.¹³

The need for) avoiding and mitigating environmental and social impacts, and ii) ensuring sustainability of the projects financed by MDTF-N has been considered since the early stage of formulation. For example, the SMO prepared by John Boyle and Arbi Ben Achour at the end of 2006 indicated that their mission was aimed at preparing the ToR for the preparation of ESMF and RPF. In the CPPR prepared in June 2010, an assessment of safeguard implementation resulted in the development of action plans for improving safeguard implementation. The safeguard specialist of the Sudan Country Office has also conducted a desk review on safeguard implementation of MDTF-N portfolio.

However, no comprehensive safeguard performance review was conducted to indicate how environmental and social safeguard issues were considered at the formulation and implementation phases of MDTF-N portfolio. Given that The MDTF-N will terminate in December 2012 and all on-going projects will be closed by June 30, 2012 it is planned to conduct a thorough review of the MDTF-N portfolio safeguard performance.

Objective

The principal objective of the environmental and social safeguard performance review of the MDTF-N Portfolio is to assess the procedures and resources applied to ensure effective application of the World Bank safeguard policies, in the preparation and implementation of the MDTF-N Portfolio. National legislation and the institutional framework for environmental and

¹³ See Annual Reports for 2007

social risk management will also be reviewed to better understand its implications for effective implementation of the Bank's safeguards polices.

Methodology

The review will be conducted through a desk review of relevant documents, interviews with the task team leaders and safeguards experts and staff of government implementing agencies. Field visits will be conducted in selected sites of active projects to assess the implementation of safeguard instruments.

Output

The review will be carried out by an experienced international consultant and a national consultant. The review will be presented in a report of maximum 30 pages including annexes and executive summary. The study report should provide detailed information on the following key output elements:

- Adequacy and use of safeguard instruments at the preparation phase
- Follow-up on the implementation of safeguards instruments
- Capacity of government in implementing safeguards
- Implementations of safeguard action plans suggested by CPPR
- Recommendation on the way forward

Deliverables

A final report reviewing options for improving the World Bank Safeguards Policy implementation in Sudan Portfolio on the basis of detail analysis of the outputs mentioned above. The consultant is expected to identify specific and general issues related with safeguards implementation and categorize strengths and weaknesses in safeguard implementation in the Sudan Portfolio

Consultant Qualification

The international consultant should have a minimum Master's degree, and should bring more than 15 years of international experience in environment and social assessment, and a proven track record of working on environmental and social issues. The consultant should be willing and able to work in tandem with a national consultant, and should have demonstrated English writing skills.

Period of Assignment

The time allocated for the review is 15 days.

Reporting and Team Work,

It is envisaged that international consultant will work with the local consultant in order to get background information on the status of safeguard implementation in the Sudan Portfolio.

The consultant will be supervised by Mr. Asferachew Abate, World Bank Environmental Specialist and Task Team Leader.

Annex B

Procedural Guidelines for Implementation of OP/BP 8.00

OP/BP 8.00 provides little specific guidance with respect to safeguard policies; in fact, safeguards are mentioned only once in the text of the OP (para. 7(a) quoted above). In BP8.00, there is no mention at all of safeguards; however it refers to a set of “Procedural Guidelines”¹⁴ with specific guidance regarding safeguards. The Guidelines (available through a link in BP8.00) call for preparation of an ISDS¹⁵ early in the loan preparation process and its subsequent updating as part of the Draft Negotiations Package.

Second, in section D “Safeguards,” the Guidelines call for the preparation of an “Environmental and Social Screening and Assessment Framework (ESSAF)”¹⁶ for the proposed operation.”¹⁷ The language implies that the ESSAF should be developed prior to negotiations. The Guidelines state “Bank safeguard specialists should be involved in the preparation and implementation of emergency projects and assist task teams in identifying all safeguard risks – including both the risks of action as well as the risks of inaction.”¹⁸

This implies that environmental and social assessments would be developed during implementation – not ex ante as required under normal circumstances -- and suggests that specific instruments may not be available for incorporation into the legal agreement for the loan or credit. This feature significantly reduces the Bank’s leverage in the event of non-compliance with safeguard policies. It also implies that partner agencies would need to abide by World Bank safeguard policies although this is open to interpretation.

Finally, the Guidelines propose a “sequenced approach” as follows:

- (a) During the initial 2-4 months of the response period, the Bank would support emergency actions to assist affected persons while the government prepares the environmental and social assessment and designs a strategy to reduce possible environmental and social impacts;
- (b) at the second stage (possibly up to one year), transitional safeguards measures would be adopted if necessary to achieve the project objectives;
- and (c) finally, after one year, the regular safeguard procedures would be implemented, but only after the emergency needs are fully addressed.”¹⁹

¹⁴ Last revised June 28, 2010

¹⁵ ISDS to be approved by the Regional Safeguards Coordinator (Guidelines, para. 13).

¹⁶ According to the Guidelines The ESSAF would provide guidance on the approach to be taken during implementation for the selection and design of sub-projects/proposed investments and the planning of mitigation measures including consultation and disclosure requirements, to ensure due diligence and facilitate consistent treatment of environmental and social issues by all participating development partners.¹⁶

¹⁷ Guidelines para. 34.

¹⁸ idem

¹⁹ idem

There is a widespread misunderstanding among managers and TTLs that OP8.00 allows the safeguard instruments to be prepared for emergency projects within six months following project effectiveness. Indeed there are references to the six-month deadline in project documentation for several MDTF projects. However the Guidelines cited above do not mention a six-month limit and, in fact, they allow one year for regular safeguard procedures to be implemented provided “emergency needs [have been] fully addressed.”

Annex C

Environmental Checklist [Guidelines for Preparation]

1. SUB-PROJECT DESCRIPTION

Description of the project and its major components.

2. SUB-PROJECT LOCATION

2.1 Site Information	
Name of Locality	
Community	<i>Land use designation, total population and density</i>
Present Use & Development	
Surrounding Uses/Zoning	North: South: East: West:
Access	<i>Name of roadway if direct access, description of easement from public or private roadway</i>
Public Services	Water Supply: <i>name of district, or if private, note "private onsite well" or "shared well"</i> Sewage: <i>name of district or "septic system"</i> Other: <i>e.g. school, health clinic...</i>

3. POTENTIAL SIGNIFICANT ENVIRONMENTAL EFFECTS

The following checklist indicates the potential level of impact and is abbreviated as follows:

Known Sig.: Known significant environmental impacts.

Potential Significance and Mitigation.: Potentially significant impacts which can be mitigated to less than significant levels.

Not Sig.: Impacts which are not considered significant.

3.1 GEOLOGIC PROCESSES

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Exposure to or production of unstable earth conditions such as landslides, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?			
b. Disruptions, displacements, compaction or over covering of the soil by cuts, fills, or grading?			
c. Permanent changes in topography?			
d. The destruction, covering or modification of any unique geologic or physical features?			
e. Any increase in wind or water erosion of soils, either on or off the site?			
f. Changes in deposition, or erosion or siltation which may modify the channel of a river, or stream, or any water body?			
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?			
h. Excessive grading on slopes of over 20%?			
j. Sand or gravel removal or loss of topsoil?			
i. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?			
j. Excessive spoils, tailings or over-burden?			

Impact Discussion:

Mitigation Measures:

3.2 WATER RESOURCES/FLOODING

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Changes in the course or direction of water movements?			
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?			
c. Change in the amount of surface water in any water body?			
d. Discharge into surface waters, or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, solids?			
e. Alterations to the course or flow of floodwaters, or need for private or public flood control projects?			
f. Exposure of people or property to water related hazards such as flooding, or accelerated runoff?			
g. Alteration of the direction or rate of flow of groundwater?			
h. Change in the quantity of ground waters, either through direct additions or withdrawals?			
i. Overdraft of any groundwater basin? Or, an increase in the existing overdraft of any groundwater basin?			
j. The substantial degradation of groundwater quality?			
k. Substantial reduction in the amount of water otherwise available for public water supplies?			

Impact Discussion:

Mitigation Measures:

3.3 TRANSPORTATION/CIRCULATION

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?			
b. A need for private or public road maintenance, or need for new road(s)?			
c. Effects on existing parking facilities, or demand for new parking?			
d. Substantial impact on alteration of present patterns of circulation or movement of people and/or goods?			
e. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?			

Impact Discussion:

Mitigation Measures:

3.4 AIR QUALITY

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. The generation of air pollutants, a contribution to an existing or projected air quality violation or exposure of sensitive receptors to substantial pollutant?			
b. The creation of smoke, ash or odors?			
c. Dust generation?			

Impact Discussion:

Mitigation Measures:

3.5 BIOLOGICAL RESOURCES

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
FLORA			
a. Removal or disturbance of natural vegetation?			
b. A loss or disturbance to a unique, rare or threatened plant community?			
c. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?			
d. A reduction in the extent, diversity, or quality of native vegetation (including bush removal for fire prevention and flood control improvements)?			
e. Introduction of herbicides, pesticides, or other factors that would change or hamper the existing habitat?			
FAUNA			
f. A reduction in the diversity or numbers of animal's onsite?			
g. A deterioration of existing fish or wildlife habitat ?			
e. Introduction of barriers to movement of any resident or migratory wildlife species?			
h. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?			

Existing Plant and Animal Communities/Conditions:

Impact Discussion:

Mitigation Measures:

3.6 ARCHAEOLOGICAL RESOURCES

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Disruption, alteration, destruction, or adverse effect on a recorded historic or archaeological site?			
b. Disruption or removal of human remains?			
c. Increased potential for vandalizing, or sabotaging archaeological resources?			
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic sites?			

Impact Discussion:

Mitigation Measures:

3.7 HISTORIC RESOURCES

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community?			
b. Beneficial impacts to a historic resource by providing rehabilitation, protection, conservation, etc.?			

Impact Discussion:

Mitigation Measures:

3.8 NOISE

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Long-term exposure of people to noise levels?			
b. Short-term exposure of people to noise levels?			
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?			

Impact Discussion:

Mitigation Measures:

3.9 LAND USE

Will the proposal result in:		Known Significance	Potential Significance and Mitigation	No Significance
a.	Structures and/or land use incompatible with existing land use?			
b.	The induction of substantial growth or concentration of population?			
c.	The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?			
d.	The conversion of prime agricultural land to non-agricultural?			
e.	The loss of open space?			
f.	An economic or social effect that would result in a physical change?			

Impact Discussion:

Mitigation Measures:

3.10 PUBLIC FACILITIES

GENERAL SERVICES Will the proposal result in:		Known Significance	Potential Significance and Mitigation	No Significance
a.	A need for new health care services?			
b.	Student generation exceeding school capacity and/or facilities?			
c.	Additional amounts of solid waste and wastewater generation?			
d.	A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?			

Impact Discussion:

Mitigation Measures:

3.11 ENERGY

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?			
b. Requirement for the development or extension of sources of energy?			

Impact Discussion:

Mitigation Measures:

3.12 FIRE PROTECTION

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Introduction of development into an existing high fire hazard area?			
b. Project-caused fire hazard?			
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?			

Impact Discussion:

Mitigation Measures:

3.13 RECREATION

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Conflict with established recreational uses of the area?			
b. Substantial impact on the quality or quantity of existing recreational opportunities?			

Impact Discussion:

Mitigation Measures:

3.14 AESTHETIC/VISUAL RESOURCES

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. The obstruction of any view open to the public or the creation of an aesthetically offensive site open to public view?			
b. Change to the visual character of an area?			
c. Glare or night lighting which may affect adjoining areas?			
d. Visually incompatible structures?			

Impact Discussion:

Mitigation Measures:

3.15 HOUSING

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. Loss of existing dwellings through demolition, conversion, or removal?			
b. Displacement of current residents?			

Impact Discussion:

Mitigation Measures:

3.16 RISK OF UPSET/HAZARDOUS MATERIALS

Will the proposal result in:	Known Significance	Potential Significance and Mitigation	No Significance
a. In the known history of the Project Area, have there been any past uses, storage, or discharge of hazardous materials? Examples of hazardous materials include, but are not limited to, fuel or oil stored in underground tanks, pesticides, solvents, or other chemicals.			
b. Will the <u>proposed</u> project involve the use, storage, or distribution of hazardous or toxic materials?			
c. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, gas, pesticides, or chemicals) in the event of an accident or upset conditions?			
d. Possible interference with an emergency response plan or an emergency evacuation plan?			
e. The creation of a potential public health hazard?			
f. Public safety hazards?			
g. The contamination of a public water supply?			

Impact Discussion:

Mitigation Measures:

Annex D

Environmental Governance in Sudan

(by Abdelmonem Kardash)

The structure of environmental governance in the Government of Sudan (GoS) is characterized by a multiplicity of small units linked to the environment but not closely linked to each other. The key structures are the Ministry of Environment, Forestry, and Physical Development (MEFPD) and the Higher Council for Environment and Natural Resources (HCENR) established in 1992. Other key institutions at the national level, which also hold special environment-related mandates and responsibilities, include the Ministry of Agriculture and Irrigation, the Ministry of Water Resources, Ministry of Petroleum, Ministry of Transport Road and Bridges, Ministry of Health, and Ministry of Fisheries and Animal Resources.

The Ministry of Environment, Forestry, and Physical Development

The Ministry of Environment, Forestry and Physical Development (MEFPD) was established in 2003 to succeed its predecessor Ministry of Environment and Tourism established in 1995. In 2011 the mandate of MEFPD was expanded to include Forestry, and it has been named since as The Ministry of Environment, Forestry, and Physical Development (MEFPD). No actual environmental mandate for the MEFPD is specified in the legislation, however, as the legislation pre-dates the establishment of an environmental portfolio within the Ministry. The MEFPD Department of Environmental Affairs (DEA) has approximately fifteen staff members.

The Higher Council for Environment and Natural Resources

The Higher Council for Environment and Natural Resources (HCENR) was established in 1991 under the supervision of the President and in 1995 became affiliated to the then newly established Ministry of Environment and Tourism under the chairmanship of the Minister. Its mandate focuses on policy coordination for all sectors that have a role in the protection of the environment or use of natural resources, but no role in implementation.

The HCENR which has been envisaged mainly as a coordinating and supervisory body performs its function through a general secretariat, headed by the Secretary General. The Minister of Environment serves as the chairman of the HCENR. A key function of the HCENR to date has been that of a focal point for international conventions, multilateral environmental agreements (MEAs), and international liaison and agreements. The HCENR employs some 50 to 60 staff, of whom approximately 20 are career civil servants. The rest are funded on short-term contracts connected to MEA. The only established unit with permanent staff is the Climate Change Unit, currently administering a number of climate change and adaptation projects.

The Environmental Protection Act (EPA)

The Environmental Protection Act (EPA) was ratified in 2001. This Act consists of 5 Chapters divided into 27 articles. The Act includes provisions on: institutional arrangements such as the Higher Council for Environment and Natural Resources (HCENR); General Policies and Guidance for Environmental Protection; Offences and Penalties.. The aims of this Act are to: (a) protect the environment, and to conserve the purity, natural components and equilibrium of the environment; (b) develop and improve the environment as well as guide the use of natural resources; (c) relate development to environment; and (d) assure and confirm responsibilities of the competent authorities for the protection of the environment and activate their respective roles.

Institutional Capacities for Environmental Governance

Environmental governance in Sudan is weak; this can be attributed to a number of factors. Prominent among them are the following:

- Lack of clarity regarding responsibilities and mandate,
- Environment institutions are highly marginalized within the decision making apparatus as indicated by a lack of financial, technical and human resources to address environmental issues,
- Poor understanding of environmental issues among planners and decision makers and the negative perception they hold about environment institutions as constraining investment,
- Lack of implementing regulations and bylaws,
- Absence of enforcement authority, and
- Lack of effective cooperation, coordination between the different institutions.

Within the framework of the Technical Assistance Facility (TAF)²⁰ and for the purpose of formulating Multi Donor Trust Fund (MDTF) projects and programs, Golder Associates Africa Ltd was contracted to prepare a Proposal for “Capacity Building Program for improving National Environment Management”. The study was completed and submitted to the government of Sudan in January 2010. A central pivot in this endeavor is to address the factors that constrain the effective implementation of current environmental laws.

The study was intended to enhance the technical capacity in the MEF&PD, the HCENR and other priority sectors. The study presented a work program to address the factors that constrain the effective implementation of the EPA 2001, including the estimated costs of executing the program. Additionally, the study presented environmental/social assessment guidelines in conjunction with the preparation of investment projects in the major sectors and also designed training programs for key staff in environmental and social planning and management.

²⁰ The Technical Assistance Facility (TAF) is a program designed to provide support for strengthening the professional and technical capacity of sectoral line agencies in the government to formulate MDTF programs and projects that will support Sudan economic development and reduce poverty.